

STATE OF TEXAS §

June 16, 2020

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustments of the City of Sherman, was begun and held on June 16, 2020.

MEMBERS PRESENT: CHAIRMAN MAHONE, VICE-CHAIRMAN ELLIOTT
COMMISSION MEMBERS: DOWNTAIN, WOOD, DAVIS AND
MANLEY

MEMBERS ABSENT: SIMS

CALL TO ORDER

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

CALL TO ORDER

RECOGNIZE OUTGOING COMMISSION MEMBER

Chairman Mahone presented outgoing Vice-Chairman Eric Elliott a plaque for his time of service to the Planning and Zoning Commission and Board of Adjustments. He served on the board June 17, 2014 to June 17, 2020 and was Vice-Chairman December 19, 2017 to June 17, 2020.

RECOGNIZE
OUTGOING
COMMISSION
MEMBER ERIC
ELLIOTT

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the May 19, 2020 regular meeting. Motion by Commission Member Downtain to approve the Minutes as written. Second by Commission Member Davis. All present voted AYE.

APPROVE MINUTES

MOTION CARRIED.

APPOINT BOARD OF ADJUSTMENTS

Chairman Mahone appointed the members of the Board of Adjustments: ELLIOTT, DAVIS, MAHONE, DOWNTAIN AND WOOD.

BOARD OF
ADJUSTMENTS

CONSENT AGENDA (ITEM 8)

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

CONSENT AGENDA

Jake Murphy asked the Commission to remove Item 8 from the consent agenda.

SPECIFIC USE PERMIT

THE REQUEST OF TOBAR PROPERTIES (OWNER), NBS DRAFTING AND DESIGN, NATHAN GRAY (DRAFTSMAN) AND HELVEY-WAGNER SURVEYING (SURVEYOR) CONCERNING THE PROPERTIES AT 1201, 1203 AND 1205 SOUTH FIRST STREET, BEING LOTS 6R, 7R AND 8R, BLOCK 4 OF THE REPLAT OF LOTS 1 AND 2, BLOCK 4, W.D. FITCH ADDITION, AS FOLLOWS:

SUP – THREE
DUPLEXES
1201, 1203 & 1205 S.
FIRST ST.
(TOBAR
PROPERTIES)

(DENIED)

**PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER
ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO
ALLOW THREE DUPLEXES IN AN R-1 (ONE-FAMILY
RESIDENTIAL) DISTRICT.**

**Mario Tobar, 635 Preston Meadows Rd., Sherman, TX and
Nathan Gray, 303 W. Houston, Sherman, TX**

Mr. Tobar and Mr. Gray appeared to represent the request and answer any questions. The property is located at 1201, 1203 and 1205 South First Street; the southeast corner of First and Kentucky Streets. The property is zoned an R-1 (One Family Residential) District. Mr. Tobar would like to construct three duplexes on the lots. The duplexes will be approximately 1,238 square foot, three bedroom, 2 bath, 1 car garage with two parking spaces in the driveway per unit.”

Mr. Gray explained, “We were at the last meeting and I think the main concern was the parking. We revised the parking to allow a twenty-four foot driveway between the property line and the parking to allow some backing area. We have moved the duplexes forty to fifty foot off the front property line to allow for the driveway. We have a one-car garage and two parking spaces per unit.” They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Davis explained “it looks like you will have to move two cars to get one car out of the garage; your garage is divided between the two parking spaces. If you have three cars parked as if before, you will have two cars behind the garage and the whole front is concrete.”

Mr. Gray explained, “there is a little grass in front of the garage by the sidewalk and between the duplexes. You will be able to come out one of the three driveways”.

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

Commission Member Downtain explained, “there was some discussion last time potentially dropping this to two bedrooms per unit alternately with each building to ease the parking issue”.

Vice-Chairman Elliott did not think there would be parking on First Street with the amount of parking they are providing on the lots.

Mr. Gray thought they could make some of the units two-bedrooms.

Chairman Mahone asked if it would be feasible for them to make each duplex a two-bedroom and three-bedroom unit.

Commission Member Davis asked if they did that, would they increase the green space and reduce the parking.

Mr. Gray stated, “we could make each duplex a three and two bedroom per building and put some parking in the rear.”

Commission Member Downtain thought they would have a better project reducing the bedrooms. “We could not vote on this tonight according to this site plan, but you could revise the site plan and bring it back.”

Chairman Mahone felt another option would be to use the alley in the back of the lot.

Rob Rae, Director of Development Services explained, “the question to use the alley may be for the Engineering Department, if they could have two driveways; one on Kentucky Street and one on First Street, that might be a challenge as well.”

Commission Member Downtain explained, “there are many variables involved, it would be better to vote on something more specific on a documented plan that we could see and now we are talking about the alley.”

Mr. Gray asked if they could precede as we spoke, “three and two bedrooms, we are reducing parking by three.”

Chairman Mahone explained, “I could ask for a motion, perhaps that motion would come up, I don’t know.”

Scott Shadden, Director of Development Services explained, “you would need to show how that would work; you need another site plan.”

Mr. Tobar wanted to move forward with a vote.

ACTION TAKEN.

Motion by Commission Member Wood to approve the request for a Specific Use Permit to allow three duplexes in an R-1 (One-Family Residential) District at 1201, 1203 and 1205 South First Street subject to the Staff Review Letter. Second by Commission Vice-Chairman Elliott.

VOTING AYE: WOOD, ELLIOTT, AND MANLEY.
VOTING NAY: MAHONE, DAVIS AND DOWNTAIN
MOTION FAILED.

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

VARIANCE

THE REQUEST OF JOSE TOBAR AND MARIA MAGDALENA MENJIVAR (OWNERS) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY

VARIANCE – LOT
WIDTHS
923 E. JONES ST.

LOCATED AT 923 EAST JONES STREET, BEING LOTS 27, 28, 29 & 30, BLOCK 1, H.M. SUMNER'S 2ND ADDITION, AS FOLLOWS:

(JOSE TOBAR &
MARIA MAGDALENA
MENJIVAR)

BOARD OF ADJUSTMENTS

VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW TWO LOTS WITH 50 FOOT LOT WIDTHS IN LIEU OF THE REQUIRED 60' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Jose & Chris Tobar, 923 E. Jones, Sherman, TX

Mr. Jose Tobar and Mr. Chris Tobar appeared to represent the request and answer any questions. The property is located at 923 East Jones Street between Willow and Vaden Streets. The property is zoned an R-1 (One Family Residential) District.

Chris Tobar explained they are requesting a variance to allow fifty-foot lot widths on two lots for residential development. The lots were originally platted into four twenty-five foot lots and they would like to Replat them into two fifty-foot lots. They had seen the Staff Review Letter and would abide by the Recommendations.

Toni Gittens, 1005 E. Cherry, Sherman, TX

Ms. Gittens was concerned with the possibility of the owners building duplexes on the lots. "The entire area is single-family homes and there is not a lot of parking. People now park on the street and is congested and hard to maneuver down the street."

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the request for a variance to allow fifty-foot lot widths on two lots at 923 East Jones Street subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: DAVIS, MAHONE, DOWNTAIN, WOOD AND ELLIOTT.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF DENNY FARLEY (OWNER) CONCERNING THE PROPERTY AT 328 WEST MOORE STREET, BEING THE NORTH PART OF LOT 1, BLOCK 7, B.H. MOORE HEIRS ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(4) TO ALLOW A 35' FRONT

VARIANCE – FRONT
SETBACK
DETACHED
CARPORT
328 W. MOORE ST.
(DENNY FARLEY)

SETBACK FOR A DETACHED CARPORT IN LIEU OF THE REQUIRED 60' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Denny Farley, 328 West Moore St., Sherman, TX

Mr. Farley appeared to represent the request and answer any questions. The property is located at 328 West Moore Street; the southeast corner of Rusk and Moore Streets. The property is zoned an R-1 (One Family Residential) District.

Mr. Farley explained he is requesting a variance to allow a 35' setback from the front property line for a 12' x 21' metal carport. "I have an existing privacy fence in my front and back yard; if I moved it back, my privacy fence would almost be up against my storage building in my backyard. I have an oak tree that goes over my driveway and I would like to have the carport to keep my car clean. My driveway is approximately fifty-five foot long." They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Mahone asked if there were any other carports in the area.

Mr. Farley responded, "no, because most of the driveways are not as long as mine."

Commission Member Davis asked if there were any other options on carports.

Mr. Farley explained he could not attached it to his house because the driveway is too far away. "I want something that is not too expensive and I would like to protect my vehicles. The carport I plan to get will match my house."

Chairman Mahone explained even if you moved the fence and moved the carport back; you still would not have sixty feet because of the storage building.

Mr. Farley responded, "that is correct."

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

ACTION TAKEN.

Motion by Commission Member Davis to deny the request for a variance to allow a 35' front setback for a detached carport at 328 West Moore Street subject to the Staff Review Letter.

MOTION DIED FOR LACK OF A SECOND

ACTION TAKEN.

Motion by Commission Member Downtain to approve the request for a variance to allow a 35' front setback for a detached carport at 328 West Moore Street subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

VOTING AYE: MAHONE, DOWNTAIN, WOOD, AND ELLIOTT
VOTING NAY: DAVIS
MOTION CARRIED

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

SITE PLAN

THE REQUEST OF MONTGOMERY LIVING TRUST (OWNERS), CLIFF MONTGOMERY (REPRESENTATIVE), BEST PAWN (TENANT) AND F2M CONSTRUCTION (CONTRACTOR) CONCERNING THE PROPERTY AT 6400 TEXOMA PARKWAY, BEING 1.756 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SITE PLAN APPROVAL FOR A STORAGE BUILDING FOR BEST PAWN.

**SITE PLAN –
STORAGE BUILDING
FOR BEST PAWN
6400 TEXOMA
PARKWAY
(MONTGOMERY
LIVING TRUST)**

Jake Murphy (Representative for Cliff Montgomery) requested this item be pulled from the consent agenda for discussion.

No one appeared to represent the request.

The property is located at 6400 Texoma Parkway; the southwest corner of Texoma Parkway and FM 691; Best Pawn is the tenant. The property is zoned a C-2 (General Commercial) District and located in the O-1.3 (FM Highway 691) Overlay District.

Best Pawn would like to build a 3,000 square foot metal storage building behind their existing business. They had seen the Staff Review Letter and would abide by the Recommendations.

ACTION TAKEN.

Motion by Vice-Chairman Elliott to approve the site plan for a storage building for Best Pawn at 6400 Texoma Parkway subject to the Staff Review Letter.
Second by Commission Member Davis.

VOTING AYE: MAHONE, DAVIS, DOWNTAIN, WOOD, MANLEY AND ELLIOTT
VOTING NAY:
MOTION CARRIED

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

VARIANCE

THE REQUEST OF CDS KIM INC. (OWNERS) AND YANESI LOPEZ (APPLICANT) CONCERNING THE PROPERTY LOCATED AT 3301 TEXOMA PARKWAY, BEING PART OF LOTS 12-15, BLOCK 2, REDICK ADDITION, AS FOLLOWS;
BOARD OF ADJUSTMENTS

**VARIANCE – FRONT
SETBACK DINING
CANOPY
3301 TEXOMA
PARKWAY
(CDS KIM INC.)**

VARIANCE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (5) TO ALLOW AN OUTSIDE DINING CANOPY ON THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED 25' IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

Yanesi Lopez, Lessly Lopez, and 3301 Texoma Parkway, Sherman, TX

Mr. and Mrs. Lopez and Lessly Lopez appeared to represent the request and answer any questions. The property is located at 3301 Texoma Parkway; the northeast corner of Texoma Parkway and Gallagher Drive; Cielito Lindo Restaurant is the tenant. The property is zoned a C-2 (General Commercial) District.

Lessly Lopez explained they would like to construct a 30' x 24' metal canopy for outdoor dining for Cielito Lindo Restaurant over an existing concrete slab, which is located on the Texoma Parkway property line. They had seen the Staff Review Letter and would abide by the Recommendations.

Mr. Lopez explained, “the canopy will be metal attached to the building and will have metal post for support; it will match the existing building. There is an existing door in front of the building to provide access to the patio. I have done several similar in downtown Sherman. A metal fence will enclose the canopy. We plan to erect a wall sign on the south side of the canopy. At this time, more people like to dine outside for safety concerns of the Covid-19 pandemic.”

Chairman Mahone asked how far from the road the existing concrete was located.

Mr. Lopez thought at least thirty-feet.

Rob Rae explained, “the property line is about twenty-five feet from the Texoma Parkway pavement.”

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

ACTION TAKEN.

Motion by Commission Member Woods to approve the request for a variance to allow an outside dining canopy on the front property line at 3301 Texoma Parkway subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

VOTING AYE: DAVIS, MAHONE, DOWNTAIN, WOOD, ELLIOTT.

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF LISA FOSTER (OWNER), PRESTON TRAIL LAND SURVEYING (SURVEYOR) AND NBS DRAFTING AND DESIGN, NATHAN GRAY (DRAFTSMAN) CONCERNING THE PROPERTY AT 1527 EAST LAMAR STREET, BEING LOTS 9 & 10, BLOCK 40, COLLEGE PARK ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM A C-1 (RETAIL BUSINESS) DISTRICT TO AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**ZONE CHANGE – C-1
TO R-1
1527 E. LAMAR ST.
(LISA FOSTER)**

Lisa Foster, 68 Pershing Blvd., Pottsboro, TX and Chris Noah, Preston Trail Land Surveying, 83493 N. State Highway 289, Ste. 5, Pottsboro, TX

Ms. Foster and Mr. Noah appeared to represent the request and answer any questions. The property is located at 1527 East Lamar Street; the northwest corner of Cleveland Avenue and East Lamar Street; formerly Taylor's Tomato Patch. The property is zoned a C-1 (Retail Business) District.

Mr. Noah explained, “these are two vacant lots at the corner of Lamar and Cleveland; they previously were a produce stand. The lots are vacant now and are zoned a C-1 (Retail Business) District. The owner is requesting a zone change to an R-1 (One Family Residential) District for residential development.” He had seen the Staff Review Letter and would abide by the Recommendations.

Ms. Foster explained, “there is existing residential next door.”

Mr. Noah explained, “many of the properties in the area that are zoned commercial are being used as residential.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the zone change from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District located at 1527 East Lamar Street subject to the Staff Review Letter. Second by Commission Member Manley.

VOTING AYE: ELLIOTT, DAVIS, MAHONE, WOOD DOWNTAIN AND MANLEY.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF LAZY L ENTERPRISES (OWNER) AND PRESTON TRAIL LAND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 515 EAST CARTER STREET, BEING ALL OF LOT 11 AND THE WEST 3' OF LOT 12, BLOCK 1, HALL & JONES ADDITION, CONTAINING 0.195 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

BOARD OF ADJUSTMENTS

EXCEPTION APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8.3, SUBSECTION (4)(C) TO ALLOW A RESIDENTIAL DWELLING WITH 1,097 SQUARE FOOT LIVING AREA IN LIEU OF THE REQUIRED 1,200 SQUARE FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

EXCEPTION –LIVING
AREA
515 E. CARTER ST.
(LAZY L
ENTERPRISES)

Bill Magers, 4 Timber Creek, Sherman, TX

Mr. Magers appeared to represent the request and answer any questions. The property is located at 515 East Carter Street between East and Broughton Streets. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District.

Mr. Magers explained, “I am requesting an exception to allow a residential dwelling to have 1,097 square foot living area in lieu of the required 1,200 square foot in the College Park Overlay District. Habitat for Humanity has this lot under contract. This part of Carter Street is an unfinished street. The home next door is around 1,100 square feet as well as several of the homes across the street. Most of the block is vacant. We are requesting the exception to accommodate Habitat for Humanity’s footprint of the house they are proposing.” He had seen the Staff Review Letter and would abide by the Recommendations.

Frank Ventura, 312, Island View, Pottsboro, TX

Mr. Ventura explained, “the reason for the exception for the living area is to keep the cost down and affordable for our clients. People are looking for affordable housing through Habitat for Humanity. A majority of these houses are constructed by volunteers all the way through. In order for it to work, we have to stay at a simple and easy way to construct the house, this is the lowest one we have and one that really fits a profile. The one hundred square feet represents the costs for us. We are just asking for this one change to make this like the other ones we do. We have built other homes like this in other areas of the City; the square footage has not been an issue. The College Park Overlay District has the requirement for a minimum 1,200 square foot.

Laurie Meely, Habitat for Humanity, 1109 N. Leslie, Sherman, TX

Ms. Meely explained, “Habitat for Humanity has built eighteen homes in Sherman, in addition to homes in Denison, Van Alstyne and Pottsboro. All of them are less

than 1,200 square feet because we are keeping with the population we serve, and in keeping taxes and insurance low in addition to square footage. We have built homes since 1991; we were founded in December 1991.”

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

ACTION TAKEN.

Motion by Commission Member Downtain to approve the exception to allow a residential dwelling with 1,097 square foot living area in lieu of the required 1,200 square foot in an R-1 (One Family Residential) District/College Park Overlay District located at 515 East Carter Street subject to the Staff Review Letter. Second by Vice-Chairman Elliott.

VOTING AYE: ELLIOTT, DAVIS, MAHONE, DOWNTAIN AND WOOD.

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCES & REPLAT

THE REQUEST OF LAZY L ENTERPRISES (OWNER), PRESTON TRAIL LAND SURVEYING (SURVEYOR) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 521 EAST CARTER STREET, BEING PART OF LOT 13, BLOCK 1, HALL & JONES ADDITION AND AN UNPLATTED TRACT IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 0.194 ACRES, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 52.84' LOT WIDTH IN LIEU OF THE REQUIRED SIXTY (60) FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.
- VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8.3, SUBSECTION (4)(C) TO ALLOW A RESIDENTIAL DWELLING WITH 1,097 SQUARE FOOT LIVING AREA IN LIEU OF THE REQUIRED 1,200 SQUARE FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF HALL & JONES ADDITION, BLOCK 1, LOT 13R.

Bill Magers, 4 Timber Creek, Sherman, TX

Mr. Magers appeared to represent the request and answer any questions. The property is located at 521 East Carter Street between East and Broughton Streets. The property is

VARIANCE – LOT
WIDTH

VARIANCE – LIVING
AREA

REPLAT HALL &
JONES ADDN. BLK.
1, LOT 13R
521 E. CARTER ST.
(LAZY L
ENTERPRISES)

zoned an R-1 (One Family Residential) District and located in the College Park Overlay District.

Mr. Magers explained, “I am requesting a variance to allow a 52.84' lot width to Replat the property into one lot for residential development. We are also requesting a variance to allow a residential dwelling with 1,097 square foot living area in lieu of the required 1,200 square foot in the College Park Overlay District. The property is under contract with Habitat for Humanity as well.” He had seen the Staff Review Letter and would abide by the Recommendations.

Erica Milam, 817 N. East, Sherman, TX

Ms. Milam explained she lives in a homestead that has been there sixty-eight years; “my parents passed it down to me. My concern is about 821 North East Street.”

Chairman Mahone explained, “the request at 821 North East Street has been withdrawn. We are not discussing it tonight; we are not approving anything to be built there tonight. They are saying they are not asking for those variances at this time.”

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

A letter was received from:

Erica Milam, 817 N. East, Sherman, TX

“I am writing this letter to express my strong opposition to the proposed building of a house on the lot next door to my dwelling at 817 NE Street. I totally feel helpless in this situation because I was not given an opportunity to either object to the building of the house or given the option of buying the property before now. While our community may not be unable to prevent its development, which in itself is detrimental to the area because nearly all the residents on NE street object to the creation of this structure.”

“Moreover, I have serious health problems: I suffer with Fibromyalgia, and constant noise and peculiar scents trigger flare-ups, which usually necessitates my being hospitalized for a week. Furthermore, since the lot is so small, traffic, in terms of parked cars, and visitors to the proposed building will do nothing but cause massive chaos, which is a major concern to me and all of my neighbors who live closest to the lot where the house is to be built There is simply not enough space for this building, and the safety issues that this structure will pose is my biggest concern, for if there should ever a fire, heaven forbid, my house will automatically go up in flames because there is not enough room between my house at 817 NE street and the proposed structure.”

“In addition to the aforementioned, there is a very old pecan tree on my property that will have to be cut down to make room for the construction of the proposed property. Pecan

trees are a part of Texas history and should not be cut down, and wildlife has been observed on the lot; any development will destroy their natural habitat, so the development of the property next door to my house will totally impact the local wildlife. Also, if the house is built, it will be an eyesore, and property values are likely to go down in the area because of it, so I urge you to disapprove the building of this property, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have, perhaps, not managed to attend meeting or write letters and emails. Thank you for your continued service and support of our community.”

ACTION TAKEN.

Motion by Commission Member Downtain to approve the variances to allow a 52.84’ lot width in lieu of the required sixty (60) foot and a residential dwelling with 1,097 square foot living area in an R-1 (One-Family Residential) District at 521 East Carter Street subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: MAHONE, DAVIS, DOWNTAIN, ELLIOTT AND WOOD

VOTING NAY: NONE

MOTION CARRIED

ACTION TAKEN.

Motion by Commission Member Davis to approve the Replat of Hall & Jones Addition, Block 1, Lot 13R at 521 East Carter Street subject to the Staff Review Letter. Second by Commission Member Downtain.

VOTING AYE: MAHONE, DAVIS, DOWNTAIN, ELLIOTT, WOOD AND MANLEY

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCES & REPLAT

THE REQUEST OF LAZY L ENTERPRISES (OWNER), PRESTON TRAIL LAND SURVEYING (SURVEYOR) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY AT 521 EAST CARTER STREET, BEING PART OF LOT 13, BLOCK 1, HALL & JONES ADDITION AND AN UNPLATTED TRACT IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 0.194 ACRES, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 52.84’ LOT WIDTH IN LIEU OF THE REQUIRED SIXTY (60) FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT.

VARIANCE – LOT WIDTH & AREA

VARIANCE – SIDE SETBACK

**REPLAT HALL & JONES ADDN., BLK. 1, LOT 6R
821 N. EAST ST.
(LAZY L ENTERPRISES)**

(WITHDRAWN)

- VARIANCE APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.8.3, SUBSECTION (4)(C) TO ALLOW A RESIDENTIAL DWELLING WITH 1,097 SQUARE FOOT LIVING AREA IN LIEU OF THE REQUIRED 1,200 SQUARE FOOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/COLLEGE PARK OVERLAY DISTRICT

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF HALL & JONES ADDITION, BLOCK 1, LOT 13R.

Bill Magers sent an email June 8, 2020 withdrawing the request.

ZONE CHANGE & SITE PLAN

THE REQUEST OF SHERMAN C&G PROPERTIES (OWNER) AND MICHAEL J WRIGHT & ASSOCIATES, INC. (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 1225 PARK PLACE, BEING A PART OF BLOCKS 4 & 5 OF THE REPLAT OF LOTS 6 THRU 45, WOODHAVEN ADDITION, CONTAINING 1.252 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND SITE PLAN APPROVAL FOR CREEKWOOD CONDOMINIUMS UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

ZONE CHANGE – R-1
TO R-2

SITE PLAN –
CREEKWOOD
CONDOMINIUMS
1225 PARK PLACE
(SHERMAN C&G
PROPERTIES)

**Michael J. Wright, 8233 Mid Cities Blvd., Ste. A, NRH, TX and
Toby Hess, 605 CR 303, Lindsay, TX**

Mr. Wright and Mr. Hess appeared to represent the request and answer any questions. The property is located at 1225 Park Place, the southeast corner of Newman Drive and Park Place. The property is zoned an R-1 (One Family Residential) District.

Mr. Wright explained, “the owners would like to replace the existing apartments that burned down December, 2019 with one, three-story, 12,600 square foot (approximately 700 square foot per unit) with (18) eighteen, one bedroom units and the second building will be a two-story, 3,900 square foot (approximately 975 square foot per unit), four unit building on the vacant land. There will be a total of (30) thirty units. Parking will be provided for (61) sixty-one spaces, including (20) twenty carports.”

Mr. Wright had a question about the masonry perimeter wall fence surrounding the development. “There is a fifty-foot drainage easement on the south side of the lot as well as floodplain. I do not see how we can put a fence in the middle of the drainage easement. The lot is fully treed to the south; you cannot see any of the residential. We would like to request not to build the fence because of the drainage

easement.” He had seen the Staff Review Letter and would abide by the Recommendations.

Scott Shadden explained, “they would need to come back to request an exception for the fence.”

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

ACTION TAKEN.

Motion by Commission Member Davis to approve the zone change from an R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for Creekwood Condominiums at 1225 Park Place subject to the Staff Review Letter. Second by Commission Member Wood.

VOTING AYE: MAHONE, DOWNTAIN, WOOD, DAVIS, MANLEY AND ELLIOTT.

VOTING NAY: NONE

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:07 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY