

STATE OF TEXAS

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January 22, 2013

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on January 22, 2013.

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

MEMBERS ABSENT: DUTTON AND BARBER

CALL TO ORDER

Chairman Hicks 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 December 18, 2012 Meeting. Motion by Commission Member Thorpe to approve the Minutes as written. Second by Commission Member Tankersley. All present voted AYE.  
MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS

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

BOARD OF  
ADJUSTMENTS

CONSENT AGENDA (ITEMS 7, 9, 10, 11 & 12)

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

CONSENT AGENDA

REPLAT - CONSENT AGENDA ITEM

THE REQUEST OF VICTOR S. PANTUSO & TAMMY E. ROGUE (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY AT 6516 CAROLYN COURT AND 2900 S. CATHLEEN LANE, BEING LOTS 5 & 6, BLOCK 3, WILSONWOOD ESTATES, CONTAINING 2.01 ACRES, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

REPLAT APPROVAL OF LOTS 5 & 6, BLOCK 3, WILSONWOOD ESTATES

REPLAT LOTS 5 & 6,  
BLK. 3, WILSONWOOD  
ESTATES  
2900 S. CATHLEEN LN.  
& 6516 CAROLYN CT.  
(VICTOR S. PANTUSO &  
TAMMY E. ROGUE)

The property is located in the Wilsonwood Estates subdivision off O.B. Groner Road in southwest Sherman. The owners would like to replat two lots into one 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.

**AMEND SITE PLAN – CONSENT AGENDA ITEM**

THE REQUEST OF RODOLFO REYNOSO (OWNERS) AND TATCHIO & ASSOCIATES (ARCHITECT) CONCERNING THE PROPERTY AT 2019 WEST HOUSTON STREET, BEING 10.157 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

**AMENDED SITE PLAN APPROVAL FOR AN OFFICE**

**AMEND SITE PLAN –  
OFFICE  
2019 W. HOUSTON  
(RODOLFO REYNOSO)**

The property is located at 2019 West Houston Street, between Binkley Park Drive and Arapaho East. The property was approved for a Preliminary and Final Plat of the Reynoso Addition at the June 19, 2012 Planning and Zoning Commission Meeting. Site plan approval for an office building was granted at the August 21, 2012, Planning and Zoning Commission Meeting. The owner would like to amend the site plan for the office building by turning it to face Houston Street. 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 GK TRI-TEXAS LLC (OWNERS), CONSOLIDATED CONTAINER (TENANT), WOOTEN & LIGHT (GENERAL CONTRACTORS) AND JARED LIGHT (REPRESENTATIVE) CONCERNING THE PROPERTY AT 4201 U.S. HIGHWAY 75 SOUTH, BEING LOT 1, BLOCK 1, BLALOCK INDUSTRIAL PARK AND IN TRACT 1, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

**SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2) (J) FOR THE CONSTRUCTION OF FOUR ADDITIONAL TRUCK LOADING DOCKS FOR CONSOLIDATED CONTAINER IN THE BLALOCK INDUSTRIAL PARK.**

**SITE PLAN – TRUCK  
LOADING DOCKS  
4201 HWY 75 S.  
(GK TRI-TEXAS LLC)**

The property is located at 4201 U.S. Highway 75 South, Consolidated Container is the tenant. The project includes constructing a 14'x48' building to the north side of the existing building to house four additional truck loading docks; the exterior will be brick veneer. They had seen the Staff Review Letter and would abide by the Recommendations.

**A letter was received from:**

**William J. Harkinson, President Harkinson Investment Corporation, 4455 LBJ Freeway, Suite 812, Dallas, TX**

He wrote "I am writing on behalf of Sherman Crossroads, Ltd., owner of the 130+ acre tract of land located at the northwest corner of Hwy. 75 and FM 1417. Upon review of the information provided in your correspondence, Sherman Crossroads, Ltd. has no objection to the request as submitted."

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

**SITE PLAN – CONSENT AGENDA ITEM**

THE REQUEST OF GK TRI-TEXAS LLC (OWNERS), CONSOLIDATED CONTAINER (TENANT), WOOTEN & LIGHT (GENERAL CONTRACTORS) AND JARED LIGHT (REPRESENTATIVE) CONCERNING THE PROPERTY AT 4201 U.S. HIGHWAY 75 SOUTH, BEING LOT 1, BLOCK 1, BLALOCK INDUSTRIAL PARK AND IN TRACT 1, AS FOLLOWS:

***PLANNING AND ZONING COMMISSION***

SITE PLAN APPROVAL TO ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2) (J) FOR AN ADDITIONAL TRAILER PARKING LOT FOR CONSOLIDATED CONTAINER IN THE BLALOCK INDUSTRIAL PARK.

The property is located at 4201 U.S. Highway 75 South, Consolidated Container is the tenant. The project includes constructing a 125'x200' parking lot to accommodate 24 trailers; it will be located east of the existing trailer parking lot. They had seen the Staff Review Letter and would abide by the Recommendations.

**A letter was received from:**

**William J. Harkinson, President Harkinson Investment Corporation, 4455 LBJ Freeway, Suite 812, Dallas, TX**

He wrote "I am writing on behalf of Sherman Crossroads, Ltd., owner of the 130+ acre tract of land located at the northwest corner of Hwy. 75 and FM 1417. Upon review of the information provided in your correspondence, Sherman Crossroads, Ltd. has no objection to the request as submitted."

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

**EXCEPTION**

THE REQUEST OF RISK FAMILY PARTNERSHIP LTD (OWNERS), BLAIR WEAVER (REPRESENTATIVE) AND CHAD NORTON (TENANT) CONCERNING THE PROPERTY AT 2810 TEXOMA PARKWAY, BEING 5.21 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504, AS FOLLOWS;

***BOARD OF ADJUSTMENTS***

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (5)(D) TO ALLOW EXISTING BUILDING FINISHES 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.

Commission Member Morgan came in during the reading of this request; 5:03 p.m.

**Naif Risk, 1203 W. Washington, Sherman, TX and Chad**

**SITE PLAN – TRAILER  
PARKING LOT  
4201 HWY 75 S.  
(GK TRI-TEXAS LLC)**

**EXCEPTION –  
EXTERIOR FACADE  
2810 TEXOMA  
PARKWAY  
(RISK FAMILY  
PARTNERSHIP LTD)**

Norton, 2810 Texoma Parkway, Sherman, TX

Mr. Risk and Mr. Norton appeared to represent the request and answer any questions. The property is located at 2810 Texoma Parkway, north of U.S. Highway 82. At the December 18, 2012, Planning & Zoning Commission Meeting, a Specific Use Permit and site plan approval was granted to allow used automobile sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District subject to the Staff Review Letter which states “masonry or equivalent shall be required on the sides of all commercial buildings visible from the front street right-of-way unless an exception is granted”; there are currently three existing metal buildings on the lot which do not meet the requirement for masonry. Mr. Risk explained the red metal building nearest Texoma Parkway is in the process of being torn down, he was asking the exception for the two remaining buildings on the lot. “The new building for the auto sales office will meet the masonry requirements and will be in front of the other two buildings; so you will not be able to see them unless you were standing on top of U.S. Highway 82.” He explained “it is not feasible for him to cover the two buildings with masonry siding for this project.” 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.

**ACTION TAKEN.**

Motion by Commission Member Barton to approve the exception subject to the Staff Review Letter. Second by Commission Member Gilbert.

**VOTING AYE: HICKS, BARTON, TANKERSLEY, GILBERT AND KRECK.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**ZONE CHANGE & SITE PLAN**

**THE REQUEST OF RUMSEY DEVELOPMENT (OWNERS), JAMES M. O'BRYAN, D.V.M. (PROSPECTIVE BUYER) AND SARTIN & ASSOCIATES, INC. (SURVEYOR) CONCERNING THE PROPERTY AT 1602 FM 1417 WEST, BEING 18.16 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AS FOLLOWS:**

***PLANNING AND ZONING COMMISSION***

- **ZONE CHANGE AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1.1 (FM 1417) OVERLAY DISTRICT.**
- **SITE PLAN APPROVAL FOR O'BRYAN VETERINARY CLINIC**

**ZONE CHANGE – R-1  
TO C-2  
SITE PLAN –  
VETERINARY CLINIC  
1602 FM 1417 WEST  
(RUMSEY  
DEVELOPMENT)**

Marshall Sartin, 109 S. Travis, Sherman, TX and  
James O'Bryan, 14178 Seton St., Flint, TX

Mr. Sartin and Dr. O'Bryan appeared to represent the request and answer any questions. The property is located at 1602 FM 1417 West; the southwest corner of FM 1417 and Flanary Road. The prospective buyer would like to construct a 5,000 square foot, one story, stone/masonry veterinary clinic on the lot. Screening will be provided adjacent to residentially zoned properties as well as a 10' landscape and irrigation buffer along FM 1417. They had seen the Staff Review Letter and would abide by the Recommendations.

Carl Rickerson, 4524 Flanary Rd., Sherman, TX

Mr. Rickerson explained he owns the property adjacent to this property on the south. Mr. Rickerson wanted to know if the water line that runs down the property from FM 1417 to his property will be affected. The water line runs along the east side of this property along Flanary Road. Mr. Rickerson also wanted to know if his property would be rezoned.

Mr. Sartin explained the water line will be addressed when they get into the engineering phase of the project; but they would leave the water line where it is located.

Chairman Hicks explained to Mr. Rickerson his property would not be rezoned.

Commission Member Morgan asked Dr. O'Bryan if he planned to use all the property for the veterinary clinic.

Dr. O'Bryan explained they would not be utilizing all the property at this time but they do not have any plans to divide it at this time. The clinic will be mixed with horses and the occasional lamb or pig to help out FHA or 4-H kids.

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

**ACTION TAKEN.**

Motion by Commission Member Thorpe to approve the zone change and site plan subject to the Staff Review Letter. Second by Commission Member Tankersley.

VOTING AYE: HICKS, BARTON, MORGAN, GILBERT, TANKERSLEY, THORPE AND KRECK.

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTIONS

THE REQUEST OF SHREETEJAS, INC. (OWNER) AND

AMEND EXCEPTION –  
LANDSCAPING ALONG

SUDHAKAR ALLADA (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED IN THE 1400-1500 BLOCKS OF PARK PLACE, BEING THE REPLAT OF LOTS 1-7, BLOCK 1, FAIRVIEW PARK PATIO HOMES, PHASE ONE, AS FOLLOWS:

**BOARD OF ADJUSTMENTS**

- AMEND EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE THE PLANTING OF SHRUBS ALONG A 6' ORNAMENTAL IRON FENCE, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE A PERIMETER WALL FENCE ACROSS THE 50' SECTION OF THE DAM ON THE DETENTION POND ON LOT 1, BLOCK 1, REPLAT LOTS 1-7, FAIRVIEW PARK PATIO HOME, PHASE ONE, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

FENCE

EXCEPTION - FENCE ON DETENTION POND (DENIED)

1400-1500 BLKS. PARK PLACE  
(SHREETEJAS, INC)

Sudhakar Allada, 10007 Stone Harbor Way, Irving, TX

Mr. Allada appeared to represent the request and answer any questions. The property is located in the 1400-1500 Blocks Park Place. The property was replatted into four lots for multi-family development and granted an exception at the April 19, 2011 Planning & Zoning Commission Meeting to allow a 6' ornamental iron fence with landscaping in lieu of the required masonry perimeter wall to surround the multi-family development with the condition of planting and maintaining shrubs to create a minimum 6' solid screening prior to obtaining a Certificate of Occupancy Permit. On the application for the April 19, 2011 Meeting, the request was to plant Nellie Stevens shrubs and Pampas Grass for screening and privacy. The owner also requested not to erect a fence across the 50' section of the dam on the detention pond.

Mr. Allada explained "the fence is in place and this is a very small development with four multi-family homes. The intent of the fence was to create privacy for the people living there; the development is on a hill and already has privacy, in the back of the development is a creek with bushes and an easement on the side. The detention pond is to hold water when it rains and he did not want to damage the dam, so he is requesting an exception to not require the fence along the dam."

Chairman Hicks explained "the fence is for screening, not to give you privacy but to give the residential district behind the development privacy."

Commission Member Barton asked his reason for not wanting to do the shrubbery.

Mr. Allada explained “one is the expense, they could not get six foot tall shrubs and it is a very small development. I’ve tried to comply with everything the City has asked, the duplex building has been sitting there for eight months and I am requesting a Certificate of Occupancy Permit.”

Chairman Hicks explained “the exception that was granted in the past is what you proposed and that is the extent of what we have ever given as far as an exception on screening.”

Commission Member Morgan explained that was what we granted the apartments on FM 1417 South by Pebblebrook, the wrought iron fence with shrubs.

Mr. Allada explained “there are apartments on the other side and duplexes beside this development that do not have a fence.”

Scott Shadden, Director of Developmental Services explained that was prior to the screening ordinance.

Chairman Hicks explained part of the ordinance is to improve the City’s appearance and to help protect the neighbors.

Commission Member Barton explained “the dam looks hazardous; what would you propose to keep kids out of there, to make it a little bit safer.”

Mr. Allada explained “they plan to grade it out.”

Commission Member Kreck asked if he was requesting not to plant any shrubs at all or are you proposing an alternative.

Mr. Allada explained he cannot find the 6’ shrubs; “I can find 1’ or 2’ shrubs that will grow to 6’ or taller; the tallest I have been able to find is 3’. I am proposing we plant 2’ or 3’ tall shrubs, 5’ apart; they grow really fast, about 2’ a year.”

Mr. Shadden explained the apartments on FM 1417 ran into similar situations and they found the 6’ shrubs; got them in and got their Certificate of Occupancy Permit.

Chairman Hicks explained “originally you were planting Nellie Stevens shrubs and Pampas Grass, are you still planting those shrubs.”

Mr. Allada explained “I cannot say Nellie Stevens, it would be whatever I can find that will grow taller; Nellie Stevens or Red Tips or cedar or whatever I can find on the market.”

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

A letter was received from:

Helen Jump, 1009 W. McGee, Sherman, TX

Ms. Jump wrote: “He needs to plant shrubs. People throw trash in my yard along my fence line next to his property. I’ve had to padlock all my gates because people from those apartments just come into my yard. They congregate in my piece of yard that is not fenced and throw cigarette butts, beer bottles and trash where they congregate. Please make him plant the shrubs. It would also help as a noise barrier for all the noise emanating from that area.”

**ACTION TAKEN.**

**EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE A PERIMETER WALL FENCE ACROSS THE 50’ SECTION OF THE DAM ON THE DETENTION POND ON LOT 1, BLOCK 1, REPLAT LOTS 1-7, FAIRVIEW PARK PATIO HOME, PHASE ONE, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**

**Motion by Commission Member Barton to deny the exception to not require the fence across the dam. Second by Commission Member Kreck.**

**VOTING AYE: HICKS, BARTON, TANKERSLEY, GILBERT AND KRECK.**

**VOTING NAY: NONE**

**MOTION CARRIED**

**THE REQUEST WAS DENIED.**

**ACTION TAKEN.**

**AMEND EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.3, SUBSECTION (7) TO NOT REQUIRE THE PLANTING OF SHRUBS ALONG A 6’ ORNAMENTAL IRON FENCE, IN LIEU OF REQUIRED MASONRY PERIMETER WALL TO SURROUND THE DEVELOPMENT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.**

**Motion by Commission Member Kreck to amend the exception to allow the planting of 4 ½’ tall Nellie Stevens with Pampas Grass or Red Tip Photinias with Pampas Grass to grow to a minimum 6’ tall along the ornamental iron fence in lieu of the previously granted exception of 6’ shrubs. Second by Commission Member Kreck.**

**VOTING AYE: HICKS, BARTON, TANKERSLEY, GILBERT AND KRECK.**

**VOTING NAY: NONE**

**MOTION CARRIED**

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

**VARIANCE**

**THE REQUEST OF PETER ANDERSON (OWNER) AND**

**VARIANCE – SIDE  
SETBACK**

GREG SELLS (REPRESENTATIVE) CONCERNING THE PROPERTY AT 1121 S. TRAVIS STREET, BEING PART OF LOT 7, M.B. MOORE ADDITION, AS FOLLOWS:

1121 S. TRAVIS  
(PETER ANDERSON)

**BOARD OF ADJUSTMENTS**

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13) TO ALLOW A 6' PRIVACY FENCE ON THE PROPERTY LINE ON A CORNER LOT IN LIEU OF THE REQUIRED 25' IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

Peter Anderson, 1121 S. Travis, Sherman, TX and Greg Sells, 1721 Alpine, Sherman, TX

Mr. Anderson and Mr. Sells appeared to represent the request and answer any questions. The property is located at 1121 S. Travis Street, the northeast corner Travis and Rosedale. The owner would like to erect a 6' privacy fence on the property line on the corner lot.

Mr. Anderson explained "they need the privacy fence for protection along the back of their property. They have had vandalism and some items stolen in the past. It is slightly a difficult area to live in, a week ago there was a robbery and shooting, these sorts of things plus domestic brawls; my wife has had to call the police several times. My wife does not feel safe when she is in the back yard hanging up laundry. The fence is required to be 25' from the property line but this would put the fence through our bedroom. The fence will look good and it will not block anyone's view of the road."

Mr. Sells explained the fence will be cedar, side by side, 6' tall. The fence will not change the width of the alleyway.

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

**ACTION TAKEN.**

Motion by Commission Member Kreck to approve the variance. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, TANKERSLEY, GILBERT AND KRECK.

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 5:50 p.m.

ADJOURNMENT

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CHAIRMAN

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SECRETARY