

STATE OF TEXAS

§

August 16, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on August 16, 2011.

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

MEMBERS ABSENT: JACOBS

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 July 19, 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

The members of the Board of Adjustment: DAVIS, PLYLER, MORGAN, TANKERSLEY AND HICKS.

BOARD OF
ADJUSTMENTS

PRELIMINARY & FINAL PLATS, ZONE CHANGE, SITE PLAN & EXCEPTION

THE REQUEST OF CONCORD VILLAGE APARTMENTS (OWNER), LISA HANKEY (REPRESENTATIVE), GARY ROLAND (DRAFTSMAN) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYORS) CONCERNING THE PROPERTY AT 820 NORTH SAM RAYBURN FREEWAY, BEING 3.647 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY AND FINAL PLATS OF CONCORD VILLAGE APARTMENTS ADDITION

PLANNING AND ZONING COMMISSION

R-2 ZONING: 0.321 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, ZONE CHANGE AND 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 FOR AN ADDITION TO THE EXISTING APARTMENT COMPLEX AND AN ACCESSORY BUILDING.

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO ALLOW AN ADDITION TO A 6' WOOD PRIVACY FENCE, IN LIEU OF THE REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

PRELIMINARY & FINAL
PLATS – CONCORD
VILLAGE
APARTMENTS ADDN.

SITE PLAN & ZONE
CHANGE – R-1 TO R-2

EXCEPTION - FENCE
820 N. SAM RAYBURN
FRWY.
(CONCORD VILLAGE
APARTMENTS)

(EXCEPTION DENIED)

Lisa Hankey, 820 N. Sam Rayburn Freeway, Sherman, TX

Ms. Hankey appeared to represent the request and answer any questions. The property is located at 820 North Sam Rayburn Freeway, between Birge and Brockett Streets; Concord Village Apartments is the tenant. The owners would like to plat the property into one lot and rezone a 0.321 acre tract to the north for an addition to the existing apartment complex. The addition will be a 12-bedroom apartment building with 8 units; 18 additional parking spaces will be added. The exterior of the building will match the existing buildings, which are brick. They would also like to construct a 16'x20 accessory building near the east property line and extend the existing 6' wood privacy fence. She had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Chairman Davis asked if this tract was purchased separate from the original tract where the apartment complex is located.

Ms. Hankey explained the tract was purchased in 2001 from Robert Minshew; it was part of a tract with a house located on the lot on Woods Street.

Commission Member Morgan was concerned with the fence not being high enough from the neighbor's property; he suggested some type of solid 8' or 10' fence on the west side of the property. He felt that would ensure the privacy of the neighbors.

Ms. Hankey explained they really just wanted to extend the 6' privacy fence. She had spoken to the neighbor right behind the proposed new addition; the building will not be right up against the property line, there will be two rows of parking between the fence and the building. The end of the building will not have any windows, which will help with the privacy issue.

Commission Member Hicks asked when the masonry perimeter wall fence was approved and what was the intention of the ordinance; it seems there have been quite a few exception requests recently.

Scott Shadden, Director of Developmental Services explained the ordinance has been in place three or four years. In the past, there have been problems with wood fences deteriorating and problems arose requiring the owner to repair or replace the fence.

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

Letters were received from:

Collin Daly, owner 921 N. Woods, Sherman, TX

Mr. Daly was opposed to the zone change and exception.

He felt “the zone change would dramatically affect the look and feel of the surrounding residential community, the value of the surrounding residences will suffer from the loss of privacy and the change in nature of the nearby community, as well as the value and the ability of residents to sell their homes located nearby. It would result in an invasion of privacy to the surrounding single family homes as windows of residences homes are located within line of sight of the proposed apartment windows situated above fence lines. The existing wood fence around the current property is unsightly and apparently Concord Village is currently unable to maintain. The existing wooden fence which is situated to the west of Concord Village Apartments, adjacent to the property located at 917 North Woods Street is in need of maintenance. It is our understanding that a masonry wall requires less maintenance and is more durable than a wooden fence.”

Reid & Jeanette Wightman, 927 N. Woods, Sherman, TX
Mr. & Mrs. Wightman were opposed to the request. They wrote “Our home’s location at 927 North Woods is one lot north from the proposed apartment building. This rezoning to a multi-family residence will cause irreparable damage to our home values along the 900 block of North Woods Street. The loss of privacy and the prospect of continuous lighting are unacceptable to us and to our neighbors along the block. And, it will be unacceptable to future potential buyers of our properties.”

Linda Boyle, 917 N. Woods, Sherman, TX
Ms. Boyle was opposed to the zone change. She wrote “if this zoning change is allowed, it will greatly impact the surrounding residences in the area. I personally enjoy the privacy and quietness that my backyard provides. By allowing Concord Village Apartments to expand, it will not only completely take away my privacy, but the noise from vehicles coming and going will be very disruptive, not to mention the lighting at night would completely illuminate the surrounding properties.”

ACTION TAKEN.

PLANNING & ZONING COMMISSION

Motion by Commission Member Morgan to approve the Preliminary and Final Plat, zone change and site plan subject to the Staff Review Letter. Second by Commission Member Plyler.

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

VOTING NAY: NONE

MOTION CARRIED

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

ACTION TAKEN.

BOARD OF ADJUSTMENTS

Motion by Commission Member Morgan to approve the exception with the condition an 8' board on board wood fence is erected on the west side of the property to increase privacy. Motion died for a lack of a second.

ACTION TAKEN.

BOARD OF ADJUSTMENTS

Motion by Commission Member Hicks to deny the exception for the fence based on the proximity of the housing in the neighborhood and the ordinance that is in place. Second by Tankersley.

VOTING AYE: DAVIS, PLYLER, HICKS, AND TANKERSLEY.

VOTING NAY: MORGAN

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST DID NOT CONFORM TO THE INTENT OF THE ORDINANCE.

ZONE CHANGE & EXCEPTION

THE REQUEST OF FIRST NATIONAL BANK OF TOM BEAN (OWNERS) AND RONNIE BRIDGES (REPRESENTATIVE) CONCERNING THE PROPERTY AT 4600 WEST HOUSTON STREET, BEING LOT 3C, BLOCK 1, SEASONS WEST ADDITION, REPLAT OF LOT 3, BLOCK 1, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1B) TO ALLOW EXISTING BUILDING FINISHES IN LIEU OF THE REQUIRED MASONRY OR EQUIVALENT ON ALL SIDES OF ALL BUILDINGS VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY FOR UP TO 4 YEARS OR OCCUPANCY WHICHEVER OCCURS FIRST IN A C-1 (RETAIL BUSINESS) DISTRICT.

Ronnie Bridges, First National Bank of Tom Bean, PO Box 98, Tom Bean, TX

Mr. Bridges appeared to represent the request and answer any questions. The property is located at 4600 West Houston Street, between FM 1417 and Friendship Road; Sherman Roofing was the former tenant. The business was located on this lot when it was annexed into the City limits of Sherman on October 2, 2006 as a SF-1 (Single Family Residential) District and June 21, 1997 as an R-1 (One Family Residential) District. The exterior finish of the buildings is metal. Mr. Bridges explained the bank has recently acquired the property, it has been used as a commercial property in the past and they would like to rent or sell the property as commercial. It will be a condition of the sale of the property to upgrade the exterior finish on the buildings to the masonry requirements. He had seen the Staff Review Letter and would abide by the Staff

SITE PLAN & ZONE CHANGE – SF-1 & R-1 TO C-1 EXCEPTION – EXTERIOR FINISH 4600 W. HOUSTON (FIRST NATIONAL BANK OF TOM BEAN)

Review Recommendations.

Chairman Davis wanted to clarify that if a tenant or the property were to be sold; the exterior will be brought up to code or if four years past and nothing has happened, it will be brought up with the proper finish on the buildings.

Mr. Bridges explained that was correct.

Larry Goodman, 211 Seasons West, Sherman, TX

Mr. Goodman wanted to know what business was going to be located on the property, what are they doing or going to be doing at this location in our residential area.

Commission Member Barton explained they do not know yet, if they get the zoning change granted, then they will be allowed to sell it as commercial property.

Mr. Shadden explained there could be retail, neighborhood services, clothing store, restaurant, book store, laundry, loan office, bank; those type of uses in a C-1 (Retail Business) District. They would not be able to put another roofing company in the location without a zone change to a C-2 (General Commercial) District and a Specific Use Permit.

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

***PLANNING & ZONING COMMISSION
ACTION TAKEN.***

Motion by Commission Member Barber 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
TANKERSLEY AND BARBER.**

VOTING NAY: NONE

MOTION CARRIED

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

***BOARD OF ADJUSTMENTS
ACTION TAKEN.***

Motion by Commission Member Hicks to approve the exception to allow existing building finishes in lieu of the required masonry or equivalent on all sides of all buildings visible from the front street right-of-way for up to 4 years or occupancy whichever occurs first. Second by Commission Member Morgan.

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN APPROVAL

THE REQUEST OF FISHER CONTROL INTERNATIONAL, INC. (OWNERS), FISHER CONTROLS/EMERSON (TENANT), RAMIRO PESINA (REPRESENTATIVE) AND NATHAN GRAY, NBS DRAFTING AND DESIGN (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 4725 U.S. HIGHWAY 75 SOUTH, BEING 70.74 ACRES IN THE SHEROD DUNMAN SURVEY, ABSTRACT NO. 329 AND BEING IN TRACT 1 OF BLALOCK INDUSTRIAL PARK, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2) (J) FOR TWO (2) GUARD STATIONS IN THE BLALOCK INDUSTRIAL PARK.

**SITE PLAN – 2 GUARD STATIONS
4725 U.S. HWY. 75 S.
(FISHER CONTROLS)**

Ramiro Pesina, Fisher Controls, 4725 U.S. Highway 75 South, Sherman, TX

Mr. Pesina appeared to represent the request and answer any questions. The property is located at 4725 U.S. Highway 75 South; Fisher Controls is the tenant. They would like to construct two (2) 8'x10' guard stations at the two main entrances of the property; one on the west side of the property near the Highway 75 access road and employee parking lot, and the other at the north side of the property near the truck parking lot. The exterior finish of the buildings will be EIFIS (Exterior Insulation Finishing System). He 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 Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF ANGEL RIDGE PROPERTIES, LLC (OWNERS), MITCH WEST (REPRESENTATIVE) AND NATHAN GRAY, NBS DRAFTING AND DESIGN (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 8001 U.S. HIGHWAY 75 SOUTH, BEING LOTS 1, DAVIDSON ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A 4,995 SQUARE FOOT

**SITE PLAN –
OFFICE/STORAGE
ADDITION
8001 U.S. HIGHWAY 75
SOUTH
(ANGELS OF CARE)**

OFFICE/STORAGE ADDITION FOR ANGELS OF CARE.

Ben Dye, 604 Legend Lane, Sherman, TX and Jose Olivares, 1956 Woodlake Rd, Sherman, TX

Mr. Dye and Mr. Olivares appeared to represent the request and answer any questions. The property is located at 8001 U.S. Highway 75 South, south of Shepherd Drive; Angels of Care is the tenant. The property is zoned a C-1 (Retail Business) District and is located in the O-1 (75 & 82) Overlay District. Mr. Dye explained they would like to expand Angels of Care Home Health Care; another office is needed to hire more people. They would like to construct a 2,500 square foot office addition and a 2,500 square foot storage area. The exterior of the building will be EFIS (Exterior Finish Insulation System) to match the existing buildings. 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 Barber to approve the site plan subject to the Staff Review Letter. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN APPROVAL

THE REQUEST OF LANDMARK BANK (OWNERS), MICHAEL MURPHY (REPRESENTATIVE) AND MORAN & MURPHY ARCHITECTS, INC. (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 1710 F.M. 1417 NORTH (HERITAGE PARKWAY), BEING LOTS 1, BLOCK 1, LANDMARK ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A DRIVE-THRU ATM BUILDING.

**SITE PLAN – DRIVE-THRU ATM
1710 FM 1417 N.
(LANDMARK BANK)**

(WITHDRAWN)

A letter was received from Michael Murphy requesting to withdraw this request.

ZONE CHANGE & SITE PLAN

THE REQUEST OF KATHY & HEATHER MARTIN (OWNERS), JACOB DERIEUX (PROSPECTIVE BUYER) AND SARTIN AND ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY AT 301 EAST COLLEGE STREET, BEING THE SOUTH 120’ OF LOTS 8, 9 & 10, BLOCK 4, HALL & JONES ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL UNDER

**ZONE CHANGE & SITE PLAN – R-1 TO R-2
301 E. COLLEGE
(KATHY & HEATHER MARTIN)**

(TABLED)

ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Jacob DeRieux, 1600 Hackamore, Mesquite, Texas

Mr. DeRieux appeared to represent the request and answer any questions. The property is located at 301 East College Street, the northeast corner of College and Montgomery Streets; the building was formerly a church, but has been vacant for a number of years. The prospective buyer would like to change the zoning to an R-2 (Multi-Family Residential) District and convert the building into a 14 bedroom multi-family apartment. Each floor will have 7 bedrooms, an office, a kitchen and large bathroom. There is a basement, which will have a large utility room as well as bathrooms and a common area. Parking will be provided on the east side of the building for 18 spaces. A masonry perimeter fence will be added. Mr. DeRieux explained he would like to convert the former church into some housing, it will be two floors, each floor will have its own separate meter so it will be a duplex style with the bottom floor being a common area. He had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Barton asked what is duplex style; will it be two families?

Mr. DeRieux explained it will be separately metered for electrical, the top floor will have its own meter and the second floor will have its own meter.

Commission Member Hicks asked if each floor would have seven bedrooms?

Mr. DeRieux explained that is the most it could have per ordinance as far as the square footage on the lot. I am not saying there will be seven bedrooms but that is most it could have.

Chairman Davis asked if this would be for student housing?

Mr. DeRieux explained “more than likely that is what it would be for; that is what I do, rental property, but if a family moves in, that would be alright as well. I have a rental property in Sherman that I rent to Austin College students.”

Chairman Davis asked if it was his idea to have a family that could use seven bedrooms?

Mr. DeRieux explained no.

Chairman Davis asked if it was for just individuals to lease a room?

Mr. DeRieux explained it would be a combined lease like all the other rental properties that lease out to Austin College students. “It would be more affordable, so if a family wanted to move in they could, but whether or not it is seven bedrooms, seven on each floor or fourteen total, they would be very big bedrooms. It would be open to the public, whoever wanted to rent it.”

Chairman Davis explained, so your plan is to have bedrooms you rent out and you would have a common kitchen and bathroom.

Mr. DeRieux explained yes, on each floor.

Chairman Davis asked Mr. Shadden if there were any special zoning for a boarding house or duplex.

Mr. Shadden explained they would both be permitted in an R-2 (Multi-Family Residential) District.

Janet Roy, 117 Arapaho East, Sherman, TX

Ms. Roy explained she owns property in the 200 block of East College Street. She grew up in that community, she knew the church is abandoned “but the type of housing that he is talking about renting; we don’t know the character of the people, plus we have a church right across the street from this property which my dad was the Pastor for 58 years. That community is very important to me, there was no way of serving the attitudes of the people in there, I know it is not very many but I think as a citizen changing that area to a residential area on that site to multiple housing, we were not asked. We need to reconsider, what type of people are we going to put in there.”

Commission Member Morgan asked what the difference between a boarding house and duplex were?

Commission Member Barber explained a duplex would have its own kitchen and bathroom; a boarding house would have a common area for the kitchen and a shared bathroom.

Mr. Shadden explained “the presentation is pretty vague; my understanding was it was going to be apartments.”

Commission Member Hicks explained in an R-2 (Multi-Family Residential) District you could do either a boarding house or duplex without coming back to the board, once it is multi-family you could have apartments, a four-plex or duplex.

Mr. DeRieux explained, “I open to all of those, obviously right now it is the beginning of a long process, if you have seen the building. I am open to all ideas; I could do an apartment, duplex or four-plex.”

Mr. Shadden explained “you probably need to get a plan together before you ask for zoning.”

Commission Member Barton explained “it is real easy to see improving that building is a great idea with something that looks good, but once we pass this, it could turn into multiple things.”

Mr. DeRieux explained he thought the first thing to do was to get the zoning in place before he spent all the money on plans to get the building in compliance, “obviously I will have to follow all the building codes and city ordinances.”

Mr. Shadden explained “the question tonight is to determine if that use is appropriate for the neighborhood. You have not explained exactly what your use is going to be.”

Commission Member Barton explained “I asked if it was going to be a duplex, it was yes and then it was going to be multiple students so that makes it vague.”

Mr. DeRieux explained he understood, “but as far as some of the other duplexes in the area they also do the same thing where they have different bedrooms so I thought that would be fine.”

Commission Member Hicks explained they are duplexes, you have limitations on parking. “You could have fourteen different people in there, and I hear Mrs. Roy’s concerns; if it were a true duplex, I don’t know that anyone on here would probably have a problem with that. You have a much better chance of getting your zoning change if you have a plan to be approved at the same time that says give me the R-2 (Multi-Family Residential) zoning, this is what I am going to do with it. To approve the R-2 (Multi-Family Residential) District zoning tonight opens up a lot of different things that could go there that may not be appropriate for the neighborhood.”

Commission Member Morgan explained an option he could consider is tabling or withdrawing the request and coming back with a plan.

Mr. DeRieux explained he would like to table the request.

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

ACTION TAKEN.

Motion by Commission Member Hicks to table the request for 180 days. Second by Commission Member Barton.

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

VOTING NAY: NONE

PLANNING & ZONING COMMISSION MINUTES – AUGUST 16, 2011

**MOTION CARRIED
THE REQUEST WAS TABLED.**

OTHER BUSINESS

No other business came before the board.

OTHER BUSINESS

ADJOURNMENT

**On Motion duly made and carried, the meeting adjourned
at 5:45 p.m.**

ADJOURNMENT

CHAIRMAN _____

SECRETARY