

STATE OF TEXAS

§

July 18, 2023

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustment of the City of Sherman, was begun and held on July 18, 2023.

MEMBERS PRESENT:

CHAIRMAN MAHONE

COMMISSION MEMBERS: DAVIS, MANLEY, DOWNTAIN,
SIMS AND WHITAKER

ALTERNATE:

NONE

MEMBERS ABSENT:

BLAGG

STAFF PRESENT:

ROB RAE, DIRECTOR OF DEVELOPMENT SERVICES, KERRI
TURNER, DEVELOPMENT SERVICES PLANNING
TECHNICIAN, WAYNE LEE, DIRECTOR OF ENGINEERING
AND LAUREN MARLOW, DEVELOPMENT SERVICES
COORDINATOR

CITY ATTORNEY:

ALICESON COTTON

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the May 16, 2023, Regular Meeting and June 13, 2023, Special Called Meeting. Motion by Vice Chairman Downtain 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

Peter Tracy, 705 Valentine Drive, Sherman, TX 75090

Mr. Tracy stated, "After your Agenda item is presented and the Planning and Zoning Commission has voted if you could please exit the Council Chambers quietly and orderly."

CITIZEN COMMENTS

CONSENT AGENDA (ITEMS 6, 7, 8, 9, 10, 11, 12, 13, 14 AND 15)

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

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Vice Chairman Downtain moved to approve Items 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 on the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Davis. All present voted AYE.

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

SITE PLAN– CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN CENTRE AL, LLC (OWNER), MARISA KOLMAN, GREENBERG FARROW (REPRESENTATIVE) AND SPOONER & ASSOCIATES (LAND SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2773 NORTH HIGHWAY 75, CONSISTING OF 1.09 ACRES, BEING ALL OF LOT 5A, TEXOMA CROSSING ADDITION AND CURRENTLY ZONED C-2 (GENERAL COMMERCIAL) DISTRICT/75 & 82 OVERLAY, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN FOR A COOLER ADDITION

SITE PLAN – COOLER
ADDITION
2773 NORTH
HIGHWAY 75
(SHERMAN CENTRE
AL, LLC)

The property is located at 2773 North Highway 75 near the intersection of East Lamberth Road and East Highway 82. The owner is requesting Site Plan approval for a cooler addition. They had seen the Staff Review Letter and would abide by the Recommendations.

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

REPLAT – CONSENT AGENDA ITEM

THE REQUEST OF KEVIN AND JULIA WOODS AND SHU FEEI WANG (OWNERS), KEVIN WOODS (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 100 JIM LAMB ROAD, CONSISTING OF 6.500 ACRES, BEING IN THE GARRETT PANGBURN SURVEY, ABSTRACT NO. 945 ALSO BEING LOT 1, NEU ADDITION, AND IS CURRENTLY LOCATED IN THE ETJ (EXTRA TERRITORIAL JURISDICTION), AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT OF NEU ADDITION, LOT 1R

REPLAT –
NEU ADDITION, LOT
1R
100 JIM LAMB ROAD
(KEVIN AND JULIA
WOODS AND SHU
FEEI WANG)

The property is located at 100 Jim Lamb Road between Whitney Road and Calf Creek Lane 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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JOSE MENJIVAR (OWNER) AND HELVEY-WAGNER SURVEYING, INC. (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 50 HIGH COUNTRY ROAD, CONSISTING OF 2.255 ACRES, BEING IN THE ALFRED HUME SURVEY, ABSTRACT NO. 522, AND IS CURRENTLY LOCATED IN THE ETJ (EXTRA TERRITORIAL JURISDICTION), AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF MENJIVAR HIGH COUNTRY ADDITION, LOT 1, BLOCK A

FINAL PLAT –
MENJIVAR HIGH
COUNTRY ADDITION,
LOT 1, BLOCK A
50 HIGH COUNTRY
ROAD
(JOSE MENJIVAR)

The property is located at 50 High Country Road between Plainview Road and Mountain Climb 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.

PRELIMINARY 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, BEING IN THE GEORGE W. LAVALLA SURVEY, ABSTRACT NO. 722, AND IS CURRENTLY LOCATED IN THE ETJ (EXTRA TERRITORIAL JURISDICTION), AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY PLAT OF PAYETTE ADDITION, BLOCK 1, LOT 1 AND 2

PRELIMINARY PLAT –
PAYETTE ADDITION,
BLOCK 1, LOT 1 AND 2
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.

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF STONEHOLLOW HOMES (OWNER) AND SPIARS ENGINEERING INC. (CIVIL ENGINEER/SURVEYOR) FOR THE PROPERTY IN THE 200 BLOCK SOUTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 31.687 ACRES IN THE E. JONES SURVEY, ABSTRACT NO. 625, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT/ F.M. 1417 OVERLAY DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF ESTATES AT BAKER PARK, PHASE 1

FINAL PLAT –
ESTATES AT BAKER
PARK, PHASE 1
200 BLOCK SOUTH
FM 1417 (HERITAGE
PARKWAY)
(STONEHOLLOW
HOMES)

The property is located in the 200 Block South FM 1417 (Heritage Parkway) between West Houston Street and West Center Street. The owner would like to plat the property into 79 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 TBJB1, LLC (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) FOR THE PROPERTY

FINAL PLAT –
WILLOW BRANCH

IN THE 3000 BLOCK NORTH HICKORY STREET CONSISTING OF 2.197 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF WILLOW BRANCH SUBDIVISION, PHASE 1

SUBDIVISION, PHASE 1
3000 BLOCK NORTH HICKORY STREET
(TBJB1, LLC)

The property is located in the 3000 Block North Hickory Street between West McLain Drive and West Highway 82. The owner would like to plat the property into 14 lots for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN ECONOMIC DEVELOPMENT CORPORATION, KENT SHARP (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) FOR THE PROPERTY IN THE 5000 BLOCK HOWE DRIVE CONSISTING OF 6.00 ACRES, BEING IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AND CURRENTLY ZONED BLALOCK INDUSTRIAL PARK PD (PLANNED DEVELOPMENT) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF HOWE SUBSTATION ADDITION

FINAL PLAT – HOWE SUBSTATION ADDITION
5000 BLOCK HOWE DRIVE
(SHERMAN ECONOMIC DEVELOPMENT CORPORATION, KENT SHARP)

The property is located in the 5000 Block Howe Drive between Flanary Road and Howe Drive. The owner would like to plat the property into one lot for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

PRELIMINARY PLAT – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN PAGI, LLC (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) FOR THE PROPERTY IN THE 1800-1804 BLOCKS NORTH HIGHWAY 75, CONSISTING OF 2.289 ACRES BEING IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 AND BEING A PART OF LOT 1 OF THE JAMES PLAZA ADDITION, AND CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT/SAM RAYBURN OVERLAY AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PRELIMINARY PLAT OF TAYLOR CROSSING ADDITION

PRELIMINARY PLAT – TAYLOR CROSSING ADDITION
1800-1804 BLOCKS NORTH HIGHWAY 75
(SHERMAN PAGI, LLC)

The property is located in the 1800-1804 Blocks North Highway 75 at the corner of East Taylor Street and North Highway 75. The property owner would like to plat the property into three 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 VEIN CENTER OF NORTH TEXAS PROPERTIES, LLC (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1325 NORTH TRAVIS STREET, CONSISTING OF 0.626 ACRES, BEING IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AND CURRENTLY ZONED C-O (OFFICE) DISTRICT/SAM RAYBURN OVERLAY AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF VEIN CENTER OF NORTH TEXAS ADDITION

FINAL PLAT – VEIN
CENTER OF NORTH
TEXAS ADDITION
1325 NORTH TRAVIS
STREET
(VEIN CENTER OF
NORTH TEXAS
PROPERTIES, LLC)

The property is located at 1325 North Travis Street at the intersection of West Belden Street and North Travis Street. The property owner would like to plat the property into one lot for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

FINAL PLAT – CONSENT AGENDA ITEM

THE REQUEST OF JASON EARNHART, EARNHARTBUILT, LLC (OWNER) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 419 SOUTH MONTGOMERY STREET, CONSISTING OF 0.131 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
FINAL PLAT OF EARNHARTBUILT'S 14TH

FINAL PLAT –
EARNHARTBUILT'S
14TH
419 SOUTH
MONTGOMERY
STREET
(JASON EARNHART,
EARNHARTBUILT,
LLC)

The property is located at 419 South Montgomery Street between East Cherry Street and East Magnolia Street. 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.

PUBLIC HEARING, SITE PLAN AND ZONE CHANGE

THE REQUEST OF JENNIFER SMITH (OWNER), NORTHGATE VILLAS, LLC, GOURI RAJ JOSHI (PROSPECTIVE BUYER), PRABIN KC (REPRESENTATIVE) AND COPLEY LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2500 BLOCK WEST LAMBERTH ROAD, CONSISTING OF 1.428 ACRES, BEING A PART OF ELIJAH HARTZOG SURVEY, ABSTRACT NO. 540, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

PUBLIC HEARING,
SITE PLAN AND ZONE
CHANGE – R-6 TO C-1
2500 BLOCK WEST
LAMBERTH ROAD
(JENNIFER SMITH)

The property is located in the 2500 Block West Lamberth Road at the intersection of East Lamberth Road and Shady Oaks Lane.

Mr. Rae stated, "I was informed the applicant would not be in attendance, but the prospective buyer would be here to present this item."

Chairman Mahone stated to Ms. Cotton, "With no one here to represent this item I'd like to consider this based on the evidence in the packet."

Ms. Cotton replied, "There is no legal reason not to."

Chairman Mahone stated, "Based on this item we have 109 opposition emails, a petition and no one here to represent. The Staff comments do not recommend the approval of the Zone Change as it is not consistent with the City's Comprehensive Plan."

Richard Stokes, 3409 Montclair Drive, Sherman, TX

Mr. Stokes stated, "The largest investments for people are their homes and to move a gas station into a residential area we ask that you vote the same as if it were next to you."

Carol Onufrak, 2407 Remuda Drive, Sherman, TX

Ms. Onufrak explained, "The proposed site for this gas station is less than half a mile from 3 gas stations on the corner of FM 1417 (Heritage Parkway). If the gas station was to go there you will have traffic up and down Lamberth Road 24 hours a day. Will our roads be able to handle the gas trucks coming up and down the roads?"

David Wilson, 2506 Shady Oak Lane, Sherman, TX

Mr. Wilson explained, "You have a Comprehensive Plan in writing with 4 goals a couple of those being long-term neighborhood integrity and development patterns supporting existing residents which you've honored. A stone's throw from the Shady Oak Lane and Lamberth Road intersection is commercial buildings, food and several gas stations. The City of Sherman has done a good job adhering to it Comprehensive Plan. We ask that you honor the staff decision and deny the applicant their Zone Change."

Bill Catalane, 2518 Remuda Drive, Sherman, TX

Mr. Catalane explained, "There is no need for another gas station. We have 4 gas stations within seven tenths of a mile from my house. The potential negative impact on home value is a concern for all of us as well. I have a special needs son who rides his electric bike to Walmart everyday and the last thing I want is the excessive traffic to cause a problem."

The following opposition emails and letters have been received for 2500 Block West Lamberth Road Zone Change request:

Chairman Mahone stated, "I want to reiterate we do not have an applicant who bothered to show up for this item and City Staff is recommending to the Commission that this be denied. I do not see any evidence to make me think this is a good idea."

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

ACTION TAKEN.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to deny the Site Plan and Zone Change located in the 2500 Block West Lamberth Road. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

SITE PLAN

THE REQUEST OF THE MUNSON REALTY COMPANY (OWNER), KEVIN SHAW (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2820 WEST TRAVIS STREET, CONSISTING OF 99.00 ACRES BEING TRACT ONE AND TRACT TWO IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AND IS CURRENTLY ZONED PD (PLANNED DEVELOPMENT) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN OF SHERMAN EAST VILLAGE IN THE VILLAGE PLANNED DEVELOPMENT

SITE PLAN –
SHERMAN EAST
VILLAGE IN THE
VILLAGE PLANNED
DEVELOPMENT
2820 WEST TRAVIS
STREET
(THE MUNSON
REALTY COMPANY)

The property is located at 2820 West Travis Street between West Moore Street and Northgate Drive.

Jim Knight, 3501 Olympus Boulevard, Dallas, TX

Mr. Knight explained, "The owner is requesting Site Plan approval for a Multi-Family Residential development. We feel the project complies with the existing Planned Development and look forward to moving forward."

Chairman Mahone asked, "Could you summarize the Traffic Impact Analysis?"

Mr. Knight replied, "With the City's investment in Moore Street we had to make some turn lane improvements to the north and the south property. We will have some minor improvements with deceleration lanes and right turn lanes. There will be turn lane dedication to the north and south on our expense."

Mr. Rae stated, "The Staff Review Letter has been revised and we ask if you were to approve this item you have this subject to the revised Staff Review Letter."

Chairman Mahone asked Mr. Lee, "Does Engineering mention anything on the Traffic Impact Analysis?"

Mr. Lee replied, "Yes, they will need to address the recommendations in the letter."

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

Mr. Knight 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.

ACTION TAKEN.

Planning and Zoning Commission
Motion by Commission Member Davis to approve the Site Plan located at 2820 West Travis Street subject to the revised Staff Review letter. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING AND TEMPORARY USE PERMIT

THE REQUEST OF SWEETWATER SPRINGS LAND, LLC (OWNER), GILCO CONTRACTING, INC (REPRESENTATIVE) AND STRAND (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 4200-4300 BLOCK DRIPPING SPRINGS ROAD, BEING IN THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND TEMPORARY USE PERMIT UNDER SECTION 14.06.008 TO ALLOW A CONCRETE BATCH PLANT IN AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

PUBLIC HEARING
AND TEMPORARY
USE PERMIT –
CONCRETE BATCH
PLANT
4200-4300 BLOCK
DRIPPING SPRINGS
ROAD
(SWEETWATER
SPRINGS LAND, LLC)

The property is located in the 4200-4300 Block Dripping Springs Road between Marshall Street and Dripping Springs Road.

Mark Lenard, 6331 Southwest Boulevard, Benbrook, TX

Mr. Lenard explained, "We are requesting to set up a temporary concrete batch plant for Sweetwater Springs, Phase 2. This will help with scheduling and temperature control having everything on site. We are expecting this job to run for 5 days weather permitting."

Chairman Mahone asked, "What would the time frame look at if we had a large amount of rain?"

Mr. Lenard replied, "It could take 2-3 weeks."

Chairman Mahone asked, "Is the concrete batch plant just to pour the infrastructure?"

Mr. Lenard replied, "It would be used for the streets in that project. This would prevent Redi-Mix trucks from coming in and out?"

Chairman Mahone asked, "How many homes do you expect on site?"

Mr. Lenard replied, "About 150 homes."

Chairman Mahone asked, "Could you tell me about the regulations for the State of Texas on concrete batch plants?"

Mr. Lenard replied, "We are required to submit a letter to Texas Commission on Environmental Quality (TCEQ). We would have to follow their procedures and parameters on setting up the batch plant."

Chairman Mahone asked, "Does TCEQ come out to inspect?"

Mr. Lenard replied, "No, but they could if there were complaints."

Chairman Mahone asked, "What requirements do you have for keeping dust down?"

Mr. Lenard replied, "We have bag houses that prevent the cement dust from getting out and we water down the ground."

Chairman Mahone asked Mr. Lee, "Can you confirm the requirements from TCEQ?"

Mr. Lee replied, "Yes, you have to keep the site wetted down and take measures to keep particulate matter out of the air."

Chairman Mahone asked Mr. Lenard, "Do you monitor the particulate matter in the air?"

Mr. Lenard replied, "No, but we have in the past."

Commission Member Manley asked, "What is the major source of dust?"

Mr. Lenard replied, "It is from the trucks driving on the dirt."

Commission Member Manley asked Mr. Lee, "Can you confirm the majority of the dust is from the bag house or trucks driving on the dirt?"

Mr. Lee replied, "It is from the trucks driving on the dirt."

Commission Member Manley asked, "What is your alternative if this was to be denied?"

PLANNING & ZONING COMMISSION MINUTES – JULY 18, 2023

Mr. Lenard replied, “We would have to bring in 100 Redi-Mix trucks and that is if we could even get that.”

Chairman Mahone asked, “How long do you want this Temporary Use Permit for?”

Mr. Lenard replied, “One month.”

Chairman Mahone asked Mr. Rae, “Is the permit from build to tear down?”

Mr. Rae replied, “If a Temporary Use Permit for a batch plant was approved, the next step would be to get a building permit. That is what starts the timeline.”

Sean Vanderveer, 113 North Travis Street, Sherman, TX

Mr. Vanderveer asked, “Do I understand correctly that they can have up to 6 months with a Temporary Use Permit?”

Mr. Rae stated, “The Ordinance states for concrete batch plants up to 2 years.”

Chairman Mahone asked Mr. Rae, “If the applicant was granted 4 weeks and it didn’t happen, they would have to go through the process again to extend that time?”

Mr. Rae replied, “Correct.”

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

Mr. Lenard 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 Temporary Use Permit.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Temporary Use Permit located in the 4200-4300 Block Dripping Springs Road subject to the Staff Review letter with a time frame of 6 weeks. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING AND TEMPORARY USE PERMIT

THE REQUEST OF LENNAR (OWNER), GILCO CONTRACTING, INC., EMMA TURNER (REPRESENTATIVE) AND KIMLEY-HORN AND ASSOCIATES, INC. (SURVEYOR) CONCERNING THE

**PUBLIC HEARING
AND TEMPORARY
USE PERMIT –**

PROPERTY LOCATED IN THE 3800 BLOCK WEST HOUSTON STREET, BEING IN THE W.M. THOMPSON SURVEY, ABSTRACT NO. 1210 AND THE FIELDING BACON SURVEY, ABSTRACT NO. 11, AS FOLLOWS:

PLANNING & ZONING COMMISSION

PUBLIC HEARING AND TEMPORARY USE PERMIT UNDER SECTION 14.06.008 TO ALLOW A CONCRETE BATCH PLANT IN AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

CONCRETE BATCH
PLANT
3800 BLOCK WEST
HOUSTON STREET
(LENNAR)

The property is located in the 3800 Block West Houston Street between North Friendship Road and Ridgeview Road.

Mark Lenard, 6331 Southwest Boulevard, Benbrook, TX

Mr. Lenard explained, "We are requesting to set up a temporary concrete batch plant for Hidden Meadows and move the site to Phase 2 away from the other homes. We are expecting this job to run for 6 days weather permitting."

Chairman Mahone explained, "Staff recommends that if the Temporary Use Permit (TUP) is approved by the Planning and Zoning Commission that the site of the batch plant be located on the southwest portion of the Hidden Meadows development."

Chairman Mahone asked Ms. Cotton, "Does this present any problems with advertising this item being farther away?"

Ms. Cotton replied, "This would not trigger any notifications for properties nearby since they are still in the boundary. In order to specify where you are the applicant would need to give instruction to the Commission as to which area you are approving."

Commission Member Manley asked Mr. Lenard, "If this request was denied what would the route be for the Redi-Mix trucks?"

Mr. Lenard replied, "They would come in off Houston Street."

Chairman Mahone stated, "City Staff has informed me on an estimate being for every 100 homes in a development it would take 160 truck loads for just the infrastructure. Would you agree on that?"

Mr. Lenard replied, "I agree with that."

Bill Hackathorn, 437 Ridgeview Road, Sherman, TX

Mr. Hackathorn explained, "With the concrete batch plant being moved away from the homes we still have a problem with the retention pond. It was originally going to be towards the back of the property but now it is on a lot off Ridgeview Road and not sealed. There is water coming up into our neighbor's yard and cracking the concrete. I disagree with dust coming from trucks driving on the dirt, I have seen it come from the bags. We understood the batch plant would be around for 2 years, we can deal with 6 days to a month but hold them to it."

Chairman Mahone asked Mr. Hackathorn, “Have you reported the retention pond to the City of Sherman?”

Mr. Hackathorn replied, “Yes we have tried.”

Viviana Anderson, 433 Ridgeview Road, Sherman, TX

Ms. Anderson explained, “My concern is if the concrete batch plant will be there for 2 years. I am an expecting mother and all the articles talk about the toxins causing asthma in unborn babies. There are a lot of children on Ridgeview Road and the particles could affect them. I am here for the babies who don’t have a voice to speak, and I want to make sure everyone is safe.”

Evan Elkins, 405 Ridgeview Road, Sherman, TX

Mr. Elkins explained, “My wife and I have spent over a year looking for this property to call our dream home. We were fortunate enough to move our in laws next to us but they are elderly in age and asthmatic. There has been little communication from the developer which I just found out they would be tearing up my front yard to get into the water line. We have lost 100-year-old trees and they aren’t replacing any of them. Concrete keeps ruining the ozone making things heat up and we ask please be cautious on what you allow. Let us have a voice to be heard.”

Chris Vellotti, 1968 Baker Ridge Road, Sherman, TX

Mr. Vellotti asked, “In the event that one of the 3 batch plants does not get approved does that work then flow to another batch plant that was approved? If you are only needing the batch plant for 5 or 6 days to operate and 2 days to disassemble, is it possible to move locations so you don’t have multiple batch plants going?”

Tim Morris, 420 Ridgeview Road, Sherman, TX

Mr. Morris explained, “If you are going to have a concrete batch plant in Phase 1, will there be another batch plant in Phase 2? Concrete batch plants started for the highways and the regulations grew up around the projects. What bothers me the most is that the City of Sherman doesn’t have a batch plant rule, they have a Temporary Use Permit which applies to any zoning district in town. What kind of property is the batch plant compatible with? This kind of property is not.”

Chris Morgan, 409 Ridgeview Road, Sherman, TX

Mr. Morgan explained, “I live at one of the houses that have water damage but as far as the concrete batch plant our neighborhood concern is the government body that oversees the batch plant. There is no true zoning type rule for the batch plants. We had concerns with the water coming into our yard from the retention pond. We spoke to the Engineer and during

that time, he rolled his eyes saying, "When it is done it is going to be better than what it was." Our yard has been washed out twice since then and we now have a permanent pond next to our home."

Julie Morgan, 409 Ridgeview Road, Sherman, TX

Ms. Morgan explained, "We have been in the Sherman area for over 20 years. My father is an Engineer, and he was extremely concerned about what was going to happen to the 4 acres across from us. He had said that would be a problem if a developer ever bought that property. A developer bought it, put the retaining pond in and now we have water that stinks and is ruining our foundation. I have called the Engineering Department, Texas Commission on Environmental Quality (TCEQ) and the Health Department but they all say it is your job to take care of that. I hope someone can come out to take a look because some of the water is seeping out of the retaining pond and coming under the road into our yard. We have tried to manually get the water out but as we do it comes up from underneath. My daughter is a young driver, and the traffic is a concern for me as well as myself having asthma. We have a fresh air return in our house which pulls air from outside and we smell things. I will be breathing this batch plant along with sewage from an illegal sewer line in our backyard."

Roy Franks, 24 Timbercreek Road, Sherman, TX

Mr. Franks explained, "I used to have woods directly behind my house which they are all gone now. The creek between 24 Timbercreek, 20 Timbercreek and 18 Timbercreek is loaded with mud. Our dogs walked down there, and it took hours to clean the floor where they came in the house. If there is going to be another batch plant for Phase 2 it is going to be near Longhorn Estates, Timbercreek or Ridgeview Road. My house and pool have been nothing but dirt from the dust. I was watching the trucks today and they were driving 20-30 miles per hour with dust flying everywhere. They talk about watering, but it doesn't get done until 4:00 p.m. or 5:00 p.m. They are supposed to have a retention pond behind me but now I have a little black barrier where they put a temporary fence. No one from the City of Sherman has come out to take a look. Some one needs to hold them accountable for everything that is happening right now."

Victoria Dryden, 204 Ridgeview Road, Sherman, TX

Ms. Dryden explained, "I spent time in the military doing horizontal construction. If you don't continuously use the water trucks dust will fly through the air. I have Chronic Obstructive Pulmonary Disease (COPD) and now I have to worry about all the dust coming in my house and making my health worse. There is already dust in my house from the trucks driving up and down. My big concern is that they will not do the right thing and I don't want to worry about them using the new side road onto Ridgeview Road."

Jim Nicholson, 418 Longhorn Trail, Sherman, TX

Mr. Nicholson explained, "My concern is the dust. I sent in a photo to the City of Sherman on a concrete batch plant showing the dust coming out of the trucks. We are concerned about the health hazard."

Carolyn Nicholson, 418 Longhorn Trail, Sherman, TX

Ms. Nicholson explained, "I've done research on concrete batch plants and we have established that no one monitors them. As for the dust, you only need to go by a concrete batch plant to see the giant clouds of dust. We will have dust with the particulates, noise and sludge if watering is even done. If you have ever done construction, you know timelines for buildings are very fluid which can be affected by weather, supply chain and more. If this is approved for a month and they end up needing a longer time they could come back to you and request an extension. Everyone around the area is happy Sherman is growing and the noise necessary because you can't build silently but the concrete batch plant is not necessary."

Peter Tracy, 705 Valentine Drive, Sherman, TX 75090

Mr. Tracy explained, "The applicant is proposing a concrete batch plan for the infrastructure. He is not there to build houses or work on the development. A few years ago, a developer came into my neighborhood, built a development behind me and once the infrastructure was put in a housing company came in to build houses. I always keep my car parked in the garage but there seems to always be dust on it even with no developments around me. Dust will always be present and the fact that the batch plant is placed within the development it means it will contain the amount of traffic flowing in and out, reduce the amount of wear and tear on the highways and improve the quality of the concrete that is used to put the infrastructure in. All concerns on the development besides the concrete batch plant need to be directed to the developer not this gentleman."

The following opposition emails and letters have been received for 3800 Block West Houston Street request:

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned for an Executive Session at 6:13 p.m.

RECONVENE

The Executive Session closed, and the meeting reconvened at 6:19 p.m.

Chairman Mahone asked Mr. Lenard, "Are you just constructing the batch plant? Are you planning on using these batch plants at the same time?"

Mr. Lenard replied, "We will just be doing the concrete and the schedules are different."

Chairman Mahone asked Mr. Lenard, "Will there be a Phase 2 batch plant?"

Mr. Lenard replied, "That will depend on if we get approval for this Temporary Use Permit."

Chairman Mahone asked Mr. Rae, "On any given batch plant that is approved, is it restricted to be used just on the Site Plan approved?"

Mr. Rae replied, "Yes, the purpose of the Temporary Use Permit is to allow for the temporary batch plants to be on that site for that project only."

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

Mr. Lenard 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 Temporary Use Permit.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Temporary Use Permit located in the 3800 Block West Houston Street subject to the Staff Review letter and revised location with a time frame of 6 weeks. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

ADJOURNMENT

RECONVENE

PUBLIC HEARING AND TEMPORARY USE PERMIT
THE REQUEST OF CARBET PROPERTIES, LLC (OWNER),
GILCO CONTRACTING, INC., EMMA TURNER
(REPRESENTATIVE) AND UNDERWOOD DRAFTING AND
SURVEYING (SURVEYOR) CONCERNING THE PROPERTY
LOCATED IN THE 2000-2300 BLOCKS WEST MOORE STREET,
BEING IN THE ELIZABETH JONES SURVEY, ABSTRACT NO.
625, AS FOLLOWS:
PLANNING & ZONING COMMISSION
PUBLIC HEARING AND TEMPORARY USE PERMIT UNDER
SECTION 14.06.008 TO ALLOW A CONCRETE BATCH PLANT
IN AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

PUBLIC HEARING
AND TEMPORARY
USE PERMIT –
CONCRETE BATCH
PLANT
2000-2300 BLOCKS
WEST MOORE
STREET
(CARBET
PROPERTIES, LLC)

The property is located in the 2000-2300 Blocks West Moore
Street between West Travis and West Park Avenue.

(NO ACTION)

Mark Lenard, 6331 Southwest Boulevard, Benbrook, TX
Mr. Lenard explained, "We are requesting to set up a temporary
concrete batch plant for Pebblebrook Phase 4. We are
expecting this job to run for 3 days weather permitting."

Chairman Mahone asked, "Can we get this concrete batch plant
further away from the practice fields behind the high school?"

Mr. Lenard replied, "We could move it to the East."

Chairman Mahone stated, "That does not get it any further
away from the practice fields."

James Eddy, 1916 Southridge Lane, Sherman, TX
Mr. Eddy explained, "My stepdaughter is an 18-wheeler rock
hauler for concrete batch plants. I am familiar with their 24/7
operation and many of the trucks on FM 1417 do not run with
covers over the material like the law states. This concrete batch
plant is not meant to be put in a residential area. A concrete
batch plant is needed but in a industrial area."

John Semidey, 2113 Sherbrooke Court, Sherman, TX
Mr. Semidey explained, "My concerns are with the dust and the
safety for the children. My grandkids play in the backyard and a
neighbor of mine was just diagnosed with lung cancer. We
have discussed filtering but from the discussion we have
determined no one monitors. The site would need to be
watered frequently to keep the dust down especially in the 100-
degree heat. There is an accident waiting to happen putting the
concrete batch plant so close to the high school."

Sean Monroe, 1913 Stonebrooke Lane, Sherman, TX
Mr. Monroe asked, "How many trucks are going to go through
the streets if this is approved? Why would we approve
something that is based on one company's economic incentive
when the community bares all the risk?"

James Stanfield, 1917 Stonebrooke Lane, Sherman, TX

Mr. Stanfield explained, "I am a fellow contractor who sets up batch plants and pours concrete. My main concern is the infrastructure coming in. When I setup batch plants in the Dallas/Ft. Worth district I have to provide a map showing where all the trucks will run, show what will go across the roadways and that the pavement or concrete would be able to hold. In Pebblebrook there has already been development and multiple spots of pavement failure going in and out of Park Avenue. If there has been an inspector, I have not seen them and I walk that street twice a day looking for someone to complain to. The stress racks and panels need to be replaced. Growth will do good for the community, but Sherman is not ready to handle the influx they are seeing. How many inspectors do we have watching over these developments? Mr. Lenard states bags are cleaned out regularly but in Frisco I am checked all the time."

David Rylander, 1925 Ridgecrest Lane, Sherman, TX

Mr. Rylander explained, "The real danger is the Particulate Matter (PM2.5) that comes from the actual processing in the plant. This specific matter gets deep into the lungs and causes health problems such as heart and lung disease, cancer, reduced lung development in children, eye irritation, allergies, headaches and more. It is known to worsen chronic diseases and they are trying to put this near a band pad where band students will be practicing. Who will be liable when someone out here gets these type of health problems? Who will be there for them?"

Sara Johnson, 705 Copley Street, Sherman, TX

Ms. Johnson stated, "As a parent of Sherman High School students if I were a developer, I would be embarrassed that I proposed a batch plant that close to a high school. We have runners that started this week and band starting Monday. If a developer didn't have more foresight to propose a better site than that for a 3-day batch plant, it shows a real lack of judgement. It raises concern for me that we would even consider after what we just heard on the residential areas that we would put a concrete batch plant near a high school. My family is in the concrete business and my brother has his sons wear a mask when they go to a batch plant because they have a cough all the time."

Sean Vanderveer, 113 North Travis, Sherman, TX

Mr. Vanderveer explained, "According to Mr. Lenard they water the ground when it gets really bad but what is really bad? Given that Texas Commission on Environmental Quality (TCEQ) has never inspected them there is no real oversight and they don't do air quality monitoring. As of May 25, 2023 Sherman High School had 2,080 students on their campus which doesn't include staff. If they were to locate in the middle of the project, it is 1,584 feet to the front door of Sherman High School. From the middle of the project to the band pad it is 792

feet, if they locate in the southwest corner which was just proposed it is 325 feet from the band pad. You are farther from the front door of Piner Middle School than they would be from the band pad where my daughter starts Monday with band practice. Batch plants are serious enough in Texas that Texas Commission on Environmental Quality (TCEQ) regulations are lacks enough that the United States Environmental Protection Agency (US EPA) has launched an investigation and are proposing new regulations for Texas Commission on Environmental Quality (TCEQ). There is undeveloped land West of FM 1417 where a temporary land lease could be negotiated for the concrete batch plant.”

Lizzy Vanderveer, 113 North Travis, Sherman, TX

Ms. Vanderveer explained, “I am excited for the growth and opportunities our city has been given. I am opposed to this concrete batch plant because I am extremely concerned about the dust and debris this will stir up. My fellow band members and I will be intaking this dust and debris as we rehearse outdoors, and it has occurred to me that once something like this gets into your lungs it wont leave. If there is any way of moving this concrete batch plant to a new location, then my fellow band members and I would greatly appreciate this.”

Wendy Vellotti, 1968 Baker Ridge Road, Sherman, TX

Ms. Vellotti explained, “I am not happy about a batch plant being where my son will start band on Monday. The intensity of how often the band performs, they arrive at 7:45 in the morning and is there until 5:30 in the evening. The kids should not have to worry about breathing in toxins.”

Michael Taylor, 1912 Ridgcrest Lane, Sherman, TX

Mr. Taylor stated, “There is a creek where trees were removed, and no one mentions a creek being there. That creek flows to Herman Baker Park. The water that is flowing in my backyard is overlooked. Someone needs to look at the water.”

Linda Burris, 3311 Sandstone Drive, Sherman, TX

Ms. Burris stated, “As Sherman grows on a continual basis, we are going to have batch plants. I ask each of you if this was your house, neighborhood, children and water how would you vote? If any of you answer no than that should be your vote for these issues.”

Megan LaPell, 2327 Southridge Lane, Sherman, TX

Ms. LaPell explained, “I ask that you deny this request to protect our children. The safety of our students and children should not be risked for convenience and cost savings. I am deeply concerned about the health risk to our neighborhood, every Sherman High School student and my children.”

Nancy Hereford, 2323 Southridge Lane, Sherman, TX

Ms. Hereford stated, "The notification that is supposed to be posted on the roadway for public was posted in the middle of the field. The notification was not visible from any paved road. Another thing that has not been addressed is that Moore Street south of Park Avenue is the worst street in Sherman. The kids from all the surrounding apartment complexes and subdivisions walk to school on that street because there are no sidewalks. I am amazed that there has not been an accident of a child being hit by a car."

Kevin Grewing, 2312 Southridge Lane, Sherman, TX

Mr. Grewing explained, "I oppose this batch plant for this is a residential area full of families and children. This batch is in close proximity to the high school and will cause an adverse effect on students from the traffic and emissions. It would be irresponsible to allow a facility to operate in an area that is designated for residential."

Chris Jordan, 2213 Southridge Lane, Sherman, TX

Mr. Jordan explained, "Texas Commission on Environmental Quality (TCEQ) limits temporary batch plant productions to 200 yards a day. At 10 yards a truck for 3 days of production that would be 60 trucks. We would be saving 60 concrete trucks coming through and that is light traffic for FM 1417 or any other access path. They mentioned 3 days total time on site, is that the total time that the batch plant is assembled or does that not include setup and tear down time? What is the total time? What are the planned dates for this? I agree with the Staff recommendations, if this was to be approved, we would need a set deadline and timeline."

Tracy Morales, 2207 Sherbrooke Court, Sherman, TX

Ms. Morales explained, "The place of the plant would be dangerous to our health as well as the students. The silica dust is a known carcinogen and even in small amounts it can cause lung diseases like Chronic Obstructive Pulmonary Disease (COPD) and lung cancer. Silica dust can travel up to a mile down wind. This should be located in a remote area away from homes, churches and schools for the health and safety of everyone."

Amanda Orteiz, 1601 Creekside Avenue, Sherman, TX

Ms. Orteiz stated, "All our youth is at Sherman High School, and they have the right to enjoy their years at Sherman High School without worrying about inhaling pollutants that would enter their bodies. Why do we need a concrete batch plant now? Over the last 23 years I have lived in Pebblebrook and I have watched the entire neighborhood grow from a couple streets to over a dozen. I have not once seen a developer bring in a concrete batch plant for this subdivision."

Cheri Browder, 1920 Ridgecrest Lane, Sherman, TX

Ms. Browder explained, "This batch plant will be placed less than 200 yards away from most of our backyards. The placement and running of this plant would be dangerous, loud disrupting and dirty. We are fearful of dust, debris and other toxins. There would be a thick layer of dust over our grass, patios and pools we have spent out hard-working money on. You say this batch plant is temporary but rather it be 6 months or 6 years it would be too long. The construction work on Highway 75 is temporary too and we all need extra lives to drive it daily."

Janice Harris, 1932 Pebblebrook Lane, Sherman, TX

Ms. Harris stated, "Texas Commission on Environmental Quality (TCEQ) gives a 24-hour permit. We live on a corner and as early as 3:00 a.m. we have had cement trucks one after another going down our streets. The trucks can begin lining up at 2:00 a.m. and it emits black carbon and nitrogen dioxide."

Peter Tracy, 705 Valentine Drive, Sherman, TX 75090

Mr. Tracy explained, "I have heard concerns about the new high school and trees being cut down. I live on the East part of town near the old high school and that is near Highway 56 which down the corner from it is a sand and gravel pit. The students from that school have to contend to everything coming out of there. There is another sand and gravel pit on FM 1417, and they have to contend to that as well. I understand the concerns with the new high school, but we also have the same concerns on the southeast side of town for the old high school and the students that are there."

Jessica Cardozo, 3400 Sandstone Drive, Sherman, TX

Ms. Cardozo explained, "We haven't seen a lot of mitigation and that is concerning. I have a 5-year-old autistic child who has a Patent Ductus Arteriosus (PDA) and we are trying to get the hole in his heart fixed. We do not want to have to worry about this on top of my child's health."

The following opposition emails and letters have been received for 2000-2300 Blocks West Moore Street request:

Chairman Mahone asked Mr. Rae, "Does the City restrict hours of operation for the concrete batch plant?"

Mr. Rae replied, "Yes, we do. The Noise Ordinance restricts it from Monday to Friday 7 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 5:00 p.m. and Sunday 1:00 p.m. to 5:00 p.m."

Chairman Mahone asked Mr. Lenard, "Do you know the hours you will operate?"

Mr. Lenard replied, "I plan to operate this from 7:00 a.m. to 5:30 p.m."

Chairman Mahone asked, "Is this equipment brought in by pieces and constructed on site?"

Mr. Lenard replied, "Yes."

Chairman Mahone asked, "How many trucks does it require to bring in the equipment?"

Mr. Lenard replied, "It takes about 7 trucks."

Chairman Mahone asked, "If Texas Commission on Environmental Quality (TCEQ) does not come out to inspect on a regular basis, do you have your own air quality control?"

Mr. Lenard replied, "Yes, we could install monitors."

Chairman Mahone asked Mr. Rae, "Is somebody restricted from applying to put a batch plant on a piece of property that will service another nearby property?"

Mr. Rae replied, "It would need to be zoned M-2 (Heavy Manufacturing) District for a batch plant to be on another property that is not serving that project."

Chairman Mahone asked Mr. Rae, "Did City Staff confirm that the Property Notification Sign was posted in an appropriate place?"

Mr. Rae replied, "According to the email we received from them a photo was shared of the sign being placed appropriately."

Chairman Mahone asked Mr. Lenard, "From construction to tearing the batch plant down, how long does that take?"

Mr. Lenard replied, "Perfect weather it would be 2 weeks."

Chairman Mahone asked, "Do you know what dates you will operate?"

Mr. Lenard replied, "This job could start at the end of this month."

Chairman Mahone asked Mr. Lee, "Do you have reference from Texas Commission on Environmental Quality (TCEQ) on how much they can generate?"

Mr. Lee replied, "Texas Commission on Environmental Quality (TCEQ) allows 300 cubic yards per hour or 6,000 per day."

Vice Chairman Downtain asked Mr. Lenard, "How many trucks deliver the raw material to offset the 10 trucks that deliver the finished product?"

Mr. Lenard replied, "We can get up to 20 loads per day. A lot of the cities require you to be a minimum of 600 feet from a school and we are well over that."

Chairman Mahone stated, "You are saying you are over 600 feet from the school building?"

Mr. Lenard replied, "Yes."

Commission Member Manley asked Mr. Lenard, "Could the batch plant be moved closer to Moore Street and further north from what is shown on the map near the construction entrance?"

Mr. Lenard replied, "That would be fine."

Chairman Mahone asked Ms. Cotton, "Can we add a restriction for them to coordinate the dates they will be mixing concrete and dust with the school system?"

Ms. Cotton replied, "I have not seen it happen where an applicant reached out to a third party to do that. I do believe that the school district is within the zoning, and they did receive a notice of tonight's hearing."

Chairman Mahone asked Ms. Cotton, "Can we require him to notify them of the dates they intend to operate?"

Ms. Cotton replied, "It is a request that the applicant should adhere to."

Commission Member Manley stated, "I want to speak to everyone here, I am a parent of Sherman Independent School District (SISD) students, and my vote will be based on what I feel is the safest thing for them and for the residents. Concrete is going to get poured either way. I'm going to vet everyone's concern on dust and traffic. I'm going to vote for the method that I believe creates the least dust and less traffic. I am not concerned on saving this guy money."

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

Mr. Lenard 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 Temporary Use Permit.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to deny the Temporary Use Permit located in the 2000-2300 Blocks West Moore Street.

Second by Commission Member Sims.

VOTING AYE: WHITAKER, DOWNTAIN AND SIMS

VOTING NAY: NONE

This motion fails for lack of majority vote.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Temporary Use Permit located in the 2000-2300 Blocks West Moore Street subject to the Staff Review Letter with a time frame of 4 weeks. Second by Commission Member Manley.

VOTING AYE: MAHONE, DAVIS AND MANLEY

VOTING NAY: NONE

This motion fails for lack of majority vote.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Temporary Use Permit located in the 2000-2300 Blocks West Moore Street subject to the Staff Review Letter with a time frame of 3 weeks. Second by Commission Member Davis.

VOTING AYE: MAHONE, DAVIS AND MANLEY

VOTING NAY: SIMS, WHITAKER AND DOWNTAIN

Chairman Mahone asked Ms. Cotton, "Could I get legal advice on this?"

Ms. Cotton replied, "At this point you're in a No Action space since you can't get a favorable vote on."

Chairman Mahone stated, "We are declaring No Action on this item meaning this is not passed nor not approved."

This item was declared No Action.

ADJOURNMENT

The meeting adjourned for a Recess at 7:19 p.m.

RECONVENE

The Recess closed, and the meeting reconvened at 7:30 p.m.

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF KIRK ALLEN (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE

ADJOURNMENT

RECONVENE

**PUBLIC HEARING
AND ZONE CHANGE –
R-6 AND R-A TO R-5**

PROPERTY LOCATED IN THE 300-400 BLOCKS EAST SHERMAN STREET, CONSISTING OF 25.08 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AS FOLLOWS:

300-400 BLOCKS
EAST SHERMAN
STREET
(KIRK ALLEN)

PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND ZONE CHANGE FROM R-6 (SINGLE-FAMILY RESIDENTIAL) DISTRICT AND R-A (RESIDENTIAL AGRICULTURAL) DISTRICT TO R-5 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

The property is located in the 300-400 Blocks East Sherman Street between South Travis Street and South First Street.

Kirk Allen, 1313 West Washington Street, Sherman, TX

Mr. Allen explained, "The owner is requesting a Zone Change from an R-6 (Single Family Residential) District to R-5 (Single-Family Residential) District. This property was annexed into the City of Sherman on May 15, 2023. We had a Specific Use Permit for Patio Homes, and it would now be in compliance with the new Zoning Ordinance."

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

Mr. Allen 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 Vice Chairman Downtain to approve the Zone Change located in the 300-400 Blocks East Sherman Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED.

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF CHAD MCDUFFIE, MD (OWNER), D2 INVESTMENTS, INC. (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 2800 BLOCK BLUE FLAME ROAD, CONSISTING OF 67.891 ACRES, BEING A PART OF S. INMAN SURVEY, ABSTRACT NO. 621, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND ZONE CHANGE FROM AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN R-5 (SINGLE FAMILY RESIDENTIAL) DISTRICT

PUBLIC HEARING
AND ZONE CHANGE –
R-6 TO R-5
2800 BLOCK BLUE
FLAME ROAD
(CHAD MCDUFFIE,
MD)

The property is located in the 2800 Block Blue Flame Road between Fallon Drive and North Highway 75.

David Davis, 1830 Silverside Drive, Grapevine, TX

Mr. Davis explained, "We are requesting a Zone Change for a development plan to build a new residential subdivision. We are proposing a wider range of homes ranging from 50-foot lots and 60-foot lots. I will leave plenty of green space for a trail system and a public park."

Mr. Rae stated, "Just to clarify when rezoning to R-4 (Single Family Residential) District or R-5 (Single Family Residential) District they are required to provide at least 10% of open space for amenities."

Commission Member Manley asked Mr. Davis, "Is there a reason why you mixed up the zoning?"

Mr. Davis replied, "It breaks up the streetscape and makes the streets look less cookie cutter."

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

Mr. Davis 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 Site Plan and Zone Change located in the 2800 Block Blue Flame Road subject to the Staff Review letter. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

PUBLIC HEARING, SITE PLAN, ZONE CHANGE AND REPLAT
THE REQUEST OF CHEMTICA USA, LLC (OWNER) AND BURNS SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 516-518 EAST CHERRY STREET, CONSISTING OF 0.482 ACRES, BEING IN THE G.W. BOND'S THIRD ADDITION, BLOCK A, LOTS 2, 3 AND 4, AND IS CURRENTLY ZONED M-2 (HEAVY MANUFACTURING) DISTRICT, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM AN M-2 (HEAVY MANUFACTURING) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT.

PUBLIC HEARING,
SITE PLAN AND ZONE
CHANGE – M-2 TO C-2
REPLAT - LOTS 2, 3, 4
IN BLOCK A OF G.W.
BOND'S THIRD
ADDITION
516-518 EAST
CHERRY STREET
(CHEMTICA USA, LLC)

**B. REPLAT OF LOTS 2, 3, 4 IN BLOCK A OF G.W. BOND'S
THIRD ADDITION**

The property is located at 516-518 East Cherry Street between South East Street and South First Street.

Jarmila Ruzicka, 1710 Southwest 35th Place, Gainesville, FL

Ms. Ruzicka explained, "We are requesting a Site Plan and Zone Change along with a Replat for a warehouse to store plastic. In the warehouse we will assemble insect traps as well as attractant and repellent release devices sold to government entities charged with interception of invasive insects at borders and protection of forest from native insect pests."

Chairman Mahone asked, "Are you modifying the building?"

Ms. Ruzicka replied, "There is an existing building, but we would like to build a storage next to it."

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

Ms. Ruzicka 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, Zone Change and Replat.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Specific Use Permit, Site Plan and Replat located at 516-518 East Cherry Street subject to the Staff Review letter. Second by Commission Member Whitaker.

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

VOTING NAY: NONE

MOTION CARRIED.

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

PUBLIC HEARING, VARIANCE AND REPLAT

THE REQUEST OF CORBY HOSEA (OWNER) AND HELVEY WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 300 WEST MOORE STREET, CONSISTING OF 0.214 ACRES, BEING A PART OF THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AND BEING THE WEST 49 FOOT OF LOT 4, BLOCK 7 OF B.H. MOORE HEIRS ADDITION AND IS 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 49' LOT WIDTH IN LIEU OF THE REQUIRED 60'.

PUBLIC HEARING,
VARIANCE – LOT
WIDTH
REPLAT - COHO
MOORE ADDITION,
LOT 4R-A
300 WEST MOORE
STREET
(CORBY HOSEA)

PLANNING AND ZONING COMMISSION

B. PUBLIC HEARING AND REPLAT OF COHO MOORE
ADDITION, LOT 4R-A

The property is located at 300 West Moore Street at the corner of South Elm Street and West Moore Street.

Corby Hosea, 12 Vaughn Drive, Denison, TX

Mr. Hosea explained, "I am requesting a Variance for the lot width along with a Replat for a residential development. This vacant lot conforms to the existing properties. The driveway will be a front entry off Moore Street and there would be no concern of traffic off Elm Street."

Chairman Mahone asked, "Would this be consistent with the surround area?"

Mr. Hosea replied, "Yes."

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

Mr. Hosea 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 and Replat.

ACTION TAKEN.

Board of Adjustment

Motion by Vice Chairman Downtain to approve the Variance located at 300 West Moore Street subject to the Staff Review letter. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Replat located at 300 West Moore Street subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE

MOTION CARRIED.

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

PUBLIC HEARING, VARIANCE, SITE PLAN AND SPECIFIC USE
PERMIT

THE REQUEST OF MICHAEL POSTAR (OWNER), JOSEPH
GONZALEZ (REPRESENTATIVE) AND CENTERLINE
ENGINEERING & CONSULTING, LLC (SURVEYOR)

PUBLIC HEARING,
VARIANCE – REAR
AND SIDE SETBACK

CONCERNING THE PROPERTY LOCATED AT 1300 SOUTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 4.9167 ACRES, BEING ALL OF LOT 2, 3, 4, 5 AND 6, BLOCK 6, HERITAGE FARMS ESTATES AND IS CURRENTLY ZONED C-1 (RETAIL BUSINESS) DISTRICT/F.M. 1417 OVERLAY DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

- A. PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.016 TO ALLOW A 10' REAR SETBACK IN LIEU OF THE REQUIRED 40' AND 10' SIDE SETBACK IN LIEU OF THE REQUIRED 15' FOR A MINI-WAREHOUSE.

PLANNING AND ZONING COMMISSION

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

SITE PLAN AND
SPECIFIC USE
PERMIT – MINI-
WAREHOUSE
1300 SOUTH FM 1417
(HERITAGE
PARKWAY)
(MICHAEL POSTAR)

The property is located at 1300 South FM 1417 (Heritage Parkway) between West OB Groner Road and Quail Run Road.

Daniel Wetzel, 101 East Park Boulevard, Plano, TX

Mr. Wetzel explained, "Due to the topography of the land and residential backing up to the property we have proposed a retaining wall. The buildings are approximately 10 feet tall and once we finish the grading of the site these buildings will be below the 6 foot privacy fencing behind the residential lots that abut the back of the property. There is a proposed gas station on the north side of the property. We have worked with that owner and developer on the drainage swell so it conveys water from the rear of the property to the front detention pond."

Vice Chairman Downtain asked, "What is the hardship for the Variance on the rear setback?"

Mr. Wetzel replied, "It is for density to allow the majority of that to be built, eliminate the amount of people getting in the back and trash collection."

Mr. Rae stated, "In May 2020, the same applicant received a Specific Use Permit for a Mini-warehouse at this location but since that time it has lapsed and their vested rights have gone away. They are back requesting a similar request to what was approved in May 2020."

Mr. Wetzel replied, "One of the reasons for the Specific Use Permit change was the parking requirements. The original Specific Use Permit required a significant amount of parking which was not feasible."

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

Mr. Wetzel 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, Site Plan and Specific Use Permit.

ACTION TAKEN.

Board of Adjustment

Motion by Commission Member Manley to approve the Variance located at 1300 South FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Commission Member Davis.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 1300 South FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, DAVIS, DOWNTAIN, 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 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 8.066 ACRES IN THE J.B. MCANAIR 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.

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

An email was received from David Vilbig on July 11, 2023 at 8:55 a.m. requesting to Table this item.

Planning and Zoning Commission

Motion by Commission Member Sims to table the Site Plan and Specific Use Permit located at 2325 North Travis Street. Second by Commission Member Davis.

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

PUBLIC HEARING,
SITE PLAN AND
SPECIFIC USE
PERMIT -
CONTRACTORS OR
CONSTRUCTION
OFFICES,
EQUIPMENT SALES,
SERVICE, RENTAL
AND REPAIR, WITH
OUTDOOR STORAGE
2325 NORTH TRAVIS
STREET
(AMERICAN
BUILDERS AND
CONTRACTORS
SUPPLY CO., INC.)

(TABLED)

VOTING NAY: NONE.
MOTION CARRIED.

PUBLIC HEARING AND ZONE CHANGE

THE REQUEST OF TBJB1, LLC (OWNER), BEN MCKAY (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) FOR THE PROPERTY IN THE 2700-3100 BLOCKS NORTH TRAVIS STREET, CONSISTING OF 29.278 ACRES, CONTAINED IN TRACT ONE, BEING IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AND CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND ZONE CHANGE FROM AN R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO A R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

PUBLIC HEARING
AND ZONE CHANGE--
R-6 TO R-4
2700-3100 BLOCKS
NORTH TRAVIS
STREET
(TBJB1, LLC)

The property is located in the 2700-3100 Blocks North Travis Street between West McLain Street and West Highway 82.

Ben McKay, 1909 Wren Court, Edmond, OK

Mr. McKay explained, "We are requesting a Zone Change for a Patio Home development. With this property we ran into a lot of hurdles with oil wells on site and having to be so far away from them. This development would have 10% of green space providing a dog park, picnic area, community park with playground equipment and junior sports field."

Chairman Mahone asked, "Where will the main entrance be for this development?"

Mr. McKay replied, "There will be two entrances off Travis Street and one entrance off Hickory Street."

Mr. Rae stated, "This conceptual plan is just for information."

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

Mr. McKay 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 in the 2700-3100 Blocks North Travis Street subject to the Staff Review letter. Second by Commission Member Whitaker.

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

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

PUBLIC HEARING, SITE PLAN AND ZONE CHANGE

THE REQUEST OF WYLDEWOOD HOMES, LLC (OWNER), BRYAN BLAGG (REPRESENTATIVE) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED IN THE 700 BLOCK NORTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 2.993 ACRES, BEING IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

PLANNING AND ZONING COMMISSION
PUBLIC HEARING, SITE PLAN AND ZONE CHANGE FROM A C-1 (RETAIL BUSINESS) DISTRICT TO A C-N (NEIGHBORHOOD COMMERCIAL) DISTRICT.

PUBLIC HEARING,
SITE PLAN AND
ZONE CHANGEC-1
TO C-N
700 BLOCK NORTH
FM 1417 (HERITAGE
PARKWAY)
(WYLDEWOOD
HOMES, LLC)

The property is located in the 700 Block North FM 1417 (Heritage Parkway) at the intersection of Denson Drive and North FM 1417 (Heritage Parkway).

Chris Noah, 787 West FM 996, Pottsboro, TX

Mr. Noah explained, "The owner is requesting a Zone Change from a C-1 (Retail Business) District to C-N (Neighborhood Commercial) District to develop their corporate office and reduce the setback behind the residential lots."

Chairman Mahone stated, "There are more limited uses in C-N (Neighborhood Commercial) District than C-1 (Retail Business) District."

Commission Member Davis asked, "Are you planning to sell the remaining property or develop on it?"

Nolan Pike, 618 Pikes Place, Sherman, TX

Mr. Pike replied, "We plan to develop Lot 1 for our future office and sell the remaining."

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 Site Plan and Zone Change.

ACTION TAKEN.

Planning and Zoning Commission

Motion by Commission Member Davis to approve the Zone Change located in the 700 Block North FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, 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 JAMES MELTON, JR. (OWNER) SUMBUL ISLAM (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1700 NORTH TRAVIS STREET, CONSISTING OF 0.3499 ACRES, BEING LOT 1, BLOCK 1 OF MOSELEY ADDITION AND IS CURRENTLY ZONED C-O (OFFICE) DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

PUBLIC HEARING AND VARIANCE UNDER SECTION 14.04.003 TO ALLOW 18 PARKING SPACES IN LIEU OF THE REQUIRED 23 PARKING SPACES FOR A CLINIC, MEDICAL OR DENTAL, AND 18' PARKING SPACE DEPTH IN LIEU OF THE REQUIRED 20' DEPTH FOR THE PARKING SPACES ON THE SOUTH SIDE OF THE BUILDING.

PUBLIC HEARING,
VARIANCE –
PARKING SPACES
AND DEPTH
1700 NORTH TRAVIS
STREET
(JAMES MELTON,
JR.)

The property is located at 1700 North Travis Street at the corner of North Travis Street and West Texas Street.

Chairman Mahone stated, "We received an updated parking plan prior to the meeting."

James Melton, 8212 Farmington Road, Gunter, TX

Mr. Melton explained, "I am requesting a Variance on the parking spaces for a medical office. The parking depth for each space is 9' x 20' and we have one handicap space with a 5' side strip for getting out of the vehicle. There is extra room on two of the parking spaces off Texas Street for any other handicap uses. This property is currently under contract to a doctor for medical use."

Chairman Mahone asked Mr. Rae, "If this remained a regular office building, what would the requirement be?"

Mr. Rae replied, "It would be 1 parking space for every 400 square feet. It would roughly be 12 to 13 parking spaces. We did discuss with the applicant that staff could park in the parking spots off Texas Street and customers could be located off Travis Street."

Commission Member Sims asked, "What type of practice is going into this building?"

Dr. Sumbul Islam, 1065 Great Meadow Drive, Allen, TX

Dr. Islam replied, "This will be an Internal Medicine Practice, Primary Care."

Commission Member Sims asked, "How many doctors and staff members?"

Dr. Islam replied, "Two providers being a Doctor and a Nurse Practitioner with three staff members."

Chairman Mahone asked, "Do you have any concerns on your staff members bumping into each other?"

Dr. Islam replied, "We would have to be careful, but it is a good space."

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

Mr. Melton 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 Vice Chairman Downtain to approve the Variance located at 1700 North Travis Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN AND SIMS

VOTING NAY: DAVIS AND MANLEY

This fails.

Mr. Rae stated, "According to the realtor Dr. Islam's plan was to be in half of the building. There would be potential for her to occupy part of the building and still meet the requirement. They wanted to get in compliance now in case it ever got expanded she would be able to meet that."

Chairman Mahone stated, "It is tight, but it is a better solution than what we have currently."

Motion by Commission Member Davis to deny the Variance located at 1700 North Travis.

This fails for lack of a Second.

Motion by Vice Chairman Downtain to approve the Variance located at 1700 North Travis Street subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, MANLEY AND SIMS

VOTING NAY: DAVIS

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

PUBLIC HEARING AND VARIANCE

THE REQUEST OF MAUREEN CLARKE (OWNER) WILLIE POSEY (REPRESENTATIVE) AND SARTIN & ASSOCIATES (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 1602 NORTH

**PUBLIC HEARING,
VARIANCE – SIDE
SETBACK
1602 NORTH HOARD
AVENUE**

HOARD AVENUE, CONSISTING OF 0.3444 ACRES, BEING BLOCK 30, LOT 11 & 12 OF THE COLLEGE PARK 2ND ADDITION, AND IS CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AS FOLLOWS:

(MAUREEN CLARKE)

BOARD OF ADJUSTMENT

PUBLIC HEARING AND VARIANCE UNDER SECTION 14.02.006 TO ALLOW A 5' SIDE SETBACK IN LIEU OF THE REQUIRED 15' FOR A CARPORT ADDITION.

The property is located at 1602 North Hoard Avenue at the corner of East Gulick Avenue and North Hoard Avenue.

Willie Posey, 1602 North Hoard Avenue, Sherman, TX

Mr. Posey explained, "I am requesting a Variance for a carport to be able to fit 2 vehicles. If I built my carport 15' from the curb both vehicles would be sticking out and I am trying to prevent damage from the storms."

Chairman Mahone asked, "Just to confirm, you are just wanting to put a carport 5' from the side property line?"

Mr. Posey replied, "Yes."

Chairman Mahone asked, "What is the distance from the property line to the curb?"

Mr. Posey replied, "37 feet?"

Mr. Rae stated, "This is 16 feet from the property line to the curb."

Chairman Mahone stated, "We would be about 21 feet from the curb to the start of the carport."

Mr. Posey replied, "If we could start at 8 feet north to the gable instead of 5 feet then I could park all my vehicles."

Chairman Mahone asked, "How wide will the carport be?"

Mr. Posey replied, "It would be as wide as the driveway."

Commission Member Davis asked, "What type of carport will this be? Is it going to come off your house or be a flat top?"

Mr. Posey replied, "I am going to build 2 feet from the house and continue the gable from the house with shingles."

Chairman Mahone asked, "What type of posts will you use?"

Mr. Posey replied, "It will be wood post."

Chairman Mahone asked, "Are there other carports in the area?"

Mr. Posey replied, "No."

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

Mr. Posey 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 as requested located at 1602 North Hord Avenue subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, WHITAKER, DOWNTAIN, SIMS AND MANLEY

VOTING NAY: DAVIS

MOTION CARRIED.

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

PUBLIC HEARING AND VARIANCE

THE REQUEST OF RFJ AUTO PROPERTIES, LLC (OWNER), ANNA ANKLIN (REPRESENTATIVE), JEREMY NELSON, PE, KIRKMAN ENGINEERING (REPRESENTATIVE), AND BARTON CHAPA SURVEYING, LLC (SURVEYOR) CONCERNING THE PROPERTY LOCATED AT 2500 TEXOMA PARKWAY, CONSISTING OF 5.933 ACRES IN THE R. HENDRIX SURVEY, ABSTRACT NO. 504, AND IS CURRENTLY ZONED C-2 (GENERAL COMMERCIAL) DISTRICT/75 & 82 OVERLAY DISTRICT, AS FOLLOWS:

BOARD OF ADJUSTMENT

PUBLIC HEARING AND VARIANCE UNDER SECTION 14.07.009 TO ALLOW A 20'3" FRONT SETBACK IN LIEU OF THE REQUIRED 25' FOR A SIGN.

PUBLIC HEARING
AND VARIANCE –
FRONT SETBACK
2500 TEXOMA
PARKWAY
(RFJ AUTO
PROPERTIES, LLC)

The property is located at 2500 Texoma Parkway between East Highway 82 and East Peyton Street.

Jeremy Nelson, 805 Dove Creek, Midlothian, TX

Mr. Nelson explained, "This property went through a Site Plan request at the beginning of the year, and it is currently under construction. They are tearing down the old dealership and rebuilding. We will place our pylon sign near the hexagon display pad which is typical for Hyundai Dealerships."

Chairman Mahone asked, "Is the billboard sign gone?"

Mr. Nelson replied, "Yes, it is gone and will remain gone. This will be their main sign advertising the dealership."

Commission Member Davis asked, "Will this be a pole sign or monument sign? How big will the sign be?"

Mr. Nelson replied, "This sign will be a monument sign and measure about 8' x 12'. They have several sign configurations, and the final configuration will be submitted for the permit."

Commission Member Manley asked, "Is there something unique about this sign that you have to place it closer to the property line?"

Mr. Nelson replied, "It is less intrusive and nicer."

Mr. Rae stated, "There was discussion that if they were to remove the large billboard that staff would support the Variance for the setback on a more traditional sign."

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

Mr. Nelson 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 Vice Chairman Downtain to approve the Variance located at 2500 Texoma Parkway subject to the Staff Review letter. Second by Commission Member Sims.

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

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 8:31 p.m.



CHAIRMAN

ACTING SECRETARY