

STATE OF TEXAS §

September 21, 2021

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustments of the City of Sherman, was begun and held on September 21, 2021.

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

ALTERNATE: NONE

MEMBERS ABSENT: SIMS

STAFF PRESENT: ROB RAE, DIRECTOR OF DEVELOPMENT SERVICES, PATSY REEVES, DEVELOPMENT SERVICES COORDINATOR, KERRI TURNER, DEVELOPMENT SERVICES ADMINISTRATIVE ASSISTANT, WAYNE LEE, DIRECTOR OF ENGINEERING AND CHRISTOPHER ARMSTRONG, ASSISTANT CITY ENGINEER.

CITY ATTORNEY: REBECCA BRADLEY

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:04 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the August 17, 2021 regular meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Commission Member Whitaker. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

ANNOUNCEMENTS

Rob Rae, Director of Development Services introduced Rebecca Bradley with Abernathy, Roeder, Boyd & Hullett, P.C., as the City Attorney.

ANNOUNCEMENTS

Mr. Rae informed the Board there will be a Planning Conference November 1-3, 2021, there is a short course for Planning Commissioners that you would be invited to; it would be a virtual conference this year. If any board members are interested in attending let me know.

APPOINT BOARD OF ADJUSTMENTS

Chairman Mahone appointed the members of the Board of Adjustments: MAHONE, DAVIS, DOWNTAIN, MANLEY, WHITAKER AND BLAGG AS ALTERNATE.

BOARD OF
ADJUSTMENTS

CITIZEN COMMENTS

Larry Boring, 2714 S. Rolling Hills, Sherman, TX

Mr. Boring wanted to comment on Item #27

“The request of Bob Tesch Investments, LLC (Owner), Robert Tesch (Applicant), Matt Gilbertson, Pape-Dawson Engineers, Inc. (Civil Engineer), KDK Architects (Architect) and Pierce-Murray Land Solutions (Surveyor) concerning the property at 4001 West O.B. Groner Road, being 13.640 acres in the Elizabeth Jones Survey, Abstract No. 625, as follows;

Planning and Zoning Commission

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District.”

Chairman Mahone explained they will discuss that item in the order presented, if you would like to wait or make comments now. We probably won’t respond until we get to that item.

Mr. Boring decided to wait until the item was discussed.

CONSENT AGENDA (ITEMS 10, 12, 14, 20, 25, 26, 29, 30 & 33)

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

The Commission reviewed the Consent Agenda. Vice-Chairman Downtain moved to approve the Items on the Consent Agenda as presented subject to the Staff Review Letters. Second by Commission Member Whitaker. All present voted AYE.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF CARL R. BUSSEY (OWNER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 319 AND 329 WEST TENNESSEE STREET, BEING THE WEST 56 FEET OF LOT 4 AND ALL OF LOT 5, BLOCK D OF ED MOORE’S FAIRGROUND ADDITION, CONTAINING 0.385 ACRES, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF TENNESSEE STREET SUITES, A REPLAT OF LOT 5 AND THE WEST 56’ OF LOT 4, BLOCK D, ED MOORE’S FAIRGROUND ADDITION

The property is located at 319 and 329 West Tennessee Street; the northeast corner of Tennessee and Rusk Streets. The property is zoned an R-1 (One-Family Residential) District. The owner would like to Replat the property into two

CITIZEN COMMENTS

CONSENT AGENDA

**REPLAT –
319 AND 329 W.
TENNESSEE ST.
(CARL R. BUSSEY)**

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 OWN DECOY HOLDINGS, LLC (OWNER) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 603 NORTH FRIENDSHIP ROAD IN THE CITY OF SHERMAN EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 4.188 ACRES IN THE JOSEPH DEEVER SURVEY, ABSTRACT NO. 359, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

FINAL PLAT APPROVAL OF FRIENDS OF OWN DECOY ESTATES IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ)

FINAL PLAT – CITY OF SHERMAN ETJ
603 N. FRIENDSHIP RD.
(OWN DECOY HOLDINGS, LLC)

The property is located at 603 North Friendship Road in West Sherman off West Houston Street in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner is requesting to plat the property into four 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 PYLON TRUST, RUSSELL SPEARS TRUSTEE (OWNER), KINGDOM EQUITIES, LLC (DEVELOPER) AND VILBIG AND ASSOCIATES, PLLC (CIVIL ENGINEER/SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 800 BLOCK OF EAST FM 1417 (VIETNAM VETERANS PARKWAY) AND 2900 BLOCK OF SOUTH U.S. HIGHWAY 75, BEING 166.469 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT APPROVAL OF TRAVIS HEIGHTS ADDITION.

PRELIMINARY PLAT – TRAVIS HEIGHTS ADDITION

800 BLK OF E FM 1417 (VIETNAM VETERANS PKWY) AND 2900 BLK OF S U.S. HWY 75
(PYLON TRUST, RUSSELL SPEARS TRUSTEE)

The property is located in the 800 block of East FM 1417 (Vietnam Veterans Parkway) between Travis Street and FM 1417 (Vietnam Veterans Parkway). A portion of the property is in the process of being annexed into the City Limits of Sherman. The property inside the City limits is zoned an R-1 (One Family Residential) District and a C-2 (General Commercial) District. The owner would like to plat the property into 404 lots for residential and 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 SHERMAN PAG1, LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1804 NORTH U.S. HIGHWAY 75, BEING PART OF LOT 1, BLOCK 1, JAMES PLAZA ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF PART OF LOT 1, JAMES PLAZA ADDITION.

The property is located at 1804 North U.S. Highway 75, the northwest corner of Highway 75 and Taylor Street. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75 & 82 Overlay) District.

The owner would like to plat the property into one lot for commercial development of the automobile sales business. 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 AND FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF KARL KLEMENT PROPERTIES, INC. (OWNER), UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR), AND ASM ARCHITECTS, INC. (ARCHITECT) CONCERNING THE PROPERTY AT 2324 TEXOMA PARKWAY, BEING 0.727 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

- A. SITE PLAN APPROVAL FOR A ROY'S WASH-N-DRY
- B. FINAL PLAT APPROVAL OF KLEMENT ADDITION

The property is located at 2324 Texoma Parkway between Peyton Street and U.S. Highway 82; formerly China Star Restaurant. The property is zoned a C-2 (General Commercial) District. The owner would like to plat the property into one lot for commercial development of Roy's Wash and Dry, a 7,528 square foot facility. Parking will be provided for 40 spaces. 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 SHERMAN ECONOMIC DEVELOPMENT CORPORATION (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 3232 NORTHGATE DRIVE, BEING LOTS 1 & 2, BLOCK 2, NORTHGATE BUSINESS PARK PHASE 1, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT – JAMES PLAZA ADDITION FOR COMMERCIAL DEVELOPMENT OF THE AUTOMOBILE SALES BUSINESS

1804 NORTH U.S. HWY 75
(SHERMAN PAG1, LLC)

SITE PLAN – ROY'S WASH-N-DRY
FINAL PLAT - KLEMENT ADDITION

2324 TEXOMA PKWY
(KARL KLEMENT PROPERTIES, INC.)

REPLAT – NORTHGATE BUSINESS PARK, PHASE ONE FOR DEVELOPMENT OF 903 BREWERS

3232 NORTHGATE DR.

REPLAT APPROVAL OF LOTS 1 & 2 OF NORTHGATE BUSINESS PARK, PHASE ONE.

**(SHERMAN
ECONOMIC
DEVELOPMENT
CORPORATION)**

The property is located at 3232 Northgate Drive at the northwest corner of Northgate Drive and West FM 1417. The property is zoned (Blalock Industrial Park) and also located in the O-1.1 (FM Highway 1417) Overlay District. The owner would like to Replat two lots into one lot for development of 903 Brewers. 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 TEXAS PLATINUM HOMES LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 1523 SOUTH AUSTIN STREET, BEING 0.295 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 AND BEING ALL OF LOT 3, BLOCK 2, MAYHEW ADDITION, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF HOLLEY TRADES ADDITION, A REPLAT OF LOT 3, BLOCK 2, MAYHEW ADDITION.**

**REPLAT - HOLLEY
TRADES ADDITION
FOR RESIDENTIAL
DEVELOPMENT**

**1523 S. AUSTIN ST.
(TEXAS PLATINUM
HOMES LLC)**

The property is located at 1523 South Austin Street, the northeast corner of Austin and Staples Streets. The property is zoned an R-1 (One-Family Residential) District. The owner would like to Replat 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.

PRELIMINARY PLAT – CONSENT AGENDA ITEM

**THE REQUEST OF ARTISAN DEVELOPMENT COMPANY, INC. (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY IN THE 2000-2300 BLOCKS OF WEST MOORE STREET, BEING 36.570 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT APPROVAL OF PEBBLEBROOK, PHASE 4.**

**PRELIMINARY PLAT -
PEBBLEBROOK,
PHASE 4 FOR
RESIDENTIAL
DEVELOPMENT**

**2000-2300 BLKS OF
W. MOORE ST.
(ARTISAN
DEVELOPMENT
COMPANY, INC)**

The property is located in the 2000-2300 blocks of West Moore Street south of Park Avenue. The property is zoned an R-1 (One-Family Residential) District. The owner would like to plat the property into 139 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 JMC R SHERMAN LLC (OWNER), ERIC NUNNALLY, THE NUNNALLY STUDIO ARCHITECTS (ARCHITECT) AND FREEMAN SURVEYING & MAPPING LLC (SURVEYOR) CONCERNING THE PROPERTY AT 3750 NORTH U.S. HIGHWAY 75, BEING LOT 5A, BLOCK 3, REPLAT SHERMAN TOWN CENTER, A REPLAT LOT 5, BLOCK 3, SHERMAN TOWN CENTER, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR DUTCH BROS COFFEE DRIVE-THRU RESTAURANT.

**SITE PLAN – DUTCH
BROS COFFEE
DRIVE-THRU
RESTAURANT**

**3750 N. U.S. HWY 75
(JMC R SHERMAN
LLC)**

The property is located at 3750 North U.S. Highway 75, north of the new Raising Canes Restaurant. The property is zoned a C-1 (Retail Business) District and located in the O-1 (75& 82) Overlay District. Dutch Bros Coffee would like to construct a 950 square foot drive-thru restaurant. The exterior will be stucco, masonry and fiber cement siding. Parking will be provided for 25 spaces. 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.

VARIANCE

THE REQUEST OF KELLY AND CARRIE TEEMS (OWNER) AND WILHITE LAND SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 5212 AMBERGATE LANE, BEING LOT 8, BLOCK E, AUSTIN LANDING, PHASE 3, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C) TO ALLOW A 3' SETBACK FROM THE MAIN STRUCTURE FOR AN ACCESSORY BUILDING IN LIEU OF THE REQUIRED 6' IN AN SF-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE – 3'
SETBACK FROM
MAIN STRUCTURE
5212 AMBERGATE
LN.
(KELLY AND CARRIE
TEEMS)**

Kelly Teems, 5212 Ambergate Lane, Sherman, TX

Mr. Teems appeared to represent the request and answer any questions. The property is located at 5212 Ambergate Lane between Woodbine Drive and Berkshire Lane in the Austin Landing Subdivision off North Travis Street. The property is zoned an SF-1 (Single-Family Residential) District.

Mr. Teems explained, "We are trying to build a small storage building on the side of my house. The building will be an 8' x 10' storage building, the same composition as the roof on the house and will be located behind a privacy fence. The Homeowner's Association has already approved it."

Commission Member Manley asked if there would be any electrical to the building and what the building would be used for.

Mr. Teems responded, “There will not be any electrical to the building. The building will be used for storage of lawn and pool equipment.”

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 to allow a 3’ setback from the main structure for an accessory building in lieu of the required 6’ in an SF-1 (Single-Family Residential) District at 5212 Ambergate Lane subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF COVENANT PRESBYTERIAN CHURCH (OWNER) AND DAVID GATTIS (REPRESENTATIVE), CONCERNING THE PROPERTY LOCATED AT 322 WEST PECAN STREET, BEING LOTS 5 THRU 9, WEST 20’ LOT 4, THE WEST 10’ LOT 10, BLOCK L, BLACK’S ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.6, SUBSECTION (6) (D) TO ALLOW A 118’ TALL STEEPLE IN LIEU OF THE MAXIMUM 80’ TALL IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

David Gattis, 3823 West Lamberth Road, Sherman, TX

Mr. Gattis appeared to represent the request and answer any questions. The property is located at 322 West Pecan Street; the southeast corner of Pecan and Rusk Streets, Covenant Presbyterian Church is the tenant. The property is zoned a C-1 (Retail Business) District and in the Central Business District.

Mr. Gattis explained, “Covent Presbyterian Church was built in 1956. The tower is 68’ tall and the steeple on top is a little less than 50’. Over the years hail damage to the steeple copper cladding has resulted in leaks. The church recently replaced the roof and they would also like to replace the steeple. The proposed steeple will be the same as the existing one; which is 118’ tall.”

Commission Member Manley asked if they are increasing the size of the steeple.

EXCEPTION –
STEEPLE HEIGHT
322 W. PECAN ST.
(COVENANT
PRESBYTERIAN
CHURCH)

Mr. Gattis explained the steeple will be the same size that it is now.

Mr. Rae explained the height restrictions may have been different when the church was built, the property is located in the Central Business District which allows different height regulations.

Mr. Gattis explained this is evidently a regulation that has been created since the church was built.

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

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

Chairman Mahone wanted to call out #5 on the Staff Review Letter “Verify steeple height does not exceed allowable elevation in Airport Hazard Zone. Coordinate with Engineering Department.”

Wayne Lee, Director of Engineering explained they just need to know the actual top elevation of the steeple; it doesn’t appear that it will encroach into the air space requirement.

Mr. Gattis explained, “if you look at it from across Highway 75, it is much lower than the Methodist Church steeple. I don’t think either one of them cause problems for aircraft.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the request for an exception to allow a 118’ tall steeple in lieu of the maximum 80’ tall in a C-1 (Retail Business) District/Central Business District at 322 West Pecan subject to the Staff Review Letters. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED.

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

VARIANCE

THE REQUEST OF JOHN & THERESA GRAHEK (OWNER) AND DAVID DOWNTAIN (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1606 WEST WASHINGTON STREET, BEING LOT 17, BLOCK 1, SUNSET CROSSING ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

**VARIANCE – REAR
SETBACK**

**1606 WEST
WASHINGTON
STREET
(JOHN & THERESA
GRAHEK)**

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 22.6' REAR SETBACK FOR AN ATTACHED ACCESSORY BUILDING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

Vice-Chairman Downtain abstained from this request because of a conflict of interest. Bryan Blagg was appointed as an alternate for the Board of Adjustments.

David Downtain, 1200 North East Street, Sherman, TX

Mr. Downtain appeared to represent the request and answer any questions. The property is located at 1606 West Washington Street between Sunset Boulevard and Bradley Drive and is zoned an R-1 (One-Family Residential) District.

Mr. Downtain thanked the Commissioners for their service on the board and the City.

Mr. Downtain explained that the owner is requesting a variance to allow a 22.6' rear setback for an attached accessory building. Mr. Downtain further explained, "This house is being built by John and Theresa Grahek at 1606 West Washington Street. From the beginning, it was intended by the Architect to place the house as far south as possible for a couple of objectives. One was to help comply with the City's earlier request to not have traffic backing out onto Washington Street. It was their intention to put a circle driveway in the front to allow a vehicle to turn around and park off-street. The other intention was to line it up with the house immediately to the west that has been there since 1954. The Architect drew up the plans to meet the setbacks and be within the boundaries as the property was laid out. It was discovered there was an easement on the east side that was encroaching. They measured straight back to the fence line parallel to the main structure and going straight back is less than 25', but later when the City came to look, as you would swing the tape measure further to the east, the fence is so sharp that the point was 2.5' closer. The forms were set and the project continued. Because it is an attached out building and it would be possible to detach it if this isn't granted."

Chairman Mahone asked, "detached by what exactly?"

Mr. Downtain replied, "a pergola. It shares a slab either way. The pergola overhang is what is adjoining the two structures."

Chairman Mahone stated, "If you didn't want this pergola, we wouldn't be having this conversation."

Mr. Downtain replied, "correct. If the pergola was redesigned to be self-supporting and a half an inch away from each structure, it would comply. It's a detached

structure attached by a pergola and we are asking for the 2.5' variance.

Commission Member Blagg asked, "Is it showing 22'6" to the corner of the slab?"

Mr. Downtain referenced a picture and showed that the porch is extended into that area. He explained that it was measured directly back to the fence, straight South instead of Southeast.

Mr. Rae explained, "If buildings are not connected, that building would be considered an accessory building. It wouldn't be part of the main structure. The rear setback changes when it's a connected building verses a disconnected building."

Mr. Downtain said, "The footprint would not change. It would just be a half inch slice on each end of the pergola and set it on some poles. We are asking to not have to do that."

Mr. Rae, stated, "I was at the inspection when we looked at the foundation forms and met with David about this and let him know his options and that if this doesn't work out, he would have to come back to make this work. It was clear at the time, that's why he was able to proceed on the project."

Mr. Downtain explained, "There have been several other adjustments made in both that existing subdivision by other builders and all over that area. We are only asking for a very minor variance and would appreciate your consideration."

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

Mr. Downtain replied, "yes, we have 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 Commission Member Davis to approve the request for a variance to allow a 22.6' rear setback for an attached accessory building in lieu of the required 25' in an R-1 (One-Family Residential) District at 1606 West Washington Street subject to the Staff Review letter. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

ABSTAIN: DOWNTAIN

MOTION CARRIED.

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

EXCEPTION

THE REQUEST OF FRHP LINCOLNSHIRE, LLC (OWNER), CAMPING WORLD (TENANT), TRISHA MOLLEN (APPLICANT) AND BO GREEN, SYMONDS FLAGS & POLES, INC. (CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 2005 SOUTH SAM RAYBURN FREEWAY, BEING LOT 1, BLOCK 43R OF THE REPLAT OF BLOCK 43R, LOT 1 SOUTH SIDE ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (6)(C) TO ALLOW A 130' TALL FLAG POLE IN LIEU OF THE ALLOWED 100' IN AN M-1 (LIGHT MANUFACTURING) DISTRICT.

**EXCEPTION –
FLAGPOLE HEIGHT**

2005 SOUTH SAM
RAYBURN FWY
(FRHP
LINCOLNSHIRE,
LLC)

(DENIED)

No one appeared to represent the request and answer any questions.

The property is located at 2005 South Sam Rayburn Freeway, the southeast corner of Wilson Avenue and South Sam Rayburn Freeway; Camping World is the tenant. The property is zoned an M-1 (Light Manufacturing) District.

Chairman Mahone asked, in reference to no one showing to represent the request, "Do we give notice?"

Ms. Bradley referenced the second page of the Staff Review Letter to Chairman Mahone.

Chairman Mahone recited from the Staff Review Letter, "It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above."

Chairman Mahone asked if there was anyone present to represent the request. No one came forward.

Chairman Mahone said, "We will not consider this item."

Ms. Bradley said, "I would recommend making an action."

Chairman Mahone opened up for a motion.

Ms. Bradley also recommended that the motion be approved or denied.

Commission Member Davis asked, "If I deny it, does that mean he can't pay his money and come here and get it? I don't want to kill the deal because nobody showed up?"

Ms. Bradley replied, "If he wants to reapply at a later date that is an option for the individual."

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for an exception under Ordinance No. 2280, Section 6.8, Subsection (6)(c) to allow a 130' tall flag pole in lieu of the allowed 100' in an M-1 (Light Manufacturing) District at 2005 South Sam Rayburn Freeway. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

THIS REQUEST WAS DENIED

VARIANCE

THE REQUEST OF BARRY AND LAURA FONTAINE (OWNERS), RYAN STOLL (APPLICANT/PROSPECTIVE BUYER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES LOCATED AT 2205, 2209 AND 2213 NORTH HICKORY STREET, BEING LOTS 3, 4 AND 5, BLOCK 4 SHANNON HEIGHTS ADDITION, AS FOLLOWS:
BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 5'4" SIDE SETBACK FOR RESIDENTIAL DWELLINGS IN LIEU OF THE REQUIRED 6' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – SIDE SETBACK

2205, 2209 AND 2213
N. HICKORY ST.
(BARRY AND LAURA FONTAINE)

Ryan Stoll, 1312 West Shepherd Dr., Sherman, TX

Mr. Stoll appeared to represent the request and answer any questions. The property is located at 2205, 2209 and 2213 North Hickory Street between Pelton Street and Dupree Avenue. The property is zoned an R-1 (One-Family Residential) District.

Mr. Stoll explained, "We are requesting a 5'4" side setback for three houses based on previous platted lots at 50' wide meeting a 10 percent requirement making it 5'. To my understanding it is a 6' minimum. We submitted a site plan as well as some pictures of the exact product type with brick on all sides and a double car garage. We have executed this in some similar residential projects and consider it to be an upgrade to the block in that area. We are requesting a variance to avoid having to redo the plans."

Chairman Mahone asked if the garage in the picture had been demolished.

Mr. Stoll replied that it had.

Commission Davis asked, "How big of a house are you building?"

Mr. Stoll replied, “right around 1400 square feet.”

Chairman Mahone asked if the parking requirements could be met.

Mr. Stoll replied, “yes.”

Vice-Chairman Downtain asked if the request was for each of the three lots.

Mr. Stoll replied, “yes.”

Commission Member Davis asked if the house on the north side would be affected.

Mr. Stoll explained that there are five lots total and that the two “bookends”, the homes on each end of the five lots, would be staying.

Chairman Mahone stated, “Looking at the area photos, it looks like it conforms to neighboring lots.”

Commission Member Davis asked if they had seen the Staff Review Letter.

Mr. Stoll 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 to allow a 5’4” side setback for residential dwellings in lieu of the required 6’ in an R-1 (One-Family Residential) District at 2205, 2209 and 2213 North Hickory Street. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

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

ZONE CHANGE & CONCEPTUAL SITE PLAN

THE REQUEST OF PYLON TRUST, RUSSELL SPEARS TRUSTEE (OWNER), KINGDOM EQUITIES, LLC (DEVELOPER) VILBIG AND ASSOCIATES, PLLC (CIVIL ENGINEER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 801 EAST FM 1417 (VIETNAM VETERANS PARKWAY), BEING 1.105 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AND BEING A PART OF THE 221.867 ACRE TRACT 1 AND A

ZONE CHANGE – R-1
TO C-1
CONCEPTUAL SITE
PLAN –
COMMERCIAL
BUILDING

801 EAST FM 1417
(VIETNAM

4.256 ACRE TRACT 2 AND BEING ALL OF LOT 2, BLOCK 8 OF CONSTITUTION VILLAGE ADDITION, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

VETERANS
PARKWAY)
(PYLON TRUST,
RUSSELL SPEARS
TRUSTEE)

David Vilbig, Vilbig and Associates PLLC, 517 W. Woodard St., Denison, TX

Mr. Vilbig appeared to represent the request and answer any questions. The property is located at 801 East FM 1417 (Vietnam Veterans Parkway), the northeast corner of FM 1417 (Vietnam Veterans Parkway) and South Carolina Drive. The property is zoned an R-1 (One-Family Residential) District.

Mr. Vilbig explained, “We would like to change the zoning on the property to a C-1 (Retail Business) District. The project includes the construction of a 6,600 square foot brick commercial building; parking will be provided for 37 spaces.”

Chairman Mahone asked if this was going to be a traditional storefront building.

Mr. Vilbig replied, “yes”.

Chairman Mahone asked if there were any intended tenants at this time.

Mr. Vilbig replied, “no.”

Chairman Mahone asked about the requirements for fencing on this location.

Mr. Rae answered, “It needs to be fully screened with a 6’ fence between commercial properties and properties that are zoned R-1.”

Mr. Vilbig stated that the fencing is shown on the site plan.

Commission Member Davis asked, “Mr. Vilbig, do you know what is east of you?”

Mr. Vilbig replied that there is a county tract that has a big radio tower on it.

Commission Member Blagg asked Rob Rae if they were only approving the building and if the tenant would have to come back for use approval.

Mr. Rae replied, “At this point we are approving the zoning and conceptual site plan. In our ordinance, we can’t approve a zone change for commercial or multifamily without a site plan.”

Chairman Mahone asked if anyone from the audience would like to address this item.

Tom Johnston, 3413 S. Carolina, Sherman, TX

Mr. Johnston asked, “I am just a few houses behind here. I was curious about the kind of businesses. I think you said you didn’t know yet. I saw that there were 37 parking places. Is there going to be more than one business? Would there be restrictions against alcohol, tattoos, or anything. I am curious about what businesses.”

Mr. Vilbig replied, “We’re requesting a C-1 zoning, and a C-1 zoning is limited on what can go there. The heavier zonings are C-2 and nothing like that will be allowed.”

Chairman Mahone stated, “There’s a potential that a new tenant might come in for a Specific Use Permit. There would need to be another approval for that. ”

Commission Member Davis asked if they had seen the Staff Review Letter.

Mr. Vilbig 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 change or conceptual site plan.

ACTION TAKEN.

Motion by Commission Member Manley to approve the zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District to a C-1 (Retail Business) District at 801 East FM 1417 (Vietnam Veterans Parkway). Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

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

ZONE CHANGE

THE REQUEST OF PYLON TRUST, RUSSELL SPEARS TRUSTEE (OWNER), KINGDOM EQUITIES, LLC (DEVELOPER) VILBIG AND ASSOCIATES, PLLC (CIVIL ENGINEER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 800 BLOCK OF EAST FM 1417 (VIETNAM VETERANS PARKWAY) AND 2900 BLOCK OF SOUTH U.S. HIGHWAY 75, BEING 165.364 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AND BEING A PART OF THE

ZONE CHANGE – R-A
AND C-2 TO R-1

800 BLOCK OF EAST
FM 1417 (VIETNAM
VETERANS
PARKWAY) AND
2900 BLOCK OF
SOUTH U.S.
HIGHWAY 75

221.867 ACRE TRACT 1 AND A 4.256 ACRE TRACT 2, AND BEING LOT 1, BLOCK 8 OF CONSTITUTION VILLAGE ADDITION, AND BEING ALL LOTS IN TRACT 1 (LOTS INCLUDE: LOTS 8-20, BLOCK 2 AND LOT 3, BLOCK 9 OF CONSTITUTION VILLAGE SECTION TWO, ALSO ALL OF BLOCK 6 AND ALL OF LOTS 20-32, BLOCK 5 OF REPLAT OF CONSTITUTION VILLAGE, SECTION TWO, BLOCKS 5 & 6 AND A PART OF A 3.0 ACRE TRACT 2), AS FOLLOWS:

(PYLON TRUST,
RUSSELL SPEARS
TRUSTEE)

PLANNING AND ZONING COMMISSION

ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT AND C-2 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

David Vilbig, Vilbig and Associates PLLC, 517 W. Woodard ST., Denison, TX

Mr. Vilbig appeared to represent the request and answer any questions. The property is located in the 800 block of East FM 1417 (Vietnam Veterans Parkway) between Travis Street and FM 1417 (Vietnam Veterans Parkway). A portion of the property is in the process of being annexed into the City Limits of Sherman. The property inside the City limits is zoned an R-1 (One Family Residential) District and a C-2 (General Commercial) District.

Mr. Vilbig explained, "This is the remainder to that Plat that you approved earlier. We would like to change the zoning on the property to an R-1 (One Family Residential) District for residential development of 395 lots."

Mr. Rae clarified, "A portion of this needs to be annexed and when it is annexed it will be zoned R-A automatically. That's why the zone change is from R-A to R-1."

Mr. Vilbig commented, "We've applied for annexation so this will be approved subject to annexation."

Commission Member Davis asked, "It will come in as an R-1 automatically?"

Mr. Rae answered, "It will come in as R-A, and if approved, City Council would hear the zone change from R-A to R-1 if you were to conditionally approve it."

Mr. Vilbig reiterated, "The annexation has been applied for."

Commission Member Davis asked if there would be 395 homes or townhomes.

Mr. Vilbig replied, "These are 60'x120' lots, some deeper. This is a very unique piece of land with very steep grades so some of the lots are even deeper than that. We have tried to work with the land instead of against it."

Vice-Chairman Downtain asked, "What area was C-2?"

Mr Rae replied, “It’s on Travis Street.”

Mr. Vilbig stated, “on the west side”

Commission Member Blagg asked, “Can we place zoning on land that’s not annexed?”

Ms. Bradley replied, “You can commission upon annexation.”

Commission Member Blagg asked if that was happening tonight.

Ms. Bradley replied, “If you approve it, this would be the zoning if it were annexed.”

Commission Member Blagg asked, “This is just zoning, we’re not taking action on site plan and preliminary plat, this is only zoning?”

Mr. Rae stated, “We have already approved the preliminary plat on the Consent Agenda.”

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

Mr. Vilbig 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 change.

ACTION TAKEN.

Motion by Commission Member Davis to approve the zone change from an R-A (Single-Family Agricultural) District and C-2 (General Commercial) District to an R-1 (One-Family Residential) District in the 800 block of East FM 1417 (Vietnam Veterans Parkway) and 2900 block of South U.S. Highway 75. Second by Commission Member Blagg.

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

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF WESTWOOD VILLAGE RETAIL LLC (OWNER), I FLY TOBACCO & VAPE (PROPOSED TENANT), MAAN ASALI (APPLICANT) AND HELVEY AND ASSOCIATES SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 115 NORTH SUNSET BOULEVARD, BEING LOT 1, BLOCK 1 OF THE SECOND

**SUP & SITE PLAN –
SMOKE/VAPE SHOP**

**115 N. SUNSET
BLVD.
(WESTWOOD
VILLAGE RETAIL
LLC)**

REPLAT OF PART OF BLOCK 2 OF THE REPLAT OF WESTWOOD VILLAGE SUBDIVISION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

(DENIED)

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW A SMOKE/VAPE SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT.

Mariela Diaz, 115 Sunset Blvd., Sherman, TX

Ms. Diaz appeared to represent the request and answer any questions. The property is located at 115 North Sunset Boulevard between Houston and Pecan Streets. The property is zoned a C-1 (Retail Business) District.

Ms. Diaz explained, “We are requesting a Specific Use Permit to allow a smoke and vape shop at this location for I Fly Tobacco and Vape. We have multiple locations in Durant, Oklahoma. We want to open a premier tobacco shop, and will carry a wide array of the finest tobacco products, cigars, CBD products, vape products and supplies from different brands.”

Chairman Mahone asked if Ms. Diaz was the owner or proprietor.

Ms. Diaz replied, “No, I work with the owner.”

Ms. Diaz explained, “We are based in Durant. We have three smoke shops there. We have one in Chickasha. We are trying to open one up in Sherman. We have been doing this business for over two years.”

Chairman Mahone stated, “We have received two letters. Dairy Queen is opposing. Sherman ISD also wrote a letter. ‘Sherman ISD’s position on Tobacco and Vape stores within 200’ of property owned by the School District would be the same as alcohol sales. SISD would not be supportive of this P&Z request’. Their issue is that it’s within 200 feet of school property.”

Ms. Diaz replied, “There is already a gas station there and a convenience store which also sells tobacco and alcohol.”

Commission Member Davis asked, “You’ll be closer to the school than those two businesses?”

Ms. Diaz replied, “We are just right next to them.”

Commission Member Davis asked if they had a picture of their store front and asked how long they have been open.

Ms. Diaz referenced a picture and stated that they had been open there about three years.

Commission Member Davis stated, “Something that a lot of these shops tend to do is neon lights in the windows and put flags out that aren’t allowed in the city of Sherman.”

Commission Member Davis asked if they had seen the Staff Review Letter.

Ms. Diaz replied, “yes, we have seen the Staff Review Letter and would abide by the Recommendations. We have been talking to a sign company to see what we can do and we will follow the guidelines.”

Chairman Mahone asked if there would be smoking in the business; a smoking lounge or anything like that.

Ms. Diaz replied, “no.”

Vice-Chairman Downtain asked if they sell water pipes and other assorted pipes that might be used for other things than tobacco.

Ms. Diaz replied, “We do sell glass pipes and water pipes at other locations. We also sell the smaller pipes.”

Commission Member Davis asked if they sell the little glass roses used for smoking crack.

Ms. Diaz replied, “no.”

Commission Member Blagg asked Mr. Rae if there was any zoning that has distance requirements for smoke and vape shops.

Mr. Rae replied, “no, there is no requirement except for advertising can’t be within a certain distance of the school.”

Ms. Bradley explained it is for advertising not necessarily for the location of the business.

Chairman Mahone asked if their sign was considered advertising.

Ms. Bradley responded, “that is why she is saying she is talking to legal because you are splitting hairs as far as signage.”

Commission Member Manley asked Mr. Rae to remind them of the alcohol restriction the Sherman ISD letter is regarding to.

Mr. Rae explained, “Our alcohol sales ordinance prohibits sales within a certain distance of the school. I believe it is 200’ of the school. What the school districts thought is smoke, vape, and tobacco sales should be treated in the

same way. That is not State Law and it is not our ordinance but they feel it should be treated the same way.”

Commission Member Blagg asked, “Who wrote that letter?”

Mr. Rae received the letter from the Assistant Superintendent, Dr. Tyson Bennett.

Commission Member Davis asked their hours of operation if it passes.

Ms. Diaz replied, Monday thru Thursday 9 a.m. to 10 p.m., Friday and Saturday 9 a.m. to 11 p.m. and Sunday 10 a.m. to 7 p.m. Those are the hours of our Durant location.

Commission Member Blagg asked if vape shops do well next to a convenience store.

Ms. Diaz explained “We are usually in areas where those type of businesses are next to us and we do pretty well in our Durant smoke shop. There isn’t a convenience store next to us but there is a Dollar General.”

Commission Member Manley asked whether they own or lease the building.

Ms. Diaz replied, “we are leasing it.”

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

Letters were received from:

Sherman ISD, PO Box 1176, Sherman, TX

“Sherman ISD’s position on Tobacco and Vape stores within 200’ of property owned by the School District would be the same as alcohol sales. SISS would not be supportive of this P&Z request by Westwood Village Retail LLC and I Fly Tobacco & Vape to engage in Tobacco sales at 115 N. Sunset Boulevard. Our rationale is that the products sold at these establishments are listed as prohibited items in our Student Code of Conduct and Employee Handbook. We also believe that the activity in and around these establishments may be detrimental to school culture.”

David Sroufe, 103 N. Sunset, Sherman, TX

“As the owners of the Dairy Queen on Sunset, we are against this business moving into the Westwood Village Subdivision. This type of business tends to attract undesirable people to the area. If you aren’t aware, we have plenty of that kind of traffic already (with the Sunset Food Mart next door and the Exxon across the street). I’m betting that the applicant, Maan Asali is not from Sherman. I say that to state that I’m sure Mr. Asali could care less about the type of people his store would attract.”

“We understand that our city would like to welcome more businesses, However, we don't need more of "this kind of" business in our area. How about some family oriented businesses in our shopping center? We just dealt with an illegal gaming room several doors down from our restaurant. On multiple occasions, we requested that the Sherman PD go in and check out what was going on. We all knew that "8 Liners" are illegal as well as prostitution and drugs (and this is the activity that was being conducted in that gaming room)! After several visits from the Sherman PD, the business "disappeared.”

“Thank you for your attention to this letter. If you would like to discuss this matter in more detail, please do not hesitate to contact me.”

ACTION TAKEN.

Motion by Commission Member Manley to deny the Specific Use Permit and site plan approval to allow a Smoke/Vape Shop in a C-1 (Retail Business) District at 115 North Sunset Boulevard. Second by Commission Member Davis.

VOTING AYE: DAVIS, DOWNTAIN, MANLEY AND WHITAKER.

VOTING NAY: BLAGG AND MAHONE

MOTION CARRIED

THE REQUEST WAS DENIED.

Ms. Diaz asked what happens after denial.

Mr. Rae explained, “now that it is denied, you cannot get a Certificate of Occupancy for that use; you could find a different location.”

Ms. Diaz asked if they could appeal.

Mr. Rae replied, “you could appeal.”

Ms. Bradley stated, “you have ten days to appeal.”

Mr. Rae explained, “You will need to send a written letter to our office for the appeal and then it will be placed on the City Council agenda.”

SPECIFIC USE PERMIT, SITE PLAN AND PRELIMINARY PLAT APPROVAL

THE REQUEST OF TEXOMA COMMUNITY CENTER (OWNER), TORI DYESS (APPLICANT) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2310 NORTH TRAVIS STREET, BEING 0.485 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO

**SPECIFIC USE
PERMIT AND SITE
PLAN – IDD FACILITY**

**PRELIMINARY PLAT
– TEXOMA
COMMUNITY
CENTER ADDITION**

2310 N. TRAVIS ST.

ALLOW AN INTELLECTUAL AND DEVELOPMENTAL
DISABILITIES FACILITY IN A C-1 (RETAIL BUSINESS)
DISTRICT.
PRELIMINARY PLAT APPROVAL OF TEXOMA COMMUNITY
CENTER ADDITION

(TEXOMA
COMMUNITY
CENTER)

Dale Jackson, 902 Cottonwood, Sherman, TX and Chris
Noah, Preston Trail Land Surveying, 787 W. FM 996,
Pottsboro, TX

Mr. Jackson appeared to represent the request and answer any questions. The property is located at 2310 North Travis Street between Lamberth Road and Pelton Street. The property is zoned a C-1 (Retail Business) District.

Mr. Jackson explained, “I am the Chief Administrative Officer for Texoma Community Center. I work with the Intellectual and Developmental Disabilities Authority so we are a political subdivision of the State. We have offered day rehabilitation and skills training to community members with intellectual disabilities to help them rehabilitate back into the community or learn the ability to live alone and those type of scenarios. We have been providing this service for a little over ten years in Denison and Sherman. Hope on Houston was our previous location, because of Covid we had to stop leasing there because we couldn’t do group settings. The opportunity came up with the Gilbert Family and we saw an opportunity to purchase this building to turn into a day rehabilitation for us.

Commission Member Davis asked about the name Texoma Community Center.

Mr. Jackson explained we are the local Mental Health and Mental Rehabilitation Authority for Grayson and Cooke County. We were established in the 1970’s by State Legislature; MHMR is what we refer to formerly.

Chairman Mahone asked if there would be anyone staying overnight at this location.

Mr. Jackson responded, “no, it is all day time. We own other facilities as well and a lot of those clients that come actually live in our residential facilities.”

Chairman Mahone asked if those were separate buildings.

Mr. Jackson replied, “yes. Our typical hours are 8 a.m. to 5 p.m.”

Chairman Mahone asked if the building is vacant currently.

Mr. Jackson replied, “yes; it was formerly a church, a bread store and a karate business.”

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

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

Commission Member Davis asked if they would be changing anything on the building.

Mr. Jackson replied, “just bring it up to ADA compliance. We are talking about a possible covered entrance on the side entrance of the building; but other than that, no change.”

Mr. Rae explained any changes to the site plan since it is on Travis Street and it is commercial property will need to come back to the board for site plan approval.

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the Specific Use Permit, Site Plan and Preliminary Plat approval to allow an Intellectual and Developmental Disabilities Facility in a C-1 (Retail Business) District and the Preliminary Plat approval of Texoma Community Center Addition at 2310 North Travis Street. Second by Commission Member Manley.

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

VOTING NAY: NONE

ABSTAIN: NONE

MOTION CARRIED

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

EXCEPTION, ZONE CHANGE AND SITE PLAN

THE REQUEST OF VENTURA VERDE, LLC (OWNER), MARLEY PHILLIPS (APPLICANT), BOWMAN (CONSULTING FIRM) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2708 EAST LAMAR STREET, BEING TRACT 1: 55.272 ACRES IN THE A. BURLESON SURVEY, ABSTRACT NO. 61 AND TRACT 2: 57.070 ACRES IN THE A. BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.11 SUBSECTION (4)(C) TO ALLOW 40' WIDE LOTS IN LIEU OF THE REQUIRED 60' FOR A MANUFACTURED HOME COMMUNITY IN AN M-H (MANUFACTURED HOUSING) DISTRICT.

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR FRONTERA MANUFACTURED HOME COMMUNITY UNDER

EXCEPTION – LOT
WIDTH
ZONE CHANGE AND
SITE PLAN – R-A TO
M-H

2708 E. LAMAR ST.
(VENTURA VERDE,
LLC)

(TABLED)

ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO AN M-H (MANUFACTURED HOUSING) DISTRICT.

Kofi Addo, Bowman, 5601 Democracy Dr. Plano, TX, Marley Phillips, 3705 Lakeview Suite 209, Rowlett, TX and David Zulykie, 6732 Highcraft, Plano, TX

Mr. Addo appeared to represent the request and answer any questions. The property is located at 2708 East Lamar Street near Bethany Road in east Sherman. The property is in the process of annexation into the City Limits of Sherman.

Mr. Addo explained, “Frontera Manufactured Home Community is a 112.334 acre, 409-unit, Manufactured Home Community proposed for the property at 2708 East Lamar Street. They are requesting a zone change from an R-A (Single-Family Agricultural) District to an M-H (Manufactured Housing) District and exceptions to allow the minimum lot width per unit to be 40' in lieu of the required 60'. Individual lots will not be platted for each home. ”

Chairman Mahone asked if standard lot widths are 60' and the length is 60' according to the ordinance.

Mr. Rae replied, “Yes, MH (Manufactured Housing) Zoning is 60'x60'. They are asking for 40' width, they are not asking for an exception of lot size, they would be making the lots deeper in square footage.”

Chairman Mahone asked, “If they will not be 60' deep, they will be what?”

Mr. Addo replied, “40'x80'.”

Chairman Mahone stated, “They will be longer than required but still the same square footage.”

Mr. Addo stated, “some 40'x90'.”

Commission Member Davis asked, “How many MH (Manufactured Housing) Districts are there in Sherman?”

Mr. Rae replied, “There is a number of Manufactured Housing communities in Sherman. They are spread out throughout the city.”

Commission Member Davis asked, “Texoma Parkway, FM 1417?”

Mr. Rae replied, “yes, there are some on south FM 1417 and a couple on Texoma Parkway.”

Chairman Mahone said, “This is a pretty large plan. You have over 400 units. I assume you guys have some experience doing this. Do you have any other places like this in Texas?”

Mr. Phillips replied, “We do have other properties in North Texas. We have a property in Irving. We have a few properties in Dallas. We are working in East Texas as well. We have a number of these properties in Texas.”

Commission Member Davis asked, “Do the people own the lots and the mobile homes?”

Mr. Phillips replied, “No, sir. The resident will own the home and they lease the space for the home.”

Commission Member Davis asked Mr. Rae, “I see there is green space, are there things that apply to MH (Manufactured Housing) or is it just roll on?”

Mr. Rae replied, “They have the requirements of MH (Manufactured Housing) and have met all of them except for that lot width.”

Mr. Phillips stated, “One reason we are requesting a variance on lot width, as many of you know, we are bumping right up against the future FM 1417 right-of-way. It appears that it is going to take a portion of this property. For us to be able to provide the number of homes that we want to provide on this property, we are having to squeeze our density down a little bit due to the loss of ground to the TxDOT right-of-way, as well as a jurisdictional water feature that runs through the eastern portion of this property. Our request is to try to maintain the density on this property so that we would still have the same number of homes as if we weren’t losing this property to the TxDOT right-of-way.”

Commission Member Manley asked, “Where is the TxDOT right-of-way you’re losing?”

Mr. Phillips replied, “on the east end of that property.”

Mr. Phillips further explained, “TxDOT is proposing a continuation of 1417 to the South.”

Mr. Phillips addressed the comment of green space previously made by Commission Member Davis, “I think you have a site plan in your package. As part of this development, we do provide an amenities center, approximately a 200 sq. ft. building, with a computer lab and various things. We have a pool, playgrounds scattered throughout the park and dog parks. We don’t build our properties just to push homes in. We really do make an effort to try build community. Within our clubhouse we have dieticians come in and teach people to cook healthier. We have a gym that is accessible to residents. We have trainers come in. We really do try to focus on community and not just to see how many houses we can cram on a piece of property.”

Commission Member Manley asked Mr. Phillips, “Are you the developer?”

Mr. Phillips confirmed that he worked for the developer.

Commission Member Manley asked, “You noted some other properties in Texas earlier. Of all the properties you’ve developed, how many of them do you still own verses properties you’ve developed and then sold?”

Mr. Phillips replied, “I don’t know that number.”

Commission Member Manley asked, “Would you say your model is to own and run for a long period of time?”

Mr. Phillips replied, “That’s right. We stay connected to these properties. I don’t know what percentage we still own or which ones we’re still managing, but we do stay connected to these properties through our property managers.”

Mr. Zulykie explained, “This is a legacy community for us. This would be a long-term play, hence spending 45 million dollars to build it. It wouldn’t be a quick flip. It would be something that would be held onto and to maintain the integrity of the community and the characteristics that Mr. Phillips mentioned. In addition, we have rules and regulations that help us move along in case we do die. Those rules and regulations would be kept with the property to maintain it.”

Commission Member Manley asked, “as in deed restrictions?”

Mr. Zulykie replied, “not deed restriction, as in rules and regulations according to the lease of the land.”

Mr. Phillips stated, “I think you have a copy of those rules and regulations in you packet as well. I’ve included those.”

Chairman Mahone replied, “I haven’t seen those.”

Chairman Mahone said, “So you’ve discussed that if we were to allow 40’ lot widths you would still maintain the total square footage but I do not see that in the text anywhere. Is that something that I am missing?”

Mr. Rae replied, “Part of it is that if they didn’t conform to the lot size then they would have to come back for another exception.”

Chairman Mahone stated, “They are going to have to maintain the square footage unless they ask for that too.”

Commission Member Blagg said, “The next action is site plan approval and there is a lot of these lots that are not 90’ deep.”

Mr. Phillips responded, "All of our lots should still meet the 3600 square feet. We have worked with Mr. Rae back and forth. We had to resend where we have made adjustments. I think we had 8 lots initially that did not meet the 3600 square feet. We went back and massaged that plan and every lot meets the 3600 square foot whether they are 40', 45' or 50'. Some may be shallower, but all of them do meet the 3600 square feet."

Mr. Zulykie stated, "There are operating oil wells there as well. It's 112 acres with 400 site sets. Slightly more than 4 sites per acre. There is a lot of open space. It does seem like it's condensed with that middle lot size, but I think in the general field, the whole area will feel very large."

Chairman Mahone clarified, "If we see a lot that's not 90' deep that must mean it's wider than 40'."

Mr. Phillips replied, "That's correct."

Commission Member Blagg asked, "Do we have the language that each lot is at least 3600 square feet? Is that in our Zoning?"

Mr. Rae replied, "it's 60'x60' and 3600 square feet in our zoning ordinance. Anything that's under 3600 square feet, they would have to come back and get an exception."

Commission Member Manley asked if a 40' width is a standard for all their communities.

Mr. Zulykie responded, "It varies a little. It's been 42'. It's been 38'."

Commission Member Manley asked, "What is so magical about the number 409 units?"

Mr. Zulykie answered, "It's what fits in the puzzle."

Commission Member Manley asked, "Is this the most you can fit in the tract of land?"

Mr. Zulykie responded, "It's the most that can be fit in that piece of land that allows for the drill rigs, allows for the amenity set, allows for the walking trails and allows for the freeway as well."

Commission Member Davis inquired, "The other communities you mentioned, are they 50 years rolling or have they all been in the last couple of years? Do you have any that have been there 20 or 30 years?"

Mr. Zulykie explained, "We have refurbished over 50 manufactured communities. This would be our fourth build. They haven't been built over the years. Since the mid-

eighties, nothing has really been built until recently with the housing crisis that we've been in. Dallas, Ft. Worth and Grand Prairie have been accepting of manufactured housing. We are seeing that trend and that trend is moving fast."

Commission Member Davis asked, "How wide is one of these homes?"

Mr. Phillips replied, "16'."

Commission Member Davis replied, "only 16' wide?"

Mr. Zulykie said there were 18' as well.

Mr. Phillips said, "There were some doublewide trailers that were 32' wide. I believe the majority of homes on this property are 18' wide. We do have some that are 16' wide."

Commission Member Davis stated, "It looks like you have a lot of concrete for driveways and no sidewalks."

Vice-Chairman Downtain asked, "Do you plan on sidewalks? Is that part of the ordinance?"

Mr. Rae replied, "I don't believe that is required. The entire site would be private just like a multi-family complex would be. All the internal streets would be constructed, operated and maintained by the development."

Vice-Chairman Downtain asked if they would have their own trash service or dumpsters.

Mr. Rae said they would still receive trash service from the city of Sherman.

Mr. Zulykie stated, "Irving allows 10 homes per acre. The last development we did was 5.5 homes per acre. This is a little more than 4 homes per acre."

Commission Member Davis stated, "Some places don't allow these inside the city, right?"

Mr. Zulykie agreed.

Vice-Chairman Downtain asked how many acres they could use after considering the pump jacks, right-of-way, etc.

Mr. Zulykie replied, "with that lot distance, it would be approximately 6 per acre of usable area."

Mr. Phillips said, "I think I heard you say something about off-street parking and sidewalks. We do provide off-street parking at the home. We don't allow residents to park on the streets. They are required to park in the parking spaces at the home. We do have sidewalks throughout the community. This one, we are looking at walking trails around the

perimeter and throughout the park. We have some natural features that prevent us from putting homes in there and we try to capitalize on that outdoor space. We do have a jurisdictional waterway through here and we will work with that with walking paths and that sort of thing around that feature.”

Vice-Chairman Downtain asked if each home would have a parking space for each bedroom.

Mr. Rae explained that the parking requirements for Manufactured Housing is only 2 parking spaces per unit.

Mr. Phillips stated, “The ordinance is 2 per home and we provide 3 per home.”

Chairman Mahone stated, “That land is theirs to police as far as off-street parking.”

Commission Member Blagg requested an Executive Session

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

EXECUTIVE
SESSION

CHAIRMAN MAHONE ANNOUNCED THAT THE PLANNING & ZONING COMMISSION WILL NOW HOLD A CLOSED EXECUTIVE SESSION PURSUANT TO THE TEXAS OPEN MEETINGS ACT AT SECTION 551.071 TO CONSULT WITH THE CITY ATTORNEY

SECTION 551.071 -- CONSULTATION CONCERNING LEGAL MATTERS ON AGENDA ITEM #19, REGARDING THE REQUEST OF VENTRUAR VERDE, LLC (OWNER), MARLEY PHILLIPS (APPLICANT) BOWMAN (CONSULTING FIRM) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2708 EAST LAMAR STREET, BEING TRACT 1: 55.272 ACRES IN THE A. BURLESON SURVEY, ABSTRACT NO. 61 AND TRACT 2: 57.070 ACRES IN THE A. BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS;

BOARD OF ADJUSTMENTS

- A. EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.11 SUBSECTION (4)(C) TO ALLOW 40’ WIDE LOTS IN LIEU OF THE REQUIRED 60’ FOR A MANUFACTURED HOME COMMUNITY IN AN M-H (MANUFACTURED HOUSING) DISTRICT.

PLANNING AND ZONING COMMISSION

- B. ZONE CHANGE AND SITE PLAN APPROVAL FOR FRONTERA MANUFACTURED HOME COMMUNITY UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-A (SINGLE-FAMILY AGRICULTURAL) DISTRICT TO AN M-H (MANUFACTURED HOUSING) DISTRICT.

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:14 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:25 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

Mr. Zulykie stated, “This community would be an asset to Sherman with its location. I know that density sounds tight but it is what we have done on other properties and have been very successful. With the amenities set and the value in raising the standard of this type of asset will add a tax benefit and plus benefit the housing crisis that we’re dealing with right now. We would appreciate a vote on our behalf.”

Commission Member Davis said, “You mention clubhouses and other stuff, I don’t see any of it on your plat.”

Mr. Phillips presents a copy picturing the information Commission Member Davis inquired about.

Chairman Mahone pointed out that they have a basketball court, clubhouse, pool and a couple of playgrounds.

Mr. Phillips stated, “The amenity set is at the entrance of the park.”

Commission Member Manley points out where the sidewalks are on the site plan to Commission Member Davis.

Mr. Phillips stated, “There are sidewalks throughout.”

Commission Member Manley asked, “Can a tenant bring a home from any builder or manufacturer?”

Mr. Zulykie replied, “We bring in all brand new homes and then we are the finance company for that resident. A tenant can bring in another house from another manufacturer, but it has to be approved. This would not be a community where you can bring a tin can from the county that comes out of nowhere. This will all brand new homes or approved homes.”

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

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to deny the exception under Ordinance No. 2280, Section 6.11 Subsection (4)(C) to allow 40’ wide lots in lieu of the required 60’ for a Manufactured Home Community in an M-H (Manufactured Housing) District at 2708 East Lamar Street subject to the Staff Review Letters. Second by Commission Member Manley.

VOTING AYE: DAVIS, MANLEY AND WHITAKER.
VOTING NAY: MAHONE AND DOWNTAIN
MOTION FAILED

Chairman Mahone stated, "That is 3/2 so that motion failed, so procedurally, we can ask for another motion. I will open it up for another motion."

Motion by Commission Member Davis to deny the exception under Ordinance No. 2280, Section 6.11 Subsection (4)(C) to allow 40' wide lots in lieu of the required 60' for a Manufactured Home Community in an M-H (Manufactured Housing) District at 2708 East Lamar Street subject to the Staff Review Letters. Second by Commission Member Manley.

VOTING AYE: DAVIS, MANLEY AND WHITAKER.
VOTING NAY: MAHONE AND DOWNTAIN
MOTION FAILED

Commission Member Davis stated, "There is only one other motion, I am not sure where we are supposed to go."

Chairman Mahone inquired, "Can we take the same motion twice?"

Ms. Bradley, replied, "yes."

Vice-Chairman Downtain asked, "We are missing 2 votes aren't we?"

Commission Member Davis replied, "not for Board of Adjustments."

Chairman Mahone asked, "procedurally, I don't typically make motions, if we have no further motion, do we fail to act?"

Ms. Bradley replied, speaking to the applicant, "One of the options is if you would like to request to table it and potentially provide some extra picture packets and different things, you can certainly do that. That is at your request."

Mr. Phillips requested to table the exception.

Motion by Vice-Chairman Downtain to table the exception under Ordinance No. 2280, Section 6.11 Subsection (4)(C) to allow 40' wide lots in lieu of the required 60' for a Manufactured Home Community in an M-H (Manufactured Housing) District at 2708 East Lamar Street at the applicant's request. Second by Commission Member WHITAKER.

VOTING AYE MAHONE, DOWNTAIN, MANLEY AND WHITAKER.
VOTING NAY: DAVIS

MOTION CARRIED

THE REQUEST WAS TABLED

Chairman Mahone stated, “Because of tabling the exception, procedurally, we can’t act on the Planning and Zoning Commission at this time. Do we need a motion to table that?”

Commission Member Blagg asked, “Could we act on the zoning change?”

Ms. Bradley replied, “You certainly could, but with not intended purpose. The variance wouldn’t be granted and they would be nonconforming.”

Chairman Mahone, stated, “The site plan clearly calls out lots that are not in compliance.”

Mr. Phillips requested to table the requested zone change and site plan approval.

Planning and Zoning Commission
ACTION TAKEN.

Motion by Vice-Chairman Downtain to table zone change and site plan approval for Frontera Manufactured Home Community under Ordinance No. 2280, Section 12, from an R-A (Single-Family Agricultural) District to an M-H (Manufactured Housing) District at 2708 East Lamar Street subject to the Staff Review Letters. Second by Commission Member Blagg.

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

VOTING NAY:

MOTION CARRIED

THE REQUEST WAS TABLED

VARIANCE

THE REQUEST OF RIVERSIDE HOMEBUILDERS, LTD (OWNER), COLEEN GRAY TURNER (REPRESENTATIVE) AND TERRY G. HAWKINS (SURVEYOR) CONCERNING THE PROPERTY AT 911 OSPREY DRIVE, BEING LOT 10, BLOCK A, QUAIL RUN, PHASE 1, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 16’11” REAR SETBACK FOR A SINGLE FAMILY RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 25’ IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR
SETBACK

911 OSPREY DR.
(RIVERSIDE
HOMEBUILDERS
LTD)

(DENIED)

No one appeared to represent the request.

The property is located at 911 Osprey Drive off Quail Run Road in southwest Sherman of FM 1417 (Heritage Parkway).

The property is zoned an R-1 (One-Family Residential) District.

Chairman Mahone, referencing the Staff Review Letter, read, “It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.”

Chairman Mahone asked if anyone was here to represent this item.

Rob Rae, Director of Development Services, stated, “Just for clarification, on previous questions that the commissioners have had, site plans and plats, if they conform to the ordinance, even if the applicant doesn’t show up, need to be acted on. Other items, such as zone changes, exceptions and variances don’t have that same shot clock rule. You have the ability to accept or deny if they’re here.”

Chairman Mahone asked, “This is Board of Adjustments for a variance. Does anyone remember what the earlier one was?”

Mr. Rae and Ms. Bradley, both replied, “It was Board of Adjustments.”

Commission Member Manley asked, “What are the consequences of denial, are they done for a year?”

Ms. Bradley replied, “They can certainly appeal their denial.”

Commission Member Manley asked, “If we deny it, they can’t reapply for another year, is that correct?”

Ms. Bradley replied, “correct. They would have to wait or appeal this one within 10 days.”

(City of Sherman Code of Ordinances, Chapter 14, Exhibit A, Section 12, Subsection(2)(e), Appeal of [planning and] zoning board denial of application. In the event the [planning and] zoning board recommends denial of an application after public hearing, the applicant may appeal said determination to the city council by filing a written notice of appeal with the city secretary within ten (10) days after the determination of the [planning and] zoning board.)

Commission Member Manley asked, “Can they slightly modify the request?”

Ms. Bradley replied, “Yes, they can easily apply again.”

(Items that go to City Council if denied cannot come back for one year. For Board of Adjustment items there is no time limit to reapply to the Board of Adjustments following a denial.)

Chairman Mahone asked why we put the following information in the staff review letter: It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

Ms. Bradley replied, "It is our policy to make sure you get the answers and ask questions when they come. If you have questions about the property, you are getting all the information and you're having them advocate."

Commission Member Blagg stated, "We tabled the last one because he was in excess."

Commission Member Davis replied, "No, because there was nobody here, like this one."

Commission Member Blagg clarified, "This applicant was here two months ago."

Commission Member Davis replied, "He is not here now. It says to be here in the end."

Chairman Mahone said, "I think we should be consistent."

Commission Member Davis agreed.

Mr. Rae said, "You all have the discretion if they don't show up."

Chairman Mahone asked Ms. Bradley if a motion needed to be made.

Ms. Bradley replied, "Yes."

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 16'11" rear setback for a single family residential dwelling in lieu of the required 25'in an R-1 (One-Family Residential) District at 911 Osprey Drive subject to the Staff Review Letters. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS DENIED

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF EISENHOWER TEXOMA LTD (OWNER) AND JOHN MUNSON (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 1717 TEXOMA PARKWAY, BEING 5.56 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, 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 SMOKE/VAPE SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

**SUP & SITE PLAN –
SMOKE/VAPE SHOP**

**1717 TEXOMA PKWY
(EISENHOWER
TEXOMA LTD)**

John Munson, 1127 W. Morton Street, Denison, TX and Alex Asad Ali, 1330 Macarthur Dr., Carrollton, TX

Mr. Munson appeared to represent the request and answer any questions. The property is located at 1717 Texoma Parkway between Broughton Street and Grand Avenue. The property is zoned a C-2 (General Commercial) District.

Mr. Munson explained, “The owner is requesting a Specific Use Permit to allow a tobacco, vape, CBD store.”

Mr. Ali explained, “Right now we have two stores, one in Plano and one in Mesquite. We are planning to open a third in Sherman and hopefully one in Denison. We have been in this business more than one and a half years. Our primary business is LED lighting and convergent lighting.”

Chairman Mahone, “Can you tell us about your floor plan? I notice there is something called a vape bar. Does that mean there will be smoking inside the building?”

Mr. Ali answered, “not exactly. We sell vape bottles, a whole flavor. Vape bar is where they bring in their vapes and we fill up just the coil and not sell the whole bottle. Instead of a 25 dollar bottle, we just fill their vape for 4 dollars. They won’t be smoking in there, just taste. They might take one or two puffs, but they won’t be smoking in there the whole time.

Vice-Chairman Downtain asked, “What about that lounge area behind you with couches?”

Commission Member Davis state, “It looks like a hookah lounge.”

Chairman Mahone asked, “What’s with all the couches that are in a closed off room?”

Mr. Ali replied, “This closed off room is where we can smoke cigars, not hookah or anything other than cigar. If City Council won’t allow that, we can remove it and take that space in the store.”

Chairman Mahone stated, “Your intention is to have people smoking in the building.”

Mr. Ali replied, "If the City allows. If City won't allow, we can take that off."

Commission Member Davis stated, "I think it's permitted in a tobacco shop."

Chairman Mahone said, "I just want to be clear. Some don't allow smoking inside, some do."

Commission Member Davis asked, referring to the site plan, "This is retail?"

Mr. Ali confirmed that the images Commission Member Davis referred to on the site plan were counters where they were going to display their product and not more couches.

Commission Member Davis asked about the hours of operation.

Mr. Ali replied, "We have two stores right now. One operates from 10 to 10, the other 10 to 11, and Sundays we operate 10 to 6."

Vice-Chairman Downtain asked, "Do you sell the glass pipes and water pipes?"

Mr. Ali replied, "Yes sir, we do."

Commission Member Davis asked, "Do you have the little red rose in the vase?"

Mr. Ali replied, "No."

Commission Member Davis explained that the little red rose in the glass tube is what drug users use to smoke crack and thanked Mr. Ali for not selling that product.

Chairman Mahone said, "Mr. Munson, it looks like they plan to have smoking inside. Is that a problem with any of your other locations in that same building? Will there be an air filtration system?"

Mr. Ali replied, "Yes, we will be putting two ventilators in there. We have talked to the guy who did our other humidors and he said for that space we need two ventilators, so we are going to be putting that in. There is going to be a closed glass door so that none of the smoke comes into the retail space in the front."

Commission Member Whitaker asked, "Are you going to have walk in humidors?"

Mr. Ali replied, "Yes sir, but no one can smoke in the humidor."

Mr. Rae asked, "What's the name of your company?"

Mr. Ali replied, “Smokeclub.”

Chairman Mahone asked where Mr. Ali’s current locations are.

Mr. Ali replied, “Plano and Mesquite.”

Chairman Mahone said, “It sounds like there will be sales of tobacco and also a smoking lounge.”

Mr. Ali replied, “yes, but we don’t do that much in the smoking lounge area. Our main sale is going to be retail. It’s hardly going to be 15 to 20 percent at the lounge and the rest of the 80 percent is going to come from the retail side.”

Mr. Munson stated, “My comment on the question on fire. There’s firewalls on three sides and we’re fully sprinkled and alarmed in the entire building. We have a lot of protection there.”

Commission Member Blagg commented, “I am going to assume that, as part of the site plan, parking is all in order. It’s a vigorous complex.”

Mr. Rae replied, “yes, the parking would have been allowed when it was first approved.”

Commission Member Blagg asked “If we approve this it will still go through building permits, right?”

Mr. Rae responded, “yes, I drove past today and I believe they already have a permit to do renovations or remodel in there.”

Mr. Munson commented, referring to 1717 Texoma Parkway and 1719 Texoma Parkway, “We have got both spaces under construction and having all the inspections. The building has 79,200 square feet and 325 spaces of off-street parking.”

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

Mr. Munson replied, “yes, I 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 the Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5) (a) to allow a Smoke/Vape Shop in a C-2 (General Commercial) District at 1717 Texoma Parkway Second by Commission Member Blagg.

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

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF EISENHOWER TEXOMA LTD (OWNER)
AND JOHN MUNSON (REPRESENTATIVE) CONCERNING
THE PROPERTY LOCATED AT 1719 TEXOMA PARKWAY,
BEING 5.56 ACRES IN THE J.B. MCANAIR SURVEY,
ABSTRACT NO. 763, 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 LENDING/FINANCE OFFICE (LOAN OFFICE) IN A
C-2 (GENERAL COMMERCIAL) DISTRICT.

**SUP & SITE PLAN –
LENDING/FINANCE
OFFICE**

**1719 TEXOMA PKWY
(EISENHOWER
TEXOMA LTD)**

**John Munson, 2402 W. Morton Street, Denison, TX and
Matthew Baulier, 2907 Sweet Briar, Grapevine, TX**

Mr. Baulier appeared to represent the request and answer
any questions. The property is located at 1719 Texoma
Parkway between Broughton Street and Grand Avenue. The
property is zoned a C-2 (General Commercial) District.

Mr. Baulier explained, “Wallace Finance manages small loan
companies with 135 locations in 7 states. They have been in
the small consumer loan business since 1980. Their senior
management and field supervisors have over 140 years of
combined experience in helping to serve their customers.
The companies they manage are licensed, regulated and
audited by all states where they operate and fully comply
with all laws and regulations in those states. Their goal is to
help you get the money you need when you need it. They
are requesting a Specific Use Permit to allow a
lending/finance office (Loan Office) at this location.”

Mr. Baulier further explained, “We are not a payday lender
and we do not have a CAB license, a Credit Access
Business license specific to payday and title lenders. We do
not do title loans. I think that type of business is going to
the wayside. Companies like Wallace are taking advantage
of supplying loans customers that have credit backgrounds
and we do backgrounds on credit to give loans for schools,
autos, home improvement or whatever you may need. If you
google our company, Wallace Finance, you will find that we
have five brands. You will find that our ratings are very
good.”

Commission Member Davis asked, “What is your average
loan and for what term?”

Mr. Baulier replied, "Installment lends anywhere from 6 to 12 months on average. An average loan is between \$700 and \$1500."

Chairman Mahone asked, "Is there a state organization that you fall under the jurisdiction of?"

Mr. Baulier replied, "yes, we have state licenses we have to apply for and we had to go through a very rigorous six month process to acquire a Texas state license."

Chairman Mahone asked, "Do they put any limitations on you as far as maximum percentages you are allowed to charge?"

Mr. Baulier answered, "I personally don't know enough to share with you the regulatory information. It is outside the high interest rates that you have with payday lends of a CAB access licensed business. We are nowhere near that. There are rules and regulations that have to do with the amount you can charge, the length of loans and the multiplicity of loans. To the details of that, I am not sure."

Commission Member Mahone asked, "This CAB license that you refer to, that's what allows payday lenders to charge a higher rate than you would be able to charge legally?"

Mr. Baulier replied, "yes. I can't charge that."

Commission Member Davis asked, "Do these types of companies, being under a one year note, have fewer rules if you keep your notes under twelve months and under a certain amount verses a three year note for more money?"

Mr. Baulier replied, "I don't know the answer to that."

Commission Member Davis stated, "It doesn't matter, it is still just a bank."

Mr. Baulier stated, "The big difference between this company and a bank or credit union is that they are a savings company and that they have rules regulated by the FDIC for savings, which we don't have. We are competing with them. We are actually in business because banks today do not care to be in the small loan business. You can get a quicker loan going to us as you can go on line or use a credit card. The bank really isn't an option anymore. Our main competitor on Texoma is Covington Credit, Regional Finance, and Western Finance right there on Texoma."

Chairman Mahone asked, "Do you know if those businesses are CAB licensed?"

Mr. Baulier replied, "They are not CAB licensed. The Cash Store is a CAB, as well as, Lone Star."

Vice-Chairman Downtain asked, “Mr. Munson, are these two adjoining spaces in that one building.”

Mr. Munson replied, “yes.”

Mr. Baulier asked, “Is there a process after this, does it go to City Council?”

Mr. Rae answered, “yes, it will go to City Council on October 18, 2021.”

Chairman Mahone stated, “Technically, for Planning and Zoning Commission, this is a recommendation that goes to City Council.”

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

Mr. Munson replied, “yes, I 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 approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Lending/Finance Office (Loan Office) in a C-1 (Retail Business) District at 1719 Texoma Parkway Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION AND REPLAT

THE REQUEST OF TOBAR PROPERTIES LLC (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 810 EAST MULBERRY STREET, BEING 0.164 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 19 AND 20, BLOCK 14, CHAFFIN'S FIRST ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 50' WIDE LOT IN LIEU OF THE REQUIRED 60' WIDTH IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF CHAFFIN'S FIRST ADDITION, BLOCK 14, LOT 19R, BEING A REPLAT OF LOTS 19 & 20, BLOCK 14, CHAFFIN'S FIRST ADDITION.

EXCEPTION AND
REPLAT – LOT
WIDTH

810 E. MULBERRY
ST.
(TOBAR
PROPERTIES LLC)

Chris Noah, Preston Trail Land Surveying, 787 FM 996, Pottsboro, TX and Mario Tobar, Tobar Properties LLC, 635 Meadows Road, Sherman, TX

Mr. Noah appeared to represent the request and answer any questions. The property is located at 810 East Mulberry Street between Maxey and Willow Streets. The property is zoned an R-1 (One-Family Residential) District. The owner was approved for a zone change from an M-2 (Heavy Manufacturing) District to an R-1 (One-Family Residential) District September 7, 2021.

Mr. Noah explained, “These are two existing 25’ lots platted in the 1800’s. We are going to combine them into a single 50’ lot.”

Chairman Mahone stated, “This is just a basic replat. You want it to be 50’. I assume you have some idea of building a home on this land, but you don’t have final plans.”

Mr. Rae stated, “The plans may have been included on the zone change request that has recently been approved. Part of the condition of that Staff Review Letter was that they have to replat. They are following up on that zone change.”

Commission Member Davis stated, “It appears the lots to the left and right of you are 50’ lots.”

Mr. Noah replied, “yes, they are. The lot to the East is approximately 37.5’ and the lot to the West is just a hair under 50’.”

Chairman Mahone asked, “Is a structure on the lot currently?”

Mr. Noah replied, “When we surveyed it, there is just a concrete slab.”

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

Mr. Tobar and Mr. Noah replied, “yes, I 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 exception and replat.

Board of Adjustments

ACTION TAKEN.

Motion by Commission Member Davis to approve the Exception under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 50’ wide lot in lieu of the required 60’ width in an R-1 (One-Family Residential) District at 810 East Mulberry Street Second by Commission Member Manley.

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

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Davis to approve the Replat approval of Chaffin's First Addition, Block 14, Lot 19R, being a Replat of Lots 19 & 20, Block 14, Chaffin's First Addition at 810 East Mulberry Street Second by Commission Member Manley.

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

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

ZONE CHANGE AND CONCEPTUAL SITE PLAN

THE REQUEST OF BOB TESCH INVESTMENTS, LLC (OWNER), ROBERT TESCH (APPLICANT), MATT GILBERTSON, PAPE-DAWSON ENGINEERS, INC. (CIVIL ENGINEER) AND PIERCE-MURRAY LAND SOLUTIONS (SURVEYOR) CONCERNING THE PROPERTY AT 4001 WEST O.B. GRONER ROAD, BEING 13.640 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN

APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN M-1 (LIGHT MANUFACTURING) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

ZONE CHANGE AND
CONCEPTUAL SITE
PLAN – M-1 TO R-2

4001 W. O.B.
GRONER RD. (BOB
TESCH
INVESTMENTS, LLC)

Robert Tesch, 6950 TPC Drive, Ste. 110, McKinney, TX, Josh Jessig, Pape-Dawson Engineers Inc., 7557 Rambler Rd, Suite 1400, Dallas, TX and Charlie Mussa, Multi-Family Developer, 1916 Kipling, Flower Mound, TX

Mr. Tesch and Mr. Jessig appeared to represent the request and answer any questions. The property is located at 4001 West O.B. Groner Road, the northwest corner of O.B. Groner Road and South FM 1417 (Heritage Parkway). The property is zoned an M-1 (Light Manufacturing) District.

Mr. Jessig explained, "We are requesting a zone change to an R-2 (Multi-Family Residential) District for an apartment complex. The project consists of (11) eleven, three-story apartment buildings, a club house, pool, (12) twelve carports and (5) five detached garages. There will be 126-unit one bedrooms and 150-unit two bedrooms for a total of 276 units. Parking provided: 379 surface parking, 143 carport parking and 30 detached garage for a total of 552 parking spaces."

Chairman Mahone asked, “Is this a gated entry and exit?”

Mr. Jessig answered, “Yes.”

Chairman Mahone asked if there was fencing around the complex.

Mr. Jessig responded, “yes, you would have controlled entrances coming off Groner Rd. You have enhanced paving and gated entrances on either side of that. It would be controlled access for the tenants.”

Chairman Mahone asked, “The gates control traffic control, but there is still a fence around the entire property?”

Mr. Jessig confirmed, “yes, that is the plan.”

Commission Member Davis asked about the required screening between the complex and the ETJ (Extra-Territorial Jurisdiction).

Mr. Rae replied, “A perimeter fence is required around the whole multi-family property. The part that is adjacent to residential needs to be fully screened. The other parts are the new ordinance, the wrought iron with masonry columns every 24’ on public streets and 32’ on other property lines.”

Chairman Mahone asked if screening was included in the Staff Review Letter. Mr. Rae confirmed that it was and pointed out where to find where it was mentioned.

Larry Boring, 2714 S. Rolling Hills, Sherman, TX 75092

Mr. Boring stated, “We have come across this before where they just want to keep building apartments by our residence. We have been there since 1980. You drive down our street, people are keeping up their yards and always updating their houses. I have been a mail carrier here since 1980 and I know what apartments do after about 30 years. FM 1417 is already inundated with more apartments than we need. The traffic is always a huge mess. People using that middle lane as a merge lane. That scares me. We just built that beautiful new high school and you are going to put government subsidized apartments across the street from it. Let’s keep it R-1 (One Family Residential District).”

Commission Member Davis asked Mr. Boring, “Where did you get the government subsidized sir?”

Mr. Boring replied, “From this office right here.”

Mr. Jessig stated, “We said market rate.”

Mr. Boring said, “I could be wrong. I heard it from the zoning office.”

Mr. Rae stated, “I do not recall mentioning that to you when we spoke.”

Mr. Boring continued, “We have the jewel of Sherman right there and we are going to put apartments across the street from it. There are apartments up and down FM 1417 already and enough is enough. They came before with R-2 (Multi-Family Residential District) and the Council said ‘no, we aren’t going to do R-2 (Multi-Family Residential District)’. I hope we can do that again.”

Mr. Kipling explained, “I have done 110 multi-family projects. We take pride in what we do. Out of all the projects we have done, probably one or two haven’t been market rate class A. We don’t intend to bring anything but market rate class A to Sherman. We try to bring communities that will integrate into the town: green space, the traditional 3 story and garden walk up. We try to make it beautified to where residence feel it’s a calm and serene environment. We do not intend to have any government subsidized housing whatsoever. Our financing will have different elements to it that are tied to market rate projects with no restrictions on rent.”

Commission Member Blagg asked Mr. Tesch what the original zoning was to the north of the project. Mr. Tesch said it was light industrial.

Commission Member Blagg asked Mr. Rae if there was no need for the light industrial in that area anymore.

Mr. Rae replied, “Originally the portion closest to FM 1417 was in the city limits and it was zoned M-1 (Light Manufacturing District). Mr. Tesch annexed the other portion and it came in as R-A (Single Family Agricultural District). The last action that he had was R-1 (One Family Residential) zoning approval for the property north of this and a SUP (Specific Use Permit) for patio homes.”

Commission Member Blagg asked, “Ultimately, the need for light manufacturing is going a different direction in this area?”

Mr. Rae stated, “I don’t know the original reason it was zoned that way. It may be its proximity to Blalock. I am making an assumption and do not know, but it seems as if FM 1417 is going in a different direction than manufacturing in the location.”

Mr. Tesch stated, “The light manufacturing was there before the school. As to the need for the apartments, we did a market study and there is definitely a need for market rate multi-family, especially with the housing cost we are seeing these days.”

Commission Member Davis asked how many bedrooms each unit will have.

Mr. Mussa replied that they are one and two bedrooms.

Commission Member Davis asked if they had plenty of parking. Mr. Mussa replied that they want to be able to provide enough parking for residents and their guest and that 1.7 to 1.75 parking places per unit is very typical to accomplish that goal.

Commission Member Blagg asked who controls the aesthetics of the complex.

Mr. Mussa explained, “The lender wants the project to be a success because they want to get paid back. They put a lot of restrictions on site plans, elevations and concepts. We try to use products that are lifelong products. We try to accent the property so that it is beautified and something that you can continually maintain, not something that is going to fall apart after a couple of years. It doesn’t serve the property or the city well and the lender doesn’t like it because how are you going to rent if you can’t keep the space attractive.”

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

Mr. Jessig replied, “yes, I 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 change and conceptual site plan.

ACTION TAKEN.

Motion by Commission Member Davis to approve the Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District at 4001 West O.B. Groner Road. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF CROSS DEVELOPMENT (OWNER) CALIBER COLLISION (TENANT), TAHIR DIWAN (REPRESENTATIVE) AND CREE INDUSTRIAL ARTS (SIGN CONTRACTOR) CONCERNING THE PROPERTY LOCATED AT 1317 SOUTH SAM RAYBURN FREEWAY, BEING 0.58

**VARIANCE – FRONT
PROPERTY LINE
SETBACK**

**1317 S. SAM
RAYBURN FWY.**

ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

(CROSS DEVELOPMENT)

PLANNING AND ZONING COMMISSION

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.13.3, SUBSECTION (5)(A)(1) TO ALLOW A 1' SETBACK FOR A FREESTANDING SIGN IN LIEU OF THE REQUIRED 40' IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT.

(DENIED)

No one appeared to represent the request and answer any questions.

The property is located at 1317 South Sam Rayburn Freeway between Dulin and Olive Streets. The property is zoned a C-2 (General Commercial) District.

Chairman Mahone, referencing the Staff Review Letter, read, "It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above."

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

ACTION TAKEN.

Motion by Vice-Chairman Downtain to deny the variance under Ordinance No. 2280, Section 6.13.3, Subsection (5)(a)(1) to allow a 1' setback for a freestanding sign in lieu of the required 40' in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn) Overlay District at 1317 South Sam Rayburn Freeway. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS DENIED.

VARIANCES, EXCEPTION & SITE PLAN

THE REQUEST OF NEW RAYS LLC (OWNER), MOHAMMED HABIB (REPRESENTATIVE) AND ROYAL BENGAL CONSTRUCTION INC. (CONTRACTOR) CONCERNING THE PROPERTY AT 3001 LOY LAKE ROAD, BEING PART OF LOT 5, BLOCK 6, TOWN NORTH ADDITION, AS FOLLOWS; BOARD OF ADJUSTMENTS

VARIANCES –
SETBACKS
EXCEPTION – NOT
TO REQUIRE
BUFFER STRIP
SITE PLAN – MOBILE
GAS STATION

A. VARIANCE UNDER ORDINANCE NO. 2280, SECTIONS 5, SUBSECTION (4) AND 6.13.1, SUBSECTION (5)(A)(1) TO ALLOW A 23'7" SETBACK FROM THE HIGHWAY 82 PROPERTY LINE FOR THE MOBIL GAS STATION IN LIEU OF THE REQUIRED 43' WIDTH IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

3001 LOY LAKE
ROAD
(NEW RAYS LLC)

B. EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.13.1, SUBSECTION (6)(C)(2) TO NOT REQUIRE A 10'

BUFFER STRIP, LANDSCAPED AND IRRIGATED IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

- C. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.13.1, SUBSECTION (5)(A)(1) TO ALLOW A 10' SETBACK FROM THE HIGHWAY 82 PROPERTY LINE FOR A FREESTANDING SIGN IN LIEU OF THE REQUIRED 75' IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

PLANNING AND ZONING COMMISSION

- D. SITE PLAN APPROVAL FOR AN ADDITION TO THE MOBIL GAS STATION.

Mohammed Habib, 2019 Kenneth Hopper, Mesquite, TX and Nizar Yousuf, New Rays LLC, 4009 Standridge Dr. The Colony, TX

Mr. Habib appeared to represent the request and answer any questions. The property is located at 3001 Loy Lake Road, the northeast corner of Highway 82 and Loy Lake Road; Mobil Gas Station is the tenant. The property is zoned a C-1 (Retail Business) District and located in the O-1 (75 & 82) Overlay District.

Mr. Habib explained, "The owner would like to add a drive-thru window on the south side of the building and a 198 square foot addition to the back of the building. The property is non-conforming with current ordinances therefore the reason for the exceptions and variances. We will also be doing some new landscaping"

Mr. Rae, stated, "There is also concrete around the back of the building that is not currently there."

Commission Member Blagg asked if the metal shed on the current site plan would be removed. Mr. Habib said that it would.

Commission Member Manley asked, "What are you going to do with the drive-thru window?"

Mr. Habib replied, "sell convenience store items."

Commission Member Davis asked, "Will your drive-through lane go across your pumps where people have to pull in?"

Mr. Habib replied, "It's on the side of the building."

Commission Member Blagg asked, "Is parking allowed on top of the underground gas tanks?"

Mr. Habib stated, "It is concrete."

Commission Member Blagg, "That's an allowable area for parking?"

Mr. Habib replied, "yes sir."

Mr. Rae stated, “It’s a challenge because if a truck needs to fill up and there is a car parked there, then they could be limited to what they could access.”

Mr. Habib stated, “Trucks only come very early in the morning. They do not come in the busy rush hours.”

Commission Member Blagg asked, “You are just losing 5 spaces on the south side for the drive-thru window and putting them in the rear?”

Mr. Habib replied, “yes.”

Chairman Mahone asked, “Is the parking requirement calculated off of the square footage for this?”

Mr. Rae replied, “for the convenience store, yes.”

Commission Member Davis said, “Is Sherman fixing to jump in 20’ to 30’ into this property. He is asking for a small exception, but is Sherman going come back in a year and need this 10’? We are constructing all around this property.”

Chairman Mahone asked Wayne Lee, Director of Engineering, “Can you give a summary of Engineering’s perspective on this?”

Mr. Lee replied, “With the Highway 82 improvements, right now you just have wide open head in driveway/parking. TxDOT’s curbing all of that off and creating just one driveway. He is reflecting just one driveway on this site plan off of the access road. That is consistent with the TxDOT plan location map he coordinated. I don’t think TxDOT is putting it exactly in that spot. It’s just a matter of coordination between the owner, the City and TxDOT. One of our comments that may be new to the applicant, as we have met with them a few times, we discovered during our review that there does not appear to be a public sewer main along the property. I am not sure how the property is sewer. With this proposed plan if there is no sewer main in front of the property, we’re asking the sewer main to be extended.”

Mr. Yousuf responded, “I have been on that property since 1994 and it does have a sewer. It’s right by the trash cans are on the south. The sewer cap is there.”

Mr. Lee stated, “There is a sewer main on the back of this property. The concern is where does their service go?”

Chairman Mahone asked Mr. Yousuf to point out on a map to Mr. Lee where he thought the sewer was.

Mr. Lee told Mr. Yousuf that if there was not a city main up to his property, we would require that a new city main to be installed.

Mr. Lee stated that there was concern about the parking spot dimensions, they were consistently 9' x 18', but they have new dimensions that are now showing 9' x 20' parking spaces.

Mr. Habib stated, "I have not addressed the dumpster location. We are still waiting on a setback."

Mr. Rae replied, "The dumpster needs to be 10' off your property line. It's located roughly 1' off your property line."

Commission Member Davis stated, "There is a reason you are giving them 43' off the highway because you come barreling through there and have a wreck, you may cover that 43'."

Mr. Rae replied, "All of our major highways, including FM 1417, have a 40' setback, whether it is for safety or aesthetics, that's something that was determined when those overlay districts were created. It is greater than the regular setbacks of what a commercial district would allow."

Commission Member Manley stated, "That's not changing, that's what it is now."

Chairman Mahone stated, "This was probably there before that ordinance."

Commission Member Manley added, "Just like the freestanding sign. They are just re-facing the freestanding sign. You're not moving it."

Mr. Habib confirmed, "No, we are not moving it."

Mr. Rae stated, "All of the exceptions on this property are coming to Planning and Zoning and the Board of Adjustments because they want to change their property. They either need to remove those nonconforming items or they need to get approval for them to improve their property."

Mr. Lee asked, "The pylon sign is not moving? So it is going to be in the parking?"

Commission Member Davis asked, "Where will the sign be going?"

Mr. Habib stated, "We can make the adjustment."

Mr. Yousuf stated, "We have plenty of parking. We are putting in the drive-thru is because Highway 82 is taking up space on the property and we are going to lose all this parking. We are thinking we can have a drive-thru so that people can just come and go instead of parking."

Commission Member Manley, “Our drawing shows a pylon sign that is outside a parking space, but that is with an 18’ length, but they extended to 20’, it is in the middle of a parking space.”

Mr. Habib said they could shift it around a bit so that they are not losing 2 more parking spots. He said they could add another parking.

Commission Member Davis asked about the number of revisions submitted.

Mr. Rae replied, “There are a number of revisions on this.”

Commission Member Davis stated, “You have had three revisions and your still not there.”

Mr. Habib replied, “We still have some room to add a few more parking spaces.”

Commission Member Davis asked “Where are your employees going to park?”

Mr. Habib replied, “We have parallel parking.”

Commission Member Davis said, “I see you have 2 parking spaces and a handicapped parking space.”

Commission Member Manley asked, “Is the air and water supply going away?”

Mr. Habib replied, “yes sir, we will be relocating that.”

Commission Member Blagg asked, “It says ‘to not require a 10’ buffer strip’ but on the landscape plan, I see some trees.”

Mr. Rae replied, “Where he is showing trees, that is outside of the property line. They will not be able to put trees in the TxDOT right-of-way. We understood that with this site plan that the concrete would go all the way to the property line. Their plan is that it would all be concrete. That’s why there is a request for an exception.”

Mr. Lee stated between the curb and the property line would be TxDOT’s grass.”

Mr. Habib agreed that it would.

Mr. Rae stated, “There will be grass in the future, but not on their property.”

Commission Member Blagg stated, “In residential, I don’t own the right-of-way, but I maintain it. What is required here?”

Mr. Rae replied, “In our overlay district, it’s 10’ from their property. They will need to irrigate and landscape that, not in the right-of-way, 10’ back.”

Commission Member Blagg stated, “This is our corner, 82 and 75, trying to achieve some screening is something we should ask. This is our chance if we want to make some landscape buffering to occur.”

Chairman Mahone said, “We have that now, but not necessarily when they built this place.”

Chairman Mahone asked about the pylon sign, “The most recent plan shows the sign straddling the line between parking spots. If they want to move that sign is that going to require another adjustment for the sign?”

Mr. Rae replied, “yes and no, like we’ve done before, if you approve things subject to the Staff Review Letter, then the items on the Staff Review letter that need to be fixed or adjusted can be done after the fact. If that’s not in the Staff Review Letter then it is possible they would have to come back.”

Chairman Mahone asked, “Where is it on the Staff Review Letter? Is it on there?”

Ms. Bradley replied, “We do have the sign ordinance.”

Chairman Mahone said, “We have listed the sign ordinance in number 1. Their sign as it is, if they weren’t making any changes, does it conform?”

Mr. Rae said, “It does not conform to the setbacks. The overlay district is 25’ plus the height of the structure. That is the setback. That’s why on the item sheet it says 75’ setback is required. That’s pretty unrealistic for a site like this.”

Chairman Mahone stated, “That’s where I am going with this. If we approve this site plan and they have to conform with their sign, potentially there is no way for their sign to conform without getting a variance.”

Mr. Rae agreed, “The options are if any of these items are denied or the site plan is denied, they would go back to being nonconforming and they can’t improve or do what they are requesting. It would just stay the same as it’s been.”

Chairman Mahone confirmed, “The whole project stays the way it is.”

Chairman Mahone asked “Do you understand what we are saying about the sign?”

Mr. Yousuf said, “yes.”

Commission Member Davis said, “The sign could be moved to the east side of the store.”

Mr. Rae replied, “It would still need an exception no matter where that pole sign goes on the site if they keep that pole sign.”

Chairman Mahone stated, “I am trying to think ahead on this and avoid giving you something you want that might cause another problem down the road.”

Chairman Mahone reminded the Board of Adjustments that the lettered items could be voted on separately.

Commission Member Blagg asked if the site plan should be approved since Mr. Lee had just seen the newly submitted plans.

Mr. Lee replied, “A lot of the comments were parking related. Those appear to have been addressed.”

Chairman Mahone asked Ms. Bradley if the site plan was included.

Ms. Bradley replied, “The site plan was not included in the application.”

Chairman Mahone asked, “The new plan was not advertised to the public, can we proceed?”

Ms. Bradley replied, speaking to Mr. Habib and Mr. Yousuf “I would recommend that if you wanted to table it and fix the sign and you were to request that, we could do that because it wasn’t advertised that way.”

Ms. Bradley asked, “Are you requesting a tabling?”

Mr. Habib replied, “We can table it.”

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

Mr. Habib replied, “yes, we 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, exception and variances.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Variance under Ordinance No. 2280, Sections 5, Subsection (4) and 6.13.1, Subsection (5)(a)(1) to allow a 23’7” setback from the

Highway 82 property line for the Mobil Gas Station in lieu of the required 43' width in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District; the Exception under Ordinance No. 2280, Section 6.13.1, Subsection (6)(c)(2) to not require a 10' buffer strip, landscaped and irrigated in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District; and the Variance under Ordinance No. 2280, Section 6.13.1, Subsection (5)(a)(1) to allow a 10' setback from the Highway 82 property line for a freestanding sign in lieu of the required 75' in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District at 3001 Loy Lake Road. Second by Commission Member Manley.

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

VOTING NAY: NONE

MOTION CARRIED

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

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Manley to table the Site plan for an addition to the Mobil Gas Station at 3001 Loy Lake Road. Second by Commission Member Blagg.

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

VOTING NAY: NONE

MOTION CARRIED

THIS REQUEST WAS TABLED

(SITE PLAN TABLED)

OTHER BUSINESS

DISCUSSION ABOUT USING IPAD TABLETS FOR PLANNING AND ZONING BOARD IN LIEU OF PAPER PACKETS FOR AGENDA ITEMS

DISCUSSION IPAD
TABLETS FOR
PLANNING AND
ZONING BOARD

Mr. Rae explained, "In October we have a new budget. Part of the budget is requesting iPads for Planning and Zoning members. I had the pleasure of photocopying all of these packets for you. I was happy to do so. It took me a whole day and a whole box of paper. What we would like to see is to make our agenda and packets digital for you all. On the Thursday that we typically give the paper copy, we would give you an iPad that is loaded with the packet and any of the other information. If there is an adjustment period or permanent period where you want hard copies, I would recommend that we provide just the hard copies of the site plan, but all the other parts of the packet would still be digital."

Mr. Rae asked, “Does anyone have any concerns about going digital?”

Commission Member Blagg asked, “Will you email the packet a week before?”

Mr. Rae responded, “no. The Wednesday or Thursday that you typically get packets we would either deliver the iPads to you or you could come by the office to get them. That’s what we have planned at this point.”

Commission Member Davis commented, “I wouldn’t want an iPad left on everyone’s porch.”

Mr. Rae said, “We’re hoping that for the October Planning and Zoning meeting that we’ll be able to get those for you. That’s if I.T. (Information Technology Department) can get them ordered and to us by that time. That would save us a lot of time and a lot of money.”

Commission Member Blagg asked if City Council already had iPads.

Mr. Rae said they had been using iPads for a long time.

Chairman Mahone said, “I would just propose for a transition period, at least for the very first meeting that we get a packet and an iPad in case one of us fumbles the iPad, we would still have a packet to fall back on.”

Chairman Mahone said that he wanted a backup until he got used to using the iPad. Commission Member Davis agreed.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:42 p.m.

ADJOURNMENT

CHAIRMAN

ACTING SECRETARY