

STATE OF TEXAS

§

November 22, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on November 22, 2011.

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

MEMBERS ABSENT: BARBER 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 October 18, 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

WELCOME NEW COMMISSIONER

Chairman Davis welcomed newly appointed Planning and Zoning Commission Member Ryan Michael Kreck.

WELCOME RYAN
MICHAEL KRECK

BOARD OF ADJUSTMENT

The members of the Board of Adjustment: DAVIS, MORGAN, HICKS, BARTON AND KRECK.

BOARD OF
ADJUSTMENTS

VARIANCE

THE REQUEST OF EMINENT HOLDINGS LLC (OWNERS), JOE DELL, BLUESTONE PARTNERS (REPRESENTATIVE) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 1701 U.S. HIGHWAY 75 NORTH, BEING LOT 3, BLOCK 1, CRESCENT OAKS PLAZA, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (5)(1) TO ALLOW A 32'9" FRONT SETBACK FOR A 138 SQUARE FOOT SIGN ON A MASONRY SCREEN WALL IN LIEU OF THE REQUIRED 40' IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

VARIANCE – SIGN
SETBACK
1701 HWY 75 N.
(EMINENT HOLDINGS,
LLC)

David Baca, 100 N. Travis, Sherman, TX

Mr. Baca appeared to represent the request and answer any questions. The property is located at 1701 U.S. Highway 75, North; between Texoma Parkway and Taylor Street. Crescent Oaks Offices is under construction at this location and the owners would like to place a 138 square foot sign on a masonry screen wall in front of the building. Mr. Baca explained there is a steep slope on the pad on the west side, so they used a portion of that to build a

retaining wall and to screen the air conditioning equipment; they were proposing to place a smaller sign on the face of the screen wall, in lieu of placing a 300 square foot sign. This is an office type development and they wanted to minimize the vertical signs that you see in the retail business developments.

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

ACTION TAKEN.

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

VOTING AYE: DAVIS, MORGAN, HICKS, BARTON AND KRECK.

VOTING NAY: NONE

MOTION CARRIED

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

PRELIMINARY & FINAL PLATS

THE REQUEST OF ALCOHOLIC SERVICES OF TEXOMA (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 2407 AND 2415 TEXOMA PARKWAY, BEING 6.96 ACRES IN THE RUEBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS:

PLANNING AND ZONING BOARD

PRELIMINARY AND FINAL PLATS - HELEN PERKINS ADDITION

PRELIMINARY & FINAL PLAT – HELEN PERKINS ADDN. 2407 & 2415 TEXOMA PKWY. (ALCOHOLIC SERVICES OF TEXOMA)

Marshal Sartin, 109 S. Travis, Sherman, Texas and Robert Stoolfire, Sherman, TX

Mr. Sartin and Mr. Stoolfire appeared to represent the request and answer any questions. The property is located at 2407 and 2415 Texoma Parkway; the northeast corner of Texoma Parkway and Baker Road. The owners would like plat 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 Preliminary and Final Plat.

ACTION TAKEN.

Motion by Commission Member Barton to approve the Preliminary and Final Plat subject to the Staff Review Letter. Second by Commission Member Creck.

VOTING AYE: DAVIS, MORGAN, HICKS, BARTON AND KRECK.

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF JACK & PATSY PIERCE (MINERAL RIGHTS OWNERS), GREG SPALDING, LONGFELLOW ENERGY, LP (REPRESENTATIVE) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 2300 SKAGGS ROAD, BEING 120 ACES IN THE FLEMING JENNINGS SURVEY, ABSTRACT NO. 638 AND THE C.D. FITCH SURVEY, ABSTRACT NO. 1556, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL (SKAGGS #4) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT.

SUP & SITE PLAN –
OIL/GAS WELL
2300 SKAGGS RD.
(JACK & PATSY
PIERCE)

Greg Spalding, Longfellow Energy, LP, PO Box 1989, Addison, TX

Mr. Spalding appeared to represent the request and answer any questions. The property is located at 2300 Skaggs Road; between Tuck Street and U.S. Highway 82 East. The mineral rights owners would like to drill an oil/gas well on the property.

Mr. Spalding explained they were approved for two other oil/gas wells (Skaggs #2 and #3) at the September 20, 2011 and October 18, 2011, Planning and Zoning Commission Meetings; this well will be located southeast of those wells. They propose to start drilling February 1, 2012 and should take approximately 30 days to drill. 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 Hicks to approve the Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Barton.

VOTING AYE: DAVIS, MORGAN, HICKS, BARTON AND KRECK.

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN

THE REQUEST OF ST. MARY’S CATHOLIC CHURCH (OWNERS), ST. MARY’S CATHOLIC SCHOOL (TENANT) AND JIM ANDREWS (REPRESENTATIVE) CONCERNING THE PROPERTY AT 713 SOUTH TRAVIS STREET, BEING ALL OF BLOCK 1, R.A. KING ADDITION AND A .59 ACRE TRACT IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO.

SITE PLAN –
PORTABLE
CLASSROOM BLDG.
713 S. TRAVIS
(ST. MARY’S CATHOLIC
SCHOOL)

56, AS FOLLOWS:

**PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR A 24'X60' PORTABLE
CLASSROOM BUILDING.**

Jim Andrews, 2501 Shoreline Dr., Sherman, TX

Mr. Andrews appeared to represent the request and answer any questions. The property is located at 713 South Travis Street; St. Mary's Catholic School is the tenant. The owners purchased a 24'x60' portable classroom building from the Sherman ISD. They would like to place the building east of the existing portable classroom buildings on the lot.

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. Second by Commission Member Morgan.

VOTING AYE: DAVIS, MORGAN, HICKS, BARTON AND KRECK.

VOTING NAY: NONE

MOTION CARRIED

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

OTHER BUSINESS

THE REQUEST OF NORTH TEXAS REGIONAL AIRPORT, (GRAYSON COUNTY, OWNERS), MIKE SHAHAN (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING, INC. (SURVEYOR) TO CONSIDER AN AIRPORT LAND USE COMPATIBILITY ZONING ORDINANCE AND ESTABLISHMENT OF AN AIRPORT OVERLAY DISTRICT FOR THE NORTH TEXAS REGIONAL AIRPORT, BEING:

**NORTH TEXAS
REGIONAL AIRPORT
LAND USE
COMPATIBILITY
ZONING ORD.
&
ESTABLISHMENT OF
AN AIRPORT OVERLAY
DISTRICT**

- A) SHERMAN CITY LIMITS: 141.62 ACRES IN THE S.C. ROYAL SURVEY, ABSTRACT NO. 1047, W.M. DUNNING SURVEY, ABSTRACT NO. 371 AND THE ALFRED HUME SURVEY, ABSTRACT NO. 522.**
- B) SHERMAN ETJ, ZONE A – 1,400.49 ACRES IN THE J.J. SMITH SURVEY, ABSTRACT NO. 1177, CHARLES SELF SURVEY, ABSTRACT NO. 1178, EDWARD MEADE SURVEY, ABSTRACT NO. 895, W. CAMPBELL SURVEY, ABSTRACT NO. 294, JAMES HIGH SURVEY, ABSTRACT NO. 517, T.J. HAMBRIGHT SURVEY, ABSTRACT NO. 537 AND A PART OF THE W.L. ROBERTS SURVEY, ABSTRACT NO. 1546, C.C. BINKLEY SURVEY, ABSTRACT NO. 170, W.A. WATKINS SURVEY, ABSTRACT NO. 1325 AND THE J. HAMBRIGHT SURVEY, ABSTRACT NO. 538.**
- C) SHERMAN ETJ, ZONE B, EAST – 836.67 ACRES IN**

(TABLED)

THE C.C. BINKLEY SURVEY, ABSTRACT NO. 170, W.A. WATKINS SURVEY, ABSTRACT NO. 1325, S.C. ROYAL SURVEY, ABSTRACT NO. 1047, W.M. DUNNING SURVEY, ABSTRACT NO. 371, ALFRED HUME SURVEY, ABSTRACT NO. 522 AND THE B.J. HUTSON SURVEY, ABSTRACT NO. 496.

- D) SHERMAN ETJ, ZONE B, WEST – 1.000 ACRE IN THE W. HIGH SURVEY, ABSTRACT NO. 516, T.H. SPENCER SURVEY, ABSTRACT NO. 1154 AND A PART OF THE M. STANFORD SURVEY, ABSTRACT NO. 1183, A. WALKER SURVEY, ABSTRACT NO. 1367, N.E. DEGRAFFENREED SURVEY, ABSTRACT NO. 375, J.M. THOMAS SURVEY, ABSTRACT NO. 1233 AND THE BENJAMIN HAMBRIGHT SURVEY, ABSTRACT NO. 536.

David Fitz, Coffman Associates, Airport Consultants, 237 N.W. Blue Parkway, Lee's Summit, MO and Mike Shahan, North Texas Regional Airport, 4700 Airport Dr., Denison, TX

Mr. Fitz and Mr. Shahan appeared to represent the request and answer any questions. The North Texas Regional Airport is located at 4700 Airport Drive, Denison, Texas; situated between Sherman and Denison in Grayson County. The airport property borders State Highway 289, connecting the DFW Metroplex to Lake Texoma.

Mr. Coffman explained this *Airport Land Use Compatibility Zoning Ordinance* is intended to protect and promote the safety and welfare of airport users and residents near the airport, while promoting the continued operation of the Airport. Specifically, this zoning ordinance seeks to protect the public from the adverse effects of airport noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace. The *Airport Land Use Compatibility Zoning Ordinance* policies for the Airport will ensure compatible development in the vicinity of the airport by defining terms of use within created compatibility zones, creating the appropriate compatibility zones, and providing for enforcement.

“They developed zones based on that criteria; noise, safety data, air space zones as developed under Federal Regulations, Part 77 Surfaces which control the approach or descent of aircraft as well as departure and traffic pattern air space, we looked at all those components as well as what the Airport eligibility area under the Airport Zoning Act which is five miles off of each end over an active runway over 3,200 feet long and a mile and a half on either side, so we are looking a very substantial large area. The maps show that we are substantially smaller than that based on the accident data, the airspace and scaled it back. We had an advisory committee that reviewed this,

Mr. Shadden was a part of the committee and he provided comments with some issues the City might have of where those boundaries might be on the south side. We have tried to make this a very open process, this is not a done deal we are still taking comments and we encourage an open public process as part of this. We have had several City Attorneys as well as the City of Sherman review it as well. What we are really working for, we have two zones, Zone A and Zone B; Zone A is right off the ends of the runway, that is where most of the accidents do occur, we are a little more conservative, probably residential keeping consistent of what is out there today, no more than one dwelling per five acres, things to avoid in the A Zone is a place of worship that has high concentration of risk, if a plane goes down and hits a church there is a significant risk there with loss of life or anything that would involve a high concentration of people, we would like to avoid in Zone A. Zone B, which is outside of that on either side, is to avoid high concentrations of people, such as stadiums, theaters or places of worship.”

“This is a Texas Statute, Texas Local Government Code, Chapter 241 - Airport Zoning Act, it allows the County within unincorporated areas to establish an overlay zoning district around the airport. It does not specify what land uses are permitted – only land uses that are not permitted. It also allows for adjoining jurisdictions to participate in that overlay zoning district.”

“Compatibility criteria to consider are; noise levels down to 55 DNL, air space protection, safety for pilots and people/property, activities that cause electronic or visual impairment, and activities that attract wildlife hazards, such as landfills and large bodies of water.”

“A joint zoning board was established; representatives from each City and County to review cases if they should come up unless it is within that particular City, then the City would hear the requests.”

Brandon Shelby, City Attorney asked if a public hearing was held to establish the joint zoning board.

Mike Shahan explained “the original board was established in the 70’s, but it kind of went away; the County did go through that process three or four years ago.”

Mr. Shelby asked about the small portion of property that is located along F.M. 1417, inside the City limits of Sherman; “if the ordinance is not passed by the City of Sherman then the County does have the power to pass the ordinance that is affecting our City Limits because of the population size in the County.”

Mr. Fitz explained he did not think they had the power to go inside the City limits but the territorial jurisdiction is

County.

Mr. Shelby explained “the City does not have the power to zone in the extra territorial jurisdiction but the County does. It was my understanding that under the Airport Zoning Act that a political subdivision greater than 45,000 people which Grayson County is, has the power to zone overlapping jurisdictions.”

Mr. Fitz explained “that is correct, but at this point unless the City of Sherman elects not to participate.”

Pete Hudgins, 1606 Lakewood Dr., Sherman, TX

Mr. Hudgins explained “his family owns tracts along U.S. Highway 82, this proposed zoning is too vague and it is enforcement and appeals and very restrictive looks to me like it would negate the possibility of growth to the City of Sherman’s tax base in those areas, interfere with private property, rights and land use. We have been use to the Airport for a many years; there is no noise compared to what there was when Perrin Field was there; when they were there, you had to stop talking. Those boundaries were at the end of those runways where we could not put things at a certain altitude; he understood that, but this looks like radical over reach and interfering with jurisdiction of the Municipalities that are within. I understand there are safety areas that are needed around the Airport but this looks like over reach. I would be very concerned that it is not articulating clearly enough that either the Sherman Planning and Zoning, City Council and the citizens of Sherman will be able to have a clear understanding, at least based on this presentation what the impact is going to be. All the processes that one has to go through, all the bureaucracy that has to work on these kinds of issues are thrown up once again in front of people who are trying to make a living on the land.”

Willis Rowcliffe, 3006 Plainview Rd., Sherman, TX

Mr. Rowcliffe explained his property is located in Zone B in High Country Estates, he thanked the board for letting him come to the meeting. “One comment was that geese fly over the Airport to get to Hagerman Wildlife Preserve, we can’t stop that, with all the ponds and lakes we have around the City of Sherman, they are beautiful, the geese fly from Hagerman to them every night, I watch them, I adore them, that is a part of the peace of Sherman. I also look at the Airport and I see the restrictions that we want to save and it worries me that the City of Sherman wants to put restrictions on the Airport when we need growth, we’ve become a bedroom town and we need more industry; cities die without airports.”

Dean Gilbert, 600 Gail Hill Lane, Sherman, TX

Mr. Gilbert explained he hoped that they would vote against this and the reasons are: “it is not needed, it is a taking of property and it will create another big

bureaucracy. The City has annexed 1,000 feet on the north side of U.S. Highway 82 and initially the corner of F.M. 1417 and Highway 82 and the corner of S.H. 289 and Highway 82 were located inside this district, but it was asked by the City of Sherman to be removed so the Consultant's removed it because they did not want it to interfere with the west entrance of Sherman and future development, so if it is not good for the City, how could it be good for the people that live there."

If I say it is not needed, that is not just my opinion, if you go to the County Records you will find that the north approach for take-off and landings and the south approach for take-off and landings, there are easements in place. In fact those easements are 65 separate land owners and those easements were acquired by the Federal Government in the 60's, it started in 1961 and the law suit was over in 1964. There were 22 people that voluntarily sold their air rights and there were 43 others that were condemned. The easements show that they have plenty of room; if Perrin Field could operate with all its jet traffic with these easements that is why they acquired them, why would a Municipal Airport need more than a Military Base. This taking of land is not needed because they already acquired those easements and they have the right and people cannot do the things in Part A. It is a taking of property because this is not like deciding if something should be zoned R-1 (One Family Residential) District or R-2 (Multi-Family Residential) District, C-O (Office) District, C-1 (Retail Business) District or C-2 (General Commercial) District; you know you are either pregnant or you're not."

I encourage each of you to read over this proposed ordinance; it will answer a lot of the questions you have been asking but it says no change shall be made in a land use, no structures shall be erected or otherwise established in any zone hereby created unless a permit has been applied for and granted under this ordinance. Each application for a permit shall include the purpose of the permit and include sufficient information to determine whether or not the resulting use or structures would conform. If my house burns down, I've got to get a permit to build it back, if I want to put a flag pole in front of my house, then I have to get a permit, if I want to drag a mobile home out to my place for a hand to live in, I've got to get a permit, if I want to build a barn to put a tractor in, I've got to get a permit; so it is not like zoning."

Our Texas Constitution doesn't provide for the County to do anything in the County with respects to development except for subdivisions less than ten acres. In 1987, somebody put the idea in the Legislature to create this AZA law, which gives them the right to create zoning around an airport for the public good, there is eminent safety issues, that sort of thing, so they have come here today to the guise of that and they fall back on the Federal

Statue FR, Part 77.”

Chairman Davis explained “the City of Sherman has a small portion that we are talking about, it may be that they have not had a chance to go to the County yet, but they have most of the land involved in this; it is a County issue more than a City issue, we have a small, little tiny piece in this.”

Mr. Gilbert explained “exactly and if somebody wanted to do something in the City’s jurisdiction, then they would have to come to the Planning and Zoning Board to do it, they don’t go to the Airport Board. Denison doesn’t have any chips in the game, they are greatly removed and neither does Pottsboro, but this is Sherman’s future growth that we are talking about and we are talking about giving the Airport Board the authority to control all that land. I don’t think it is a safety issue, I think they are scared to death because what has happened in McKinney with the City of Fairview with all the multiple lawsuits, we are not going to have that problem here, we already have easements established in the fly away zone in the north and south side. They have their easements and I want them to use them, I want them to stay in their easements until they get to a safe altitude. This is not a safety issue, this is a cover your rear in the future issue. The Commissioner’s Court did away with the Airport Board, they created the Grayson County Regional Mobility Board that consists of about seven members, they run the airport board and their plan is to do a bypass of a toll-way around the Airport around the two cities for whatever reason, but we are creating a huge bureaucracy, if you read this and pass this, then you are going to send your recommendation to the City Council that says, yes we want to have Airport Zoning, yes we agree it is only going to affect what is inside the City limits and when it goes to the County, this has the framework in this, you’re appointing two members from Sherman to be on this government’s board that is going to decide who can do what, when and where. You are creating the framework with this ordinance, this is not about that strip that is up and down F.M. 1417; this is the framework to put in place to create this bureaucracy. Sherman is going to have two, Denison is going to have two, Pottsboro is going to have two and the County at large is going to have two, so Sherman is going to have two out of eight votes.”

Chairman Davis explained it was his understanding that any appeal from this zoning involving the City of Sherman property inside the City of Sherman City Limits would come before the Sherman Planning and Zoning Commission first, and then City Council.

Mr. Shelby explained that is correct.

Mr. Gilbert explained he could not believe the City of

Sherman is even considering this, “this is just an end run by the County to use Pottsville, Denison and Sherman to get what they want. I want to see the County go out and hold public hearings and be accountable to the public. I want the Commissioners to stand up and say why they think this is a good idea; it is not a good idea.”

Commission Member Hicks explained “right now it is along F.M. 1417 and a little along U.S. Highway 82, what if thirty years from now we want to annex further north, we want to grow, once we do this.”

Chairman Davis explained “once the County approves it, we do not have any choice if we want to annex and if they don’t approve it.”

Mr. Shelby explained “if the County approves the overlay district, it is enforcing our ETJ; if we were to annex that property in the future what we would gain is the appeals. If this doesn’t pass, the County can come in and pass it anyway; they would assume the appellate authority over the district. We cannot pass except the part that is inside our city limits, we cannot create a zone in the County; the County will have to do that, and they will have to have a public hearing.”

Mr. Gilbert explained “the draft ordinance sets up the framework and what you will be doing is agreeing with the framework. You have complete say so over the property that is located inside the city limits, so why do you need this airport ordinance. This is an end run to get the cities to approve it and then the County will adopt it. I want the County to be responsible; adopt it themselves not the cities.”

Mr. Shelby thought Mr. Gilbert was suggesting in his opinion “we should wait for the County to adopt something instead of passively approving it; instead of the Cities approving it and then they adopt it.”

Chairman Davis asked when it was scheduled to go before the County.

Mr. Shahan explained it may be January.

Mr. Gilbert encouraged the board not to be a pawn in this situation now until the County takes action.

Chairman Davis explained “this plan was developed with the Consulting firm with input from the County and the Cities surrounding the Airport. He asked if they have had any public meetings with land owners regarding Airport Zoning and help with the process.”

Mr. Fitz explained they have had three meetings on Airport Master Plan, two of them included the zoning. Notices were

published in the paper.

Commission Member Morgan asked about the easements Mr. Gilbert mentioned; “are they still active.”

Mr. Fitz explained “it is the height zoning ordinance that circles around the airport; it limits the height of structures around the airport; that is already in place, what we are asking is the land use, right now anything can happen around the airport.”

Commission Member Kreck asked if this is a safety issue or strictly a density issue.

Mr. Fitz explained “they are looking at the safety aspects around the airport in case something should happen. The next twenty to one hundred years development will come this way and we would like to get a hold of it before it is too late; it is too late for places like Addison and Love Field and other places that have built up around it.”

Chairman Davis explained “there is an issue of limiting people’s rights to use their property as they want to, it devalues it.”

Mr. Fitz explained “the Airport Zoning Act establishes very similar to what the City requires; if they live in the City they have to get a permit, it is no different, it is the same structure that has to be established in the Airport Zoning Ordinance, so essentially what is in order for the County to establish that zone around the airport, it has to have that similar structures, so right now you can put anything on your property within the County with exception of the septic system which you have to get a permit for. So for all practical purposes, in order for this zoning ordinance, again what we are trying to do with this is not tell people what they can do with their property but just restrict certain things that increase the risk of significant damage through the density. Any number of homes can be built in Zone B, but what we are talking about, are really high concentration areas, 450 people per acre is a high density use and if you look at anything like that, that’s not just your average Joe Church, that’s a mega church, that’s a stadium, a high school stadium and so you are talking about high concentrations of people, not very likely but those are the type of things we want to think about. When you talk about hazards to flight, steam, anything that would generate high volumes of steam or electrical interference, pilots communicate through radio to the ground to radio their intentions to tower, anything that would interfere with that; that’s something they would like to avoid; so these are really just safety things. Zone A does have a few more restrictions added to it, some density and residential, where there is no density restrictions in Zone B.”

Commission Member Hicks asked “if Mr. Gilbert wanted to

put the barn or the mobile home on his property then he would have to get permits.”

Mr. Fitz explained “he would have to go before the Joint Airport Zoning Committee to get permission.”

Commission Member Barton explained “if we approve this tiny strip that is located inside the City Limits, then we are putting up the corner post.”

Mr. Gilbert explained “the ordinance you would be approving and sending to the Council sets in place all the framework, if it went on through and it passed, then two years from now something big happened, in the Sherman extra territorial jurisdiction, then it would be a board comprised of two people from Sherman, Denison, Pottsboro and the County making a decision on whether or not you know General Motors or whatever was going to be built. I don’t see why you would want to turn over your future development area, like I said it doesn’t affect Denison or Pottsboro, but it affects Sherman growing west to northwest and we are giving away all our future development land under the guise it is for safety. We had three or four hundred jets a day when Perrin was there, the easements are in place, they don’t need anything at this point, they are just running scared because of the McKinney deal, trying to put this in place. If you approve this ordinance, you are setting up the framework to create this County Bureaucracy. You should throw this in the trash and tell the County to do their own deal, we are only talking about a sliver and your zoning powers are a lot more powerful than the Airport Zoning powers, the Airport is not zoning, it is taking.”

Mr. Shelby explained “the City cannot give land to the County to zone, the County already has the land, they can take it, they can exercise their right to zoning, but they have not done that yet.”

Jazz Freels.

Mr. Freels explained “his family property adjoins Mr. Gilbert’s property. He suggested they take no action on this tonight, that they table it and look at it, you study it a little deeper, you see what position the County takes on it and then you can bring it back to take some action on it. I don’t think you have the facts in front of you tonight and know what the County is going to do with it or the other entities to make a decision tonight and set a corner post that you cannot remove later.”

ACTION TAKEN.

Motion by Commission Member Barton to table the request pending action by Grayson County. Second by Commission Member Hicks.

VOTING AYE: DAVIS, MORGAN, HICKS, BARTON AND

PLANNING & ZONING COMMISSION MINUTES – NOVEMBER 22, 2011

**KRECK.
VOTING NAY: NONE
MOTION CARRIED
THE REQUEST WAS TABLED.**

ADJOURNMENT

**On Motion duly made and carried, the meeting adjourned
at 6:26 p.m.**

ADJOURNMENT

CHAIRMAN _____

SECRETARY