

VOTING AYE: MORGAN, DAVIS, PLYLER, TANKERSLEY AND JACOBS.
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 BARRY TRAVIS (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1400 WEST TAYLOR STREET, BEING A 1.6890 ACRE TRACT 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) TO ALLOW A HAUNTED HOUSE FROM SEPTEMBER 24TH THROUGH NOVEMBER 6TH, 2010 IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

TUP – HAUNTED HOUSE
1400 W. TAYLOR
(CHARLES E. ANDERSON & BARRY TRAVIS)

Barry Travis, 1809 Ridgeway Drive, Sherman, TX

Mr. Travis appeared to represent the request and answer any questions. The property is located at 1400 West Taylor Street across from Fairview Park. The applicant would like to open a haunted house September 24th through November 6th, 2010. This will be their fourth year to operate the haunted house. Mr. Travis explained he submitted a new site plan this year moving some things around and he had visited with Danny Fuller, City Fire Marshal regarding fire issues. Mr. Travis had concerns with item #5 on the Staff Review Letter which states “Based on citizen complaints last year, outdoor loudspeaker or amplifying devices should not be used”. He asked that they could get the normal up to 9 p.m. for outside amplifiers and shutting off completely after that; that would be the only difference. Unfortunately, because they are becoming popular they are getting a lot more people and a lot more noise. He is hoping to eliminate some of that noise with some barrier type sheeting they are planning to use this year. He had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Jacobs explained they received some copies of emails that stated they had some noise complaints last year. “How are you going to keep from getting that?”

Mr. Travis explained they did have some noise complaints last year. They had a few complaints about the chain saw noise. He plans to move the chain saws to an outside area towards the front of Taylor Street; last year they were at the back of the property and due to the fact that area is in the floodplain, the noise echoed across the creek. He also plans to use a paper mill felt as a curtain at the drop off to absorb sound.

Chairman Davis asked if the chain saw noise was actual chain saws without the blade.

Mr. Travis explained they are normal gas powered chain saws without the blades.

Commission Member Jacobs explained the emails also say there were two disturbances reported to the police.

Mr. Travis explained they were outside disturbances which were alcohol related; the police department was called to help with the disturbances.

Chairman Davis asked how many people are employed in the weekend event.

Mr. Travis explained the people involved in the event are 30-50 people; closer to Halloween they need extra help with security and picking up trash. They had 5-7 security people last year but plan to increase that to 10 this year.

Chairman Davis asked what type of background the security people had.

Mr. Travis explained there are a couple of people that are experienced in security, an Eagle Scout that is involved in his Scout Group, he is going to Grayson County Police Academy at this time and a couple of his friends. They work directly with Mr. Travis.

Commission Member Jacobs asked Scott Shadden, Director of Developmental Services if he had heard of any issues in the past.

Mr. Shadden explained the signs that were placed along the street were in violation, only one sign is allowed per development lot and not to leave the sign up after the business closes for the season. They also have complaints of outdoor burning such as bonfires.

Mr. Travis explained the Code Enforcement Officer came out last year and explained about the signs along the roadway; they were quickly removed. They will not paint the sign/mural on the building until the first of September. They had a burn barrel last year; but it was removed. They may use outdoor propane heaters; if it is cold this year with Mr. Fuller's approval.

Chairman Davis asked if there was a time limit on the noise last year.

Mr. Travis explained they had a loud speaker permit last year and they shut down the loud speakers at 9 p.m. but the chain saws continued; he is hoping with the barrier he plans to install that the chain saws will not be an issue. Mr. Travis explained he lives on Ridgeway and he understood

the noise concerns; he wanted to respect his neighbors.

Commission Member Jacobs asked the hours of operation.

Mr. Travis explained the hours are from 8 p.m. till 1 a.m. on Fridays and Saturdays; usually around midnight it starts to wind down, with the exception of Halloween weekend.

Chairman Davis explained if you have to turn off the music and chain saws at 9 p.m., it will change the atmosphere of the haunted house.

Mr. Travis was hoping they would not have to do that with the chain saws; they use five chain saws, if they could minimize that bring it down to three chain saws; that would hurt, but if they could absorb the sound within the property, there won't be an issue at all. They had already talked about putting up the barrier even before they received the letter, because he did not want to upset his neighbors.

Commission Member Tankersley explained he was an observer last year of the haunted house because he lives on the hill on Western Hills; he could hear the music and loud speakers all night until late at night on his porch; that is a pretty good distance. The noise was his main concern.

Chairman Davis asked if the loud speakers were outside the buildings.

Mr. Travis explained the loud speakers were outside the building that was causing the complaints.

Commission Member Jacobs asked how they were going to take care of the chain saw noise.

Mr. Travis explained the site plan shows the grave yard maze in the back side of the slaughter house building itself, that's where the chain saws were and there is nothing to stop the noise, the field is off to the south and the floodway is to the west right behind them; he felt that is why the noise carried so far because it was right in the open just blaring right across the field. They plan to put up barriers on the old corral which is the front barn near the exit on Taylor Street facing the park; there is no residential housing in that area.

Giles Brown, 1504 Westside, Sherman, Texas

Mr. Brown was concerned with the noise; they heard till 1 a.m. screams, shouts and music. He was not against people having fun or a business but he felt they had a right to have quiet, particularly after 11 p.m. There is a noise ordinance in place and he would ask they put whatever restrictions in place to keep the noise level down after 11 p.m. so that they can enjoy their property while people enjoy their fun.

Commission Member Jacobs was concerned with the haunted house going to 1 a.m. from September 24th until November 6th. He agreed with Mr. Brown; he wanted to accommodate people if they could, but maybe cut back on the hours of operation.

Mr. Shadden explained “they could put a condition on the hours or the noise. The police will be out to issue a citation after the noise ordinance kicks in. The loudspeaker requires a permit from the City Manager; I’m sure he will look at any recommendations from this board.”

Mr. Travis explained they would be glad to comply however they could if there was an issue after 11 p.m. to shut down the chain saws.

Chairman Davis asked where most of the crowd noise was coming from.

Mr. Travis explained “usually the patrons do most of the screaming, music was coming from the loudspeakers on the stage from the live band; but they shut down early; the amplified music was probably the issue, he did not know what to do about it; maybe it needs to go away. The music is a good part of the attraction but it is not the main part of the attraction.”

Chairman Davis was concerned about the chainsaw noise late into the night. The location of the haunted house is right in the middle of the City, surrounded by residential properties.

Commission Member Hicks suggested they use a recorded chain saw noise instead of the gas powered chain saw. They could be used indoors to cut down on the noise and they would not have an exhaust issue.

Mr. Travis explained in the past they have had electric chain saws but they were not as effective. The ambience of the haunted house is the old slaughter house, it is the perfect place; we knew as we became more popular we would have issues, we have tried to eliminate as many issues as possible.

Chairman Davis asked what days they were open.

Mr. Travis explained they are open Fridays and Saturdays and the last three Sundays of October, the last Sunday of October being Halloween. They usually have one Thursday open for Austin College; they shut down by 10 or 11 p.m. on Sundays and any weekdays that they may have special openings.

Chairman Davis explained the main issues are live bands on the outside, chain saws noise, amplified music or noise

on the outside in a residential neighborhood until 1 a.m. He asked Mr. Travis what he could do to solve these problems.

Mr. Travis explained they could shut the amplified noise down at 11 p.m. The barrier will be installed to absorb the chain saw noise; if that does not solve the problem then he would operate without the chain saws after a certain time.

Brandon Shelby, City Attorney explained “the issue for the amplified sound is not really an issue for the P&Z Board, the applicant would have to go before the City Managers office to get approved for a loud speaker permit. As far as approving the use of the property, you are not granting them an exception for the City ordinance regarding noise; so even if you approve it today, city ordinances are still enforceable. You can restrict them that they cannot have chain saws but if you don’t, you are not approving them to run the chain saws until midnight if the neighbors complain.”

Commission Member Jacobs had an issue with the hours of operation. He explained he was leaning toward 11 p.m. shutting the operation down.

Commission Member Barton felt that was extremely reasonable.

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

ACTION TAKEN.

Motion by Commission Member Jacobs to approve the Temporary Use Permit subject to the Staff Review Letter and limiting the hours of operation to 11 p.m. except on Halloween weekend (October 29-31) and the weekend before Halloween (October 22-24) until 1 a.m. Second by Commission Member Plyler.

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

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 28.49 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

**TUP – SNOW CONE
STAND
1330 W. TAYLOR
(CHARLES E.
ANDERSON & SHAWN
DAVIS)**

THROUGH SEPTEMBER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Shawn & Hunter Davis, 915 Western Hills, Sherman, TX

Shawn & Hunter Davis appeared to represent the request and answer any questions. The property is located at 1330 West Taylor Street across from Fairview Park. This is a renewal for the snow cone stand that has been in operation at this location for eleven years.

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 Temporary Use Permit. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF GRAYSON COUNTY PHYSICIAN'S PROPERTY, LLC (OWNERS) HERITAGE PARK SURGICAL HOSPITAL (TENANT) AND DAVID VILBIG, VILBIG & ASSOCIATES (ENGINEERS) CONCERNING THE PROPERTY AT 3601 AND 3603 NORTH CALAIS DRIVE, BEING LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 6 & 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE 2, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

AMEND THE SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8 (5)(A) TO ALLOW A HOSPITAL IN A C-1 (RETAIL BUSINESS) DISTRICT.

**AMEND SUP –
HOSPITAL
3601 & 3603 N. CALAIS
(GRAYSON COUNTY
PHYSICIAN'S
PROPERTY, LLC)**

David Vilbig, Vilbig & Associates, 10132 Monroe Dr., Dallas, TX

Mr. Vilbig appeared to represent the request and answer any questions. The property is located at 3601 and 3603 North Calais Drive, the northeast corner of Calais and East Pecan Grove Road, Heritage Park Surgery Center is the tenant. The owners were granted a Specific Use Permit to allow a hospital September 8, 2009 by Ordinance No. 5622. They have revised their site plan increasing the square footage of the Surgical Hospital from 31,013 square foot to 40,251 square foot and replatting the tract into two lots adjacent to the existing Surgery Center. Exterior materials include face brick, smooth metal panels, cut stone and EIFS. The nursing unit will contain 14 private beds for 24-hour care. There will be four multi-specialty operating rooms and a 24-hour emergency room with a dedicated

entrance. In-patient and out-patient services will include imaging, laboratory and pharmacy. The facility includes support spaces for administration, medical records, dietary, laundry and central services. Parking will be provided for 177 on-site spaces. 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 amended Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Morgan.

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

VOTING NAY: NONE

MOTION CARRIED

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

REPLAT

THE REQUEST OF GRAYSON COUNTY PHYSICIAN'S PROPERTY, LLC (OWNERS) AND SARTIN AND ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 3601 AND 3603 NORTH CALAIS DRIVE, BEING 6.50 ACRES IN THE HILLARD JENNINGS SURVEY, ABSTRACT NO. 639, ALSO KNOWN AS ALL OF LOTS 6 & 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE TWO, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT OF THE REPLAT OF LOTS 6 & 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE TWO.

**REPLAT OF THE
REPLAT OF LOTS 6 &
7, BLOCK 1,
HERITAGE PARK
ADDITION, PHASE 2
3601 & 3603 N. CALAIS
(GRAYSON COUNTY
PHYSICIAN'S
PROPERTY, LLC)**

David Vilbig, Vilbig & Associates, 10132 Monroe Dr., Dallas, TX

Mr. Vilbig appeared to represent the request and answer any questions. The property is located at 3601 and 3603 North Calais Drive. 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 Staff Review Recommendations.

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

ACTION TAKEN.

Motion by Commission Member Tankersley to approve the Replat subject to the Staff Review Letter. Second by Commission Member Morgan.

VOTING AYE: JACOBS, MORGAN, DAVIS, PLYLER,

TANKERSLEY, BARTON AND HICKS.

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

THE REQUEST OF FAIRVIEW BAPTIST CHURCH (OWNERS), DAVID KIGHT (REPRESENTATIVE) AND DAVID BACA, DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 220 W. TAYLOR STREET, BEING LOTS 1-10, BLOCK 1, NORTHWOOD HEIGHTS ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8 (5)(A) TO ALLOW AN ADDITION TO THE EXISTING CHURCH FOR AN EDUCATION BUILDING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

SUP – ADDITION TO CHURCH FOR EDUCATION BLDG. 220 W. TAYLOR (FAIRVIEW BAPTIST CHURCH)

David Baca, David Baca Studio, 100 N. Travis, Ste. 500-A, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 220 West Taylor Street; Fairview Baptist Church is the tenant. The owners would like to construct an 11,950 square foot one story addition to the existing church for an education building. Exterior materials include brick, stone and stucco. No additional parking will be provided, 310 parking spaces exist. 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 Tankersley to approve the Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Jacobs.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT, SITE PLAN & VARIANCE

THE REQUEST OF WAYNE MCCARLEY (OWNER) AND RICKY BATES, NEON SIGNS AND DESIGNS (REPRESENTATIVE) CONCERNING THE PROPERTY AT 310 U.S. HIGHWAY 82 WEST, BEING 1.56 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SUP – BILLBOARD VARIANCE – FRONT SETBACK 310 HWY. 82 WEST (WAYNE MCCARLEY)

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

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, TO ALLOW A DIGITAL BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT. SUBSECTION (5)(A)(1) TO ALLOW A 25' FRONT YARD SETBACK IN LIEU OF THE REQUIRED 75' FOR A 50' TALL DIGITAL BILLBOARD IN C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY.

Ricky Bates, Neon Signs and Designs, 103 E. Crawford, Denison, TX

Mr. Bates appeared to represent the request and answer any questions. The property is located at 310 U.S. Highway 82 West; the southwest corner of Highway 82 and Hickory Street. The owner would like to erect a 50' tall digital billboard 25' from the front property line. "Currently there are no billboards from Highway 75 to 7.5 miles west of Sherman heading towards Whitesboro." They have researched the possibility of a billboard and have received letters from retailers and hotel owners (attached to minutes) that would like to advertise on the billboard. The billboard will be a single sided billboard with an eastbound read. They would like to work with the City departments such as Tourism and Park & Recreation that would benefit from advertisement of special events such as Hot Summer Nights and youth events free of charge. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Jacobs asked why they needed the variance.

Mr. Bates explained the sign would be located in the O-1 (75 & 82) Overlay District and all structures have to be setback 25 feet plus the height of the structure which would be 75' from the front property line. The billboard will not be located on the Highway, the building is located off the access road and the billboard will be located next to the building. There is a tree line on the west side of the highway which would limit visibility if it were setback farther. The billboard will be 300 square foot, Neon Signs and Designs would sell advertisement of the billboard and control what is placed on the billboard. Advertisement on the billboard will change every 5-7 seconds with still advertisements; they will not be informational advertisements; you could have a thousand customers on one billboard.

Commission Member Hicks explained the Staff Review Letter mentions billboards shall be a minimum 30' from any residentially zoned property, the property on all sides

of this tract are zoned R-1 (One Family Residential) District.

Mr. Shadden explained the billboard would need to be at least 30' from the property line on both sides and the rear of the property.

Commission Member Jacobs explained he was not a fan of billboards but if the law allows it, this would be the place to have a billboard; but did not feel the variance was needed.

Commission Member Morgan explained if you move the billboard back another 50 feet; that will change the demographics of the sign pretty drastically which would limit your advertisement capability.

Mr. Bates explained the billboard will have to be on the east side of the existing 40x60 building because of the 30' setback from the residentially zoned property to the west; without the variance you lose visibility.

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

**PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL
UNDER ORDINANCE NO. 2280, SECTION 8 (5)(A) TO
ALLOW A DIGITAL BILLBOARD IN A C-2 (GENERAL
COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY
DISTRICT.**

ACTION TAKEN.

Motion by Commission Member Jacobs to approve the Specific Use Permit and site plan subject to the Staff Review Letter and limiting the billboard to a single faced sign. Second by Commission Member Hicks.

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

VOTING NAY: NONE

MOTION CARRIED

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

BOARD OF ADJUSTMENTS

**VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8,
TO ALLOW A DIGITAL BILLBOARD IN A C-2 (GENERAL
COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY
DISTRICT. SUBSECTION (5)(A)(1) TO ALLOW A 25' FRONT
YARD SETBACK IN LIEU OF THE REQUIRED 75' FOR A 50'
TALL DIGITAL BILLBOARD IN C-2 (GENERAL
COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY.**

ACTION TAKEN.

Motion by Commission Member Morgan to approve the variance. Second by Commission Member Tankersley.

PLANNING & ZONING COMMISSION MINUTES – MAY 18, 2010

VOTING AYE: MORGAN, DAVIS, PLYLER AND TANKERSLEY.

VOTING NAY: JACOBS

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 6:10 p.m.

OTHER BUSINESS

ADJOURNMENT

CHAIRMAN _____

SECRETARY