

STATE OF TEXAS §
COUNTY OF GRAYSON §

August 22, 2023

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustment of the City of Sherman, was begun and held on August 22, 2023.

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

ALTERNATE: NONE

MEMBERS ABSENT: DOWNTAIN

STAFF PRESENT: ROB RAE, DIRECTOR OF DEVELOPMENT SERVICES, KERRI TURNER,
DEVELOPMENT SERVICES PLANNING TECHNICIAN, WAYNE LEE, DIRECTOR OF
ENGINEERING, LAUREN MARLOW, DEVELOPMENT SERVICES COORDINATOR,
CYNTHIA SAENZ, ADMINISTRATIVE ASSISTANT AND AMBER DOAN,
ENGINEERING COORDINATOR

CITY ATTORNEY: ALICESON COTTON

CALL TO ORDER

Chairman Mahone called the meeting to order at 5:01 p.m.

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the June 20, 2023 and July 18, 2023, Regular Meeting. Motion by Commission Member Davis to approve the Minutes as written. Second by Commission Member Sims. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

ANNOUNCEMENTS

There were no announcements.

ANNOUNCEMENTS

CITIZEN COMMENTS

There were no citizen comments.

CITIZEN COMMENTS

CONSENT AGENDA (ITEMS 6, 7, 8, 9, 10, 11 AND 12)

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

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Davis moved to approve Items 6, 7, 8, 9, 10, 11 and 12 on the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Manley. All present voted AYE.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JAMES GLENN HIDALGO (OWNER), VILBIG & ASSOCIATES (ENGINEER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 4000-4300 BLOCKS WINTER WAY, CONSISTING OF 15.040 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AND BEING PART OF LOT 1, BLOCK 1, TEXOMA CHRISTIAN SCHOOL ADDITION AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT OF THE PRESERVE PHASE IV

PRELIMINARY PLAT –
THE PRESERVE
PHASE IV
4000-4300 BLOCKS
WINTER WAY (JAMES
GLENN HIDALGO)

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

The property is located in the 4000-4300 Blocks Winter Way between Seasons West Avenue and South FM 1417 (Heritage Parkway). The property owner would like to plat the property into 46 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 JEFF HARKINSON (OWNER), JIM RILEY (REPRESENTATIVE), TEKMAK DEVELOPMENT COMPANY (DEVELOPER), BROCKETTE/DAVIS/DRAKE, INC. (ENGINEERS), CONCERNING THE PROPERTY LOCATED IN THE 301 BLOCK WEST TRAVIS STREET, CONSISTING OF 5.464 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, BEING A PORTION OF A 44.83 ACRE TRACT OF LAND IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT/PLANNED DEVELOPMENT DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF CROSSROADS – SPRINGHILL ADDITION, LOTS 1 & 2, BLOCK 1**

**FINAL PLAT –
CROSSROADS –
SPRINGHILL ADDITION,
LOTS 1 & 2, BLOCK 1
301 BLOCK WEST
TRAVIS STREET (JEFF
HARKINSON)**

The property is located in the 301 Block West Travis Street between West Travis Street and Crossroads Boulevard. The owner would like to plat the property into 2 lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

**THE REQUEST OF MERITAGE HOMES OF TEXAS, LLC (OWNER), FRANK SU (REPRESENTATIVE) AND KIMLEY-HORN AND ASSOCIATES (ENGINEER/SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2000-2300 BLOCKS WEST CENTER STREET, BEING 30.734 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT 625, BEING A PORTION OF A 67.25 ACRE TRACT OF LAND AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF WESTMOOR, PHASE 2**

**FINAL PLAT –
WESTMOOR, PHASE 2
2000-2300 BLOCKS
WEST CENTER STREET
(MERITAGE HOMES OF
TEXAS, LLC)**

The property is located in the 2000-2300 Blocks West Center Street between Baker Park Drive and Binkley Park Drive. The owner would like to plat the property into 103 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 JAMES AND VICKI FRANCIS (OWNER), DONNIE PAYETTE, DREAM BUILDERS (DEVELOPER) AND COX LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 3786 GIBBONS ROAD, CONSISTING OF 10.732 ACRES IN THE GEORGE W. LAVALLA SURVEY, ABSTRACT NO. 722, LOCATED IN THE ETJ (EXTRA TERRITORIAL JURISDICTION), AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF PAYETTE ADDITION.**

**FINAL PLAT – PAYETTE
ADDITION
3786 GIBBONS ROAD
(JAMES AND VICKI
FRANCIS)**

The property is located at 3786 Gibbons Road near the intersection of Gibbons Road and Cundiff Drive and located in the ETJ (Extra Territorial Jurisdiction). The property owner would like to plat the property into two lots

for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF LIGHTHOUSE FOR KIDS, LLC (OWNER) AND HELVEY WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 920 SOUTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 3.726 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, BEING ALL OF LOT 3-R, BLOCK 1, OF THE REPLAT OF LOTS 2 AND 3, BLOCK 1, CHIEF'S ADDITION AND CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT OF ATSAR STORAGE ADDITION

REPLAT – ATSAR
STORAGE ADDITION
920 SOUTH FM 1417
(HERITAGE PARKWAY)
(LIGHTHOUSE FOR
KIDS, LLC)

The property is located at 920 South FM 1417 (Heritage Parkway) near the intersection of South FM 1417 (Heritage Parkway) and Quail Run Road and is zoned C-1 (Retail Business) District. The owner would like to plat the property into two lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JOHN DAVID GRIFFIN (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 449 SOUTH FARMINGTON ROAD, CONSISTING OF 5.255 ACRES, BEING IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AND IS CURRENTLY LOCATED IN THE ETJ (EXTRA TERRITORIAL JURISDICTION), AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF 449 S. FARMINGTON ADDITION

FINAL PLAT – 449 S.
FARMINGTON
ADDITION
449 SOUTH
FARMINGTON ROAD
(JOHN DAVID GRIFFIN)

The property is located at 449 South Farmington Road between Old Dorchester Road and Farmington Road and is located in the ETJ (Extra Territorial Jurisdiction). The owner would like to plat the property into one lot for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF FIRST STATE BANK (OWNER), IAN NORFORK, PE (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 500 BLOCK NORTH US HIGHWAY 75, CONSISTING OF 9.023 ACRES, BEING LOT 3 OF THE REPLAT OF BLOCK ONE OF THE REPLAT OF INDEPENDENCE SQUARE ADDITION, SECTION TWO AND IS CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT/75&82 OVERLAY DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN OF FIRST STATE BANK

SITE PLAN – FIRST
STATE BANK
500 BLOCK NORTH US
HIGHWAY 75 (FIRST
STATE BANK)

The property is located in the 500 Block North US Highway 75 between East Lamberth Road and East Peyton Street. The owner is requesting Site Plan approval for First State Bank. 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.

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT

THE REQUEST OF AMERICAN BUILDERS AND CONTRACTORS SUPPLY CO., INC. (OWNER), VILBIG AND ASSOCIATES (REPRESENTATIVE/CONSULTING ENGINEERS & SURVEYORS) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2325 NORTH TRAVIS STREET, CONSISTING OF 7.849 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND IS CURRENTLY ZONED C-2 (GENERAL COMMERCIAL) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT UNDER SECTION 14.06.009 TO ALLOW CONTRACTORS OR CONSTRUCTION OFFICES, EQUIPMENT SALES, SERVICE, RENTAL AND REPAIR, WITH OUTDOOR STORAGE IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

The property is located at 2325 North Travis Street between East Taylor Street and East Lamberth Road.

David Vilbig, 517 West Woodard, Denison, TX

Mr. Vilbig stated, "The owner is requesting an expansion on the existing building and will be dedicating about 13 feet of right of way on Travis Street which encroaches in on existing parking. We will move the parking for the business around the corner."

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 Site Plan and Specific Use Permit.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 2325 North Travis Street subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, ZONE CHANGE, SPECIFIC USE PERMIT AND SITE PLAN

THE REQUEST OF DAVID CATCHING (OWNER), KEITH BARCLIFT (REPRESENTATIVE) AND HELVEY WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 18873 WEST HIGHWAY 82, CONSISTING OF 9.416 ACRES IN THE JAMES M. HAMBRIGHT SURVEY, ABSTRACT 538, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING AND ZONE CHANGE FROM AN R-A (RESIDENTIAL AGRICULTURAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT/75&82 OVERLAY DISTRICT.
- B. PUBLIC HEARING, SPECIFIC USE PERMIT AND SITE PLAN UNDER SECTION 14.06.009 TO ALLOW CONTRACTORS OR CONSTRUCTION OFFICES, EQUIPMENT SALES, SERVICE, RENTAL AND REPAIR, WITH OUTDOOR STORAGE IN A C-2 (GENERAL COMMERCIAL) DISTRICT/75&82 OVERLAY DISTRICT.

The property is located at 18873 West Highway 82 between Mission Drive and Gall Hill Lane.

PUBLIC HEARING, SITE
PLAN AND SPECIFIC
USE PERMIT –
OUTDOOR STORAGE
2325 NORTH TRAVIS
STREET
(AMERICAN BUILDERS
AND CONTRACTORS
SUPPLY CO., INC.)

PUBLIC HEARING,
ZONE CHANGE – R-A
TO C-2
SPECIFIC USE PERMIT
AND SITE PLAN –
OUTDOOR STORAGE
18873 WEST HIGHWAY
82
(DAVID CATCHING)

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

Ben Stewart, 1586 North Hills, Rockwall, TX

Mr. Stewart explained, “We are requesting a Specific Use Permit to allow equipment rentals in a C-2 (General Commercial) District. Our business is similar to Sunbelt Rentals and United Rentals. We plan to run more equipment instead of selling or auctioning.”

Chairman Mahone asked, “Will you be changing the building at all?”

Mr. Stewart replied, “No, we plan to add a couple signs and a fence in the front to re-enforce security.”

Chairman Mahone asked, “Have you reviewed or discussed the sign and fencing ordinance?”

Mr. Stewart replied, “No.”

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

Jacob Pelley, 707 Crockett, Sherman, TX

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

Chairman Mahone asked Mr. Stewart, “Is the property paved?”

Mr. Stewart replied, “The back is crushed rock and there is a parking lot in the front.”

Chairman Mahone asked Mr. Rae, “Will they need to improve the surface?”

Mr. Rae replied, “Required parking or driveways must be paved, concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering.”

Mr. Stewart replied, “The property has parking in the front. We will look into the type of material for the back.”

Chairman Mahone stated, “I noticed in the Staff Review Letter it says chain link or barbed wire fencing in not approved. There are comments about sign restrictions.”

Mr. Stewart replied, “We are familiar with it.”

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

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change, Specific Use Permit and Site Plan located at 18873 West Highway 82 subject to the revised Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING AND VARIANCE

THE REQUEST OF TERESA STEWART (OWNER) AND COPLEY LAND SURVEY (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 421

**PUBLIC HEARING AND
VARIANCE – FRONT
SETBACK**

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

SOUTH MONTGOMERY STREET, CONSISTING OF 0.131 ACRES, IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AND IS CURRENTLY ZONED MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
BOARD OF ADJUSTMENT
PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.012 TO ALLOW A 11.5' FRONT SETBACK IN LIEU OF THE REQUIRED 25' FOR A FRONT PORCH ADDITION.

421 SOUTH
MONTGOMERY
STREET
(TERESA STEWART)

The property is located at 421 South Montgomery Street at the corner of South Montgomery Street and East Magnolia Street.

Teresa Stewart, 421 South Montgomery Street, Sherman, TX

Ms. Stewart explained, "I am requesting a Variance for the front setback to build a porch. The lot next door had been vacant for over twenty years so we built the porch which ended up being 4 to 6 inches over the property line. The property next door was bought by Earnhart and they had built a wall which made our porch that was built on the back of the house unusable. I was served with papers for not having a permit for the porch. We tore down the porch which brings us here for the Variance to build a new porch. The front of the house faces Magnolia but we are addressed off of Montgomery Street. We plan to construct a door on the side of the house that faces South Montgomery where the porch would go."

Chairman Mahone asked, "Is the north porch dismantled now?"

Ms. Stewart replied, "Yes."

Commission Member Davis asked, Ms. Stewart, "Is there any reason why you are not using the front door?"

Ms. Stewart replied, "We do use the door but we had boarded up the other two doors of the house and we are suppose to add another door in case of a fire."

Commission Member Manley asked, "Could you put a door on the east side of your house?"

Ms. Stewart replied, "No because that is in the middle of two bedrooms."

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

Ms. Stewart 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.

Board of Adjustment

Motion by Commission Member Davis to deny the Variance located at 421 South Montgomery Street.

This motion fails for a lack of a second vote.

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 421 South Montgomery Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, WHITAKER, SIMS AND MANLEY

VOTING NAY: DAVIS.

MOTION CARRIED.

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

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT

THE REQUEST OF TEXOMA PARKWAY, SALMAN MAKOJIA (OWNER), DINESH SOOD (TENANT) AND HELVEY WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2201 TEXOMA PARKWAY, CONSISTING OF 0.382 ACRES, IN THE SMITH MCGLOTHLIN SURVEY, ABSTRACT NO. 808, BEING LOT 6, BLOCK 9, HIGHLAND PARK ADDITION AND IS CURRENTLY ZONED C-2 (GENERAL COMMERCIAL) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT UNDER SECTION 14.06.009 TO ALLOW A HOOKAH BAR, SMOKING LOUNGE, SMOKE SHOP, OR VAPE SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

The property is located at 2201 Texoma Parkway at the corner of Texoma Parkway and East Peyton Street.

PUBLIC HEARING, SITE
PLAN AND SPECIFIC
USE PERMIT UNDER –
VAPE SHOP
2201 TEXOMA
PARKWAY (TEXOMA
PARKWAY, SALMAN
MAKOJIA)

Oliver James, 2201 Texoma Parkway, Sherman, TX

Mr. James explained, “The owner is requesting a Specific Use Permit for a Vape Shop.”

Chairman Mahone asked, “Have you operated a vape shop before?”

Mr. James replied, “Yes, we have three other locations we operate out of being Allen, Carrollton and Plano.”

Chairman Mahone asked, “Will there be any use of the products on site or just sales?”

Mr. James replied, “Only sales.”

Commission Member Davis stated, “Will you be running a Hookah Bar and Smoking Lounge?”

Mr. James replied, “This request is for a Vape Shop only.”

Mr. Rae stated, “As we have uses in our Zoning Ordinance, they need to be written in the legal notice exactly as they are written in our Zoning Ordinance. Their request is not necessarily all those things however as we write the Ordinance if it goes to City Council we do specify what the applicant is requesting.”

Commission Member Davis stated, “Could you clarify what you will be doing?”

Mr. James replied to Commission Member Davis, “We will have vape disposables and water pipes for tobacco use.”

Chairman Mahone asked, “What changes will you make to the building?”

Mr. James replied, “Cosmetic changes to the interior.”

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

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

David Stagner, 108 North Travis Street, Sherman, TX

Mr. Stagner stated, “The applicant is asking for a Hookah Bar, Smoking Lounge, Smoke Shop or Vape Shop in a C-2 (General Commercial) District. If the applicant is given a Specific Use Permit, that would be what he is allowed

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

to do. Initially these can be granted as I understand the requirements this place Judicial Board is if it is not contrary to the public interest and causes an undo hardship not to grant it. That is my understanding. Hardship is not financial hardship. Hardship is not preventing highest and best use of the property. It's the burden on the applicant to show by substantial evidence that it does not constitute an injury to the public interest. There are concerns from the owners of La Mesa Restaurant. The proposed Hookah Bar, Smoke Shop or Vape Shop is continuous to a residential area."

Chairman Mahone asked Mr. Stagner, "Did you state you were representing the property to the north of this that already has a tobacco shop on it?"

Mr. Stagner replied, "Yes."

Chairman Mahone asked, "What is your concern with this location?"

Mr. Stagner replied, "My client is operating lawfully, licensed and conform to all regulations."

Commission Member Manley stated, "Your client also obtained a Specific Use Permit like this applicant is doing."

Mr. Stagner replied, "There is no evidence of substantial need."

Commission Member Davis asked Mr. James, "Is Mr. Sood the renter and you will run it?"

Dinesh Sood, 2201 Texoma Parkway, Sherman, TX

Mr. Sood explained, "I am the tenant and will run the business."

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

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Site Plan and Specific Use Permit located at 2201 Texoma Parkway being tied to Dinesh Sood subject to the Staff Review letter. Second by Commission Member Blagg.

VOTING AYE: DAVIS, BLAGG AND MAHONE

VOTING NAY: SIMS, WHITAKER AND MANLEY

This motion fails for a lack of majority vote.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 2201 Texoma Parkway being tied to Dinesh Sood for a time period of one year subject to the Staff Review letter. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, ZONING TEXT AMENDMENT, SITE PLAN AND ZONE CHANGE

THE REQUEST OF JAMESTOWN SQUARE, LLC (OWNER), CALEB JONES (REPRESENTATIVE) AND KIMLEY-HORN & ASSOCIATES (ENGINEER)

PUBLIC HEARING,
ZONING TEXT
AMENDMENT – LOT
WIDTH IN R-TH

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

CONCERNING THE PROPERTY LOCATED IN THE 6000-6400 BLOCKS SOUTH HIGHWAY 75 AND THE 100-200 BLOCKS AKERS ROAD, BEING A PART OF 50.006 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING AND ZONING TEXT AMENDMENT TO ADD REGULATIONS TO CHAPTER 14, ZONING ORDINANCE, SECTION 14.02.010 R-TH (TOWNHOME RESIDENTIAL) DISTRICT TO ALLOW 22' WIDE LOTS FOR TOWNHOMES WITH REAR LOADED GARAGES IN A R-TH (TOWNHOME RESIDENTIAL) DISTRICT
- B. TRACT 2, CONSISTING OF 14.287 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 - PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM C-1 (RETAIL BUSINESS) DISTRICT AND MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT TO MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT.
- C. TRACT 3, CONSISTING OF 7.796 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT 248 - PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT TO R-TH (TOWNHOME RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT.
- D. TRACT 4, CONSISTING OF 18.903 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT 248 – PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND MF-30 (MULTI FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT TO MF-15 (MULTI-FAMILY RESIDENTIAL) DISTRICT/75 & 82 OVERLAY DISTRICT.

SITE PLAN AND ZONE
CHANGE – TRACT 2, C-
1 & MF-30 TO MF-30
TRACT 3, R-6 & MF-30
TO R-TH
TRACT 4, R-6 & MF-30
TO MF-15

6000-6400 BLOCKS
SOUTH HIGHWAY 75
AND THE 100-200
BLOCKS AKERS ROAD
(JAMESTOWN
SQUARE, LLC)

The property is located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road at the corner of South Highway 75 and Akers Road.

Caleb Jones, 2600 North Central Expressway, Suite 400, Richardson, TX
Mr. Jones explained, "City Council approved a Zone Change for this property on October 21, 2021. Our site plan has changed and we have four separate tracts which we are proposing a Zone Change."

Chairman Mahone asked, "Tract 3, are these the townhomes Item A is referring to?"

Mr. Jones replied, "Yes, to allow 22' wide lots for townhomes with rear loaded garages."

Chairman Mahone asked, "Could you tell me about Tract 4?"

Mr. Jones replied, "Tract 4 will be considered multi-family zoning use but will be a build to rent concept."

Chairman Mahone asked, "Will these be single family structures?"

Mr. Jones replied, "Yes."

Mr. Rae stated, "The applicant had to go back to the drawing board due to the redesign of Highway 75 between FM 902 and FM 1417 one of the interchanges affects this property. The applicant decided to go back and redesign the property."

James Cruiser, 900 West Bethany, Allen, TX

Mr. Cruiser explained, "We have revised the site due to the Master Comprehensive Plan and TxDOT. The revisions that have been made are not only beneficial to us but to the city. We have widened the original concept plan in the townhomes, Tract 4 is another form of multi-family just displaced

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

horizontally we envision them having rear garages with front entry doors offering a different type of multi-family for the people who don't like to be stacked on top of each other.

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

Mr. Jones 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 Zoning Text Amendment, Site Plan and Zone Change.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zoning Text Amendment, Site Plan and Zone Change located in the 6000-6400 Blocks South Highway 75 and the 100-200 Blocks Akers Road subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT

THE REQUEST OF W DOUGLASS DISTRIBUTING, LTD (OWNER), SAMIR BHIMANI (TENANT), DAVID WEAVER (REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC (SURVEYING) CONCERNING THE PROPERTY LOCATED AT 738 EAST HIGHWAY 82, CONSISTING OF 1.830 ACRES, BEING LOTS 1 & 2, BLOCK 1, 82-75 ADDITION AND CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT / 75 & 82 OVERLAY DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT UNDER SECTION 14.06.009 TO ALLOW A HOOKAH BAR, SMOKING LOUNGE, SMOKE SHOP, OR VAPE SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/75 & 82 OVERLAY DISTRICT.

The property is located at 738 East Highway 82 near the intersection of US Highway 75.

David Weaver, 8206 Presidio Drive, Frisco, TX

Mr. Weaver explained, "The owner is requesting a Specific Use Permit for a Vape Shop only with no tobacco being used on site."

Chairman Mahone asked, "Will there be any changes to the building?"

Mr. Weaver replied, "There will be cosmetic changes and signage will be submitted under a sign permit."

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

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

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

ACTION TAKEN.

PUBLIC HEARING, SITE
PLAN AND SPECIFIC
USE PERMIT- VAPE
SHOP
738 EAST HIGHWAY 82
(W DOUGLASS
DISTRIBUTING, LTD)

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 738 East Highway 82 being tied to Samir Bhimani for a time period of one year subject to the Staff Review Letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF OSCAR MEDINA (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 416 SOUTH ELM STREET, CONSISTING OF 0.341 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND ZONE CHANGE FROM MF-30 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO R-5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

PUBLIC HEARING AND
ZONE CHANGE –
MF-30 TO R-5
416 SOUTH ELM
STREET
(OSCAR MEDINA)

The property is located at 416 South Elm Street between West Cherry Street and West King Street.

Steve McLemore, 11916 Paducah Drive, Frisco, TX

Mr. McLemore explained, "The owner is requesting a Zone Change for residential zoning. We were denied on June 20, 2023 for an R-2F (Duplex Residential) District and based on the lot width for the property all we can request is for an R-5 (Single Family Residential) District."

Chairman Mahone, "Do you know how deep the lot is?"

Mr. McLemore replied, "It is about 280' deep."

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

Mr. McLemore 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.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Zone Change located at 416 South Elm Street subject to the Staff Review letter. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING AND VARIANCE

THE REQUEST OF LINDA OMOHUNDRO (OWNER) AND MIKE PALMER, APEX CONSTRUCTION (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 124 WEST MCGEE STREET, CONSISTING OF 0.36 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, BEING ALL OF LOT 5 AND PART OF LOTS 6 AND 9, J.P. COX SUBDIVISION AND CURRENTLY ZONED R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

PUBLIC HEARING AND
VARIANCE – SIDE
SETBACK
124 WEST MCGEE
STREET
(LINDA OMOHUNDRO)

PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.006 TO ALLOW A 2' SIDE SETBACK IN LIEU OF THE REQUIRED 6' IN A R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR A CARPORT ADDITION.

The property is located at 124 West McGee Street between North Shannon Street and North Travis Street.

Linda Omohundro, 124 West McGee Street, Sherman, TX

Ms. Omohundro explained, "The last three years APEX Construction and I have been taking over a remodel. My last improvement for the remodel would be a carport to provide protection for my vehicles. The house is a single car garage that is old and narrow which is full of storage. This specific carport would not be attached to the house. It will overlap and be made with cedar posts that will blend into the house and look attractive."

Chairman Mahone asked, "Is the edge of the garage and the carport going to be aligned?"

Ms. Omohundro replied, "Yes."

Commission Member Davis asked, "Does your driveway extend to the right of the garage as you pull in?"

Ms. Omohundro replied, "Yes."

Chairman Mahone stated, "It will not be in line with the edge of the garage."

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

Ms. Omohundro 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.

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 124 West McGee Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DAVIS, SIMS AND MANLEY

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT

THE REQUEST OF RAJ PATEL (OWNER), ADR DESIGNS, LLC (DESIGNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2708 NORTH CORNERSTONE DRIVE, CONSISTING OF 2.251 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, BEING LOT 6R, BLOCK 2, REPLAT OF CORNERSTONE ADDITION AND CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING, SITE PLAN AND SPECIFIC USE PERMIT UNDER SECTION 14.06.009 TO ALLOW A HOTEL OR MOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT.

The property is located at 2708 North Cornerstone Drive between North US Highway 75 and North Travis Street.

**PUBLIC HEARING, SITE
PLAN & SPECIFIC USE
PERMIT - HOTEL
2708 NORTH
CORNERSTONE DRIVE
(RAJ PATEL)**

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

Anil Ram, 601 Saddle Hill Drive, Grand Prairie, TX

Mr. Ram explained, “The owner is requesting a Specific Use Permit for a Hotel being placed next to the Hampton Inn. The hotel will be four stories and six guest rooms. The hotel will be called Home 2 Suites Hilton.”

Commission Member Davis asked, “Is Home 2 Suites a name or you want people staying there long term?”

Mr. Ram replied, “It is the name of the hotel.”

Chairman Mahone asked, “What is the maximum stay at your hotel?”

Jack Patel, 13005 Hoyt Drive, McKinney, TX

Mr. Patel replied to Chairman Mahone, “It is an extended stay hotel. This hotel will have a kitchen in it and will allow someone to stay up to a year or two.”

Mr. Rae stated, “We don’t allow people to stay longer than 30 days.”

Commission Member Blagg asked Mr. Patel, “How many extended stays do you have?”

Mr. Patel replied, “Extended stays none but we have other hotels.”

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

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

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

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 2708 North Cornerstone Drive subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

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

PUBLIC HEARING, VARIANCE, ZONE CHANGE AND SITE PLAN

THE REQUEST OF BOB TESCH INVESTMENTS, LLC (OWNER) AND PAPE-DAWSON ENGINEERS (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2700-3400 BLOCKS SOUTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 10.771 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 AND CURRENTLY ZONED M-1 (LIGHT MANUFACTURING) DISTRICT/F.M. 1417 OVERLAY DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING AND ZONE CHANGE FROM M-1 (LIGHT MANUFACTURING) DISTRICT/F.M. 1417 OVERLAY DISTRICT TO C-1 (RETAIL BUSINESS) DISTRICT/F.M. 1417 OVERLAY DISTRICT.
- B. SITE PLAN APPROVAL FOR RETAIL DEVELOPMENT.

PUBLIC HEARING,
ZONE CHANGE – M-1
TO C-1

SITE PLAN – RETAIL
DEVELOPMENT

2700-3400 BLOCKS
SOUTH FM 1417
(HERITAGE
PARKWAY) (BOB
TESCH INVESTMENTS,
LLC)

The property is located in the 2700-3400 Blocks South FM 1417 (Heritage Parkway) near the intersection of Steeple Chase Drive and South FM 1417 (Heritage Parkway).

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

An email was received from Robert Tesch on August 7, 2023 at 1:30 p.m requesting to Table this item.

(TABLED)

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Sims to Table the Zone Change and Site Plan located in the 2700-3400 Blocks South FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Commission Member Blagg.

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

VOTING NAY: NONE.

MOTION CARRIED.

ADJOURNMENT

The meeting adjourned for a Recess at 6:11 p.m.

ADJOURNMENT

RECONVENE

The Recess closed, and the meeting reconvened at 6:17 p.m.

RECONVENE

PUBLIC HEARING, VARIANCE, ZONE CHANGE AND FINAL PLAT

THE REQUEST OF ROYAL LEGACY HOMES, LLC (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 607 EAST KING STREET CONSISTING OF 0.069 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 BEING A REPLAT OF LOTS 2, 3 & 4, IN BLOCK 1 OF W. ELLIOTT'S ADDITION AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

- A. PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.008 TO ALLOW A 75' LOT DEPTH IN LIEU OF THE REQUIRED 90' AND A VARIANCE TO ALLOW A 3000 SQUARE FEET LOT AREA IN LIEU OF THE REQUIRED 4000 SQUARE FEET IN AN R-4 (PATIO HOME RESIDENTIAL) DISTRICT.

PLANNING AND ZONING COMMISSION

- B. PUBLIC HEARING AND ZONE CHANGE FROM R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICT.
- C. FINAL PLAT OF 607 EAST KING ADDITION

The property is located at 607 East King Street between South First Street and South Throckmorton Street.

Chris Noah, 787 West FM 996, Pottsboro, TX

Mr. Noah explained, "The owner is requesting a Variance due to not having the required depth. Our house plans would match the R-4 (Single Family Residential) District which is what we are requesting."

Chairman Mahone asked, "What will the side yard setbacks be?"

Mr. Noah replied, "It will be 5' setback."

Commission Member Blagg asked, "Is there a maximum lot coverage in an R-4 (Single Family Residential) District?"

Mr. Rae replied, "It is 55%."

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

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

No other citizens appeared before the Planning and Zoning Commission to discuss the Variance, Zone Change and Final Plat.

PUBLIC HEARING,
VARIANCE – LOT
DEPTH

ZONE CHANGE – R-6
TO R-4

FINAL PLAT - 607
EAST KING ADDITION

607 EAST KING
STREET (ROYAL
LEGACY HOMES, LLC

ACTION TAKEN.

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 607 East King Street subject to the Staff Review letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, DAVIS, SIMS AND MANLEY

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change and Final Plat located at 607 East King Street. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

PUBLIC HEARING, ZONING TEXT AMENDMENT, ZONE CHANGE AND REPLAT
THE REQUEST OF DAVID ASHLEY (OWNER), LUIS MORAN
(REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR)
CONCERNING THE PROPERTY LOCATED AT 1604 SOUTH TRAVIS STREET
CONSISTING OF 0.944 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT
NO. 56 BEING PART OF BLOCK "B" OF STAPLES ADDITION AND CURRENTLY
ZONED C-1 (RETAIL BUSINESS) DISTRICT AND R-6 (SINGLE FAMILY
RESIDENTIAL) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING AND ZONING TEXT AMENDMENT TO ADD REGULATIONS TO CHAPTER 14, ZONING ORDINANCE, SECTION 14.02.010 R-TH (TOWNHOME RESIDENTIAL) DISTRICT TO ALLOW 22' WIDE LOTS FOR TOWNHOMES WITH REAR LOADED GARAGES IN A R-TH (TOWNHOME RESIDENTIAL) DISTRICT.
- B. PUBLIC HEARING AND ZONE CHANGE FROM C-1 (RETAIL BUSINESS) DISTRICT AND R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-TH (TOWNHOME RESIDENTIAL) DISTRICT.
- C. PUBLIC HEARING AND REPLAT OF COLONIAL VIRGINIA ADDITION, LOTS 1 THRU 9, BLOCK A

**PUBLIC HEARING,
ZONING TEXT
AMENDMENT – LOT
WIDTH IN R-TH**

**ZONE CHANGE – C-1
TO R-6**

**REPLAT –
COLONIAL VIRGINIA
ADDITION, LOTS 1
THRU 9, BLOCK A**

**1604 SOUTH TRAVIS
STREET
(DAVID ASHLEY)**

The property is located at 1604 South Travis Street at the corner of West Staples Street and South Travis Street.

Luis Moran, 910 South Travis Street, Sherman, TX

Mr. Moran explained, "After meeting with Mr. Rae I believe the best use for this property is townhomes."

Commission Member Whitaker asked, "Will you use the existing alley?"

Mr. Moran replied, "Yes."

Commission Member Blagg asked Mr. Lee, "There is a building between Lots 1 thru 4 in the alley. How is that accessed through the alley?"

Mr. Lee replied, "I do not know."

Mr. Moran replied to Commission Member Blagg, "We will build the alley so they could come in through the back."

Commission Member Blagg asked Mr. Lee, "Will that become right of way to the City?"

Mr. Lee replied, "I do not know."

Chairman Mahone asked, “How will you have rear entry on Lots 1 thru 4?”

Mr. Moran replied, “We will put in an alley behind the lots which will dead-end at Lot 4.”

Commission Member Blagg asked Mr. Rae, “With the plat not showing that, will you allow the applicant to make changes between Planning and Zoning and City Council?”

Mr. Rae replied, “If the Planning and Zoning Commission and City Council approves the Final Plat subject to the Staff Review Letter then it would allow the Engineering Department to accept changes to that plat before filing.”

Chairman Mahone asked Mr. Lee, “Do you typically authorize dead-end alleys?”

Mr. Lee replied, “It would have to be wide enough for two-way traffic.”

Chairman Mahone asked, “How wide is a two way?”

Mr. Lee replied, “It is 20’.”

Chairman Mahone asked Mr. Moran, “How deep is Lot 1?”

Mr. Moran replied, “It is 120’ deep.”

Amy Hoffman-Shehan, 1503 South Travis Street, Sherman, TX

Ms. Hoffman-Shehan explained, “I don’t object to the Zone Change but I do have concerns to the historic neighborhood. The majority of the neighborhood was built in the 1880s. We wouldn’t want something that would stand out. Would this be rentals? There is a lack of maintenance in lawn care and dead trees. There is an alley between the townhomes that are not maintained. We have concerns about the degradation of the neighborhood and rentals as the majority of our neighborhoods are over occupied. We oppose the Zoning Text Amendment for the 22’ wide lots because our neighborhood has wide lots. I have a list of names who oppose this as well.”

Marcus Avitia, 102 East Forest Avenue, Sherman, TX

Mr. Avitia explained, “When I signed the paper, I couldn’t agree more of retaining the historical character and not making the lots 22’ wide.”

Peter Tracy, 700 South Valentine, Sherman, TX

Mr. Tracy stated, “The only thing I would challenge on this whole thing is the dead-end alley. I live on a dead-end street and we have to deal with all the delivery traffic going up and down the street and yards being destroyed. I’d have a concern for the person living at the end if they would have to contend with traffic or someone pulling into their driveway or yard.”

Mr. Moran explained, “I just got back from Paris, France and I was studying classical architecture and how to preserve the historical aspect of the neighborhood. I have a vision that in the future Travis Street will be walkable.”

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

Mr. Moran 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 Zoning Text Amendment, Zone Change and Replat.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Item B and Item C located at 1604 South Travis Street subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, MANLEY, SIMS AND WHITAKER

VOTING NAY: BLAGG AND DAVIS

MOTION CARRIED.

No action needed on Item A.

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

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF J & E CASAS HOMES, LLC, SERIES A (OWNER), JOSE MARTINEZ (REPRESENTATIVES) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2813 SOUTH TRAVIS STREET CONSISTING OF 2.863 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667 AND CURRENTLY ZONED C-2 (GENERAL COMMERCIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND ZONE CHANGE FROM C-2 (GENERAL COMMERCIAL) DISTRICT TO MF-15 (MULTI FAMILY RESIDENTIAL) DISTRICT.

PUBLIC HEARING AND
ZONE CHANGE – C-2
TO MF-15
2813 SOUTH TRAVIS
STREET
(J & E CASAS HOMES,
LLC, SERIES A)

The property is located at 2813 South Travis Street between Arkansas Street and South Travis Street.

Jose Martinez, 2813 South Travis Street, Sherman, TX

Mr. Martinez explained, "We are requesting a Zone Change to MF-15 (Multi Family Residential) District to allow apartment living instead of a hotel."

Chairman Mahone stated, "I have read your letter. Who did the electrical work?"

Mr. Martinez replied, "An electrician."

Chairman Mahone asked, "Who completed the building inspection and what do you mean by access tree?"

Mr. Martinez replied, "Me and my sister checked the buildings to make sure all the doors are easy to come in and out of in case of a fire. We also completed the alarm system."

Chairman Mahone asked, "How many tenants do you have currently?"

Mr. Martinez replied, "18 tenants."

Chairman Mahone asked, "Are you at full capacity?"

Mr. Martinez replied, "Yes."

Commission Member Davis asked, "Did you go to court over this?"

Mr. Martinez replied, "Yes."

Elba Nury Martinez, 721 Westwood Drive, Sherman, TX

Ms. Martinez replied, "When we started the process Mr. Rae needed a new survey and it took more time to get that."

Chairman Mahone asked, “Do you plan to make any changes or updates to the buildings?”

Ms. Martinez replied, “Not at this time unless it is necessary, and the city requires it.”

Chairman Mahone asked Mr. Rae, “If this was approved what would the next step be? Would there be inspections?”

Mr. Rae replied, “Yes, they would have to acquire a Certificate of Occupancy and the building inspectors would go out to inspect all of the units.”

Chairman Mahone asked, “Would they inspect the interior of the buildings?”

Mr. Rae replied, “Yes.”

Mr. Martinez stated, “The City has sent the Fire Department to check all of the buildings every six months to make sure there are fire extinguishers.”

Commission Member Davis asked Mr. Rae, “The Staff Review Letter doesn’t have much on it. Is this when it starts covering fire lanes and sprinkler systems?”

Mr. Rae replied, “The reason why the Staff Review Letter is light is because this is a request for a Zone Change. Up to this point we have only had a Certificate of Occupancy for a hotel. If it is converted to a multi-family, it will need to meet the regulation for that use.”

Commission Member Sims asked Mr. Rae, “How did we get here?”

Mr. Rae replied, “Internally we have a task force that looks at properties that are non-conforming in the city. This is one of the properties that we noticed there was a property for rent sign. We looked at the Certificate of Occupancy and noticed it said hotel.”

Commission Member Blagg asked Mr. Rae, “Do we know how often the Fire Department comes out to do inspections?”

Mr. Rae replied, “I do not know.”

Commission Member Davis asked Mr. Rae, “Does staff have an opinion?”

Mr. Rae replied, “Ultimately, we want compliance. I don’t think it is being operated in a good manner right now.”

Commission Member Manley stated, “I don’t know what the buildings consist of or look like. Is it feasibly possible to comply and turn this into multi-family.”

Mr. Rae replied, “We don’t know. We haven’t been granted access to be able to do a Certificate of Occupancy inspection, so we don’t know the state of the property.”

Commission Member Manley asked Mr. Rae, “What else would have to be done to ensure compliance?”

Mr. Rae replied, “If the Zone Change is approved by Planning and Zoning and City Council, they would need to get a Certificate of Occupancy. If the applicant does not proceed with getting a Certificate of Occupancy, we would continue to write citations for not having one.”

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

Mr. Martinez stated, “The tenants we have are very low-income people. I encourage them to move but they say there is no place we can go in Sherman.”

Commission Member Blagg asked, “Have you paid the \$1,076 penalty?”

Ms. Martinez replied, “We have made an arrangement with the court.”

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

Mr. Martinez 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.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located at 2813 South Travis Street subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING AND VARIANCE

THE REQUEST OF JOSE PEREZ (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1515 SOUTH RUSK STREET, BEING LOT 4, BLOCK 1 MAYHEW SUPPLEMENT ADDITION AND CURRENTLY ZONED R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

- A. PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.006 TO ALLOW A 2.0' SIDE SETBACK IN LIEU OF THE REQUIRED 6' IN A R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR THE EXISTING STRUCTURE.
- B. PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.006 TO ALLOW A 11.2' FRONT SETBACK IN LIEU OF THE REQUIRED 20' IN A R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR THE CARPORT.

PUBLIC HEARING,
VARIANCE – SIDE &
FRONT SETBACK
1515 SOUTH RUSK
STREET
(JOSE PEREZ)

The property is located at 1515 South Rusk Street between West Olive Street and West Staples Street.

Jose Perez, 1515 South Rusk Street, Sherman, TX

Mr. Perez explained, “I am requesting a Variance for the side and front setback of the house to expand the house.”

Commission Member Davis asked, “Are you taking in the porch? What is your plan?”

Mr. Perez replied, “I wanted to do a porch, but I changed my mind and want to add a dining room.”

Chairman Mahone asked, “Will this be aligned with the house?”

Mr. Perez replied, “Yes.”

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

Chairman Mahone asked, “How long would you say the carport has been there?”

Mr. Perez replied, “It has been there more than 20 years.”

Chairman Mahone asked, “Are there other carports in your neighborhood?”

Mr. Perez replied, “Yes.”

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

Mr. Perez 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.

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 1515 South Rusk Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, MANLEY AND SIMS

VOTING NAY: DAVIS

MOTION CARRIED.

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

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF GRAYSON COUNTY LAND TRUST (OWNERS), ROZANN MARQUIS (REPRESENTATIVE) AND KIMLEY-HORN AND ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 1900-2600 BLOCKS EAST TUCK STREET, CONSISTING OF 216.22 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 229, AND THE HENRY C. ATCHISON SURVEY, ABSTRACT NO. 22, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND ZONE CHANGE FOR A PD (PLANNED DEVELOPMENT) OF ASPEN PARK.

The property is located in the 1900-2600 Blocks East Tuck Street between North Brents Avenue and North FM 1417 (Heritage Parkway).

An email was received from Rozann Marquis on August 17, 2023 at 11:45 a.m requesting to Withdraw this item.

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF WALTER HOOPS (OWNER) AND SARTIN & ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 402 NORTH GRAND AVENUE, CONSISTING OF 0.2927 ACRES BEING THE SOUTH ONE-HALF (25.00 FT.) OF LOT 11, AND ALL OF LOT 12 IN BLOCK 22 OF COLLEGE PARK FIRST ADDITION AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND ZONE CHANGE FROM R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-12 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

The property is located at 402 North Grand Avenue at the corner of North Grand Avenue and East Mulberry Street.

PUBLIC HEARING AND
ZONE CHANGE– PD
OF ASPEN PARK
1900-2600 BLOCKS
EAST TUCK STREET
(GRAYSON COUNTY
LAND TRUST)

(WITHDRAWN)

PUBLIC HEARING AND
ZONE CHANGE– R-6
TO R-12
402 NORTH GRAND
AVENUE (WALTER
HOOPS)

An email was received from Walter Hoops on August 14, 2023 at 3:05 p.m. requesting to Withdraw this item.

(WITHDRAWN)

PUBLIC HEARING, REPLAT AND ZONE CHANGE

THE REQUEST OF ROBERTO AND NANCY GARCIA (OWNER), CHRIS NOAH (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 901 SOUTH THROCKMORTON STREET, BEING 0.165 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT 963, BEING A REPLAT OF LOTS 1 AND 2, IN BLOCK 18, W. ELLIOTT'S ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING AND REPLAT OF 901 S. THROCKMORTON ADDITION
- B. PUBLIC HEARING AND ZONE CHANGE FROM R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT

PUBLIC HEARING,
REPLAT – 901 S.
THROCKMORTON
ADDITION

ZONE CHANGE – R-6
TO R-5

901 SOUTH
THROCKMORTON
STREET
(ROBERTO AND
NANCY GARCIA)

The property is located at 901 South Throckmorton Street at the corner of East Thomas Street and South Throckmorton Street.

Chris Noah, 787 West FM 996, Pottsboro, TX

Mr. Noah explained, "The owner would like to plat the property into one lot and requests a Zone Change to R-5 (Single Family Residential) District. We have dedicated the corner clip at Travis Street and Throckmorton Street and the alley."

Clifford Nickerson, 909 South Throckmorton Street, Sherman, TX

Mr. Nickerson stated, "I wanted to see how the property is laid out. I live next door and we have quite a bit of large trees and birds. When the city tore the old house down there was a fence that went between us and part of the fence was knocked out. We would like to have that replaced."

Chairman Mahone replied, "That is something that will have to be taken up during business hours in Mr. Rae's office."

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

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

No other citizens appeared before the Planning and Zoning Commission to discuss the Replat and Zone Change.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Replat and Zone Change located at 901 South Throckmorton Street subject to the Staff Review letter.

Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, SUBDIVISION ORDINANCE

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 14 (ZONING ORDINANCE), SECTION 14.06.004 (SITE PLAN REQUIREMENTS); MODIFYING

OTHER BUSINESS –
ZONING ORDINANCE

PLANNING & ZONING COMMISSION MINUTES – AUGUST 22, 2023

CERTAIN EXISTING REGULATIONS AND PRESCRIBING NEW REGULATIONS RELATING TO THE SITE PLAN APPROVAL PROCESS; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

ACTION TAKEN.

Rob Rae, 220 West Mulberry Street, Sherman, TX

Mr. Rae explained, "The Texas Legislature has made a significant amount of changes that affects the city government in development. In this last legislative session, you will be seeing more of this coming. One of the changes that was made is the Shock Clock Rule has been changed and effective September 1, 2023. Plats will continue to fall under that category, but Site Plans do not. We are recommending the deletion in our Zoning Ordinance to delete references to the 30-day extension and any reference to Site Plans for a 30-day timeline."

Chairman Mahone, "Is this an option or does the city have to clean this up?"

Mr. Rae replied, "We can continue 30-day reviews for Site Plans."

Commission Member Davis asked, "What does the city want to do?"

Mr. Rae replied, "We would prefer not to have the Shock Clock Rule for Site Plans."

Ms. Cotton stated, "Legally it is up to the Planning and Zoning Commission and City Council on what you want to do with it and whether or not you want to have the Shock Clock Rule. It is not required by law anymore. Previously you didn't have an option and you had to have these done. You would have a stricter requirement on yourself if you left this in versus taking it out."

Bryan Blagg, 618 Pikes Place, Sherman, TX

Mr. Blagg explained, "Getting rid of the Shock Clock Rule, what would be the city's motive continuing on an expeditious course to get Site Plan approved and not get bogged down in reviews and comments. Other cities were taking forever on getting Site Plans and Plats approved."

Mr. Rae stated, "Planning and Zoning will still have a schedule for developers showing when everything would be due. One of the challenges we have had as staff is because of the 30-day turn around we have to review everything in one day and it is difficult. This will help us extend that time frame but not too much. We will be proposing 45-days instead of 30-days."

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Zoning Ordinance.

Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:21 p.m.


CHAIRMAN
ACTING SECRETARY