

JACOBS, ATHERTON AND TANKERSLEY.
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 YONGSHIK KIM (OWNER), VICKI ROSS, EOG RESOURCES, INC. (REPRESENTATIVE) AND TOPOGRAPHIC LAND SURVEYORS (SURVEYORS) CONCERNING THE PROPERTY IN THE 7200-8300 BLOCKS OF U.S. HIGHWAY 75 SOUTH AND THE 500-600 BLOCKS OF WEST SHEPHERD ROAD, BEING 109.35 ACRES IN THE FRIAR MCNEELY SURVEY, ABSTRACT NO. 826, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8 (5)(A) TO ALLOW THE DRILLING OF AN OIL AND GAS WELL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

SUP & SITE PLAN –
OIL & GAS WELL
7200-8300 BLKS HWY
75 SOUTH & 500-600
BLKS SHEPHERD RD
(YONGSHIK KIM)

Brett Barnes, EOG Resources, 421 W. Third Street, Ste. 150, Ft. Worth, Texas

Mr. Barnes appeared to represent the request and answer any questions. The property is located in the 7200-8300 Blocks of U.S. Highway 75 South and the 500-600 Blocks of West Shepherd Road; south of MEMC. The owner would like to drill an oil and gas well at this location. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

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

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

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

BLALOCK COMMERCIAL OVERLAY DISTRICT

CONSIDER RECOMMENDATION OF THE ZONING AND DEVELOPMENT REVIEW COMMITTEE TO AMEND CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE AND EXHIBIT B, ENTITLED “ZONING–BLALOCK INDUSTRIAL PARK”, AMENDING EXHIBIT A, SECTION 6 TO ADD SUBSECTION 6.8.4 TO CREATE A BLALOCK COMMERCIAL OVERLAY DISTRICT, BEING 428.474 ACRES IN THE PRESTON

CONSIDER CREATING
BLALOCK
COMMERCIAL
OVERLAY DISTRICT

KITCHEN SURVEY, ABSTRACT NO. 667, THE SHERROD DUNMAN SURVEY, ABSTRACT NO. 329 AND THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625.

Commission Member Morgan abstained from this request because of a conflict of interest.

Chairman Davis explained a Zoning and Development Review Committee was appointed at the August 18, 2009, regular Planning and Zoning Commission Meeting. Members include David Plyler, Lawrence Davis and Jason Sofey. On January 11, 2010, the committee voted to recommend the Blalock Commercial Overlay District be considered at the Planning and Zoning Commission Meeting.

Mayor Bill Magers, 4 Timber Creek, Sherman, Texas

Mayor Magers explained “I am here to speak as the mayor only, not for the City Council; hopefully the full body of the City Council will have the opportunity to consider this ordinance four weeks from now.” He recognized Council Member Willie Steele in the audience as well. “This is a big deal for the City of Sherman and I hope as volunteers, this is a big gain that you serve on these boards that you enjoy the moment and take into consideration what is going on tonight.” He felt this ordinance had the chance to impact the City in a very positive manner, not just for us but our children and grandchildren.

“This ordinance is supported by at least three points in the Comprehensive Master Plan. The taxpayers spent more than \$250,000 updating the Master Plan, Sherman Economic Development Corporation kicked in another \$50,000 for a total \$300,000. One of the key parts of the Comprehensive Master Plan is economic development; it specifically addresses the balancing between the different ways that Sherman is going to grow economically. Our predecessors did such a great job in balancing the needs of industry while admitting and realizing the change that is going along certain parts of the city. Updating the southern gateway to the City is one of the areas that is mentioned in the Comprehensive Plan, this ordinance addresses that as well, enhancing public safety; there are some benefits that go with this ordinance that I believe would help the citizens of Sherman be safer and benefit as well, without raising taxes. The best use of land – an empty TXDOT building, a fire station built in 1964, a restaurant and service center and a 130 acre hay field fronting Central Expressway does not fit the highest and best use of an industrial use.”

Mayor Magers gave a timeline of what led up to this. “In June 2008, the City Council approved in budget sessions a \$250,000 plan for a Comprehensive Master Plan; this is the first time in history of Sherman that talked about a plan where we are going as a City. This ordinance addresses two things; on the east side of Central Expressway, it

doesn't do anything in terms of land use, it simply allows or requires that those dilapidated buildings on Travis Street, the older hotel properties, the intersection of F.M. 1417 and Highway 75. When they go in there to redevelop, they are developed at a higher standard than what they would have been before, it raises the standard for the southern gateway to Sherman for construction. On the west side and southeast corners of Highway 75, it addresses the better use of 8 acres on the corner of 1417 and Central Expressway, an existing restaurant and service center and the 130 acres of green space that is separate from the old Johnson and Johnson building. This plan is going to dictate for us for long periods of time how folks see Sherman. Right now, you see an industrial park to the west, you see run down buildings and you see vacant land, you go a little bit and you start to see other things."

"The fire station on the south end of Sherman was built in 1964, it was deeded to the City of Sherman by Johnson and Johnson with the reversal clause that if it was ever used for anything but a fire station would revert back to Johnson and Johnson for their use; there was one problem, Johnson and Johnson is no longer here. In October 2008, the City of Sherman began talking to Johnson and Johnson. In December 2009, Johnson and Johnson agreed in principle with the City of Sherman to revoke the reversal clause and the City of Sherman will have the property free and simple. The plan is very straight forward, we feel the property where the fire station is located is very valuable as a retail/commercial center, you sell the property on the southeast corner of Highway 75 and 1417, take the funds from the sell and build a new fire station a little farther west of where it is now. One of the things the Comprehensive Master Plan shows the existing fire protection is just fine, but growth is going to the west, a fire station west of the existing station will service Blalock Industrial Park and the growth to the west. You sell the fire station that was built in 1964, take the funds to build a new state of the art fire station. If we are able to move some of the administrative offices from the Central Fire Station which is the oldest fire station in Sherman, we can reduce that foot print, thereby freeing up some space for perhaps a County Jail expansion or some other things for downtown Sherman. The bottom line is, we have the funds from the sale of the property to partially or fully finance the construction of a brand new fire station; that saves the citizens tax dollars and it is a better place for what it is being used for now."

"In February 2009, a joint meeting was held with the City Council and the Comprehensive Plan Committee, in that meeting, I made the comment that this is a draft ordinance and before we move forward we need to get input from the neighborhood and the plant managers. In March 2009, John Boswell, President of Sherman Economic

Development Corporation (SEDCO) and I visited the plant managers, we had a number of issues on the agenda, not just this particular issue, our goal was to provide information and try to establish some perimeters by working together that we could reach common ground. Two years ago, we shifted from a property tax based revenue system to an enhancement of our sales tax revenues; every plant in Sherman, Texas got a 20% reduction in both their real property and their inventory property with that switch. The 130 acres on the northwest corner of Highway 75 and 1417 is literally making hay, most will agreed that is not the highest and best use of the land and at some point is going to change. Given the dynamics of economic development, the fact that SEDCO owns a lot of land, the cost of Central Expressway land is unreasonable to assume that manufacturers are going to move to Sherman, Texas and pay by the square foot and park it on Central Expressway. However, if they choose to do so, this ordinance allows them to do so; a manufacturer can still put their manufacturing facility on the four corners of Highway 75 and 1417 in the Blalock Industrial Park. The plant managers put together a list of specific things they did not want to see in this area; it came down to no theaters, no multi-family, no residential, no churches, no hospitals, no daycares, no hotel/motels. This was the first draft in March 2009, John Boswell and I agreed that they would come back to the plant managers before we move forward on this and taking into consideration their concerns. In December 2009, we reached a deal with Johnson and Johnson, that is what sparked to move forward with this project. Once the subcommittee reviewed and approved the draft ordinance, we went to the plant managers, we met twice with Texas Instruments, Kaiser, Fisher Controls, Progress Rail, Folgers, once with Sunny Delight, expecting to meet again with them next week, we were able to meet with GlobiTech the last go around and Actitech the first go around and Tyson. John Boswell talked to Certain Teed, we met in a preliminary and circled back around. Some key things were omitted from the list after the subcommittee looked at it, no hospitals, hospitals were a concern with the plant managers on the first trip. The other thing addressed was retail, in Sherman, Texas we do not discriminate between retail, you have large retail businesses and smaller retail businesses, to sway the concerns of the plant managers, we added anything over 50,000 square feet must go for a Specific Use Permit, everyone will have the opportunity to weigh in before it happens.”

“Traffic was another concern with plant managers, it is on the February Agenda of the Metropolitan Planning Organization Meeting, the plan is to provide an industrial ramp for the Blalock Industries, so that the trucks going south can bypass the 1417 exchange and go right into Blalock. Before this area developments, TXDOT plans to provide another ramp to provide relief for the northern part

of what will hopefully be a commercial/retail center. The bottom line is, we now have one intersection at 1417 and 75, we will have three, one south of the intersection for industrial trucks, one on the northern side for consumer traffic and one to get you hither-to-yonder on 1417. As far as the traffic and density, we have done what was asked of us as City representatives. The ordinance addresses the southeast corner which is a fire station and an empty TXDOT building, a retail service center and an 130 acre hay field, it provides higher standards of development for the older part along Travis Street, it provides opportunity for us to sell property and construct a new fire station to better service industry with no money from tax payers but private development money and provides off ramps for the industrial park, the commercial/retail center and for traffic going from and to along 1417 and 75. The point system that they came up with allows developers some leeway while allowing the nicest commercial building in Sherman, Texas. The ordinance addresses industry concerns regarding traffic, it implements the Master Plan, it provides the highest and best use of our seven gateway assets, it supports our policy to lower property taxes and enhance sales tax revenues, it allows us to improve public safety without dipping into the taxpayers pockets, it strikes a balance between the needs of our industry and the growing needs of Sherman Best for citizens as a whole.”

Lucien Hines, PO Box 3277, McKinney, Texas

Mr. Hines explained he owns property on the northeast section of the proposed Blalock Commercial Overlay District. “I think the Mayor has a real good plan, but I think what is over there right now that could all be worked out with site plans and all just leave the zoning like it is without changing what is on the east side of 75 north of the hotel, I think changing the hotel would be a good idea, going ahead and changing it, but north of that we have Red River Trucking and Equipment Depot and my lot. Some buildings need to be condemned along the Highway to clean the lots up if nothing else.” He was in favor of leaving everything on the east side, I don’t have much of an argument of what the Mayor’s got.” He felt the zoning in place was good enough for that area, when someone goes for site plan approval, it could be addressed at that time.

Terry Kluesner, GlobiTech, 200 F.M. 1417 West, Sherman, Texas

Mr. Kluesner explained GlobiTech located in 2000 based on the zoning that was in place at the time. “We have had a rugged history at times, but we are healthy, we have a strong parent company, we are profitable and growing with strong demand. Based on that demand we have recent operating capacity expansion and are likely and needing future expansion. Our employee base is growing from 80 employees last year to 98 employees today and are likely to be at 150 based on that expansion, with that will come

sizeable increase in our property tax values. The expansion requires filing additions to existing or new permits and it is those permits that can be affected by what is used in the neighboring land. If those permits are not granted, it will certainly impact our ability to expand; it could also jeopardize our existing business. Based on the importance of those permits it was our initial reaction to send a letter, January 11, 2010 to this body with strong objections to the proposed zoning. Fortunately since that time, we have been able to meet with the Mayor and John Boswell, we now have a more informed view of the potential use of the land, with a greater courage by the spirit of compromise associated with all those discussions and we have continued to investigate how those changes could impact us in the future permitting. In those limitations with the ordinance right now, a reasonable compromise with the coexistence of industry, commercial and retail, we share the opinion with some of our industrial neighbors that no change to the zoning would be more preferable to our needs and our ability to expand. Unfortunately, we are not ready to retain if those changes will impact us, based on that, we have to maintain our objection to the proposed ordinance, the possibility could be that maybe the action could be taken at a later date because we will continue to research the impact on us and keep the City informed if that changes. Future expansion would be on the 25 acres GlobiTech already owns. We like the idea of the more state of the art fire station, the 130 acre hayfield is the most concern to us because it is the closest to us and that will be considered in obtaining air quality permits. The convenience store located at the southwest corner of 1417 and 75 is not a problem for us now, with the permitting process, the problem is density, one might be acceptable, but another one may not or could cause an issue. The whole permitting process may take 3-6 months; we are starting the process now. We may know in a few months if this will be a problem or if it will be acceptable. We found out about this last week when we saw the zoning signs, started investigating, asking questions and got the right order. We are starting the process with the permit that will be necessary to expand, we have had several conversations with the permitting bodies, we have gleaned some of the information that makes us feel like certainly the limitations and exclusions of the use of the property are better than no limitations, but we do not know for sure if you lift those exclusions and what is being allowed that we would be sure we would get the permits we need. MEMC has the same process that we do, they are certainly in a more industrial/rural setting. Worst case scenario would be, it is time for us to expand, we can't get the necessary permitting, therefore we have to choose to expand elsewhere and if we are going to expand elsewhere we would probably build a facility that could absorb the capacity of this location. If the alternative to building elsewhere was to raise stacks, it would be a lot cheaper than building a new place but if there is no way to

get around it to stay in business or to expand that would be the only other choice.”

Rick McCoy, VP Operations, ActiTech, 301 F.M. 1417 West, Sherman, TX

Mr. McCoy explained ActiTech is a growing company, they have been there about 3 years, \$2.5M in payroll last year. “This ordinance will limit the use of their facility in the future; we are only in 200,000 square feet of the 600,000 square foot facility. The air permitting processes that we just went through; we were able to get a Permit By Rule; it fell under a lower emissions. ActiTech is a manufacturing facility for personal care; we make shampoos, creams and conditioners. The Blalock Ordinance was established in 1962 to protect the health, safety and welfare of the general public, what has changed? Industrial facilities put out obnoxious odors; we sometimes have spills and releases. Folgers’ gets to smelling good sometimes, they are our industrial neighbors, we don’t care, someone in a hotel will care. The permitting process has to do with the velocity of the wind, the prevailing direction of the winds, the wind usually blows from the south to the southwest, all your odors and fumes will wind up in the 130 acre vacant land area to the east. We are opposed to the change; we feel like it will limit the use of our facility and restrict jobs in the future. We are trying to fill the facility up, we run between 50-100 employees now and we are growing. If we have to put in a better air cleaning process, sometimes it becomes cost prohibitive. The Texas Commission on Environmental Quality have certain things that if you emit certain things, substances under a certain amount, by certain particulates and meet other criteria per volume and you are in a certain area, then you can permit by rule, you do not have to go through the full permitting process which requires air flow studies. I don’t think we will ever be able to get an air quality permit if the property was changed to commercial. I remember when DOW had an industrial accident in the middle of town in Bhopal, India. I can almost assure you that we will not get a permit if the zoning is changed to commercial.”

Commission Member Jacobs asked Mr. McCoy if he knew that for a fact, had he spoken to TCEQ about that.

Mr. McCoy explained he had spoken to the State and their consultant, “it depends on what you are emitting.”

Commission Member Jacobs asked if this happened would it prevent him from doing what they are doing now.

Mr. McCoy responded “no, it would prevent me from future uses of the facility, which we are using 200,000 square feet of.”

Chairman Davis asked Mr. McCoy if he described the exhaust system in his plant as the highest technology

available.

Mr. McCoy explained his plant does not have scrubbers, they are local exhaust to protect their mixed tanks, employees and that sort of thing.

Chairman Davis explained “then it is possible to comply with TCEQ.”

Mr. McCoy explained “it would depend on the process that I was bringing into the facility; it limits the use of the facility.”

Commission Member Tankersley explained “where ActiTech is located, there will be residential at the Stone Creek Golf Course at some point; are you going to have to go through the same process being that close to residential.”

Mr. McCoy explained it is pretty far away.

Commission Member Jacobs explained “that may be something that may have to be addressed anyway if we did nothing later, that still might be an issue because of the residential to the north.”

Mr. McCoy explained “it could be but it is further away, it is not right up against our building.”

Commission Member Jacobs asked Mr. McCoy that he mentioned about some place in India, “you are not doing something like what happened there, are you doing that type of dangerous stuff.”

Mr. McCoy explained “no, we may be later, somebody may buy the Folgers building and something later, I just think you are limiting what we can do.”

Commission Member Jacobs explained “you want your options so that you can do like they do in Bhopal, India.”

Mr. McCoy explained “reading through the original Blalock Ordinance, it was put in place for the health, safety and welfare of the general population; that is the reason it was made an Industrial Park. The only ones out there now that wasn’t there in 1960 is the golf course and the guys across the street and that is all industrial.”

Andy Olmstead, 12 Timber Creek, Sherman, Texas

Mr. Olmstead explained they own the convenience store on the corner of 1417 and 75, they have a Specific Use Permit for that the Zoning Board granted to build the convenience store at that location. He had a hard time understanding why they were trying to create a Blalock Commercial Overlay District; “you have the ability today to grant permits just like you did for us.” He also did not

understand how the City building a fire station is cause for rezoning in that whole area, “they can develop that whole 8 acres without changing the Blalock Industrial area zoning. I think we need to think hard before we change what the City has done for 40 years. The Blalock Industrial Park was put there for a reason, there are a lot of good industries out there, I don’t think they would all leave if you changed it, could you limit it, sure, could you allow some commercial, probably, odds are the 130 acres, I think we will all be 6 foot under by the time we see it developed. I advise that you think about what you are doing, what is the reason we are trying to rezone this, is it so that we can build a new fire station, I’m all for building a new fire station, if that helps build or move the jail downtown, I’m for that. You have the ability today to change by granting Specific Use Permits for anything that can go out there; that’s why we are out there and I am not opposed to that.”

Chairman Davis explained some of it has to do with the Comprehensive Plan that was developed for the City and the importance of having the gateway there as you come in and another reason is to have higher building requirements to have an attractive looking gateway. “Instead of doing it piece meal like you are suggesting, it is better to try and do it with everyone involved, so that it will work for everyone, the City, the increased development but to also protect the industries.”

Scott Shadden, Director of Developmental Services

Mr. Shadden explained it was a recommendation from the consultant of the Comprehensive Master Plan that something like this go in. “Mr. Olmstead’s property is a unique piece of property bordered by the creek and the highways, it wasn’t very reasonable to use it for anything else, but it has made a great business where you have it.”

Mr. Olmstead explained “the City’s property, the 8 acres across the highway is too small to build an industry on as well. That’s a big area that you are looking at to change the Blalock Industrial zoning, is it right to change it, you have 40 years out there with the industries.”

David Hames, 2525 Hwy 75 South, Sherman, Texas

Mr. Hames explained all those that spoke have an interest to shut this down. He appreciated what the Mayor and some of the others have done in the past months to bring all this together. “It is done for the growth, for the people and for the tax base and for the City of Sherman. It seems if you do this overlay, it will not shut down the Blalock Industrial; it is just an overlay to enhance the gateway to the City.”

Mr. Shadden explained it allows additional uses in the Blalock area and raises the building standards on the east side of the highway, any use that is already permitted is still permitted.

Chairman Davis explained the area is just along the highway not the whole Blalock Industrial Park.

Mr. Hames explained “it seems to him if TCEQ can give a permit to an asphalt or cement plant that is next door to a high school and within throwing distance of a downtown, they will give here.” He drives by Folgers and GlobiTech everyday and does not complain about the smell and have not heard any complaints about the smell. He was for what the City and the Mayor is doing, “the foresight in what they are doing and opening up the gateway to Sherman; it does need some help. Thank you for what you are doing.”

John Boswell, President SEDCO, 307 W. Washington, Sherman, Texas

Mr. Boswell thanked the board for the time they put in to this very important issue. “We have been very sensitive and very concerned about the impact this will have with an economic development perspective, not just from an industrial perspective but the economic development perspective for the entire community. SEDCO owns 600 acres of land, the largest land owner in the Blalock Industrial Park and we are charged with making sure that we attract new industries on that undeveloped land and retain the industry that we have that is already in our community. The SEDCO Board met this afternoon, after considerable discussion, they voted unanimously to support the proposed Blalock Commercial Overlay District. I believe this will not hamper our effort to recruit new industry to the undeveloped land.”

“After a lot of time we spent meeting with our industrial partners, the ordinance you have before you today is the one that meets the concerns and needs that they have and strikes a balance to help us to grow that area and provide services to the 3000 industrial workers in that end of town. We are very concerned about the comments that were made and concerns that we hold from our partners at GlobiTech. SEDCO has a very vested interest in the growth and prosperity of GlobiTech, in fact we have invested over \$2.7M to help them be successful in Sherman and we want to see them to continue to grow. We would recommend nothing to you that might hamper that growth and we are very interested in their growth issues as well as the other industry that we have.”

“All of the industries are very thoughtful and considerate of their time, the time that we needed and we appreciated that, the comments they had range from what impact it might have on a traffic issue and a prospective on density, concerns about potential air quality issues and there is a cavity of services that are needed on that end of town for the people that work on that end of town. As we worked through the process we took things off and added things to the ordinance that is here today directly from those

conversations, that is why we are supportive of the current form that is here tonight. Some of the services needed were: restaurants, dry cleaners, banks, various types of personal services, people have pets that they would like to drop off at a vet's office, if they had one of those they could drop off or pick up on their way to or their way home from work, just the personal services that make their lives easier. On the far end of town they cannot very well do that on the north side and drive down to work or take care of that during their lunch time, it so far away from it. The other main concern was traffic, and as the Mayor mentioned the off ramp we are proposing to add that will alleviate the congestion at 1417 and 75; that is a ramp we did not know was needed until we had the conversations; we think that will help to take a load off the 1417/75 and Howe Drive and 1417 intersections. If we can alleviate those traffic concerns, we can remove trucks from an already growing corridor and move that back and stay within the Industrial Park; that is something we did not know about until we met with the plant managers. The off ramp that SEDCO is committing to will serve growth of the industry; the south off ramp south of 1417.”

“We do not believe this will hamper their efforts to recruit new industry to the property on that end of town.” Mr. Boswell explained he has been to industrial parks all over the United States, “they are all different depending on your community you are in, it is not unusual to see commercial zones adjacent to industrial parks; it is unusual to see residential adjacent to an industrial park; you normally see industrial, commercial and then residential as a typical area we see, but commercial zones are adjacent to industrial parks all over the country so this would not be unique here.”

Commission Member Jacobs asked Mr. Boswell “in the past when Johnson and Johnson shut down and a plan was attempted to change the use, SEDCO was against it at that time, what has changed.”

Mr. Boswell explained “we were against the ordinance that was proposed last time; we believe that this ordinance is different in the limited uses that are being proposed for that piece of property. I don't believe this is the same ordinance that was presented five years ago. This ordinance strikes a balance.”

Commission Member Jacobs explained “if I wanted to come to Sherman and locate in the industrial park, would the tract on the east side of ActiTech be in competition with you guys, or is that off the table because you guys have better land options.”

Mr. Boswell explained “they would not be in competition with us, we provide economic incentives whether you are located in front of the old J&J part of ActiTech or behind

ActiTech, whether you are located in the Blalock Industrial Park or the Midway Industrial Park; we provide economic incentives to your business based on the economic impact that you will have to the community; so we are not in competition. The difference is, the value of land located with the frontage you have on 75 is different than you have located a mile off of 75, so that is the key that makes the difference, the value of land is valued differently.”

Commission Member Jacobs explained then “if the City Council does not change this somehow, the land will sit vacant as the Mayor said, we are going to cut hay because if that is the only use then that is not going to be a use; it is going to make sense that someone is going to make economically because they can go on the other side of the old J&J plant and you would cut them a deal.”

Mr. Boswell felt “the answer is that businesses just like all of us individually are trying to find the most cost effective way to run their business and the value of the land, appraised values of land we have west is less than it is east and so I would say that it would be my experience that the cheaper land with good access to 75 would be looked upon more favorably than the more expensive land with good access to 75 would be.”

Chairman Davis asked “in recruiting industries, is SEDCO in any position to consult or help industries with emission issues and regulatory issues.”

Mr. Boswell explained “SEDCO is not in the regulatory business, but whenever any of our industry look to expand, we try to partner with them in whatever way possible to help tip the balance in favor of the expansion taking place in Sherman as opposed to somewhere else. SEDCO has done deals with Texas Instruments, Progress Rail, Tyson, Fisher Controls, 2 deals with GlobiTech; so we have a long history of working with our existing industry to help them go back to their corporate offices and say there is a strong commitment with our community to help us grow in Sherman.”

Gwen Coleman, 3618 South Dakota, Sherman, Texas

Ms. Coleman explained she lives in the residential area that sits behind the hotel on the northeast corner of 1417 and 75. She was concerned “how it will affect the property values, noise, air quality, pollution, which we already have on that side and the traffic issues. There is already a traffic problem where you turn into Constitution Village; there have been many wrecks there.” Several years ago Ms. Coleman talked to Howard Smith with TXDOT; he told her the road would be widened to five lanes of traffic entering the Village and the retail businesses on 1417, he did not know when that would happen though. She was concerned with what type of businesses would be allowed on the east side of Highway 75; she was concerned with businesses

that produced a lot of noise and air pollution.

Mr. Shadden explained the uses that can be there today would still be there, however with the design standards the buildings will have to meet a point system to be a better type building which is to her favor. “As far as the traffic issue on 1417, as more people come to the area with or without this ordinance that is something TXDOT will be working on.”

Chairman Davis explained “it is possible the entrance ramp off of 75 would alleviate some of the traffic on 1417.”

Ms. Coleman asked “if that was strictly a southbound ramp or will it be coming north and exiting on 1417; would there be another ramp of some type there.”

Mr. Boswell explained “they were only talking about a southbound ramp.”

Ms. Coleman explained “then the traffic issue would not be alleviated by what is planned.”

Mr. Shadden responded “no.”

Ms. Coleman asked what type of businesses would be allowed on the east side of 75.

Mr. Shadden explained “retail/commercial type businesses; however to your advantage this would prohibit sexually oriented businesses in that area. A fueling center could be allowed.”

Ms. Coleman explained “that is a terrible place for a truck stop; it has created noise and air pollution. The trucks run all night on the truck stop property even though the Truck Stop has closed down.”

Mr. Shadden explained the existing truck stop is not in this area for the Blalock Commercial Overlay District.

Letters opposing the request were received from:
ActiTech, 301 FM 1417 West, Sherman, Texas
GlobiTech, 200 FM 1417 West, Sherman, Texas

Letters in favor of the request were received from:
Cary Cox Company, PO Box 977, McKinney, Texas
Artisan Development Co., Inc, 1600 Shady Oaks Place, Corinth, Texas
Tyson Foods, Inc. 4700 Hwy 75 South, Sherman, Texas
SEDCO, 307 W. Washington, Sherman, Texas

Chairman Davis explained he helped work on the proposed ordinance to some extent; “it seems a very diligent effort was made to be an effort to consider the concerns of the industries that are out there and at the same time trying to

make some use of the vacant land, clean up the corner which is the gateway to Sherman as the consultants that we had last year suggested as one of the top priorities as making the first impression coming into Sherman; that is one of the places that we can work on to do that. The balance, the approach of being concerned about the industries and SEDCO's mission here is to bring industries and jobs to Sherman is the reason I voted to bring this before the Planning and Zoning Commission, I think in the long term, it may not change anything too quickly of someone building there, but to me it is in Sherman's best interest to move forward on this."

Commission Member Atherton felt it made good business sense and she felt the "air quality should be important no matter what's in the hay field."

Commission Member Jacobs explained he was pleasantly surprised this time, "in the past it was a very uniform "Hell No, we don't want this change" and now I hear the concerns of the two industries that spoke but I also see the letters from the other industries and I liked what the representative of SEDCO said this makes sense, this is something that has a positive overall affect for Sherman and doesn't hinder future development." He heard the gentleman say Blalock has been around since 1960 something, "I think change has to occur, 1960 is not now. I commend the group that came up with the proposed ordinance, it is pretty good stuff."

No other citizens appeared before the Planning and Zoning Commission to discuss the Blalock Commercial Overlay District.

ACTION TAKEN.

Motion by Commission Member Plyler to recommend the Blalock Commercial Overlay District Draft Ordinance be forwarded to the City Council for approval. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

ABSTAIN: MORGAN

MOTION CARRIED

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

OTHER BUSINESS

No other business came before the board.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:25 p.m.

OTHER BUSINESS

ADJOURNMENT

PLANNING & ZONING COMMISSION MINUTES – JANUARY 19, 2010

CHAIRMAN _____

SECRETARY