

STATE OF TEXAS

§

July 20, 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 July 20, 2021.

MEMBERS PRESENT:

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

ALTERNATE:

SEAN VANDERVEER

MEMBERS ABSENT:

DAVIS AND MANLEY

STAFF PRESENT:

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

CITY ATTORNEY:

RYAN PITTMAN

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 22, 2021 regular meeting. Motion by Vice-Chairman Downtain 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 Kerri Turner, Development Services Administrative Assistant.

ANNOUNCEMENTS

APPOINT BOARD OF ADJUSTMENTS

Chairman Mahone appointed the members of the Board of Adjustments: MAHONE, DOWNTAIN, SIMS, WHITAKER AND VANDERVEER.

BOARD OF
ADJUSTMENTS

CONSENT AGENDA (ITEMS 15, & 19)

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

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Vanderveer moved to approve the Items on the Consent Agenda as presented subject to the

PLANNING & ZONING COMMISSION MINUTES – JULY 20, 2021

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

THE REQUEST OF CYPRESS LOFTS SHERMAN, LP (OWNERS), HELVEY-WAGNER SURVEYING, INC. (SURVEYOR), AND YOUNG ENTERPRISES LP (REPRESENTATIVE) CONCERNING THE PROPERTY AT 4901 KNOLLWOOD ROAD, BEING 2.358 ACRES IN THE JAMES H. CLARK SURVEY, ABSTRACT NO. 275, ALSO BEING LOT 1-R, BLOCK 2, CYPRESS LOFTS ADDITION, AND A PORTION OF LOT ONE, BLOCK 2, REPLAT OF BLOCKS 2, 3, 4, 5, 6, 7, 8 AND 9, NORTH CREEK ADDITION, SECTION ONE OF ALL OF BLOCK NO. 1 OF THE REPLAT OF NORTH CREEK ADDITION, SECTION ONE (SAID LOT 1-R BEING A PORTION OF SAID LOT ONE, BLOCK 2), AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF CYPRESS LOFTS ADDITION, PHASE 1A, BEING A REPLAT OF LOT 1-R, BLOCK 2, CYPRESS LOFTS ADDITION, AND A PART OF LOT ONE, BLOCK 2, REPLAT OF BLOCKS 2, 3, 4, 5, 6, 7, 8 AND 9, NORTH CREEK ADDITION, SECTION ONE AND ALL OF BLOCK NO. 1 OF THE REPLAT OF NORTH CREEK ADDITION, SECTION ONE

An email was received from Todd Young, July 13, 2021 withdrawing the request.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF DEVIN SQUERI (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR)) CONCERNING THE PROPERTY LOCATED AT 1108 EAST LAMAR STREET, BEING 0.238 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOT 6 AND THE EAST ONE-HALF OF LOT 7, J.P. GEREN'S ADDITION

The property is located at 1108 East Lamar Street between South Vaden Street and Hyde Avenue. The property is zoned an R-1 (One-Family Residential) District.

The owner would like to Replat Lot 6 and One-Half of Lot 7 into to 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.

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF HAMBRICK TRIPLE H INVESTMENT GROUP LLC (OWNERS) AND HELVEY-WAGNER

REPLAT – LOT 1-R, BLOCK 2, CYPRESS LOFTS ADDITION, AND A PORTION OF LOT ONE, BLOCK 2, REPLAT OF BLOCKS 2, 3, 4, 5, 6, 7, 8 AND 9, NORTH CREEK ADDITION, SECTION ONE OF ALL OF BLOCK NO. 1 OF THE REPLAT OF NORTH CREEK ADDITION, SECTION ONE
4901 KNOLLWOOD RD.
(CYPRESS LOFTS SHERMAN, LP)

(WITHDRAWN)

REPLAT – LOT 6 AND THE EAST ONE-HALF OF LOT 7, J.P. GEREN'S ADDITION
1108 LAMAR ST.
(DEVIN SQUERI)

REPLAT – LOT 7 AND THE NORTH 14.25 FEET OF LOT

SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 825 NORTH EAST STREET, BEING 0.206 ACRES IN THE J.B. MCANAI SURVEY ABSTRACT NO. 763, ALSO BEING ALL OF LOT 7 AND THE NORTH 14.25 FEET OF LOT 6, BLOCK 1, HALL & JONES ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOT 7 & NORTH 14.25 FEET OF LOT 6, BLOCK 1, HALL & JONES ADDITION

6, BLOCK 1, HALL & JONES ADDITION
825 N. EAST ST.
(HAMBRICK TRIPLE H INVESTMENT GROUP LLC)

The property is located at 825 North East Street, the southeast corner of College and East Streets. The property is zoned an R-1 (One Family Residential) District and located in the College Overlay District.

The owner would like to Replat one lot and a portion of another lot 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.

EXCEPTION, REPLAT, AND ZONE CHANGE

THE REQUEST OF DHESI INVESTMENTS, LLC (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 813 EAST PECAN STREET, BEING 0.122 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, ALSO BEING A PART OF LOT 6 AND LOT 7, BLOCK 14, OF CHAFFIN'S FIRST ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

- A. EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 59.93' WIDE LOT IN LIEU OF THE REQUIRED 60' FOR A RESIDENTIAL DWELLING IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT

PLANNING AND ZONING COMMISSION

- B. REPLAT APPROVAL OF A PART OF LOTS 6 AND 7, BLOCK 14 OF THE CHAFFIN'S FIRST ADDITION,
- C. ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT

EXCEPTION – LOT WIDTH

REPLAT – PART OF LOTS 6 AND 7, BLOCK 14 OF THE CHAFFIN'S FIRST ADDITION

ZONE CHANGE – C-1 TO R-1
813 E. PECAN ST.
(DHESI INVESTMENTS, LLC)

No one was present to represent the request.

The property is located at 813 East Pecan Street between North Maxey Street and North Willow Street. The property is zoned a C-1 (Retail Business) District.

The owner would like to Replat part of Lot 6 and part of Lot 7 into one lot for a single-family residential dwelling. They are requesting to change the zoning from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District. They are also requesting an exception to allow a 59.93' wide lot in lieu of the required 60'.

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Commission Member Vanderveer stated the survey shows a 50' wide lot.

Rob Rae, Director of Development Services explained, "the measurement is on the curve because of the shape of the lot."

Vice-Chairman Downtain asked if the owner is aware of the requirement for the alley improvements.

Mr. Rae responded, "I spoke to him about that. Parking will be required for one space per bedroom on their lot."

No other citizens appeared before the Planning and Zoning Commission to discuss the Replat, Zone change or exception.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the exception to allow a 59.93' wide lot in lieu of the required 60'. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Replat of a part of Lots 6 and 7, Block 14 of the Chaffin's First Addition, and zone change from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District at 813 East Pecan Street subject to the Staff Review Letters. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED

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

FINAL PLAT, SITE PLAN APPROVAL AND EXCEPTION

THE REQUEST OF THE CITY OF SHERMAN (OWNER), JONATHAN HAKE, P.E., CROSS ENGINEERING CONSULTANTS (CIVIL ENGINEER/REPRESENTATIVE), HIDELL ASSOCIATES (ARCHITECTS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 2600 TRAVIS STREET, BEING 10 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AS FOLLOWS;

**FINAL PLAT –
SHERMAN PD ON
WEST TRAVIS
ADDITION**

**SITE PLAN –
SHERMAN PD
HEADQUARTERS**

PLANNING AND ZONING COMMISSION

- A. FINAL PLAT APPROVAL OF SHERMAN PD ON WEST TRAVIS ADDITION
- B. SITE PLAN APPROVAL AND EXCEPTION UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2)(A), (2)(G)(I), (2)(J), AND SECTION 510 TO ALLOW A SHERMAN POLICE DEPARTMENT HEADQUARTERS WITH A 85' SETBACK FROM THE NORTH PROPERTY LINE IN LIEU OF THE REQUIRED 100' REQUIRED FROM ANY ROAD, STREET OR ARTERIAL HIGHWAY IN THE BLALOCK INDUSTRIAL PARK.

EXCEPTION –
SETBACK
2600 TRAVIS
STREET
(CITY OF SHERMAN)

Aaron Babcock, Hidell Associates, 3033 Kellway Drive, Ste. 120, Carrollton, TX

Mr. Babcock appeared to represent the request and answer any questions. The property is located at 2600 West Travis Street at the southwest corner of West Travis Street and Northgate Drive. The property is located in the Blalock Industrial Park.

Mr. Babcock explained, "The project consist of a new Police Department Headquarters on a 10-acre parcel at the southwest intersection of West Travis Street and Northgate Drive. There will be two buildings, a front facing facility which is the main complex and a secondary annex facility which sits behind it within a secured parking area which will contain additional police functions as well as vehicle storage. We are asking for an 85' setback as opposed to a 100' setback from the street. We understand this is an industrial area, based on the use of this building and front facing nature of the police facility with the parking, the 85' setback was developed to utilize the site the best we could with the acreage we have. Building A will be 27,641 square feet and Building B will be 6,330 square feet, for a total of 33,971 square foot. There will be approximately 31 public parking spaces located to the north of the building and 109 secure parking spaces located south of the main building. The annex facility will house a gym, a training facility, as well as a special operations group, there are two bay areas that will house potential police vehicles they do not want stored in the sun, so they would need a covered area. The whole area would be screened with a secure wrought iron fence. There is no impound at this location. The vehicles will be police cars and employee's vehicles."

Commission Member Blagg asked about the setback.

Mr. Rae explained, "the setback is measured from the property line. Commission Member Blagg is showing a triangle that divides the property from West Travis Street. The City of Sherman owns that triangle property; it is not part of the police department property."

Commission Member Blagg stated, “they would need an easement to cross over that property to get to West Travis Street. Wayne Lee, Director of Engineering responded, “the City of Sherman has no objection for the police department to cross over the property; there will be no easements necessary.”

Commission Member Vanderveer asked about the 55.7' setback on the site plan.

Mr. Rae explained, “the Blalock Industrial Park zoning requires a 55.7' setback. Any property facing a public street has to be setback 100'; the other setbacks are required to be 55.7'. They are only asking for the exception for the 85' setback from the public street.”

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

Mr. Babcock responded, “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 or exception.

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the request for a final plat, site plan and exception of Sherman PD on West Travis Addition and to allow a Sherman Police Department Headquarters with an 85' setback from the north property line in lieu of the required 100' at 2600 West Travis Street subject to the Staff Review Letters. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED.

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

EXCEPTION AND VARIANCE

THE REQUEST OF CARLOS & ADALUZ CARTAGENA (OWNERS) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 921 NORTH CLEVELAND AVENUE, BEING LOT 1, BLOCK 4, COLLEGE PARK ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2280, SECTION 5 AND SECTION 6.3, SUBSECTION (1) TO ALLOW AN ADDITION TO AN EXISTING NONCONFORMING STRUCTURE LOCATED 4.3' FROM THE NORTH SIDE STREET PROPERTY LINE IN LIEU OF THE REQUIRED 10' AND 20.2' FROM THE FRONT PROPERTY IN LIEU OF THE

EXCEPTION –
ADDITON TO
NONCONFORMING

VARIANCE – SIDE
AND FRONT STREET
SETBACKS
921 N. CLEVELAND
AVE.
(CARLOS & ADALUZ
CARTAGENA)

REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

Carlos Cartagena, 921 N. Cleveland Ave., Sherman, TX

Mr. Cartagena appeared to represent the request and answer any questions. The property is located at 921 North Cleveland Avenue at the southeast corner of North Cleveland Avenue and East Williams Street. The property is zoned an R-1 (One Family Residential) District and CPO (College Park Overlay) District.

Mr. Cartagena explained, "We are requesting an exception to construct a two-story addition to an existing nonconforming structure. The house is located 4.3' from the side street property line so they are requesting a variance to allow a 4.3' side street setback in lieu of the required 10' on a corner lot. The house will have a total of five bedrooms and parking will be provided in the front and back of the property."

Mr. Cartagena said that he had pulled a permit for a fence and that he built that fence. He said that when he decided to add on to his home, a survey was requested. He explained that he did not have a survey when he purchased the home as it was an owner to owner purchase. Upon obtaining a survey, he was surprised to find his property line was not where he thought it was. The house had been built further to the left of his property than he realized, the fence was not on his property line as he had thought and when he added to his home, he thought he still had about 12' from the property line, but he did not.

Chairman Mahone stated, "Your property line is well within the fence."

Mr. Cartagena said it was and explained that after the survey, he only had about 4.5'. He said that he wanted to build straight from wherever this house is set right now.

Chairman Mahone stated, "It's an existing structure and you want to make an addition that's no more than that width"

Mr. Cartagena said, "exactly."

Chairman Mahone asked, "Do you have any idea when this house was built, what time period?"

Mr. Cartagena replied, "I think it was the thirties or twenties, somewhere in there."

Chairman Mahone said, "The house was probably there and on the lot before we had this setback requirement. So the existing structure is reasonable and you just want to add onto it. How big is your addition going to be?"

Mr. Cartagena explained the bottom floor will be about 1500 square feet plus the second floor. Once he is done with it, the house will be close to 4500 square feet. The back addition will be about 19' x 18' plus the second floor.

Chairman Mahone referenced a picture of a current add-on extending wider than the original house and asked Mr. Cartagena if he would be taking that part out. Mr. Cartagena said that he would.

Chairman Mahone stated, "Where you are showing the new building is going to be, it looks like it's lined up, but in the picture it's definitely wider than the house."

Mr. Cartagena replied, "yes, that is before we did the survey."

Mr. Rae stated, "Mr. Chairman, when we red tagged Mr. Cartagena we found the building he had built was actually going into our right-of-way so he had a survey done. That's why he is coming back for this so that he can fix that and not be in our right of way with the addition that he wants to build."

Chairman Mahone asked, "Are you going to actually remove a piece of the addition that you started building and kind of back up a bit?"

Mr. Cartagena replied, "yes, if you guys allow me to just go straight with the existing building."

Commission Member Vanderveer asked how many bedrooms.

Mr. Cartagena responded, "five bedrooms."

Vice-Chairman Downtain asked, "Will you have five parking spaces?"

Mr. Cartagena said that he had more than that.

Vice-Chairman Downtain asked Mr. Cartagena how many parking spaces he thinks he will have.

Mr. Cartagena replied, "about six or seven. I have two entrances on the side by Williams."

Mr. Downtain asked, "Those are in the right-of-way, aren't they?"

Mr. Cartagena responded, "Those were made by the city."

Mr. Cartagena explained that he had been granted permission by the city to put in a half moon driveway and he did that about four years ago. He said that he had three spaces in that driveway. He explained that he has more

room to the right of his home and he can build something there. He also has 2 entrances to the property on the Williams side made by the city.

Chairman Mahone asked if the required parking spots have to be within the boundaries, or if Mr. Cartagena is allowed to have parking places in the front.

Mr. Lee replied that no parking is allowed in the right-of-way.

Mr. Rae stated, "Before a building permit is issued for this property, we will confirm that the parking is there. He does have two fence openings on Williams street where he could provide access and parking in the back lot of his house."

Chairman Mahone said, "Because you have five bedrooms, you are required to have one parking spot per bedroom. When I look at this plat it doesn't look to me like there are legitimate parking spots, so if it is not lined out on this plat, you are still going to have to comply with that. When you get inspected, they will inspect that to make sure you have those spaces. Those spaces need to be within your property line and they have to be 9' x 20'. Do you think you can fit five 9' x 20' spots?"

Mr. Cartagena replied, "yes."

Mr. Lee stated, "We do have a right-of-way permit process in Engineering for driveways, so for your driveways you will have to come to us."

Mr. Cartagena said that he did ask for a permit for his driveway when he came in for permits for a fence and electric pole. He said he was told to just put in the driveways.

Mr. Rae explained to Mr. Cartagena that unless Engineering has a record of that, then that is just his word and asked Mr. Cartagena if he understood.

Mr. Cartagena replied, "yes."

Chairman Mahone asked if the Staff Review Letter spelled out five parking places.

Vice-Chairman Downtain replied, "It's one per bedroom."

Chairman Mahone stated, "We have it on the record that it is five bedrooms."

Commission Member Vanderveer asked, "The fence along Williams, even though it is off of his property, is that approved? Is that going to have to be relocated?"

Mr. Rae replied, "First question, no, it is not approved. He did come and get a permit for that fence. When our

Inspectors go out and do inspections of fences, we trust and rely on the property owner to identify where their property lines are. Because he did not have a survey at the time he got the fence, it wasn't clear where his property line was."

Vice-Chairman Downtain asked, "What are the expectations for the fence at this point?"

Mr. Rae replied that he spoke with the applicant and that he has two choices. He can either relocate his fence on his property line or request an encroachment easement with the Engineering Department and City Council.

Chairman Mahone asked Mr. Cartagena if he understood.

Mr. Cartagena said that he understood. He said that the fence was on his property line based on how the neighbor's fence was placed.

Commission Member Vanderveer asked if the 4.3' variance would allow Mr. Cartagena to keep the Williams side of his house straight and if he would remove that part that encroaches too close.

Mr. Cartagena explained that he was going to build a garage, which was where that addition was coming out wider than the original structure. He explained that he was not going to build that garage anymore. He explained that that it would not line up and once he removed that addition, it would actually go in about 2', which would then be about 10' from the property line.

Commission Member Vanderveer confirmed that the "bump out" was going away.

Mr. Cartagena pointed out to the board on a provided picture that he was removing the part of the structure that was wider than the house. He explained that where he was planning to build would go in 2' from the side of the home shown in the picture.

Commission Member Vanderveer stated, "It's going to go in toward the house and then go toward the back."

Mr. Cartagena replied, "exactly."

Commission Member Vanderveer said, "so it is not going toward the street."

Chairman Mahone stated, "Your existing structure, it looks like from the plat, is 36.4' wide. I just want to confirm that you are not going to build anything wider than that going back".

Mr. Cartagena replied, "no."

Chairman Mahone stated, "It's on the record, 36.4 ft."

Vice-Chairman Downtain asked Mr. Cartagena to point out what was going on near Williams Street, with the parking and the approach. He pointed out that there is no parking in front and wanted to know where all the parking would be.

Mr. Cartagena demonstrated for Vice-Chairman Downtain on a picture where all his parking would be and assures that he has enough space for the required parking.

Vice-Chairman Downtain stated, "the staff review letter says you'll have to have that parking and if you get too far along you won't get the Certificate of Occupancy Permit because you can't park in the right-of-way."

Chairman Mahone said, "Right now you've got some rough framing that is going to have to be removed. I would hate for you to get further in this project and find that there is more expensive stuff to be removed before you get your Certificate of Occupancy Permit."

Mr. Cartagena replied, "exactly."

Chairman Mahone asked if Mr. Cartagena had the Staff Review Letter.

Mr. Cartagena responded, he 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 or variance.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the request for an exception and variance to allow an addition to an existing nonconforming structure located 4.3' from the north side street property line in lieu of the required 10' and 20.2' from the front property line in lieu of the required 25' at 921 North Cleveland Avenue subject to the Staff Review letter. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED.

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

VARIANCE, EXCEPTION AND PRELIMINARY PLAT
THE REQUEST OF V PROP LLC (OWNER) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 3400 BLOCK OF WEST CANYON CREEK DRIVE, BEING 14.227 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288, AS FOLLOWS:

VARIANCES – SIDE
AND REAR YARD
SETBACKS

EXCEPTION – LOT
WIDTH

BOARD OF ADJUSTMENTS

- A. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW 20' REAR YARD SETBACKS FOR LOTS 5, 9, 18, 22, 31 & 35 IN THE PROPOSED WEST CANYON CREEK, SECTION 4 FOR RESIDENTIAL DWELLINGS IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.
- B. VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW 7.5' SIDE SETBACKS FOR LOTS 1-39 IN THE PROPOSED WEST CANYON CREEK, SECTION 4 FOR RESIDENTIAL DWELLINGS IN LIEU OF THE REQUIRED 10% OF THE LOT WIDTH IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.
- C. EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW THE FOLLOWING LOT WIDTHS IN LIEU OF THE REQUIRED 60' LOT WIDTH IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.
 - LOT 6 – 42.63' LOT WIDTH
 - LOT 7 – 46.84' LOT WIDTH
 - LOT 8 – 42.63' LOT WIDTH
 - LOT 19 – 42.63' LOT WIDTH
 - LOT 20 – 46.84' LOT WIDTH
 - LOT 21 – 42.63' LOT WIDTH
 - LOT 32 – 42.63' LOT WIDTH
 - LOT 33 – 46.84' LOT WIDTH
 - LOT 34 – 42.63' LOT WIDTH

3400 BLOCK OF
WEST CANYON
CREEK DRIVE
(V PROP LLC)

PLANNING AND ZONING COMMISSION

- D. PRELIMINARY PLAT APPROVAL OF WEST CANYON CREEK, SECTION 4

V PROP LLC/Lynn Vessels, PO Box 1171, Sherman, TX

Mr. Vessels appeared to represent the request and answer any questions. The property is located in the 3400 block of West Canyon Creek Drive between Deerwood Court and West Lamberth Road. The property is zoned an R-1 (One Family Residential) District.

Mr. Vessels explained, "We would like to plat the property into thirty-nine (39) lots to construct single-family homes. They are requesting variances for 7.5' side yard setbacks in lieu of the required 8.8' to shift homes closer to one side of the lot to allow for side entry garages, variances for Lots 5, 9, 18, 22, 31, and 35 to allow 20' rear setbacks in lieu of the required 25' because the current build line on the cul-de-sac makes these lots very shallow and variances on Lots 6, 7, 8, 19, 20, 21, 32, 33 and 34 to allow lot widths less than the required 60'."

Chairman Mahone asks Mr. Rae how oddly shaped lots are measured. He gave an example of a lot shown in one of the attachments and asked where the rear setback would be measured from.

Mr. Rae replied that the lot referred to would be measured from the west and that pie-shaped lots are unique in how they are measured.

Chairman Mahone stated that it depended on which way the house was faced and that a judgement call would be made.

Mr. Rae agreed.

Chairman Mahone asked if Mr. Vessels had any questions about the two Staff Review Letters.

Mr. Vessels explained that one of the Staff Review Letters, item 3 states that, according to the Fire Marshall, the cul-de-sac does not meet city ordinance. Mr. Vessels said that he had discussed this with Mr. Lee and the Fire Marshall and that they are going to give them an exception as these spaces were laid out before the building code changed requiring larger cul-de-sacs.

Vice-Chairman Downtain asked, "Is Highland Homes who developed Deerwood Court or are you developing Deerwood Court?"

Mr. Vessels replied, "They are the builders on it."

Commission Member Vanderveer asked, "so Lots 6 and 7, they were able to work with?"

Mr. Vessels replied, "Those are wider lots. They are laid out different. They weren't the pie-shaped lots, they were squared up lots. They made them work, but they are hard to get into the garages being a side entry. They asked that we not design anymore lots like that, that's why we went to the pie-shaped lots on the cul-de-sac. In fact we dropped a lot. We had 4 lots and now we have 3 lots to better fit their product."

Commission Member Sims asked, "Other than the obvious reason of just getting more lots in here, is there any other reason we are going from 5 lots on each side of the street, making them smaller?"

Mr. Vessels explained, "with smaller lots the product would not fit for side entry."

Commission Member Sims clarified, "If we went to four lots on each side of the street, they would fit."

Mr. Vessels agreed, but explained this would cause them to lose six lots and with construction cost and values it would not make financial sense to lose six lots as this is their profit in this phase. He said they ran the numbers, and determined that it makes more sense to ask for the variance as the 88' lot will work with the 7.5' variance.

PLANNING & ZONING COMMISSION MINUTES – JULY 20, 2021

Commission Member Vanderveer asked, "An 88' lot requires an 8.8' setback and their just asking for a 7.5'?"

Mr. Rae answered, "That's correct. There are other cities that have a standard side yard setback, not the 10%. Sherman and Denison both have that 10% requirement."

Mr. Vessels said, "We are tied to these distances. These street alignments were laid out in 2017-2018 when Canyon Creek was built. We drew this several different ways, and this made the most sense."

Chairman Mahone asked if all the garages turn 90 degrees to not face the street.

Mr. Vessels replied, "Yes, we have asked that none of the garage doors to be side entry and none face Canyon Creek Drive. All these garage doors in this phase will be to the North."

Chairman Mahone said, "In order to have a car drive that way and enter that way it is easier to shift the house over and make that space."

Mr. Vessels explained that in the layout, they all have a two-one split garage with the option for a third car attached by a breezeway. He said they are asking for the same product as all these home have sold so far.

Chairman Malone stated, "If you were allowed to face the garage toward the street, then you really wouldn't need that setback with the size of these houses. They could just be shifted a little bit."

Mr. Vessels asked, "the setback?"

Chairman Malone answered, "the side yard setback you are asking for, the 7.5'."

Mr. Vessels responded, "If we had front entry garages, there would be plenty of room, but our deed restrictions ask for that."

Commission Member Vanderveer asked, "Will Engineering make sure the cul-de-sac works for fire trucks and sanitation trucks?"

Mr. Lee responded, "We have already talked to the Fire Marshall about that and got back with the applicant."

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

Mr. Vessels responded, 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, exception or preliminary plat.

Board of Adjustments

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve requests for a variance to allow 20' rear yard setbacks for Lots 5, 9, 18, 22, 31 & 35 in the proposed West Canyon Creek, Section 4 for residential dwellings in lieu of the required 25', a variance to allow 7.5' side setbacks for Lots 1-39 in the proposed West Canyon Creek, Section 4 for residential dwellings in lieu of the required 10% of the lot width, and the exception to allow the following lot widths in lieu of the required 60' lot width.

Lot 6 – 42.63' lot width

Lot 7 – 46.84' lot width

Lot 8 – 42.63' lot width

Lot 19 – 42.63' lot width

Lot 20 – 46.84' lot width

Lot 21 – 42.63' lot width

Lot 32 – 42.63' lot width

Lot 33 – 46.84' lot width

Lot 34 – 42.63' lot width.

Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Vice-Chairman Downtain to approve the Preliminary Plat of West Canyon Creek, Section 4 in the 3400 Block of West Canyon Creek Drive subject to the Staff Review letter. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

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

SITE PLAN APPROVAL, EXCEPTION AND VARIANCE

THE REQUEST OF SHERMAN ECONOMIC DEVELOPMENT CORPORATION (OWNER), 903 BREWERS (PROPOSED TENANT) AND ASHLEY JOHNSON, METHOD ARCHITECTURE (ARCHITECT/REPRESENTATIVE) CONCERNING THE PROPERTY AT 3232 NORTHGATE DRIVE, BEING LOT 1, BLOCK 2, NORTHGATE BUSINESS PARK PHASE 1, AS FOLLOWS;
PLANNING AND ZONING COMMISSION

SITE PLAN – 903
BREWERS

EXCEPTION –903
BREWERS
RESTAURANTS IN
BLALOCK
INDUSTRIAL PARK

SITE PLAN APPROVAL EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2)(A), (2)(G)(1), (2)(J), AND SECTION 510 TO ALLOW 903 BREWERS RESTAURANT, BREWERY, WAREHOUSE, GRAIN SILOS AND OUTDOOR PATIO WITH A 57' SETBACK FROM THE EAST PROPERTY LINE IN LIEU OF THE REQUIRED 100' REQUIRED FROM ANY ROAD, STREET OR ARTERIAL HIGHWAY IN THE BLALOCK INDUSTRIAL PARK/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT.

Drew Hayes, Method Architecture, 3227 McKinney Ave., Dallas, TX

Mr. Hayes appeared to represent the request and answer any questions. The property is located at 3232 Northgate Drive at the northwest corner of Northgate Drive and West FM 1417 (Heritage Parkway). The property is zoned a BIP (Blalock Industrial Park) and also located in the O-1.1 (FM Highway 1417) Overlay District.

Mr. Hayes explained, "The proposed tenant (903 Brewers) would like to construct a 45,717 square foot building. This breaks down to a 30,047 square foot restaurant, brewery, and warehouse with a 3,873 square foot upper office and mezzanine, a 10,118 white metal panel covered patio, and a 1,679 square foot uncovered patio. The exterior of the building will be red brick, white painted concrete, dark brown corrugated metal panels, glazing with thick black anodized metal framing, and a gray metal roof. The drive, parking, sidewalk, and loading dock will total 80,233 square feet consisting of approximately 162 provided parking places, including 3 regular ADA spaces and 2 ADA van spaces. The landscaped area will be 96,641.6 square feet."

Mr. Hayes stated, "There will be two entrances, one primary entrance on east side of the property and one secondary entrance for distributions on south side of the property."

Commission Member Vanderveer asked, "The reason for that 57' setback is because of the nature of the project? Is it because of a detention pond or other complicating factors?"

Mr. Hayes replied, "Yes, there are wetlands, off the property, but just on the edge of the west side. We are adding a detention pond to the property to help control the flow into those wetland areas."

Chairman Mahone asked, "Is parking calculated off of square footage or does type of business come into play?"

Mr. Rae replied, "In the Blalock Industrial Park, its one space per every two employees, so their required parking is a little unique. They are over parked at this site as Blalock Industrial Park is specifying. I think their parking should match what, realistically, a warehouse with a taproom

VARIANCE –
SETBACK FROM
EAST PROPERTY
LINE SETBACK

3232 NORTHGATE
DRIVE
(SHERMAN
ECONOMIC
DEVELOPMENT
CORPORATION)

restaurant would have. That would be up to them to make sure that worked."

Chairman Mahone asked Mr. Rae, "Do you have an opinion on how many parking spaces that would be?"

Mr. Rae responded, "I would have to go back and calculate it."

Chairman Mahone asked Mr. Hayes, "How many parking spaces do you have here?"

Mr. Hayes replied, "162."

Mr. Rae stated, "For restaurants, we calculate the number of spaces for 2 spaces per 4 seats when there is outdoor dining, so we would have to determine that based on how many seats they would have in the restaurant."

Chairman Mahone asked, "How many seats do you plan to have in your restaurant?"

Mr. Hayes responded, "approximated 150 indoor seats."

Chairman Mahone stated, "that would be 75 spots and asked if there were any concerns with that."

Mr. Rae replied, "I don't. They pretty much have every space covered except for the detention area, so they have done what they can for that."

Commission Member Vanderveer stated "I feel the parking is ample for day to day parking."

Chairman Mahone asked what side of the building the overhead doors for the loading dock were on.

Mr. Hayes replied, "they face westward, there will be 2 doors for truck entrance and a third door for vehicular access."

Commission Member Blagg asked, "What is your percentage of alcohol to food?"

Ms. Natalie Roberts, 1718 South Elm Street, Sherman, TX
"We are, by the way TABC calculates it, over 51% food."

Commission Member Whitaker asked Rob if there is any zoning around the Blalock District that could cause complications for this project.

Mr. Rae replied, "The only thing I could comment to that is that the Blalock Industrial Park is a unique area in the City of Sherman and it has a lot of really important employers at that location."

PLANNING & ZONING COMMISSION MINUTES – JULY 20, 2021

Commission Member Vanderveer asked Rob if this project could compound, or cause complications, for anyone around the area such as those across the street or a mile down the road due to the volume of people.

Mr. Rae replied, "not that I am aware of. The only compounding challenge for any project of significant size would be traffic."

Mr. Hayes stated, "I would have to deal with the State as far as 1417 goes."

Mr. Rae asked what this is regarding.

My Hayes replied, "the entrance."

Mr. Rae let Mr. Hayes know that would be Engineering.

Vice-Chairman Downtain asked, "Have those employers seen any adverse impact from the other retail?"

Mr. Rae replied, "I am not aware of any. This is outside the Blalock Commercial Overlay District which is closer to 75. It has unique requirements for restaurants and retail."

Commission Vanderveer stated, "It could have a pull toward that way and could encourage future development."

Mr. Rae agreed.

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

Mr. Hayes responded, "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 Site Plan Approval, exception or variance.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan, exception and variance to allow 903 Brewers Restaurant, Brewery, Warehouse, Grain Silos and Outdoor Patio with a 57' setback from the east property line in lieu of the required 100' at 3232 Northgate Drive subject to the Staff Review Letter. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED.

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

SITE PLAN APPROVAL AND VARIANCE

THE REQUEST OF STEVE PALMER, PAGA LTD (OWNER), BWG (ARCHITECT) AND KRG CIVIL ENGINEERS, INC. (CIVIL ENGINEER) CONCERNING THE PROPERTY LOCATED AT 3260 SOUTH U.S. HIGHWAY 75, BEING LOT 26, BLOCK 2 OF THE REPLAT OF SHERMAN CROSSROADS, PHASE II, LOTS 25, 26 & 27, BLOCK 2, A REPLAT OF SHERMAN CROSSROADS, PHASE II, LOT 6, BLOCK 2, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2) (J) AND (2)(G)(2) AND ORDINANCE NO. 2280, SECTION 6.13.7, SUBSECTION (7) FOR A DOMINO'S PIZZA WITH DRIVE THRU WITH A 26' SETBACK FROM THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 55.7' IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT.

Kelly Gomez, KRG Civil Engineers, 2150 South Central Expressway Suite 200, McKinney, TX

Bruce Green, BWG Architecture, 218 Emily Lane, Van Alstyne, TX

Mr. Gomez and Mr. Green appeared to represent the request and answer any questions. The property is located at 3260 South U.S. Highway 75 between West FM 1417 (Heritage Parkway) and West Travis Street. The property is zoned Blalock Industrial Park and Blalock Commercial Overlay District.

Mr. Gomez explained, "I am requesting site plan approval for a 3,178 square foot Domino's Pizza with a Drive Thru. The exterior of the building will be brick veneer with stone accents. They are also requesting a 26' setback in lieu of the required 55.7' on the south side of the property. Parking will be provided for 32 spaces."

Mr. Gomez stated, "We received the Staff Review Letter and there was one thing I am not clear on from the Fire Marshall about the fire lane radii. We had 20' in there and I am not sure if the requirements have changed."

Chairman Mahone replied, "Item 2 says fire access code shall be coordinated with the Fire Marshall."

Rob Rae added, "and then item 14 on the next page".

Chairman Mahone read item 14 aloud, "Radii do not meet the requirements." He then stated, "Regardless of what we do, that is still something that will have to be dealt with the Fire Marshall."

Mr. Gomez replied, "That is no big concern for us and we should be able to comply with that."

Mr. Lee stated, "Fire Marshall requires 25'."

**SITE PLAN –
DOMINO'S PIZZA
WITH DRIVE THRU**

**VARIANCE –
SETBACK FROM
SOUTH PROPERTY
LINE
3260 SOUTH U.S.
HIGHWAY 75
(PAGA LTD)**

PLANNING & ZONING COMMISSION MINUTES – JULY 20, 2021

Chairman Malone asked Mr. Gomez if he could make 25' work and Mr. Gomez said that he could.

Commission Member Vanderveer asked if the south side setback and shift to the south was to make more parking on the north.

Mr. Gomez agreed that was the reason.

Commission Member Vanderveer asked, "Has this already been done in that development area?"

Mr. Rae replied, "Yes" and explained, referring to one of the attachments, "If you look at the setback lines that are in here, the small square in the middle of those dashed lines is where they can put the building. The Blalock Commercial Overlay is 55.7' setback on all sides. Dominos is requesting it, Panda Express requested it, as well as Taco Bell and the McDonald's that is already built."

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

Mr. Hayes responded, 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 Site Plan Approval or variance.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the site plan and variance to allow a Domino's Pizza with Drive Thru with a 26' setback from the south property line in lieu of the required 55.7' at 3260 South US Highway 75 subject to the Staff Review letter. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION AND REPLAT

THE REQUEST OF DEVIN SQUERI (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 1008 SOUTH THROCKMORTON STREET, BEING THE SOUTH 25' OF LOT 6 AND THE NORTH 25' OF LOT 7, BLOCK 2, W.D. FITCH ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

- A. EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 50'

EXCEPTION – LOT WIDTH

REPLAT - SOUTH 25 FT. OF LOT 6 AND THE NORTH 25 FT. OF LOT 7, BLOCK 2, W.D. FITCH ADDITION

WIDE LOT IN LIEU OF THE REQUIRED 60' FOR A
RESIDENTIAL DWELLING IN AN R-1 (ONE-FAMILY
RESIDENTIAL) DISTRICT
PLANNING AND ZONING COMMISSION
B. REPLAT APPROVAL OF THE SOUTH 25 FT. OF LOT
6 AND THE NORTH 25 FT. OF LOT 7, BLOCK 2, W.D.
FITCH ADDITION

1008 S.
THROCKMORTON
ST.
(DEVIN SQUERI)

Devin Squeri, 1919 Sandy Creek Dr., Frisco, TX

Mr. Squeri appeared to represent the request and answer any questions. The property is located at 1008 South Throckmorton Street between Epstein and Spring Streets. The property is zoned an R-1 (One-Family Residential) District.

Mr. Squeri explained, "I would like to Replat the south 25 ft. of Lot 6 and the north 25 ft. of Lot 7, Block 2 into one lot for a single-family residential dwelling. I am also requesting an exception to allow a 50' wide lot in lieu of the required 60' for a residential dwelling."

Chairman Mahone stated that it appeared there were multiple 50' wide lots in this area and Mr. Squeri agreed and stated that there were 50' lots all around.

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

Mr. Hayes responded, "I 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 exception or replat.

Board of Adjustments

ACTION TAKEN.

Motion by Vice Chairman Downtain to approve the exception to allow a 50' wide lot in lieu of the required 60'. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

Planning and Zoning Commission

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the Replat of the south 25 ft. of Lot 6 and the north 25 ft. of Lot 7, Block 2, W.D. Fitch Addition at 1008 South Throckmorton Street subject to the Staff Review letter. Second by Commission Member Sims.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF WYLDEWOOD HOMES, LLC (OWNER), TIM PIKE (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 708 PIKES PLACE, BEING LOT 7, BLOCK A, WASHINGTON MEADOWS, PHASE 1, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 17' REAR YARD SETBACK FOR A RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – REAR
SETBACK
708 PIKES PLACE
(WYLDEWOOD
HOMES, LLC)

(DENIED)

Tim Pike, 518 Bledsoe Rd, Gunter, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located at 708 Pikes Place between North FM 1417 (Heritage Parkway) and Nolan Drive. The property is zoned an R-1 (One-Family Residential) District.

Mr. Pike explained, "The owner would like to construct a single-family dwelling and is requesting a 17' rear yard setback in lieu of the required 25'."

Chairman Mahone stated, "Mr. Pike we have seen you quite a bit for similar requests in the past. What is going on with this one? Why does it need a setback variance?"

Mr. Pike replied, "My subdivision lots have shrank due to some engineering changes, drainage on the east side and knuckles on my corners."

Mr. Pike clarified what he meant by "knuckles", pointing to one of the attachments included in the meeting agenda.

Chairman Mahone asked how wide Lot 7 is.

Commission Member Blagg replied, "C1 says 61.93'. That's on the rear, C2 is on the front, so it's 47' plus 16', so 63'."

Chairman Mahone asked Mr. Pike if the house is presold and Mr. Pike said that the whole subdivision is sold.

Chairman Mahone says to Mr. Pike, "help me understand your business. The floor plan is sold along with that lot." Mr. Pike replied, "yes, if possible, depending on tonight".

Chairman Mahone asked Mr. Pike how he would sell something that's not approved.

Mr. Pike replied, "We took deposits, it's not under official real estate contract. My sales department got a little carried away before engineering was complete and sold the whole subdivision. My front is designed for smaller houses, and the back of my subdivision is larger lots. Unfortunately, some of my lots shrank during engineering as we are not finished with engineering yet."

Mr. Vanderveer stated, "Engineering still isn't done."

Mr. Pike replied, "Stage 1 and 1A is complete except for drainage on the east side. It's already determined that it won't affect my lots any more than it already has."

Chairman Mahone asked, "If this was not approved, would you just figure a new plan for a new house that does fit?"

Mr. Pike replied, "Yes; it's 67', I have a 65' and 52' is my least depth on the plan."

Commission Member Vanderveer asked, "You need it approved or go back to the drawing board and put a smaller unit on there?"

Mr. Pike replied, "Yes, and tell the homeowner I can't sell them the house on that lot."

Chairman Mahone stated, "My concern is that the number 16 does not seem like a big deal, but we just keep seeing these. I wonder why we keep granting these when it seems like an afterthought to get setbacks approved."

Mr. Pike stated, "On that subdivision, I may try to do more patio homes because of setbacks."

Chairman Mahone stated, "I am sure you are familiar with the new ordinances on patio homes too."

Mr. Pike replied, "yes."

Commission Member Vanderveer asked, "How many units in this development have you had to ask for this kind of variance?"

Mr. Pike replied, "These are the first, this development is just starting."

Commission Member Vanderveer asked if Mr. Pike foresees having to come back. He stated that lots to the south look like the same size and asked if they would need a variance as well.

Mr. Pike said, "As we go south, my lots get bigger. These are the only ones I found in phase one that I'll have trouble with."

PLANNING & ZONING COMMISSION MINUTES – JULY 20, 2021

Vice Chairman Downtain asked if the lots got narrower down at the end of Pike Place and Mr. Pike replied that for the most part, the lots are 60'.

Chairman Mahone stated, "In this development, these are the first ones you are asking for, but you have several other developments, right?"

Mr. Pike replied, "yes sir. I have just finished up my last development of 90 and I was here last month for my very last house. I have been in a lot."

Commission Member Vanderveer asked, "Were those for variances as well?"

Mr. Pike answered, "yes sir."

Chairman Mahone stated, "There's been a lot of these rear yard setbacks."

Vice-Chairman Downtain stated, in reference to 708, 712, and 716 Pike's Place which are also on the Agenda, "You mentioned had you known these could all be combined, these three, and looking ahead, there is one that is a little as 13' instead of 25'."

Chairman Mahone stated "When we are talking about 20' instead of 25', that seems reasonable, but when we add all this up, it seems less and less reasonable, especially with this 13' setback."

Commission Member Blagg asked, "Do you have plans that will satisfy the setbacks on the plat?"

Mr. Pike answered, "I do, at 716 Pikes Place, which would give me 15' more."

Commission Member Vanderveer stated, "Mr. Pike would then have 28' and that would meet the requirements."

Chairman Mahone asked Mr. Pike about the potential of more of the same request in the remaining lots. Mr. Pike replied that he had not been through all of them.

Mr. Rae asked, "Is it a possibility?"

Mr. Pike said, "yes."

Vice Chairman Downtain asked, "Did the homes that are already there meet setbacks or did you get exceptions on those?"

Mr. Pike replied, "I think I got exceptions on the original for four. I started out with my lots plenty deep, but as engineering went along, it changed things. I wanted 60' by 124' for everything."

Chairman Mahone asked Mr. Lee to help him understand why a lot would be reduced by engineering. Mr. Lee replied that he was not familiar with the exact details being referred to.

Mr. Pike said, "The drainage on the east side got widened from the original plan, which took out seven lots, and shrank several lots."

Vice Chairman Downtain asked, "Would it be possible for you to come back with some different plans and ask for a much more reduced variance?"

Mr. Pike replied, "yes."

Commission Member Vanderveer added, "or potentially no variance."

Chairman Mahone said, "Mr. Pike, I think a 20% variance is reasonable. I cannot talk for the rest of the board."

Commission Member Vanderveer asked if Mr. Pike had units that would fit that 20% variance and Mr. Pike said he did not have any plans drawn, but he could go back and adjust.

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

Mr. Pike responded, 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 Commission Member Vanderveer to deny the request for variance to allow a 17' rear yard setback for a residential dwelling in lieu of the required 25' at 708 Pikes Place. Second by Commission Member Whitaker.

VOTING AYE: NONE.

VOTING NAY: MAHONE, DOWNTAIN, SIMS, WHITAKER AND VANDERVEER.

MOTION CARRIED

THE COMMISSION FOUND THE REQUEST DID NOT CONFORM TO THE INTENT OF THE ORDINANCE.

VARIANCE

THE REQUEST OF WYLDEWOOD HOMES, LLC (OWNER), TIM PIKE (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 712 PIKES PLACE, BEING LOT 6, BLOCK A, WASHINGTON MEADOWS, PHASE 1, AS FOLLOWS:
BOARD OF ADJUSTMENTS

**VARIANCE – REAR
YARD SETBACK
712 PIKES PLACE
(WYLDEWOOD
HOMES, LLC)**

(TABLED)

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 18' REAR YARD SETBACK FOR A RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

Tim Pike, 518 Bledsoe Rd, Gunter, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located at 712 Pikes Place between North FM 1417 (Heritage Parkway) and Nolan Drive. The property is zoned an R-1 (One-Family Residential) District.

Mr. Pike explained, "The owner would like to construct a single-family dwelling and is requesting an 18' rear yard setback in lieu of the required 25'."

Mr. Pike requested to table this request.

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

ACTION TAKEN.

Motion by Commission Member Vanderveer to table the request for a variance to allow an 18' rear yard setback for a residential dwelling in lieu of the required 25' at 712 Pikes Place. Second by Vice-Chairman Downtain.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED

VARIANCE

THE REQUEST OF WYLDEWOOD HOMES, LLC (OWNER), TIM PIKE (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 716 PIKES PLACE, BEING LOT 5, BLOCK A, WASHINGTON MEADOWS, PHASE 1, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (1) TO ALLOW A 13' REAR YARD SETBACK FOR A RESIDENTIAL DWELLING IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.

Tim Pike, 518 Bledsoe Rd., Gunter, TX

Mr. Pike appeared to represent the request and answer any questions. The property is located at 716 Pikes Place between North FM 1417 (Heritage Parkway) and Nolan Drive. The property is zoned an R-1 (One-Family Residential) District.

Mr. Pike requested to table this request,

VARIANCE – REAR
YARD SETBACK
716 PIKES PLACE
(WYLDEWOOD
HOMES, LLC)

(TABLED)

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

ACTION TAKEN.

Motion by Vice-Chairman Downtain to table the variance to allow a 13' rear yard setback for a residential dwelling in lieu of the required 25' at 716 Pikes Place. Second by Commission Member Vanderveer.

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

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED

CONSIDER UPDATES TO THE SUBDIVISION ORDINANCE NO. 2684

Rob Rae, Director of Development Services appeared to represent the request and answer any questions.

Mr. Rae explained, "This is an administrative update to our subdivision regulations and our zoning ordinance regarding platting and site plan approval. Two years ago, the State approved the Shot Clock rule that cities have to approve plats and site plans within 30 days of the application. We had a situation before the last meeting where a plat application was submitted after the deadline for the meeting, but outside of the thirty-day window. As Staff, we were forced to make the decision to either push this to Council to approve the plat, or fit it into that meeting where they were past the deadline for the application. In summary, what we are doing is providing more regulations and language to be able to fit that Shot Clock into our application process."

Commission Member Vanderveer asked, "Without this, could someone potentially/intentionally wait until after the deadline to skip Planning and Zoning and go straight to Council?"

Mr. Rae replied, "Yes, you could calculate the number of days after the application deadline and submit it. What we are going to be proposing at the next Planning and Zoning meeting, if this is approved by Council, is that we come to you with an approved schedule for 2021 and 2022 and there would be a window for which those applications could be submitted so that they can't submit a site plan or a plat before a certain date nor after a certain date, otherwise, we would just reject it"

Chairman Mahone asked, "Would that help you comply with that Shot Clock?"

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

OTHER BUSINESS

**UPDATES TO
SUBDIVISION
ORDINANCE 2684**

Mr. Rae added, "We'd also add things to it about pre-application conferences making sure that applicants for Planning and Zoning come in and meet with us before to try and clarify rules and regulations. The ordinance should also give some process and regulation about how we are to notify if there is a denial or if an application is not approved or accepted based on a checklist of items."

Vice-Chairman Downtain asked, "The deletions are obvious with the strike through, is there anything indicating what the additions are?"

Mr. Rae replied, "Everything that is regular text is additions. We didn't use the italicized because everything was an addition."

Commission Vanderveer stated, "You completely adjusted it."

Mr. Rae agreed, "Yes."

Chairman Mahone stated, "It looks like its expanded a little bit."

Mr. Rae said, "In our Subdivision Ordinance, Chapter 10 Article 10.05, Section 4 is currently called Pre-application Conference. We struck that out and renamed it Development Application of Processing Procedures. The paragraph at the beginning is what was currently in there and everything below is what we are recommending to be added. In our Zoning Ordinance, our site plan requirements are in Section 7 Subsection 12. In that case, we struck out everything that was currently in there and included the new language. It is important to note that the language that was already in there we kept, we just rearranged it so that it's still keeping the existing regulations that we have for site plan."

No other citizens appeared before the Planning and Zoning Commission to discuss the update to subdivision regulations.

Motion by Vice-Chairman Downtain to approve the recommended updates to the Subdivision Ordinance No. 2684. Second by Commission Member Vanderveer.

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

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

CONSIDER UPDATES TO ORDINANCE NO. 2280, ARTICLE 14.02 AIRPORT HAZARD ZONING

**UPDATES TO
ORDINANCE 2280**

Greg Perry, Assistant City Engineer appeared to represent the request and answer any questions.

Mr. Perry explained, "This ordinance is to update and come into compliance with Federal Aviation Administration (FAA) regulations and our current airport layout, drawing and package that we have out at the airport. The current airport ordinance was done under a joint group back in 1995 and many things have changed since then. We are trying to bring it up to current standards."

Commission Member Sims asked, "Can you highlight the major changes? Are we basically doing the same thing, scrapping most of it and starting over?"

Mr. Perry replied, "A lot of the language stays the same, it's just some distances. There's different surfaces to the airspace. Those have changed. Our current approaches are much shorter, they are 4,000' - 5,000' and they should be 10,000'. There are just some higher regulations that are based on that. It's changing one of the approaches on one-six from being just a visual approach to a non-precision approach. Visual approach is when a pilot can only use clues on the ground to land whereas a non-precision approach is when he can also use his instruments. This helps to square up what our runway actually is."

Commission Member Vanderveer asked, "We have height restrictions for construction, is that correct?"

Mr. Rae replied, "Each of our zoning districts has certain height regulations tied to them, yes."

Commission Member Vanderveer asked, "Are we seeing anything built that would become a hazard to air navigation in that area?"

Mr. Lee replied, "no, that's mostly residential, some churches and a school".

Commission Vanderveer asked, "Is this more for legality and clarification for airport row?"

Mr. Perry said this would also help developers. The existing ordinance is anything over 75' requires an air space, whereas with the new ordinance, staff could look at it and make a determination as to where the ground is, whether that ground is below the surface level and whether one would need an air space, eliminating the ninety day wait.

Chairman Mahone asked Mr. Rae if he had anything to add.

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Mr. Rae replied that our current standards are outdated and TXDOT, who follows FAA guidelines, has different standards we should adopt and that those are the regulations that we want to update and follow.

Commission Member Vanderveer asked, "Would any future cell phone towers need to consider this."

Mr. Perry replied, "Yes, any tower over 200' is required to get an air space."

Commission Member Vanderveer stated, "Anything under that, staff would have to consider the land."

Mr. Perry stated that staff also have to consider if there is frequency interference, which is also part of what the air space does. Anything in the City Limits, like a big radio tower is going to have to be air spaced.

No other citizens appeared before the Planning and Zoning Commission to discuss the update to the Airport Hazard regulations.

Motion by Commission Member Vanderveer to approve the recommended updates to Ordinance No. 2280, Article 14.02 Airport Hazard Zoning. Second by Commission Member Blagg.

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

VOTING NAY: NONE

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:34 p.m.

ADJOURNMENT



CHAIRMAN

ACTING SECRETARY