

STATE OF TEXAS

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July 19, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on July 19, 2011.

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

MEMBERS ABSENT: JACOBS AND TANKERSLEY

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 June 21, 2011 Meeting. Motion by Commission Member Morgan to approve the Minutes as written. Second by Commission Member Barton. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

There were no items on the Agenda for the Board of Adjustment.

BOARD OF
ADJUSTMENTS

ZONE CHANGE, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF LESTER TERRELL (OWNER) AND SARTIN AND ASSOCIATES (SURVEYORS) CONCERNING THE PROPERTY AT 5930 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN AND ZONE CHANGE FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR A DOUBLE-SIDED BILLBOARD UNDER ORDINANCE NO. 2280, SECTION 12 AND SECTION 8, SUBSECTION (5)(A) IN THE O-1 (75&82) OVERLAY DISTRICT.

SITE PLAN & ZONE
CHANGE – R-1 TO C-2
SUP - BILLBOARD
5930 U.S. HWY 75 N.
(LESTER TERRELL)

Lester Terrell, 1820 W. Terrell Rd., Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. The property is located at 5930 U.S. Highway 75 North, northwest corner of Terrell Road and Highway 75 North. The owner would like to change the zoning from an R-1 (One Family Residential) District to a C-2 (General Commercial) District on a portion of the tract to erect a double-sided digital billboard. Mr. Terrell submitted his request before the moratorium on billboards was put in place. The nearest billboard approved is to the south, approximately 8,000 feet. He had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Chairman Davis explained a committee was appointed to look into amending the billboard ordinance and one of the things considered was for digital billboards brightness to automatically dim at night. He asked Mr. Terrell if he would agree to that if the request was approved.

Mr. Terrell agreed.

Scott Shadden, Director of Developmental Services explained the current ordinance addresses brightness and glare, if the new ordinance goes through it would have the foot-candle meter as a measurement for brightness.

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

ACTION TAKEN.

BOARD OF ADJUSTMENTS

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

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF LESTER TERRELL (OWNER) AND SARTIN AND ASSOCIATES (SURVEYORS) CONCERNING THE PROPERTY AT 5520 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE G.W. HOBSON SURVEY, ABSTRACT NO. 588, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN AND ZONE CHANGE FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR A DOUBLE-SIDED BILLBOARD UNDER ORDINANCE NO. 2280, SECTION 12 AND SECTION 8, SUBSECTION (5)(A) IN THE O-1 (75&82) OVERLAY DISTRICT.

SITE PLAN & ZONE CHANGE – R-1 TO C-2 SUP - BILLBOARD 5520 U.S. HWY 75 N. (LESTER TERRELL)

Lester Terrell, 1820 Terrell Rd., Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. The property is located at 5520 U.S. Highway 75 North, southwest corner of Terrell Road and Highway 75 North. The owner would like to change the zoning from an R-1 (One Family Residential) District to a C-2 (General Commercial) District on a portion of the tract to erect a double-sided digital billboard. Mr. Terrell submitted his request before the moratorium on billboards was put in place. The billboards will be approximately 2,100 feet apart. He had seen the Staff Review Letter and would abide by

the Staff Review Recommendations. He also agreed to the same conditions of the other billboard as far as dimming the billboard at night.

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

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED

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

REPLAT

THE REQUEST OF ET JOINT VENTURE (OWNERS), KYLE BOOTHE, BLUESTONE PARTNERS (REPRESENTATIVE) AND SARTIN AND ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY IN THE 1600 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING LOT 4, BLOCK 1, CRESCENT OAKS PLAZA, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT LOT 4, CRESCENT OAKS PLAZA.

REPLAT LOT 4,
CRESCENT OAKS
PLAZA
1600 BLK. U.S. HWY 75
N.
(ET JOINT VENTURE)

(WITHDRAWN)

The owner sent in a written request to withdraw this request.

SITE PLAN

THE REQUEST OF GK TRI-TEXAS, LLC (OWNERS), CONSOLIDATED CONTAINER (TENANT), ROY FERGUSON, EAGLE GROUP, LTD (ENGINEERS) CONCERNING THE PROPERTY LOCATED AT 4201 U.S. HIGHWAY 75 SOUTH, BEING LOT 1, BLOCK 1, BLALOCK INDUSTRIAL PARK, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2) (J) FOR AN ADDITIONAL SILO FOR PRODUCT STORAGE IN THE BLALOCK INDUSTRIAL PARK.

SITE PLAN – SILO
4201 U.S. HIGHWAY 75
SOUTH
(CONSOLIDATED
CONTAINER)

Jim Powers, Consolidated Container, 194 Oak Tree Lane, Sadler, TX

Mr. Powers appeared to represent the request and answer any questions. The property is located at 4201 U.S. Highway 75 South, south of FM 1417; Consolidated Container is the tenant. The owner would like to add an additional silo in the back of the building for product storage. 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 site plan.

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF GLOBITECH INC. (OWNERS), JEFF WATSON (REPRESENTATIVE), CHRIS SCHMITT, TEAGUE, NALL & PERKINS (ENGINEERS) AND POPE ASSOCIATES, INC. (ARCHITECTS) 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 PHASE III, AN EXPANSION TO THE EXISTING BUILDING AND GAS ROOM IN THE BLALOCK INDUSTRIAL PARK.

**SITE PLAN – PHASE III, EXPANSION & GAS ROOM
200 W. FM 1417
(GLOBITECH)**

Rick Boston, Vice President of Operations, Globitech, 200 FM 1417 West, Sherman, TX

Mr. Boston appeared to represent the request and answer any questions. The property is located at 200 FM 1417 West, south of FM 1417; Globitech is the tenant. This is Phase III, which includes a 36,071 square foot expansion to the northwest corner of the existing building and a 570 square foot gas room. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Nathan Huffman, City of Sherman Fire Marshal

Fire Marshal Huffman explained he had reviewed the Staff Review Letter and the site plan for the expansion and he recommended they not approve the site plan as submitted due to the fire lane changing. “Currently, there is a continuous fire loop or fire lane around the building giving us circular access to the building. When the site plan was originally approved it was recommended to have a fire lane all the way around the building and with the expansion now, I don’t see this to be approved for us to decrease the fire protection. There is an access from FM 1417 as well as off of Howe Drive, by eliminating this portion of the access road it would potentially put the public and Fire Department at risk by having to enter and exit off the highway without really needing to. The loop going the other way does provide access to the building all the way

around but the fire department connections are on this side so there is going to be congestion there and probably a lot of traffic there, so it would really limit access to the building. We have made a couple of fire runs there in the last couple of years so they do have a very hazardous process, they are very good at what they do, but I'm a little apprehensive about the project."

Commission Member Morgan asked Fire Marshal Huffman if that wouldn't be covered in the Staff Review Letter, item #2 which reads, "Fire lanes shall be coordinated with the Fire Marshal." If they cover that, would that satisfy the Fire Marshal's Office?

Mr. Boston explained "we do have a plan that we can move the road that goes around, move it out a ways toward FM 1417 to give access, this was one option that we had."

Mr. Shadden asked if he would coordinate that with the Fire Marshal Office to provide the access.

Mr. Boston agreed.

Commission Member Morgan asked if they did that, "where would the Fire Department stand on those issues."

Fire Marshal Huffman explained "if they could figure out a way to maintain the fire lane; I don't have a problem with the site plan as it is as far as adding the addition of the building, as long as the integrity of the fire lane is maintained."

Mr. Boston explained they will coordinate the fire lane and access with the Fire Marshal.

Chairman Davis explained "that is one of the requirements of the Staff Review Letter; they need to get with the Fire Marshal to coordinate the fire lanes; that is one your obligations to comply."

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 and getting the fire lane approved by the Fire Marshal. Second by Commission Member Plyler.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE & SITE PLAN

THE REQUEST OF BOB SETTLE AND PATRICIA WITT SETTLE (OWNERS) AND NATHAN GRAY, NBS DRAFTING AND DESIGN (ARCHITECT) CONCERNING THE PROPERTY AT 1109 EAST LAMAR STREET, BEING PART OF BLOCK 30, CHAFFIN'S 2ND ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN AND ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**ZONE CHANGE & SITE
PLAN – C-1 TO R-1
1109 E. LAMAR
(BOB & PATRICIA
SETTLE)**

Nathan Gray, 303 W. Houston, Sherman, Texas

Mr. Gray appeared to represent the request and answer any questions. The property is located at 1109 East Lamar Street between Vaden and Gribble Streets. The property is zoned a C-1 (Retail Business) District but has been used as a single family residence, which is an existing non-conforming use. The owner would like to demolish the existing house on the property to construct a single family dwelling. Off-street parking will be provided for three spaces or one per bedroom. The swimming pool and accessory buildings will remain. An exception was granted April 12, 1983 to allow an accessory building in the rear yard exceeding 30% of the required rear yard. 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 zone change and site plan.

ACTION TAKEN.

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

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF ET JOINT VENTURE (OWNERS) AND DAVID BACA, DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 1611 U.S. HIGHWAY 75 NORTH, BEING LOT 4B, BLOCK 1, OF THE PROPOSED REPLAT OF CRESCENT OAKS PLAZA, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL DR. WYNN MEDICAL OFFICE

**SITE PLAN – WYNN
MEDICAL OFFICE
1611 U.S. HIGHWAY 75
NORTH
(ET JOINT VENTURE)**

(WITHDRAWN)

The owner sent in a written request to withdraw this request.

OTHER BUSINESS

Deputy Mayor Willie Steele explained at the June 6, 2011, City Council Meeting; a 90-day moratorium on new billboards in the City of Sherman was established. An advisory committee was appointed by the Mayor at that meeting; members include Deputy Mayor Willie Steele, Planning and Zoning Commission Member David Plyler and Planning and Zoning Chairman Lawrence Davis to study the current ordinance. The committee met June 30, 2011 to review the current ordinance and consider recommendations to amend the ordinance for billboards. The proposed changes include:

BILLBOARDS

- ❖ Billboards shall be single face only. The back side of the billboard structure shall be boxed in to create a smooth finish. All framework and boxing shall be painted to blend with the surrounding area; ex: sky blue or light grey in open areas and brown or forest green in areas with trees.
- ❖ Shall be placed a minimum of thirty five (35) feet from any residentially zoned property line.
- ❖ The maximum width of any billboard shall be thirty-five (35) feet.
- ❖ Billboards shall be within seventy-five (75) feet and on the inbound side of Highways 75 or 82 frontages. The inbound traffic side of highways shall be defined as the side of the highway for traffic coming into the City beginning at the City Limits and ending at North Travis Street for southbound Highway 75, at Highway 82 for northbound Highway 75, at North Travis for westbound Highway 82 and at Texoma Parkway (Hwy 91) for eastbound Highway 82.
- ❖ There shall be a minimum radial separation of two thousand (2,000) feet between all billboards.
- ❖ Billboards shall have a setback of not less than thirty (35) feet. Setbacks from side lines shall be not less than thirty-five (35) feet.
- ❖ Billboards shall have a maximum height of forty-two and a half (42.5) feet above the center of the facing street, access road, or thoroughfare. Provided, however, no billboard sign shall be higher than fifty (50) feet measured from its base.
- ❖ Digital Billboards. In addition to the above conditions, digital billboards shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 foot-candles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a Foot-candle meter at 200' measured perpendicular to the face of the digital billboard.

During discussion, some of the issues that came up were: digital billboards, double-sided billboards versus single-

sided billboards, boxing in the back of the single sided billboard, painting them and the maintenance of the billboard, impact of the billboard to the area, traffic safety, and limiting billboards to inbound traffic to reduce the number of billboards in the City.

Appearing from the audience:

Jason Sofey, 1218 Preston, Sherman, TX

Mr. Sofey explained he applauded the committee, the City Council and Planning and Zoning Commission on moving forward with changing the billboard ordinance to benefit the City. He felt double-sided billboards should be allowed, when you drive through a City and the billboards are full, “my thought is, things are happening, the economy is ok, people are advertising and there is good business. I don’t think it is a positive economic stamp to have a blank side of a billboard up. I don’t think the general public is going to understand that we placed that up there to protect the aesthetic integrity or the safety issue or whatever reasoning there is behind it.”

Also, what defines the inbound and outbound traffic? “I had some maps printed off (he gave copies to the board) which showed the location of a billboard that was recently approved through P&Z and City Council at Loy Lake Road which blankets the entire area and the billboard at Whataburger, so there would be another 2,000 foot radial circle there, which would basically cover all the way back to Highway 82. The one’s on the west side of the road further to the north are the two that were approved tonight and the one on the east side that was approved at P&Z and is awaiting City Council. If you start looping the circles around the billboard with a 2,000 foot radius, you have room for one more billboard at Fallon Drive. The 2,000 foot radius is a positive step to reduce the amount of billboards. The one that is there, you have protected the entity. If someone does one on the outbound you may be deferring them from the inbound but based on the decision you have made tonight, it is not going to make any impact on the northern gateway determining what is inbound and outbound. The definition of an outbound is kind of grey. The billboard at Blue Flame Road will exit before the FM 691 exit which will serve multiple purposes, it will catch people that will exit FM 691; the City of Sherman has half of that intersection and it is the only opportunity to loop back and get back into town. If it is a digital billboard, there is going to be multiple tenants on that structure at this location or any other outbound location. If you are a Sherman business, it is the last opportunity to grab them before they get outside the city limits. The outbound advertising is a positive thing; I don’t think it is just necessarily going to be advertising for the next town.”

“On the digital billboards, I know there are safety issues, studies, all the safety things covered are good things, most of those things are industry standard things, the foot-

candle, the automatic dimmers are great, things that we are not required to do because we applied under the current ordinance, but we are going to comply with them. The one positive thing about digital billboards that would apply to all these things, the outbound, the single-sided or double-sided, the one thing that is great about digital billboards is the public service announcements, a double-sided billboard doubles the opportunity for service announcements; if you donate 10% of the time for public service announcements on a double-sided billboard you can get 72 public service announcements an hour. The people I have talked to locally that would be in support of public service announcements are: Police Chief Tom Watt, Fire Chief Jeff Jones, the Sherman ISD, Judge Drue Bynum, Sarah Sommers, Emergency Management, the Amber Alert Systems, weather alerts as well as the FBI, to date the FBI have caught 35 criminals just on the billboards alone nationwide. The public service announcements you can put on the billboards have justified the billboards alone.

No other citizens appeared before the Planning and Zoning Commission to discuss amending the billboard ordinance.

ACTION TAKEN.

Motion by Commission Member Barber to approve the items 2-10 of the draft billboard ordinance but amend item #1 to include: the billboard shall be constructed to meet the construction standards, billboards shall be single face, no double stack on each side, shall be single face only on each side and if it is not single face, the back side shall be boxed in to the standards listed, only one message shall be visible at a time and forward it to the City Council for their consideration. Second by Commission Member Hicks.

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

VOTING NAY: NONE

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:17 p.m.

ADJOURNMENT

CHAIRMAN _____

SECRETARY