

ACTION MINUTES

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman held a regular meeting Tuesday, July 16, 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 00:05:12

Chairman Mahone called the meeting to order at 5:01 p.m.

2. **APPROVE ACTION MINUTES OF THE REGULAR JUNE 18, 2024 PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT MEETING.**

Bookmarked at 00:06:37

The Planning and Zoning Commission reviewed the minutes of the June 18, 2024, Regular Meeting. Motion by Commission Member Manley to approve the Minutes as written. Second by Vice Chairman Downtain. All present voted AYE.

3. **ANNOUNCEMENTS**

Bookmarked at 00:07:12

4. **CITIZEN COMMENTS**

Bookmarked at 00:08:50

Open Public Hearing

5. **CONSENT AGENDA (ITEMS 6 AND 7)**

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 00:09:36

The Commission reviewed the Consent Agenda. Vice Chairman Downtain moved to approve Items 6, and 7 on the Consent Agenda as presented. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

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

6. * **220 WEST MULBERRY STREET (Project No. 24-003153)**

The request of City of Sherman (Owner) and Aaron Babcock (Representative) concerning the property located at 220 West Mulberry Street, being part of the J.B. McAnair Survey, Abstract No. 763 and being a part of Black's Addition and currently zoned C-1 (Retail Business) District/Central Business District Overlay, as follows:

Planning and Zoning Commission

Site Plan of Sherman City Hall

7. * **2103 WEST HOUSTON STREET (Project No. 24-002723)**

The request of G&S Investing, LLC (Owner), Carter Engineering Consultants, Inc. (Representative) and Spooner & Associates (Surveyor) concerning the property located at 2103 West Houston Street, consisting of 0.987 acres being all of Lot 1, Lange Vet Addition and currently zoned C-2 (General Commercial) District, as follows:

Planning and Zoning Commission

Site Plan of Lange Veterinary Hospital.

8. 3120 SOUTH HIGHWAY 75 (Project No. 24-002704)

The request of Retail Buildings, Inc. (Owner), Kimley-Horn and Associates (Representative) and A&W Surveyors, Inc. (Surveyor) concerning the property located at 3120 South Highway 75, being Lot 2R, Sherman Crossroads, Phase III and in the Blalock Industrial Park/Blalock Commercial Overlay District, as follows:

Planning and Zoning Commission

Site Plan of Braum's Ice Cream and Dairy Store.

Bookmarked at 00:10:23

Board of Adjustment

Motion by Commission Member Whitaker to approve the Site Plan located at 3120 South Highway 75.

Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

9. 4300 BLOCK COX STREET (Project No. 24-002104)

The request of Mario Tobar, Tobar Properties (Owner) and Helvey-Wagner Surveying, Inc (Surveyor) concerning the property located in the 4300 Block Cox Street, consisting of 0.632 acres being Lot 1 and a part of Lot 2, 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 00:13:26

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Zone Change located in the 4300 Block Cox Street.

Second by Commission Member Blagg.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

10. 2801 BLOCK BLUE FLAME ROAD AND 2900 BLOCK FM 691 (Project No. 24-002134)

The request of Chad McDuffie, ORL II, LLC and Joseph Joiner (Owners), D2 Sommerville, LLC (Representative) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 2801 Block Blue Flame Road and 2900 Block FM 691, Tract 1, consisting of 81.676 acres being a part of the W.M. Milligan Survey, Abstract No. 575, D.C. Shelp Survey, Abstract No. 1097 and D. Harrison Survey, Abstract No. 587 and being a part of Tract 1 and 2, Tract 2, consisting of 23.565 acres being a part of D.C. Shelp Survey, Abstract No. 1097, Tract 1, consisting of 67.842 acres being a part of S. Inman Survey, Abstract No. 621 and Tract 2, consisting of 0.049 acres being a part of S. Inman Survey, Abstract No. 621, as follows:

Planning and Zoning Commission

Public Hearing and Zone Change from a C-1 (Retail Business) District, R-4 (Single Family Residential) District, R-5 (Single Family Residential) District and R-6 (Single Family Residential) District/F.M. Highway 691 Overlay District to a PD (Planned Development) of Joiner Ranch.

Bookmarked at 00:19:17

Chairman Mahone requested an Executive Session and stated, "The Planning and Zoning Commission will now hold a closed Executive Session pursuant to the Texas open meetings act at Section 551.001 to consult with the City Attorney."

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned for an Executive Session at 5:32 p.m.

RECONVENE

The Executive Session closed, and the meeting reconvened at 5:42 p.m.

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change subject to the Staff Review Letter located in the 2801 Block Blue Flame Road and 2900 Block FM 691. Second by Commission Member Ramirez.

VOTING AYE: WHITAKER.

VOTING NAY: MAHONE, BLAGG AND DOWNTAIN.

This motion fails.

Planning and Zoning Commission

Motion by Commission Member Blagg to approve the Zone Change subject to the Staff Review Letter and Half Concurrence Letter with 31% consisting of R-TH (Townhome Residential) District and R-4 (Single Family Residential) District and 69% consisting of R-5 (Single Family Residential) District located in the 2801 Block Blue Flame Road and 2900 Block FM 691. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

11. 4200 BLOCK NORTH LOY LAKE ROAD (Project No. 24-002696)

The request of A-S 71 Sherman-Phase III, L.P. (Owner), Kelsey Kreher, HFA (Representative) and Quiddity (Surveyor) concerning the property located in the 4200 Block North Loy Lake Road, consisting of 0.9499 acres being Lot 7, Block 1, Sherman Town Center, Section Two, as follows:

Planning and Zoning Commission

- A. Public Hearing and Zone Change from a C-1 (Retail Business) District/75 & 82 Overlay District to a C-2 (General Commercial) District/75 & 82 Overlay District.
- B. Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow an Automobile repair, body work, or painting in a C-2 (General Commercial) District/75 & 82 Overlay District.

Bookmarked at 01:06:29

Planning and Zoning Commission

Motion by Commission Member Manley to approve the Zone Change being tied to Valvoline Instant Oil Change located in the 4200 Block North Loy Lake Road. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

12. 710 WEST BIRGE STREET (Project No. 24-002701)

The request of Nathaniel Rodriguez (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 710 West Birge Street, consisting of 1.093 acres being a part of the J.B. McAnair Survey, Abstract No. 763 being all of Lots 1, 2, 3, 4 and 5, Block 2 of Birge's Addition and currently zoned R-12 (Single Family Residential), as follows:

Board of Adjustment

- A. Lot 3-R, consisting of 0.785 acres being a part of the J.B. McAnair Survey, Abstract No. 763 being all of Lots 3, 4 and 5 and a part of Block 2 of Birge's Addition - Public Hearing and Variance under Section 14.02.005 to allow a 1.4' side setback in lieu of the required 10' for an existing carport.
- B. Lot 3-R, consisting of 0.785 acres being a part of the J.B. McAnair Survey, Abstract No. 763 being all of Lots 3, 4 and 5 and a part of Block 2 of Birge's Addition - Public Hearing and Variance under Section 14.02.005 to allow a 5' side setback in lieu of the required 10' for an Accessory Dwelling.

Planning and Zoning Commission

- C. Final Plat of Rodriguez Addition

Bookmarked at 01:11:58

Board of Adjustment

Motion by Vice Chairman Downtain to approve Items A and B subject to the Staff Review Letter located at 710 West Birge Street. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Final Plat located at 710 West Birge Street. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

13. 2525 TEXOMA PARKWAY (Project No. 24-002725)

The request of Bob Utter (Owner), David Pryor (Representative) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 2525 Texoma Parkway, consisting of 9.995 acres being Lot 1 in Block 1 of Bob Utter Addition, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.017 to allow a 2.1' side setback in lieu of the required 15' for the existing structure.
- B. Public Hearing and Variance under Section 14.02.017 to allow a 22.3' rear setback in lieu of the required 25' for the existing structure.

Planning and Zoning Commission

- C. Public Hearing and Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow an Automobile, motorcycle, boat, or trailer sales, new or used in a C-2 (General Commercial) District/75 & 82 Overlay District.
- D. Public Hearing and Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Automobile laundry, carwash in a C-2 (General Commercial) District/75 & 82 Overlay District.
- E. Public Hearing and Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow Automobile repair, body work, or painting in a C-2 (General Commercial) District/75 & 82 Overlay District.

Bookmarked at 01:20:13

Board of Adjustment

Motion by Vice Chairman Downtain to approve Items A and B located at 2525 Texoma Parkway. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Vice Chairman Downtain to approve the Specific Use Permit subject to the Staff Review Letter located at 2525 Texoma Parkway. Second by Commission Member Manley.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

14. 501 NORTH HOLLY AVENUE (Project No. 24-002740)

The request of Shanan and Carrie Bailey (Owner) and Copley Land Surveying (Surveyor) concerning the property located at 501 North Holly Avenue, consisting of 0.235 acres being a part of the J.B. McAnair Survey, Abstract No. 763 and being a part of Lot 1, Block 2, Westwood Third Addition and currently zoned R-6 (Single Family Residential) District, as follows:

Board of Adjustment

- A. Public Hearing and Variance under Section 14.02.006 to allow a 9.7' side setback on the South side property line in lieu of the required 15' for the existing structure.
- B. Public Hearing and Variance under Section 14.02.006 to allow a 5' side setback on the North side property line in lieu of the required 6' for the existing structure.
- C. Public Hearing and Variance under Section 14.02.006 to allow a 5' side setback on the North side property line in lieu of the required 6' for a new addition.

Planning and Zoning Commission

- D. Final Plat of Shanan Bailey Addition

Bookmarked at 01:25:49

Board of Adjustment

Motion by Vice Chairman Downtain to approve Items A, B and C located at 501 North Holly Avenue. Second by Commission Member Whitaker.

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

VOTING NAY: NONE.

MOTION CARRIED.

Planning and Zoning Commission

Motion by Commission Member Manley to table the Final Plat located at 501 North Holly Avenue. Second by Vice Chairman Downtain.

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

VOTING NAY: NONE.

MOTION CARRIED.

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

15. ADJOURNMENT

Bookmarked at 01:42:22

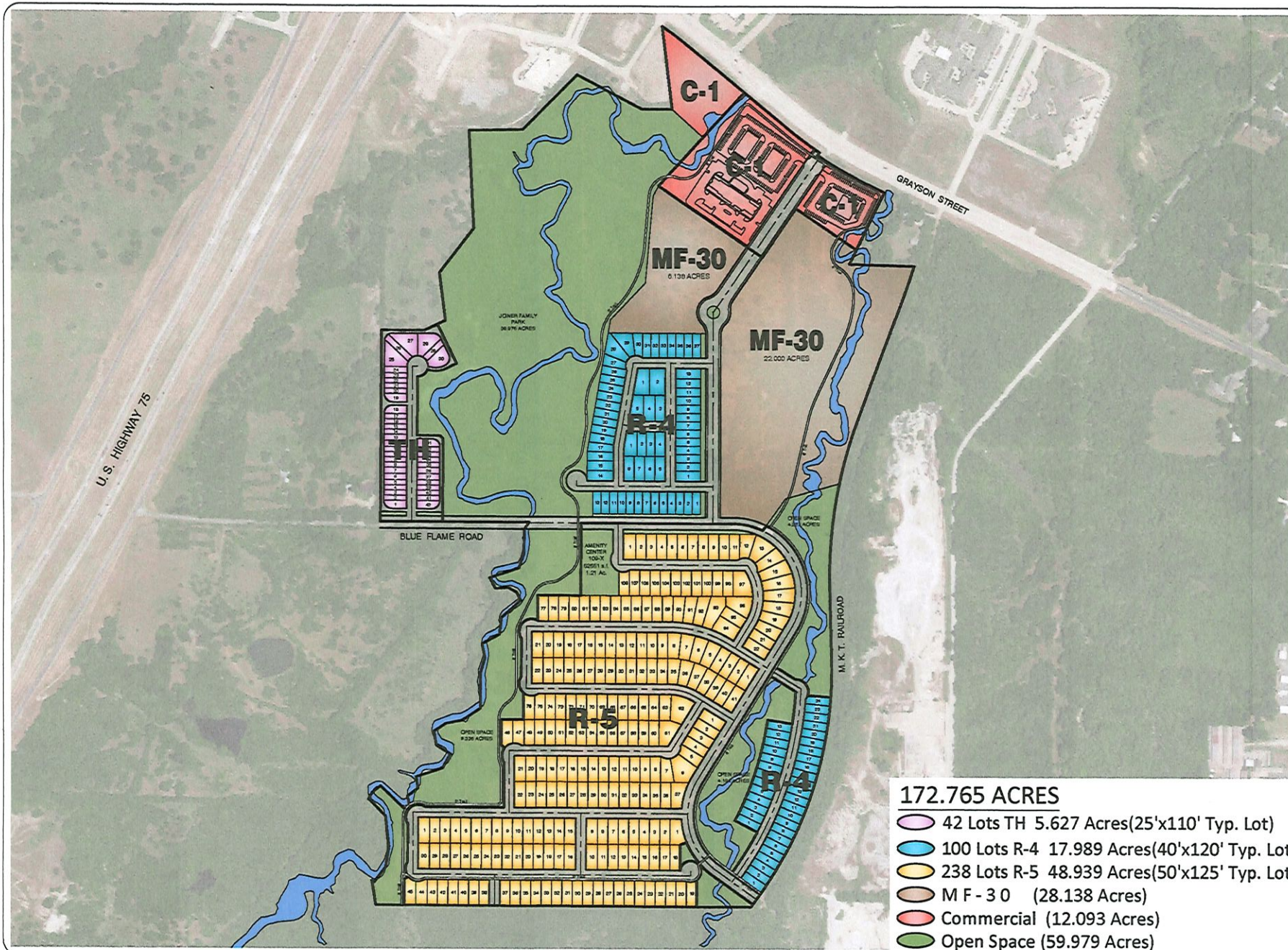
Vice Chairman Downtain adjourned the meeting at 6:38 p.m.



ACTING SECRETARY

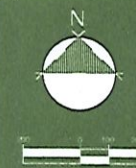


CHAIRMAN



172.765 ACRES

- 42 Lots TH 5.627 Acres(25'x110' Typ. Lot)
- 100 Lots R-4 17.989 Acres(40'x120' Typ. Lot)
- 238 Lots R-5 48.939 Acres(50'x125' Typ. Lot)
- MF - 30 (28.138 Acres)
- Commercial (12.093 Acres)
- Open Space (59.979 Acres)



PD EXHIBIT GATEWAY CREEK CITY OF SHERMAN, TEXAS

PETITT - ECD
ENGINEERING SURVEYING
CONSTRUCTION ADMINISTRATION
16004 COLLINS BLVD
SUITE 200
WYLLIE, TX 75098
972.841.6600

MARCH 28, 2024

SHEET NO. 1 OF 1

PROJECT #00000



July 12, 2024

Mr. Rob Rae, AICP
City of Sherman
220 West Mulberry Street
Sherman, TX 75090

Re: Joiner Ranch -2801 Block Blue Flame Road and 2900 Block FM 691 Public Hearing- Holcim – SOR, Inc. Comment

Mr. Rae,

Holcim appreciates the opportunity to comment on the proposed Joiner Ranch residential development. As a construction materials producer who regularly supplies concrete for residential development, we generally do not oppose such development. However, in this instance, we are concerned about the proposed placement of this residential development immediately adjacent to an M-2 (Heavy Manufacturing) district due to the inherent incompatibility of the uses. We believe this creates a foreseeable risk of future grievances from residential property owners who are not made aware of the more intensive land uses that will continue to exist within 500 feet of the proposed residential development. These uses include ready mix concrete and asphalt plants.

Based on similar recent instances where local municipalities have been confronted with these issues, Holcim requests that Planning and Zoning consider adding notice language that would accompany any request to plat. We have attached sample notice language to this letter. We believe that such notice language would benefit the City, the developer and Holcim by ensuring that future residents are made aware of the nature of the operating conditions associated with ready mix concrete and asphalt plants that will be occurring adjacent to the proposed development. The proposed plat language is attached in "Exhibit A."

We are available to discuss the language or participate in meetings as you proceed through the public hearing process.

Thank you,

A handwritten signature in blue ink that reads 'Riley Kirby'.

Riley Kirby
Land and Environmental Manager
Holcim – SOR, Inc.
Riley.hewston@holcim.com
(469) 260-8561

Attachment A
Proposed Plat Notification Language

On every plat that includes a portion of the proposed development property:

“NOTICE TO OWNERS AND POTENTIAL PURCHASERS: At the time of approval of this final plat, the property shown on this plat is adjacent to or in close proximity to property that is zoned M-2 (Heavy Manufacturing) pursuant to the City of Sherman’s Zoning Ordinance. The City’s Zoning Ordinance permits activities in M-2 (Heavy Manufacturing) that include batching or mixing plant, asphalt or concrete which may produce noise, traffic, vibration, light, and particulate matter up to the maximum accepted levels. Such operations typically operate on a 24 hour per day, 7 days per week and 365 days per year basis.”

Concurrently with the recording of a plat described in the Paragraph above, a notice to the public set forth in a separate instrument from the plat and in a form approved by the City Attorney shall be recorded in the Official Public Records of Grayson County, Texas. Such notice to the public shall include, at a minimum, the following:

The lot and block property description of every platted lot shown on the plat, is adjacent to or in close proximity to property which at the time of approval of this plat is subject to City Zoning Regulations which authorize such property to be used for M-2 (Heavy Manufacturing) purposes.

No building permit shall be issued by the City for any lot to which the notice required by the above Paragraph applies prior to the recording of said notice to the public. Proof of such notice shall be furnished at the time of building permit application.

Item #14

Memorandum

To: City of Sherman Planning & Zoning Committee

From: Shanan Bailey & Carrie Bailey – Owners of 501 N. Holly Ave., Sherman, TX

Date: July 11, 2024

Re: Job#24040167 or Job#24-002740 – “Shanan Bailey Addition”

To the committee,

Please accept this as an addendum to the variance application associated with the above-referenced job and permit & variance application for the Shanan Bailey addition.

I am including with this memorandum, in digital form, the following attachments:

- 1. A diagram (not to scale) of both the existing house and the proposed/requested additions. Please also refer to the similar drawings presented with the original application which focus on the new/requested spaces and remodel.
- 2. Various photographs showing the condition of the existing space which will hopefully become the new Family Room.

Overview of the “Shanan Bailey Addition”: This house is currently a three-bedroom, two-bathroom home. The proposed addition will add: (1) an *en suite* closet, *en suite* bathroom, and *en suite* linen closet to the current master bedroom (see attached diagram). This is the proposed addition on the north side of the new build as shown on the diagrams previously submitted, and (2) will improve the current 11x23 space (see description in the next section of this memo) to create a more practical, livable family room and covered patio area. This remodel will not add to the overall width of the house but will add functional and aesthetic value to the home by adding the *en-suite* rooms and a “bonus” family room/living space” for the home. The home will remain a three-bedroom house but will add a bathroom connected to the current Master bedroom. This will add value, architectural flow, and usability to the home without expanding the current width or depth of the current structure. The current 11x23 space is unsuitable for a cosmetic change or even a minor remodel, for the reasons stated below.

The “Shanan Bailey Addition” requests approval for three things:

- 1. A tear-down and rebuild of the existing 11x23 room that is currently between the main house structure and the existing Utility Room at the east end of the house. This space has several characteristics that prevent its usability as an actual

living space, despite its inclusion in the plat which predated our purchase of the house.

- a. As shown in one of the pictures, the floor of this space is quite a bit off level.
- b. The south wall of this space includes small open spaces at the base of the wall that, by history about the original owners of the house, were included so that water used as part of a dog-grooming endeavor could flow outside to the patio. This would be corrected by the remodel.
- c. As also shown in one of the pictures, the ceiling height in this room is very low, at approximately 7 feet. The new build will correct this.
- d. The top half of both the north and south walls of this space currently consists of several windows side by side that are old, unevenly placed, and mismatched. Our proposal would remove these windows and reconfigure the north wall to be new drywall with a door leading to the proposed linen room & proposed *en suite* bathroom. This door would be at the east end of the room.
- e. The south wall of the new family room space would be reconfigured, also consisting of new framing and drywall, and will include a double French door on the west side of the south wall to allow access to the patio & back yard.
 - i. The center of the new south wall will be drywall to allow the possible installation of a faux/electric fireplace or ventless gas fireplace.
 - ii. The east side of the new south wall will be new drywall with plans for a large picture window to aesthetically match the double French doors and to allow more light into the space.

Variance Request Explanation

1. **For the Original House** – As I understand it, the original house structure was built in the 1950s. The hardship involved here is that it is not economically or logistically feasible to move the entire home southward to comply with the current zoning requirement for a larger setback than required when the house was originally built.
2. **For the requested addition on the north side of the house** – The variance requested would allow the proposed addition to match the existing “line” of the north side of the original house structure. This variance would allow the new space to not only match the exterior architectural line of the house but would allow for the efficient use and maximization of the currently unused “north yard space” so that the dimensions of the *en suite* closet/office, *en suite* bathroom, and new linen room

will be more symmetrical. The “hardship” created by not allowing the variance would be a disruption/alteration of the architectural flow of this space from the existing Master bedroom to the *en suite* additions. The proposed entryway from the Master bedroom, which is planned to be placed toward the north side of east bedroom wall might look awkwardly positioned if the current setback requirement is imposed.

3. **For the requested addition on the south side of the new build, aka, the covered patio** – I may have created confusion in my initial set of documents, particularly as it relates to stating that the new build will match the width of the original house. What I should have stated more clearly is that the new framing/roof line will match the width of the original structure, but it refers only to the width of the original house on the south side that matches the existing outside porch dimensions. In other words, the new roof line framing will stop where the current back patio ends and will NOT extend all the way out to the edge of the south bedroom. Per the plat measurements, the new roofline on the south side of the new build will be a setback of 21 feet, 1 inch. This is derived from adding the 9’7” shown on the plat, plus the 11’7” of the Southeast bedroom wall. If my understanding is correct, this is well within the current setback requirements. Please refer to the original Plat application document where I drew red lines to indicate the location of the proposed new build. I apologize for any confusion my initial explanation caused on this issue.

For these reasons, we are requesting that any and all necessary variances be granted by the City of Sherman to allow this remodel to proceed.

Thank you for your consideration of this request.

Sincerely,

Shanan and Carrie Bailey, owners/applicants.

