CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, DECEMBER 3, 2007
5:00 P.M.

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY THE HONORABLE CHIP ADAMI, DEPUTY MAYOR

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 19, 2007

Special Presentation

A.5 SPECIAL PRESENTATION
Introduction of Sherman Police Officer Michael Young and his New K-9 Partner, "Dude"

Introduction and Public Hearing of Ordinances

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5499
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5500
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8.3 to Amend the Requirements for the College Park Overlay District

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5501
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.2 to Amend the Requirements for One-Family Residential District

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5502
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(a) to Amend the Requirements for Two-Family Dwellings (Duplex)

Close Public Hearing and Consider Adoption of Ordinances

B.5 ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers:

a) 5499
b) 5500
c) 5501
d) 5502

B.6 CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

C.1 ** RESOLUTION NO. 5130*

Authorizing Execution of a Deed Without Warranty to Russey LLC DBA Greenleaf Landscape Company for the Conveyance of Property being Throckmorton Street from Mulberry Street to the Railroad Right-of-Way owned by the Burlington-Northern Santa Fe Railroad; that all Surveying Costs Incurred will be Paid by Russey LLC DBA Greenleaf Landscape Company

C.2 ** RESOLUTION NO. 5131*

Authorizing the Execution of an Agreement with Manuel Leon for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 803 South Throckmorton Street

C.3 ** RESOLUTION NO. 5132*

Authorizing the Execution of an Agreement with TXA Holdings LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1507 North Brents Avenue

Other Business

D.1 OTHER BUSINESS

Receive Fire Chief J. J. Jones' Briefing on the Homeland Security Grant Audit and Compliance Visit

D.2 OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, December 11, 2007, to Review and Discuss Development Standards for Sherman's Major Highways and Thoroughfares

D.3 ** OTHER BUSINESS*

Consider Calling a Special Meeting of the City Council for Tuesday, January 22, 2008, due to Conflict with a Federal Holiday

D.4 ** OTHER BUSINESS*

Final Plat Approval of the Rolling Meadows Estates, Phase I in the City of Sherman's Extra Territorial Jurisdiction, being 14.112 acres in the Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 149; David Howerton, Owner (5300-5600 Blocks of Dripping Springs Road)

D.5 ** OTHER BUSINESS*

Special Consideration to Ordinance No. 2252, Article IV, Section 410(2)(j) and 510 of the Code of Ordinances for Site Plan Approval to Extend the Driveway for a Shipping and Receiving Crane and a Concrete Pad for a Holding Station for Storage in the Blalock Industrial Park District at 525 Progress Drive (Progress Rail, Owner)

D.6 CITIZEN REQUESTS

D.7 MEDIA QUESTIONS

D.8 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections."

Section 551.071 — Consultation with City Attorney Concerning Legal Matters and Pending Litigation:

a) Discuss Proposed Substandard Structure Ordinance

Section 551.074 — Personnel Matters:

Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions

a) Greater Texoma Utility Authority Board of Directors (2)

Section 551.087 — Deliberations Regarding Economic Development Negotiations:

a) Deliberate Regarding Commercial or Financial Information that the City has Received from Business Prospects and Deliberate any Offers or Incentives to the Business Prospects

The Council reconvenes into General Session

F.1 OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Chip Adami, Deputy Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. A.3

INVOCATION BY THE HONORABLE CHIP ADAMI, DEPUTY MAYOR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 19, 2007

STATE OF TEXAS §

November 19, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on November 19, 2007.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W. STEELE, WACKER.**

MEMBERS ABSENT: **NONE.**

CALL TO ORDER — **CALL TO ORDER**

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Cary Wacker.

Mayor Magers explained that he was wearing a Denison Yellow Jacket Football Jersey because he and Denison Mayor Robert Brady bet on the recent Sherman-Denison Football Game. Sherman lost the game by a score of 44 to 43.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of November 5, 2007 and the Called City Council Meeting (Election Canvass) of November 14, 2007. Deputy Mayor Adami moved to approve the Minutes as presented; Second by Council Member Willie Steele. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5494 and called for a public hearing: — **ORD 5494 SUP FOR GERIATRIC PSYCHE FACILITY**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO CAM SHERMAN II, LLC (OWNER), STERLING LEGACY HOLDINGS (PROSPECTIVE BUYER), AND JOHN PATTERSON (REPRESENTATIVE) TO ALLOW A GERIATRIC PSYCHE FACILITY FOR PATIENTS 55 AND OVER WITH INPATIENT AND OUTPATIENT SERVICES IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AT 505 F.M. 1417 NORTH (HERITAGE PARKWAY), BEING 2.8 ACRES IN THE G.W. McGLOTHLIN SURVEY, ABSTRACT NO. 828; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ACTION TAKEN.

Motion by Council Member Hughes to remove Ordinance No. 5494 from the table for introduction, public hearing, and consideration. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

<u>Michael A. Womack, 2601 Cornerstone Drive</u>
Mr. Womack, CEO of Texoma Medical Center Behavioral Health Center in Sherman, felt that if Texas required a "Certificate of Need" process, there would be no question as to whether or not another geriatric psyche facility was needed in Sherman.

He said the new facility is being presented as meeting an underserved population or area, or a need that isn't already being met. TMC has had a geriatric psyche unit for 15 years, and currently has a 75% occupancy rate out of the 28 beds. The area also has skilled nursing homes and skilled nursing facilities.

Mr. Womack did not feel that there was a need for an additional geriatric psyche unit in the area. Mayor Magers verified that the TMC Behavioral Health Center would be a competitor of the new facility if it is allowed to open. Mr. Womack reiterated that he was addressing a need in the community.

<u>Sherry Bustin, 2905 Houston Street, Kilgore, Texas</u>
Ms. Bustin, Regional Administrator of Allegiance Health Management and Operations for their Inpatient and Outpatient Psychiatric Services in Texas, said they are a regional provider of geriatric psyche services. She added that one our of four senior adults suffers from mental illness, and 80% of those never get help.

Mayor Magers confirmed that they are a for-profit business.

No other citizens appeared before the City Council to discuss Ordinance 5494.

Mayor Magers introduced Ordinance 5498 and called for a public hearing:

ORD 5498
SUPER FREEPORT EXEMPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5498.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5494

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO CAM SHERMAN II, LLC (OWNER), STERLING LEGACY HOLDINGS (PROSPECTIVE BUYER), AND JOHN PATTERSON (REPRESENTATIVE) TO ALLOW A GERIATRIC PSYCHE FACILITY FOR PATIENTS 55 AND OVER WITH INPATIENT AND OUTPATIENT SERVICES IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AT 505 F.M. 1417 NORTH (HERITAGE PARKWAY), BEING 2.8 ACRES IN THE G.W. McGLOTHLIN SURVEY, ABSTRACT NO. 828; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ORD 5494
SUP FOR GERIATRIC PSYCHE FACILITY

Deputy Mayor Adami said he has received calls from concerned citizens and he asked to clarify the long-term intention of the company. Originally the project was presented as both an adult and geriatric psyche facility, with additional services. Now the company is asking to operate a geriatric psyche facility only. He asked if that was a long-term goal of the company.

Ms. Bustin said Allegiance Health Management specializes in geriatric programs and that is their long-term goal. They were entertaining the option that if their company branched out into adult services, to have the option to do that at a later date. Their long-term goal is not as an adult facility. They intend for the facility to be a fully-functioning geriatric psyche facility for people age 55 and over, both inpatient and outpatient.

Council Member Terrence Steele asked what was considered regional for attracting patients. Ms. Bustin said they expect to attract patients from about 75 miles around Sherman. They will be accepting referrals from nearby cities.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5494, as presented. Second by Council Member Willie Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele.
VOTING NAY: None.
ABSTAIN: Wacker.
MOTION CARRIED.

Ordinance 5498

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, TAXING TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE

ORD 5498
SUPER FREEPORT EXEMPTION

EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

John Boswell, President of the Sherman Economic Development Corporation, said the Board has not studied the issue, but across the State, the economic development profession has a consensus.

They feel that the bill introduced is not clear as to what would be taxed and has created a lot of controversy. The position of the Texas Economic Development Council is to continue to tax those items that are taxed today.

The bill would open up almost all inventory to be exempt from taxation if it moves from your building to a building you don't control, within 175 days. The Council feels the statue will be changed at the next opportunity, and many cities have already adopted the position to continue to tax these goods.

Mr. Boswell said the tax will not put Sherman in an uncompetitive position because other Texas cities are doing the same thing. If a disadvantage is realized later, the City can then adopt the exemption.

Council Member Terrence Steele verified that other cities are continuing to tax. Mr. Boswell said he has made the same recommendation to Grayson County and Grayson County College.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5498, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

The Council reviewed the Consent Agenda. Deputy Mayor Adami asked to remove Item C-3 entitled "Resolution 5124 – Authorizing the purchase of a Frazer built rescue vehicle through the Houston-Galveston Area Council of Governments (H-GAC) for the Sherman Fire Department" from the Consent Agenda for consideration in its regular order of business.

Deputy Mayor Adami moved to approve the Consent Agenda, with the exception of Item C-3, which will be discussed in its regular order of business. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5122 – AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT AND SKATEGROUND OBSTACLES FOR THE HAWN PARK CIP PROJECT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 5122 HAWN PARK PLAYGROUND EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT, SWINGS, FALL ZONE MATERIAL, BORDER, AND SKATEGROUND OBSTACLES FOR THE HAWN PARK UPGRADE CIP PROJECT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

Ben Uselton, Parks and Recreation Administrator, updated the City Council on the purchase of playground equipment for Hawn Park which was approved as a Capital Improvement Program project for FY 2007-2008.

Mr. Uselton explained items what will be included in the project adding that some of the existing equipment will be utilized. He presented a drawing of the proposed project.

Mr. Uselton said fencing will also be done which is not included in the current proposal. City maintenance crews will be used to remove some of the existing borders to reduce costs.

If the items are ordered prior to November 30, 2007, Mr. Uselton said the City will receive a 10% discount.

Mr. Uselton said the skate ground was originally opened in February 2000 and the obstacles have been rebuilt one or two times each. A new product has been found that is made of concrete and includes a 15 year warranty. Mr. Uselton said the new equipment is a little more expensive but should save a lot of man-hours on future rebuilding and should be safer for skaters. It will also be easier to maintain.

The proposed project will include three new skate pieces this year and Mr. Uselton said he will request three to four new pieces next year so the replacement project can be completed.

Council Member Smith confirmed the heavy usage that Hawn Park receives with the splash ground and the skate ground.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5122, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5123 – AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE U.S. HIGHWAY 75 NORTH WATER MAIN EXTENSION PROJECT

RES 5123
HWY 75 NORTH
WATER MAIN
EXTENSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE U.S. HIGHWAY 75 NORTH WATER MAIN EXTENSION PROJECT.

Council Member Smith verified that the contract was for the design of the facilities for the water line project on U.S. Highway 75 North.

ACTION TAKEN.

Motion by Council Member Hughes to approve Resolution No. 5123, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5124 – AUTHORIZING THE PURCHASE OF A FRAZER BUILT RESCUE VEHICLE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SHERMAN FIRE DEPARTMENT

RES 5124
FIRE DEPT.
RESCUE VEHICLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A FRAZER RESCUE VEHICLE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SHERMAN FIRE DEPARTMENT.

Deputy Mayor Adami asked to remove Item C-3 from the Consent Agenda for discussion during its regular order of business.

Deputy Mayor Adami said the City used to have a policy where vehicles were "turned over" every few years. He wanted to be sure there was a policy because the City had purchased several fire vehicles recently. He wanted to adequately space the purchase of these vehicles so there would be a cycle for the replacement.

George Olson, City Manager, said the City does have a policy on vehicle replacement in place, and the staff is currently considering the expansion of the policy to include all City vehicles to assure they are replaced as needed.

The current rescue vehicle was an old ambulance that was converted into a rescue vehicle and it is used approximately four or five times daily.

Deputy Mayor Adami confirmed that the new vehicle is expected to last seven years. Jeff Jones, Fire Chief, added that historically, the City replaces one ambulance per year which gives a rotation of about six years. Deputy Mayor Adami asked if the City is still replacing boxes and drive trains separately. Chief Jones said the newer ambulances have the ability to remount the box one time. This ambulance was retained for use as a rescue vehicle three years ago, rather than sending it to auction.

ACTION TAKEN.

Motion by Deputy Mayor Adami to approve Resolution No. 5124, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5125
WATER WELL REPAIRS

RESOLUTION NO. 5125 – AUTHORIZING THE FINAL EXPENDITURE WITH WEISINGER WATER WELL, INC. FOR THE DORCHESTER #8 TRINITY WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE FINAL EXPENDITURE WITH WEISINGER WATER WELL, INC. FOR THE DORCHESTER #8 TRINITY WELL REPAIRS.
CONSENT AGENDA.

RES 5126
WATER WELL REPAIRS

RESOLUTION NO. 5126 – AUTHORIZING THE FINAL EXPENDITURE WITH WEISINGER WATER WELL, INC. FOR THE DORCHESTER #10 TRINITY WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE FINAL EXPENDITURE WITH WEISINGER WATER WELL, INC. FOR THE DORCHESTER #10 TRINITY WELL REPAIRS.
CONSENT AGENDA.

RES 5127
AIRPORT RAMP GRANT

RESOLUTION NO. 5127 – AUTHORIZING ACCEPTANCE AND EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2007-2008 AVIATION DIVISION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT FOR THE SHERMAN MUNICIPAL AIRPORT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING ACCEPTANCE AND EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2007-2008 AVIATION DIVISION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT FOR THE SHERMAN MUNICIPAL AIRPORT.
CONSENT AGENDA.

RES 5128
RESIDENTIAL TAX ABATEMENT

RESOLUTION NO. 5128 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TAHC 1, LLC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE

CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 806 SOUTH CHARLES STREET — **(806 S. CHARLES)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TAHC 1, LLC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 806 SOUTH CHARLES STREET.

CONSENT AGENDA.

RESOLUTION NO. 5129 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1426 EAST ODNEAL STREET — **RES 5129 RESIDENTIAL TAX ABATEMENT (1426 E. ODNEAL)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1426 EAST ODNEAL STREET.

CONSENT AGENDA.

REQUEST TO ADVERTISE PURCHASE OF FOUR POLICE PATROL VEHICLES — **REQ TO ADVERTISE POLICE PATROL VEHICLES**

Deputy Mayor Adami verified that the staff will include local vendors and local participation in the advertising bids. Council Member Smith verified that the purchase of four police patrol vehicles was the normal rotation of older vehicles.

The City Council approved the request to advertise for the purchase of four police patrol vehicles. The Police Department rotates the older patrol vehicles out of the patrol fleet each year to insure reliable and safe equipment for the officers and the citizens they transport.

This year, the Department has budgeted to purchase four new replacement vehicles, consisting of four Ford Crown Victoria Police Interceptors.

CONSENT AGENDA.

POLICE UNIFORMS — **POLICE UNIFORMS**

The City Council approved the request to advertise for a new supplier to provide police uniforms. The 2004 uniform contract will expire in December 2007.

Through the bid process, the City will enter a one-year contract that includes four one-year renewal options.

CONSENT AGENDA.

ANNUAL SUPPLY OF CHEMICALS — **ANNUAL SUPPLY OF CHEMICALS**

The City Council approved the request to advertise for an annual supply of chemicals for FY 2007-2008. These chemicals are industrial chemicals primarily used at the Water Treatment Plant and the Wastewater Treatment Plant.

CONSENT AGENDA.

PAYMENT APPROVAL — **PAYMENT APPROVAL**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ANNUAL CONSOLIDATED WATER QUALITY ASSESSMENT FEE FOR FISCAL YEAR 2007-2008: $67,245.00 — **WATER QUALITY FEE**

The City Council approved the payment of $67,245 to the Texas Commission on Environmental Quality, TCEQ, for the Annual Consolidated Water Quality Assessment Fee for FY 2007-2008.

This fee is imposed to fund the Clean Rivers Program and to pay TCEQ expenses for administering water quality programs, including the City's wastewater permit. The fee is calculated based upon permitted flow and pollutant loadings. The fee is the same amount paid last fiscal year.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL SHERMAN CHRISTMAS PARADE ON FRIDAY, DECEMBER 7, 2007 — **CLOSE STREETS FOR CHRISTMAS PARADE**

The City Council approved the request of Downtown Sherman Preservation & Revitalization to close certain streets in the downtown area for the Annual Christmas Parade on December 7, 2007.

The event will require traffic control assistance, barricades, and emergency medical support from the City.
CONSENT AGENDA.

CITIZENS REQUESTS — **CITIZENS REQUESTS**

There were no citizen's requests.

MEDIA QUESTIONS — **MEDIA QUESTIONS**

There were no media questions.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:

SHERMAN PARKS AND RECREATION ADVISORY BOARD (2) — **PARKS AND RECREATION ADVISORY BOARD**

ACTION TAKEN.

Motion by Council Member Hughes to reappoint Margie Morris and Jennifer Thompson, to the Parks and Recreation Advisory Board for a term from November 8, 2007 to November 8, 2009. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

HAPPY HOLIDAYS — **HAPPY HOLIDAYS**

Council Member Hughes wished everyone a Happy Holiday season.

REVIEW OF DEVELOPMENT STANDARDS

REVIEW OF DEVELOPMENT STANDARDS

Deputy Mayor Adami asked that the Council review new construction development standards for building materials and landscaping and architectural details to see if there were any changes that they wanted to make.

HAPPY HOLIDAYS

HAPPY HOLIDAYS

Council Member Terrence Steele wished everyone a Happy Holiday and recognized his daughter on her 18th birthday.

STANDARDS ON F.M. 1417 AND OTHER HIGHWAYS

STANDARDS ON FM 1417 AND OTHER HIGHWAYS

Council Member Wacker agreed that she would like to review development standards and asked to review the standards on F.M. 1417 and on other highways in Sherman.

SOCCER FIELD USE POLICY

SOCCER FIELD USE POLICY

Council Member Wacker asked about the policy on use of the soccer fields at Fairview Park. She asked if play was being limited on the fields.

Mr. Olson said there are two fields at Fairview Park that are game fields only or used by reservation. Texoma Soccer Association has extended that no practice to all their teams on all fields.

Council Member Wacker asked if that excluded a couple of kids from kicking a ball around on the field on a Saturday morning. Mr. Olson said it would not exclude that. They do try to keep players off the two major fields.

Deputy Mayor Adami said there is confusion between the City policy and the Texoma Soccer Association policy. Council Member Willie Steele asked if the TSA can enforce that rule. Council Member Wacker said it would apply only to their teams. Mr. Olson said TSA does fine people for their policy, but the City does not fine them. Council Member Smith urged any citizen that is fined by TSA for using a City field, not to pay the fine.

INTRODUCTION OF NEW STAFF MEMBER

INTRODUCTION OF NEW STAFF MEMBER

Mr. Olson introduced new staff member Larry Wortham who was recently hired to fill Mr. Olson's previous position as Director of Parks and Community Services. Mr. Wortham is a Sherman native and has a Master of Public Administration (MPA) degree.

HWY 75-82 OVERLAY DISTRICTS

HWY 75-82 OVERLAY DISTRICTS

Mayor Magers said he would like to review the masonry requirements on the Highway 75 and 82 Overlay Districts. He expressed concern about a new furniture store that was being constructed in the Overlay District. He also expressed concern about the "walls" on the Woodmont Development on Highway 75 North.

Mayor Magers also wanted to review the extension of the Overlay District on Highway 82 and Highway 56, to 200 feet

off the highway. As development increases, Mayor Magers wanted to be sure that the entrances to Sherman portray the type of image the Council wants.

HAPPY HOLIDAYS **HAPPY HOLIDAYS**

Mayor Magers wished everyone a Happy and Safe Thanksgiving.

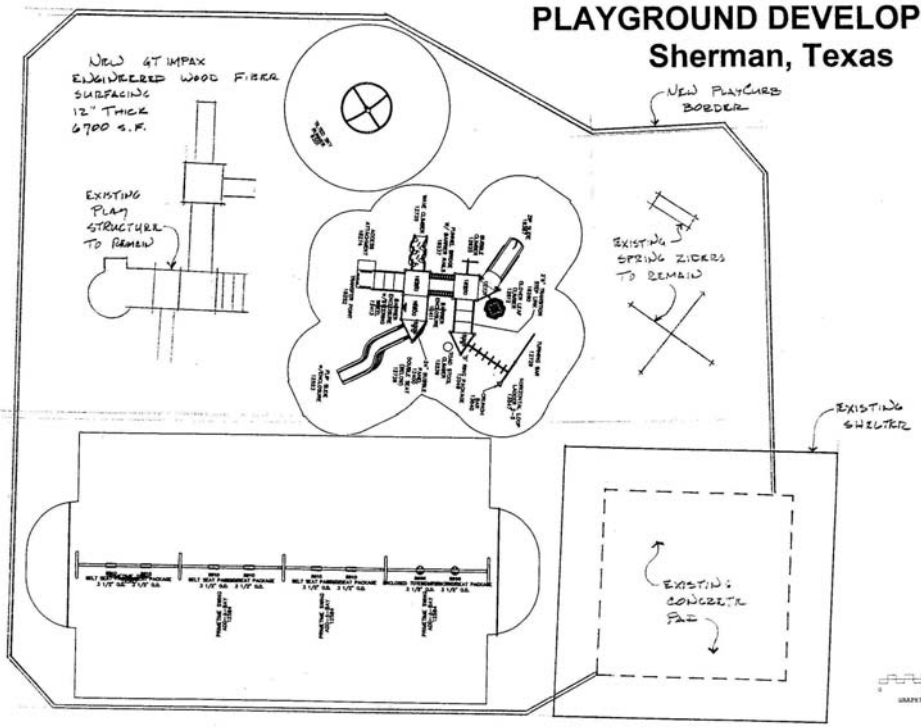
ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 5:36 p.m.

MAYOR

CITY CLERK

HAWN PARK
PLAYGROUND DEVELOPMENT
Sherman, Texas



SouthWest Parks & Playgrounds, L.P.
P.O. Box 50048
Denton, Texas 76206-0048

Toll Free 1.800.433.5347
Denton 940.380.9038
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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. A.5

SPECIAL PRESENTATION

Introduction of Sherman Police Officer Michael Young and his New K-9 Partner, "Dude"

Issue

The Police Chief will introduce the Sherman Police Department's new K-9, "Dude", and his handler, Officer Michael Young.

Background

Dude, a German shepherd, was purchased with budgeted funds for $9,200.00 and has been assigned to a newly appointed K-9 Handler, Officer Michael Young. Dude was born in Czechoslovakia on May 14, 2005, and was trained in the Czech Republic. He arrived at the Police Department on October 15, 2007. Dude currently weighs 72 pounds.

Following a seventeen-day familiarization period between Dude and Officer Young, they started their initial training program with our K-9 vendor, *K-9 Unlimited.* Both Dude and Officer Young were trained to work with each other using Czech language commands. Working together, Dude and Officer Young have satisfactorily completed their training and are now a functioning K-9 team.

Origination

Sherman Police Department

Financial Consideration

The City purchased Dude with budgeted funds of $9,200.00.

Council Action Requested

The Council need take no action on this agenda item.

Attachments

None

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5499
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

Issue
To consider the readoption of the code provisions that provide "Curfew Hours for Minors", in conjunction with a briefing from Police Chief Tom Watt.

Background
Ordinance No. 5270, adopted at the December 6, 2004 Council meeting and codified at Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, establishes "Curfew Hours for Minors." Under Section 370.002 of the Texas Local Government Code, curfew ordinances must be reviewed by the Council in a public hearing every three years or the ordinance expires. The review must evaluate the curfew ordinance's effect on the community and the problems the ordinance was intended to remedy.

Origination
Police Department

Financial Consideration
There is no financial impact for this agenda item.

Staff Recommendation
It is recommended that the City Council readopt without modifications Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, "Curfew Hours for Minors".

Alternatives
The City Council could suggest modifications to the ordinance.

Attachments
Ordinance No. 5499
Current Chapter 8, Article 8.04, Division 2, "Curfew Hours for Minors"

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

ORDINANCE NO. 5499

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS", WITH NO MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council conducted a public hearing on the need to continue the ordinance entitled "Curfew Hours for Minors;" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances (hereinafter "Ordinance") in accordance with Section 370.002 of the Texas Local Government Code; and

WHEREAS, the City Council reviewed the Ordinance's effects on the community and the problems that the Ordinance was intended to remedy; and

WHEREAS, the City Council desires that the Ordinance be continued in effect with no modifications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the Ordinance entitled "Curfew Hours for Minors" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances is hereby readopted in its entirety with no modifications.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY
CITY ATTORNEY

ARTICLE 8.04 OFFENSES INVOLVING PUBLIC MORALS

Division 1. Generally

Secs. 8.04.001–8.04.030 Reserved

Division 2. Curfew Hours for Minors

Sec. 8.04.031 Definitions

Curfew hours.

(1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 11:59 p.m. on any Friday or Saturday until 6:00 a.m. on any Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

(1) A natural parent, adoptive parent, or step-parent of another person; or

(2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.04.032 Offenses

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 8.04.033 Defenses

(a) It is a defense to prosecution under section 8.04.032 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Attending a function or event sponsored and supervised by an establishment that prohibits ingress and egress to the establishment during curfew hours and the management of the establishment has registered the function or event with the city at least forty-eight (48) hours in advance;

(9) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(10) Married or had been married or had disabilities of minority removed in accordance with

chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 8.04.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 8.04.034 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.04.033 is present.

Sec. 8.04.035 Penalties

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided in section 1.01.009.

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.04.032(a) of this division and shall refer the minor to juvenile court.

(Ordinance 5270 adopted 12/6/04)

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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5500
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8.3 to Amend the Requirements for the College Park Overlay District

Issue
To consider amending the permitted and specific uses in the College Park Overlay District

Background
The Duplex Review Committee has reviewed the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones, and John Nix. The Committee recommends requiring a Specific Use Permit for two-family dwellings and duplexes in R-1 Districts.

Origination
City Council

Commission Recommendation
At the November 20, 2007 meeting, following discussion, the Planning and Zoning Commission voted unanimously to recommend to the City Council adoption of the proposed amendments to the College Park Overlay District.

Attachments
Ordinance No. 5500
Location Map
P & Z Communication Form

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

ORDINANCE NO. 5500

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6.8.3 TO AMEND THE REQUIREMENTS FOR THE COLLEGE PARK OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Section 6.8.3 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended so that such section shall read as follows:

Sec. 6.8.3. College Park Overlay District

(1) Introduction.

(a) The College Park Overlay District, at the request of Austin College, ~~provides~~ *contains* minimum standards for new construction in the Austin College Community. The College Park Overlay District recognizes the special location, architectural character and land-use mix of the college park neighborhood and establishes appropriate standards for uses with the district. The overlay district is designed to *help* protect the private property values and public investments in and near the college park neighborhood, to reduce conflicts between new construction and existing development in the existing neighborhood, and to preserve the area's special ~~historic and architectural~~ character. The district ~~will create superior planning, design and~~ *promotes* mixing of land use to foster a livable community of residential, commercial and cultural uses and ~~will~~ encourages pedestrian access within the college park neighborhood and provides ~~multi-modal~~ connectivity to adjacent neighborhoods and the Central Business District. The district also respects socioeconomic diversity by encouraging a variety of home styles and sizes that are sympathetic to the neighborhood's historical diversity of design and fosters a cooperative atmosphere in the college park neighborhood between the City of Sherman, Austin College and private landowners to jointly realize the potential of the district. The College Park Overlay District development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of the College Park Area ~~be controlled through~~ *supports* careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the College Park Overlay District development area standards is to ensure that the development occurs in a manner which promotes safety

while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the College Park Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design. Design standards for buildings ~~shall~~ *should* ensure that the design, color, materials, and basis for proportion of structures within the College Park Overlay District development area are harmonious with the intent of the ordinance.

(c) Screening. Required screening ~~shall~~ *should* accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents.

(d) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards ~~shall~~ *should* ensure that the mechanisms providing light do not negatively impact ~~on~~ the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. College Park Overlay District development areas are those areas bounded as follows:

East: Harrison Street (from Pecan Street to Old Settlers Park)

North: Along the Railroad Tracks to the back of Old Settlers Park creating a natural boundary curving down to College Street.

West: Montgomery Street (from College to Pacific Street).

South: Pacific Street from Montgomery to Lee, south to Pecan, east on Pecan to Harrison Street.

(b) Compliance required. All property within the boundaries of the College Park Overlay District development areas shall adhere to the overlay district development standards.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the College Park Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process.

(4) Building design.

(a) General provisions. All buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(b) Exterior walls. On new construction, building materials must be specified and may be permitted when such materials are 60% masonry, hardy board or concrete fiber board and consistent with the intent of these standards. A complete set of elevation plans and schedule of *w*all *and roof colors and finishes* ~~materials~~ used on every freestanding building shall be submitted to the *building official* ~~planning and zoning commission~~. (Not required for maintenance of or additions to existing nonconforming structures.)

(c) All new residential structures shall have a minimum 1,200 square foot living area, *except patio homes authorized by a specific use permit.* ~~Duplexes require 1200 square foot living area and a minimum one car garage per unit~~.

(d) Carports are prohibited.

(e) Detached garages are permitted when architecturally designed to be compatible with historically significant and period style homes.

(f) Front entry ~~single car~~ garages are ~~permitted~~ *prohibited* on residential structures.

(5) Screening, Privacy Fences.

(a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

(A) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use).

(B) All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

(A) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.

(B) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(C) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

(D) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. Wire, chain link and corrugated fencing materials are not allowed.

(E) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(6) Glare and illumination.

(a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(7) Signage.

(a) Maximum face area is 16 square foot.

(b) Maximum height is 4 foot.

(c) Off premise signs are prohibited

(8) Permitted and Specific Uses.

(a) Uses:

(A) No permitted or specific use in the College Park Overlay District may include drive-through facilities, gas pumps or canopies.

(B) Permitted Uses. Within the College Park Overlay District, the following uses are permitted *in any zoning district.*

(i) Residential *& Educational*:

Single family ~~and duplex~~ *dwellings*

Colleges and Universities

(C) Specific Uses. With the College Park Overlay District, the following uses are permitted as Specific Use Permits in residential zones under the provisions of this article. Limitations on the size of certain uses are as stated below:

~~(ii) Educational:~~

~~Educational institutions~~

~~Dormitories/residence halls~~

~~Wellness education facility~~

~~Preschool~~

(i) Neighborhood & Community Service.

Arts/cultural center or exhibit hall

Bed and breakfast/historic inn

Charitable/religious institutions

Community center/house

Dance studio

Health care hospitality

Health club/fitness center

Parks

Patio Homes

Place of worship

Preschool & Day care centers, small and large

~~(iii) Neighborhood and Community Service:~~

~~Youth hostel~~

~~(C) Specific Uses. With the College Park Overlay District, the following uses are permitted as Specific Use Permits in residential zones under the provisions of this article. Limitations on the size of certain uses are as stated below:~~

~~(i)~~ *(ii)* Medical/General Offices:

General offices

Medical and dental offices/services

Medical and other records storage

Medical offices

~~(ii)~~ *(iii)* Ancillary/Retail/Neighborhood Uses allowed only on the first floor and up to a maximum of 3500 square feet of gross floor area per use:

Food store/convenience store excluding the sale of gasoline

General retail

Pharmacy

Research and development facilities

Restaurant/bakery/cafe

Retail bank/ATMs

Scientific and medical research labs

Technical and medical equipment development and/or services

(9) Procedures and notice.

(a) The planning and zoning commission shall review the specific elements of site and building plans for all commercial development within the College Park Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

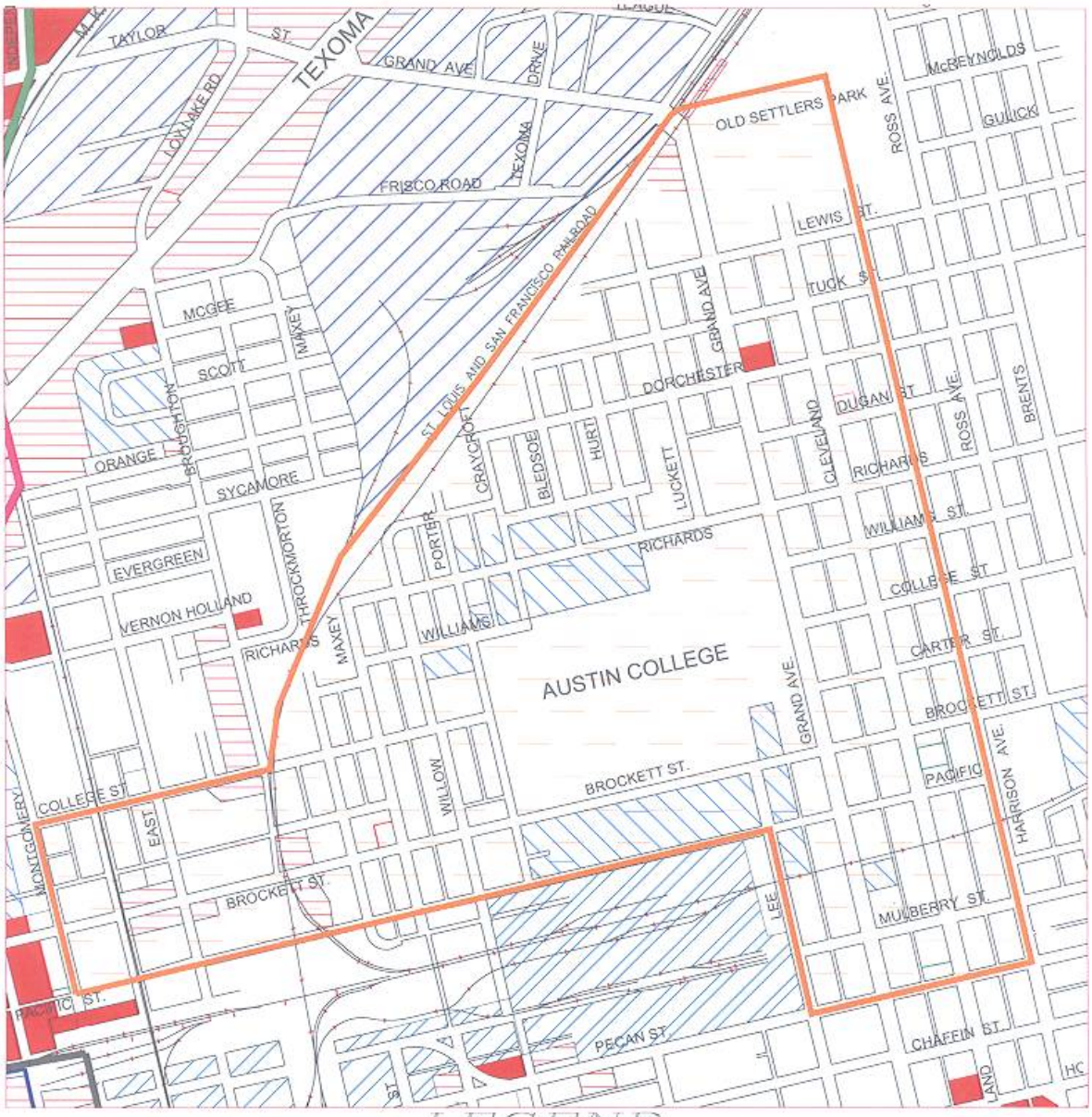
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
CO	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT

COLLEGE PARK OVERLAY DISTRICT

Department of Developmental Services

AGENDA ITEM #13

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 20, 2007

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

Recommendation of Duplex Review Committee to amend the Permitted Uses and Specific Uses in the College Park Overlay District

Requested Action/Proposed Use:

Consider recommendation to the City Council to amend Chapter 14, Exhibit A of the Code of Ordinances, entitled General Zoning Ordinance at Section 6.8.3, to amend the permitted and specific uses in the College Park Overlay District.

Background

The Duplex Review Committee met on November 6, 2007 to review the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones and John Nix. The Committee recommends requiring a Specific Use Permit for two family dwellings and duplexes in R-1 Districts.

Origination:

Staff

Attachments:

Location Map
Draft Ordinance

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Development Services Director

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5501
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.2 to Amend the Requirements for One-Family Residential District

Issue
To consider amending the requirements for duplexes in the R-1 (One and Two Family Residential) District

Background
The Duplex Review Committee has reviewed the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones, and John Nix. The Committee recommends requiring a Specific Use Permit for two family dwellings and duplexes in R-1 Districts.

Origination
City Council

Commission Recommendation
At the November 20, 2007 meeting, following discussion, the Planning and Zoning Commission voted unanimously to recommend to the City Council adoption of the proposed amendments to the R-1 (One and Two Family Residential) District.

Attachments
Ordinance No. 5501
Location Map
P & Z Communication Form

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

ORDINANCE NO. 5501

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6.2 TO AMEND THE REQUIREMENTS FOR ONE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Section 6.2 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended so that such section shall read as follows:

Sec. 6.2. R-1 (One ~~and two~~ family residential) district.

(1) Minimum requirements for lot area, width, and setback*:*

Lot area: 6,000 SF

Lot width: 60'

Front: 25'

Rear: 25'

Side yards: There shall be a side yard on each side of the main building not less than ten (10) percent of the mean horizontal distance between the side lines of the lot; except that such side yard shall be not less than six (6) feet; and need not be more than fifteen (15) feet. A building on a corner lot shall have a side yard adjacent to its side street of not less than ten (10) feet.

(2) See section 7 for supplementary district regulations, exceptions and parking regulations applying to the R-1 District.

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the board of adjustment and specific use permits that may be recommended by the [planning and] zoning board within the R-1 District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	Parking Ratio
One ~~and two~~ family dwellings.	1/ bedroom (min. 2/unit)
Accessory building; garage or carport, domestic storage.	none
Bedrooms–two bedrooms may be rented to not more than four people.	1/unit
Field crops, horticulture, nursery, truck gardening, but not including retail sales on the premises.	none
Public park, playground or playfield.	none
Sign: Bulletin erected by a church, community center, school, public agency, or institution on its own premises for announcement purposes, and which does not exceed 20 square feet in area and 6 feet in height. See section 7(14)(g).*none	
Sign: Identification not exceeding 1-1/2 square feet in area. Name and address only. See section 7(14)(g).*	none
Sign: Real estate for sale, rent, or lease. Unlighted, 16 sq. ft. max.*	none
Swimming pool, private.	none
Railroad rights-of-way but not including shops and yards.	none
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work.	none
Home occupations: Any occupation that is customarily carried on at home that does not involve a structural change in the dwelling unit, that does not require the employment of help other than members of the immediate family, provided, however that the following uses shall not be permitted as customary home occupations: Any	

office in which services are rendered, or in which chattels or goods, wares or merchandise are commercially created, exchanged or sold; barber or beauty shops, beauty culture schools; commercial stables or kennels; doctor's office for the treatment of patients; and/or the display of goods.	

(5) Height regulations*:* No building shall exceed 35 feet or 2 stories in height.

(6) Front facing fences*:* Fences are not permitted in the front yard of any single family dwelling or duplex of any subdivision of four (4) lots or more, outside of the residential tax abatement zone and platted after this amendment to the ordinance, except an approved decorative fence.

(a) Decorative fences with openings not less than fifty (50) percent of the fence area and not exceeding three (3) feet in height are permitted in the front yard.

(b) Chain link, woven wire mesh or similar materials are not considered decorative fencing and are prohibited.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

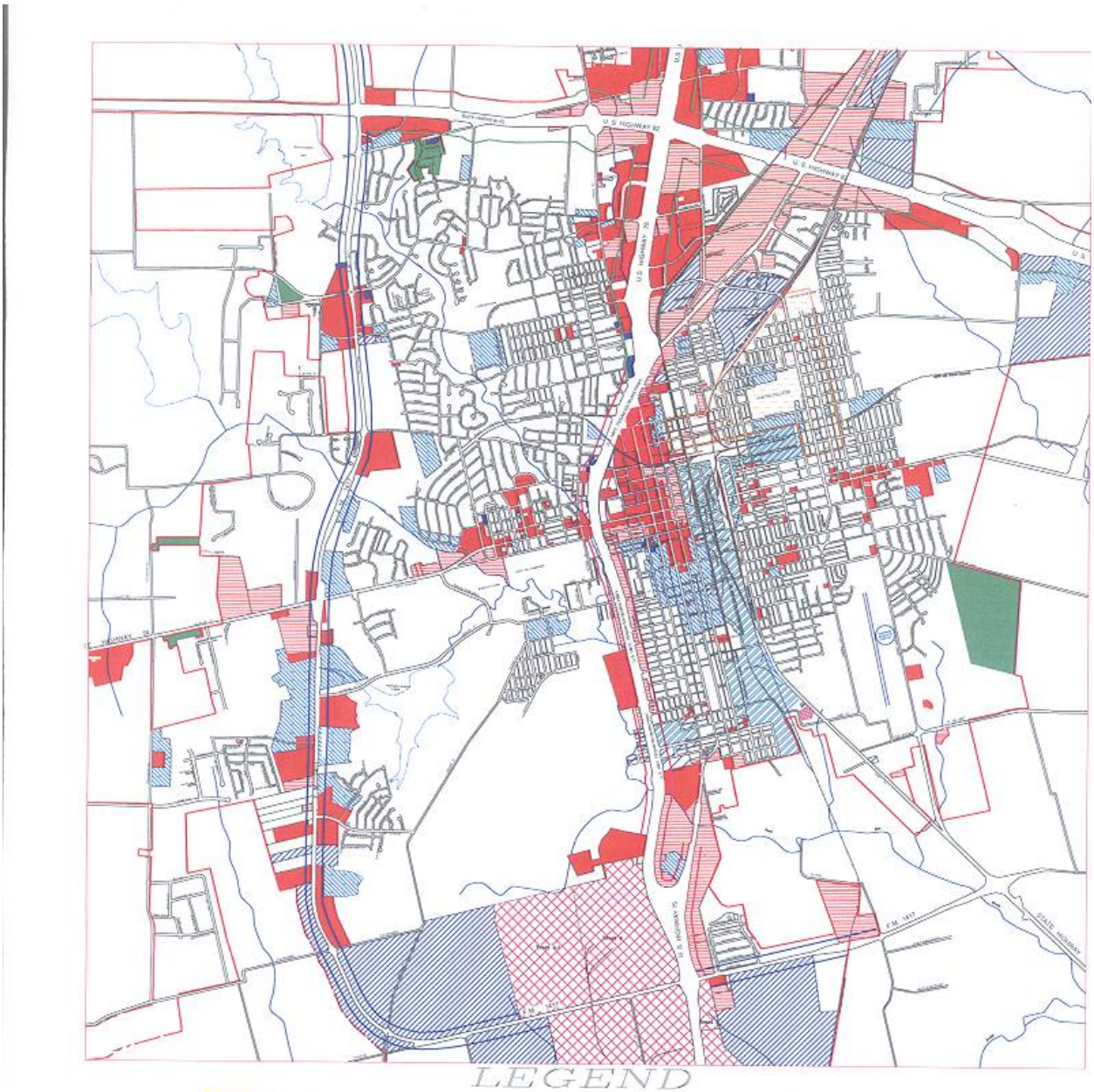
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	
C-1	RETAIL BUSINESS DISTRICT	
C-2	GENERAL COMMERCIAL DISTRICT	
C O	OFFICE DISTRICT	
M-1	LIGHT MANUFACTURING DISTRICT	
M-1.5	MEDIUM MANUFACTURING DISTRICT	
M-2	HEAVY MANUFACTURING DISTRICT	
M H	MANUFACTURED HOUSING DISTRICT	
	BLALOCK INDUSTRIAL PARK	
O-1	OVERLAY DISTRICT - 75 & 82	
O-1.1	OVERLAY DISTRICT - 1417	
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY	
CPO	COLLEGE PARK OVERLAY	
A&C	ARTS & CULTURAL OVERLAY DISTRICT	
CBD	CENTRAL BUSINESS DISTRICT	

R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT

Department of Developmental Services

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 20, 2007

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

Recommendation of the Duplex Review Committee to Amend the Permitted Uses in the R-1 (One and Two Family Residential) District

Requested Action/Proposed Use:

Consider recommendation to the City Council to amend Chapter 14, Exhibit A of the Code of Ordinances, entitled General Zoning Ordinance at Section 6.2, to amend the permitted uses in the R-1 (One and Two Family Residential) District

Background

The Duplex Review Committee met on November 6, 2007 to review the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones and John Nix. The Committee recommends requiring a Specific Use Permit for two family dwellings and duplexes in R-1 Districts.

Origination:

Staff

Attachments:

Location Map
Draft Ordinance

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Development Services Director

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5502
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(a) to Amend the Requirements for Two-Family Dwellings (Duplex)

Issue
To consider amending the requirements for Two-Family Dwellings (Duplex) in a Residential District by requiring a Specific Use Permit

Background
The Duplex Review Committee has reviewed the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones, and John Nix. The Committee recommends requiring a Specific Use Permit for two-family dwellings and duplexes in residential districts.

Origination
City Council

Commission Recommendation
At the November 20, 2007 meeting, following discussion, the Planning and Zoning Commission voted unanimously to recommend to the City Council adoption of the proposed amendments to the requirements for Two-Family Dwellings (Duplex).

Attachments
Ordinance No. 5502
Location Map
P & Z Communication Form

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

ORDINANCE NO. 5502

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8(5)(A) TO AMEND THE REQUIREMENTS FOR TWO-FAMILY DWELLINGS (DUPLEX); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Section 8 (5)(a) of the Code of Ordinances of the City of Sherman, Texas, is hereby amended so that such section shall read as follows:

(5) Specific use permits:

(a) In addition to the zoning permit called for in subsection (3) above, a specific use permit shall be required before the following specific uses can be permitted in the district or districts indicated.

The following specific uses are permitted in any district of lower classification than indicated herein without a specific use permit:

Parking Requirement	Specific Use	District
1/3 seats	Auditorium, arena, coliseum, theater or amphitheater	C-1
None	Automobile/boat sales, new or used	C
1/400	Automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair, but not including tire recapping	C-2
None	Automobile parking lot	R
None	Automobile repair, body, work, painting. Automobile, wrecks, for sale, damaged condition may be offered for sale; provided the	C-2

	automobiles are stored within a completely enclosed building. The salvage or dismantling of parts or wrecked automobiles for sale or the salvage of undamaged portions of automobiles for assembly to undamaged portions of other automobiles is hereby prohibited within the C-2 (General Commercial) District. The storage of wrecked or damaged automobiles for any purpose other than those specified herein is prohibited	
1/1,000 sq. ft. of general floor space and 1/400 sq. ft. of office floor space	Automobile wrecking, salvaging, and storage	M
1/200	Beauty parlor, single operator homeowner	R
1 /guest room 1 /innkeeper	Bed and Breakfast establishments	R
None	Cemetery or mausoleum	R
1/7	Church or other place of worship including parish houses and Sunday Schools, but excluding rescue missions or temporary revivals	R
1/200	City, county, state and federal govt. garage, maintenance yard, or similar govt. establishment	R
1/400	Club or lodge	C
1/200	Commercial amusement centers	C
None	Concession stand within a park, playground or playfield	R

1/400	Contractors or construction offices,	C-2
None	Construction, equipment sales, service, rental and repair shops and yards	C-2
1/3 beds	Convalescent home	In any District
1/200	Doctor or dentist One doctor or dentist with staff No retail sales	R
None	Earth moving and excavations, depositing of construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground	In any District
1/400	Electrical substation	R
1/400	Farm equipment sales, service, repairs, feed store	C-2
1/400	Freight depot or terminal, railroad and/or truck	C-2
1/400	Gas compressor or regulator station	R
8/green	Golf course	R
1/200	Halfway house; mental, alcoholic, etc.	R, C
1/3 beds	Hospitals, general, not including animal	In any District
1 unit	Hotel	C-1
2/1 unit	Industrialized Housing	SF1 & R
1/3 beds	Institution, correctional, detention penal or for use of insane, feeble	R

	minded, alcoholic or narcotic patients on a minimum site of 15 acres	
1/3 beds	Institution for children and aged; nonprofit	R
1/400	Lumberyard (parking does not include lumber sheds)	C-2
1/200	Medical or dental clinic No retail sales	R
1/400	Meeting halls	C
None	Mining, including extraction of clay, gravel, sand; quarrying of rocks or stone	In any District
1/unit	Mobile home park	C-2
1/400	Mobile home/manufactured home sales with distribution	C-2 & M
1/200 office	Model home display/sales without distribution	C & M
1/unit	Motel	C-1
1/2,000 sq. ft. of space utilized for total operation	Motorized outdoor amusements (i.e. go-carts, motorcycles)	In any District
2/1	Multi-family dwellings	C
1/3 beds	Nursing home	In any District
1/200	Office–services only, no sales of goods, wares or merchandise or storing stocks	R

1/bedroom (min. 2/unit) ~~2~~/1	One and Two-family dwellings	C
1/bedroom (min. 2/unit) ~~2~~/1	Patio homes	In any District
1/200	Photographer's studio; sales limited to photos and film	R
1/1,000	Pipe storage enclosed	C-2
1/400	Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission Note: The parking requirement of 1/400 applies to the bar and/or dance floor portion of the club only.*	C & M
1/400	Public library or museum	R
None	Radio or television broadcasting transmitter or tower, microwave relay tower	In any District
1/1,000 sq. ft. of space utilized for total operation	Recycling center	C
1/3 beds	Sanatorium on a site of 10 acres or more	R
1/1.5 emp.	Schools, elementary, high, college and universities, public, private or denominational	In any District
1/1.5 emp.	School, nursery, kindergarten or daycare for children	R
	Sexually oriented businesses*	
1/200	Shopping center on a site of 5 acres or more	R

None	Sign: Advertised or billboard (Which directs attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot)	C-2 & M
1/100	Teaching or tutoring more than 4 students at any one time	R
1/400	Telephone exchange, but not including garage, shop or service	R
1/400	Trucking, carting, crating, express handling and storage	C-2
1/1,000	Transit vehicle, bus and truck storage, servicing[,] repairs and sales	C-2
1/bedroom (min. 2/unit) ~~2/Unit~~	Two-family dwelling (duplex)	SF-1, *R-1*
1/1,000	Warehousing establishment other than accessory to permitted retain use	C-2

(b) A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted in accordance with this section.

(c) The building official shall not issue a zoning permit for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a specific use has been obtained in accordance with the amendment procedures set forth in section 12.

(d) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a zoning district.

(e) Application for a specific use permit shall be made by the property owner or certified agent thereof to the zoning board on forms prescribed for this purpose by the city council. Such application shall be accompanied by a site plan as set forth in section 7. When application for a specific use permit is made for a use that can only be permitted by issuance of a specific use permit, the zoning board may require

additional plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. A specific use permit shall not be granted when the requested use is not compatible with the character of the neighborhood. Specific use permits, revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this ordinance. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances. Applicants for a specific use permit to drill an oil and/or gas well shall comply with all of the requirements of Chapter 20 [now article 4.10] of the Code of Ordinances.

(f) The [planning and] zoning board may recommend approval or disapproval of an application for a specific use permit and, upon approval of a permit, the [planning and] zoning board may impose requirements and conditions as set out in (g) below.

(g) The zoning board shall consider:

1. The neighborhood, building and use characteristics as they relate to or are compatible with the existing and adjacent conditions and uses.

2. The separate and distinct problems that may be caused by a particular use, including but not limited to traffic, peace and order, safety, parking, health, morals and temperance.

3. Previous use permits for location.

4. The minutes of hearings for zone change approval for the location.

(h) The board may approve or disapprove upon consideration of the above. Before recommending approval, the [planning and] zoning board may impose such requirements and conditions regarding development standards and safeguards as the conditions indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, or nuisances and for protection of the public interests.

Upon consideration of the factors herein set out and recommendation made under section [subsection] (g) above to impose certain conditions to a specific use permit, the board shall make specific findings, set out in the minutes of the board as follows:

1. The proposed structure or use conforms to the requirements and intent of this ordinance and the comprehensive plan of the city;

2. That all applicable conditions and factors herein set out have been considered;

3. That the imposition of conditions provided in section 6(5)(g) have been met; and the use does not constitute a nuisance or detriment to the public.

(6) Construction and use to be as provided in applications, plans, building permits and zoning permits: Building permits or zoning permits issued on the basis of plans and applications approved by the building official authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by section 15 hereof.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

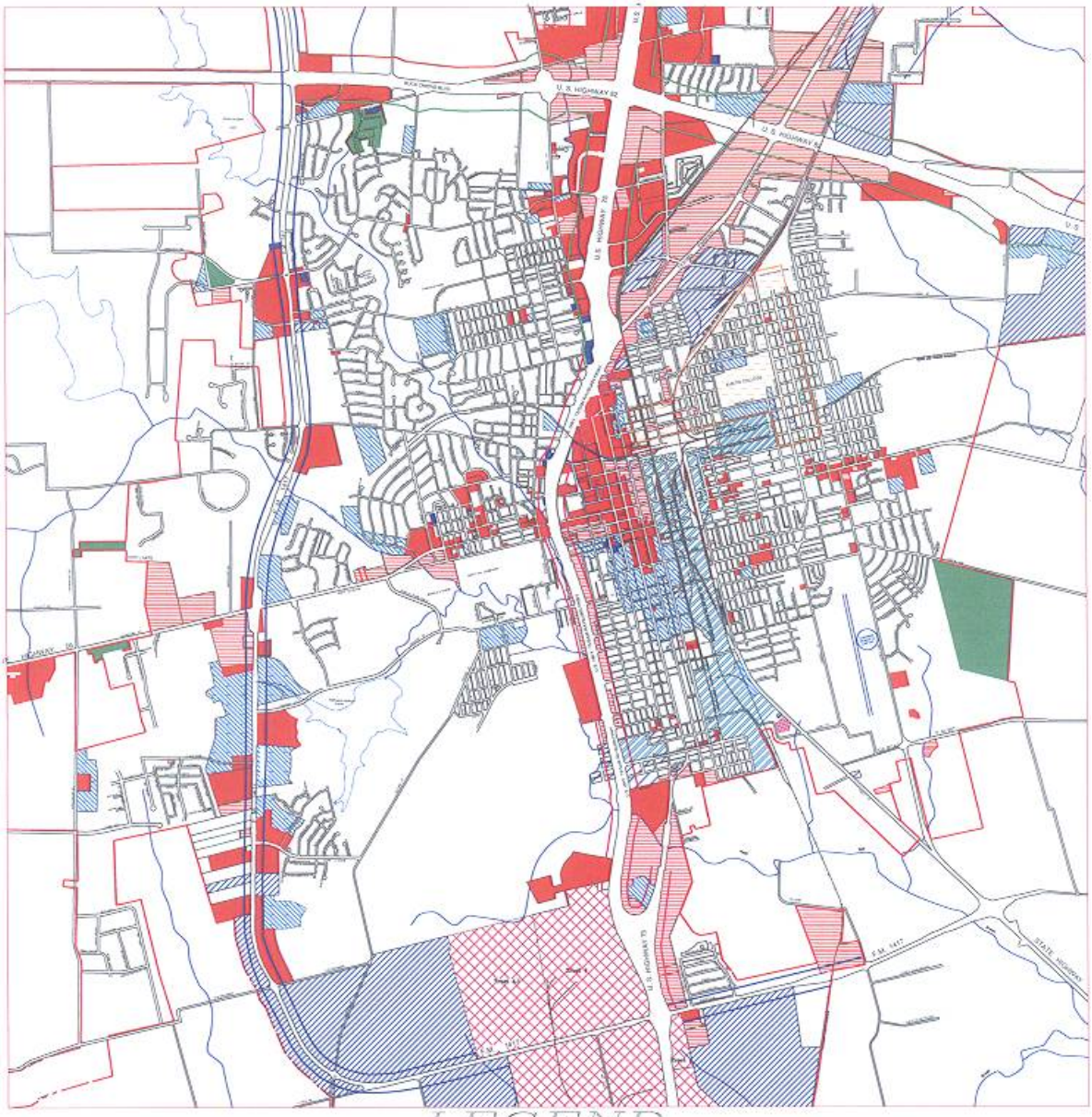
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
C O	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT

S

SPECIFIC USE PERMIT

Department of Developmental Services

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 20, 2007

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

Recommendation of the Duplex Review Committee to Amend the Specific Use Permit List

Requested Action/Proposed Use:

Consider recommendation to the City Council to amend Chapter 14, Exhibit A of the Code of Ordinances, entitled General Zoning Ordinance at Section 8 (5)(a) to amend the Specific Use Permit list.

Background

The Duplex Review Committee met on November 6, 2007 to review the effects of duplex housing on residential neighborhoods. The Committee members included: Jason Sofey, Steve Jones and John Nix. The Committee recommends requiring a Specific Use Permit for two family dwellings and duplexes in R-1 Districts.

Origination:

Staff

Attachments:

Location Map
Draft Ordinance

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Development Services Director

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.5

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5499, 5500, 5501 and 5502

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5499
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5500
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.8.3 to Amend the Requirements for the College Park Overlay District

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5501
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.2 to Amend the Requirements for One-Family Residential District

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5502
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(a) to Amend the Requirements for Two-Family Dwellings (Duplex)

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. B.6

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

C.1 **** RESOLUTION NO. 5130***

Authorizing Execution of a Deed Without Warranty to Russey LLC DBA Greenleaf Landscape Company for the Conveyance of Property being Throckmorton Street from Mulberry Street to the Railroad Right-of-Way owned by the Burlington-Northern Santa Fe Railroad; that all Surveying Costs Incurred will be Paid by Russey LLC DBA Greenleaf Landscape Company

C.2 **** RESOLUTION NO. 5131***

Authorizing the Execution of an Agreement with Manuel Leon for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 803 South Throckmorton Street

C.3 **** RESOLUTION NO. 5132***

Authorizing the Execution of an Agreement with TXA Holdings LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1507 North Brents Avenue

D.3 **** OTHER BUSINESS***

Consider Calling a Special Meeting of the City Council for Tuesday, January 22, 2008, due to Conflict with a Federal Holiday

D.4 **** OTHER BUSINESS***

Final Plat Approval of the Rolling Meadows Estates, Phase I in the City of Sherman's Extra Territorial Jurisdiction, being 14.112 acres in the Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 149; David Howerton, Owner (5300-5600 Blocks of Dripping Springs Road)

D.5 **** OTHER BUSINESS***

Special Consideration to Ordinance No. 2252, Article IV, Section 410(2)(j) and 510 of the Code of Ordinances for Site Plan Approval to Extend the Driveway for a Shipping and Receiving Crane and a Concrete Pad for a Holding Station for Storage in the Blalock Industrial Park District at 525 Progress Drive (Progress Rail, Owner)

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. C.1

**** RESOLUTION NO. 5130***

Authorizing Execution of a Deed Without Warranty to Russey LLC DBA Greenleaf Landscape Company for the Conveyance of Property being Throckmorton Street from Mulberry Street to the Railroad Right-of-Way owned by the Burlington-Northern Santa Fe Railroad; that all Surveying Costs Incurred will be Paid by Russey LLC DBA Greenleaf Landscape Company

Issue

Authorizing the City Manager to convey to Russey LLC DBA Greenleaf Landscape Company that segment of Throckmorton Street from Mulberry Street to the Railroad right-of-way owned by the Burlington-Northern Santa Fe Railroad (BNSF), at the appraised value and reserving the east 20' of the same street as a drainage and utility easement

Background

Russey LLC DBA Greenleaf Landscape Company has submitted a request to purchase a portion of Throckmorton Street from Mulberry Street to the Railroad right-of-way owned by BNSF. An easement shall be retained for existing utilities and drainage.

Origination

Russey LLC DBA Greenleaf Landscape Company and the Department of Public Works

Financial Consideration

The appraised value for this portion of Throckmorton Street is $1,500.00. The total sales price shall be $1,500.00. Greenleaf Landscape Company shall bear all costs involved in the transfer of property.

Staff Recommendation

Staff recommends that the segment be sold to Russey LLC DBA Greenleaf Landscape Company at the appraised value and that an easement be reserved for existing utilities and drainage.

Alternatives

As may be directed by the City Council

Attachments

Request Letter from Russey LLC DBA Greenleaf Landscape Company
Resolution No. 5130
Deed Without Warranty
Field Notes
Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

RUSSEY LLC
DBA GREENLEAF LANDSCAPE CO.
P.O. BOX 911264
SHERMAN, TX. 75091
(903) 868-2158
FAX: (903) 892-0572

FEBRUARY 9, 2007

CITY OF SHERMAN
DIRECTOR OF PUBLIC WORKS
CITY ENGINEERING

TO: MR. JEFF MILLER

DEAR MR. MILLER,

I HAVE RECENTLY PURCHASED PROPERTY LOCATED AT 605 E. MULBERRY STREET IN SHERMAN, TX. THE EAST END OF MY PROPERTY ADJOINS A DEAD END SECTION OF THROCKMORTON STREET. I WOULD LIKE TO REQUEST THAT THE CITY OF SHERMAN CONSIDER ABANONING THE DEAD END SECTION OF THROCKMORTON STREET, AS IT IS NOT A PAVED OR VIABLE STREET. WERE THE CITY TO ABANDON SAID STREET, I WOULD BE INTERESTED IN PURCHASING THE PROPERTY AT THE APPRAISED OR FAIR MARKET VALUE.

SINCERELY,

DANNY E. RUSSEY

RESOLUTION NO. 5130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY FOR THE CONVEYANCE OF PROPERTY BEING THROCKMORTON STREET FROM MULBERRY STREET TO THE RAILROAD RIGHT-OF-WAY OWNED BY THE BURLINGTON-NORTHERN SANTA FE RAILROAD; THAT ALL SURVEYING COSTS INCURRED WILL BE PAID BY RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being property completed and approved as to form and content by the City Attorney, to execute a Deed Without Warranty to Russey LLC DBA Greenleaf Landscape Company for the conveyance of Throckmorton Street from Mulberry Street to the Railroad right-of-way owned by the Burlington-Northern Santa Fe Railroad, within the City of Sherman, Grayson County, Texas.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

DEED WITHOUT WARRANTY

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF GRAYSON §

That the **City of Sherman,** a municipal corporation of the State of Texas, hereinafter called "Grantor", acting by and through its duly authorized Mayor, for and in consideration of the sum of One Thousand Five Hundred Dollars and No Cents ($1,500.00) by Greenleaf Landscape Company, hereinafter called "Grantee", the receipt of which is hereby acknowledged, hereunto duly authorized by City Council Resolution, hereby grants, sells, releases, and forever conveys unto Greenleaf Landscape Company all of Grantor's right, title and interest in and to the following described real property, and as shown in Exhibit "A," attached hereto and made a part of for all purposes, to wit:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair SURVEY, Abstract No. 763, being a portion of THROCKMORTON STREET lying between Blocks Five (5), and Six (6) of CHAFFINS FIRST ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 26, Page 49, Deed Records, Grayson County, Texas and being more particularly described as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Northwest corner of Lot One (1) in Block Six, the most Easterly Southeast corner of an 0.70 acre tract of land conveyed by BNSF Railway Company to Russey L.L.C. dba Greenleaf Landscaping Co. by deed dated July 30, 2007, recorded in Volume 4300, Page 38, Official Public Records, Grayson County, Texas, the Northeast corner of said Throckmorton Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the East line of said Throckmorton Street, the West line of said Lot One, Block Six, a distance of 63.82 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694";

THENCE South 73 deg. 59 min. 38 sec. West, a distance of 60.00 feet to s set 1/2/ inch capped rebar stamped "SARTIN-3694" on the West line of said Throckmorton Street, the East line of Lot Twelve (12) in said Block Five;

THENCE North 16 deg. 00 min. 00 sec. West, with the West line of said Throckmorton Street, the East line of said lot Twelve, Block Five, a distance of 64.00 feet to a found spike nail maintaining the Northwest corner of said Throckmorton Street, the Northeast corner of said Lot Twelve, on a South line of said 0.70 acre tract;

THENCE North 74 deg. 00 min. 00 sec. East, with a South line of said 0.70 acre tract, a distance of 60.00 feet to the PLACE OF BEGINNING, and containing 3834 SQUARE FEET OF LAND more or less.....

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises unto the said Grantees, their heirs, successors and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives or assigns shall have claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

SAVE AND EXCEPT that these properties are to be reserved as easements for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement, maintenance, or removal of such utilities until such shall be abandoned or relocated.

SAVE AND EXCEPT that Grantor specifically reserves the following 20 foot wide perpetual, exclusive and irrevocable easement for all utility purposes, including, but not limited to, the right to erect, construct, install, lay and thereafter use, together with the perpetual rights of inspection, operation, patrol, removal, repair, replacement, construction, reconstruction, installation, improvement, enlargement and maintenance of any utility purposes, together with the necessary appurtenances, over, under, through, and across the following, and as shown in Exhibit "B," attached hereto and made a part of for all purposes, to wit:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair SURVEY, Abstract No. 763, being a 20 foot wide drainage, and utility easement over, and across a portion of THROCKMORTON STREET lying between Blocks Five (5), and Six (6) of CHAFFINS FIRST ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 26, Page 49, Deed Records, Grayson County, Texas and being more particularly described as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Northwest corner of Lot One (1) in Block Six, the most Easterly Southeast corner of an 0.70 acre tract of land conveyed by BNSF Railway Company to Russey L.L.C. dba Greenleaf Landscaping Co. by deed dated July 30, 2007, recorded in Volume 4300, Page 38, Official Public Records, Grayson County, Texas, the Northeast corner of said Throckmorton Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the East line of said Throckmorton Street, the West line of said Lot One, Block Six, a distance of 63.82 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694";

THENCE South 73 deg. 49 min. 38 sec. West, a distance of 20.00 feet to the Southwest corner of the herein described easement;

THENCE North 16 deg. 00 min. 00 sec. West, 20 feet West of, and parallel with the East line of said Throckmorton Street, the West line of said Lot One, a distance of 63.88 feet to the Northwest corner of the herein described easement, on the North line of said Throckmorton Street, a South line of said 0.70 acre tract;

THENCE North 74 deg. 00 min. 00 sec. East, with a South line of said 0.70 acre tract, a distance of 20.00 feet to the PLACE OF BEGINNING.....

This conveyance is made and accepted subject to and all conditions and restrictions, if any, relating to the here above described property, shown of record in the office of the County Clerk of Grayson County, Texas.

Release. In accepting the conveyance of this property, Grantees expressly accept the property in its "as is" condition, with all of its faults and encumbrances, if any. GRANTEES RELEASE AND FOREVER DISCHARGE THE GRANTOR, ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL RIGHTS, CLAIMS, DEMANDS, OR CAUSES OF ACTION, AT LAW OR IN EQUITY, GRANTEES PRESENTLY HAVE, OR EVEN CAN, SHALL, OR MAY HAVE IN THE FUTURE IN CONNECTION WITH THIS TRANSACTION, INCLUDING HAZARDOUS MATERIALS OR ENVIRONMENTAL ISSUES IN, ON OR UPON THE PROPERTY, IF ANY. GRANTEES STATE THAT THEY ARE NOT RELYING UPON ANY REPRESENTATIONS OR DISCLOSURES BY THE GRANTOR AND NONE HAVE BEEN MADE IN CONNECTION WITH THE ACQUISITION OF THIS PROPERTY. THIS RELEASE SHALL BE BINDING UPON GRANTEES' HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST.

TO HAVE AND TO HOLD all of its right, title and interest in and to the above described property and premises subject to the aforesaid, unto the said Grantees, their heirs, successors and assigns forever, so that the Grantor, its legal representatives, successors and assigns shall not have, claim or demand any right, title or interest to the aforesaid property, premises or appurtenances of any part thereof.

Grantor acknowledges and confesses that this conveyance is made pursuant to the authority of Resolution No. 5130 of the City of Sherman, Texas passed and approved on the 19th day of November, 2007.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its Mayor, on the this _____ day of _____, 2007.

CITY OF SHERMAN

BY: _____

GEORGE OLSON,
CITY MANAGER

RUSSEY LLC.
DBA GREENLEAF LANDSCAPE CO.

BY: _____

DANNY E. RUSSEY,
PRESIDENT

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared George Olson, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, a municipal corporation of the State of Texas, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2007, by George Olson, City Manager of the City of Sherman.

_____
Notary Public, State of Texas
Commission Expires:
_____

ACKNOWLEDGMENT

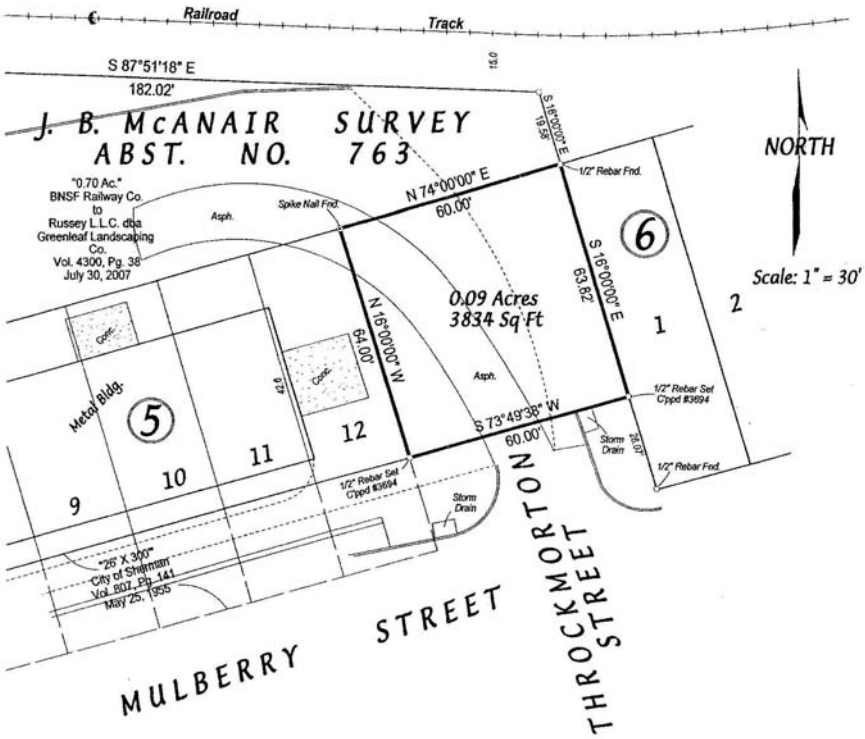
STATE OF TEXAS §

COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared DANNY E. RUSSEY, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Greenleaf Landscape, Co., and that he executed the same as the act of such entity for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2007, by DANNY E. RUSSEY, President.

_____
Notary Public, State of Texas
Commission Expires:
_____



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: GREENLEAF LANDSCAPING CO.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 3 rd day of June, 2002 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

That this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

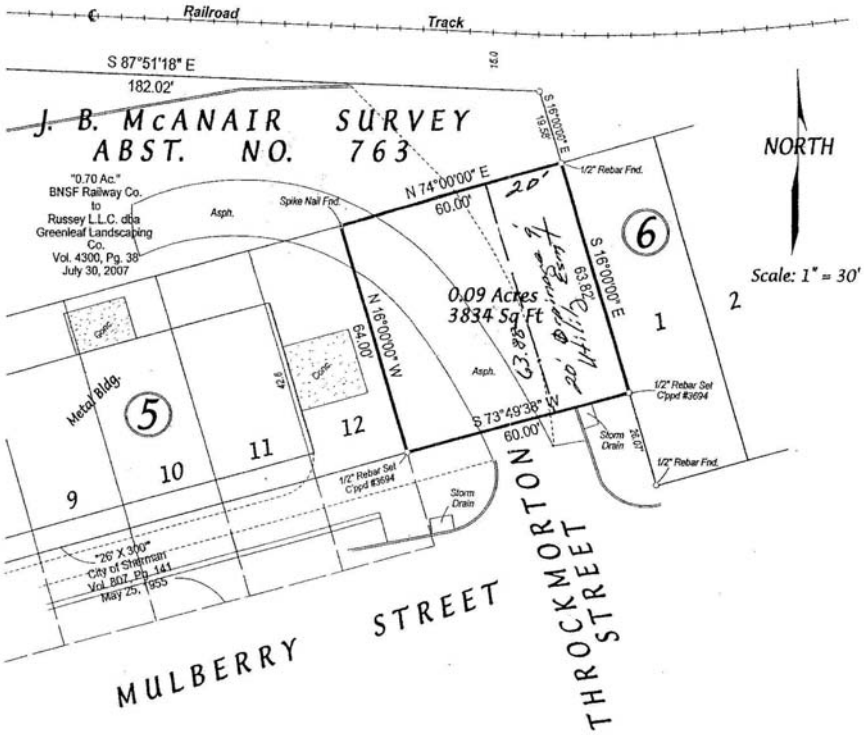
THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
R.P.L.S. # 3694

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL
LAND SURVEYOR

RUSSEY-2.pcs

EXHIBIT A



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
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(LEGAL DESCRIPTION ATTACHED)

That this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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Marshall Sartin
R.P.L.S. # 3694

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL
LAND SURVEYOR

RUSSEY-2.pcs

EXHIBIT B

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 fax (903)868-2970

SITUATED in he City of Sherman, County of Grayson, State of Texas, being a part of the J. B. McANAIR SURVEY, Abstract No. 763, being a portion of THROCKMORTON STREET lying between Blocks Five (5), and Six (6) of CHAFFINS FIRST ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 26, Page 49, Deed Records, Grayson County, Texas and being more particularaly described as follows to-wit:

BEGINNING at a found 1/2 inch rebar maintaining the Northwest corner of Lot One (1) in Block Six, the most Easterly Southeast corner of an 0.70 acre tract of land conveyed by BNSF Railway Company to Russey L.L.C. dba Greenleaf Landscaping Co. by deed dated July 30, 2007, recorded in Volume 4300, Page 38, Official Public Records, Grayson County, Texas, the Northeast corner of said Throckmorton Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the East line of said Throckmorton Street, the West line of said Lot One, Block Six, a distance of 63.82 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694";

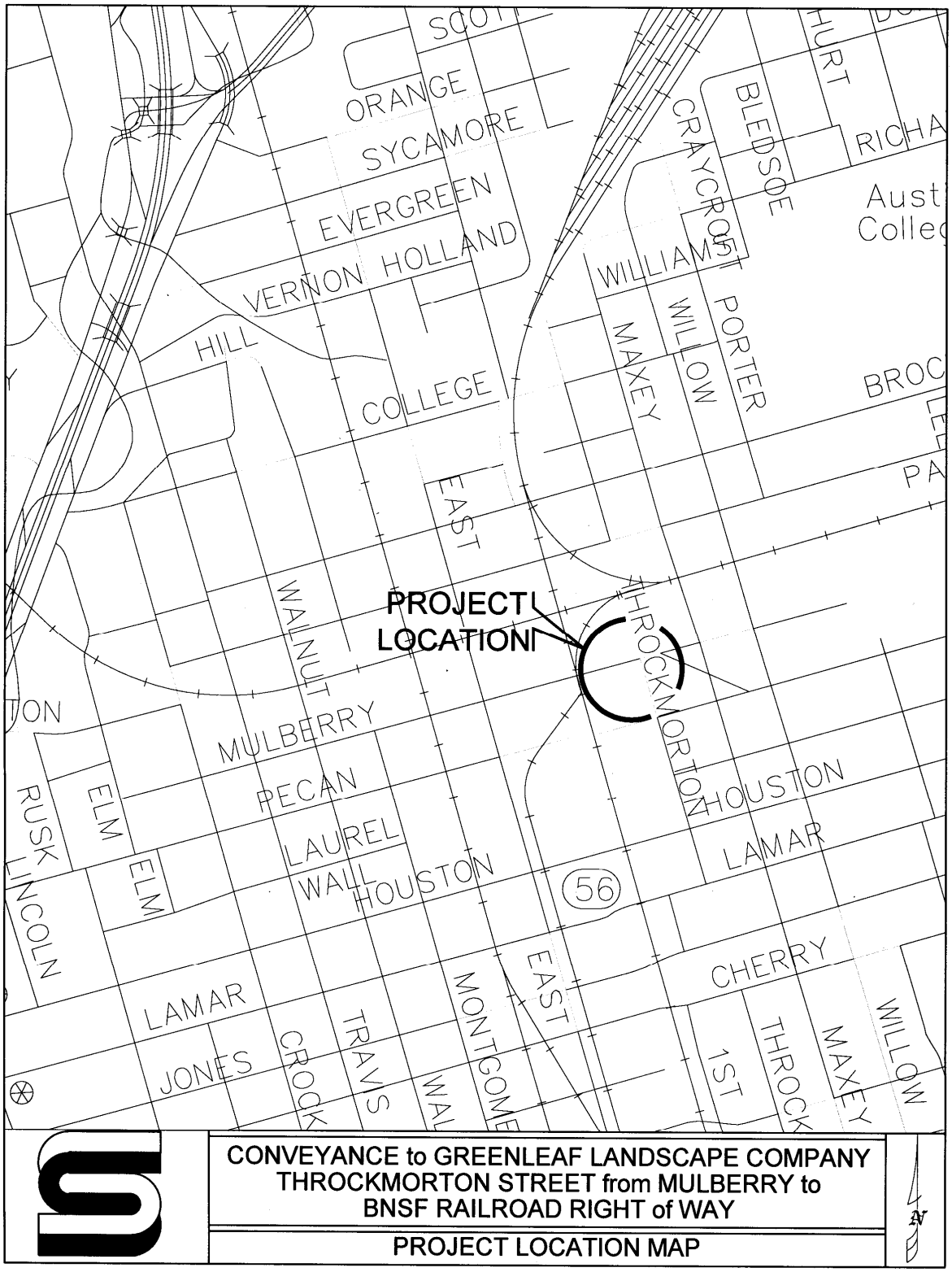
THENCE South 73 deg. 49 min. 38 sec. West, a distance of 60.00 feet to a set 1/2 inch capped rebar stamped "SARTIN-3694" on the West line of said Throckmorton Street, the East line of Lot Twelve (12) in said Block Five;

THENCE North 16 deg. 00 min. 00 sec. West, with the West line of said Throckmorton Street, the East line of said Lot Twelve, Block Five, a distance of 64.00 feet to a found spike nail maintaining the Northwest corner of said Throckmorton Street, the Northeast corner of said Lot Twelve, on a South line of said 0.70 acre tract;

THENCE North 74 deg. 00 min. 00 sec. East, with a South line of said 0.70 acre tract, a distance of 60.00 feet to the PLACE OF BEGINNING, and containing **3834 SQUARE FEET OF LAND** more or less.....

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property legally described hereon was made on the ground on the 3 rd day of June, 2002 and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record that may affect said property.

Marshall Sartin, R.P.L.S. #3694



CONVEYANCE to GREENLEAF LANDSCAPE COMPANY
THROCKMORTON STREET from MULBERRY to
BNSF RAILROAD RIGHT of WAY

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5131***

Authorizing the Execution of an Agreement with Manuel Leon for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 803 South Throckmorton Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 803 South Throckmorton Street.

Background

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

Origination

Manuel Leon, Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $300.00 annually.

Staff Recommendation

The staff recommends approval of this abatement since it meets the requirements of the process.

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5131
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MANUEL LEON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 803 SOUTH THROCKMORTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Manuel Leon, and subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute an agreement with Manuel Leon for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 803 South Throckmorton Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

_____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **MANUEL LEON**, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following location:

Being Lots 3 and 4, Block 14 of the Elliott Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 803 South Throckmorton Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Manuel Leon
2618 Village Drive
Sherman, Texas 75090
(903) 744-2682

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

_____ day of _____, 2007.

CITY:
CITY OF SHERMAN, TEXAS

BY: _____

GEORGE OLSON

CITY MANAGER

ATTEST:

BY: _____

LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM:

_____
DOREEN E. MCGOOKEY
CITY ATTORNEY

OWNER:
MANUEL LEON

BY: _____

NAME: _____

TITLE: _____

(CORPORATE SEAL)

Notary Public: _____

Commission Exp._____

License No (where applicable):_____

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Manuel Leon

Mailing Address: 2618 Village Dr Sherman TX 75090

Telephone Number: 903-744-2682

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 803 S Throckmorton Sherman TX

Summary Legal Description: Lot: 3 & 4 Block: 14 Addition: Elliott Addition

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: X Remodeling: _____

Estimated Value of Improvements: $75,000.00

Estimated Date of Start of Construction: 11-15-07

Estimated Date of Completion of Project: 02-15-08

Description of Project: New Construction Single Family House.

Applicant(s): Manuel Leon Date: 11-7-07

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 640
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME	SUBDIVISION OR SURVEY	LOT	BLOCK	CENSUS TRACT
803 S Throckmorton		3+4	14	

FLOOD ZONE
BASE FLOOD ELE.
1ST FLOOR ELE.
E. ZONING
TIME TO COMPLETE 180 DAYS
FIRE ZONE
PLANS

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1 [X] NEW BUILDING
2 [ ] ALTERATION
3 [ ] REPAIR, Replacement
4 [ ] MOVING (relocation)
5 [ ] FOUNDATION ONLY

B. OWNERSHIP
1 [X] PRIVATE (Individual, corporation, non profit institution, etc.)
2 [ ] PUBLIC (Federal, state, or local government)

C. COST 75,000.00
D. FEE 25.00
Sq. Ft. { Main Bldg. 1274 / Accs. Bldg.

DESCRIPTION OF REPAIRS:
Construct single family
Plumbing - Melton Plumbing - 903-893-7539
A/C - Javier Nieto - 903-815-8776
Electrical - Anderson Electric - 903-623-4113
#25 Stormwater

III BUILDING SPECS.

New Buildg. and Additions - Fill Out Parts F. - M.

F. PRINCIPAL TYPE OF FRAME
[ ] MASONRY (wall bearing)
[X] WOOD FRAME
[ ] STRUCTURAL STEEL
[ ] REINFORCED CONCRETE
[ ] OTHER - SPECIFY

H. TYPE OF SEWAGE DISPOSAL
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (Septic tank, etc.)

I. TYPE OF WATER SUPPLY
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (well, cistern)

K. DIMENSIONS
Number of Stories 1
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 1274
TOTAL LAND AREA SQ. FT. 7500

L. No. OFF-STREET PARKING SPACES
ENCLOSED
OUTDOORS 2 3

Wrecking - Fill Out Part K Only

G. Principal Type of Heating Fuel
[ ] GAS [ ] OIL
[X] ELECTRICITY [ ] COAL
[ ] OTHER

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT [X] YES [ ] NO
WILL THERE BE AN ELEVATOR? [ ] YES [X] NO

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms 3
No. of Bathrooms Full 2 Partial

All Others | Skip to IV ▼

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	Manuel Leon	2618 Village Dr Sherman 75090	903-744-2682
2. CONT.	Noe Lopez	P.O. Box 1417 Howe TX 75459	903-271-9074
3. Architect			

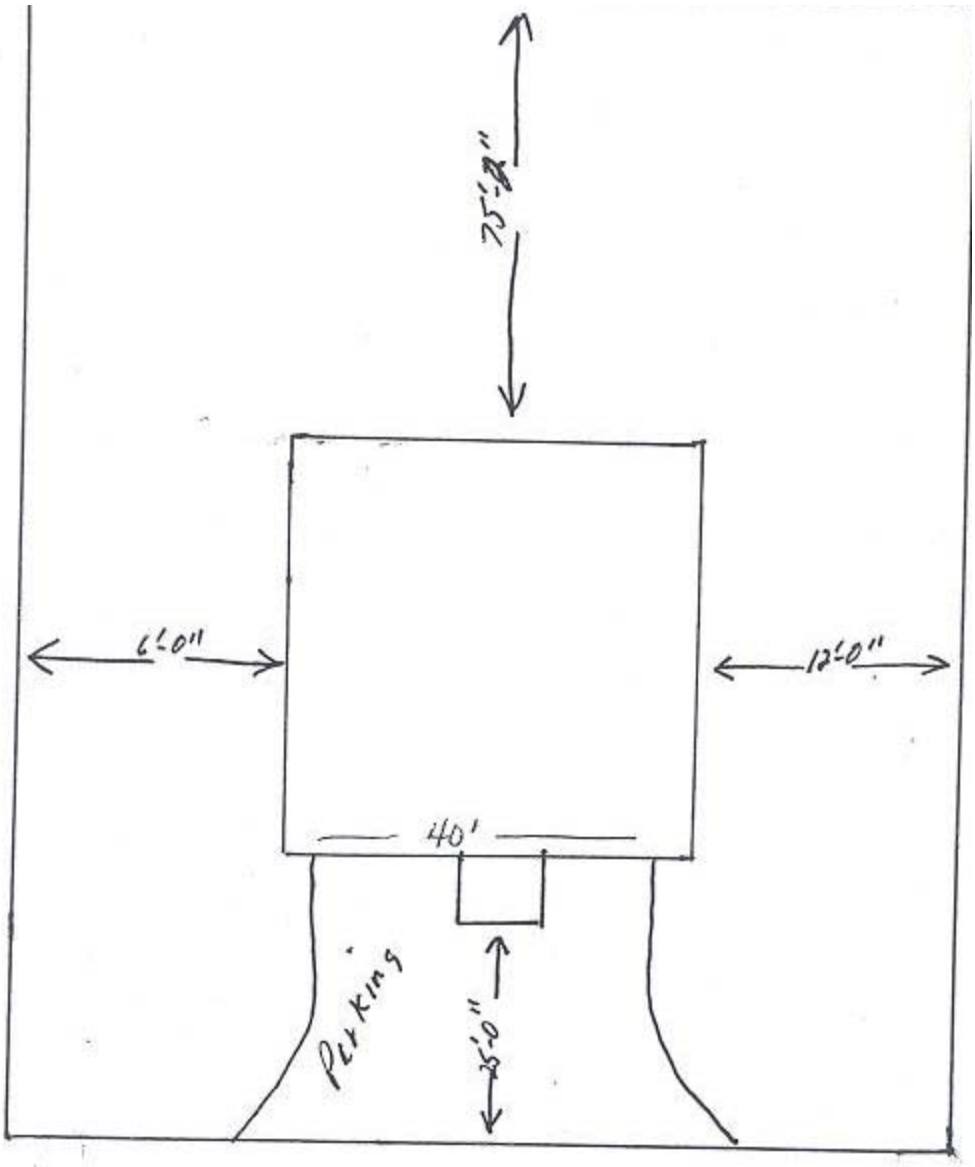
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

Noe Lopez — P.O. Box 1417 Howe TX 75459 — 10-31-07
SIGNATURE OF APPLICANT — ADDRESS — DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

_____
BUILDING OFFICIAL SIGNATURE



S Throckmorton

City of Sherman, Texas

803 SOUTH THROCKMORTON

PROJECT LOCATION MAP

N

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 5132***

Authorizing the Execution of an Agreement with TXA Holdings LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1507 North Brents Avenue

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1507 North Brents Avenue.

Background

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the designated zone for residential tax abatements.

Origination

TXA Holdings LLC, Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $290.00 annually.

Staff Recommendation

The staff recommends approval of this abatement since it meets the requirements of the process.

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5132
Residential Tax Abatement Agreement
Application
Building Permit Application
Warranty Deed
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TXA HOLDINGS LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1507 NORTH BRENTS AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from TXA Holdings LLC, and subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute an agreement with TXA Holdings LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1507 North Brents Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

_____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **TXA HOLDINGS LLC**, a corporation of the State of Texas, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following location:

Being Lot 4, Block 31 of the College Park Second Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 1507 North Brents Avenue.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

TXA Holdings LLC
12651 Briar Forest Dr. #190
Houston, Texas 77077
(281) 496-0565

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

_____ day of _____, 2007.

CITY:
CITY OF SHERMAN, TEXAS

BY: _____

GEORGE OLSON

CITY MANAGER

ATTEST:

BY: _____

LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM:

_____
DOREEN E. MCGOOKEY
CITY ATTORNEY

OWNER:
TXA HOLDINGS LLC

BY: _____

NAME: _____

TITLE: _____

(CORPORATE SEAL)

Notary Public: _____

Commission Exp._____

License No (where applicable):_____

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: TXA Holdings Houston, TX

Mailing Address: 12651 Briar Forest Dr. Suite 190 77077

Telephone Number: 281-496-0565

Contact (if different than owner):

Name: Benny Risner

Mailing Address: SAme

Telephone Number: 281-496-0565 / 281-808-1213 cell.

Property:

Physical Address: 1507 N. Brents Ave. Sherman, TX 75090.

Summary Legal Description: Lot: 4 Block: 31 Addition: College Park Second Addn.

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: X Remodeling: ____

Estimated Value of Improvements: 70,000

Estimated Date of Start of Construction: 11-8-07

Estimated Date of Completion of Project: 12-31-07

Description of Project: Single family Home

Applicant(s): Benny Risner Date: 11-8-07

TXA Holdings

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 652
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME	SUBDIVISION OR SURVEY	LOT	BLOCK	CENSUS TRACT
1507 N. Brents	College Park 2nd Ed.	4	31	

FLOOD ZONE
BASE FLOOD ELE.
1ST FLOOR ELE.
E. ZONING
TIME TO COMPLETE 180 DAYS
FIRE ZONE
PLANS

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1. [x] NEW BUILDING
2. [ ] ALTERATION
3. [ ] REPAIR, Replacement
4. [ ] MOVING (relocation)
5. [ ] FOUNDATION ONLY

B. OWNERSHIP
1. [x] PRIVATE (Individual, corporation, non profit institution, etc.)
2. [ ] PUBLIC (Federal, state, or local government)

C. COST $ 72,500

D. FEE 25.00

Sq. Ft. { Main Bldg. 1587 / Accs. Bldg.

DESCRIPTION OF REPAIRS:
New Single Family Home 4/2/1.
H.V.A.C. - 4 star heat & AIR
Plumbing - KMB Plumbing
Electrical - Beste Electric

III BUILDING SPECS.

New Buildg. and Additions - Fill Out Parts F. - M.

F. PRINCIPAL TYPE OF FRAME
- [ ] MASONRY (wall bearing)
- [x] WOOD FRAME
- [ ] STRUCTURAL STEEL
- [ ] REINFORCED CONCRETE
- [ ] OTHER - SPECIFY

H. TYPE OF SEWAGE DISPOSAL
- [x] PUBLIC OR PRIVATE CO.
- [ ] INDIVIDUAL (Septic tank, etc.)

I. TYPE OF WATER SUPPLY
- [x] PUBLIC OR PRIVATE CO.
- [ ] INDIVIDUAL (well, cistern)

K. DIMENSIONS
Number of Stories 1
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 1587
TOTAL LAND AREA SQ. FT. 1587

L. No. OFF-STREET PARKING SPACES
ENCLOSED 1
OUTDOORS 3

Wrecking - Fill Out Part K Only

G. Principal Type of Heating Fuel
- [ ] GAS [ ] OIL
- [x] ELECTRICITY [ ] COAL
- [ ] OTHER

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT [x] YES [ ] NO
WILL THERE BE AN ELEVATOR? [ ] YES [x] NO

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms 4
No. of Bathrooms Full 2 Partial

All Others Skip to IV

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	TXA Holdings INC.		
2. CONT.	Nortex homes LLC	860 Brown Rd. Sherman, TX 75090	(903) 821-8828
3. Architect			

The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

David E. Light — SIGNATURE OF APPLICANT
ADDRESS
11/6/07 — DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

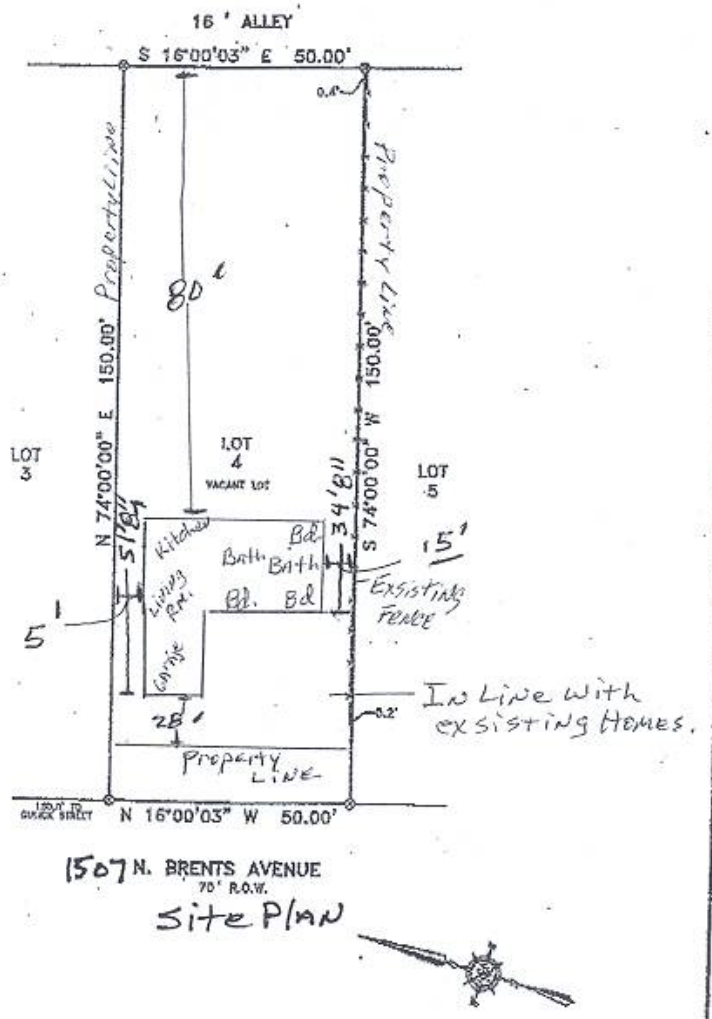
APPROVED _____ 20 ____ DENIED _____ 20 ____

BUILDING OFFICIAL SIGNATURE

127-015-88 White - File Pink - Owners Application Yellow - Tax Office Green - Fire

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1501 N. BRENTS AVENUE in the city of SHERMAN, Texas, Lot No. FOUR (4) Block No. THIRTY ONE (31) of COLLEGE PARK SECOND ADDITION an addition to the City of SHERMAN, Texas, according to the PLAT recorded in VOLUME BB at PAGE 334 of the DEED Records of GRAYSON County, Texas.



1507 N. BRENTS AVENUE
70' R.O.W.

Site Plan

NOTE: BEARINGS, DIMENSIONS AND BUILDING LINES ARE AS RECORDED PLAT UNLESS OTHERWISE NOTED.
NOTE: According to the F.I.R.M. No. 48181C0143 E this property does lie in Zone X and DOES NOT lie within the 100 year flood zone, No survey is made in conjunction with the information provided by SHERMAN Title Company in connection with the transaction described G.F. 0888480. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use hall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as separate location and ype of buildings are as shown; and EXCEPT AS NOTED, there are no visible and apparent encroachments or protrusions on the ground.

ACCEPTED BY: _____ SIGNATURE DATE COMPANY DATE

SURVEYED BY: EDDIE
SCALE: 1"=20'
DATE: 01/11/00
STREET:
JOB No. 0510038-1A

LEGEND

1/2" IRON ROD FOUND
5/8" IRON ROD SET
1" IRON PIPE FOUND
FENCE POST CORNER
"X" FOUND IN CONCRETE
UNDERGROUND ELECTRIC
OVERHEAD ELECTRIC
POWER POLE
BRICK COLUMN
A/C - AIR CONDITIONER
ASPHALT PAVING
CONCRETE PAVING
MAIN USE FENCE
WOOD STATIC 6.0" WIDE TYPICAL
BARBED WIRE
IRON FENCE
PIPE FENCE
COVERED PORCH/DECK OR CARPORT
OVERHEAD ELECTRIC SERVICE
OVERHEAD POWER LINE

DOUG CONNALLY & ASSOC., INC.
11340 PAGEMILL RD., SUITE #200
DALLAS, TEXAS 75243
PHONE:(214) 349-9485
FAX:(214) 349-2238
www.dougconnally.com
R.P.L.S. NO. 5388

City of Sherman, Texas

1507 NORTH BRENTS

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.1

OTHER BUSINESS
Receive Fire Chief J. J. Jones' Briefing
on the Homeland Security Grant Audit and Compliance Visit

Issue
The Fire Chief will make a presentation to the City Council on the Homeland Security grant audit and compliance visit.

Background
On October 16, 2007, representatives from the Governor's Office on Emergency Preparedness conducted an audit and compliance visit for Sherman. The purpose of this audit was to verify compliance with the Homeland Security Grant Program regulations. The objective of the review was to determine whether sufficient controls were in place to ensure that grant funds are being used as intended and protected from fraud and abuse.

Origination
George Olson, City Manager

Financial Consideration
The City of Sherman has received $856,500.02 in State Homeland Security Grants since 2002. A positive review of compliance and documentation of training will support future grant funding and provide equipment and training related to risk reduction programs.

Council Action Requested
The Council need take no action on this presentation.

Attachments
Governor's Office – Division of Emergency Management Correspondence and Draft Report

Prepared by:
Jeffrey J. Jones, Fire Chief

Approved by:
George Olson, City Manager

DIVISION OF EMERGENCY MANAGEMENT
Office of the Governor

RICK PERRY
Governor

Mailing Address:
PO Box 4087
Austin, Texas 78773-0220

Contact Numbers:
512-424-2138 Duty Hours
512-424-2277 Non-Duty Hours
512-424-2444 Fax

Physical Address:
5805 N. Lamar Blvd.
Austin, Texas 78752

STEVEN McCRAW
Director
Office of Homeland Security

JACK COLLEY
Chief

November 12, 2007

The Honorable Bill Magers
City of Sherman
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mayor Magers:

This letter forwards for your review a copy of the draft report for the homeland security grant audit and compliance visit conducted on October 16, 2007. I request that you acknowledge receipt of the report using the enclosed reply card and forward any comments you may have.

The Governor's Division of Emergency Management will assume you concur with the report unless you advise us otherwise within 30 days.

Sincerely,

Jack Colley
Chief

JC:kw

Enclosures: *Review of City of Sherman*
GDEM/SAA Reply Card

cc: Mr. Jeff Jones - Chief, City of Sherman Fire Department

Homeland Security Grant Review
City of Sherman
October 16, 2007
R2008008

Overview

The Governor's Division of Emergency Management, State Administrative Agency (GDEM/ SAA) audit and compliance team conducted an on-site visit in the City of Sherman. The focus of this visit was to ensure the jurisdiction complied with the regulations and guidelines outlined in the administration of the Homeland Security Grant Program. The sampling of grant-funded assets included all items valued at or above $5,000 and all controlled items as defined in the Uniform Grant Management Standard and State Property Accountability Policy. Mr. Jeff Jones, Chief, Sherman Fire Department, is charged with management of grant funded assets for the City.

The City of Sherman has received seven grants and undertaken three projects for communication interoperability, terrorism intelligence/early warning system, and CBRNE response enhancement.

Mr. Jones was very helpful in assisting the audit team during the visit. Fire Department staff was able to provide required documentation as requested throughout the visit. Extensive documentation was also provided for equipment procurement, inventories, and equipment related training.

No deficiencies were identified during the visit. In addition to our inspection, grant related issues were discussed with city personnel, and guidance was given by the audit team to quickly resolve an outstanding reimbursement request.

Additional guidance on inventory records and equipment loan-out procedures and examples was provided. Overall the city demonstrated effective management of grant funds and equipment. Procurement requests and payment processing for homeland security assets were kept segregated from equipment management.

Summary of Audit Results

Grant Funds Used to Supplement Existing Funds and Not Replace Funds that Have Been Approved for the Same Purpose

☒ Satisfactory ☐ Needs Improvement

Performance Measures in Sub-recipient Agreements Based on Texas Homeland Security Strategic Plan Goals and Objectives

☒ Satisfactory ☐ Needs Improvement

Purchase Methods Analyzed to Provide the Best Value for Purchased Items

☒ Satisfactory ☐ Needs Improvement

Local Procurement Policy Comply with Procurement Standards

☒ Satisfactory ☐ Needs Improvement

Aware and Comply with Correct Reimbursement Process for Local Purchases

☒ Satisfactory ☐ Needs Improvement

SAA Notified When Equipment is Returned or Exchanged

☒ Satisfactory ☐ Needs Improvement

Packing Slips for Equipment Submitted Within a Reasonable Time Frame

☒ Satisfactory ☐ Needs Improvement

Equipment Has Been Opened, Inspected, and Readied for Immediate Deployment

☒ Satisfactory ☐ Needs Improvement

Training for Appropriate Grant Purchase Items Have Been Conducted

☒ Satisfactory ☐ Needs Improvement

Equipment Has Enhanced Preparedness and Response Capabilities in Accordance with Strategic Plan

☒ Satisfactory ☐ Needs Improvement

Grant Purchased Equipment Items Have Been Integrated Into Local Inventory System

☒ Satisfactory ☐ Needs Improvement

Equipment Items Tagged for Identification and Inventory Control

☒ Satisfactory ☐ Needs Improvement.

Current Level of Interoperability

☐ 2 ☐ 3 ☒ 4 ☐ 5

Basis of Review

Objective and Scope

The overall objective was to determine whether sufficient controls were in place to ensure State Homeland Security funds were being used as intended and protected from fraud, waste, and abuse. The GDEM/SAA audit and compliance team was also tasked to determine the jurisdiction's compliance with applicable laws, policies, and regulations. The review covered grant funds awarded to the jurisdiction.

Criteria

Our review was based upon standards as set forth in the Grant Guidelines and Application Kit for each individual grant; applicable OMB Circulars; the Office for Justice Programs Financial Guide; the Texas Grant Guidelines for each individual grant; and other sound administrative practices.

Background

The City of Sherman is located in the Texoma Council of Governments. The City was awarded a total of $856,500.02 in grant funds.

SHSP Pre-2004	$239,722.00
2004 SHSP	$232,407.49
2004 LETPP	$80,239.36
2005 SHSP	$100,821.00
2005 LETPP	$39,603.00
2007 SHSP	$103,017.66
2007 LETPP	$60,689.51
Total	**$856,500.02**

Grant Monitor Information

Kenneth Wilson, Audit and Compliance Specialist
Joe Urtado, Audit and Compliance Specialist

Contact Information

For questions regarding this review, please contact William Gregersen, SAA Audit & Compliance Supervisor.

E-mail: william.gregersen@txdps.state.tx.us

Distribution List

The Honorable Bill Magers, Mayor, City of Sherman
Mr. Jeff Jones, Chief, Sherman Fire Department

November 12, 2007

The Honorable Bill Magers
City of Sherman
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mayor Magers:

Please acknowledge receipt of the draft report for the GDEM/SAA audit and compliance visit conducted on October 16, 2007. Sign and return this card to GDEM/SAA within 30 days upon receipt.

Name: William L. Magers

Signature: William L Magers

mailed 11/26/07

City of Sherman
P.O. Box 1106
Sherman, TX 75091-1106

Department of Public Safety
Governor's Division of Emergency Management
Homeland Security Grant Program State Administrative Agency (SAA)
Attn: Audit and Compliance Unit
PO Box 4087
Austin, Texas 78773-0270

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.2

OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, December 11, 2007, to Review and Discuss Development Standards for Sherman's Major Highways and Thoroughfares

Issue

To consider calling a special meeting of the City Council to review and discuss development standards for Sherman's major highways and thoroughfares, including F.M. 1417, U.S. Highway 75 and U.S. Highway 82 Overlay Districts, with any recommendations to be forwarded to the Planning and Zoning Commission

Background

At the December 19th Council meeting, Deputy Mayor Chip Adami and Council Member Joe N. Smith asked the staff to hold a special meeting for the purpose of reviewing and discussing development standards for Sherman's major highways and thoroughfares, including F.M. 1417, U.S. Highway 75 and U.S. Highway 82 Overlay Districts. Any recommendations that result from the meeting would be forwarded to the Planning and Zoning Commission for their consideration and ordinance preparation.

Origination

Deputy Mayor Chip Adami and Council Member Joe N. Smith

Financial Consideration

None

Staff Recommendation

It is recommended that the City Council call a special meeting for 12:00 noon on Tuesday, December 11, 2007, to review and discuss this issue.

Alternatives

12:00 noon on Thursday, December 13, 2007; or another time, date, or location more convenient for the City Council

Attachments

None

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.3

**** OTHER BUSINESS***

Consider Calling a Special Meeting of the City Council for Tuesday, January 22, 2008, due to Conflict with a Federal Holiday

Issue

To consider calling a special meeting of the City Council for 5:00 p.m. on Tuesday, January 22, 2008, to make up for the second regular meeting in January, which falls on the Federal Holiday, Martin Luther King, Jr. Day.

Background

The City Charter provides that City Council regular meetings shall fall "on the first and third Mondays of each month, excluding holidays, at its discretion." The regular date for the Council's second meeting in January is Monday, January 21st, a Federal Holiday to celebrate Martin Luther King, Jr. Day. While this day is not an officially recognized holiday for City of Sherman employees, it is traditionally respected by not holding regular City Council meetings on this Federal Holiday. While the Charter provision does not require the City Council to meet on a Federal Holiday, neither does it establish a make up date, which would be done by a motion and order with a 72-hour public notice.

Origination

City Manager

Financial Consideration

No financial impact to be considered

Staff Recommendation

It is recommended that the City Council call a special City Council meeting for 5:00 p.m. on Tuesday, January 22nd.

Alternatives

As the City Charter does not require the City Council to make up a regular meeting which falls on a Federal Holiday, the Council could elect to skip their second meeting of the New Year and meet at the next regular Council meeting date of Monday, February 4th.

Attachments

None

Prepared and Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.4

**** OTHER BUSINESS***

Final Plat Approval of the Rolling Meadows Estates, Phase I in the City of Sherman's Extra Territorial Jurisdiction, being 14.112 acres in the Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 149; David Howerton, Owner (5300-5600 Blocks of Dripping Springs Road)

Issue

To consider Final Plat approval of the Rolling Meadows Estates, Phase I in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 14.112 acres in the Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 149, located in the 5300-5600 blocks of Dripping Springs Road and owned by David E. Howerton

Background

The property is located in the City of Sherman's ETJ at the corner of Dripping Springs Road and Mayes Drive in northeast Sherman. The owner would like to plat the property into twelve lots for residential development.

Origination

David E. Howerton (Owner); Helvey and Associates, Inc. (Surveyors)

Board Recommendation

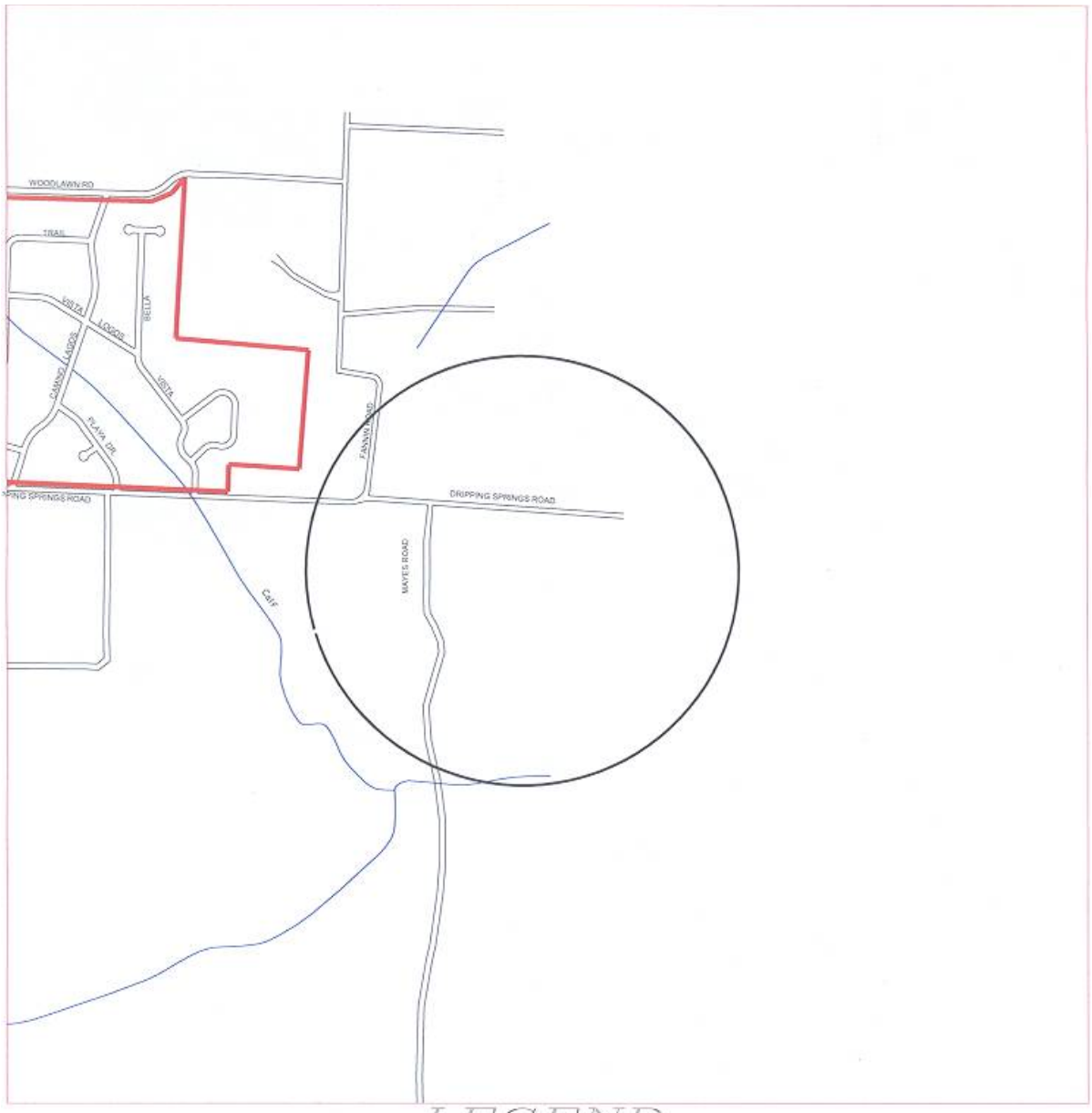
At the November 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



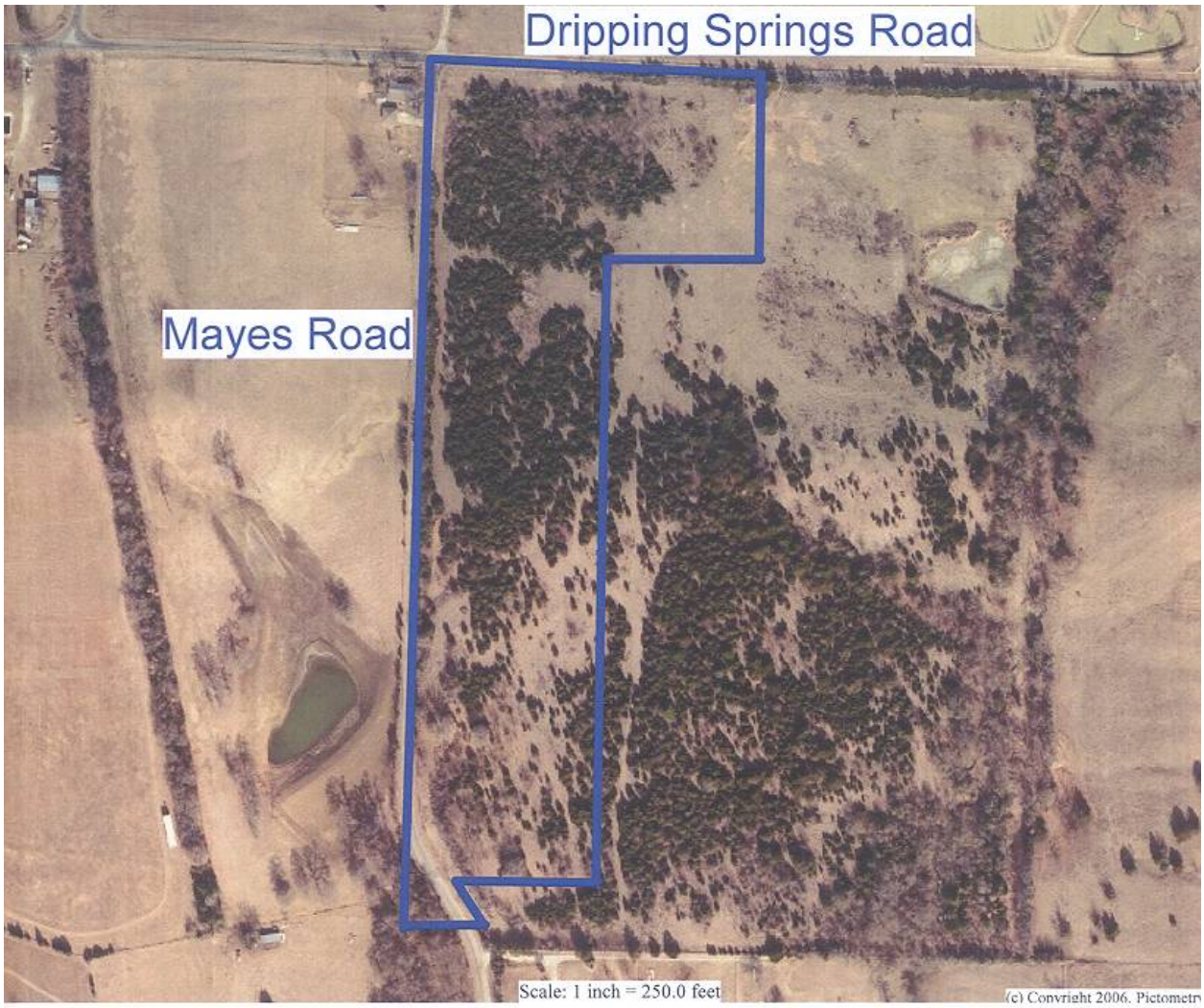
LEGEND

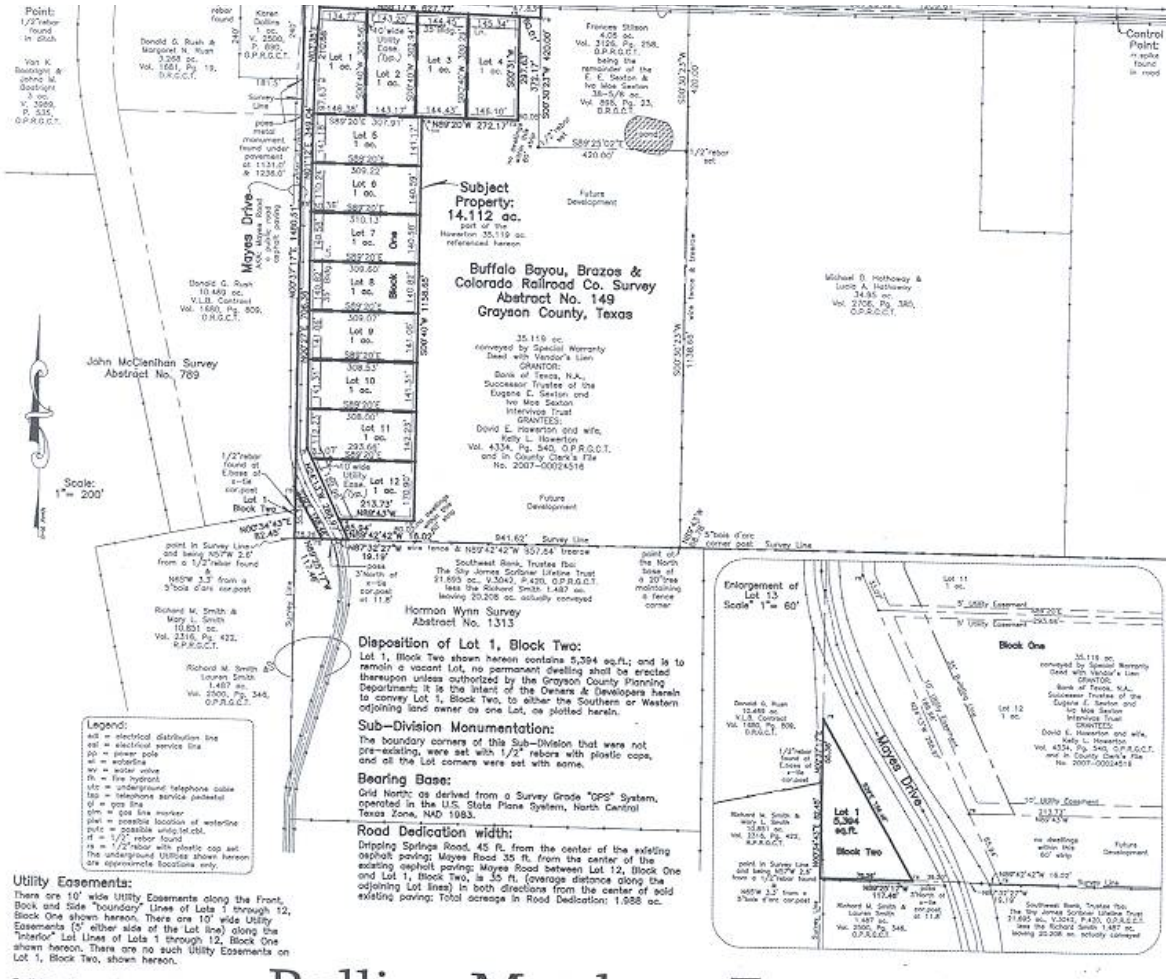
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	
C-1	RETAIL BUSINESS DISTRICT	
C-2	GENERAL COMMERCIAL DISTRICT	
C O	OFFICE DISTRICT	
M-1	LIGHT MANUFACTURING DISTRICT	
M-1.5	MEDIUM MANUFACTURING DISTRICT	
M-2	HEAVY MANUFACTURING DISTRICT	
M H	MANUFACTURED HOUSING DISTRICT	
	BLALOCK INDUSTRIAL PARK	
O-1	OVERLAY DISTRICT - 75 & 82	
O-1.1	OVERLAY DISTRICT - 1417	
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY	
CPO	COLLEGE PARK OVERLAY	
A&C	ARTS & CULTURAL OVERLAY DISTRICT	
CBD	CENTRAL BUSINESS DISTRICT	

5300-5600 BLK DRIPPING SPRINGS
100-200 BLK MAYES RD
FINAL PLAT

Department of Developmental Services

N


Dripping Springs Road
Mayes Road
Scale: 1 inch = 250.0 feet
(c) Copyright 2006, Pictometry



Rolling Meadows Estates Phase One to Grayson County, Texas

14.112 Acres
in the
Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 149

Owners & Developers
David E. Howerton & Kelly L. Howerton
1640 W. Woodard St.
Denison, Texas 75020
Ph 903-465-8678

General Notes:

1. The proposed land use for Lots 1 through 12, Block One shown hereon, are Single Family Dwellings only. The building of any permanent dwelling on Lot 1, Block Two shown hereon is prohibited, unless authorized by the Grayson County Planning Department.
2. Blocking the flow of water in natural drainage areas (ie. creeks, branches, swells or ravines) within 10 ft. of either side of the high banks is prohibited.
3. The subject property shown hereon does not lie within the limits of any "designated" Flood Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0153 D, effective date: May 16, 1992.

Helvey and Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph 903-463-6191 Fax 903-463-4088

Plot: KR/LDOT1/Project/Sexton-to-Howerton-34ac

Location Map *(not to scale)*

AGENDA ITEM #7

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 20, 2007

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

5300-5600 Blocks of Dripping Springs Road and 100-200 Blocks of Mayes Road
14.112 Acres in the Buffalo Bayou,
Brazos & Colorado Railroad Co. Survey, Abstract No. 149
Final Plat

Requested Action/Proposed Use:
Final Plat of Rolling Meadows Estates, Phase 1, an addition in the extra territorial jurisdiction of the City of Sherman

Adjacent Zoning:
NA

Origination:
David E. Howerton and Kelly L. Howerton (Owners) and Helvey & Associates Surveying, Inc. (Surveyor)

Considerations:
Master Plan Designation: Residential

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared by:
Rita Gaither,
Development Coordinator

Approved by:
Scott Shadden,
Development Services Director

STAFF REVIEW LETTER

November 13, 2007

David E. Howerton
Kelly L. Howerton
1640 W. Woodard St.
Denison, TX 75020

Dear Applicant,

The request for approval of a Final Plat of Rolling Meadows Estates, Phase One (an addition in the extra territorial jurisdiction of the City of Sherman) concerning the property located in the 5300-5600 Blocks of Drippings Springs Road and the 100-200 Blocks of Mayes Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2007 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Wording on the plat shall provide that the lots are to be served by individual on-site sewage facility and are to be installed according to State of Texas and Grayson County guidelines.
2. The proper water provider (Starr Water) serving the lots shall be shown on the plat.
3. Letters from the various utility companies stating the availability of service and the adequacy of easements are required.
4. Original tax certificates for the property must be furnished prior to recording of the plat.
5. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

cc: George Olson, City Manager
Mark Gibson, Director of Utilities and Engineering
Doreen E. McGookey, City Attorney
Rita Gaither, Planning & Development Coordinator
Jerry White, Grayson County
Fire Marshal's Office
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer
Helvey & Associates Surveying, Inc.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.5

**** OTHER BUSINESS***

Special Consideration to Ordinance No. 2252, Article IV, Section 410(2)(j) and 510 of the Code of Ordinances for Site Plan Approval to Extend the Driveway for a Shipping and Receiving Crane and a Concrete Pad for a Holding Station for Storage in the Blalock Industrial Park District at 525 Progress Drive (Progress Rail, Owner)

Issue

To consider the request of Progress Rail (Owner) for special consideration for site plan approval to extend the driveway for a shipping and receiving crane and a concrete pad for a holding station for storage in the Blalock Industrial Park District at 525 Progress Drive

Background

Blalock Industrial Park District: *No building permit for the construction of any building or buildings on any tract shall be issued unless and until the building inspector of the City of Sherman, and superior authority, where necessary, has approved the site plan for the tract for which application is made showing not only types and locations of building or building, but also lay-out of parking areas and areas for unloading and loading.*

Origination

Progress Rail, Owner; Arnie Monteleone and Teresa Fleming, Representatives

Board Recommendation

At the regular meeting on November 20, 2007, the Planning and Zoning Board voted 8/0 to approve the site plan and to forward the request to the City Council.

Attachments

Location Map
Photographs
Site Plan
P&Z Communications Form
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

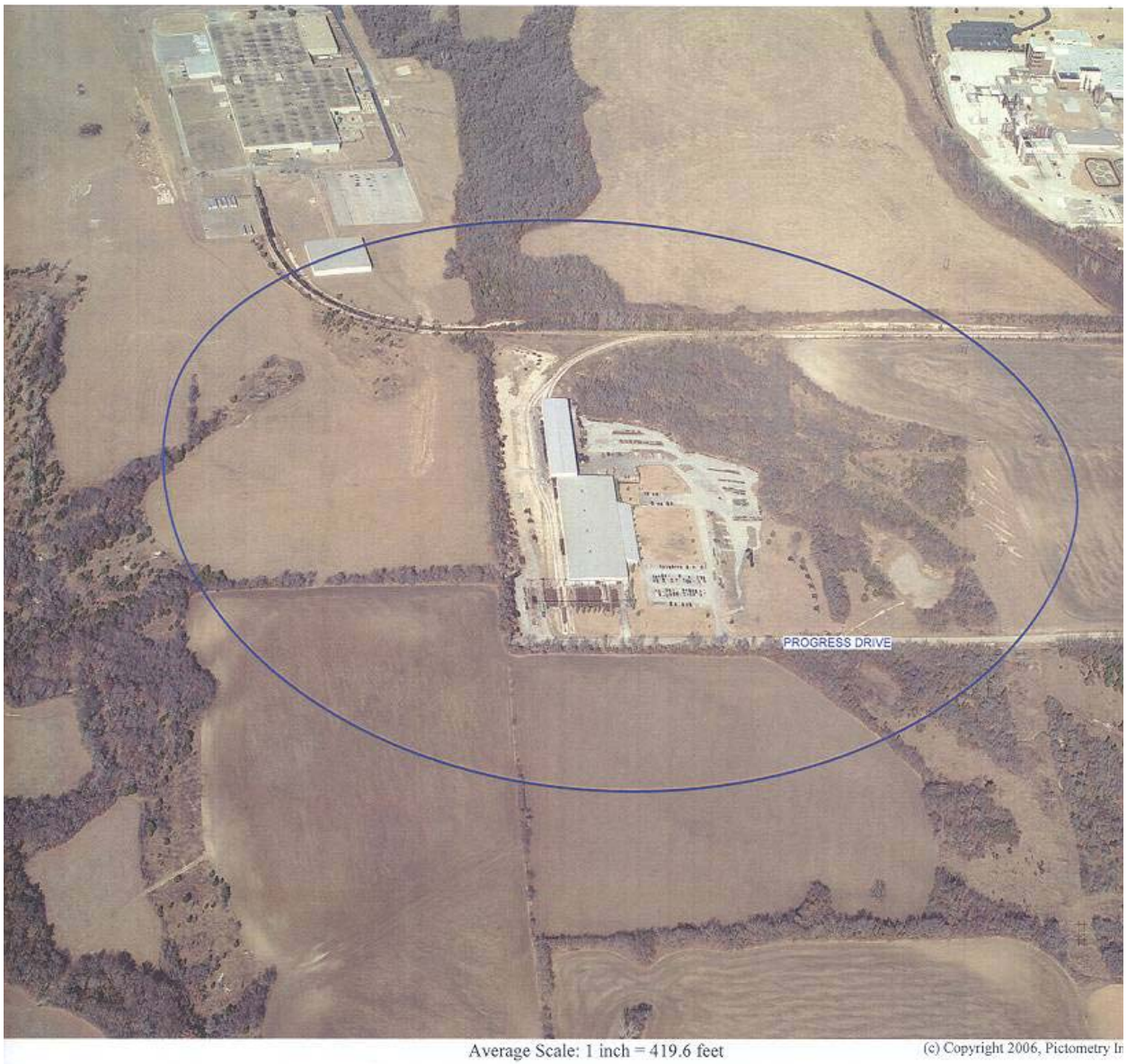
Approved by:
George Olson, City Manager

LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	
C-1	RETAIL BUSINESS DISTRICT	
C-2	GENERAL COMMERCIAL DISTRICT	
C O	OFFICE DISTRICT	
M-1	LIGHT MANUFACTURING DISTRICT	
M-1.5	MEDIUM MANUFACTURING DISTRICT	
M-2	HEAVY MANUFACTURING DISTRICT	
M H	MANUFACTURED HOUSING DISTRICT	
	BLALOCK INDUSTRIAL PARK	
O-1	OVERLAY DISTRICT - 75 & 82	
O-1.1	OVERLAY DISTRICT - 1417	
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY	
CPO	COLLEGE PARK OVERLAY	
A&C	ARTS & CULTURAL OVERLAY DISTRICT	
CBD	CENTRAL BUSINESS DISTRICT	

525 PROGRESS DRIVE SITE PLAN

Department of Developmental Services

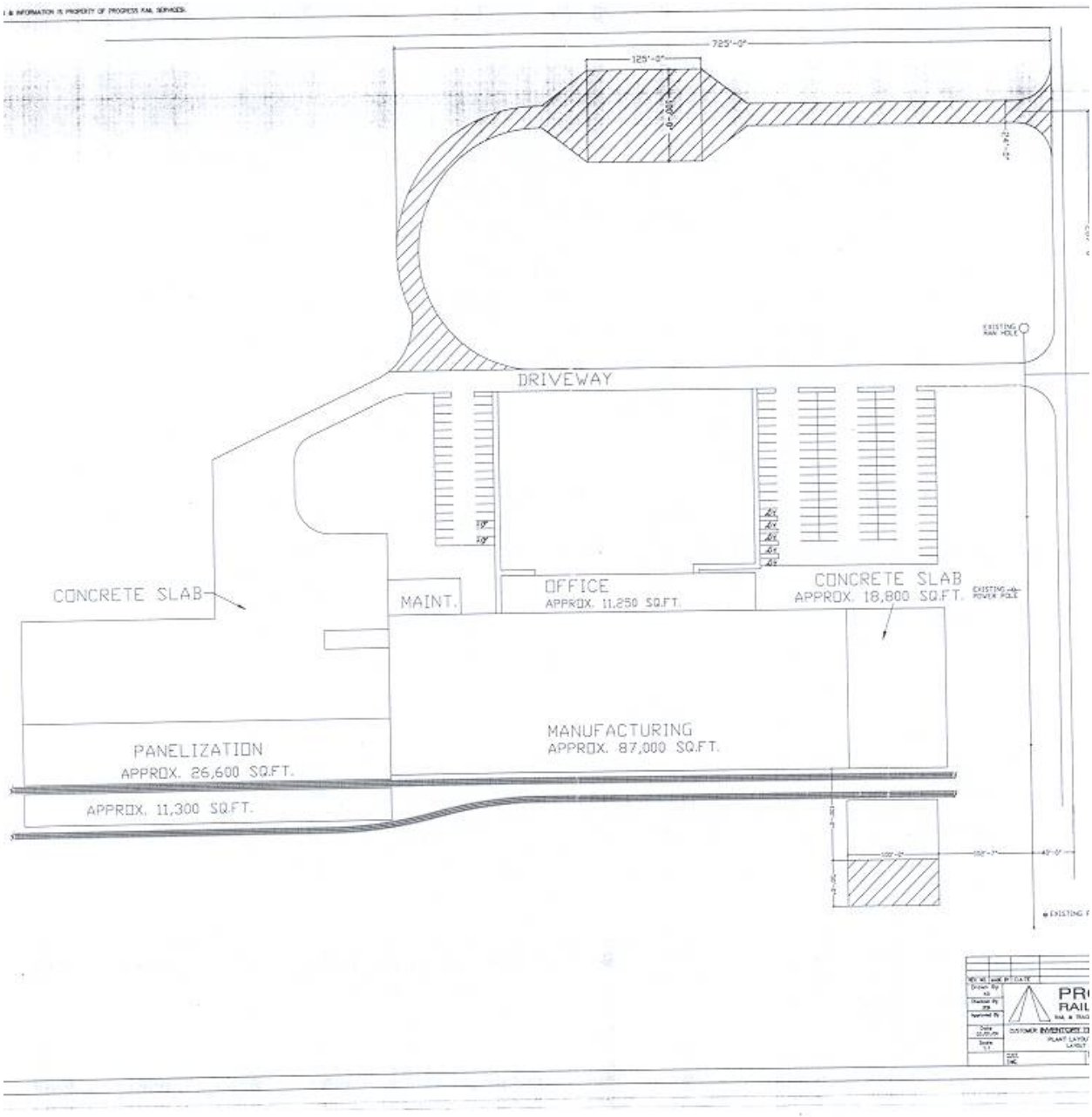


Average Scale: 1 inch = 419.6 feet

(c) Copyright 2006, Pictometry In

PROGRESS
RAIL SERVICES
VISITORS, PLEASE USE NORTH PARKING LOT
SOUTH PARKING LOT FOR EMPLOYEES ONLY
DELIVERY TRUCKS, PLEASE GO TO NORTH PAD
FLAT PLATE TRUCKS, PLEASE GO TO SOUTH PAD
ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903 802 7232
11/05/2007

...N INFORMATION IS PROPERTY OF PROGRESS RAIL SERVICES.



AGENDA ITEM #5

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 20, 2007

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner — **John Nix, Commissioner**
Lawrence Davis, Commissioner — **Steve Jones, Commissioner**
Robert Softly, Commissioner — **David Plyler, Commissioner**

525 Progress Drive
Being Lot 1, Block 1, Sherman Industrial Development Addition
in Tract 3 of the Blalock Industrial Park
Site Plan

Requested Action/Proposed Use:
Site plan approval to Ordinance No. 2252 Article IV Section 410 (2) (j) to extend the driveway for a shipping and receiving crane and a concrete pad for a holding station for storage in the Blalock Industrial Park.

Adjacent Zoning:
Blalock Industrial Park and M-1 (Light Manufacturing) District

Origination:
Progress Rail Services Corporation (Owner) Arnie Monteleone and Teresa Fleming (Representatives)

Master Plan Designation:
Industrial

Number of notices mailed:
32

Objections Received:
0

Attachments:
Location map; Photographs; and Site Plan

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Development Services Director

STAFF REVIEW LETTER

November 15, 2007

Progress Rail Services Corporation
P.O. Box 1037
Albertville, Alabama 35950

Progress Rail Services
Attn: Arnie Monteleone
P.O. Box 2408
Sherman, Texas 75091

Progress Rail Services
Teresa Fleming
P.O. Box 2408
Sherman, Texas 75091

Dear Applicant,

The request for approval of a site plan concerning the property located at 525 Progress Drive, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2007 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Compliance with all requirements of the Blalock Industrial Park District Ordinance is required.
2. The 4" sewer service line is privately owned and maintained.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

cc: George Olson, City Manager
Mark Gibson, Director of Utilities & Engineering
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.6

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.7

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. D.8

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections."

Section 551.071 **Consultation with City Attorney Concerning Legal Matters and Pending Litigation:**

a) Discuss Proposed Substandard Structure Ordinance

Section 551.074 **Personnel Matters:**
Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions

a) Greater Texoma Utility Authority Board of Directors (2)

Section 551.087 **Deliberations Regarding Economic Development Negotiations:**

a) Deliberate Regarding Commercial or Financial Information that the City has Received from Business Prospects and Deliberate any Offers or Incentives to the Business Prospects

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. F.1

OPEN MEETING
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-3-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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JULY

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AUGUST

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OCTOBER

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NOVEMBER

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DECEMBER

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01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - 12:30 PM Called Meeting re: City Manager's Employment
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
02/28/07 - 12:00 Noon Called Meeting to Appoint Acting City Manager
03/28/07 - 12:00 Noon Called Meeting re: Acting/Permanent City Manager Issues
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results
06/01/07 - Budget Planning Meeting in Council Chambers
06/11/07 - Called Meeting to Attend Commissioner's Court Meeting
06/13/07 - Called Meeting re: Police & Fire Comp. Study
07/02/07 - Cancelled Pre-4th of July Council Meeting
07/09/07 - Called Meeting for Social Event at Lake Texoma
07/12-14/07 - Budget Workshop in Council Chambers
08/27/07 - 12:00 Noon Called Meeting for Appeal of P&Z Decisions
09/03/07 - Labor Day - Called Council Meeting on 09/04/07
09/14/07 - 12:00 Noon Joint Meeting with SEDCO Board
11/06/07 - Sales Tax Election
11/14/07 - 12:00 Noon Called Meeting to Canvass Election Results
12/11/07 - Proposed Called Meeting to Review Development Standards

2008
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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21	22	23	24	25	26	27
28	29	30	31			

01/21/08 - M.L.K., Jr. Birthday - Called Council Meeting on 01/22/08
02/18/08 - Washington's Birthday - Called Council Meeting on 02/19/08
09/01/08 - Labor Day - Called Council Meeting on 09/02/08