

STATE OF TEXAS

§

October 18, 2022

COUNTY OF GRAYSON

§

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 October 18, 2022.

MEMBERS PRESENT:

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

ALTERNATE:

NONE

MEMBERS ABSENT:

NONE

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 5:00 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the August 16, 2022 and the September 20, 2022 regular meetings. Motion by Commission Member Davis to approve the Minutes as written. Second by Commission Member Manley. All present voted AYE.

APPROVE MINUTES

MOTION CARRIED.

ANNOUNCEMENTS

Chairman Mahone announced, "The Comprehensive Plan was approved by City Council on October 17, 2022."

ANNOUNCEMENTS

APPOINT BOARD OF ADJUSTMENT

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

BOARD OF
ADJUSTMENT

CITIZEN COMMENTS

There were no citizen comments.

CITIZEN COMMENTS

CONSENT AGENDA (ITEMS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20)

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

CONSENT AGENDA

Item 12 and Item 16 were removed from the Consent Agenda per Citizen request.

ITEMS 12 & 16
REMOVED FROM
CONSENT

The Commission reviewed the Consent Agenda. Commission Member Sims moved to approve Items 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19 and 20 on the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Manley. All present voted AYE.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF CHARLIE NICHOLAS, SHERMAN NEC TEXOMA & 82 LP (OWNER), NE DEVELOPMENT (DEVELOPER) AND SPIARS ENGINEERING, INC. (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3209 TEXOMA PARKWAY, BEING 31.317 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NUMBER 504 AND IN THE SAM M MCGLOTHLIN SURVEY, ABSTRACT NO. 811, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF SHERDEN MALL LOT 1, BLOCK B.

FINAL PLAT -
SHERDEN MALL LOT
1, BLOCK B
3209 TEXOMA
PARKWAY
(CHARLIE
NICHOLAS,
SHERMAN NEC
TEXOMA & 82 LP)

The property is located at 3209 Texoma Parkway, the northeast corner of Highway 82 and Texoma Parkway and is zoned R-2 (Multi-family Residential) District. The owner would like to plat the property into one lot for a multi-family 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 LAMBERTH HICKERY HILL, LLC (OWNER), BOHLER ENGINEERING (ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) 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
PRELIMINARY PLAT APPROVAL OF HICKORY HILL ADDITION, LOTS 1 AND 2, BLOCK 1.

PRELIMINARY PLAT
-
HICKORY HILL
ADDITION, LOTS 1
AND 2, BLOCK 1
2100-2300 BLOCKS
WEST LAMBERTH
ROAD
(LAMBERTH
HICKERY HILL, LLC)

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. 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF LUIS HERNANDEZ (OWNER) AND PRESTON TRAIL LAND SURVEYING LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1319 EAST JONES STREET, BEING 0.152 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NUMBER 963, AND ALSO BEING PART OF LOT 3, BLOCK 1, EAST SIDE ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF HERNANDEZ EAST SIDE ADDITION, BLOCK 1, LOT 1.

REPLAT –
HERNANDEZ EAST
SIDE ADDITION,
BLOCK 1, LOT 1
1319 EAST JONES
STREET
(LUIS HERNANDEZ)

The property is located at 1319 East Jones Street between South Gribble and South Grand Avenues 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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF AMY SWINDELL (OWNER) AND PRESTON TRAIL LAND SURVEYING LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 112 BARBARA LANE IN SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 5.000 ACRES IN THE JOHN MCCLENIHAN SURVEY, ABSTRACT NUMBER 798, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF SWINDELL ADDITION, LOTS 1 & 2.

FINAL PLAT -
SWINDELL
ADDITION, LOTS 1 &
2
112 BARBARA LANE
(AMY SWINDELL)

The property is located at 112 Barbara Lane between Brown and Baker Ridge Roads in Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into two 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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN HICKORY HILL, LLC (OWNER), DOBIE DEVELOPMENT GROUP (DEVELOPER), SEVAN MULTI-SITE SOLUTIONS AND SPIARS ENGINEERING, INC. (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3400-4000 BLOCKS WEST LAMBERTH ROAD, BEING 24.680 ACRES IN THE W. THOMPSON SURVEY, ABSTRACT NO. 1209, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF HICKORY HILL MULTI FAMILY, LOT 1, BLOCK A.

FINAL PLAT –
HICKORY HILL
MULTI FAMILY, LOT
1, BLOCK A
3400-4000 BLOCKS
WEST LAMBERTH
ROAD
(SHERMAN HICKORY
HILL, LLC)

The property is located in the 3400-4000 Blocks West Lamberth Road between Salvage Drive and Carriage Estates Road and is zoned PD (Planned Development) 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF ALETA OPPERMANN (OWNER), MARK KERR (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1109 RIDGEVIEW DRIVE IN SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 3.560 ACRES IN THE WINFORD BAILEY SURVEY, ABSTRACT NO. 64, AND BEING ALL OF LOTS 59 AND 60 OF HIGHLAND MEADOWS ESTATES, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF HIGHLAND MEADOWS ESTATES, LOTS 59 AND 60.

REPLAT –
HIGHLAND
MEADOWS ESTATES
1109 RIDGEVIEW
DRIVE
(ALETA
OPPERMANN)

The property is located at 1109 Ridgeview Drive between Luella Road and Highway 11 in Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into two 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.

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF KANS HOLDINGS LLC (OWNER), UMAIR SOLAIJA (REPRESENTATIVE), DOMINIC GBENOBA (ENGINEER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2415 AND 2429 SWAMY DRIVE, BEING 2.433 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NUMBER 875, AND BEING LOT 4, DR. SWAMY ADDITION, LOTS 1-7, BLOCK A, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL OF SHOPS OF GRAYSON ADDITION.

SITE PLAN – SHOPS
OF GRAYSON
ADDITION
2415 AND 2429
SWAMY DRIVE
(KANS HOLDINGS
LLC)

The property is located at 2415 and 2429 Swamy Drive, the southwest corner of Sam Rayburn Freeway and FM 691 and is zoned C-2 (General Commercial) District. The owner would like Site Plan approval for the Shops of Grayson Addition. 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 LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD (OWNERS) AND KIMLEY-HORN AND ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3800 BLOCK WEST HOUSTON STREET, BEING 44.484 ACRES IN THE W.M. THOMPSON SURVEY, ABSTRACT NUMBER 1210 AND THE FIELDING BACON SURVEY, ABSTRACT NO. 119, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT APPROVAL OF HIDDEN MEADOWS PHASE TWO.

SITE PLAN – HIDDEN
MEADOWS PHASE
TWO
3800 BLOCK WEST
HOUSTON STREET
(LENNAR HOMES OF
TEXAS LAND AND
CONSTRUCTION,
LTD)

The property is located in the 3800 block of West Houston Street between Ridgeview and North Friendship Roads and is zoned an R-1 (One-Family Residential) District. The owner would like to plat the property into 138 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 RONNY GUERRERO (OWNER) AND MICHAEL CARLISLE, KIMLEY-HORN AND ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY), BEING 105.109 ACRES IN THE SHARROD DUNMAN SURVEY, ABSTRACT NO. 329, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF BEL-AIR VILLAGE WEST INFRASTRUCTURE.

PRELIMINARY PLAT
– BEL-AIR VILLAGE
WEST
INFRASTRUCTURE
300-1000 BLOCKS
EAST FM 1417
(VIETNAM
VETERANS
PARKWAY)
(RONNY GUERRERO)

The property is located in the 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway) near the southwest corner of FM 1417 (Vietnam Veterans Parkway) and Highway 75 and is zoned PD (Planned Development) District/C-2 (General Commercial) District/C-1 (Retail Business) District/R-1 (One-Family Residential) District. The owner would like to plat the property into three 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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF RUSTY SUTHERLAND (OWNER) AND HELVEY-WAGNER SURVEYING INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2315 SOUTH FRIENDSHIP ROAD, BEING 0.555 ACRES IN THE JASON STAMPS SURVEY, ABSTRACT NO. 1115, AS FOLLOWS:
PLANNING AND ZONING COMMISSION

FINAL PLAT –
SUTHERLAND HOUSE
ADDITION, LOT 1,
BLOCK 1
2315 SOUTH
FRIENDSHIP ROAD
(RUSTY
SUTHERLAND)

**FINAL PLAT APPROVAL OF SUTHERLAND HOUSE
ADDITION, LOT 1, BLOCK 1.**

The property is located at 2315 South Friendship Road, the northeast corner of South Friendship Road and West Rolling Hills Drive 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.**

FINAL PLAT– CONSENT AGENDA ITEM

**THE REQUEST OF CINDY GRIFFIN AND DRAKE HANTIA
(OWNERS) AND HELVEY-WAGNER SURVEYING INC.
(SURVEYOR) CONCERNING THE PROPERTY LOCATED IN
THE 5000 BLOCK FARMINGTON ROAD IN SHERMAN'S
EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 2.193
ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO.
765, AS FOLLOWS:**

PLANNING AND ZONING COMMISSION

**FINAL PLAT APPROVAL OF ANDY PLACE ADDITION, LOT
1, BLOCK 1.**

**FINAL PLAT - ANDY
PLACE ADDITION,
LOT 1, BLOCK 1
5000 BLOCK
FARMINGTON ROAD
(CINDY GRIFFIN AND
DRAKE HANTIA)**

The property is located in the 5000 Block Farmington Road between Old Dorchester Road and West Shepherd Drive in Sherman's Extra Territorial Jurisdiction (ETJ). 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.**

FINAL PLAT– CONSENT AGENDA ITEM

**THE REQUEST OF TITAN HERITAGE LLC (OWNER),
PRABHAKARAN THANGABEL (REPRESENTATIVE) AND
UNDERWOOD DRAFTING AND SURVEYING INC.
(SURVEYOR) CONCERNING THE PROPERTY LOCATED AT
475 OLD DORCHESTER ROAD IN SHERMAN'S EXTRA
TERRITORIAL JURISDICTION (ETJ), BEING 4.500 ACRES IN
THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS
FOLLOWS:**

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF TITAN HERITAGE ADDITION.

**FINAL PLAT - TITAN
HERITAGE ADDITION
475 OLD
DORCHESTER ROAD
(TITAN HERITAGE
LLC)**

The property is located at 475 Old Dorchester Road between Farmington and Bradley Roads in Sherman's Extra Territorial Jurisdiction (ETJ). 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF WILLIAM MAGERS (OWNER) AND HELVEY-WAGNER SURVEYING INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 4 TIMBER CREEK ROAD, BEING 4.055 ACRES IN THE WILLIAM THOMPSON SURVEY, ABSTRACT NUMBER 1210 AND THE GEORGE W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828, AND BEING ALL OF LOT 2 OF THE REPLAT OF PART OF LOT 9, TIMBER CREEK ADDITION, ALL OF LOT 4, CORRECTED PLAT OF LISA ADDITION, AND A PORTION OF THE FORMER TEXAS AND PACIFIC RAILROAD, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF TIMBER CREEK ADDITION, PHASE 2.

REPLAT – TIMBER
CREEK ADDITION,
PHASE 2
4 TIMBER CREEK
ROAD
(WILLIAM MAGERS)

William Magers, 4 Timber Creek Road, Sherman, TX

Mr. Magers appeared to represent the request and answer any questions. The property is located at 4 Timber Creek Road between West Washington Street and FM 1417 and is zoned R-1 (One-Family Residential) District.

Mr. Magers explained, "We would like to plat the property into two lots for residential development."

Roy Franks, 24 Timber Creek Rd., Sherman, TX

Mr. Franks stated, "I am representing other members in the audience from Timber Creek Addition. Our property has had a covenant on it since 1977, before it was part of the City of Sherman, written by the Timber Creek Addition. The covenant states that you must have 2.5 acres per lot. Any building site must have 2.5 acres and a minimum of a 2500 square foot house. This has been challenged over the years. People have had to buy additional land to build, including Mr. Magers in 2014. He was forced to buy additional land and sold a lot and now he is trying to do this again.

The covenant does not run out until 2027. At that point in time, we can extend the covenant for 10 more years according to the property code. When we received this notification in the mail, we got the Texas Local Government Code 212.015 attachment. We did not get the Texas Local Government Code 212.014 attachment which states, 'Replatting without vacating preceding plat. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat does not attempt to amend or remove any covenants or restrictions.' It is clear that is what Mr. Magers is trying to do.

I have talked to Mr. Magers on the phone, and he told me that it is his land, and he can do what he wants with it and that covenants do not mean anything, and he can sell the

land and build whatever small lot he can there. I do not agree with that, and I don't think anyone in Timber Creek Addition agrees with that.

Mr. Magers could have gone to everyone in our neighborhood and asked for modification per Texas Local Government Code 212.014 and he did not do that. Mr. Magers could have sued us to modify the covenant, he did not do that. This is his step to get around the covenant."

Chairman Mahone asked Ms. Cotton, "Can you look into the Texas Local Government code 212.014?"

Ms. Cotton replied, "yes."

Harry Hudgins, 10 Timber Creek Rd., Sherman, TX

Mr. Hudgins stated, "In 2006 Mr. Magers tried to do this before. I have a letter from Mr. Magers and his attorney stating that Mr. Magers understands our bylaws and he will not try this until 2027. We have about eight to ten Timber Creek residents that object to this going through."

Mr. Hudgins submitted two letters:

The first letter presented by Mr. Hudgins stated:
"November 4, 2006

Harry and Tonya Hudgins
10 Timbercreek
Sherman, TX 75092

Dear Harry and Tonya,
You will receive a letter in a few days from the City of Sherman regarding the Replat of our lot. There has been some confusion regarding our intent regarding this Replat. I want to apologize for the poor communication and personally assure you that this Replat conforms to both the City of Sherman regulations and, more importantly, all of Timbercreek's deed restrictions.

We are adding approximately 3 acres from a pecan orchard we purchased contiguous to our Timbercreek property. The Replat will result in two lots. One 4-acre lot includes the original 2.5 acres that surrounds our home and out buildings plus 1.5 acres of trees. The other 3-acre lot consists of our north pasture and the pecan trees.

As you can see from the attached letter, we have been advised that the second lot cannot be developed until the restrictions expire in 2027.

Angela and I hope this clears up any questions or concerns you have regarding our plans. Since moving to Timbercreek, we have updated our home, improved our property, and are committed to being good neighbors. If you have any questions, or would like to see the plat, please call us.

Best regards,
Bill Magers”

The second letter presented by Mr. Hudgins stated:
“October 20, 2006

T. Scott Smith, Esq.
120 S. Crockett Street
Sherman, Texas 75090

Via Hand-Delivery

Re: Your letter of September 29, 2006
Regarding Covenants and Restrictions on Timbercreek

Dear T. Scott:

After careful consideration of the issues raised in your above-referenced letter, and consultation with a number of their friends and neighbors in Timbercreek, Bill and Angela Magers wish to give you every assurance that no additional residence will be erected on their Timbercreek acreage so long as the extant restrictions of record are in force. They ask that you please disseminate copies of this letter of assurance to all of their friends and neighbors on whose behalf you wrote the September 29 letter.

Please further assure them that the Magers will go forward with their Replat plans strictly so that when their sons reach college age, and the restrictions will have expired under their own terms, further development may then be pursued.

Meanwhile, for the next couple of decades, the Magers join your group in trusting that all Timbercreek owners will do everything possible to maintain property values out there.

Thank you and those for whom you speak for a very polite, well-reasoned letter, and again assure them of Bill and Angela’s continued esteem and good will towards them. With warmest personal regards, I remain

Sincerely your friend and colleague,
Robert E. Richardson, Jr.”

Chairman Mahone stated, “If you are here and agree with Mr. Franks and Mr. Hudgins, please raise your hand.”

Six people raised their hands.

Mr. Magers replied, “In 2004, we purchased 3.97 acres in the Timber Creek Addition. I purchased an additional 2.87 acres. What we are talking about is a Replat of the original Timber Creek Subdivision. It was 3.947 acres in Timber Creek, 2.87 acres in Lisa Addition and 0.49 acres in Texas and Pacific Railroad which runs through Sherman. Lot 1 was sold, and a home was built on it. It has 1.492 acres in Timber Creek Addition, so to be clear, that house is not on 2 acres.

I am going to read the code restriction, 'Residential building sites can contain no less than 2.5 acres.' I am fine with this. My current home that we are putting on the market has 2.7 acres. We have no intention of building on the second lot that we are platting off. This lot conforms to the City of Sherman regulations. The home that we have is 2.7 acres, of which 1.4 acres is in Timber Creek Addition, just like my next-door neighbor."

Commission Member Blagg asked, what is the purpose of the Replat?"

Mr. Magers replied, "It is to hold onto. In five years, the Covenant, Conditions and Restrictions (CC&R) will expire and at that point, we will make a decision as to what we want to do."

Chairman Mahone requested an Executive Session and stated, "The Planning & Zoning Commission will now hold a closed executive session pursuant to the Texas open meetings act at section 551.001 to consult with the city attorney."

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned for an Executive Session at 5:16 p.m.

RECONVENE

The Executive Session closed, and the meeting reconvened at 5:22 p.m.

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

Mr. Magers 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 Replat.

ACTION TAKEN.

Motion by Commission Member Davis to approve the Replat of Timber Creek Addition, Phase 2 in an R-1 (One Family Residential) District at 4 Timber Creek Road subject to the Staff Review Letter. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

ADJOURNMENT

RECONVENE

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF DEBID PROPERTIES LLC (OWNER), DAVID BROWN, BLOCK 20, LLC (REPRESENTATIVE/PROSPECTIVE BUYER), PACHECO KOCH (LANDSCAPE DESIGNER) AND JHP ARCHITECTURE/URBAN DESIGN (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 2817 WEST HOUSTON STREET, BEING 13.535 ACRES IN THE G. MCGLOTHLIN SURVEY, ABSTRACT NUMBER 828, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL OF WOODMEN'S CIRCLE HOME MULTIFAMILY.

SITE PLAN -
WOODMEN'S
CIRCLE HOME
MULTIFAMILY
2817 WEST
HOUSTON STREET
(DEBID PROPERTIES
LLC)

David Brown, 14881 Quorum Dr., Dallas, TX

Mr. Brown appeared to represent the request and answer any questions. The property is located at 2817 West Houston Street, the northeast corner of North FM 1417 (Heritage Parkway) and West Houston Street and is zoned R-2 (Multi-Family Residential) District/O-1.1 (F.M. Highway 1417) Overlay District.

Mr. Brown explained, "I am requesting site plan approval for the Woodmen's Circle Home Multi-family residential complex that consists of 295 one and two-bedroom units with 590 parking spaces."

Pete Kloppers, 2609 Shenandoah Cir., Sherman, TX

Mr. Kloppers stated, "I am going to touch on the water and drainage run-off. Currently the rain is absorbed by the land. As that land is going to be filled up with houses, parking lots and driveways, all that water is going to run off. The Woodmen's Circle land is 50' to 60' higher than the Laurel Creek Addition, and specifically our lake. That water is going to be running down Shenandoah Circle and down Highway 56 to a little retention pond that may or may not hold the water. It is going to fill our lake up. Our lake right now is filled with water coming from the Hidden Valley area, the Laurel Creek area and from Park Haven, which runs under the highway. The lake was originally developed in the 1930's to provide water for cattle. It is now a flood control lake. The dam was not taken care of, and we had to spend \$250,000.00 to redo the dam, all approved by the State of Texas and the City of Sherman. We ask that a Hydrology Analysis be done to ensure that dam can handle the water coming from Woodmen's Circle."

Peter Crouse, 104 Laurel Creek Dr., Sherman, TX

Mr. Crouse submitted and read the following letter, "I want to thank Mr. Brown on behalf of Block 20 LLC for the insight to bring to the City of Sherman this apartment complex which will help address our fast-growing needs."

From what I have seen our Planning and Zoning staff has done an excellent job preparing for this meeting.

The purpose of my speaking today as a citizen is to bring attention to and solutions for possible oversights that were missed and could cost Block 20 expenses not planned or budgeted for. I would like to address three items this evening.

1. Traffic flow - There is a short span from the property exit to the traffic light at 1417 and a difficult-to-maneuver left turn. For this reason, I am recommending a Traffic Flow Analysis.
2. Water runoff - This 13-acre plot of porous earth will be transformed into 9 acres of non-porous materials (buildings and concrete). I assume the buildings will include gutters leading to the city sewer system. That leaves about 6 acres of concrete with surface runoff. I am recommending a Hydrology Study to determine the impact on neighboring properties, all single family residents.
3. Staff review letter - There are 24 items of concern listed which could be cumbersome for Block 20 to address. This could result in multiple revisions and post construction adjustments.

For these reasons I ask Planning and Zoning and Board of Adjustment to please table this item until such time as a traffic analysis and Hydrology Study is completed and Block 20 has time to review the Staff Review Letter for compliance. This is good business for the City of Sherman, Block 20 LLC, and the citizens of Sherman.”

Shannon Cornelison-Brown, 117 Laurel Creek Dr., Sherman, TX

Ms. Cornelison-Brown stated, “Everything has been covered with the waterflow and traffic, but I want to encourage you to think about a deceleration lane going into the Laurel Creek Addition. It can be a bit dangerous turning into our neighborhood.”

Gail Utter, 2610 Shenandoah Cir., Sherman, TX

Ms. Utter stated, “We understand this complies with all the City of Sherman regulations. A concern in addition to the ones addressed so far is that this does abut up to my property. As Mr. Kloppers stated, it does drop about 40’ to 50’ from the building site down to my driveway. I have a 6’ fence and there will be a 15’ retaining wall built. That’s 15’ from the bottom of my fence, so there will be an additional 9’ above my fence. I am concerned about what the retaining wall looks like. Will it be concrete or a pebble look? At the top of that wall will be a parking lot. I am concerned about patios and lighting facing the direction of my home. The developer has been very courteous and reached out to me in August 2022 and did agree to move the dog park to the other side of the development, but I would still like to have those concerns voiced and addressed in some way.”

Joseph Lipscomb, 121 Laurel Creek Dr., Sherman, TX

Mr. Lipscomb stated, "The water runoff is a major issue. 20 to 30 homes spent \$250,000.00 to move the dam and a Hydrology Study really should be done on this. Regarding traffic flow, we have multiple homes that you all have approved down Highway 56, which is a state highway. We have not seen anything from the City of Sherman or State of Texas to address Highway 56. There are 900 homes in development, and this is 295 apartments with no deceleration lane at an old intersection that was zoned multi-family 25 to 30 years ago when there was a four-way stop at FM 1417 and Highway 56 with two-lane roads. I am not seeing the City of Sherman put in the infrastructure or emphasis behind it. Smart cities do not grow without adequate infrastructure. I want to know what the City of Sherman is going to do to invest in the infrastructure of this project."

Mr. Brown replied, "I will commit to keeping open communication and transparency with the community."

We are here for Site Plan approval, and it is in compliance with the City of Sherman's ordinances and no Variances are being requested. Traffic will be addressed. A Traffic Impact Analysis is not a Site Plan requirement. Drainage will be addressed. This development will be permitted in conformance with all drainage ordinances. A Hydrology Study is not required at this time per City of Sherman ordinance."

Chairman Mahone asked Mr. Lee, "Do you have any comments on the infrastructure as it connects to this project? Are there updates being done that we are not aware of?"

Mr. Lee replied, "At this time there are improvements on FM 1417 and there is another phase of FM 1417 that is coming."

Chairman Mahone asked Mr. Lee, "Have you reviewed this Site Plan regarding the retaining wall and water runoff?"

Mr. Lee replied, "I do not have the details on the retaining wall and there are not any calculations yet done on the runoff."

Chairman Mahone asked, "Will they be required to comply with your office on that?"

Mr. Lee replied, "yes, and the driveway location has been moved from their original Site Plan for safety reasons. It now complies with TxDOT regulations. The need for the deceleration lane will be determined by the Traffic Impact Analysis."

Ms. Utter asked, "Will there be a Traffic Impact Analysis and Hydrology study done?"

Mr. Lee replied, "yes."

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

Mr. Brown 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 Site Plan.

ACTION TAKEN.

Motion by Commission Member Davis to approve the Site Plan of Woodmen's Circle Home Multifamily in an R-2 (Multi-Family Residential) District at 2817 West Houston Street subject to the Staff Review letter. Second by Commission Member Blagg.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

FINAL PLAT

THE REQUEST OF KENNETH AND ALICE BAKER (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 4015 COX STREET, BEING 0.993 ACRES IN THE S. MCGLOTHLIN SURVEY, ABSTRACT NUMBER 811, AND BEING LOT 24, BLOCK 1, CEDAR PARK VILLAGE, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF CEDAR PARK VILLAGE, LOT 24, BLOCK 1.

FINAL PLAT – OF
CEDAR PARK
VILLAGE, LOT 24,
BLOCK 1
4015 COX STREET
(KENNETH AND
ALICE BAKER)

(WITHDRAWN)

The property is located at 4015 Cox Street, the southwest corner of Cox Street and Dripping Springs Road and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into two lots for residential development.

An email was received from Kim Poort Underwood Drafting, September 30, 2022 at 1:09 PM requesting to withdraw this item.

THIS ITEM WAS WITHDRAWN.

SPECIFIC USE PERMIT AND SITE PLAN

THE REQUEST OF HARMONY BAPTIST CHURCH (OWNER),
TERRENCE STEELE (REPRESENTATIVE) AND HELVEY-

SUP & SITE PLAN –
CHURCH, DAYCARE
& FOOD BANK 2111

WAGNER SURVEYING INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2111 EAST TUCK STREET, BEING LOT 1, BLOCK 1, HARMONY BAPTIST CHURCH ADDITION, AS FOLLOWS:

EAST TUCK
STREET
(HARMONY BAPTIST
CHURCH)

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, DAYCARE AND FOOD BANK IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AND REPEAL ORDINANCE NO. 3820 AND ORDINANCE NO. 5647.

Terrence Steele, 5200 Ambergate Ln., Sherman, TX

Mr. Steele appeared to represent the request and answer any questions. The property is located at 2111 East Tuck Street, the northwest corner of East Tuck Street and North Ellington Avenue and is zoned R-1 (One-Family Residential) District.

Mr. Steele explained, "The owner is requesting approval for a church, daycare and food bank. They provide food for an average of 300 families per month and because of that, they want to construct a 40' by 112', 4,480 square foot building for the food bank and daycare expansion."

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

Mr. Steele 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 Specific Use Permit or Site Plan.

ACTION TAKEN.

Motion by Commission Member Manley to approve the Adoption of an ordinance granting a Specific Use Permit and Site Plan under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Church, Daycare and Food Bank in an R-1 (One-Family Residential) District and repeal Ordinance No. 3820 and Ordinance No. 5647 at 2111 East Tuck Street subject to the Staff Review letter. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, MANLEY, 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 MARIO TOBAR (OWNER), SIAS DRAFTING AND DESIGN (DESIGNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE

SUP & SITE PLAN –
DUPLEX IN R-1
REPLAT - TOBAR
FAIRVIEW ADDN

PROPERTY LOCATED AT 210 WEST FAIRVIEW STREET, BEING 0.385 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, BLOCK 1, ALSO BEING PART OF LOT 5, BLOCK 2, OF W.M. SHANNON SUPPLEMENTAL ADDITION, AS FOLLOWS:

210 WEST FAIRVIEW
STREET
(MARIO TOBAR)

PLANNING AND ZONING COMMISSION

- A. SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A TWO-FAMILY (DUPLEX) IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.
- B. REPLAT APPROVAL OF TOBAR FAIRVIEW ADDITION.

Chris Noah, Preston Trails Land Surveying, 787 W. FM 996, Pottsboro, TX and Mario Tobar, 635 Preston Meadows Rd., Sherman, TX

Mr. Noah and Mr. Tobar appeared to represent the request and answer any questions. The property is located at 210 West Fairview Street between Shannon and North Travis Streets and is zoned R-1 (One-Family Residential) District.

Mr. Tobar explained, "I would like to Plat the property into one lot to build a three-bedroom, two-bathroom duplex. There are a lot of duplexes in the area."

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

Mr. Tobar and Mr. Noah 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, Site Plan or Replat.

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit and Site Plan under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Two-Family (Duplex) in an R-1 (One-Family Residential) District and the Replat of Tobar Fairview Addition at 210 West Fairview Street subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, MANLEY, 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 DAVID AND DEBBIE MCNEES (OWNERS), SRC LAND BUILDING AND REAL ESTATE

SUP & SITE PLAN -
SCHOOL, NURSERY,

(REPRESENTATIVE/PROSPECTIVE BUYER), OMEGA DESIGN LLC (DESIGNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2100 POST OAK CROSSING, BEING LOT 2, POST OAK CROSSING REPLAT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A SCHOOL, NURSERY, KINDERGARTEN OR DAYCARE IN AN C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT.

KINDERGARTEN OR
DAYCARE
2100 POST OAK
CROSSING
(DAVID AND DEBBIE
MCNEES)

William Reed, SRC Land Development, 811 S Central Expwy.
#306, Richardson, TX and Alex Freeman, 18740
Wainsborough Ln., Dallas, TX

Mr. Reed appeared to represent the request and answer any questions. The property is located at 2100 Post Oak Crossing between North FM 1417 (Heritage Parkway) and Mimosa Drive and is zoned C-1 (Retail Business) District/ O-1.1 (F.M. Highway 1417) Overlay District.

Mr. Reed explained, "The owner would like approval for a Montessori School/Daycare.

The fire lane will be two-way traffic. There will be a single drop off lane. All parents will enter from Mimosa Drive to drop off or pick up kids. This allows the longest lane for waiting to drop off and pick up. There is also a digital keypad outside the front entry for parent access.

They will be placing a Montessori Day Care in the existing building, replacing all three tenants. The existing building is 8,317 square feet. They will be adding 972 square feet of conditioned space to the building by enclosing two existing covered walkways. They have removed the existing dumpster enclosure facing Mimosa Drive. The dumpster enclosure is relocated on the west side of the site and is accessible from the fire lane.

They have added two exterior play areas. One is the infant play area located at southwest corner of building. The primary play area is located near the Mimosa Drive entry. A 6' tall wrought iron security fence is located around the exterior play areas with exit gates as required. Fire access Knox boxes are also provided at these fence gates.

All existing landscape areas will remain."

Mr. Freeman stated, "We will have infants all the way up to first grade students."

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

Mr. Reed 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 Manley to approve the Specific Use Permit and Site Plan under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a School, Nursery, Kindergarten or Daycare in a C-1 (Retail Business) District/O-1.1 (F.M. Highway 1417) Overlay District at 2100 Post Oak Crossing subject to the Staff Review letter. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

VARIANCE, ZONE CHANGE, AND SITE PLAN

THE REQUEST OF PANINA INC. AND A-S 71 SHERMAN-PHASE III LP (OWNERS), MICHAEL CARLISLE, KIMLEY-HORN AND ASSOCIATES (REPRESENTATIVE/ENGINEER), MEEKS PARTNERS (ARCHITECT) AND ADAMS SURVEYING COMPANY (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 600-700 BLOCKS GRAHAM DRIVE, BEING 14.336 ACRES, LOT 1A, BLOCK 1, SHERMAN TOWN CENTER, AND ALSO BEING 5.8608 ACRES, LOT 2, BLOCK 1, SHERMAN TOWN CENTER SECTION TWO, AS FOLLOWS:

VARIANCES –
PARKING & BUILDING
HEIGHT
ZONE CHANGE C-1
TO R-2
SITE PLAN –
SHERMAN TOWN
CENTER
MULTIFAMILY
600-700 BLOCKS
GRAHAM DRIVE
(PANINA INC. AND A-
S 71 SHERMAN-
PHASE III LP)

BOARD OF ADJUSTMENT

- A. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (4) TO ALLOW 549 PARKING SPACES IN LIEU OF THE REQUIRED 696 IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.
- B. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.4, SUBSECTION (5) TO ALLOW A 49' BUILDING HEIGHT IN LIEU OF THE ALLOWED 45' IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

- C. ZONE CHANGE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.
- D. SITE PLAN APPROVAL OF SHERMAN TOWN CENTER MULTIFAMILY.

Michael Carlisle, Kimley-Horn Associates, 260 E. Davis, McKinney, TX

Mr. Carlisle appeared to represent the request and answer any questions. The property is located in the 600-700 Blocks Graham Drive between Bluffview Drive and North Loy Lake

Road and is zoned R-2 (Multi-Family Residential) District and C-1 (General Commercial) District.

An email was received from Michael Carlisle, Kimley-Horn and Associates on 10/4/2022 at 7:16 p.m., requesting to change the parking Variance request to allow 580 parking spaces in lieu of the required 696.

Mr. Carlisle explained, "The subject site is located behind an existing retail shopping center at the furthest northwest corner of the City of Sherman City Limits, just north of Graham Drive. Graham drive terminates at a cul-de-sac at the subject site. The subject site is bordered by non-incorporated tracts to the north and west and commercial tracts to the south and east. Sherman Town Center Multifamily is anticipated to include 340 residential units and a clubhouse with additional tenant amenities. Lot 1A is currently zoned R-2 (Multi-family Residential) District, while Lot 2 is zoned C-1 (General Commercial) District. We are requesting the following:

- Zoning Change of Lot 2 from C-1 (General Commercial) District to R-2 (Multi-family Residential) District to conform with the zoning of Lot 1A and allow for the requested multi-family development.
- Variance from the zoning required 2.04 parking ratio to minimum 1.7. The developer (Greystar Development) is the largest multifamily developer in the world. Through their extensive history of similar product types, a 1.7 parking ratio while maintaining localized parking per building, as shown on the site plan, is proven to be adequate for this use.
- Variance from the allowed height of 45' to 49'. There are architectural elements they would like to incorporate which increases the building height to 49'."

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

Mr. Carlisle 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, Zone Change or Site Plan.

ACTION TAKEN.

Board of Adjustment

Motion by Commission Member Davis to approve the Variance under Ordinance No. 2280, Section 6.4, Subsection (4) to allow 580 parking spaces in lieu of the required 696 in an R-2 (Multi-Family Residential) District and the Variance under Ordinance No. 2280, Section 6.4, Subsection (5) to

allow a 49' building height in lieu of the allowed 45' in an R-2 (Multi-Family Residential) District in the 600-700 Blocks Graham Drive subject to the Staff Review letter. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning

Motion by Commission Member Davis to approve the Zone Change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District and the Site Plan of Sherman Town Center Multifamily in the 600-700 Blocks Graham Drive subject to the Staff Review letter. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, DAVIS, SIMS, MANLEY, 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 6:00 p.m.

CHAIRMAN



ACTING SECRETARY