

STATE OF TEXAS

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June 21, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on June 21, 2011.

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

MEMBERS ABSENT: JACOBS AND TANKERSLEY

CALL TO ORDER

Chairman Davis 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 17, 2011 Meeting. Motion by Commission Member Barton to approve the Minutes as written. Second by Commission Member Hicks. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

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

BOARD OF
ADJUSTMENTS

VARIANCE

THE REQUEST OF MARY HAGEN BAIN & ROBERT BAIN (OWNERS) CONCERNING THE PROPERTY AT 5301 BELLO VISTA DRIVE, BEING LOT 89, DOS LAGOS SUBDIVISION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION 1(C)(4), TO ALLOW A 42' FRONT YARD SETBACK IN LIEU OF THE REQUIRED 60' FOR A 30'X25' DETACHED GARAGE/SHOP IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

VARIANCE – FRONT
SETBACK
ACCESSORY BLDG
5301 BELLO VISTA DR
(MARY HAGEN BAIN &
ROBERT BAIN)

(DENIED)

Commission Member Morgan arrived at 5:04 p.m. during this item.

Robert & Mary Bain, 5301 Bello Vista Drive, Sherman, TX

Mr. & Mrs. Bain appeared to represent the request and answer any questions. The property is located at 5301 Bello Vista Drive; the northeast corner of Bello Vista Drive and Bello Vista Court in the Dos Lagos Subdivision. Mr. Bain explained they would like to construct a 30'x25' garage/shop to store a recreational vehicle, 42' from the front property line. He explained if the garage were to be placed farther to the northeast, it would not be able to be utilized because there is a huge tree in the way and the terrain changes to the east going up a lot higher; it would cost too much and a lot of dirt would need to be removed.

The building will be metal with stone accents; the garage door will be facing the house. Mr. Bain explained he thought there were deed restrictions against facing the garage door to the street. He explained he had the blessing of the homeowners association/architectural committee to construct the garage.

Julie Woodruff, 5308 Bello Vista Dr., Sherman, TX

Ms. Woodruff explained she lives across the street from this property. She felt the garage would not blend into the neighborhood because it would not be built with the same materials as the house and it will be protruding forward from their house and the neighbors, closer to the street.

Bill Idell, 5305 Bello Vista Dr., Sherman, TX

Mr. Idell explained he lives next door to this property. His main concern was that other people will want to put buildings in front of their house and he felt it would detract from the neighborhood. "We do not have a homeowners association anymore, I have lived there thirteen years and there has never been a meeting; there use to be one but it does not exist anymore."

Mr. Bain explained the first thing they did was look into the homeowners association; he had plans and signatures of two gentlemen that had been stamped and approved; although they had been told are not legit. The building will be metal, you cannot duplicate the brick that is on the house, but they will cover two exterior walls (the front and side wall facing the street) with a faux brick finish that will match the house, the roof will be a composition roof, the same as the house; it will not be an eyesore, although it will be in an unusual location.

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

A letter was received from William & Jeannette Idell, 5305 Bello Vista Drive, Sherman, TX

They wrote, "A building in front of their house would detract from the beauty of the neighborhood and as much as I hate to, I oppose this variance. Should the City allow this variance anyway, I would hope that the building be fully bricked and roofed like their house."

Chairman Davis was concerned about granting a variance to allow a garage in front of the house and was not sure it was the best precedent to start; he felt they had a lot of room to move the building to a different location on the lot. He asked the Bain's if they would like to consider reviewing the plan to place the building somewhere else on the lot.

Mr. Bain explained they thought of every option including getting rid of the building but they back ordered it and it is ready and he is stuck with the building.

Commission Member Hicks explained there are ways to deal with an elevation change to move the building back farther, although it would cost more money.

Mrs. Bain explained the north corner of the backyard has a utility pole, so that is something you has to be considered too as far as placement.

Commission Member Barton explained the easements show on the survey but it looks like there is plenty of room to work with in the back.

ACTION TAKEN.

BOARD OF ADJUSTMENTS

Motion by Commission Member Barton to deny the variance. Second by Commission Member Barber.

VOTING AYE: DAVIS, PLYLER, HICKS, BARTON AND BARBER.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF MARIA & WALT JEFFREY (OWNERS) CONCERNING THE PROPERTY AT 703 NORTH BRENTS AVENUE, BEING LOT 11, BLOCK 1, BRENT'S EAST ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION 4, TO ALLOW TWO (2) OFF-STREET PARKING SPACES FOR A THREE BEDROOM, ONE-FAMILY DWELLING IN LIEU OF THE REQUIRED THREE (3) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION –

PARKING

**703 N. BRENTS
(MARIA & WALT
JEFFREY)**

(TABLED)

Walt Jeffrey, 703 North Brents Ave., Sherman, TX

Mr. Jeffrey appeared to represent the request and answer any questions. The property is located at 703 North Brents Avenue; the northeast corner of Brents Avenue and East Brockett Street. Mr. Jeffrey would like to enclose the garage to add an additional bedroom for a total of three bedrooms. Parking is currently provided for two cars in the front driveway. He explained the reason for the exception is cost and the fact that it would have to go into the backyard to create an additional parking space.

Chairman Davis asked if he had room off of Brockett Street to expand his driveway.

Mr. Jeffrey explained to do that he would have to take down his privacy fence. Brockett Street dead ends at his property.

Chairman Davis was concerned about setting a precedent.

Commission Member Hicks asked why three off street parking spaces were required.

Scott Shadden, Director of Developmental Services explained a 9'x20' parking space is required on private property; one for each bedroom.

Mr. Jeffrey explained it will not be different after the garage is converted than it is now.

Chairman Davis explained it may not be different now, but you may sell the house in six months that has a family with four teenagers; all driving, there would be cars all over the place.

Mr. Shadden explained this ordinance came about when the College Park Overlay District was created. Duplexes were being built but adequate parking was not being provided.

Chairman Davis asked Mr. Jeffrey if he would be willing to table the request and go back and look at an alternative location to find a parking space.

Mr. Shadden explained if the request is denied they could not request it again for a year, if it is tabled then they could bring it back. If you find a parking space, you don't really need to be here.

Mr. Jeffrey agreed to table the request.

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

ACTION TAKEN.

Motion by Commission Member Hicks to table the request.
Second by Commission Member Barber.

VOTING AYE: DAVIS, PLYLER, HICKS, BARTON AND BARBER.

VOTING NAY: NONE

MOTION CARRIED

THE REQUEST WAS TABLED.

SITE PLAN, ZONE CHANGE, SPECIFIC USE PERMIT

THE REQUEST OF TONY & SALLY THOMASON (OWNERS), JASON SOFEY, SOFEY CONSTRUCTION & DESIGN, LLC (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 5833 U.S. HIGHWAY 75 NORTH, BEING 0.31 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN AND ZONE CHANGE FROM C-1 (RETAIL BUSINESS) DISTRICT TO C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT FOR A DOUBLE-

SITE PLAN & ZONE
CHANGE – C-1 TO C-2
SUP - BILLBOARD
5833 U.S. HWY 75 N.
(TONY & SALLY
THOMASON)

SIDED BILLBOARD UNDER ORDINANCE NO. 2280, SECTION 12 AND SECTION 8, SUBSECTION (5)(A) IN THE O-1 (75&82) OVERLAY DISTRICT.

Jason Sofey, Sofey Construction & Design, LLC, 1218 Preston Drive, Sherman, TX

Mr. Sofey appeared to represent the request and answer any questions. The property is located at 5833 U.S. Highway 75 North, northeast corner of Blue Flame Road and Highway 75 North. The owner would like to change the zoning from a C-1 (Retail Business) District to a C-2 (General Commercial) District on a portion of the tract to erect a double-sided digital LED billboard. They have created a 60' x 243' tract to rezone to a C-2 (General Commercial) District to allow for a billboard only; they did not want to open the door for anything else that is permitted in a C-2 (General Commercial) District. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Hasan Gul, 7810 Stanford, Dallas, TX

Mr. Gul explained he is the owner of the property adjacent to this property; the southeast corner of Blue Flame Road and U.S. Highway 75 North. "You cannot place a billboard within 1,000' of an existing billboard. If he was given permission to put his billboard up, it will infringe into my rights and my property and I will not be able to put one on my property, so I object."

Chairman Davis explained this billboard will not keep you from developing your property for a building, store or shopping center or anything else; just a billboard.

Mr. Gul explained "that is correct; but it will still be an economic value for my land which I will not be able to use." He explained they could move the billboard so that it is 500' from Blue Flame Road and he would have no objection.

Mr. Sofey explained that would put the billboard in the ditch. He asked how long the ordinance had been in place for the 1,000'.

Mr. Shadden explained over ten years.

Mr. Sofey explained It would no different if someone had applied for any parcel, basically we don't have anything in Sherman that has encroached over the 1,000' distance.

Commission Member Morgan explained "there is a moratorium on permitting new applications for billboards, it might increase, it might decrease; we don't know what is going to become of that study. Nothing is ever set in stone; there is a lot of talk about what is appropriate for billboards and what is not appropriate; we don't know what that is going to be, but there is a committee that is working on

this subject.”

Mr. Sofey explained “currently there are not any billboards on the east side of Highway 75 north, it is past F.M. 691 in Denison. This property has approximately 600’ frontage; it is 250’ from Blue Flame Road. The closest billboard to the south is in front of Whataburger, which is just under a mile (5,000’) from this location. The only billboards on the west side of Highway 75 are south of S.H. 56 and there is one north of F.M. 691 in Denison.

Brandon Shelby, City Attorney explained this application was received before the moratorium was put in place, so it needs to be considered with the ordinance that is in place today.

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

ACTION TAKEN.

Motion by Commission Member Morgan to approve the site plan, zone change from a C-1 (Retail Business) District to a C-2 (General Commercial) District and Specific Use Permit to allow a billboard subject to the Staff Review Letter. Second by Commission Member Barton.

VOTING AYE: DAVIS, PLYLER, HICKS, BARTON, MORGAN AND BARBER.

VOTING NAY: NONE

MOTION CARRIED

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

AMENDMENT TO SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF NORTH PARK BAPTIST CHURCH (OWNERS) AND DAVID MURPHY AND JOHN MCDONALD (REPRESENTATIVES) CONCERNING THE PROPERTY AT 2605 REX CRUSE DRIVE, BEING LOTS 1-6, JOE E. PRICE SUBDIVISION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

AMENDING A SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE ADDITION OF THREE (3) PORTABLE CLASSROOM BUILDINGS IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT WITH A SPECIFIC USE PERMIT TO ALLOW A CHURCH.

AMEND SUP & SITE
PLAN – 3 PORTABLE
CLASSROOMS

2605 REX CRUSE
(NORTH PARK
BAPTIST CHURCH)

Commission Member Plyler abstained from this request because of a conflict of interest.

David Murphy, Pastor North Park Baptist Church, 71 Fawn Hollow, Denison, Texas

Pastor Murphy appeared to represent the request and answer any questions. The property is located at 2605 Rex Cruse Drive, the northeast corner of Lamberth Road and

Rex Cruse Drive; North Park Baptist Church is the owner/tenant. They were granted a Specific Use Permit to allow a church building in an R-1 (One Family Residential) District, September 17, 1973. Their request is to amend their Specific Use Permit to move three 15'x35' portable classrooms onto the lot which will be located north of the church. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Commission Member Morgan asked how long they anticipate the portable classrooms to be located on the property.

Pastor Murphy explained they are in a fund raising phase now and they could be building something permanent within five years. They have outgrown their church campus; they are currently meeting in every office and room in the campus. The portable buildings will allow them to move classes out of his office and storerooms into a more suitable classroom. "These building are currently located on the old Sherman Bible Church campus on F.M. 1417. Right now the buildings have hardy board siding, the underpinning would need to be replaced and walkways and ramps will be provided to the buildings to meet code. The buildings will be placed where the current playground is located; the playground will be moved to the south side of the church."

Chairman Davis explained they have received three letters in opposition and one approving of the request. Some of the things that were brought up were: security and loitering around the buildings when the church is not in session.

Pastor Murphy explained "he trust the Police Department to handle any issues that come up, there has been some times when we have had to call the authorities to come check out vehicles on our campus; there has never been a problem with that. I don't know why putting three buildings would be different, but if it was a problem, we would make sure the authorities took care of it."

Commission Member Barton asked if the reason they are going portable is to spend less money now and get it up quicker, versus doing a permanent structure, which would cost more money.

Pastor Murphy explained "I have a principle as a pastor to not lead our church into debt, not that we wouldn't borrow money to move forward to save money in the long run, but to move forward right now and to build the building we have drawn up, it is not financially possible; it would handicap us. We want to make sure we can facilitate growth without going into some form of debt. If we are allowed to put them in the location we have asked for, it will not interfere with construction projects for any future

building, whether it be adding lights, parking lot or any future structures, because they are out of the way. If we put them anywhere else on the campus, they would be very visible from Lamberth Road, if we put on the current parking we have now, they would be in the way of parking, if we adjust them in any way but this, they would be in the way in the future.”

Commission Member Barton explained so if they are not going to be in the way of future construction, then when future construction is completed, they will actually still be there and usable for the long run.

Pastor Murphy explained “they could be usable for the long run, but if we are required to move them because the nature of a portable building, then we would move them whenever it was necessary to do that. That is also a good spot to connect and add on to our current facility; it is not part of our master plan right now, we have other issues with our property right now such as easements and other things that have us handcuffed right now with what we can actually do; that’s a good spot to add a future complex. If we are allowed to use them for a short period of time and are told to move them, then we will do that and we will be prepared to move forward at that point. He explained in his spirit he is anti-portable building, if this is approved then we have to take this as an opportunity, but we do not want to keep them on the property; this is not a twenty year project, we already have our plans drawn, we are in a fund raising campaign right now. It is the plan of this pastor to continue raising funds and by the generosity of its people to build a building that the community will be proud of. We don’t want the buildings to be an eyesore, we are trying to reach the community; we don’t want to offend the community.”

Commission Member Barton asked Mr. Shadden if time limits could be placed on this item.

Mr. Shadden explained since this is an amendment to a Specific Use Permit, the board could put a condition on it.

Mori McKinney, 2606 Dover, Sherman, TX

Ms. McKinney explained she lives right behind the church. She asked if the buildings were placed in the playground area, could the buildings be moved anywhere else, if they decide to later.

Mr. Shadden explained they would have to stay where the site plan states, if approved. If they decide to move the buildings somewhere else on the lot, they would have to reapply with a new site plan; there would be the same public notice as this one.

Commission Member Morgan asked if they would consider putting in a privacy fence to shield the buildings from the

neighbor.

Pastor Murphy did not have a problem with that.

Commission Member Barber explained that would make it worse considering where the location is; aesthetics wise.

Pastor Murphy explained they are prepared to do whatever is necessary to make this work, if it is a fence or whatever they need to do.

Chairman Davis asked if a five year term would give them plenty of time to get the new building done.

Pastor Murphy explained they have to have something in process within five years.

Shelley Reddell, 1110 Yorkshire, Sherman, TX

Ms. Reddell explained she inherited a house that backs up to North Park Baptist Church, they are growing wonderfully, which is great. She explained she is representing the neighborhood; “we need to make sure 100% that those buildings cannot be moved against our fence line. A lady whose lives on the corner will be facing right up against her property and will affect her more than any of us. On the south side of the church, there is a huge lot with vacant land; there is nothing there; there is already a portable there that has electricity hooked up to it, so if possible maybe that could be a suggestion that those three buildings be moved to that side of the church. The main concern is that these portables do not get backed up against our property, I have children and the other neighbors have children, we need to make sure the safety of our kids. I use to live at 2606 Dover, I saw multiple cars come through many hours of the night, so if a building were back there if it were not being appropriately looked at would cause more people to come back there.”

Mr. Shadden explained if this is approved as submitted, they will have to stay in the playground area.

James Holder, 1106 Yorkshire, Sherman, TX

Mr. Holder explained he has lived there 47 years; “I lived there before the church ever thought about being built. I do not want a cobbled up mess, we’ve got a good area out there, a good place for our children to grow up and we already have problems with people driving in it at night. We have a nice looking church out there right now and when they start cobbling up with that sort of stuff, it is not going to look right, so I am against it; we need to leave it just like it is.”

Jean Kunitz, 2615 Rex Cruse, Sherman, TX

Ms. Kunitz explained she lives directly north of the church, “there is only a driveway between me and the playground. I much rather look at the playground than the buildings; at

least I would like a fence or something to protect the view from there because it is right across from me. It looks like such a small space to put three buildings when they have all that room on the south side, they may not be visible to no one else where they are going to put them, but they sure would be to me.”

Dennis McKinney, 2312 N. Lockhart, Sherman, TX

Mr. McKinney explained he has been a member of the church for a long time, his dad was a member. “The church paid to have the fire line moved and the first drawings were going that way. His daughter (Mori McKinney) bought this house and when she bought it, she bought it with the parking lot there where she would still have a view, not where buildings come this way to block her view and the security she is talking about; that is what she is worried about, people running through there hiding and jumping her fence. I am not against the church growing but I don’t see why they can’t get the easement taken off on the open field, which they could build parking and buildings there.”

Pastor Murphy explained the reason they cannot build on the empty lot south of the church is because there is an easement that hinders building over them, it could be a parking lot, but it has to be open. He explained he inherited a master plan for the church which would be built in phases beginning on the east side, the next phase to go to the south into the lot, hoping they could gain access to the easement; “we have not been able to do that at this point.”

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

Commission Member Morgan thought they should require an 8’ fence on the north side of the property where the portable buildings are going, maybe a hedge in front of the buildings on the west side.

Letters were received from:

Jimmy Jack Beale, 2520 Dover, Sherman, TX

He wrote, “The North Park Baptist Church has been a delightful neighbor. I would be the last person to stand in the way of the growth of God’s Church, and urge passage of the Specific Use Permit.”

Joe Ayers, 1401 Lakewood Dr., Sherman, TX

Mr. Ayers respectfully wished to voice his opposition to the request in the interest of maintaining the quality and integrity of their fine neighborhood, “the request should be denied.”

Mori McKinney, 2606 Dover, Sherman, TX

“As a concerned citizen, I would like to ask you, the Planning and Zoning Commission, to prevent them from placing their portable classroom buildings along the fence

line of the properties behind them. I am concerned about my property value decreasing, security and privacy. As a property owner, I do not want my property value to decrease because a business wants to expand and place tacky portable buildings behind my home. The buildings could provide cover for the homeless, thieves running from the cops, or even a hangout. I will be unable to see danger approaching from the back side of my house. I do not understand why they need to grow toward my property when they have an adequate amount of property to the south of the church to build on. If you allow them to place these unsuitable buildings close to my property, please require the church to build a 10 to 12 foot fence with poles facing the church and the fence facing me along the property line.”

Kimberly Harmon, 2602 Dover, Sherman, TX

She wrote, I do object to the allowance of a permit for the additional development to North Park Baptist Church. “The request in the ordinance calls for the addition of three portable classroom buildings and portable means a trailer, not a statutory building structure. I personally view the addition of portable buildings to be aesthetically unpleasing to me as it would directly be in my view from my property. In addition to the aesthetics, I have concerns that adding these type of buildings could possible bring down our residential property values even further than what they are today by the current economical standards.”

ACTION TAKEN.

Motion by Commission Member Morgan to approve the Amendment to the Specific Use Permit and site plan to allow the addition of three portable classroom buildings in an R-1 (One Family Residential) District with a Specific Use Permit to allow a church subject to a time limit of five (5) years, to move the buildings after 5 years, providing an 8’ privacy fence, 80’ along the north property line where the portable buildings will be placed and providing shrubs/hedges in front of the portable buildings on the west side of the property and the Staff Review Letter. Second by Commission Member Hicks.

VOTING AYE: DAVIS, HICKS, MORGAN AND BARBER.

VOTING NAY: BARTON

ABSTAIN: PLYLER

MOTION CARRIED

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

OTHER BUSINESS

No other business came before the board.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:11 p.m.

OTHER BUSINESS

ADJOURNMENT

PLANNING & ZONING COMMISSION MINUTES – JUNE 21, 2011

CHAIRMAN _____

SECRETARY