

Road, between Peyton Street and U.S. Highway 82. The property is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into four lots to sell some of the lots. They had seen the Staff Review Letter and would abide by the Recommendations.

ASSOCIATION)

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF SHERMAN COMMONS LP (OWNERS), MENCHIE'S (TENANT), CRAIG TURCZYNSKI (REPRESENTATIVE) AND JAMES GREEN (GENERAL CONTRACTOR) CONCERNING THE PROPERTY AT 4001 NORTH U.S. HIGHWAY 75, SUITE 200, BEING LOT 3, BLOCK A OF THE REPLAT OF BLOCKS A, B AND D OF SHERMAN COMMONS ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN OUTDOOR DINING AREA FOR MENCHIE'S

**SITE PLAN –
OUTDOOR
DINING AREA
4004 N. U.S. HWY
75, STE 200
(SHERMAN
COMMONS LP)**

The property is located at 4001 North U.S. Highway 75, Suite 200 in the Sherman Commons Shopping Center. Menchie's Frozen Yogurt opened at this location in November of 2015. They would like to have an outdoor seating area with tables, chairs and a 3' tall fence on the south side of the building. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF MUELLER CONSTRUCTION COMPANY, LLC (OWNER) AND KYLE BOOTHE, BLUESTONE PARTNERS, LLC (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 5100 MARSHALL STREET, BEING PART OF LOT 4, BLOCK 1, MIDWAY INDUSTRIAL PARK ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR A WAREHOUSE AND PARKING LOT ADDITION FOR MUELLER CONSTRUCTION COMPANY.

**SITE PLAN –
WAREHOUSE &
PARKING LOT
ADDITION
5100
MARSHALL
(MUELLER
CONSTRUCTION
COMPANY, LLC)**

The property is located at 5100 Marshall Street, north of Fallon Drive. The property is zoned an M-1 (Light Manufacturing) District. The owners would like to add additional parking and a 31,500 square foot metal warehouse addition to an existing building for Mueller Construction Company. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF CHRIS MARTIN (OWNER) AND TATCHIO AND ASSOCIATES (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 4312 TEXOMA PARKWAY, BEING LOT 3, SIDNEY HEIGHTS ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

**SITE PLAN –
STORAGE
FACILITY
4312 TEXOMA
PARKWAY
(CHRIS MARTIN)**

SITE PLAN APPROVAL FOR AN ADDITIONAL STORAGE FACILITY FOR MANDY'S MINI STORAGE.

The property is located at 4312 Texoma Parkway between Gallagher Drive and Frisco Road. The owner would like to construct a 6,341 square foot, 53 unit additional storage facility for Mandy's Mini Storage on the lot.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF FRIENDLY CHURCH OF GOD IN CHRIST (OWNERS), KASANDRA DAVIS (REPRESENTATIVE) AND DEENA MILES, MILES MOORE CONSULTANTS (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 711 EAST LAMAR STREET, BEING LOTS 4 THRU 12, BLOCK 10, CHAFFIN'S 1ST ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR THE RENOVATION OF THE FRONT FAÇADE OF FRIENDLY CHURCH OF GOD.

The property is located at 711 East Lamar between Throckmorton and Maxey Streets; Friendly Church of God in Christ is the tenant. An exception was granted in 1958 to the spacing rules on the required back yard area for an addition to the church building.

The owners would like to renovate the front of the exterior facade, it currently has a stone front and they would like to change it to glass.

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

TEMPORARY USE PERMIT

THE REQUEST OF GLENDA HUNTER (OWNER) CONCERNING THE PROPERTY AT 1803 E. MAY STREET, BEING LOTS 1 & 3, BLOCK 3, MILAN HEIGHTS ADDITION, AS FOLLOWS:

BOARD OF ADJUSTMENTS

(RENEW) TEMPORARY USE PERMIT UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4) (A) TO ALLOW THE OPERATION OF A SNOW CONE STAND MAY THROUGH SEPTEMBER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Robert Hunter, 1814 E. May, Sherman, TX

Mr. Hunter appeared to represent the request and answer any questions. The property is located at the northeast corner of May and Ross Streets. This is a renewal for the snow cone stand that has been in operation at this location since 1998.

Chairman Gilbert asked Scott Shadden if there were any complaints on the snow cone stand.

Scott Shadden, Director of Developmental Services responded "no."

**SITE PLAN –
RENOVATION
OF FRONT
FAÇADE
711 E. LAMAR
(FRIENDLY
CHURD OF GOD
IN CHRIST)**

**TUP – SNOW
CONE STAND
1803 E. MAY
(GLENDA
HUNTER)**

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

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the Temporary Use Permit to allow a snow cone stand May through September in an R-1 (One Family Residential) District. Second by Commission Member Patterson.

VOTING AYE: GILBERT, ELLIOTT, PATTERSON, VANDERVEER AND DAVIS.

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT

**THE REQUEST OF COMMUNITY STORAGE USA LTD (OWNERS), JAMES W. CAUDLE (REPRESENTATIVE) AND KENT SANDERS (PROPOSED TENANT) CONCERNING THE PROPERTY AT 2115 SOUTH FM 1417 (HERITAGE PARKWAY) BEING LOT 3, BLOCK 1, COMMUNITY USA ADDITION, AS FOLLOWS;
PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AN ARMY SURPLUS STORE IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT.**

**SUP – ARMY
SURPLUS
STORE
2115 S FM 1417
(HERITAGE
PARKWAY)
(COMMUNITY
STORAGE USA
LTD)**

Kent Sanders, 272 Quail Run Rd., Sherman, TX

Mr. Sanders appeared to represent the request and answer any questions. The property is located at 2115 South FM 1417 (Heritage Parkway) in the Community Storage USA retail center, between Park Avenue and O.B. Groner Road. Mr. Sanders explained he would like to open an army surplus store in the retail center at this location. “I have done it as a hobby for the last two years at trade shows/gun shows. I started out with two 8’ tables, I’m doing fifteen tables at \$80 per table; that’s a month’s rent, so it just makes sense to try to make a go of it, it’s been fun and something I like to do. He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert stated “at other army surplus stores I have seen flags or other memorabilia that are outside or on the face of the building.”

Mr. Sanders explained “I do not do the tires, the military equipment or anything big that needs to set outside in tents. Everything I have is always inside the building.”

Chairman Gilbert asked if he would be opposed to some sort of condition on the Specific Use Permit of no outside storage.

Mr. Sanders agreed.

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

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the Specific Use Permit to allow an army surplus store in a C-1 (Retail Business) District/O-1.1 (F.M. Highway 1417) Overlay District at 2115 South FM 1417 (Heritage Parkway) subject to having no outside displays or storage and the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, DAVIS, VANDERVEER, ADAMS, MAHONE, ELLIOTT AND PATTERSON

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT, VARIANCES & REPLAT

THE REQUEST OF SAPPHIRE GROUP LLC (OWNERS), KYLE BOOTHE, (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 317-415 NORTH WOODS STREET, 308-420 NORTH SAM RAYBURN FREEWAY AND 703-721 WEST PECAN STREET, BEING PART OF THE J.B MCANAI SURVEY, ABSTRACT NO. 763 AND BEING ALL OF BLOCK 6, EXSTEIN'S MAPLE ADDITION CONTAINING 3.897 ACRES, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW TWO-FAMILY PATIO HOMES ON THE PROPOSED LOTS 1-19, BLOCK 6R OF THE REPLAT OF BLOCK 6, EXSTEIN'S MAPLE ADDITION IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 3' SIDE YARD SETBACK FOR A TWO-FAMILY PATIO HOME ON THE PROPOSED LOTS 1-19, BLOCK 6R OF THE REPLAT OF BLOCK 6, EXSTEIN'S MAPLE ADDITION IN LIEU OF THE REQUIRED 5' WITH A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW SEVENTEEN (17) LOTS WITH WIDTHS OF THIRTY-ONE (31) FEET IN LIEU OF THE REQUIRED FORTY (40) FEET AND ONE CORNER LOT WITH THIRTY-EIGHT (38) FEET IN LIEU OF THE REQUIRED FORTY-FIVE (45) FEET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF BLOCK 6 OF EXSTEINS MAPLE ADDITION

SUP – TWO-FAMILY PATIO HOMES
VARIANCE – SIDE SETBACK
VARIANCE – LOT WIDTHS
REPLAT – BLK 6 EXSTEIN'S MAPLE ADDN.
317-415 N. WOODS, 308-420 N, SAM RAYBURN FRWY. & 703-721 W. PECAN (SAPPHIRE GROUP)

Kyle Boothe, Bluestone Partners, 4708 N. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Boothe appeared to represent the request and answer any questions. The property is located at 317-415 North Woods Street, 308-420 North Sam Rayburn Freeway and 703-721 West Pecan Street; it is bound by North Sam Rayburn Freeway, Pecan Street, Woods Street and Fern Street.

Mr. Boothe explained the property has twenty-one residential lots with homes. They would like to replat the property into 20 lots for residential and commercial development. They are requesting a Specific Use Permit to construct nineteen (19) two story, two-family patio homes on the lots fronting Woods Street and rezone one lot along North Sam Rayburn Freeway for commercial development. "The residential development will have two-family, one unit will be on the bottom and one of the top; they will have front patios, front porches and all the parking will be in the back. Our goal is to keep the parking in the back, have nice yards in the front that are landscaped along Woods Street. All the dumpsters will be in the back as well, so you wouldn't have trash cans lined up along the street. Our goal is to improve the area and add value to property and the City. There is a similar project over on Grand Avenue that Austin College did for a residential living quarters." He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert explained "the side that is facing Highway 75 will be developed commercial; the west side of the block will be the two-family development. There are residential houses that are there now, they will be torn down. The two-family dwellings will be platted under the patio home ordinance where you will have minimal side and front yard setbacks."

Mr. Boothe responded "that is correct."

Chairman Gilbert asked if they were meeting the parking requirements of one per bedroom and a minimum of two per unit.

Mr. Boothe responded "that is correct. The dwellings will be mixed but they will average two bedrooms per unit; most will be two bedroom, two bath units."

Commission Member Mahone asked Mr. Boothe to explain the parking situation in the back; "I'm assuming that's four cars per dwelling."

Mr. Boothe explained "that is correct; I think it is somewhere in the neighborhood of eighty total. Currently there is an alley in the back that we plan to have abandoned. Once that is done, we plan to have a private joint access easement through there where everyone can go in and out; it will connect on the north and south sides of the block to park in the back of the units. The dumpster will also be in the back of the units."

Cathy Linden Mayes, 404 N. Woods, Sherman, TX

Mrs. Mayes explained she lives across the street from the development. “The development will change the whole area from a residential to more of an apartment style living. I am not against development, but I am against that we are going to have thirty-eight units on one and a half blocks. The issue is, most families now a days have two cars and we already have a problem with traffic and parking. It is not a large street; we have duplexes at the corner of Woods and Washington and the corner of Woods Street and Fern. They are parking in the front, even though they have parking in the back, they park in the grass and they park across the street in the bank parking lot. So we have parking issues just as we are today.”

“Most of the homes are in really bad shape, they belong to elderly, when they pass, that is when they are purchased. They have been rent homes all this time, so they really do look bad and it would be an improvement to the area, but at the same time, I feel the development company could come up with a little bit better planning than to have thirty-eight units in a residential area. Main Street Sherman is trying to become more where we are having businesses open up, we are having more people in the area, The Lofts are in the downtown area and it is hard to get those filled and when we have this many units in one area, it is going to pull what you have worked so hard to get taken care of to draw into downtown Sherman. I would like something that would be more workable, I know I am only speaking as one person, but there are very few of us owners on this block any longer. It would be an improvement to the area and it would be great, but thirty-eight units in that area is just too many.”

Julio Malacara, 408 N. Woods, Sherman, TX

Mr. Malacara explained he is Mrs. Mayes next door neighbor and he echoed a lot of her sentiment. “I would like to know how long it would take to tear it down and build these buildings on Woods Street.”

Mr. Boothe responded “we would hope to start this summer and if everything goes good, be built in ten months.”

Mr. Malacara agreed “the parking is terrible; that is our main concern. Currently, the street is like a drag there; they speed down it. I really don’t like that many houses; parking is already an issue.”

Commission Member Davis explained “on Woods Street there is no parking on one side, he asked Mr. Boothe if he would not be opposed to having no parking in the front of the dwellings, are you going to allow tenants to park in the grass.”

Mr. Boothe explained his plan is to have the front landscaped with bushes and small monuments with short wrought iron fences. “We have eighty parking spaces; we have room to add some more if needed; access will be pushed closer to Highway 75 than Woods Street; we feel that people will turn off the access road, in all reality it should lessen traffic and parking on Woods Street. All the driveways on Wood Street will be eliminated. We

plan on having an overall management for the development which will include landscaping, picking up trash and maintaining the area. We will be there and we want the same thing; we don't want people causing problems; we want it to be a nice place to live and well maintained."

Sheila Emerson, 710 W. Pecan, Sherman, TX

Mrs. Emerson explained "it is a very populated area and they do not monitor the area very well; it is a drag strip through there. You are going to draw too many more people there; it is not monitored, you have the Piner students that walk over the catwalk. In the last year we have had a kid that got run over on his bicycle and part of it is because of parking, you can't see and then people dart out. I think that is way too many people."

"My parents, Billy & Ruth Dickerson received a letter, they could not be here, but they oppose it. I don't mind the development; it's just too large a population because parking is a real issue and I don't want anything to happen to my grandkids. Can we be notified of the timeframe of what you are going to do because the area is very run down, it is full of rodents and roaches; we need to exterminate the area before you go tearing all this stuff down."

Mr. Boothe explained he would be glad to give them a business card and email them a site plan of the development showing the parking.

Patricia Macias, 422 N. Woods, Sherman, TX

Ms. Macias explained she lives at the corner of Woods Street and Fern. "I agree with my neighbors, as it is now the traffic is horrendous. There was a wreck the other day where a car crashed into a light pole and broke it in two. The crime rate will go up. With more families, more cars, more traffic, that is going to create a danger for the children in the area."

Commission Member Vanderveer explained "if you call the Police Department non-emergency line, they will respond."

Chairman Gilbert explained "we understand a number of concerns are with the density issue and traffic, so your point has been heard."

Luke Scheibmeir, 3213 Redbud Trl., Sherman, TX

Mr. Shceibmeir explained he owns property at 833 West Fern, corner of Fern and Maple. "I am here on behalf of Texas Star Bank and myself as a property owner. We feel that this will be a big improvement to the community and we understand there is cost to the community as far as houses and construction time periods, but we do think this will be a big improvement to the community and we think it is a great idea."

Commission Member Patterson asked what the process is to request a traffic study for the area; "is that something we could look into."

Clint Philpott, City Engineer explained "we could do a study on

that and see how much traffic is going through there to see if traffic stops are warranted or any type of traffic signs. We can look into that and that is something that the developer may request.”

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

Letters were received from:

Luke Scheibmeir, 3213 Redbud Trl, Sherman, TX

“While I understand construction projects can have a short term inconvenience for nearby neighborhoods, in most cases the cost of that inconvenience is outweighed by the long term benefits associated with improvements to the area. I foresee this project to be not different. As a local landowner in the neighborhood, I fully support the requested permits and variances proposed in today’s meeting.

Texas Star Bank, 110 E. Jefferson, Van Alstyne, TX

“Texas Star Bank supports the construction project proposed by Sapphire Group LLC. We feel that the two-family patio homes on Woods Street and the commercial buildings on North Sam Rayburn Freeway will be an improvement to the area and beneficial to the community in the future.”

BOARD OF ADJUSTMENTS

- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW A 3’ SIDE YARD SETBACK FOR A TWO-FAMILY PATIO HOME ON THE PROPOSED LOTS 1-19, BLOCK 6R OF THE REPLAT OF BLOCK 6, EXSTEIN’S MAPLE ADDITION IN LIEU OF THE REQUIRED 5’ WITH A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.
- VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (1) TO ALLOW SEVENTEEN (17) LOTS WITH WIDTHS OF THIRTY-ONE (31) FEET IN LIEU OF THE REQUIRED FORTY (40) FEET AND ONE CORNER LOT WITH THIRTY-EIGHT (38) FEET IN LIEU OF THE REQUIRED FORTY-FIVE (45) FEET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Patterson to approve the request for a variance to allow seventeen (17) lots with widths of thirty-one (31) feet in lieu of the required forty (40) feet and one corner lot with thirty-eight (38) feet in lieu of the required forty-five (45) feet and to approve the request for a variance to allow a 3’ side yard setback for a two-family patio home on the proposed Lots 1-19, Block 6R of the Replat of Block 6, Exstein’s Maple Addition in lieu of the required 5’ with a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District/O-1.2 (Sam Rayburn Overlay) District. Second by Commission Member

PLANNING & ZONING COMMISSION MINUTES – MAY 17, 2016

Vanderveer.

VOTING AYE: GILBERT, ELLIOTT, PATTERSON, VANDERVEER AND DAVIS.

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW TWO-FAMILY PATIO HOMES ON THE PROPOSED LOTS 1-19, BLOCK 6R OF THE REPLAT OF BLOCK 6, EXSTEIN'S MAPLE ADDITION IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT.

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the request for a Specific Use Permit to allow two-family patio homes on the proposed Lots 1-19, Block 6R of the Replat of Block 6, Exstein's Maple Addition in an R-1 (One Family Residential) District/O-1.2 (Sam Rayburn Overlay) District subject to the Staff Review Letter. Second by Commission Member Davis.

VOTING AYE: GILBERT, DAVIS, VANDERVEER, ADAMS, MAHONE, ELLIOTT AND PATTERSON

VOTING NAY: NONE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF BLOCK 6 OF EXSTEIN'S MAPLE ADDITION

ACTION TAKEN.

Motion by Commission Member Vanderveer to approve the replat subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, DAVIS, VANDERVEER, ADAMS, MAHONE, ELLIOTT AND PATTERSON

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE

THE REQUEST OF SAPPHIRE GROUP LLC (OWNERS), KYLE BOOTHE, (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 308-420 NORTH SAM RAYBURN FREEWAY AND 703-713 WEST PECAN STREET, BEING PART OF THE J.B MCANAIR SURVEY, ABSTRACT NO. 763 AND PART OF BLOCK 6, EXSTEIN'S MAPLE ADDITION CONTAINING 1.969 ACRES, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE

ZONE CHANGE
R-1 TO C-1
308-420 N. SAM
RAYBURN
FRWY. & 703-
713 W. PECAN
(SAPPHIRE
GROUP)

FAMILY RESIDENTIAL) DISTRICT TO A C-1 (RETAIL BUSINESS) DISTRICT.

Kyle Boothe, Bluestone Partners, 4708 N. FM 1417 (Heritage Parkway), Sherman, TX

Mr. Boothe appeared to represent the request and answer any questions. The property is located at 308-420 North Sam Rayburn Freeway and 703-713 West Pecan Street between Pecan and Fern Streets. The owner would like to rezone the property along North Sam Rayburn Freeway to a C-1 (Retail Business) District for commercial development. The site plan is conceptual and will require additional site plan approval before construction begins.

Mr. Boothe explained “as you move along Sam Rayburn Freeway from Washington Street, you have an attorney’s office, a real estate office and Texas Star Bank and then you have this block, we also own the two lots south on Pecan Street, that area is zoned a (Office) District. We feel this would be a good on and off access for the commercial use.” He had seen the Staff Review Letter and would abide by the Recommendations.

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

ACTION TAKEN.

Motion by Commission Member Patterson to approve the zone change from an R-1 (One Family Residential) District to a C-1 (Retail Business) District subject to the Staff Review Letter. Second by Commission Member Elliott.

VOTING AYE: GILBERT, DAVIS, VANDERVEER, ADAMS, MAHONE, ELLIOTT AND PATTERSON

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF KIRK & PERILLA BREWER (OWNERS) CONCERNING THE PROPERTY AT 2617 FAIR OAKS CIRCLE, BEING LOT 8, BLOCK 2, LAUREL CREEK ADDITION, SECTION 1, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (1)(C)(1) TO ALLOW A 4’ SETBACK FOR A DETACHED CARPORT FROM THE MAIN STRUCTURE IN LIEU OF THE REQUIRED 6’ IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE –
SETBACK FROM
MAIN
STRUCTURE
2617 FAIR OAKS
CIRCLE
(KIRK & PERILLA
BREWER)**

(DENIED)

Kirk Brewer, 2617 Fair Oaks Circle, Sherman, TX

Mr. Brewer appeared to represent the request and answer any questions. The property is located at 2617 Fair Oaks Circle off Laurel Creek Drive in west Sherman.

Mr. Brewer explained he and his wife moved in about a year ago

and “we have a pickup and we can’t get it in the garage. The house was built in 1996 and I guess trucks were a little bit smaller then. So for an alternative, I would like to construct a carport, 4' from the side of the house; the carport will match the existing house. I have talked to my neighbors on each side and asked if they would be opposed to putting a carport behind a cedar fence and extending the driveway into that area where the carport will be located. We did get some suggestions from the next door neighbors and what you have is something that would be suitable to them to keep our truck out of the weather. The only thing that would show above the fence would be the peak of the roof. There are other structures that have been built in the area, storage buildings and such.” He had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Gilbert asked if this would be the first detached carport in the neighborhood.

Mr. Brewer responded “to my knowledge, yes.”

Gail Utter, 2610 Shenandoah Circle, Sherman, TX

Mrs. Utter explained she is the new president of the Homeowner’s Association. “The Brewers have been extremely courteous and approached us sometime in April about doing this. We are in the process of determining compliance with our documents. It appears that it is a structure that is out of compliance with our covenants. It does require a side or front facing garage and it says the only structure that should be on the lot is a single family home and garage and so no other structures should be there. There are other homes that have a storage building or something like that. Mr. Brewer turned in his plans to Glen Perkins, whose is on the committee as well, we have ten days to respond to his request from a homeowners prospective. There may be a way that he could be in compliance, I’m not sure or there may be a way that we could make an exception to our rules; it would probably require brick or stone, rather than the wood he is proposing. I have suggested to Mr. Brewer that one thing he could do is ask you to table his request, it is my understanding that if he doesn’t and you turn it down, he cannot come back for a year.”

Chairman Gilbert asked Mrs. Utter is she had any complaints or concerns from the neighbors or the home owners association specifically with regards to the variance for the setback request. He is asking for a variance from a 6’ setback to a 4’ side setback from the house.

Mrs. Utter responded “they have not specifically said that, just specifically said the existence of that structure in the neighborhood.”

Chairman Gilbert explained to Mr. Brewer the architectural part of carport not complying with the home owners association is really not for us to determine.

Brandon Shelby, City Attorney explained “the City does not enforce homeowner association agreements.”

Brad Morgan, 141 Shady Oaks Circle, Sherman, TX

Mr. Morgan explained his mother lives across the street. “I don’t think the setback is a problem; we would just like to make sure to protect the property value of the house. If you could go from wood to maybe a brick structure or something to add to it; that would be a great thing. The setback from the street is really not visible especially when you put up a fence. The only concern we have is the quality of the structure and over time that it is going to be maintained.”

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

Letter received from:

Frank & Katherine Moore, 2604 Fair Oaks Circle, Sherman, TX

They wrote “Detached carports are not allowed in this association. Homeowners Association rules state this fact clearly. All garages must be attached side entry only. Owners should have contacted homeowners association first. I am totally against this request.”

ACTION TAKEN.

Motion by Commission Member Davis to deny the request.
Second by Commission Member Elliott.

VOTING AYE: GILBERT, ELLIOTT, VANDERVEER AND DAVIS.

VOTING NAY: PATTERSON

MOTION CARRIED

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:58 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY