

STATE OF TEXAS §
COUNTY OF GRAYSON §

November 15, 2022

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustment of the City of Sherman, was begun and held on November 15, 2022.

MEMBERS PRESENT: CHAIRMAN MAHONE
 VICE CHAIRMAN DOWNTAIN
 COMMISSION MEMBERS: DAVIS, SIMS, WHITAKER AND
 BLAGG

ALTERNATE: NONE

MEMBERS ABSENT: MANLEY

STAFF PRESENT: ROB RAE, DIRECTOR OF DEVELOPMENT SERVICES,
 KERRI TURNER, DEVELOPMENT SERVICES
 COORDINATOR, WAYNE LEE, DIRECTOR OF
 ENGINEERING AND LAUREN MARLOW, DEVELOPMENT
 SERVICES ADMINISTRATIVE ASSISTANT

CITY ATTORNEY: ALICESON COTTON

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:05 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the October 18, 2022, regular meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Commission Member Sims. All present voted AYE.

APPROVE MINUTES

MOTION CARRIED.

ANNOUNCEMENTS

There were no announcements.

ANNOUNCEMENTS

APPOINT BOARD OF ADJUSTMENT

Chairman Mahone appointed the members of the Board of Adjustment: MAHONE, DAVIS, DOWNTAIN, SIMS AND WHITAKER.

BOARD OF
ADJUSTMENT

CITIZEN COMMENTS

There were no citizen comments.

CITIZEN COMMENTS

CONSENT AGENDA (ITEMS 7, 8, 9, 10, 11, 12, 13 AND 14)

Consent Agenda items are considered routine and non-controversial items.

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Davis moved to approve the Items on

the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Sims. All present voted AYE.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF MORAN DEVELOPMENTS, LLC (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1228 SOUTH RUSK STREET, BEING 0.200 ACRES IN PART OF THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AND BEING THE SOUTH 100 FT. OF LOT 8, BLOCK 16 OF THE B.H. MOORE HEIRS ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF B.H. MOORE HEIRS ADDITION, LOT 8R, BLOCK 16.

REPLAT - B.H.
MOORE HEIRS
ADDN, LT 8R, BLK 16
1228 S RUSK ST
(MORAN
DEVELOPMENTS,
LLC)

The property is located at 1228 South Rusk Street, the northwest corner of South Rusk and West Dulin Streets and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into one lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JOHN AND MARY RALEIGH (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 5211 OB GRONER ROAD, BEING 9.991 ACRES IN THE JASON STAMPS SURVEY, ABSTRACT NO. 1115, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF RALEIGH ACRES, LOTS 1 AND 2, BLOCK A.

PRELIMINARY PLAT
–
RALEIGH ACRES,
LOTS 1 AND 2,
BLOCK A
5211 OB GRONER
RD
(JOHN AND MARY
RALEIGH)

The property is located at 5211 OB Groner Road between South Friendship Road and Rolling Hills Drive and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into 2 lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF DHESI INVESTMENT, LLC (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 310 NORTH CARL STREET, BEING 0.217 ACRES IN THE J.B. MCANAI

PRELIMINARY PLAT
– DHESI ADDITION,
LOT 2R, BLOCK E
310 NORTH CARL
STREET

SURVEY, ABSTRACT NO. 763, AND ALSO BEING PART OF LOTS 2, 3, AND 4, BLOCK E, GREENMOUNT 2ND ADDITION, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF DHESI ADDITION, LOT 2R, BLOCK E.

(DHESI
INVESTMENT, LLC)

The property is located at 310 North Carl Street between West Mulberry and West Pecan Streets and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into 1 lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF LUKE SCHEIBMEIR (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 709 EAST LAMBERTH ROAD, BEING 0.512 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AND BEING PART OF LOT 1, BLOCK 2, J.H. CARRAWAY'S SUBDIVISION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF 709 EAST LAMBERTH ADDITION, BLOCK A, LOT 1.

REPLAT - 709 EAST
LAMBERTH
ADDITION, BLOCK A,
LOT 1
709 EAST
LAMBERTH ROAD
(LUKE SCHEIBMEIR)

The property is located at 709 East Lamberth Road between Masters Street and North Loy Lake Road and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into two lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF MARK TEMPLE, M.A. TEMPLE INVESTMENTS (OWNER), R.D. SIMPSON (REPRESENTATIVE) AND BURNS SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 4305 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, API ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL OF JOHNSTONE SUPPLY.

SITE PLAN –
JOHNSTONE
SUPPLY
4305 TEXOMA
PARKWAY
(MARK TEMPLE, M.A.
TEMPLE
INVESTMENTS)

The property is located at 4305 Texoma Parkway between Frisco Road and Lindley Drive and is zoned C-2 (General Commercial) District. The owner is requesting Site Plan approval of Johnstone Supply. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF DIANA RAULSTON AND AMY FIELDS (OWNERS), LEN MCMANUS (ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 500 BLOCK HOG SKIN ROAD IN SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 9.441 ACRES IN THE BAILEY WINFRED SURVEY, ABSTRACT NO. 66, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF LADD ESTATES III.

PRELIMINARY PLAT
LADD ESTATES III
500 BLOCK HOG
SKIN ROAD
(DIANA RAULSTON
AND AMY FIELDS)

The property is located at 500 Block Hog Skin Road between Ladd Road and Merriman Parkway in Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into seven lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF NAVEED OWAIS, EMAAR TX LLC (OWNERS) AND UNDERWOOD DRAFTING & SURVEYING CONCERNING THE PROPERTY LOCATED AT 514 SOUTH DEWEY AVENUE, BEING 0.317 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963, AND ALSO BEING ALL OF LOT 4 AND PART OF LOT 5, BLOCK 2, J.C. LINNSTEAD ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF EMAAR ADDITION.

REPLAT – EMAAR
ADDITION
514 SOUTH DEWEY
AVENUE
(NAVEED OWAIS,
EMAAR TX LLC)

The property is located at 514 South Dewey Avenue, the northwest corner of East King Street and South Dewey Avenue and is zoned C-1 (Retail Business) District. The owner would like to plat the property into one lot for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF FRONTERA MHC, LLC (OWNER), MARLEY PHILLIPS (DEVELOPER/REPRESENTATIVE), BOWMAN (CONSULTING FIRM) AND SPOONER AND ASSOCIATES LAND SURVEYORS (SURVEYOR) CONCERNING THE PROPERTY AT 2708 EAST LAMAR STREET, BEING 113.414 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS:

FINAL PLAT – LOT 1
AND LOT 2, BLOCK 1
FRONTERA
2708 EAST LAMAR
STREET
(FRONTERA MHC,
LLC)

PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF LOT 1 AND LOT 2, BLOCK 1
FRONTERA.

The property is located at 2708 East Lamar Street, the southeast corner of Wells Street and Highway 56 and is zoned MH (Manufacturing Housing) District. The owner would like to plat the property into one lot for a manufactured housing development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – HICKORY HILLS APARTMENTS, LOTS 1 & 2
THE REQUEST OF LAMBERTH HICKERY HILL, LLC (OWNER), KIESHA KAY (REPRESENTATIVE), KW LANDSCAPE ARCHITECTS (LANDSCAPE ARCHITECTS), MEEKS PARTNERS (ARCHITECTS) AND BOHLER ENGINEERING (ENGINEER) CONCERNING THE PROPERTY LOCATED IN THE 2100-2300 BLOCKS WEST LAMBERTH ROAD, BEING 22.330 ACRES IN THE RALSTON W. ADAMS SURVEY, ABSTRACT NUMBER 18, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL OF HICKORY HILL APARTMENTS, LOTS 1 & 2.

SITE PLAN –
HICKORY HILL
APARTMENTS
2100-2300 BLOCKS
WEST LAMBERTH
ROAD
(LAMBERTH
HICKERY HILL, LLC)

John Kendall, Bohler Engineering, 2600 Network Blvd., #310, Frisco, TX

Mr. Kendall appeared to represent the request and answer any questions. The property is located in the 2100-2300 Blocks West Lamberth Road between Salvage Drive and Carriage Estates Road and is zoned PD (Planned Development) District.

Mr. Kendall explained, “We are requesting Site Plan approval of the Hickory Hill Apartment complex. We have worked with Staff and agree with all comments that have been given and will comply with those before submitting for Final Plat and moving forward with construction.”

Mr. Rae stated, “Halff Associates has reviewed the Site Plan to ensure this conforms to the PD (Planned Development) document.”

Michael Tierney, 3718 Heatherwood Ln., Sherman TX

Mr Tierney stated, “I am interested in the number of units that will be in phase one and phase two and the range of value to the apartment and apartment complex.”

Mr. Kendall replied, “They are still working out their one-, two-, and three-bedroom units. There will be between 260 and 285 units with a construction cost of \$35,000,000.00 to \$38,000,000.00.”

Mr. Tierney asked, “Has rent been determined?”

Mr. Kendall replied, “Rent has not been determined. We are at least 24 months out from completion. I cannot quote rent at this time. These will be market rate, class A apartments.”

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Kendall replied, “yes, they had seen the Staff Review Letter and would abide by the Recommendations.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Site Plan of Hickory Hill Apartments, Lots 1 & 2 in the 2100-2300 Blocks West Lamberth subject to the Staff Review letter. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

VARIANCE

THE REQUEST OF PAAGE LTD (OWNER), JOE JOHNSON (REPRESENTATIVE), NATIONAL SIGN CORPORATION (SIGN CONTRACTOR) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3601 NORTH TRAVIS STREET, BEING LOT 1, BLOCK 1 OF COVEY ADDITION CONSISTING OF 6.624 ACRES, AS FOLLOWS:

BOARD OF ADJUSTMENT

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (6)(A) TO ALLOW A 10' FRONT SETBACK FOR A FREESTANDING SIGN IN LIEU OF THE REQUIRED 25' IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

BACKGROUND:

THE PROPERTY IS LOCATED AT 3601 NORTH TRAVIS STREET BETWEEN HIGHWAY 82 AND ATKINSON DRIVE AND IS ZONED C-2 (GENERAL COMMERCIAL) DISTRICT.

The property is located at 3601 North Travis Street between Highway 82 and Atkinson Drive and is zoned C-2 (General Commercial) District. The owner is requesting approval of a variance for the setback of a sign.

An email was received from Joe Johnson, HBJ Architects, on November 14, 2022 at 10:57 A.M. requesting to withdraw this item.

VARIANCE – SIGN
SETBACK
3601 NORTH TRAVIS
STREET
(PAAGE LTD)

(WITHDRAWN)

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

THIS ITEM WAS WITHDRAWN.

VARIANCE

THE REQUEST OF SUE KIMBLE (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3038 PRESTON CLUB DRIVE, BEING PART OF LOTS THREE AND FOUR, BLOCK ONE, OF PRESTON CLUB, AS FOLLOWS:

BOARD OF ADJUSTMENT

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 20' REAR YARD SETBACK FOR A PATIO ADDITION IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE-REAR
SETBACK
3038 PRESTON
CLUB DRIVE
(SUE KIMBLE)

Sue and David Kimble, 3038 Preston Club Drive, Sherman, TX

Ms. Kimble appeared to represent the request and answer any questions. The property is located at 3038 Preston Club Drive between Highway 82 and Roberts Run and is zoned R-1 (One Family Residential) District.

Ms. Kimble explained, "We would like a Variance for an 8' covered patio extension. There is nothing behind us and I don't think anything is going to be built there due to the flood plain. This would tie into the roof of the home."

Mr. Rae stated, "One of our updated zoning recommendations is a 20' rear yard setback in an R-1 (One-Family Residential) District."

Tim Snyder, 3042 Preston Club Drive, Sherman, TX

Mr. Snyder stated, "We are the applicants neighbors. I am also on the Preston Club Homeowner's Association Board. We have no objection to this item."

Chairman Mahone asked if they had seen the Staff Review Letter.

Ms. Kimble replied, "yes, they had seen the Staff Review Letter and would abide by the Recommendations."

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

ACTION TAKEN.

Motion by Vice Chairman Downtain to approve the Variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 20' rear yard setback for a patio addition in lieu of the required 25' in an R-1 (One-Family Residential) District at 3038 Preston Club Drive subject to the Staff Review letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS AND WHITAKER.

VOTING NAY: NONE.

MOTION CARRIED.

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

ZONE CHANGES, SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF FROSTFIRE HWY 82 LLC (OWNERS), MATHIAS HAUBERT, BOHLER ENGINEERING (ENGINEER), LEE ENGINEERING (TRAFFIC ENGINEER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2300-2700 BLOCKS EAST HIGHWAY 82, BEING 74.424 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

A. ZONE CHANGE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AND M-1 (LIGHT MANUFACTURING) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT, BEING 22.705 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504.

B. ZONE CHANGE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AND M-1 (LIGHT MANUFACTURING) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, BEING 51.718 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504.

C. SPECIFIC USE PERMIT APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A MINI-WAREHOUSE IN A C-2 (GENERAL COMMERCIAL) DISTRICT, BEING 14.819 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504.

D. SITE PLAN APPROVAL OF SHERMAN HIGHWAY 82 MIXED USE.

**ZONE CHANGES – R-1 & M-1 TO C-2 / M-1 & R-1 TO R-2
SUP – MINI-WAREHOUSE
SITE PLAN –
SHERMAN HWY 82
MIXED USE
2300-2700 BLOCKS
EAST HIGHWAY 82
(FROSTFIRE HWY 82 LLC)**

John Kendall, Bohler Engineering, 2600 Network Blvd., #310, Frisco, TX

Mr. Kendall appeared to represent the request and answer any questions. The property is located in the 2300-2700 Blocks East Highway 82 at the Northeast Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

Mr. Kendall explained, “We are requesting Zone Changes, a Specific Use Permit and Site Plan to allow a mixed-use

development consisting of commercial uses, residential uses, and a mini storage on approximately 74 acres.

The current zoning is R-2 (Multi-Family Residential) District and M-1 (Light Manufacturing) District. We would like a Commercial and Multi-family development along Highway 82 and a Self-Storage up against the railroad.

We had a Traffic Impact Analysis (TIA) done. If we were to move forward with this project, there would not be any requirements for improvements, but what we are committing to along Baker Road is 12' lanes of asphalt on both sides. In addition to that, we are committing to a connector road from Baker Road to Baker Ridge Road, which would allow traffic to get directly onto the freeway."

Commission Member Davis asked, "Did your traffic analysis consider the new roads?"

Mr. Kendall replied, "yes. There is a development just north of this and we used the same engineer. They took into consideration the development to the north and our development. They have to look at a worst-case scenario. This is a seven year plan but could very easily be a ten to twelve year plan as this gets built out and we are preparing for a worst-case scenario."

Chairman Mahone asked Mr. Lee, "Has engineering reviewed this TIA?"

Mr. Lee replied, "yes, the recommendations and the TIA are to have an asphalt roadway for Baker Road, as well as Graystone Drive. The TIA recommends 24' of roadway, essentially, two 12' lanes on Baker Road and Graystone Drive. The TIA also cites the need for two dedicated right turn lanes into the development. The TIA concluded there was no need for any dedicated left turn lanes into the development. The report does say the connection from Baker Road to Baker Ridge Road is necessary to make everything flow properly."

Chairman Mahone asked Mr. Kendall, "Can you talk about this Baker Road extension?"

Mr. Kendall replied, "Our client bought the property from the owner to the east. There will be a connector road that will take you back to Baker Ridge Road where an on-ramp is now there. That will push a lot more traffic away from going over the railroad tracks and push them back to Baker Ridge Road.

Something we feel important to point out is that the current development to the north is improving Graystone Drive, not Baker Road. With this plan we are committing to improve Baker Road with a 24' asphalt road and add on the extension from Baker Road to Baker Ridge Road."

Sherry Sipe, 2516 Village Dr., Sherman, TX

A letter was received from Ms. Sipe on November 9, 2022 at 3:00 p.m. stating, "Dear Mr. Rae and members of the Board, I am writing in response to the notice regarding the zone changes to the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey.

These zoning changes were requested for the development of a 700-unit apartment complex, in addition to townhomes, storage units, and retail businesses.

The approval of the 700 apartments would bring another 1400 vehicles within this small area, in addition to another 100 for the townhomes as indicated on the plan. This is not a development, it is a small town, and will present the same problems as cited by Cedar Park Village residents in two other previous proposals with the main problem being traffic congestion on Graystone Road and the RR [railroad] crossing as it currently exists.

Additionally, the construction of 100 "patio homes" was recently approved for the property on the north side of Graystone, which adds another 200 vehicles (approximately). And with the traffic population of our established community within Cedar Park Village, the estimation of vehicles will be approaching 2,000. This is an absurd amount of traffic for Graystone Road, even considering that the new plan indicates the improvement and use of Baker Road, as well.

I met the very polite gentleman, Mr. Jon Kendall with Bohler Engineering. Our conversation, in part, included my informing him about the history and problems associated with additional use of Graystone Road, and the complications at the railroad crossing; Mr. Kendall seemed unaware of the protests and problems associated with Graystone and the RR [railroad] Crossing. I spoke to him again, two days later and he told me that after hearing what I had to say about Graystone and the Crossing, he went to City Hall and was told that Graystone would have to be improved to a standard 2-lane road with a yellow stripe. This does no good, whatsoever. Even if the road were widened, there remain the very risky and real difficulties that would arise from so much traffic at the railroad crossing.

Even now, residents are often delayed when the train not only blocks the Graystone entrance/exit to/from Frisco Road, but simultaneously blocks the Dripping Springs exit to/from Frisco [Road]. Furthermore, problems with the safety apparatus blocking exits when no trains were on the track were a problem with just the current population of vehicles. School buses had to back up all the way down Graystone Road to Village Drive, turn around, and try to exit via Dripping Springs.

Please consider: Whether blocked by train or malfunctioning safety arms, this combination of a narrow country road and an even narrower railroad crossing is a hazard to the people of this area.

As Planning and Zoning well knows, this is not a new issue and was one of the main topics for our argument against the installation of a trailer park, and again, the main grievance for the development of the patio homes, on the north side of Graystone, which to my knowledge, was approved and will go forward at some point.

If this highly populated development is approved and is the cause of chaos and injuries in the future, I would think that the members would feel at least partially at fault for having approved such a ludicrous plan (under the conditions that now exist).

There is also the issue of the devaluation of our single-family homes situated on one acre. Somewhere in your building codes (from previous experience), I recall that new construction must be compatible with existing homes. Apartments are not compatible with single family homes with one acre lots, the values of which range from the 300 thousand to 500 thousand, or more.

This brings me to another issue, which admittedly is on a more personal note, and that is of the privacy lost with a 3-story apartment building at the corner of Graystone, adjacent to my back yard. The space and privacy of these lots were the main attraction for our purchase. There is no privacy whatsoever with a 3-story apartment building with some of those apartments having a bird's eye view of my home and surroundings.

And please note that the Master Plan at issue has the property north of Graystone still listed as commercial. It is hard to believe that Bohler Engineering was not aware that the zoning for that property was changed to residential and is where the patio home development will be located.

In addition to all of my complaints, the abundance of construction will create ten years of noise, dust, dirt, supply trucks, and construction worker traffic, not to mention the dislocation of wildlife, whose natural habitats are rapidly disappearing.

This acreage does not seem to attract developers willing to construct a nice single-family home community that would blend harmoniously with our own.

Commercial housing is not the same as single-family ownership. It is not the same value and it is not the same aesthetics. Simply classified as "Class A" apartments, does not mean upscale. It can mean, "new." The estimated rent

for these apartments quoted by Mr. Kendall, was from \$1,200.00 to \$1,700.00. That is not the amount of rent that would be charged for upscale apartments. And if Mr. Kendall is correct on his estimation of when Phase 1 of 200 apartments would be completed (3 years), the amounts estimated will likely be more, but not because of the class, but due to inflation.

For all the reasons cited within this letter, I ask the Board not to approve zoning changes for the use of commercial housing. However, I find no fault with retail facing Highway 82 and accessed by Hwy 82, nor the construction of storage buildings, or warehouses, accessed by Hwy 82, and I find no fault for the approval for a fraction of the 74.424 acres for these purposes.

I thank you for your time and consideration.

Respectfully yours, Sherry Sipe.”

An email was received from Ms. Sipe on November 9, 2022 at 7:52 p.m. stating, “Kerri,

Reference: The request for a zoning change on the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.

In my first email to you, I wrote that our petition was to request a denial for a zoning change to the land in Paragraph B, consisting of 51.718 acres, but it was decided to include a request to deny all zoning changes within the 74.424 acres as described above.

As I wrote in a detailed letter and mailed Sunday, November 6, 2022, this land is not suitable for an influx of such a population (of both people and vehicles) that 700 apartments, in addition to 49 townhomes, would generate.

I sent copies to all Board Members, and one to the Development Services Coordinator, a position previously held by Patsy Reeves. At the time of my mailings, I did not know who filled her position (you), and therefore your name was not part of the address. I apologize that I did not make a better attempt at identifying you.

Please notify me that my letters were received and distributed.

I would also like to take this opportunity, while thinking about it, to ask about the current zoning for the land in paragraph B , being zoned as R-1 (One Family Residential District and M-1 Light Manufacturing) to R-2(Multi Family) .This 51.718 acres currently has no homes and it has always been assumed that this was zoned as R-A [R-A (Single

Family Agricultural) District], which I believe is agriculture. For the 16 years that I have resided here, that land has only been used for mowing and generating hay. Nonetheless, a small development of single-family homes, (which is apparently its current zoning code) similar to our own community, would be a great improvement over the possibility of 750 commercial units.

Would you please confirm that this land is indeed currently zoned as described in my notice of October 28, 2022.

Thank you,

Sherry Sipe.”

Thad Thompson, 3706 Heatherwood Ln., Sherman, TX

A letter was received from Mr. Thompson on November 14, 2022 at 3:00 p.m. stating, “November 8, 2022

Planning and Zoning Board
City of Sherman

Subject: Property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811, and the Ruben Hendrix Survey, Abstract No. 504.

From: Thad Thompson
3706 Heatherwood Ln.

Hi,

In my business career, I was a Certified Real Property Appraiser. I have appraised properties for specific use, such as this project.

I will state my conclusion before giving you my observations, findings and facts.

The property suffers from a fatal flaw: THE LACK OF ACCESSABILITY.

It is my conclusion that due to the conditions surrounding the property that it would not be possible to move these large traffic flows this project would produce.

The following is my observations and findings:

WEST SIDE of the property - railroad track-no entry/exit

SOUTH SIDE- One lane, one way, road condition (very poor)

FRONTAGE ROAD - East to Hwy 1417; entry from 1417 to Frontage Rd. west. The distance from south gate to 1417 is approximately one mile. The east gate of this property is actually the intersection of Hwy 1417.

EAST SIDE - Baker Rd.; A dirt gravel road. This gate is marked as main gate, full movement on the proposed site plan. This is inaccurate in that Baker Rd. empties into either the west bound frontage road to the south or into E. Graystone Dr. to the north.

NORTH SIDE- East Graystone Drive 400-yard paved road which crosses the railroad and empties into Frisco Rd. There is a culvert and ditch on the east side of the railroad. The east end of this culvert is only 21 feet wide which narrows the road to one lane.

The project would have an estimated population of 2,960-1,480 vehicles, 1,480 children, and 740 school age children necessitating at least 16- 20 school buses.

Railroad- per the U.S. Dept. of Transportation Data Base there are 8 crossings at Graystone Dr. each day. There are two to three crossings each morning between 6:30 a.m. and 9:00 a.m., blocking E. Graystone Dr. from five to ten minutes per crossing.

NORTH PARCEL- 99 Patio homes, 99 units, 400 people, 200 vehicles, 200 children, 100 school age children necessitating 4-5 buses.

CEDAR PARK VILLAGE - 50 homes - 200 people, 100 vehicles, 100 children, 50 school age, 2-3 buses.

All of the above referenced traffic would utilize E. Graystone Dr., cross the railroad and empty into Frisco Rd.

From my observations, findings, and facts, it is my conclusion that the proposed project would generate vehicular traffic which would not flow efficiently due to lack of accessibility.

P.S.

In the information that I have, I find the mention of the name Lee Engineering (Traffic Engineering), was there a traffic survey prepared?

Sincerely,

Thad Thompson.”

Alec and Mary Anderson, 2512 Village Dr., Sherman, TX

A letter was received from Mr. and Ms. Anderson on November 11, 2022 at 9:00 a.m. stating, “To: Rob Rae, Acting Secretary, and Planning and Zoning
From: Alec and Mary Anderson 2512 Village Drive, Sherman, TX

Date: November 9, 2022

We are writing in response to the notice regarding the proposed zoning changes to the property located in the 2300-2700 blocks of East Hwy 82, being 74.424 acres.

We are asking you to vote "No" to the zoning change and the development proposed for the property listed above. Our area can't handle the amount of traffic that would result from this proposal. Even with the improvements the

developer plans to make on Baker Rd. and E. Graystone Rd., there is still the major issue of how to exit or enter this area.

Here are some of our reasons that this zoning change needs to be denied.

First, the railroad issue. During the ten years we have lived here the number of trains has increased to eight or more per day. They often stop, blocking traffic on E. Graystone Rd. due to the switching station south of here. Therefore, causing people to turn around and search for another exit. This often results in people going to either East Baker Rd via Hwy 82 Service Rd. or Dripping Springs Rd. via Cedar Park Village. Often resulting in the train having those crossings blocked also. Recently, on two occasions we have witnessed the school bus having to back up on E. Graystone Rd. because the railroad crossing is blocked, and then going back through our subdivision to continue their route. This created a dangerous situation for both the driver and the children. So, what will happen when there are several more buses needing to come to our area due to the increased population?

Secondly, is the problem with the width of the street at the railroad crossing on E. Graystone Rd. It is barely wide enough for two small cars to cross at the same time. We see a major issue with the extreme number of vehicles needing to cross the tracks daily, and then having to stop for the traffic on N. Frisco Rd. to exit.

Finally, there is the issue of having good access to and from the proposed development. Having approximately 2,000 more vehicles from this development as well as those coming from the 99 Patio Homes approved to be built North of E. Graystone Rd. will cause great safety concerns. Our streets are not suitable for that amount of traffic! They are not wide enough, they have no street signs, curbs, or sidewalks. Currently on the development plan, one main exit is onto E. Graystone Rd. This will probably be the most chosen route because it is the most convenient. Another main exit is onto Baker Rd. This road will only filter the traffic onto E. Graystone Rd. or Hwy 82 Service Rd. The final main exit from the development is located on Hwy 82 Service Rd. Just in case you are not familiar with this service road, all traffic must go under Hwy 82 and then head East. They can then turn onto E. Baker Rd. or continue out to FM 1417 and come all the way back on Hwy 82 to enter the city. We ask that you study a map of our surrounding area so you can understand our concerns. Our thoughts are that this site is not sufficient for the proposed development.

When we moved to Sherman ten years ago, we chose to live in Cedar Park Village. The main reason was because of the beautiful, serene environment encompassed in this subdivision. We are asking you to be considerate of the established Cedar Park Village homeowners. We already

have a development of 99 Patio Homes approved to be built north of E. Graystone Rd. This proposed development would add over 900 units when you combine the apartments and townhomes. We feel the proposed development is not comparable in any way to our homes on approximately one acre. In reference to the City of Sherman Master Plan Goal 1/Housing & Neighborhoods, Strategy 1.5: Protect and enhance existing neighborhoods and housing stock. Also, Goal 3/Mobility, Strategies 3.1 through 3.3. How would putting that many housing units in an area with poor accessibility respect community character, connectivity, and safety? In reference to the Planning and Zoning website under Development Services and Department Goal, we would like to quote the following paragraph: "It is our goal to encourage and promote responsible development to meet the opportunities of Sherman's future and to collaboratively work with city leaders, citizens and developers to create a place where people live, work and play in a safe environment." It is our opinion that this development will not fulfill these goals.

We currently have a lot of approved housing and construction around our area. There is 300+ homes being built on and around Dripping Springs Rd., an apartment complex of approximately 300 units being built on E. Gallagher Dr., a development that was approved off N. Frisco Rd. which we were informed will be other multi-family units along with businesses, and the 99 Patio Homes that you approved north of E. Graystone Rd. Are any new apartments or other multi-family units being built in the new developments on FM 1417 or Hwy 75 South, or are the majority being approved mainly for the East Side of Sherman?

We feel this property will be best suited for R-1 [R-1 (One-Family Residential) District] family homes and or a Super Storage facility for RVs, Boats, Autos as well as regular storage units and climate-controlled units. With the thousands of people moving to Sherman, we believe that there will be great demand for storage for boats and RVs because most developments don't allow them to be parked on the homeowner's property. This property could also contain homes on 1/3 acre lots which will help increase the tax revenue the city is truly seeking. These suggestions would pleasingly blend this property with the existing Cedar Park Village Subdivision and the 99 Patio Homes that are going to be built.

Please say "No" to this proposal. Thank you for your time.

Respectfully,

Alec Anderson and Mary Anderson"

Residents of Cedar Park Village, Sherman, TX

A letter was received on November 11, 2022 @ 9:00 a.m. signed by 99 residents of Cedar Park Village stating, "We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property."

Thad Thompson, 3706 Heatherwood Ln., Sherman, TX

Mr. Thompson stated, "I heard you mention widening Graystone Drive to 24'. I would like to point out that there is a culvert on the east end of the railroad tracks that is only 21' wide. You cannot widen the road unless you widen the culvert.

Now I would like to speak about the school buses. We are talking about as many as 750 children in this proposed development. We have 50 children in Cedar Park Village. There is going to be another 100 children in the north parcel. We are looking at 800-900 children coming off Graystone Road. I base my presentation on 50 children per bus, I understand that may be a little high as there are buses for special education and preschool and buses that mix the middle school and high school. If we have 50 children per bus, that will require 15 buses. We are looking at 20-25 buses coming into this development. I would like to take you or let you to drive the first bus off Graystone Drive. Come down Frisco Road and go onto Graystone Drive, you immediately stop – there is only room for one bus on the ramp, you must stop at the railroad crossing, you get across the railroad crossing and you run into this narrow place that is too narrow for a school bus and a bus to pass, so you are going to have to stop. Then you go to the entrance of the property and turn right. You go to a pickup point and pick up 25 children, takes at least five minutes, you go down the street and try to make a U-turn onto the northbound lane. That traffic is going to be backed up and you are going to have to sit there and wait until someone lets you in. Then you go to the north, to the next pickup point and you load another 25 children, that takes another five minutes. You go to Graystone Drive and you want to make a right turn, you are going to have to wait on the traffic coming off of Baker Road, off Graystone Drive and out of Cedar Park Village and the property to the north. Once you get there you are going to have to sit, and we come back down that place again that is too narrow for two vehicles to pass. You look up and there is a train coming and you are going to sit there for five to ten

minutes every time that train comes. You finally get across the railroad tracks, and you must wait on the traffic at Frisco Road. You take 15 buses at 10 minutes each, that is 150 minutes, 2.5 hours. That is the traffic during rush hour in the morning. That does not mean traffic is not going to get out of the subdivision, but it means traffic will crawl out of there. It is going to take more than 2.5 hours to empty the place with 700 to 800 vehicles.”

Mary Anderson, 2512 Village Dr., Sherman, TX

Ms. Anderson stated, “This is our retirement home in Cedar Park Village and is the same for a lot of people that live there. We are the ones mostly affected because we live right at the corner of Graystone and Village Drives. We have the 99 Patio Homes going in across the street from us. Mr. Kendall now wants to put 740 apartments, three stories high at the south side of our property, right across the street. That is not what we came here for. We like country living and accept growth, but we are talking a lot of vehicles and a lot of people. Our streets get very little repair. We do not complain a lot, we just want to live in peace and quiet. This is a lot and now there will be all these vehicles and if they go toward Highway 82, how many people are going to go toward Baker Ridge Road? Graystone is the fastest way to get to the main part of the City of Sherman. They are going to want to go out like I do. A month ago, I watched the school bus, twice in one week have to back up Graystone Drive to come back through our subdivision because the bars were down at the railroad tracks, once the bars were just down, the other because of a train. That is unsafe for a school bus to have to do that – backing up a hill where anyone can come over and hit that bus. We have to think of our children. You will be putting them right by the railroad tracks, again. We just want this to be safe for everyone. Please consider voting ‘no’ on this and save the people that have been living here a while.”

Alec Anderson, 2512 Village Dr., Sherman, TX

Mr. Anderson stated, “I read the City of Sherman’s new master plan that just got implemented and the zoning ordinances and criteria that is fixing to come about. I wanted to read part of 14.01.001, Item 2, Zoning Ordinance Intent, ‘The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land’. This is going to be way overcrowding these 76 acres, along with our subdivision and the 19 acres where the patio homes are going in. ‘to avoid undue concentration of population’. Why is the City of Sherman, over the last three years, constantly trying to put mobile home parks and apartment complexes on the northeast quadrant of the City of Sherman? What is being put over there by FM Highway 1417 and Highway 75 South where all the new homes are being built? Are there apartment complexes going in over there? Are patio homes going in over there? We haven’t heard anything about that.

This ordinance proposal talks about the public requirements to protect and preserve the general welfare of the community. A couple of my concerns are the winds are out of the south ten months out of the year. Where that is going to blowing is onto my property. I am disabled as it is. It is difficult for my wife and I as we get older to maintain our property. We are constantly picking up pieces of trash blowing out of people's vehicles. What is it going to be like when this apartment complex is right there. Are they going to be putting up any kind of fencing or barriers for noise?

Baker Road and Graystone Road are dark enough as it is. We have had people in our neighborhood run off the road. Is there going to be street lighting in that neighborhood?

Regarding the American Disabilities Act, this is going to be three stories tall, are there going to be elevators? Are there going to be sidewalks that are going to be wheelchair accessible?"

Sherry Sipe, 2516 Village Dr., Sherman, TX

Ms. Sipe stated, "This is in addition to the letters that I sent to each of you on the Planning and Zoning Board. I want to talk about the word Progress. I know that when we think, in the beginning, when you hear about building, you always think of progress. Progress is not always such a good thing. I jotted down a few things this afternoon that I would like to read very briefly and think I can get it in in my two minutes. I am very nervous.

I found many opinions, definitions, examples and synonyms for progress. One such finding was to develop a higher, better and more advanced stage. What is higher, better or more advanced when it requires cramming as many people as possible into as small an area as possible and the claustrophobic conditions at 750, plus or minus, apartments would bring and have the residents at these apartments and their vehicles compete for a place on inadequate and dilapidated roads, I have not yet seen the plan for improving that situation, and a hazardous railroad crossing. What is golden about progression if it creates the afore mentioned problems in addition to the ruination of our neighborhood as a peaceful, crimeless place to live, plus the burdening of our schools, businesses and services which are already lacking in the City of Sherman.

The aesthetic loss of fields and trees, which developers never try to save, they only prepare land in the most economical way, and I understand that, which is the raising of it's indigenous trees, grasses and wildflowers."

Debby Osborn, 2716 Cedar Park, Sherman, TX

Ms. Osborn stated, "You are going to add the road to Baker Ridge Road, which is fine, but most of the houses and apartments are on the north side. That is pretty close to

Graystone. People are creatures of habit, and they are going to go the shortest route. That is going to put a lot of traffic on Graystone. If it is blocked, they are going to go straight across through Cedar Park and down through the Village houses. It would add a lot of traffic. I understand they are trying to bypass some of that. That may work for some of the commercial stuff, but I do not think it is going to work for residential.

We have children that ride bikes and walk. We have school buses coming through. You add this traffic with people who have two cars a piece. That is a lot to be in that corner section, trapped. As a safety, I would not think that would be a good condition."

Ms. Sipe added, "This is no offense to the gentleman at Bohler Engineering. I have met him. He is a very nice man.

What is progress if it must include the annihilation of wildlife which is already compromised and recently to a greater degree in our area with the development of 99 patio homes wedged into 19 acres that was approved, which is adjacent to the proposed city of apartments on the opposite side of Graystone and I say city of apartments because there are so many."

Mr. Kendall replied, "This does have potential to be a three-story product. Regarding the ADA (American Disabilities Act), historically, we don't put an elevator in a three-story product. Usually when we go four-stories, we put in an elevator. It costs about \$250,000.00 per elevator. Just because the zoning allows three stories does not mean we will go three stories. The market sometimes does not call for something of that density.

I understand people are worried about the traffic. This property is currently zoned. The northern part of the property already allows for multi-family residential that could be built tomorrow. It is also zoned M-1 (Light Manufacturing) District which is light industrial. There could be a warehouse building of 400,000 square feet that could be built. With a warehouse comes 18-wheelers. It could be more than a lot more substantial than the school buses if it stayed with the current zoning of industrial.

What is nice about these plans is that the city has done a great job of holding us to a high standard. There is a plan of approval which is laying out roads, sidewalks, open space and detention that we feel would be a lot more palatable than what would currently be allowed on this property and would not require us to build the Baker Ridge Road.

There would be fencing, but not sound-proofing.

Lighting is crucial. One thing I try to share with people is that lighting is required, and we are trying to have a rentable

product. If we have a dark product, people do not want to live there, they want to feel safe. Lighting is a huge concern for a developer to meet city code and be attractive to this area.

We have shown a larger retention pond in the southwest corridor with walkways around it. We try to amenitize those areas. One of our submitted plans highlights the green space throughout the development. The City holds us to certain requirements as well as the financial institution. The financial institution wants to ensure this is a rentable product. There has to be a nice amenities center and a dog park. There has got to be connectivity and trees throughout the development.

I have very little control over the train. I do not have an answer as to what the developer to the north will have to do. I know he is widening Grayson Drive. That would fall more on his development of what is going to be required to go across the railroad tracks and making it a complete 24'. I cannot speak for the railroad. We have not had any conversations of that sort."

Chairman Mahone asked Mr. Lee, "Is the railroad out of Mr. Kendall's area that he will need to deal with?"

Mr. Lee replied, "whoever starts building first."

Commission Member Davis asked, "It seems, the TIA report stated what was needed and then you stated what you were willing to do. Did it line up with what the report said about right turns and everything else?"

Mr. Kendall replied, "yes, we went into detail to make sure that everything engineering required or recommended was implemented into our plan. All that will have to meet engineering and fire standards when we go for Plat approval."

Vice Chairman Downtain asked, "Would that include lighting for the road as well?"

Mr. Kendall replied, "That is correct."

Commission Member Davis asked, "Is this a much wider two-lane road with no center turn lane?"

Mr. Kendall replied, "yes, there is no center turn lane, this is two 12' lanes that are adjacent to each other, creating a 24' wide roadway. Currently Baker Road is not paved."

Commission Member Blagg asked Mr. Lee, "Is there sufficient water?"

Mr. Lee replied, "They will have to extend water to the site."

Commission Member Blagg asked Mr. Lee, "Is there plenty of capacity?"

Mr. Lee replied, "in the general area."

Mr. Kendall added, "This a base zoning and not a planned development. Our clients that had a three-story product, two of them have gone down to what we call a built to rent or single family for rent. A lot of times that is more palatable from a financial standpoint."

Yes, the density has the potential to be what's proposed, but in this area, if the market does not demand it, this could be a much lower density. I cannot promise that, but that has happened on our Anna and Melissa, Texas projects."

Commission Member Davis stated, "This land has been for sale 10 to 15 years. Anybody could have bought it and put a park or manufacturing business in there."

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Kendall replied, "yes, they had seen the Staff Review Letter and would abide by the Recommendations."

No other citizens appeared before the Planning and Zoning Commission to discuss the Zone Changes, Specific Use Permit or Site Plan.

ACTION TAKEN.

Motion by Commission Member Davis to approve the Zone Change under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504; Zone Change under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504; Specific Use Permit under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504; and Site Plan of Sherman Highway 82 Mixed Use. subject to the Staff Review letter. Second by Commission Member Blagg.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

SPECIFIC USE PERMIT AND SITE PLAN

THE REQUEST OF HERITAGE NAZARENE CHURCH (OWNERS), MIKE HASTINGS (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 601 NORTH FM 1417 (HERITAGE PARKWAY), BEING 14.597 ACRES, NAZARENE 1ST ADDITION, BEING A RE-PLAT OF LOTS 1 AND 2, BLOCK 5 OF LAUREL CREEK ADDITION IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

ADOPT AN ORDINANCE GRANTING A SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A CHURCH, WOOD ACCESSORY BUILDING AND PAVILION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT AND REPEAL ORDINANCE NO. 4286.

SUP & SITE PLAN-
CHURCH, WOOD
ACCESSORY
BUILDING AND
PAVILION
601 NORTH FM 1417
(HERITAGE
PARKWAY)
(HERITAGE
NAZARENE
CHURCH)

Jack Halligan, 201 Arapaho West, Sherman, TX

Mr. Halligan appeared to represent the request and answer any questions. The property is located at 601 North FM 1417 (Heritage Parkway) between FM 1417 (Heritage Parkway) and Laurel Ridge Circle and is zoned R-1 (One Family Residential)/R-2 (Multi-Family Residential)/O-1.1 (FM Highway 1417) Overlay District.

Mr. Halligan explained, "The church would like to build a new outdoor pavilion on the north side of the church for church activities. It will be located approximately 140' from the church, 66' from the end of the driveway, 240' from FM 1417, 320' from the north property line and 57' from the storage building. There will be a 5'x 66' sidewalk leading to the pavilion. All columns will be wrapped in 3/8" wood grain, vertical fiber cement siding. The trim will be 3/4" fiber cement boards. Siding will cover from the slab to the top of the purlin. The roof material will be a standing seam, metal roof with a neutral white colored trim to match."

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Halligan replied, "yes, they had seen the Staff Review Letter and would abide by the Recommendations."

No other citizens appeared before the Planning and Zoning Commission to discuss the Specific Use Permit or Site Plan.

ACTION TAKEN.

Motion by Commission Member Davis to approve Adopting an ordinance granting a Specific Use Permit and Site Plan

under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and repeal Ordinance No. 4286 at 601 North FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

SPECIFIC USE PERMIT AND SITE PLAN

THE REQUEST OF TADLA (OWNER), DAX POWELL (TENANT) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3400 TEXOMA PARKWAY, BEING 3.61 ACRES IN PART OF THE HILLARD JENNINGS SURVEY, ABSTRACT NO. 639, BEING PART OF LOTS 10, 12, 13, AND 14, AND ALL OF LOT 11, BLOCK 1, OF REDICK ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW BATTING CAGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

SUP & SITE PLAN-
BATTING CAGES
3400 TEXOMA
PARKWAY
(TADLA)

Dax Powell, 27 Sam Roy Ln., Pottsboro, TX

Mr. Powell appeared to represent the request and answer any questions. The property is located at 3400 Texoma Parkway near the northeast corner of Gallagher Drive and Texoma Parkway and is zoned C-2 (General Commercial) District.

Mr. Powell explained, "We would like approval for batting cages in an existing building to train kids for baseball and softball. We will operate 4:00 p.m. to 9:00 p.m Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturday and 12:00 p.m to 6:00 p.m. on Sunday."

Chairman Mahone asked, "Does our ordinance require a Specific Use Permit for batting cages?"

Mr. Rae replied, "for indoor recreation. A similar use is located on Frisco Road and they have received a Specific Use Permit for this."

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Powell replied, "yes, they had seen the Staff Review Letter and would abide by the Recommendations."

No other citizens appeared before the Planning and Zoning Commission to discuss the Specific Use Permit or Site Plan.

ACTION TAKEN.

Motion by Vice Chairman Downtain to approve the Specific Use Permit and Site Plan under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

VARIANCE AND SITE PLAN

THE REQUEST OF KYLE BOOTH, BLUESTONE PARTNERS LLC (OWNER), DIANN NEASBITT (REPRESENTATIVE) AND BLUE SKY SURVEYING & MAPPING (SURVEYOR) CONCERNING THE PROPERTIES LOCATED AT 115-231, 220, 301 AND 303 SUNSET BOULEVARD, BEING TRACT ONE: BEING 4.6414 ACRES, LOT 1, BLOCK 1 OF THE SECOND REPLAT OF PART OF BLOCK 2 OF THE REPLAT OF WESTWOOD VILLAGE SUBDIVISION; TRACT TWO: BEING 2.1983 ACRES, LOT 2, BLOCK 1 OF THE SECOND REPLAT OF PART OF BLOCK 2 OF THE REPLAT OF WESTWOOD VILLAGE SUBDIVISION; TRACT THREE: BEING 1.5777 ACRES IN LOT 1, BLOCK 1 OF THE REPLAT OF BLOCK 1 OF THE REPLAT OF WESTWOOD VILLAGE SUBDIVISION; AND TRACT FOUR AND FIVE: BEING 0.247 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOW:

BOARD OF ADJUSTMENT

A. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.6, SUBSECTION (4) TO ALLOW THE FOLLOWING PARKING VARIANCES IN A C-1 (RETAIL BUSINESS) DISTRICT:

TRACT ONE AND TWO: 318 PARKING SPACES IN LIEU OF THE REQUIRED 360.

TRACT THREE: 72 PARKING SPACES IN LIEU OF THE REQUIRED 107.

TRACT FOUR AND FIVE: 10 PARKING SPACES IN LIEU OF THE REQUIRED 18.

PLANNING AND ZONING COMMISSION

B. SITE PLAN APPROVAL FOR EXTERIOR IMPROVEMENTS OF WESTWOOD VILLAGE.

VARIANCE –

PARKING

SITE PLAN-

WESTWOOD

VILLAGE

115-231, 220, 301

AND 303 SUNSET

BOULEVARD (KYLE

BOOTH, BLUESTONE

PARTNERS LLC)

Barry Boothe, Blue Stone Partners, 4708 N FM 1417, Sherman, TX

Mr. Boothe appeared to represent the request and answer any questions. The property is located at 115-231, 220, 301 and 303 Sunset Boulevard at the northeast, southeast and

southwest corners of Sunset Boulevard and is zoned C-1 (Retail Business) District.

Mr. Boothe explained, “Bluestone Partners is thrilled to help transform and improve the iconic and well established Westwood Village retail area of Sherman, with the financial backing of Sapphire Group. In its current state, Westwood Village is a tired-looking retail center with a majority of vacant storefronts, and an endless sea of concrete parking. Our mission is to restore the vibrance Westwood Village once had and make this a retail center that will again be a major activity hub within the city.

Our proposed site layout will incorporate new landscaped areas, including a new centrally located amenity area along Sunset Boulevard that will allow for picnic tables, an artificial turf area for recreational use, the restored pylon sign, and the ability to host food trucks or other similar attractions. We are improving the pedestrian access around the site, including barrier free ramps, which are all currently non-existent on the site.

With Masterkey, we were involved with the remodel of that space. We are painting the exterior of the building for them to match the whole shopping center. They have cross access with us, and we work together to make sure they can do drop-offs and the food pick-up that they do on Saturdays at this location. They are going to have a different way of doing the food pick-up. It is not going to be the long line. They are going to stagger pick-ups and we will be able to help accommodate that with the parking.”

Vice Chairman Downtain asked, “What about the U-Haul trailer storage that is scattered across parking lot?”

Mr. Boothe replied, “We asked that it be moved behind the building for now. They do not have permission, according to the lease, to have the U-Haul business, but I didn’t want to pull the rug out from under them with no warning. There is room behind the building for now.”

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Boothe replied, “yes, they had seen the Staff Review Letter and would abide by the Recommendations.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Variance or Site Plan.

ACTION TAKEN.

Board of Adjustment

Motion by Vice Chairman Downtain to approve the Variances under Ordinance No. 2280, Section 6.6, Subsection (4) to allow the following parking Variances in a C-1 (Retail Business) District: Tract One and Two: 318

parking spaces in lieu of the required 360; Tract Three: 72 parking spaces in lieu of the required 107; and Tract Four and Five: 10 parking spaces in lieu of the required 18 at 115-231, 220, 301 and 303 Sunset Boulevard subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS AND WHITAKER.

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning

Motion by Vice Chairman Downtain to approve the Site Plan for exterior improvements of Westwood Village at 115-231, 220, 301 and 303 Sunset Boulevard subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

VARIANCES AND FINAL PLAT

THE REQUEST OF LACIMA CONTRACTING, LLC (OWNER), PAUL TERRELL (REPRESENTATIVE) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1104 CHAFFIN STREET, BEING 0.492 ACRES IN THE J.B MCANAI SURVEY, ABSTRACT NO. 763, AND BEING A PART OF BLOCK 29, CHAFFINS SECOND ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENT

A. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(1) TO ALLOW A 5' SETBACK FROM THE HOME IN LIEU OF THE REQUIRED 6' FOR THE EXISTING DETACHED GARAGE IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

B. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(2) TO ALLOW A 1' REAR YARD SETBACK IN LIEU OF THE REQUIRED 5', AND A 1' SIDE YARD SETBACK IN LIEU OF THE REQUIRED 5' FOR THE EXISTING DETACHED GARAGE IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

C. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 15' FRONT YARD SETBACK IN LIEU OF THE REQUIRED 25' FOR AN EXISTING HOME IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

D. FINAL PLAT APPROVAL OF FIELDER ADDITION, A REPLAT OF A PART OF BLOCK 29, CHAFFINS'S SECOND ADDITION.

VARIANCES-
EXISTING
STRUCTURE
SETBACKS
FINAL PLAT –
FIELDER ADDN
1104 CHAFFIN
STREET
(LACIMA
CONTRACTING, LLC)

Paul Terrell, LaCima Contracting, 1104 E. Chaffin St., Sherman, TX

Mr. Terrell appeared to represent the request and answer any questions. The property is located at 1104 Chaffin Street in the southeast corner of North Vaden and East Chaffin Streets and is zoned R-1 (One-Family Residential) District.

Mr. Terrell explained, "I would like to plat the property into three lots for residential development. I am also requesting Variances for the setbacks of the existing home and existing detached garage.

We are remodeling the current house built in 1924 and selling that home. Once that is done, we would develop the other two lots."

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Terrell replied, "yes, they had seen the Staff Review Letter and would abide by the Recommendations."

No other citizens appeared before the Planning and Zoning Commission to discuss the Variances of Final Plat.

ACTION TAKEN.

Board of Adjustment

Motion by Commission Member Davis to approve the Variance under Ordinance No. 2280, Section 7, Subsection (1)(C)(1) to allow a 5' setback from the home in lieu of the required 6' for the existing detached garage in an R-1 (One-Family Residential) District; the Variance under Ordinance No. 2280, Section 7, Subsection (1)(C)(2) to allow a 1' rear yard setback in lieu of the required 5', and a 1' side yard setback in lieu of the required 5' for the existing detached garage in an R-1 (One-Family Residential) District; and the Variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 15' front yard setback in lieu of the required 25' for an existing home in an R-1 (One-Family Residential) District at 3400 Texoma Parkway subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS AND WHITAKER.

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning

Motion by Commission Member Davis to approve the Final Plat of Fielder Addition, a Replat of a Part of Block 29, Chaffins's Second Addition at 1104 Chaffin Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS,
WHITAKER AND BLAGG.
VOTING NAY: NONE.
MOTION CARRIED.

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

VARIANCES

THE REQUEST OF SHERMAN COMMONS LP (OWNER),
MICHELLE FORRESTER (REPRESENTATIVE) AND 3D
SIGNS & GRAPHICS (SIGN CONTRACTOR) CONCERNING
THE PROPERTIES LOCATED AT 3801 AND 4001 NORTH
HIGHWAY 75, BEING LOT 3, BLOCK A, SHERMAN COMMON
ADDITION CONSISTING OF 3.586, AS FOLLOWS:

BOARD OF ADJUSTMENT

VARIANCES UNDER ORDINANCE NO. 2280, SECTION 7,
SUBSECTION (14)(I) TO ALLOW 480.58 SQUARE FEET
SIGNS AT BOTH LOCATIONS IN LIEU OF THE ALLOWED
300 SQUARE FEET SIGN IN A C-1 (RETAIL BUSINESS)
DISTRICT/C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75
& 82) OVERLAY DISTRICT.

VARIANCES- SIGN
FACE SIZE
3801 AND 4001
NORTH HIGHWAY 75
(SHERMAN
COMMONS LP)

David Parra, 3-D Signs and Graphics, 3601 Executive Blvd.,
Mesquite, TX

Mr. Parra appeared to represent the request and answer any
questions. The property is located at 3801 and 4001 North
Highway 75 near the northeast and northwest corners of
North Loy Lake Road and Sara Swamy Drive and is zoned
C-1 (Retail Business) District/C-2 (General Commercial)
District/O-1 (75 & 82) Overlay District.

Mr. Parra explained, "The property owner is requesting
variances for two signs to allow a 480.58 square foot sign
face area at both locations in lieu of the allowed 300 square
feet.

I had applied for permits and got an approved permit from
the City of Sherman. I started the project. In the middle of
the project, I had an inspector show up and ask if this was
over the allowed square footage.

In 2000, they did this construction. It is concrete that is
coming apart. I removed the signs, and the new design will
not have the concrete.

I am not going over the square footage of the existing signs.
It will be the same as the existing sign."

Chairman Mahone asked Mr. Rae, "When you measure sign
square footage, are you measuring just the sign face?"

Mr. Rae replied, "That is correct."

Chairman Mahone stated, "It looks like the new structure will be a little smaller, but there is an increase in the sign face."

Mr. Parra agreed, "yes, because we do not have the concrete in between each sign."

Chairman Mahone asked Mr. Rae, referring to paperwork Mr. Parra had distributed to the Planning and Zoning Commission, "Rob, what documentation is he showing us here?"

Mr. Rae replied, "The sign permit. It is not signed by our building official. There is a note on here that it is not approved or valid until signed."

I showed up and saw Mr. Parra's company working on the sign. They were taking the sign down. I asked for their permit. They said they had applied for one. I called my staff, my staff said they did apply back in August and my staff said the permit was not paid for and so the permit was never issued. We do not start reviewing a permit until it has been paid and we do not issue the permit until the review has been completed.

They did start before they were officially issued the permit, Mr. Parra sent me the emails he received from our software, and I do admit, those emails are a bit confusing, but he did not have a valid permit at that time. He did stop work when I asked him to and has not continued to do the work until this is fixed."

Chairman Mahone asked, "Is the permit paid for now?"

Mr. Rae replied, "yes, and if I could add, I went back into the history of these signs and what was granted by the Board of Adjustment. In 2005 there was a request for these two signs for an area of 500 square feet that was denied. Less than a year later, the applicant, not Mr. Parra or his company, but another applicant in 2006 made a request for two signs with a height of 65' in lieu of the allowed 50' and was approved. There was no reference in the minutes of the request about the size of the sign face being greater than 300 square feet.

I believe they were installed incorrectly in 2006. Staff does not have an issue with a Variance being granted since those signs have been there for so long, but in 2005, 500 square feet sign face was denied. This would get that request in order if granted."

Commission Member Davis asked, "Are you saying you do not count the sign holder? If you write Sherman Commons on the sign holder, is that a sign?"

Mr. Rae replied, “yes, we measure the sign face based on the dimensions they provided on the side and on the top. Each one of those signs is calculated individually. The entire structure is not counted, just those sign faces. The Sherman Commons is signage too.”

Commission Member Davis asked, “Does the same property owner own the property now that owned it back then?”

Mr. Rae replied, “I am not aware. This was all developed as one development, so the Variance that was granted for the two signs were for those two locations. I would consider those still valid to this day and they could maintain those signs with that Variance.”

Commission Member Davis stated, “They are really wanting more signage so they can make money off leasing the sign. Academy could go out and put their own sign up. What good is an ordinance if it doesn’t help clean up errors made in the past.”

Mr. Rae asked Mr. Parra, “The sign that you are taking down was 50’ tall, is the sign you are putting up only 40’ tall?”

Mr. Parra replied, “This will be 40’ tall.”

Commission Member Davis asked, “Why not build it at 65’ tall if that was approved?”

Mr. Parra replied, “We didn’t need 65’.”

Mr. Rae added, “The way the ordinance was interpreted at the time of the original request for 65’ was because this sign set on property that was 15’ above the adjacent Loy Lake Road.”

Chairman Mahone asked if they had seen the Staff Review Letter.

Mr. Parra replied, “yes, they had seen the Staff Review Letter and would abide by the Recommendations.”

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

ACTION TAKEN.

Board of Adjustment

Motion by Commission Member Davis to deny the Variances under Ordinance No. 2280, Section 7, Subsection (14)(i) to allow 480.58 square feet signs at both locations in lieu of the allowed 300 square feet sign in a C-1 (Retail Business) District/C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 3801 and 4001 North Highway 75. There was no second.

MOTION FAILED.

Motion by Vice Chairman Downtain to approve the Variances under Ordinance No. 2280, Section 7, Subsection (14)(i) to allow 480.58 square feet signs at both locations in lieu of the allowed 300 square feet sign in a C-1 (Retail Business) District/C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 3801 and 4001 North Highway 75 subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, SIMS AND WHITAKER.

VOTING NAY: DAVIS.

MOTION CARRIED.

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

ZONE CHANGE

THE REQUEST OF THE CITY OF SHERMAN CONCERNING THE PROPERTY LOCATED IN THE 2700-5100 BLOCKS SOUTH HIGHWAY 75, 100 BLOCK EAST FM 1417 AND 100-1300 BLOCKS WEST FM 1417, BEING APPROXIMATELY 1587.892 ACRES IN PART OF THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, SHERROD DUNMAN SURVEY, ABSTRACT NO. 329, ELIZABETH JONES SURVEY, ABSTRACT NO. 625 AND WILLIAM MARTIN SURVEY, ABSTRACT 765, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND CONSIDERATION OF ZONE CHANGE FOR BLALOCK INDUSTRIAL PARK (BIP) PLANNED DEVELOPMENT THROUGH AMENDMENT TO THE ZONING ORDINANCE TO REZONE BLALOCK INDUSTRIAL PARK (BIP) TO A PD (PLANNED DEVELOPMENT) DISTRICT WITH LIGHT MANUFACTURING (M-1) AS THE BASE ZONING DISTRICT.

ZONE CHANGE - BIP
2700-5100 BLOCKS
SOUTH HIGHWAY 75,
100 BLOCK EAST FM
1417 AND 100-1300
BLOCKS WEST FM
1417
(CITY OF SHERMAN)

AND

CONSIDERATION OF ZONING ORDINANCE UPDATE

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING EXHIBIT A (GENERAL ZONING ORDINANCE), EXHIBIT A-1 (MATRIX OF PERMITTED USES) AND EXHIBIT B (ZONING – BLALOCK INDUSTRIAL PARK) OF CHAPTER 14 (ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS; ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE TO BE CODIFIED AT ARTICLE 14.01 (GENERAL PROVISIONS) THROUGH ARTICLE 14.11 (SHERMAN MUNICIPAL AIRPORT HAZARD ZONING) OF THE CODE OF ORDINANCES; ESTABLISHING NEW ZONING REGULATIONS WITHIN THE CITY OF SHERMAN, TEXAS IN ACCORDANCE WITH CHAPTER 211 OF THE TEXAS LOCAL GOVERNMENT CODE, THE HOME

ZONING ORDINANCE
UPDATE
(CITY OF SHERMAN)

RULE CHARTER OF THE CITY OF SHERMAN, TEXAS AND OTHER LAW; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF THE YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSE; AND, IN THE CASE OF DESIGNATED PLACES AND AREAS OF HISTORIC AND CULTURAL IMPORTANCE, TO REGULATE AND RESTRICT THE CONSTRUCTION, ALTERATION, RECONSTRUCTION OR RAZING OF BUILDINGS AND OTHER STRUCTURES; DEFINING TERMS; PROVIDING FOR VARIANCES AND APPEALS; AMENDING CHAPTER 14 (ZONING ORDINANCE), ARTICLE 14.01 (GENERAL PROVISIONS), ARTICLE 14.02 (SHERMAN MUNICIPAL AIRPORT HAZARD ZONING ORDINANCE), ARTICLE 14.03 (PLANNING AND ZONING BOARD), ARTICLE 14.04 (GENERAL ZONING ORDINANCE) AND ARTICLE 14.05 (ZONING – BLALOCK INDUSTRIAL PARK); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY NOT TO EXCEED \$2,000; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Rob Rae, City of Sherman, 20 W. Mulberry St., Sherman, TX
Mr. Rae appeared to represent the Zone Change for Blalock Industrial Park (BIP) Planned Development through amendment to the Zoning Ordinance to rezone Blalock Industrial Park (BIP) to a PD (Planned Development) District with Light Manufacturing (M-1) as the base zoning district and the Consideration of the Zoning Ordinance Update.

Mr. Rae presented the following:

Zoning Ordinance Update

Purpose for the Zoning Ordinance Update

- Council Direction
 - More flexibility in zoning districts
 - Consider changing the way Patio Homes are implemented
- Minor amendments have occurred over time
- P&Z Subcommittee Established on February 22, 2022 to begin review of current Zoning Ordinance.
 - Meetings on March 8th, April 12th, May 10th, June 14th & July 12
- P&Z Presentation on June 21st and July 19th to review draft recommendations
- City Council Work Session on September 22nd to review update

New Ordinance Outline:

- 14.01 General Provisions
- 14.02 Zoning Districts

- 14.03 Overlay Zoning Districts
- 14.04 Supplementary District Regulations
- 14.05 Administrative Authority
- 14.06 Development Procedures
- 14.07 Signs
- 14.08 Definitions
- 14.09 Administrative Clauses
- 14.10 Use Chart
- 14.11 Sherman Municipal Airport Hazard Zoning Ordinance

Chapter 14.02 Zoning District

Residential Zoning Districts

- R-A – Residential Agricultural
- R-E – Estate Residential
- R-12 – Single-Family Residential
- R-6 – Single-Family Residential - Formerly R-1 & SF-1
- R-5 – Single-Family Residential
- R-4 – Patio Home Residential
- R-2F – Duplex Residential
- R-TH – Townhome Residential
- MF-15 – Multi-Family Residential
- MF- 30 – Multi-Family Residential - Formerly R-2

R-A, Residential Agricultural

- Existing Zoning District, Annexation District
- Min. Lot Area: 2 acres (No Change)
- Min. Lot Width: 200 feet (No Change)
- Min. Lot Depth: 200 feet (New)
- Min. Front Setback: 40 feet (current: 30 feet)
- Min. Rear Setback: 25 feet (No Change)
- Min. Side Yard: 20 feet and 25 feet on corner lots. (change from current)
- Max Building Area: 40% (New)
- Max Height: 45 feet (current: 35 feet or 2 stories)

R-E, Estate Residential

- New Zoning District
- Min. Lot Area: 1 acre
- Min. Lot Width: 150 feet
- Min. Lot Depth: 150 feet
- Min. Front Setback: 40 feet
- Min. Rear Setback: 40 feet
- Min. Side Yard: 20 feet and 25 feet on corner lots.
- Max Building Area: 20%
- Max Height: 45 feet

R-12, Single-Family Residential

- New Zoning District
- Min. Lot Area: 12,000 Sq. Ft.
- Min. Lot Width: 80 feet
- Min. Lot Depth: 100 feet
- Min. Front Setback: 25 feet
- Min. Rear Setback: 25 feet
- Min. Side Yard: 10 feet and 15 feet on corner lots.

- Max Building Area: 40%
- Min. Floor Area: 1,500 sq. ft.
- Max Height: 40 feet

R-6, Single-Family Residential

Formerly R-1 & SF-1

- Min. Lot Area: 6,000 Sq. Ft. (No Change)
- Min. Lot Width: 60 feet (No Change)
- Min. Lot Depth: 100 feet (New)
- Min. Front Setback: 20 feet (current 25 feet)
- Min. Rear Setback: 20 feet (current 25 feet)
- Min. Side Yard: 6 feet and 15 feet on corner lots.
(current 10% of lot width)
- Max Building Area: 45% (New)
- Min. Floor Area: 1,000 sq. ft. (New)
- Max Height: 35 feet (No Change)

R-5, Single-Family Residential

- New, Formerly Patio Home SUP
- Min. Lot Area: 5,000 Sq. Ft.
- Min. Lot Width: 50 feet
- Min. Lot Depth: 100 feet
- Min. Front Setback: 20 feet
- Min. Rear Setback: 15 feet
- Min. Side Yard: 5 feet and 15 feet on corner lots.
- Max Building Area: 50%
- Min./Max Floor Area: 800/3,000 sq. ft.
- Max Height: 35 feet
- Open Space Requirements

R-4, Single-Family Residential

- New, Formerly Patio Home SUP
- Min. Lot Area: 4,000 Sq. Ft.
- Min. Lot Width: 40 feet
- Min. Lot Depth: 90 feet
- Min. Front Setback: 10 feet (rear-load garage); 20 feet
(front-load garage)
- Min. Rear Setback: 15 feet (front-load garage); 20 feet
(rear-load garage)
- Min. Side Yard: 5 feet and 15 feet on corner lots.
- Max Building Area: 55%
- Min./Max Floor Area: 800/*2,500 sq. ft.
- Max Height: 35 feet
- Open Space Requirements
- * Special Exception may be requested for homes
larger than 2,500 sq. ft. but not greater than 3,000
sq. ft.

R-2F, Duplex Residential

- New, Formerly Duplex SUP
- Min. Lot Area: 6,000 Sq. Ft.
- Min. Lot Width: 60 feet
- Min. Lot Depth: 100 feet
- Min. Front Setback: 20 feet
- Min. Rear Setback: 20 feet
- Min. Side Yard: 6 feet and 15 feet on corner lots.

- Max Building Area: 65%
- Min. Floor Area: 800 sq. ft. per unit
- Max Height: 35 feet
- Open Space Requirements

R-TH, Townhome Residential

- New Zoning District
- Min. Lot Area: 2,500 Sq. Ft.
- Min. Lot Width: 25 feet
- Min. Lot Depth: 100 feet
- Min. Front Setback: 10 feet (rear-load garage); 20 feet (front-load garage)
- Min. Rear Setback: 15 feet (front-load garage); 20 feet (rear-load garage)
- Min. Side Yard: 0 feet and 10 feet on corner lots.
- Max Building Area: 65%
- Min. Floor Area: 800 sq. ft. per unit
- Max Height: 40 feet
- Open Space Requirements

MF-15, Multi-Family Residential

- New Zoning District
- Min. Lot Area: 2 acres
- Min. Lot Width: 85 feet
- Min. Lot Depth: 100 feet
- Min. Front Setback: 25 feet
- Min. Rear Setback: 25 feet
- Min. Side Yard: 25 feet
- Max Building Area: 50%
- Min. Floor Area: 800 sq. ft. per unit
- Max Height: 35 feet
- Max Density: 15 units per acre

MF-30, Multi-Family Residential

- New, Formerly R-2 District
- Min. Lot Area: 5 acres (Current 12,000 sq. ft.)
- Min. Lot Width: 85 feet (No change)
- Min. Lot Depth: 100 feet (New)
- Min. Front Setback: 25 feet (No change)
- Min. Rear Setback: 25 feet (No change)
- Special Residential Setback (New)
- 40 feet from “R” zoned properties for buildings
- Min. Side Yard: 25 feet (current 7 feet min, with a sum of 23 feet on both sides)
- Max Building Area: 50% (New)
- Max Height: 50 feet (Current 45 feet)
- Max Density: 30 units per acre (Current 34.8 units per acre)

Chapter 14.02 Zoning Districts

Commercial & Manufacturing Zoning Districts

- C-N – Neighborhood Commercial
- C-0 – Office District
- C-1 – Retail Business District
- C-2 – General Commercial

PLANNING & ZONING COMMISSION MINUTES – NOVEMBER 15, 2022

- M-1 – Light Manufacturing
- M-1.5 – Medium Manufacturing
- M-2 – Heavy Manufacturing
- Blalock Industrial Park

C-N, Neighborhood Commercial

- New Zoning District
- Min. Lot Area: 10,000 Sq. Ft.
- Min. Lot Width: 50 feet
- Min. Front Setback: 25 feet
- Min. Rear Setback: 25 feet
- Min. Side Yard: 0 feet, unless adjacent to thoroughfare street or residential, then 25 feet
- Max Building Area: 40%
- Floor-Area Ratio: 0.4
- Max Height: 35 feet

C-O, Office District

- Existing Zoning District
- Min. Lot Area: 10,000 Sq. Ft. (Current 5,000 Sq.Ft.)
- Min. Lot Width: 50 feet (No Change)
- Min. Front Setback: 25 feet (No Change)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 15 feet, unless adjacent to thoroughfare street 25 feet, or residential 40 feet
- Max Building Area: 50% (New)
- Floor-Area Ratio: 1.0 (Current 0.5)
- Max Height: 50 feet (Current 35 feet)

C-1, Retail Business District

- Existing Zoning District
- Min. Lot Area: 10,000 Sq. Ft. (Current 5,000 Sq.Ft.)
- Min. Lot Width: 50 feet (No Change)
- Min. Front Setback: 25 feet (No Change)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 15 feet, unless adjacent to thoroughfare street 25 feet, or residential 40 feet
- Max Building Area: 50% (New)
- Floor-Area Ratio: 0.5 (No Change)
- Max Height: 50 feet (Current 45 feet)

C-2, General Commercial

- Existing Zoning District
- Min. Lot Area: 10,000 Sq. Ft. (Current 5,000 Sq.Ft.)
- Min. Lot Width: 50 feet (No Change)
- Min. Front Setback: 25 feet (Current 15 feet)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 15 feet, unless adjacent to thoroughfare street 25 feet, or residential 60 feet
- Max Building Area: 50% (New)
- Floor-Area Ratio: 0.5 (Current 1.0)
- Max Height: 35 feet (No Change)

M-1, Light Manufacturing

- Existing Zoning District
- Min. Lot Area: ½ Acre (New)

- Min. Lot Width: 85 feet (New)
- Min. Front Setback: 40 feet (Current 15 feet)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 25 feet unless adjacent to thoroughfare street 25 feet, or residential 60 feet (Current 10 feet)
- Max Impervious Cover: 80% (New)
- Floor-Area Ratio: 1.5 (No Change)
- Max Height: 100 feet (No Change)

M-1.5, Medium Manufacturing

- Existing, Recommend Expiring December 5, 2022
- Min. Lot Area: ½ Acre (New)
- Min. Lot Width: 85 feet (New)
- Min. Front Setback: 40 feet (Current 15 feet)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 25 feet unless adjacent to thoroughfare street 25 feet, or residential 60 feet (Current 10 feet)
- Max Impervious Cover: 80% (New)
- Floor-Area Ratio: 1.5 (No Change)
- Max Height: 150 feet (Current 200 feet)

M-2, Heavy Manufacturing

- Existing Zoning District
- Min. Lot Area: 1 Acre (New)
- Min. Lot Width: 150 feet (New)
- Min. Front Setback: 40 feet (Current 15 feet)
- Min. Rear Setback: 25 feet (Current 10 feet)
- Min. Side Yard: 25 feet unless adjacent to thoroughfare street 25 feet, or residential 75 feet (Current 10 feet)
- Max Impervious Cover: 80% (New)
- Floor-Area Ratio: 1.5 (No Change)
- Max Height: 150 feet (No Change)

Blalock Industrial Park

- Originally established in 1962, minor update in 2001.
- District is broken up into multiple tracts each with unique regulations.
 - Recommending removal of the tracts and having consistent regulations throughout the district.

Regulations and Setbacks

- Minimum Lot Area: Consistent at minimum 5 acres (varied between 5 acres and 25 acres); less regulating
 - Maximum Lot Coverage: Consistent at 50% (varied between 25% and 50%); less regulating
- Setbacks: Consistent with the following:
 - 200ft from U.S. Highway 75
 - 100ft from F.M. 1417
 - 50ft from all other roadways
 - 25ft from side and rear setbacks not adjacent to public roadways

- These setbacks vary between 55.7ft to 400ft; less regulating

Other Regulations

- Screening
 - No fences in the front, rear or side yards adjacent to a public roadway
 - No chain link fences visible from a public roadway
 - Mechanical, utility, and service facilities screened on 3 sides and not visible from the public roadway
 - Freight and loading docks shall be screened from the public roadway
- Parking
 - Shall be provided 1 space for every 400sf of office floor area
 - 1 space for every 1000sf of manufacturing floor area up to 20,000sf.
 - *1 space for every 2000sf of manufacturing floor area over 20,000sf.
 - Parking study may be submitted to prove less parking is required to be approved administratively from City Staff.

* Parking rate was adjusted based on discussion with Council on September 22nd.

Signs

- One freestanding monument signs is permitted per lot
- Lots larger than 10acres, sign can be up to 300sf in sign face, 15ft high, and 50ft setback.
- Lots smaller than 10acres, sign can be up to 150sf in sign face, 10ft high, and 25ft setback.
- Directional signs
 - One sign per driveway entrance, sign can be up to 32sf in sign face and 15ft setback
- Wall signs
 - One wall sign is permitted for each wall face. Sign can be up to 600sf in sign face and not more than 20% of the wall face.
- Temporary Signs
 - One temporary sign is allowed for up to 30 days in one calendar year. Cannot exceed 64sf in sign face. A sign permit is not required for a temporary sign.

Chapter 14.04 Supplementary District Regulations

- Setback Encroachments
- Accessory Buildings and Structures
- Parking and Off-Street Loading Areas
- Fences and Screening Devices
- Telecommunication Antennas and Towers

- Residential and Commercial Tree Preservation

Accessory Buildings & Structures

- Cannot be located in the front yard.
- Must be separated from other structures by 5 feet
- Must be setback 10 feet from side streets
- Detached garages or carports facing an alley or side street must be setback 20 feet.
- Cannot be located in easements.

Accessory Dwellings

- Are allowed within the allowable building area
- Cannot be larger than 500 sq. ft. if located within the “required rear yard”
- Cannot be rented or leased
- Accessory Dwellings are allowed on lots greater than 12,000 sq. ft. in zones R-A, R-E and R-12
- Added language about swimming pools.
 - Can be located in the required rear yard, must be located 5 feet from buildings and property lines.

Parking and Off-Street Loading

Single-Family Standards

- 1 enclosed garage spaces and 1 parking space per bedroom up to a max of 4 including garage spaces.
- No parking of RVs, travel trailers, boat trailers, or other trailers in the front yard
- R-A or R-E may request an exception for concrete or asphalt requirement

Non-Residential/MF Standards

- 9ft x 20ft parking size
- Alternative 9ft x 18ft when overhanging landscaped areas
- 9ft x 22ft for parallel parking spaces
- Wholesale changes on parking rates by use.
 - Based on ITE Parking Generation
 - Peer Cities

Multi-Family Parking Changes

- Current: Min 2 per unit/1 per bedroom
 - 1 Bedroom – 2 spaces
 - 2 Bedroom – 2 spaces
 - 3 Bedroom – 3 spaces
 - 4 Bedroom – 4 spaces
- Proposed
 - Efficiency Unit – 1 space
 - 1 Bedroom – 1.5 spaces
 - 2 Bedroom – 2 spaces
 - 3 Bedroom – 2.5 spaces
 - 4 Bedroom – 3 spaces

Use Chart

One-Stop Location For All Uses

- Permitted Uses
- TUP – Temporary Use Permits
- SUP – Specific Use Permits

Other Regulations

Regulations Not Changing

- Fences (updated in 2021)
- Signs (needs update)
- Telecommunication Towers (needs update)
- Residential and Commercial Tree Preservation (needs update)
- Overlay Districts (needs update)

Next Steps

- November 15th – Planning and Zoning Commission Action
- December 5th – City Council Action

Jeff Harkinson, Sherman Crossroads LTD, Addison, TX

Mr. Harkinson stated, “We own 130 acres at FM 1417 and Highway 75. Generally, we are supportive of the recommendations, but I want to ask a few clarifying questions. We are affected by the Blalock Commercial Overlay District, and I want to be sure the changes to the Blalock Industrial Park don’t adversely affect the requirements that we are now operating under in the Blalock Commercial Overlay District. You now have a five-acre minimum lot size in Blalock Industrial Park, but in the Blalock Commercial Overlay District, we have been operating in one-acre minimum lot size. I am concerned about how the Zone Change to a PD (Planned Development) District could change the implementation of the Blalock Commercial Overlay District requirements and how that will be administered.”

Mr. Rae replied, “The Blalock Commercial Overlay District will supersede the Blalock Industrial Park zoning district or PD (Planned Development). Had we gotten to the Blalock Commercial Overlay District, we would be making some recommendations to help that development. The 55.7’ setback on all sides is quite extensive.”

Mr. Harkinson said, “I know this commission has had a lot of requests for Variances. We have a lot of restaurants with drive-thrus, so they can comply on one side, but not on both. We would appreciate it, as we get into the changes of 2023, if we could provide some input to the consideration of those changes in the Blalock Commercial Overlay District and other changes as well.”

Mr. Rae replied, “Part of our goal as Staff is to try and reduce the number of Variances. We see what is granted and we try to make recommendations to not have to do those in the future. Because the proposed PD (Planned Development) regulations are becoming less stringent, if anything, it is going to benefit the whole district, including the properties in the Blalock Commercial Overlay District. The minimum lot area is 5 acres in the Blalock Industrial Park, and you have

been allowed to do the 1 acre lots and it is because that language is in the Blalock Commercial Overlay District.”

Mr. Harkinson replied, “I think we are losing out on some desired businesses because of the 1-acre lot minimum in the Blalock Commercial Overlay District. That is another area we would like to have considered.”

No other citizens appeared before the Planning and Zoning Commission to discuss the Zone Change of the Blalock Industrial Park or proposed Zoning Ordinance Update.

ACTION TAKEN.

Motion by Vice Chairman Downtain to approve the Zone Change for Blalock Industrial Park (BIP) Planned Development through amendment to the Zoning Ordinance to rezone Blalock Industrial Park (BIP) to a PD (Planned Development) District with Light Manufacturing (M-1) as the base zoning district in the 2700-5100 Blocks South Highway 75, 100 Block East FM 1417 and 100-1300 Blocks West FM 1417. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

ACTION TAKEN.

Motion by Commission Member Whitaker to approve the Ordinance of the City Council of the City of Sherman, Texas, repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code Of Ordinances of the City of Sherman, Texas; adopting a New Comprehensive Zoning Ordinance to be codified at Article 14.01 (General Provisions) through Article 14.11 (Sherman Municipal Airport Hazard Zoning) of the Code of Ordinances; establishing new zoning regulations within the City of Sherman, Texas in accordance with Chapter 211 of the Texas Local Government Code, the Home Rule Charter of the City of Sherman, Texas and other law; regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of the yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures; defining terms; providing for variances and appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01

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(General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) and Article 14.05 (Zoning – Blalock Industrial Park); providing for inclusion in the Code of Ordinances; providing repealing and severability clauses; providing a penalty not to exceed \$2,000; finding and determining that the meeting at which this ordinance is passed was noticed and is open to the public as required by law. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, WHITAKER AND BLAGG.

VOTING NAY: NONE.

MOTION CARRIED.

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:19 p.m.

CHAIRMAN



ACTING SECRETARY