

STATE OF TEXAS

§

November 16, 2010

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on November 16, 2010.

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

MEMBERS ABSENT: MORGAN

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 October 19, 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, ATHERTON AND HICKS.

BOARD OF  
ADJUSTMENTS

SITE PLAN

THE REQUEST OF GLOBITECH INC. (OWNER), TERRY KLUESNER AND ROCKY VALENTINE (REPRESENTATIVES) CONCERNING THE PROPERTY LOCATED AT 200 F.M. 1417 WEST, BEING LOT 1 IN THE NORTHGATE TECHNOLOGY PARK AND IN TRACT 2 OF THE BLALOCK INDUSTRIAL PARK, AS FOLLOWS:

*PLANNING AND ZONING COMMISSION*

SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) FOR AN ADDITION TO THE EXISTING BUILDING FOR GAS ROOM STORAGE IN THE BLALOCK INDUSTRIAL PARK.

SITE PLAN – GAS  
ROOM STORAGE  
200 FM 1417 W.  
(GLOBITECH)

Chairman Davis explained he would hear the request of GlobiTech first because Mr. Kluesner had another meeting to attend.

Terry Kluesner, 200 FM 1417 W., Sherman, TX

Mr. Kluesner appeared to represent the request and answer any questions. The property is located at 200 West F.M. 1417; GlobiTech is the tenant. They would like to construct an addition to the facility for gas room storage. This is an enclosed area of 885 square feet for storage of gases that are a part of the manufacturing process. The addition will match the existing exterior of the 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 Jacobs to approve the site plan subject to the Staff Review Letter. Second by Commission Member Tankersley.

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

VOTING NAY: NONE

MOTION CARRIED

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

**EXCEPTION**

THE REQUEST OF GRAND AVENUE PRESBYTERIAN CHURCH (OWNERS) AND JACK KOCH (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 901 NORTH GRAND AVENUE, BEING LOTS 4, 5, 6 AND 10, BLOCK 3, COLLEGE PARK ADDITION, AS FOLLOWS:

EXCEPTION – FENCE  
901 N. GRAND  
(GRAND AVE.  
PRESBYTERIAN  
CHURCH)

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8.3, SUBSECTION (5) TO ALLOW A 6' CHAIN LINK SECURITY FENCE ALONG A PORTION OF THE NORTH SIDE PROPERTY LINE IN LIEU OF A PERMITTED WOOD OR MASONRY FENCE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

**Jack Koch, 2309 CR 4060, Whitewright, TX**

Mr. Koch appeared to represent the request and answer any questions. The property is located at 901 N. Grand Avenue, the corner of Grand, College and Cleveland Streets; Grand Avenue Presbyterian Church is the tenant. The owners would like to erect a 6' chain link security fence to secure the electrical and mechanical equipment on the north side of the building and also to deter access to the roof. A wood privacy fence would allow someone the opportunity to hide behind the fence; a chain link fence is observable from the alley for police patrols and the property next door. The property is located in the College Park Overlay District which prohibits chain link fences.

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

**ACTION TAKEN.**

Motion by Commission Member Atherton to approve the exception. Second by Commission Member Hicks.

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

VOTING NAY: NONE

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST CONFORMS TO

THE INTENT OF THE ORDINANCE.

VARIANCE

THE REQUEST OF TIN STAR HOMES (OWNERS) AND ANDREW CASSADY (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 920 SWAN RIDGE DRIVE, BEING LOT 16, BLOCK 9, THE PRESERVE AT COUNTRY RIDGE, PHASE 1, AS FOLLOWS:

*BOARD OF ADJUSTMENTS*

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H) TO ALLOW A 0' SIDE STREET SETBACK FOR A 6' PRIVACY FENCE IN LIEU OF THE REQUIRED 25' ON A CORNER LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE STREET SETBACK  
920 SWAN RIDGE DR.  
(TIN STAR HOMES)

Andrew Cassady, 1718 N. Lockhart, Sherman, TX

Mr. Cassady appeared to represent the request and answer any questions. The property is located at 920 Swan Ridge Drive, the northwest corner of Swan Ridge and Quail Run Road. Mr. Cassady explained they actually asked for too much; they would like to erect a 6' privacy fence 10' from the side street property line. 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 variance.

ACTION TAKEN.

Motion by Commission Member Hicks to approve a 10' side street setback for a 6' privacy fence subject to the Staff Review Letter. Second by Commission Member Tankersley.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF TIN STAR HOMES (OWNERS) AND ANDREW CASSADY (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 4328 WEST RAVEN DRIVE, BEING LOT 27, BLOCK 5, COUNTRY RIDGE ESTATES 4, AS FOLLOWS:

*BOARD OF ADJUSTMENTS*

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 22' REAR YARD SETBACK FOR AN ATTACHED COVERED PATIO IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR SETBACK  
4328 W. RAVEN DR.  
(TIN STAR HOMES)

Andrew Cassady, 1718 N. Lockhart, Sherman, TX

Mr. Cassady appeared to represent the request and answer

any questions. The property is located at 4328 West Raven Drive in the Country Ridge Estates subdivision off FM 1417 South. The owners would like to construct an attached covered patio, 22' from the rear property line.

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

**ACTION TAKEN.**

Motion by Commission Member Jacobs to approve the variance. Second by Commission Member Atherton.

**VOTING AYE: DAVIS, PLYLER, JACOBS, ATHERTON AND HICKS.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**EXCEPTION & SITE PLAN**

THE REQUEST OF TATE REHMET LAW OFFICE, P.C. (OWNER) AND BOB TATE (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 2902 U.S. HIGHWAY 75 NORTH, BEING LOT 1, BLOCK 1, ACTION-75 ADDITION, REPLAT LOT 3, BLOCK 1, AS FOLLOWS:

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW EXTERIOR FINISHES TO BE ARCHITECTURAL GLASS AND METAL PANELS IN LIEU OF THE REQUIRED MASONRY, MASONRY VENEER OR CONCRETE SIDING IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT.

***PLANNING AND ZONING COMMISSION***

SITE PLAN APPROVAL FOR AN ADDITION TO EXISTING BUILDING, AWNING AND SUNSHADE FOR A LAW OFFICE.

**EXCEPTION –  
EXTERIOR FINISHES  
SITE PLAN –  
ADDITION FOR LAW  
OFFICE  
2902 HWY. 75 N.  
(TATE REHMET LAW  
OFFICE, PC)**

**Bob Tate, 4520 Texoma Parkway, Sherman, TX**

Mr. Tate appeared to represent the request and answer any questions. The property is located at 2902 U.S. Highway 75 North; near the intersection of U.S. Highway 82; Schlotzsky's Sandwiches was the former tenant. The owners would like to construct an addition to the building in the rear, an awning and metal louver sunshade in the front of the existing building. They would like the exterior finish to be architectural glass and metal panels. The remodel will be for a law office. He 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 exception and site plan.

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW EXTERIOR FINISHES TO BE ARCHITECTURAL GLASS AND METAL PANELS IN LIEU OF THE REQUIRED MASONRY, MASONRY VENEER OR

**CONCRETE SIDING IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT.**

**ACTION TAKEN.**

Motion by Commission Member Jacobs to approve the exception. Second by Commission Member Hicks.

**VOTING AYE: DAVIS, PLYLER, JACOBS, ATHERTON AND HICKS.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

***PLANNING AND ZONING COMMISSION***

**SITE PLAN APPROVAL FOR AN ADDITION TO EXISTING BUILDING, AWNING AND SUNSHADE FOR A LAW OFFICE.**

**ACTION TAKEN.**

Motion by Commission Member Tankersley 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 AND BARTON.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**ZONE CHANGE**

**THE REQUEST OF CHARLES EDWARD ANDERSON, ROSEMARY ANDERSON, CYNTHIA PALLETT, JARROD WELDON ANDERSON AND ALIDA K. ANDERSON (OWNERS), DAVID VILBIG, VILBIG AND ASSOCIATES, INC. (ENGINEERS) AND SARTIN & ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY AT 1300 WEST TAYLOR STREET, AS FOLLOWS:**

***PLANNING AND ZONING COMMISSION***

- (a) TRACT 1: BEING 3.43 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763  
ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO C-1 (RETAIL BUSINESS) DISTRICT.**
- (b) TRACT 2: BEING 15.74 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763  
ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**

**ZONE CHANGE – R-1 TO C-1 & R-2  
1300 W. TAYLOR  
(CHARLES EDWARD ANDERSON, ROSEMARY ANDERSON, CYNTHIA PALLETT, JARROD WELDON ANDERSON & ALIDA K. ANDERSON)**

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

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 1300 West Taylor Street across from Fairview Park. The owners would like to rezone the property from an R-1 (One Family Residential) District to a C-1 (Retail Business) District and an R-2 (Multi-Family Residential) District. The existing property exists of approximately 35 acres, they are proposing approximately 3 acres for neighborhood retail on Taylor Street, an extension of Newman Street to Taylor Street and 14 acres to an R-2 (Multi-Family Residential) District consisting of approximately 112 duplex units as a concept plan. There is a buffer strip along the creek that will remain an R-1 (One Family Residential) District. “The proposed neighborhood retail would be like a barber shop, pizza shop, cleaners, Starbucks; we have had some interest on that.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Hicks explained if the zone change is approved to an R-2 (Multi-Family Residential) District, they could put apartments there, since this is a conceptual site plan.

Commission Member Jacobs asked if this was approved and they came to the board with something different, their intent was to address the traffic issue, is there anything we could do to hold them to addressing the traffic issues.

Brandon Shelby, City Attorney explained they could not hold them to build the street as drawn on the conceptual site plan, but they would have to return with a final site plan.

David Vilbig explained “the existing floodplain will remain as an R-1 (One Family Residential) District as a buffer to the residential houses to the west; the narrowest point is 200’. He explained this is a conceptual site plan for duplexes; they are going to market the property to a developer. As far as the traffic, Taylor is a major street and they did not feel there would be a major impact on it, a lot of times when you do a project a traffic study is done to address any issues; McGee Street will help alleviate some of the traffic issues.”

Commission Member Jacobs asked Scott Shadden, Director of Developmental Services what the property is master planned.

Mr. Shadden explained the property along Taylor Street is master planned commercial; the area where the slaughter house existed. The residential part is where the existing houses are located. C-1 (Retail Business) District zoning could be neighborhood commercial such as restaurants, retail, laundry/cleaners, office.

Commission Member Jacobs explained Taylor and McGee Streets are considered thoroughfares; could you describe the purpose of a thoroughfare.

Mark Gibson, Director of Engineering and Public Works explained master planned thoroughfares are collector streets; they are designed to handle more traffic; they are going to be the natural streets that move traffic east and west through the city. The thoroughfare could evolve with the land use and the traffic that is on it; what's there now may not be built but they are designed to be the collector streets; the main carriers of traffic. McGee Street is a secondary thoroughfare street.

Commission Member Tankersley asked what would be done to take care of the water runoff issues.

Mr. Vilbig explained “the current ordinance requires detention except when you are along a designated FEMA creek; such as the creek that runs through the property. When the creek starts to fill up, the peak runoff will not get to that point for maybe two or three hours; the water from the development will come and go moving downstream, so a detention pond is not that big of use adjacent to a FEMA creek and the ordinance does allow for that; it is a timing issue when the water hits.”

Mark Gibson explained “the detention is not included in the plan; it is up to the developer or land owner to show by not having detention that they have no impact on the flood flow, flood elevations or flood quantities in the area. In lieu of a detention they would have to do a study to quantify what they are doing and show that there would be no significant impact on the FEMA elevations.”

Mr. Shelby explained “the drainage issue would be more detailed at the formal site plan approval because the study would be done and addressed. A change of zoning is not where that would come into play; that would be done before you could build on the property. A formal site plan would need to be submitted to the Planning and Zoning Commission for approval.”

Appearing from the audience:

Robert Shannon, 1802 Westside Dr., Sherman, TX

Mr. Shannon explained he is opposed to the zone change for the same reasons as were submitted on April 22, 2008; traffic, drainage, flooding, crime and infrastructure. “The only thing that has changed is they have added retail zoning to what already has been turned down. We should not put stress on what we already have on Taylor Street.”

Wally Johnson, 1602 Glenway Dr., Sherman, TX

Mr. Johnson explained he is opposed to the zone change. The City of Sherman Future Land Use Plan which was

recently adopted in the Master Plan, shows one lot in the area to be zoned urban commercial with residential all around the area; you have a little donut hole in the middle which is Fairview Park and the property in question. “You are trying to shoehorn a retail establishment in the heart of a residential area. There is an over abundance of multi-family units in Sherman according to the 2010 Census.”

Billy Thompson, 1714 Westside Dr., Sherman, TX

Mr. Thompson explained he sympathized with the Andersons wanting to sell their property to maximize their profit; “that’s the American dream. Not every piece of property is designed for that, some are landlocked, sorry, but that is the way the world works, sometimes you don’t get everything you want. Traffic on Taylor Street is horrendous, anyone that has a child or grandchild that plays soccer that has been to Fairview Park on Saturday understands how traffic is on Taylor Street; it is like that 90% of the time, that is the norm not the exception. There are too many people negatively affected by this zone change and it has to be done a different way.”

Joel Fitzsimmons, 2403 Diana, Sherman, TX

Mr. Fitzsimmons explained he lives behind the park; he knows how it negatively affects the neighborhood. On Saturdays, parking becomes an issue in the neighborhoods around the park. This will add more traffic into his area.

Willie Jacobs, 1801 Ridgeway, Sherman, TX

Mr. Jacobs explained he was opposed to the zone change because of traffic issues on Taylor Street. He has seen numerous wrecks at the curve at the Taylor Street and Ridgeway intersection; one person was killed racing down Taylor Street in the early hours of the morning. “We do not need to this.”

Betty Woodall, Resident Manager, St. James Apartments, Park Place, Sherman, TX

Ms. Woodall explained she opposes this request. “Flooding is an issue in the area and we do not need any more apartments; I am doing good to stay at 90%.”

William Dees, 1200 W. Taylor, Sherman, TX

Mr. Dees asked “if the zoning change along Taylor Street to commercial zoning allowed for beer and liquor sales. Also, the conceptual site plan is for 112 unit duplexes there, assuming it is sold, if apartments are built there, do we know how many apartments will be there.”

Mr. Shadden explained beer and wine sales are allowed in a commercial zoning.

Mr. Vilbig did not know how many apartments would be considered if the zone change was approved.



Jason Sofey, 1218 Preston Dr., Sherman, TX

Mr. Sofey explained he owns a business on Taylor Street and was familiar with the project, he has seen the site plan. He was not opposed or in favor of the zone change. “The drainage issues will have to be complied with whatever is built on the property. He served on the Comprehensive Plan Committee. Taylor Street is designed for commercial uses at some point in time. He asked if a development has to have more than one access/egress. One of the things that were considered when the Master Plan was designed was that Sherman was way ahead of the average on park area; Sherman is 30% over the green belt area we need to have per capita. As a business owner on Taylor Street, I would like to see something positive there.”

Mr. Shadden explained “there are a number of factors that have to be considered when the development is designed. You look at density, the building and fire departments will look at the plans; they would have to have adequate access to fight fires.”

Betty Musal, 1726 N. Highland, Sherman, TX

Ms. Musal explained she has lived on North Highland Avenue over half a century. “Most of the people in the area have been there a quarter of a century. Since Park Place Apartments has come in, the area has deteriorated; the crime rate is basically what she was talking about. Everyone from Taylor Street to McGee Street has had to add a 6’ privacy fence to keep people out. The crime rate is going to increase when you put commercial and more low-income housing in the area. Traffic is another issue; if you try to pull out from Highland Street to Taylor Street on a Saturday morning, it is not going to happen you might as well go down to McGee Street.”

Jane McGuire, 1605 Skyline, Sherman, TX

Ms. McGuire explained “this is a beautiful residential neighborhood that we live in; location is everything. Flooding has been a problem in the past, traffic is an issue on Taylor Street and children crossing the street to get to the park.”

Roger Sanders, Sanders, O’Hanlon & Motley, 111 S. Travis, Sherman, TX

Mr. Sanders explained he has the privilege of representing the Anderson Family. He asked the board to consider a balance, the history; people want to maximize the value of their property. “The Andersons were put in a place that no one else in this room was put on. The Andersons bought the property, at the time they bought the property Grayson County had a thriving cattle and meat processing business and much of it centered through Mr. Anderson’s slaughter house which was not inside the city limits. In the 60’s, there was no Taylor Street that went through, there was no street that went out that far, so he was out in the country and the City of Sherman annexed him in against his will,

and when they did, they took in a property that would probably be at least C-2 (General Commercial) District because slaughtering cattle would not be permitted in the City of Sherman anywhere today, but at the time it was and it was a legitimate business and he was licensed by the State. The City said to Mr. Anderson, you are coming in as R-1 (One Family Residential) District, you don't have a choice about it, and that's the way it is going to be. The Anderson Family didn't have a choice legally. The slaughter house was given a special use categorization, if they ever quit doing what they were doing, there would be no commercial activity and so they kept doing that thing well into the 80's or 90's. The people that bought into the circumstance would have been obliged to hear from the realtors by the way what you see over here is a commercial use and whoever bought in, I'm assuming did their homework and knew there was a risk that there would be some negative result of being in the neighborhood with this type of process. When Mr. Anderson got ill, the market began to go down and the building is all that remains of the business. The property, thanks to the City of Sherman became R-1 (One Family Residential) District, not because the Anderson's wanted it, not because they did anything wrong. The Andersons then applied for a use to put in a tower on the property; local folks came and opposed it, so it was turned down. Then they had the opportunity to sell the property to someone from San Antonio, who was using tax facilitated development, which would have been higher quality, but at the time the City mislabeled it as Section 8; there was going to be some low-income housing but certainly not all of it; it got positioned in front of the P&Z and that was denied. Everyone of these points are legitimate; there will be traffic questions, but there are some things that becomes an enforcement issue; what about crime, that's an enforcement issue, what about drainage, that's a management or design issue and maybe an enforcement issue. What the Anderson's have been put in a position where they have absolutely no capacity to turn a piece of property with as much land in the floodplain that is simply not commercially developable and this isn't one year it, this has been about twenty years of enforced you can't use it in a commercial way. So, they have explored all kinds of alternatives, the latest one they have explored and they have had two people raise questions about, can we bid on it or can we enter negotiations for townhomes or for duplexes. He felt there was a decent chance that could happen, but nobody knows for sure. What he suspects is that Scott Shadden and Brandon and others involved in this, will make sure of whatever comes through, is well planned and that you all will be well advised, and you will make whatever decisions you make at the time. I don't think to conceptually to land lock somebody and to say, too bad you got landlocked; no we didn't get landlocked, we were forced to be landlocked. If somebody would go back and turn it back to C-1 (Retail Business) District or C-2 (General Commercial) District, if it

could be taken out of the City of Sherman, the Anderson's would like that, but that is not realistic, so you are being asked to make a balanced decision, consider what these folks have to say but also consider the flight of the Andersons; this is the third time they have been here and the land has been essentially unusable for two decades; that is not what anybody wants and there has to be a good balance. We think the R-2 (Multi-Family Residential) District with some commercial up front would make sense, you may have other views, but what is it, the fourth time and the fifth time; how many times do they have to come here and simply say, well because the neighbors bought in the neighborhood and they don't like it, that's government, the neighbors can talk to the realtors about why this wasn't explained to them, the neighbors can go back and say how come we were not told but the neighbors were never denied access to the information, all this is public and we respectfully say there ought to be a balance and responsibility."

Robert Earl Richardson, 118 S. Crockett, Sherman, TX

Mr. Richardson explained "he along with Mr. Sanders is representing the Andersons in a legal capacity. In 1955, Taylor Street did not exist except as a gravel road. As the City expanded, Taylor Street now goes to FM 1417, as the houses were built, the street was built and as the population grew and as residents moved in, Taylor Street was widened and paved. As more residents move in, Taylor Street will have to undergo more changes whether or not there are apartments, townhomes or what have you. Putting low-income housing on that property would totally destroy the Anderson's land to try to make some money on the portion of the property along Taylor Street that they propose to be commercial. Taylor Street needs to be three lanes; it has already been accomplished on Loy Lake Road; we are making progress, the City is growing. The whole green belt where no zone change is being asked is being available to the City, if they act on that availability, can use it to extend the park land or whatever they wish to do. Taylor Street is changeable and it has been changed many times through the years."

Chairman Davis asked staff if there were any plans to expand Taylor Street or any concrete plans of what would happen in the future.

Mark Gibson explained the plans on Taylor Street or make it a more major thoroughfare will come as more growth happens and traffic volumes increase.

Commission Member Hicks asked Mr. Shadden if you could have liquor sales in a C-1 (Retail Business) District.

Scott Shadden explained the voters voted Sherman wet a few years ago, so you could sale beer and wine in a C-1 (Retail Business) District; you would have to meet the

TABC requirements.

Roger Sanders addressed that, “we can take that off the table; that is not going to happen, we will represent or sign whatever is necessary; I completely agree with the concern about that; that ought not to happen, we will sign whatever needs to be to confirm it.”

Bob Tate, 4520 Texoma Parkway, Sherman, TX

“We fought this battle 35 years ago, Roger Sanders represented Betty Musal on a similar issue right there where those apartments are she is referring to; I owned the property. On this property I was trying to get those apartments there, Son Anderson was going to help me but he got extremely sick. Taylor, Washington and McGee Streets would be a thoroughfare of some sorts, but Taylor Street is the one most people use to go east and west. It is totally ridiculous when this particular tract is buffered in the back by almost what you would call a low land deal of how many acres these gentlemen computed and across from it is a park; that probably is as good a place as you can put some commercial; Sherman deserves that. When you have to drive all the way back to the Town Center or to Applebee’s or the Country Club to eat; there is really a need for a small restaurant, small barbershop and that tract is perfect. It is high enough to accommodate what needs to be accommodated; it has a floodplain that can never be built in.”

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

Chairman Davis felt the neighbors all had sincere concerns; there are a lot of issues that have been thrown around. I drive Taylor Street going and coming to work every day, I don’t drive it on Saturdays, so I don’t see the traffic issues, but on my weekday travels down Taylor I don’t experience frustrating traffic. I can see where it could be bad on weekends. I agree with Mr. Tate about the potential for commercial development, some potential commercial development there across from a park, I can imagine a coffee shop, a dog friendly coffee shop that would be a benefit to the community. There are a lot of cities in the area and across the country that are attempting to have some mixed use development. I live within walking distance from Fairview Park and I think MG’s restaurant is a benefit to our community; a little, small targeted retail establishment; I think that adds to our community that we can walk up there and get a hamburger and coke or something like that. Some economic growth is good, it is our jobs to protect the residents that are there, to be concerned with their concerns, protect them from new development that is not appropriate, but what we have to decide is what is appropriate for some kind of development for this, to have some economic growth in the area, if it is time for it and the money is there so that it

can be done. Mr. Davis felt this is a more thought out plan than the plan that came before them a few years ago. “If there is crime in the area, we need more police officers to deal with the crime; I don’t know that we are the right group to deal with crime, if crime is so bad out there. The green space to buffer the residents on the west seems like a very well thought out plan.”

Commission Member Barton explained he felt the economy is going to have a lot to do with what happens out there; it could stay undeveloped land for many years, no matter what you zone it. He felt the drawing of the duplexes is better than apartments out there, although it is a conceptual site plan.

Commission Member Jacobs felt Mr. Sanders had a compelling argument about balance and enforcement; “I know transition is never easy; I’m not sure it is our place to come up for solutions to crime and some of the other issues that are enforcement issues, the City is paying a lot of money to take care of and I’m sure they will do what is appropriate.”

Someone from the audience asked the board to address the flooding and drainage issue.

Mark Gibson explained “any development will follow the City’s regulations for floodplain management, until we have a hard document or site plan to review there is nothing we can say; the laws and regulations will be complied with. We have rules and we will enforce the rules when we have a development we can to look at.”

David Vilbig explained “the City of Sherman has adopted a drainage ordinance in the last few years that requires a 100-year storm, the pipe sizes are oversized; you can’t fix drainage problems overnight, it is going to take a while to get the problems fixed. A drainage plan will have to be submitted and approved for the new development before the project can start. I work all over Dallas and Ft. Worth and the ordinance that the City of Sherman has in place is a pretty stringent ordinance, it’s just not going to get fixed overnight.”

Letters & Emails received opposed to the zone change:

Dominion Realty Advisors Inc., 320 Decker Dr., Ste. 224, Irving, TX

“Dominion Advisors is the authorized representative of STJ Apartments, L.P., owners of St. James Apartments located at 1225 Park Place.

G.F. “Wally” Johnson, 1602 Glenway Dr., Sherman, TX

John Brakebill, 1501 Westside Dr., Sherman, TX

Betty Roberts, 1713 Westside Dr., Sherman, TX

Anita & Greg Thomas, 2101 Oak Creek Circle, Sherman, TX

Michiel C. Pinion, 1730 N. Highland, Sherman, TX  
Gary Jay, 1713 N. Highland, Sherman, TX  
Roniese Pinion, 1802 N. Highland, Sherman, TX  
Chris & Doris Bartley, 1825 N. Highland, Sherman, TX  
Ellen Wolfington, 1820 N. Highland, Sherman, TX  
Marion Hampton, 1807 N. Highland, Sherman, TX  
Maxine Fulenchek, 1706 N. Highland, Sherman, TX

**ACTION TAKEN.**

Motion by Commission Member Jacobs to approve the zone changes subject to the Staff Review Letter. Second by Commission Member Plyler.

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

**VOTING NAY: NONE**

**ABSTAIN: ATHERTON**

**MOTION CARRIED**

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

**REPLAT**

THE REQUEST OF CHARLES AND JUDITH CROCKER (OWNERS) AND SARTIN AND ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 258 HIGH COUNTRY ROAD, BEING LOTS 15-20, BLOCK A, HIGH COUNTRY ESTATES, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

**REPLAT LOTS 15-20, HIGH COUNTRY ESTATES IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION.**

**REPLAT LOTS 15-20,  
HIGH COUNTRY  
ESTATES (ETJ)  
258 HIGH COUNTRY  
RD.  
(CHARLES & JUDITH  
CROCKER)**

**Marshall Sartin, Sartin & Associates, Inc. 109 S. Travis, Sherman, TX**

Mr. Sartin appeared to represent the request and answer any questions. The property is located 258 High Country Road in the City of Sherman's Extra Territorial Jurisdiction. The owners would like to replat five lots into two lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

**Terence Ndofor, 2905 Ashley Lane, Anna, TX**

Mr. Ndofor asked what the requested changes would be. Mr. Sartin showed Mr. Ndofor the replat and he was satisfied with the request.

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

**ACTION TAKEN.**

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

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

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

REPLAT

THE REQUEST OF WALRIS INVESTMENTS, INC. (OWNERS) AND SARTIN AND ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2005 SKYLINE DRIVE, BEING ALL OF LOT 2, BLOCK 1, SKYLINE BUSINESS PARK ADDITION, AS FOLLOWS:  
*PLANNING AND ZONING COMMISSION*  
REPLAT LOT 2, BLOCK 1, SKYLINE BUSINESS PARK ADDITION

REPLAT LOT 2, BLK. 1,  
SKYLINE BUSINESS  
PARK ADDN.  
2005 SKYLINE DR.  
(WALRIS  
INVESTMENTS, INC)

Marshall Sartin, Sartin & Associates, Inc. 109 S. Travis, Sherman, TX

Mr. Sartin appeared to represent the request and answer any questions. The property is located 2005 Skyline Drive. The owners would like to replat the property into two lots for commercial development. There is an existing building on one of the lots and they would like to sell the other lot. They had seen the Staff Review Letter and would abide by the Recommendations.

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

**ACTION TAKEN.**

Motion by Commission Member Jacobs to approve the Replat subject to the Staff Review Letter. Second by Commission Member Barber.

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

SITE PLAN

THE REQUEST OF TEXOMA AREA PARATRANSIT SYSTEM INC. (TAPS) (OWNERS) AND MALCOLM GAGE (REPRESENTATIVE) CONCERNING THE PROPERTY AT 6100 TEXOMA PARKWAY, BEING A 4.311 ACRE TRACT IN THE J. B. SHANNON SURVEY, ABSTRACT NO. 1085, AS FOLLOWS:  
*PLANNING AND ZONING COMMISSION*  
SITE PLAN APPROVAL FOR A 20'X20' BUS STOP CANOPY/GAZEBO

SITE PLAN – BUS  
STOP  
CANOPY/GAZEBO  
6100 TEXOMA  
PARKWAY  
(TAPS)

Malcolm Gage, 6104 Texoma Parkway, Sherman, TX

Mr. Gage appeared to represent the request and answer any questions. The property is located at 6100 Texoma Parkway between Woodlake Road and F.M. 691. He explained TAPS would like to construct a 12'x12' bus stop

canopy/gazebo for their Park and Ride Customers. The building will have four sides open with masonry siding; it will match the main building. The property is zoned a C-2 (General Commercial) District. They had seen the Staff Review Letter 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 Hicks to approve the site plan subject to the Staff Review Letter. Second by Commission Member Atherton.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**REPLAT, ZONE CHANGE & SITE PLAN**

**THE REQUEST OF AUSTIN COLLEGE (OWNERS), HEIDI ELLIS, (AUSTIN COLLEGE REPRESENTATIVE), TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC (DEVELOPER/ APPLICANT), MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, (ENGINEERS), ARCHITECTURE DEMAREST (ARCHITECT) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 1202 NORTH GRAND AVENUE, BEING 3.31 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 229, AS FOLLOWS:**

***PLANNING AND ZONING COMMISSION***

- a) **REPLAT OF BLOCK 1, GRAND N ADDITION**
- b) **ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12 FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND SITE PLAN APPROVAL FOR STUDENT HOUSING.**

**REPLAT BLK 1,  
GRAND N ADDN.**

**ZONE CHANGE – R-1  
TO R-2**

**SITE PLAN – STUDENT  
HOUSING**

**1202 N. GRAND  
(AUSTIN COLLEGE)**

**Matthew Cain, Cain Consulting & Engineering, 6136 Frisco Square Blvd., Ste. 400, Frisco, TX**

Mr. Cain appeared to represent the request and answer any questions. The property is located at 1202 North Grand Avenue between Richards and Dorchester Streets. This lot is located in the middle of the student housing development that was approved at the June 22, 2010, Planning and Zoning Commission Meeting; Austin College recently acquired the property. They would like to Replat the property into one lot, rezone from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and construct a four bedroom/four bathroom, two story apartment for student housing. They had seen the Staff Review Letter and would abide by the Recommendations.



Marnie Bethke, 1204 N. Hurt, Sherman, TX

Mr. Bethke explained he lives around Austin College. “Anything the college has wanted they have gotten; the property owners around there have been stepped on. I have a neighbor; his house has been flooded out three times in the past from the college and nothing is ever done about it.”

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

**ACTION TAKEN.**

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

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**VARIANCE, PRELIMINARY PLAT, ZONE CHANGE & SITE PLAN**

THE REQUEST OF ONE GANESHA LTD (OWNERS) AND MICHAEL CLARK (REPRESENTATIVE) 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 32.784 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875, THE DAVID HARRISON SURVEY, ABSTRACT NO. 587, THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265 AND THE A.C. SMITH SURVEY, ABSTRACT NO. 1561, AS FOLLOWS;

***PLANNING AND ZONING COMMISSION***

- a) VARIANCE UNDER ORDINANCE NO. 2684, SECTION 26 SUBSECTION 12(E)(2) TO ALLOW A LOT WITH NO PUBLIC STREET FRONTAGE IN A C-2 (GENERAL COMMERCIAL) DISTRICT, SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT
- b) PRELIMINARY PLAT OF DR. SWAMY ADDITION
- c) ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12 FROM AN SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT.

**VARIANCE – STREET FRONTAGE**

**PRELIMINARY PLAT – DR. SWAMY ADDN.**

**ZONE CHANGE – SF-1 TO C-2**

**SITE PLAN – SKILLED NURSING FACILITY**

**6000-6100 BLKS. HWY. 75 N. & 1500-1600 BLKS. F.M. 691 E. (GANESHA LTD)**

**Michael Clark, Winkelmann & Associates, Inc., 6750 Hillcrest Plaza #325, Dallas, TX 75230**

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; the southeast corner of U.S. Highway 75 and FM 691. The owners would like to plat the property into 15 lots for Commercial Development. They are requesting a

variance on one of the lots to construct a skilled nursing facility with no street frontage. There will two access points, one on FM 691 East and the other on the access road of Highway 75 North, which will be defined by private access easements. The owners also would like change the zoning on the property that was annexed in 2008 to a C-2 (General Commercial) District to match the existing zoning along the highway right-of-way for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Jacobs was troubled by the commercial lot that has no street frontage with public access easements.

Mr. Shadden explained they will own the access easement and maintain it.

Commission Member Jacobs asked “if they did not maintain it, could the City force them to maintain it because this ownership could break up down the road and we would end up with this landlocked lot and we are creating a problem potentially.”

Mark Gibson explained “the agreement will be between all parties in the development and it will be filed at the courthouse, so it will be binding on them in the future. It would behoove them to keep the access easement in very good shape so that people will want to come to their facility.”

Ben Munson, 123 S. Travis, Sherman, TX

Mr. Munson explained the legal protections, “a property owners association will be formed and a lien will be placed on all the properties for assessments to maintain the roads. The retirement facility is not going to complete the purchase if it is not convinced it is well protected and this road will be well maintained.”

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

**ACTION TAKEN.**

Motion by Commission Member Jacobs to approve the variance, Preliminary Plat, zone change and site plan subject to the Staff Review Letters and the requirement there is a Property Owners Association charged with responsibility of the maintenance of the access easement satisfactory to the City of Sherman legal staff. Second by Commission Member Atherton.

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

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**FINAL PLAT & SITE PLAN**

THE REQUEST OF WALT DERONDE (OWNER/DEVELOPER), LEVI WILD, P.E., SANCHEZ & ASSOCIATES (ENGINEER), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEER/LAND PLANNER) AND COX LAND SURVEYING COMPANY (SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 2300-3000 BLOCKS OF F.M. 1417 SOUTH, BEING 11.043 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

- a) FINAL PLAT OF ESTATES OF PEBBLEBROOK, PHASE I
- b) SITE PLAN APPROVAL FOR STEEPLECHASE APARTMENTS, SENIOR LIVING FACILITY

FINAL PLAT –  
ESTATES OF  
PEBBLEBROOK,  
PHASE I

SITE PLAN –  
STEEPLECHASE  
APARTMENTS

2300-3000 BLKS F.M.  
1417 S.  
(WALT DERONDE)

Levi Wild, Sanchez & Associates, 220 E. Virginia, McKinney, TX

Mr. Wild appeared to represent the request and answer any questions. The property is located in the 2300-3000 Blocks F.M. 1417 South near OB Groner Road. The owner would like to plat the property into two lots for Commercial and Multi-Family Residential Development. SteepleChase Apartments is a proposed 100 unit senior living facility. Amenities include: swimming pool, playground and clubhouse. Exterior finishes will be brick, brick veneer and hardi-siding. Parking will be provided for 339 spaces. They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Hicks asked if he had seen the Staff Review Letter Item #2: “The Type I, 3 story building shall not exceed 45’ in height.”

Mr. Wild explained they have relayed that to the architect and he felt they would modify the pitch of the roof to comply.

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

**ACTION TAKEN.**

Motion by Commission Member Hicks to approve the Final Plat and site plan subject to the Staff Review Letters. Second by Commission Member Barber.

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

VOTING NAY: NONE

MOTION CARRIED

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

**PLANNING & ZONING COMMISSION MINUTES – NOVEMBER 16, 2010**

**OTHER BUSINESS**

No other business came before the board.

**ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 7:21 p.m.

**OTHER BUSINESS**

**ADJOURNMENT**

**CHAIRMAN** \_\_\_\_\_

\_\_\_\_\_  
**SECRETARY**