

ACTION MINUTES

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a regular meeting Tuesday, January 9, 2024, at 5:00 P.M. in the City Council Chambers at 220 W. Mulberry to consider the following:

All requests are subject to the Zoning Ordinance/Code of Ordinance Chapter 14, unless otherwise stated.

1. **CALL TO ORDER**
Chairman Mahone called the meeting to order at 5:02 p.m.
2. **APPROVE ACTION MINUTES OF THE REGULAR DECEMBER 12, 2023 PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT MEETING.**
The Planning and Zoning Commission reviewed the minutes of the December 12, 2023, Regular Meeting. Motion by Commission Member Sims to approve the Minutes as written. Second by Commission Member Whitaker. All present voted AYE.
3. **ANNOUNCEMENTS**
There were no announcements.
4. **CITIZEN COMMENTS**
There were no citizen comments.

Open Public Hearing

5. **CONSENT AGENDA (ITEMS 6, 7 AND 8)**
Asterisked (*) items are considered to be routine and non-controversial items. These items will be enacted in one motion without discussion unless a Commission Member or a member of the audience requests a specific item be discussed and voted on separately prior to a motion and vote.

The Commission reviewed the Consent Agenda. Vice Chairman Downtain moved to approve Items 6, 7 and 8 on the Consent Agenda as presented subject to the Staff Review Letter. Second by Commission Member Whitaker. All present voted AYE.

THE COMMISSION FOUND THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.
6. * **1121 WEST TAYLOR STREET (Project No. 23-006925)**
The request of City of Sherman (Owner) and Mark Schuster (Representative) concerning the property located at 1121 West Taylor Street, being in the J.B. McAnair Survey, Abstract No. 763, and currently zoned R-6 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Site Plan for a Baseball Addition
7. * **416 SOUTH ELM STREET (Project No. 23-006073)**
The request of Oscar Medina (Owner) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 416 South Elm Street, consisting of 0.341 acres being a part of the Samuel Blagg Survey, Abstract No. 56, as follows:
Planning and Zoning Commission
Final Plat of Medina Addition
8. * **2000-2300 BLOCKS WEST MOORE STREET (Project No. 23-006953)**
The request of Jacob Tudor, Carbet Properties LLC (Owner), Len McManus (Representative) and Underwood Drafting and Surveying (Surveyor) concerning the property in the 2000-2300 Blocks West Moore Street, consisting of 18.153 acres in the Elizabeth Jones Survey, Abstract No. 625 currently zoned R-6 (Single Family Residential) District and MF-30 (Multi Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of Pebblebrook South Phase 4, Section 2
9. **200 BLOCK PLAINVIEW ROAD (Project No. 23-006746)**

AN EMAIL WAS RECEIVED BY MIKE WILSON ON TUESDAY DECEMBER 26, 2023 AT 4:22 P.M. REQUESTING TO TABLE THIS ITEM.

The request of Sherman Independent School District (Owner), Philip Varughese (Representative), VLK Architects (Architect) and Teague Nall & Perkins (Surveyor) concerning the property located in the 200 Block Plainview Road, consisting of 23.764 acres being in the Uriah Burns Survey, Abstract No. 121, and in the Heritage Ranch PD (Planned Development), as follows:

Planning and Zoning Commission

Site Plan for an Elementary School

Chairman Mahone stated, "There was an email received by Mike Wilson requesting to table this item."

Planning and Zoning Commission

Motion by Commission Member Sims to table the Site Plan located in the 200 Block Plainview Road. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

This item was tabled by the Commission.

10. 910 SOUTH FM 1417 (HERITAGE PARKWAY) (Project No. 23-006296)

TABLED FROM DECEMBER 12, 2023

The request of J.A. Properties, LLC (Owner) and Roderick Tatchio (Representative) for the property at 910 South FM 1417 (Heritage Parkway) and currently zoned C-1 (Retail Business) District/F.M. 1417 Overlay District, as follows:

Planning and Zoning Commission

Site Plan for a Commercial Development

Chairman Mahone stated, "This item was tabled at the December 12, 2023 Planning and Zoning Commission Meeting."

Planning and Zoning Commission

Motion by Commission Member Manley to untable the Site Plan located at 910 South FM 1417 (Heritage Parkway). Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

This item was untabled by the Commission.

Rod Tatchio, 3512 Frisco Road, Sherman, TX

Mr. Tatchio stated, "I tried to comply with all of the comments and I do not have any concerns about the staff review comments from the new submittal."

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Site Plan located at 2505 North Hickory Street. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

11. 2400-2700 BLOCKS SOUTH FM 1417 (HERITAGE PARKWAY) (Project No. 23-006701)

The request of LGI Homes Texas, LLC (Owner), GM Construction TX (Representative) and Weaver Consultants Group (Surveyor) concerning the property located in the 2400-2700 Blocks South FM 1417 (Heritage Parkway), being in the Elizabeth Jones Survey, Abstract No. 625, as follows:

Planning and Zoning Commission

Public Hearing and Temporary Use Permit under Section 14.06.008 to allow a concrete batch plant in an R-6 (Single Family Residential) District.

Glenn Midkiff, P.O. Box 851, Prosper, TX

Mr. Midkiff stated, "This project is for a single-family residence development. We are contracted by LGI Homes Texas, LLC to build the city streets and requesting to set up a portable batch plant on site."

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Temporary Use Permit located in the 2400-2700 Blocks South FM 1417 (Heritage Parkway) subject to the Staff Review letter. Second by Commission Member Sims.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

12. 3400-4000 BLOCKS WEST LAMBERTH ROAD (Project No. 23-006703)

The request of Sherman Hickory Hill, LLC (Owner), Chris Harp Construction, LLC (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located in the 3400-4000 Blocks West Lamberth Road, Tract 1, consisting of 13.758 acres being a part of the Ralston W. Adams survey, Abstract No. 18, part of the G.R. Reeves Survey, Abstract No. 1020, the James H. Vaden Survey, Abstract No. 1288 and the William Thompson Survey, Abstract No. 1209 as follows:

Planning and Zoning Commission

Public Hearing and Temporary Use Permit under Section 14.06.008 to allow a concrete batch plant in Hickory Hill Planned Development (PD)

Chris Harp, 17388 CR 543, Nevada, TX

Mr. Harp explained, "This is basically the same thing we just talked about. We want to discuss the operation of a temporary batch plant for this site."

Planning and Zoning Commission

Motion by Commission Member Blagg to approve the Temporary Use Permit located in the 3400-4000 Blocks West Lamberth Road subject to the Staff Review letter and being conditional to the batch plant being located 300 feet west of the roadway right-of-way. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

13. 1800 BLOCK IDA ROAD (FM HIGHWAY 697) (Project No. 23-006704)

The request of Frank D. May, Kingdom Road Equities, LLC (Owner), Reece Bierhalter, Manhard Consulting (Developer) and Copley Land Surveying (Surveyor) concerning the property in the 1800 Block Ida Road (FM Highway 697), being 57.300 Acres in the G.B. Pilant Survey, Abstract No. 963, the William H. Pulliam Survey Abstract No. 958 and the Winifred Bailey Survey, Abstract No. 66, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-6 (Single Family Residential) District to R-4 (Single Family Residential) District.

Jason Pike, 12225 Greenville Avenue, Suite 1000, Dallas, TX

Mr. Pike explained, "We had a Preliminary Plat approved two years ago and there was no R-4 (Single Family Residential) District zoning prior to that but the plat was approved with the conditional approval getting a Specific Use Permit to allow 40 foot lots. Since then coming in an R-4 (Single Family Residential) District had been suggested in discussion with staff led us to put in a Zone Change. We read the Staff Review Letter and talked with staff since that has come out."

Planning and Zoning Commission

Motion by Commission Member Manley to deny the Zone Change located in the 1800 Block Ida Road (FM Highway 697). Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

This item was denied by the Commission.

14. 5012-5020 KNOLLWOOD ROAD (Project No. 23-006705)

The request of Young Enterprises, LP and Jose Menjivar (Owner) and Copley Land Surveying (Surveyor) concerning the property at 5012-5020 Knollwood Road, Lots 1, 2 and 3 Northcreek Addition, Section 4, being 0.496 Acres in the Alexander and Richards Survey, Abstract No. 42, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from MF-30 (Multi Family Residential) District to R-2F (Duplex Residential) District.

James Green, P.O. Box 12, Denison, TX

Mr. Green explained, "The way this property is zoned right now is multi-family but my understanding is that it is not big enough to be a multi-family development. We are trying to do duplexes."

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located at 5012-5020 Knollwood Road subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

15. 2007-2011 TEXOMA PARKWAY AND 2007 TEXOMA DRIVE (Project No. 23-005150)

TABLED FROM NOVEMBER 14, 2023

The request of IKON Group Opportunity Zone Fund, LLC (Owner), Kent Hughlett (Representative) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 2007-2011 Texoma Parkway and 2007 Texoma Drive, consisting of 5.924 acres being a replat of Lots 1 and 2, Block A of First United Bank Addition and a part of Lot 5, Block 2 of Teague Industrial Park Unit No. 2, and currently zoned C-2 (General Commercial) District, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a mini-warehouse (Self Storage) in a C-2 (General Commercial) District.

Chairman Mahone stated, "This item was tabled at the December 12, 2023 Planning and Zoning Commission Meeting."

Planning and Zoning Commission

Motion by Vice Chairman Downtain to untable the Site Plan and Specific Use Permit located at 2007-2011 Texoma Parkway and 2007 Texoma Drive. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

This item was untabled by the Commission.

Kent Hughlett, 177 Timberbrook Circle, Denison, TX

Mr. Hughlett stated, "On the original Site Plan we got the easement that was in question last time and has been taken care of and is no longer there. We want to go with the original Site Plan. This Site Plan was based on the easement still being in place."

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 2007-2011 Texoma Parkway and 2007 Texoma Drive. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY AND WHITAKER

VOTING NAY: SIMS.

MOTION CARRIED.

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

16. 2817 WEST HOUSTON STREET (Project No. 23-006710) **WITHDRAWN**

AN EMAIL WAS RECEIVED BY DAVID BROWN ON THURSDAY DECEMBER 21, 2023 AT 3:16 P.M. REQUESTING TO WITHDRAW THIS ITEM.

The request of Fly Higher, LLC (Owner), David Kalhoefer (Representative) and Yazel Peebles & Associates, LLC (Surveyor) concerning the property at 2817 West Houston Street, Tract 2, consisting of 10.127 Acres in the J.B McAnair Survey, Abstract No. 763 and G. McGlothlin Survey, Abstract No. 828, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from R-6 (Single Family Residential) District to MF-30 (Multi Family Residential) District.

17. **3400 TEXOMA PARKWAY (Project No. 23-006723)**

AN EMAIL WAS RECEIVED BY KENT HUGHLETT ON MONDAY JANUARY 8, 2024 AT 10:59 A.M. REQUESTING TO TABLE THIS ITEM.

The request of Tony Alleman (Owner), Kent Hughlett (Representative) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 3400 Texoma Parkway, consisting of 3.61 acres being a part of the Hillard Jennings Survey, Abstract No. 639, being a part of Lots 10, 12, 13 and 14 and all of Lot 11 in Block 1 of Redick Addition, and currently zoned C-2 (General Commercial) District, as follows:

Planning and Zoning Commission

Public Hearing, Specific Use Permit and Site Plan approval under Section 14.06.009 to allow Commercial amusement centers, indoor only and office/storage in a C-2 (Retail Business) District and repeal Ordinance No. 6553.

Chairman Mahone stated, "We received an email from Kent Hughlett on January 8, 2024 to table this item."

Planning and Zoning Commission

Motion by Commission Member Sims to table the Specific Use Permit and Site Plan located at 3400 Texoma Parkway. Second by Commission Member Blagg.

**VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER
VOTING NAY: NONE.**

This item was tabled by the Commission.

18. **2810 AND 2816 TEXOMA PARKWAY (Project No. 23-006724)**

The request of Risk Family Partnership (Owner), Doyle Moore (Representative) and Copley Land Surveying (Surveyor) concerning the property located at 2810 and 2816 Texoma Parkway, consisting of 2.350 acres in Block 1, Risk Addition, and currently zoned C-2 (General Commercial) District/75&82 Overlay District, as follows:

Planning and Zoning Commission

Public Hearing, Specific Use Permit and Site Plan approval under Section 14.06.009 to allow construction materials, clay earth, gravel, minerals, rock, sand or stone on the ground in C-2 (General Commercial) District/75&82 Overlay District and repeal Ordinance No. 5358.

Naif Risk, 102 South Crockett, Sherman, TX

Mr. Risk stated, "I am here with Doyle Moore the owner of Good Earth and Soil who has been our tenant for over twenty years and a good tenant. We are trying to comply with the needs Mr. Moore is needing to expand his good business."

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Specific Use Permit and Site Plan located at 2810 and 2816 Texoma Parkway subject to the Staff Review letter and City Engineer Review being tied to Good Earth and Soil. Second by Commission Member Whitaker.

**VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER
VOTING NAY: NONE.**

MOTION CARRIED.

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

19. **521 SOUTH DEWEY AVENUE (Project No. 23-006741)**

The request of Sherman Independent School District (Owner), Philip Varughese (Representative), VLK Architects (Architect) and Teague Nall & Perkins (Surveyor) concerning the property located at 521 South Dewey Avenue, consisting of 9.863 acres being in the George B. Pilant Survey, Abstract Number 963, and currently zoned R-6 (Single Family Residential) District, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Schools; elementary, high, college and universities, public, private, or denominational in a R-6 (Single Family Residential) District.

Philip Varughese, 5237 North Riverside, Ft. Worth, TX

Mr. Varughese stated, "Sherman Independent School District passed a school bond last year and as part of those projects Crutchfield Elementary School is part of the replacement program. Our plan is to build a new elementary school to serve Sherman ISD and at the end of construction the existing building will be demolished to provide adequate parking for the facility."

Marlow, Lauren

From: Planning
To: Kent Hughlett; Planning
Subject: RE: 3400 Texoma Parkway

From: Kent Hughlett
Sent: Monday, January 8, 2024 10:59 AM
To: Planning
Subject: Re: 3400 Texoma Parkway

Lauren, please table this item.

Thanks,
Kent Hughlett

On Mon, Jan 8, 2024 at 10:45 AM Planning wrote:

Kent,

I meant to ask when you were here. Are you wanting to table the item? I hadn't received an email and I want to make sure I am not missing anything.

If this is something you are wanting to proceed with please send me an email requesting to table the item.

Thank you

Lauren Marlow

Development Services Coordinator

City of Sherman

Development Services Department

220 Mulberry St., Sherman, TX 75090

[Development Services | Sherman, TX - Official Website](#)

****IMPORTANT NOTE –**

REPUBLIC LAW GROUP

A Landgraf Entity | Tuesday, April 4, 2023

**Sent Via Certified Mail RRR
And First-Class Mail**

Risk Family Partnership, LTD
Attn: Raymond Risk, Jr.,
Registered Agent
102 S. Crockett
Sherman, Texas 75090

**Sent Via Certified Mail RRR
And First-Class Mail**

Good Earth Soil & Materials
2816 Texoma Parkway
Sherman, Texas 75090

RE: Cease & Desist Diversion of Water and Sediment

To Whom It May Concern:

By way of introduction, this firm has been retained by the owner, Phillip S. Jennings, Jr., Family Trust, and tenant, Blackbeard Armory and Range, LLC, of the property at 2926 Texoma Parkway, Sherman, Texas, ("**Armory**") because of the continued diversion of water and sediment onto the same. From our investigation, Risk Family Partnership, LTD, is the owner and Good Earth Soil & Materials (no entity identified through the Texas Secretary of State) is the tenant of the offending property at 2816 Texoma Parkway ("**Good Earth**"), which adjoins the Armory to the south.

Enclosed are Google Earth images of Good Earth from 2018, 2019, and 2022 showing a substantial improvement being made between 2019 and 2022. Our clients advise the improvement consists of the filling of a dried pond and increasing the overall elevation by at least three (3) feet.



Traditionally, water from the west flowed east across Good Earth and Armory collectively with some impounded in the dried pond. Now, with the change in elevation and fill-in of the pond, all runoff from the west comes on to the Armory as well as all runoff from Good Earth. The improvement has altered the flow of water onto and off the Armory and has caused over saturation, flooding, deposit of sediment, and overall detriment to the improvements on the Armory and interfered with its ongoing concern.



Our clients have voiced concerns when the altered flow of water became evident and damages began accruing. Originally, a silt fence was installed to resolve the release of sediment, but it has shown insufficient to retain the material maintained on Good Earth during rains. You acknowledge the release of sediment and diversion of water by coming on to the Armory with a tractor and scraping up that which you can.



This effort is appreciated but not consistent nor a permanent solution. Of late when a final verbal complaint was lodged with Nathan Risk who advised Good Earth's drainage was coming on the Armory either in the front or back – "where do you want it!" Our clients objected and denied access to the Armory to make any further alterations.

Texas law is clear; when a property owner changes the elevation of its property and diverts surface water - water diffused over the ground from falling rain - the party that changed the elevation is responsible for either damage caused to neighboring properties, or for repair of the drainage so it does not damage neighboring property. *See Marin Real Estate Partners, L.P. v. Vogt*, 373 S.W.3d 57, 84 (Tex. App. 2011); citing Texas Water Code §11.086(a). Additionally, Texas Water Code § 11.086(a) states that: "[n]o person may divert, or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded." Texas Water Code §11.086(b) provides: "[a] person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow."

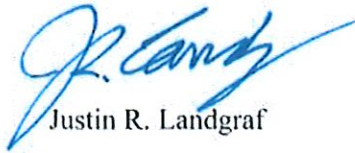
In sum, no person may divert or impound the natural flow of surface water in a manner that damages the property of another by the overflow of the water diverted or impounded. *See Stakes v. Bachmeyer*, 249 S.W.3d 461, 466 (Tex. App. 2007), citing Tex. Water Code § 11.086(a). The acts either by both of you or just one of you have also created a private nuisance, a trespass, and is at the very least negligent, among others. Because of Mr. Risk's assertions and refusal to remedy the problem, the intent appears clear and is without doubt in complete disregard for the rights of our clients and therefore warrants exemplary damages.

Accordingly, please accept this letter as formal notice of your violation of Texas Water Code §11.086(a), trespassing by allowing your material to flow onto the Armory, creation of a private nuisance, and of your duty to the Armory, its owner, and its tenant. Also, accept this letter as a formal demand to repair or restore the natural flow of surface water to that which existed prior to your unlawful acts. To avoid doubt, before taking any action to remedy the situation, we would expect presentment of plans and/or proposals so that our clients can have the same reviewed to ensure the proposal will remedy the situation. Once the repair is made or plan implemented and observation of how it works following reasonable rainfall thereafter, our clients will present their damages because of the acts at issue.

If you do not advise of an intent to take immediate action to repair the natural flow of water and prevent further trespass within ten (10) days of the date this letter is received, we will have no option but to file an action seeking an order requiring the restoration of the natural flow and recovery of damages, attorneys fees and court costs.

Finally, please direct all future communications intended for the owner or the tenant of the Armory regarding this matter to me at the telephone number below or by email: justin@republiclawgroup.com.

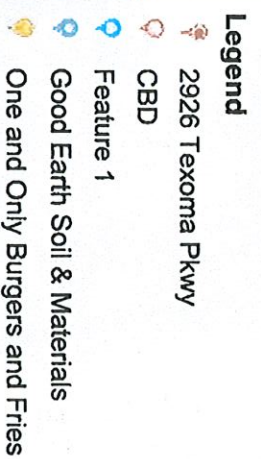
Respectfully,



Justin R. Landgraf

JRL/jbrk
CC: Client
Enclosure

Good Earth Soil and Materials



200 ft

2019 Aerial

Good Earth Soil and Materials



- Legend**
- 2926 Texoma Pkwy
 - CBD
 - Feature 1
 - Good Earth Soil & Materials
 - One and Only Burgers and Fries

2022 Aerial

Good Earth Soil and Materials



Legend

- 2926 Texoma Pkwy
- CBD
- Feature 1
- Good Earth Soil & Materials
- One and Only Burgers and Fries

Google Earth

200 ft



Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 521 South Dewey Avenue subject to the Staff Review letter. Second by Commission Member Whitaker.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

20. 501 WEST TAYLOR STREET (Project No. 23-006743)

The request of Sherman Independent School District (Owner), Philip Varughese (Representative), VLK Architects (Architect) and Teague Nall & Perkins (Surveyor) concerning the property located at 501 West Taylor Street, consisting of 11.333 acres being in the J. B. McAnair Survey, Abstract Number 763, and currently zoned R-6 (Single Family Residential) District, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Schools; elementary, high, college and universities, public, private, or denominational in a R-6 (Single Family Residential) District.

Philip Varughese, 5237 North Riverside, Ft. Worth, TX

Mr. Varughese stated, "This is for the new Fairview Elementary School. We are building a new elementary school and once the new building is built the existing building will be demolished and an associate parking lot will be built. A portion of the building is being retained and we are working around that. We worked with staff on the right of way dedications along Taylor Street, Ricketts Street and Wood Street providing additional right of way for future improvements."

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Site Plan and Specific Use Permit located at 501 West Taylor Street subject to the Staff Review letter. Second by Commission Member Manley.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

21. 1800 TEAGUE DRIVE (Project No. 23-006775)

The request of One Grand Centre, LLC (Owner), Amanda North (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property at 1800 Teague Street, consisting of 2.61 Acres being a part of the J.B McAnair Survey, Abstract No. 763 and the Smith McGlothlin Survey, Abstract No. 808, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from M-1 (Light Manufacturing) District to C-1 (Retail Business) District.

Amanda North, 1800 Teague Drive, Suite 103, Sherman, TX

Ms. North stated, "One Grand Center is a five-story office building and has been since it was built in 1982. For whatever reason the property it sits on is zoned M-1 (Light Manufacturing) District but to be in compliance with the Zoning Ordinance we would like to rezone it to C-1 (Retail Business) District."

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change located at 1800 Teague Street subject to the Staff Review letter. Second by Vice Chairman Downtain.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

22. OTHER BUSINESS

Amending the Code of Ordinances of the City of Sherman, Texas, Chapter 14 (Zoning Ordinance), Section 14.04.006 (Residential and Commercial Landscaping Requirements); Modifying Certain Existing Regulations Relating to Residential and Commercial Landscaping Requirements and the Preservation and Addition of Plants and Trees; Providing a Penalty clause with a Maximum Fine of \$2,000, Savings/Repealing Clause, Severability Clause and an Effective Date; Providing for the Publication of the Caption Hereof

James Kindred, 1201 North Bowser Road, Richardson, TX

Mr. Kindred presented a PowerPoint for the public to view.

Planning and Zoning Commission

Motion by Commission Member Sims to approve the Amendment of the Code of Ordinances and Residential and Commercial Landscaping Requirements. Second by Commission Member Blagg.

VOTING AYE: MAHONE, DOWNTAIN, BLAGG, RAMIREZ, MANLEY, SIMS AND WHITAKER

VOTING NAY: NONE.

MOTION CARRIED.

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

Close Public Hearing

23. ADJOURNMENT

Chairman Mahone adjourned the meeting at 6:51 p.m.



ACTING SECRETARY



CHAIRMAN

Sherman, Texas

Sherman Landscaping Ordinance

January 9, 2024

ORDINANCE OVERVIEW

1

Applicability

All new development within the City limits

2

Updates to Existing Ordinance

- Residential trees now have a minimum 3" instead of 2"
- Review and edits to the Approved Species List
- Commercial parking lot islands now require trees

3

New Requirements

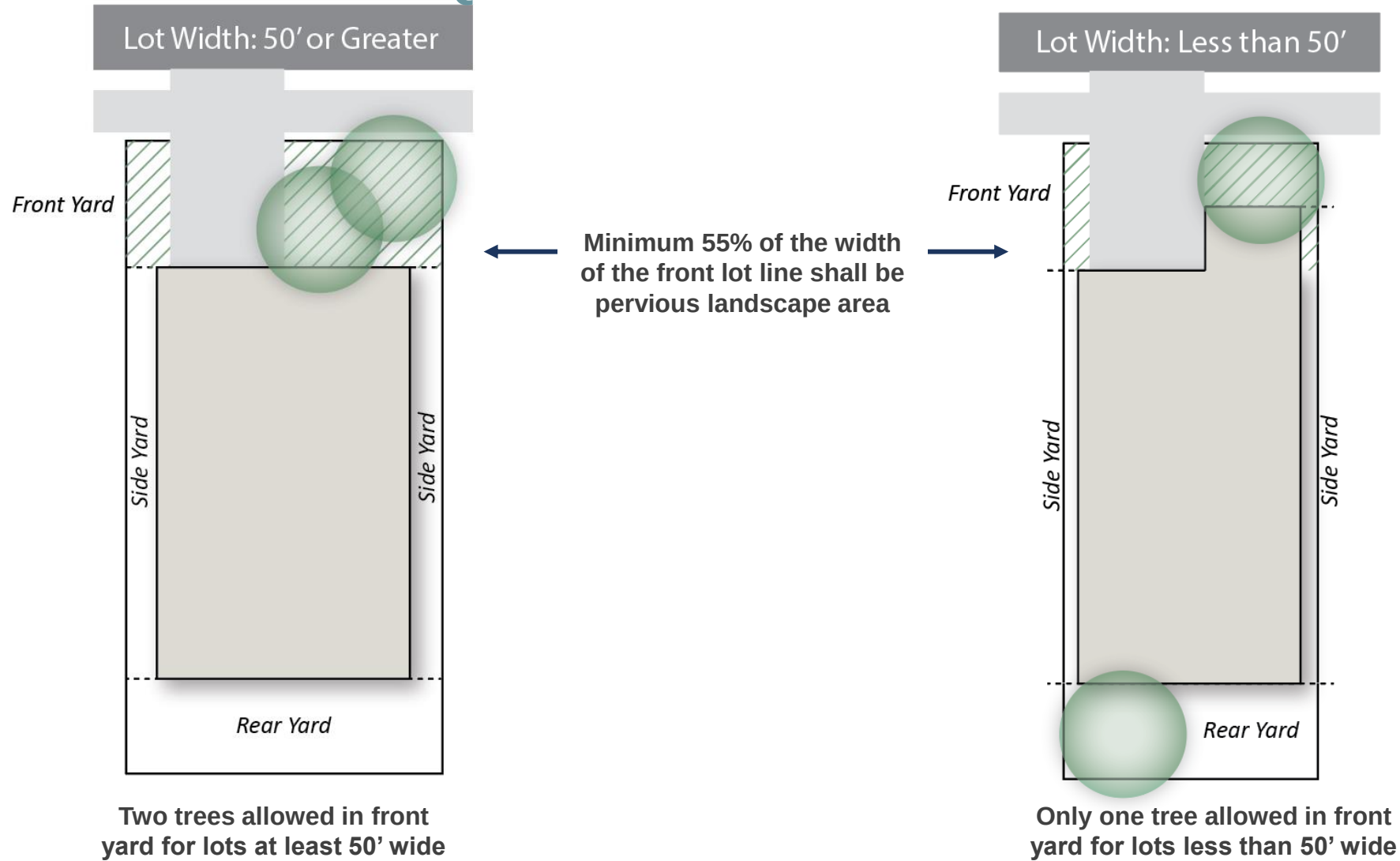
- Standards for planting trees and landscaping, and maintenance
- Street Buffer trees
- Compatibility Bufferyards

4

Relation to Tree Ordinance

Preserved Trees or Replacement Trees required for tree mitigation count towards landscaping requirements

RESIDENTIAL REQUIREMENTS



COMMERCIAL REQUIREMENTS

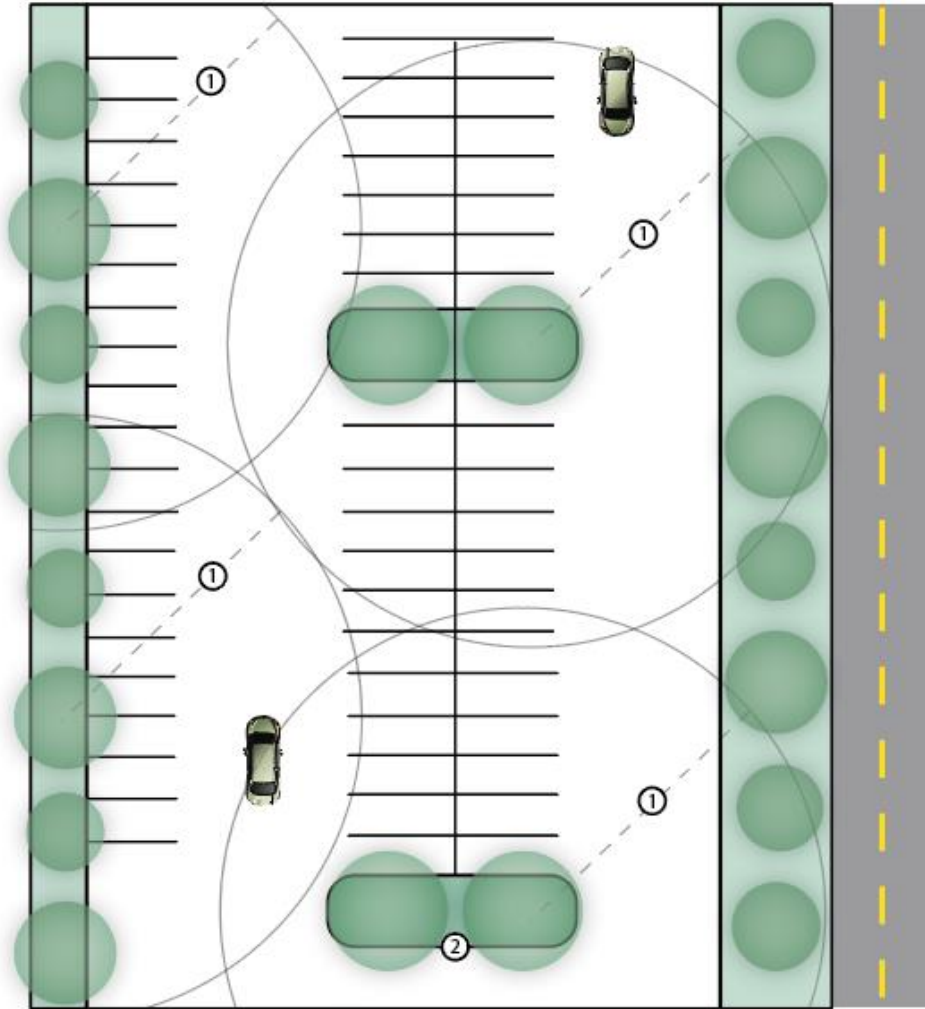
Parking Lot Landscape Areas

Landscape islands now require shade trees, with spacing to ensure canopy coverage, as follows:

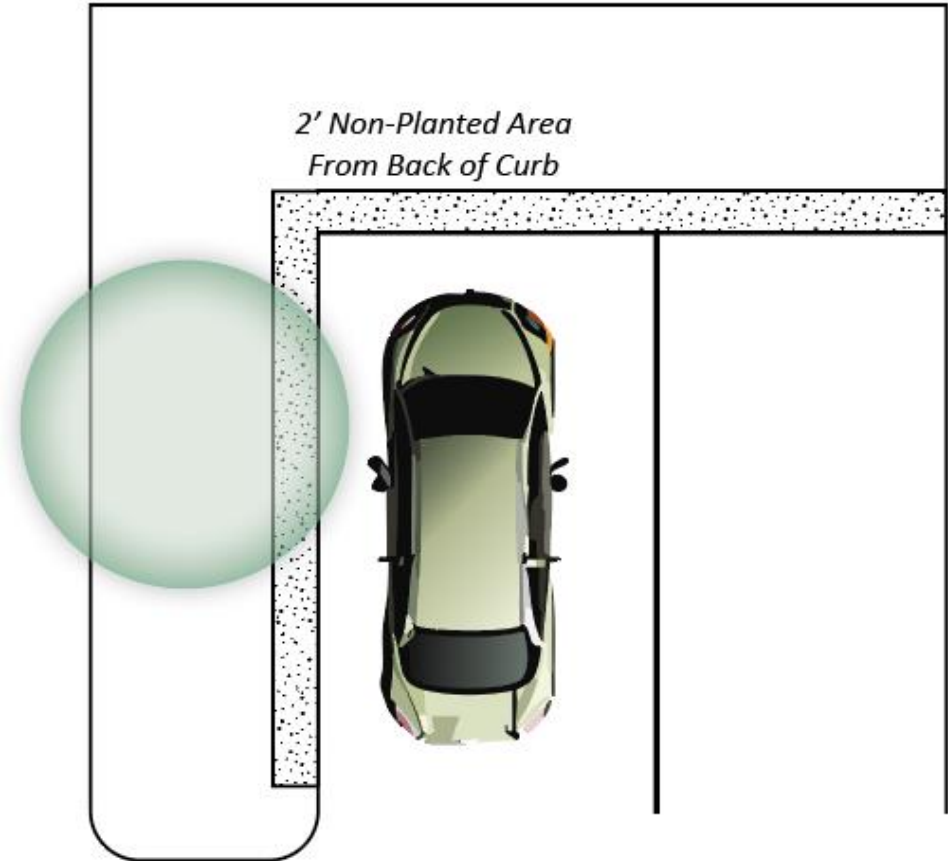
- Shade Tree for 12 parking stalls in a row
- Every parking stall within 50 feet of a shade tree
- Trees can be clustered for natural look and feel



COMMERCIAL REQUIREMENTS



① 50' tree centerpoint radius ② Landscape island



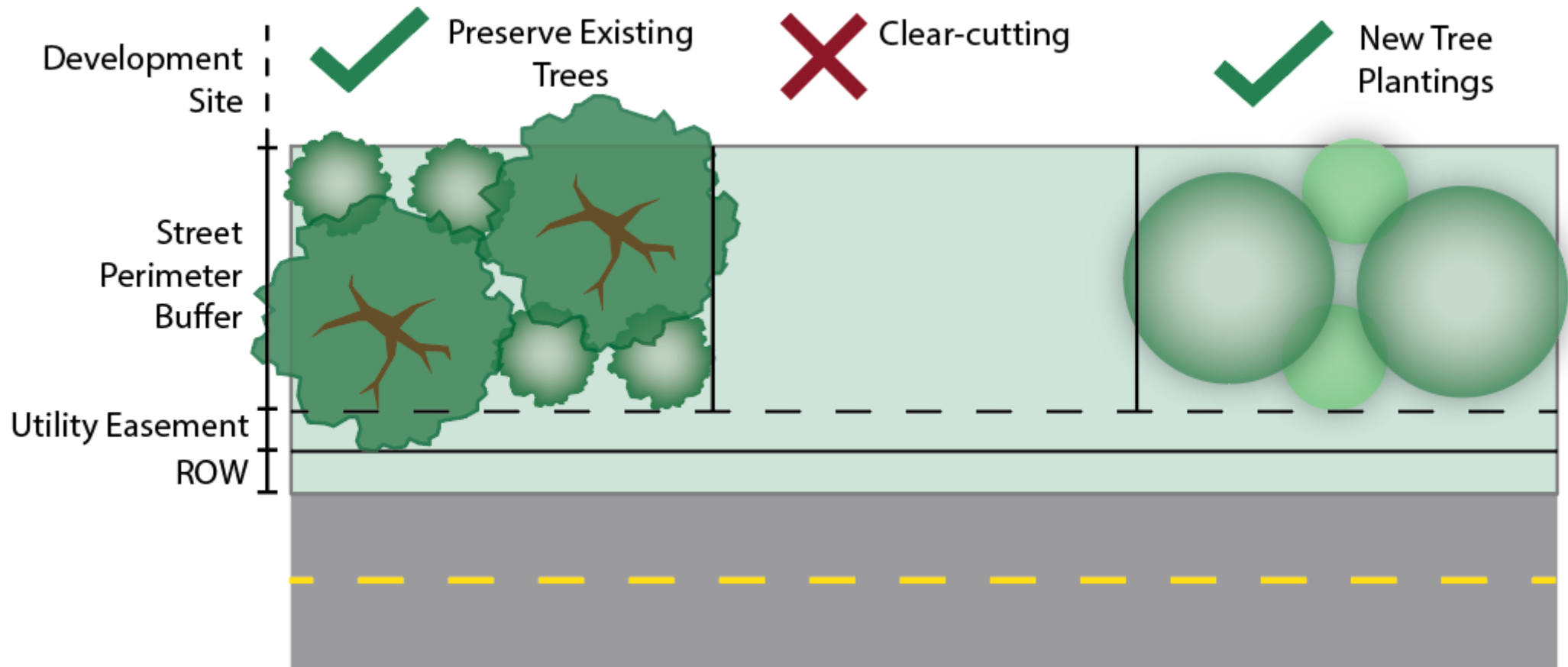
STREET PERIMETER BUFFER

Green space with trees and plantings to add buffering and visual character along streets

- 15-foot buffer adjacent to perimeter streets
- Does not include space for utility easements
- Planting requirements for 1,000 sq ft area:
 - Two (2) shade tree
 - Two (2) ornamental trees
- Can include preserved vegetation or new plantings



STREET PERIMETER BUFFER



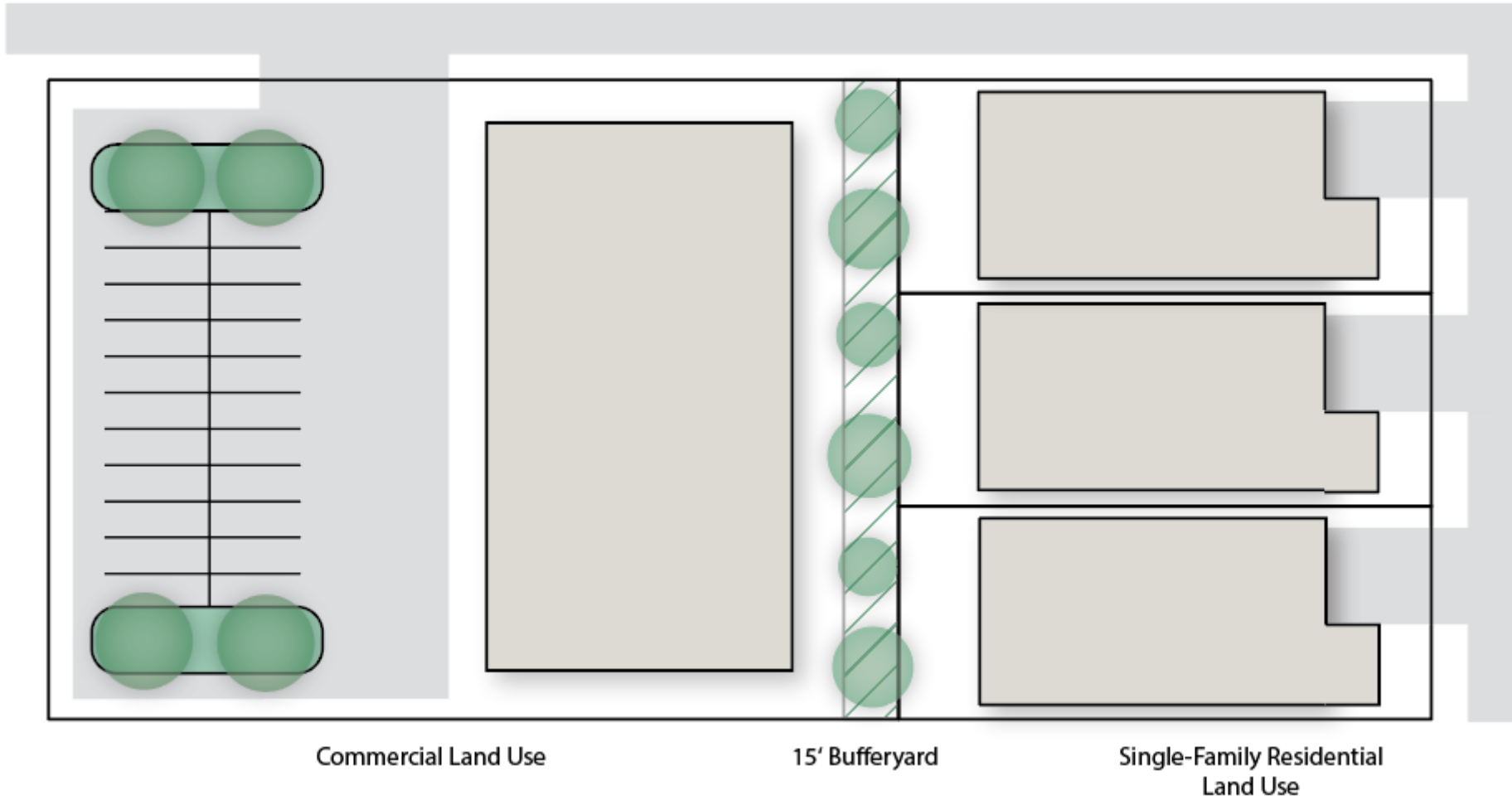
BUFFERYARDS

Green space transitions to facilitate compatibility

- A 15-foot Bufferyard between single-family residential and non-single family use
- Bufferyards shall be installed on the non-single-family site
- Planting requirements for 1,000 sq ft area:
 - One (1) shade tree
 - Two (2) ornamental trees
- Can include preserved vegetation or new plantings



|| BUFFERYARDS



A large, mature tree with dense green foliage dominates the center of the frame. Its trunk is thick and gnarled. In the background, a small, white, hexagonal gazebo with a dark roof is visible. The ground is a mix of green grass and dry, yellowish patches. A wooden bench is on the left, and a metal fence is near the gazebo. The sky is clear blue. A semi-transparent blue banner with a white grid pattern is overlaid on the right side of the image.

QUESTIONS?