STATE OF TEXAS §

February 19, 2013

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on February 19, 2013.

MEMBERS PRESENT: CHAIRMAN DON HICKS
COMMISSION MEMBERS: VICE-CHAIRMAN GILBERT, BARTON, KRECK, DUTTON, AND THORPE

MEMBERS ABSENT: BARBER, TANKERSLEY AND MORGAN

CALL TO ORDER

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

APPROVE MINUTES

The Planning and Zoning Commission reviewed the minutes of the January 22, 2013 Meeting. Motion by Commission Member Thorpe to approve the Minutes as written. Second by Commission Member Kreck. All present voted AYE.
MOTION CARRIED.

APPOINT BOARD OF ADJUSTMENTS

BOARD OF ADJUSTMENTS

Chairman Hicks appointed the members of the Board of Adjustments: HICKS, BARTON, KRECK, GILBERT AND THORPE.

CONSENT AGENDA (ITEMS 9 & 11)

CONSENT AGENDA

The Commission reviewed the Consent Agenda. Commission Member Barton moved to approve the Consent Agenda, as presented subject to the Staff Review Letters. Second by Commission Member Thorpe. All present voted AYE.

Vice-Chairman Gilbert abstained from voting on the Replat Lots 7, 8 & 9, Blk. 2, O'Hanlon Ranch Addition, Phase 3 because of a conflict of interest.

PRELIMINARY & FINAL PLAT - CONSENT AGENDA ITEM

PRELIMINARY & FINAL PLAT – KAZ ADDITION 400 BLK MITCHELL RD. (ETJ) (MARJAN GANJI & SOUGOL CASTRO)

THE REQUEST OF MARJAN GANJI & SOUGOL CASTRO (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY IN THE 400 BLOCK OF MITCHELL ROAD, BEING 8.06 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

PRELIMINARY AND FINAL PLAT APPROVAL OF KAZ ADDITION IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION (ETJ)

The property is located in the 400 Block of Mitchell Road, off of S.H. 56 East, in the City of Sherman's extraterritorial jurisdiction (ETJ). The owners would like to plat the property into seven 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.

REPLAT LOTS 7, 8 & 9, BLK. 2, O'HANLON RANCH ADDITION PHASE 3 2504, 2508 & 2512 RIATA DR. (DGR DEVELOPMENT GROUP LTD)

<u>REPLAT – CONSENT AGENDA ITEM</u>
THE REQUEST OF DGR DEVELOPMENT GROUP LTD (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 2504, 2508 & 2512 RIATA DRIVE, BEING LOTS 7, 8 & 9, BLOCK 2, O'HANLON RANCH ADDITION, PHASE 3, CONTAINING 0.92 ACRES, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT APPROVAL OF LOTS 7, 8 & 9, BLOCK 2, O'HANLON RANCH ADDITION PHASE 3

The property is located at 2504, 2508 and 2512 Riata Drive in the O'Hanlon Ranch Addition off F.M. 1417 North (Heritage Parkway). The owner would like to Replat three lots into two for residential development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

EXCEPTION – EXTERIOR FAÇADE SITE PLAN – 2 MODULAR DOCKS 3221 NORTHGATE DR. (FEDEX GROUND)

<u>EXCEPTION & SITE PLAN</u>
THE REQUEST OF AMERICAN REALTY CAPITOL OPERATING PARTNERSHIP, LP (OWNERS), FEDEX GROUND PACKAGE HANDLING FACILITY (TENANT), VORTEX ENGINEERING & ARCHITECTURE, INC. (ENGINEER/ARCHITECT) AND ROBERT W. JONES, II (REPRESENTATIVE) CONCERNING THE PROPERTY AT 3221 NORTHGATE DRIVE, BEING LOT 3, BLOCK 1, NORTHGATE BUSINESS PARK, PHASE ONE AND IN TRACT 4.1, BLALOCK INDUSTRIAL PARK, AS FOLLOWS:
PLANNING AND ZONING COMMISSION

- **EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(M) TO ALLOW ALUMINUM SIDING FOR TWO MODULAR DOCKS FOR FEDEX GROUND IN LIEU OF MASONRY OR FACTORY FINISHED METAL PANELS IN THE BLALOCK INDUSTRIAL PARK.**
- **SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410(2)(J) FOR THE INSTALLATION OF TWO MODULAR DOCKS FOR FEDEX GROUND IN THE BLALOCK INDUSTRIAL PARK.**

<u>Robert Jones, II, Vortex Engineering & Architecture, Inc., 2394 Patterson Rd., Ste. 201, Grand Junction, CO</u>
Mr. Jones appeared to represent the request and answer any questions. The property is located at 3221 Northgate Drive in the Blalock Industrial Park; FedEx Ground is the tenant. The project includes two (2) 12' x 44' pre-manufactured modular docks which will be located on the

east side of the existing building, attached to the building by flashing and anchored to the existing foundation. They will have a row of doors along the side with a conveyor system that runs down the center to load package vans. Mr. Jones presented a sample of the aluminum siding they were proposing to use on the exterior of the modular docks, it had a smooth surface with baked enamel finish. 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 exception and site plan.

EXCEPTION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(M) TO ALLOW ALUMINUM SIDING FOR TWO MODULAR DOCKS FOR FEDEX GROUND IN LIEU OF MASONRY OR FACTORY FINISHED METAL PANELS IN THE BLALOCK INDUSTRIAL PARK.

ACTION TAKEN.
Motion by Commission Member Kreck to approve the exception subject to the Staff Review Letter. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT, THORPE AND DUTTON.
VOTING NAY: NONE
MOTION CARRIED

SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410(2)(J) FOR THE INSTALLATION OF TWO MODULAR DOCKS FOR FEDEX GROUND IN THE BLALOCK INDUSTRIAL PARK.

ACTION TAKEN.
Motion by Commission Member Thorpe to approve the site plan subject to the Staff Review Letter. Second by Commission Member Barton

VOTING AYE: HICKS, BARTON, KRECK, GILBERT, THORPE AND DUTTON.
VOTING NAY: NONE
MOTION CARRIED

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

TUP – SNOW CONE STAND
1802 E. HOUSTON
(WALTER COLE)

TEMPORARY USE PERMIT
THE REQUEST OF WALTER M. COLE (OWNER) CONCERNING THE PROPERTY LOCATED AT 1802 EAST HOUSTON STREET, BEING LOTS 1 & 3, BLOCK 16 OF THE CHRISTIAN COLLEGE ADDITION AS FOLLOWS;
BOARD OF ADJUSTMENTS
(RENEW) TEMPORARY USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (4)(A) TO ALLOW A SNOW CONE STAND IN A

C-1 (RETAIL BUSINESS) DISTRICT.

Walter Cole, 1809 E. Lamar, Sherman, TX
Mr. Cole appeared to represent the request and answer any questions. The property is located at the southeast corner of East Houston and Carr Streets. The property is zoned a C-1 (Retail Business) District but is being used as residential. The snow cone stand has been at this location since 2008. 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 Temporary Use Permit.

ACTION TAKEN.
Motion by Commission Member Kreck to approve the Temporary Use Permit subject to the Staff Review Letter. Second by Commission Member Gilbert.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND THORPE.
VOTING NAY: NONE
MOTION CARRIED

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

EXCEPTION & SITE PLAN
THE REQUEST OF KICKIN A$$ & TAKIN LAND LLC (OWNERS) AND MELVIN & KIM DUNLAP (PROSPECTIVE BUYERS) CONCERNING THE PROPERTY AT 916 N. BROUGHTON STREET, BEING LOTS 10 & 11, BLOCK 3, CARTERS W P ADDITION, AS FOLLOWS;
BOARD OF ADJUSTMENTS
EXCEPTION AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW A METAL EXTERIOR FAÇADE FOR A PERSONAL WEIGHT TRAINING FACILITY IN LIEU OF THE REQUIRED MASONRY OR EQUIVALENT ON ALL SIDES OF ALL BUILDINGS VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

EXCEPTION – EXTERIOR FACADE SITE PLAN –WEIGHT TRAINING FACILITY 916 N. BROUGHTON (KICKIN A$$ & TAKIN LAND LLC)

Melvin & Kim Dunlap, 403 Seasons West, Sherman, TX
Mr. & Mrs. Dunlap appeared to represent the request and answer any questions. The property is located at 916 N. Broughton Street, the vacant lot south of Martin Luther King Park. The property is zoned a C-2 (General Commercial) District. The prospective buyers would like to construct a 30' x 60' x 16' metal building with some masonry on the front of the building to used as a personal weight training facility. The exterior will be tan with burnt country red on the roof and trim. Mr. Dunlap explained they felt the lot was perfect adjacent to the park because it is best for running. They were aware the requirements for the exterior façade changed to the masonry requirements but

there are currently two other metal buildings on the block that do not have masonry on them at this time and they felt their building would fit in with the neighborhood. They were proposing to add some masonry half-way up the front of the building, add landscaping for curb appeal and parking will be provided on the east side of the building. Mrs. Dunlap explained "the building will be 30'x60' with two doors, one on the north side of the building which faces Martin Luther King Park and one in the back; it will not devalue the property next to it in any way. It is a very small lot, 50'x100', a lot that probably no professional building such as a doctor's office would want to go there and with the metal buildings that are there this building will fit in if we are allowed the exception, we will make it look nice with curb appeal. It will not be a regular gym, more of a personal training facility." They had seen the Staff Review Letter and would abide by the Recommendations.

Commission Member Thorpe explained he welcomed development in East Sherman "but I am really in favor of some type of nicer façade than metal buildings, I know that is what is over there right now, I can't be responsible of what's there now, it's just new stuff coming in and I have had to build a small office and had to put a façade on, I didn't have to, I just did it, I know you are going to have a nice place when it is up, but the ordinance was written for a reason and I just have a problem with it. I want to treat all of Sherman the same, if this was going in west Sherman, it might not be as looked at as it is, but east Sherman is just as important to me as west Sherman, I want it all treated the same and it is not anything like that. I've been around for a while and I like nice things, nice things attract nice things."

Commission Member Barton explained "it takes a while for an ordinance to actually show up over a period of time but the purpose of the ordinance is to enlist that change."

Mrs. Dunlap explained she realized "if the lot was a better lot but there is nothing but a park and all the adjacent buildings, some are falling down and if I were in a different area, I am not trying to devalue any area in Sherman, it would be different if I were near a highway, the building will be nice, as nice as on Texoma Parkway that have just the stone on the front and middle versus all three sides. We are asking the exception just for the sides, the front will have the stone halfway."

Chairman Hicks explained the stone is barely going up in the front according to the drawing.

Mrs. Dunlap explained "it will have a stone front with some brick."

Vice-Chairman Gilbert understood their concerns and thought they needed to hold everyone accountable but he

didn't think it was reasonable to hold them to the same standards another facility might have. "While we want to take care of both sides of Sherman, it is just not reality that there are going to be people beating down the door trying to develop a lot in east Sherman, so they might be open to some sort of compromise with regards to that."

Commission Member Thorpe explained he was willing to listen if we could get the whole front side maybe.

Chairman Hicks asked if they would be willing to do the front all the way up to the roof and maybe grant an exception for the sides.

Mr. and Mrs. Dunlap were agreeable to that.

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

ACTION TAKEN.
Motion by Commission Member Thorpe to approve the exception for the sides of the building but require the front façade to meet the requirement of the ordinance subject to the Staff Review Letter. Second by Commission Member Gilbert.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT AND THORPE.
VOTING NAY: NONE
MOTION CARRIED

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

SUP – TIRE SALES & SHOCK REPLACEMENT 4213 TEXOMA PARKWAY (TED GORDON)

<u>SPECIFIC USE PERMIT & SITE PLAN</u>
THE REQUEST OF TED GORDON (OWNER), CHRIS SHELTON (TENANT) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) CONCERNING THE PROPERTY AT 4213 TEXOMA PARKWAY, BEING 3.547 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTO REPAIR AND TIRE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

<u>Chris Shelton, 2056 CR 2712, Caddo Mills, TX</u>
Mr. Shelton appeared to represent the request and answer any questions. The property is located at 4213 Texoma Parkway, north of Frisco Road and is zoned a C-2 (General Commercial) District. Mr. Shelton explained he would like to open a business for new and used tires with some minor mechanic work in the existing building. Storage of the tires will be inside the building. The building and parking lot will

be upgraded to meet the requirements of the ordinance. They had seen the Staff Review Letter and would abide by the Recommendations.

Scott Shadden, Director of Developmental Services explained "anywhere any vehicle is parked or driven will need to be upgraded."

Mr. Shelton understood.

Commission Member Thorpe asked what he meant by minor repairs.

Mr. Shelton explained he was not a mechanic himself but maybe small things like putting a pair of shocks on and replacing tires.

Mr. Shadden asked if he would be willing to limiting his request to tires and shocks.

Mr. Shelton responded yes, he would and if anything changed he would come back.

Commission Member Barton asked his plans for the building.

Mr. Shelton explained he would be putting concrete board and stucco on the building on three sides visible from the road.

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

ACTION TAKEN.
Motion by Commission Member Thorpe to approve the Specific Use Permit and site plan to allow tire sales and shock replacement subject to the Staff Review Letter. Second by Commission Member Kreck.

VOTING AYE: HICKS, BARTON, KRECK, GILBERT, THORPE AND DUTTON.
VOTING NAY: NONE
MOTION CARRIED

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

ZONE CHANGE – R-1 TO C-2
1500-1700 BLKS. N. HWY 75 & 400 E. TAYLOR
(ET JOINT VENTURE, EMINENT HOLDINGS, LLC, P&B EYE

<u>ZONE CHANGE</u>
THE REQUEST OF ET JOINT VENTURE, EMINENT HOLDINGS, LLC, P&B EYE INVESTMENTS LLC, DEAN GILBERT AND TAYLOR PLACE LP (OWNERS), TODD YOUNG (REPRESENTATIVE) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY IN THE 1500-1700 BLOCKS N. U.S. HIGHWAY 75 AND 400 E. TAYLOR STREET, BEING 2.841 ACRES IN THE J.B.

MCANAIR SURVEY, ABSTRACT NO. 763. (FORMERLY USED AS RAILROAD-RIGHT-OF WAY), AS FOLLOWS:
PLANNING AND ZONING COMMISSION
ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT.

INVESTMENTS LLC, DEAN GILBERT AND TAYLOR PLACE LP)

Commission Member Gilbert recused himself from the board to represent this request.

Joe Gilbert, 801 E. Taylor, Sherman, TX
Mr. Gilbert appeared to represent the request and answer any questions. The property is located at the southeast corner of N. U.S. Highway 75 and E. Taylor Street in the Crescent Oaks Plaza Addition. The property was formerly used as railroad right-of-way and was classified as an R-1 (One Family Residential) District. The proposal is to zone the right-of-way to match the existing zoning on the lots for commercial development. 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.
Motion by Commission Member Kreck to approve the zone change. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, KRECK, THORPE AND DUTTON.
VOTING NAY: NONE
ABSTAIN: GILBERT
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 5:37 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY