STATE OF TEXAS §

September 20, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on September 20, 2011.

MEMBERS PRESENT: CHAIRMAN LAWRENCE DAVIS COMMISSION MEMBERS: BARTON, HICKS, BARBER, PLYLER, TANKERSLEY AND MORGAN

MEMBERS ABSENT: JACOBS

CALL TO ORDER — **CALL TO ORDER**

Chairman Davis called the meeting to order at 5:00 p.m.

APPROVE MINUTES — **APPROVE MINUTES**

The Planning and Zoning Commission reviewed the minutes of the August 16, 2011 Meeting. Motion by Commission Member Barton to approve the Minutes as written. Second by Commission Member Plyler. All present voted AYE.
MOTION CARRIED.

BOARD OF ADJUSTMENT — **BOARD OF ADJUSTMENTS**

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

EXCEPTION & VARIANCE — **EXCEPTION & VARIANCE - SIGN 2525 TEXOMA PKWY. (UTTER PROPERTIES, LTD)**

THE REQUEST OF UTTER PROPERTIES, LTD (OWNERS) AND DAVID PRYOR (REPRESENTATIVE), CONCERNING THE PROPERTY AT 2525 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, BOB UTTER ADDITION, AS FOLLOWS:
BOARD OF ADJUSTMENTS
EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (14)(I) AND SECTION 6.8, SUBSECTION (5) TO ALLOW A FOURTH FREESTANDING SIGN, 21'9" IN HEIGHT WITH A 70 SQUARE FOOT FACE, 12' FROM THE FRONT PROPERTY LINE IN LIEU OF ONE (1) FREESTANDING SIGN PER DEVELOPMENT LOT, WITH A 46.9'SETBACK IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Commission Member Tankersley came into the meeting at 5:09 p.m. during the discussion of this request.

David Pryor, 2525 Texoma Parkway, Sherman, TX

Mr. Pryor appeared to represent the request and answer any questions. The property is located at 2525 Texoma Parkway, the southeast corner of Texoma Parkway and U.S. Highway 82 East; Bob Utter Ford is the tenant. The owner platted several tracts into one lot in 2007 when they requested a Specific Use Permit to allow a cell tower in the rear of the property. At the June 12, 1990, Planning and Zoning Commission Meeting, an exception was granted to allow the enlargement of a non-conforming sign for the

property at 2433 Texoma Parkway which was formerly the Red River Chrysler dealership, which is now a part of this lot. Mr. Pryor explained they took down the Lincoln/Mercury sign in 2007 for their Kia building, they would like to put a Lincoln sign back up along U.S. Highway 82, 12 foot from the property line. The sign will be facing north and south to be able to read it when you are going down Highway 82. Bob Utter Ford has three dealerships; Ford, Lincoln, and Kia and each brand require their own sign. He had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

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

ACTION TAKEN.
BOARD OF ADJUSTMENTS
Motion by Commission Member Hicks to approve the exception and variance subject to the Staff Review Letter. Second by Commission Member Plyler.

VOTING AYE: DAVIS, PLYLER, MORGAN, BARTON AND HICKS.
VOTING NAY: NONE
MOTION CARRIED
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

ZONE CHANGE – C-2 TO M-1
EXCEPTION – EXTERIOR FINISH
3601 N. TRAVIS
(L. WATKINS & ASSOCIATES, INC.)

(DENIED)

ZONE CHANGE & EXCEPTION
THE REQUEST OF L. WATKINS & ASSOCIATES, INC. (OWNERS), LARRY WATKINS (REPRESENTATIVE), CONCERNING THE PROPERTY AT 3601 NORTH TRAVIS STREET, BEING LOT 1, BLOCK 1, COVEY ADDITION, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
ZONE CHANGE AND SITE PLAN APPROVAL FOR A TRUCKING, CARTING, CRATING, EXPRESS HANDLING AND STORAGE FACILITY UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-2 (GENERAL COMMERCIAL) DISTRICT TO AN M-1 (LIGHT MANUFACTURING) DISTRICT.
BOARD OF ADJUSTMENTS
EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.8, SUBSECTION (4)(B) TO ALLOW EXISTING BUILDING FINISHES IN LIEU OF THE REQUIRED WALL FINISHES SHALL BE MASONRY, MASONRY VENEER, OR CONCRETE SIDING IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT

Lewis Faith & Lawrence Watkins, 3601 N. Travis, Sherman, TX
Mr. Faith and Mr. Watkins appeared to represent the request and answer any questions. The property is located at 3601 North Travis Street; between Atkinson Circle and U.S. Highway 82; L Watkins & Associates, Inc. is the tenant. The property was granted a zone change to a C-2

(General Commercial) District at the May 1, 1995, City Council Meeting for a warehousing/trucking operation. Since that time, the requirements have changed for a trucking, express handling and storage facility which makes this use an existing non-conforming use; the owner would like to rezone the property to an M-1 (Light Manufacturing) District to reflect the current use of the property to get in compliance and also allow more flexibility to market the building. They were also granted an exception to not require a screening device between commercial and residentially zoned property at the March 14, 1995, Planning and Zoning Commission Meeting. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Hicks asked for clarification of why the current business is non-compliant.

Scott Shadden, Director of Developmental Services explained the business is in there like a Specific Use Permit, the requirement changed to a Specific Use Permit in a C-2 (General Commercial) District or an M-1 (Light Manufacturing) District in early 2000, so he is existing non-conforming, he can stay there from now on, or if it closes it loses the non-conforming status, unless someone transfers it for the same use with a Certificate of Occupancy Permit. The existing business was compliant when it first went in.

Mr. Faith explained the ordinance states "warehousing establishment other than accessory to permitted retail use", you either have to have a Specific Use Permit or the minimum zoning required is an M-1 (Light Manufacturing) District.

<u>Scott Pelley, Attorney, 707 W. Washington, Sherman, TX</u>
Mr. Pelley explained he represents the Jewel Plangman Family, which owns the property to the south and west of this property. "They are opposed to the zone change because they have heard a rumor there may some type of battery plant operation that would work on golf cart batteries or something like that. The day after I heard about this, I'm reading in the Dallas Morning News of what is going on in Frisco with their battery plant there, so it concerns me about that. The Plangman Family has had this property going back to the '30's & '40's, they have held it and are still holding it with the prospect of future commercial development for the property. Their fear is, if it is changed from C-2 (General Commercial) District to a M-1 (Light Manufacturing) District status that will have a material impact on who and what is going to go in there in the future, because if you are dealing with light manufacturing that could be offensive to the retail community. Looking at the master plan, I don't think that was designed for the development of light manufacturing, we have relied upon that and we like the protection the

existing zoning provides us, so we ask that this request be denied."

Chairman Davis asked Mr. Shadden what the master plan designation is for the property.

Mr. Shadden explained "the property was master planned Auto Urban Commercial which allows more parking lot and green space."

Commission Member Barton stated "if they allow an M-1 (Light Manufacturing) District, it leaves it wide open with a list of things that could go in there without the ability for us to have anything to say about it. If you go with a Specific Use Permit you have the opportunity to have a say; that maybe the way to go."

Chairman Davis was concerned with Travis Street as a whole, there is residential and retail, he had reservations changing it to an M-1 (Light Manufacturing) District, "what's there now, seems to work, but expanding it to more dense zoning was a concern."

Commission Member Barton felt the Overlay District was designed with a long term plan in mind, "Travis Street has a long way to go to catch up with that vision; there's a subdivision just north of there and Highway 82 and another empty subdivision north of that one, that will someday fill up; it makes more sense for the property to be a C-1 (Retail Business) District than a C-2 (General Commercial) District, but if we open it up to all the uses in an M-1 (Light Manufacturing) District, I just think we would be better off with the C-2 (General Commercial) District and a Specific Use Permit with something in particular they were coming to the board with; it just leaves it too wide open."

Chairman Davis asked if they sold their lease to another trucking company with similar use, what would they have to do.

Mr. Shadden explained they could apply for a Certificate of Occupancy Permit for a name change only.

Mr. Watkins assured the board "they would not manufacture batteries, the other business that they thought was possibly coming in was all-terrain vehicles for hunting purposes, they were coming in from China, they were going to be assembling at this facility, there is not going to be a battery manufacturing facility at this site. Rumors can start flying and I have received phone calls; that will not take place."

Chairman Davis explained "their issue in dealing with that, if we change the zoning, when that goes away, then somebody else can come in and put anything the zoning allows; that is our concern."

Mr. Shadden explained the existing non-conforming business can continue, they can change owners without applying for a zoning request, if they close the business, it's a different story.

Commission Member Hicks asked if they wanted to start assembling all-terrain vehicles at this location, would that require a Specific Use Permit.

Mr. Shadden explained it would require M-1 (Light Manufacturing) zoning because they would be manufacturing.

Commission Member Morgan asked if the potential business was a done deal, "is this contingent upon the zone change." His concern was with changing the zoning and opening up to the next guy of doing anything. If the deal does not go through, then you have the M-1 (Light Manufacturing) District in place for whomever.

Mr. Faith explained "without the zoning, we will be there forever. It would not do us any good to market the property for tenants if we tell them we will lease the property to you but you have to go fight City Hall for approval. They would say that would not be necessary we are looking at other sites. It is highly unlikely a C-2 (General Commercial) District business will look at that type of facility."

Chairman Davis was concerned if the zoning was changed to M-1 (Light Manufacturing) District then the property owner next door may want M-1 (Light Manufacturing) District too.

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

A letter was received from Scott Pelley, P.C., Attorneys at Law, 707 W. Washington, Sherman, TX
Mr. Pelley represented Jewel Frederick Plangman, Jr., opposing the request.

Commission Member Plyler explained if the request was denied he has recourse with the City Council.

PLANNING & ZONING COMMISSION
ACTION TAKEN.
Motion by Commission Member Plyler to deny the request. Second by Commission Member Barton.

VOTING AYE: MORGAN, DAVIS, PLYLER, HICKS, BARTON TANKERSLEY AND BARBER.
VOTING NAY: NONE
MOTION CARRIED
THE COMMISSION FOUND THE REQUEST DID NOT CONFORM TO THE INTENT OF THE ORDINANCE.

EXCEPTION – BLDG. HEIGHT
SITE PLAN – IDEA CENTER
900 N. GRAND
(AUSTIN COLLEGE)

EXCEPTION & SITE PLAN APPROVAL

THE REQUEST OF AUSTIN COLLEGE (OWNERS), HEIDI ELLIS (AUSTIN COLLEGE REPRESENTATIVE), JOHN JENNINGS (AUSTIN COLLEGE EXECUTIVE DIRECTOR OF FACILITIES) AND PAGE SOUTHERLAND PAGE (ARCHITECT/ENGINEER) CONCERNING THE PROPERTY LOCATED AT 900 NORTH GRAND AVENUE, BEING 29.79 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (5) TO ALLOW A 58' TALL SCIENCE BUILDING (AUSTIN COLLEGE IDEA CENTER) IN LIEU OF 35' OR TWO STORIES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT WITH A SPECIFIC USE PERMIT TO ALLOW A COLLEGE CAMPUS.

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AUSTIN COLLEGE IDEA CENTER.

Dee Maxey, Page Southerland Page, 1800 Main St., Dallas, TX

Mr. Maxey appeared to represent the request and answer any questions. The property is located at 900 North Grand Avenue; Austin College is the tenant. They would like to construct a 109,767 square foot, 58' tall science building (The IDEA Center) which stands for Inquiry, Discovery, Entrepreneurship and Access. It will be located in the center of the campus where the tennis courts used to be. The exterior will be glass and brick veneer, the same color as the existing campus. The building will have an occupied roof for a telescope and observatory. This will be a multi-displinary science facility where all the sciences can be in one facility with a dean's office and a 105 seat multi-purpose all campus auditorium. The building will also have a basement for mechanical equipment only. One of the features of this building is, it will have a storm water collection system that will be stored in a 15,000 gallon cistern; the water will be used to irrigate landscaping around the facility. They anticipate starting construction October, 2011 and completing for the beginning 2013, Fall Semester. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

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

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (5) TO ALLOW A 58' TALL SCIENCE BUILDING (AUSTIN COLLEGE IDEA CENTER) IN LIEU OF 35' OR TWO STORIES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT WITH A SPECIFIC USE PERMIT TO ALLOW A COLLEGE CAMPUS.

ACTION TAKEN.
Motion by Commission Member Morgan to approve the exception. Second by Commission Member Barton.

VOTING AYE: MORGAN, DAVIS, PLYLER, HICKS, AND BARTON.
VOTING NAY: NONE
MOTION CARRIED
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR AUSTIN COLLEGE IDEA CENTER.

ACTION TAKEN.
Motion by Commission Member Barber to approve the site plan subject to the Staff Review Letter. Second by Commission Member Morgan.

VOTING AYE: MORGAN, DAVIS, PLYLER, HICKS, BARTON, TANKERSLEY AND BARBER.
VOTING NAY: NONE
MOTION CARRIED
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

SUP & SITE PLAN – OIL/GAS WELL 4335 HWY 82 E. (JACK & PATSY PIERCE)

SPECIFIC USE PERMIT & SITE PLAN
THE REQUEST OF JACK & PATSY PIERCE (MINERAL RIGHTS OWNERS), GREG SPALDING, LONGFELLOW ENERGY, LP (REPRESENTATIVE) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 4335 U.S. HIGHWAY 82 EAST, BEING 194.896 ACES IN THE WILLIAM BROGDEN SURVEY, ABSTRACT NO. 92, AS FOLLOWS:
PLANNING AND ZONING BOARD
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

Greg Spalding, Longfellow Energy, LP, PO Box 1989, Addison, TX
Mr. Spalding appeared to represent the request and answer any questions. The property is located at 4335 U.S. Highway 82 East; the northwest corner of U.S. Highway 82 East and the F.M. 1417 NE Junction. The mineral rights owners would like to drill an oil/gas well on the property. Mr. Spalding presented the board a map of the area showing the distance to the nearest occupant which is Grayson Bible Baptist Church. They anticipate only being there thirty days drilling. The well will be manned twenty four hours a day. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Chairman Davis suggested they place a sign on the property with contact information in case of emergency or the need to get a hold of someone.

Jack Pierce, 2001 Skaggs, Rd., Sherman, TX
Mr. Pierce explained "Longfellow Energy has already drilled five or six wells in the area, their drilling is top notch, they take care of their equipment, they are constantly cleaning and painting; it's a class one operation."

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

ACTION TAKEN.
Motion by Commission Member Hicks to approve the Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Tankersley.

VOTING AYE: MORGAN, DAVIS, PLYLER, HICKS, BARTON, TANKERSLEY AND BARBER.
VOTING NAY: NONE
MOTION CARRIED
THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

OTHER BUSINESS
No other business came before the board. **OTHER BUSINESS**

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 5:55 p.m. **ADJOURNMENT**

CHAIRMAN

SECRETARY