

ACTION MINUTES

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman held a regular meeting Tuesday, June 18, 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.

The Planning and Zoning Commission and Board of Adjustment meetings are Video and Audio recorded and can be viewed at: <https://www.ci.sherman.tx.us/701/Agendas-and-Minutes>

1. **CALL TO ORDER**

Bookmarked at 07:28

Chairman Mahone called the meeting to order at 5:02 p.m.

2. **APPROVE ACTION MINUTES OF THE REGULAR MAY 21, 2024 PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT MEETING.**

Bookmarked at 09:10

The Planning and Zoning Commission reviewed the minutes of the May 21, 2024, Regular Meeting. Motion by Commission Member Manley to approve the Minutes as written. Second by Commission Member Sims. All present voted AYE.

3. **ANNOUNCEMENTS**

Bookmarked at 09:43

4. **CITIZEN COMMENTS**

Bookmarked at 09:51

Open Public Hearing

5. **CONSENT AGENDA (ITEMS 6, 7, 8, 9, 10, 11, 12, 13 AND 14)**

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.

Bookmarked at 11:38

The Commission reviewed the Consent Agenda. Commission Member Manley moved to approve Items 6, 7, 8, 9, 10, 11, 12, 13 AND 14 on the Consent Agenda as presented. Second by Vice Chairman Downtain.

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

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

6. * **3806 NORTH LOY LAKE ROAD (Project No.24-002136)**

The request of TICO Investments (Owner), Roderick Tatchio (Architect/Representative) and Helvey-Wagner Surveying, Inc (Surveyor) concerning the property located at 3806 North Loy Lake Road, being Lot 8R, Block C, Replat of Lots One and Eight, Block C of the amended Replat of Block C of Sherman Commons Addition, currently zoned C-1 (Retail Business) District, as follows:

Planning and Zoning Commission

Site Plan of Nobilitea Drink Facility.

7. * **2100 POST OAK CROSSING (Project No. 24-002116)**

The request of Heritage Montessori Academy (Owner), Dnyanada Nevgi, SRC Land Building Real Estate, LLC (Representative), Omega Design LLC (Architect) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 2100 Post Oak Crossing, being Lot 2, Post Oak Crossing Replat, currently zoned C-1 (Retail Business) District, as follows:

Planning and Zoning Commission

Site Plan for Pinnacle Montessori Sherman.

8. * **800 BLOCK NORTH MONTGOMERY STREET (Project No. 24-002464)**
The request of M & G Home Builders (Owner) and Rockstar Land Surveying, LLC (Surveyor) concerning the property located at 800 North Montgomery Street, consisting of 0.172 acres being in the J.B. McAnair Survey, Abstract No. 763, currently zoned R-5 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of Montgomery Addition Lot 1, Block A
9. * **700 BLOCK NORTH BRANCH STREET (Project No. 24-002465)**
The request of M & G Home Builders (Owner) and Rockstar Land Surveying, LLC (Surveyor) concerning the property located in the 700 Block North Branch Street, consisting of 0.172 acres being the South one-half of Lot 2, Block 2, G.W. Bond's Supplement No. 2, currently zoned R-5 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of Branch Addition Lot 1, Block A
10. * **3071 EAST LAMAR STREET (Project No. 24-002467)**
The request of Michael and Mariette Lake (Owner) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 3071 East Lamar Street, consisting of 12.305 acres being a part of Aaron Burleson Survey, Abstract No. 61 and being Lots 9 and 10 in Block 1 of Bethany Road Estates 2 located in the ETJ (Extra Territorial Jurisdiction), as follows:
Planning and Zoning Commission
Final Plat of Lake's E. Lamar Addition
11. * **303 WEST STEADMAN STREET (Project No. 24-002468)**
The request of NRG Investments, LLC (Owner), Veronica Garcia (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 303 West Steadman Street, consisting of 0.214 acres being a part of the Samuel Blagg Survey, Abstract No. 56 and being the East ½ of Lot 8, Block 7 of the B.H. Moore Heirs Addition, currently zoned R-4 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of NRC Addition.
12. * **4511 COX STREET (Project No. 24-002471)**
The request of Carlos Contreras (Owner) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 4511 Cox Street consisting of 0.207 acres being a part of John Hendrix Survey, Abstract No. 503 being the South 60 ft. of Lot 7, Block 12 of Hilltop Estates Addition, currently zoned R-6 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of Contreras Addition.
13. * **3400-4000 BLOCK WEST LAMBERTH ROAD (Project No. 24-002488)**
The request of Sherman Hickory Hill, LLC (Owner), Taylor Blanchard (Representative) and Spiars Engineering, Inc. (Surveyor) concerning the property located in the 3400-4000 Block West Lamberth Road consisting of 51.427 acres being in the Ralston W. Adams Survey, Abstract No. 18 and the William Thomas Survey, Abstract No. 1209 located in the Hickory Hill Planned Development, as follows:
Planning and Zoning Commission
Final Plat of Hickory Hill Subdivision.
14. * **213 VOLUNTEER DRIVE (Project No. 24-002511)**
The request of Three Oaks Development and Construction Company (Owner) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 213 Volunteer Drive, consisting of 0.245 acres being a part of the Preston Kitchens Survey, Abstract No. 667 and being Lot 1 and Lot OS-2 in Block D of Three Oaks Addition, Section 2, currently zoned R-5 (Single Family Residential) District, as follows:
Planning and Zoning Commission
Final Plat of Amber Addition
15. **1915 AND 1921 WEST HOUSTON STREET (Project No. 24-000103)**
AN EMAIL WAS RECEIVED BY HALEIGH ARNOLD ON MONDAY JUNE 17, 2024 AT 8:11 A.M. REQUESTING TO TABLE THIS ITEM.
The request of Rick Arnold (Owner), Haleigh Arnold-Black (Representative) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 1915 and 1921 West Houston Street being Lot 1, Block 1 of the Spavinaw Addition and currently zoned C-2 (General Commercial) District and R-6 (Single Family Residential) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.017 to allow a 14.4' side setback in lieu of the required 15' for the existing structure.

Planning and Zoning Commission

- B. 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 C-2 (General Commercial) District and R-6 (Single Family Residential) District.

Bookmarked at 12:40

Planning and Zoning Commission

Motion by Commission Member Sims to table Items A and B located at 1915 and 1921 West Houston Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

This item was tabled by the Commission.

16. 1822 SOUTH MONTGOMERY STREET (Project No. 24-001597)

TABLED FROM MAY 21, 2024

The request of Giovanni Garcia (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1822 South Montgomery Street, being Lot 6, Block 19, Supplemental Plat of Block 19 South Sherman known as South Side Addition, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.007 to allow a 15' side setback on a corner lot along a minor arterial in lieu of the required 25'.

Planning and Zoning Commission

- B. Public Hearing and Zone Change from a C-1 (Retail Business) District to an R-5 (Single Family Residential) District.

Bookmarked at 13:28

Planning and Zoning Commission

Motion by Commission Member Sims to untable the Variance and Zone Change located at 1822 South Montgomery Street. Second by Chairman Mahone.

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

VOTING NAY: NONE.

This item was untabled by the Commission.

Board of Adjustment

Motion by Vice Chairman Downtain to approve the Variance located at 1822 South Montgomery Street. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located at 1822 South Montgomery Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

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

17. 2518 NANTUCKET DRIVE (Project No. 24-002075)

The request of Daniel White (Owner) and Preston Trail Land Surveying (Surveyor) concerning the property located at 2518 Nantucket being Lot 5, Block 5, Canyon Creek Addition, Section 2-B, and currently zoned R-6 (Single Family Residential) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.04.002 to allow a 2' side setback in lieu of the required 5' for the proposed carport.

- B. Public Hearing and Variance under Section 14.04.002 to allow a 3' setback from the main structure in lieu of the required 5' for the proposed carport.

Bookmarked at 18:26

Board of Adjustment

Motion by Commission Member Manley to approve the Items A and B located at 2518 Nantucket Drive. Second by Commission Member Sims.

VOTING AYE: MAHONE, MANLEY, SIMS AND WHITAKER

VOTING NAY: DOWNTAIN.

MOTION CARRIED.

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

18. 4118 SISTRUNK STREET (Project No. 24-002104)

The request of Mario Tobar, Tobar Properties (Owner) and Helvey-Wagner Surveying, Inc (Surveyor) concerning the property located at 4118 Sistrunk Street, being Lots 1 thru 5, Block 31, Hilltop Estates, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from an R-6 (Single Family Residential) District to R-5 (Single-Family Residential) District.

Bookmarked at 24:42

Planning and Zoning Commission

Motion by Commission Member Blagg to table the Zone Change located at 4118 Sistrunk Street. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

This item was tabled by the Commission.

19. 300-1200 BLOCKS WEST HIGHWAY 82 (Project No.24-002107)

The request AJH Enterprises, LTD (Owner), Land Link Realty, LLC (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located in the 300-1200 Blocks West Highway 82, consisting of 133.157 acres being a part of the J.B. McAnair Survey, Abstract 763, as follows:

Planning and Zoning Commission

Public Hearing and Temporary Use Permit under Section 14.06.008 to allow a concrete batch plant in a R-6 (Single-Family Residential) District, MF-30 (Multi-Family Residential) District and R-5 (Single-Family Residential) District.

Bookmarked at 25:44

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Temporary Use Permit located in the 300-1200 Blocks West Highway 82 subject to the new location and construction entrance for a time period of 90 days from issuance of building permit. 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.

20. 800 BLOCK SOUTH HOLLY AVENUE (Project No. 24-002115)

The request of Veronica Munoz, Salient Group, LLC (Owner), Jonathan Hake, Cross Engineering (Representative/Engineer) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located in the 800 Block South Holly Avenue, being part of the Elizabeth Jones Survey, Abstract No. 625, containing 16.690 acres, as follows:

Planning and Zoning Commission

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

Bookmarked at 01:10:24

Planning and Zoning Commission

Motion by Commission Member Ramirez to approve the Zone Change located in the 800 Block South Holly Avenue. Second by Commission Member Blagg.

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

VOTING NAY: DOWNTAIN AND SIMS.

MOTION CARRIED.

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

21. 1512 INTERURBAN PARKWAY (Project No. 24-002117)

The request of Cedar Ridge Development (Owner), Holley Energy Solutions, LLC (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 1512 Interurban Parkway, consisting of 45.107 acres, being a part of the Elizabeth Jones Survey, Abstract 628, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Electric power substation or generating including ground-mounted solar and wind in a R-6 (Single Family Residential) District.

Bookmarked at 01:43:20

Planning and Zoning Commission

Motion by Commission Member Sims to approve the Specific Use Permit located at 1512 Interurban Parkway. Second by Commission Member Whitaker.

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

VOTING NAY: MANLEY.

MOTION CARRIED.

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

22. 2100 EAST LAMAR STREET (Project No. 24-002119)

The request of BTI Capital, LLC (Owner), Ben Betzold, CEC (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 2100 East Lamar, consisting of 12.995 acres, in the George B. Pilant Survey, Abstract No. 963, as follows:

Planning and Zoning Commission

- A. Public Hearing and Zone Change of 3.020 acres situated in the George B. Pilant Survey, Abstract No. 963 from MF-30 (Multi-Family Residential) District to C-1 (Retail Business) District.
- B. Public Hearing and Zone Change of 9.975 acres situated in the George B. Pilant Survey, Abstract No. 963 from MF-30 (Multi-Family Residential) District to R-2F (Duplex Residential) District.

Bookmarked at 02:25:00

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve Items A and B located at 2100 East Lamar Street. Second by Commission Member Sims.

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

VOTING NAY: NONE.

MOTION CARRIED.

Commission Member Blagg recused himself from the motion.

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

ADJOURNMENT

The meeting adjourned for a Recess at 7:27 p.m.

RECONVENE

The Recess closed, and the meeting reconvened at 7:34 p.m.

23. 2211 NORTH HIGHWAY 75 (Project No. 24-002120)

The request of Brad Tidwell, OV Sherman, LLC (Owner), Kyle Stephens (Representative/Engineer) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 2211 North Highway 75, consisting of 8.927 acres, being Lot 2, Replat of Lot 3, Block 2, Independence Square Addition Section 3, being a replat of Lot 1, Block 2 containing 12.186 acres in the J.B. McAnair Survey, Abstract No. 763, consisting of 8.927 acres, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.03.001 to allow architectural metal in lieu of masonry, masonry veneer, or concrete siding.

Planning and Zoning Commission

- B. Public Hearing and Zone Change from C-1 (Retail Business) District/75 & 82 Overlay District to C-2 (General Commercial) District/75 & 82 Overlay District.
- C. Site Plan approval of Multi-flex office/shop.

Bookmarked at 02:39:36

Board of Adjustment

Motion by Vice Chairman Downtain to approve the Variance located at 2211 North Highway 75. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change and Site Plan located at 2211 North Highway 75 subject to the Staff Review Letter. 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.

24. 2907 WEST TRAVIS STREET (Project No.24-002152)

The request of Brannon Kidd (Owner), Teague Nall & Perkins, Inc (Surveyor/Representative) concerning the property located at 2907 West Travis Street, being a 94.760 acre tract of land situated in the Elizabeth Jones Survey, Abstract 625, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a high school (grades 9-12) in an R-6 (Single Family Residential) District/C-1 (Retail Business) District/F.M. Highway 1417 Overlay District and repeal Ordinance No. 6149 and Ordinance No. 6495.

Bookmarked at 02:45:25

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 2907 West Travis 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.

25. 211 EAST KING STREET (Project No. 24-002155)

The request of Leticia Murillo Chavarria (Owner), Roozie Marroquin (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 211 East King Street, consisting of 0.197 acres being in the Samuel Blagg Survey, Abstract 56 and currently zoned MF-30 (Multi Family Residential) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.006 to allow a 5.5' side setback in lieu of the required 6' for the original structure prior to the addition.
- B. Public Hearing and Variance under Section 14.02.006 to allow a 2.5' side setback in lieu of the required 5' for an existing carport.
- C. Public Hearing and Variance under Section 14.02.006 to allow a 12.3' rear setback in lieu of the required 20' for an existing carport.
- D. Public Hearing and Variance under Section 14.02.006 to allow a 2.4' side setback in lieu of the required 5' for a wood shed addition.
- E. Public Hearing and Variance under Section 14.02.006 to allow a 5.5' side setback in lieu of the required 6' for the new structure.

Planning and Zoning Commission

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

Bookmarked at 02:55:00

Board of Adjustment

Motion by Vice Chairman Downtain to approve Items A, B, C, D and E subject to the new Site Plan located at 211 East King Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located at 211 East King 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.

26. 1908 EAST LAMAR STREET (Project No. 24-002473)

The request of Maria Isabel Ramirez (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1908 East Lamar Street, being Lot 1, Block One, East Side Business Park, as follows:

Planning and Zoning Commission

Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a Secondhand store or rummage shop in a C-1 (Retail Business) District.

Bookmarked at 03:07:40

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Site Plan and Specific Use Permit located at 1908 East Lamar Street subject to the Staff Review Letter being tied to Maria Isabel Ramirez. 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.

27. ADJOURNMENT

Bookmarked at 03:19:12

Chairman Mahone adjourned the meeting at 8:13 p.m.



CHAIRMAN



ACTING SECRETARY

Marlow, Lauren

From: laurenm@cityofsherman.com
To: Haleigh Arnold
Subject: RE: Table Request

From: Haleigh Arnold
Sent: Monday, June 17, 2024 8:11 AM
To: Marlow, Lauren
Subject: Re: Table Request

So sorry!!

We, BSA, would like to table our request at the meeting of planning and zoning on June 18, 2024.

On Mon, Jun 17, 2024 at 7:56 AM Marlow, Lauren <laurenm@cityofsherman.com> wrote:

Good morning,

Please remember if you are going to Table your item, I will need an email from you requesting to Table for the June 18, 2024 Planning and Zoning Commission meeting until ready.

If you are going this route, I will need that email by 12:00 p.m. Today – June 17, 2024 as I am wrapping up everything for the meeting.

Thank you

Lauren Marlow

Development Services Coordinator
City of Sherman
Development Services Department
903-892-7032

[220 Mulberry St., Sherman, TX 75090](#)

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

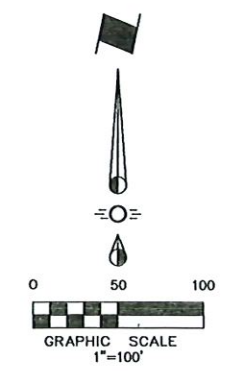
****IMPORTANT NOTE –**

See the City of Sherman [Development Guide](#) for more information on developing within the City of Sherman.

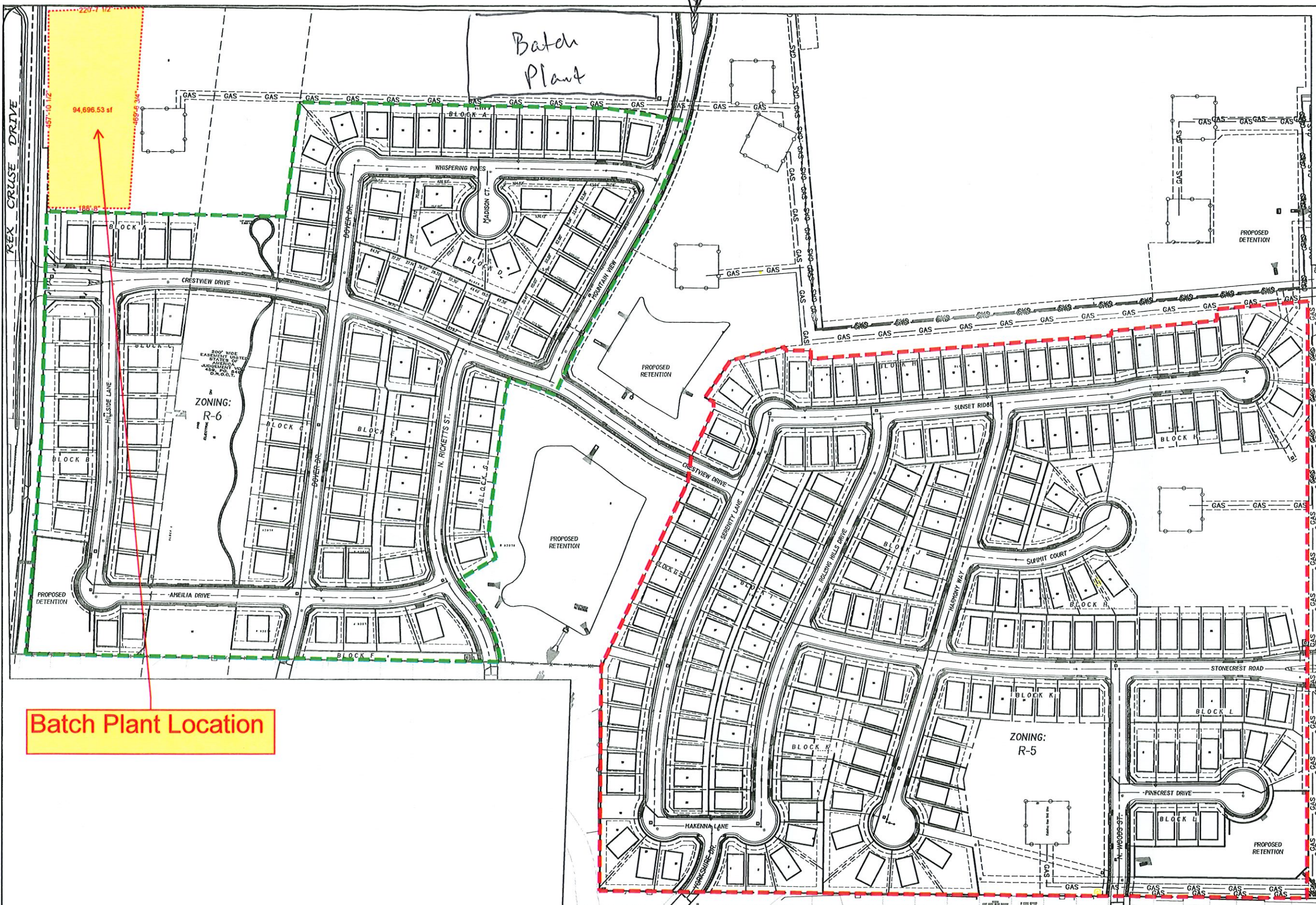
****Please see the new tree Ordinance, effective 12/18/2023:** [Tree and Landscaping Ordinance | Sherman, TX - Official Website](#)



New construction entrance



Batch Plant Location



Issue Dates:	Revision & Date:
104/05/2024	1
2	2
3	3
4	4
5	5
6	6

CROSS ENGINEERING CONSULTANTS
1720 W. Virginia Street
972.562.4409
McKinney, Texas 75069
Texas P.E. Firm No. F-5935

Drawn By: C.R.C.I.
Checked By: C.R.C.I.
Scale: 1"=100'

Lot Summary
THE HILLS OF SHERMAN
AJ ENTERPRISES, LTD.
CITY OF SHERMAN, TEXAS

Sheet No. LS
Project No. 22032

STOP!
CALL BEFORE YOU DIG

Know what's below.
(at least 72 hours prior to digging)

THE HILLS OF SHERMAN

June 14, 2024

Planning and Zoning Commission and Board of Adjustment of the City of Sherman,

Dear Board Members,

I received your notification about a request for a temporary use permit to allow a concrete batch plant in a R-6, MF-30 and R-5 District bordering my property at 3001 N. Ricketts in Sherman. I am totally against allowing AJH Enterprises, LTD (Owner) and all of his employed representatives any type of permit for a concrete batch plant. I understand that having a batch plant near a construction site is optimal for the ease of construction and expense reduction for the company. However, I am not interested in helping to make life easier for them at the expense of my family's health.

Living within 5 miles of a concrete batch plant is considered highly toxic and living within 20 miles is considered toxic still. You are talking about putting this within a few hundred feet of a neighborhood full of families, many of whom are growing their own food, playing, and entertaining outside in their yards. The silica dust from this plant would coat everything in the surrounding area making food inedible, killing landscapes and trees, causing health issues for all the people living nearby, and making AC units unable to function properly due to the excessive amount of dust. My family already lives with severe allergies and Parkinsons disease. This plant, so close to us, with the exposure it will cause, can create problems such as Tuberculosis, lung cancer, COPD, and kidney and liver diseases. At the very least, it will cause respiratory problems, eye and skin irritations, and bronchitis. Air quality will continue to be compromised long after this plant is removed.

There is a creek running behind our property. You know there will be runoff from this plant, and it is impossible to be 100% controlled, creating an environmental hazard that will be here long after the plant has been removed. AJH Enterprises will be gone leaving us to live with whatever problems have been caused by the plant. As tax payers and owners of our property we would have no control over the operations of the plant relying solely on the honesty of the corporation. That is an unacceptable reality.

In addition to environmental concerns, the day to day operation of this plant would be unbearable. Rock and concrete crushers operating on site, and truck traffic, with the emissions they cause, going thru the neighborhood could boost noise levels up to 83 decibels, which is way beyond the 40 decibels of a quiet residential neighborhood. My family has already experienced excessive noise levels from the clearing of the property right behind our house. I am willing to tolerate the noise while housing construction is going on. Expansion keeps the city alive and brings in tax revenue and helps businesses. It is everyone's civic duty to make allowances for adding a new neighborhood. However, a concrete batch plant is beyond any civic duty and should not be tolerated.

I am in disbelief that the City of Sherman is even considering giving a permit for any type of concrete plant to operate here. I know that residents of Sherman have been actively protesting a plant being proposed in the nearby city of Gunter, and yet Sherman is considering putting a temporary concrete batch plant in our own backyard. Downtown Sherman is within the 5 mile highly toxic area of the proposed plant site. I would think the business owners would be very interested in knowing they are within that highly toxic area.

When you purchase a property in a nice neighborhood, you should not have to deal with a concrete batch plant being set up even temporarily. Let AJH Enterprises pay to transport their concrete to the building site. Do not allow them to ruin our neighborhood even if you think it is only temporary. Damage will be done even on a temporary basis, which is listed as 180 days or until the construction project is done. They are building 400 homes! It will definitely be more than 180 days, much more!

I request that you deny this permit for a concrete batch plant just like you would if this was being built a few hundred feet from your homes. Please, I implore you to try to do everything in your power to protect our neighborhood from the toxic effects of a concrete batch plant.

Karen Uptmore

Marlow, Lauren

From: Planning
To: Gary White
Subject: RE: 300-1200 Blocks West Highway 82 - Batch Concrete Facility

From: Gary White
Sent: Friday, June 14, 2024 2:50 PM
To: Planning
Subject: 300-1200 Blocks West Highway 82 - Batch Concrete Facility

Count us as Opposition to the temporary use permit for the batch concrete plant.

We have houses ~200 feet from the southern edge of this development and have been owner/residents for over 40 years. Item #19

Our concerns are noise, traffic on residential streets, dust emissions, and hours of operation.

The applicant's assumption that reducing truck travel on Rex Cruse and Hickory would be preferable, does not recognize the greatly increased amount of handling and trucking of raw materials that comes, in addition to concrete batches trucked over unimproved land, on the site. As residential property owners in the area, we are required to have "dustless" drives for our vehicle traffic. Using traditional premixed sources, regular pre-mix trucks would travel over paved roads to the site entrances nearest the jobsite. These trucks all would contain wet, pre-mix, to be used immediately with no storage. The batch plant will require an incoming transport for every ton of loose, dry, sand, rock, and cement. Most of this will be unloaded from open top dumping trucks, probably on the ground, and left uncovered. After the initial unloading and staging, the raw materials will be picked up again, and moved into the mixing plant. Concrete carriers will then need to be loaded and moved to the jobsite. When it is moved across the jobsite, anything approaching the "dustless" standard is unlikely. Trucking heavy loads across this land when dry will be a dust generator most days.

These plants are not quiet. The arriving loads of cement, rock, and sand could go on day and night. To keep these supplier trucks out of residential streets, the only option for them leaving is to go east on the access road to Travis. Is that the plan? Our local trades have hours of operation limited, with tighter requirements on some days of the week. We've already seen site preparation work before sunrise. Are hours limited?

On-site mixing processes only benefit the operator. As well as cost savings, their bigger concern may be control of the timing of arrival of concrete loads. As a smaller customer, compared with the major industrial projects, they likely fear delays in getting concrete as a daily issue with a pre-mix supplier. The burden for gaining this benefit should not fall on the area residents.

Enforcement of the length of the "temporary" agreement reads as weak and leaves many options for extensions or excuses. If they say 90 days, there should be consequences for being late. They always have the option to source concrete from outside mixing plants. They also need to be limited from proposing continued use of this plant for other area projects. Would be a lot easier to deny these systems a permit now, and set an example for coming builders, as opposed to going through this permitting process every time a new development starts. Keep the messy business of making concrete at the sites of the permanent suppliers.

Gary and Karen White
 606 Oxford
 Sherman, TX

Marlow, Lauren

From: Planning
To: Gerald Callahan
Subject: RE: Re. 300-1200 Blocks West Highway 82

From: Gerald Callahan
Sent: Saturday, June 15, 2024 8:29 AM
To: Planning
Subject: Re. 300-1200 Blocks West Highway 82

I am strongly opposed to putting a Concrete Batch Plant in this location. I have property around this location and it would greatly affect the health and welfare of my family !!!
It would also affect my property values !!!

Sincerely,
Gerald & Linda Callahan

Marlow, Lauren

From: Planning
To: Eric Rhoades
Subject: RE: No to concrete batch plant

From: Eric Rhoades
Sent: Monday, June 17, 2024 4:13 PM
To: Planning
Subject: No to concrete batch plant

Good afternoon,

I am writing this to strongly oppose the installation of any temporary batch plant on or near Rex Cruse Dr. The ongoing construction activity is already significantly impacting my family. Among 133+ acres, it is perplexing why an access point has been considered directly across from my driveway for heavy trucks and machinery, leading to unacceptable noise and traffic issues.

Over the last 10 days, I have witnessed trucks backing into my driveway and workers loitering near my property, leaving behind litter. The proposed batch plant, just a few hundred feet from my front door, is entirely unacceptable, especially in light of my two small children frequently being outside.

My stance is supported by many of my neighbors, and the imminent hazards posed by this batch plant, directly across from my residence, only further solidify our opposition.

Regards,
Eric and Staci Rhoades

Eric Rhoades- Realtor®
Director of Operations
RE/MAX Signature Properties-Commercial Division



Marlow, Lauren

From: Planning
Subject: RE: Concrete Batch Plan on US 82 W

From: Robert Crocker
Sent: Tuesday, June 18, 2024 12:56 PM
To: Planning **Subject:** Concrete Batch Plan on US 82 W

June 18,2024

It is axiomatic now that concrete plants cause air and water pollution – both particulate and chemical. So, they must be planned with care.

Are they so bad that we need to stop using concrete at all? Can they be managed to lower the risk enough that builders can still use concrete? After all, people live almost everywhere so is there anywhere that concrete can be made?

I'd like to know.

1. How do the nearby residents benefit from having the plant close to them?
 - a. Is it just reduced traffic through their streets?
 - b. Given that new streets will connect to six or so existing streets won't trucks be on those streets – wherever the concrete is coming from?
 - c. Are there other benefits that need to be considered? To the city? To the overall environment?
2. Does this plant use any new processes or materials that are designed to reduce pollution?
3. What is being put into place to reduce the pollution?
 - a. Have those things demonstrated a significant reduction at other sites or in studies?
4. How will the pollution be monitored and reported?
 - a. What kind of warning system will be in place?
5. What levels of pollution are expected at various distances from the plant?
 - a. How is that affected by wind?
 - b. Are any of those levels close to any known threshold of concern?
6. What is the limit on how long the plant might be in operation after all extensions are given?
7. Will this plant only produce concrete for the immediate project, or could they manufacture concrete for other locations?

I recognize our city is growing. That comes with challenges and – sometimes – with changes that may be disruptive to me personally. I'm trying to avoid the “not in my backyard” reaction. However, putting such a plant near established neighborhoods concerns me and I'd like to learn from the questions above if it's really appropriate.

Thanks for listening,

Bob Crocker

Ricketts St. Sherman, TX

Marlow, Lauren

From: Planning
To: Sheila Bunch
Subject: RE: Opposition of Zone change request for South Holly Apartments

From: Sheila Bunch
Sent: Sunday, June 16, 2024 8:18 PM
To: Planning
Subject: Opposition of Zone change request for South Holly Apartments

To whom it may concern:

My husband and I are property owners who reside at the corner of West Moore Street and Holly Avenue. We are very much opposing the request for zone change to a multi-family residential district. We have many serious concerns about traffic flow in our area. We know that there is already a dangerous traffic situation at the intersection where our house is located. We have seen many near misses with accidents as well as even having someone drive through our front yard almost hitting a person, almost hitting our mailbox, and then subsequently hitting a truck that was parked across the street from us. We now are even afraid to be out in our yard during heavy traffic times during the school year. Increasing traffic through our neighborhood will only increase the amount of accidents and near-accidents.

Another concern is that there is a neighborhood already under construction to accommodate 43 houses across the street from us. There are many apartment complexes already in the Sherman area so there is really not a need for any more. We would like to maintain the value of our property and believe that the change to a multi-family residential zone would lessen the value of our home. We are newcomers to Sherman and chose this area because we felt it was a quiet place to be. That will most likely change if the apartments are approved.

Please consider our thoughts on this matter. We live here and know the ramifications of an apartment complex addition to this area with an already high traffic load.

Thank you for your consideration on this matter.

Sincerely,

Thomas and Sheila Bunch
1321 W. Moore St.
Sherman, Texas 75092

Chairman and Commissioners, my name is Robin Atherton. I live at 900 Western Hills in Sherman. I am a life long resident of Sherman and 4th generation Shermanite. I am a local Real Estate Agent with Keller Williams. I have a unique perspective in talking with you today. I have represented developer clients in the past and I have also sat where you are, as I was on P&Z about 15 years ago. I hope you all drove over to S Holly and saw the conditions of the road, the subject property, the surrounding properties and I hope you drove up Terrace Oaks to see the back side of the property.

About 7 years ago, I represented my brother as a Real Estate agent to purchase a home on Terrace Oaks. On your proposed site plan in your packet, his home is not drawn out but it is the top left corner where the circle drive is. When he bought the home, we did all of our due diligence to review the surrounding zoning, future land plans, etc.

I know you have some opposition letters (and others comments here) that cover a lot of points including, traffic, roads are horrible and noise. I will try not to beat a dead horse and approach this from a more comprehensive level encompassing the 2022 Comprehensive Plan and the Code of Ordinances.

As a Real Estate agent, I can tell you that NEVER have I ever had a home buyer say "I would like to find a home beside an apartment complex". I can say with absolute certainty that quite the opposite is true. I do have SELLERS of properties close to apartment complexes with many complaints. In the 2022 Comprehensive Plan on Page 4, Community Engagement Summary, there were 1,653 survey responses collected. If I read the colors on the chart right, 13% of those respondents said we

needed more apartments. I bet if you ask those people NOW, they would NOT say that.

Next I will talk about the Tree Protection Ordinance, Ordinance 6643 adopted September 18, 2023. This property is an old growth forest, kind of like the ones on Center St that were previously clear cut. The tree canopy on aerial photos looks like only 10% of the 16.8 acres is not under canopy. There are trees that are 150 years plus old. If you will look at the landscape plan submitted, you will see we have another clear cut to make a concrete jungle. The public outcry about clear cutting led to the new ordinance. With the concrete jungle most all of the trees required by ordinance will be new trees planted, much smaller. Many of the existing trees ARE in the protected species and will be covered by this ordinance. BUT, they will still be clear cut. MOST Sherman citizens know there is a tree preservation rule BUT what they don't realize is that the developer can BUY THEIR WAY OUT OF IT. With affordable land prices here and developers coming in from out of town, that is no incentive! It certainly doesn't matter to them! I don't see any effort to preserve existing trees in the plan. They don't care. Come here to buy cheap land, whats a few more dollars to buy out of preserving the environment? Couldn't the native large trees in the setbacks be preserved? I will be interested to see the tree survey and tree removal application.

A lot of things have changed since I was on P&Z so I have reviewed the newer 2022 Master Plan and other documents to catch my self up. On page 28 of the Master plan concerning Housing and Neighborhoods there are 5 strategies listed with #5 saying... Protect and enhance existing neighborhoods and

housing stock. This project does neither of those things. There are some neighborhood apartments in Sherman that you can drive by and hardly notice they are apartments. The Villas of Sherman is right across the road from this proposed complex. The Villas is an over 55 complex. They blend in to the neighborhood with similar roof lines and style. This project with its' 3 stories, sticks out like a sore thumb with no efforts to blend in.

Page 32 of the Comprehensive Plan discusses future land use descriptions and states that Compatible Zoning districts in the Core Neighborhood would include Multi Family, Manufactured homes, small retail business and of course single family residential. It ALSO states that infill or additions to existing neighborhoods, that increases density SHOULD match the character of the surrounding structures. Obviously this proposal does NOT do that at all. Newer residential developments already in our City have the infrastructure and would better fit for the "infill" of other types of housing.

On Page 16 of the Comprehensive Plan, population growth is discussed with a chart. If you just do the Math on the chart, expected population growth for Sherman in the next 20 YEARS is about 20,000 people. That is people NOT households. Even if the expected population number is too conservative, you can still do the Math and see where we are heading. On the City Development Department website, there is a list of projects that are in some form of planning stage right now. There are 12,000 plus UNITS of apartments and around 13,000 plus single family residences in some form of development in Sherman, NOW. In 2022 when the Master Plan was updated, it stated that there were approximately 20,000 planned residential lots in the Sherman

planning area. That was 2 years ago We are about to have a 20+ years supply based on numbers pulled from City of Sherman information.

Code of Ordinance, Chapter 14.01, General Provisions, having to do with zoning considerations, Number 3 states – The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district and with a view of conserving of conserving the value of buildings and encouraging the most appropriate use of land throughout the City. I think that with this proposal, the devaluation of the surrounding properties can't be disputed.

The Code of Ordinances, Page 121, #Item #4 PLANNING AND ZONING COMMISSION CONSIDERATION lists 9 key points for the Commission to consider in whether to approve or decline an agenda item. I will discuss several of them.

Number 1 Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.

Number 3, The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for development.

Number 4, The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change. So in response to Number 3 and 4 consider the quadrant of the City bordered by Hwy 56, 1417 and 75. We have 6 apartment complexes that I can see, in some sort of planning stage totaling almost 4,000 units. In that same

quadrant there are numerous existing or under construction apartments. This quadrant has by far the most density of apartments in the City.

Number 6. The impact on the environment regarding the floodplain, riparian areas, topography and vegetation. The water drainage coming across the neighboring property on Terrace Oaks experiences extreme run off and has a special drain to funnel the water down the cliff to Center St. When the vegetation is removed and we have all that concrete, this will increase. I see several retention ponds on the site plan, more than I usually see on this size of development. I hope that is enough!

Number 7. Whether the request is consistent with the Comprehensive Plan and other master plans. I would say that City Management would find that in some ways it is. I would say that the Citizens would say that in most important ways, it is not.

Number 8 says Any other factors that would effect the health, safety, morals or general welfare. I think most of these issues has been covered but I will say that the dust and disruption during construction will effect the health of the Sr Citizens that live across the street and the neighboring home residents.

In closing.....When I worked with developers, I always thought it was a good idea for the developer to be responsive to the community and their concerns, especially the immediate surrounding neighbors. Sometimes, these conversations are heated, but the developer should look for ways to lower the temperature to explain the reasoning or look for a compromise. Currently this proposed site was in planning for a different purpose— rent to own houses. It actually still shows that on the

Development Dept site. When my brother called this developer, and I am sure he was upset at the time, the call basically ended with the developer hanging up on him. No call back or letter written to address his concerns. His main concern was that one of the ingress egress points of the housing addition was RIGHT IN FRONT OF HIS HOME. Terrace Oaks is almost a quarter of a mile long. His home is at the end of the street. Easy fix, put it further down the road.

Making the point of, many developers don't care. They are here for cheap land, highest density and the highest profit.

THANK YOU FOR YOUR TIME.

PROJECT OVERVIEW

YELLOW ROSE BESS

LAND

- Land Control: 40 acres (purchase option)
- Location: Grayson County, TX – Sherman City Limits

INTERCONNECTION / CONSTRUCTION

- Proposed Size: 200MW x 2h
 - 125,000 homes x 2 hours
- Proposed POI: Oncor 138kV Line Tap – Valley Switch to Stone Creek Switch
- Filing Date: 10/9/2023
- Estimated Operation Date: Q1 2027
- Estimated Construction Start: Q1 2026

ADDITIONAL INFORMATION

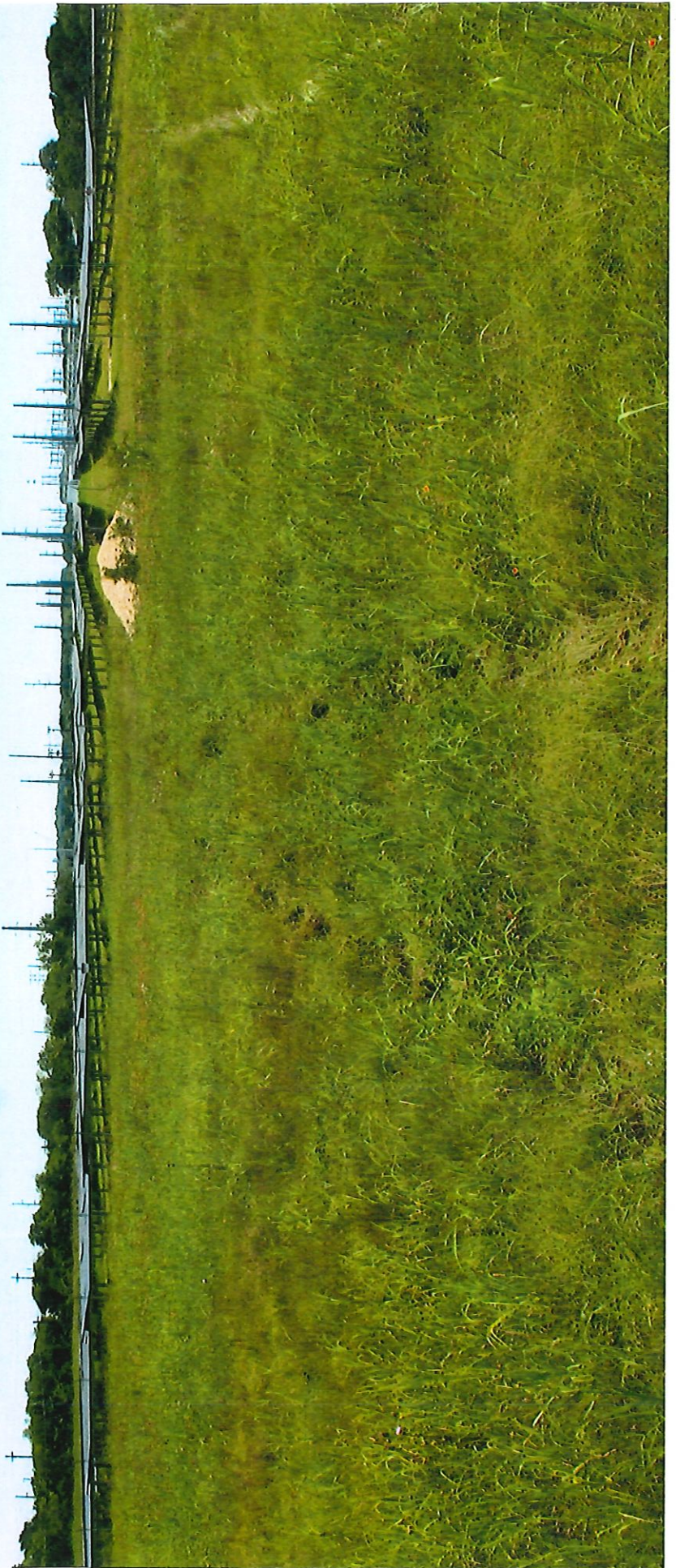
- Full-Time Employees: 0 (unmanned facility)
 - 100 – 200 construction jobs
- Landscaping for site maintenance
- Project Cost: ~\$170MM
- Estimated Property Taxes: \$32,833,953
(Over 25 years)



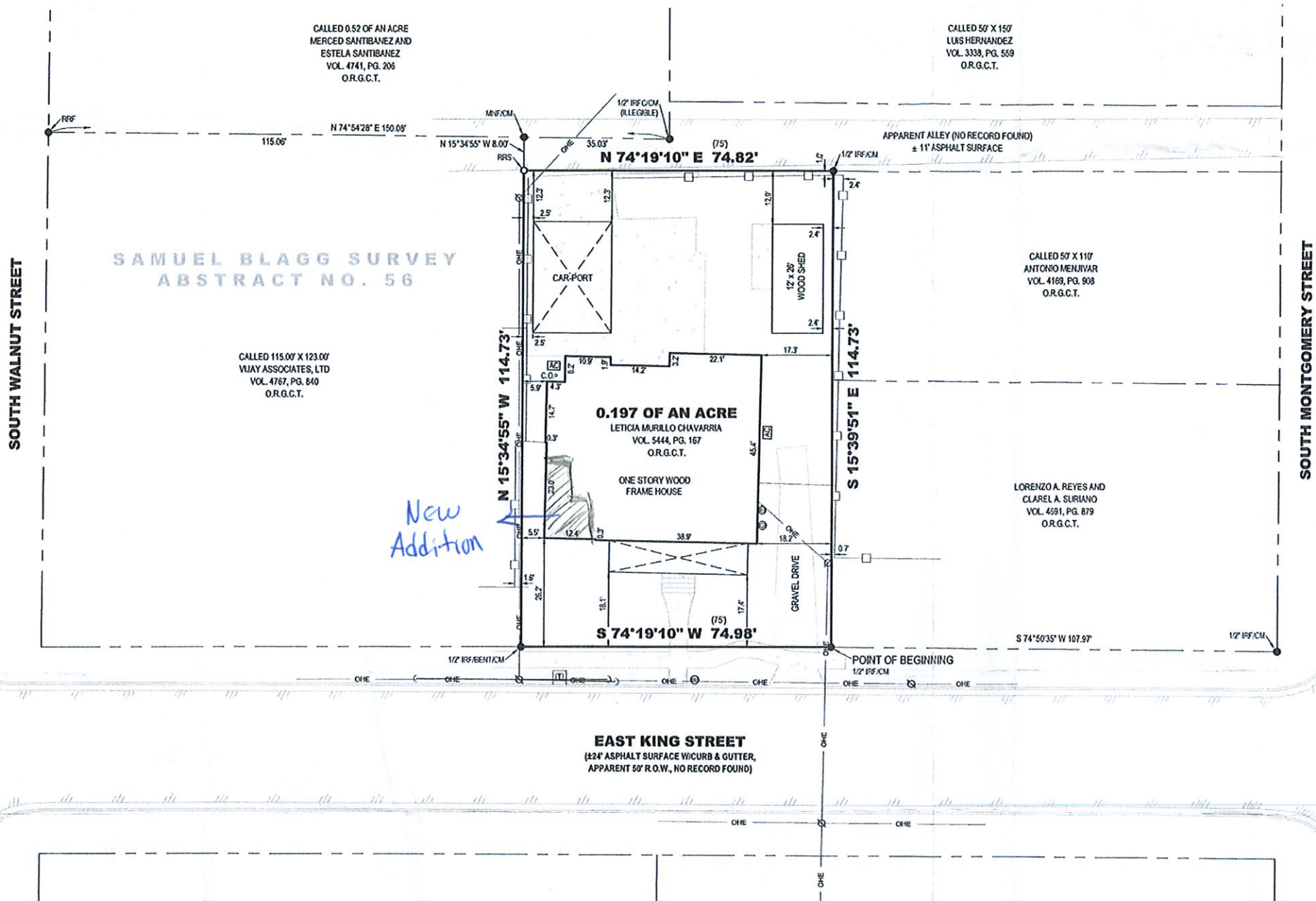












All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

LAND DESCRIPTION:

BEING all of that certain tract or parcel of land situated in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, and being a re-tracement survey of a tract of land described in the deed to Leticia Murillo Chavarria recorded in Volume 5444, Page 167, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of said Chavarria Tract, common to the southwest corner of a tract of land described in the deed to Lorenzo A. Reyes and Clarel A. Suriano recorded in Volume 4691, Page 879, said Official Records, and on the northerly line of East King Street (no record found);

THENCE South 74°19'10" West, with the southerly line of said Chavarria Tract, and with the northerly line of said East King Street, a distance of 74.98 feet to a bent 1/2-inch rod found for the southwest corner of said Chavarria Tract, common to the southeast corner of a called 115.00-foot x 123.00-foot tract of land described in the deed to Vijay Associates, LTD, recorded in Volume 4767, Page 840, said Official Records;

THENCE North 15°34'55" West, with the westerly line of said Chavarria Tract, and with the easterly line of said Vijay Associates Tract, a distance of 114.73 feet to a railroad spike set for the northwest corner of said Chavarria Tract, and on the southerly line of an apparent alley (no record found), and from which a Mag Nail found for the northeast corner of said Vijay Associates Tract bears North 15°34'55" West, a distance of 8.00 feet;

THENCE North 74°19'10" East, with the northerly line of said Chavarria Tract, and with the southerly line of said Alley, a distance of 74.82 feet to a 1/2-inch iron rod found for the northeast corner of said Chavarria Tract, common to the northwest corner of a called 50-foot x 110-foot tract of land described in the deed to Antonio Menjivar recorded in Volume 4169, Page 908, said Official Records;

THENCE South 15°39'51" East, with the easterly line of said Chavarria Tract, and with the westerly line of said Menjivar Tract part of the way, and with the westerly line of aforesaid Reyes and Suriano Tract part of the way, a distance of 114.73 feet to the POINT OF BEGINNING and enclosing 0.197 of an acre (8,593 square feet) of land, more or less.

LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND W/ PLASTIC CAP
RRS	RAILROAD SPIKE SET
MNF	MAG NAIL FOUND
CM	CONTROLLING MONUMENT
()	DEED OR PLAT CALL
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
□	TELEPHONE BOX
⊗	UTILITY/POWER POLE
—	GUY
⊕	ELECTRIC METER
⊖	NATURAL GAS METER
⊙	WATER METER
C.O.	CLEAN OUT
AC	AC UNIT
—	BOUNDARY LINE
- - -	ADJONER LINE
—	WOOD FENCE
—	ASPHALT
—	OVERHEAD ELECTRIC/UTILITY

Certify to: Leticia Murillo Chavarria;

I, Chris R. Noah, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey has been prepared from an actual on-the-ground survey of the premises depicted hereon and described in the land description attached hereto, conducted under my direction and supervision on 10/13/2023, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any intrusions of visible improvements from adjoining tracts, or protrusions of visible improvements onto adjoining tracts, to the best of my knowledge and belief, except as shown. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying.



FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

TITLE SURVEY
0.197 OF AN ACRE
SAMUEL BLAGG SURVEY, ABSTRACT NO. 56
211 East King Street, Sherman
Grayson County, Texas

787 W FM 996
Pottsboro, TX 75076
www.prestontrailandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: MIA Checked by: CRN	Scale: 1"=20' Date: 10/16/2023	Project No. 23-0452 Sheet No. 1 of 1
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Chris R. Noah, R.P.L.S. No. 6585