

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 7, 2021
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCILMEMBER SANDRA MELTON**
- A. 3. INVOCATION BY COUNCILMEMBER SANDRA MELTON**
- A. 4. APPROVE MINUTES OF THE CALLED BUDGET PLANNING MEETING OF APRIL 23, 2021 AND REGULAR CITY COUNCIL MEETING OF MAY 17, 2021**

Citizen Comments

- B. 1. CITIZEN COMMENTS**
During this meeting, the City Council welcomes public comment **only** on agenda items listed under the Open Meeting portion of the agenda, in accordance with Texas Government Code Section 551.007. For items not listed on the agenda, those matters may be discussed with City staff during regular business hours, or with the Mayor or any Council member by contacting them at times other than at City Council meetings.

Consent Agenda

- C. 1. CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Public Hearing

- D. 1. PUBLIC HEARING**
Final Statement/Action Plan for Program Year 2021 Community Development Block Grant
- D. 2. PUBLIC HEARING**
Amendment to the Final Statement/Action Plan for the Community Development Block Grant for Program Year 2019

- D. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6386**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located at 1125 South Montgomery Street, being Lot 7, Block 7, Jones & Wainright's Addition (Hyperstar, Inc., Owner; Danish Samad, Representative; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed \$2,000.00
- D. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6387**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, Located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the North 8 feet of Lot 14 and all of the South 27.666 feet of Lot 16, Block 2 (Earnhartbuilt, LLC, Owner; Moran Development, Developer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00
- D. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6388**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located in the 2400-2700 Blocks of South FM 1417 (Heritage Parkway), being 43.727 acres in the Elizabeth Jones Survey, Abstract No. 625 (ARC STX Holdings, LLC, Owner; Tesch Development & Management Co., LLC, Prospective Buyer; Robert Tesch, Representative; Pape-Dawson Engineers, Civil Engineer and Pierce-Murray Land Solutions, Surveyor); Providing for a Penalty not to Exceed \$2,000.00
- D. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6389**
An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6132 and Granting a Specific Use Permit to allow Patio Homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a Total of 46 Patio Homes in an R-1 (One-Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court (Homes by JLS of Texoma LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00
- D. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6390**
An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6323 and Granting a Specific Use Permit to allow 38 Patio Homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District in the 500 Block of East Northcreek Drive (Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00
- D. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6391**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So as to Granting a Specific Use Permit to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial District)/Central Business District at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement (Everest, LLC, Owner; Mont Taylor, Applicant; Texas Gift Winery, LLC dba Rio to Red Winery, Tenant; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

- D. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6392**
Amending Chapter 4 of the Code of Ordinances (Business Regulations), Article 4.14 (Alcoholic Beverages), Division 3 (Unlawful Consumption), Section 4.14.064 (Consumption or Possession in Parks Prohibited) to Prohibit the Possession and Consumption of Alcoholic Beverages on the Premises of a City Park, Recreational Area or other Public Open Space or Facility

Close Public Hearing and Consider Adoption of Ordinances

- D. 10. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers 6386, 6387, 6388, 6389, 6390, 6391 & 6392.

Resolutions

- E. 1. RESOLUTION NO. 6741**
Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Program Year 2021; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certifications of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2021
- E. 2. RESOLUTION NO. 6742**
Authorizing Publication of the Proposed Amendment to the Final Statement/Action Plan for the Community Development Block Grant for Program Year 2019; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certifications of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2019
- E. 3. RESOLUTION NO. 6743**
Awarding a Bid to Harkinson Management, LLC, for the Purchase and Sale of 15.260± Acres of Land in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, Generally Located at the Northeast Corner of the Intersection of West Travis Street and FM 1417; Authorizing Execution of Necessary Transaction Documents Related Thereto
- E. 4. * RESOLUTION NO. 6744**
Designating the City Clerk as the Public Information Coordinator and Delegating to the City Clerk the Responsibility for Complying with the Training Requirements of Section 552.012 of the Texas Government Code on Behalf of all of Sherman's Public Officials Who are Subject to Such Requirements
- E. 5. * RESOLUTION NO. 6745**
Authorizing the City Manager and Assistant City Manager Each to Sign on Behalf of the City of Sherman on All Matters Related to Banking and Treasury Management

Requests to Advertise

- F. 1. * REQUEST TO ADVERTISE**
Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

Other Business

G. 1. * OTHER BUSINESS

Final Plat Approval of Heritage Court Addition, being 8.538 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owner; Bluestone Partners, LLC, Developer and Underwood Drafting and Surveying, Surveyor (900-1000 Blocks South FM 1417 (Heritage Parkway)

G. 2. * OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, July 6, 2021, due to Conflict with a Federal Holiday

G. 3. * OTHER BUSINESS

Replat Approval of Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition, being all of Lots 15, 16, 17 and 18 of Mrs. H.M. Summer's First Addition; Rosewell Properties, LLC, Owner; and Copley Land Surveying, Surveyor (809 East Jones Street)

G. 4. * OTHER BUSINESS

Replat Approval of Sherman Crossroads, Phase II, Lots 30 and 6R-2, Block 2, being 5.727 acres in the Preston Kitchen Survey, Abstract No. 667 and being all of Lot 6, Block 2, Sherman Crossroads, Phase II, Lots 1R-1 and 6; Sherman Crossroads, LTD, Owner; and A&W Surveying, Surveyor (3400-3500 Blocks South U.S. Highway 75)

G. 5. * OTHER BUSINESS

Replat Approval of Lots 12R-1 and 12R-2, Repat of Lot 12, Block C of Amended Plat of Magnolia Village, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Repat of Lot 12, Block C, Amended Plat of Magnolia Village; Homes by JLS of Texoma, LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (502 & 506 Sonoma Court)

G. 6. * OTHER BUSINESS

Final Plat Approval of Cottages at Magnolia Village, being 6.166 acres in the James H. Clark Survey, Abstract No. 273; Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (500 Block East Northcreek Drive)

G. 7. * OTHER BUSINESS

Replat Approval of Cunningham Place Addition, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2; Earnhartbuilt, LLC, Owner; Moran Development, Developer, and Helvey-Wagner Surveying, Inc., Surveyor (515 & 519 South First Street)

G. 8. * OTHER BUSINESS

Final Plat Approval of Meraz-Hill Addition, being 0.172 acres in the J.B. McAnair Survey, Abstract No. 763; Roberto Meraz, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (213 East Hill Street)

G. 9. * OTHER BUSINESS

Replat Approval of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14, being 0.326 acres in the Samuel Blagg Survey, Abstract No. 56 and being a part of Lot 14, M.B. Moore's Addition; Jaime Antonio Sanchez, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1438 South Walnut Street)

G. 10. * OTHER BUSINESS

Final Plat Approval of Bel-Air Village, Phase I, being 62.329 acres in the Sherrod Dunman Survey Abstract No. 329; Terra Perpetua, LLC, Owner; Kimley-Horn & Associates, Surveying/Civil Engineer; and American Communities, Developer (300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway)

G. 11. * OTHER BUSINESS

Final Plat Approval of Popp's Addition, being 0.463 acres in the Elizabeth Jones Survey Abstract No. 625; Eric and Kelly Popp, Owner; and Underwood Drafting and Surveying, Surveying (1406 West Center Street)

G. 12. * OTHER BUSINESS

Consider Request of Sherman Cultural District to Temporarily Close Certain Streets for the "Taco Tour" on Tuesday, July 20, 2021 from 5 p.m. to 8 p.m.

H. MEDIA QUESTIONS

Consider Board/Commission Appointments

I. 1. APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Main Street Advisory Committee (3)

J. COUNCIL COMMENTS

Executive Session

EXECUTIVE SESSION

In accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may hold an Executive Session if the discussion of any of the items identified in this agenda, or any of the items identified below, concern one or more of the following:

Tex. Gov't Code § 551.071	Seeking the advice of its attorney about pending or contemplated litigation, settlement offers or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.
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Tex. Gov't Code § 551.072	Deliberating the purchase, exchange, lease or value of real property if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.
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Tex. Gov't Code § 551.073	Deliberating a negotiated contract for a prospective gift or donation to the City if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.
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Tex. Gov't Code § 551.074	Deliberating the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. (a) Sherman Housing Authority Board (3)
Tex. Gov't Code § 551.076	Deliberating the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
Tex. Gov't Code § 551.087	Discussing or deliberating commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect.
Tex. Gov't Code § 551.089	Deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementation of security personnel, critical infrastructure or security devices.

The Council reconvenes into General Session

L. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

M. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on June 4, 2021 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 4th day of June, 2021.
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor

David Plyler

Deputy Mayor

Daron Holland

Council Members

Willie Steele, Council-At-Large, PL #1

Sandra Melton, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A. 4.

Meeting Date: 06/07/2021

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

**APPROVE MINUTES OF THE CALLED BUDGET PLANNING MEETING OF APRIL 23, 2021
AND REGULAR CITY COUNCIL MEETING OF MAY 17, 2021**

Attachments

April 23, 2021 - Budget Planning Meeting

Budget Planning Meeting

May 17, 2021

Zoning Ordinance Update

STATE OF TEXAS §

April 23, 2021

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on April 23, 2021.

COUNCIL MEMBERS PRESENT: Mayor David Plyler; Deputy Mayor Daron Holland.
Council Members Howeth, Melton, Steele, Teamann.

COUNCIL MEMBERS ABSENT: Council Member Stevenson.

CITY STAFF PRESENT: Robby Hefton, City Manager; Terrence Steele, Assistant City Manager; Clint Philpott, Assistant City Manager; Ryan Pittman, Attorney, Abernathy, Roeder, Boyd, Hullett; Rob Rae, Director of Development Services; Wayne Lee, Director of Engineering; Mary Lawrence, Director of Finance; Danny Jones, Fire Chief; Chris Olson, Assistant Fire Chief; Jason Jeffcoat, Assistant Police Chief; Tammy Davis, Controller; Tom Pruitt, Utility Engineer; Jim Cross, Water Systems Manager; Nathan Whiddon, Wastewater Superintendent; Kevin Winkler, Public Works Manager; Eric Sandberg, Assistant Public Works Manager; Leah Campbell, Human Resources/OD Administrator; Melissa Eason, Library Services Administrator; Nate Strauch, Community and Support Services Manager; Theresa Hutchinson, Parks and Recreation Manager; Mike Grant, Facilities Manager; Sean Hemperley, Parks and Cemetery Maintenance Superintendent; Sarah McRae, Tourism/Main Street Manager; Moises Duran, Emergency Management Coordinator; Teri Fine, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: **Call to Order, Quorum Determined, Meeting Declared Open**

Invocation by Council Member Willie Steele

Financial Update and Council Input for 2021-2022 Budget Year

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Plyler called the meeting to order at 11:04 a.m., declared a quorum present, and opened the Called City Council Meeting.

INVOCATION BY COUNCIL MEMBER WILLIE STEELE

FINANCIAL UPDATE AND COUNCIL INPUT FOR 2021-2022 BUDGET YEAR

Robby Hefton, City Manager, said there is good news and challenging news for the upcoming year's budget. He has been meeting with individual members of the Council over the past few weeks and said it went well. The Council's Capital Improvement Program Workshop will be held on May 27, 2021, and will be a deep look into the CIP program for this year. This year's Budget Workshop will cover two partial days, June 17 and 18, 2021.

COUNCIL MINUTES – APRIL 23, 2021

FY 2021 Work Plan Update

Mr. Hefton presented the list of items from the Council's direction for the FY 2021 Budget, and the status of each item. The items include:

- **Compensation and Staffing**
 - Add 3 full-time employees – Completed
 - Adjust Police Dept and other pay – Completed
 - Provide a 2x one-time @1% for all City employees – Completed
 - HSA contribution to all employees – Completed
- **Fleet**
 - Purchase necessary fleet/equipment – In-progress
- **Rate and Fee Adjustments**
 - Implement Impact Fees – Completed; effective June 7, 2021
 - Adjust Fire Inspection and other fees – Completed
 - Adjust Engineering inspection and testing fee (not in original FY 21 plan) – Completed
- **Commercial Development**
 - Development Agreements – Bel Air PID and Master Development Agreement – Completed
 - Sherman Crossroads – McDonalds, Panda Express, other pad sites sold – Completed
 - Heritage Ranch Planned Development approved – Completed
 - Hospital project – In-progress
- **Police Department HQ**
 - Design and site purchase (design completed in June 2021) – In-progress
- **General CIPs and related debt**
 - Implement CIP projects – In-progress
 - No change in property tax rate for FY 21
 - \$30 million bonds issued April 2021 – Police HQ and other
- **Utility System – Planning Focus**
 - Utility Master Plan – Underway
 - Utility Rate Study – Underway, to be completed by June 2021
 - Marilee SUD water line – Design substantially complete
 - NW Sewer – Bids open 5/11; construction to begin in June
- **General CIP**
 - Taylor Street/McGee Street – In-progress
 - Swan Ridge – Developer delayed, City postponed
 - Park Avenue – In-progress; Complete in FY 21
 - Bridges – Travis/Center/McGee – In-progress; Travis bridge to be completed as part of US Hwy 75 project
 - FM 1417 ROW – SH 56 to West Travis – Delayed
 - Moore Street – In-progress; Engineering complete; project to bid Summer 2021

Financial Update/CIP & Bonds

Mary Lawrence, Director of Finance, presented the financial update. At the end of FY 2020, she said the General Fund reserves were up about \$1.2 million above FY 2019. This was largely due to the fact that when the pandemic hit, the City “pulled back on the spending,” waiting to see what the results would be.

Sales tax revenue did “dip” for a few months, but then it came back and it was “better than ever.” As a result, the reserves ended up being more than was originally expected.

COUNCIL MINUTES – APRIL 23, 2021

In FY 2021, she said they expect reserves to be up \$1.1 million, mainly due to strong sales tax performance. There is about \$1.2 million that the City will recognize due to the CARES Act grant; inspection fees were above budget; but property tax, fines, ambulance, and transfers-in were all below budget. Expenses are in line with budget, when you remove the effect of the CARES Act.

In the Utility Fund in FY 2020, the ending reserves were up \$700,000 from FY 2019. This was due to some debt service that didn't come on line in FY 2020, as it was expected to do. In FY 2021 the revenues are down quite a bit, due in part to a \$30 credit to all water utility customers because of the winter storm when many were without water. The credit cost about \$550,000.

Council Member Melton asked if the staff knew the water utility fund was already at a problem point prior to the issuance of the credit. Ms. Lawrence said at last year's Budget Workshop, an ongoing problem was discussed with the Council. Council Member Melton felt that the Council should have been told about that prior to authorizing the credit.

The City will also have a payment coming from Marilee Water District for their portion of the water line, but it will probably not be received until FY 2022 instead of FY 2021. Ms. Lawrence said those two "one-time things" have created a fund balance problem in the Utility Fund. However, she said there is an ongoing problem in the Utility Fund that has been discussed before, and is about \$1 million per year.

The Solid Waste Fund is performing as expected and will have an ending fund balance of about \$600,000 for FY 2020. Even through the pandemic, the City is seeing a nice increase for FY 2021 in the commercial solid waste. Residential solid waste is about 2% or 3%, but commercial solid waste is performing well.

Ms. Lawrence said they expected a projected fund balance for the General Fund to be about \$10.5 million, as of September 30, 2021, which is about 91 days. She reiterated that this is due to great sales tax performance.

The projected fund balance for the Utility Fund is expected to be \$3.2 million or 46 days in reserves. This is \$1 million under the minimum reserve of 60 days. She said the ongoing problem is related to the City's debt service of the Water Treatment Plant.

Ms. Lawrence said the Solid Waste Fund is below budget, mainly due to the Texoma Area Solid Waste Authority Distribution. The distribution was expected in FY 2020, but wasn't received until FY 2021. Mr. Hefton said the distribution was \$700,000, while the staff thought it would be \$1 million. But the main issue was that the staff expected to receive it in September 2020, which would be last fiscal year, but they actually received it in FY 2021. He said it was a "timing difference" that would correct itself.

Council Member Melton felt the Council should have been informed about the issue and Mr. Hefton said he would resend the email. She did not feel that they should have to put pressure on TASWA to send the distribution every year. Mr. Hefton said they are not "required" to do that, they are "allowed" to do it. The pressure comes from the TASWA Board.

Mr. Hefton said TASWA is having another good year and are on track to meet their budget. From a financial standpoint, he felt they should be making distributions every year. The problem is from the political standpoint. Mayor Plyler said there is new representation from Gainesville on the Board. Mr. Hefton said three cities benefit from the distribution, Sherman, Denison, and Gainesville. TASWA is generating significant excess revenues.

COUNCIL MINUTES – APRIL 23, 2021

Council Member Teamann verified that the percentages of the distribution are set, and the question now becomes the amount of the distribution and when it will be distributed. They wanted to have their audit complete before the distribution was made.

Mayor Plyler added that landfills have many new regulations that must be met and with these more aggressive regulations, some of that additional money will need to be spent on infrastructure. Mr. Hefton explained that TASWA has a budget for their daily expenses, then they put cash aside for these other projects. Anything above the operating expenses and what they set aside for these future capital expenses, is the money that is distributed to the other entities.

Ms. Lawrence presented the General Fund Statement with the amount budgeted for last year and the projected amount for the upcoming year. She said property tax is below the projected budget, but sales tax is about \$1 million to the good, entirely due to retail sales. Retail sales are up 15%. She said there are five big box retailers in Sherman, two of which sell building products. They are up every month by approximately 20%. Through April 2021, all sales are up 5%. For the City, miscellaneous revenue increased because of engineering inspection fees.

As for General Fund expenses, personnel expenses were up because of Fire Department overtime, safety supplies, and services and charges, which included CARES money given to the school district for qualifying expenses, which the City couldn't use.

In the Utility Fund, water sales were below budget. The projected ending balance is about \$1.3 million "underwater." She said there is also some pressure with the expenses for well repairs. Ms. Lawrence said it will probably be "hundreds of thousands of dollars" over what was budgeted. She also presented a "normalized" Utility Fund Budget, which added back in the bill credit, which makes it about \$750,000 under.

Mr. Hefton clarified, that intergovernmental revenue is down \$1.2 million, because of Marilee. Since the City didn't have that money, they couldn't transfer \$1 million into the projected. The City is missing \$1 million in revenues, so they cut the transfers out to compensate.

Council Member Teamann asked why transfers in were reduced. Ms. Lawrence said part of that transfer in was from the Health Fund, because there were some excess reserves. It was a one-time transfer in.

Council Member Teamann asked how the personnel line item increased by \$800,000. Ms. Lawrence said a lot of it was new employees for the new plant. There was also a lot of overtime during the snow event in February. Mr. Hefton said the staff will present a plan on how to "fix" the Utility Fund at the Budget Workshop. Ms. Lawrence said they will also give a larger presentation about the transfers in and out at the Budget Workshop.

Ms. Lawrence presented the water and sewer revenues, adding that water revenues are impacted by weather and industrial usage.

The Solid Waste Fund is \$300,000 to the good. Revenues are up, mostly from commercial solid waste. They budgeted \$1 million in revenue from TASWA, but received \$700,000.

Ms. Lawrence presented the General Improvement Fund, and a list of projects for that fund. There was also a \$30 million receipt of revenue in the debt proceeds line item from the bond sale. There is also a projected \$4 million in revenue from the land sale at FM 1417 and West Travis Street. The ending fund balance for FY 2020-2021 is mostly from the bond sale and the land sale.

COUNCIL MINUTES – APRIL 23, 2021

She presented a chart showing the new value and growth in existing property from 2011 through 2021. In 2015, Sherman started adding more new taxable value each year. Mr. Hefton clarified that new value is a function of supply and demand. When demand increases, and the City grows, the demand for services increases too. That demand also increases the value of what's here. Therefore, adding new value increases the value of existing property.

Ms. Lawrence addressed the CO Bond Summary, saying a 2021 issue has been added. Approximately half of this issue is going to TIRZ projects and the other half is going to the new Police Headquarters.

She also presented a list of Outstanding CO/GO Debt owed by the City. Council Member Steele said he would like to see maturity dates on the debt, to determine when they will be paid off. Mr. Hefton said that could be presented at the Budget Workshop.

Deputy Mayor Holland asked about the debt owed to the City of Sherman for water/sewer revenues. Ms. Lawrence said the revenue is recognized as they are billed. Some of the penalties and interest have been written off as a courtesy, a couple of years ago, to try to get them back where they could pay. That revenue is still included in the charts.

Utility Issues

Mr. Hefton said the staff would present a plan to the City Council at the Budget Workshop. Today's discussion is mainly for informational purposes. He explained how the City "got to where they are" today.

In 2015, about \$27 million to \$30 million in debt was issued for the new Water Treatment Plant. The debt went on the books in 2016, and is a little less than \$2 million per year. It took three years to build the plant and it opened in 2021, with increased operating costs. He said the February 2021 weather event had a big impact on well repairs, which could reach \$1 million. Usually, at least one well needs repair annually and that repair costs between \$250,000 and \$325,000. There have been four plus well repairs so far this year.

He said it was a debt service issue that was a cause of the utility issue. Also, revenues haven't climbed proportionally to the costs. Years ago, the City had to invest money in Lake Texoma water for the future, and now the City is investing in a new Water Treatment Plant for the future. Today, the City doesn't need the 10 mgd of water that the new plant added. Demand will grow in the future, but the revenue hasn't been realized yet.

The fund balance in the Utility Fund began decreasing when the debt started. Fund reserves increased in 2018, due to the close-out of some miscellaneous utility funds, however it began decreasing again.

Council Member Melton confirmed that the City has 45 wells and nine pump stations. Mr. Hefton added that the wells are mechanical things and break down. Council Member Melton said, if lightening strikes a well, that should be paid by insurance. Mr. Hefton said some things are, and sometimes you will see revenue come back in to reimburse the expense.

Mr. Hefton said he looked to see if the City's spending was "out of sorts" with what they would expect to spend. He compared with an increase just from 2.3% inflation this year, and then with the debt service. He said the actual expenses are tracking as they should, with what they would expect to happen.

COUNCIL MINUTES – APRIL 23, 2021

He said the City has been intentional in not raising utility rates, because they had plenty of fund balance. He said if they have 80 to 100 days in fund balance, they don't need a rate increase, and rates are where they should be.

Now, with debt coming back on line and reserves decreasing, there will be some decisions to make. Mr. Hefton said the staff will present a solution for the Council's discussion at the Budget Workshop.

He added that there are things on the horizon that will help offset these issues. A Utility Rate Study is being done now that will provide a roadmap for future rates. The staff is having regular conversations with potential bulk water users, communities that are interested in having Sherman treat someone else's water from Lake Texoma and pumping it to them, especially those along the Hwy 75 corridor and the SH 289 corridor.

Many of these communities are currently on North Texas Municipal Water District water, and the pipe is already in place. Sherman may be able to use this pipe to pump water to them, if details can be worked out. There have also been conversations with Marilee Utility District and with Gunter. However, the pipe infrastructure is not in place to treat their water, and would need to be "supersized." If new infrastructure is needed, those communities should be paying for the pipes. More discussion is needed, but Mr. Hefton said he felt something would happen within the next five years.

Council Member Howeth asked if there was a maximum amount of water that the City could sell to communities to the south. Mr. Hefton said the Water Treatment Plant would be "maxed out" at 70 mgd, however Sherman isn't anywhere close to that amount. He added that, the City isn't selling any of "their water," but would be treating someone else's water and piping it to them. Also, if there's only so much water to go around, the City of Sherman gets it first, before any other community.

Sherman has the capacity at the plant to treat additional water, they would just need to install the pipes to transfer it to the other communities. These other communities currently have water, but they are purchasing it from NTMWD. It's just that their rates are going to be increased to fund major projects for NTMWD. They feel Sherman's rates would be fairly stable because we don't have those expensive projects planned.

Mr. Hefton said Marilee needs the water, regardless of the rates, but the other customers want the water because Sherman's rates will be lower for them than the ones they are anticipating paying.

Council Member Howeth spoke about Sherman buying so much water years ago. Mr. Hefton said Sherman has maxed out all that they were allocated at Lake Texoma, and there are no more Corp of Engineer's allocation that they can get. There are approximately 15 communities that have water rights in Lake Texoma. They will sell their water rights, for a period of time, to another City, for Sherman to treat. In the future, the income from this will allow Sherman to offset the rates to their own water customers.

Council Member Steele asked if there had been any conversation about Sherman's pump station sitting in Oklahoma. Mr. Hefton said the Boundary Commission still exists, but he didn't know what the status was. There has been no firm action, but it is an issue. Both Texas and Oklahoma have talked about it at the State level and realize there is an issue.

Mr. Hefton said development is also going to increase the demand for water in Sherman.

Planned Development Update

Mr. Hefton provided an update on several of the larger Planned Developments. He said these developments are already affecting the FY 2021 Budget and will also affect the FY 2022 Budget.

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Washington Meadows has already started infrastructure development and is an approximately 130 single-family home development on about 35 acres, on the corner of FM 1417 and Washington Street. The estimated impact on revenues is \$150,000 property tax base ongoing, \$100,000 utility revenues, \$125,000 impact fees, and \$30,000 for engineering and inspection fees. The infrastructure construction began in the second quarter of 2021.

Bel Air Village includes approximately 280 acres and is primarily residential, with about 950 single-family houses, 2,000 multi-family units, and a commercial/retail/entertainment area. The estimated impact is \$1.8 million in annual property tax revenue, \$2.1 million in annual utility revenues, \$3.3 million in impact fees, and \$1.2 million in engineering and inspection fees. The infrastructure construction should begin in the second quarter of 2021.

The Grove includes approximately 190 single-family houses and 192 multi-family units on about 57 acres. The estimated impact is \$315,000 in property tax revenue, \$250,000 in utility revenues, \$225,000 in impact fees, and \$50,000 engineering and inspection fees. The infrastructure construction should begin in the second/third quarter of 2021.

Heritage Ranch includes 420 acres with approximately 650 single-family houses, 950 multi-family units, commercial/retail, office, and entertainment. The estimated impact is \$1.5 million in property tax revenue, \$1 million in utility revenues, \$2.3 million in impact fees, and \$800,000 in engineering and inspection fees. The infrastructure construction will begin in the fourth quarter of 2021.

The Shepherd Crossing project is still developing, but will include approximately 530 acres of single and multi-family residential, commercial/retail, office, and entertainment. They have submitted a draft Planned Development plan, and will probably submit the actual plan to the Planning and Zoning Commission in June 2021. Construction would probably begin in 2022.

The Village is a 620 acre development, near the new High School, and will include single and multi-family residential, commercial/retail, office, civic, and other. The Planned Development has been approved, and will include approximately 320 single-family houses, and 2,300 multi-family units. Currently there is no timeframe on when the infrastructure construction would begin.

Mr. Hefton said adding up the impact of the developments that are in process, with starts in 2021, amounts to approximately 790 acres, 1,930 single-family houses, 3,000 multi-family units, with an estimated impact of \$3.75 million in property tax revenue, \$3.45 million in utility revenues, \$5.95 million in impact fees, and \$2.1 million in engineering and inspection fees.

He said most of these will be a four or five-year build-out, maybe seven years on the single-family. This type of demand is driving the need for help in these front-end departments, such as the Engineering Department and the Development Department. When the residential units are up and going, the City will need more police, firefighters, dog catchers, street department, every City department. All services provided by the City will be directly affected. Mr. Hefton said part of the focus of FY 2022 is to get the resources in place for those front-end offices.

Mr. Hefton said there are seven other development activities that are not as large as the Planned Developments, but actually have dirt moving and have a financial impact on the City's resources. These include The Preserve, Quail Run, on McGee Street, Austin Landing, Todd Young's development on the east side of Travis Street, and one off of Fallon Drive. None of these developments were included in the previous statistics, but are still using City resources.

FY 2022 Workplan and Budget Focus

Mr. Hefton said the Workplan for FY 2022 is, as always on staffing and staffing levels, and compensation. He said the City is a service industry, so most of the costs are "people costs." He just

COUNCIL MINUTES – APRIL 23, 2021

discussed hiring in the front-end departments. He also felt the City would be able to give employees a HSA contribution. The group health plan is doing well, and that is a marker for giving a contribution.

For the utility operations, the discussion will include the Utility Rate Study recommendations, building reserves, a rate adjustment to cover operations, and continued utility system planning on the Water/Wastewater System Master Plan.

The final major presentation will also be made on the police facilities and construction of the new Police Headquarters. There will be more discussion on the CIP program and capital expenses, including a Called Council Meeting next month to discuss the program.

Council Member Howeth asked if there was enough office space for the new employees that the City would need to hire to manage the new growth. Mr. Hefton said in FY 2022, he wasn't sure, but eventually yes. He said he hoped to repurpose the current Police Station and use that for office space after the new Police Headquarters was constructed. He said there would be a time in the future, when additional space will be needed.

He added that FY 2023 would be when the "pinch" is really felt due to the additional City services in these new areas that are being developed. Of the developments previously discussed, that equates to about 40% in population growth, or 20,000 people, for the City.

Mr. Hefton discussed the financial projections. He had hoped to have the amounts from Grayson Appraisal District for the increased values of property and new property added, but those numbers have not been released. They expect sales tax revenues to be up, probably at least 3%, which would be \$450,000 to \$500,000. One time fees, such as impact fees, engineering review fees, and building permits should increase, and group health costs have stabilized. Which should allow a one-time contribution to employee's HSA accounts.

As for the Utility Fund, Mr. Hefton said he felt there would likely be a rate adjustment needed, but he didn't know how much would be needed. He said the staff would also keep pushing TASWA on their annual equity distribution. Their fiscal year ends in June. In February, they had enough revenue to cover their budgeted expenses for the entire year. He felt there would be a distribution, but didn't know what the amount would be.

Council Member Steele asked why Sherman couldn't have their tipping fees reduced at TASWA, to match the distribution. Mr. Hefton said there is not TASWA Board support for reducing the gate fees, because they are concerned about having to adjust the fees every year. Secondly, if the rates are lowered, everyone gets a break. Half of the trash that goes into the landfill is from the three cities that receive a distribution. Sherman, Denison, and Gainesville's trash makes up 50% to 55% of the total trash going into the landfill. If the gate rate is lowered, all the users would get the reduced rate.

If the distribution is done through the gate rate, the City would be guaranteed to receive it, however if it is done through a distribution to the three cities, then they're not guaranteed to receive it, but Sherman would receive about two times the amount they normally would. Council Member Teamann suggested only lowering the rates for the founding members.

Mr. Hefton said now that the first distribution has been made, he felt there would be distributions every year, as long as the volume stayed up. There will, however, probably be disagreements as to the amount of the distributions.

Council Member Teamann said the City doesn't use "one-time money" to keep the rates stable, so citizens have to be charged, based on the fact that they won't get the disbursement. Then that money can be used for large projects. Mr. Hefton said, the gate rate would be easier to use to build the City's

COUNCIL MINUTES – APRIL 23, 2021

budget because they would know what the projections were going to be. Then the savings could be used as operational. You can't build operations on money when you don't know how much money you will receive.

Mr. Hefton said they expected no increase in the property tax rates and expected no Solid Waste rate changes. He did expect that the Utility Rate Study would recommend some type of rate change. He asked the Council if the staff was "heading in the right direction" and asked if they had support for continuing to do what they are doing. There are pressures on the development side that are of concern.

He also asked if there were other issues they would like to see at the Budget Workshop, such as Council Member Steele's request to see a chart on the City's debt. Council Member Steele said he would also like to see more information about transfers in and transfers out, and their effect on reserves. He said they discussed, but probably should have increased the utility rate last year. He also asked how much of the money from impact fees would go to the Utility Fund. He asked for discussion about how this was handled and said a rate increase would be the easiest, but is there another way to do it.

Mr. Hefton said the General Fund has 91 days fund balance. He said the optimal amount is 70 to 75 days, and 60 days was a little concerning. The Charter has even lower thresholds, but that accounts for an "emergency fund." Industry standards say 60 to 90 days, and he said he likes to be in the middle of that. If the fund balance is "sustainably too high," then your rates are probably too high. If it's "sustainably too low," then your rates are probably too low, or there are spending problems.

He said "the fix" for 2022 for the Utility Fund, will most likely include a transfer from the General Fund. The Rate Study will take all those things into consideration and will be a 10 year look at projected growth. Generally, the General Fund should take care of itself, the Utility Fund should take care of itself, and the Solid Waste Fund should take care of itself. The rates for each of those services should be used to support their own. Mr. Hefton said that generally is the case.

When there is one time money available, or excess fund balance, it is appropriate to move it around to manage the level of reserves, and keep it in the 60 to 90 day range. At the beginning of the fiscal year, the City was at the low end of the range in the Solid Waste Fund at 50 to 60 days. But they knew "there was help on the horizon." Same thing with the Utility Fund, but they knew they could wait a year for the Rate Study.

Mr. Hefton said generally, these transfers are operating transfers. Every year, the General Fund charges the Utility Fund and the Solid Waste Fund for the time that staff spends doing Utility Fund or Solid Waste Fund things. There's always some level of transfer because those funds use services from the General Fund. There is a formula that is actually used to determine the amount of these transfers. The Utility Fund is also charged a franchise fee.

Mr. Hefton said the staff will submit a plan at the Budget Workshop, but it will include transfers, to increase the reserves in the Utility Fund. He said that will help on the one time basis and the Rate Study will be the "guiding mechanism" as to what should be done on an ongoing basis.

Council Member Teamann said this year the transfers were offset by a lesser amount than normal, which would have made up a substantial percentage of the deficit. Given that the City just helped citizens through the water crisis during the February weather event with a rebate, then to "charge them back" with a rate increase, he felt would be "in bad taste." He said he would rather use transfers in and out, to balance the Utility Fund, if possible, knowing that other money will be coming on line shortly.

COUNCIL MINUTES – APRIL 23, 2021

Council Member Teamann also said that the City allocated \$15 million into the TIRZ fund, and he would like to see that money spent taking care of the current infrastructure, such as faster street repair and maintenance. He would like to “maintain the house” before the money is spent on new projects, like TIRZ projects.

He also said he did not want to “fight COLA against new projects” and didn’t want the employee pay increase to fight new projects for funding. He urged the staff to make sure the COLA and HSA contributions are covered, and maintain the house before the excess funds are spent on new projects.

Mr. Hefton agreed that, as long as the money is used as it was reflected in the bond documents, it can be used to maintain existing streets and utilities. It can be used for existing streets, to rebuild major sections and do long term projects. Rebuilding an existing road would be a valid, 20-year project. However, he said it shouldn’t be used just for maintenance, but for a rebuild.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:51 p.m.

MAYOR

ATTEST

CITY CLERK



Budget Planning Meeting

April 23, 2021

Calendar

Mar 30 – Apr 15, 2021

Quarterly individual meetings

April 23, 2021

Budget Planning Meeting

May 6-12, 2021

Management budget reviews

May 27, 2021

CIP Council Workshop

June 17-18, 2021

Budget Workshop

August 2, 2021

Draft Budget to Council

August 16, 2021

Budget Ordinance adopted

Agenda

FY2021 Work Plan Update

Financial Update/CIP & Bonds

Utility Issues

Development Update

FY2022 Workplan and Budget Focus



Work Plan Update

2021 Council Direction

Page 1 of 3

-  Completed
-  In-progress
-  Delayed
-  Postponed

Compensation and Staffing

-  *Add 3 full-time employees*
-  *Adjust Police Dept and other pay*
-  *Provide a 2X one-time @ 1% for all City employees*
-  *HSA contribution to all employees*

Fleet

-  *Purchase necessary fleet/equipment*

Rate and Fee Adjustments

-  *Implement Impact Fees*
-  *Adjust Fire Inspection and other fees*
-  *Adjust Engineering inspection and testing fee (not in orig. FY21 plan)*

Commercial Development

-  *Development Agreements – Bel Air PID and Master Development Agreement*
-  *Sherman Crossroads – McDonalds, Panda Express, other pad sites sold*
-  *Heritage Ranch Planned Development approved*
-  *Hospital project*

2021 Council Direction

Page 2 of 3

Police Department HQ

- ★ *Design and site purchase (design complete in June 2021)*

General CIPs and related debt

- ★ *Implement CIP projects*
- ★ *No change in property tax rate for FY21*
- ★ *\$30M bonds issued April 2021 – Police HQ and other*

Utility System – Planning Focus

- ★ *Utility Master Plan – underway*
- ★ *Utility Rate Study – underway, to be completed by June 2021*
- ★ *Marilee SUD water line – design substantially complete*
- ★ *NW Sewer – Bids open 5/11; construction to begin June*

2021 Council Direction

Page 3 of 3

GENERAL CIP

- ★ *Taylor Street/McGee Street*
- ★ *Swan Ridge – developer delayed, City postponed*
- ★ *Park Avenue – complete in FY21*
- ★ *Bridges – Travis/Center/McGee – Travis bridge to be completed as part of US75 project*
- ★ *FM1417 ROW – SH56 to W. Travis*
- ★ *Moore Street – Engineering complete; project to bid summer 2021*



Financial Update - Operations

Financial Update Summary

General Fund

- FY2020 ending reserves \$1.2M above FY2019
- FY2021
 - Reserves up \$1.1M
 - Revenues – Sales Tax, CARES Act grant, Inspection Fees above budget; Property Tax, Fines, Ambulance and Transfer-in below budget
 - Expenses – CARES Act – FD overtime, safety supplies, SISD

Financial Update Summary

Continued

Utility Fund

- FY2020 ending reserves up \$700k from FY2019
- FY2021 projected revenue below budget from bill credit and Marilee payment timing \$1.2M; FY2021 expenses slightly below budget due to transfers out not made
- **\$1M ongoing problem**, including Utility Improvement Fund Transfer

Solid Waste Fund

- FY2020 ending reserves about \$600k
- FY2021 projected revenues slightly above budget – CSW

Financial Update Summary

Projected Fund Balances as of Sept. 30, 2021

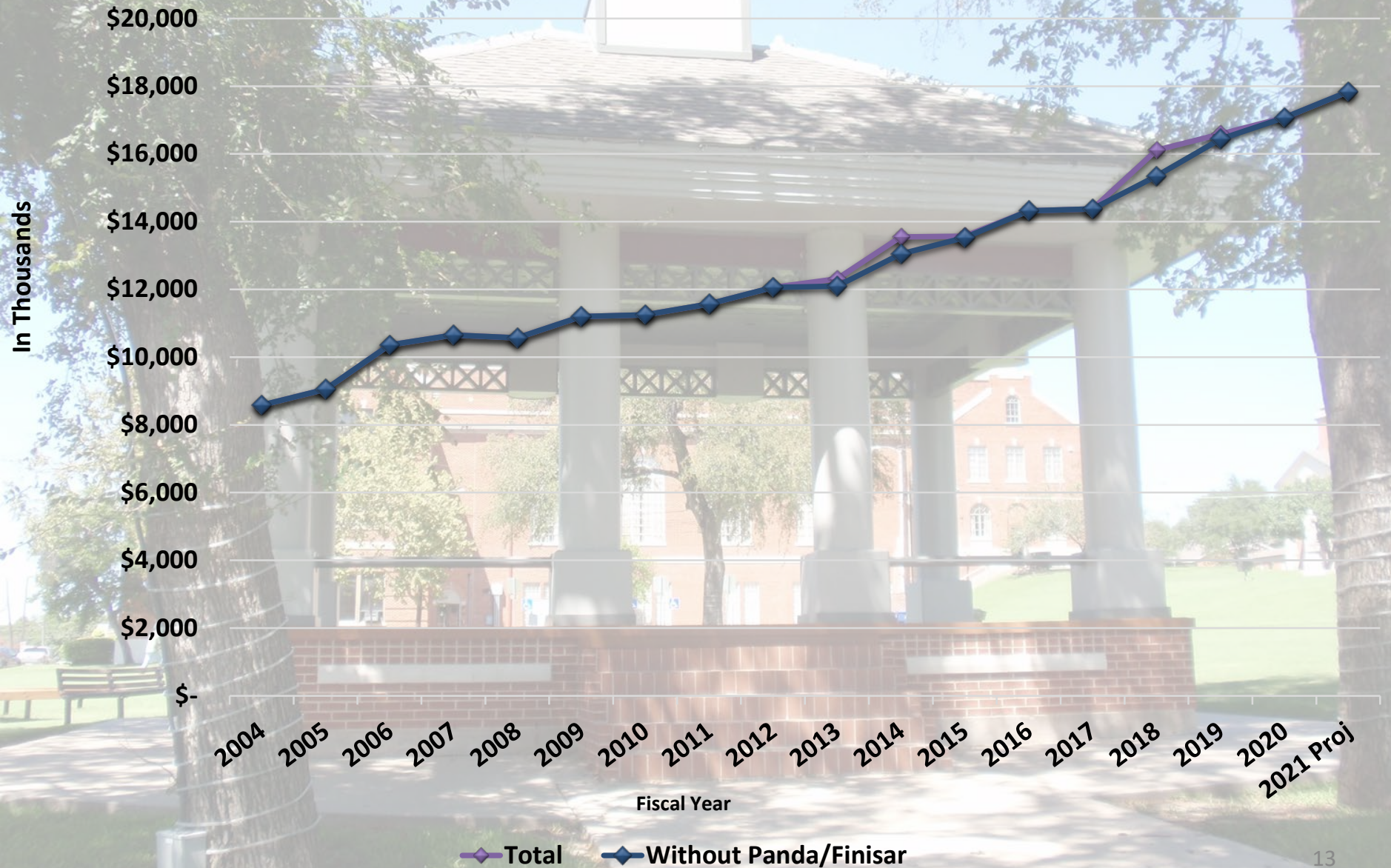
- General Fund - \$10.5 million
 - \$1.5M above FY21 adjusted budget
 - 91 days reserves (excluding CARES Act expenses)
 - No Action Required
- Utility Fund - \$3.2 million
 - FY2021 \$1.2 below budget
 - 46 days reserves
 - **About \$1M under minimum reserve of 60 days**
 - **Houston...we have a problem**
- Solid Waste Fund - \$930k
 - \$100k below FY21 budgeted - TASWA
 - 43 days reserves
 - No Action Required

City of Sherman GENERAL FUND

	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
Beginning Fund Balance	\$ 8,178,010	\$ 7,913,137	\$ 9,373,124
Revenues			
Property Tax	11,138,247	12,254,100	12,135,200
Sales Tax	18,224,887	18,369,000	19,322,000
Franchise Tax	2,806,622	2,834,000	2,735,000
Other Taxes	142,123	161,980	130,700
Fines & Penalties	354,832	567,150	331,100
Recreation	65,692	231,000	240,500
Licenses & Permits	608,943	665,200	698,300
Rentals	7,755	12,250	9,650
Cemetery	238,308	165,600	271,100
Sales & Service	751,315	694,891	699,991
Ambulance Service	1,706,343	1,450,000	1,327,200
Interest Income	128,409	60,000	70,000
Grant Revenue	691,521	398,522	1,388,995
Intergovernmental	346,566	320,263	340,979
Miscellaneous Revenue	377,023	359,220	901,200
Total Revenues	37,588,586	38,543,176	40,601,915
Transfers In	4,157,555	4,881,000	3,930,202
Total Revenues and Transfers In	41,746,142	43,424,176	44,532,117
Total Funds Available	49,924,152	43,424,176	44,532,117
Expenditures			
Personnel	28,977,408	30,443,395	30,593,395
Supplies	1,573,462	2,002,049	2,566,542
Repair & Maintenance	1,580,580	1,796,572	1,796,572
Utilities	1,008,056	1,056,090	1,056,090
Information Technology	615,427	700,010	700,010
Services & Charges	2,750,524	2,904,370	3,279,370
Vehicle Usage	1,726,987	1,641,430	1,641,430
Capital Expenses	1,165,400	534,730	534,730
Fleet Services & Charges	921,183	1,025,966	1,025,966
Transfers Out	232,000	210,000	210,000
Total Expenditures	40,551,028	42,314,612	43,404,105
Excess Revenues over Expenditures	1,195,114	1,109,564	1,128,012
Ending Fund Balance	\$ 9,373,124	\$ 9,022,701	\$ 10,501,136

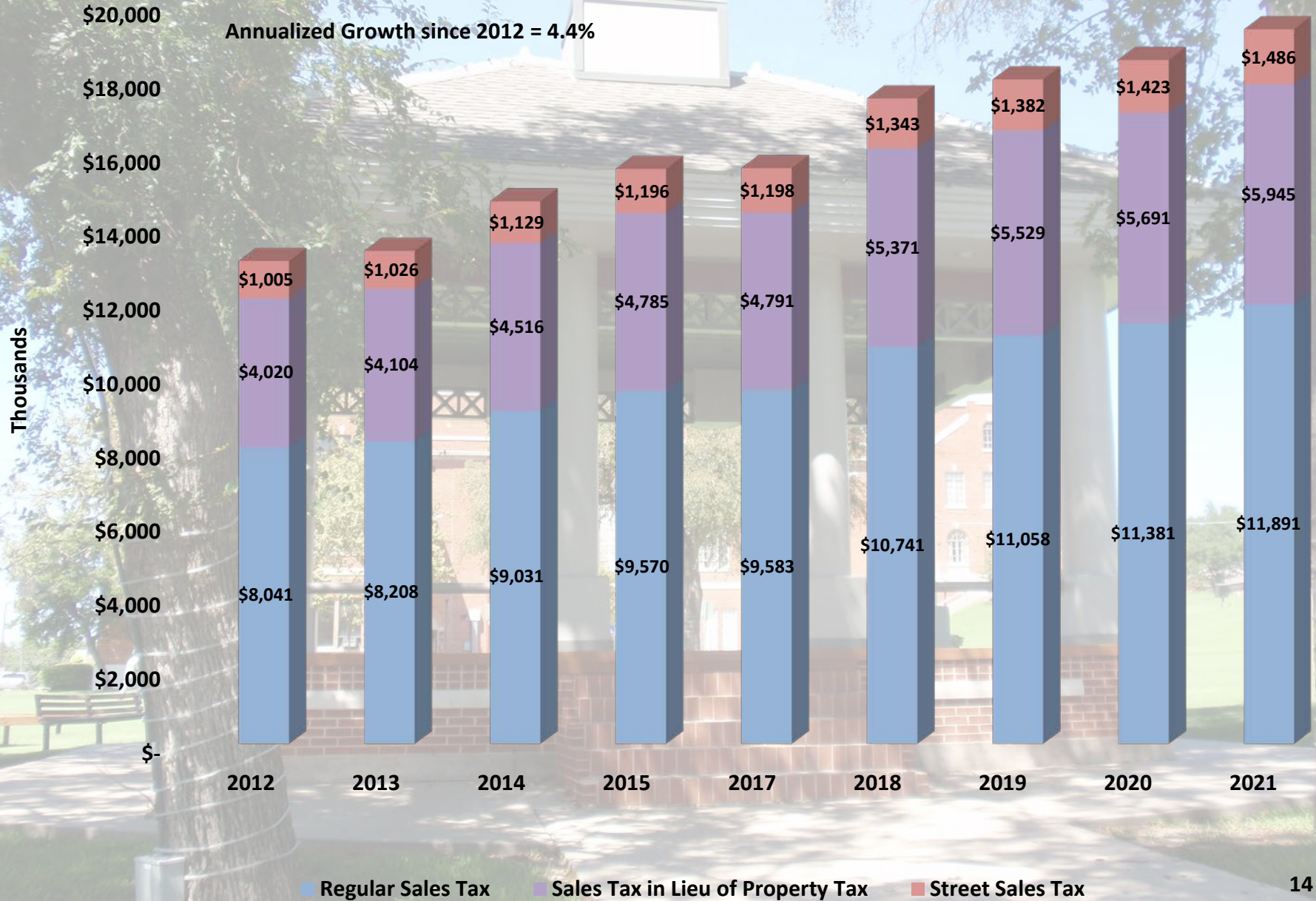
Sales Tax History

(excluding Street tax)



Sales Tax

Annualized Growth since 2012 = 4.4%



City of Sherman

UTILITY FUND

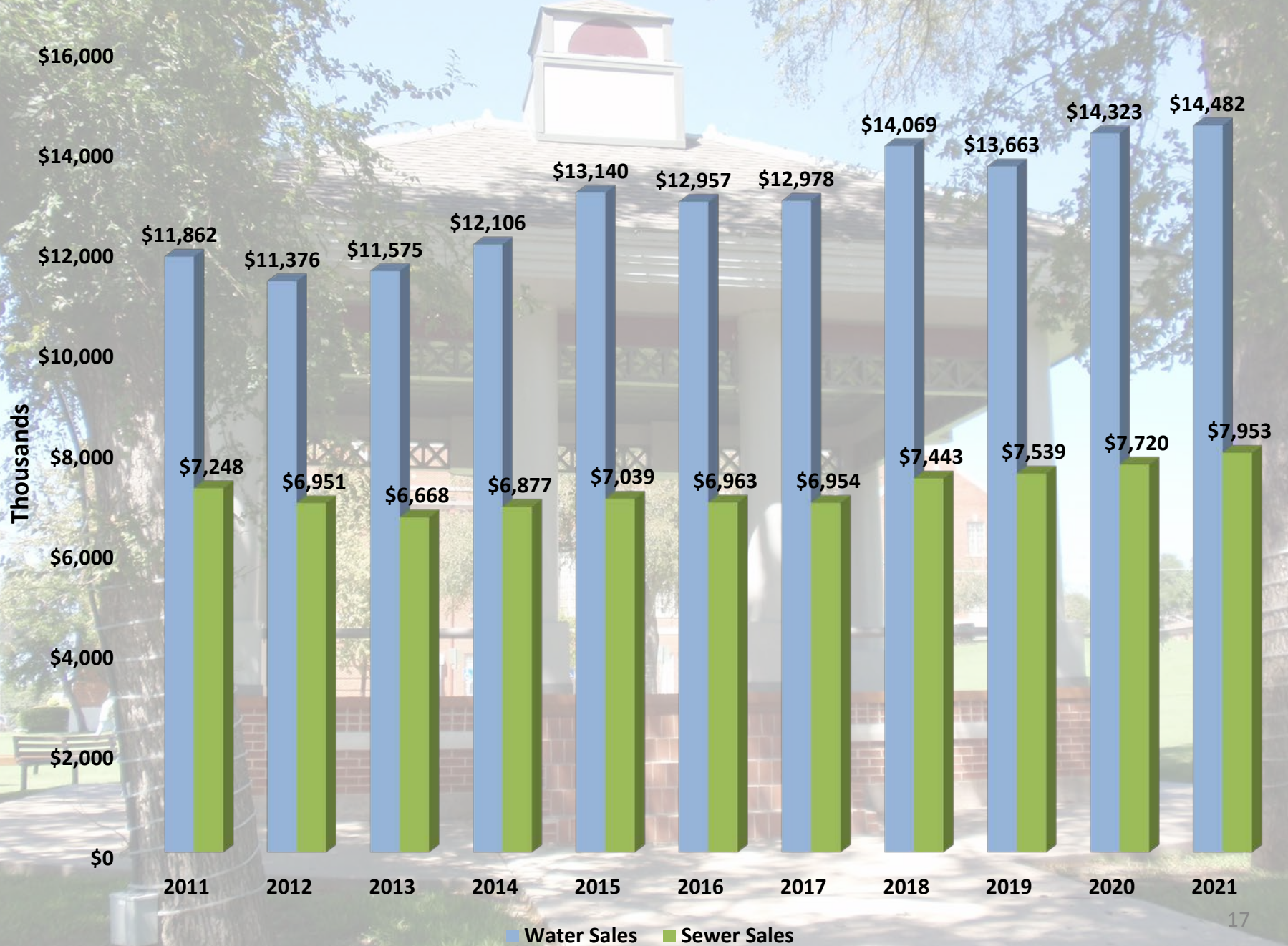
	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
Beginning Reserve	\$ 3,779,943	\$ 4,944,681	\$ 4,489,706
Revenues			
Water Sales	14,323,100	14,713,000	14,482,000
Sewer Sales	7,720,347	7,801,000	7,953,000
Laboratory	145,753	149,500	146,000
Service Charges & Penalties	475,746	575,000	493,000
Charges for Services	134,984	135,000	155,000
Interest Income	68,836	30,000	26,000
Intergovernmental	409,170	1,601,350	401,350
Miscellaneous Revenue	215,950	65,500	69,000
Total Revenues	23,493,884	25,070,350	23,725,350
Transfers In	494,000	158,000	158,000
Total Revenues and Transfers In	23,987,884	25,228,350	23,883,350
Total Funds Available	27,767,827	30,173,031	28,373,056
Expenditures			
Personnel	6,098,188	6,898,987	6,898,987
Supplies	1,431,183	1,473,485	1,473,485
Repair & Maintenance	2,205,868	2,019,928	2,269,928
Utilities	1,670,463	1,675,560	1,835,560
Information Technology	182,643	198,750	198,750
Debt Service	7,146,903	7,320,862	7,072,666
Services & Charges	1,397,900	1,858,716	1,958,716
Vehicle Usage	455,831	403,930	403,930
Fleet Services & Charges	254,778	236,070	358,295
Capital Expenses	255,365	405,073	405,073
Total Expenditures	21,099,121	22,491,361	22,875,390
Transfers Out	2,179,000	3,300,000	2,300,000
Total Expenditures and Transfers Out	23,278,121	25,791,361	25,175,390
Excess Revenues over Expenditures	709,763	(563,011)	(1,292,040)
Ending Reserve	\$ 4,489,706	\$ 4,381,670	\$ 3,197,666

City of Sherman

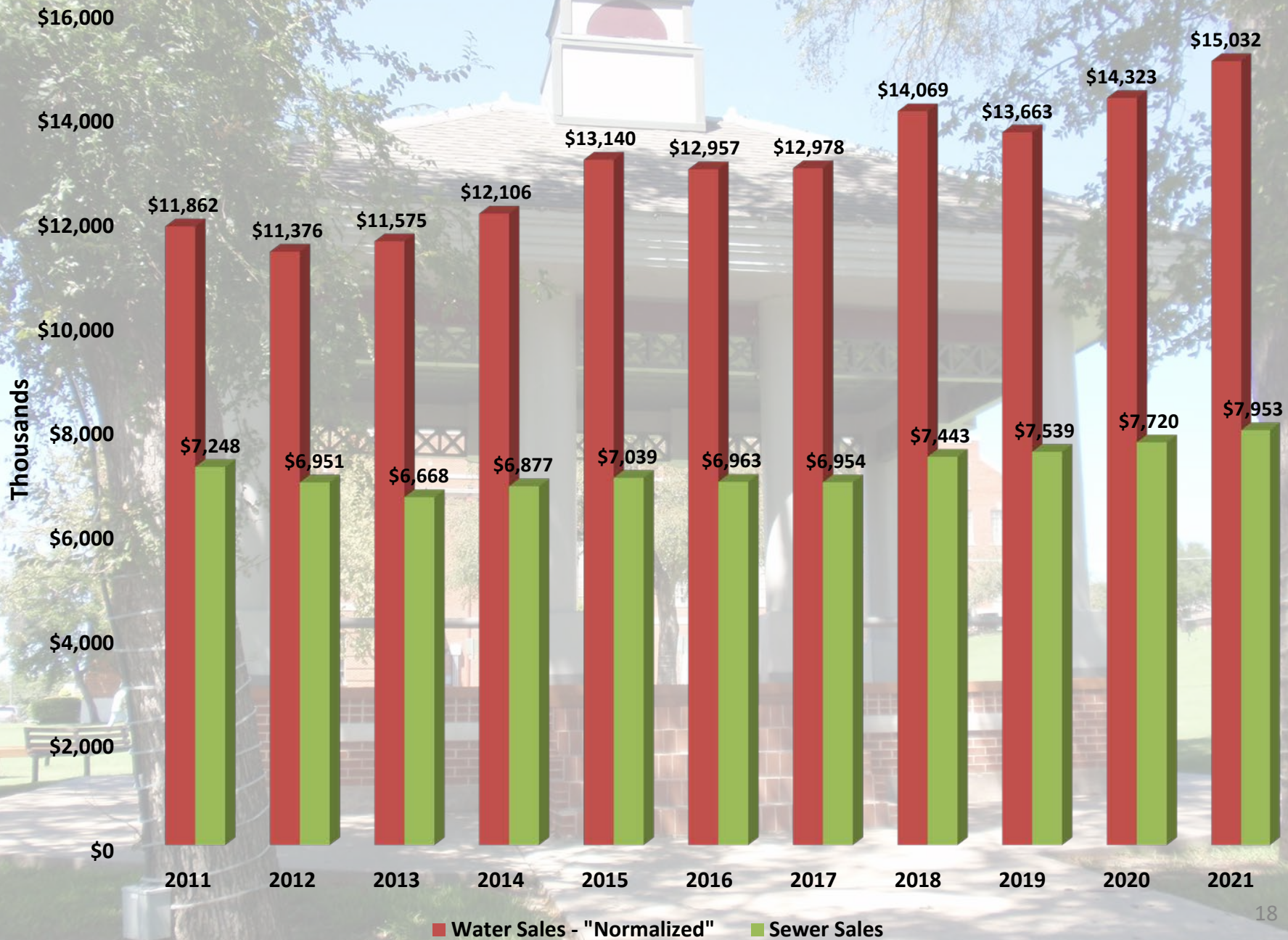
UTILITY FUND - "Normalized"

	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
Beginning Reserve	\$ 3,779,943	\$ 4,944,681	\$ 4,489,706
Revenues			
Water Sales	14,323,100	14,713,000	15,032,000
Sewer Sales	7,720,347	7,801,000	7,953,000
Laboratory	145,753	149,500	146,000
Service Charges & Penalties	475,746	575,000	493,000
Charges for Services	134,984	135,000	155,000
Interest Income	68,836	30,000	26,000
Intergovernmental	409,170	1,601,350	401,350
Miscellaneous Revenue	215,950	65,500	69,000
Total Revenues	23,493,884	25,070,350	24,275,350
Transfers In	494,000	158,000	158,000
Total Revenues and Transfers In	23,987,884	25,228,350	24,433,350
Total Funds Available	27,767,827	30,173,031	28,923,056
Expenditures			
Personnel	6,098,188	6,898,987	6,898,987
Supplies	1,431,183	1,473,485	1,473,485
Repair & Maintenance	2,205,868	2,019,928	2,269,928
Utilities	1,670,463	1,675,560	1,835,560
Information Technology	182,643	198,750	198,750
Debt Service	7,146,903	7,320,862	7,072,666
Services & Charges	1,397,900	1,858,716	1,958,716
Vehicle Usage	455,831	403,930	403,930
Fleet Services & Charges	254,778	236,070	358,295
Capital Expenses	255,365	405,073	405,073
Total Expenditures	21,099,121	22,491,361	22,875,390
Transfers Out	2,179,000	3,300,000	2,300,000
Total Expenditures and Transfers Out	23,278,121	25,791,361	25,175,390
Excess Revenues over Expenditures	709,763	(563,011)	(742,040)
Ending Reserve	\$ 4,489,706	\$ 4,381,670	\$ 3,747,666

Water and Sewer Revenues



Water and Sewer Revenues – “Normalized”



City of Sherman

SOLID WASTE FUND

	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
Beginning Fund Balance	\$ 863,086	\$ 1,356,868	\$ 628,168
Revenues			
Solid Waste Service	7,018,269	6,994,000	7,280,000
Service Charges & Penalties	75,842	90,000	145,000
Interest Income	543	800	500
Miscellaneous Revenue	33,613	1,023,000	760,573
Transfers In	140,000	-	-
Total Revenues	7,268,268	8,107,800	8,186,073
Total Funds Available	8,131,354	9,464,668	8,814,241
Expenditures			
Personnel	1,890,493	1,951,869	1,951,869
Supplies	258,223	282,232	282,232
Repair & Maintenance	74,586	88,074	88,074
Utilities	28,080	31,250	31,250
Information Technology	44,668	56,180	56,180
Services & Charges	2,217,189	2,226,407	2,226,407
Vehicle Usage	1,049,186	1,066,160	1,066,160
Capital Expenses	36,760	43,632	43,632
Fleet Services & Charges	850,000	350,000	350,000
Transfers Out	1,054,000	2,339,000	1,788,202
Total Expenditures	7,503,186	8,434,804	7,884,006
Excess Revenues over Expenditures	(234,918)	(327,004)	302,067
Ending Fund Balance	\$ 628,168	\$ 1,029,864	\$ 930,235



Financial Update - Capital Improvement and Debt

City of Sherman

GENERAL IMPROVEMENT FUND

	Actual	Adjusted	Projected
	2019-2020	Budget 2020-2021	2020-2021
Beginning Fund Balance	\$ 19,280,728	\$ 15,867,436	\$ 9,656,463
Revenues			
Transfers In	-	-	-
Intergovernmental	1,715,500	500,000	-
Grant Revenue	-	-	-
Interest Income	158,135	250,000	30,000
Miscellaneous Revenue	-	4,000,000	4,000,000
Debt Proceeds	-	-	30,000,000
Total Revenues	1,873,635	4,750,000	34,030,000
Total Funds Available	21,154,363	20,617,436	43,686,463
Expenditures			
Facilities	277,117	1,439,000	1,469,590
Parks	1,557,697	-	1,992
Streets	9,663,086	8,200,000	7,335,855
Other	-	140,790	140,790
Transfers Out	-	-	-
Total Expenditures	11,497,900	9,779,790	8,948,227
Excess Revenues over Expenditures	(9,624,265)	(5,029,790)	25,081,773
Ending Fund Balance	\$ 9,656,463	\$ 10,837,646	\$ 34,738,236

City of Sherman

GENERAL IMPROVEMENT FUND

	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
Beginning Fund Balance	\$ 19,280,728	\$ 15,867,436	\$ 9,656,463
Revenues			
Transfers In	-	-	-
Grant Revenue	-	-	-
Interest Income	158,135	250,000	30,000
Miscellaneous Revenue	-	4,000,000	4,000,000
Debt Proceeds	-	-	30,000,000
Intergovernmental	1,715,500	500,000	-
Total Revenues	1,873,635	4,750,000	34,030,000
Total Funds Available	21,154,363	20,617,436	43,686,463
Expenditures			
⁽¹⁾ Library Remodel	-	-	777
⁽¹⁾ Taylor St Extension Eng & ROW/McGee St Ext	18,446	1,500,000	1,500,000
⁽¹⁾ FM 1417 (82 to 56) Eng, ROW & Match	30,881	-	(22)
⁽¹⁾ Travis St West	4,304,827	-	783,204
⁽¹⁾ Lamberth Rd Thoroughfare	2,500	-	-
⁽¹⁾ Friendship ROW 56 to Lamberth	33,890	-	(270)
Lake Street Repair	-	-	-
⁽¹⁾ Park Ave Realignment	126,726	1,200,000	1,744,398
Remodel at Station 5	12,150	-	-
⁽¹⁾ Bridge-S. Travis	82,490	300,000	-
⁽¹⁾ Bridges-Center/McGee	-	700,000	-
Finance Remodel	2,226	-	-
Police Dept Exterior Renovation	7,803	-	9
⁽¹⁾ Pecan Grove Ball Fields	1,459,807	-	1,992
⁽¹⁾ Legacy Blvd	158,767	-	-

City of Sherman

GENERAL IMPROVEMENT FUND

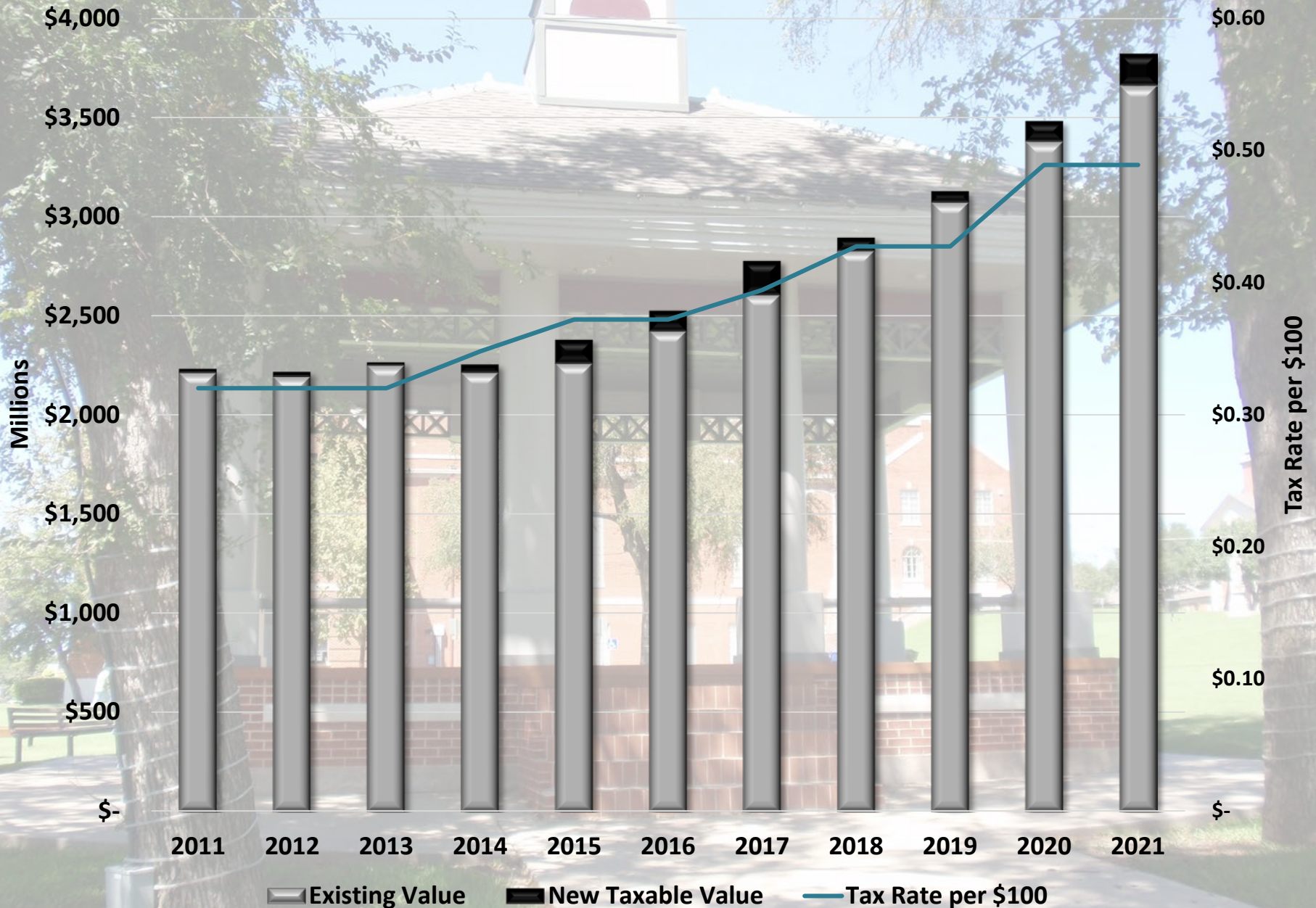
	Actual 2019-2020	Adjusted Budget 2020-2021	Projected 2020-2021
UB Remodel	26,413	-	2,200
Police Firing Range	26,718	-	3,500
Renovate Cemetery & Maint Bldg	136,222	-	16,603
ESC Spray Insulation windows	12,750	-	-
(1) TxDOT 1417 & W. Travis Intersection	1,804,990	-	-
Pecan Grove Basketball Courts	97,890	-	-
Library Park	31,203	-	-
(1) Flanary Rd and Progress Dr Ext/Imp	72,897	-	25,000
Station #3 Remodel	7,129	-	-
(1) Moore St - Park to W. Travis	1,697,982	-	-
Moore St - Travis to FM 1417 & Phase II	-	2,500,000	2,500,000
(1) Fallon Drive	832,731	-	-
(1) Steeplechase Dr Extension	100,000	-	500,000
Munson Planned Development	92,745	-	-
(1) Hilre Drive Extension	49,304	-	283,545
Fire Station #4 Shower Repair	9,167	-	-
Fire Station #1 Bathroom	5,337	-	-
Self check-out stations RFID	-	40,000	40,000
Watchguard video evidence platform	-	100,790	100,790
(Necessity) Station No. 1 roof replacement	-	85,000	85,000
(3) FM 1417 design/ROW - SH 56 to W. Travis	253,910	2,000,000	-
(1) New police station - site and design	-	1,354,000	1,354,000
Land Sale at W. Travis & FM 1417	-	-	7,500
Total Expenditures	11,497,900	9,779,790	8,948,227
Excess Revenues over Expenditures	(9,624,265)	(5,029,790)	25,081,773
Ending Fund Balance	\$ 9,656,463	\$ 10,837,646	\$ 34,738,236

(1) Debt Funded

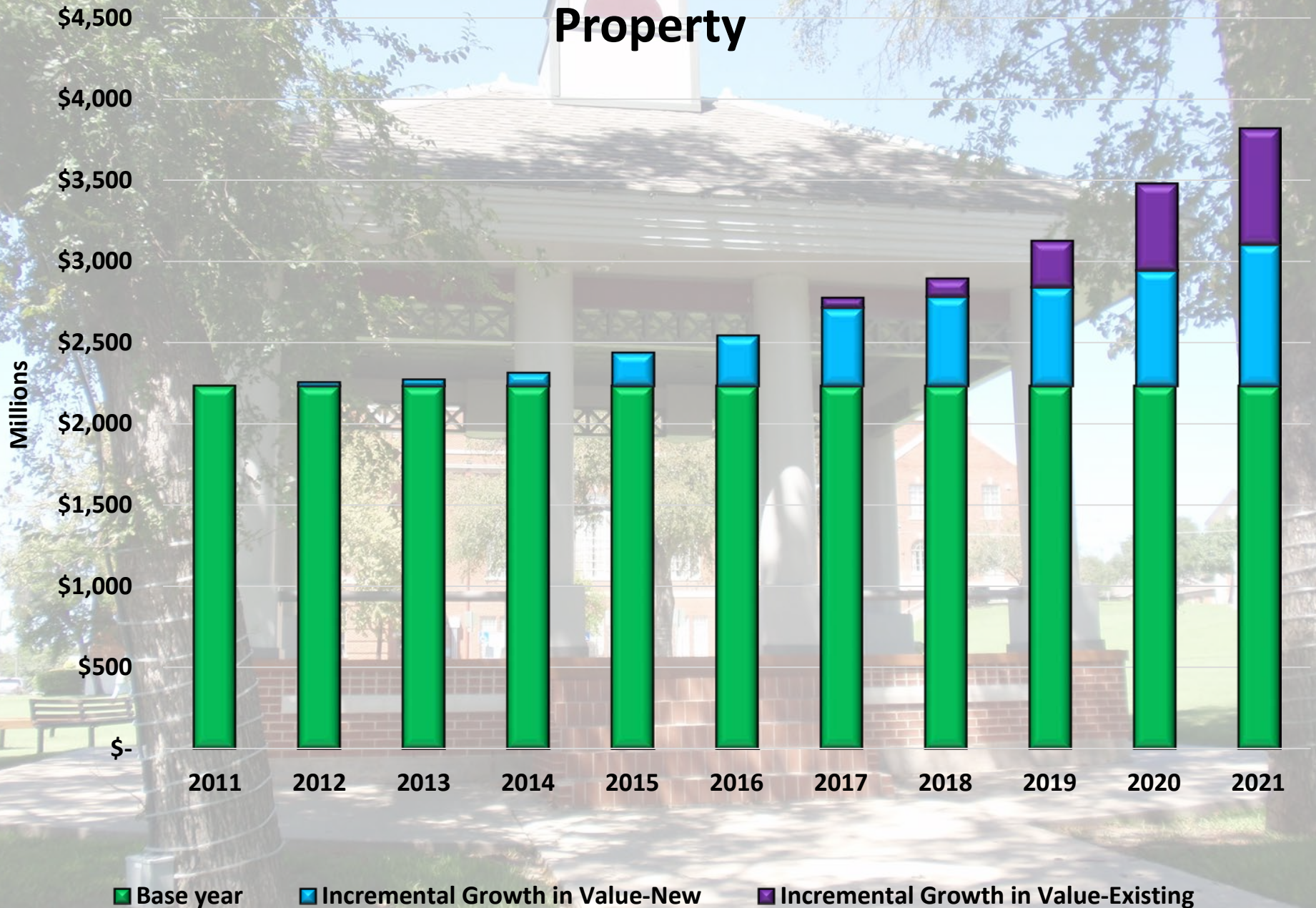
(2) Partial Grant Funding

(3) Not funded

New Value and Growth in Existing Property



Incremental New Value and Growth in Existing Property



CO Bond Summary

	2016 C.O.	2017 C.O.	2018 C.O.	2019 C.O.	2021 C.O.	
	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	Total

Streets

TxDOT 1417 & W. Travis Intersection	\$ -	\$ -	\$ -	\$ 2.0	\$ -	\$ 2.0
TxDOT-Hwy 75 Gap Project	-	-	-	8.2	-	8.2
* TXDOT Ramp Reversal at 75/1417	-	0.2	2.3	-	-	2.5
TxDOT-FM 1417 - US 82 to SH 56 Eng + ROW	1.6	-	2.4	1.4	-	5.4
Friendship Road - Eng + ROW	1.1	-	-	-	-	1.1
Lamberth Rd	-	0.8	-	-	-	0.8
Canyon Creek	2.3	0.3	-	-	-	2.6
Swan Ridge	0.1	-	-	-	-	0.1
TxDOT - FM 1417 56 to W. Travis ROW	-	0.9	-	-	-	0.9
Travis St West	0.1	4.9	2.9	1.8	-	9.6
Legacy Blvd	-	-	-	1.9	-	1.9
Taylor/Washington Eng + ROW	-	1.2	0.5	0.8	-	2.5
* Northgate Drive	-	-	1.0	-	-	1.0
Moore from Park to W. Travis	-	-	-	2.1	-	2.1
Steeplechase Drive Ext	-	-	-	0.5	-	0.5
Park Ave Realignment (net)	-	-	1.0	1.0	-	2.0
Flanary/Progress	-	-	-	0.1	-	0.1
Hilre Drive Extension	-	-	-	0.3	-	0.3
Munson Planned Development	-	-	-	0.1	-	0.1

CO Bond Summary

	2016 C.O.	2017 C.O.	2018 C.O.	2019 C.O.	2021 C.O.	Total
	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	
Facilities						
Library	1.7	-	0.8	-	-	2.5
Fire Station #4	-	3.0	1.0	-	-	4.0
Police Headquarters					15.0	15.0
TIRZ						
TIRZ #5 Sherman Crossroads	-	4.0	-	-	-	4.0
TIRZ #6 Sherman Landing	-	3.0	-	-	-	3.0
TIRZ #7 Legacy Village	-	-	2.4	-	-	2.4
TIRZ #7 Exp Bel Air					-	-
TIRZ Projects					14.5	14.5
Bridges						
Travis/Center/McGee	-	0.5	-		0.5	1.0
Parks						
Pecan Grove West Ballfields	-	-	5.0	-	-	5.0
Totals	\$ 6.9	\$ 18.8	\$ 19.2	\$ 20.0	\$ 30.0	\$ 94.9

Outstanding CO/GO Debt

(in 000)

Description	Interest		Principal		Total
2004 TIF #1	\$	32	\$	470	\$ 502
2016 CO	\$	1,257	\$	5,775	\$ 7,032
2017 CO	\$	5,299	\$	16,135	\$ 21,434
2017 Refunding	\$	1,165	\$	6,895	\$ 8,060
2017A Stormwater	\$	995	\$	3,330	\$ 4,325
2018 CO	\$	8,267	\$	18,015	\$ 26,282
2019 CO	\$	8,506	\$	18,240	\$ 26,746
2021 CO	\$	11,837	\$	29,025	\$ 40,862
2021 Tax Notes	\$	200	\$	1,630	\$ 1,830
	\$	37,556	\$	99,515	\$ 137,071



Utility Fund Stuff

Utility Fund – What's Happened?

Expenses Increased:

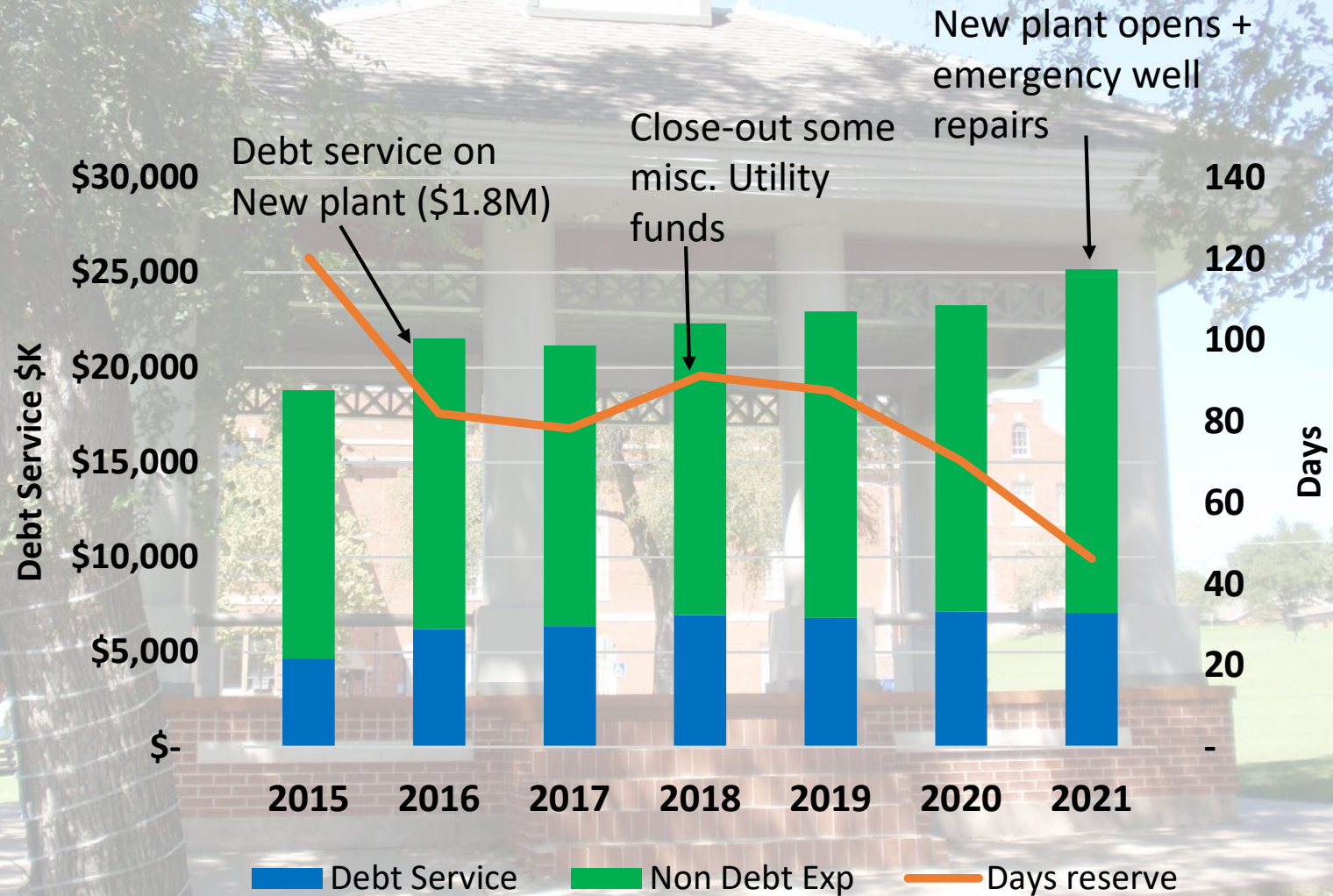
- Debt Issued for New Plant in 2016/2017, catalyst for increasing debt service by ~ \$2M/yr
- Plant built 2017-2020
- Plant opened in FY21 for first year, increasing costs for employees, supplies, utilities
- FY21 had major well repairs, related largely to Snowmagedon

– Combined with

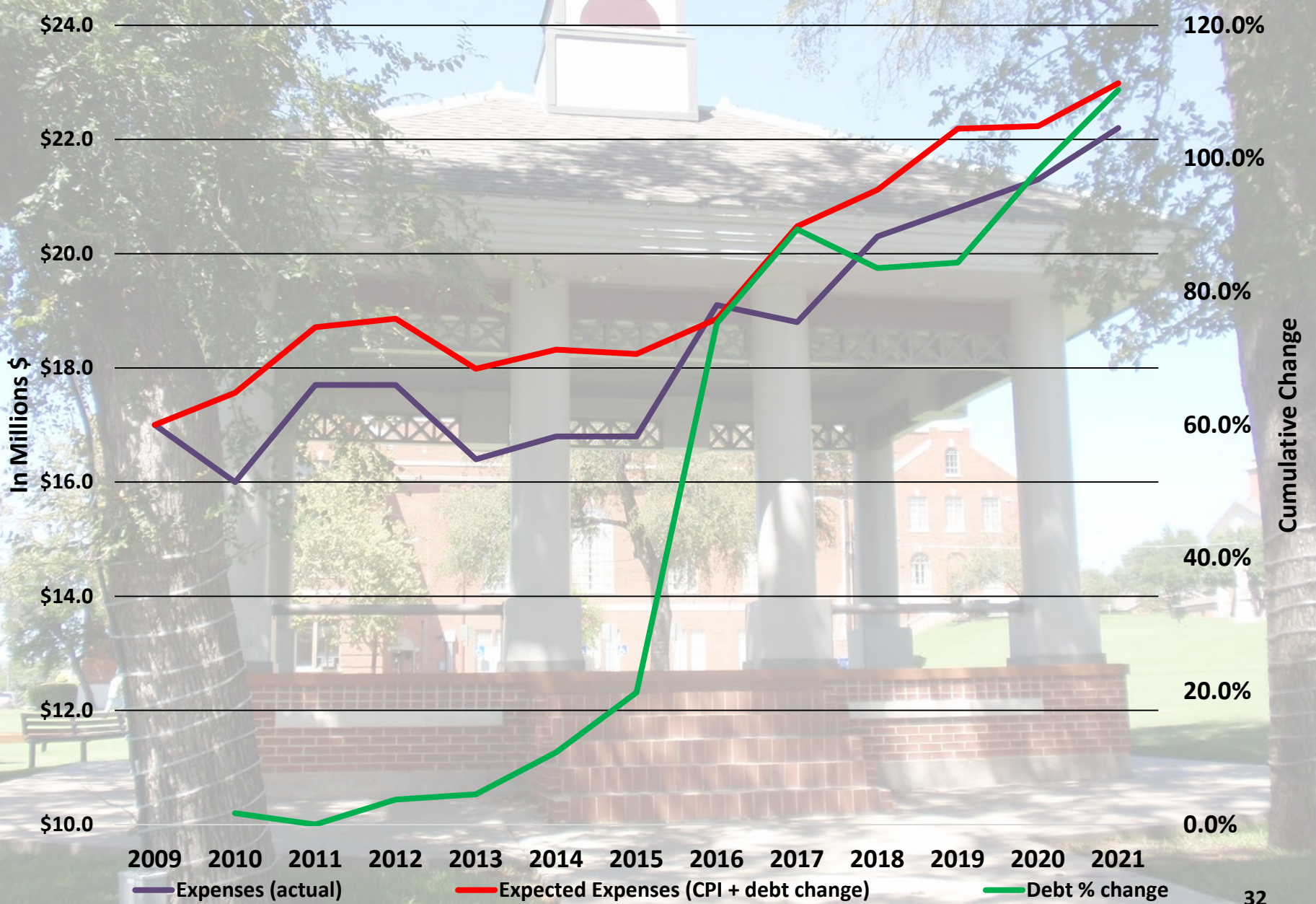
Revenues haven't kept up + no rate adjustment since 2017

Utility Fund

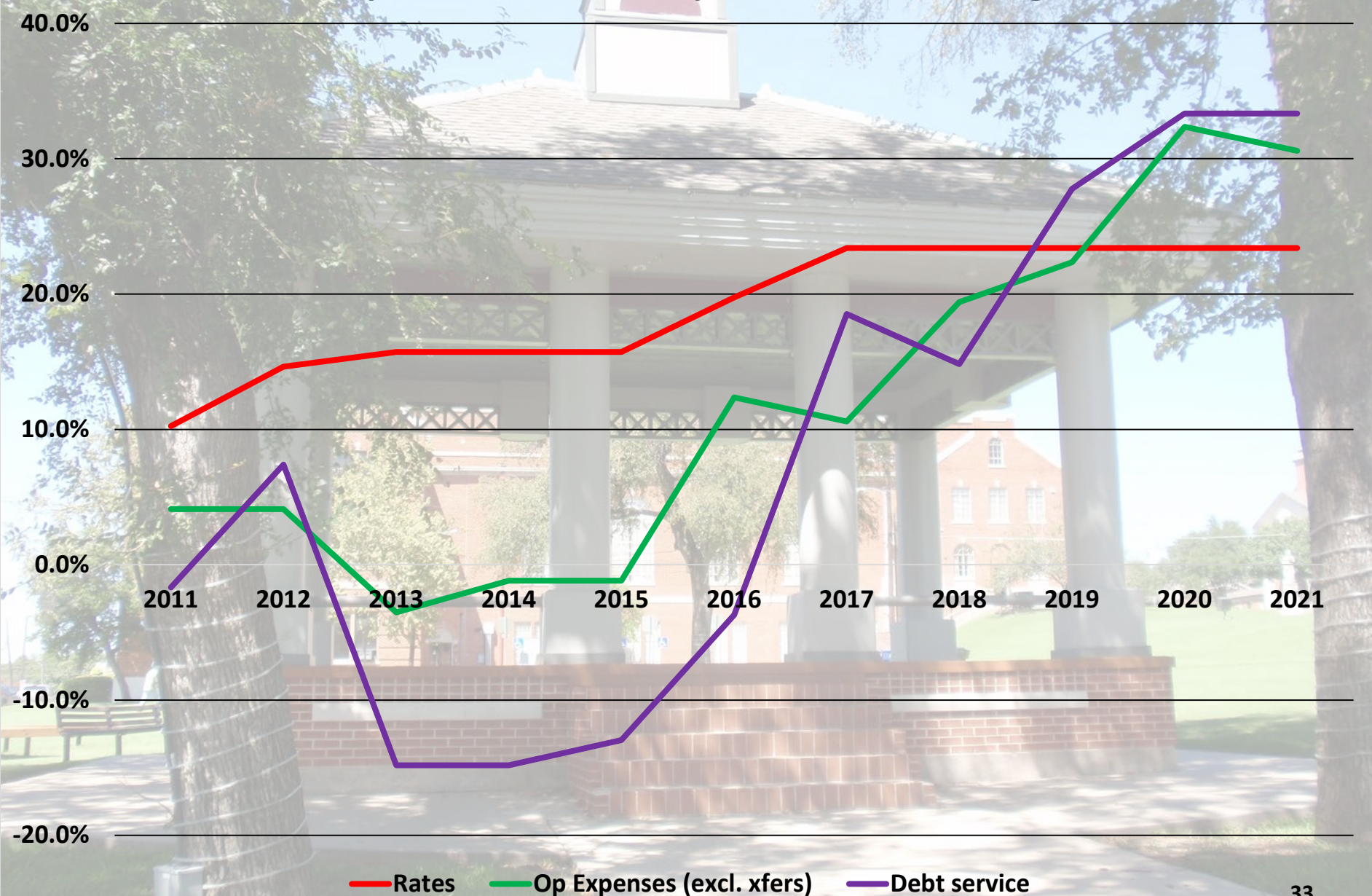
Reserves & Expense Analysis



Utility Expenses – Actual vs Expected



Utility Rate vs Expense Changes



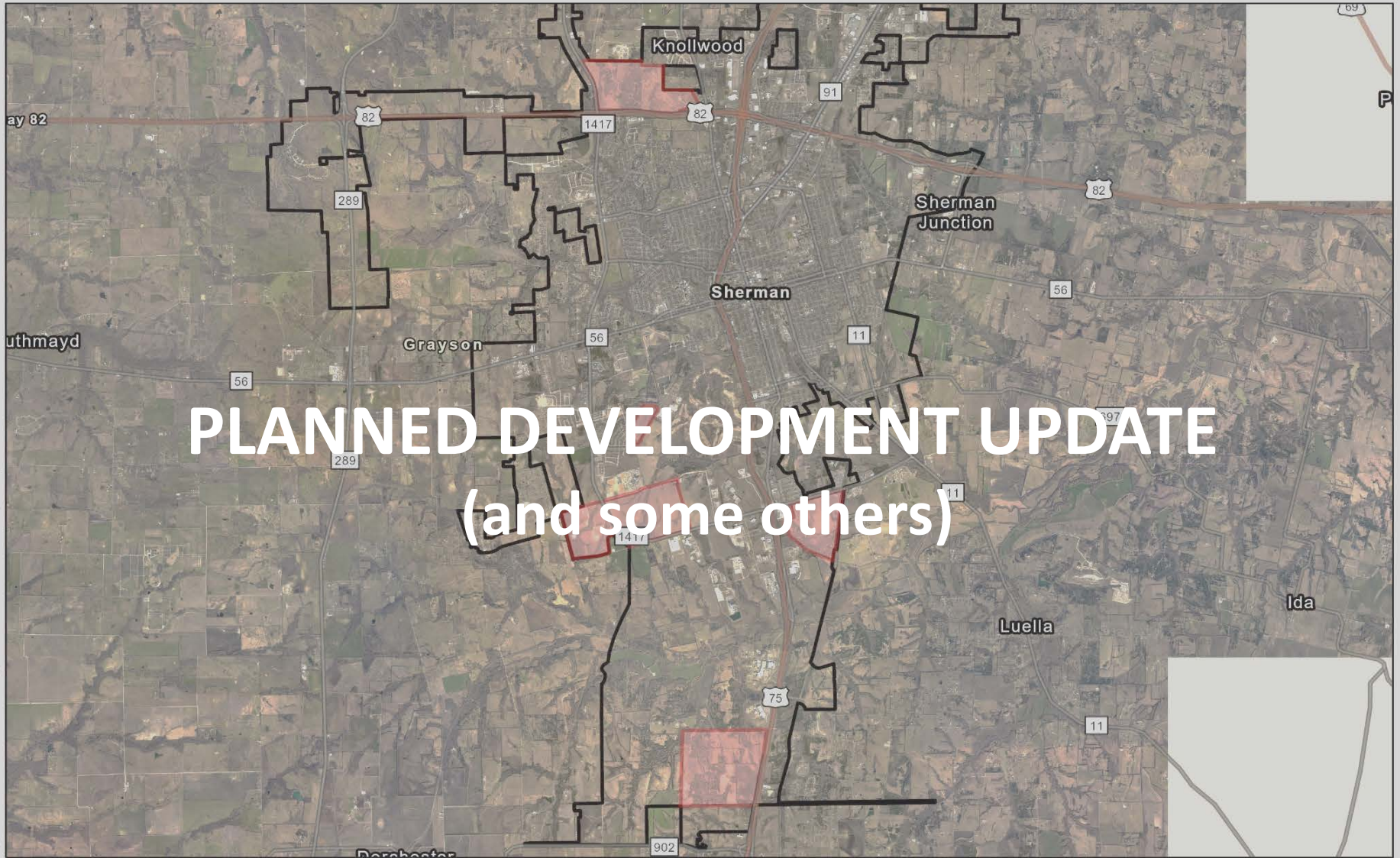
Utility Fund – What Now?

(Glimmers of Hope)

While we have a huge problem, there is hope on the horizon:

- Utility Rate Study to be discussed at Budget Workshop - roadmap regarding future rates
- Planning efforts on “treat-and-transport” opportunities for bulk water sales
 - US75 corridor + SH289 corridor (CGMA customers, Gunter, Marilee)
- Growth in water demand from Sherman customer growth

PLANNED DEVELOPMENT UPDATE (and some others)



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090



WASHINGTON MEADOWS

- Approximately 35 acres, single-family residential only
- Approximately 130 single-family houses
- Estimated Financial Impact
 - \$150k property tax base ongoing (\$30M+ value)
 - \$100k Utility Revenues
 - \$125k Impact Fees (one-time)
 - \$30k Engineering & Inspection Fees (one-time)
- Infrastructure construction began 2Q 2021



BELAIR VILLAGE

- Approximately 280 acres, primarily residential
- Approximately 950 single-family houses
- Approximately 2,000 multi-family units
- Commercial/Retail/Entertainment
- Estimated Financial Impact
 - \$1.8 M annual property tax revenue (\$550M+ value)
 - \$2.1M Utility Revenues - annual
 - \$3.3M Impact Fees (one-time)
 - \$1.2M Engineering & Inspection Fees (one-time)
- Infrastructure construction beginning 2Q 2021



THE GROVE

- Approximately 57 acres, single- and multi-family residential only
- Approximately 190 single-family houses
- Approximately 192 multi-family units
- Estimated Financial Impact
 - \$315k property tax base ongoing (\$45M+ value)
 - \$250k Utility Revenues
 - \$225k Impact Fees (one-time)
 - \$50k Engineering & Inspection Fees (one-time)
- Infrastructure construction beginning 2Q/3Q 2021



HERITAGE RANCH

- Approximately 420 acres, single- and multi-family residential, commercial/retail, office, entertainment
- Approximately 650 single-family houses (170 acres)
- Approximately 950 multi-family units
- Commercial/Retail/Entertainment
- Estimated Financial Impact
 - \$1.5 M property tax revenues - annual (\$300M+ value)
 - \$1.0 M utility revenues - annual
 - \$2.3 M Impact Fees (one-time)
 - \$800k Engineering & Inspection Fees (one-time)
- Infrastructure construction beginning 4Q 2021



SHEPHERD CROSSING

- Approximately 530 acres, single- and multi-family residential, commercial/retail, office, entertainment
- Draft PD plan submitted, P&Z consideration in June
- Infrastructure construction beginning 2022??
- More to come....

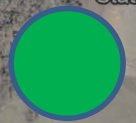


THE VILLAGE

- Approximately 620 acres, single- and multi-family residential, commercial/retail, office, civic, other
- Approximately 320 single-family houses
- Approximately 2,300 multi-family units
- Commercial/Retail/Entertainment
- Infrastructure construction beginning ???



Future Police
Station



Sherman High
School

1417

FM-1417

Shapiro St

W FM-1417

Old Dorchester Rd

Flana

FedEx

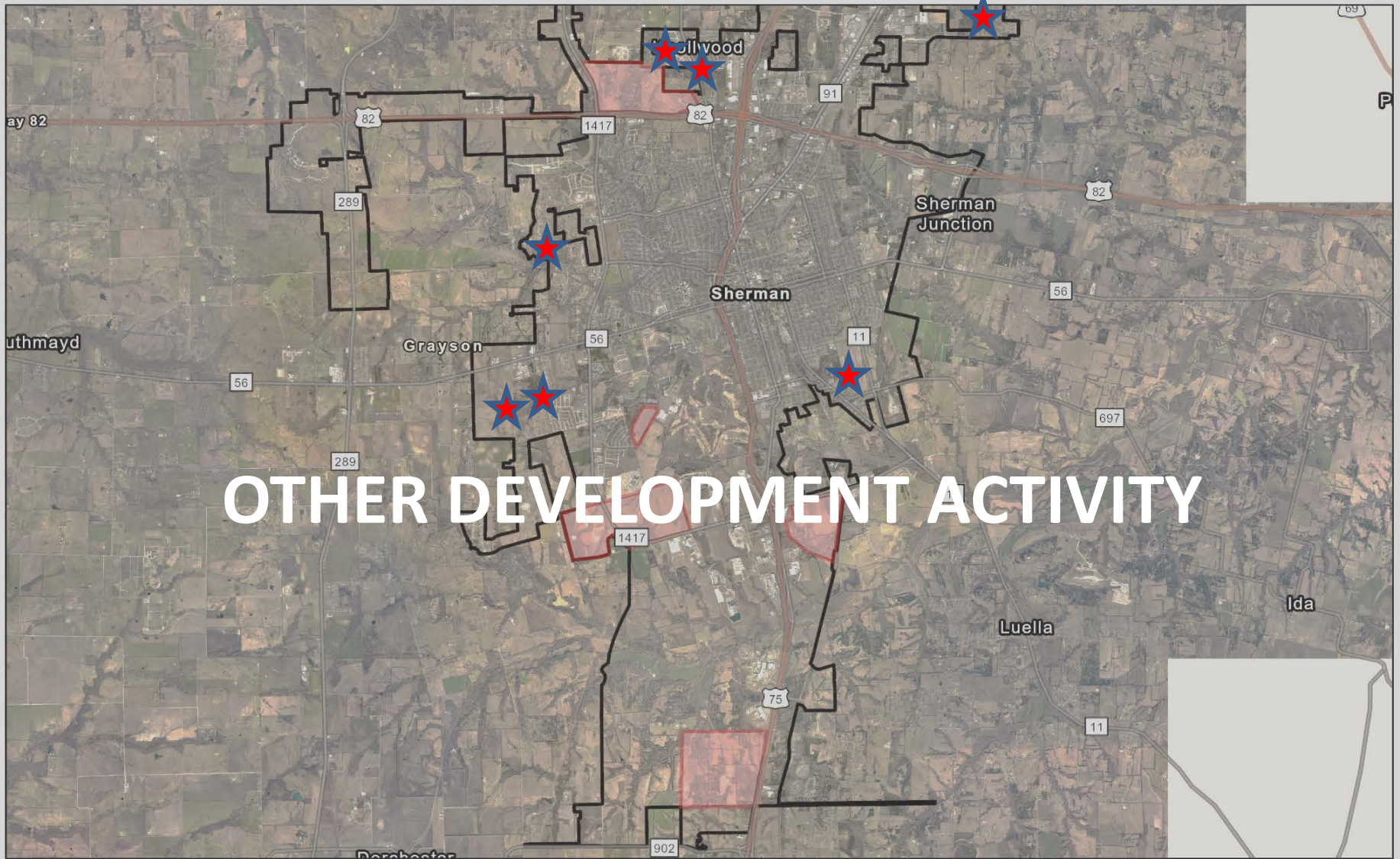
CertainTeed-Insulation/
ST Gobanl

DEVELOPMENT SUMMARY – 2021 Starts

- Approximately 790 acres
- Approximately 1,930 single-family houses
- Approximately 3,000 multi-family units
- Estimated Financial Impact
 - \$3.75 M property tax revenue – annual
 - \$3.45 M utility revenues - annual
 - \$5.95 M impact fees (one-time)
 - \$2.1 M engineering & inspection Fees (one-time)



OTHER DEVELOPMENT ACTIVITY



Financial Impacts of Current Development

Revenues

- Property tax
- Sales tax
- Engineering review and inspection fees
- Building Permits
- Impact Fees

Expenses

- Staffing/third-party contracting



FY2022 Workplan

Workplan Focus for FY2022

- Compensation and Personnel
 - Staff COLA
 - Market adjustments
 - HSA Contribution
 - Hiring in “front-end” departments
- Utility Operations
 - Adopt Rate Study recommendations
 - Build Reserves
 - Rate adjustment to cover operations
 - Continued Utility system planning
- Facilities
 - Police Facilities – Construction of HQ
- CIP/Capital Expenses
 - 2021 CO bond package program

Workplan Focus for FY2022

- Growth and Development
 - Bel Air
 - Sherman Crossroads
 - Heritage Ranch
 - Shepherd Crossing
 - Non-PD – Grove, Washington Meadows, Preserve Phase 3, etc.
- Continued focus on taking care of what we have
- Staffing considerations
 - Engineering
 - Planning and Inspections
 - Other??

Financial Focus for FY2022 Budget

Financial Projections

- General Fund

- Expect property tax values to be up at least **\$150 million** for increased values + new property added = **\$730 K** revenues
- Expect sales tax revenues to be up at least \$450k - \$500k for growth in base
- Impact Fees, Engineering review fees, building permits
- Group health costs stabilized

- Utility Fund

- Likely rate adjustment needed

- Solid Waste Fund

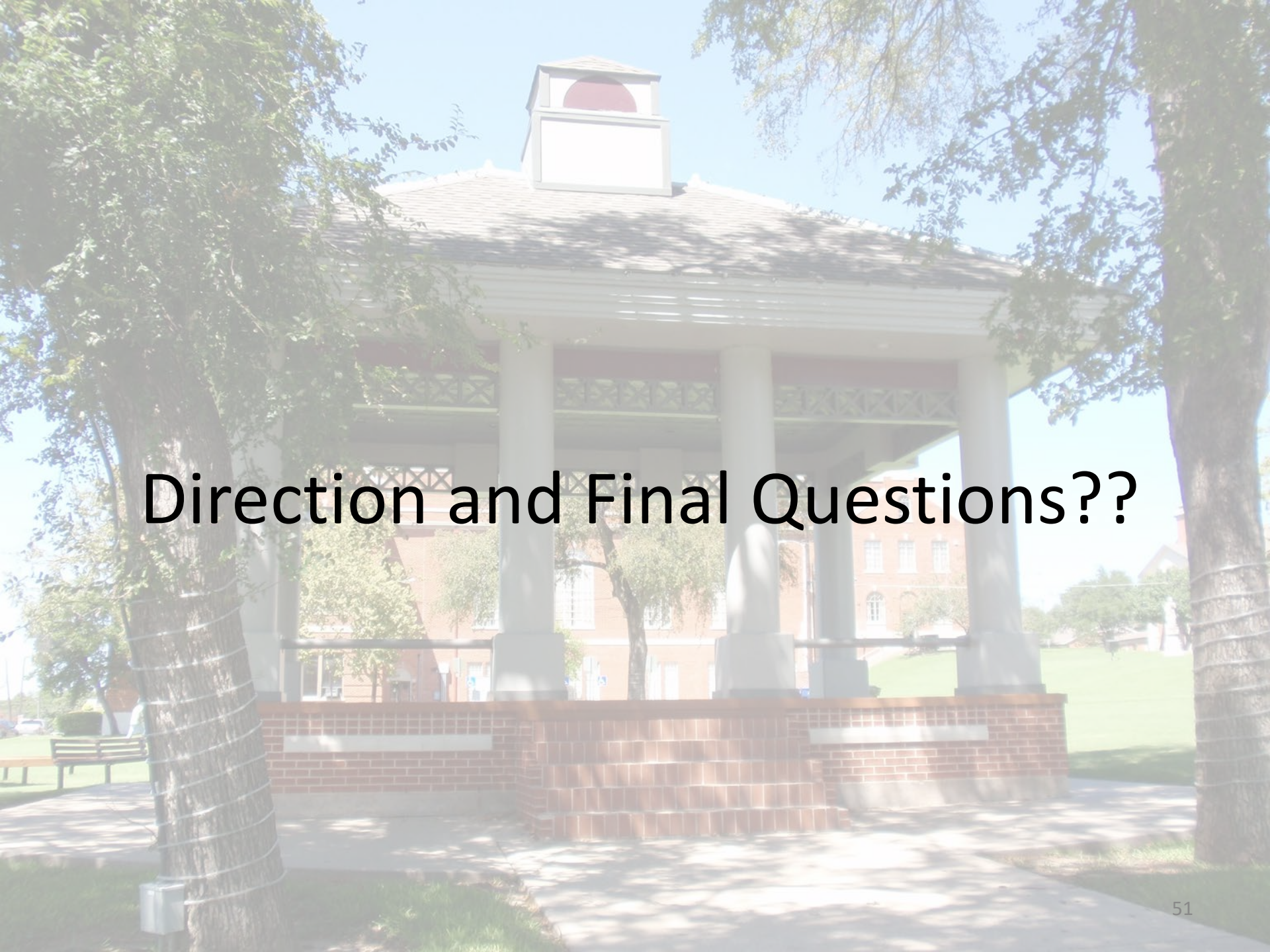
- Keep pushing TASWA on annual equity distribution

Expected Rates and Fees – FY2022

- Property Tax Rates
 - No increase in A/V Tax rates
- Utility Rates
 - Rate change based on Rate Study
- Solid Waste Rates
 - No expected rate changes

What we need

- Council support for focus on planning & development activities, especially residential + Planned Developments
 - Staffing + possible outsourcing for engineering and development services
- Council support for addressing issues in the Utility Fund



Direction and Final Questions??

ALL OF LOTS 10, 11 & 12 IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 2200 NORTH HICKORY STREET, BEING 0.520 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOT 9 AND ALL OF LOTS 10, 11 AND 12, BLOCK 3 OF THE REPLAT OF SHANNON HEIGHTS ADDITION LOTS 10R AND 12R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12 (STEADMAN INVESTMENTS, OWNER; AND PRESTON TRAIL LAND SURVEYING, LLC, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Rob Ray, Director of Development Services, said this item is for a Specific Use Permit at 2200 North Hickory Street. The owner would like to plat the lot into two lots. The existing home on the corner would remain and a 2,600 square foot duplex would be built on the other lot. Each unit would have three bedrooms and a garage.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6378.

Mayor Plyler introduced Ordinance No. 6379 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CARWASH (WASH MASTERS CARWASH) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 3100 NORTH U.S. HIGHWAY 75, BEING LOT 1, K SEVEN CORNER (VICTRON STORES, LP, OWNER; KOFI ADDO, BOWMAN CONSULTING, REPRESENTATIVE; AND MERRIMAN ANDERSON, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6379
SUP FOR CARWASH
3100 N. HWY 75

Mr. Rae said this item is for a Specific Use Permit for a carwash. The owner would like to demolish a gas station and build a full service carwash.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6379.

Mayor Plyler introduced Ordinance No. 6380 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE

ORD 6380
SUP FOR CARWASH
6121 N. HWY 75

PERMIT TO ALLOW A CARWASH IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT/O-1.3 (FM HIGHWAY 691) OVERLAY DISTRICT AT 6121 NORTH U.S. HIGHWAY 75, BEING LOT 2R, REPLAT LOTS 2 AND 3, BLOCK A, DR. SWAMY ADDITION (SAAD HASSAN, OWNER; SUNSHINE SUPER CENTER, TENANT; SERGIO LOPEZ, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Mr. Rae said this Specific Use Permit is for a carwash. The applicant originally presented his Site Plan in 2019 for approval without the carwash. When they decided to add the carwash, they had to come back to the Planning and Zoning Commission for another Site Plan approval, because it now included a Specific Use Permit for the carwash.

The applicant is requesting the driveway on FM 691, as he did in his request in 2019. The driveway was not allowed in either request. The staff is working with the developer to get a Traffic Impact Analysis completed to see if there is anything that can be done to allow the driveway.

Mayor Plyler clarified that, to approve the Specific Use Permit, the Council would not be approving the driveway.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

Saad Hassan, 201 S. Dewey

Mr. Hassan appeared representing the request for the Specific Use Permit for a carwash at 6121 North Hwy 75, and gave a history of his father's life that led him to Sherman to open this facility. Their first facility in Sherman is at 201 South Dewey Avenue.

He outlined the services that would be offered by the proposed gas station and carwash. Mayor Plyler asked specifically about the carwash, which was the subject of the request for the Specific Use Permit.

Mr. Hassan said the carwash will be state of the art and will process one car every three minutes. The carwash cost \$1 million.

No other citizens appeared before the City Council to discuss Ordinance No. 6380.

Mayor Plyler introduced Ordinance No. 6381 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW OUTDOOR DISPLAYS IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT

ORD 6381
SUP FOR OUTDOOR
DISPLAYS
2801 N. HWY 75

2801 NORTH U.S. HIGHWAY 75, BEING LOTS 3 AND 4, TEXOMA CROSSING (TEACHERS RETIREMENT SYSTEM OF KENTUCKY, OWNER; LOWE'S HOME IMPROVEMENT, TENANT; KYLE HYMEL, DUPLANTIS DESIGN GROUP, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00

Mr. Rae said this item is for a Specific Use Permit for the outdoor displays in the Lowe's parking lot, and is a condition of their canopy project. Part of that project was to come into compliance with their outdoor displays.

The Board of Adjustments granted an exception at their last meeting for a natural landscape screen. The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

Mitchell Maire, 225 Friendship Road

Mr. Maire said the plan is to have a more visually attractive screen on the Hwy 75 and Hwy 82 side of the facility, rather than have a solid structure. The screen will incorporate trees and ornamentals.

Peter Tracy, 705 S. Valentine

Mr. Tracy said they are asking for a hedge on the north side of the building and they currently have one on the east side of the building. He expressed concern that the current hedge was not being maintained and he asked how they would maintain the new hedge if they didn't maintain the older hedge.

No other citizens appeared before the City Council to discuss Ordinance No. 6381.

Mayor Plyler introduced Ordinance No. 6382 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 208 AND 212 EAST CHERRY STREET, BEING 0.154 ACRES OF LAND IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (THE CUNNINGHAM FAMILY TRUST, LTD I, OWNER; LUIS MORAN, REPRESENTATIVE, AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6382
ZONE CHANGE
208 & 212 E. CHERRY

Mr. Rae said this item is to rezone the property to Multi-Family Residential. The owner would like to build a duplex on the property.

The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

COUNCIL MINUTES – MAY 17, 2021

No citizens appeared before the City Council to discuss Ordinance No. 6382.

Mayor Plyler introduced Ordinance No. 6383 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 500 BLOCK OF NORTH MONTGOMERY STREET, BEING 0.430 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 2 & 3, BLOCK 11, G.W. BOND'S SUPPLEMENT NO. 2 (POLAR STAR LODGE #33, OWNER; LEAFY GODDESS VENTURE, DEVELOPER; JAQUITA L. EDWARDS, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR). PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 6383
ZONE CHANGE
500 BLOCK OF
N. MONTGOMERY**

Mr. Rae said this item is for a Zone Change, from R-1 to R-2 in the 500 block of North Montgomery Street. The applicant would like to build four townhome units. The Planning and Zoning Commission recommended approval of the Zone Change, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6383.

Mayor Plyler introduced Ordinance No. 6384 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES (GENERAL PROVISIONS), ARTICLE 1.12 PUBLIC LIBRARY), DIVISION 2 (LIBRARY BOARD), SECTION 1.12.031 (ESTABLISHED; COMPOSITION; QUALIFICATION OF MEMBERS) TO ELIMINATE RESIDENT OF THE CITY DESIGNATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES.

**ORD 6384
LIBRARY ADVISORY
BOARD**

Mr. Hefton said this change is in response to a Council discussion at the last meeting about removing the residency requirement for members of the Sherman Library Advisory Board.

No citizens appeared before the City Council to discuss Ordinance No. 6384.

Mayor Plyler introduced Ordinance No. 6385 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED "ZONING ORDINANCE", ARTICLE 14.04, ENTITLED "GENERAL ZONING ORDINANCE", AT EXHIBIT A, ENTITLED "GENERAL ZONING ORDINANCE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; MODIFYING CERTAIN REGULATIONS RELATING TO THE SCHEDULE OF DISTRICT REGULATIONS,

**ORD 6385
UPDATE OF
ZONING ORDINANCE**

SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS, ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS AND SPECIFIC USE PERMITS, PENALTIES FOR VIOLATION, DEFINITIONS, AND THE MATRIX OF PERMITTED USES; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Mr. Rae said, at the last Council Meeting, he presented a primer on the changes that would be submitted today for their consideration for the public hearing for the Zoning Ordinance update.

He outlined the proposed changes to the Zoning Ordinance, saying that the purpose of the ordinance is to promote the health, safety, and general welfare of the City; to lessen congestion on the street, secure safety from fire and other dangers; and to encourage the most appropriate use of land in accordance with the City's Comprehensive Master Plan.

Changes also include an update of the Patio Home Ordinance, as was directed by the City Council and reviewed by the Planning and Zoning Commission.

Recommendations for the Patio Home Ordinance were for it to remain as a Specific Use Permit, but to add the following requirements:

- Maximum lot width of 50' (55' on corner lots)
- Maximum living area of 2,500 ft²
- Open space requirement
 - Developments with 25-49 patio homes will be required to provide 5% open space
 - Developments with 50 or more will still be required to provide 10% open space
 - Added language to include multiple phases of development will be required to provide open space
- No duplex's or two-family dwellings permitted in the Patio Home Ordinance

Mr. Rae addressed proposed changes to the Fence Ordinance, which are really for single-family. An 8' fence would be allowed on the side and rear yards, and the front yard would be restricted to a 4' ornamental fence.

For sight distance, no fence or hedge would be located within 25' of the intersection of two street lines, or within 10' of the intersection of a street and an alley. Any variances to the sight distance would be approved by the City Engineer.

On the multi-family perimeter fence, the recommendation is for a 6' masonry or wrought iron, with masonry columns, the columns should be separated at 24' on the property line facing public streets, and 32' on other property lines.

Mr. Rae also addressed other administrative and “clean-up” changes for the remainder of the ordinance.

No citizens appeared before the City Council to discuss Ordinance No. 6385.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6378

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON LOT 10R, BLOCK 3 OF THE PROPOSED REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 10R AND 12R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12 IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 2200 NORTH HICKORY STREET, BEING 0.520 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOT 9 AND ALL OF LOTS 10, 11 AND 12, BLOCK 3 OF THE REPLAT OF SHANNON HEIGHTS ADDITION LOTS 10R AND 12 R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12 (STEADMAN INVESTMENTS, OWNER; AND PRESTON TRAIL LAND SURVEYING, LLC, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6378
SUP FOR DUPLEX
2200 N. HICKORY

Council Member Teamann asked if they proposed to close Hickory Street. Mr. Rae said the duplex would be to the north of the existing house. There are plans to tear down the structure that is in the middle of the lot.

Council Member Teamann verified that the main access point to the house will be off Hickory Street.

Council Member Howeth verified that the duplex would have three bedrooms and two baths, per side.

Ordinance 6379

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CARWASH (WASH MASTERS CARWASH) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 3100 NORTH U.S. HIGHWAY 75, BEING LOT 1, K SEVEN CORNER (VICTRON STORES, LP, OWNER; KOFI ADDO, BOWMAN CONSULTING, REPRESENTATIVE; AND MERRIMAN ANDERSON, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6379
SUP FOR CARWASH
3100 N. HWY 75

Council Member Melton expressed her concern about traffic if the carwash is open and the gas station is torn down. She said it's not going to be like the one currently located there, but more like one in McKinney, Texas, with canopies and an attendant taking money.

Kofi Addo, 4800 Slide Rock Ct., Mansfield, Texas

Mr. Addo addressed her concerns saying there would be a person collecting money, but there would not be a lot of employees. The vehicle just "goes through."

Ordinance 6380

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CARWASH IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT/O-1.3 (FM HIGHWAY 691) OVERLAY DISTRICT AT 6121 NORTH U.S. HIGHWAY 75, BEING LOT 2R, REPLAT LOTS 2 AND 3, BLOCK A, DR. SWAMY ADDITION (SAAD HASSAN, OWNER; SUNSHINE SUPER CENTER, TENANT; SERGIO LOPEZ, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6380
SUP FOR CARWASH
6121 N. HWY 75

Council Member Melton asked what happened to their gas station on Dewey Street. Mr. Hassan said it was still there and still under the same ownership. Deputy Mayor Holland clarified that their gas station is the one on the corner of Dewey and Lamar Streets. There is another gas station nearby that is closed.

Ordinance 6381

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW OUTDOOR DISPLAYS IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 2801 NORTH U.S. HIGHWAY 75, BEING LOTS 3 AND 4, TEXOMA CROSSING (TEACHERS RETIREMENT SYSTEM OF KENTUCKY, OWNER; LOWE'S HOME IMPROVEMENT, TENANT; KYLE HYMEL, DUPLANTIS DESIGN GROUP, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00

ORD 6381
SUP FOR OUTDOOR
DISPLAYS
2801 N. HWY 75

Council Member Melton said she had "mixed thoughts" on this request because Lowe's is trying to do what's right. She said it's already hard to pull out of the Lowe's parking lot because it's hard to see around the shrubs.

Council Member Stevenson said the traffic is congested because of the construction.

COUNCIL MINUTES – MAY 17, 2021

Council Member Steele asked if the outdoor screening was only going to be along US Hwy 82. He also asked about the outdoor storage areas and asked if they would still be in the parking lot.

Mr. Rae said the only screening that was approved was for the line along the Hwy 82 Frontage, from the existing strip commercial, and where the storage containers are currently located, also facing the Frontage Road.

The other portions of the outdoor storage were already screened by existing buildings and the other retail businesses.

Council Member Steele asked if the trailers on the south end would be moved. Mr. Rae said, as per the Specific Use Permit, they would be required to locate all that outdoor storage in the designated area.

Council Member Teamann asked about the storage on the north side for the plants, that is behind the chain link fence. Mr. Rae said that is not part of the “outdoor storage” that they are applying for with the Specific Use Permit. He said that would be conforming, as well.

Council Member Steele asked what the requirements were for outdoor screening with vegetation. Mr. Rae said the requirements for natural screening in the ordinance are 60% coverage with natural screening, and it has to be alive. The height can be no higher than 10 feet. Mr. Rae said they are proposing more than 60%.

Council Member Steele said Lowe’s uses a lot of their parking area for outdoor displays, and he was surprised that they met the requirement for parking spaces with so much used.

Mr. Rae verified that anything that is not located in the designated outdoor display area would be nonconforming.

Council Member Teamann expressed concern about additional trash because of the outdoor storage area. Mr. Rae said the general code would apply, but the Council could add specific requirements to the Specific Use Permit if they wanted too. Council Member Teamann felt that might need to be considered in the future.

Council Member Howeth said Lowe’s is not the only store with outdoor storage that concerns them. They want stores to have a nice aesthetic look. She said if they “curved” the plants on the end it might help visibility for drivers.

Council Member Teamann confirmed that there is a list of approved trees listed in the City’s ordinance.

Ordinance 6382

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-

ORD 6382

**ZONE CHANGE
208 & 212 E. CHERRY**

2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 208 AND 212 EAST CHERRY STREET, BEING 0.154 ACRES OF LAND IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (THE CUNNINGHAM FAMILY TRUST, LTD I, OWNER; LUIS MORAN, REPRESENTATIVE, AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Council Member Melton said she thought the Council didn't want to have a front yard as a driveway. She said that's a narrow street and there is another duplex next door. She didn't like the idea of a front yard that was entirely concrete.

Mr. Rae said this applicant also did the duplex to the east of this one, and the full front yard is concrete. The existing duplex did not include a garage, but this duplex includes a one-car garage for each unit. Therefore there would be two front spaces that are concrete, not three.

Ordinance 6383

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 500 BLOCK OF NORTH MONTGOMERY STREET, BEING 0.430 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 2 & 3, BLOCK 11, G.W. BOND'S SUPPLEMENT NO. 2 (POLAR STAR LODGE #33, OWNER; LEAFY GODDESS VENTURE, DEVELOPER; JAQUITA L. EDWARDS, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR). PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6383
ZONE CHANGE
500 BLOCK OF
N. MONTGOMERY

Ordinance 6384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES (GENERAL PROVISIONS), ARTICLE 1.12 PUBLIC LIBRARY), DIVISION 2 (LIBRARY BOARD), SECTION 1.12.031 (ESTABLISHED; COMPOSITION; QUALIFICATION OF MEMBERS) TO ELIMINATE RESIDENT OF THE CITY DESIGNATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES.

ORD 6384
LIBRARY ADVISORY
BOARD

Council Member Steele felt someone serving on the Library Board should be a citizen of Sherman. He confirmed that removing that designation would allow anyone, from anywhere to serve on the Library Board.

Mr. Hefton said anyone applying would still need to complete an application. This particular board is advisory only so the decisions it makes aren't binding on the Council. They are volunteers that have the best interest of the Library in mind.

He added that the staff would rather have someone interested in serving, regardless of their residency, as long as it's not a board that has authority to make decisions that bind.

Boards that have the authority to make decisions that bind, such as the Planning and Zoning Commission or the Sherman Economic Development Corporation, still have a residency requirement.

He said the level and function of this board, allowed membership to be a little more flexible. There was also only one application for service on this board.

Ordinance 6385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED “ZONING ORDINANCE”, ARTICLE 14.04, ENTITLED “GENERAL ZONING ORDINANCE”, AT EXHIBIT A, ENTITLED “GENERAL ZONING ORDINANCE”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; MODIFYING CERTAIN REGULATIONS RELATING TO THE SCHEDULE OF DISTRICT REGULATIONS, SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS, ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS AND SPECIFIC USE PERMITS, PENALTIES FOR VIOLATION, DEFINITIONS, AND THE MATRIX OF PERMITTED USES; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6385
UPDATE OF
ZONING ORDINANCE

Council Member Melton read a statement from a citizen concerning the reference to portable storage. This citizen had a “lot line” property that did not have room to drop a storage container on. They asked if it could be placed on adjacent property for those that had lot line property or no room for the storage container, in downtown Sherman.

Mr. Rae said the Board of Adjustments would probably be able to address that situation on a case-by-case basis, without changing the zoning ordinance. This could be done as part of the Temporary Use Permit.

Council Member Melton was still concerned that the request would need to go to the Planning and Zoning Commission and that would take additional time.

Currently, a storage container needs a Specific Use Permit, so by changing to a Temporary Use Permit, that reduces the amount of time it takes to obtain the permission.

Council Member Melton wanted to make it easier for the citizen to get the container, rather than harder, and didn’t want them to have to take the issue to the Planning and Zoning Commission Meeting.

Mayor Plyler said there was a “carve out” for a temporary container, and it doesn’t say it couldn’t be set on an adjacent property with that property owner’s permission.

Mr. Rae said one condition they added is that if they have an active building permit, they can have a storage container. However, administratively, if they had a building permit, but put the storage container on an adjacent lot, they would probably be advised to go before the Planning and Zoning Commission to obtain a Temporary Use Permit.

Council Member Melton said that was “time consuming” and did not want them to have to do that. She felt that was a discussion for the future, however it is tied to the permit.

Council Member Teamann clarified that the proposed ordinance struck the 6,000 square foot minimum lot line, but Mr. Rae said it was only struck in that location because it wasn’t consistent with the location in the ordinance. The requirement stands, but is located in a different section of the ordinance.

Council Member Teamann also asked about striking welding, fabrication, and metal working from M-2 and locating it under a different designation. Mr. Rae said it was a clarification of the M-2 designation, and was just cleaning-up the ordinance. They would still be allowed to do that.

Council Member Melton said the Planning and Zoning Commission discussed greenspace and was concerned that developers would do a smaller development so they didn’t have to comply with the greenspace requirement. She asked if the Council should reconsider that issue.

Council Member Stevenson didn’t feel that the greenspace requirement would be detrimental to developers or cause them not to develop in Sherman. Council Member Stevenson said there are “economies of scale” but there are still plenty of things to encourage them to build.

Mr. Philpott said that issue could still be addressed when they apply for a Specific Use Permit and they could be asked if they were trying to “skirt” the City’s ordinance.

Council Member Teamann said he still wanted to look at the smaller standard lot, with a smaller setback, that allows a larger home.

Mr. Rae said he would present a plan to update that issue at the Budget Workshop.

ACTION TAKEN.

Motion by Council Member Melton to adopt Ordinance Nos. 6378, 6379, 6380, 6381, 6382, 6383, 6384, and 6385, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6738 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE NORTHWEST SEWER AND FORCE MAIN

**RES 6738
NORTHWEST SEWER
& FORCE MAIN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE NORTHWEST SEWER AND FORCE MAIN.

Tom Pruitt, Utility Engineer, said they received 13 bids for the Northwest Sewer and Force Main Project, with the low bid being from Lynn Vessels Construction. Funding is available through the Greater Texoma Utility Authority debt issues and they will contract with the construction company.

The low bid was \$1,623,996, which was under the \$2 million budget. They will also receive a \$15,000 deduct, since the contractor was also the low bid on the Lift Station Project, making the actual contract \$1,608,996.

The 365 day project will serve the upper Harris Creek area, and will include the Preston Club Subdivision.

Council Member Teamann confirmed that the timeline for the project is 365 days, and will start when the contracts are executed. Because of the current volatile price of supplies, they need to get the contract underway as quickly as possible.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6738, as presented. Second by Council Member Holland. VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6739 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE NORTHWEST LIFT STATION CONSTRUCTION

**RES 6739
NORTHWEST LIFT
STATION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE NORTHWEST LIFT STATION CONSTRUCTION.

Mr. Pruitt said they received seven bids for the Northwest Lift Station project, with the low bidder being Lynn Vessels Construction. Their bid was \$735,517. The project is expected to take 300 days to complete, and once completed will serve the Preston Club area.

Once the project is completed, the existing lift station and treatment plant will be abandoned.

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Mayor Plyler confirmed that the budget for the project was \$762,000. This is also a GTUA project.

ACTION TAKEN.

Motion by Council Member Melton to adopt Resolution No. 6739, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6740 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT WITH PIAZZA CONSTRUCTION, LLC FOR THE WWTP OPERATION BUILDING ADDITION & REMODEL

**RES 6740
WWTP OPERATION
BUILDING ADDITION
& REMODEL**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT WITH PIAZZA CONSTRUCTION, LLC FOR THE WWTP OPERATIONS BUILDING ADDITION & REMODEL.

Mr. Pruitt said they received two responsive bidders for the Wastewater Treatment Plant Operation Building Addition and Remodel Project. The low bidder was Piazza Construction, with a bid of \$1.258 million. There was a separation of \$38,557, or 3%, between the two bidders.

This is the fourth project of six at the Wastewater Treatment Plant, in the 2020 Texas Water Development Board Clean Water State Revolving Fund Act. The project was a \$13.5 million loan project.

So far, the City has undertaken \$7.836 million in projects, which is 60.5% of the overall projects. Currently the City is 5.3% under budget, which is \$694,000.

This project should be complete in 330 days, and will include a new lab, office, storage space, and control building.

Council Member Melton confirmed that the contractor wanted to get approval immediately and delay construction until January 2021.

Mr. Pruitt said the contractor did have that stipulation in his bid, but funding is through the Water Development Board, which typically takes between 30 and 60 days to execute the contract. If contracts are awarded today, he said it would probably be in January 2022 anyway, by the time the materials are ordered.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6740, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

SITE PLAN APPROVAL AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2)(J) AND (2)(G)(2) AND ORDINANCE NO. 2280, SECTION 6.8.4, SUBSECTION (7) FOR A TACO BELL RESTAURANT WITH DRIVE THRU AND OUTDOOR DINING WITH A 30' SETBACK FROM THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 55.7' IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT AT 3310 SOUTH U.S. HIGHWAY 75

APPROVE SITE PLAN
& VARIANCE
TACO BELL
3310 S. HWY 75

Mr. Rae said this is a Site Plan approval and a Variance for a Taco Bell Restaurant in Crossroads. In the Blalock Industrial Park, any Site Plans or Variances must be approved by the City Council.

They are asking for a Variance of 30' on the south property line, in lieu of the required 55.7', which is required on all sides.

The Planning and Zoning Commission recommended approval of the Site Plan and the Variance.

Council Member Melton verified that the setback is so large because it is located in the industrial zone. Mr. Rae said all the parcels have the same setback requirement, and Panda Express also received the same Variance.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Site Plan and Variance for a Taco Bell Restaurant with drive thru and outdoor dining, with a 30' setback in lieu of the required 55.7' in the Blalock Industrial Park/Blalock Commercial Overlay District, at 3310 South Hwy 75, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF LOTS 1 AND 3 AND A PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION, BEING ALL OF LOTS 1 & 3, AND A PART OF LOT 5, BLOCK 3, ROBERT A. KING'S ADDITION; WALTER VENTURA, OWNER AND HELVEY-WAGNER SURVEYING, SURVEYOR (702 & 708 S. MONTGOMERY STREET)

APPROVE REPLAT
ROBERT A. KING'S
ADDITION
(702 & 708 S.
MONTGOMERY)
DENIED

Mr. Rae said this Replat was not on the Consent Agenda because of some potential issues that concerned the staff. The applicant would like to subdivide the two lots into three lots. The third lot would be in back of the two lots and would face Wells Street.

He said Wells was a platted alley. It is a front facing street with no more than 12' of asphalt. The staff is recommending denial of the Plat, due to safety factors.

Walter Ventura, 708 S. Montgomery

Mr. Ventura said he purchased the property several years ago and there was a duplex at 708, as well as property behind 702.

The City worked with him to remove the structures. He worked with the surveyor to determine a way to build residential homes. He previously talked with the Fire Marshal about access for a fire truck, and the Utility Department about water lines, and felt like he addressed those issues.

Council Member Teamann said Wells Street is like an alley, and the City has abandoned many of them. Mr. Hefton said the issue is trash trucks, fire trucks, and an alley that was never meant to be a street, and was not built to the standards of a street. For those reasons, the staff doesn't feel like it's safe to have a house that fronts on Wells Street. He added that it was okay to front on Montgomery Street.

Council Member Stevenson verified that the easement is about 20 feet, but the pavement is only about 12 feet. He asked if those types of streets could be identified and addressed through a single ordinance. Mr. Hefton said part of the problem is that many of those alleys are signed, as if they are streets. But they're not wide enough to meet the standards for safety and emergency response. The staff is talking about ways to clean up this type of issue.

Council Member Teamann said the Council just passed a Patio Home Ordinance that might allow three homes on the property that all face Montgomery Street. Council Member Melton asked Mr. Ventura if he was open to other ideas, and he indicated that he was. He verified that he would have to start the process again, but was told that the City would work with him.

ACTION TAKEN.

Motion by Council Member Melton to deny the Replat of Lots 1 and 3, and a part of Lot 5, Block 3, Robert A. King's Addition, located at 702 and 708 South Montgomery Street, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED TO DENY REQUEST.

PROVIDE AN UPDATE ON HIGHWAY U.S. 75 CONSTRUCTION

Mr. Philpott updated Council Members on upcoming closures on the Hwy 75 construction project. He said two to three weeks ago, Center Street was closed to divert the main lane traffic off the highway, onto the Frontage Road. There is a concrete barrier separating the main traffic from frontage road traffic. It is anticipated that both northbound and southbound traffic will have the same thing happen. This will allow a quicker completion date for the contractor.

**HWY 75
CONSTRUCTION
UPDATE**

He said, last week, the staff received an email saying they would do the same thing on Washington Street. They also indicated that Washington Street would be closed for 14 months. He said this will be a difficult situation. They have discussed signal timing with the Texas Department of Transportation.

Mr. Philpott said Washington Street will be closed to east-west traffic and Center Street is closed to east-west traffic, there will be very few routes to travel east or west in Sherman. He said Houston and Lamar Streets will stay open, but there will be a lot of backup on those streets.

Mayor Plyler asked them to request that TxDOT open both lanes of Lamar Street. Mr. Philpott said that request has already been made. He plans to talk with them about making the U-turns open, however there is not curb and gutter everywhere, and that might be a safety problem. He said the asphalt they are putting down now is temporary, however “it will get worse, before it gets better.”

He said North Travis Street will stay the same. The reroute for Washington Street will be either north or south, to the next intersection for a U-turn. They are trying to keep the routing within the Frontage Road and on TxDOT property, however citizens have their own routes that they want to take. As traffic backs up, he advised the Council that they might receive complaints.

Mr. Philpott said, once Washington Street is closed, they will remove the remainder of the pedestrian bridge, and start removing the bridges and putting in new bridges and new main lane traffic. After the Washington and Center Street bridges and main lanes are reconstructed, traffic will move onto those and be diverted off of Houston and Lamar, and Park, then at some point, North Travis Street.

He said there is still an expectation that the South Travis Street bridge will be open in August 2021. Both northbound and southbound main lanes are using the new pavement, which allows them to move forward with the next phase of the bridge construction. The bridge itself is also open on the southbound Frontage Road, to travel down South Travis Street.

Mr. Philpott said east-west travel through Sherman will be difficult for the next year and a half.

Council Member Stevenson asked if the temporary signal controllers that are being used have an adjustment. Mr. Philpott said TxDOT has been emailed about the signal adjustments needed.

Council Member Steele asked who pays for all the change orders. Mr. Philpott said the City has not been contacted about the additional costs from the change orders. In the past they have approached the City about the additional costs, for change orders on other projects.

FINAL PLAT APPROVAL OF MORAN ADDITION, PHASE 2, BEING 0.154 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56; THE CUNNINGHAM FAMILY TRUST, LTD I, OWNER; LUIS MORAN, REPRESENTATIVE, AND HELVEY-WAGNER

APPROVE FINAL PLAT
MORAN ADDITION
(208 & 212 E. CHERRY)

SURVEYING, INC., SURVEYOR (208 & 212 EAST CHERRY STREET)

The City Council approved the Final Plat for the Moran Addition, Phase 2, a 0.154 acre tract located at 208 and 212 East Cherry Street. The property is zoned a C-1 (Retail Business) District and the owner would like to plat the property into one lot to build a duplex.

They were also approved for an exception to allow a 59.5 foot wide lot at the April 20, 2021 Planning and Zoning Commission Meeting. Commissioners recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

FINAL PLAT APPROVAL OF LARA SOUTH GRIBBLE ADDITION, BEING 0.246 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963; JOSE AND MARIA LARA, OWNERS AND PRESTON TRAIL LAND SURVEYING, LLC, SURVEYOR (509 S. GRIBBLE STREET)

The City Council approved the Final Plat of the Lara South Gribble Addition, a 0.246 acre tract located at 509 South Gribble Street. The property is zoned an R-1 (One Family Residential) District and the owner would like to plat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE FINAL PLAT
LARA SOUTH GRIBBLE
ADDITION
(509 S. GRIBBLE)

REPLAT APPROVAL OF SHANNON HEIGHTS ADDITION, BLOCK 3, LOTS 10R AND 12R, A REPLAT OF SHANNON HEIGHTS ADDITION, BLOCK 3, PART OF LOT 9 & ALL OF LOTS 10, 11 & 12, BEING 0.520 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOT 9 AND ALL OF LOTS 10, 11 AND 12, BLOCK 3 OF THE REPLAT OF SHANNON HEIGHTS ADDITION; STEADMAN INVESTMENTS, OWNER AND PRESTON TRAIL LAND SURVEYING LLC, SURVEYOR (2200 N. HICKORY STREET)

The City Council approved the Replat of the Shannon Heights Addition, Block 3, Lots 10R and 12R, a 0.520 acre tract located at 2200 North Hickory Street.

The property is zoned an R-1 (One Family Residential) District and the owner would like to replat the property into two lots for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE REPLAT
SHANNON HEIGHTS
ADDITION
(2200 N. HICKORY)

REPLAT APPROVAL OF LUX ON PACIFIC ADDITION, A REPLAT OF LOTS 2 & 3, BLOCK 11, G.W. BOND'S SUPPLEMENT NO. 2, BEING 0.430 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING ALL OF LOTS 2 & 3, BLOCK 11, G.W. BOND'S SUPPLEMENT NO. 2; POLAR STAR LODGE #33, OWNER; LEAFY GODDESS VENTURES, DEVELOPER; JAQUITA

APPROVE REPLAT
LUX ON PACIFIC
ADDITION
(500 BLK. OF
N. MONTGOMERY)

L. EDWARDS, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, SURVEYOR (500 BLK. N. MONTGOMERY STREET)

The City Council approved the Replat of the Lux on Pacific Addition, a 0.430 acre tract located in the 500 block of North Montgomery Street.

The property is zoned an R-1 (One-Family Residential) District and the owner would like to replat the property into one lot for residential development of four townhomes.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF GOODE ADDITION NO. 2 IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 9.355 ACRES IN THE ALFRED HUME SURVEY, ABSTRACT NO. 522; COURTNEY AND JAY GOODE, OWNER AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (2774 PLAINVIEW ROAD IN ETJ)

APPROVE FINAL PLAT
GOODE ADDITION
(2774 PLAINVIEW RD)

The City Council approved the Final Plat of the Goode Addition, a 9.355 acre tract located at 2774 Plainview Road in the City's Extra Territorial Jurisdiction. The owner would like to plat the property into three lots.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE RESERVE AT COUNTRY VILLAGE, BEING 5.14 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; FL COUNTRY VILLAGE, LTD. OWNER; JOE GILBERT, DEVELOPER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (900 SOUTH FM 1417 (HERITAGE PARKWAY))

APPROVE FINAL PLAT
THE RESERVE AT
COUNTRY VILLAGE
(900 S. FM 1417)

The City Council approved the Final Plat of The Reserve at Country Village, a 5.14 acre tract located at 900 South FM 1417.

The property is zoned an R-2 (Multi-Family Residential) District and is located in the O-1.1 (FM 1417) Overlay District. The owner would like to plat the property into one lot for multi-family residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

GROUND'S MAINTENANCE CREWS

Council Member Melton received an email from a citizen complimenting the Grounds Maintenance crew for working hard to get the fields ready for play.

GROUND'S
MAINTENANCE
CREWS

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The Third Thursday Art Walk, sponsored by Sherman Main Street, will be held on May 20, 2021, from 5:00 pm to 8:00 pm. Local artists will display their work at businesses in the downtown area.
- Hot Sumer Nights 2021 will kick off on June 3, 2021, with Cody Canada and Departed.
- “Craft the Night Away” festival will be held on June 19, 2021 and is one of the largest gatherings in downtown Sherman. This year’s event will host a fiddling contest.

ANNOUNCEMENTS

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

TEX. GOV’T CODE § 551.071 --

SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

TEX. GOV’T CODE § 551.072 --

DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV’T CODE § 551.073 --

DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV’T CODE § 551.074 --

DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING

TEX. GOV'T CODE § 551.076 –
DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS
FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR
DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 –
DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY HAS RECEIVED FROM A
BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE
LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH
WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT
NEGOTIATIONS; OR DELIBERATING THE OFFER OF A
FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT
(a) DRAFT MASTER DEVELOPMENT AGREEMENT WITH
HERITAGE RANCH LAND HOLDINGS
(b) SHEPHERD'S PLACE

TEX. GOV'T CODE § 551.089 --
DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS
RELATING TO INFORMATION RESOURCES TECHNOLOGY,
NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT
OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF
SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE OR
SECURITY DEVICES

On Motion duly made and carried, the Open Meeting recessed
and reconvened in Executive Session at 6:17 p.m.

On Motion duly made and carried, the Executive Session
recessed 7:03 p.m. and reconvened in Open Meeting.

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items
discussed in Executive Session.

OPEN MEETING

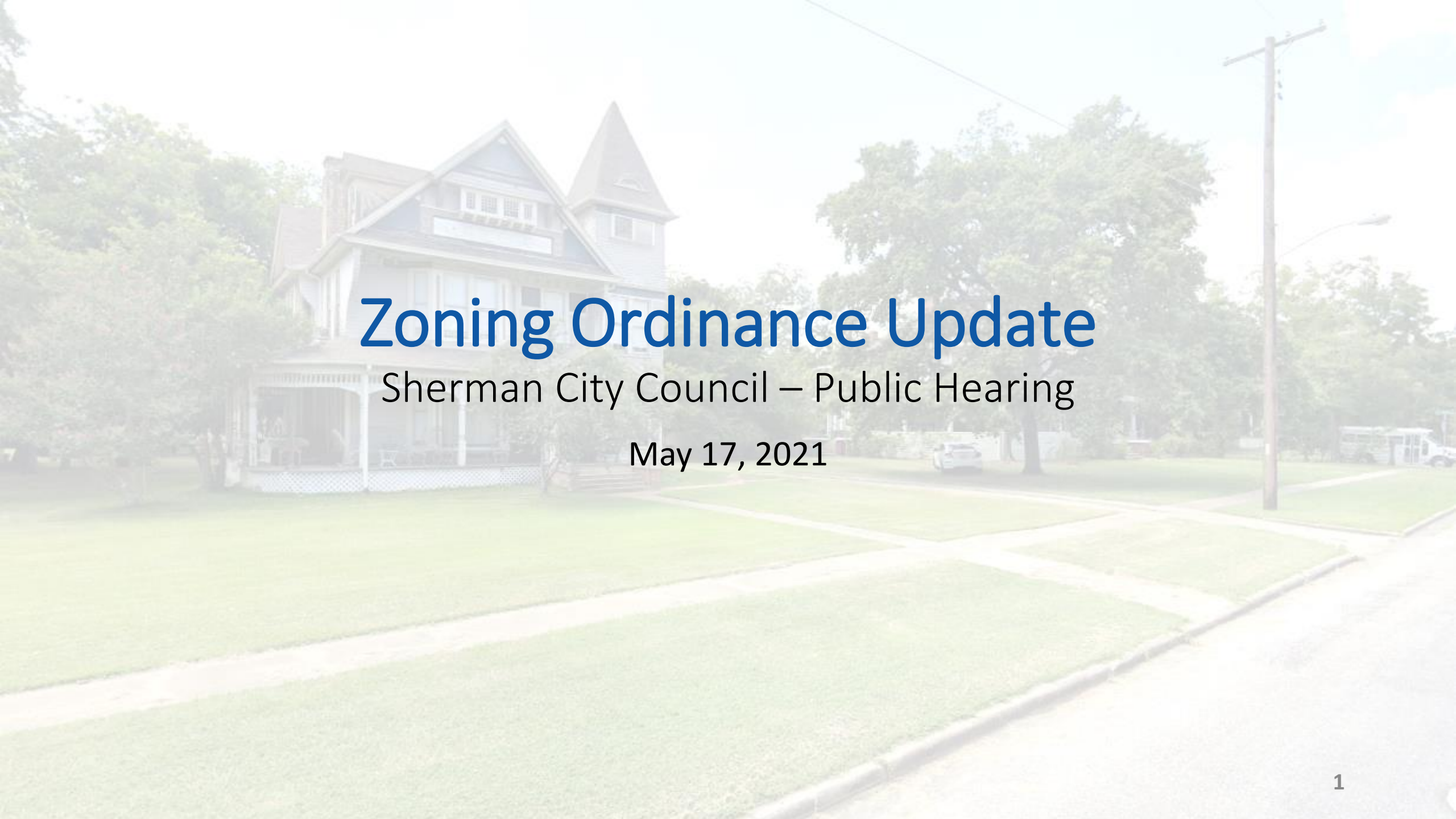
ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
7:05 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



Zoning Ordinance Update

Sherman City Council – Public Hearing

May 17, 2021

Purpose of the Zoning Ordinance

- Promote the health, safety and general welfare of the City of Sherman
- Lessen congestion on street, secure safety from fire and other dangers
- Encouraging the most appropriate use of land in accordance with the Comprehensive Master Plan.



The Preserve – Highland Homes

Patio Home Update

- October 19th, 2020 - City Council directed staff to review to the Patio Home Ordinance.
- November 17th, 2020 - P&Z subcommittee set up to review the Patio Home Ordinance
- March 2nd, 2021 - P&Z subcommittee met to review the ordinance
- April 20, 2021 - P&Z approved a motion to recommend the draft zoning ordinance with changes
- May 3, 2021 – Council presentation to introduce the recommended updates to the Zoning Ordinance

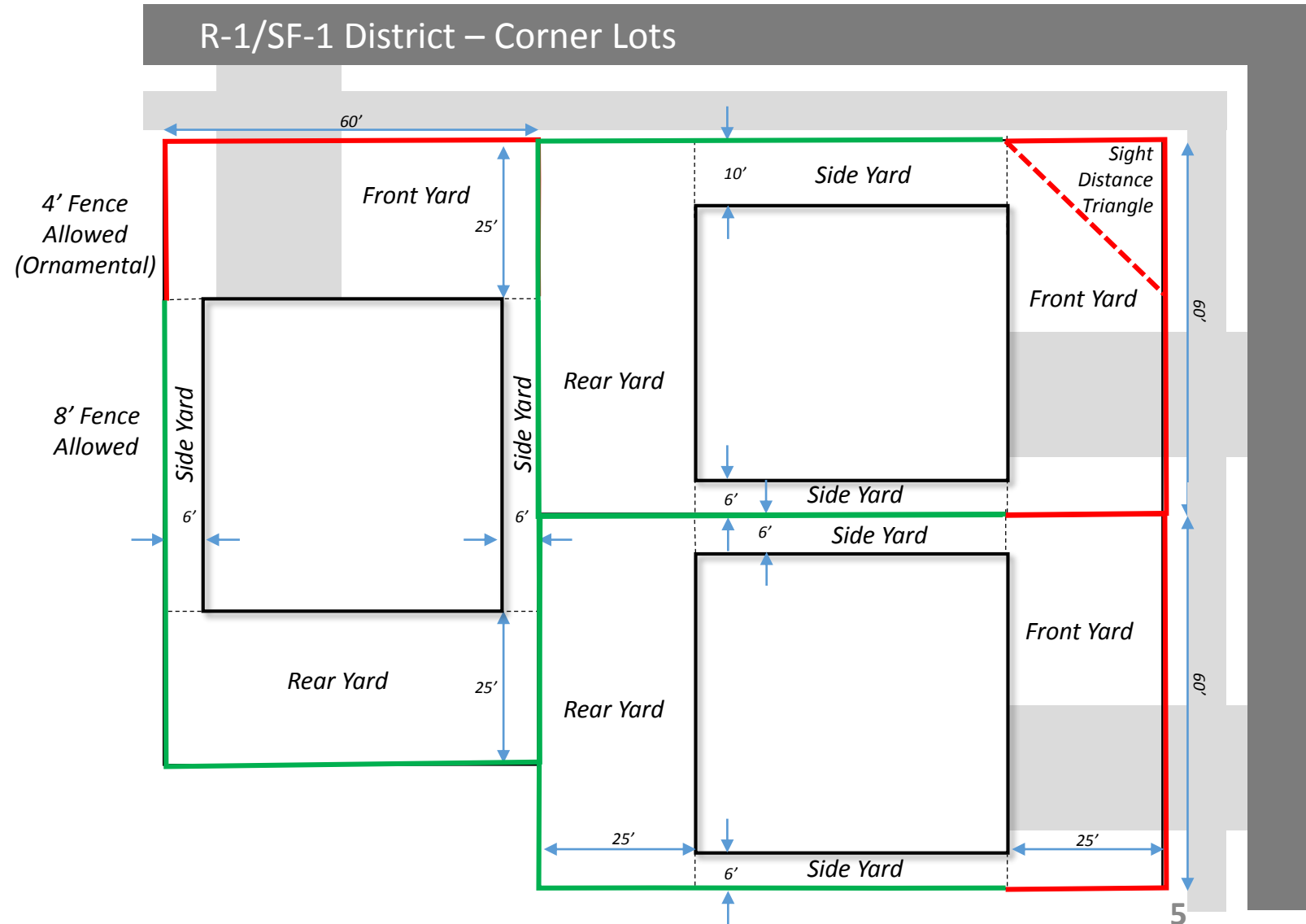
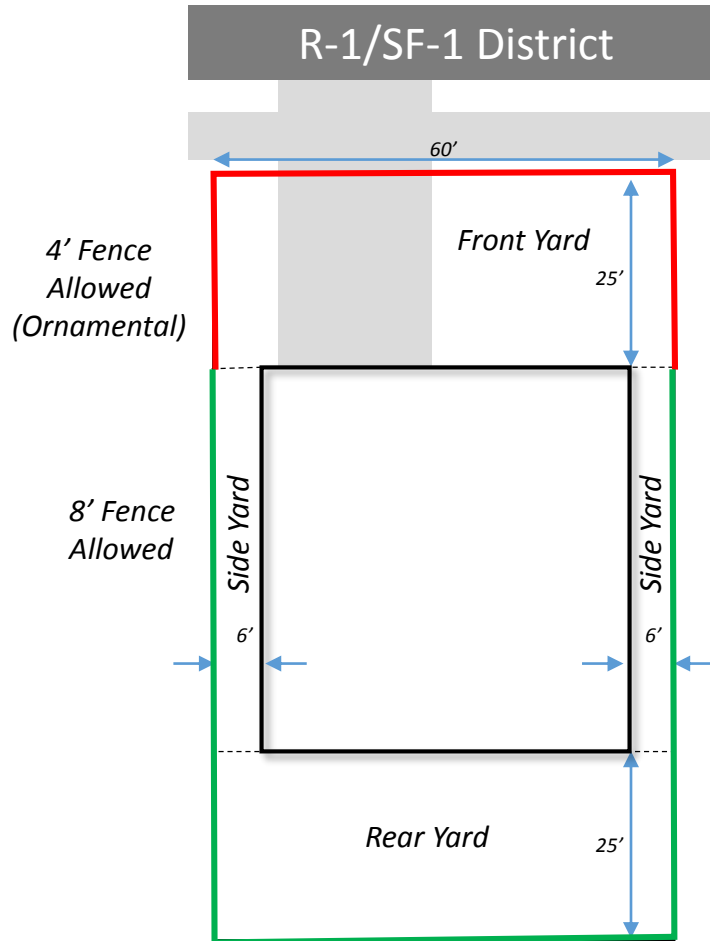


Patio Home Ordinance

Recommended Changes

- Patio Homes to remain as a Specific Use Permit (SUP)
- Add the following requirements:
 - Maximum lot width of 50' (55' on corner lots)
 - Maximum living area of 2,500 ft²
 - Open space requirement
 - Developments with 25-49 patio homes will be required to provide 5% open space
 - Development with 50 or more will still be required to provide 10% open space
 - Added language to include multiple phases of development will be required to provide open space
 - No duplex's or two-family dwellings permitted in the Patio Home Ordinance.

Fence Ordinance – Recommended Update



Fence Ordinance – Recommended Update

- Recommended Update:

- Sight Distance:

- No fence or hedge within 25 feet of the intersection of 2 street lines.
 - No fence or hedge within 10 feet of the intersection of a street and an alley.
 - Variances to sight distance may be approved by the City Engineer.

- Multi-family Perimeter Fence:

- A minimum six (6) foot masonry or wrought iron, with masonry columns, perimeter fence shall be provided to surround multi-family development.
 - Masonry columns to be separated at 24 feet on property line facing public streets, and 32 feet on other property lines.

Other Zoning Ordinance Updates

Section 6 – Schedule of District Regulations

- Update List of Districts
- Referring specific district regulations to Section 7 for Supplementary District Regulations (i.e. Fence Ordinance)
- Remove reference to “signs” in the permitted use tables.
- Clarifying site plan requirements for multifamily and non-residential uses.
- Added “Clinic or office, medical” to C-O zoning district
- Added “Automobile parking lot or structured parking” to C-O zoning district.
- Moved “Institution, nonresidential” to Section 8 for Specific Use Permits
- Added “Contractors or construction offices, without outdoor storage” to permitted list for C-2.
- Updated list of permitted uses in M-1, M-1.5, and M-2 for consistency
- Updated Section numbering for the Overlay Districts

Other Zoning Ordinance Updates

Section 7 – Supplementary District Regulations

- Updated regulation that an accessory building is to be 25 feet setback from side street to only 10 feet. (subject to fence ordinance update)
- Combining items related to the Central Business District into one subsection
- Update to special setback streets:
 - Add Crockett, Moore Street, FM 691, Flanary Road, Friendship Road, Park Avenue, and Quail Run Road
 - Remove 200 Block South Elm & 200 Block West Jones
 - Revise Houston, Lamar, and Travis limits to not include the downtown core
- Signs:
 - Add detail to digital/LED sign requirements. Same details as required for digital billboards
 - Specify that “no off-premise advertising is allowed”

Other Zoning Ordinance Updates

Section 8 – Administration and Enforcement

- Update Temporary Use Permits
 - Add “Tents, Season Retail” as a Temporary Use
 - Add parking requirement of 2 spaces for each snow cone stand
 - Add “Portable Storage Containers” as a Temporary Use
 - Add reference to portable storage containers may be allowed without a TUP on properties with active building permits.
 - Change time limit from 12 months to 6 months for Temporary Use Permits
- Update Special Use Permit List
 - Update “Contractors or construction office” to add “...with outside storage” and make it permitted “without storage” in C-2 district
 - Add electric power substation or generating including ground-mounted solar and wind for public utility
 - Add “Institution, nonresidential” to the SUP list
 - Remove reference to “Shipping Containers” under “storage and shipping containers” and rename “Outdoor storage” for consistency
 - Add wholesale for construction and building materials

Other Zoning Ordinance Updates

- **Section 15 – Penalties for violation**
 - Increase penalty from \$500 to \$2,000 to match State law
- **Section 16 – Definitions**
 - Add definitions from Section 7 (15)
 - Add definition for Building Area
- **Exhibit A-1 Matrix of Permitted Uses**
 - Updated the matrix to reflect the permitted uses, temporary uses, and specific uses identified in Section 6 and 8.

**P&Z Approved Motion –
April 20, 2021**

- Motion to approve the additional draft Zoning Ordinance changes.



Discussion & Questions

A photograph of a two-story suburban house with a combination of brick and light-colored stone or stucco siding. The house features a grey shingled roof with multiple gables. A two-car garage is visible on the left side of the house. A dark-colored SUV is parked in the driveway. The front yard has a green lawn and a concrete sidewalk that curves around the property. A wooden fence is visible in the background. The text "Additional Slides" is overlaid in the center of the image in a bold, blue, sans-serif font.

Additional Slides

Purpose of the Zoning Ordinance

- Promote the health, safety and general welfare of the City of Sherman
- Lessen congestion on street, secure safety from fire and other dangers
- Encouraging the most appropriate use of land in accordance with the Comprehensive Master Plan.



The Preserve – Highland Homes

Zoning Ordinance Update

- Patio Homes
- Fence Ordinance
- Other zoning items



Austin Landing – Front Yard Ornamental Fence

Patio Home Update

- October 19th, 2020 - City Council directed staff to review to the Patio Home Ordinance.
- November 17th, 2020 - P&Z subcommittee set up to review the Patio Home Ordinance
- March 2nd, 2021 - P&Z subcommittee met to review the ordinance
- April 20, 2021 - P&Z approved a motion to recommend the draft zoning ordinance with changes



Residential Zoning District Comparisons

- Comparable cities have multiple residential zoning districts
- Typically differentiated by lot size or lot width

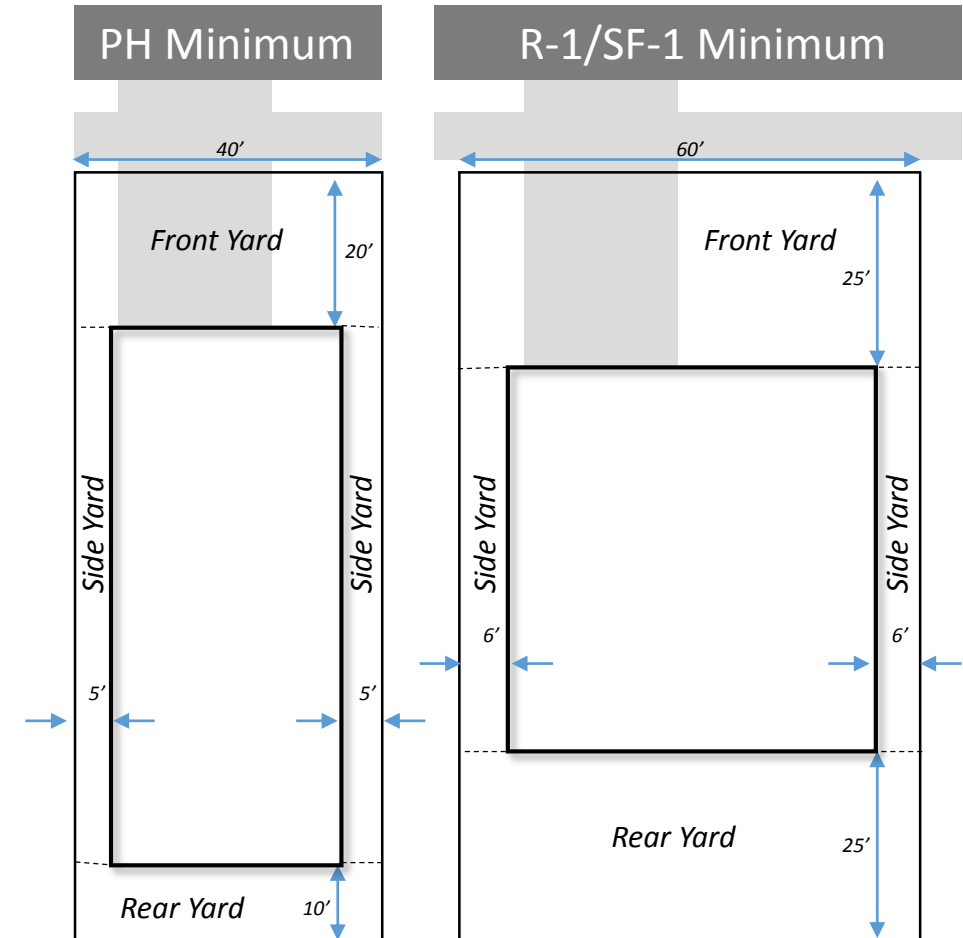
Residential Zoning Districts	Sherman	McKinney	Anna	Melissa	Denison
Res. Zoning Districts	R-1, SF-1	SF-12, SF-10, SF-8, SF-7.2 & SF-5	SF-84, SF-72, SF-1, SF-60, SF-2, SF-Z	SF-1, SF-2, SF-3	SF-20, SF-10, SF-7.5, SF-5, SF-PH
Min. Lot Area	6,000 ft ²	5,000 – 12,000 ft ²	4,500 – 8,400 ft ²	7,800 – 20,000 ft ²	5,000 – 20,000 ft ²
Min. Lot Width	60 ft	40 – 80 ft	40 – 70 ft	60 – 110 ft	40 – 100 ft
Min. Front Setback	25 ft	20 – 25 ft	20 – 25 ft	20 – 30 ft	25 – 30 ft
Min. Rear Setback	25 ft	15 – 20 ft	25 ft	20 – 25 ft	10 ft
Min. Side Yard Setback	10% of Lot Width (min 6')	5 – 10 ft	10 ft	5 – 10 ft	10% of Lot Width

Current Patio Home Ordinance

- PHs allowed by Specific Use Permit

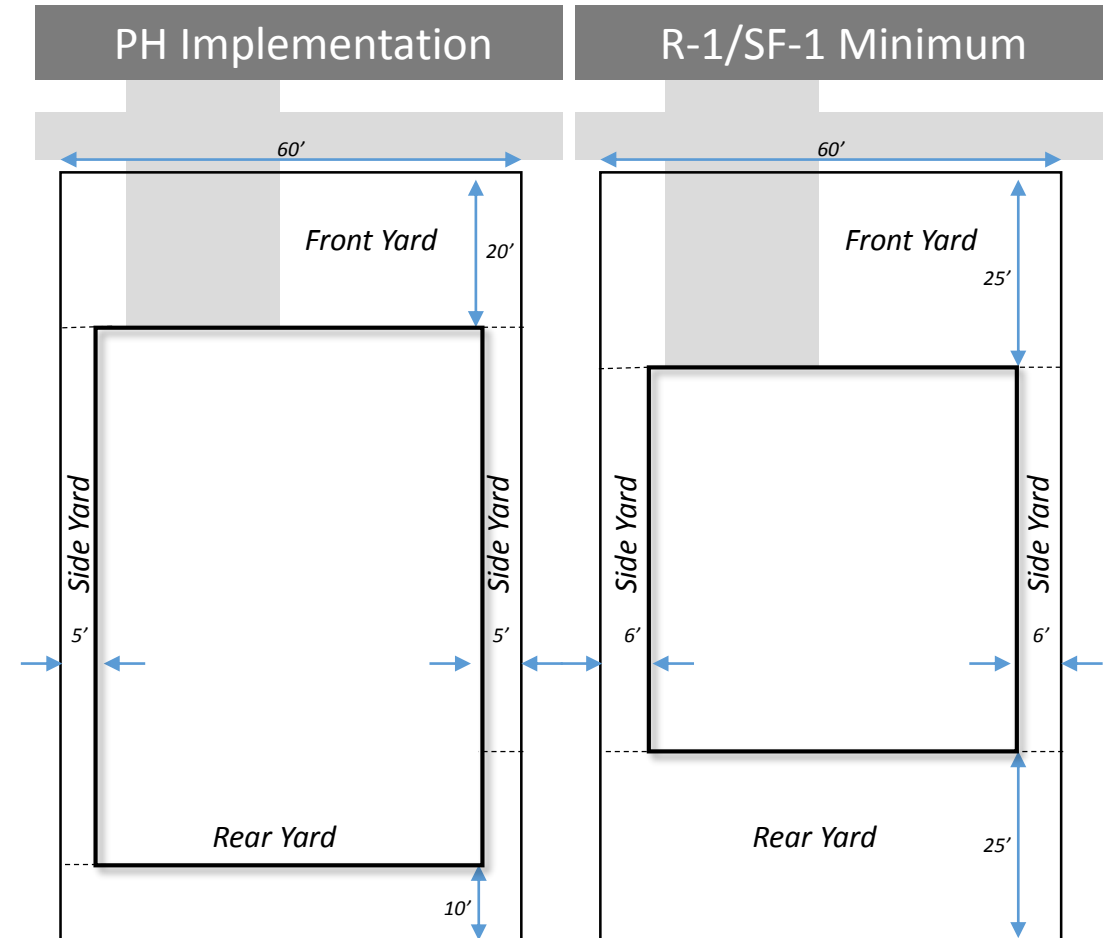
	Patio Home	R-1/ SF-1
Min. Lot Width	40'	60'
Min. Front Setback	20'	25'
Min. Rear Setback	10'	25'
Min. Side Setback	5' or 0'/10'	10% of Lot Width (min. 6')
Min. Lot Area	4,000ft ²	6,000ft ²

- PH - Usable open space required in development over 50 lots



Development Trend using the Patio Home Ordinance

- Patio Homes with 60' Lots or Greater:
 - Magnolia Village
 - West Canyon Creek Estates
 - The Preserve Phase II
 - The Preserve Phase III
 - Country Ridge Estates No. 2
 - Heritage Farms Estates



Patio Home Ordinance

Recommended Changes – Short Term

- Patio Homes to remain as a Specific Use Permit (SUP)
- Add the following requirements:
 - Maximum lot width of 50' (55' on corner lots)
 - Maximum living area of 2,500 ft²
 - Open space requirement
 - Developments with 25-49 patio homes will be required to provide 5% open space
 - Development with 50 or more will still be required to provide 10% open space
 - Added language to include multiple phases of development will be required to provide open space
 - No duplex's or two-family dwellings permitted in the Patio Home Ordinance.

P&Z Approved Motion –
April 20, 2021

- Motion to approve the draft Patio Home Ordinance with the open space requirement changed to 5% for developments with 5 or more patio homes and 10% with 50 or more patio homes.

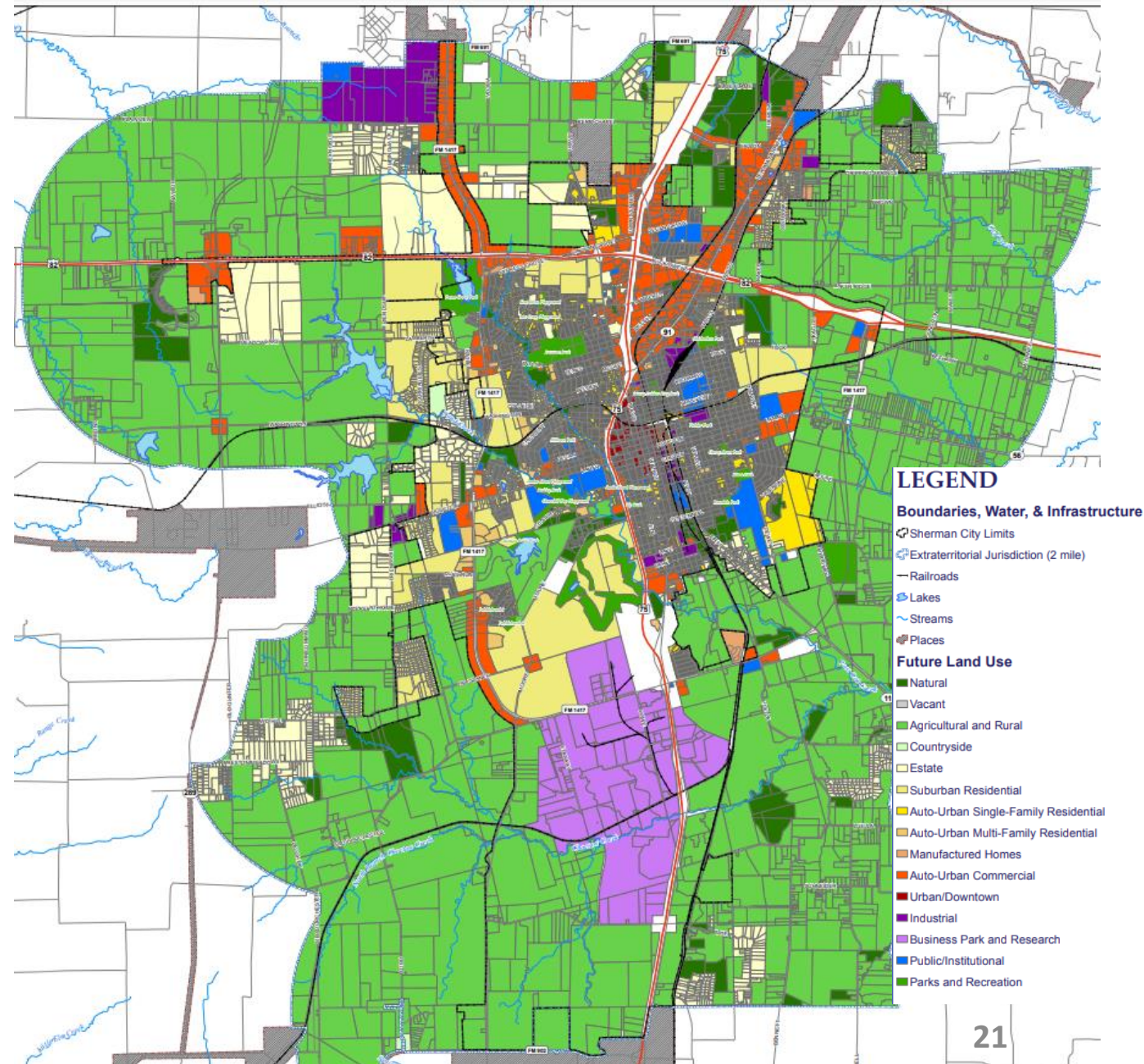
Patio Home Ordinance

Recommended Changes – Following Master Plan Update

- New residential zoning district (SF-50)
 - Recommend conducting a land use study/update the Sherman's Future Land Use Plan before adding districts.
- Create the following requirements:
 - Minimum Lot Area: 5,000 ft²
 - Minimum Lot Width: 50 ft
 - Minimum Front Setback: 20 ft
 - Minimum Rear Setback: 10 ft
 - Minimum Side Yard: 5ft
 - Permitted uses the same as SF-1
 - No duplex's or two-family dwellings permitted in the zoning district.
 - Recommend changing the name of SF-1 to SF-60, and R-1 to R-60 or similar

Master Plan Update

- Full presentation at Council Budget meeting
- Priorities:
 - Establish a vision for growth and development in Sherman
 - Update Future Land Use Plan
- Coordination with...
 - Water/Wastewater Master Plan
 - Thoroughfare Plan
 - Parks Master Plan





Fence Ordinance Updates

Fence Ordinance Update

- Zoning Board of Adjustment meetings have included many requests for fence variances and exceptions.
- Some subdivisions and properties have followed our current fence ordinance

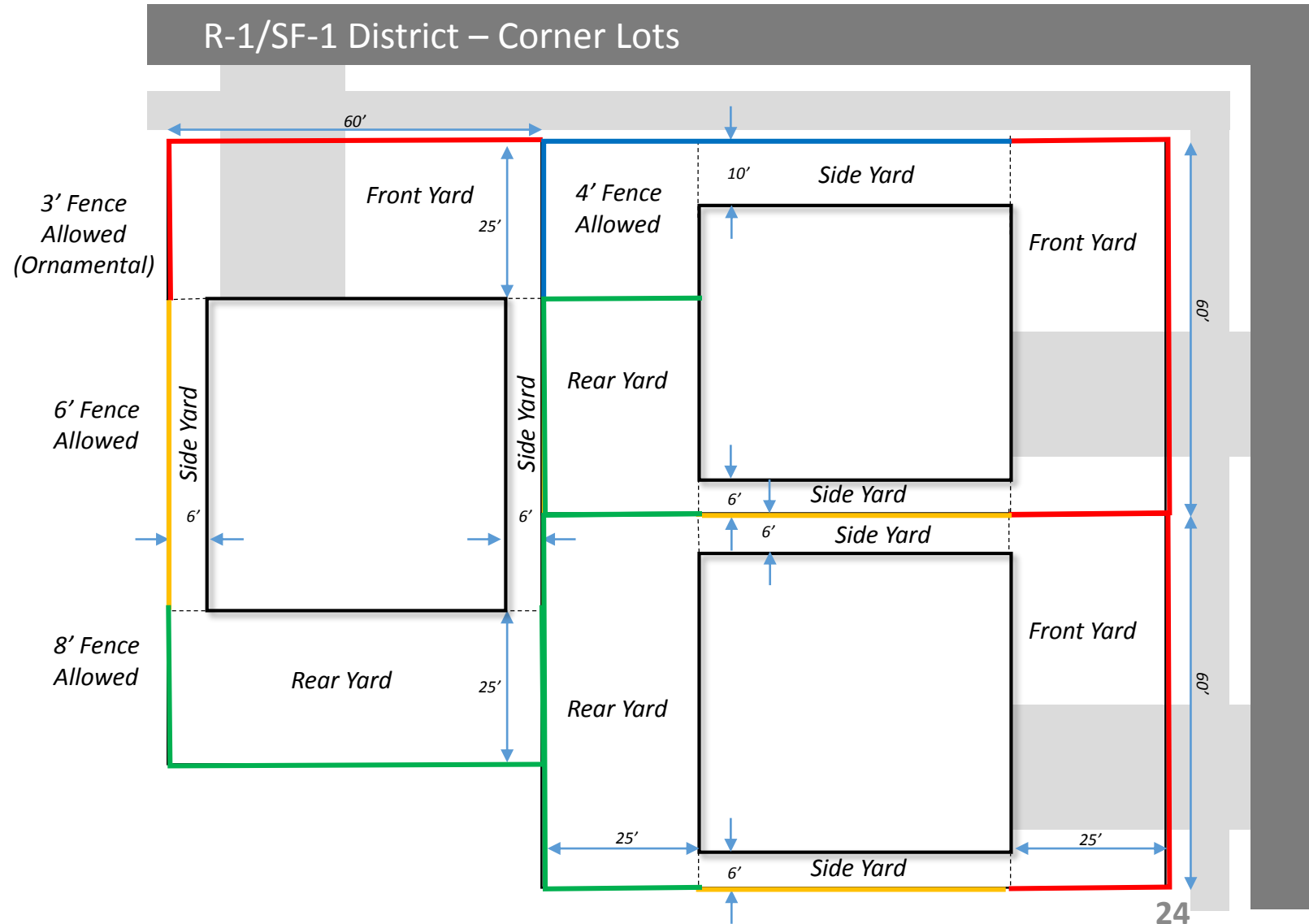
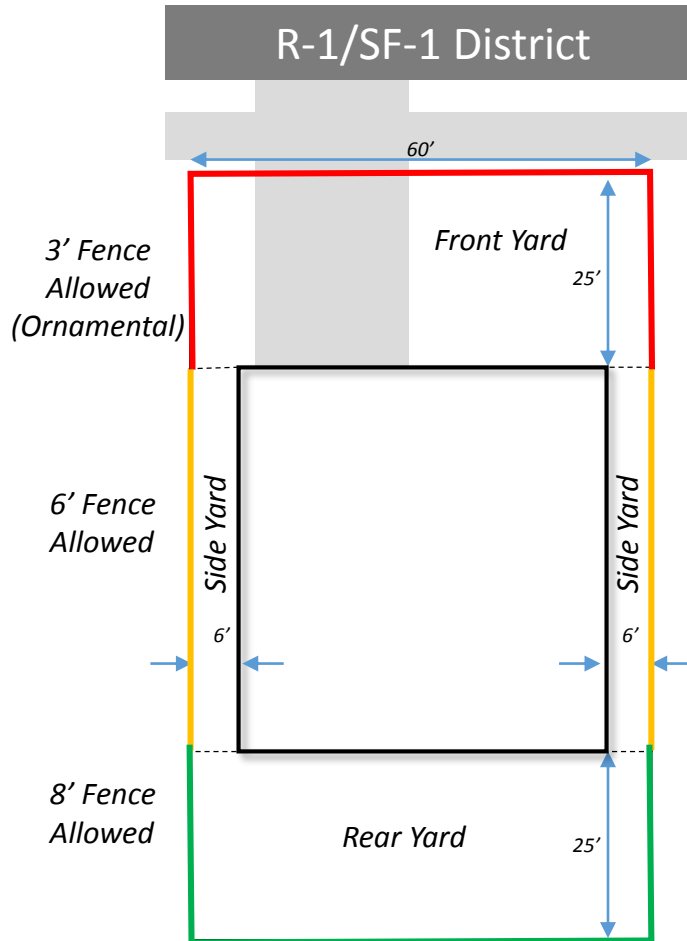


Heritage Farm Estates – Fence Variance for Side Setback



Magnolia Village – Fence meets current zoning ordinance

Current Fence Ordinance



Fence Ordinance – Recommended Update

- *Current Ordinance:*
 - *Sight Distance:* No fences or hedges within 15 feet of the intersection of 2 street lines.
- *Recommended:*
 - No fence or hedge within 25 feet of the intersection of 2 street lines.
 - No fence or hedge within 10 feet of the intersection of a street and an alley.
 - Variances to sight distance may be approved by the City Engineer.



Current Fence Ordinance - Multifamily

- *Screening:* A minimum 6 foot masonry perimeter wall shall be provided to surround the development. New fences at existing multi-family developments shall be masonry.
- Most multifamily development has requested exceptions to allow wrought iron fences.



Creed Canyon Apartments

Current Fence Ordinance - Multifamily

Steeple Chase Farms

- Masonry Columns separated every 40 – 48 feet



Current Fence Ordinance - Multifamily

Park Manor Apartments

- Masonry Columns separated every 40 – 56 feet



Current Fence Ordinance - Multifamily

The Brooks on Heritage Parkway

- Masonry Columns separated every 24 – 40 feet



Current Fence Ordinance - Multifamily

The Villas of Parkhaven

- Masonry Columns separated every 72 – 88 feet



Fence Ordinance – Recommended Update

Staff Recommendation to P&Z

- *“A minimum six (6) foot masonry or wrought iron, with masonry columns, perimeter fence shall be provided to surround multi-family development.*
- *“The masonry columns shall be separated at a reasonable distance as approved by the Director of Development Services.”*

P&Z Approved Motion – April 20, 2021

- Motion to approve the draft Fence Ordinance with the multifamily perimeter fence requirement to state:
- *“masonry columns to be separated at 24 feet on property line facing public streets, and 32 feet on other property lines.”*

Fence Ordinance – Agricultural Fencing

- *Line fences can be used on properties greater than 3 acres*
- *Special permission required for electric fences*
- *Gates for vehicle access set back 20 feet from property line*



Fence Ordinance Update

Fence Ordinance Update Summary:

- More flexibility for homeowners and businesses to provide screening
- Reduce the number of variances and exceptions with the Board of Adjustments
- Improved clarity on fencing and screening regulations

Other Zoning Ordinance Updates

Section 6 – Schedule of District Regulations

- Update List of Districts
- Referring specific district regulations to Section 7 for Supplementary District Regulations (i.e. Fence Ordinance)
- Remove reference to “signs” in the permitted use tables.
- Clarifying site plan requirements for multifamily and non-residential uses.
- Added “Clinic or office, medical” to C-O zoning district
- Added “Automobile parking lot or structured parking” to C-O zoning district.
- Moved “Institution, nonresidential” to Section 8 for Specific Use Permits
- Added “Contractors or construction offices, without outdoor storage” to permitted list for C-2.
- Updated list of permitted uses in M-1, M-1.5, and M-2 for consistency
- Updated Section numbering for the Overlay Districts

Other Zoning Ordinance Updates

Section 7 – Supplementary District Regulations

- Updated regulation that an accessory building is to be 25 feet setback from side street to only 10 feet. (subject to fence ordinance update)
- Combining items related to the Central Business District into one subsection
- Update to special setback streets:
 - Add Crockett, Moore Street, FM 691, Flanary Road, Friendship Road, Park Avenue, and Quail Run Road
 - Remove 200 Block South Elm & 200 Block West Jones
 - Revise Houston, Lamar, and Travis limits to not include the downtown core
- Signs:
 - Add detail to digital/LED sign requirements. Same details as required for digital billboards
 - Specify that “no off-premise advertising is allowed”

Other Zoning Ordinance Updates

Section 8 – Administration and Enforcement

- Update Temporary Use Permits
 - Add “Tents, Season Retail” as a Temporary Use
 - Add parking requirement of 2 spaces for each snow cone stand
 - Change time limit from 12 months to 6 months for Temporary Use Permits
- Update Special Use Permit List
 - Update “Contractors or construction office” to add “...with outside storage” and make it permitted “without storage” in C-2 district
 - Add electric power substation or generating including ground-mounted solar and wind for public utility
 - Add “Institution, nonresidential” to the SUP list
 - Remove reference to “Shipping Containers” under “storage and shipping containers” and rename “Outdoor storage” for consistency
 - Add wholesale for construction and building materials

Other Zoning Ordinance Updates

Section 8 – Administration and Enforcement

- Update Temporary Use Permits – SHIPPING CONTAINERS
 - Add “Portable Storage Containers” as a Temporary Use
 - Add reference to portable storage containers may be allowed without a TUP on properties with active building permits.



Other Zoning Ordinance Updates

- **Section 15 – Penalties for violation**
 - Increase penalty from \$500 to \$2,000 to match State law
- **Section 16 – Definitions**
 - Add definitions from Section 7 (15)
 - Add definition for Building Area
- **Exhibit A-1 Matrix of Permitted Uses**
 - Updated the matrix to reflect the permitted uses, temporary uses, and specific uses identified in Section 6 and 8.

**P&Z Approved Motion –
April 20, 2021**

- Motion to approve the additional draft Zoning Ordinance changes.



Discussion



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C. 1.

Meeting Date: 06/07/2021

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Issue:

E. 4. * RESOLUTION NO. 6744

Designating the City Clerk as the Public Information Coordinator and Delegating to the City Clerk the Responsibility for Complying with the Training Requirements of Section 552.012 of the Texas Government Code on Behalf of all of Sherman's Public Officials Who are Subject to Such Requirements

E. 5. * RESOLUTION NO. 6745

Authorizing the City Manager and Assistant City Manager Each to Sign on Behalf of the City of Sherman on All Matters Related to Banking and Treasury Management

F. 1. * REQUEST TO ADVERTISE

Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

G. 1. * OTHER BUSINESS

Final Plat Approval of Heritage Court Addition, being 8.538 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owner; Bluestone Partners, LLC, Developer and Underwood Drafting and Surveying, Surveyor (900-1000 Blocks South FM 1417 (Heritage Parkway)

G. 2. * OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, July 6, 2021, due to Conflict with a Federal Holiday

G. 3. * OTHER BUSINESS

Replat Approval of Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition, being all of Lots 15, 16, 17 and 18 of Mrs. H.M. Summer's First Addition; Rosewell Properties, LLC, Owner; and Copley Land Surveying, Surveyor (809 East Jones Street)

G. 4. * OTHER BUSINESS

Replat Approval of Sherman Crossroads, Phase II, Lots 30 and 6R-2, Block 2, being 5.727 acres in the Preston Kitchen Survey, Abstract No. 667 and being all of Lot 6, Block 2, Sherman Crossroads, Phase II, Lots 1R-1 and 6; Sherman Crossroads, LTD, Owner; and A&W Surveying, Surveyor (3400-3500 Blocks South U.S. Highway 75)

G. 5. * OTHER BUSINESS

Replat Approval of Lots 12R-1 and 12R-2, Repat of Lot 12, Block C of Amended Plat of Magnolia Village, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Repat of Lot 12, Block C, Amended Plat of Magnolia Village; Homes by JLS of Texoma, LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (502 & 506 Sonoma Court)

G. 6. * OTHER BUSINESS

Final Plat Approval of Cottages at Magnolia Village, being 6.166 acres in the James H. Clark Survey, Abstract No. 273; Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (500 Block East Northcreek Drive)

G. 7. * OTHER BUSINESS

Replat Approval of Cunningham Place Addition, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2; Earnhartbuilt, LLC, Owner; Moran Development, Developer, and Helvey-Wagner Surveying, Inc., Surveyor (515 & 519 South First Street)

G. 8. * OTHER BUSINESS

Final Plat Approval of Meraz-Hill Addition, being 0.172 acres in the J.B. McAnair Survey, Abstract No. 763; Roberto Meraz, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (213 East Hill Street)

G. 9. * OTHER BUSINESS

Replat Approval of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14, being 0.326 acres in the Samuel Blagg Survey, Abstract No. 56 and being a part of Lot 14, M.B. Moore's Addition; Jaime Antonio Sanchez, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1438 South Walnut Street)

G. 10. * OTHER BUSINESS

Final Plat Approval of Bel-Air Village, Phase I, being 62.329 acres in the Sherrod Dunman Survey Abstract No. 329; Terra Perpetua, LLC, Owner; Kimley-Horn & Associates, Surveying/Civil Engineer; and American Communities, Developer (300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway)

G. 11. * *OTHER BUSINESS*

Final Plat Approval of Popp's Addition, being 0.463 acres in the Elizabeth Jones Survey Abstract No. 625; Eric and Kelly Popp, Owner; and Underwood Drafting and Surveying, Surveying (1406 West Center Street)

G. 12. * *OTHER BUSINESS*

Consider Request of Sherman Cultural District to Temporarily Close Certain Streets for the "Taco Tour" on Tuesday, July 20, 2021 from 5 p.m. to 8 p.m.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 1.

Meeting Date: 06/07/2021

Prepared By: Julia Craze, Grants Coordinator

Approved By: Robby Hefton, City Manager

Caption:

PUBLIC HEARING

Final Statement/Action Plan for Program Year 2021 Community Development Block Grant

Issue:

Approval of the Program Year (PY) 2021 Community Development Block Grant Final Statement/Action Plan

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low- and moderate-income citizens. This Action Plan is based on a five (5) year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long-term planning tool to address the identified needs of public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. For PY 2021, the City will allocate the majority of the funds towards park improvements, substandard structure demolition, and public service activities.

Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows:

- PY 2017 - \$334,954.00
- PY 2018 - \$368,334.00
- PY 2019 - \$358,317.00
- PY 2020 - \$366,740.00
- PY 2021 - \$378,731.00

Origination:

Julia Craze, Grants Coordinator

Financial Consideration:

The City of Sherman has been allocated \$378,731.00 in Community Development Block Grant funds from HUD to address our various community development needs for low- and moderate-income and special needs citizens during Program Year 2021.

Staff Recommendation:

The staff recommends the Sherman City Council approve the PY 2021 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives:

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Attachment A_CDBG PY 2021

Attachment B_CDBG PY 2021

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2021**

GRANT NO: B-21-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for program year 2021 is \$378,731.00. These funds will be available on October 1, 2021. Activities that directly benefit low- and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low- and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available (i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing suitable living environments and expanded economic opportunities, principally for low-moderate income persons and special need populations of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2021**

DEMOLITION/CLEARANCE PROGRAM: \$88,000

A program to demolish vacant, substandard structures and clear property lots that pose a risk to health and safety.

PARK IMPROVEMENT: \$144,985

A program to fund projects in parks within low- and moderate-income target areas and improve ADA accessibility in parks throughout the city of Sherman, promoting general health and wellness among the entire community. Focus will especially be to benefit those living in low-moderate income areas and those with disabilities.

PROGRAM ADMINISTRATION: \$ 75,746

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, and preparation of annual Action Plan, Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy, and the producing of the 10-year Fair Housing Study.

HABITAT FOR HUMANITY: \$15,000

A program to provide external repairs to owner-occupied homes belonging to low- and moderate-income Sherman residents.

PUBLIC SERVICE ACTIVITIES: \$55,000

BOYS & GIRLS CLUB OF SHERMAN, INC.: \$5,000

Funds to be used to assist with the development and advancement of a teen program for those from low- and moderate-income households.

CASA OF GRAYSON COUNTY: \$3,500

A program to train and support volunteer advocates and staff on process and procedures to advocate for foster children in Grayson County that have been abused or neglected.

CHILD & FAMILY GUIDANCE CENTER OF TEXOMA: \$5,000

A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence, and sexual abuse for low- and moderate-income Sherman residents.

CHILDREN'S ADVOCACY CENTER: \$5,000

A program to provide high quality services to abused and traumatized children who, at one time, resided within the city limits of Sherman.

FOUR RIVERS OUTREACH: \$5,000

A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are those who, at one time, resided within the city limits of Sherman.

GRAND CENTRAL STATION: \$5,000

A program to support nutrition, specifically food for low- and moderate-income Sherman residents.

GRAYSON COUNTY CRISIS CENTER: \$10,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence who, at one time, resided within the city limits of Sherman.

SHERMAN HOUSING AUTHORITY: \$8,000

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sale of illegal drugs in and around assisted housing, apprehend sellers of such drugs, and reduce crime in the assisted housing area.

SHERMAN YOUTH SPORTS ASSOCIATION: \$3,500

A program to provide sports equipment to children from low- and moderate-income households so that they can participate safely in activities offered by the Sherman Youth Sports Association.

TEXOMA FAMILY SHELTER, INC.: \$5,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

TOTAL PROGRAM ALLOCATION: \$378,731

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the general health and wellness of all members of the community through improved parks and recreational facilities in the low- and moderate-income target areas.
3. Improve the quality of life for Sherman residents with the removal of structures that create unsafe, unsanitary, and hazardous situations for the public.
4. Promote drug elimination programs for low- and moderate-income assisted housing families and households.
5. Provide support for provision of emergency shelter, food, and assistance to the homeless and those in danger of becoming homeless.
6. Assist in providing counseling services to youth and adults from low- and moderate-income families.
7. Assist in providing activities for children and teens from low- and moderate-income families.
8. Provide support for provision of shelter and assistance to men in overcoming addiction.
9. Provide services for abused and neglected children.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2021 are available in the Finance Department of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Julia Craze, Grants Coordinator, City of Sherman, P.O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on July 8, 2021. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

06/07/2021

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-21-MC-48-0027

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:** City of Sherman, Texas

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

75-6000669

*** c. UEI:**

EYLPNPECTM5

d. Address:

*** Street1:**

PO Box 1106

Street2:

*** City:**

Sherman

County/Parish:

*** State:**

TX: Texas

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

75091-1106

e. Organizational Unit:

Department Name:

Neighborhood Services

Division Name:

Finance

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

*** First Name:**

Julia

Middle Name:

*** Last Name:**

Craze

Suffix:

Title: Grants Coordinator

Organizational Affiliation:

City of Sherman

*** Telephone Number:** 903-487-5976

Fax Number: 903-891-0255

*** Email:** juliac@cityofsherman.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

* 12. Funding Opportunity Number:

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

PY 2021 City of Sherman Annual Action Plan

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant TX-004

* b. Program/Project TX-004

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2021

* b. End Date: 09/30/2025

18. Estimated Funding (\$):

* a. Federal 378,731.00

* b. Applicant

* c. State

* d. Local

* e. Other

* f. Program Income

* g. TOTAL 378,731.00

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Robby

Middle Name:

* Last Name: Hefton

Suffix:

* Title: City Manager

* Telephone Number: 903-892-7200 Fax Number:

* Email: robbyh@cityofsherman.com

* Signature of Authorized Representative:

* Date Signed:



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 2.

Meeting Date: 06/07/2021

Prepared By: Julia Craze, Grants Coordinator

Approved By: Robby Hefton, City Manager

Caption:

PUBLIC HEARING

Amendment to the Final Statement/Action Plan for the Community Development Block Grant for Program Year 2019

Issue:

Approval of the Program Year (PY) 2019 Community Development Block Grant Amendment

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). The Coronavirus Aid, Relief, and Economic Security (CARES) Act has provided each entitlement grantee with additional funds to respond to, prepare for, and prevent the spread of COVID-19. We are required to prepare and submit an amendment, which is a description of the activities that will be undertaken during the coming months to address the needs of our low- and moderate-income citizens affected by the coronavirus. For the third (final) round CARES Act allocation, the City will allocate the funds towards public service activities and park improvements.

Origination:

Julia Craze, Grants Coordinator

Financial Consideration:

The City of Sherman has been allocated an additional \$288,696 in Community Development Block Grant (CDBG) funds from HUD to address our various community development needs for low- and moderate-income and special needs citizens affected by COVID-19. Combined with the first round allocation of \$215,775, the City has been allocated a total of \$504,471 in CDBG CARES Act funds.

Staff Recommendation:

The staff recommends the Sherman City Council approve the PY 2019 Community Development Block Grant Amendment as submitted.

Alternatives:

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Attachment A Amendment CDBG-CV3

Attachment B_Amendment CDBG-CV3

**CITY OF SHERMAN, TEXAS
AMENDMENT TO FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2019**

GRANT NO: B-20-MW-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) from the Coronavirus Aid, Relief, and Economic Security (CARES) Act third (final) round allocation is \$288,696.00. Activities that directly benefit low and moderate-income persons affected by COVID-19 will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low- and moderate-income persons. The City has met citizen participation requirements.

The overall goal of this community development planning and development program is to respond to, prepare for, and prevent the spread of COVID-19 principally for low-moderate income persons and special need populations of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM AMENDED ACTIVITIES TO PLAN
PROGRAM YEAR 2019**

PARK IMPROVEMENT: \$116,446

A program to fund projects in parks within low- and moderate-income target areas and improve ADA accessibility in parks throughout the city of Sherman, promoting general health and wellness among the entire community. Focus will especially be to benefit those living in low-moderate income areas and those with disabilities.

PUBLIC SERVICE ACTIVITIES: \$172,250

BOYS & GIRLS CLUB OF SHERMAN, INC.: \$10,000

A program to provide scholarships to children whose families have been affected by COVID-19 and to purchase disinfecting and protection supplies to maintain a clean environment to safely serve children.

CASA OF GRAYSON COUNTY: \$6,500

A program to train and support volunteer advocates and staff on process and procedures to advocate for foster children in Grayson County that have been abused or neglected. COVID-19 has reduced funding and increased training costs and need for volunteer advocates.

CHILD & FAMILY GUIDANCE CENTER OF TEXOMA: \$12,000

A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence, and sexual abuse for low- and moderate-income Sherman residents affected by COVID-19.

CHILDREN'S ADVOCACY CENTER: \$45,000

A program to provide high quality services to abused and traumatized children. COVID-19 has significantly impacted child victims of abuse and violent crimes resulting in increases in instances of abuse, the severity of abuse cases, and children witnessing violent crimes.

FOUR RIVERS OUTREACH: \$15,000

A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are those who, at one time, resided within the city limits of Sherman and have been affected by COVID-19.

GRAND CENTRAL STATION: \$10,000

A program to support nutrition, specifically food for low- and moderate-income Sherman residents. Funding will support the additional expenses incurred from COVID-19.

HOUSE OF ELI: \$10,000

A program to purchase nutritious food such as meat, eggs, fresh fruits, and vegetables to meet the increased need created by COVID-19.

MULTICULTURAL FAMILY CENTER: \$7,000

A program to provide educational programs consisting of ESL classes, citizenship courses, learning and understanding rights, family reading, and literacy to families who have been disproportionately impacted by COVID-19.

SHERMAN YOUTH SPORTS ASSOCIATION: \$16,750

A program to provide scholarships to players whose families have been financially affected by COVID-19.

TEXOMA FAMILY SHELTER, INC.: \$40,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman and have been affected by COVID-19.

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low- and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the general health and wellness of all members of the community through improved parks and recreational facilities in the low- and moderate-income target areas.
3. Improve the quality of life for Sherman residents with the removal of structures that create unsafe, unsanitary, and hazardous situations for the public.
4. Promote drug elimination programs for low- and moderate-income assisted housing families and households.
5. Provide support for provision of emergency shelter, food, and assistance to the homeless and those in danger of becoming homeless.
6. Assist in providing counseling services to youth and adults from low- and moderate-income families.
7. Assist in providing activities for children and teens from low- and moderate-income families.
8. Provide support for provision of shelter and assistance to men in overcoming addiction.
9. Provide services for abused and neglected children.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2019, as amended, are available in the Finance Department of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Julia Craze, Grants Coordinator, City of Sherman, P.O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on July 8, 2021.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

06/07/2021

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-20-MW-48-0027

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: City of Sherman, Texas

* b. Employer/Taxpayer Identification Number (EIN/TIN):

75-6000669

* c. UEI:

EYLPNPECTM5

d. Address:

* Street1:

PO Box 1106

Street2:

* City:

Sherman

County/Parish:

* State:

TX: Texas

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

75091-1106

e. Organizational Unit:

Department Name:

Neighborhood Services

Division Name:

Finance

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Julia

Middle Name:

* Last Name:

Craze

Suffix:

Title: Grants Coordinator

Organizational Affiliation:

City of Sherman

* Telephone Number: 903-487-5976

Fax Number: 903-891-0255

* Email: juliac@cityofsherman.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

* 12. Funding Opportunity Number:

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

PY 2019 City of Sherman CARES Act Amendment

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant TX-004

* b. Program/Project TX-004

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 01/21/2020

* b. End Date: 09/30/2023

18. Estimated Funding (\$):

* a. Federal	504,471.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	504,471.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Robby

Middle Name:

* Last Name: Hefton

Suffix:

* Title: City Manager

* Telephone Number: 903-892-7200 Fax Number:

* Email: robbyh@cityofsherman.com

* Signature of Authorized Representative:

* Date Signed:



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 3.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6386

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located at 1125 South Montgomery Street, being Lot 7, Block 7, Jones & Wainright's Addition (Hyperstar, Inc., Owner; Danish Samad, Representative; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Hyperstar Inc. (Owner), Danish Samad (Representative) and Copley Land Surveying (Surveyor) concerning the property located at 1125 South Montgomery Street, being Lot 7, Block 7, Jones & Wainright's Addition for a zone change approval from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District.

Background:

The property is located at 1125 South Montgomery Street between Kentucky and Rosedale Streets. The property is zoned a C-1 (Retail Business) District. The owner would like to change the zoning on the property to an R-1 (One Family Residential) District to construct a single-family dwelling on the lot.

Origination:

Hyperstar Inc. (Owner)
Danish Samad (Representative)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6386

Exhibit A

Location Map

Zoning Map

Zoning Sign Photo

Survey

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 1125 SOUTH MONTGOMERY STREET, BEING LOT 7, BLOCK 7, JONES & WAINRIGHT'S ADDITION (HYPERSTAR, INC., OWNER; DANISH SAMAD, REPRESENTATIVE, AND COPLEY LAND SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Legal Description/Field Notes**, attached hereto, located at 1125 South Montgomery Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-1 (One-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

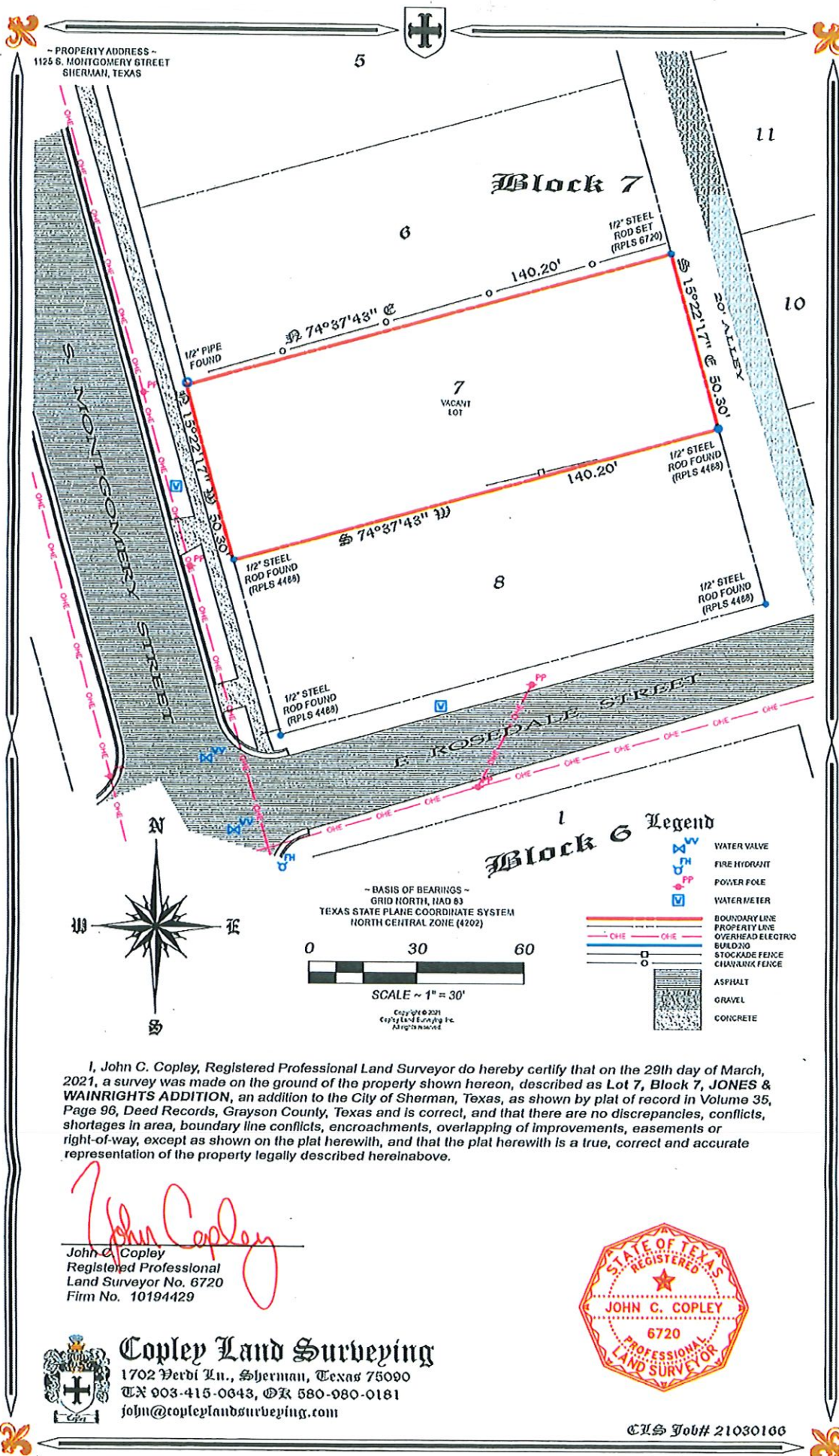
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN PITTMAN, CITY ATTORNEY



I, John C. Copley, Registered Professional Land Surveyor do hereby certify that on the 29th day of March, 2021, a survey was made on the ground of the property shown hereon, described as Lot 7, Block 7, JONES & WAINRIGHTS ADDITION, an addition to the City of Sherman, Texas, as shown by plat of record in Volume 35, Page 96, Deed Records, Grayson County, Texas and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OR 580-980-0181
john@copleylandsurveying.com





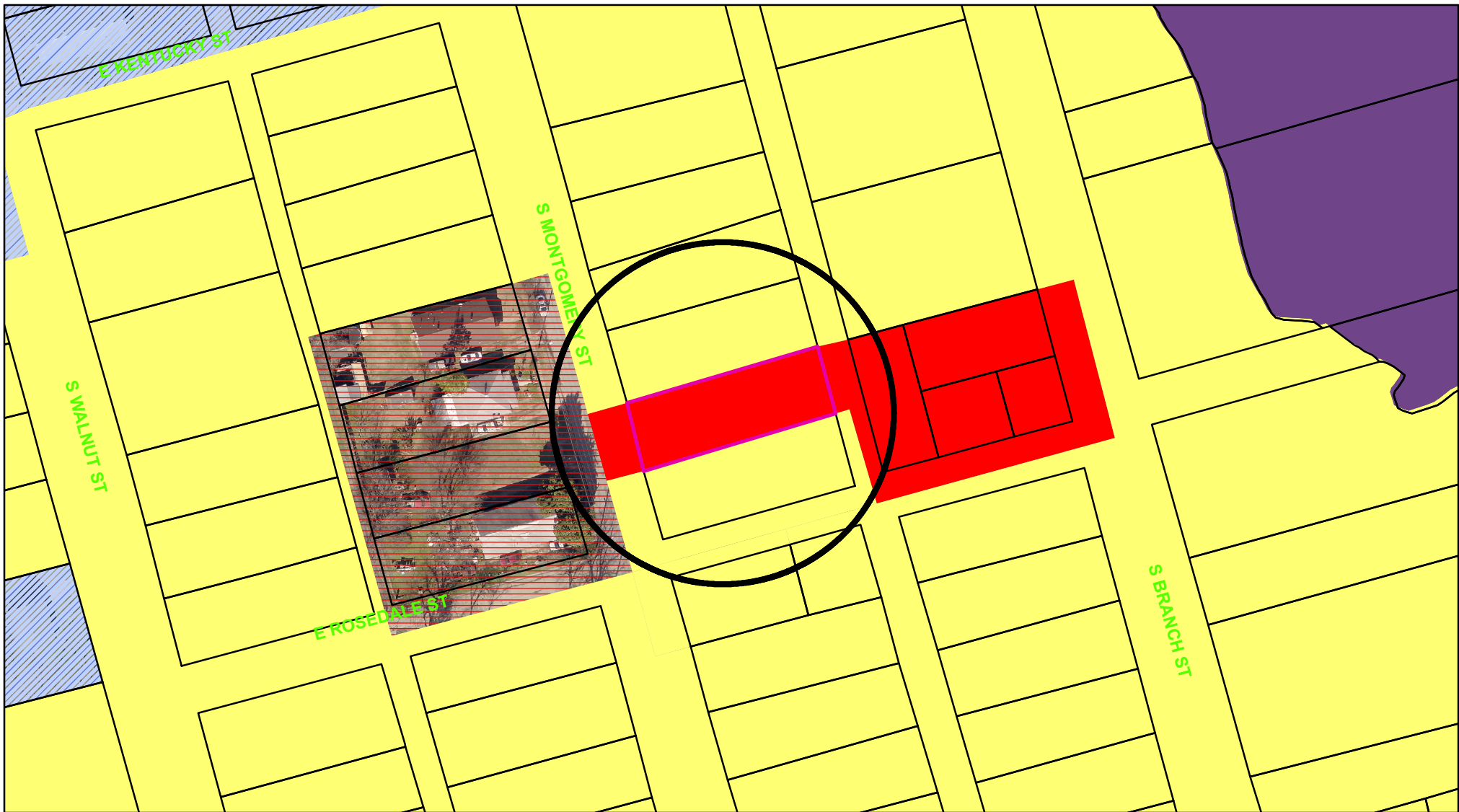
City of Sherman, Texas
Developmental Services Department

1125 South Montgomery Street



NOT TO SCALE

1 in = 100 ft



Zoning - 1125 South Montgomery Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft

1125 South Montgomery Street



Apr 30, 2021 at 12:42 PM

~ PROPERTY ADDRESS ~
1125 S. MONTGOMERY STREET
SHERMAN, TEXAS

5

Block 7

11

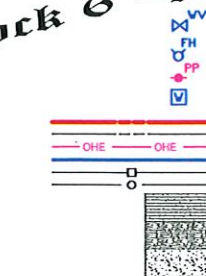
10

6

7
VACANT
LOT

8

Block 6 Legend



WATER VALVE
FIRE HYDRANT
POWER POLE
WATER METER
BOUNDARY LINE
PROPERTY LINE
OVERHEAD ELECTRIC
BUILDING
STOCKADE FENCE
CHAINLINK FENCE
ASPHALT
GRAVEL
CONCRETE

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)



SCALE ~ 1" = 30'

Copyright © 2021
Copley Land Surveying, Inc.
All rights reserved.



I, John C. Copley, Registered Professional Land Surveyor do hereby certify that on the 29th day of March, 2021, a survey was made on the ground of the property shown hereon, described as Lot 7, Block 7, JONES & WAINRIGHTS ADDITION, an addition to the City of Sherman, Texas, as shown by plat of record in Volume 35, Page 96, Deed Records, Grayson County, Texas and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429



Copley Land Surveying

1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

STAFF REVIEW LETTER

May 11, 2021

Hyperstar Inc.
Danish Samad
115 S. Travis, Ste. 310
Sherman, TX 75090

Copley Land Surveying
1702 Verdi Ln.
Sherman, TX 75090

Dear Applicants,

The request for a Zone change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District located at 1125 South Montgomery Elm Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
5. All parking shall be on private property and shall not encroach into the right-of-way.
6. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
7. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

8. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
9. The City of Sherman does not maintain alleys.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 9.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

1125 SOUTH MONTGOMERY STREET

The request of Hyperstar Inc. (Owner), Danish Samad (Representative) and Copley Land Surveying (Surveyor) concerning the property located at 1125 South Montgomery Street, being Lot 7, Block 7, Jones & Wainright's Addition, as follows:

Planning and Zoning Commission

Zone change and site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District.

Background:

The property is located at 1125 South Montgomery Street between Kentucky and Rosedale Streets. The property is zoned a C-1 (Retail Business) District. The owner would like to change the zoning on the property to an R-1 (One Family Residential) District to construct a residential dwelling on the lot.

Adjacent Zoning:

R-1 (One-Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Hyperstar Inc. (Owner)

Danish Samad (Representative)

Copley Land Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

23

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 4.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6387

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, Located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the North 8 feet of Lot 14 and all of the South 27.666 feet of Lot 16, Block 2 (Earnhartbuilt, LLC, Owner; Moran Development, Developer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Earnhartbuilt LLC (Owner), Moran Development (Developer) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2 for a zone change approval from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District.

Background:

The property is located at 515 and 519 South First Street between King and Cherry Streets. The property is zoned a C-2 (General Commercial) District and an R-1 (One Family Residential) District. The owner would like to Replat the property into one lot, rezone the property from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District for development of an eight unit, one bedroom apartment complex. The two-story building will be approximately 4,800 square feet. Sixteen parking spaces will be provided.

This project is being built on lots that were cleared in 2018 as part of the City's substandard structure demolition program.

Origination:

Earnhartbuilt LLC (Owner)

Moran Development (Developer)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6387

Exhibit A

Location Map

Zoning Map

Zoning Sign Photo

Cunningham Place Addition

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6387

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 515 AND 519 SOUTH FIRST STREET, BEING 0.402 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 AND BEING PART OF BLOCK 2 OF G.Y. GRAY'S SUPPLEMENT ADDITION AND BEING ALL OF LOTS 14, 15 AND THE NORTH 5.333 FEET OF LOT 16, BLOCK 2 EXCEPT THE NORTH 8 FEET OF LOT 14 AND ALL OF THE SOUTH 27.666 FEET OF LOT 16, BLOCK 2 (EARNHARTBUILT, LLC, OWNER; MORAN DEVELOPMENT, DEVELOPER, AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Legal Description/Field Notes**, attached hereto, located at 515 and 519 South First Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-2 (Multi-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN PITTMAN, CITY ATTORNEY

Exhibit A

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the Samuel Blagg Survey, Abstract No. 56 and being a part of Block 2 of G.Y. Gray's Supplement Addition to the City of Sherman, Texas, as per plat of record in Volume 309, Pg. 493, Deed Records, Grayson County, Texas and being all of Lots 14, 15, and the North 5.333 ft. of Lot 16, said Block 2, Except the North 8 ft. of Lot 14, conveyed by Sheriff's Tax Deed, to EarnhartBuilt, LLC, on April 22, 2019, recorded in Instrument No. 2019-12825, Official Public Records, Grayson County, Texas, and all of the South 27.666 ft. of Lot 16, said Block 2 conveyed by Sheriff's Tax Deed, to EarnhartBuilt, LLC, on April 22, 2019, recorded in Instrument No. 2019-12824, said Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set stamped (RPLS 6578) in the East right-of-way line of First Street, at the Southwest corner of the Iglesia Evangelical Filadelfia property described as Lots 12, 13, and the North 8 ft. of Lot 14, said Block 2, recorded in Volume 5246, Page 599, said Official Public Records and the Northwest corner of both EarnhartBuilt property in Inst. No. 2019-12825 and the herein described tract, SAID rebar being South 15 deg. 50 min. 48 sec. East, 358.00 ft. from a 1/2 inch rebar found at the Northwest corner of said Block 2, G.Y. Gray's Supplement;

THENCE North 74 deg. 09 min. 12 sec. East, over and across said Lot 14, with the North line of said EarnhartBuilt tract in Inst. No. 2019-12825 and the South line of said Iglesia Evangelical Filadelfia property, a distance of 140.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the West line of an alley, at the Southeast corner of said Iglesia Evangelical Filadelfia property and the Northeast corner of both said EarnhartBuilt tract in Inst. No. 2019-12825 and the herein described tract;

THENCE South 15 deg. 50 min. 48 sec. East, with the East line of said Lots 14, 15 and 16 and the West line of said alley, a distance of 125.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) at the apparent Southeast corner of both said EarnhartBuilt tract in Inst. No. 2019-12824 and the herein described tract;

THENCE South 74 deg. 09 min. 12 sec. West, with the apparent South line of said Lot 16, a distance of 140.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the East right-of-way line of said First Street, at the apparent Southwest corner of both said Lot 16 and the herein described tract;

THENCE North 15 deg. 50 min. 48 sec. West, with the East right-of-way line of said First Street, the West line of said Lots 16, 15 and 14, a distance of 125.00 ft. to the **PLACE OF BEGINNING** and containing **0.402 ACRES and/or 17,500 SQUARE FEET** of land.



City of Sherman, Texas
Developmental Services Department

515 & 519 South First Street



1 in = 200 ft



Zoning - 515 & 519 South First Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft

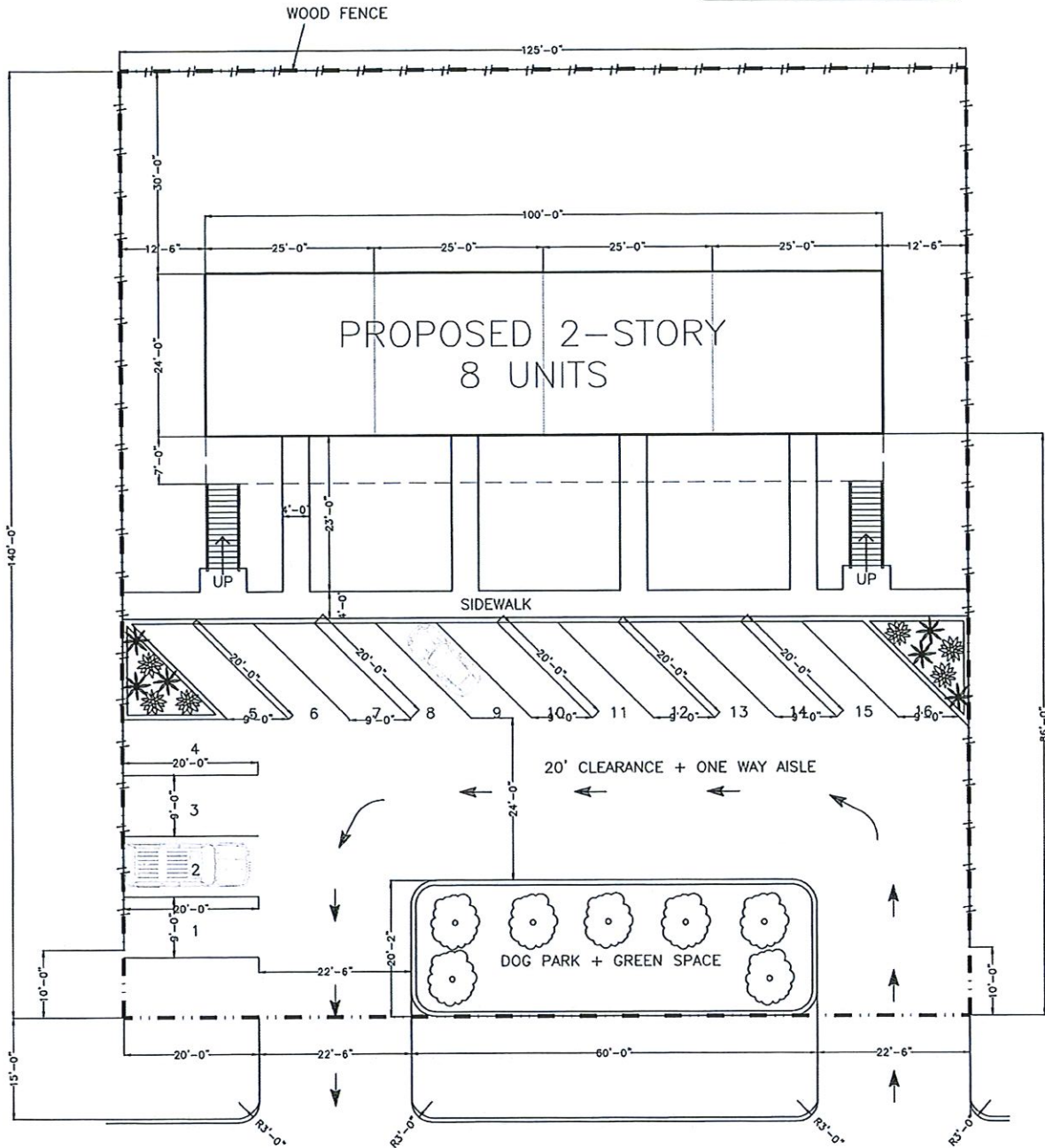
515 & 519 South First Street



Apr 30, 2021 at 12:49 PM

SCALE: 3/4" = 1'-0"

DESCRIPTION	SQ. FT./DESCRIP.
GROSS SQFT OF STRUCTURE	2400
GROSS SQFT OF PROPERTY	17500
REQUIRED PARKING	16
PARKING PROVIDED	16
CURRENT ZONING	COMMERCIAL
PROPOSED ZONING	R2
HARD SURFACE AREA	5164
LANDSCAPED AREA	7450



FIRST STREET



PROJECT NAME:
THE RETREAT

DATE:
APRIL, 24TH 2021

DRAWINGS TITLE:
PROPOSED PLOT PLAN

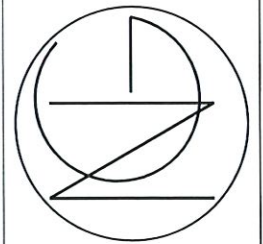
ADDRESS:
515 FIRST STREET

SCALE:
3/4" = 1'-0"

SHEET SIZE:
11X17



FRONT ELEVATION
SCALE: 1 - 1/2" = 1'-0"



PROJECT NAME:
THE RETREAT

DATE:
APRIL, 24TH 2021

DRAWINGS TITLE:
PROPOSED FRONT ELEVATION

ADDRESS:
515 FIRST STREET

SCALE:
1 1/2" = 1'-0"

SHEET SIZE:
11X17

STAFF REVIEW LETTER

May 11, 2021

Earnhartbuilt LLC
110 S. Houston Ave.
Denison, TX 75020

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Moran Developments
910 S. Travis St.
Sherman, TX 75090

Dear Applicants,

The request for a zone change and site plan approval for an 8-unit Multi-Family Complex under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District to an R-2 (Multi-Family Residential) District located at 515 an 519 South First Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
4. A minimum 6' masonry perimeter wall shall be provided to surround the development unless an exception is granted.
5. No building shall exceed 35 feet in height unless an exception is granted.
6. Parking is permitted on paved surfaces only (concrete and asphalt).
7. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
8. Any structures built over any of the easements on the property will require approval from the City Council for an encroachment easement.
9. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
10. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC:	Robby Hefton, City Manager	Billy Hartsfield, Fire Marshal
	Clint Philpott, Asst. City Manager	Amber Doan, Engineering Coordinator
	Wayne Lee, P.E., Director of Engineering	Christopher Armstrong, Asst. City Engineer
	Tom Pruitt, Utility Engineer	
	The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney	



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 18.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

515 & 519 SOUTH FIRST STREET

The request of Earnhartbuilt LLC (Owner), Moran Development (Developer) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2, as follows:

Planning and Zoning Commission

Zone change and site plan approval for an 8-unit Multi-Family Complex under Ordinance No. 2280, Section 12, from a C-2 (General Commercial) District and R-1 (One-Family Residential) District to an R-2 (Multi-Family Residential) District.

Background:

The property is located at 515 and 519 South First Street between King and Cherry Streets. The property is zoned a C-2 (General Commercial) District and an R-1 (One Family Residential) District. The owner would like to Replat the property into one lot, rezone the property from a C-2 (General Commercial) District and R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for development of an eight-unit, one bedroom per unit apartment complex. The two-story building will be approximately 2,400 square feet. Sixteen parking spaces will be provided.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Earnhartbuilt, LLC (Owner)

Moran Development (Developer)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

22

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Cunningham Place Addition

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 5.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6388

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located in the 2400-2700 Blocks of South FM 1417 (Heritage Parkway), being 43.727 acres in the Elizabeth Jones Survey, Abstract No. 625 (ARC STX Holdings, LLC, Owner; Tesch Development & Management Co., LLC, Prospective Buyer; Robert Tesch, Representative; Pape-Dawson Engineers, Civil Engineer and Pierce-Murray Land Solutions, Surveyor); Providing for a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of ARC STX Holdings, LLC (Owners), Tesch Development & Management Co., LLC, (Prospective Buyer), Robert Tesch (Representative), Pape-Dawson Engineers (Civil Engineer) and Pierce-Murray Land Solutions (Surveyor) concerning the properties in the 2400-2700 blocks of South FM 1417 (Heritage Parkway), being 43.727 acres in the Elizabeth Jones Survey, Abstract No. 625 for a zone change approval from an R-A (Single Family Agricultural) District and M-1 (Light Manufacturing) District to an R-1 (One-Family Residential) District.

Background:

The property is located in the 2400-2700 blocks of South FM 1417 (Heritage Parkway), the northwest corner of FM 1417 (Heritage Parkway) and O.B. Groner Road; across the highway from the new Sherman High School. A portion of the property (46.339 acres) was annexed into the City Limits of Sherman December 7, 2020, City Council Meeting and is zoned R-A (Single Family Residential) District. Another portion of property (21.799 acres) is zoned an M-1 (Light Manufacturing) District and located in the O-1.1 (FM 1417) Overlay District.

The owners are requesting to rezone 43.727 acres to an R-1 (One Family Residential) District for residential development.

Origination:

ARC STX Holdings, LLC (Owners)
Tesch Development & Management Co., LLC, (Prospective Buyer)
Robert Tesch (Representative)
Pape-Dawson Engineers (Civil Engineer)
Pierce-Murray Land Solutions (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6388
Exhibit A
Location Map
Zoning Map
Zoning Sign Photo
Survey
Conceptual Site Plan
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 2400-2700 BLOCKS OF SOUTH FM 1417 (HERITAGE PARKWAY), BEING 43.727 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 (ARC STX HOLDINGS, LLC, OWNER; TESCH DEVELOPMENT & MANAGEMENT CO., LLC, PROSPECTIVE BUYER; ROBERT TESCH, REPRESENTATIVE, PAPE-DAWSON ENGINEERS, CIVIL ENGINEERS, AND PIERCE-MURRAY LAND SOLUTIONS, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Legal Description/Field Notes**, attached hereto, located in the 2400-2700 blocks South FM 1417 (Heritage Parkway), and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-1 (One-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

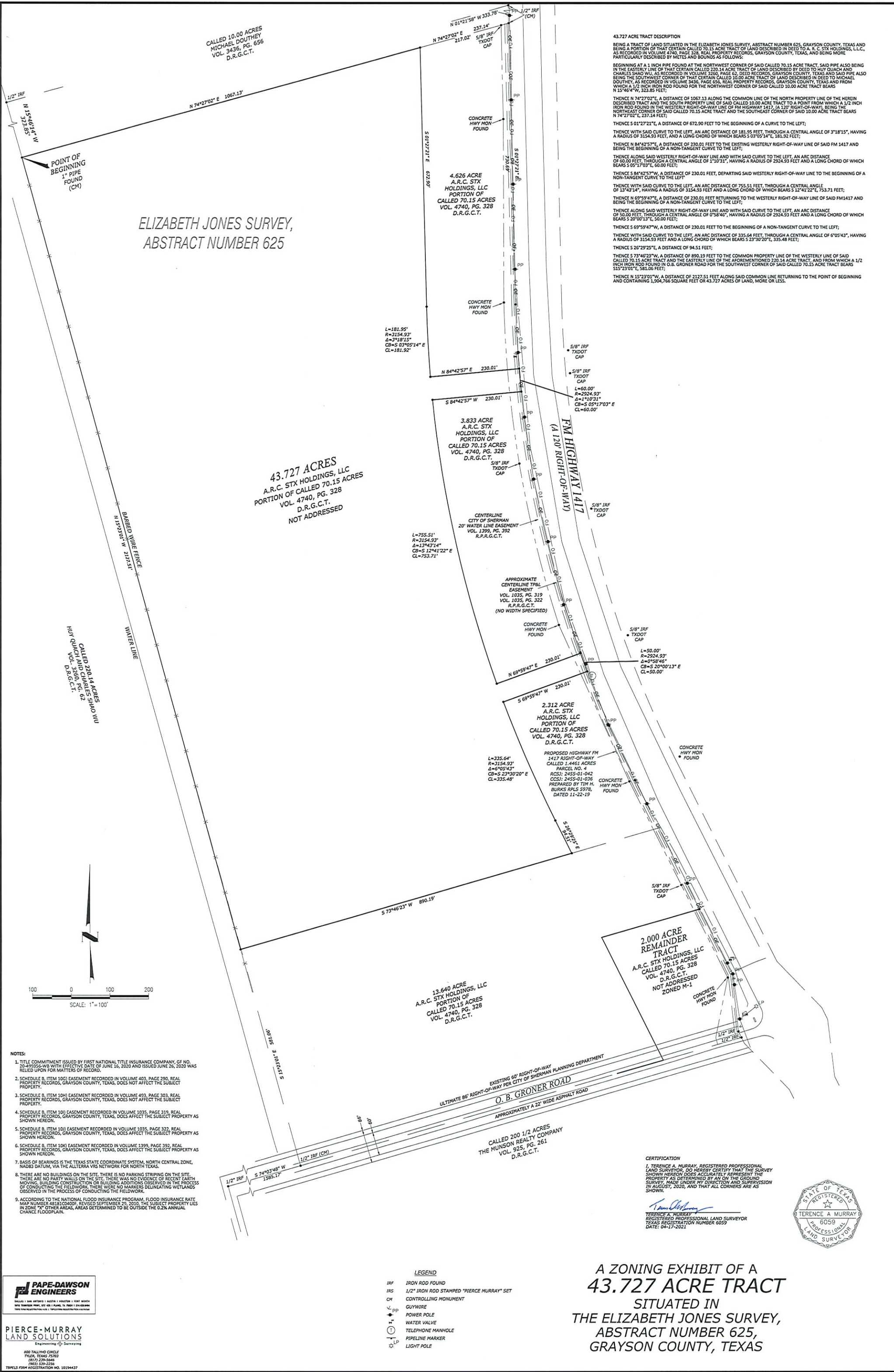
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN PITTMAN, CITY ATTORNEY



43.727 ACRE TRACT DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE ELIZABETH JONES SURVEY, ABSTRACT NUMBER 625, GRAYSON COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 70.15 ACRE TRACT OF LAND DESCRIBED IN DEED TO A. R. C. STX HOLDINGS, L.L.C., AS RECORDED IN VOLUME 4740, PAGE 328, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SAID CALLED 70.15 ACRE TRACT, SAID PIPE ALSO BEING IN THE EASTERLY LINE OF THAT CERTAIN CALLED 220.14 ACRE TRACT OF LAND DESCRIBED BY DEED TO HUY QUACH AND CHARLES SHAO WU, AS RECORDED IN VOLUME 3260, PAGE 62, DEED RECORDS, GRAYSON COUNTY, TEXAS AND SAID PIPE ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN CALLED 10.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO MICHAEL DOUTHEY, AS RECORDED IN VOLUME 3436, PAGE 656, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS AND FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID CALLED 10.00 ACRE TRACT BEARS N 15°40'41"W, 223.85 FEET;

THENCE N 74°27'02"E, A DISTANCE OF 1067.13 ALONG THE COMMON LINE OF THE NORTH PROPERTY LINE OF THE HEREIN DESCRIBED TRACT AND THE SOUTH PROPERTY LINE OF SAID CALLED 10.00 ACRE TRACT TO A POINT FROM WHICH A 1/2" IRON ROD FOUND IN THE WESTERLY RIGHT-OF-WAY LINE OF FM HIGHWAY 1417, (A 120' RIGHT-OF-WAY), BEING THE NORTHEAST CORNER OF SAID CALLED 70.15 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 10.00 ACRE TRACT BEARS N 74°27'02"E, 237.14 FEET;

THENCE S 01°27'21"E, A DISTANCE OF 672.90 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 181.95 FEET, THROUGH A CENTRAL ANGLE OF 3°18'15", HAVING A RADIUS OF 3154.93 FEET, AND A LONG CHORD OF WHICH BEARS S 03°05'14"E, 181.92 FEET;

THENCE N 84°42'57"E, A DISTANCE OF 230.01 FEET TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF SAID FM 1417 AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 60.00 FEET, THROUGH A CENTRAL ANGLE OF 1°10'31", HAVING A RADIUS OF 2924.93 FEET AND A LONG CHORD OF WHICH BEARS S 05°17'03"E, 60.00 FEET;

THENCE S 84°42'57"W, A DISTANCE OF 230.01 FEET, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 755.51 FEET, THROUGH A CENTRAL ANGLE OF 13°43'14", HAVING A RADIUS OF 3154.93 FEET AND A LONG CHORD OF WHICH BEARS S 12°41'22"E, 753.71 FEET;

THENCE N 69°59'47"E, A DISTANCE OF 230.01 FEET RETURNING TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID FM1417 AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 0°58'46", HAVING A RADIUS OF 2924.93 FEET AND A LONG CHORD OF WHICH BEARS S 20°00'13"E, 50.00 FEET;

THENCE S 69°59'47"W, A DISTANCE OF 230.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 335.64 FEET, THROUGH A CENTRAL ANGLE OF 6°05'43", HAVING A RADIUS OF 3154.93 FEET AND A LONG CHORD OF WHICH BEARS S 23°30'20"E, 335.48 FEET;

THENCE S 26°29'25"E, A DISTANCE OF 94.51 FEET;

THENCE S 73°46'23"W, A DISTANCE OF 890.19 FEET TO THE COMMON PROPERTY LINE OF THE WESTERLY LINE OF SAID CALLED 70.15 ACRE TRACT AND THE EASTERLY LINE OF THE AFOREMENTIONED 220.14 ACRE TRACT, AND FROM WHICH A 1/2" IRON ROD FOUND IN O.B. GRONER ROAD FOR THE SOUTHWEST CORNER OF SAID CALLED 70.15 ACRE TRACT BEARS S 15°23'01"W, 581.06 FEET;

THENCE N 15°23'01"W, A DISTANCE OF 2127.51 FEET ALONG SAID COMMON LINE RETURNING TO THE POINT OF BEGINNING AND CONTAINING 1,004,706 SQUARE FEET OR 43.727 ACRES OF LAND, MORE OR LESS.

NOTES:

1. TITLE COMMITMENT ISSUED BY FIRST NATIONAL TITLE INSURANCE COMPANY, GF NO. 20-499356-WB WITH EFFECTIVE DATE OF JUNE 16, 2020 AND ISSUED JUNE 26, 2020 WAS RELIED UPON FOR MATTERS OF RECORD.
2. SCHEDULE B, ITEM 10G) EASEMENT RECORDED IN VOLUME 403, PAGE 290, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, DOES NOT AFFECT THE SUBJECT PROPERTY.
3. SCHEDULE B, ITEM 10H) EASEMENT RECORDED IN VOLUME 493, PAGE 303, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, DOES NOT AFFECT THE SUBJECT PROPERTY.
4. SCHEDULE B, ITEM 10I) EASEMENT RECORDED IN VOLUME 1035, PAGE 319, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, DOES AFFECT THE SUBJECT PROPERTY AS SHOWN HEREON.
5. SCHEDULE B, ITEM 10J) EASEMENT RECORDED IN VOLUME 1035, PAGE 322, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, DOES AFFECT THE SUBJECT PROPERTY AS SHOWN HEREON.
6. SCHEDULE B, ITEM 10K) EASEMENT RECORDED IN VOLUME 1399, PAGE 392, REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, DOES AFFECT THE SUBJECT PROPERTY AS SHOWN HEREON.
7. BASIS OF BEARINGS IS THE TEXAS STATE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 DATUM, VIA THE ALLTERRA VRS NETWORK FOR NORTH TEXAS.
8. THERE ARE NO BUILDINGS ON THE SITE. THERE IS NO PARKING STRIPING ON THE SITE. THERE ARE NO PARTY WALLS ON THE SITE. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. THERE WERE NO MARKERS DELINEATING WETLANDS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
9. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 48181C0400P, REVISED SEPTEMBER 29, 2010, THE SUBJECT PROPERTY LIES IN ZONE "X" OTHER AREAS, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

CERTIFICATION

I, TERENCE A. MURRAY, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON DOES ACCURATELY REPRESENT THE PROPERTY AS DETERMINED BY ME ON THE GROUND SURVEY, MADE UNDER MY DIRECTION AND SUPERVISION IN AUGUST, 2020, AND THAT ALL CORNERS ARE AS SHOWN.

TERENCE A. MURRAY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6059
DATE: 04-17-2021



LEGEND

- IRF IRON ROD FOUND
- IRS 1/2" IRON ROD STAMPED "PIERCE MURRAY" SET
- CM CONTROLLING MONUMENT
- GUYWIRE
- PP POWER POLE
- WATER VALVE
- TELEPHONE MANHOLE
- PIPELINE MARKER
- LIGHT POLE

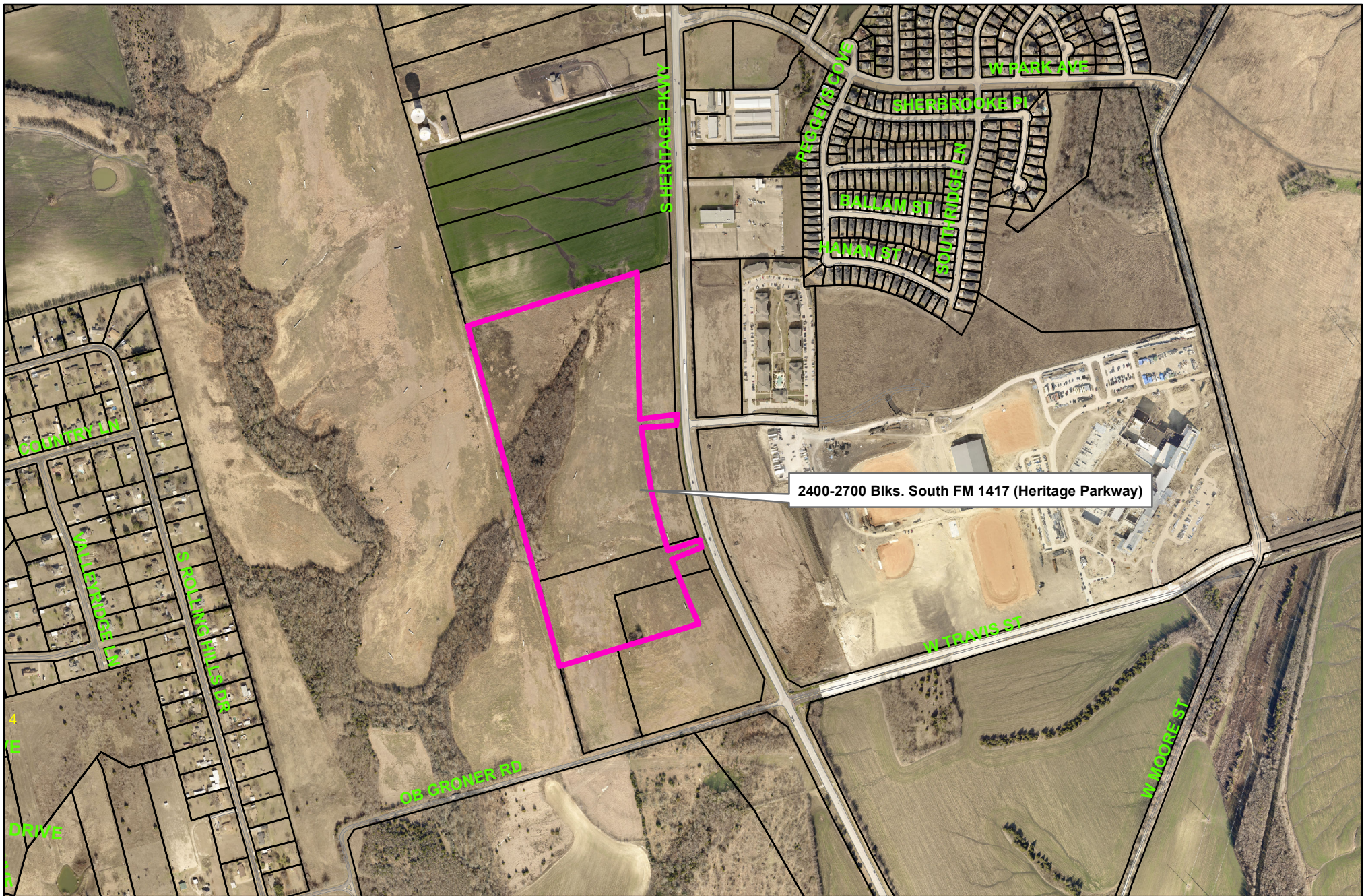
A ZONING EXHIBIT OF A
43.727 ACRE TRACT
SITUATED IN
THE ELIZABETH JONES SURVEY,
ABSTRACT NUMBER 625,
GRAYSON COUNTY, TEXAS



DALLAS | SAN ANTONIO | HOUSTON | FORT WORTH
SAUL TAYLOR, P.E., 409 E. PLUM, 10TH FLOOR, DALLAS, TX 75202
TEL: 214-742-1100 FAX: 214-742-1101
WWW.PAPE-DAWSON.COM



800 TALLYHO CIRCLE
TYLER, TEXAS 75703
(972) 239-5666
(972) 239-2258
TXPELS FIRM REGISTRATION NO. 10194437



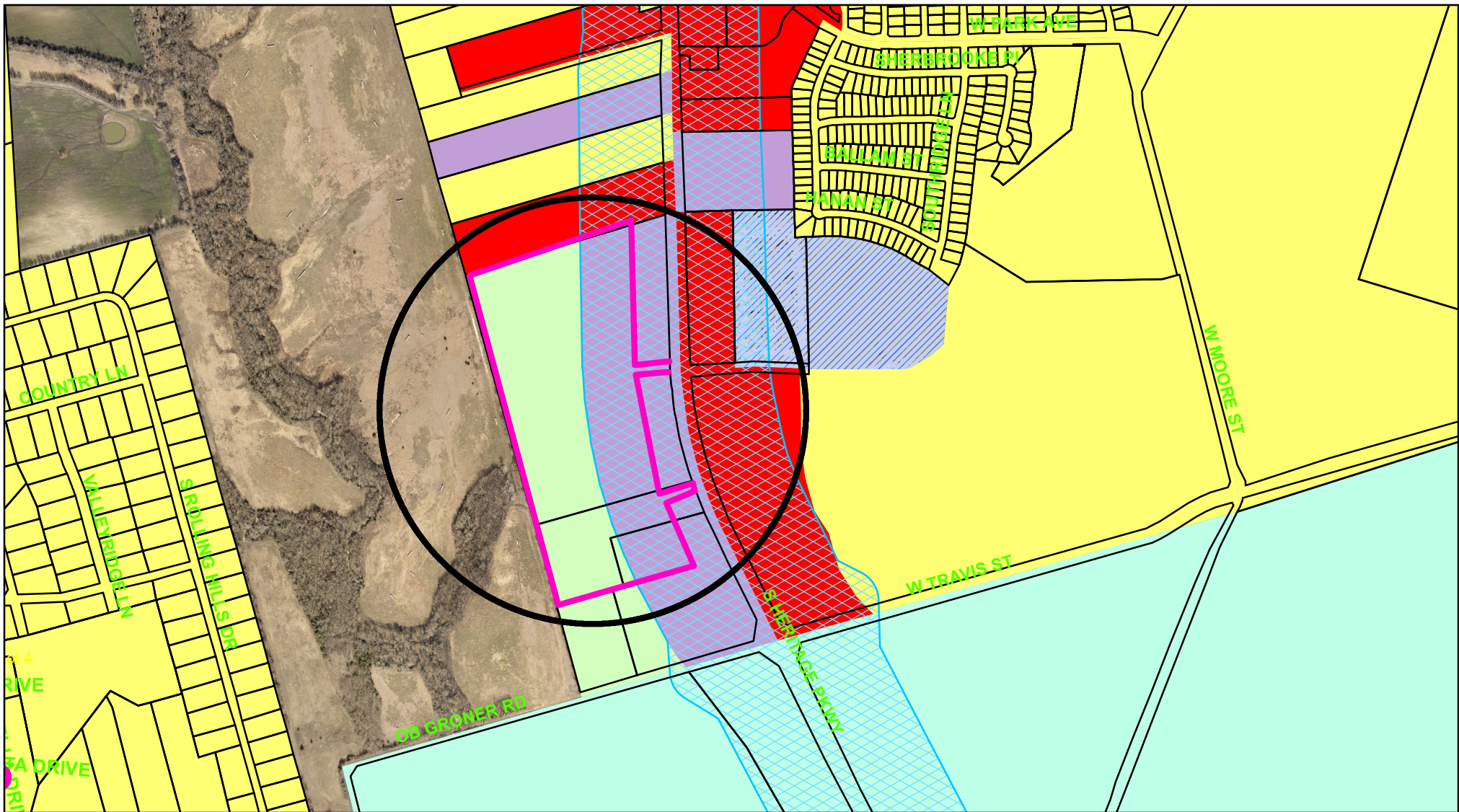
City of Sherman, Texas
Developmental Services Department

2400-2700 Blocks South FM 1417 (Heritage Parkway)



NOT TO SCALE

1 in = 800 ft



Zoning - 2400-2700 Blocks South FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

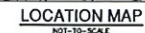


NOT TO SCALE

1 in = 880 ft

2400-2700 Blocks South FM 1417 (Heritage Parkway)





LEGEND

 DEVELOPMENT BOUNDARY
 10' CONTOUR
 PROPERTY LINE
 BUILDING SETBACK LINE

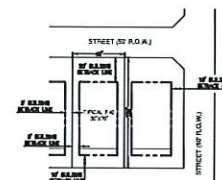
ZONING	
CURRENT	M-1 & R-A
PROPOSED	R-1 W/ SUP PH (PATIO HOME)

LAND USAGE	
GROSS SF OF PROPERTY	1,905,028 (43.7 AC)
RESIDENTIAL AREA	1,144,645 (26.3 AC)
RIGHT-OF-WAY	360,759 (8.2 AC)
REQUIRED OPEN SPACE (10%)	190,502 (4.4 AC)
DETENTION/OPEN SPACE	365,733 (8.4 AC)
TOTAL LOTS	206

PATIO HOME (PH) SUP ZONING

MIN. LOT AREA	4,000 SQ FT
MIN. LOT WIDTH/CORNER	40 FT/45 FT
MIN. FRONT SETBACK	20 FT
MAX FRONT SETBACK	25 FT
MIN. SIDE YARD/CORNER	5 FT/10 FT
MIN. REAR YARD	10 FT
PARKING REQUIRED	1/BEDROOM (MIN 2/UNIT)

NOTE: DEVELOPMENT TO COMPLY WITH REQUIREMENTS FOR PATH HOME SUP AS LISTED IN CITY OF SHERMAN ZONING ORDINANCE SECTION 8.9



TYPICAL LOT DETAIL
NOT-TO-SCALE

SHERMAN HEIGHTS
SHERMAN, TEXAS
(43.7 ACRES)



SCALE: 1" = 100'

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0'', '100'', '200'', and '300'' at regular intervals.

**PAPE-DAWSON
ENGINEERS**

DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5810 TENNYSON PARKWAY, STE 425 | PLANO, TX 75004 | 214.432.8446
TAPES FIRM REGISTRATION #472 | TAPES FIRM REGISTRATION #1618382



SHERMAN
HIGH SCHOOL

SHERMAN INDEPENDENT
SCHOOL DISTRICT
DEED NO. 2017-10143
O.P.E.C.T.

ESTATES OF PEBBLEBROOK, PH-
STEEPLE CHASE FARMS SUMMIT L
VOL 45:8 PG 873 O.P.R.C.T.
22860: B-2

states Apr 20, 2021, 4:27pm User ID: eooniga
file W\projects\701\05\05.2.0 Design\2.4 Cld\2.4.4 Exhibit\210420 Zoning.dwg

STAFF REVIEW LETTER

May 11, 2021

ARC STX Holdings, LLC
PO Box 451714
Laredo, TX 78045

Pape-Dawson Engineers
Matt Gilbertson P.E.
5810 Tennyson Parkway, Ste. 425
Plano, TX 75024

Robert Tesch
6950 TPC Drive, Ste. 100
McKinney, TX 75070

Dear Applicants,

The request for a zone change under Ordinance No. 2280, Section 12, from an R-A (Single-Family Agricultural) District and M-1 (Light Manufacturing) District to an R-1 (One-Family Residential) District located in the 2400-2700 blocks of South FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
4. Parking is permitted on paved surfaces only (concrete and asphalt).
5. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
6. Any structures built over any of the easements on the property will require approval from the City Council for an encroachment easement.
7. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
8. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering:

9. Platting of the property is required upon development.

10. Right of Way dedication will be required upon platting along FM 1417 to reflect TxDOT FM 1417 ROW Project. Coordinate with City of Sherman Engineering Department for exact ROW metes and bounds to be taken.
11. Privately owned and maintained detention in accordance with City criteria is required upon development.
12. Water Pro-Rata will be due at the time of development.
13. Sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC:	Robby Hefton, City Manager	Billy Hartsfield, Fire Marshal
	Clint Philpott, Asst. City Manager	Amber Doan, Engineering Coordinator
	Wayne Lee, P.E., Director of Engineering	Christopher Armstrong, Asst. City Engineer
	Tom Pruitt, Utility Engineer	
	The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney	



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 21.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2400-2700 BLOCKS SOUTH FM 1417 (HERITAGE PARKWAY)

The request of ARC STX Holdings, LLC (Owners), Tesch Development & Management Co., LLC, (Prospective Buyer), Robert Tesch (Representative), Pape-Dawson Engineers (Civil Engineer) and Pierce-Murray Land Solutions (Surveyor) concerning the properties in the 2400-2700 blocks of South FM 1417 (Heritage Parkway), being 43.727 acres in the Elizabeth Jones Survey, Abstract No. 625, as follows;

Planning and Zoning Commission

Zone change under Ordinance No. 2280, Section 12, from an R-A (Single-Family Agricultural) District and M-1 (Light Manufacturing) District to an R-1 (One-Family Residential) District.

Background:

The property is located in the 2400-2700 blocks of South FM 1417 (Heritage Parkway), the northwest corner of FM 1417 (Heritage Parkway) and O.B. Groner Road; across the highway from the new Sherman High School. A portion of the property (46.339 acres) was annexed into the City Limits of Sherman, at the December 7, 2020, City Council Meeting and is zoned R-A (Single Family Residential) District. Another portion of property (21.799 acres) is zoned an M-1 (Light Manufacturing) District and located in the O-1.1 (FM 1417) Overlay District. A zone change to a C-1 (Retail Business) District was denied at the January 4, 2021, City Council Meeting; the uses proposed were Commercial Retail, Multi-Family with two types (apartments and build to rent single-story units) and a self-storage facility.

The owners are requesting to rezone 43.727 acres to an R-1 (One Family Residential) District for residential development.

Adjacent Zoning:

R-A (Single Family Agricultural) District

(C-1 (Retail Business) District

M-1 (Light Manufacturing) District

Planned Development with Mixed Uses

Origination:

ARC STX Holdings, LLC (Owners)
Tesch Development & Management Co., LLC, (Prospective Buyer)
Robert Tesch (Representative)
Pape-Dawson Engineers (Civil Engineer)
Pierce-Murray Land Solutions (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

4

Objections Received:

0

Development Review Meeting

Yes

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey
Conceptual Site Plan
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 6.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6389

An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6132 and Granting a Specific Use Permit to allow Patio Homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a Total of 46 Patio Homes in an R-1 (One-Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court (Homes by JLS of Texoma LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Repealing Ordinance No. 6132 and Granting a Specific Use Permit to allow Patio Homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a Total of 46 Patio Homes in an R-1 (One-Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court (Homes by JLS of Texoma LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor)

Background:

The property is located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court; the southwest corner of Dry Creek Road and Northcreek Drive. The property is zoned an R-1 (One-Family Residential) District.

The owner would like to Replat Lot 12 into two lots for residential development. A Specific Use Permit was approved to allow 45 patio homes in the Magnolia Village Addition July 16, 2018 (Ord. 6132) including Lot 12. The owner would like to amend the Specific Use Permit to include Lot 12R-1 and 12R-2 to allow an additional patio home for a total of 46 patio homes.

Origination:

Homes by JLS of Texoma LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6389
Exhibit A
Location Map
Zoning Map
Zoning Sign Photo
Ordinance 6132
Magnolia Village Replat Lots 12R-1 & 12R-2
Patio Home Lots
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, REPEALING ORDINANCE NO. 6132 AND GRANTING A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES ON LOTS 12R-1 AND 12R-2 OF THE PROPOSED REPLAT OF LOT 12, BLOCK C OF THE AMENDED PLAT OF MAGNOLIA VILLAGE AND LOTS 1-5, BLOCK A, LOTS 1-19, BLOCK B, LOTS 1-11 AND 13-21, BLOCK C, AMENDED PLAT OF MAGNOLIA VILLAGE FOR A TOTAL OF 46 PATIO HOMES IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 502 EAST NORTHCREEK DRIVE, 4706-4723 INDIO LANE, 400-516 CARNEROS DRIVE, 4701-4733 DRY CREEK ROAD, 400-505 SONOMA COURT (HOMES BY JLS OF TEXOMA LLC, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. Ordinance No. 6132 is hereby repealed in its entirety. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 6132 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 6132 occurring before the effective date of this Ordinance.

SECTION 2. That, from and after the effective date of this Ordinance, Homes by JLS of Texoma LLC (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) for the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 12R-1 And 12R-2 of the Proposed Replat of Lot 12,

Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village as depicted in **Exhibit A** are granted a Specific Use Permit to allow a maximum of 46 Patio Homes in an R-1 (One-Family Residential) District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as:

Lots 12R-1 And 12R-2 of the Proposed Replat of Lot 12, Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village, as depicted in Exhibit A, attached hereto.

SECTION 3. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Patio Home Ordinance, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x 20'.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
8. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
9. Any subdivision developed under the Patio Home (PH) standards of this ordinance shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Usable open space shall not be required for a patio home development if it contains fifty (50) or fewer lots and the property contiguous (abutting or separating only by a local or collector street) to the subdivision is either developed for use other than patio homes or is restricted by zoning to not permit patio home development. Properties separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.
10. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
11. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

SECTION 4. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 5. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect..

SECTION 7. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 8. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 9. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

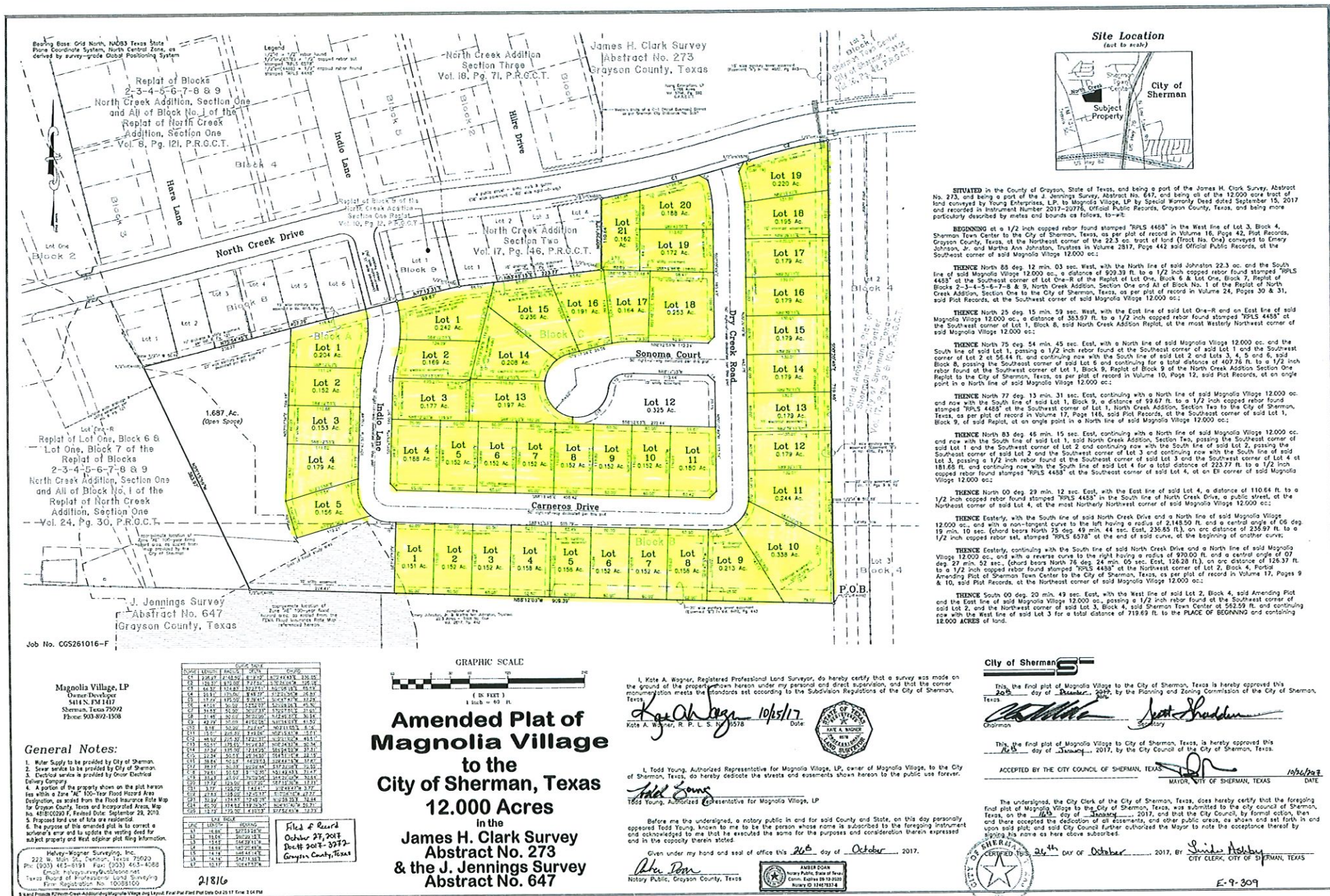
ATTEST:

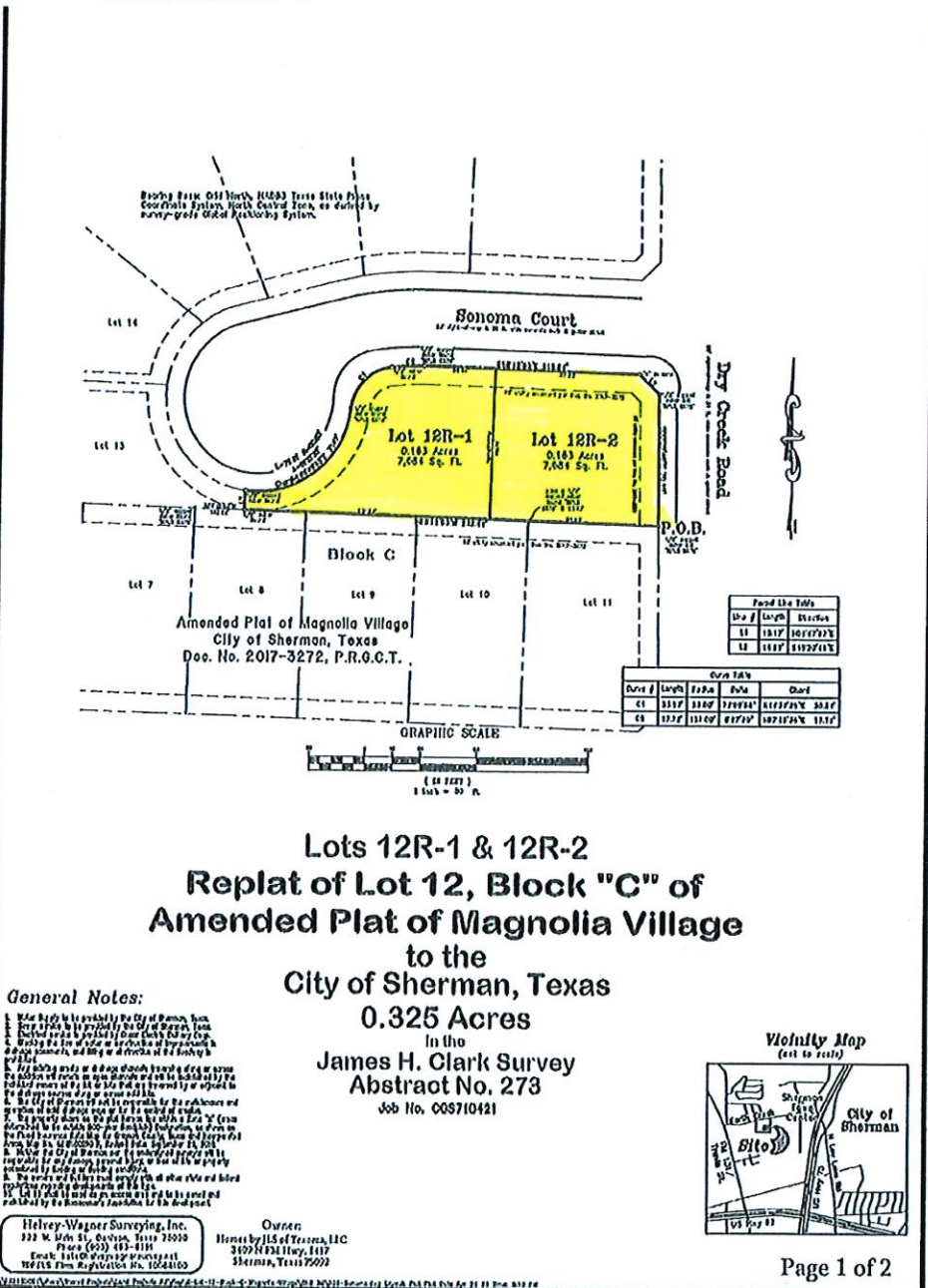
BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Exhibit A





FIELD NOTES

LOCATED in the City of Sharpsburg, County of Crofton, State of Texas, and being a part of the James H. Clark Survey, Ad Valorem No. 273, and being a part of Lot 16, Block "C," Amended First of Magnolia Village to the City of Sharpsburg, Texas, recorded in Document No. 2017-3272, First Record, Crofton County, Texas, and being more particularly described by plat and bounds as follows, to-wit:

EC097895 at a 1/2 inch copper wire is, stamped "7218 4578" in the West right of way line of old Dry Creek Road, a public road, at the Northwest corner of Lot 11, and Block G, Negroes Village and the Southeast corner of old Lot 12.

DIOXSE North 05 deg. 18 min. 03 sec. West, with the North line of lat. 10, 9 and 8, and sold Block C, Magnolia Village and the South line of said lat. 12, joining a 1/2 inch capped steel found "7318 4376" at 88.07, and continuing on said corner for a TOTAL distance of 212.41 ft. to a 1/2 inch rebar found in the North line of said lat. 8, at the Southwest corner of lat. 13, sold Block C, Magnolia Village and the Southwest corner of said lat. 12, 8000 rebar bore South 05 deg. 12 min. 03 sec. East, 152.16 ft. turn a 1/2 inch capped steel found, stamped "7315 4376" at the Northwest corner of said lat. 8.

BEING North of deg. 47 min. 07 sec. East, with the East line of said lot 13 and the West line of said lot 12, a distance of 10117 ft. to a 1/2 inch copper color found in the South right-of-way line of Sumner Court, a public road, at the Eastern-Northeast corner of said lot 13, the Western-Northwest corner of said lot 12 and the beginning of said curve.

DIKE Northside with the South line of old Sonoma Creek and a North line of old Lot 12, a curve to the left having a radius of 80.03 ft. and a central angle of 81 deg. 10 min. 33 sec., (Chord bears North 81 deg. 09 min. 43 sec. E, 73.67 ft.), on a distance of 78.41 ft. to a 1/2 inch capped iron pin, stamped "FIS 4578" at the end of said curve, at the beginning of another curve.

NOTE: Northwinding, southerly with the South Pole of old Bonney Court and a North Pole of old lot 12, with a corner curve to the right, being a radius of 23.62 ft. and a central angle of 78 deg. 00 min. 60 sec., (Chord bears North 44 deg. 33 min. 27 sec. East, 50.81 ft.), an arc distance of 33.73 ft. to a 1/2 inch radiol end of this and of said curve, at the beginning of another curve.

THOSE Measurements, easting with the South line of said Section Court and a North line of said lot 12, with a compound curve to the right having a radius of 125.00 ft. and a central angle of 69 deg. 07 min. 20 sec., (chord bears North 87 deg. 15 min. 34 sec. East, 12.71 ft.), on a distance of 17.72 ft. to a 1/2 inch capped iron pipe, elevated 72.13 ft. above the base of said curve.

THREE 80' by 25' 12" sub. 03 sec. East, containing the South line of said Sycamore Coal and a North line of said lot 12, a distance of 118.85 ft. to a "x" found by concrete offset of the North-west corner of said lot 12 and the intersection of the South right-of-way line of said Sycamore Coal and the West right-of-way line of said Dry Creek Road, at the point where the North line of said lot 12 crosses the North line of said Sycamore Coal.

BEFORE 1945 45 deg. 40 min. East, with the East right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 164.9 ft. to a 1/2 inch capped silver nail, stamped "RFS 8578" at the most easterly Northwest corner of said Lot 12.

THENCE South 60 deg. 10 min. 40 sec. East, continuing with the West right-of-way line of said Dry Creek Road and the East line of said Lot 19, a distance of 7015 ft. to the PLACE OF BEGINNING and containing 0.320 Acres of land.

I, Kels A. Wray, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown herein for my purpose and direct supervision, and that the corner monumentation meets the standards set according to the Division Regulations of the ORS of Oklahoma, Texas.

Kate A. Wynn, R. P. L. S. No. 4524	File
------------------------------------	------



A Partial Representation for Homes by AS of Tucson, LLC, owner of Raptel at Lot 10, Block "G" of Tentative Plat of Map 9806 N/A to the City of Tucson, Texas, do hereby dedicate the streets and easements shown herein to the public use forever.

John Bingham, Authorized Representative for Home by U.S. of Trade, Inc.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared JOHN BASSERMAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2011.

Nikolay P. Pavlov, Graduate Council, 1999

2. *Phragmites*

This, a part of Lot 12, Block "C" of Amended Plat of Maple Woods to the City of Sherman, Texas is hereby approved this _____ day of _____ 1921, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chaitin's

Synonyms

This, Report of Lot 12, Block "C" of Amended Plat of Magnolia Village in City of Shawnee, Texas, is hereby offered this _____ day of _____ 2011, by the City Council of the City of Shawnee, Texas.

ADOPTED BY THE CITY COUNCIL OF DALLAS, TEXAS

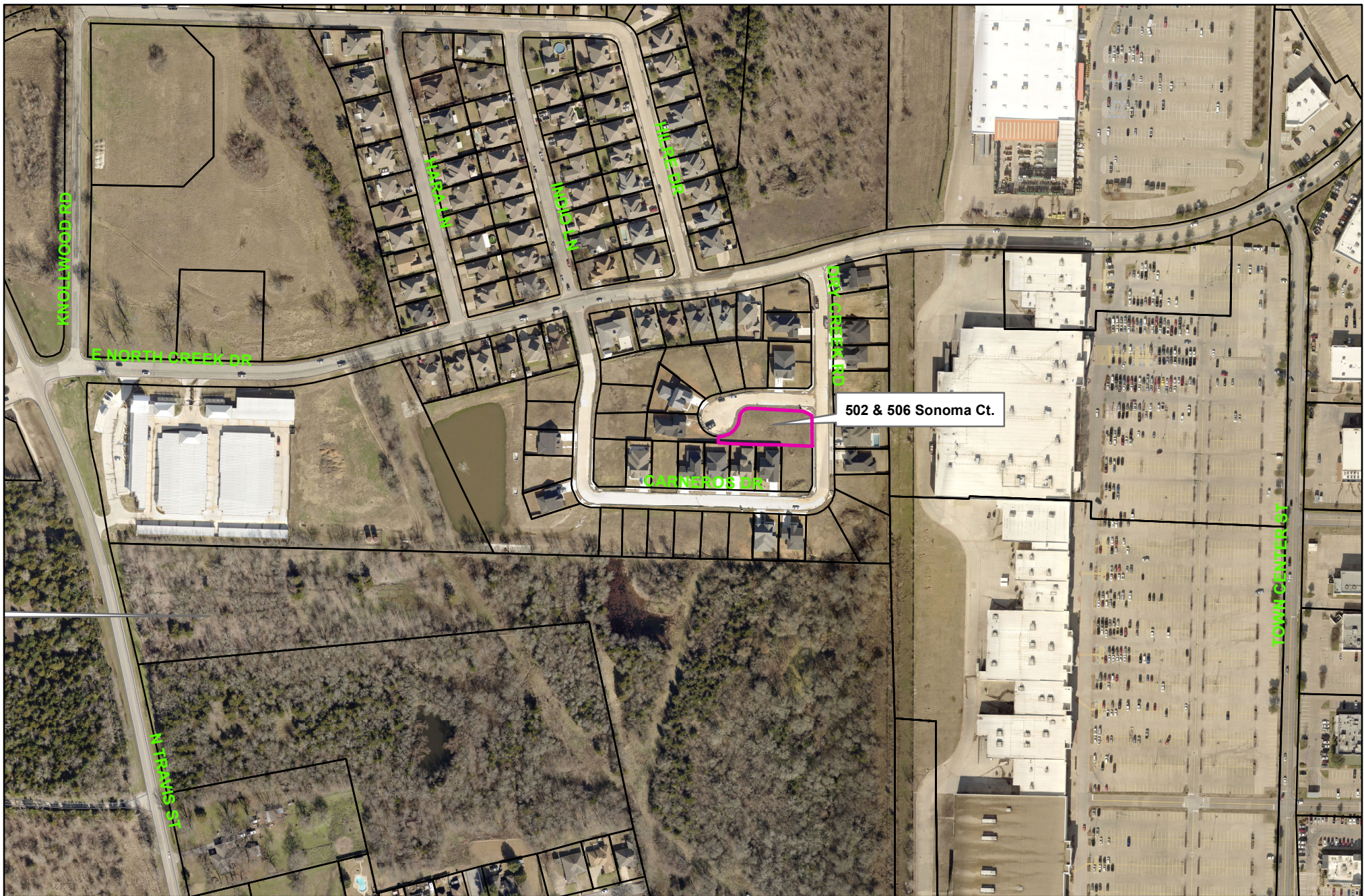
MAYOR, CITY OF DALLAS, TEXAS		DATE
------------------------------	--	------

The undersigned, the City Clerk of the City of Shuman, Texas, does hereby certify that the foregoing Report of Lot 12, Block A, Amended Plat of Map 2020, Map 2020, was submitted to the City Council of Shuman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the fee of \$10,000.00, and also public notice, as shown and all forth in and upon said plat, and said City Council further authorized the Mayor to take the necessary steps to cause the same to be recorded in the public records of the County of _____, State of Texas.

CERTIFIED THIS _____ DAY OF _____, 2021, BY _____
CITY CLERK, CITY OF IRVING, TEXAS

**Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres**

Helrey-Wagner Surveying, Inc.
222 W. Main St., Boston, Tenn 37604
Phone (615) 433-4111
Telex: 441041 Helrey-Wagner
NCEES Firm Registration No. 10043100



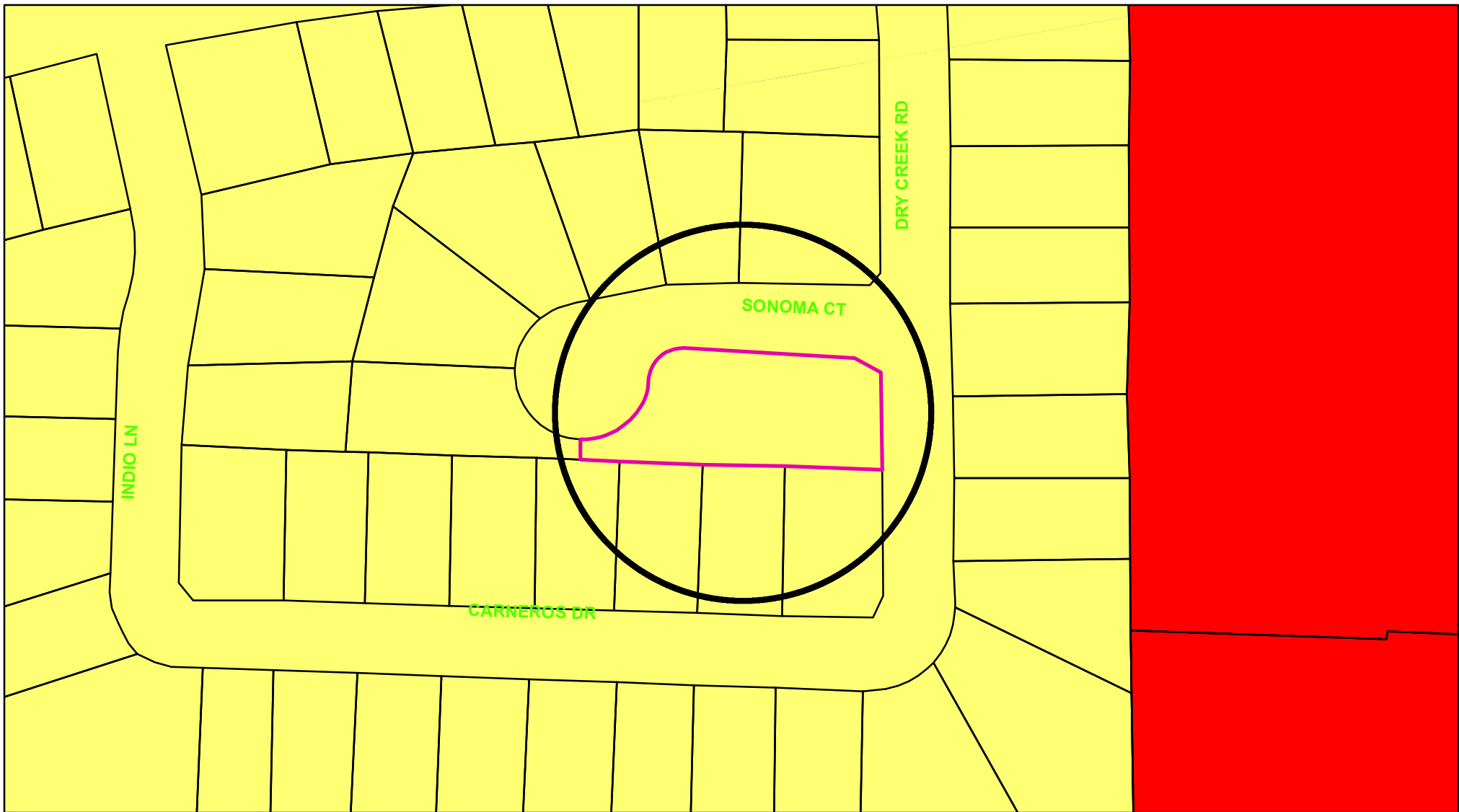
City of Sherman, Texas
Developmental Services Department

502 & 506 Sonoma Court



NOT TO SCALE

1 in = 300 ft



Zoning - 502 & 506 Sonoma Court

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District
-  C-2 General Commercial District

CO Office District

-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District
-  PD Planned Development



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft

502 & 506 Sonoma Court



Magnolia Village Patio Homes



ORDINANCE NO. 6132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 502 EAST NORTHCREEK DRIVE, 4706-4723 INDIO LANE, 400-516 CARNEROS DRIVE, 4701-4733 DRY CREEK ROAD AND 400-505 SONOMA COURT, BEING LOTS 1-5, BLOCK A, LOTS 1-19, BLOCK B, LOTS 1-21, BLOCK C, MAGNOLIA VILLAGE ADDITION (CECI BATES VENTURES, LLC, HOMES BY JLS OF TEXOMA AND MAGNOLIA VILLAGE, LP, OWNERS; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS;

SECTION 1. That, from and after the passage of this ordinance, CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 16th day of July, 2018.

ADOPTED on this the 16th day of July, 2018.

EFFECTIVE DATE on this the 16th day of July, 2018.

CITY OF SHERMAN, TEXAS

BY:

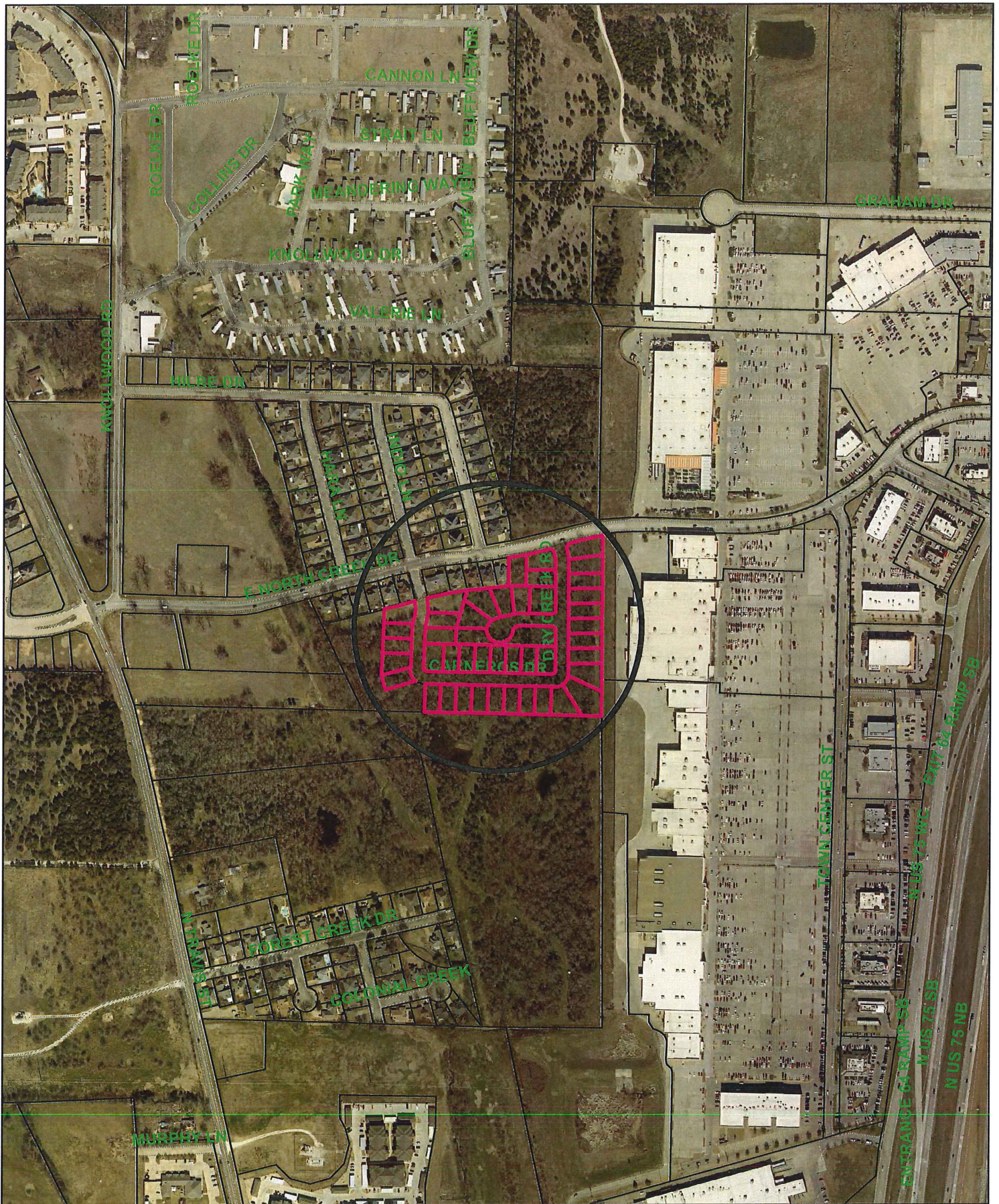

DAVID PLYLER, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

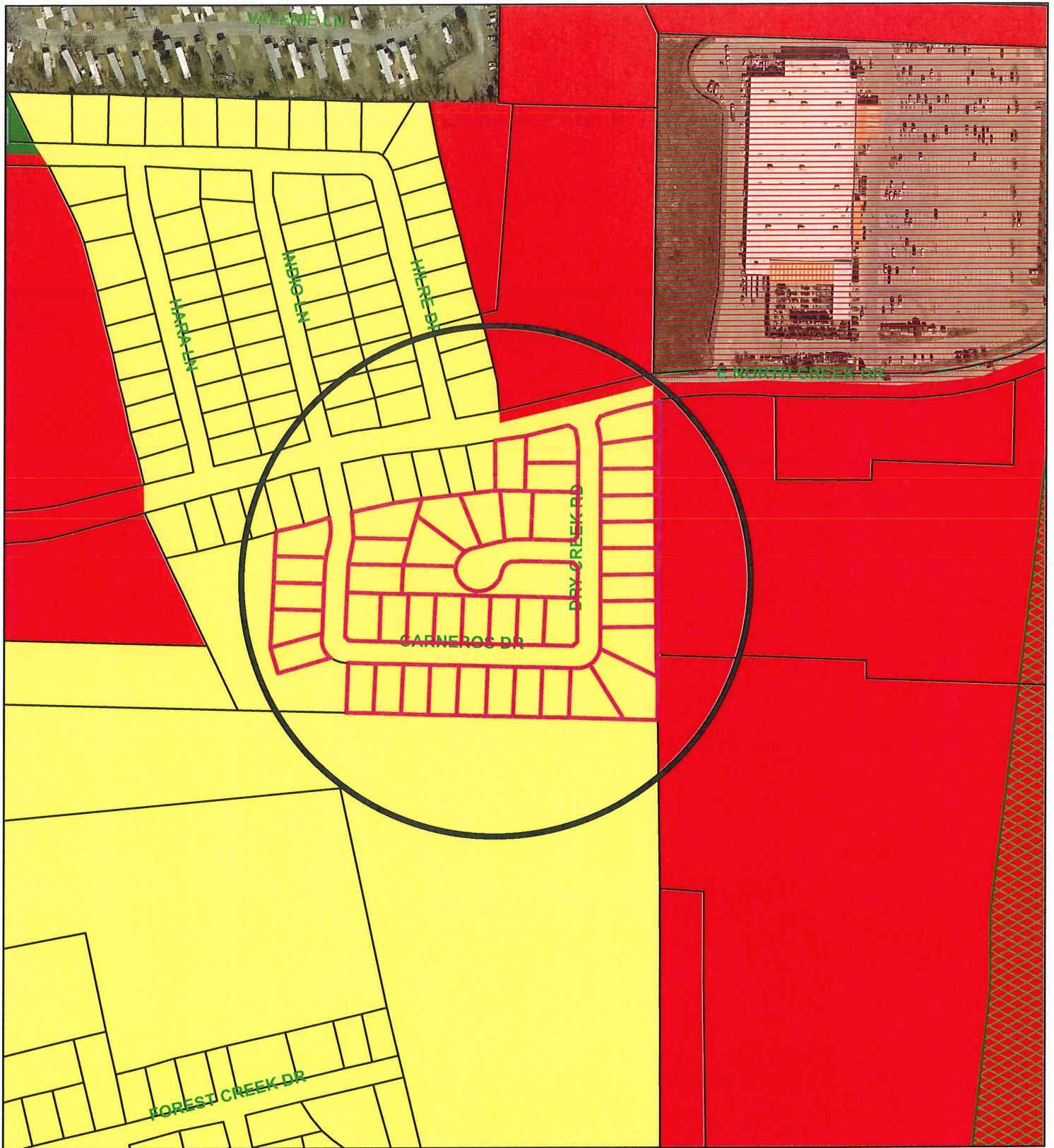
BY: Brandon S. Shelby
BRANDON S. SHELBY,
CITY ATTORNEY



Magnolia Village - SUP - Patio Homes



1 in = 500 ft



Zoning - Magnolia Village SUP - Patio Homes

Legend

Special Districts Overlay

DISTRICT_NAME	
Arts and Cultural District	
Blalock Commercial Overlay District	
Central Business District	
College Park District	
Downtown Overlay District	
Historic Preservation District	
Transportation Corridor	

Representation: ShermGIS.DBO.TransportationCorridor_Rep

FM 1417	
Sam Rayburn Freeway	
US Hwy 82 and 75	
SH 289	
FM 691	

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown	
BP Blalock Industrial Park	
C-1 Retail Business District	

C-2 General Commercial District	
CO Office District	
Lakes	
M-1 Light Manufacturing District	
M-1.5 Medium Manufacturing District	
M-2 Heavy Manufacturing District	
MH Manufacturing Housing District	
R-1 One Family Residential District	
R-2 Multi-Family Residential District	
R-A Single Family Agricultural District	
SF-1 Single Family Residential District	



NOT TO SCALE

1 in = 300 ft

Magnolia Village – SUP – Patio Homes

400-516 Carneros

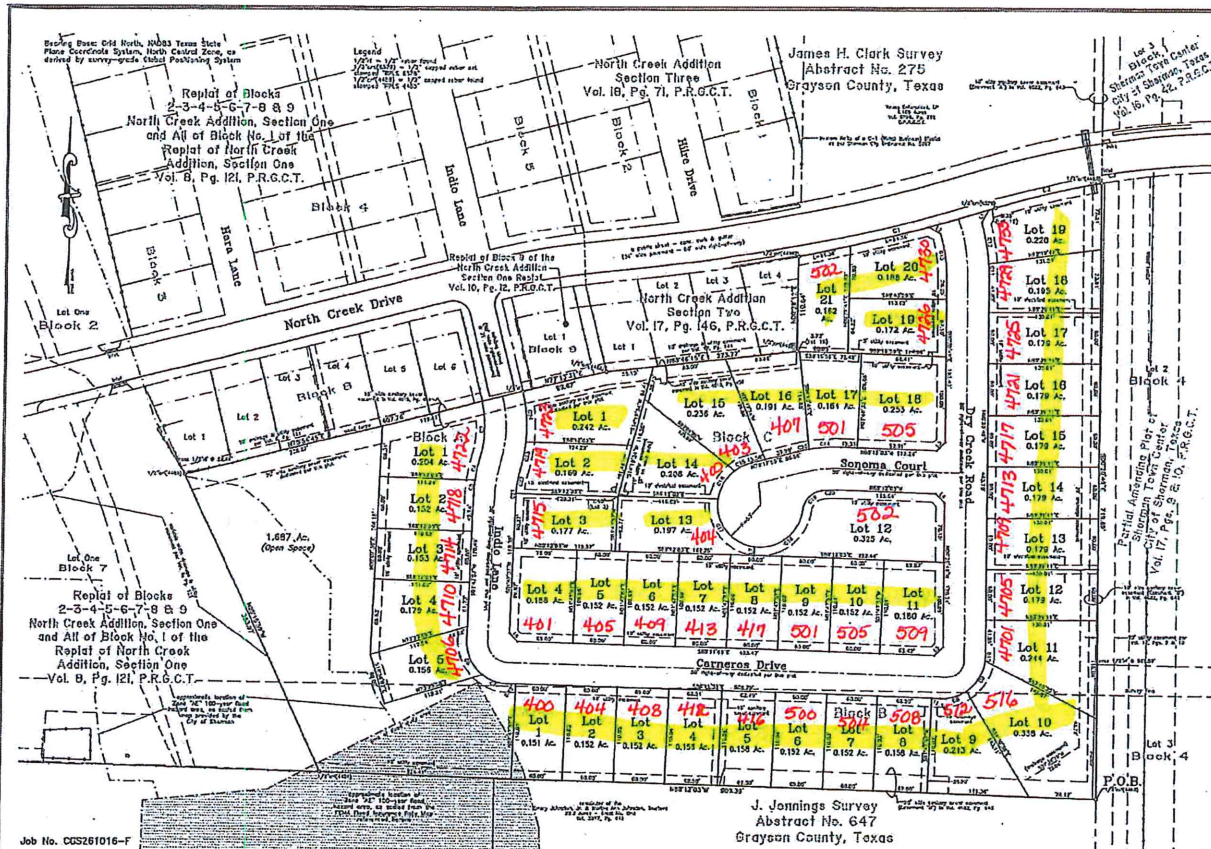


4706-4723 Indio Lane



4701-4733 Dry Creek Road





SITUATED in the County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 275, and being a part of the J. Jennings Survey, Abstract No. 647, and being a part of the 12,000 acre tract of land conveyed by Boudinot, L.P. (aka Boudinot, L.P.) and Vesta, L.P. by Special Warranty Deed dated April 28, 2016 and recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEING in a 1/2 inch capped rebar found stamped "7915 4488" in the West line of Lot 3, Block 4, Sherman Town Center to the City of Sherman, Texas, as per plat of record in Volume 16, Page 42, Plat Records, Grayson County, Texas, of the Northeast corner of the 22.3 ac. tract of land (Block No. 4) conveyed to Lenny Johnson, Jr. and Mark A. Johnson, Trustees in Volume 2817, Page 442 and Official Public Records, at the Southeast corner of said Young 12,000 ac.

THENCE North 83 deg. 12 min. 03 sec. West, with the North line of said subdivision 22.3 ac. and the South line of said Young 12,000 ac., a distance of 803.39 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the Southeast corner of Lot 1, Block 7, Replat of Block 2-3-4-5-6-7-8-9, North Creek Addition, Section One, and All of Block No. 1 of the Replat of North Creek Addition, Section One, Vol. 8, Pg. 121, P.R.G.C.T.

THENCE North 25 deg. 15 min. 39 sec. West, with the East line of said Lot One and an East line of said Young 12,000 ac., a distance of 353.87 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the Southeast corner of Lot 1, Block 4, said North Creek Addition, Replat, at the most Westerly Northwest corner of said Young 12,000 ac.

THENCE North 75 deg. 54 min. 45 sec. East, with the North line of said Young 12,000 ac. and the South line of said Lot 1, passing a 1/2 inch rebar found at the Southeast corner of said Lot 1 and the Southeast corner of Lot 2 of 58.4 ft. and continuing east with the South line of said Lot 2 and Lot 3, a distance of 407.79 ft. to a 1/2 inch capped rebar found at the Southeast corner of Lot 1, Block 9, Replat of Block 9 of the North Creek Addition Section One Replat to the City of Sherman, Texas, as per plat of record in Volume 10, Page 12, said Plat Records, at an angle point in a North line of said Young 12,000 ac.

THENCE North 77 deg. 13 min. 31 sec. East, continuing with a North line of said Young 12,000 ac. and now with the South line of said Lot 1, Block 9, a distance of 59.87 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the Southeast corner of Lot 1, North Creek Addition, Section One to the City of Sherman, Texas, as per plat of record in Volume 17, Page 148, said Plat Records, at the Southeast corner of said Lot 1, Block 9, of said Replat, at an angle point in a North line of said Young 12,000 ac.

THENCE North 83 deg. 46 min. 15 sec. East, continuing with a North line of said Young 12,000 ac. and now with the South line of said Lot 1, said North Creek Addition, Section One, passing the Southeast corner of said Lot 1 and the Southeast corner of Lot 2 and continuing east with the South line of said Lot 2, passing a 1/2 inch rebar found at the Southeast corner of said Lot 2 and the Southeast corner of Lot 3 of 101.50 ft. and continuing east with the South line of said Lot 4 for a total distance of 223.77 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the Southeast corner of said Lot 4, at an angle point in a North line of said Young 12,000 ac.

THENCE North 00 deg. 29 min. 12 sec. East, with the East line of said Lot 4, a distance of 110.68 ft. to a 1/2 inch capped rebar found stamped "7915 4488" in the South line of North Creek Drive, a public street, at the Northeast corner of said Lot 4, at the most Northerly Northeast corner of said Young 12,000 ac.

THENCE East, with the South line of said North Creek Drive and a North line of said Young 12,000 ac. and with a non-bounded curve to the left having a radius of 2,142.50 ft. and a central angle of 58 deg. 18 min. 10 sec. (short bears North 75 deg. 45 min. 44 sec. East, 236.65 ft.) on an arc distance of 236.67 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the end of said curve, at the beginning of another curve.

THENCE East, continuing with the South line of said North Creek Drive and a North line of said Young 12,000 ac. and with a reverse curve to the right having a radius of 970.00 ft. and a central angle of 07 deg. 27 min. 52 sec. (short bears North 75 deg. 24 min. 05 sec. East, 126.28 ft.) on an arc distance of 126.37 ft. to a 1/2 inch capped rebar found stamped "7915 4488" at the Northeast corner of Lot 2, Block 4, said Amending Plat of Sherman Town Center to the City of Sherman, Texas, as per plat of record in Volume 17, Page 9 & 10, said Plat Records, at the Northeast corner of said Young 12,000 ac.

THENCE South 00 deg. 20 min. 48 sec. East, with the West line of said Lot 2, Block 4, said Amending Plat and the East line of said Young 12,000 ac. passing a 1/2 inch rebar found at the Southeast corner of said Lot 2, and the Northeast corner of said Lot 3, Block 4, said Sherman Town Center at 562.29 ft. and continuing east with the East line of said Lot 3 for a total distance of 719.60 ft. to the PLACE OF BEGINNING and containing 12,000 ACRES of land.

Magnolia Village, LP
 Dumas Development
 564N FM 1417
 Sherman, Texas 75067
 Phone 903-922-1508

General Notes:
 1. Rider 1 to be provided by City of Sherman.
 2. Survey to be provided by City of Sherman.
 3. Certified copies to be provided by City of Sherman.
 4. A portion of the property shown on this plat has been a 760-acre Flood Hazard Area designated as such from the Flood Insurance Risk Map for Grayson County, Texas and designated Areas, Map No. 14100001F, dated October 2016, September 28, 2016.
 5. Present land use of this area is residential.

Surveyor's Office:
 Magnolia Village Surveying, Inc.
 222 W. 10th St., Sherman, Texas 75002
 Ph: (903) 463-4119 Fax: (903) 463-4069
 Email: info@magnoliavillage.com
 Texas Board of Professional Land Surveyors
 Firm Registration No. 10068102

Field Record:
 October 23, 2017
 Deed No. 2017-32618
 Grayson County, Texas

21814

Magnolia Village to the City of Sherman, Texas 12,000 Acres
 in the
James H. Clark Survey Abstract No. 275 & the J. Jennings Survey Abstract No. 647

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the general of the property shown herein under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner 10/10/17
 Kate A. Wagner, R. P. L. S. 6578

I, Authorized Representative for Magnolia Village, LP, owner of Magnolia Village, to the City of Sherman, Texas, do hereby dedicate the streets and easements shown herein to the public use forever.

David Young 10/10/17
 David Young, Authorized Representative for Magnolia Village, LP.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this 10th day of October, 2017.

Notary Public
 Notary Public, Grayson County, Texas

City of Sherman
 This, the first plat of Magnolia Village to the City of Sherman, Texas is hereby approved by the City of Sherman, Texas, by the Planning and Zoning Commission of the City of Sherman, Texas.

City of Sherman 10/10/17
 This, the first plat of Magnolia Village to the City of Sherman, Texas, is hereby approved by the City of Sherman, Texas, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: 10/10/17
 MAYOR, CITY OF SHERMAN, TEXAS

The undersigned, the City Clerk of the City of Sherman, Texas, do hereby certify that the foregoing plat of Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the 10th day of October, 2017, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public uses, as shown and set forth in and upon said plat, and said City Council hereby authorized the Mayor to note the acceptance thereof by signing his name as hereinafter subscribed.

City Clerk 10/10/17
 City Clerk, City of Sherman, Texas

E-9-307

Bearing Base: Grid North, NAD83 Texas State
Plane Coordinate System, North Central Zone, as
derived by survey-grade Global Positioning System

Legend
1/2" (6578) = 1/2" rebar, found
1/2" (6578) = 1/2" capped rebar set
stamped "NPLS 6578"
1/2" (4488) = 1/2" capped rebar found
stamped "NPLS 4488"

Replat of Blocks
2-3-4-5-6-7-8 & 9
North Creek Addition, Section One
and All of Block No. 1 of the
Replat of North Creek
Addition, Section One
Vol. 8, Pg. 121, P.R.C.T.

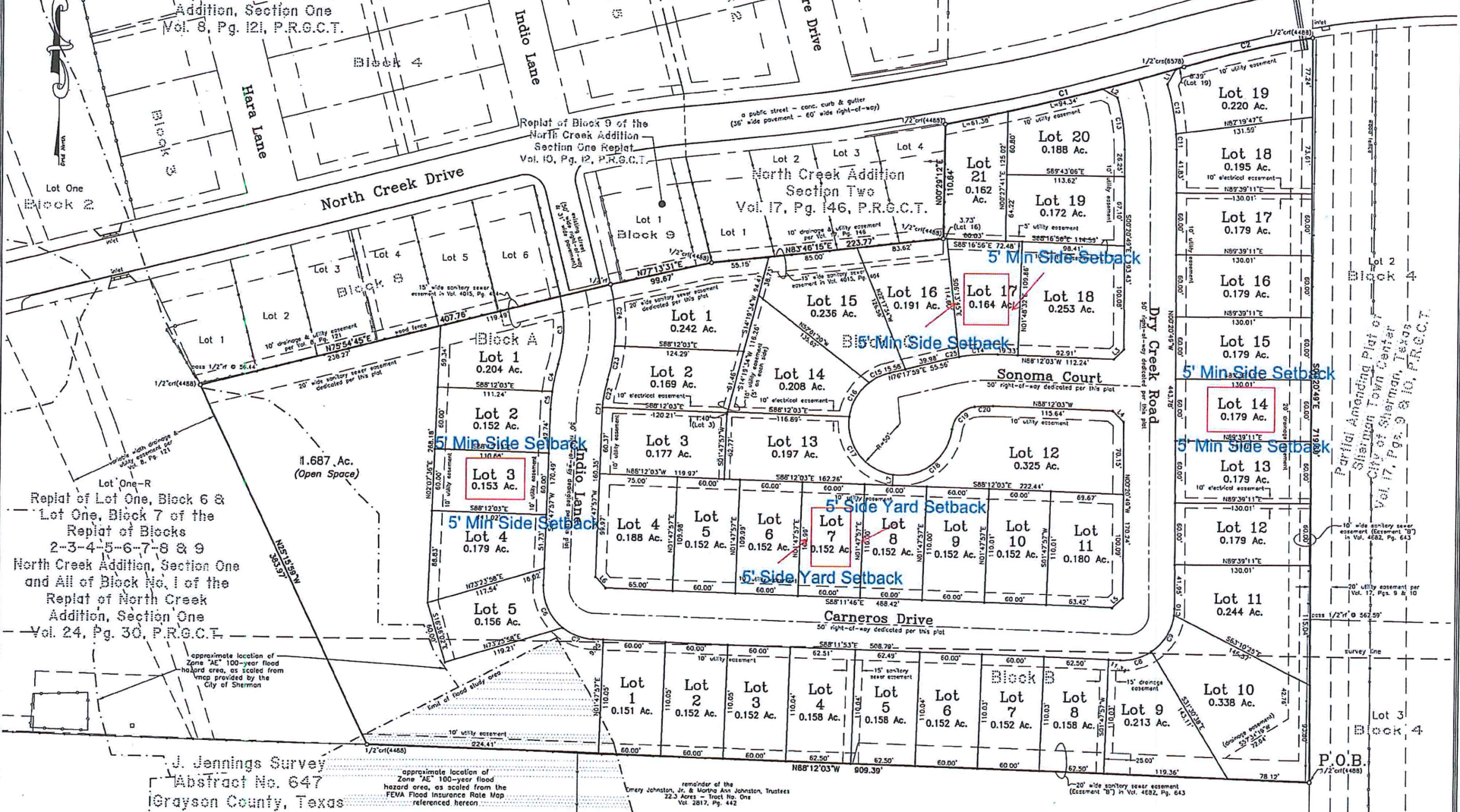
North Creek Addition
Section Three
Vol. 16, Pg. 71, P.R.C.T.

James H. Clark Survey
Abstract No. 273
Grayson County, Texas

Young Enterprises, LP
6.155 Acres
Vol. 3158, Pg. 592
P.R.C.T.

Western limits of a C-1 (Rural Business) District
as per Sherman City Ordinance No. 5097

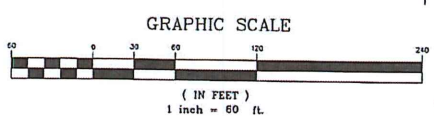
Lot 3,
Block 1,
Sherman Town Center
City of Sherman, Texas
Vol. 16, Pg. 42, P.R.C.T.



Job No. CGS261016-F
Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Note: The purpose of this amended
plat is to correct a scrivener's
error and update the vesting deed
for subject property and West
adjointer plat filing information.

Amended Plat of Magnolia Village to the City of Sherman, Texas



STAFF REVIEW LETTER

June 12, 2018

CeCi Bates Ventures, LLC
Tom CeCi
PO Box 2163
Pottsboro, TX 75076

Magnolia Village, LP
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Homes by JLS of Texoma
5022 S. S.H. 91
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District for the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 19, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance, and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 10.

Meeting Date: 06/19/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

**502 E. NORTHCREEK DRIVE, 4706-4723 INDIO LANE, 400-516 CARNEROS DRIVE,
4701-4733 DRY CREEK ROAD AND 400-505 SONOMA COURT**

The request of CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court, being Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-21, Block C, Magnolia Village Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in an R-1 (One Family Residential) District.

Background:

The property is located at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court in the Magnolia Village Subdivision off Northcreek Drive. The owners would like to construct patio homes on the lots. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

CeCi Bates Ventures, LLC, Homes by JLS of Texoma and Magnolia Village LP (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.
and

Natural – Natural areas are wooded or vegetated lands which are essentially untouched by development and still retain significant resources.

Number of notices mailed:

23

Objections Received:

1

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Letter from Earl McKinney

Staff Review Letter

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 273, and being a Replat of Lot 12, Block "C", Amended Plat of Magnolia Village to the City of Sherman, Texas, recorded in Document No. 2017-3272, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set, stamped "RPLS 6578" in the West right-of-way line of said Dry Creek Road, a public road, at the Northeast corner of Lot 11, said Block C, Magnolia Village and the Southeast corner of said Lot 12;

THENCE North 88 deg. 12 min. 03 sec. West, with the North line of Lots 11, 10, 9 and 8, said Block C, Magnolia Village and the South line of said Lot 12, passing a 1/2 inch capped rebar found "RPLS 6578" at 69.97', and continuing on said course for a TOTAL distance of 222.44 ft. to a 1/2 inch rebar found in the North line of said Lot 8, at the Southeast corner of Lot 13, said Block C, Magnolia Village and the Southwest corner of said Lot 12, SAID rebar bears South 88 deg. 12 min. 03 sec. East, 182.26 ft. from a 1/2 inch capped rebar found, stamped "RPLS 6578" at the Northwest corner of said Lot 8;

THENCE North 01 deg. 47 min. 57 sec. East, with the East line of said Lot 13 and the West line of said Lot 12, a distance of 10.17 ft. to a 1/2 inch capped rebar found in the South right-of-way line of Sonoma Court, a public road, at the Easterly Northeast corner of said Lot 13, the Westerly Northwest corner of said Lot 12 and the beginning of said curve;

THENCE Northeasterly, with the South line of said Sonoma Court and a North line of said Lot 12, a curve to the left having a radius of 50.03 ft. and a central angle of 91 deg. 10 min. 35 sec., (chord bears North 51 deg. 49 min. 43 sec. East, 71.47 ft.), on an arc distance of 79.61 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578" at the end of said curve, at the beginning of another curve;

THENCE Northeasterly, continuing with the South line of said Sonoma Court and a North line of said Lot 12, with a reverse curve to the right, having a radius of 25.00 ft. and a central angle of 78 deg. 09 min. 55 sec., (chord bears North 44 deg. 39 min. 29 sec. East, 30.84 ft.), on an arc distance of 33.23 ft. to a 1/2 inch rebar found at the end of said curve, at the beginning of another curve;

THENCE Northeasterly, continuing with the South line of said Sonoma Court and a North line of said Lot 12, with a compound curve to the right, having a radius of 125.00 ft. and a central angle of 08 deg. 07 min. 20 sec., (chord bears North 87 deg. 15 min. 38 sec. East, 17.71 ft.), on an arc distance of 17.72 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578" at the end of said curve;

THENCE South 88 deg. 12 min. 03 sec. East, continuing with the South line of said Sonoma Court and a North line of said Lot 12, a distance of 115.64 ft. to a "x" found in concrete sidewalk at the Northwest corner of said Lot 12 and the intersection of the South right-of-way line of said Sonoma Court and the West right-of-way line of said Dry Creek Road, at the most Northerly Northeast corner of said Lot 12;

THENCE South 45 deg. 20 min. 49 sec. East, with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 14.69 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the most Easterly Northeast corner of said Lot 12;

THENCE South 00 deg. 20 min. 49 sec. East, continuing with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 70.15 ft. to the PLACE OF BEGINNING and containing 0.325 ACRES of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Authorized Representative for Homes by JLS of Texoma, LLC, owner of Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

Jason Basserman, Authorized Representative for Homes by JLS of Texoma, LLC

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Jason Basserman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS:

MAYOR, CITY OF SHERMAN, TEXAS

DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Replat of Lot 12, Block C, Amended Plat of Magnolia Village to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

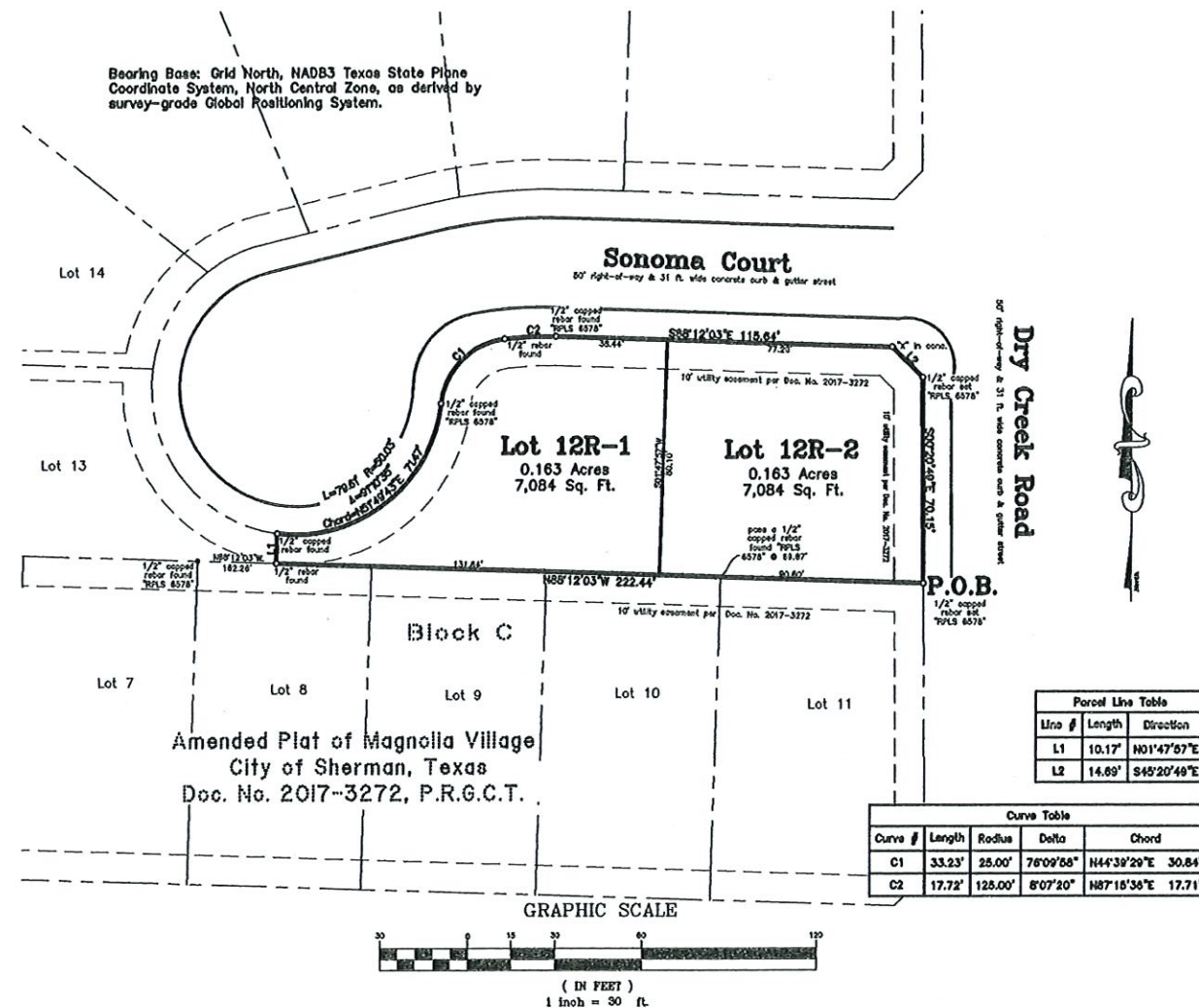
CERTIFIED THIS _____ DAY OF _____, 2021, BY

CITY CLERK, CITY OF SHERMAN, TEXAS

Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres
in the
James H. Clark Survey, Abst. No. 273

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

\\LS2100001\shared\Projects\Land Projects\R2\Replat-Lot-12-Block-C-Magnolia-Village\DWG 30\502-Sonoma.dwg Layout: Plat Plot Date Apr 28 21 Time: 5:10 PM



Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres

in the
James H. Clark Survey
Abstract No. 273
Job No. CGS710421

General Notes:

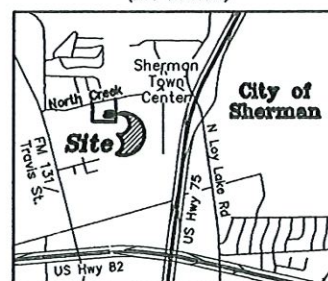
- Water Supply to be provided by the City of Sherman, Texas.
- Sewer service to be provided by the City of Sherman, Texas.
- Electrical service to be provided by Oncor Electric Delivery Corp.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4816100290 F, Revised Date: September 28, 2010.
- Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- Lot 13 shall be used as an access area and to be owned and maintained by the Homeowner's Association for this development.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Homes by JLS of Texoma, LLC
3409 N FM Hwy. 1417
Sherman, Texas 75092

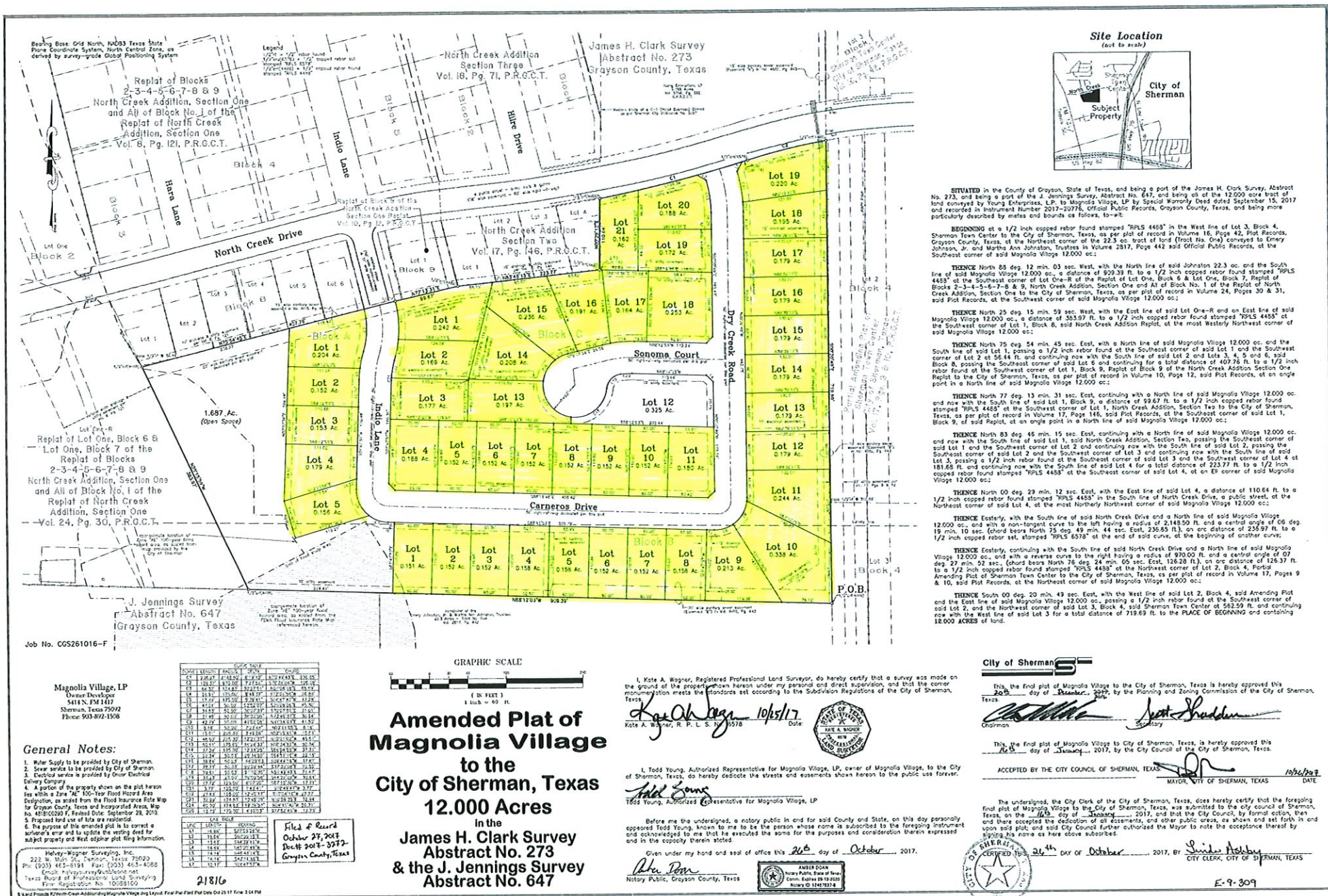
Vicinity Map

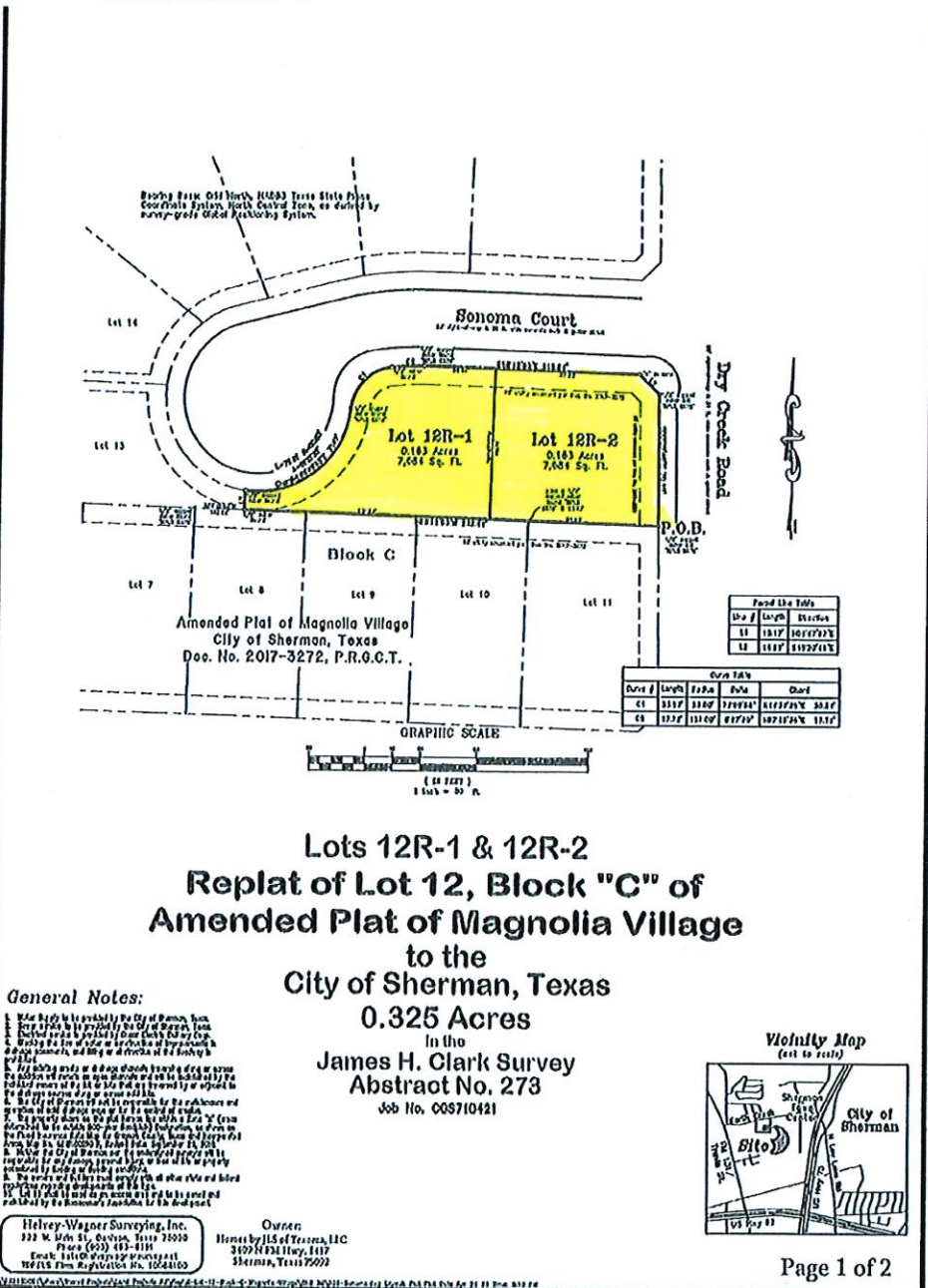
(not to scale)



\\LS2100001\shared\Projects\Land Projects\R2\Replat-Lot-12-Block-C-Magnolia-Village\DWG 30\502-Sonoma.dwg Layout: Plat Plot Date Apr 28 21 Time: 5:10 PM

Exhibit A





FIELD NOTES

LOCATED in the City of Sharpsburg, County of Crofton, State of Texas, and being a part of the James H. Clark Survey, Ad Valorem No. 273, and being a part of Lot 14, Block "C," Amended First of Magnolia Village to the City of Sharpsburg, Texas, recorded in Document No. 2017-3272, First Record, Crofton County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

EC097895 at a 1/2 inch copper wire is, stamped "7218 4578" in the West right of way line of old Dry Creek Road, a public road, at the Northwest corner of Lot 11, and Block G, Map 6045 (Map 6045) and the Southeast corner of said Lot 12.

DIOXSE North 05 deg. 18 min. 03 sec. West, with the North line of lat. 10, 9 and 8, and sold Block C, Magnolia Village and the South line of said lat. 12, joining a 1/2 inch capped steel found "7318 4376" at 88.07, and continuing on said corner for a TOTAL distance of 212.41 ft. to a 1/2 inch rebar found in the North line of said lat. 8, at the Southwest corner of lat. 13, sold Block C, Magnolia Village and the Southwest corner of said lat. 12, 8000 rebar bore South 05 deg. 12 min. 03 sec. East, 152.16 ft. turn a 1/2 inch capped steel found, stamped "7315 4376" at the Northwest corner of said lat. 8.

BEING North of deg. 47 min. 07 sec. East, with the East line of said lot 13 and the West line of said lot 12, a distance of 10117 ft. to a 1/2 inch copper color found in the South right-of-way line of Sumner Court, a public road, at the Eastern-Northeast corner of said lot 13, the Western-Northwest corner of said lot 12 and the beginning of said curve.

NOTE: Northwesterly with the South line of old Bonanza Creek and a North line of old Lot 12, a curve to the left having a radius of 80.03 ft. and a central angle of 81 deg. 10 min. 33 sec., (Chord bears North 81 deg. 09 min. 43 sec. E, 73.67 ft.), on a distance of 78.41 ft. to a 1/2 inch capped iron pin, stamped "FIS 4578" at the end of said curve, at the beginning of another curve.

NOTE: North-south, southw/ with the South Pk of old Bonney Court and a North Pk of old lot 12, with a corner curve to the right, being a radius of 23.62 ft. and a central angle of 78 deg. 00 min. 60 sec., (Chord bears North 44 deg. 33 min. 27 sec. East, 50.81 ft.), an arc distance of 33.83 ft. to a 1/2 inch radiol end of this and of said curve, at the beginning of another curve.

THOSE Measurements, easting with the South line of said Section Court and a North line of said lot 12, with a compound curve to the right having a radius of 125.00 ft. and a central angle of 69 deg. 07 min. 20 sec., (chord bears North 87 deg. 15 min. 34 sec. East, 12.71 ft.), on an distance of 17.72 ft. to a 1/2 inch capped iron pipe, elevated 72.13 ft. above the base of said curve.

THENCE South 89 deg. 12 min. 03 sec. East, continuing with the South line of said Sycamore Coal and a North line of said Lot 12, a distance of 118.85 ft. to a "x" found by concrete offset of the Northwest corner of said Lot 12 and the intersection of the South right-of-way line of said Economic Coal and the West right-of-way line of said Oak Creek Road, at the point where the Northwest corner of said Lot 12 is located.

BEFORE 1945, 45 deg. 40 min. East, with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 164.9 ft. to a 1/2 inch capped silver nail, stamped "RFS 8578" at the most easterly Northwest corner of said Lot 12.

THENCE South 60 deg. 10 min. 40 sec. East, continuing with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 70.15 ft. to the PLACE OF BEGINNING and continuing 0.320 ACRES of land.

I, Kels A. Wray, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown herein for my purpose and direct supervision, and that the corner monumentation meets the standards set according to the Division Regulations of the ORS of Oklahoma, Texas.

Kate A. Wynn, R. P. L. S. No. 4524	File
------------------------------------	------



A Partial Representation for Homes by AS of Tucson, LLC, owner of Raptel at Lot 10, Block "G" of Tentative Plat of Map 9806 N/A to the City of Tucson, Texas, do hereby dedicate the streets and easements shown herein to the public use forever.

John Bingham, Authorized Representative for Home by U.S. of Taxes, LLC

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared JOHN BASSERMAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2011.

Nikolay P. Pavlov, Graduate Council, Tufts

Sherman

This Right of Lot 12, Block "C" of Amandas Hill of Mapas Village to the City of Sharmay, Texas is hereby approved On _____ day of _____ 1911, by the Planning and Zoning Commission of the City of Sharmay, Texas.

Chaitin's

Synonyms

This, Report of Lot 12, Block "C" of Amended Plat of Magnolia Village in City of Shawnee, Texas, is hereby offered to _____ day of _____ 2011, by the City Council of the City of Shawnee, Texas.

ADOPTED BY THE CITY COUNCIL OF DALLAS, TEXAS

MAYOR, CITY OF DALLAS, TEXAS		DATE
------------------------------	--	------

The undersigned, the City Clerk of the City of Shuman, Texas, does hereby certify that the foregoing Report of Lot 12, Block A, Amended Plat of Map 2020, Map 2020, was submitted to the City Council of Shuman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the fee of \$10,000.00, and also public notice, as shown and all forth in and upon said plat, and said City Council further authorized the Mayor to take the necessary steps to cause the same to be recorded.

CERTIFIED THIS _____ DAY OF _____, 2021, BY _____
CITY CLERK, CITY OF IRVING, TEXAS

**Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres**

Helrey-Wagner Surveying, Inc.
222 W. Main St., Boston, Tenn 37604
Phone (615) 433-4111
Telex: 441041 Helrey-Wagner
NEELS Firm Registration No. 10043100

STAFF REVIEW LETTER

May 11, 2021

JLS Homes of Texoma
3409 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request to Repeal a previously approved Specific Use Permit and site plan approval (Ord. 6132) under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C, of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a total of 46 patio homes in an R-1 (One-Family Residential) District located at 502 and 506 Sonoma Court has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Patio Home Ordinance, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. All aspects of the Flood Plain Ordinance must be followed.
5. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x 20'.
6. Parking is permitted on paved surfaces only (concrete or asphalt).
7. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
8. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
9. Any subdivision developed under the Patio Home (PH) standards of this ordinance shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Usable open space shall not be required for a patio home development if it contains fifty (50) or fewer lots and the property contiguous (abutting or separating only by a local or collector street) to the subdivision is either developed for use other than patio homes or is restricted by zoning to not permit patio home development. Properties separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.
10. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which

the Site Plan was approved.

11. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
 Clint Philpott, Asst. City Manager
 Wayne Lee, P.E., Director of Engineering
 Tom Pruitt, Utility Engineer
 The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

 Billy Hartsfield, Fire Marshal
 Amber Doan, Engineering Coordinator
 Christopher Armstrong, Asst. City Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 13.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

502 & 506 SONOMA COURT

The request of Homes by JLS of Texoma LLC (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) for the property located at 502 and 506 Sonoma Court, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Replat of Lot 12, Block C, Amended Plat of Magnolia Village, as follows:

Planning and Zoning Commission

- A. Repeal a previously approved Specific Use Permit and site plan approval (Ord. 6132) under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C, of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a total of 46 patio homes in an R-1 (One-Family Residential) District.
- B. Replat approval of Lots 12R-1 & 12R-2, Replat of Lot 12, Block C of Amended Plat of Magnolia Village.

Background:

The property is located in the Magnolia Village subdivision off East Northcreek Drive and is zoned an R-1 (One-Family Residential) District. A Specific Use Permit to allow 45 patio homes in the Magnolia Village Addition was approved July 16, 2018 (Ord. 6132).

The owner would like to Replat Lot 12, Block C of the Amended Plat of Magnolia Village into two lots for residential development. The owner would like to amend the Specific Use Permit to allow an additional patio home for a total of 46 patio homes.

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Homes by JLS of Texoma LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

43

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map - Replat
Location Map Patio Homes
Zoning Map - Replat
Zoning Map - Magnolia Village Patio Home Lots
Zoning Sign Photo
Magnolia Village Replat Lots 12R-1 & 12R-2
Ordinance 6132
Patio Home Lots
Staff Review Letter - Replat
Staff Review Letter - SUP



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 7.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6390

An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6323 and Granting a Specific Use Permit to allow 38 Patio Homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District in the 500 Block of East Northcreek Drive (Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Repealing Ordinance No. 6323 and Granting a Specific Use Permit to allow 38 Patio Homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District in the 500 Block of East Northcreek Drive (Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor)

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street. The property is zoned an R-1 (One Family Residential) District. The property was rezoned from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and a Specific Use Permit to allow 39 patio homes was approved September 8, 2020 (Ord. 6323).

The owner would like to plat the property into forty lots for residential development, one lot being for detention and another for access area to be owned and maintained by the Homeowner's Association. They are requesting to repeal a previously approved Specific Use Permit to allow 39 patio homes and approve a new Specific Use Permit to allow 38 patio homes.

Origination:

Young Enterprises, LP (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6390

Exhibit A

Location Map

Zoning Map

Zoning Sign Photo

Cottages at Magnolia Village

Patio Home Lots

Setbacks

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6390

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, REPEALING ORDINANCE NO. 6323 AND GRANTING A SPECIFIC USE PERMIT TO ALLOW 38 PATIO HOMES ON LOTS 1-12, 14-26 AND 28-30, BLOCK 1 AND LOTS 1-10, BLOCK 2 OF THE PROPOSED COTTAGES AT MAGNOLIA VILLAGE IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT IN THE 500 BLOCK OF EAST NORTHCREEK DRIVE (YOUNG ENTERPRISES, LP, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. Ordinance No. 6323 is hereby repealed in its entirety. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 6323 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 6323 occurring before the effective date of this Ordinance.

SECTION 2. That, from and after the effective date of this Ordinance, Young Enterprises, LP (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) for the property located in the 500 Block of East Northcreek Drive, being Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village as depicted in **Exhibit A** are granted a Specific Use Permit to allow a maximum of 38 Patio Homes in an R-1 (One-Family Residential) District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as:

Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village, as depicted in Exhibit A, attached hereto.

SECTION 3. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Patio Home Ordinance, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x 20'.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
7. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
8. Any subdivision developed under the Patio Home (PH) standards of this ordinance shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Usable open space shall not be required for a patio home development if it contains fifty (50) or fewer lots and the property contiguous (abutting or separating only by a local or collector street) to the subdivision is either developed for use other than patio homes or is restricted by zoning to not permit patio home development. Properties separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.
9. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
10. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

SECTION 4. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 5. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under

this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect..

SECTION 7. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 8. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 9. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

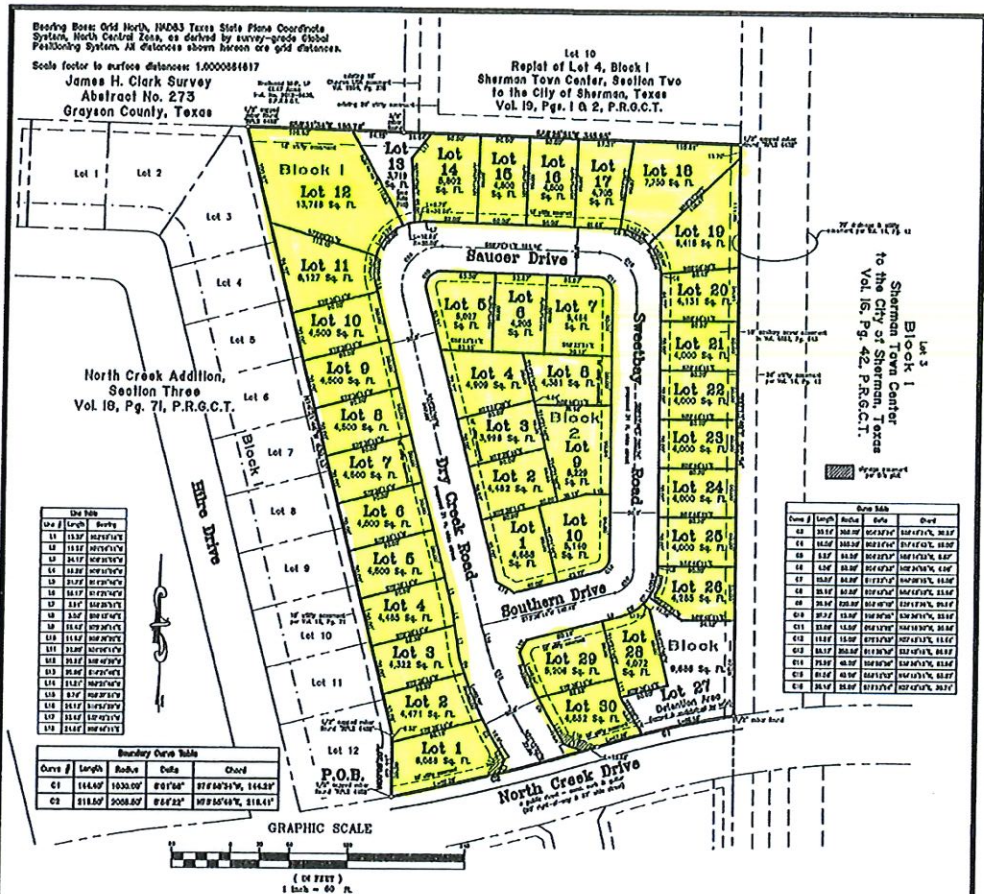
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Exhibit A



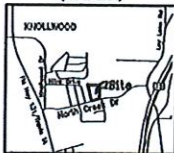
**Final Plat of
Cottages at Magnolia Village
to the
City of Sherman, Texas**

Notes:

In the
James H. Clark Survey
Abstract No. 273
Job No. C0S490920

Job No. CGS490920

Vicinity Map



Page 1 of 2

FIELD NOTES

SITUATED in the City of Sherman County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 275 and being of the 8.186 acre tract of land conveyed by Special Warranty Deed from Bonville, L.P. and Yella, L.P., to Young Enterprises, L.P., on April 28, 2010, recorded in Volume 5789, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

ENCLOSURE at a 1/2 inch copped rubber found stamped "RPLS 4458" on the North right-of-way line of North Creek Drive, the Southwest corner of sold Young A-166 on, the Southwest corner of Lot 12, Block 1, North Creek Addition, Section Three, is the City of Sherman, Texas, as per plot of record in Volume 18, Page 71, Plot Record, Grayson County, Texas, the Southwest corner of the herein described tract.

THEIROR North 00 deg. 09 min. 20 sec. East, with a West line of sold Young 6.168 ac., an East line of sold Lot 12, Block 1, North Creek Addition, a distance of 62.11 ft. to a 1/2 inch copped rebar found stamped "RPLS 4468" at an angle point of all sold Lot 12, Young 6.168 ac., and the North described tract.

THENCE North 14 deg. 21 min. 48 sec. West, with a West line of said Young 8.168 ac., on East line of said Block 1, North Creek Addition, a distance of 839.15 ft. to a 1/2 inch copper rubber found stamped "FPL 448" on the South line of Knobwood MAP, L.P. 44-7 core tract of land, recorded in Instrument No. 2018-2835, said Official Public Records, Grayson County, Texas, the Northwest corner of Lot 3, said Block 1, North Creek Addition, the Northwest corner of both said Young 8.168 ac. and the herein described land;

THENCE South 88 deg. 31 min. 34 sec. East, with a North line of said Young 0.168 ac., the South line of said Knollwood 44.47 ac., a distance of 180.78 ft. to a 3/8 inch rebar found at the Southwest corner of Lot 10, Right of Lot 4, Block 1, Sherman Texas Center, Section Two, to the City of Sherman, Texas, on per plot of record in Volume 18, Pages 1 & 2, said Plat Records, Grayson County, Texas, the Southeast corner of said Knollwood 44.47 ac., an angle point of both said Young 0.168 ac. and the herein described tract;

TRIMBLE South 88 deg. 25 min. 51 sec. East with a North line of sold Young 8.188 ac., the South line of sold Lot 10, Replot of Lot 4, Block 1, Sharmos Town Center, Section Two, a distance of 345.95 ft. is a 1/2 inch copper rebar found stamped "FPLS 4488" on the West line of Lot 3, Block 1, Sharmos Town Center, to the City of Sharmos, Texas, on per plot of record in Volumes 18, Page 42, sold Plot Records, Grayson County, Texas, the Southeast corner of sold Lot 10, Replot of Lot 4, Block 1, Sharmos Town Center, Section Two, the Northeast corner of both sold Young 8.188 ac. and the barbed described tract.

TRUCK South 00 deg. 13 min. 40 sec. East, with the East line of said Young 8.168 ac. the West line of said Lot 3, Block 1, Sherron Town Center, a distance of 582.84 ft. to a 1/2 inch rebar found on the North right-of-way line of said North Creek Drive, the Southwest corner of said Lot 3, Block 1, Sherron Town Center, the Southwest corner of both said Young 8.168 ac. and the herein described tract.

TRACED: Southwesterly, with a curve on the left having a radius of 1,030.00 ft., a central angle of 08 deg. 01 min. 58 sec. (Chord Bears: South 78 deg. 08 min. 31 sec. West, 144.29 ft.) on arc distances of 144.60 ft. to a point at the end of said curve, on the North right-of-way line of said North Creek Drive, on angle point of both said Young 0.168 ac. and the herein described tract.

THENCE Southeasterly, with a curve to the right having a radius of 2,088.60 ft., a central angle of 65 deg. 58 min. 22 sec. (Chord Bears South 76 deg. 55 min. 48 sec. West, 218.41 ft.) on an arc distance of 218.60 ft. to the **PLACER OF IMPROVEMENT** and containing **0.100 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Kots A. Wegster, R. P. L. S. No. 6578 Date:

Kole A. Wegner, R. P. L. S. No. 6578 Date:

I, Authorized Representative for Young Enterprises, L.P., sole owner of Find Plot of Colleges at Magnolia Village to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Authorized Representative for Young Enterprise

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for Young Enterprises, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2020.

History Publs, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the Final Plot of Colleges of Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020,
by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ **Secretary**

This, the Final Plot of Colleges of Wagonville Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020,
by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS.

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Final Plat of College at Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinafore subscribed.

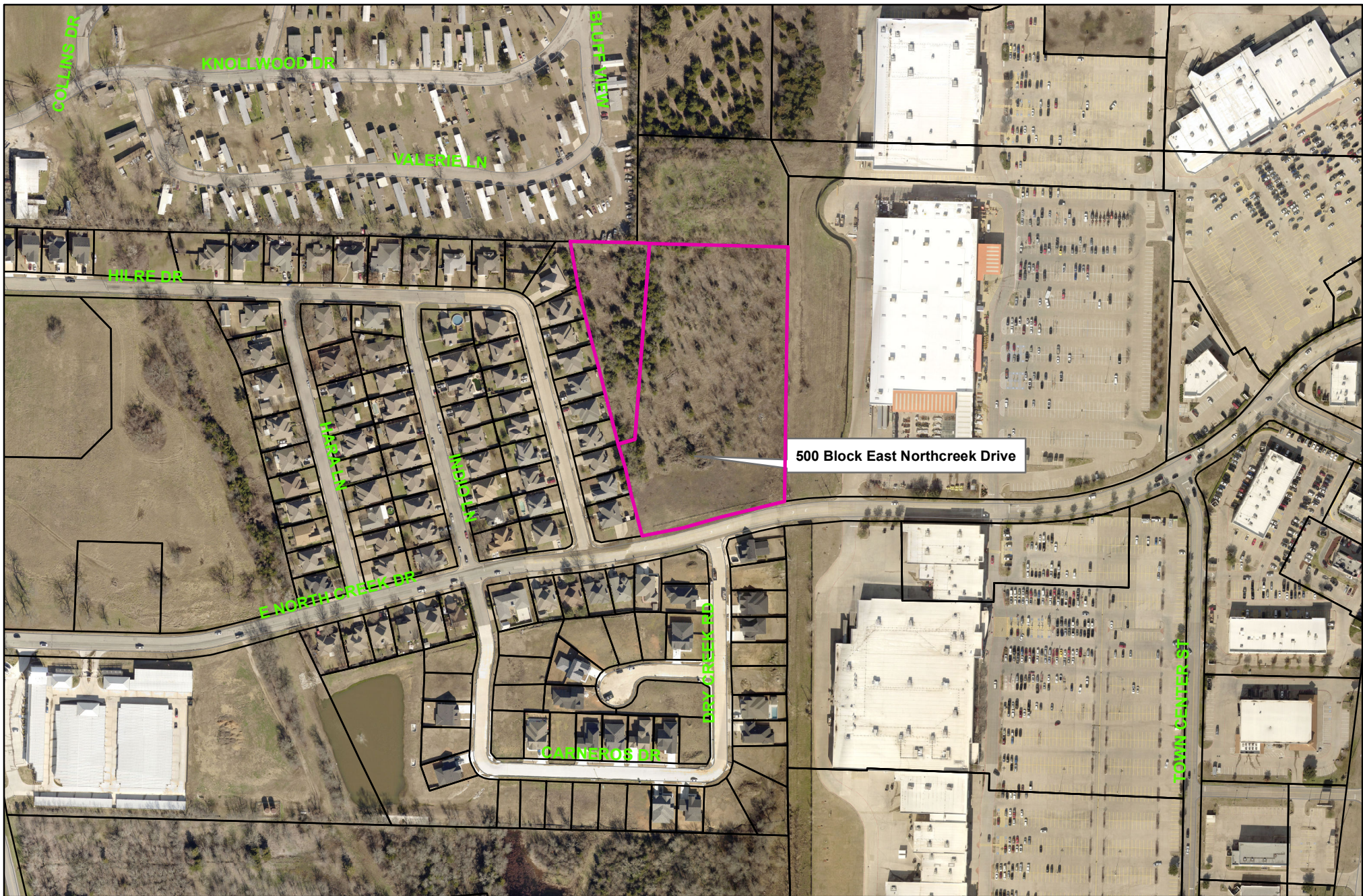
WITNESS MY HAND THIS _____ DAY OF _____, 2020, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

**Final Plat of
Cottages at Magnolia Village**
to the
City of Sherman, Texas

Halvey-Wagner Surveying, Inc.
222 W. Main St., Denton, Texas 75020
Ph (903) 483-8191 Fax (903) 483-4088
Email: kate@halvey-wagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 1008A100

\\US10000\fishery\Shared Projects\Land Projects 82\Collares-et-Vanvuts-YZac\Brechea\Final-Fut-Collares-et-Vanvuts-YZac.doc 4/21/2021 9:15 PM

Page 2 of 2



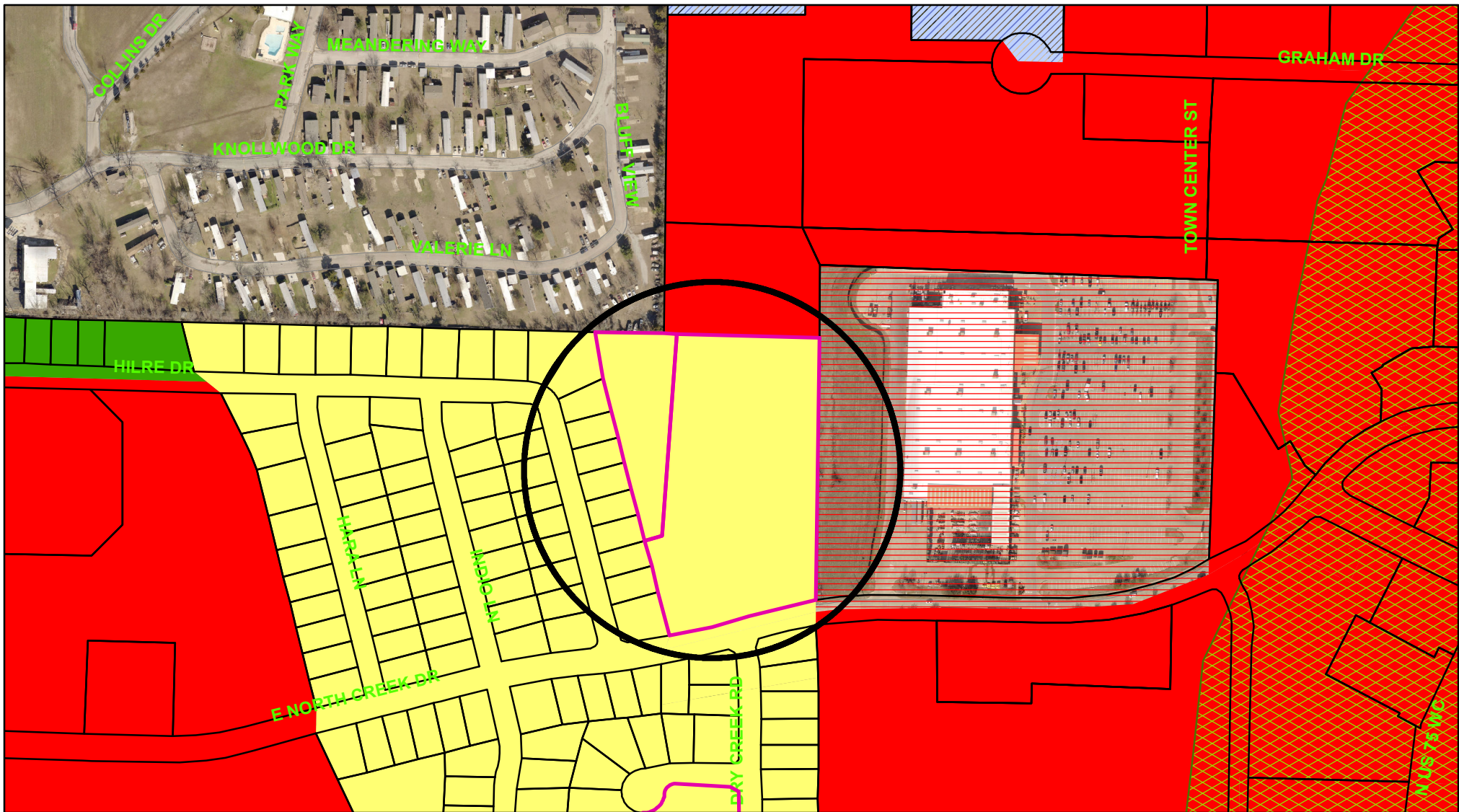
City of Sherman, Texas
Developmental Services Department

500 Block East Northcreek Drive



NOT TO SCALE

1 in = 300 ft



Zoning - 500 Block East Northcreek Drive

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department



1 in = 311 ft

500 Block East Northcreek Drive

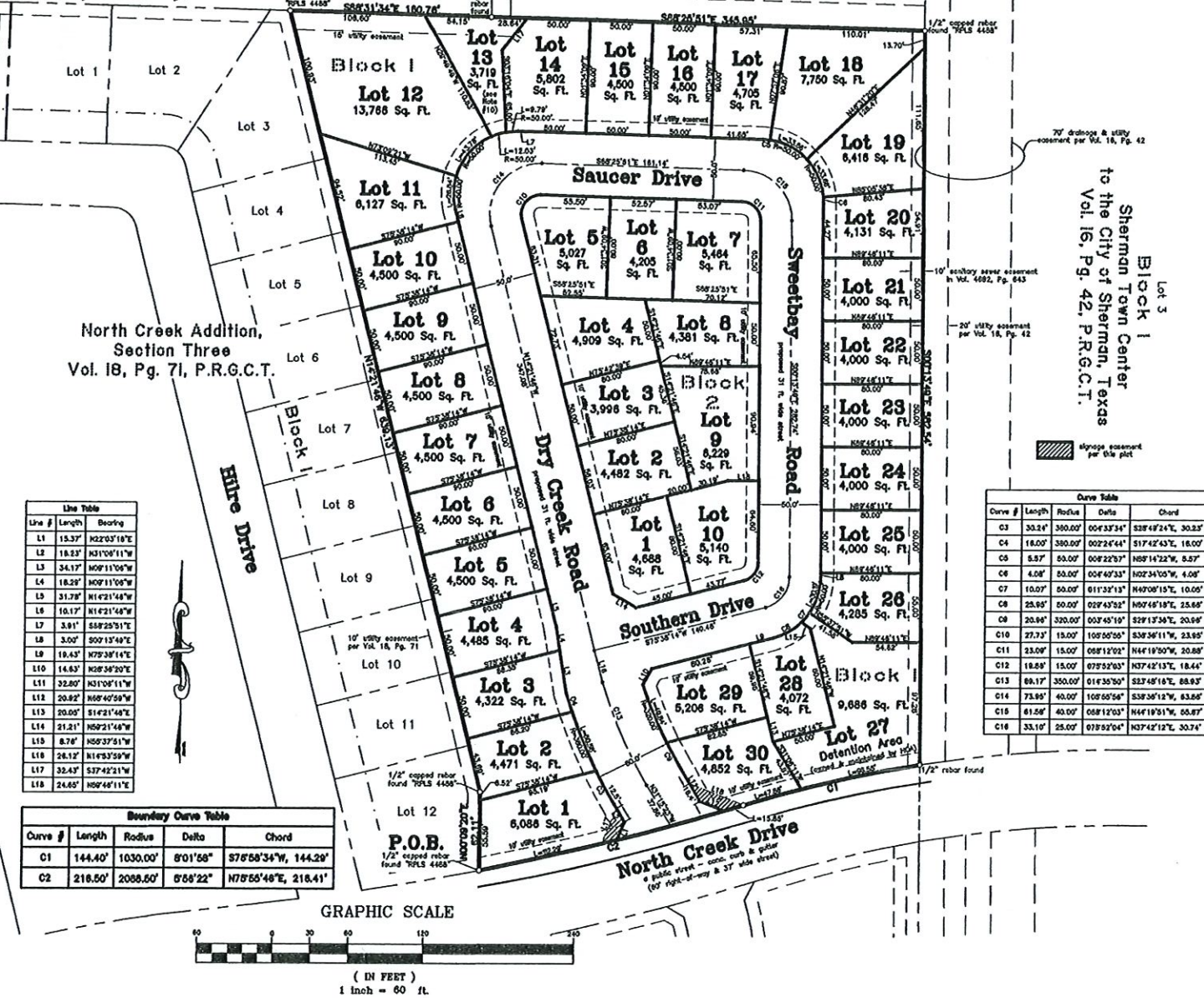


Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone, as derived by survey-grade Global Positioning System. All distances shown hereon are grid distances.

Scale factor to surface distances: 1.000084617

James H. Clark Survey
Abstract No. 273
Grayson County, Texas

Replat of Lot 4, Block 1
Sherman Town Center, Section Two
to the City of Sherman, Texas
Vol. 19, Pgs. 1 & 2, P.R.G.C.T.



Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas 6.166 Acres

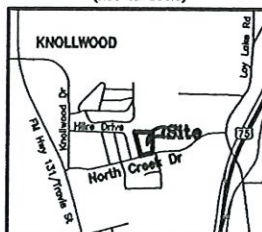
General Notes:

- Water supply to be provided by the City of Sherman, Texas.
- Sanitary service to be provided by the City of Sherman, Texas.
- Electricity service is provided by Oncor Electric Delivery Co.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- Any existing easels or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplains) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 29, 2010.
- Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- Lot 13 shall be used as an access area and to be owned and maintained by the Homeowner's Association for this development.

in the
**James H. Clark Survey
Abstract No. 273**

Job No. CGS490920

Vicinity Map (not to scale)



Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: kate@helveywagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Owner/Developer
Young Enterprises, L.P.
5415 N. Highway 1417
Sherman, Texas

FIELD NOTES

SITUATION In the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 273 and being all of the 6.166 acre tract of land conveyed by Special Warranty Deed from Bountiful, L.P. and Vesta, L.P., to Young Enterprises, L.P., on April 28, 2016, recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found stamped "RPLS 4488" on the North right-of-way line of North Creek Drive, the Southwest corner of said Young 6.166 ac., the Southeast corner of Lot 12, Block 1, North Creek Addition, Section Three, to the City of Sherman, Texas, as per plat of record in Volume 18, Page 71, Plat Records, Grayson County, Texas, the Southwest corner of the herein described tract;

THENCE North 00 deg. 09 min. 20 sec. East, with a West line of said Young 6.166 ac., an East line of said Lot 12, Block 1, North Creek Addition, a distance of 62.11 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at an angle point of all said Lot 12, Young 6.166 ac., and the herein described tract;

THENCE North 14 deg. 21 min. 46 sec. West, with a West line of said Young 6.166 ac., an East line of said Block 1, North Creek Addition, a distance of 639.13 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" on the South line of Knollwood MHP, L.P. 44.47 acre tract of land, recorded in Instrument No. 2019-9835, said Official Public Records, Grayson County, Texas, the Northeast corner of Lot 3, said Block 1, North Creek Addition, the Northwest corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 31 min. 34 sec. East, with a North line of said Young 6.166 ac., the South line of said Knollwood 44.47 ac., a distance of 160.78 ft. to a 3/8 inch rebar found at the Southwest corner of Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, to the City of Sherman, Texas, as per plat of record in Volume 19, Pages 1 & 2, said Plat Records, Grayson County, Texas, the Southeast corner of said Knollwood 44.47 ac., an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 25 min. 51 sec. East, with a North line of said Young 6.166 ac., the South line of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, a distance of 345.95 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" on the West line of Lot 3, Block 1, Sherman Town Center, to the City of Sherman, Texas, as per plat of record in Volume 16, Page 42, said Plat Records, Grayson County, Texas, the Southeast corner of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 00 deg. 13 min. 49 sec. East, with the East line of said Young 6.166 ac., the West line of said Lot 3, Block 1, Sherman Town Center, a distance of 582.64 ft. to a 1/2 inch rebar found on the North right-of-way line of said North Creek Drive, the Southwest corner of said Lot 3, Block 1, Sherman Town Center, the Southeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the left having a radius of 1,030.00 ft., a central angle of 08 deg. 01 min. 58 sec. (Chord Bears: South 76 deg. 58 min. 34 sec. West, 144.29 ft.) on an arc distance of 144.40 ft. to a point at the end of said curve, on the North right-of-way line of said North Creek Drive, an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the right having a radius of 2,088.50 ft., a central angle of 05 deg. 56 min. 22 sec. (Chord Bears: South 75 deg. 55 min. 48 sec. West, 218.41 ft.) on an arc distance of 218.50 ft. to the **PLACE OF BEGINNING** and containing **6.166 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.



Kate A. Wagner, R. P. L. S. No. 6578 Date:

I, Authorized Representative for Young Enterprises, L.P., sole owner of Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Authorized Representative for Young Enterprises

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for Young Enterprises, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that ~~he/she~~ executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2020.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman _____ Secretary _____

This, the Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the City Council of the City of Sherman, Texas.

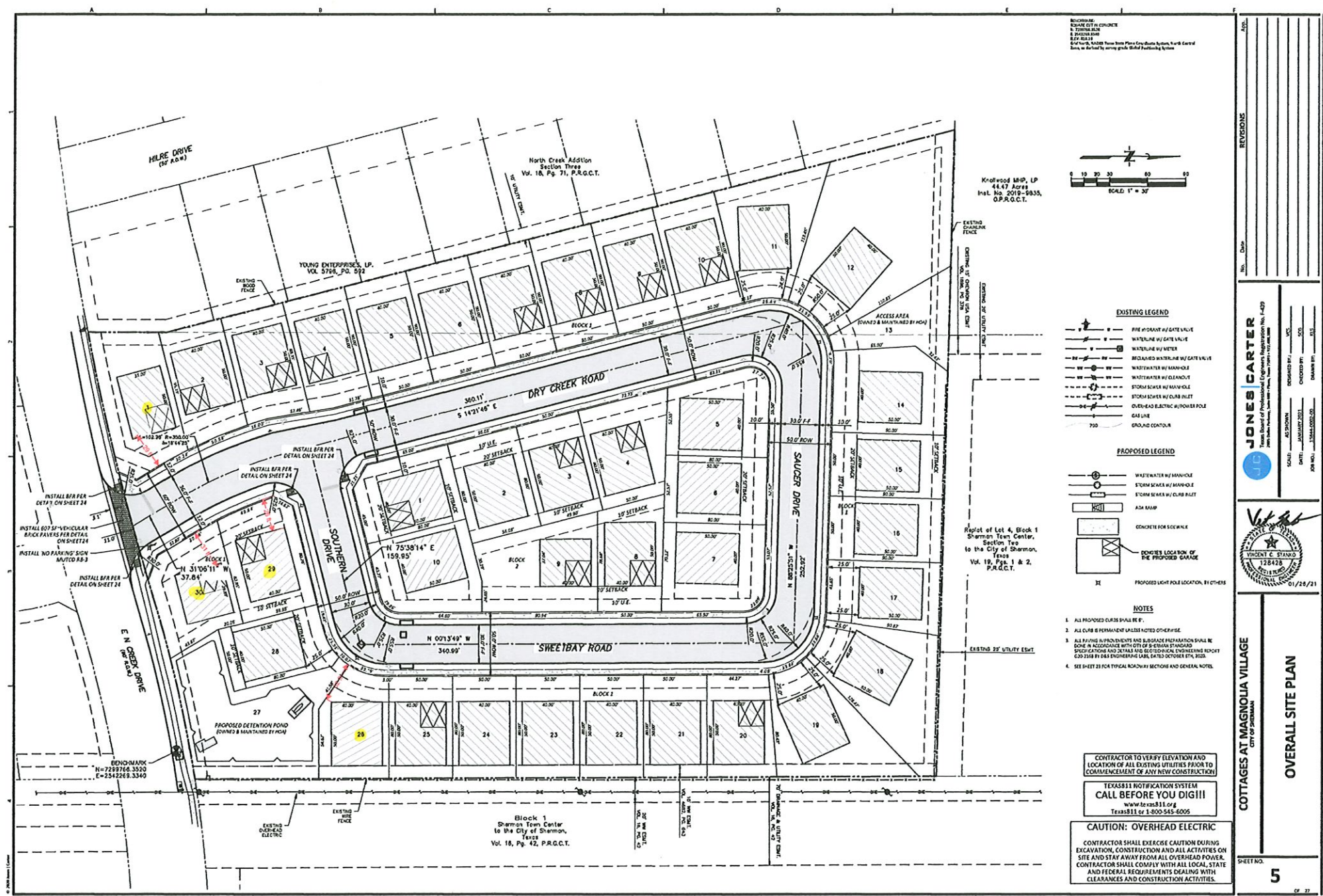
ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

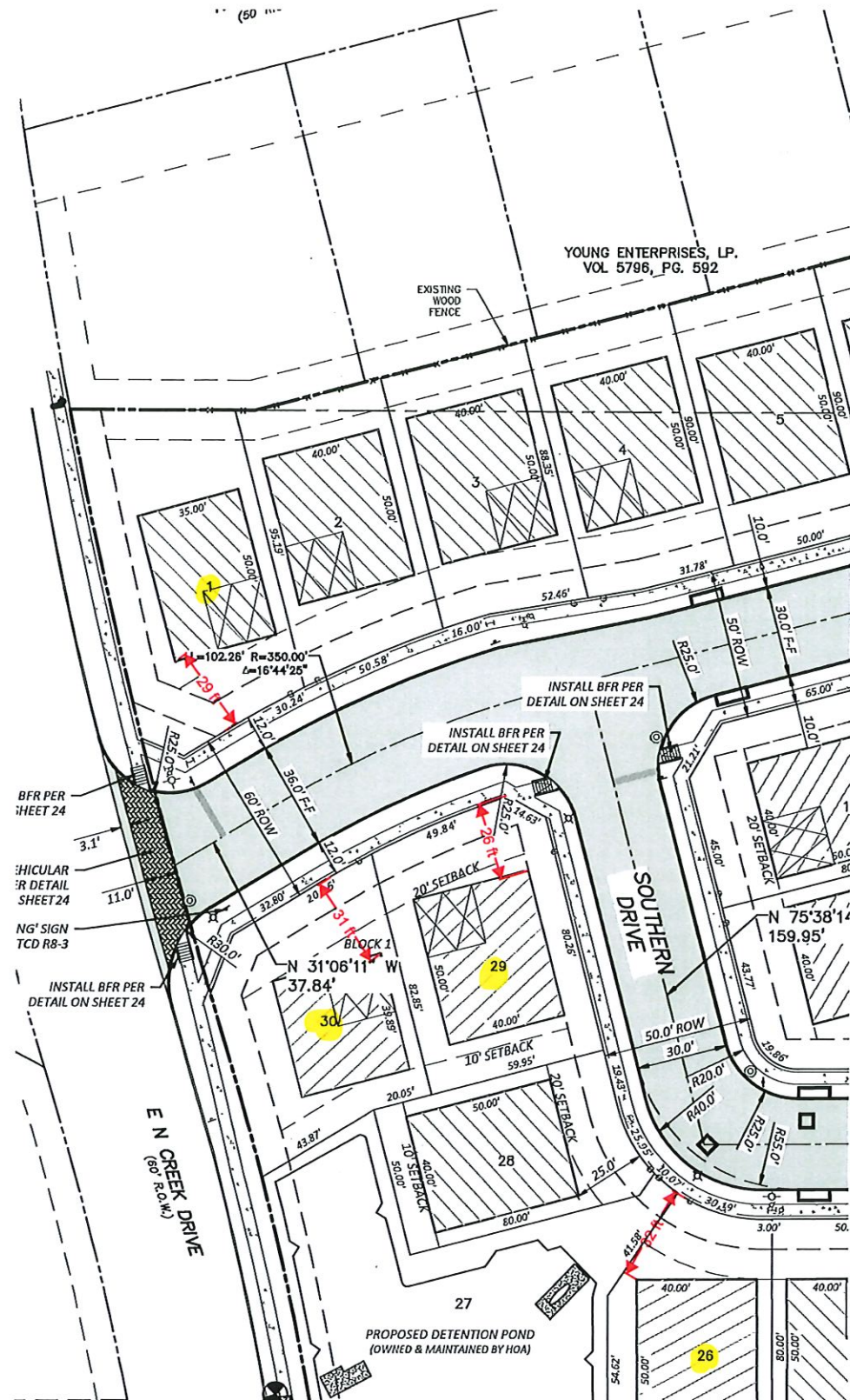
The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2020, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: kate@helveywagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100





STAFF REVIEW LETTER

May 11, 2021

Young Enterprises
5414 N FM 1417 (Heritage Parkway)
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Mike DeLong
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Dear Applicants,

The request to Repeal Ordinance No. 6323 and grant a new Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village for a total of 38 patio homes in an R-1 (One-Family Residential) District located in the 500 block of East Northcreek Drive has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, the Patio Home Ordinance, the Fence Ordinance and the Residential Tree and Landscaping Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x 20'.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
7. All required off-street parking shall be on private property and shall not encroach into the right-of-way.
8. Any subdivision developed under the Patio Home (PH) standards of this ordinance shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Usable open space shall not be required for a patio home development if it contains fifty (50) or fewer lots and the property contiguous (abutting or separating only by a local or collector street) to the subdivision is either developed for use other than patio homes or is restricted by zoning to not permit patio home development. Properties separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.
9. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval,

at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.

10. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 14.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

500 BLOCK EAST NORTHCREEK DRIVE

The request of Young Enterprises, LP (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273, as follows:

Board of Adjustments

- A. Exception under Ordinance No. 2280, Section 8, Subsection (9) to allow the following lot widths and area in lieu of the required 40' lot width and 4,000 square foot lot area for patio homes in the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District.

Lot 3, Block 2 – 3,996 square foot lot area

Lot 18, Block 1 – 33.66' lot width

Lot 19, Block 1 – 33.66' lot width

Lot 26, Block 1 – 30.19' lot width

- B. Variance under Ordinance No. 2280, Section 8, Subsection (9) to allow the following lots with front yard setbacks in lieu of the maximum 25' front yard setback for patio homes in the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District.

Lot 1, Block 1 – 29' front setback

Lot 26, Block 1 – 30' front setback

Lot 29, Block 1 – 26' front setback

Lot 30, Block 1 – 31' front setback

Planning and Zoning Commission

- C. Final Plat approval of Cottages at Magnolia Village
- D. Repeal (Ord. 6323) and granting a new Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village for a total of 38 patio homes in an R-1 (One-Family Residential) District.

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street. The property was rezoned from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and a Specific Use Permit to allow 39 patio homes was approved September 8, 2020 (Ord. 6323).

The owner would like to plat the property into forty lots for residential development, one lot being for detention and another for access area to be owned and maintained by the Homeowner's Association. They are requesting to amend a previously approved Specific Use Permit to allow 39 patio homes reducing it to 38. Exceptions are requested on four lots for lot width and area and variances to allow larger front setbacks than allowed in the patio home ordinance.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Young Enterprises, LP (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

32

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Cottages at Magnolia Village

Lots for Exception Lot Width & Area

Ordinance 6323

Patio Home Lots

Site Plan Setbacks

Staff Review Letter - Plat

Staff Review Letter - SUP



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 8.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6391

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So as to Granting a Specific Use Permit to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial District)/Central Business District at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement (Everest, LLC, Owner; Mont Taylor, Applicant; Texas Gift Winery, LLC dba Rio to Red Winery, Tenant; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

Issue:

To consider Granting a Specific Use Permit to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial District)/Central Business District at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement (Everest, LLC, Owner; Mont Taylor, Applicant; Texas Gift Winery, LLC dba Rio to Red Winery, Tenant; and Copley Land Surveying, Surveyor);

Background:

The property is located at 212 North Walnut Street between Pecan and Wall Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Texas Gift Winery, LLC, dba Rio to Red Winery is requesting a Specific Use Permit to allow wine tasting and bottling of alcoholic beverages at this location. The property is part of a single-story building with brick walls and concrete floor. The winery will be one large open area room, 346 square feet, separated with partitions and lockable gate. The production area will be 809 square feet for bottling, labeling, packaging and storing wine.

Origination:

Everest LLC (Owner)

Mont Taylor (Applicant)

Texas Gift Winery, LLC dba Rio to Red Winery (Tenant)

Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6391

Exhibit A

Location Map

Zoning Map

Zoning Sign Photo

Survey

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6391

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW WINE TASTING AND BOTTLING OF ALCOHOLIC BEVERAGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT AT 212 NORTH WALNUT STREET, BEING 0.304 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND BEING PART OF LOTS 7, 8 & 9, BLOCK D, T.J. SHANNON SUPPLEMENT (EVEREST, LLC, OWNER; MONT TAYLOR, APPLICANT, TEXAS GIFT WINERY, LLC DBA RIO TO RED WINERY, TENANT, AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the effective date of this Ordinance, Everest LLC (Owner), Mont Taylor (Applicant), Texas Gift Winery, LLC dba Rio to Red Winery (Tenant) and Copley Land Surveying (Surveyor) for the property located at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement, as more particularly described in **Exhibit A**, attached hereto, are granted a Specific Use Permit to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial) District/Central Business District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the property described in **Exhibit A**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-2 (General Commercial) District, the Central Business District and the Sign Ordinance.
2. Compliance with applicable provisions of the Texas Alcoholic Beverage Code and applicable rules and regulations of the Texas Alcoholic Beverage Commission.
3. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
4. Shall comply with all EPA, City, Federal and State regulations for this use.
5. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
6. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect..

SECTION 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY:

DAVID PLYLER, MAYOR

ATTEST:

BY:

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY:

RYAN D. PITTMAN, CITY ATTORNEY

Exhibit A

CLS Job# 20120452

PROPERTY ADDRESS -
202-212 N. WALNUT ST.
SHERMAN, TEXAS

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

J.W. McAnair Survey
Abstract No. 763

28,618 SF
SHERMAN LOT 7, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.133 AC
LOS HERMANOS PARTNERSHIP, LLC
VOL. 5615, PG. 55
O.P.R.G.C.T.

MAG NAIL SET
(RPLS 6720)

Block D

0.081 AC
SHERMAN LOT 8, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

MAG NAIL SET
(RPLS 6720)

4245' x 47'
SEAN UNDERVEER
ARE UNDERVEER
TRUSTEES OF THE RLING
60100 TRUST
DOCUMENT NO. 2019-21781
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 9, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 10, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 11, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 12, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 13, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 14, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 15, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 16, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 17, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 18, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 19, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 20, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 21, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 22, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 23, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

0.081 AC
SHERMAN LOT 24, LLC
VOL. 5565, PG. 824
O.P.R.G.C.T.

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75076
TX 003-415-0643, OR 580-980-0181
john@copleylandsurveying.com



Legend

- WATER METER
- WATER VALVE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- BOUNDARY LINE
- PROPERTY LINE

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY: 12/23/20



Legal Description

Situated in the City of Sherman, County of Grayson, State of Texas being part of the J.B. McAnair Survey, Abstract No. 763, and being a part of Lots 7, 8 & 9, Block "D" of the T.J. Shannon Supplement an addition to the City of Sherman as shown by plat of record in Volume D, Page 259, Deed Records, Grayson County, Texas conveyed to Shone Nix by deed of record in Document No. 2020-965, Official Public Records, Grayson County, Texas;

Beginning at a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in the west line of a N. Walnut Street said nail being set for the northeast corner of a 15.20' x 47' tract of land conveyed to Thomas L. Shields by deed of record in Volume 4726, Page 494 of said Official Public Records and the south west corner of the herein described tract said nail being N 15°20'43" W, a distance of 47.0 feet from the southeast corner of said Lot 7;

Thence South 75°07'46" West, over and across said Lot 7, Block D along the north line of said 15.20' x 47' tract, the north line of a 29.4' x 47' tract called Tract Three conveyed to L.W.F.T., INC. by deed of record in Document No. 2020-6810 of said Official Public Records, the north line of a 14.2' x 47' tract conveyed to L.W.F.T., INC. by deed of record in Volume 3875, Page 445 of said Official Public Records, the north line of a 28.40' x 47' tract called Tract 1 conveyed to John Arriazola by deed of record in Volume 4730, Page 482 of said Official Public Records, and the north line of a 28.35' x 47' tract conveyed to Bold & Beauty, LLC by deed of record in Document No. 2019-27284 of said Official Public Records, a distance of 79.86 feet to a mag nail set with an aluminum cap marked COPLEY RPLS 6720 for an angle point in the east line of a 0.081 acre tract of land conveyed to RP SHERMAN PROPERTIES II, LLC by deed of record in Document No. 2020-21808 of said Official Public Records;

Thence North 15°14'14" West, along the east line of said 0.081 acre tract, a distance of 2.99 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in the south line of said Lot 8 for an ell corner in the south line of the herein described tract and an angle in the east line of said 0.081 acre tract;

Thence South 75°01'04" West, continuing along the east line of said 0.081 acre tract and the south line of said Lot 8, a distance of 51.50 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 for an ell corner in the east line of said 0.081 acre tract and the southwest corner of the herein described tract;

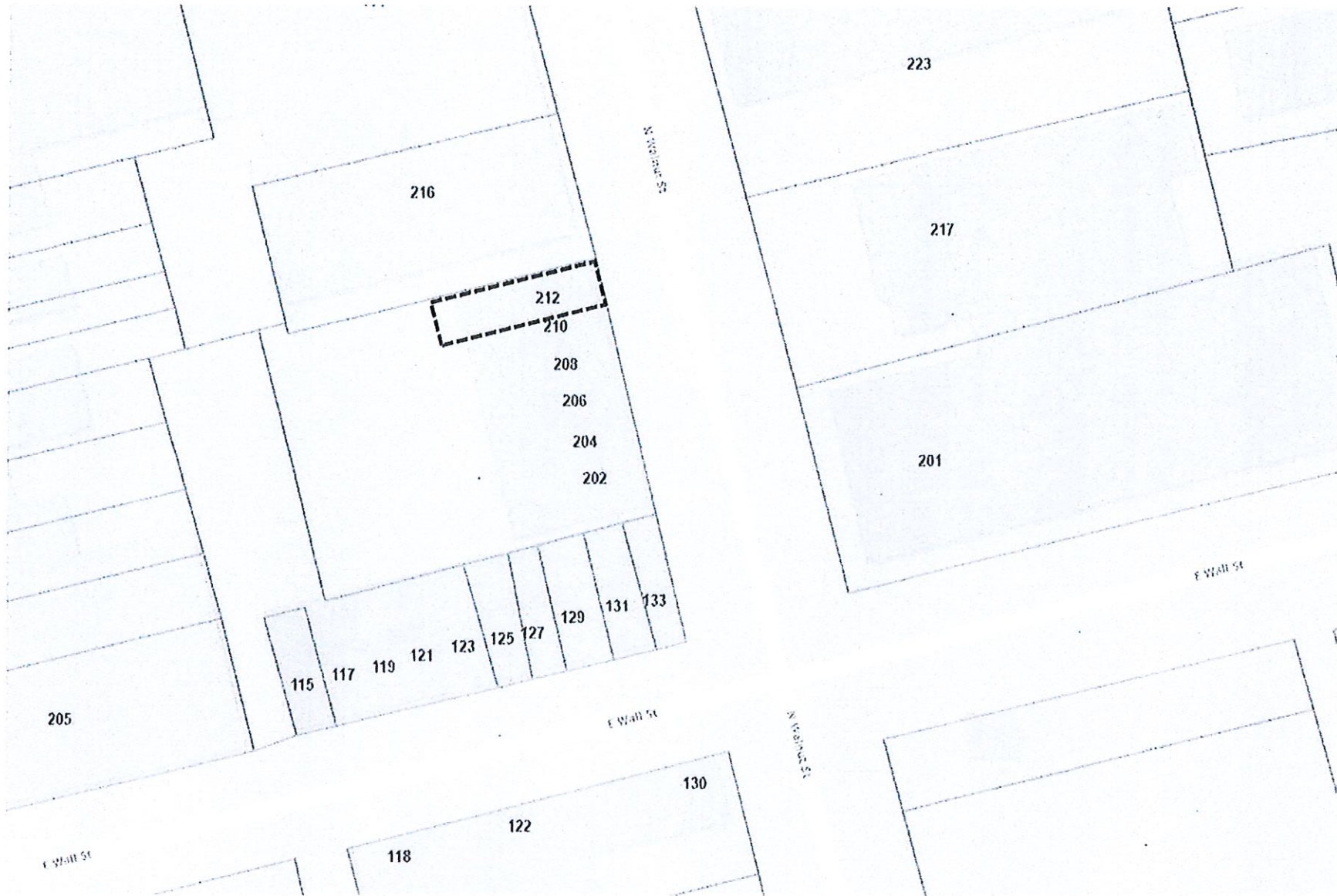
Thence North 14°58'58" West, continuing along the east line of said 0.081 acre tract over and across said Lots 8 & 9, a distance of 99.54 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in the north line of said Lot 9 and the south line of a 28,618 square foot tract of land conveyed to Sherman Lofis, LLC by deed of record in Volume 5565, Page 824 of said Official Public Records for the northeast corner of said 0.081 acre tract and the northwest corner of the herein described tract;

Thence North 75°20'17" East, along the north line of said Lot 9 and the south line of said 28,618 square foot tract passing the southwest corner of a 0.133 acre tract of land conveyed to Los Hermanos Partnership, LLC by deed of record in Volume 5875, Page 55 of said Official Public Records at a distance of 19.50 feet and continuing along its south line for a total distance of 130.73 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in west line of said N. Walnut Street for the northeast corner of said Lot 9 and the southeast corner of said 0.133 acre tract;

Thence South 15°20'43" East, along the west line of said N. Walnut Street, a distance of 101.96 feet to the Point-of-Beginning and containing 0.304 acres of land.

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

Exhibit A





212 North Walnut Street

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 147 ft



Zoning - 212 North Walnut Street

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District
-  C-2 General Commercial District

CO Office District

-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District
-  PD Planned Development



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft

212 North Walnut Street

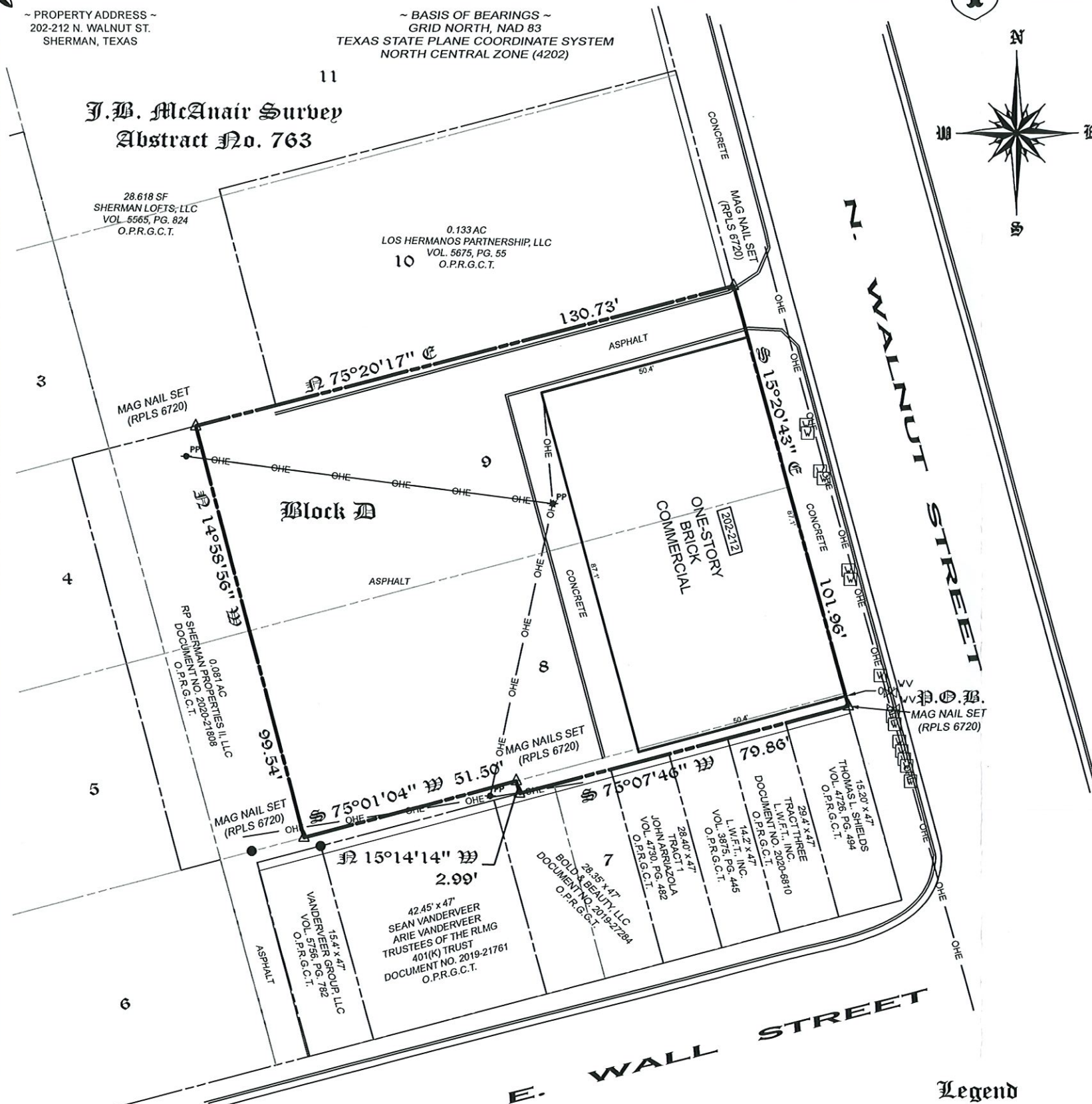


~ PROPERTY ADDRESS ~
202-212 N. WALNUT ST.
SHERMAN, TEXAS

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

CLS Job# 20120452

J.B. McAnair Survey Abstract No. 763



Legend

	WATER METER
	WATER VALVE
	POWER POLE
	OVERHEAD ELECTRIC LINE
	BOUNDARY LINE
	PROPERTY LINE



SCALE ~ 1" = 30'

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Copley Land Surveying, Inc.
All rights reserved.

Legal Description

Situated in the City of Sherman, County of Grayson, State of Texas being part of the J.B. McAnair Survey, Abstract No. 763, and being a part of Lots 7, 8 & 9, Block "D" of the T.J. Shannon Supplement an addition to the City of Sherman as shown by plat of record in Volume D, Page 259, Deed Records, Grayson County, Texas conveyed to Shone Nix by deed of record in Document No. 2020-965, Official Public Records, Grayson County, Texas;

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Thence South 75°01'04" West, continuing along the east line of said 0.081 acre tract and the south line of said Lot 8, a distance of 51.50 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 for an ell corner in the east line of said 0.081 acre tract and the southwest corner of the herein described tract;

Thence North 14°58'56" West, continuing along the east line of said 0.081 acre tract over and across said Lots 8 & 9, a distance of 99.54 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in the north line of said Lot 9 and the south line of a 28.618 square foot tract of land conveyed to Sherman Lofts, LLC by deed of record in Volume 5565, Page 824 of said Official Public Records for the northeast corner of said 0.081 acre tract and the northwest corner of the herein described tract;

Thence North 75°20'17" East, along the north line of said Lot 9 and the south line of said 28.618 square foot tract passing the southwest corner of a 0.133 acre tract of land conveyed to Los Hermanos Partnership, LLC by deed of record in Volume 5875, Page 55 of said Official Public Records at a distance of 19.50 feet and continuing along its south line for a total distance of 130.73 feet to a mag nail set with an aluminum washer marked COPLEY RPLS 6720 in west line of said N. Walnut Street for the northeast corner of said Lot 9 and the southeast corner of said 0.133 acre tract;

Thence South 15°20'43" East, along the west line of said N. Walnut Street, a distance of 101.96 feet to the Point-of-Beginning and containing 0.304 acres of land.

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

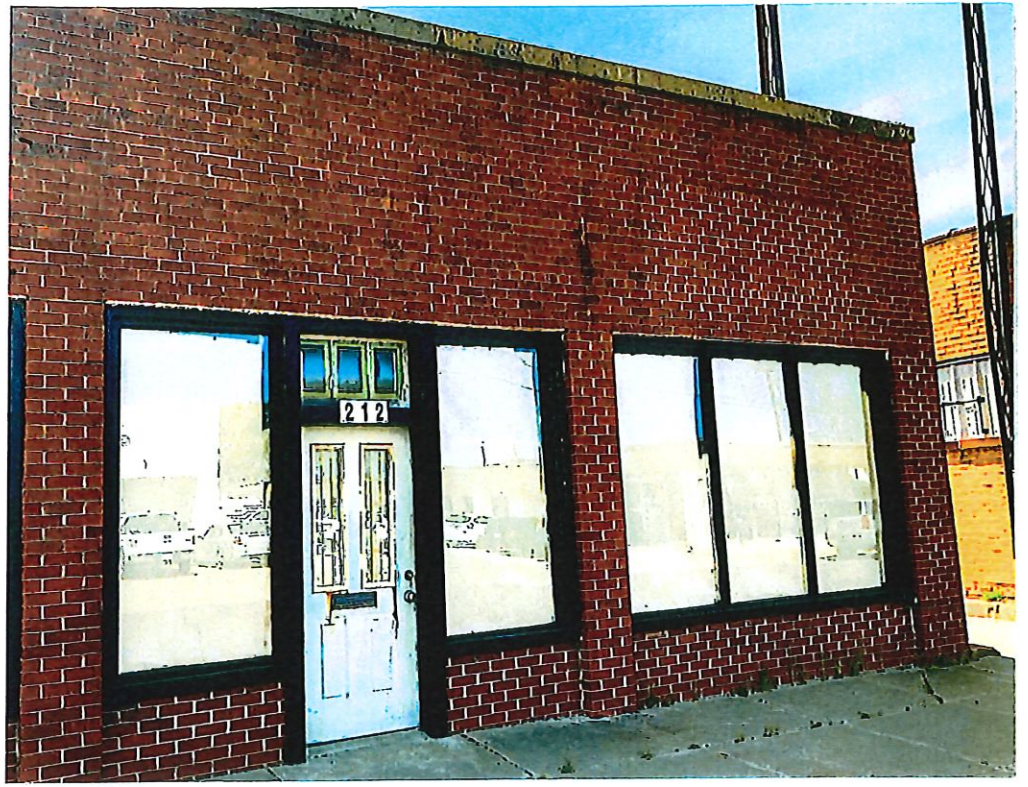
John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY: 12/23/20



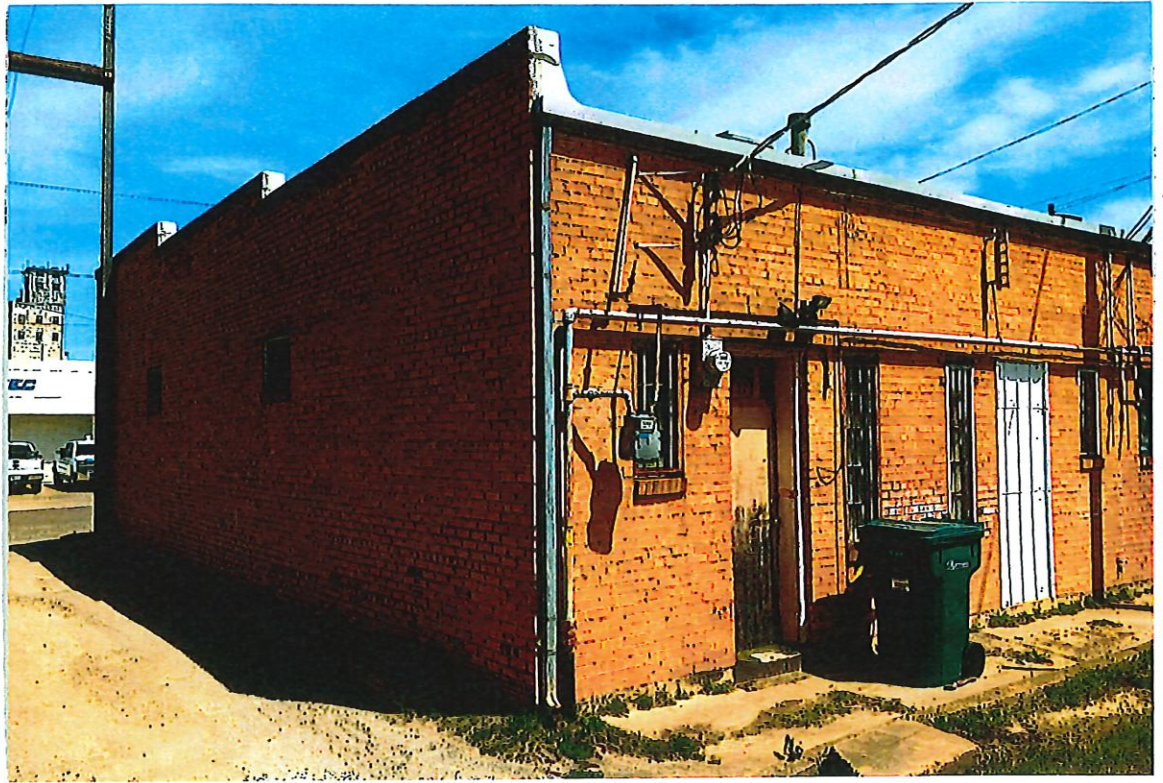
Copley Land Surveying

1702 Verdi Ln., Sherman, Texas 75076
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com









STAFF REVIEW LETTER

May 11, 2021

Everest LLC
1716 Davy Ln.
Denison, TX 75020

Copley Land Surveying
1702 Verdi Ln.
Sherman, TX 75090

Mont Taylor
289 Westridge Dr.
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial) District/Central Business District located at 212 North Walnut Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, May 18, 2021 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-2 (General Commercial) District, the Central Business District and the Sign Ordinance.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
5. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,



Rob Rae
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
 Clint Philpott, Asst. City Manager
 Wayne Lee, P.E., Director of Engineering
 Tom Pruitt, Utility Engineer
 The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

 Billy Hartsfield, Fire Marshal
 Amber Doan, Engineering Coordinator
 Christopher Armstrong, Asst. City Engineer



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 16.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

212 NORTH WALNUT STREET

The request of Everest LLC (Owner), Mont Taylor (Applicant), Texas Gift Winery, LLC dba Rio to Red Winery (Tenant) and Copley Land Surveying (Surveyor) concerning the property at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement, as follows;

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial) District/Central Business District.

Background:

The property is located at 212 North Walnut Street between Pecan and Wall Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District.

Texas Gift Winery, LLC, dba Rio to Red Winery is requesting a Specific Use Permit to allow wine tasting and bottling of alcoholic beverages at this location. The property is part of a single-story building with brick walls and concrete floor. The winery will be one large open area room, 346 square feet, separated with partitions and lockable gate. The production area will be 809 square feet for bottling, labeling, packaging and storing wine.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Everest LLC (Owner)
Mont Taylor (Applicant)
Texas Gift Winery, LLC dba Rio to Red Winery (Tenant)
Copley Land Surveying (Surveyor)

Master Plan Designation:

Urban/Downtown – Buildings are two to five stories and are built right up to the sidewalk, creating a sense of enclosure. Sidewalks provide pedestrian access and streetscape amenities. Parking is available along the street or in small parking lots in the rear of the buildings.

Number of notices mailed:

18

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey
Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D. 9.

Meeting Date: 06/07/2021

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6392

Amending Chapter 4 of the Code of Ordinances (Business Regulations), Article 4.14 (Alcoholic Beverages), Division 3 (Unlawful Consumption), Section 4.14.064 (Consumption or Possession in Parks Prohibited) to Prohibit the Possession and Consumption of Alcoholic Beverages on the Premises of a City Park, Recreational Area or other Public Open Space or Facility

Issue:

Consider revising Ordinance 5378. Clarifying the language regarding alcohol in parks to provide for a legally appropriate enforcement mechanism. Providing defenses to prosecution.

Background:

The City of Sherman adopted Ordinance 5378 on May 1, 2006, to prohibit alcohol in parks. The ordinance allowed the City Manager to permit alcohol in Kidd-Key Park (then known as the Sherman Municipal Building Grounds) with prior, written approval.

Conversations regarding the Sherman Celtic Festival, which will be held this year at Pecan Grove Park West, led City staff to reevaluate the existing ordinance. This suggested change would provide for a more appropriate legal mechanism for enforcement while also extending the City Manager's ability to allow exceptions.

Origination:

City Manager Robby Hefton
Community and Support Services Manager Nate Strauch

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of this ordinance to create a more robust regulatory structure regarding alcohol in parks.

Alternatives:

As directed by Council.

Attachments

Ordinance No. 6392

ORDINANCE NO. 6392

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES (BUSINESS REGULATIONS), ARTICLE 4.14 (ALCOHOLIC BEVERAGES), DIVISION 3 (UNLAWFUL CONSUMPTION), SECTION 4.14.064 (CONSUMPTION OR POSSESSION IN PARKS PROHIBITED) TO PROHIBIT THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES OF A CITY PARK, RECREATIONAL AREA OR OTHER PUBLIC OPEN SPACE OR FACILITY; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 4 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended at Section 4.14.064 so that such section shall read as follows:

“Sec. 4.14.064 Possession or consumption in parks prohibited

- (a) ~~No person shall consume or have in his possession any alcoholic beverage as defined by the laws of the state while on public park property owned by the city. The possession or consumption of an alcoholic beverage while on the premises of a City park, recreational area or other public open space or facility is prohibited. A violation of this section is punishable by a fine not to exceed five hundred dollars (\$500.00) and shall be considered trespassing as defined by state law.~~
- (b) ~~However, the city manager may authorize events on the public park property known as the Municipal Building Grounds involving the sale, possession, and/or consumption of alcohol during the hours of 12:00 noon until 10:00 p.m. on any day except Sunday, provided there is no conflict with school days and/or events, including football games and other athletic events; contingent upon the applicant obtaining the proper permits and approval from the Texas Alcoholic Beverage Commission (TABC); provided the applicant agrees to secure the area where the alcohol will be dispensed and consumed within temporary perimeter fencing, with secured ingress and egress; and further conditioned upon the applicant agreeing to provide a minimum of three (3) security officers for the properly permitted special event.~~
- It is a defense to prosecution or enforcement of a violation of Subsection (a) that:*
- (1) *The person was on the premises of a City park, recreational area or other public open space or facility for which:*
- a. A valid license or permit issued by the Texas Alcoholic Beverage Commission existed; or*
 - b. A lease or rental agreement or other written permission had been granted by the City Manager or his designee that allowed the*

possession and consumption of an alcoholic beverage, subject to conditions or regulations imposed by the City Manager or his designee.

- (2) *The container of alcoholic beverage possessed by the person had an unbroken seal or other evidence of having never been opened.*
- (c) *For the purpose of this Section, the term "alcoholic beverage" means and refers to an alcoholic beverage as defined by the Texas Alcoholic Beverage Code."*

SECTION 2. That the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 3. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 4. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS

INTRODUCED on this the _____ day of _____, 2021.

ADOPTED on this the _____ day of _____, 2021.

EFFECTIVE DATE on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY:

DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
**RYAN D. PITTMAN
CITY ATTORNEY**



City Council Regular Meeting

D. 10.

Meeting Date: 06/07/2021

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6386, 6387, 6388, 6389, 6390, 6391 & 6392.

Issue:

D. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6386

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located at 1125 South Montgomery Street, being Lot 7, Block 7, Jones & Wainright's Addition (Hyperstar, Inc., Owner; Danish Samad, Representative; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed \$2,000.00

D. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6387

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District, Located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the North 8 feet of Lot 14 and all of the South 27.666 feet of Lot 16, Block 2 (Earnhartbuilt, LLC, Owner; Moran Development, Developer; and Helvey-Wagner Surveying, Inc., Surveyor); Providing for a Penalty not to Exceed \$2,000.00

D. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6388

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-1 (One-Family Residential) District, Located in the 2400-2700 Blocks of South FM 1417 (Heritage Parkway), being 43.727 acres in the Elizabeth Jones Survey, Abstract No. 625 (ARC STX Holdings, LLC, Owner; Tesch Development & Management Co., LLC, Prospective Buyer; Robert Tesch, Representative; Pape-Dawson Engineers, Civil Engineer and Pierce-Murray Land Solutions, Surveyor); Providing for a Penalty not to Exceed \$2,000.00

D. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6389

An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6132 and Granting a Specific Use Permit to allow Patio Homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a Total of 46 Patio Homes in an R-1 (One-Family Residential) District at 502 East Northcreek Drive, 4706-4723 Indio Lane, 400-516 Carneros Drive, 4701-4733 Dry Creek Road and 400-505 Sonoma Court (Homes by JLS of Texoma LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6390

An Ordinance of The City Council of The City of Sherman, Texas, Amending Section 8, Subsection (5)(A), Ordinance No. 2280, Repealing Ordinance No. 6323 and Granting a Specific Use Permit to allow 38 Patio Homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District in the 500 Block of East Northcreek Drive (Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6391

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So as to Granting a Specific Use Permit to allow Wine Tasting and Bottling of Alcoholic Beverages in a C-2 (General Commercial District)/Central Business District at 212 North Walnut Street, being 0.304 acres in the J.B. McAnair Survey, Abstract No. 763 and being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement (Everest, LLC, Owner; Mont Taylor, Applicant; Texas Gift Winery, LLC dba Rio to Red Winery, Tenant; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed \$2,000.00

D. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6392

Amending Chapter 4 of the Code of Ordinances (Business Regulations), Article 4.14 (Alcoholic Beverages), Division 3 (Unlawful Consumption), Section 4.14.064 (Consumption or Possession in Parks Prohibited) to Prohibit the Possession and Consumption of Alcoholic Beverages on the Premises of a City Park, Recreational Area or other Public Open Space or Facility



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 1.

Meeting Date: 06/07/2021

Prepared By: Julia Craze, Grants Coordinator

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6741

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Program Year 2021; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certifications of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2021

Issue:

Approval of the Program Year (PY) 2021 Community Development Block Grant Final Statement/Action Plan

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low- and moderate-income and special needs citizens. This Action Plan is based on a five (5) year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long-term planning tool to address the identified needs of public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. For PY 2021, the City will allocate the majority of the funds towards parks improvement, substandard structure demolition, and public service activities.

Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows:

- PY 2017 - \$334,954.00
- PY 2018 - \$368,334.00
- PY 2019 - \$358,317.00
- PY 2020 - \$366,740.00
- PY 2021 - \$378,731.00

Origination:

Julia Craze, Grants Coordinator

Financial Consideration:

The City of Sherman has been allocated \$378,731 in Community Development Block Grant funds from HUD to address our various community development needs for low- and moderate-income and special needs citizens during PY 2021.

Staff Recommendation:

It is staff recommendation that the Sherman City Council approve the resolution to adopt the PY 2021 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives:

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Resolution No. 6741

Attachment A_CDBG PY 2021

Attachment B_CDBG PY 2021

RESOLUTION NO. 6741

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2021; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2021; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$378,731 for program year 2021, to be expended on eligible activities primarily benefiting low- and moderate-income families and special need populations; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was posted in public places and published on the website of the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on May 19, 2021 and June 7, 2021; and

WHEREAS, the City Council, after due consideration of the proposed Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said final statement should be submitted to the U.S. Department of Housing and Urban Development as the Community Development Application for the City of Sherman for Program Year 2021, in order to secure funding as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for Program Year 2021.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the "Assurances" as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the "Certifications" set forth on Attachment "B", attached hereto and made a part hereof for all purposes. These Certifications concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

SECTION 6. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, on this the ____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
RYAN PITTMAN, CITY ATTORNEY

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2021**

GRANT NO: B-21-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for program year 2021 is \$378,731.00. These funds will be available on October 1, 2021. Activities that directly benefit low- and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low- and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available (i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing suitable living environments and expanded economic opportunities, principally for low-moderate income persons and special need populations of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2021**

DEMOLITION/CLEARANCE PROGRAM: \$88,000

A program to demolish vacant, substandard structures and clear property lots that pose a risk to health and safety.

PARK IMPROVEMENT: \$144,985

A program to fund projects in parks within low- and moderate-income target areas and improve ADA accessibility in parks throughout the city of Sherman, promoting general health and wellness among the entire community. Focus will especially be to benefit those living in low-moderate income areas and those with disabilities.

PROGRAM ADMINISTRATION: \$ 75,746

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, and preparation of annual Action Plan, Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy, and the producing of the 10-year Fair Housing Study.

HABITAT FOR HUMANITY: \$15,000

A program to provide external repairs to owner-occupied homes belonging to low- and moderate-income Sherman residents.

PUBLIC SERVICE ACTIVITIES: \$55,000

BOYS & GIRLS CLUB OF SHERMAN, INC.: \$5,000

Funds to be used to assist with the development and advancement of a teen program for those from low- and moderate-income households.

CASA OF GRAYSON COUNTY: \$3,500

A program to train and support volunteer advocates and staff on process and procedures to advocate for foster children in Grayson County that have been abused or neglected.

CHILD & FAMILY GUIDANCE CENTER OF TEXOMA: \$5,000

A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence, and sexual abuse for low- and moderate-income Sherman residents.

CHILDREN'S ADVOCACY CENTER: \$5,000

A program to provide high quality services to abused and traumatized children who, at one time, resided within the city limits of Sherman.

FOUR RIVERS OUTREACH: \$5,000

A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are those who, at one time, resided within the city limits of Sherman.

GRAND CENTRAL STATION: \$5,000

A program to support nutrition, specifically food for low- and moderate-income Sherman residents.

GRAYSON COUNTY CRISIS CENTER: \$10,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence who, at one time, resided within the city limits of Sherman.

SHERMAN HOUSING AUTHORITY: \$8,000

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sale of illegal drugs in and around assisted housing, apprehend sellers of such drugs, and reduce crime in the assisted housing area.

SHERMAN YOUTH SPORTS ASSOCIATION: \$3,500

A program to provide sports equipment to children from low- and moderate-income households so that they can participate safely in activities offered by the Sherman Youth Sports Association.

TEXOMA FAMILY SHELTER, INC.: \$5,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

TOTAL PROGRAM ALLOCATION: \$378,731

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the general health and wellness of all members of the community through improved parks and recreational facilities in the low- and moderate-income target areas.
3. Improve the quality of life for Sherman residents with the removal of structures that create unsafe, unsanitary, and hazardous situations for the public.
4. Promote drug elimination programs for low- and moderate-income assisted housing families and households.
5. Provide support for provision of emergency shelter, food, and assistance to the homeless and those in danger of becoming homeless.
6. Assist in providing counseling services to youth and adults from low- and moderate-income families.
7. Assist in providing activities for children and teens from low- and moderate-income families.
8. Provide support for provision of shelter and assistance to men in overcoming addiction.
9. Provide services for abused and neglected children.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2021 are available in the Finance Department of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Julia Craze, Grants Coordinator, City of Sherman, P.O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on July 8, 2021. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

06/07/2021

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-21-MC-48-0027

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:** City of Sherman, Texas

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

75-6000669

*** c. UEI:**

EYLPNPECTM5

d. Address:

*** Street1:**

PO Box 1106

Street2:

*** City:**

Sherman

County/Parish:

*** State:**

TX: Texas

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

75091-1106

e. Organizational Unit:

Department Name:

Neighborhood Services

Division Name:

Finance

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

*** First Name:**

Julia

Middle Name:

*** Last Name:**

Craze

Suffix:

Title: Grants Coordinator

Organizational Affiliation:

City of Sherman

*** Telephone Number:** 903-487-5976

Fax Number: 903-891-0255

*** Email:** juliac@cityofsherman.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

* 12. Funding Opportunity Number:

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

PY 2021 City of Sherman Annual Action Plan

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant TX-004

* b. Program/Project TX-004

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2021

* b. End Date: 09/30/2025

18. Estimated Funding (\$):

* a. Federal	378,731.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	378,731.00

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Robby

Middle Name:

* Last Name: Hefton

Suffix:

* Title: City Manager

* Telephone Number: 903-892-7200 Fax Number:

* Email: robbyh@cityofsherman.com

* Signature of Authorized Representative:

* Date Signed:



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 2.

Meeting Date: 06/07/2021

Prepared By: Julia Craze, Grants Coordinator

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6742

Authorizing Publication of the Proposed Amendment to the Final Statement/Action Plan for the Community Development Block Grant for Program Year 2019; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certifications of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2019

Issue:

Approval of the Program Year (PY) 2019 Community Development Block Grant Amended Final Statement to accept CARES Act funds.

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). The Coronavirus Aid, Relief, and Economic Security (CARES) Act has provided each entitlement grantee with additional funds to respond to, prepare for, and prevent the spread of COVID-19. We are required to prepare and submit an amendment, which is a description of the activities that will be undertaken during the coming months to address the needs of our low- and moderate-income citizens affected by the coronavirus. For the third (final) round CARES Act allocation, the City will allocate the funds towards public service activities and park improvements.

Origination:

Julia Craze, Grants Coordinator

Financial Consideration:

The City of Sherman has been allocated an additional \$288,696 in Community Development Block Grant (CDBG) funds from HUD to address our various community development needs for low- and moderate-income and special needs citizens affected by COVID-19. Combined with the first round allocation of \$215,775, the City has been allocated a total of \$504,471 in CDBG CARES Act funds.

Staff Recommendation:

The staff recommends the Sherman City Council approve the PY 2019 Community Development Block Grant Amendment as submitted.

Alternatives:

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Resolution No. 6742

Attachment A Amendment CDBG-CV3

Attachment B_Amendment CDBG-CV3

RESOLUTION NO. 6742

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED AMENDMENT TO THE FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2019; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2019; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive \$288,696 from the Coronavirus Aid, Relief, and Economic Security (CARES) Act third (final) round allocation, to be expended on eligible activities primarily benefiting low/moderate income families and special need populations in order to meet CARES Act requirements to respond to, prepare for, and prevent the spread of COVID-19; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the amendment to final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was posted in public places and published on the website of the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on May 19, 2021 and June 7, 2021; and

WHEREAS, the City Council, after due consideration of the proposed Amendment to the Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said Amendment to Final Statement should be submitted to the U.S. Department of Housing and Urban Development as the Community Development Application for the City of Sherman for the Coronavirus Aid, Relief, and Economic Security (CARES) Act third (final) round allocation, in order to secure funding as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the Amendment to the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the Coronavirus Aid, Relief, and Economic Security (CARES) Act third (final) round allocation.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for

funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the "Assurances" as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the "Certifications" set forth on Attachment "B", attached hereto and made a part hereof for all purposes. These Certifications concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Amendment to the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

SECTION 6. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, on this the ____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
RYAN PITTMAN, CITY ATTORNEY

**CITY OF SHERMAN, TEXAS
AMENDMENT TO FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2019**

GRANT NO: B-20-MW-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) from the Coronavirus Aid, Relief, and Economic Security (CARES) Act third (final) round allocation is \$288,696.00. Activities that directly benefit low and moderate-income persons affected by COVID-19 will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low- and moderate-income persons. The City has met citizen participation requirements.

The overall goal of this community development planning and development program is to respond to, prepare for, and prevent the spread of COVID-19 principally for low-moderate income persons and special need populations of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM AMENDED ACTIVITIES TO PLAN
PROGRAM YEAR 2019**

PARK IMPROVEMENT: \$116,446

A program to fund projects in parks within low- and moderate-income target areas and improve ADA accessibility in parks throughout the city of Sherman, promoting general health and wellness among the entire community. Focus will especially be to benefit those living in low-moderate income areas and those with disabilities.

PUBLIC SERVICE ACTIVITIES: \$172,250

BOYS & GIRLS CLUB OF SHERMAN, INC.: \$10,000

A program to provide scholarships to children whose families have been affected by COVID-19 and to purchase disinfecting and protection supplies to maintain a clean environment to safely serve children.

CASA OF GRAYSON COUNTY: \$6,500

A program to train and support volunteer advocates and staff on process and procedures to advocate for foster children in Grayson County that have been abused or neglected. COVID-19 has reduced funding and increased training costs and need for volunteer advocates.

CHILD & FAMILY GUIDANCE CENTER OF TEXOMA: \$12,000

A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence, and sexual abuse for low- and moderate-income Sherman residents affected by COVID-19.

CHILDREN'S ADVOCACY CENTER: \$45,000

A program to provide high quality services to abused and traumatized children. COVID-19 has significantly impacted child victims of abuse and violent crimes resulting in increases in instances of abuse, the severity of abuse cases, and children witnessing violent crimes.

FOUR RIVERS OUTREACH: \$15,000

A program that serves those who are overcoming their struggles with addiction by providing a men's residential 16-bed facility and a 12-month Life Renewal program. Recipients are those who, at one time, resided within the city limits of Sherman and have been affected by COVID-19.

GRAND CENTRAL STATION: \$10,000

A program to support nutrition, specifically food for low- and moderate-income Sherman residents. Funding will support the additional expenses incurred from COVID-19.

HOUSE OF ELI: \$10,000

A program to purchase nutritious food such as meat, eggs, fresh fruits, and vegetables to meet the increased need created by COVID-19.

MULTICULTURAL FAMILY CENTER: \$7,000

A program to provide educational programs consisting of ESL classes, citizenship courses, learning and understanding rights, family reading, and literacy to families who have been disproportionately impacted by COVID-19.

SHERMAN YOUTH SPORTS ASSOCIATION: \$16,750

A program to provide scholarships to players whose families have been financially affected by COVID-19.

TEXOMA FAMILY SHELTER, INC.: \$40,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman and have been affected by COVID-19.

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low- and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the general health and wellness of all members of the community through improved parks and recreational facilities in the low- and moderate-income target areas.
3. Improve the quality of life for Sherman residents with the removal of structures that create unsafe, unsanitary, and hazardous situations for the public.
4. Promote drug elimination programs for low- and moderate-income assisted housing families and households.
5. Provide support for provision of emergency shelter, food, and assistance to the homeless and those in danger of becoming homeless.
6. Assist in providing counseling services to youth and adults from low- and moderate-income families.
7. Assist in providing activities for children and teens from low- and moderate-income families.
8. Provide support for provision of shelter and assistance to men in overcoming addiction.
9. Provide services for abused and neglected children.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2019, as amended, are available in the Finance Department of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Julia Craze, Grants Coordinator, City of Sherman, P.O. Box 1106, Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on July 8, 2021.

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

06/07/2021

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-20-MW-48-0027

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

City of Sherman, Texas

* b. Employer/Taxpayer Identification Number (EIN/TIN):

75-6000669

* c. UEI:

EYLPNPECTM5

d. Address:

* Street1:

PO Box 1106

Street2:

* City:

Sherman

County/Parish:

* State:

TX: Texas

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

75091-1106

e. Organizational Unit:

Department Name:

Neighborhood Services

Division Name:

Finance

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Julia

Middle Name:

* Last Name:

Craze

Suffix:

Title:

Grants Coordinator

Organizational Affiliation:

City of Sherman

* Telephone Number:

903-487-5976

Fax Number:

903-891-0255

* Email:

juliac@cityofsherman.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

* 12. Funding Opportunity Number:

N/A

* Title:

N/A

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

PY 2019 City of Sherman CARES Act Amendment

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant TX-004

* b. Program/Project TX-004

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 01/21/2020

* b. End Date: 09/30/2023

18. Estimated Funding (\$):

* a. Federal	504,471.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	504,471.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Robby

Middle Name:

* Last Name: Hefton

Suffix:

* Title: City Manager

* Telephone Number: 903-892-7200 Fax Number:

* Email: robbyh@cityofsherman.com

* Signature of Authorized Representative:

* Date Signed:



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 3.

Meeting Date: 06/07/2021

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6743

Awarding a Bid to Harkinson Management, LLC, for the Purchase and Sale of 15.260± Acres of Land in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, Generally Located at the Northeast Corner of the Intersection of West Travis Street and FM 1417; Authorizing Execution of Necessary Transaction Documents Related Thereto

Issue:

To consider the award of a bid and grant of a Special Warranty Deed for the sale of the City-owned real property located at the intersection of West Travis Street and FM 1417

Background:

At a regularly scheduled meeting on March 15, 2021, City Council authorized staff to advertise for public bids for the sale of approximately 15.26 acres of land located at the northeast corner of FM 1471 and West Travis Street.

A public request for competitive, sealed bids resulted in one (1) submittal which was opened on May 6, 2021 for \$3,655,599.08 from Harkinson Management, LLC of Addison, Texas. This agenda item authorizes the City Manager to execute a contract for sale of the property and a Special Warranty Deed to convey the property to Harkinson Management.

Origination:

Finance Department

Financial Consideration:

The sale of this property would yield \$3,655,599.08 and return the property to the tax rolls.

Staff Recommendation:

It is recommended that the City Council award the sale and authorize execution of a special warranty deed to Harkinson Management, LLC in the amount of \$3,655,599.08.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6743

Special Warranty Deed

Commercial Contract - Draft

Location Map

RESOLUTION NO. 6743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDED A BID TO HARKINSON MANAGEMENT, LLC, FOR THE PURCHASE AND SALE OF 15.260± ACRES OF LAND IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST TRAVIS STREET AND FM 1417; AUTHORIZING EXECUTION OF NECESSARY TRANSACTION DOCUMENTS RELATED THERETO; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas ("City") is the owner of a tract of land consisting of 15.260± acres located in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, generally located at the northeast corner of the intersection of West Travis Street and FM 1417, as more particularly described in Exhibit A attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") has investigated and determined that it is in the best interest of the City and its citizens to sell the Property; and

WHEREAS, the City Council is authorized to sell the Property pursuant to Chapter 253 and/or Chapter 272 of the Texas Local Government Code, as applicable; and

WHEREAS, the City Council solicited sealed bids for the sale of the Property in accordance with Section 272.001 of the Texas Local Government Code and complied with all other legal requirements relating thereto; and

WHEREAS, the City Council received a single bid from one offeror, and after review and consideration of the responsible bid, the City Council has determined that Harkinson Management, LLC submitted a bid that provides the best value to the City; and

WHEREAS, the City Council has investigated and determined that it is in the best interest of the City and its citizens to authorize the sale of the Property to Harkinson Management, LLC as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. That the City Manager be and is hereby authorized and directed, subject to all legal documents being properly completed and approved as to form and content by the City

Attorney, to execute the Special Warranty Deed attached hereto as Exhibit A and to take all action necessary to sale and convey the Property to Harkinson Management, LLC.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, on this the ____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM AND
CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Exhibit A
Special Warranty Deed

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

THAT CITY OF SHERMAN, TEXAS, a home-rule municipality ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by the HARKINSON MANAGEMENT, LLC, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged by Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee that certain real property more particularly described on Exhibit A attached hereto and incorporated herein (the "Land"), together with all and singular, the rights and appurtenances pertaining to the Land, including any right, title and interest of Grantor in and to adjacent streets, alleys or rights-of-way, and including all of Grantor's rights to all oil, gas and other minerals in and under the Land, if any, together with any improvements, fixtures, and personal property situated on and attached to the Land (collectively, the "Property").

This conveyance is made by the Grantor and accepted by the Grantee subject to the validly existing and enforceable rights, interests, estates, rights-of-way, easements, encumbrances and other matters presently recorded in Grayson County, Texas, and to all matters that would be revealed by a current survey of the Property (collectively, the "Permitted Exceptions").

By acceptance of this Deed, Grantee hereby agrees and acknowledges that:

EXCEPT AS EXPRESSLY SET FORTH HEREIN, IT IS UNDERSTOOD AND AGREED THAT THE PROPERTY IS BEING SOLD AND CONVEYED HEREUNDER "AS IS" WITH ANY AND ALL FAULTS AND LATENT AND PATENT DEFECTS WITHOUT ANY EXPRESS OR IMPLIED REPRESENTATION OR WARRANTY BY GRANTOR. GRANTOR HAS NOT MADE AND DOES NOT HEREBY MAKE AND HEREBY SPECIFICALLY DISCLAIMS (EXCEPT AS EXPRESSLY SET FORTH HEREIN) ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, ARISING BY OPERATION OF LAW OR OTHERWISE, WITH RESPECT TO THE PROPERTY (OTHER THAN GRANTOR'S SPECIAL WARRANTY OF TITLE CONTAINED HEREIN), INCLUDING, WITHOUT LIMITATION ANY REPRESENTATION OR WARRANTY RELATING TO: (I) THE USE, INCOME POTENTIAL, EXPENSES, MAINTENANCE, OPERATION, CHARACTERISTICS, ZONING OR CONDITION OF THE PROPERTY OR ANY PORTION THEREOF, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF SUITABILITY, TENANTABILITY, HABITABILITY, MERCHANTABILITY, DESIGN OR FITNESS FOR ANY SPECIFIC PURPOSE OR A PARTICULAR PURPOSE; (II) THE NATURE, MANNER

OR CONDITION OF THE PROPERTY, ON THE SURFACE OR SUBSURFACE THEREOF, WHETHER OR NOT OBVIOUS, VISIBLE OR APPARENT; (III) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND THE PRESENCE OR ABSENCE OF OR CONTAMINATION BY HAZARDOUS MATERIALS OR THE COMPLIANCE OF THE PROPERTY WITH ANY APPLICABLE REGULATIONS OR LAWS INCLUDING WITHOUT LIMITATION THOSE REGULATIONS OR LAWS PERTAINING TO HEALTH, SAFETY OR THE ENVIRONMENT AND (IV) THE SOIL CONDITIONS, DRAINAGE, GROUNDWATER CONDITION, FLOODING CHARACTERISTICS, UTILITIES OR OTHER CONDITIONS EXISTING IN, ON OR UNDER THE PROPERTY.

GRANTEE ACKNOWLEDGES AND AGREES THAT IT IS ACCEPTING THIS DEED WITHOUT RELYING (EXCEPT AS EXPRESSLY SET FORTH HEREIN) UPON ANY SUCH REPRESENTATION, WARRANTY, STATEMENT OR OTHER ASSERTION, ORAL OR WRITTEN, MADE BY GRANTOR OR ANY REPRESENTATIVE OF GRANTOR OR ANY OTHER PERSON ACTING OR PURPORTING TO ACT FOR OR ON BEHALF OF GRANTOR WITH RESPECT TO THE PROPERTY. GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE IS EXPERIENCED IN THE OWNERSHIP AND OPERATION OF PROPERTIES SIMILAR TO THE PROPERTY AND THAT GRANTEE PRIOR TO THE CLOSING DATE WILL HAVE INSPECTED THE PROPERTY TO GRANTEE'S SATISFACTION AND GRANTEE IS QUALIFIED TO MAKE SUCH INSPECTION. GRANTEE ACKNOWLEDGES THAT, EXCEPT AS EXPRESSLY SET FORTH HEREIN, IT IS SOLELY RELYING ON GRANTEE'S (OR GRANTEE'S REPRESENTATIVES') INSPECTION, EXAMINATION AND EVALUATION OF THE PROPERTY. GRANTEE ACKNOWLEDGES THAT, EXCEPT AS EXPRESSLY SET FORTH HEREIN, GRANTEE HAS (OR GRANTEE'S REPRESENTATIVES HAVE), OR PRIOR TO THE CLOSING DATE WILL HAVE, THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE CONDITION OF THE PROPERTY AND ALL OTHER ASPECTS OF THE PROPERTY (INCLUDING, BUT NOT LIMITED TO, THE ENVIRONMENTAL CONDITION OF THE PROPERTY), AND GRANTEE ACKNOWLEDGES THAT, EXCEPT AS EXPRESSLY SET FORTH HEREIN, GRANTEE IS RELYING SOLELY UPON ITS OWN (OR ITS REPRESENTATIVES') INSPECTION, EXAMINATION AND EVALUATION OF THE PROPERTY. EXCEPT AS EXPRESSLY SET FORTH HEREIN, GRANTEE REPRESENTS THAT IT SHALL INSPECT THE PROPERTY AND SHALL RELY SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY TO DETERMINE THE CONDITION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT THE PROVISIONS OF THIS PARAGRAPH WERE A MATERIAL FACTOR IN GRANTOR'S DETERMINATION OF THE CONSIDERATION FOR THE TRANSFER OF THE PROPERTY TO GRANTEE.

GRANTEE, ON BEHALF OF GRANTEE AND GRANTEE'S SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE PARTIES") AND ANYONE CLAIMING BY, THROUGH OR UNDER GRANTEE, EXCEPT AS EXPRESSLY SET FORTH HEREIN, HEREBY FULLY, UNCONDITIONALLY AND IRREVOCABLY RELEASES GRANTOR AND GRANTOR'S EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, AGENTS, SERVANTS,

ATTORNEYS, SUCCESSORS AND ASSIGNS, AND ALL PERSONS, FIRMS, CORPORATIONS AND ORGANIZATIONS ACTING ON THE BEHALF OF EACH OF THE FOREGOING (COLLECTIVELY, THE "GRANTOR PARTIES") FROM ANY AND ALL CLAIMS, COUNTERCLAIMS, COSTS, LOSSES, LIABILITIES, OBLIGATIONS, LEGAL OR ADMINISTRATIVE ORDERS OR PROCEEDINGS, DAMAGES, PUNITIVE DAMAGES, EXPENSES, PENALTIES, FINES, DEMANDS, ACTIONS OR CAUSES OF ACTION AND JUDGMENTS (COLLECTIVELY, "CLAIMS") THAT GRANTEE, ANY GRANTEE PARTY OR ANYONE CLAIMING BY, THROUGH OR UNDER GRANTEE MAY NOW HAVE OR HEREAFTER ACQUIRE AGAINST ANY GRANTOR PARTY (INCLUDING AS A RESULT OF A GRANTOR PARTIES' NEGLIGENCE OR STRICT LIABILITY) ARISING FROM OR RELATED TO ANY CONSTRUCTION DEFECTS, ERRORS, OMISSIONS OR OTHER CONDITIONS, WHETHER GEOTECHNICAL, SEISMIC OR OTHERWISE, AFFECTING THE PROPERTY OR ANY PORTION THEREOF, EXCEPT TO THE EXTENT CAUSED BY GRANTOR'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

THE PROVISIONS OF THE ABOVE PARAGRAPHS WERE BARGAINED FOR BY THE PARTIES AND IF GRANTEE REQUIRED GRANTOR EITHER (A) TO MAKE ANY REPRESENTATIONS OR WARRANTIES ABOUT THE CONDITION OF THE PROPERTY OTHER THAN THOSE EXPRESSLY SET FORTH HEREIN OR (B) TO MAKE REPAIRS, ALTERATIONS OR IMPROVEMENTS WITH RESPECT TO SAID CONDITION, THE SALES PRICE AND OTHER TERMS OF THE TRANSACTION WOULD HAVE BEEN MATERIALLY DIFFERENT.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereof in anywise belonging unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular such premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the Grantor, but not otherwise, subject, however, to the Permitted Exceptions.

[Signature page follows]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed to be effective as of the _____ day of _____, 2021.

GRANTOR:

CITY OF SHERMAN, TEXAS,
a home-rule municipality

By: _____

Name: _____

Its: _____

STATE OF TEXAS §

§

COUNTY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared Robby Hefton, the City Manager of CITY OF SHERMAN, TEXAS, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said municipality.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2021.

Notary Public in and for the State of Texas

My Commission Expires:

After Recording Return to:

Abernathy, Roeder, Boyd & Hullett, P.C.

1700 Redbud Boulevard, Suite 300

McKinney, Texas 75069

Attention: Ryan D. Pittman

EXHIBIT A
Legal Description of the Property

All that certain tract or parcel of land situated in the Elizabeth Jones Survey, Abstract Number 625, City of Sherman, County of Grayson, State of Texas, said tract being all of a tract as described in Deed to City of Sherman, filed 12 May 2017, and Recorded in Volume 5998 Page 353 of the Deed Records of the County of Grayson, State of Texas, and being more fully described as follows:

Beginning for the Northeast corner of the tract being described herein at a found $\frac{1}{2}$ inch Steel Rebar, said rebar being the northeast corner of said City of Sherman tract, and the northwest corner of a tract as described in Deed to Sherman Independent School District, filed 12 May 2017, Instrument Number 2017-10143 of said Deed Records, said rebar also being on the south Right-of-Way line of Steeplechase Drive;

Thence: South 22 degrees 21 minutes 06 seconds East, with the east line of said City of Sherman tract, and the west line of said School tract, a distance of 1682.19 feet to a set "X" in concrete for the southeast corner of this tract, and being on the north line of West Travis Street;

Thence: South 74 degrees 15 minutes 54 seconds West, a distance of 261.40 feet to a set $\frac{1}{2}$ inch Steel Square Tubing for a corner of this tract, and being on the east Right of Way line of Farm-to-Market Road 1417;

Thence: With the east ROW line of FM 1417, the following 3 (Three) calls;

1. North 68 degrees 49 minutes 56 seconds West, a distance of 153.58 feet to a set $\frac{1}{2}$ inch Steel Square Tubing;
2. North 26 degrees 29 minutes 34 seconds West, a distance of 617.44 feet to a found State of Texas Concrete Right-of-Way Monument, and being the start of a curve to the right whose radius is 2800.00 feet and chord bearing of North 15 degrees 50 minutes 07 seconds West, a chord distance of 1032.92 feet;
3. With said curve to the right, an Arc Length of 1038.87 feet to a set $\frac{1}{2}$ inch Steel Square Tubing for the end of this curve and on the south Right-of-Way line of Steeplechase Drive;

Thence: North 85 degrees 26 minutes 27 seconds East, with the south ROW line of said Steeplechase Drive, a distance of 313.38 feet to the POINT OF BEGINNING and containing 15.260 acres of land.



TEXAS ASSOCIATION OF REALTORS®
COMMERCIAL CONTRACT - UNIMPROVED PROPERTY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED.
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1. **PARTIES:** Seller agrees to sell and convey to Buyer the Property described in Paragraph 2. Buyer agrees to buy the Property from Seller for the sales price stated in Paragraph 3. The parties to this contract are:

Seller: City of Sherman, Texas

Address: 405 N. Rusk St., Sherman, Texas 75090

Phone: _____ E-mail: _____

Fax: _____ Other: _____

Buyer: Harkinson Management, LLC, and/or its assigns

Address: 4560 Belt Line Road, Suite 400, Addison, Texas 75001

Phone: 972-934-8414 E-mail: jharkinson@harkcorp.com

Fax: _____ Other: _____

2. **PROPERTY:**

- A. "Property" means that real property situated in Sherman, Grayson County, Texas at Being 15.260 acres situated on FM 1417 (address) and that is legally described on the attached Exhibit "A" or as follows:

- B. Seller will sell and convey the Property together with:
- (1) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way;
 - (2) Seller's interest in all leases, rents, and security deposits for all or part of the Property; and
 - (3) Seller's interest in all licenses and permits related to the Property.

*(Describe any exceptions, reservations, or restrictions in Paragraph 12 or an addendum.)
 (If mineral rights are to be reserved an appropriate addendum should be attached.)*

3. **SALES PRICE:**

- A. At or before closing, Buyer will pay the following sales price for the Property:

(1) Cash portion payable by Buyer at closing \$ 3,656,599.08

(2) Sum of all financing described in Paragraph 4 \$ _____

(3) Sales price (sum of 3A(1) and 3A(2)) \$ 3,656,599.08

B. Adjustment to Sales Price: (Check (1) or (2) only.)☒ (1) The sales price will not be adjusted based on a survey.☐ (2) The sales price will be adjusted based on the latest survey obtained under Paragraph 6B.☐ (a) The sales price is calculated on the basis of \$ _____ per _____☐ (i) square foot of _____ total area _____ net area.☐ (ii) acre of _____ total area _____ net area.☐ (b) "Total area" means all land area within the perimeter boundaries of the Property. "Net area" means total area less any area of the Property within:☐ (i) public roadways;☐ (ii) rights-of-way and easements other than those that directly provide utility services to the Property; and☐ (iii) _____☐ (c) If the sales price is adjusted by more than _____ % of the stated sales price, either party may terminate this contract by providing written notice to the other party within _____ days after the terminating party receives the survey. If neither party terminates this contract or if the variance is less than the stated percentage, the adjustment to the sales price will be made to the cash portion of the sales price payable by Buyer.**4. FINANCING:** Buyer will finance the portion of the sales price under Paragraph 3A(2) as follows.☐ A. Third Party Financing: One or more third party loans in the total amount of \$ _____ This contract☐ (1) is not contingent upon Buyer obtaining third party financing.☐ (2) is contingent upon Buyer obtaining third party financing in accordance with the attached Commercial Contract Financing Addendum (TAR-1931).☐ B. Assumption: In accordance with the attached Commercial Contract Financing Addendum (TAR-1931), Buyer will assume the existing promissory note secured by the Property, which balance at closing will be \$ _____☒ C. Seller Financing: The delivery of a promissory note and deed of trust to Seller under the terms of the attached Commercial Contract Financing Addendum (TAR-1931) in the amount of \$ _____**5. EARNEST MONEY:** Buyer has provided Seller with a Cashiers Check bid deposit in the amount of 10% of the Purchase price or \$365,659.91 (the "Earnest Money") which shall apply to the purchase price at Closing.☐ A. Not later than 3 days after the effective date, Buyer must deposit \$ _____ as earnest money with _____ (title company)☐ at _____ (address) _____ (closer)☐ If Buyer fails to timely deposit the earnest money, Seller may terminate this contract or exercise any of Seller's other remedies under Paragraph 15 by providing written notice to Buyer before Buyer deposits the earnest money.☐ B. Buyer will deposit an additional amount of \$ _____ with the title company to be made part of the earnest money on or before:☐ (i) _____ days after Buyer's right to terminate under Paragraph 7B expires, or☐ (ii) _____☐ Buyer will be in default if Buyer fails to deposit the additional amount required by this Paragraph 5B within 3 days after Seller notifies Buyer that Buyer has not timely deposited the additional amount.☐ C. Buyer may instruct the title company to deposit the earnest money in an interest-bearing account at a federally insured financial institution and to credit any interest to Buyer.

6. TITLE POLICY AND SURVEY:

A. Title Policy: Title Company shall be Allegiance Title Company, 3838 Oak Lawn Ave., Ste. 810, Dallas, TX 75219 Attn: Shelley Lancaster 214-521-1122, slancaster@allegiantitle.com

- (1) Seller, at Seller's expense, will furnish Buyer an Owner's Policy of Title Insurance (the title policy) issued by any underwriter of the title company in the amount of the sales price, dated at or after closing, insuring Buyer against loss under the title policy, subject only to:
- (a) those title exceptions permitted by this contract or as may be approved by Buyer in writing; and
 - (b) the standard printed exceptions contained in the promulgated form of title policy unless this contract provides otherwise.

- (2) The standard printed exception as to discrepancies, conflicts, or shortages in area and boundary lines, or any encroachments or protrusions, or any overlapping improvements:

- ☐ (a) will not be amended or deleted from the title policy.
☒ (b) will be amended to read "shortages in areas" at the expense of ☐ Buyer ☒ Seller.

- (3) Within 10 days after the effective date, Seller will furnish Buyer a commitment for title insurance (the commitment) including legible copies of recorded documents evidencing title exceptions. Seller authorizes the title company to deliver the commitment and related documents to Buyer at Buyer's address.

B. Survey: Within _____ days after the effective date:

- ☐ (1) Buyer will obtain a survey of the Property at Buyer's expense and deliver a copy of the survey to Seller. The survey must be made in accordance with the: (i) ALTA/NSPS Land Title Survey standards, or (ii) Texas Society of Professional Surveyors' standards for a Category 1A survey under the appropriate condition. Seller will reimburse Buyer _____ (insert amount) of the cost of the survey at closing, if closing occurs.

- ☐ (2) Seller, at Seller's expense, will furnish Buyer a survey of the Property dated after the effective date. The survey must be made in accordance with the: (i) ALTA/NSPS Land Title Survey standards, or (ii) Texas Society of Professional Surveyors' standards for a Category 1A survey under the appropriate condition.

- ☒ (3) Seller ~~will deliver~~ ^{has delivered} to Buyer and the title company a true and correct copy of Seller's most recent survey of the Property ~~*along with an affidavit required by the title company for approval of the existing survey. If the existing survey is not acceptable to the title company, Seller at Buyer's (updating party) will, at the updating party's expense, obtain a new or updated survey acceptable to the title company and deliver the acceptable survey to the other party and the title company within 20 days after the title company notifies the parties that the existing survey is not acceptable to the title company. The closing date will be extended daily up to 20 days if necessary for the updating party to deliver an acceptable survey within the time required. The other party will reimburse the updating party (insert amount or percentage) of the cost of the new or updated survey at closing, if closing occurs.~~ ^{*prepared by David K. Cox dated March 23, 2021. Seller will have the survey certified to Buyer and Buyer's lender.}

C. Buyer's Objections to the Commitment and Survey:

- (1) Within 10 days after Buyer receives the last of the commitment, copies of the documents evidencing the title exceptions, and any required survey, Buyer may object in writing to matters disclosed in the items if: (a) the matters disclosed are a restriction upon the Property or constitute a defect or encumbrance to title other than those permitted by this contract or liens that Seller will satisfy at closing or Buyer will assume at closing; or (b) the items show that any part of the Property lies in a special flood hazard area (an "A" or "V" zone as defined by FEMA). If the commitment or survey is revised or any new document evidencing a title exception is delivered, Buyer may object to any new matter revealed in such revision or new document. Buyer's objection must be made within the same number of days stated in this paragraph, beginning when the revision or new

document is delivered to Buyer. If Paragraph 6B(1) applies, Buyer is deemed to receive the survey on the earlier of: (i) the date of Buyer's actual receipt of the survey; or (ii) of the deadline specified in Paragraph 6B.

- (2) Seller may, but is not obligated to, cure Buyer's timely objections within 15 days after Seller receives the objections. The closing date will be extended as necessary to provide such time to cure the objections. If Seller fails to cure the objections by the time required, Buyer may terminate this contract by providing written notice to Seller within 5 days after the time by which Seller must cure the objections. If Buyer terminates, the earnest money, less any independent consideration under Paragraph 7B(1), will be refunded to Buyer.
- (3) Buyer's failure to timely object or terminate under this Paragraph 6C is a waiver of Buyer's right to object except that Buyer will not waive the requirements in Schedule C of the commitment.

7. PROPERTY CONDITION:

- A. Present Condition: Buyer accepts the Property in its present condition except that Seller, at Seller's expense, will complete the following before closing: NOT APPLICABLE - THE PROPERTY WILL BE CONVEYED AS IS.

~~B. Feasibility Period: Buyer may terminate this contract for any reason within XXXXXX days after the effective date (feasibility period) by providing Seller written notice of termination.~~

~~(1) Independent Consideration. (Check only one box and insert amounts.)~~

~~☐ (a) If Buyer terminates under this Paragraph 7B, the earnest money will be refunded to Buyer less \$ _____ that Seller will retain as independent consideration for Buyer's unrestricted right to terminate. Buyer has tendered the independent consideration to Seller upon payment of the amount specified in Paragraph 5A to the title company. The independent consideration is to be credited to the sales price only upon closing of the sale. If no dollar amount is stated in this Paragraph 7B(1) or if Buyer fails to deposit the earnest money, Buyer will not have the right to terminate under this Paragraph 7B.~~

~~☐ (b) Not later than 3 days after the effective date, Buyer must pay Seller \$ _____ as independent consideration for Buyer's right to terminate by tendering such amount to Seller or Seller's agent. If Buyer terminates under this Paragraph 7B, the earnest money will be refunded to Buyer and Seller will retain the independent consideration. The independent consideration will be credited to the sales price only upon closing of the sale. If no dollar amount is stated in this Paragraph 7B(2) or if Buyer fails to pay the independent consideration, Buyer will not have the right to terminate under this Paragraph 7B.~~

~~(2) Feasibility Period Extension: Prior to the expiration of the initial feasibility period, Buyer may extend the feasibility period for a single period of an additional _____ days by depositing additional earnest money in the amount of \$ _____ with the title company. If no dollar amount is stated in this Paragraph or if Buyer fails to timely deposit the additional earnest money, the extension of the feasibility period will not be effective.~~

C. Inspections, Studies, or Assessments:

Prior to Closing

- ~~(1) During the feasibility period,~~ Buyer, at Buyer's expense, may complete or cause to be completed any and all inspections, studies, or assessments of the Property (including all improvements and fixtures) desired by Buyer.

(2) Buyer must:

- (a) employ only trained and qualified inspectors and assessors;
- (b) notify Seller, in advance, of when the inspectors or assessors will be on the Property;
- (c) abide by any reasonable entry rules or requirements of Seller;
- (d) not interfere with existing operations or occupants of the Property; and
- (e) restore the Property to its original condition if altered due to inspections, studies, or assessments that Buyer completes or causes to be completed.

- (3) Except for those matters that arise from the negligence of Seller or Seller's agents, Buyer is responsible for any claim, liability, encumbrance, cause of action, and expense resulting from Buyer's inspections, studies, or assessments, including any property damage or personal injury. Buyer will indemnify, hold harmless, and defend Seller and Seller's agents against any claim involving a matter for which Buyer is responsible under this paragraph. This paragraph survives termination of this contract.

D. Property Information:

- (1) Delivery of Property Information: Within 10 days after the effective date, Seller will deliver to Buyer: (Check all that apply.) to the extent in the possession of Seller:

- ☐ (a) copies of all current leases, including any mineral leases, pertaining to the Property, including any modifications, supplements, or amendments to the leases;
- ☐ (b) copies of all notes and deeds of trust against the Property that Buyer will assume or that Seller will not pay in full on or before closing;
- ☒ (c) copies of all previous environmental assessments, geotechnical reports, studies, or analyses made on or relating to the Property;
- ☐ (d) copies property tax statements for the Property for the previous 2 calendar years;
- ☐ (e) plats of the Property;
- ☒ (f) copies of current utility capacity letters from the Property's water and sewer service provider; and
- ☐ (g) _____

- (2) Return of Property Information: If this contract terminates for any reason, Buyer will, not later than 10 days after the termination date: (Check all that apply.)

- ☒ (a) return to Seller all those items described in Paragraph 7D(1) that Seller delivered to Buyer in other than an electronic format and all copies that Buyer made of those items;
- ☒ (b) delete or destroy all electronic versions of those items described in Paragraph 7D(1) that Seller delivered to Buyer or Buyer copied in any format; and
- ☒ (c) deliver to Seller copies of all inspection and assessment reports related to the Property that Buyer completed or caused to be completed.

This Paragraph 7D(2) survives termination of this contract.

- E. Contracts Affecting Operations: Until closing, Seller: (1) will operate the Property in the same manner as on the effective date under reasonably prudent business standards; and (2) will not transfer or dispose of any part of the Property, any interest or right in the Property, or any of the personal property or other items described in Paragraph 2B or sold under this contract. ~~After the feasibility period ends, Seller may not enter into, amend, or terminate any other contract that affects the operations of the Property without Buyer's written approval.~~

8. LEASES: None.

~~Each written lease Seller is to assign to Buyer under this contract must be in full force and effect according to its terms. Seller may not enter into any new lease, fail to comply with any existing lease, or make any amendment or modification to any existing lease without Buyer's written consent. Seller~~

must disclose, in writing, if any of the following exist at the time Seller provides the leases to the Buyer or subsequently occur before closing:

- (1) any failure by Seller to comply with Seller's obligations under the leases;
- (2) any circumstances under any lease that entitle the tenant to terminate the lease or seek any offsets or damages;
- (3) any advance sums paid by a tenant under any lease;
- (4) any concessions, bonuses, free rents, rebates, brokerage commissions, or other matters that affect any lease; and
- (5) any amounts payable under the leases that have been assigned or encumbered, except as security for loan(s) assumed or taken subject to under this contract.

B. Estoppel Certificates: Within _____ days after the effective date, Seller will deliver to Buyer estoppel certificates signed not earlier than _____ by each tenant that leases space in the Property. The estoppel certificates must include the certifications contained in the current version of TAR Form 1938 - Commercial Tenant Estoppel Certificate and any additional information requested by a third party lender providing financing under Paragraph 4 if the third party lender requests such additional information at least 10 days prior to the earliest date that Seller may deliver the signed estoppel certificates.

9. BROKERS: None

A. The brokers to this sale are:

Principal Broker: _____

Cooperating Broker: _____

Agent: _____

Agent: _____

Address: _____

Address: _____

Phone & Fax: _____

Phone & Fax: _____

E-mail: _____

E-mail: _____

License No.: _____

License No.: _____

Principal Broker: (Check only one box)

Cooperating Broker represents Buyer.

- ☐ represents Seller only.
- ☐ represents Buyer only.
- ☐ is an intermediary between Seller and Buyer.

B. Fees (Check only (1) or (2) below.)

(Complete the Agreement Between Brokers on page 14 only if (1) is selected.)

☐ (1) Seller will pay Principal Broker the fee specified by separate written commission agreement between Principal Broker and Seller. Principal Broker will pay Cooperating Broker the fee specified in the Agreement Between Brokers found below the parties' signatures to this contract.

☐ (2) At the closing of this sale, Seller will pay:

Principal Broker a total cash fee of: _____
☐ % of the sales price.

Cooperating Broker a total cash fee of: _____
☐ % of the sales price.

The cash fees will be paid in _____ County, Texas. Seller authorizes the title company to pay the brokers from the Seller's proceeds at closing.

~~NOTICE. Chapter 62, Texas Property Code, authorizes a broker to secure an earned commission with a lien against the Property.~~

~~C. The parties may not amend this Paragraph 9 without the written consent of the brokers affected by the amendment.~~

10. CLOSING:

A. The date of the closing of the sale (closing date) will be on or before the later of:

~~(1) _____ days after the expiration of the feasibility period.~~

~~(2) _____ (specific date).~~

August 3, 2021

~~(2) 7 days after objections made under Paragraph 6C have been cured or waived.~~

B. If either party fails to close by the closing date, the non-defaulting party may exercise the remedies in Paragraph 15.

C. At closing, Seller will execute and deliver, at Seller's expense, a ☒ general ~~☒ special~~ warranty deed. The deed must include a vendor's lien if any part of the sales price is financed. The deed must convey good and indefeasible title to the Property and show no exceptions other than those permitted under Paragraph 6 or other provisions of this contract. Seller must convey the Property:

- (1) with no liens, assessments, or other security interests against the Property which will not be satisfied out of the sales price, unless securing loans Buyer assumes;
- (2) without any assumed loans in default; and
- (3) with no persons in possession of any part of the Property as lessees, tenants at sufferance, or trespassers except tenants under the written leases assigned to Buyer under this contract.

D. At closing, Seller, at Seller's expense, will also deliver to Buyer:

- (1) tax statements showing no delinquent taxes on the Property;
- ~~(2) an assignment of all leases to or on the Property;~~
- (3) to the extent assignable, an assignment to Buyer of any licenses and permits related to the Property;
- (4) evidence that the person executing this contract is legally capable and authorized to bind Seller;
- (5) an affidavit acceptable to the title company stating that Seller is not a foreign person or, if Seller is a foreign person, a written authorization for the title company to: (i) withhold from Seller's proceeds an amount sufficient to comply with applicable tax law; and (ii) deliver the amount to the Internal Revenue Service (IRS) together with appropriate tax forms; and
- (6) any notices, statements, certificates, affidavits, releases, and other documents required by this contract, the commitment, or law necessary for the closing of the sale and issuance of the title policy, all of which must be completed by Seller as necessary.

E. At closing, Buyer will:

- (1) pay the sales price in good funds acceptable to the title company;
- (2) deliver evidence that the person executing this contract is legally capable and authorized to bind Buyer;
- ~~(3) sign and send to each tenant in a lease for any part of the Property a written statement that:~~
 - ~~(a) acknowledges Buyer has received and is responsible for the tenant's security deposit, and~~
 - ~~(b) specifies the exact dollar amount of the security deposit.~~
- ~~(4) sign an assumption of all leases then in effect; and~~
- (5) execute and deliver any notices, statements, certificates, or other documents required by this contract or law necessary to close the sale.

F. Unless the parties agree otherwise, the closing documents will be as found in the basic forms in the current edition of the State Bar of Texas Real Estate Forms Manual without any additional clauses.

11. POSSESSION: Seller will deliver possession of the Property to Buyer upon closing and funding of this sale in its present condition with any repairs Seller is obligated to complete under this contract, ordinary wear and tear excepted. Any possession by Buyer before closing or by Seller after closing that is not authorized by a separate written lease agreement is a landlord-tenant at sufferance relationship between the parties.

12. SPECIAL PROVISIONS: The following special provisions apply and will control in the event of a conflict with other provisions of this contract. *(If special provisions are contained in an Addendum, identify the Addendum here and reference the Addendum in Paragraph 22D.)*

~~Expressly implied Buyer shall make the same acknowledgment at closing, at closing the Property will be conveyed "As Is Where Is With All Faults" and the deed shall so provide.~~

13. SALES EXPENSES:

A. Seller's Expenses: Seller will pay for the following at or before closing:

- (1) releases of existing liens, other than those liens assumed by Buyer, including prepayment penalties and recording fees;
- (2) release of Seller's loan liability, if applicable;
- (3) tax statements or certificates;
- (4) preparation of the deed;
- (5) one-half of any escrow fee;
- (6) costs to record any documents to cure title objections that Seller must cure; and
- (7) other expenses that Seller will pay under other provisions of this contract.

B. Buyer's Expenses: Buyer will pay for the following at or before closing:

- (1) all loan expenses and fees;
- (2) preparation of any deed of trust;
- (3) recording fees for the deed and any deed of trust;
- (4) premiums for flood insurance as may be required by Buyer's lender;
- (5) one-half of any escrow fee;
- (6) other expenses that Buyer will pay under other provisions of this contract.

14. PRORATIONS:

A. Prorations:

- (1) Interest on any assumed loan, taxes, rents, and any expense reimbursements from tenants will be prorated through the closing date.
- (2) If the amount of ad valorem taxes for the year in which the sale closes is not available on the closing date, taxes will be prorated on the basis of taxes assessed in the previous year. If the taxes for the year in which the sale closes vary from the amount prorated at closing, the parties will adjust the prorations when the tax statements for the year in which the sale closes become available. This Paragraph 14A(2) survives closing.

~~(3) If Buyer assumes a loan or is taking the Property subject to an existing lien, Seller will transfer all reserve deposits held by the lender for the payment of taxes, insurance premiums, and other charges to Buyer at closing and Buyer will reimburse such amounts to Seller by an appropriate adjustment at closing.~~

~~The Property is not subject to rollback taxes.~~

~~B. Rollback Taxes: If Seller's use or change in use of the Property before closing results in the assessment of additional taxes, penalties, or interest (assessments) for periods before closing, the assessments will be the obligation of the Seller. If this sale or Buyer's use of the Property after closing results in additional assessments for periods before closing, the assessments will be the obligation of Buyer. This Paragraph 14B survives closing.~~

~~C. Rent and Security Deposits: At closing, Seller will tender to Buyer all security deposits and the following advance payments received by Seller for periods after closing: prepaid expenses, advance rental payments, and other advance payments paid by tenants. Rents prorated to one party but received by the other party will be remitted by the recipient to the party to whom it was prorated within 5 days after the rent is received. This Paragraph 14C survives closing.~~

15. DEFAULT:

A. If Buyer fails to comply with this contract, Buyer is in default and Seller, as Seller's sole remedy(ies), may terminate this contract and receive the earnest money, as liquidated damages for Buyer's failure ~~except for any damages resulting from Buyer's inspections, studies or assessments in accordance with Paragraph 7C(3) which Seller may pursue, or~~ ~~(Check if applicable)~~

☐ ~~enforce specific performance, or seek such other relief as may be provided by law.~~

B. If, without fault, Seller is unable within the time allowed to deliver ~~the estoppel certificates, survey or~~ the commitment, Buyer may:

(1) ~~terminate this contract and receive the earnest money, less any independent consideration under Paragraph 7B(1), as liquidated damages and as Buyer's sole remedy, or~~

~~(2) extend the time for performance up to 15 days and the closing will be extended as necessary.~~

C. Except as provided in Paragraph 15B, if Seller fails to comply with this contract, Seller is in default and Buyer may:

(1) terminate this contract and receive the earnest money, less any independent consideration under Paragraph 7B(1), as liquidated damages and as Buyer's sole remedy; or

(2) enforce specific performance, ~~or seek such other relief as may be provided by law, or both~~

~~(3) Neither party shall sue the other for damages.~~

16. CONDEMNATION: If before closing, condemnation proceedings are commenced against any part of the Property, Buyer may:

A. terminate this contract by providing written notice to Seller within 15 days after Buyer is advised of the condemnation proceedings and the earnest money, less any independent consideration paid under Paragraph 7B(1), will be refunded to Buyer; or

B. appear and defend in the condemnation proceedings and any award will, at Buyer's election, belong to:

(1) Seller and the sales price will be reduced by the same amount; or

(2) Buyer and the sales price will not be reduced.

17. ATTORNEY'S FEES: If Buyer, Seller, ~~any broker,~~ or the title company is a prevailing party in any legal proceeding brought under or with relation to this contract or this transaction, such party is entitled to recover from the non-prevailing parties all costs of such proceeding and reasonable attorney's fees. This Paragraph 17 survives termination of this contract.

18. ESCROW:

A. At closing, the earnest money will be applied first to any cash down payment, then to Buyer's closing costs, and any excess will be refunded to Buyer. If no closing occurs, the title company may require payment of unpaid expenses incurred on behalf of the parties and a written release of liability of the title company from all parties.

~~B. If one party makes written demand for the earnest money, the title company will give notice of the demand by providing to the other party a copy of the demand. If the title company does not receive written objection to the demand from the other party within 15 days after the date the title company sent the demand to the other party, the title company may disburse the earnest money to the party making demand, reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and the title company may pay the same to the creditors.~~

~~C. The title company will deduct any independent consideration under Paragraph 7B(1) before disbursing any earnest money to Buyer and will pay the independent consideration to Seller.~~

D. If the title company complies with this Paragraph 18, each party hereby releases the title company from all claims related to the disbursement of the earnest money.

E. Notices under this Paragraph 18 must be sent by certified mail, return receipt requested. Notices to the title company are effective upon receipt by the title company.

F. Any party who wrongfully fails or refuses to sign a release acceptable to the title company within 7 days after receipt of the request will be liable to the other party for: (i) damages; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.

G. ☐ Seller ☒ Buyer intend(s) to complete this transaction as a part of an exchange of like-kind properties in accordance with Section 1031 of the Internal Revenue Code, as amended. All expenses in connection with the contemplated exchange will be paid by the exchanging party. The other party will not incur any expense or liability with respect to the exchange. The parties agree to cooperate fully and in good faith to arrange and consummate the exchange so as to comply to the maximum extent feasible with the provisions of Section 1031 of the Internal Revenue Code. The other provisions of this contract will not be affected in the event the contemplated exchange fails to occur.

~~19. MATERIAL FACTS: To the best of Seller's knowledge and belief: (Check only one box.)~~

☐ A. Seller is not aware of any material defects to the Property except as stated in the attached Commercial Property Condition Statement (TAR-1408).

☐ B. Except as otherwise provided in this contract, Seller is not aware of:

- (1) any subsurface structures, pits, waste, springs, or improvements;
- (2) any pending or threatened litigation, condemnation, or assessment affecting the Property;
- (3) any environmental hazards or conditions that materially affect the Property;
- (4) whether the Property is or has been used for the storage or disposal of hazardous materials or toxic waste, a dump site or landfill, or any underground tanks or containers;
- (5) whether radon, asbestos containing materials, urea-formaldehyde foam insulation, lead-based paint, toxic mold (to the extent that it adversely affects the health of ordinary occupants), or other pollutants or contaminants of any nature now exist or ever existed on the Property;
- (6) any wetlands, as defined by federal or state law or regulation, on the Property;
- (7) any threatened or endangered species or their habitat on the Property;
- (8) any present or past infestation of wood-destroying insects in the Property's improvements;
- (9) any contemplated material changes to the Property or surrounding area that would materially and detrimentally affect the ordinary use of the Property;
- (10) any condition on the Property that violates any law or ordinance.

~~(Describe any exceptions to (1)-(10) in Paragraph 12 or an addendum.)~~

INTENTIONALLY DELETED.

20. NOTICES: All notices between the parties under this contract must be in writing and are effective when hand-delivered, mailed by certified mail return receipt requested, or sent by facsimile transmission to the parties addresses or facsimile numbers stated in Paragraph 1. The parties will send copies of any notices to the broker representing the party to whom the notices are sent.

☒ A. Seller also consents to receive any notices by e-mail at Seller's e-mail address stated in Paragraph 1.

☒ B. Buyer also consents to receive any notices by e-mail at Buyer's e-mail address stated in Paragraph 1.

21. DISPUTE RESOLUTION: The parties agree to negotiate in good faith in an effort to resolve any dispute related to this contract that may arise. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation before resorting to arbitration or litigation and will equally share the costs of a mutually acceptable mediator. This paragraph survives termination of this contract. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

22. AGREEMENT OF THE PARTIES:

- A. This contract is binding on the parties, their heirs, executors, representatives, successors, and permitted assigns. This contract is to be construed in accordance with the laws of the State of Texas. If any term or condition of this contract shall be held to be invalid or unenforceable, the remainder of this contract shall not be affected thereby.
- B. This contract contains the entire agreement of the parties and may not be changed except in writing.
- C. If this contract is executed in a number of identical counterparts, each counterpart is an original and all counterparts, collectively, constitute one agreement.
- D. Addenda which are part of this contract are: *(Check all that apply.)*
- ☒ (1) Property Description Exhibit identified in Paragraph 2;
- ☐ (2) Commercial Contract Financing Addendum (TAR-1931);
- ☐ (3) Commercial Property Condition Statement (TAR-1408);
- ☐ (4) Commercial Contract Addendum for Special Provisions (TAR-1940);
- ☐ (5) Notice to Purchaser of Real Property in a Water District (MUD);
- ☐ (6) Addendum for Coastal Area Property (TAR-1915);
- ☐ (7) Addendum for Property Located Seaward of the Gulf Intracoastal Waterway (TAR-1916);
- ☐ (8) Information About Brokerage Services (TAR-2501);
- ☐ (9) Information About Mineral Clauses in Contract Forms (TAR-2509); and
- ☐ (10) _____

(Note: Counsel for the Texas Association of REALTORS® (TAR) has determined that any of the foregoing addenda which are promulgated by the Texas Real Estate Commission (TREC) or published by TAR are appropriate for use with this form.)

- E. Buyer ☒ may ~~may not~~ assign this contract.* If Buyer assigns this contract, Buyer will be relieved of any future liability under this contract only if the assignee assumes, in writing, all obligations and liability of Buyer under this contract. *to a related party

23. TIME: Time is of the essence in this contract. The parties require strict compliance with the times for performance. If the last day to perform under a provision of this contract falls on a Saturday, Sunday, or legal holiday, the time for performance is extended until the end of the next day which is not a Saturday, Sunday, or legal holiday.

24. EFFECTIVE DATE: The effective date of this contract for the purpose of performance of all obligations is the date the title company receipts this contract after all parties execute this contract.

25. ADDITIONAL NOTICES:

- A. Buyer should have an abstract covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a title policy.
- B. If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fees of the district before final execution of this contract.
- C. Notice Required by §13.257, Water Code: "The real property, described below, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you

will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in the notice or at closing of purchase of the real property." The real property is described in Paragraph 2 of this contract.

- D. If the Property adjoins or shares a common boundary with the tidally influenced submerged lands of the state, §33.135 of the Texas Natural Resources Code requires a notice regarding coastal area property to be included as part of this contract (*the Addendum for Coastal Area Property (TAR-1915) may be used*).
- E. If the Property is located seaward of the Gulf Intracoastal Waterway, §61.025, Texas Natural Resources Code, requires a notice regarding the seaward location of the Property to be included as part of this contract (*the Addendum for Property Located Seaward of the Gulf Intracoastal Waterway (TAR-1916) may be used*).
- F. If the Property is located outside the limits of a municipality, the Property may now or later be included in the extra-territorial jurisdiction (ETJ) of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and ETJ. To determine if the Property is located within a municipality's ETJ, Buyer should contact all municipalities located in the general proximity of the Property for further information.
- G. Brokers are not qualified to perform property inspections, surveys, engineering studies, environmental assessments, or inspections to determine compliance with zoning, governmental regulations, or laws. Buyer should seek experts to perform such services. Buyer should review local building codes, ordinances and other applicable laws to determine their effect on the Property. Selection of experts, inspectors, and repairmen is the responsibility of Buyer and not the brokers. Brokers are not qualified to determine the credit worthiness of the parties.
- H. NOTICE OF WATER LEVEL FLUCTUATIONS: If the Property adjoins an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, Seller hereby notifies Buyer: "The water level of the impoundment of water adjoining the Property fluctuates for various reasons, including as a result of: (1) an entity lawfully exercising its right to use the water stored in the impoundment; or (2) drought or flood conditions."
- I. LICENSE HOLDER DISCLOSURE: Texas law requires a real estate license holder who is a party to a transaction or acting on behalf of a spouse, parent, child, business entity in which the license holder owns more than 10%, or a trust for which the license holder acts as a trustee or of which the license holder or the license holder's spouse, parent or child is a beneficiary, to notify the other party in writing before entering into a contract of sale. Disclose if applicable: _____.
- 26. CONTRACT AS OFFER:** The execution of this contract by the first party constitutes an offer to buy or sell the Property. Unless the other party accepts the offer by 5:00 p.m., in the time zone in which the Property is located, on _____, the offer will lapse and become null and void.

~~READ THIS CONTRACT CAREFULLY. The brokers and agents make no representation or recommendation as to the legal sufficiency, legal effect, or tax consequences of this document or transaction. CONSULT your attorney BEFORE signing.~~

Seller: City of Sherman, Texas

Buyer: Harkinson Management, LLC

By: _____
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: William J. Harkinson
Title: Manager

By: _____
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: _____
Title: _____

AGREEMENT BETWEEN BROKERS

(use only if Paragraph 9B(1) is effective)

Principal Broker agrees to pay _____ (Cooperating Broker) a fee when the Principal Broker's fee is received. The fee to be paid to Cooperating Broker will be:

- ☐ \$ _____ or
☐ _____ % of the sales price, or
☐ _____ % of the Principal Broker's fee.

The title company is authorized and directed to pay Cooperating Broker from Principal Broker's fee at closing. This Agreement Between Brokers supersedes any prior offers and agreements for compensation between brokers.

Principal Broker: _____ Cooperating Broker: _____

By: _____ By: _____

ATTORNEYS

Seller's attorney: _____

Buyer's attorney: Addison Wilson III

Address: _____

Address: 3838 Oak Lawn Ave., Suite 810

Dallas, Texas 75219

Phone & Fax: _____

Phone & Fax: 214-521-1122

E-mail: _____

E-mail: awilson@dfwlawoffice.org

Seller's attorney requests copies of documents, notices, and other information:

- ☐ the title company sends to Seller.
☐ Buyer sends to Seller.

Buyer's attorney requests copies of documents, notices, and other information:

- ☒ the title company sends to Buyer.
☒ Seller sends to Buyer.

ESCROW RECEIPT

The title company acknowledges receipt of:

☐ A. the contract on this day _____ (effective date);

☒ B. earnest money in the amount of \$ _____ in the form of _____

on _____

Title company: Allegiance Title Company

Address: 3838 Oak Lawn Ave., Suite 810

Dallas, Texas 75219

By: _____

Phone & Fax: 214-521-1122 214-521-8013

Shelley Lancaster

Assigned file number (GF#): _____

E-mail: slancaster@allegianttitle.com

EXHIBIT "A"

* * PROPERTY DESCRIPTION * *

All that certain tract or parcel of land situated in the Elizabeth Jones Survey, Abstract Number 625, City of Sherman, County of Grayson, State of Texas, said tract being all of a tract as described in Deed to City of Sherman, filed 12 May 2017, and Recorded in Volume 5998 Page 353 of the Deed Records of the County of Grayson, State of Texas, and being more fully described as follows:

Beginning for the Northeast corner of the tract being described herein at a found ½ inch Steel Rebar, said rebar being the northeast corner of said City of Sherman tract, and the northwest corner of a tract as described in Deed to Sherman Independent School District, filed 12 May 2017, Instrument Number 2017-10143 of said Deed Records, said rebar also being on the south Right-of-Way line of Steeplechase Drive;

Thence: South 22 degrees 21 minutes 06 seconds East, with the east line of said City of Sherman tract, and the west line of said School tract, a distance of 1682.19 feet to a set "X" in concrete for the southeast corner of this tract, and being on the north line of West Travis Street;

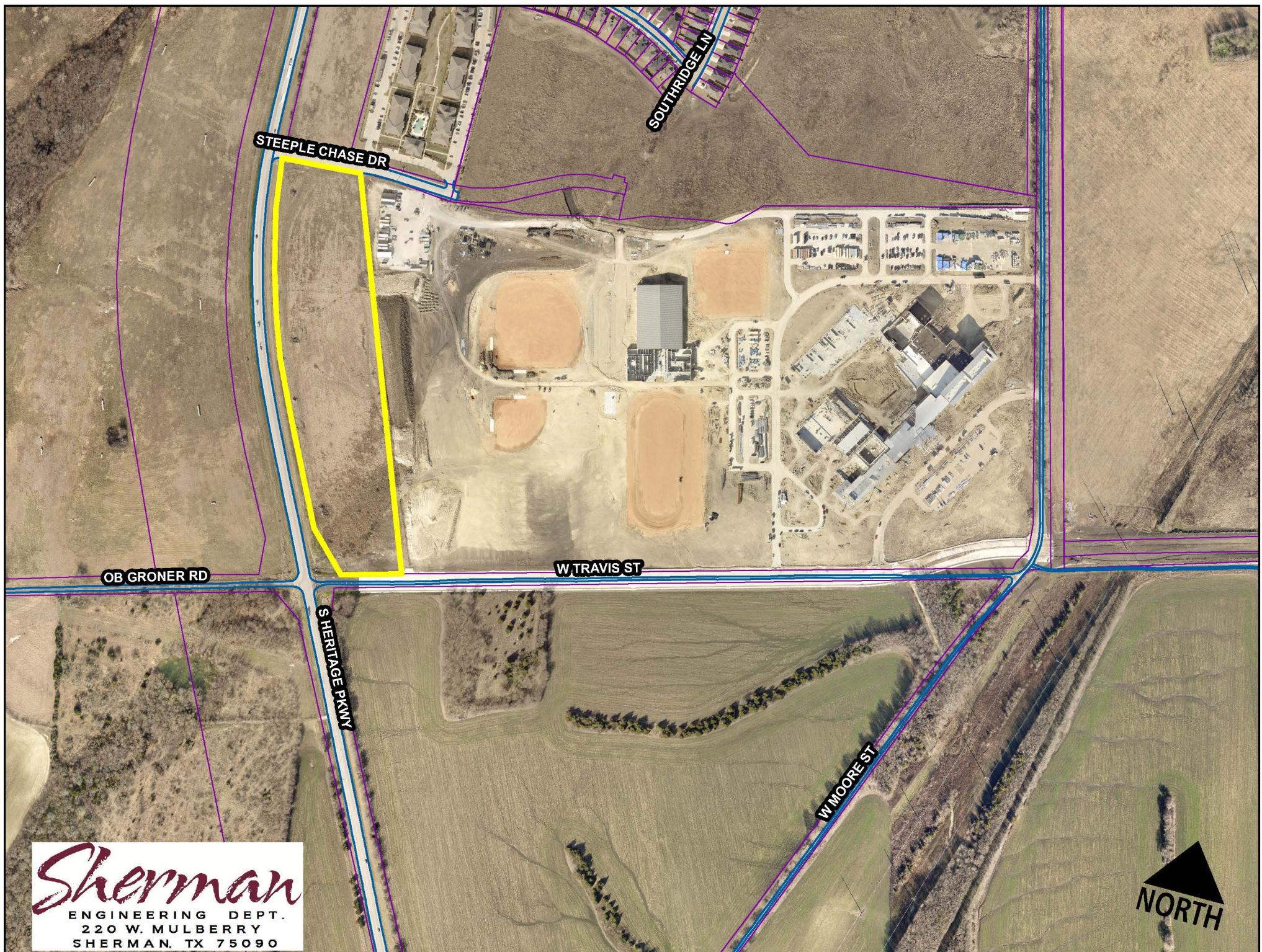
Thence: South 74 degrees 15 minutes 54 seconds West, a distance of 261.40 feet to a set ½ inch Steel Square Tubing for a corner of this tract, and being on the east Right of Way line of Farm-to-Market Road 1417;

Thence: With the east ROW line of FM 1417, the following 3 (Three) calls;

1. North 68 degrees 49 minutes 56 seconds West, a distance of 153.58 feet to a set ½ inch Steel Square Tubing;
2. North 26 degrees 29 minutes 34 seconds West, a distance of 617.44 feet to a found State of Texas Concrete Right-of-Way Monument, and being the start of a curve to the right whose radius is 2800.00 feet and chord bearing of North 15 degrees 50 minutes 07 seconds West, a chord distance of 1032.92 feet;
3. With said curve to the right, an Arc Length of 1038.87 feet to a set ½ inch Steel Square Tubing for the end of this curve and on the south Right-of-Way line of Steeplechase Drive;

Thence: North 85 degrees 26 minutes 27 seconds East, with the south ROW line of said Steeplechase Drive, a distance of 313.38 feet to the POINT OF BEGINNING and containing 15.260 acres of land.

The undersigned does hereby State to The City of Sherman that the map or plat is based upon an on



STEEPLE CHASE DR

SOUTHRIDGE LN

OB GRONER RD

W TRAVIS ST

S HERITAGE PKWY

W MOORE ST

Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 4.

Meeting Date: 06/07/2021

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6744**

Designating the City Clerk as the Public Information Coordinator and Delegating to the City Clerk the Responsibility for Complying with the Training Requirements of Section 552.012 of the Texas Government Code on Behalf of all of Sherman's Public Officials Who are Subject to Such Requirements

Issue:

To designate the City Clerk as the Public Information Coordinator and delegating the responsibility for complying with the training requirements of Section 552.012 of the Texas Government Code on behalf of all Sherman's Public Officials who are subject to such requirements.

Background:

Section 552.012 of the Texas Government Code requires each elected or appointed public official who is (1) a member of a multimember governmental body, (2) the governing officer of a governmental body that is headed by a single officer rather than by a multimember governing body, or (3) the officer for public information of a governmental body to complete a course of training of at least one hour regarding the responsibilities of the governmental body with which the official serves and its officers and employees under the Texas Public Information Act.

Section 552.012(c) of the Texas Government Code authorizes a public official to designate a "public information coordinator" to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the Texas Public Information Act

Origination:

City Clerk's Office

Financial Consideration:

None

Staff Recommendation:

Staff recommends to designate the City Clerk as the Public Information Coordinator and delegate the responsibility for complying with the training requirements of Section 552.012 of the Texas Government Code on behalf of all Sherman's Public Officials who are subject to such requirements.

Alternatives:

The City Council Could deny the resolution.

Attachments

Resolution No. 6744

RESOLUTION NO. 6744

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING THE CITY CLERK AS THE PUBLIC INFORMATION COORDINATOR AND DELEGATING TO THE CITY CLERK THE RESPONSIBILITY FOR COMPLYING WITH THE TRAINING REQUIREMENTS OF SECTION 552.012 OF THE TEXAS GOVERNMENT CODE ON BEHALF OF ALL OF SHERMAN'S PUBLIC OFFICIALS WHO ARE SUBJECT TO SUCH REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 552.012 of the Texas Government Code requires each elected or appointed public official who is (1) a member of a multimember governmental body, (2) the governing officer of a governmental body that is headed by a single officer rather than by a multimember governing body, or (3) the officer for public information of a governmental body to complete a course of training of at least one hour regarding the responsibilities of the governmental body with which the official serves and its officers and employees under the Texas Public Information Act; and

WHEREAS, Section 552.012(c) of the Texas Government Code authorizes a public official to designate a "public information coordinator" to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the Texas Public Information Act; and

WHEREAS, designation of a public information coordinator does not relieve a public official from the duty to comply with any other requirement of the Texas Public Information Act that applies to the public official; and

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that it is advisable to designate a public information coordinator to satisfy the training requirement of Section 552.012 of the Texas Government Code in lieu of all of the public officials of the City of Sherman, Texas ("Sherman") taking the training; and

WHEREAS, all of Sherman's public officials may still take the training at their option.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1: The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: Pursuant to Section 552.012(c) of the Texas Government Code, the City Council hereby designates the City Clerk as Sherman's public information coordinator and delegates to the City Clerk the responsibility to satisfy the training requirements of Section 552.012 of the Texas Government Code for all of Sherman's public officials who are subject to

such requirements. The City Clerk is primarily responsible for administering the responsibilities of Sherman's public officials under the Texas Public Information Act. The City Clerk shall complete the training course regarding the responsibilities of Sherman's public officials under the Texas Public Information Act not later than the 90th day after the date the City Clerk assumes his or her duties as Sherman's public information coordinator

SECTION 3: This Resolution shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this ____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____

NAME: _____
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E. 5.

Meeting Date: 06/07/2021

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6745**

Authorizing the City Manager and Assistant City Manager Each to Sign on Behalf of the City of Sherman on All Matters Related to Banking and Treasury Management

Issue:

Authorizing the City Manager and Assistant City Manager each to sign on behalf of the City of Sherman on all matters related to banking and treasury management.

Background:

Simmons Bank is requiring additional documentation showing that both the City Manager and Assistant City Manager are authorized to sign on behalf of the City of Sherman on all matters related to banking and treasury management.

Origination:

Simmons Bank
Finance Department

Financial Consideration:

None

Staff Recommendation:

Staff recommends approving this resolution

Alternatives:

As directed by City Council

Attachments

Resolution No. 6745

RESOLUTION NO. 6745

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER AND ASSISTANT CITY MANAGER EACH TO SIGN ON BEHALF OF THE CITY OF SHERMAN ON ALL MATTERS RELATED TO BANKING AND TREASURY MANAGEMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager and Assistant City Manager each have authority to sign on behalf of the City of Sherman on all matters related to banking and treasury management.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TX on this the _____ day of _____, 2021.

CITY OF SHERMAN, TEXAS

BY: _____

DAVID PLYLER, MAYOR

ATTEST:

BY: _____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND

CONTENT:

**THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.**

BY: _____

NAME: _____

CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F. 1.

Meeting Date: 06/07/2021

Prepared By: Kevin Winkler, Public Works Manager

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

Issue:

Approval of a request to advertise for the annual supply of tires for on-road and off-road fleet equipment

Background:

The City requests bids to establish a price agreement for the purchase of tires for a variety of fleet units in service. The pricing agreement addresses tire replacement needs for a multitude of on-road and off-road assets, including cars, trucks, trailers, and construction equipment.

Origination:

Equipment Maintenance

Financial Consideration:

Funding for the purchase of tires was approved in the fiscal year 2020-2021 budget. Advertising costs are estimated at \$200.00.

Staff Recommendation:

Staff recommends that the City Council approve the advertising related to the annual purchase of tires.

Alternatives:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 1.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Heritage Court Addition, being 8.538 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owner; Bluestone Partners, LLC, Developer and Underwood Drafting and Surveying, Surveyor (900-1000 Blocks South FM 1417 (Heritage Parkway))

Issue:

To consider Final Plat Approval of Heritage Court Addition, being 8.538 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owner; Bluestone Partners, LLC, Developer and Underwood Drafting and Surveying, Surveyor (900-1000 Blocks South FM 1417 (Heritage Parkway))

Background:

The property is located in the 900-1000 blocks of South FM 1417 (Heritage Parkway) between Brookstone Drive and Quail Run Road. The property is zoned an R-2 (Multi-Family Residential) District and located in the O-1.1 (FM 1417) Overlay District. The owner would like to plat the property into one lot for residential development of an apartment complex.

Origination:

SSCGC Holdings, LLC (Owner)
Bluestone Partners, LLC (Developer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

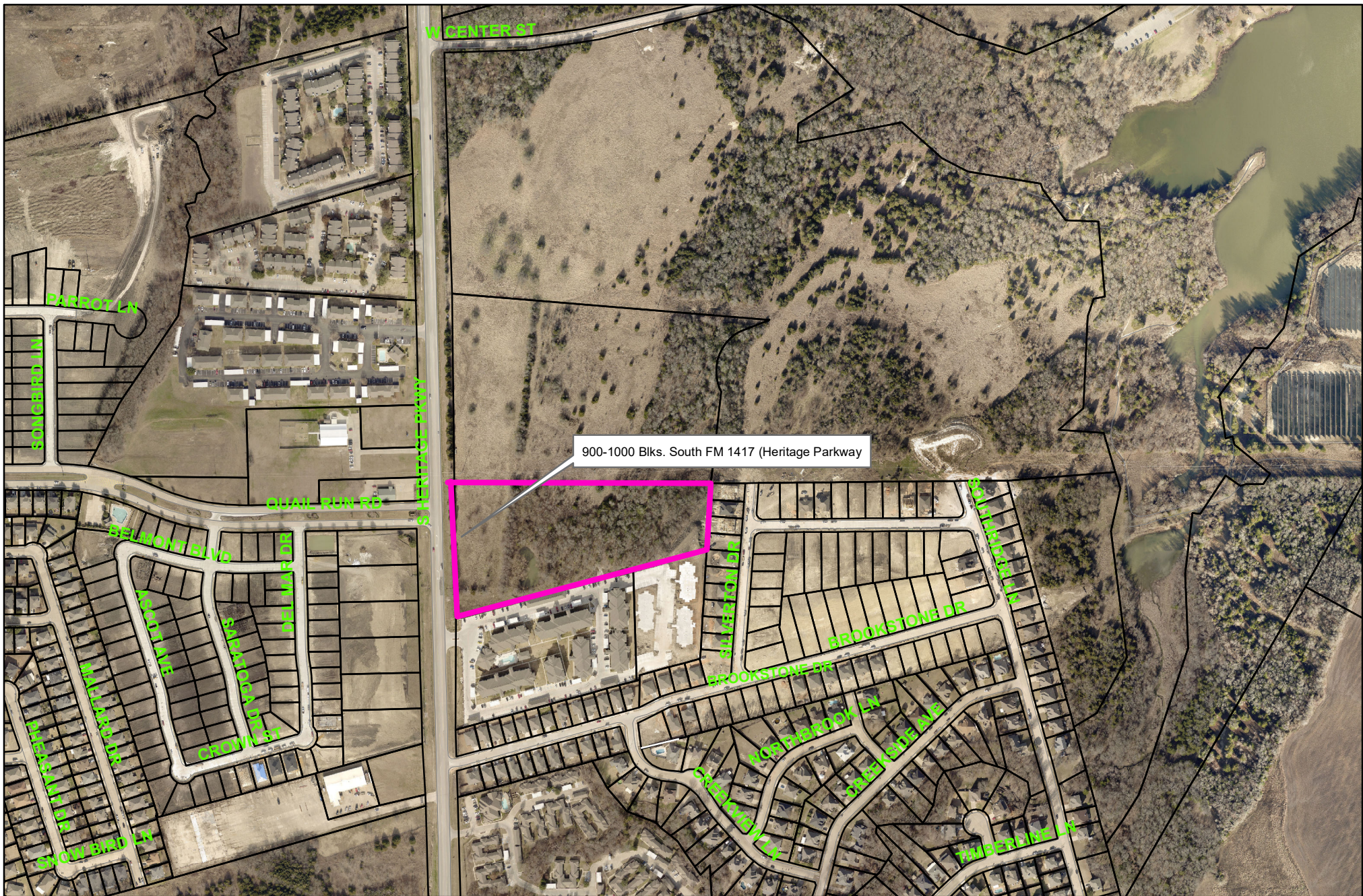
Location Map

Zoning Map

Heritage Court Addition

Amended Staff Review Letter

P&Z Communication



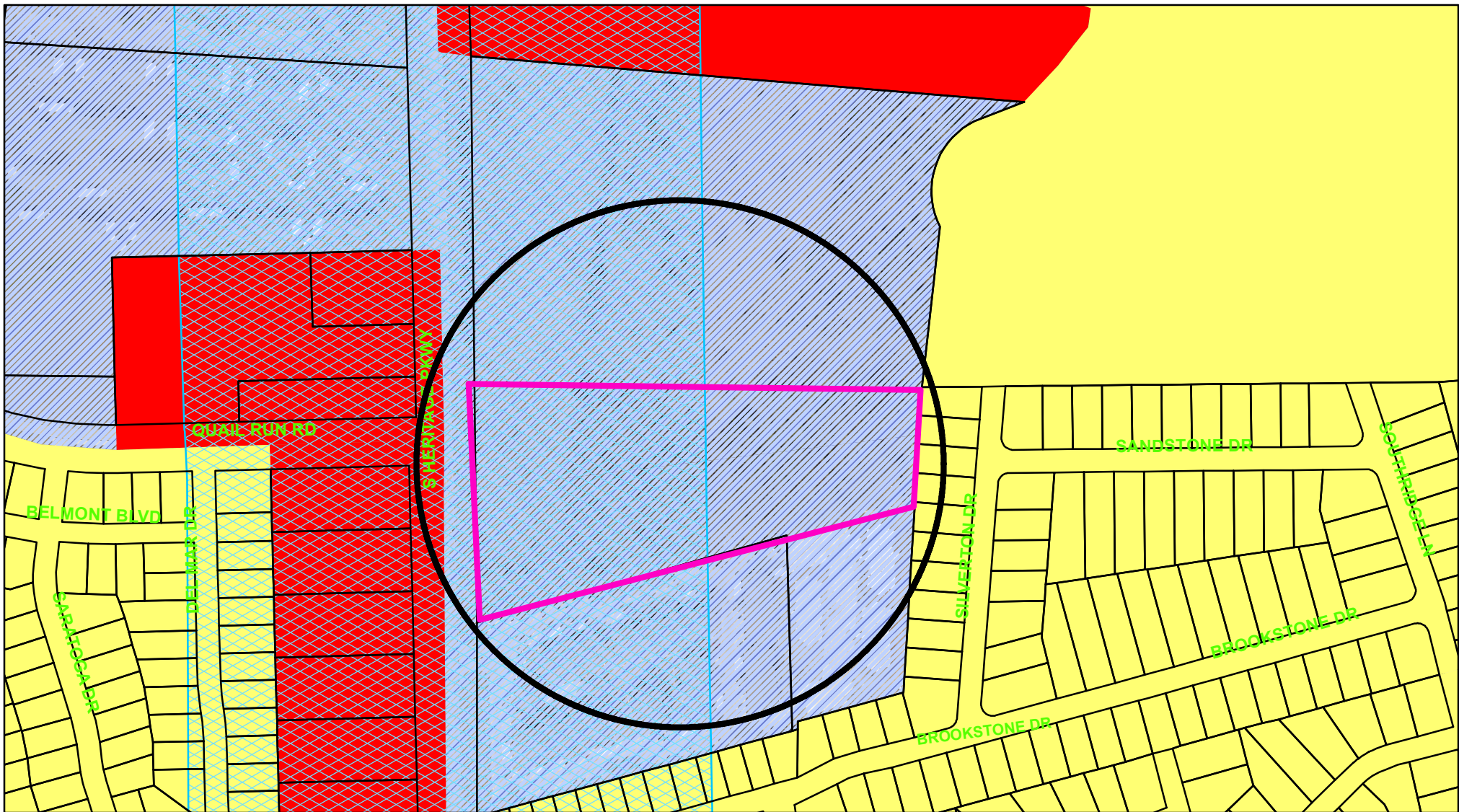
900-1000 Blocks South FM 1417 (Heritage Parkway)

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 489 ft



Zoning - 900-1000 Blocks South FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development

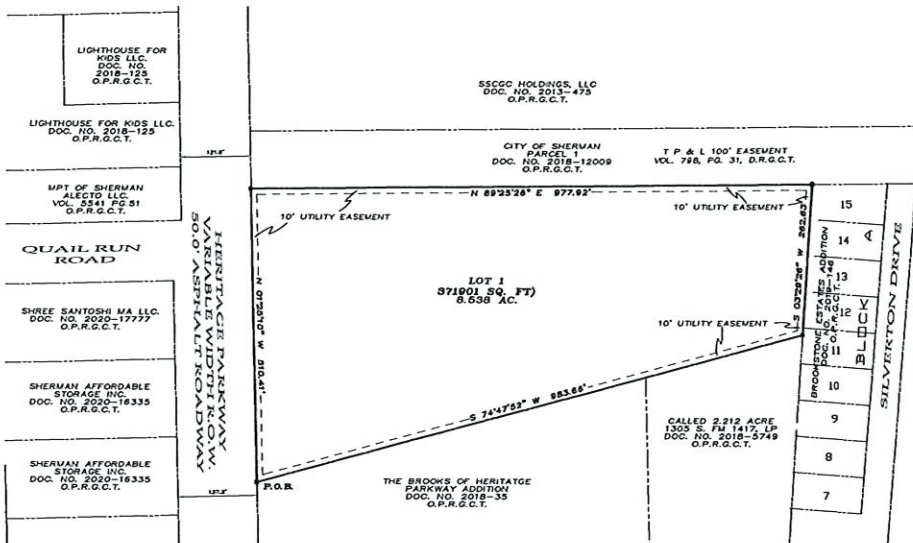


City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

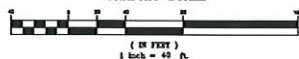
1 in = 300 ft



FINAL PLAT
HERITAGE COURT ADDITION

Being a part of a 136.88 acre tract of Land in the Elizabeth Jones Survey, Abstract Number 625. Being in the City of Sherman, Grayson County, Texas. Containing 8.538 acres of land

GRAPHIC SCALE



OWNERS/DEVELOPER
SSOC HOLDINGS LLC
4 TIMBERCREEK
SHERMAN, TX 75092

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

UNDERWOOD

DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

OWNERS DEDICATION

[illegible]

ESQOO HOLDINGS LLC (BILL MAREK)

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, BILL MAEDER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this day of _____, 2021.

Notary Public in and for
the State of Texas
Commission Expires _____

LEGAL DESCRIPTION

LEGAL DESCRIPTION
 Situated in the County of Graysen, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 425, and being a part of the 136.88 acre tract called Tract 2 of lands conveyed to SBOCO, L.P., L.L.C. by the County of Graysen, Texas, 2013-425, Official Public Records, Graysen County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a found 1/2" steel rod at the northwest corner of the Brooks of Heritage Parkway Addition, an addition to the City of Springtown, Texas, as recorded in Document No. 2018-33, Plat Records, Graysen County, Texas;

Beginning at found 1/2" steel rod at the northwest corner of The Brooks of Hartlage Parkway Addition, on addition to the City of Sherman, Texas as recorded in Document No. 2018-35, Plot Records, Grayson County, Texas;

Thence North 01°25'10" West with the east right-of-way line of M. 1471 (locally known as Hartlage Parkway), a distance of 510.41 feet to a set 1/2" steel rod at the southeast corner of Parcel 1 as shown on the plat of the City of Sherman, Texas as recorded in Document No. 2018-12009 of said Public Records;

Thence North 89°25'26" East with the south line of said City of Sherman Tract, a distance of 977.92 feet to a found 1/2" steel rod at the northwest corner of Lot 15, Block A, Brookstone Estates Addition, an addition to the City of Sherman, Texas as recorded in Document No. 2019-146, Plat Records, Grayson County, Texas;

Thence South 03°20'28" West with the west line of said Block A, a distance of 262.63 feet to a set 1/2" steel rod at the northeast corner of that called 2.212 acre tract as conveyed to 1303 S. Rd 1417, LP, as recorded in Document No. 2018-5749 of said Public Records;

Thence South 74°47'52" West with the north line of said 2.212 acre tract and the north line of said The Brooke of Heritige Parkway Addition, a distance of 883.65 feet to the Point of Beginning and containing 8.538 acres of land.

CERTIFICATE OF COMPLIANCE

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing HERITAGE COURT ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on this 11th day of May, 1921, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2021.

Ord. City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

ACCEPTANCE

Approved this 10 day of February, 2021, by the
City Planning Commission to the City of Sherman, Texas.

Onalima

Security

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas

Date _____

~ GENERAL NOTES ~

2. Water Supply to be provided by the City of Sherman.
3. Sewer Service to be provided by the City of Sherman.
4. Electrical Service to be provided by the City of Sherman.
5. Maintaining the flow of water or construction of improvements in drainage easements, and
6. Any existing cracks or damage shall be repaired, including along or across the easement will remain the owner's and will be maintained by the individual owner of the lot or lots affected by the crack or damage. The City of Sherman will not be responsible for the maintenance and operation of said easement.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any errors or omissions that may be contained by this plat or map.
8. The plat and all buffers must comply with all other local, state and federal regulations regarding developments of this type.
9. The plat is based on the City of Sherman Central Management Map.
10. The City of Sherman reserves the right to require submission of Development Plat based

FINAL PLAT
HERITAGE COURT ADDITION

Being a part of a 136.88 acre tract of Land in the Elizabeth Jones Survey, Abstract Number 625. Being in the City of Sherman, Grayson County, Texas. Containing 8.538 acres of land

C4-21-21

OWNERS/DEVELOPER
SSOC HOLDINGS LLC
4 TIMBERCREEK
SHERMAN, TX 75082

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

64-21-21

UNDERWOOD

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (803)465-2151



STAFF REVIEW LETTER

May 7, 2021

Amended June 2, 2021

SSCGC Holdings, LLC
4 Timbercreek
Sherman, TX 75092

Bluestone Partners LLC
4708 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Underwood Drafting & Surveying, Inc.
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Heritage Court Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. The plat must depict and dedicate to the City in fee simple 0.3356 acres of right-of-way (ROW) along FM 1417 to reflect TxDOT FM 1417 ROW Project, as shown in the City's thoroughfare plan. Coordinate with City of Sherman Engineering Department for exact ROW metes and bounds to included on plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5); City of College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 806 (Tex. 1984) ("[M]unicipalities can require the 'donation' of streets, alleys, water mains, and sewer mains as a condition to subdivision development.").
2. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*.
3. Sanitary Sewer main must be extended in accordance with City criteria to serve proposed Lot. Sewer capacity shall be verified for proposed use. *Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*.
4. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 15*.
5. Show a minimum of three (3) found monuments on drawing. *Code of Ordinances Chapter 10, Exhibit A, Sec. 15(A)*.
6. Heritage Parkway on plat shall be shown as "F.M. 1417 (Heritage Parkway)." *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)(4)*.

7. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154; Chapter 10, Exhibit A, Sec. 12(F).*
8. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11).*
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B).*

It is the policy of the City Council not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 15.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 900-1000 BLOCKS SOUTH FM 1417 (HERITAGE PARKWAY)**

The request of SSCGC Holdings, LLC (Owner) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 900-1000 blocks of South FM 1417 (Heritage Parkway), being 8.538 acres in the Elizabeth Jones Survey, Abstract No. 625, as follows:

Planning and Zoning Commission

Final Plat approval of Heritage Court Addition

Background:

The property is located in the 900-1000 blocks of South FM 1417 (Heritage Parkway) between Brookstone Drive and Quail Run Road. The property is zoned an R-2 (Multi-Family Residential) District and located in the O-1.1 (FM 1417) Overlay District.

The owner would like to plat the property into one lot for residential development of an apartment complex.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

SSCGC Holdings, LLC (Owner)

Bluestone Partners, LLC (Developer)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Heritage Court Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 2.

Meeting Date: 06/07/2021

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Calling a Special Meeting of the City Council for Tuesday, July 6, 2021, due to Conflict with a Federal Holiday

Issue:

This agenda item considers calling a special meeting of the City Council for **5:00 p.m.** on Tuesday, July 6, 2021, to make up for the first regular meeting in July, which falls on the Federal Holiday of Independence Day.

Background:

The City Charter provides that City Council regular meetings shall fall “on the first and third Mondays of each month, excluding holidays, at its discretion.” The regular date for the Council’s first meeting in July is Monday, July 5th. The City will be closed this day to observe the Federal Holiday, Independence Day.

Federal holidays are traditionally respected by not holding regular City Council meetings on those dates.

While the Charter provision does not require the City Council to meet on a Federal Holiday, neither does it establish a make up date, which would be done by a motion and order with a 72-hour public notice.

Origination:

City Manager's Office

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the City Council call a special City Council meeting for **5:00 p.m.** on Tuesday, July 6, 2021.

Alternatives:

No alternatives are recommended.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 3.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition, being all of Lots 15, 16, 17 and 18 of Mrs. H.M. Summer's First Addition; Rosewell Properties, LLC, Owner; and Copley Land Surveying, Surveyor (809 East Jones Street)

Issue:

To consider Replat Approval of Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition, being all of Lots 15, 16, 17 and 18 of Mrs. H.M. Summer's First Addition, Rosewell Properties, LLC, Owner; and Copley Land Surveying, Surveyor (809 East Jones Street)

Background:

The property is located at 809 East Jones Street between Maxey and Willow Streets. The property is zoned an R-1 (One Family Residential) District. An exception to allow two 50' wide lots was approved at the May 18, Planning and Zoning Commission Meeting. The owner would like to Replat the property into two 50' wide lots for residential development.

Origination:

Rosewell Properties, LLC (Owner)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Mrs. H.M. Summer's First Addition Replat Lots 15-18

Staff Review Letter

P&Z Communication



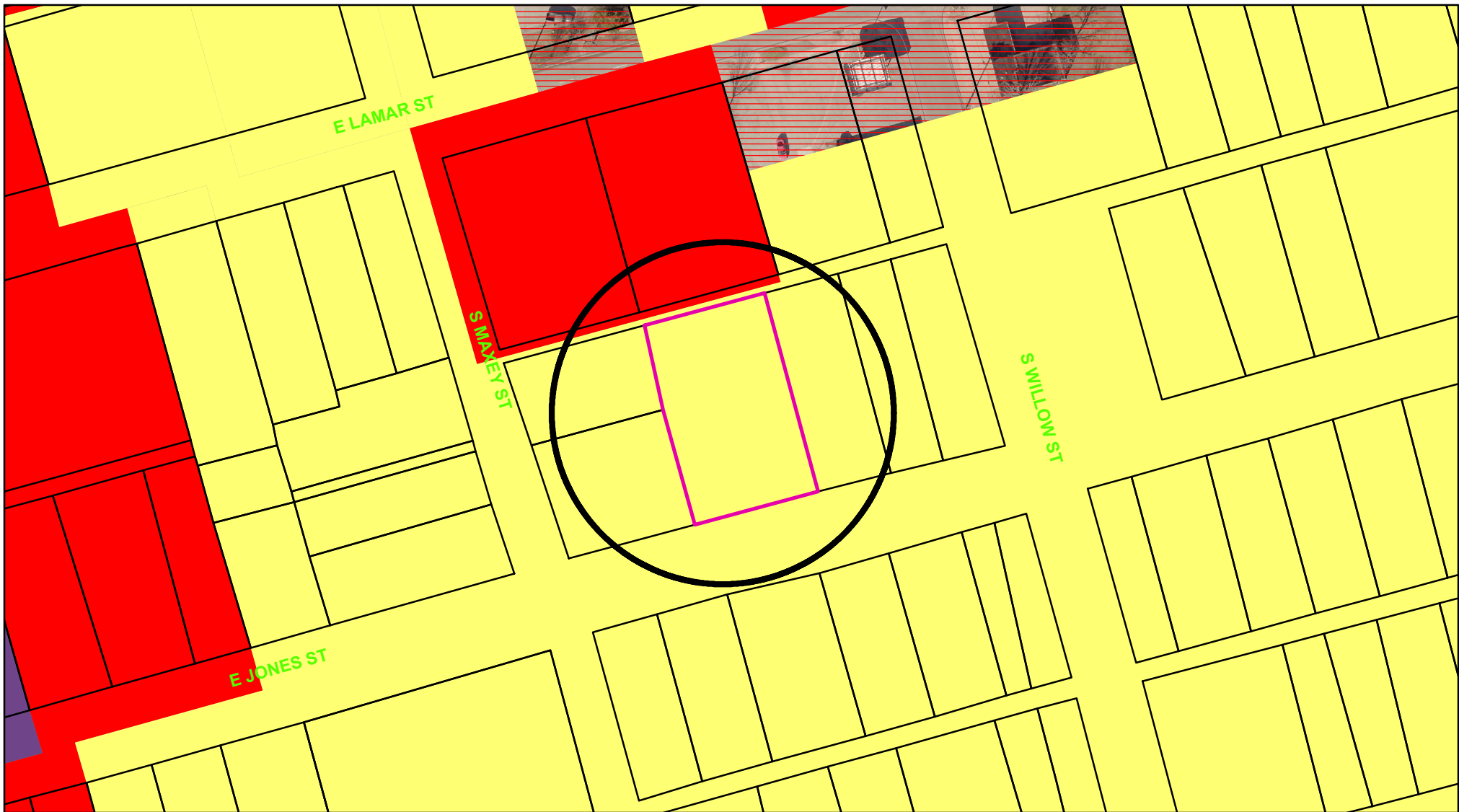
809 East Jones Street

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft



Zoning - 809 East Jones Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

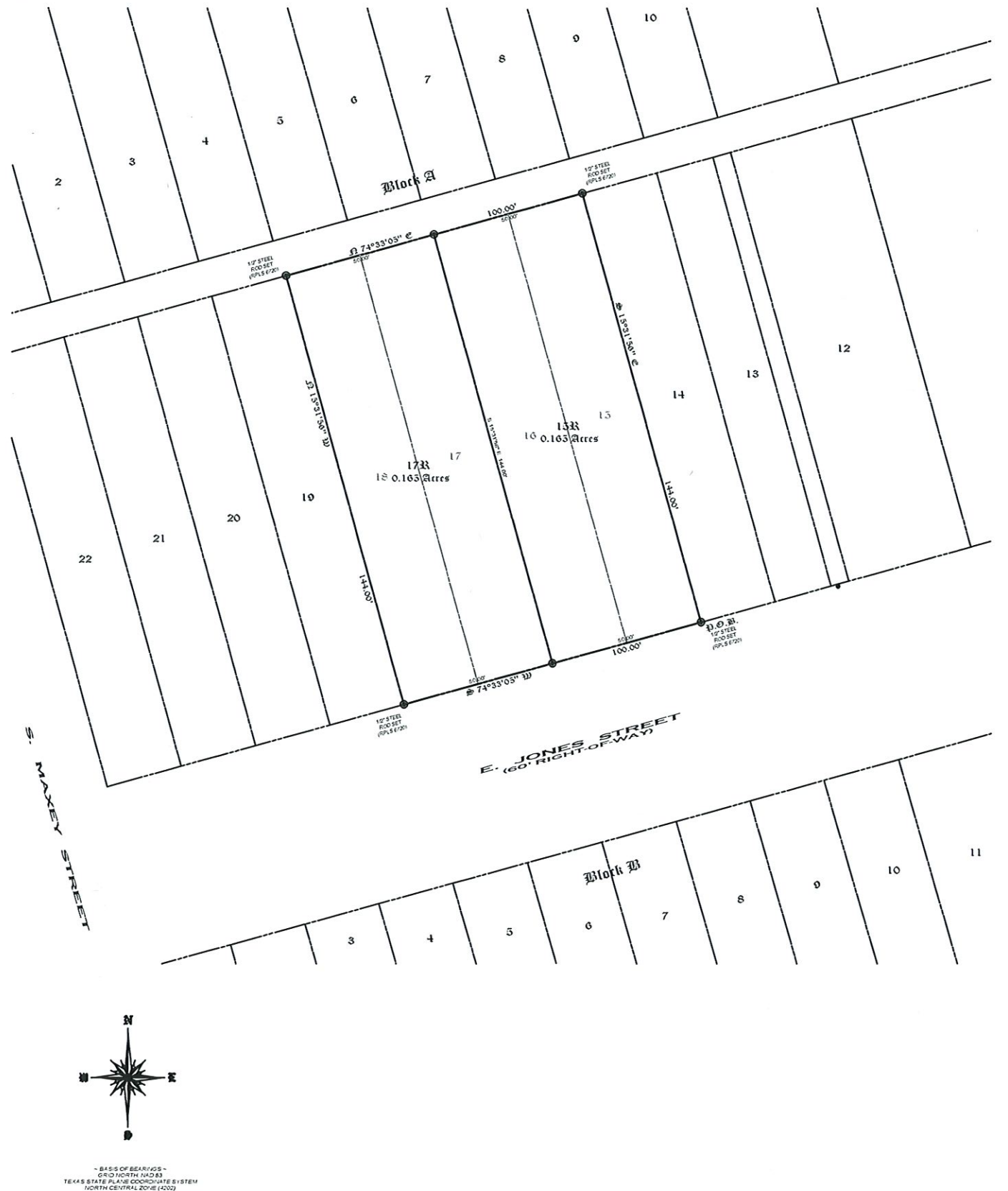


NOT TO SCALE

1 in = 100 ft

809 East Jones Street





Replat of
**Lots 15, 16, 17 & 18 of Mrs.
 H.M. Summer's First Addition**
 an addition to
 the City of Sherman
 Grayson County, Texas

3/17/2021

Copley Land Surveying
 1702 Verdi Ln., Sherman, Texas 75000
 TX 003-415-0043, OK 360-080-0181
 john@copleylandsurveying.com

OWNERS/DEVELOPER
 ROSEWELL PROPERTIES, LLC
 7613 OAK CREST DRIVE
 FRISCO, TEXAS

SURVEYOR
 JOHN C. COPLEY
 R.P.L.S. NO. 6720
 1702 VERDI LN.
 SHERMAN, TEXAS

Legal Description

Situated in the City of Sherman, County of Grayson, State of Texas, being all of Lots 15, 16, 17, and 18, Block "A" of Mrs. H.M. Summer's First Addition to the City of Sherman as shown by plat of record in Volume 38, Page 627, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 in the north line of E. Jones Street and the south line of said Block "A" for the southeast corner of Lot 15 and the southwest corner of Lot 14;

Thence South 74°33'05" West, along the north line of said E. Jones Street and the south line of said Block "A" passing a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 at a distance of 50.00 feet for the shared south corner of Lots 16 and 17 and continuing for a total distance of 100.00 feet to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the southwest corner of Lot 18 and the southeast corner of Lot 19;

Thence North 15°31'56" West, along the west line of Lot 18 and the east line of Lot 19, a distance of 144.00 feet to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 in the south line of an alley for the northwest corner of Lot 18 and the northeast corner of Lot 19;

Thence North 74°33'05" East, along the south line of said alley and the north line of Lots 15, 16, 17, & 18 passing a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 at a distance of 50.00 feet for the shared north corner of Lots 16 and 17 and continuing for total distance of 100.00 feet to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the northeast corner of Lot 15 and the northwest corner of Lot 14;

Thence South 15°31'56" East, along the east line of Lot 15 and the west line of Lot 14, a distance of 144.00 feet to the Point-of-Beginning and containing 0.331 acres of land.

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

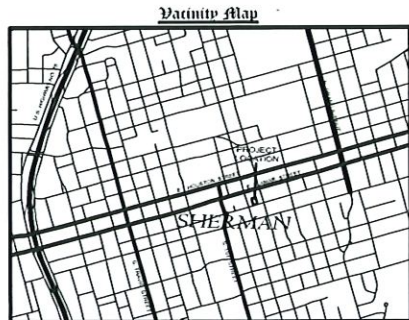
John C. Copley
 Registered Professional
 Land Surveyor No. 6720
 Firm No. 10194429

Date

GENERAL NOTES

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Onco Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

Purpose of this plat is to combine 4 Lots into 2 Lots.



Owners Certificate & Dedication

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, ROSEWELL PROPERTIES, LLC, do hereby adopt this plat designating the hereinabove property as the Replat of LOTS 15, 16, 17 & 18 OF MRS. H.M. SUMMER'S FIRST ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this ____ day of ____, 2021.

TRUSTEE

STATE OF TEXAS
 COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of ____, 2021.

Notary Public in and for
 the State of Texas

Acceptance of Dedication

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, the Replat of LOTS 15, 16, 17 & 18 OF MRS. H.M. SUMMER'S FIRST ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the ____ day of ____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this ____ day of ____, 2021.

Clerk, City of Sherman, Texas

Approved this ____ day of ____, 2021, by the City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

Accepted by the City Council of the City Sherman.

Mayor, City of Sherman, Texas

Date

Replat of
**Lots 15, 16, 17 & 18 of Mrs.
 H.M. Summer's First Addition**
 an addition to
 the City of Sherman
 Grayson County, Texas

3/17/2021

Copley Land Surveying
 1702 Verdi Ln., Sherman, Texas 75000
 TX 003-415-0043, OK 360-080-0181
 john@copleylandsurveying.com

OWNERS/DEVELOPER
 ROSEWELL PROPERTIES, LLC
 7613 OAK CREST DRIVE
 FRISCO, TEXAS

SURVEYOR
 JOHN C. COPLEY
 R.P.L.S. NO. 6720
 1702 VERDI LN.
 SHERMAN, TEXAS



STAFF REVIEW LETTER

May 7, 2021

Rosewell Properties, LLC
7613 Oak Crest Drive
Frisco, TX 75034

Copley Land Surveying
1702 Verdi Lane
Sherman, TX 75090

Dear Applicants,

The request for approval of the Replat of Lots 15, 16, 17 & 18 of Mrs. H.M. Sumner's First Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Show zip code on Owner/Developer and Surveyor blocks.
2. Replat name to be changed to read "Replat Lots 15, 16, 17, & 18 of Mrs. H.M. Sumner's First Addition to reflect original plat recorded in Vol. 38, Page 627.
3. Change all references to Summer's First Addition to Sumner's First Addition to reflect original plat recorded in Vol. 38, Pg. 627.
4. Addition Name, surrounding plat references, and calls must be in Arial, Calibri, or Times New Roman font. *Chapter 10.05, Exhibit A, Section 6(B)*
5. Metes and bounds do not match drawing.
6. Show a minimum of three (3) found monuments on drawing.
7. Dedicate 10' Utility Easement along E. Jones Street frontage.
8. Remove Direction (E.) from Jones Street and (S.) from Maxey Street on drawing.
9. Show pavement width for Maxey and Jones Streets on drawing.
10. Show alley width on drawing.
11. Minimum lot width at property line is 60 feet. Variance required for all lots not meeting 60 feet. *Chapter 14, Sec. 6.1.1*
12. The City of Sherman does not maintain alleys.
13. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
14. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
15. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.

16. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 10.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

809 EAST JONES STREET

The request of Rosewell Properties, LLC (Owner) and Copley Land Surveying (Surveyor) concerning the property located at 809 East Jones Street, being all of Lots 15, 16, 17 and 18 of Mrs. H.M. Summer's First Addition, as follows;

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.2, Subsection (1) to allow two 50' wide lots in lieu of the required 60' lot widths in the proposed Replat of Lot 15R and 17R of the Replat of Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition in an R-1 (One-Family Residential) District.

Planning and Zoning Commission

Replat Lots 15, 16, 17 & 18 of Mrs. H.M. Summer's First Addition

Background:

The property is located at 809 East Jones Street between Maxey and Willow Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into two 50' wide lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

Rosewell Properties, LLC (Owner)

Copley Land Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

33

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Mrs. H.M. Summer's First Addition Replat Lots 15-18

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 4.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Sherman Crossroads, Phase II, Lots 30 and 6R-2, Block 2, being 5.727 acres in the Preston Kitchen Survey, Abstract No. 667 and being all of Lot 6, Block 2, Sherman Crossroads, Phase II, Lots 1R-1 and 6; Sherman Crossroads, LTD, Owner; and A&W Surveying, Surveyor (3400-3500 Blocks South U.S. Highway 75)

Issue:

To consider Replat Approval of Sherman Crossroads, Phase II, Lots 30 and 6R-2, Block 2, being 5.727 acres in the Preston Kitchen Survey, Abstract No. 667 and being all of Lot 6, Block 2, Sherman Crossroads, Phase II, Lots 1R-1 and 6; Sherman Crossroads, LTD, Owner; and A&W Surveying, Surveyor (3400-3500 Blocks South U.S. Highway 75)

Background:

The property is located in the 3400-3500 blocks of South U.S. Highway 75 between West Travis Street and FM 1417. The property is zoned Blalock Industrial Park and located in the Blalock Commercial Overlay District. The owner would like to Replat the property into two lots for commercial development and dedicate right-of-way for Aston Drive.

Origination:

Sherman Crossroads, LTD (Owner)
A&W Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

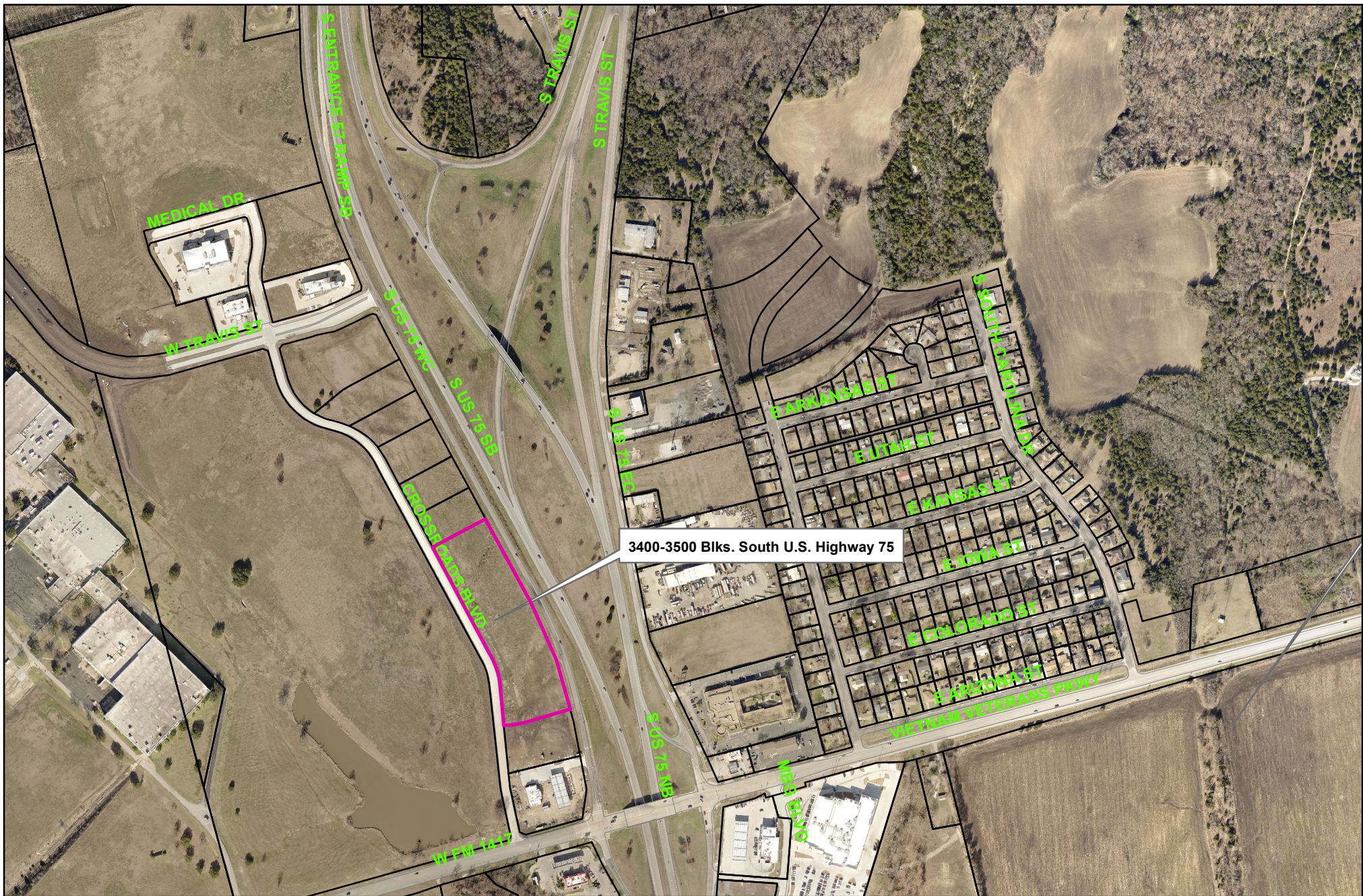
Location Map

Zoning Map

Sherman Crossroad Phase II Replat Lots 30 & 6R-2, Blk. 2

Staff Review Letter

P&Z Communication

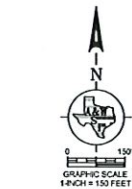
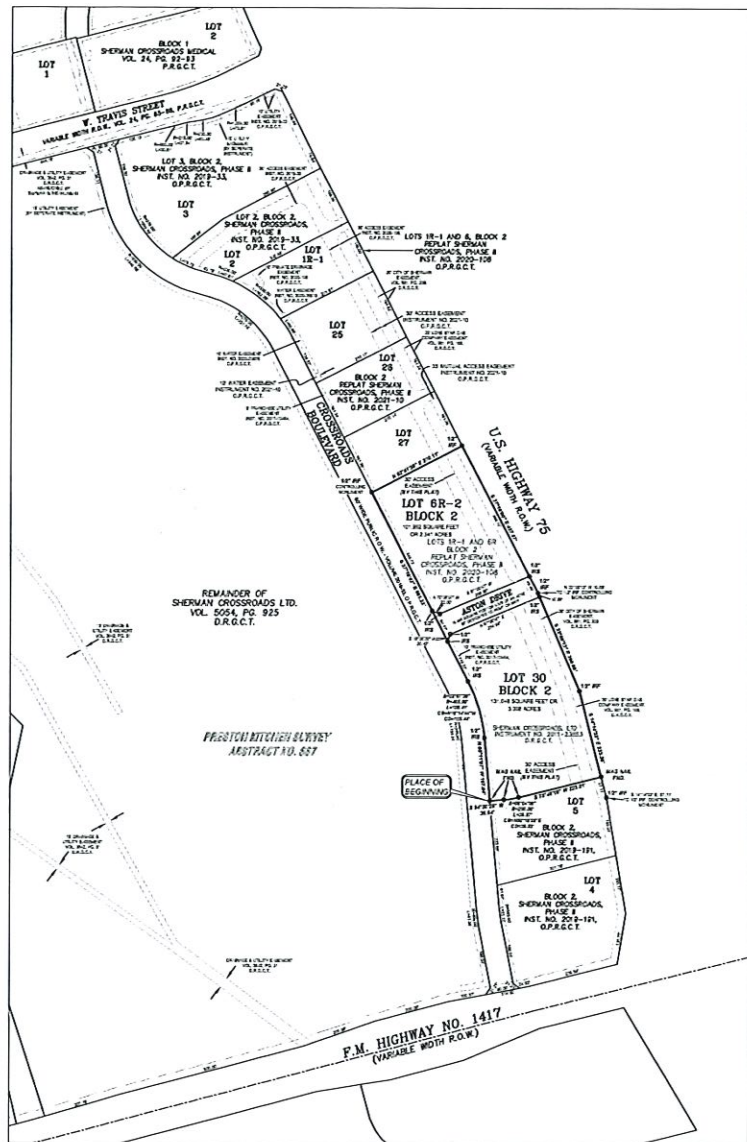


City of Sherman, Texas
Developmental Services Department

3400-3500 Blocks South U.S. Highway 75



1 in = 587 ft



LEGEND	
1/2"	1/2" IRON ROD
1/4"	1/4" IRON ROD
1/8"	1/8" IRON ROD
1/16"	1/16" IRON ROD
1/32"	1/32" IRON ROD
1/64"	1/64" IRON ROD
1/128"	1/128" IRON ROD
1/256"	1/256" IRON ROD
1/512"	1/512" IRON ROD
1/1024"	1/1024" IRON ROD
1/2048"	1/2048" IRON ROD
1/4096"	1/4096" IRON ROD
1/8192"	1/8192" IRON ROD
1/16384"	1/16384" IRON ROD
1/32768"	1/32768" IRON ROD
1/65536"	1/65536" IRON ROD
1/131072"	1/131072" IRON ROD
1/262144"	1/262144" IRON ROD
1/524288"	1/524288" IRON ROD
1/1048576"	1/1048576" IRON ROD
1/2097152"	1/2097152" IRON ROD
1/4194304"	1/4194304" IRON ROD
1/8388608"	1/8388608" IRON ROD
1/16777216"	1/16777216" IRON ROD
1/33554432"	1/33554432" IRON ROD
1/67108864"	1/67108864" IRON ROD
1/134217728"	1/134217728" IRON ROD
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STAFF REVIEW LETTER

May 7, 2021

Sherman Crossroads, Ltd.
4455 LBJ Frwy., Ste. 812
Dallas, TX 75244

A&W Surveyors, Inc.
P.O. Box 870029
Mesquite, TX 75187

Dear Applicants,

The request for approval of the Replat Sherman Crossroads, Ph. II Lots 30 and 6-R2, Block 2 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Detention pond must be under construction prior to approval of any site work being done.
2. Civil plans to be submitted to the City of Sherman Engineering Department for review and approval. Plat to reflect changes upon Engineering review.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
4. Metes and bounds do not match drawing. Correct appropriately.
5. Dedication block sentence is not clearly written. Please revise accordingly. i.e. "...and said City Council further authorized the May to not the acceptance thereof by signing..." *Chapter 10.05, Section 6*
6. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
7. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
8. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your

P&Z Meeting – May 18, 2021 – Replat Sherman Crossroads, Ph. II Lots 30 and 6R-2, Block 2
case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 11.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 3400-3500 BLOCKS SOUTH U.S. HIGHWAY 75**

The request of Sherman Crossroads, LTD (Owner) and A&W Surveying (Surveyor) concerning the property located in the 3400-3500 blocks of South U.S. Highway 75, being 5.727 acres in the Preston Kitchen Survey, Abstract No. 667 and being all of Lot 6, Block 2, Sherman Crossroads, Phase II, Lots 1R-1 and 6, as follows;

Planning and Zoning Commission

Replat Sherman Crossroads, Phase II, Lots 30 and 6R-2, Block 2

Background:

The property is located in the 3400-3500 blocks of South U.S. Highway 75 between West Travis Street and FM 1417. The property is zoned Blalock Industrial Park and located in the Blalock Commercial Overlay District. The owner would like to Replat the property into two lots for commercial development and dedicate right-of-way for Aston Drive.

Adjacent Zoning:

Blalock Industrial Park

Blalock Commercial Overlay District

Origination:

Sherman Crossroads, LTD (Owner)

A&W Surveying (Surveyor)

Master Plan Designation:

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Sherman Crossroad Phase II Replat Lots 30 & 6R-2, Blk 2

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 5.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 12R-1 and 12R-2, Replat of Lot 12, Block C of Amended Plat of Magnolia Village, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Replat of Lot 12, Block C, Amended Plat of Magnolia Village; Homes by JLS of Texoma, LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (502 & 506 Sonoma Court)

Issue:

To consider Replat Approval of Lots 12R-1 and 12R-2, Replat of Lot 12, Block C of Amended Plat of Magnolia Village, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Replat of Lot 12, Block C, Amended Plat of Magnolia Village; Homes by JLS of Texoma, LLC, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (502 & 506 Sonoma Court)

Background:

The property is located at 502 and 506 Sonoma Court; the southwest corner of Dry Creek Road and Sonoma Court. The property is zoned an R-1 (One-Family Residential) District. The owner would like to Replat the property into two lots for residential development.

Origination:

Homes by JLS of Texoma LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

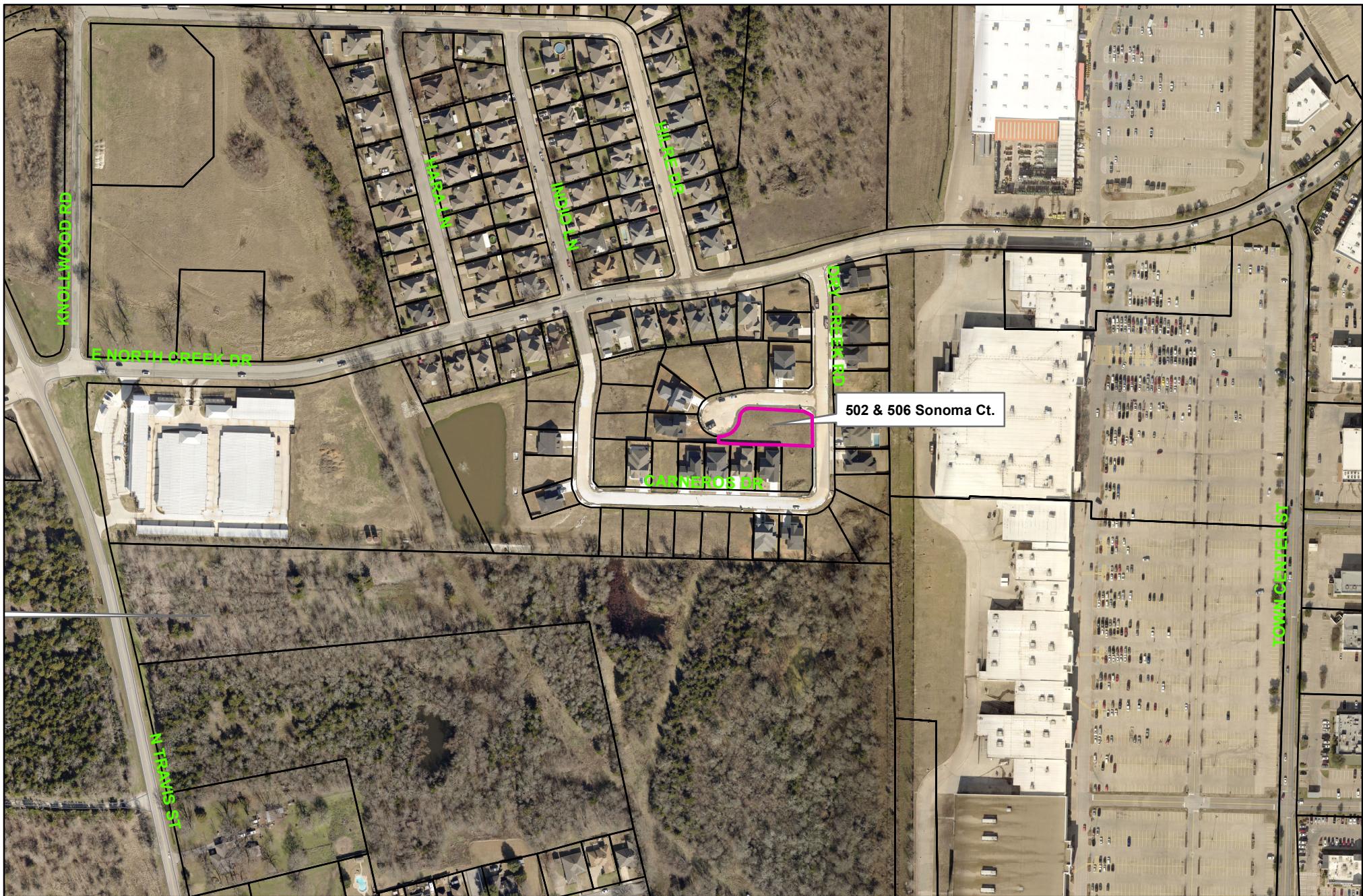
Zoning Map

Zoning Sign Photo

Magnolia Village Replat Lots 12R-1 & 12R-2

Staff Review Letter

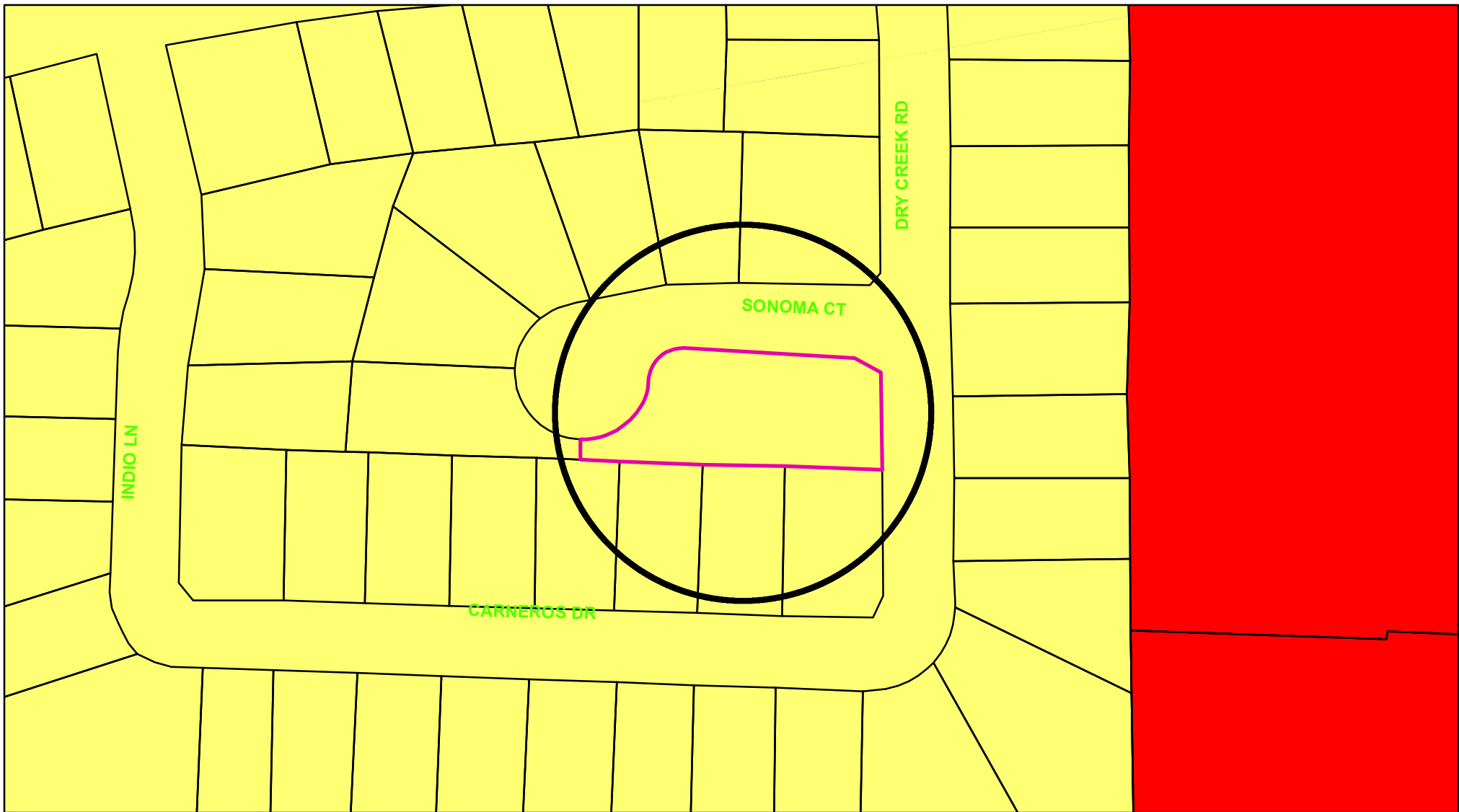
P&Z Communication



City of Sherman, Texas
Developmental Services Department

502 & 506 Sonoma Court


$$1 \text{ in} = 300 \text{ ft}$$



Zoning - 502 & 506 Sonoma Court

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District
-  C-2 General Commercial District

CO Office District

-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District
-  PD Planned Development



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 100 ft

502 & 506 Sonoma Court



Magnolia Village Patio Homes



FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 273, and being a Replat of Lot 12, Block "C", Amended Plat of Magnolia Village to the City of Sherman, Texas, recorded in Document No. 2017-3272, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set, stamped "RPLS 6578" in the West right-of-way line of said Dry Creek Road, a public road, at the Northeast corner of Lot 11, said Block C, Magnolia Village and the Southeast corner of said Lot 12;

THENCE North 88 deg. 12 min. 03 sec. West, with the North line of Lots 11, 10, 9 and 8, said Block C, Magnolia Village and the South line of said Lot 12, passing a 1/2 inch capped rebar found "RPLS 6578" at 69.97', and continuing on said course for a TOTAL distance of 222.44 ft. to a 1/2 inch rebar found in the North line of said Lot 8, at the Southeast corner of Lot 13, said Block C, Magnolia Village and the Southwest corner of said Lot 12, SAID rebar bears South 88 deg. 12 min. 03 sec. East, 182.26 ft. from a 1/2 inch capped rebar found, stamped "RPLS 6578" at the Northwest corner of said Lot 8;

THENCE North 01 deg. 47 min. 57 sec. East, with the East line of said Lot 13 and the West line of said Lot 12, a distance of 10.17 ft. to a 1/2 inch capped rebar found in the South right-of-way line of Sonoma Court, a public road, at the Easterly Northeast corner of said Lot 13, the Westerly Northwest corner of said Lot 12 and the beginning of said curve;

THENCE Northeasterly, with the South line of said Sonoma Court and a North line of said Lot 12, a curve to the left having a radius of 50.03 ft. and a central angle of 91 deg. 10 min. 35 sec., (chord bears North 51 deg. 49 min. 43 sec. East, 71.47 ft.), on an arc distance of 79.61 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578" at the end of said curve, at the beginning of another curve;

THENCE Northeasterly, continuing with the South line of said Sonoma Court and a North line of said Lot 12, with a reverse curve to the right, having a radius of 25.00 ft. and a central angle of 78 deg. 09 min. 55 sec., (chord bears North 44 deg. 39 min. 29 sec. East, 30.84 ft.), on an arc distance of 33.23 ft. to a 1/2 inch rebar found at the end of said curve, at the beginning of another curve;

THENCE Northeasterly, continuing with the South line of said Sonoma Court and a North line of said Lot 12, with a compound curve to the right, having a radius of 125.00 ft. and a central angle of 08 deg. 07 min. 20 sec., (chord bears North 87 deg. 15 min. 38 sec. East, 17.71 ft.), an arc distance of 17.72 ft. to a 1/2 inch capped rebar found, stamped "RPLS 6578" at the end of said curve;

THENCE South 88 deg. 12 min. 03 sec. East, continuing with the South line of said Sonoma Court and a North line of said Lot 12, a distance of 115.64 ft. to a "x" found in concrete sidewalk at the Northwest corner of said Lot 12 and the intersection of the South right-of-way line of said Sonoma Court and the West right-of-way line of said Dry Creek Road, at the most Northerly Northeast corner of said Lot 12;

THENCE South 45 deg. 20 min. 49 sec. East, with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 14.69 ft. to a 1/2 inch capped rebar set, stamped "RPLS 6578" at the most Easterly Northeast corner of said Lot 12;

THENCE South 00 deg. 20 min. 49 sec. East, continuing with the West right-of-way line of said Dry Creek Road and the East line of said Lot 12, a distance of 70.15 ft. to the PLACE OF BEGINNING and containing 0.325 ACRES of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Authorized Representative for Homes by JLS of Texoma, LLC, owner of Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

Jason Basserman, Authorized Representative for Homes by JLS of Texoma, LLC

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Jason Basserman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to the City of Sherman, Texas is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village to City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS:

MAYOR, CITY OF SHERMAN, TEXAS

DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Replat of Lot 12, Block C, Amended Plat of Magnolia Village to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

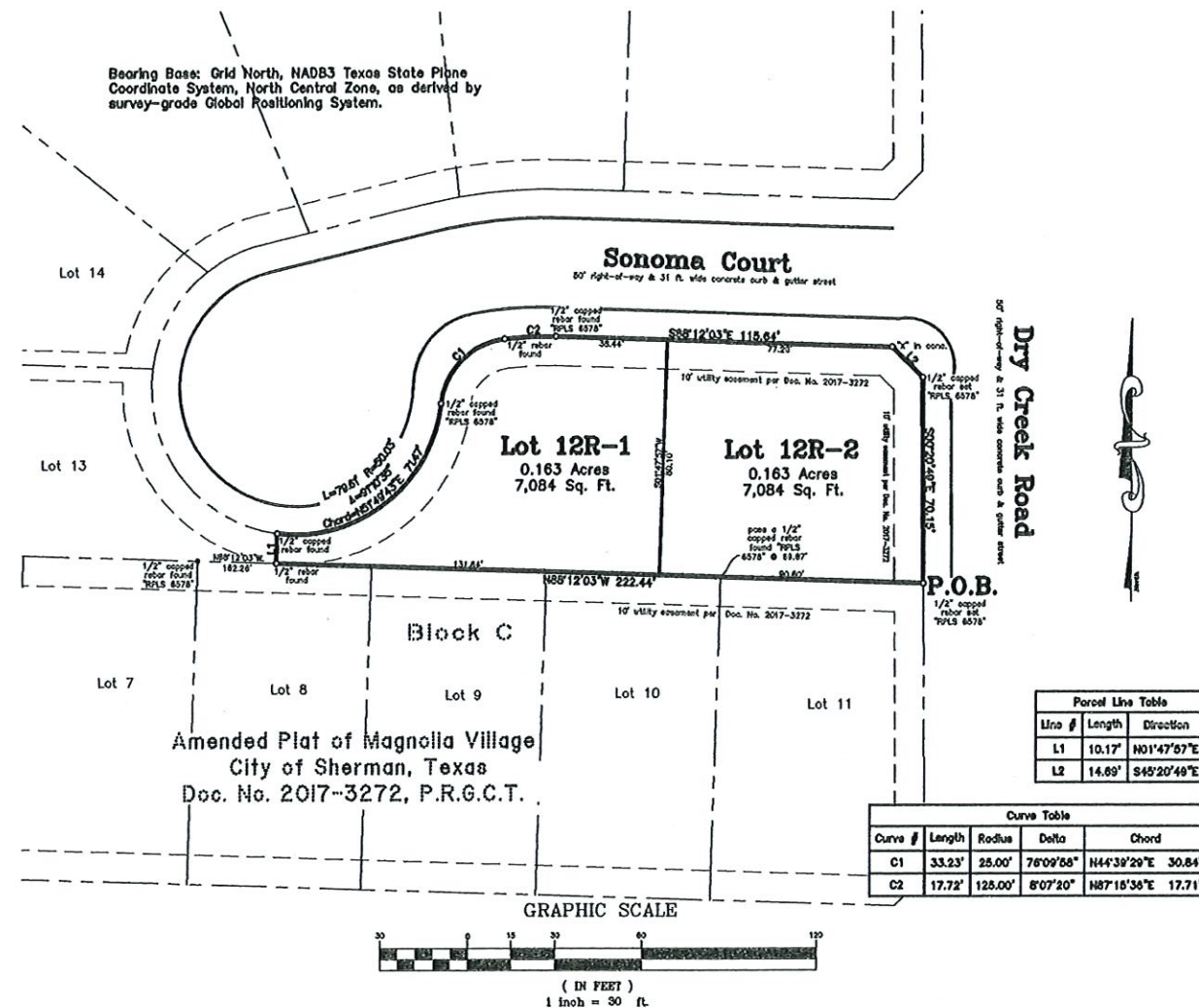
CERTIFIED THIS _____ DAY OF _____, 2021, BY

CITY CLERK, CITY OF SHERMAN, TEXAS

Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres
in the
James H. Clark Survey, Abst. No. 273

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

\\LS210001\\shared\\Projects\\Land Projects\\R2\\Replat-Lot-12-Block-C-Magnolia-Village\\DWG\\30\\502-Sonoma.dwg Layout: Plat Plot Date Apr 28 21 Time: 5:10 PM



Lots 12R-1 & 12R-2
Replat of Lot 12, Block "C" of
Amended Plat of Magnolia Village
to the
City of Sherman, Texas
0.325 Acres

in the
James H. Clark Survey
Abstract No. 273
Job No. CGS710421

General Notes:

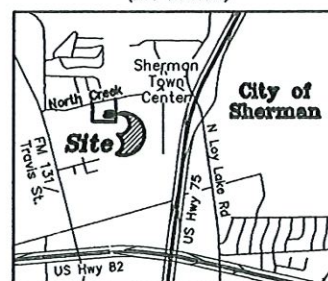
- Water Supply to be provided by the City of Sherman, Texas.
- Sewer service to be provided by the City of Sherman, Texas.
- Electrical service to be provided by Oncor Electric Delivery Corp.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100290 F, Revised Date: September 28, 2010.
- Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- Lot 13 shall be used as an access area and to be owned and maintained by the Homeowner's Association for this development.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10088100

Owner:
Homes by JLS of Texoma, LLC
3409 N FM Hwy. 1417
Sherman, Texas 75092

Vicinity Map

(not to scale)



\\LS210001\\shared\\Projects\\Land Projects\\R2\\Replat-Lot-12-Block-C-Magnolia-Village\\DWG\\30\\502-Sonoma.dwg Layout: Plat Plot Date Apr 28 21 Time: 5:10 PM



STAFF REVIEW LETTER

May 7, 2021

Homes by JLS of Texoma, LLC
3409 N. FM Hwy. 1417
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Lots 12R-1 & 12R-2 Replat of Lot 12, Block "C" of Amended Plat of Magnolia Village has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Bearing at SW corner does not match metes and bounds description. Correct appropriately.
3. Delta for C2 in curve table does not match metes and bounds. All calls must be two digits. Correct appropriately.
4. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 13.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

502 & 506 SONOMA COURT

The request of Homes by JLS of Texoma LLC (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) for the property located at 502 and 506 Sonoma Court, being 0.325 acres in the James H. Clark Survey, Abstract No. 273 and being a Replat of Lot 12, Block C, Amended Plat of Magnolia Village, as follows:

Planning and Zoning Commission

- A. Repeal a previously approved Specific Use Permit and site plan approval (Ord. 6132) under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 12R-1 and 12R-2 of the Proposed Replat of Lot 12, Block C, of the Amended Plat of Magnolia Village and Lots 1-5, Block A, Lots 1-19, Block B, Lots 1-11 and 13-21, Block C, Amended Plat of Magnolia Village for a total of 46 patio homes in an R-1 (One-Family Residential) District.
- B. Replat approval of Lots 12R-1 & 12R-2, Replat of Lot 12, Block C of Amended Plat of Magnolia Village.

Background:

The property is located in the Magnolia Village subdivision off East Northcreek Drive and is zoned an R-1 (One-Family Residential) District. A Specific Use Permit to allow 45 patio homes in the Magnolia Village Addition was approved July 16, 2018 (Ord. 6132).

The owner would like to Replat Lot 12, Block C of the Amended Plat of Magnolia Village into two lots for residential development. The owner would like to amend the Specific Use Permit to allow an additional patio home for a total of 46 patio homes.

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Homes by JLS of Texoma LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

43

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map - Replat
Location Map Patio Homes
Zoning Map - Replat
Zoning Map - Magnolia Village Patio Home Lots
Zoning Sign Photo
Magnolia Village Replat Lots 12R-1 & 12R-2
Ordinance 6132
Patio Home Lots
Staff Review Letter - Replat
Staff Review Letter - SUP



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 6.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Cottages at Magnolia Village, being 6.166 acres in the James H. Clark Survey, Abstract No. 273; Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (500 Block East Northcreek Drive)

Issue:

To consider Final Plat Approval of Cottages at Magnolia Village, being 6.166 acres in the James H. Clark Survey, Abstract No. 273; Young Enterprises, LP, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (500 Block East Northcreek Drive)

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into forty lots for residential development, one lot being for detention and another for access area to be owned and maintained by the Homeowner's Association. Exceptions were approved on four lots for lot width and area at May 18, 2021 Planning and Zoning Commission Meeting.

Origination:

Young Enterprises, LP (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

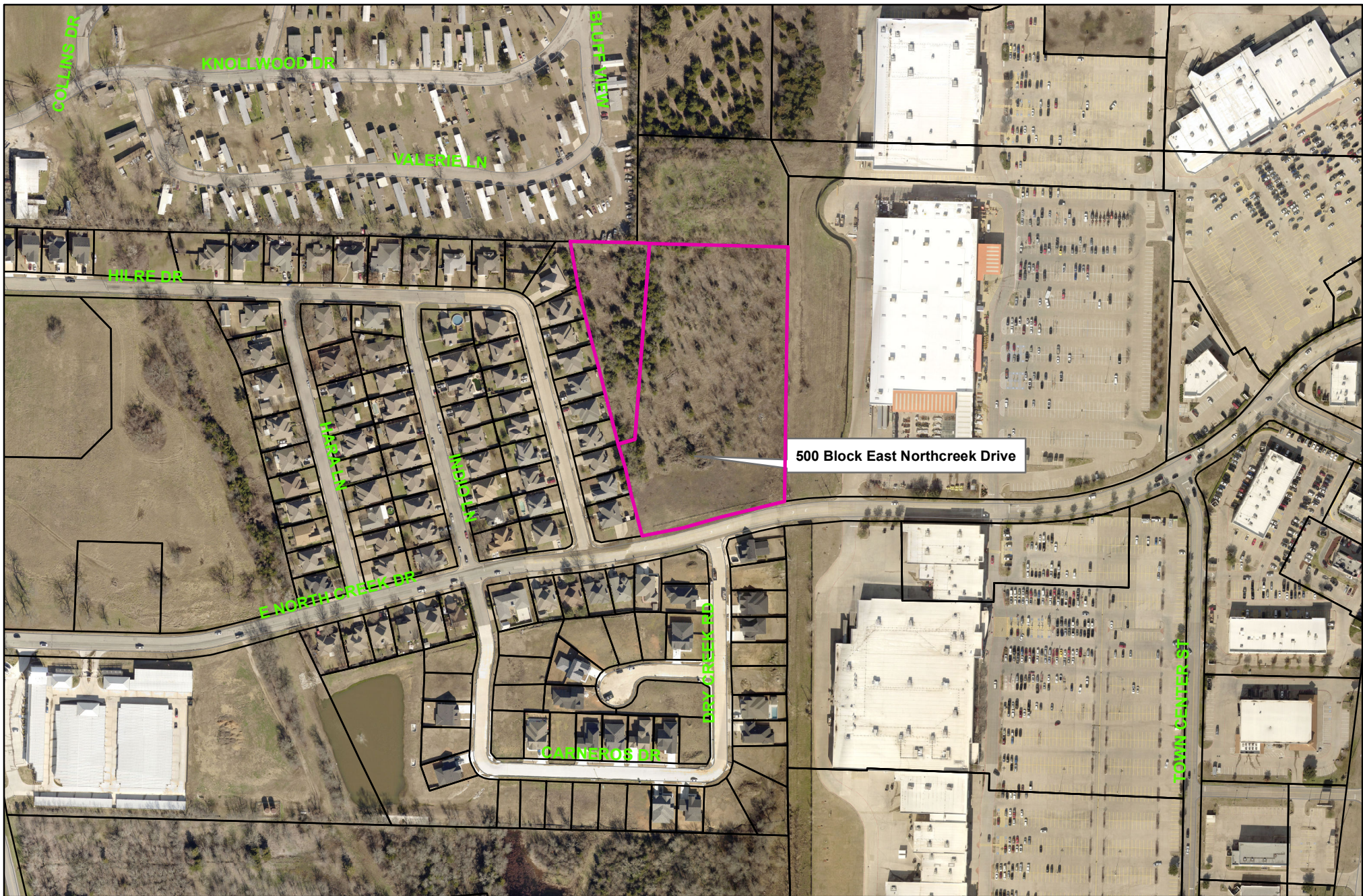
Location Map

Zoning Map

Cottages at Magnolia Village

Staff Review Letter

P&Z Communication



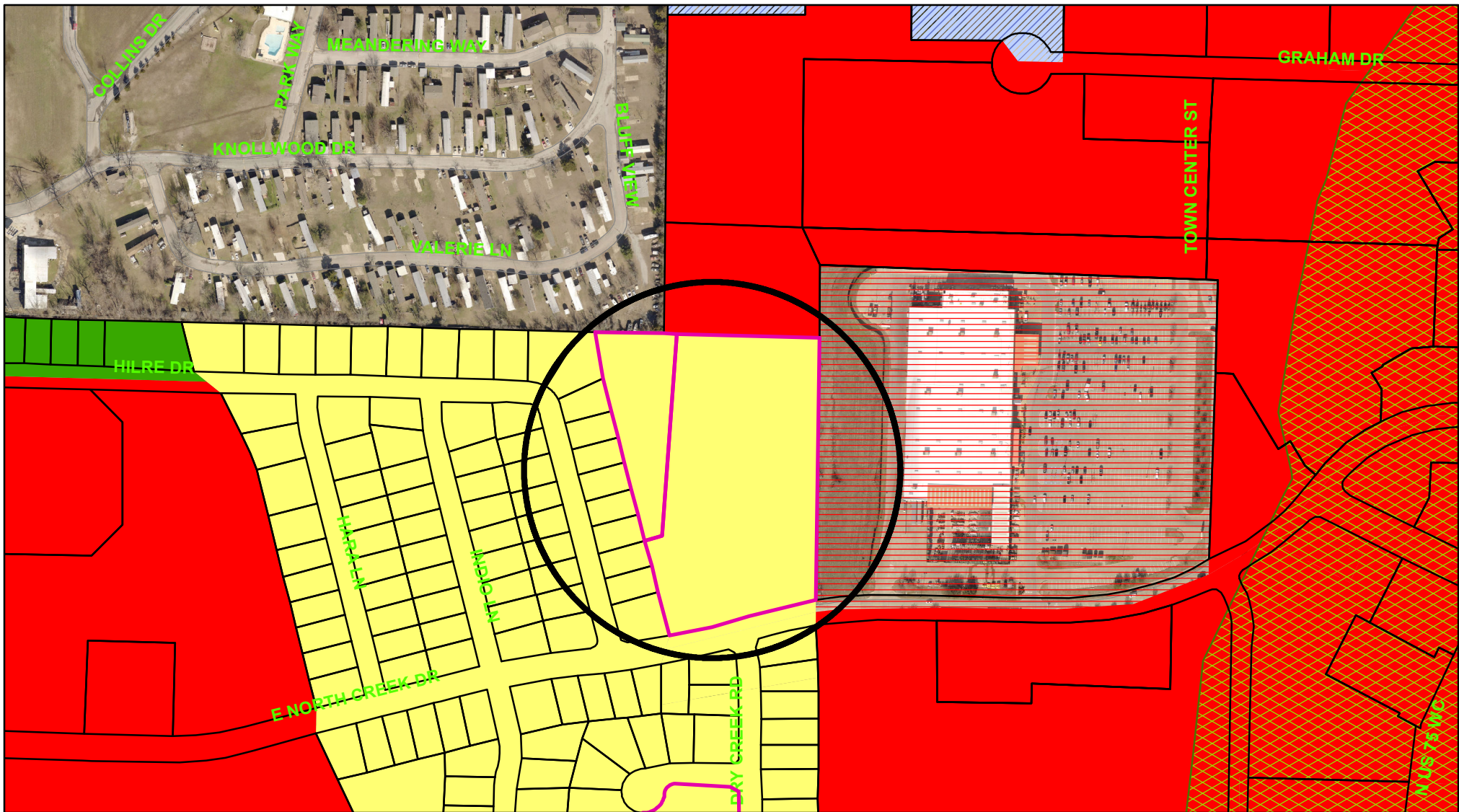
City of Sherman, Texas
Developmental Services Department

500 Block East Northcreek Drive



NOT TO SCALE

1 in = 300 ft



Zoning - 500 Block East Northcreek Drive

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department



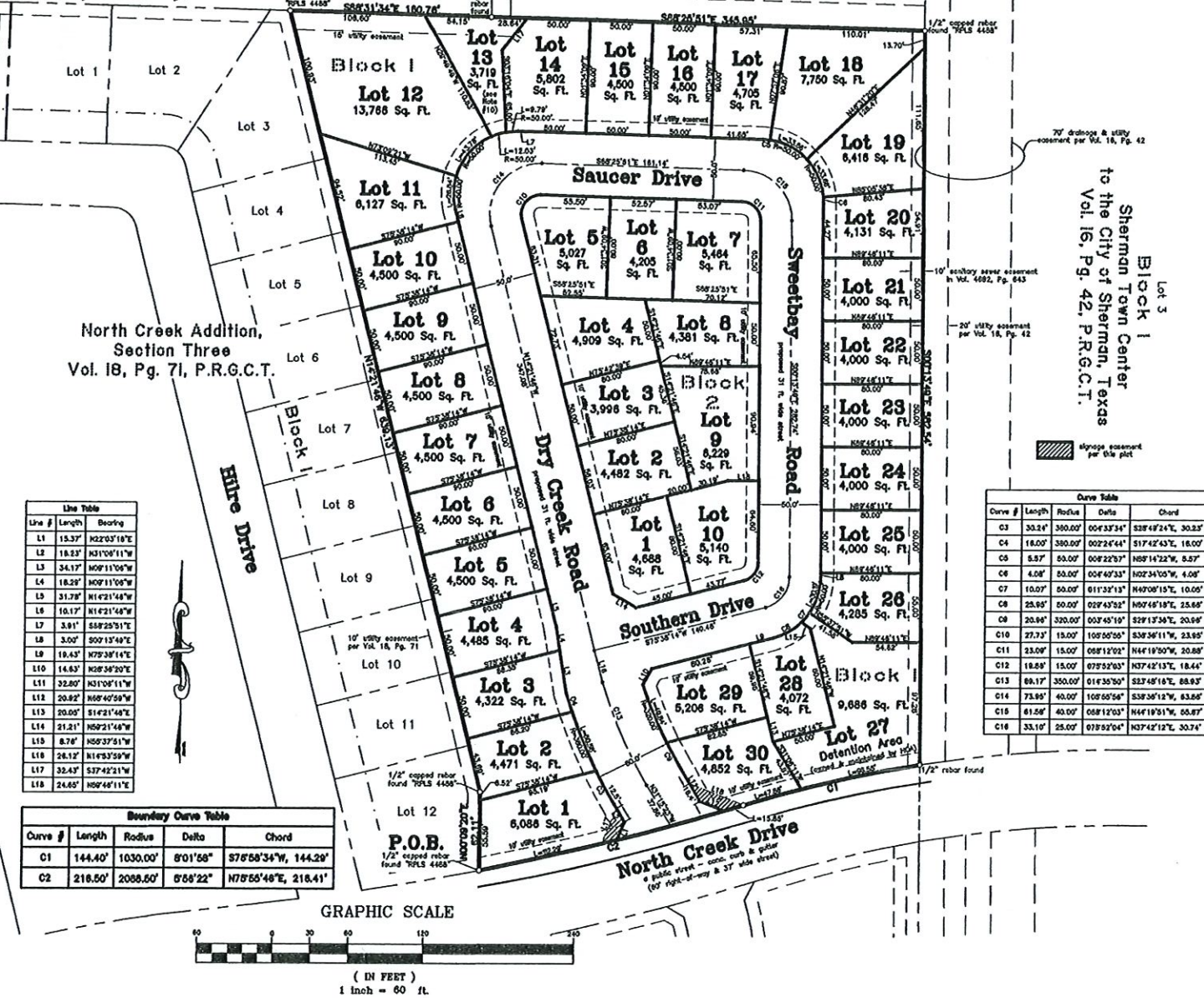
1 in = 311 ft

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone, as derived by survey-grade Global Positioning System. All distances shown hereon are grid distances.

Scale factor to surface distances: 1.000084617

James H. Clark Survey
Abstract No. 273
Grayson County, Texas

Replat of Lot 4, Block 1
Sherman Town Center, Section Two
to the City of Sherman, Texas
Vol. 19, Pgs. 1 & 2, P.R.G.C.T.



Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas 6.166 Acres

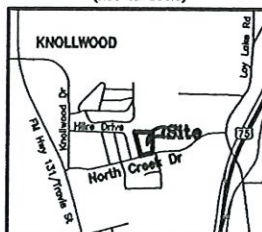
General Notes:

- Water supply to be provided by the City of Sherman, Texas.
- Sanitary service to be provided by the City of Sherman, Texas.
- Electricity service is provided by Oncor Electric Delivery Co.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- Any existing easels or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818102200 F, Revised Date: September 29, 2010.
- Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other state and federal regulations regarding developments of this type.
- Lot 13 shall be used as an access area and to be owned and maintained by the Homeowner's Association for this development.

in the
**James H. Clark Survey
Abstract No. 273**

Job No. CGS490920

Vicinity Map (not to scale)



Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: kate@helveywagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Owner/Developer
Young Enterprises, L.P.
5415 N. Highway 1417
Sherman, Texas

FIELD NOTES

SITUATION In the City of Sherman, County of Grayson, State of Texas, and being a part of the James H. Clark Survey, Abstract No. 273 and being all of the 6.166 acre tract of land conveyed by Special Warranty Deed from Bountiful, L.P. and Vesta, L.P., to Young Enterprises, L.P., on April 28, 2016, recorded in Volume 5796, Page 592, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found stamped "RPLS 4488" on the North right-of-way line of North Creek Drive, the Southwest corner of said Young 6.166 ac., the Southeast corner of Lot 12, Block 1, North Creek Addition, Section Three, to the City of Sherman, Texas, as per plat of record in Volume 18, Page 71, Plat Records, Grayson County, Texas, the Southwest corner of the herein described tract;

THENCE North 00 deg. 09 min. 20 sec. East, with a West line of said Young 6.166 ac., an East line of said Lot 12, Block 1, North Creek Addition, a distance of 62.11 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" at an angle point of all said Lot 12, Young 6.166 ac., and the herein described tract;

THENCE North 14 deg. 21 min. 46 sec. West, with a West line of said Young 6.166 ac., an East line of said Block 1, North Creek Addition, a distance of 639.13 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" on the South line of Knollwood MHP, L.P. 44.47 acre tract of land, recorded in Instrument No. 2019-9835, said Official Public Records, Grayson County, Texas, the Northeast corner of Lot 3, said Block 1, North Creek Addition, the Northwest corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 31 min. 34 sec. East, with a North line of said Young 6.166 ac., the South line of said Knollwood 44.47 ac., a distance of 160.78 ft. to a 3/8 inch rebar found at the Southwest corner of Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, to the City of Sherman, Texas, as per plat of record in Volume 19, Pages 1 & 2, said Plat Records, Grayson County, Texas, the Southeast corner of said Knollwood 44.47 ac., an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE South 88 deg. 25 min. 51 sec. East, with a North line of said Young 6.166 ac., the South line of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, a distance of 345.95 ft. to a 1/2 inch capped rebar found stamped "RPLS 4488" on the West line of Lot 3, Block 1, Sherman Town Center, to the City of Sherman, Texas, as per plat of record in Volume 16, Page 42, said Plat Records, Grayson County, Texas, the Southeast corner of said Lot 10, Replat of Lot 4, Block 1, Sherman Town Center, Section Two, the Northeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE South 00 deg. 13 min. 49 sec. East, with the East line of said Young 6.166 ac., the West line of said Lot 3, Block 1, Sherman Town Center, a distance of 582.64 ft. to a 1/2 inch rebar found on the North right-of-way line of said North Creek Drive, the Southwest corner of said Lot 3, Block 1, Sherman Town Center, the Southeast corner of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the left having a radius of 1,030.00 ft., a central angle of 08 deg. 01 min. 58 sec. (Chord Bears: South 76 deg. 58 min. 34 sec. West, 144.29 ft.) on an arc distance of 144.40 ft. to a point at the end of said curve, on the North right-of-way line of said North Creek Drive, an angle point of both said Young 6.166 ac. and the herein described tract;

THENCE Southwesterly, with a curve to the right having a radius of 2,088.50 ft., a central angle of 05 deg. 56 min. 22 sec. (Chord Bears: South 75 deg. 55 min. 48 sec. West, 218.41 ft.) on an arc distance of 218.50 ft. to the **PLACE OF BEGINNING** and containing **6.166 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.



Kate A. Wagner, R. P. L. S. No. 6578 Date:

I, Authorized Representative for Young Enterprises, L.P., sole owner of Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Authorized Representative for Young Enterprises

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for Young Enterprises, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that ~~he/she~~ executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2020.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

This, the Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2020, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2020, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Final Plat of Cottages at Magnolia Village to the City of Sherman, Texas

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: kate@helveywagnersurveying.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



STAFF REVIEW LETTER

May 7, 2021

Young Enterprises, L.P.
5415 N. Highway 1417
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of Cottages at Magnolia Village has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. The following General Note must be added: "11. Lot 13, Block 1 and Lot 27, Block 1 are owned and maintained by the Homeowner's Association and cannot be used for residential land use purposes."
3. General Note No. 10 needs Block number added to note for clarity.
4. Note on Lot 13, Block 1 shall read "(See Notes # 10 & 11)"
5. Note on Lot 27, Block 1 shall read "(Owned and maintained by HOA-see note # 11)"
6. 10' Utility Easement on Lot 1, Block 1 shall be established from L1.
7. 10' Utility Easement on Lot 30, Block 1 shall be established from L12.
8. Deltas in curve tables do not match metes and bounds. All Deltas less than 100° must be two (2) digits. Correct appropriately.
9. Metes and bounds do not match drawing.
10. Dates on approvals and signatures need to be updated to current signing year.
11. Show zip code on Owner/Developer block.
12. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
13. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.

14. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 14.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

500 BLOCK EAST NORTHCREEK DRIVE

The request of Young Enterprises, LP (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 500 block of East Northcreek Drive, being 6.166 acres in the James H. Clark Survey, Abstract No. 273, as follows:

Board of Adjustments

- A. Exception under Ordinance No. 2280, Section 8, Subsection (9) to allow the following lot widths and area in lieu of the required 40' lot width and 4,000 square foot lot area for patio homes in the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District.

Lot 3, Block 2 – 3,996 square foot lot area

Lot 18, Block 1 – 33.66' lot width

Lot 19, Block 1 – 33.66' lot width

Lot 26, Block 1 – 30.19' lot width

- B. Variance under Ordinance No. 2280, Section 8, Subsection (9) to allow the following lots with front yard setbacks in lieu of the maximum 25' front yard setback for patio homes in the proposed Cottages at Magnolia Village in an R-1 (One-Family Residential) District.

Lot 1, Block 1 – 29' front setback

Lot 26, Block 1 – 30' front setback

Lot 29, Block 1 – 26' front setback

Lot 30, Block 1 – 31' front setback

Planning and Zoning Commission

- C. Final Plat approval of Cottages at Magnolia Village
- D. Repeal (Ord. 6323) and granting a new Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes on Lots 1-12, 14-26 and 28-30, Block 1 and Lots 1-10, Block 2 of the proposed Cottages at Magnolia Village for a total of 38 patio homes in an R-1 (One-Family Residential) District.

Background:

The property is located in the 500 block of East Northcreek Drive between Hilre Drive and Town Center Street. The property was rezoned from a C-1 (Retail Business) District to an R-1 (One-Family Residential) District and a Specific Use Permit to allow 39 patio homes was approved September 8, 2020 (Ord. 6323).

The owner would like to plat the property into forty lots for residential development, one lot being for detention and another for access area to be owned and maintained by the Homeowner's Association. They are requesting to amend a previously approved Specific Use Permit to allow 39 patio homes reducing it to 38. Exceptions are requested on four lots for lot width and area and variances to allow larger front setbacks than allowed in the patio home ordinance.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Young Enterprises, LP (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

32

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Cottages at Magnolia Village

Lots for Exception Lot Width & Area

Ordinance 6323

Patio Home Lots

Site Plan Setbacks

Staff Review Letter - Plat

Staff Review Letter - SUP



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 7.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Cunningham Place Addition, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2; Earnhartbuilt, LLC, Owner; Moran Development, Developer, and Helvey-Wagner Surveying, Inc., Surveyor (515 & 519 South First Street)

Issue:

To consider Replat Approval of Cunningham Place Addition, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2; Earnhartbuilt, LLC, Owner; Moran Development, Developer, and Helvey-Wagner Surveying, Inc., Surveyor (515 & 519 South First Street)

Background:

The property is located at 515 and 519 South First Street between King and Cherry Streets. The property is zoned a C-2 (General Commercial) District and an R-1 (One Family Residential) District. The owner would like to Replat the property into one lot for Multi-Family Residential development.

Origination:

Earnhartbuilt LLC (Owner)

Moran Development (Developer)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Cunningham Place Addition

Staff Review Letter

P&Z Communication



City of Sherman, Texas
Developmental Services Department

515 & 519 South First Street



1 in = 200 ft



Zoning - 515 & 519 South First Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

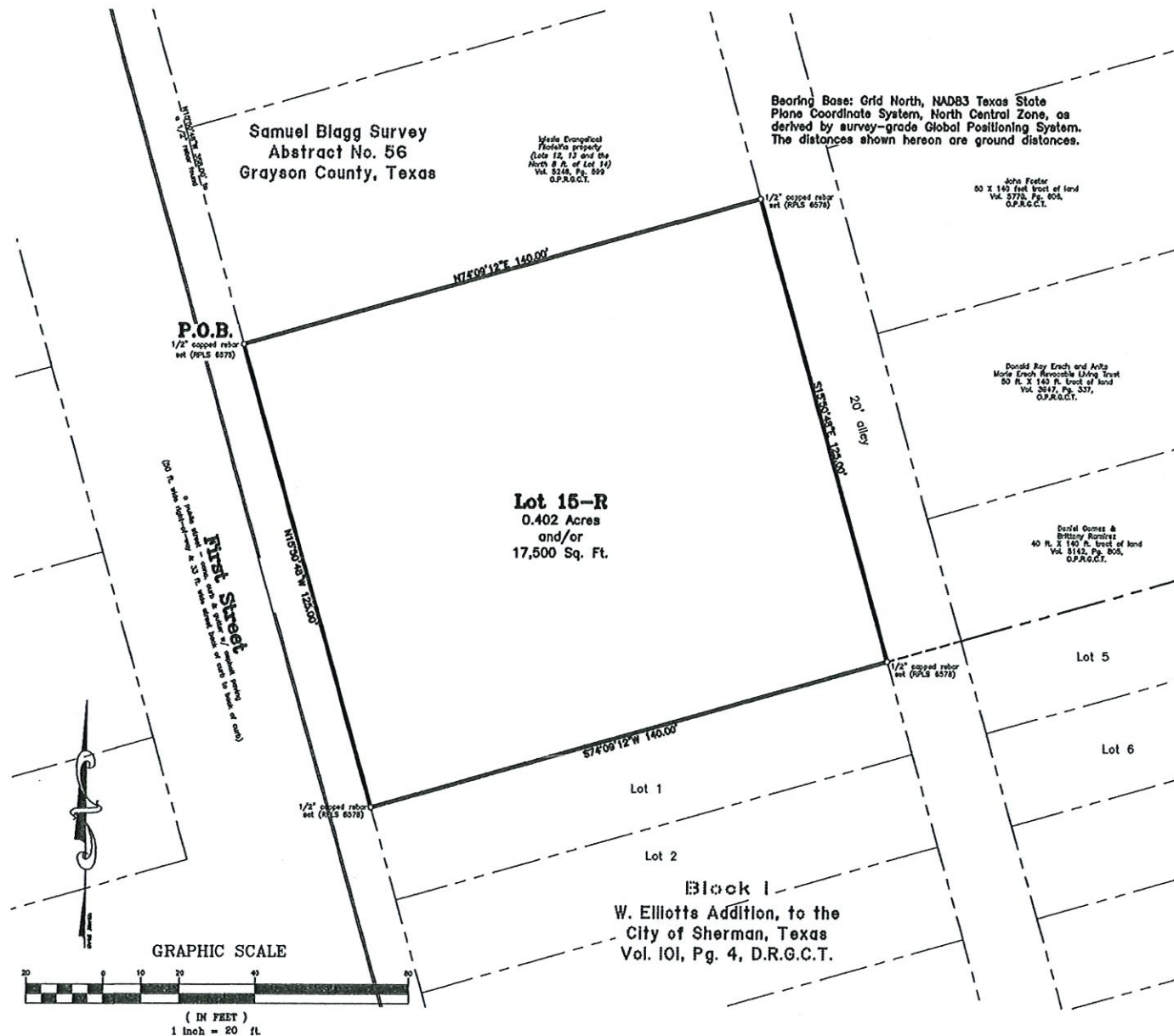


NOT TO SCALE

1 in = 100 ft

515 & 519 South First Street

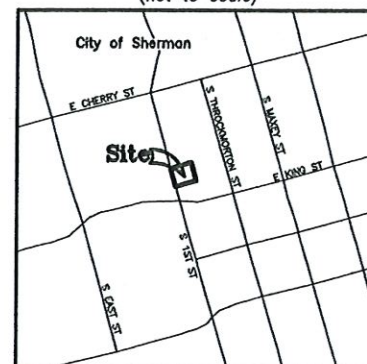




Cunningham Place Addition to the **City of Sherman, Texas** **0.402 Acres**

in the
Samuel Blagg Survey
Abstract No. 56

Vicinity Map (not to scale)



General Notes:

1. Water Supply to be provided by the City of Sherman, Texas.
2. Sewer service to be provided by the City of Sherman, Texas.
3. Electrical service is provided by Oncor Electric Delivery Company.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 28, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS770421

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10068100

Owner:
EarnhartBull, LLC
110 S. Houston Avenue
Denison, TX 75020

FIELD NOTES

SITUATION In the City of Sherman, County of Grayson, State of Texas, and being a part of the Samuel Blagg Survey, Abstract No. 56 and being a part of Block 2 of G.Y. Gray's Supplement Addition to the City of Sherman, Texas, as per plat of record in Volume 309, Pg. 493, Dead Records, Grayson County, Texas and being all of Lots 14, 15, and the North 5.333 ft. of Lot 16, said Block 2, Except the North 8 ft. of Lot 14, conveyed by Sheriff's Tax Deed, to EarnhartBull, LLC, on April 22, 2019, recorded in Instrument No. 2019-12825, Official Public Records, Grayson County, Texas, and all of the South 27.566 ft. of Lot 16, said Block 2 conveyed by Sheriff's Tax Deed, to EarnhartBull, LLC, on April 22, 2019, recorded in Instrument No. 2019-12824, said Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set stamped (RPLS 6578) in the East right-of-way line of First Street, at the Southwest corner of the Iglesia Evangelical Filadelfia property described as Lots 12, 13, and the North 8 ft. of Lot 14, said Block 2, recorded in Volume 5246, Page 599, said Official Public Records and the Northwest corner of both EarnhartBull property in Inst. No. 2019-12825 and the herein described tract, **SAYD** rebar being South 15 deg. 50 min. 48 sec. East, 358.00 ft. from a 1/2 inch rebar found at the Northwest corner of said Block 2, G.Y. Gray's Supplement;

THENCE North 74 deg. 09 min. 12 sec. East, over and across said Lot 14, with the North line of said EarnhartBull tract in Inst. No. 2019-12825 and the South line of said Iglesia Evangelical Filadelfia property, a distance of 140.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the West line of an alley, at the Southeast corner of said Iglesia Evangelical Filadelfia property and the Northeast corner of both said EarnhartBull tract in Inst. No. 2019-12825 and the herein described tract;

THENCE South 15 deg. 50 min. 48 sec. East, with the East line of said Lots 14, 15 and 16 and the West line of said alley, a distance of 125.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) at the apparent Southeast corner of both said EarnhartBull tract in Inst. No. 2019-12824 and the herein described tract;

THENCE South 74 deg. 09 min. 12 sec. West, with the apparent South line of said Lot 16, a distance of 140.00 ft. to a 1/2 inch capped rebar set stamped (RPLS 6578) in the East right-of-way line of said First Street, at the apparent Southwest corner of both said Lot 16 and the herein described tract;

THENCE North 15 deg. 50 min. 48 sec. West, with the East right-of-way line of said First Street, the West line of said Lots 16, 15 and 14, a distance of 125.00 ft. to the **PLACE OF BEGINNING** and containing **0.402 ACRES** and/or **17,500 SQUARE FEET** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Authorized Representative for EarnhartBull, LLC, sole owner of Cunningham Place Addition, to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

Authorized Representative for EarnhartBull, LLC

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Authorized Representative for EarnhartBull, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that ~~he/she~~ executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Cunningham Place Addition, to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Cunningham Place Addition, to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Cunningham Place Addition, to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2021, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Cunningham Place Addition
to the
City of Sherman, Texas
0.402 Acres
in the
Samuel Blagg Survey
Abstract No. 56

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (803) 463-6191
Email: kate@helveywagnersurveying.net
TBPELS Firm Registration No. 10068100



STAFF REVIEW LETTER

May 7, 2021

EarnhartBuilt, LLC
110 S. Houston Avenue
Denison, TX 75020

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of Cunningham Place Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Water main must be extended in accordance with City criteria along First Street to serve proposed Lot 15-R. *Chapter 13, Sec. 13.07.282*
3. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review.
4. Dedicate a 10' Utility Easement along First Street.
5. The City of Sherman does not maintain alleys.
6. Owner block to be shown on both Pages 1 and 2.
7. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 17.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 515 & 519 SOUTH FIRST STREET**

The request of Earnhartbuilt, LLC (Owner), Moran Development (Developer) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 515 and 519 South First Street, being 0.402 acres in the Samuel Blagg Survey, Abstract No. 56 and being part of Block 2 of G.Y. Gray's Supplement Addition and being all of Lots 14, 15 and the North 5.333 feet of Lot 16, Block 2 except the north 8 feet of Lot 14 and all of the south 27.666 feet of Lot 16, Block 2, as follows:

Planning and Zoning Commission

Replat approval of Cunningham Place Addition.

Background:

The property is located at 515 and 519 South First Street between King and Cherry Streets. The property is zoned a C-2 (General Commercial) District and an R-1 (One Family Residential) District. The owner would like to Replat the property into one lot for Multi-Family Residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Earnhartbuilt, LLC (Owner)

Moran Development (Developer)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

54

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Cunningham Place Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 8.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Meraz-Hill Addition, being 0.172 acres in the J.B. McAnair Survey, Abstract No. 763; Roberto Meraz, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (213 East Hill Street)

Issue:

To consider Final Plat Approval of Meraz-Hill Addition, being 0.172 acres in the J.B. McAnair Survey, Abstract No. 763; Roberto Meraz, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (213 East Hill Street)

Background:

The property is located at 213 East Hill Street between Walnut and Montgomery Streets. The property is zoned an R-1 (One-Family Residential) District. An exception to allow a 50' wide lot was approved at the May 18, 2021, Planning and Zoning Commission Meeting. The owner would like to plat the property into one lot for residential development.

Origination:

Roberto Meraz (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Meraz-Hill Addition
Staff Review Letter
P&Z Communication



213 E. Hill Street



213 East Hill Street

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 300 ft



Zoning - 213 East Hill Street

Legend

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Blalock Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

FM 1417
Sam Rayburn Freeway
US Hwy 82 and 75
SH 289
FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District
C-2 General Commercial District

CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing District
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District
PD Planned Development

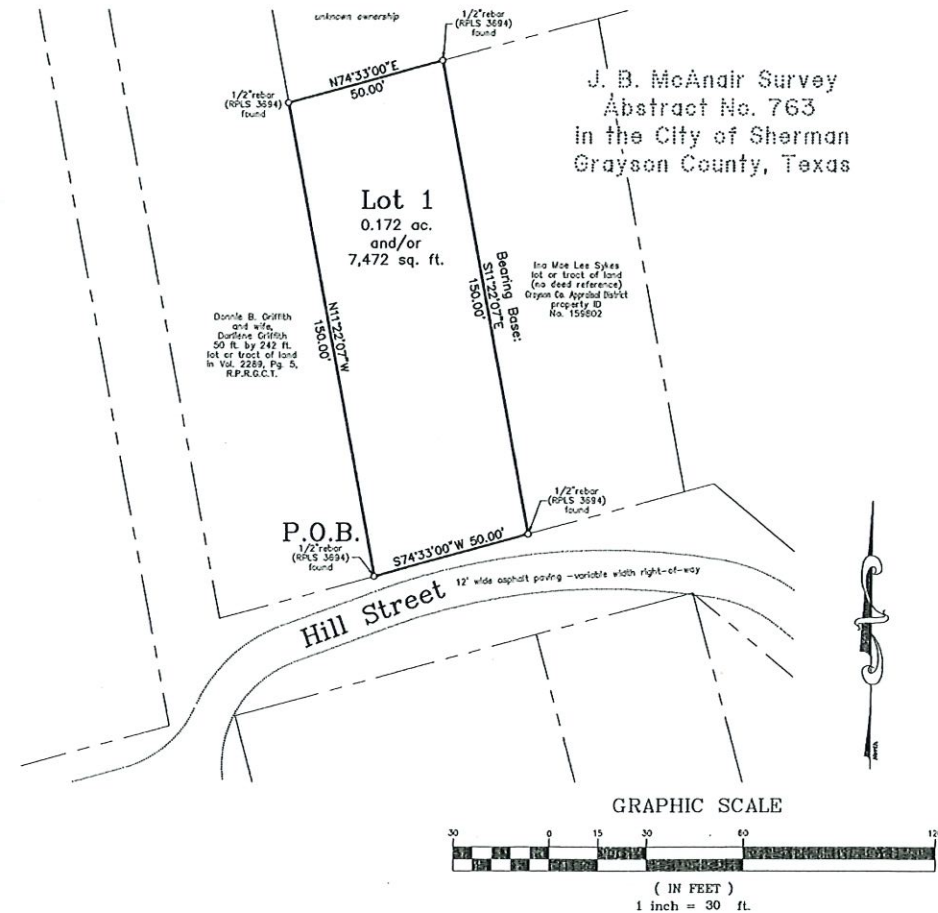


City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 98 ft



**Meraz-Hill Addition
to
City of Sherman, Texas
0.172 Acres
in the
J.B. McAnair Survey
Abstract No. 763**

Job No. CGS730421

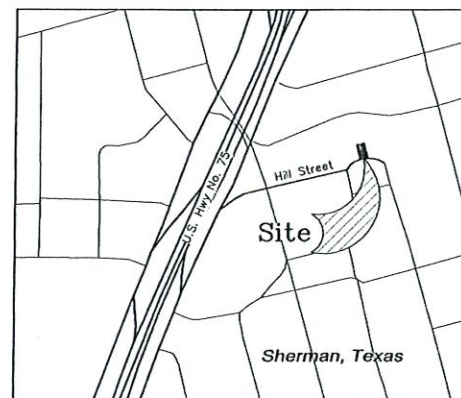
General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plot hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helvewagnersurvey.net

Owner:
Roberto Meraz
3294 Dripping Springs Road
Sherman, Texas 75090

Site Location
(not to scale)



Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helvewagnersurvey.net

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, being all of the 0.172 acre tract of land (Tract One) conveyed by Warranty Deed, FROM: R-Meraz Construction, LLC, TO: Roberto Meraz, on March 4, 2019, and recorded in Instrument No. 2019-5015, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar (RPLS 3694) found in the North line of Hill Street, on "East-West" city street, at the Southwest corner of said Meraz 0.172 ac. and the Southeast corner of the Donnie B. Griffith and wife, Darlene Griffith 50 ft. by 242 ft. lot or tract of land in Vol. 2289, Pg. 5, R.P.R.G.C.T.;

THENCE North 11 deg. 22 min. 07 sec. West, with the East line of said Griffith tract of land, a distance of 150.00 ft. to a 1/2 inch rebar (RPLS 3694) found in said Griffith East line, and in a South line of an apparent street right-of-way of the City of Sherman (Texas), at an apparent Southwest corner of said street right-of-way, "unimproved" along here, and at the Northwest corner of said Meraz 0.172 ac.;

THENCE North 74 deg. 33 min. 00 sec. East, with said South line of the apparent street right-of-way, a distance of 50.00 ft. to a 1/2 inch rebar (RPLS 3694) found in said street line, at the Northeast corner of said Meraz 0.172 ac., and at the Northwest corner of the Ina Mae Lee Sykes lot or tract of land (no deed reference);

THENCE South 11 deg. 22 min. 07 sec. East, with the West line of said Sykes tract of land, a distance of 150.00 ft. to a 1/2 inch rebar (RPLS 3694) found in the North line of Hill Street, at the Southeast corner of said Meraz 0.172 ac., and at the Southwest corner of said Sykes tract of land;

THENCE South 74 deg. 33 min. 00 sec. West, with the North line of Hill Street, a distance of 50.00 ft. to the PLACE OF BEGINNING and a containing 0.172 ACRES of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kate A. Wagner, R. P. L. S. No. 6578

Date:



I, Roberto Meraz, owner of Meraz-Hill Addition to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

Roberto Meraz

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Roberto Meraz, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Meraz-Hill Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Meraz-Hill Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Meraz-Hill Addition to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS _____ DAY OF _____, 2021, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

**Meraz-Hill Addition
to
City of Sherman, Texas
0.172 Acres
in the
J.B. McAnair Survey
Abstract No. 763**



STAFF REVIEW LETTER

May 7, 2021

Roberto Meraz
3294 Dripping Springs Rd.
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Final Plat of Meraz-Hill Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Dedicate 20' right of way along Hill Street.
3. Dedicate 10' Utility Easement along Hill Street.
4. Ownership block to be shown on both Pages 1 and 2.
5. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
6. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
7. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 19.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

213 EAST HILL STREET

The request of Roberto Meraz (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 213 East Hill Street, being 0.172 acres in the J.B. McAnair Survey, Abstract No. 763, as follows;

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.2, Subsection (1) to allow a 50' lot width in lieu of the required 60' lot width in the proposed Lot 1, Meraz-Hill Addition, in an R-1 (One-Family Residential) District.

Planning and Zoning Commission

Final Plat approval of Meraz-Hill Addition

Background:

The property is located at 213 East Hill Street between Walnut and Montgomery Streets. The property was zoned an R-1 (One-Family Residential) District at the April 5, 2021, City Council Meeting by Ordinance 6373. The owner would like to plat the property into one, 50' wide lot for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Two-Family Residential) District

C-2 (General Commercial) District

C-1 (Retail Business) District

Origination:

Roberto Meraz (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

13

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey
Meraz-Hill Addition
Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 9.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14, being 0.326 acres in the Samuel Blagg Survey, Abstract No. 56 and being a part of Lot 14, M.B. Moore's Addition; Jaime Antonio Sanchez, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1438 South Walnut Street)

Issue:

To consider Replat Approval of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14, being 0.326 acres in the Samuel Blagg Survey, Abstract No. 56 and being a part of Lot 14, M.B. Moore's Addition; Jaime Antonio Sanchez, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1438 South Walnut Street)

Background:

The property is located at 1438 South Walnut Street; the northwest corner of Walnut and Olive Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into two lots for residential development.

Origination:

Jaime Antonio Sanchez (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat pt. Lot 14, M.B. Moore's Addition & Adjoining Tract of Land

Staff Review Letter

P&Z Communication



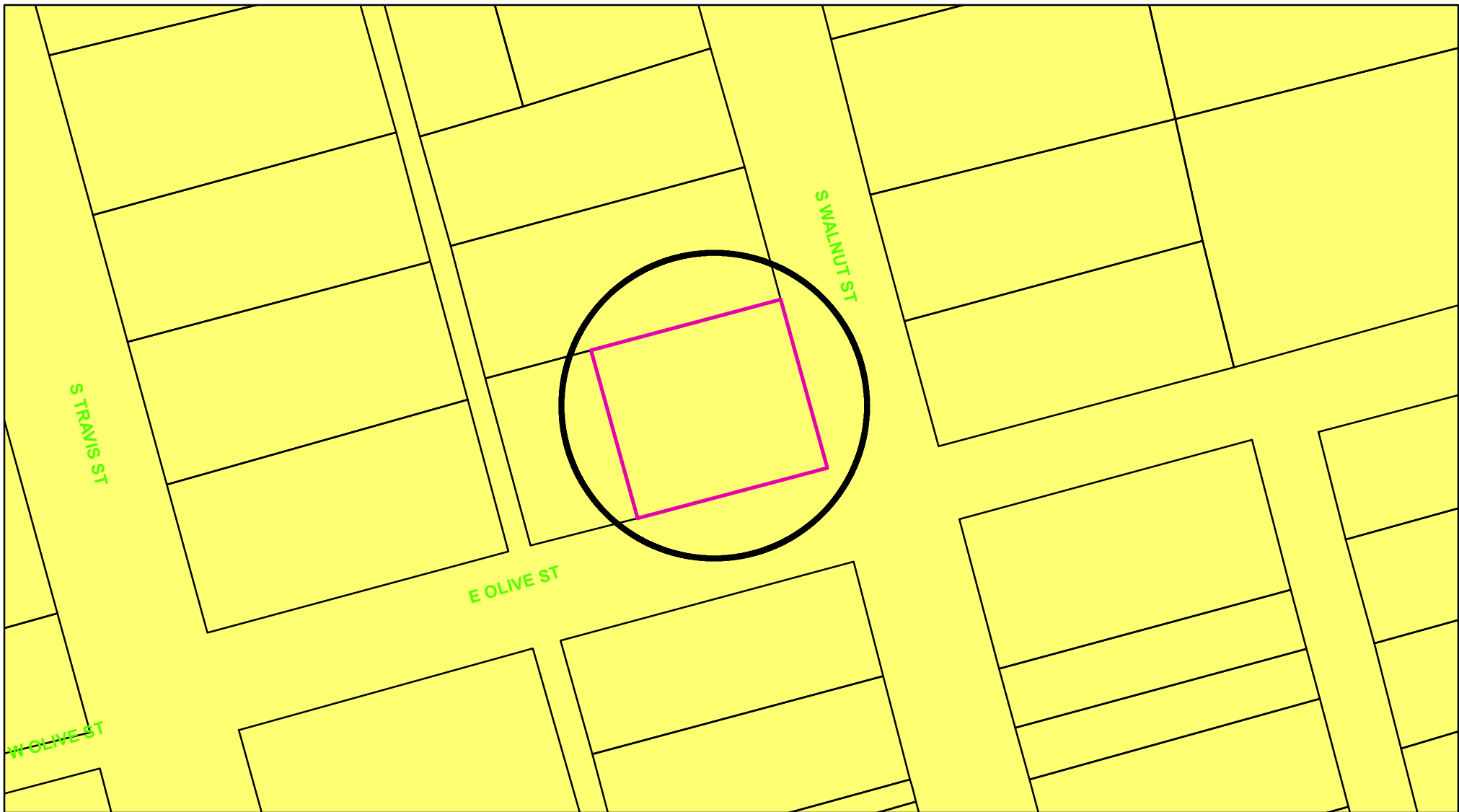
City of Sherman, Texas
Developmental Services Department

1438 South Walnut Street



NOT TO SCALE

1 in = 100 ft



Zoning - 1438 South Walnut Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

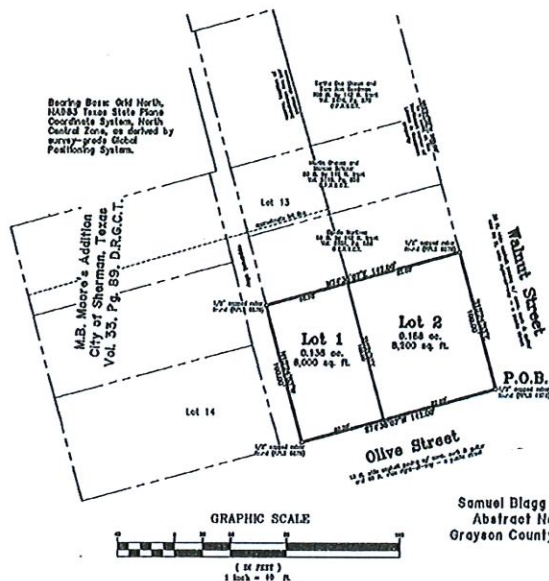


NOT TO SCALE

1 in = 65 ft

1438 South Walnut Street





Samuel Blagg Survey
Abstract No. 56
Grayson County, Texas

Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to City of Sherman, Texas 0.326 Acres in the Samuel Blagg Survey Abstract No. 56

General Notes:

1. Water supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Utility service to be provided by Texas Electric Railway Co.
4. Blocking the flow of water or construction of improvements to drainage easements, and any obstruction of the roadway is prohibited.
5. Any utility easels or drainage easements crossing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage easement along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage easels or for the control of water.
7. The property shown on the plat herein lies within a Zone 1/4 (area determined to be outside 100-year floodplain) designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 441000006, Revised Date: September 28, 2018.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owner and holder must comply with all other state and federal regulations regarding developments of this type.

Job No. C05700421

Helvey-Wagner Surveying, Inc.
212 W. 10th St., Sherman, Texas 75090
Phone: (803) 463-4191
Email: helvey@helveywagner.com
TAPES From Registration No. 10058100

Owner:
Julie Antonio Sanchez
305 E. Arkansas Street
Sherman, Texas 75091

Site Location
(not to scale)



FIELD NOTES

SITUATION in the City of Sherman, County of Grayson, State of Texas, being out of the Samuel Blagg Survey, Abstract No. 56, being a part of Lot 14, M.B. Moore's Addition to the City of Sherman, Texas, recorded in Volume 33, Page 89, Deed Records, Grayson County, Texas, and out of the 142.00 ft. by 100.00 ft. tract of land conveyed by Warranty Deed with Vendor's Lien from Michael L. Atty to Julie Antonio Sanchez on April 4, 2018 and recorded in Instrument No. 2018-7331, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEING out of a 1/2 inch high coped rail, alonged "RPLS 6578" at the intersection of the North line of Olive Street, a public street, and the West line of Walnut Street, a public street, at the Southeast corner of said Sanchez tract.

THENCE South 74 deg. 35 min. 07 sec. West, with the North right-of-way line of said Olive Street and the South line of both said Sanchez tract and Lot 14, a distance of 142.00 ft. to a 1/2 inch high coped rail set, alonged "RPLS 6578" in the East line of an apparent alley of the Southeast corner of said Sanchez tract.

THENCE North 15 deg. 24 min. 53 sec. East, over and across said Lot 14, with the East line of said alley and the West line of said Sanchez tract, a distance of 100.00 ft. to a 1/2 inch high coped rail set, alonged "RPLS 6578" at the Southwest corner of the 50 ft. by 142 ft. tract of land conveyed to Julie Antonio Sanchez, recorded in Volume 6191, Page 659, said Official Public Records, and the Northwest corner of said Sanchez tract.

THENCE North 74 deg. 35 min. 07 sec. East, over and across said Lot 14, with the South line of said Sanchez tract and the North line of said Sanchez tract, passing the East line of said Lot 14 and contributing on for a total distance of 142.00 ft. to a 1/2 inch high coped rail set, alonged "RPLS 6578" in the West right-of-way line of said Walnut Street, at the Southwest corner of said Sanchez tract and the Northwest corner of said Sanchez tract.

THENCE South 15 deg. 24 min. 53 sec. East, with the West right-of-way line of said Walnut Street and the East line of said Sanchez tract, a distance of 100.00 ft. to the PLACE OF BEGINNING and containing 0.326 ACRES of land.

I, Kelle A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown herein under my personal and direct supervision, and that the corner monuments meet the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Kelle A. Wagner, R. P. L. S. No. 6578

Date:



I, Julie Antonio Sanchez, owner of Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to the City of Sherman, Texas, do hereby declare the streets and easements shown herein to the public use forever.

Julie Antonio Sanchez

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Julie Antonio Sanchez, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN ROAD HORIZON

This, the final plat of Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

This, the final plat of Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2021, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: MAYOR, CITY OF SHERMAN, TEXAS _____ DATE _____

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2021, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS _____ DAY OF _____, 2021, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

Replat of part of Lot 14, M.B. Moore's Addition & adjoining tract of land East of said Lot 14 to City of Sherman, Texas 0.326 Acres in the Samuel Blagg Survey Abstract No. 56

Helvey-Wagner Surveying, Inc.
212 W. 10th St., Sherman, Texas 75090
Phone: (803) 463-4191
Email: helvey@helveywagner.com
TAPES From Registration No. 10058100



STAFF REVIEW LETTER

May 7, 2021

Jaime Antonio Sanchez
305 E. Arkansas
Sherman, TX 75091

Helvey-Wagner Surveying, Inc.
222 W. Main Street
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Water main must be extended in accordance with City criteria within Olive Street to serve proposed Lot 1. *Chapter 13, Sec. 13.07.282*
3. Water service line serving proposed Lot 1 to be relocated to extended water line on Olive Street.
4. Drawing shows 4 found monuments, but metes and bounds shows all monuments as being set. Correct appropriately. If monuments have been set, show a minimum of 3 found monuments on drawing.
5. Dedicate 5' Right of Way along Olive Street. (NOTE: After ROW is dedicated, Lot 1 no longer meets standard and will need to request a variance.)
6. Dedicate 15'x15' Corner clip to corner of proposed Lot 2 at Olive and Walnut streets.
7. Dedicate 10' Utility Easement along Olive and Walnut Streets.
8. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc:	Robby Hefton, City Manager	Rob Rae, Director of Development Services
	Tom Pruitt, Utility Engineer	Billy Hartsfield, Fire Marshal
	Clint Philpott, Assistant City Manager	
	The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney	



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 20.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 1438 SOUTH WALNUT STREET**

The request of Jaime Antonio Sanchez (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1438 South Walnut Street, being 0.326 acres in the Samuel Blagg Survey, Abstract No. 56 and being a part of Lot 14, M.B. Moore's Addition, as follows:

Planning and Zoning Commission

Replat approval of part of Lot 14, M.B. Moore's Addition and adjoining tract of land East of said Lot 14.

Background:

The property is located at 1438 South Walnut Street; the northwest corner of Walnut and Olive Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to Replat the property into two lots for residential development.

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Jaime Antonio Sanchez (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

133

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat pt. Lot 14, M.B. Moore's Addition & Adjoining Tract of Land

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 10.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Bel-Air Village, Phase I, being 62.329 acres in the Sherrod Dunman Survey Abstract No. 329; Terra Perpetua, LLC, Owner; Kimley-Horn & Associates, Surveying/Civil Engineer; and American Communities, Developer (300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway))

Issue:

To consider Final Plat Approval of Bel-Air Village, Phase I, being 62.329 acres in the Sherrod Dunman Survey Abstract No. 329; Terra Perpetua, LLC, Owner; Kimley-Horn & Associates, Surveying/Civil Engineer; and American Communities, Developer (300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway))

Background:

The property is located in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway) between U.S. Highway 75 and State Highway 11 (Dewey Avenue). A portion of the property (245.83 acres) was approved for a Planned Development for Terra Perpetua Village by Ordinance 6232, August 5, 2019. The owner purchased an additional 32.545 acres east of the development and amended the planned development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village (Ord. 6319).

This request is for Final Plat approval for Phase I, containing 62.329 acres, 327 residential lots and 7 Home Owner's Association (HOA) lots for a mixed-use development.

Origination:

Terra Perpetua LLC (Owners)
Kimley-Horn & Associates (Surveyor/Civil Engineer)
American Communities (Developer)

Financial Consideration:

None

Staff Recommendation:

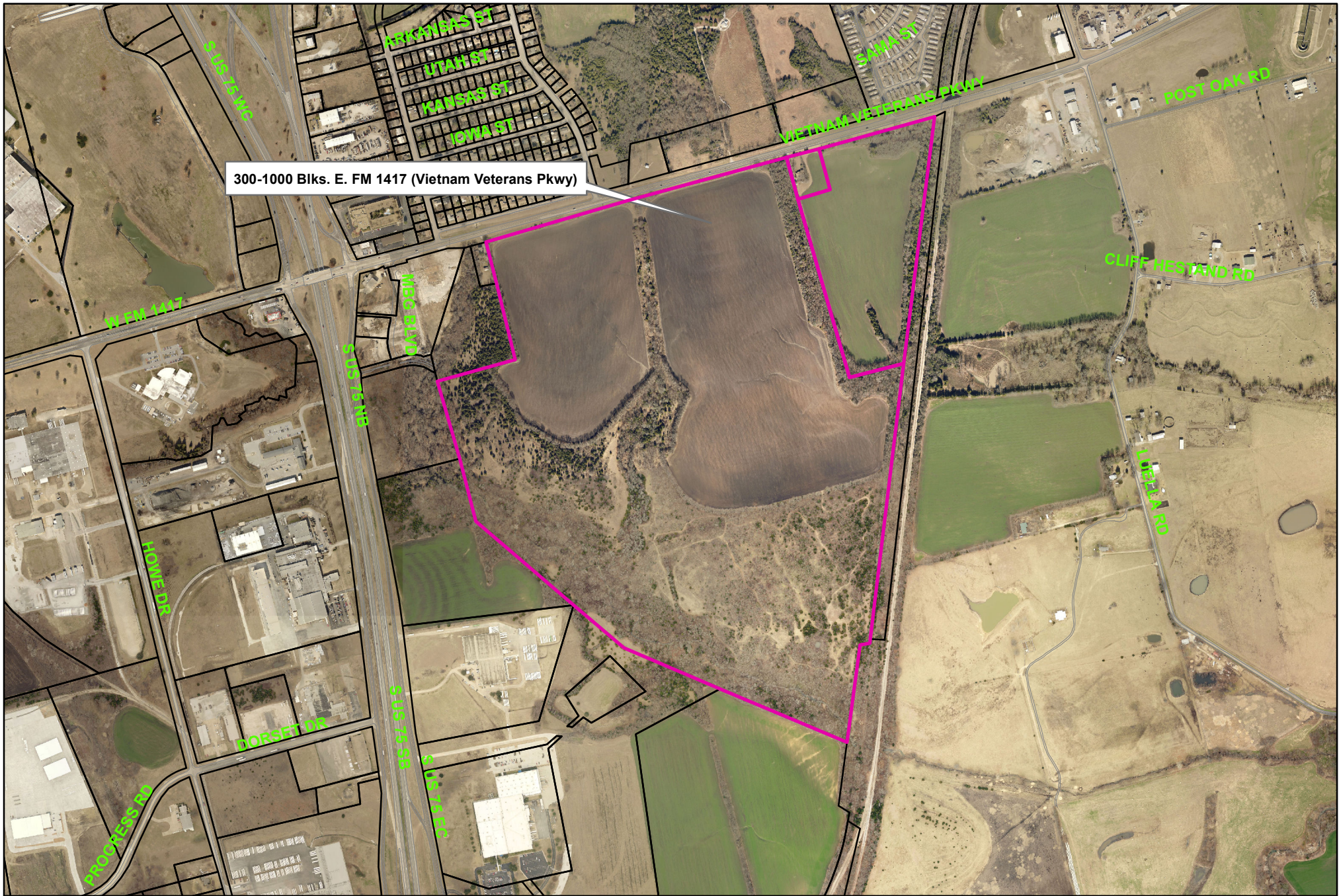
At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Bel Air Village Phase I
Staff Review Letter
P&Z Communication



City of Sherman, Texas
Developmental Services Department

300-1000 Blks. E. FM 1417 (Vietnam Veterans Pkwy)



NOT TO SCALE

1 in = 1,000 ft



Special Districts Overlay

DISTRICT_NAME

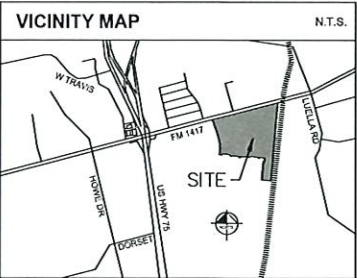
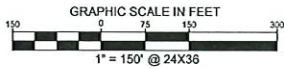
Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

 CO Office District
 Lakes
 M-1 Light Manufacturing District
 M-1.5 Medium Manufacturing District
 M-2 Heavy Manufacturing District
 RH Manufacturing Housing District
 R-1 One Family Residential District
 R-2 Multi-Family Residential District
 R-A Single Family Agricultural District
 SF-1 Single Family Residential District
 PD Planned Development

 $1 \text{ in} = 600 \text{ ft}$



LEGEND	
---	BOUNDARY LINE
---	EASEMENT LINE
IRP	IRON ROD FOUND
IRPC	IRON ROD FOUND WITH CAP
IRSC	IRON ROD SET WITH CAP
INST. NO.	INSTRUMENT NUMBER
N.S.	NOT TO SCALE
P.D.	FOUND
PRGCT	PLAT RECORDS OF GRAYSON COUNTY, TEXAS
OPRGCT	OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS
X3	3\"/>
X2	2\"/>
P.D.B.	POINT OF BEGINNING
D.E.	DRAINAGE EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
S.W.E.	SIDE WALK EASEMENT
U.E.	UTILITY EASEMENT
F.A.U.E.	FIRE LANE, ACCESS, AND UTILITY EASEMENT
W.E.	WATER EASEMENT
A.E.	ACCESS EASEMENT

NOTES:

All corners are a 5/8-inch iron rod with plastic cap stamped "KHA" set, unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. Distances shown are Surface values. To obtain Grid values, multiply the distance by the Project Combined Scale Factor (PCF) of 0.9998871212.

FLOOD STATEMENT: According to Federal Emergency Management Agency's Flood Insurance Rate Map No. 48181C0405F, for Grayson County, Texas and incorporated areas, dated September 29, 2010, this property is located within:

Zone X (unshaded) defined as "Areas determined to be outside the 0.2% annual chance flood/ain"

If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the 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.

Preliminary Plat, for Inspection Purposes Only. In No Way Official or Approved for Record Purposes.

Chairman, City of Sherman
Planning and Zoning Commission

Date

**FINAL PLAT
BEL-AIR VILLAGE
PHASE 1**

BLOCK A, LOTS 1-29, LOT 30-HOA, & LOTS 31-59;
BLOCK B, LOTS 1-26; BLOCK C, LOTS 1-25, LOT 26-HOA, &
LOTS 27-37; BLOCK D, LOT 1-HOA; BLOCK E, LOTS 1-47;
BLOCK F, LOT 1-HOA, LOT 2-HOA, LOTS 3-11, LOT 12-HOA,
LOTS 13-18, LOT 19-HOA, & LOTS 20-48;
BLOCK G, LOTS 1-38; BLOCK H, LOTS 1-42;
BLOCK I, LOTS 1-36; BLOCK J, LOT 1-HOA

327 RESIDENTIAL LOTS
7 HOA LOTS

62.329 ACRES SITUATED IN THE
SHARROD DUNMAN SURVEY, ABSTRACT NO. 329,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

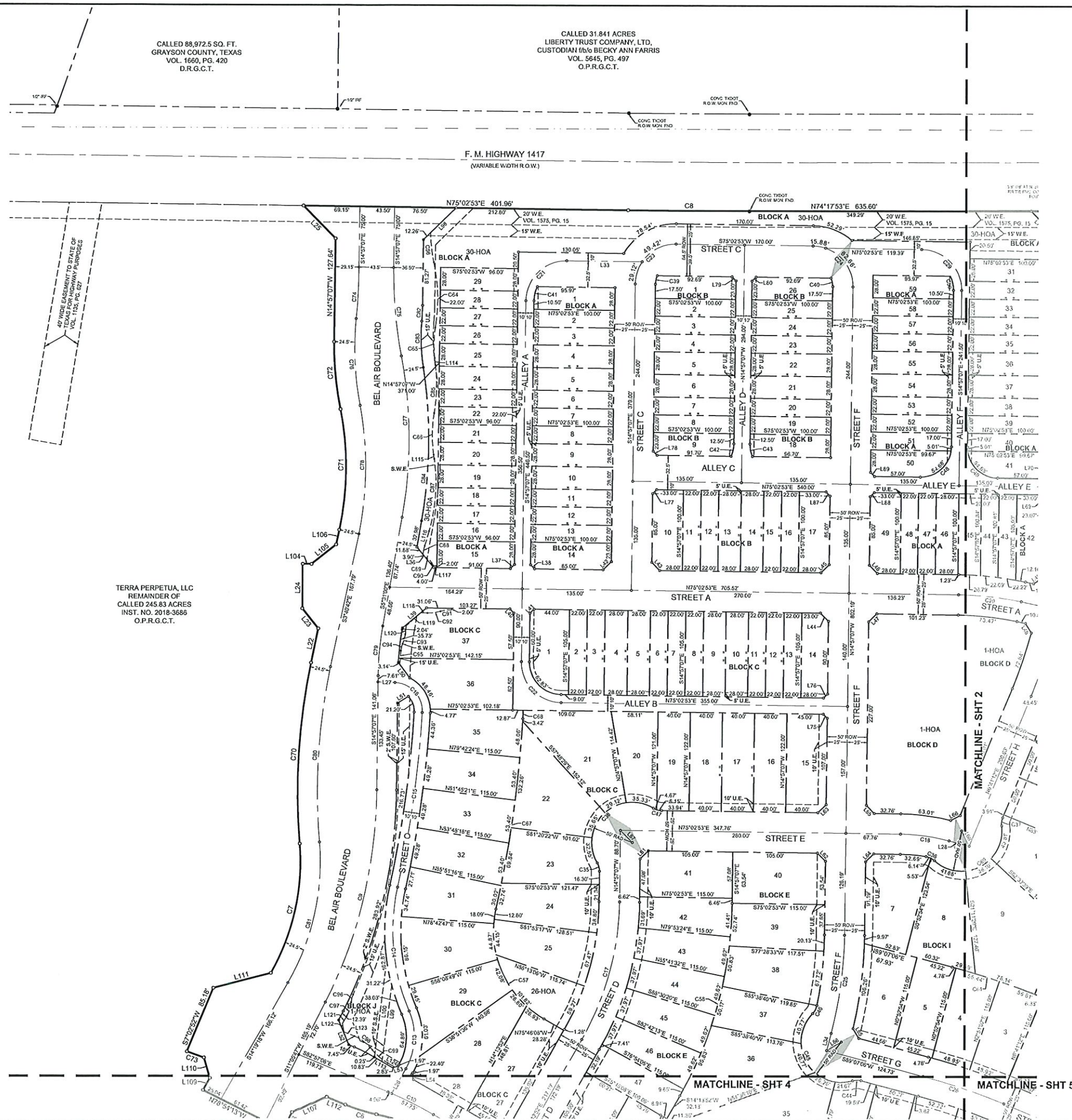
Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 150'	MLB	KHA	Apr. 2021	064462003	1 OF 6

OWNER / APPLICANT:
Terra Perpetua, LLC
2600 N. Dallas Proxy., Suite 324
Plano, Texas 75093
Contact: Ronny Gutierrez

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
263 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3550
Contact: Michael Carlisle, PE



CALLED 88,972.5 SQ. FT.
GRAYSON COUNTY, TEXAS
VOL. 1660, PG. 420
D.R.G.C.T.

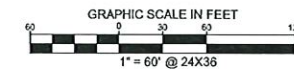
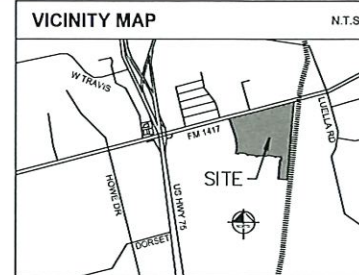
CALLED 31.841 ACRES
LIBERTY TRUST COMPANY LTD,
CUSTODIAN 1/10 BECKY ANN FARRIS
VOL. 5645, PG. 497
O.P.R.G.C.T.

F. M. HIGHWAY 1417
(VARIABLE WIDTH R.O.W.)

TERRA PERPETUA, LLC
REMAINDER OF
CALLED 245.83 ACRES
INST. NO. 2018-3686
O.P.R.G.C.T.

LEGEND	
---	BOUNDARY LINE
---	EASEMENT LINE
---	IRON ROD FOUND
---	IRON ROD FOUND WITH CAP
---	IRON ROD SET WITH CAP
---	POST AND RAIL
---	NOT TO SCALE
---	FOUND
---	PLAT RECORDS OF GRAYSON COUNTY, TEXAS
---	OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS
---	"X" CUT IN CONCRETE SET
---	"X" CUT IN CONCRETE FOUND
---	POINT OF BEGINNING
---	DRAINAGE EASEMENT
---	SANITARY SEWER EASEMENT
---	SEE WALK EASEMENT
---	UTILITY EASEMENT
---	FIRE LANE ACCESS AND UTILITY EASEMENT
---	WATER EASEMENT
---	ACCESS EASEMENT

SEE SHEET No. 4 FOR
LINE & CURVE TABLES



FINAL PLAT BEL-AIR VILLAGE PHASE 1

BLOCK A, LOTS 1-29, LOT 30-HOA, & LOTS 31-59;
BLOCK B, LOTS 1-26; BLOCK C, LOTS 1-25, LOT 26-HOA, &
LOTS 27-37; BLOCK D, LOT 1-HOA; BLOCK E, LOTS 1-47;
BLOCK F, LOT 1-HOA, LOT 2-HOA, LOTS 3-11, LOT 12-HOA,
LOTS 13-18, LOT 19-HOA, & LOTS 20-48;
BLOCK G, LOTS 1-38; BLOCK H, LOTS 1-42;
BLOCK I, LOTS 1-36; BLOCK J, LOT 1-HOA

327 RESIDENTIAL LOTS
7 HOA LOTS

62.329 ACRES SITUATED IN THE
SHARROD DUNMAN SURVEY, ABSTRACT NO. 329,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

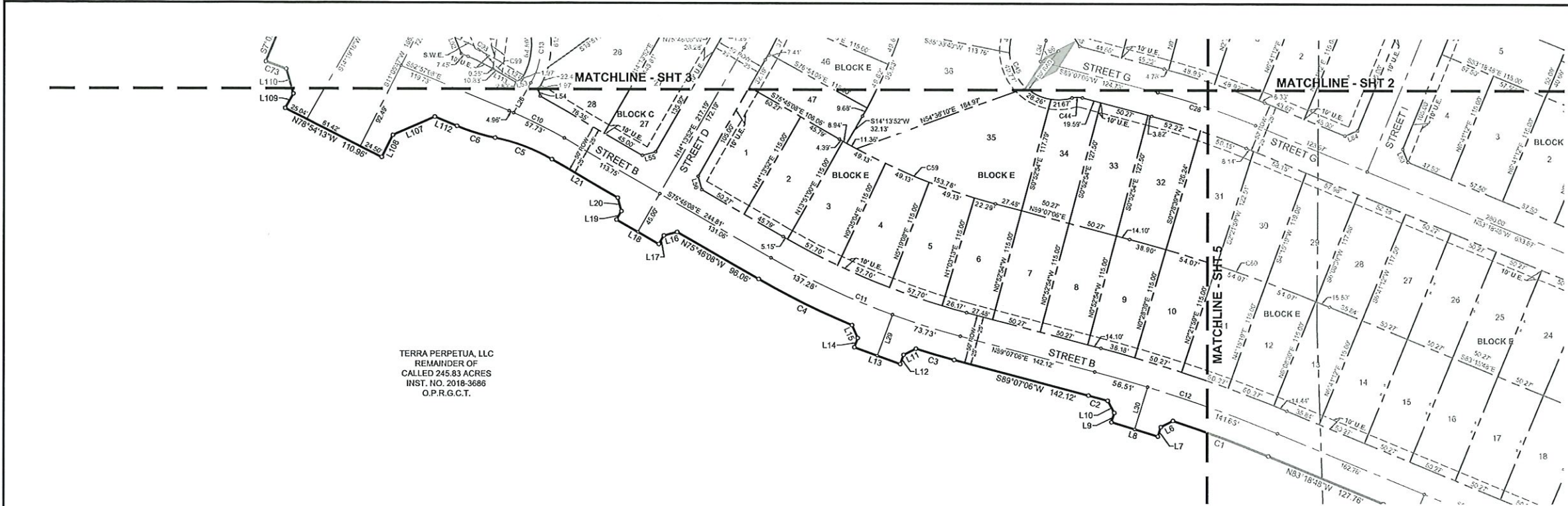
Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034
FIRM # 10193822
Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MLB	KHA	Apr. 2021	064462003	3 OF 6

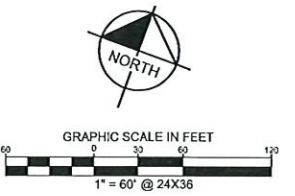
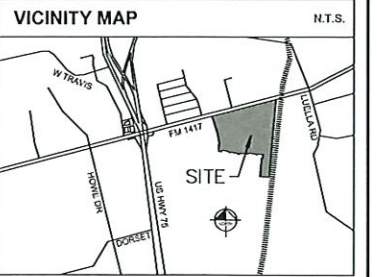
OWNER / APPLICANT:
Terra Perpetua, LLC
2000 N. Dallas Pkwy., Suite 324
Plano, Texas 75033
Contact: Ronny Gutierrez

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carls, PE



TERRA PERPETUA, LLC
REMAINDER OF
CALLED 245.83 ACRES
INST. NO. 2018-3686
O.P.R.G.C.T.

LEGEND	
---	BOUNDARY LINE
---	EASEMENT LINE
---	IRON ROD FOUND
---	IRON ROD FOUND WITH CAP
---	IRON ROD SET WITH CAP
---	POST-MOUNT NUMBER
---	NOT TO SCALE
---	FOUND
---	PLAT RECORDS OF GRAYSON COUNTY, TEXAS
---	OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS
---	"X" CUT IN CONCRETE SET
---	"X" CUT IN CONCRETE FOUND
---	POINT OF BEGINNING
---	DRAINAGE EASEMENT
---	SEWER EASEMENT
---	WALKWAY EASEMENT
---	UTILITY EASEMENT
---	FEET LINE, ACCESS, AND UTILITY EASEMENT
---	WATER EASEMENT
---	ACCESS EASEMENT

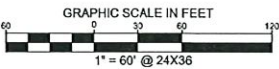
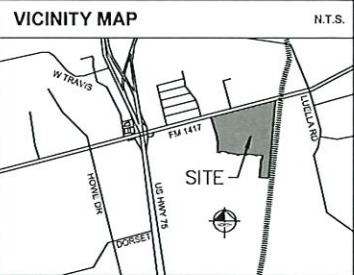
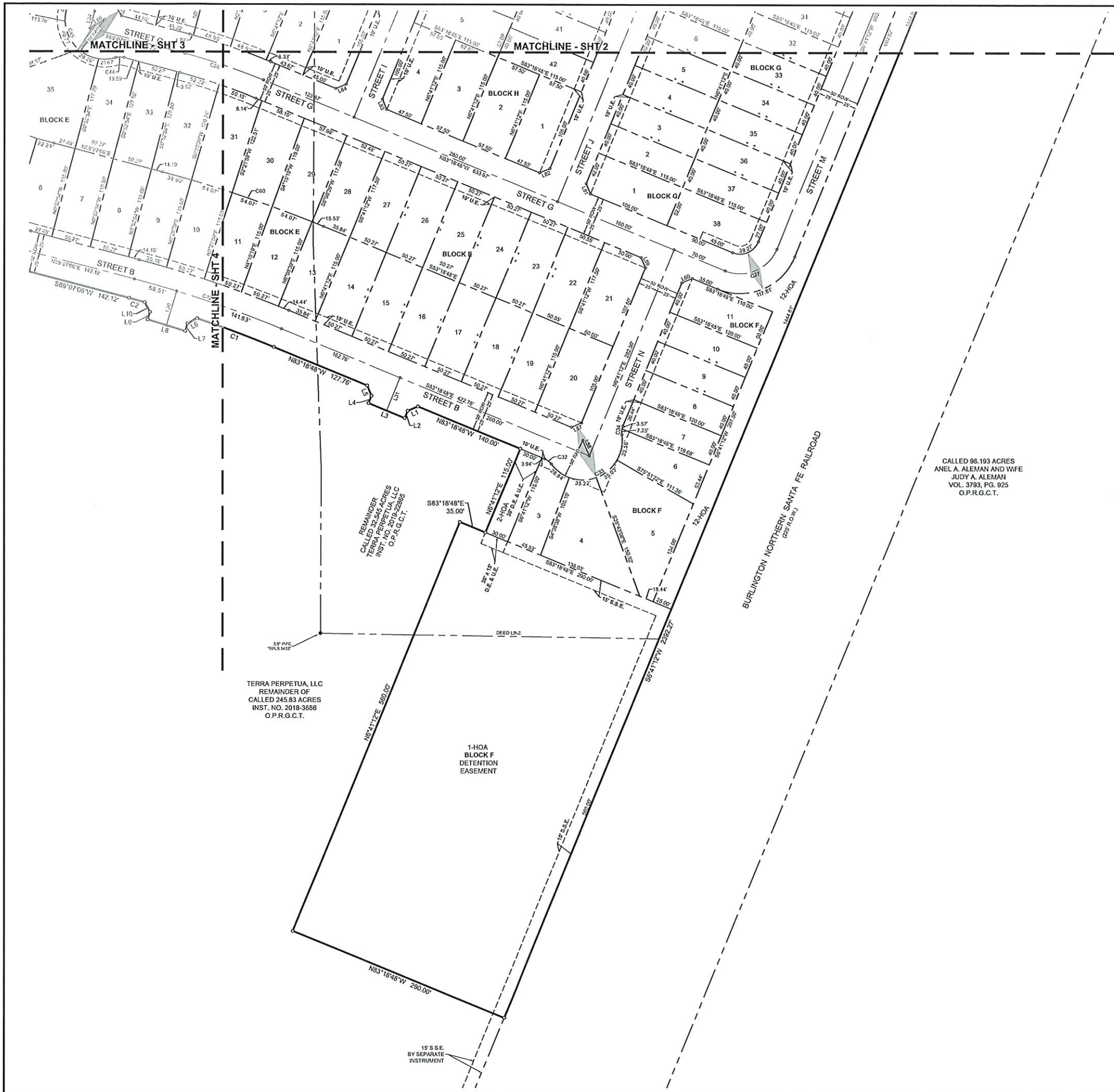


LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE					
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH						
L1	S51°41'12"W	14.14'	L11	S48°21'25"W	14.40'	L21	N75°46'08"W	78.75'	L31	S06°41'12"W	45.00'	L41	S30°02'53"W	7.07'	L51	S42°51'03"W	15.56'	L61	S30°02'53"W	14.14'	L71	S30°02'53"W	14.14'	L81	S33°18'45"E	14.14'	L91	S30°02'53"W	14.14'	L101	N33°18'45"W	48.83'	L111	S59°43'56"E	73.56'	L121	S14°19'16"W	10.71'
L2	S06°41'12"W	10.00'	L12	S04°23'56"W	10.00'	L22	N03°40'42"W	43.16'	L32	N56°16'23"E	45.85'	L42	N30°02'53"E	14.14'	L52	S37°37'16"E	32.95'	L62	N59°57'07"W	14.14'	L72	S59°57'07"E	14.14'	L82	N51°41'12"E	14.14'	L92	N59°57'07"W	14.14'	L102	S06°41'12"W	15.00'	L112	N32°57'03"W	24.65'	L122	S26°39'43"E	10.52'
L3	N83°18'45"W	50.00'	L13	N35°36'04"W	50.00'	L23	N34°18'54"W	31.71'	L33	N75°02'53"E	93.24'	L43	S59°57'07"E	14.14'	L53	N59°13'52"E	7.07'	L63	N30°02'53"E	14.14'	L73	N60°19'37"W	35.12'	L83	N33°18'45"E	14.14'	L93	S30°02'53"W	21.21'	L103	S83°18'45"E	63.89'	L113	N75°46'08"W	26.31'	L123	S83°18'45"E	13.82'
L4	N06°41'12"E	10.00'	L14	N34°23'56"W	10.00'	L24	N14°57'07"W	55.00'	L34	N00°52'54"W	22.06'	L44	N59°57'07"W	14.14'	L54	S30°45'08"E	7.07'	L64	S30°02'53"W	14.14'	L74	S29°40'23"W	35.59'	L84	N51°41'12"E	14.14'	L94	S59°14'18"E	13.95'	L104	S75°02'53"W	10.96'	L114	S22°10'4"E	8.34'	L124	S75°46'08"W	10.01'
L5	N38°18'45"W	14.14'	L15	N39°33'34"W	14.40'	L25	N59°57'07"W	56.57'	L35	S75°02'53"W	25.00'	L45	N30°02'53"E	14.14'	L55	N59°13'52"E	14.14'	L65	S59°57'07"E	14.14'	L75	N59°57'07"W	7.07'	L85	S45°34'28"E	13.97'	L95	S32°26'27"W	14.72'	L105	S35°41'06"W	38.66'	L115	S23°54'52"E	4.99'	L125	N30°02'53"E	103.70'
L6	S46°51'34"W	14.00'	L16	S59°13'52"W	14.14'	L26	S14°13'52"W	35.30'	L36	S55°10'51"E	32.75'	L46	S59°57'07"E	14.14'	L56	S30°45'08"E	14.14'	L66	N47°25'52"E	13.05'	L76	N30°02'53"E	7.07'	L86	N44°06'32"E	21.21'	L96	N30°04'13"E	14.14'	L106	S30°40'42"E	18.35'	L116	S06°43'13"W	18.77'	L126	N30°02'53"E	111.71'
L7	S01°16'37"W	10.00'	L17	S14°13'52"W	10.00'	L27	N76°21'26"E	21.04'	L37	N30°02'53"E	7.07'	L47	S30°02'53"W	14.14'	L57	N51°41'12"E	14.14'	L67	S59°57'07"E	21.21'	L77	S30°02'53"W	7.07'	L87	N59°57'07"W	7.07'	L97	N60°54'35"W	14.35'	L107	S50°33'06"W	46.74'	L117	N75°02'53"E	1.65'			
L8	N58°43'23"W	50.00'	L18	N75°46'08"W	50.00'	L28	N89°07'05"E	25.97'	L38	S59°57'07"E	7.07'	L48	N47°23'54"W	13.81'	L58	N35°18'45"W	21.21'	L68	N42°05'51"W	21.21'	L78	S59°57'07"E	7.07'	L88	S30°02'53"W	7.07'	L98	S30°02'53"W	56.57'	L108	S11°05'47"W	25.16'	L118	N75°02'53"E	8.22'			
L9	N01°16'37"E	10.00'	L19	N14°13'52"E	10.00'	L29	S04°23'56"W	44.62'	L39	S34°45'57"W	38.67'	L49	N39°36'41"E	13.73'	L59	N35°18'45"W	14.14'	L69	N59°57'07"W	7.07'	L79	N59°57'07"W	7.07'	L89	S59°57'07"E	7.07'	L99	S08°22'10"E	65.24'	L109	N14°19'16"E	17.11'	L119	N33°15'38"E	24.37'			
L10	N44°15'21"W	14.00'	L20	N30°45'08"W	14.14'	L30	N01°16'37"E	45.21'	L40	N59°57'07"W	7.07'	L50	S52°01'21"E	23.66'	L60	S51°41'12"W	14.14'	L70	N30°02'53"E	7.07'	L80	S30°02'53"W	7.07'	L90	N59°57'07"W	14.14'	L100	S08°22'10"E	120.63'	L110	N31°55'28"W	26.42'	L120	N09°24'49"W	10.47'			

CURVE TABLE						CURVE TABLE						CURVE TABLE						CURVE TABLE						CURVE TABLE						CURVE TABLE											
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD						
C1	4°03'00"	1475.00'	104.26'	N55°20'18"W	104.24'	C16	91°30'16"	35.00'	55.90'	N57°53'23"W	50.14'	C31	21°38'18"	600.00'	302.13'	N04°07'57"W	300.34'	C46	33°07'31"	20.00'	11.58'	N12°12'26"E	11.40'	C61	7°34'05"	940.00'	124.16'	N37°05'51"W	124.07'	C76	16°28'25"	375.00'	107.82'	S16°19'09"E	107.45'	C91	16°27'27"	48.00'	13.79'	S66°49'10"W	13.74'
C2	0°47'56"	1475.00'	20.57'	S59°31'04"W	20.57'	C17	29°10'58"	350.00'	178.27'	N00°21'35"W	178.35'	C32	31°00'10"	20.00'	10.82'	N87°48'43"W	10.69'	C47	31°00'10"	20.00'	10.82'	S59°27'02"E	10.69'	C62	21°38'18"	660.00'	249.26'	N04°07'57"W	247.78'	C77	20°52'52"	550.00'	200.44'	N15°57'26"W	199.34'	C92	16°27'27"	57.00'	16.37'	N86°49'10"E	16.32'
C3	2°50'58"	825.00'	41.03'	N89°27'25"W	41.02'	C18	14°04'13"	250.00'	61.39'	S82°05'00"W	61.24'	C33	152°00'20"	50.00'	132.65'	N51°41'12"E	97.03'	C48	60°00'00"	38.00'	59.69'	N30°02'53"E	53.74'	C63	21°38'18"	660.00'	324.78'	N04°07'57"W	322.88'	C78	22°52'30"	400.00'	159.71'	N15°07'02"W	158.68'	C93	17°22'26"	40.00'	12.13'	N00°43'36"W	12.08'
C4	7°24'04"	825.00'	106.57'	N79°28'11"W	106.50'	C19	21°38'18"	600.00'	226.60'	N04°07'57"W	225.25'	C34	31°00'10"	20.00'	10.82'	N08°48'53"W	10.69'	C49	90°00'00"	38.00'	59.69'	S59°57'07"E	53.74'	C64	21°14'39"	210.00'	77.66'	N17°31'01"W	77.42'	C79	9°26'04"	375.00'	61.75'	S10°14'03"E	61.68'	C94	17°44'24"	28.00'	8.67'	S00°54'35"E	8.63'
C5	16°29'55"	193.00'	62.31'	N85°01'05"W	62.04'	C20	11°13'29"	400.00'	78.36'	S80°39'38"W	78.24'	C35	31°00'10"	20.00'	10.82'	N30°27'12"W	10.69'	C50	25°56'40"	40.00'	18.11'	N27°55'27"W	17.96'	C65	15°27'14"	140.00'	37.76'	S14°37'27"E	37.65'	C80	16°33'00"	750.00'	217.73'	S11°59'42"E	216.98'	C95	2°50'00"	343.50'	17.23'	S11°11'47"E	17.23'
C6	11°18'55"	207.00'	40.83'	S83°36'35"E	40.81'	C21	90°00'00"	50.00'	78.54'	S30°02'53"W	70.71'	C36	33°25'44"	20.00'	11.67'	N79°54'48"W	11.50'	C51	152°00'20"	50.00'	132.65'	N59°57'07"W	97.03'	C66	17°35'16"	1140.00'	349.94'	N02°06'26"W	348.57'	C81	34°37'59"	300.02'	181.35'	N02°59'42"W	178.60'	C96	20°19'11"	28.00'	9.93'	S01°13'41"E	9.85'
C7	34°37'59"	275.52'	166.54'	N02°58'42"W	164.02'	C22	90°00'00"	50.00'	78.54'	S59°57'07"E	70.71'	C37	29°26'46"	20.00'	10.82'	S09°02'11"E	10.17'	C52	31°00'10"	20.00'	10.82'	N59°32'45"E	10.69'	C67	9°05'39"	1493.00'	233.28'	N07°33'56"W	238.02'	C82	4°16'15"	262.50'	19.57'	N12°48'59"W	19.56'	C97	25°42'34"	40.00'	17.95'	N01°28'00"E	17.80'
C8	0°45'00"	11519.16'	150.79'	N14°40'23"E	150.78'	C23	90°00'00"	50.00'	78.54'	S30°02'53"W	70.71'	C38	152°00'20"	50.00'	132.65'	N30°02'53"E	97.03'	C53	31°00'10"	20.00'	10.82'	S00°32'58"W	10.69'	C68	3°43'50"	160.00'	10.42'	N14°00'10"W	10.42'	C83	13°49'33"	237.50'	57.31'	S17°35'38"E	57.17'	C98	28°48'59"	57.00'	28.67'	N68°54'19"W	28.37'
C9	26°02'54"	600.00'	272.78'	N31°55'40"W	270.43'	C24	90°00'00"	50.00'	78.54'	N59°57'07"W	70.71'	C39	24°50'05"	25.00'	10.84'	S02°32'04"E	10.75'	C54	73°23'54"	20.00'	25.62'	S21°44'51"W	23.90'	C69	139°33'35"	50.00'	121.75'	N47°01'15"E	93.84'	C84	18°59'24"	574.50'	190.41'	N15°00'42"W	189.54'	C99	21°16'19"	68.00'	25.25'	S65°07'59"E	25.10'
C10	7°11'00"	500.00'	62.69'	N79°21'38"W	62.64'	C25	14°04'13"	500.00'	122.79'	N37°55'00"W	122.45'	C40	24°50'05"	25.00'	10.84'	N27°22'09"W	10.75'	C55	253°23'54"	50.00'	221.13'	N68°15'09"W	60.18'	C70	16°38'00"	774.50'	224.84'	S11°59'42"E	224.05'	C85	16°21'51"	210.00'	59.98'	N14°10'09"W	59.77'						
C11	15°06'45"	800.00'	211.01'	S53°19'31"E	210.47'	C26	7°34'05"	600.00'	105.67'	N87°05'51"W	105.59'	C41	25°56'40"	40.00'	18.11'	S01°55'47"E	17.96'	C56	12°19'13"	170.00'	36.55'	S21°55'44"E	36.48'	C71	23°05'38"	375.50'	151.35'	N15°13'30"W	150.33'	C86	17°55'39"	165.00'	51.63'	S14°57'03"E	51.42'						
C12	7°34'05"	1500.00'	188.13'	N87°05'51"W	197.99'	C27	90°00'00"	50.00'	78.54'	N31°41'12"E	70.71'	C42	24°04'22"	38.00'	15.97'	N02°54'56"W	15.85'	C57	72°48'32"	125.00'	158.77'	S39°22'52"E	148.31'	C72	11°49'12"	359.50'	82.42'	S20°51'43"E	82.27'	C87	24°41'05"	210.00'	90.47'	N11°34'19"W	89.78'						
C13	53°06'54"	80.00'	74.16'	N12°19'35"W	71.54'	C28	21°38'18"	600.00'	226.60'	N04°07'57"W	225.25'	C43	24°04'22"	38.00'	15.97'	S26°59'17"E	15.85'	C58	29°10'58"	490.00'	249.57'	N00°21'35"W	246.89'	C73	1°42'00"	755.50'	22.42'	N35°53'35"W	22.42'	C88	9°04'47"	70.00'	11.09'	S03°48'10"E	11.08'						
C14	35°53'28"	250.00'	156.60'	S20°56'19"E	154.05'	C29	90°00'00"	50.00'	78.54'	N59°57'07"W	70.71'	C44	30°59'56"	20.00'	10.82'	S73°37'03"W	10.69'	C59	15°06'45"	659.58'	174.08'	S83°19'31"E	173.58'	C74	4°52'10"	750.00'	63.74'	N12°31'02"W	63.72'	C89	44°37'58"	15.00'	11.68'	N63°11'43"W	11.39'						
C15	9°08'39"	1383.00'	218.33'	N07°33'56"W	218.09'	C30	21°38'18"	1000.00'	377.68'	N04°07'57"W	375.42'	C45	150°39'01"	50.00'	131.47'	S46°33'19"E	99.74'	C60	7°34'05"	1640.00'	216.63'	N37°05'51"W	216.47'	C75	11°28'46"	550.00'	109.87'	S20°40'29"E	109.69'	C90	64°04'22"	6.00'	6.71'	S72°54'55"E	6.37'						

FINAL PLAT BEL-AIR VILLAGE PHASE 1

BLOCK A, LOTS 1-29, LOT 30-HOA, & LOTS 31-59;
BLOCK B, LOTS 1-26; BLOCK C, LOTS 1-25, LOT 26-HOA, &
LOTS 27-37; BLOCK D, LOT 1-HOA; BLOCK E, LOTS 1-47;
BLOCK F, LOT 1-HOA, LOT 2-HOA, LOTS 3-11, LOT 12-HOA,
LOTS 13-18, LOT 19-HOA, & LOTS 20-48;
BLOCK G, LOTS 1-38; BLOCK H, LOTS 1-42;
BLOCK I, LOTS 1-36; BLOCK J, LOT 1-HOA



LEGEND	
---	BOUNDARY LINE
---	EASEMENT LINE
---	IRON ROD FOUND
---	IRON ROD FOUND WITH CAP
---	IRON ROD SET WITH CAP
---	INSTRUMENT NUMBER
---	NOT TO SCALE
---	FOUND
---	PLAT RECORDS OF GRAYSON COUNTY, TEXAS
---	OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS
---	O.P.R.G.C.T.
---	"X" CUT IN CONCRETE SET
---	"X" CUT IN CONCRETE FOUND
---	POINT OF BEGINNING
---	DRAINAGE EASEMENT
---	SANITARY SEWER EASEMENT
---	SIDE WALK EASEMENT
---	UTILITY EASEMENT
---	FIRE LANE ACCESS AND UTILITY EASEMENT
---	WATER EASEMENT
---	ACCESS EASEMENT

SEE SHEET No. 4 FOR
LINE & CURVE TABLES

CALLED 95.193 ACRES
ANEL A. ALEMAN AND WIFE
JUDY A. ALEMAN
VOL. 3793, PG. 925
O.P.R.G.C.T.

FINAL PLAT
BEL-AIR VILLAGE
PHASE 1

BLOCK A, LOTS 1-29, LOT 30-HOA, & LOTS 31-59;
BLOCK B, LOTS 1-26; BLOCK C, LOTS 1-25, LOT 26-HOA, &
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BLOCK I, LOTS 1-36; BLOCK J, LOT 1-HOA

327 RESIDENTIAL LOTS
7 HOA LOTS

62.329 ACRES SITUATED IN THE
SHARROD DUNMAN SURVEY, ABSTRACT NO. 329,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MLB	KHA	Apr. 2021	064462003	5 OF 6

OWNER / APPLICANT:
Terra Perpetua, LLC
2800 N. Dallas Prwy., Suite 324
Plano, Texas 75033
Contact: Ronny Guemra

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Carlsle, PE

OWNER'S CERTIFICATE

STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS TERRA PERPETUA, LLC., are the owners of a tract of land situated in the Sharrod Dunman Survey, Abstract No. 329, City of Sherman, Grayson County, Texas and being a portion of a called 245.83-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2018-3656 and a portion of a called 32.545-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2019-22655, both of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northeast corner of said 32.545-acre tract, same being the intersection of the southerly right-of-way line of Farm-to-Market Road No. 1417 (variable width right-of-way) and the westerly line of a 225-foot wide Burlington Northern Santa Fe Railroad Right-of-Way, from which a 1/8-inch iron rod found for witness bears South 41°1'15" West, 0.95 feet;

THENCE South 6°41'12" West, along the common line of said 32.545-acre tract and said Railroad Right-of-Way, passing at a distance of 1873.07 feet the southeast corner of said 32.545-acre tract, common to the easternmost northeast corner of said 245.83-acre tract, and continuing along the same course for a total distance of 2392.27 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE North 83°18'48" West, departing said common line and crossing said 245.83-acre tract, a distance of 290.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE North 6°41'12" East, continuing across said 245.83-acre tract and crossing said 32.545-acre tract, a distance of 560.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE continuing across said 32.545-acre tract the following courses and distances:

South 83°18'48" East, a distance of 35.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 6°41'12" East, a distance of 115.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 83°18'48" West, a distance of 140.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 51°41'12" West, a distance of 14.14 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 6°41'12" West, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 83°18'48" West, a distance of 50.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 6°41'12" East, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 38°18'48" West, a distance of 14.14 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 83°18'48" West, crossing said 245.83-acre tract, a distance of 127.76 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 4°03'00", a radius of 1475.00 feet, a chord bearing and distance of North 85°20'18" West, 104.24 feet;

THENCE continuing across said 245.83-acre tract the following courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 104.26 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the left;

South 46°51'34" West, a distance of 14.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 1°16'37" West, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 88°43'23" West, a distance of 50.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 1°16'37" East, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 44°18'21" West, a distance of 14.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 0°47'56", a radius of 1475.00 feet, a chord bearing and distance of South 89°31'04" West, 20.57 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 20.57 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the left;

South 89°07'06" West, a distance of 142.12 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 2°50'58", a radius of 825.00 feet, a chord bearing and distance of North 89°27'25" West, 41.02 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 41.03 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the right;

South 48°21'25" West, a distance of 14.40 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 4°23'56" West, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 85°36'04" West, a distance of 50.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 4°23'56" East, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 39°33'34" West, a distance of 14.40 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 7°24'04", a radius of 825.00 feet, a chord bearing and distance of North 79°28'11" West, 106.50 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 106.57 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the right;

North 75°46'08" West, a distance of 98.08 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 59°13'52" West, a distance of 14.14 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 14°13'52" West, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 75°46'08" West, a distance of 50.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 14°13'52" East, a distance of 10.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 30°46'08" West, a distance of 14.14 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 75°46'08" West, a distance of 78.75 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 18°29'55", a radius of 193.00 feet, a chord bearing and distance of North 85°01'06" West, 62.04 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 62.31 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 11°18'55", a radius of 207.00 feet, a chord bearing and distance of North 88°36'35" West, 40.81 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 40.88 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the right;

North 82°57'08" West, a distance of 24.65 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 50°33'06" West, a distance of 46.74 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 11°05'47" West, a distance of 25.16 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 78°54'13" West, a distance of 110.96 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 14°19'18" East, a distance of 17.11 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 31°55'28" West, a distance of 26.42 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 1°42'00", a radius of 755.50 feet, a chord bearing and distance of North 85°53'38" West, 22.42 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 22.42 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the left;

North 7°02'52" East, a distance of 85.18 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 59°45'38" East, a distance of 73.58 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 34°37'59", a radius of 275.52 feet, a chord bearing and distance of North 2°59'42" West, 164.02 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 166.54 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 16°35'00", a radius of 774.50 feet, a chord bearing and distance of North 11°59'42" West, 224.05 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 224.84 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the right;

North 3°40'42" West, a distance of 43.16 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 54°18'54" West, a distance of 31.71 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 14°57'07" West, a distance of 55.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 75°02'53" East, a distance of 10.96 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 35°41'06" East, a distance of 38.66 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 3°40'42" West, a distance of 18.55 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 23°05'36", a radius of 375.50 feet, a chord bearing and distance of North 15°13'30" West, 150.33 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 151.35 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the right having a central angle of 11°49'12", a radius of 399.50 feet, a chord bearing and distance of North 20°51'43" West, 82.27 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 82.42 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the end of said curve to the right;

North 14°57'07" West, a distance of 127.64 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

North 59°57'07" West, a distance of 56.57 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner on the northerly line of said 245.83-acre tract, same being on the southerly right-of-way line of the aforementioned Farm-to-Market Road No. 1417;

THENCE North 75°02'53" East, along the common line of said 245.83-acre tract and said Farm-to-Market Road No. 1417, a distance of 401.96 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 0°45'00", a radius of 11519.16 feet, a chord bearing and distance of North 74°40'23" East, 150.78 feet;

THENCE in a northeasterly direction, continuing along said common line and with said curve to the left, an arc distance of 150.79 feet to a concrete TxDOT right-of-way monument found for the end of said curve to the left;

THENCE North 74°17'53" East, continuing along said common line, passing at a distance of 391.29 feet a 3/8-inch iron rod found for the northernmost northeast corner of said 245.83-acre tract, common to the northwest corner of said 32.545-acre tract, and continuing along the same bearing and along the northerly line of said 32.545-acre tract, a distance of 635.60 feet to a concrete TxDOT right-of-way monument found for corner;

THENCE North 80°00'32" East, along the common line of said 32.545-acre tract and said Farm-to-Market Road No. 1417, a distance of 803.99 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner, from which a 1/2-inch iron rod found for witness bears South 12°50' West, 0.73 feet;

THENCE North 74°17'53" East, continuing along said common line, a distance of 95.70 feet to the POINT OF BEGINNING and containing 62.329 acres (2,715,047 sq. ft.) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, TERRA PERPETUA, LLC., acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as BEL-AIR VILLAGE, PHASE 1, an addition to the City of Sherman, and does hereby dedicate to the public use forever, the streets and alleys shown thereon.

TERRA PERPETUA, LLC., does herein certify the following:

- The streets and alleys herein are dedicated in fee simple for street and alley purposes.
- All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
- The easements and public use areas, as shown and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
- No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be place in landscape easements if approved by the City of Sherman.
- The City of Sherman is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Sherman's use thereof.
- The City of Sherman and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
- The City of Sherman and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the City of Sherman.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Sherman, Texas.

WITNESS, my hand, this _____ day of _____, _____.

BY: TERRA PERPETUA, LLC.,

By: _____
RONNY GUERRERO, PRESIDENT

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Ronny Guerrero, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, _____.

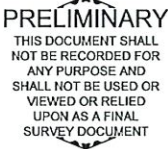
Notary Public, State of Texas

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael Marx, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Sherman, Texas.

Michael Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Phone 972-335-3580
Fax 972-335-3779



STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Michael Marx, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, _____.

Notary Public, State of Texas

FINAL PLAT
BEL-AIR VILLAGE
PHASE 1

BLOCK A, LOTS 1-29, LOT 30-HOA, & LOTS 31-59;
BLOCK B, LOTS 1-26; BLOCK C, LOTS 1-25, LOT 26-HOA, &
LOTS 27-37; BLOCK D, LOT 1-HOA; BLOCK E, LOTS 1-47;
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327 RESIDENTIAL LOTS
7 HOA LOTS

62.329 ACRES SITUATED IN THE
SHARROD DUNMAN SURVEY, ABSTRACT NO. 329,
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

Kimley»Horn

6160 Warren Parkway, Suite 210
Frisco, Texas 75034 FIRM # 10193822 Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
-	MLB	KHA	Apr. 2021	064462003	6 OF 6

OWNER / APPLICANT:
Terra Perpetua, LLC
2600 N. Dallas Pkwy., Suite 324
Frisco, Texas 75033
Contact: Ronny Guerrero

SURVEYOR / ENGINEER:
Kimley-Horn and Associates, Inc.
260 E. Davis Street, Suite 100
McKinney, TX 75069
Ph: (972) 335-3580
Contact: Michael Cartise, PE



STAFF REVIEW LETTER

May 7, 2021

Terra Perpetua, LLC
2800 N. Dallas Pkwy., Ste. 324
Plano, TX 75093
Attn: Robby Guerrero

Kimley-Horn and Associates, Inc.
260 E. Davis St., Ste. 100
McKinney, TX 75069
Attn: Michael Carlisle, PE

Dear Applicants,

The request for approval of the Final Plat of Bel-Air Village Phase 1 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Street names will need to be approved by the Development Services Department prior to filing plat.
3. Show zip code on Surveyor block.
4. Dedicate 10' Utility Easement on all street frontage.
5. Dedicate 15' Utility Easement along Bel Air Boulevard.
6. Dedicate 5' Utility Easement along rear property line, within existing 35" Waterline Easement, within Lots 18, 19-HOA, 20, 32-39, Block F.
7. Block Numbers to be adjacent, not split; i.e. Block A is split by Block B.
8. Combine Lot 1, Block F with Lot 2, Block F to provide street frontage.
9. Lots 1 & 2, Block F to be defined as Detention or Retention, whichever applies, on plat.
10. HOA Maintenance plan for detention/retention to be shown on plat.
11. Area of Lot 2, Block F to be shown as a 30' Drainage & Utility Easement.
12. Place knuckle at intersection of Streets G & M.
13. Bearing call outs must be double digits on drawing and in metes and bounds description.
14. Provide clarification and definition for 15' EE along Eastern line of Lots 12-15, Block F.
15. Verify fire access in Blocks A, B, C, and Street O with Fire Marshal.
16. Add General Note regarding Avigation Easement to plat. Coordinate with Engineering Department for language.
17. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review.
18. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.

19. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
20. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 22.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 300-1000 BLOCKS EAST FM 1417 (VIETNAM VETERANS PARKWAY)**

The request of Terra Perpetua LLC (Owners), Kimley-Horn & Associates (Surveyor/Civil Engineer) and American Communities (Developer) concerning the property located in the 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway), being 62.329 acres in the Sherrod Dunman Survey Abstract No. 329, as follows:

Planning and Zoning Commission

Final Plat approval of Bel-Air Village, Phase 1

Background:

The property is located in the 300-1000 blocks East FM 1417 (Vietnam Veterans Parkway) between U.S. Highway 75 and State Highway 11 (Dewey Avenue). A portion of the property (245.83 acres) was approved for a Planned Development for Terra Perpetua Village by Ordinance 6232, August 5, 2019. The owner purchased an additional 32.545 acres east of the development and amended the planned development to include this acreage for a total of 278.313 acres and rename it to Bel Air Village (Ord. 6319).

This request is for Final Plat approval for Phase I, containing 62.329 acres, 327 residential lots and 7 Home Owner's Association (HOA) lots for a mixed-use development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-2 (General Commercial) District

Blalock Industrial Park

Origination:

Terra Perpetua LLC (Owners)
Kimley-Horn & Associates (Surveyor/Civil Engineer)
American Communities (Developer)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map
Zoning Map
Bel Air Village Phase I
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 11.

Meeting Date: 06/07/2021

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Popp's Addition, being 0.463 acres in the Elizabeth Jones Survey Abstract No. 625; Eric and Kelly Popp, Owner; and Underwood Drafting and Surveying, Surveying (1406 West Center Street)

Issue:

To consider Final Plat Approval of Popp's Addition, being 0.463 acres in the Elizabeth Jones Survey Abstract No. 625; Eric and Kelly Popp, Owner; and Underwood Drafting and Surveying, Surveying (1406 West Center Street)

Background:

The property is located at 1406 West Center Street between Holly and Binkley Park Drive. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into two lots to sell one of the lots.

Origination:

Eric and Kelly Popp (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

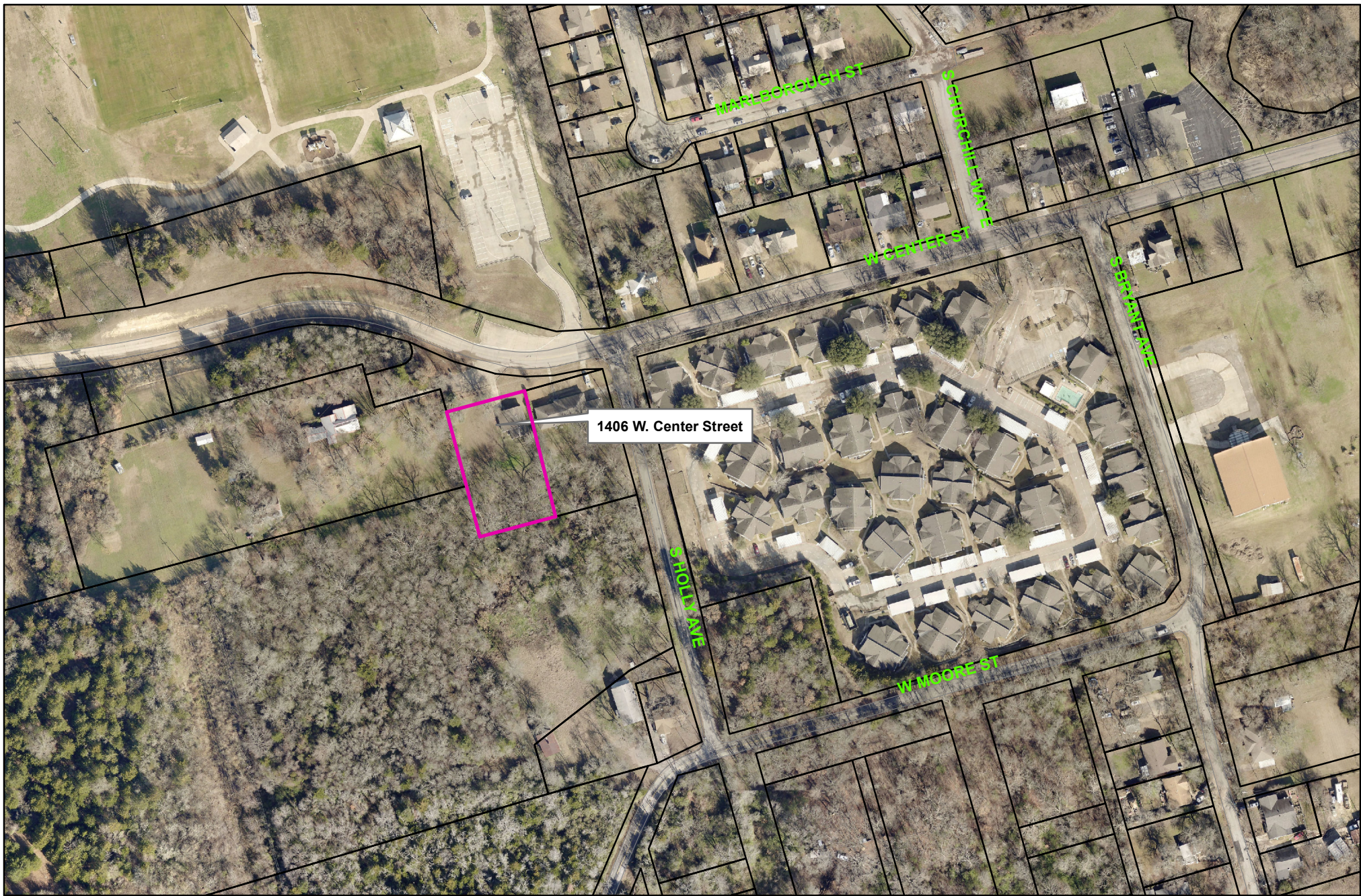
At the May 18, 2021 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Popp's Addition
Staff Review Letter
P&Z Communication

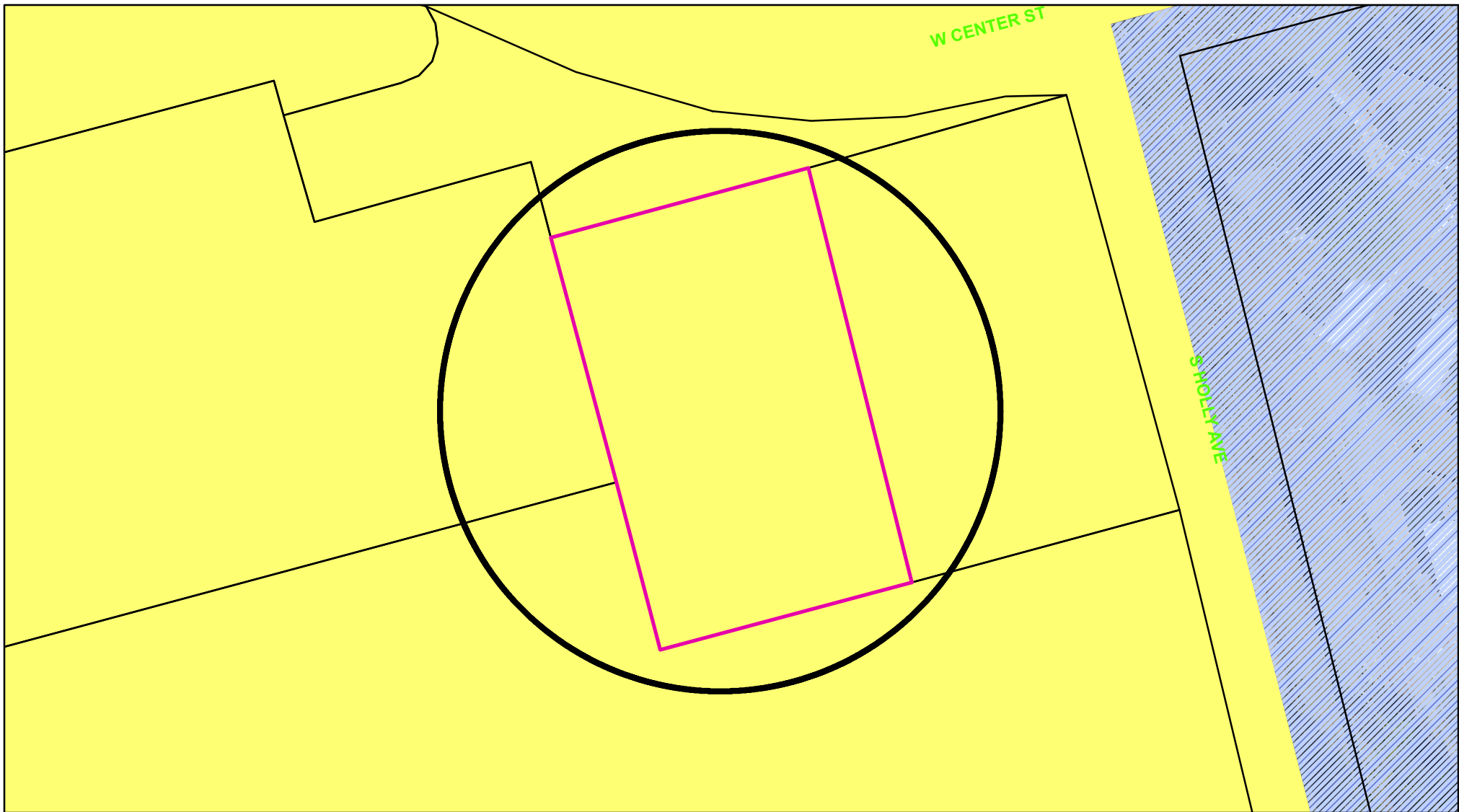


1406 West Center Street

City of Sherman, Texas
Developmental Services Department



1 in = 200 ft



Zoning - 1406 West Center Street

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development

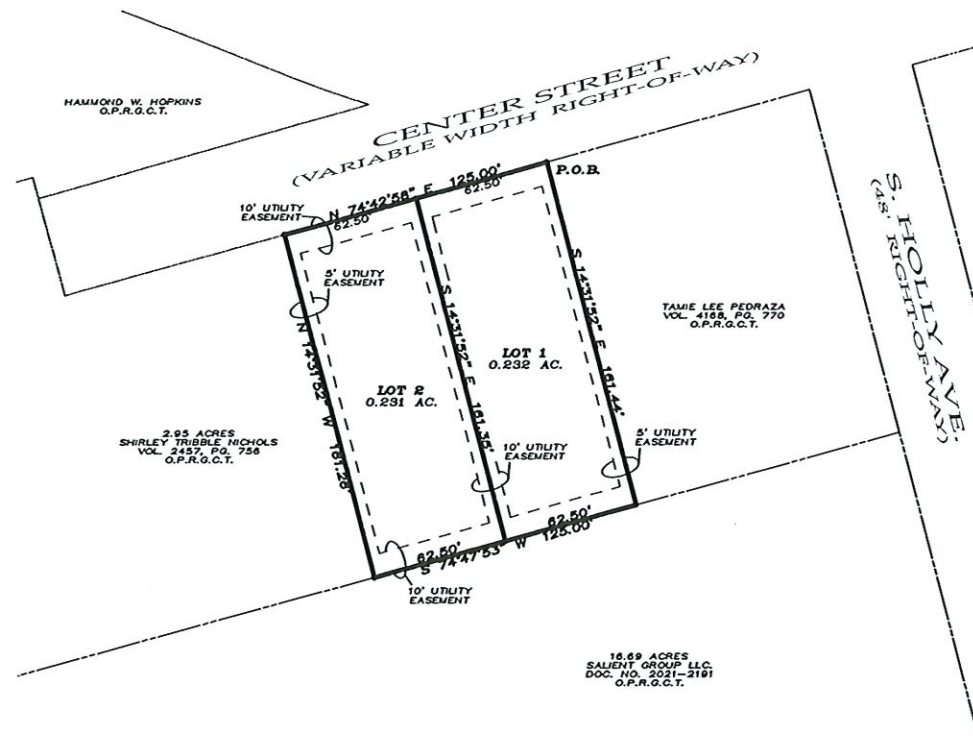


City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 65 ft



~ BASIS OF BEARINGS ~
 2011 NORTH, NAD 83
 TEXAS STATE PLANE COORDINATE SYSTEM
 NORTH CENTRAL ZONE

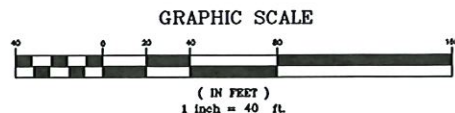
FINAL PLAT POPP'S ADDITION

Being a Final plat of a 125' x 191' tract of land from the Elizabeth Jones Survey, Abstract Number 625. Being in the City of Sherman, Grayson County, Texas. Containing 0.463 acres of land

OWNERS/DEVELOPER
 ERIC AND KELLY POPP
 P.O. BOX 878
 HOWE, TX 75469

SURVEYOR
 DOUGLAS W. UNDERWOOD
 R.P.L.S. NO. 4709
 3404 INTERURBAN ROAD
 DENISON, TEXAS

UNDERWOOD
 DRAFTING & SURVEYING



LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the same tract of land described as .548 acres conveyed to Eric and Kelly Popp by deed recorded in Doc. No. 2019-13034, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a set 1/4" Steel rod in the south Right-of-Way of Center Street and being the northwest corner of a tract of land conveyed to Tamie Lee Pedraza, Recorded in Vol. 4188, Pg. 770 of said Official Public Records;

Thence South 14°31'52" East, with the west line of said Pedraza tract a distance of 161.44 feet to a set 1/4" steel rod;

Thence South 74°47'53" West, with the north line of a 16.69 acre tract of land conveyed to SALIENT GROUP LLC, Recorded in Doc. No. 2021-2191, of said Official Public Records a distance of 125.00 feet to a set 1/4" steel rod;

Thence North 14°31'52" West, along the west line of a said 0.548 acre tract of land a distance of 161.28 feet to a set 1/4" steel rod being in the south Right-of-Way of said Center Street;

Thence North 74°42'58" East, along the south line of said Right-of-Way a distance of 125.00 feet to the Point of Beginning and containing 0.463 acres of land.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, POPP'S ADDITION, on addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2021, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2021.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
 Registered Professional
 Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Onor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited by the individual owner of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owner of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, ERIC AND KELLY POPP, do hereby adopt this plat designating the hereinabove property as the POPP'S ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2021.

ERIC POPP

KELLY POPP

STATE OF TEXAS
 COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, ERIC POPP known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for
 the State of Texas
 Commission Expires: _____

STATE OF TEXAS
 COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, KELLY POPP known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for
 the State of Texas
 Commission Expires: _____

ACCEPTANCE

Approved this _____ day of _____, 2021, by the
 City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas

Date

FINAL PLAT POPP'S ADDITION

Being a Final plat of a 125' x 191' tract of land from the Elizabeth Jones Survey, Abstract Number 625. Being in the City of Sherman, Grayson County, Texas. Containing 0.463 acres of land

OWNERS/DEVELOPER
 ERIC AND KELLY POPP
 P.O. BOX 878
 HOWE, TX 75469

SURVEYOR
 DOUGLAS W. UNDERWOOD
 R.P.L.S. NO. 4709
 3404 INTERURBAN ROAD
 DENISON, TEXAS

UNDERWOOD
 DRAFTING & SURVEYING



STAFF REVIEW LETTER

May 7, 2021

Eric and Kelly Popp
P.O. Box 878
Howe, TX 75459

Underwood Drafting & Surveying, Inc.
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Popp's Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 18, 2021 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Chapter 3, Division 5, Sec. 3.10.154*
2. Remove direction from Holly Avenue.
3. Show a minimum of three (3) found monuments on drawing.
4. The width of the pavement for streets shall be shown on the plat.
5. Remove 10' Utility from between Lots 1 & 2.
6. Water main must be extended in accordance with City criteria within Center Street to serve proposed Lots 1 & 2. *Chapter 13, Sec. 13.07.282*
7. Original tax certificates with \$0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat.
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval. *Chapter 10, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 23.

Meeting Date: 05/18/2021

Prepared by: Patsy Reeves, Developmental Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman

David Downtain, Vice Chairman

Shawn Davis, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Glenn Whitaker, Commissioner

Bryan Blagg, Commissioner

Requested Action/Proposed Use:

*** 1406 WEST CENTER STREET**

The request of Eric and Kelly Popp (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 1406 West Center Street, being 0.463 acres in the Elizabeth Jones Survey Abstract No. 625, as follows:

Planning and Zoning Commission

Final Plat approval of Popp's Addition

Background:

The property is located at 1406 West Center Street between Holly and Binkley Park Drive. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into two lots to sell one of the lots.

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Eric and Kelly Popp (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

Not required.

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map

Zoning Map

Popp's Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G. 12.

Meeting Date: 06/07/2021

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Sherman Cultural District to Temporarily Close Certain Streets for the "Taco Tour" on Tuesday, July 20, 2021 from 5 p.m. to 8 p.m.

Issue:

The Sherman Cultural District will host the "Taco Tour" on Tuesday, July 20, 2021, and is requesting the City of Sherman's assistance with traffic control and street closures.

Background:

The Sherman Cultural District will host the "Taco Tour" on Tuesday, July 20, 2021, beginning at 5 p.m. on Wall Street. The event will require traffic control assistance and cones/barricades from the City of Sherman.

Origination:

Eddie Brown, President/CEO, Sherman Chamber of Commerce

Financial Consideration:

Labor and equipment to provide traffic control assistance, place/remove barricades and cones, and trash receptacles.

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary traffic control and assistance to accommodate the event.

Alternatives:

As directed by Council

Attachments

Taco Tour 2021 Request Letter

Taco Tour 2021 Map

May 24, 2021

Sherman City Council
220 W Mulberry Street
Sherman, TX 75090

To Whom it May Concern;

The Sherman Cultural District (SCD) advisory board is planning a Taco Tour Tasting on Tuesday, July 20, 2021. The event will kick-off the SCD's second *online* Taco Tour which includes reviews of restaurants and food trucks located in the District. The Taco Tour Committee is requesting a street closure for the 100 block of E. Wall from 4pm – 9pm that afternoon/evening for the in-person kick-off event. The event will be 5 to 7pm.

This will be a ticketed event, with a maximum of 150 tickets sold at \$20 each. There will be tables, chairs, and a DJ in the street along with 10 – 12 different canopies featuring each restaurant's taco fare.

Thank you for your consideration,

Ginger Nye

Sherman Cultural District Advisory Board Secretary

CULTURAL DISTRICT TACO TOUR (MAP) TUESDAY, JULY 20, 2021





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

I. 1.

Meeting Date: 06/07/2021

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Main Street Advisory Committee (3)

Issue:

Sherry Little, Janey Lynn, and David Gunn's terms on the Main Street Advisory Board expired on March 31, 2021. Ms. Lynn and Mr. Gunn are eligible for reappointment, however Ms. Lynn does not wish to be reappointed. Ms. Little has served three terms and is not eligible for reappointment. We have an application on file from David Downtain.

Background:

The City Council created the Main Street Advisory Committee by Resolution No. 6063, approved on March 7, 2016. The purpose of the Committee is to encourage participation in the Main Street Downtown Revitalization Program, to establish and evaluate goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects, to design and coordinate activities coinciding with the Main Street Program, to assist with the Main Street Program Annual Report, and to advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

Origination:

The appointments originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is the staff recommendation that the City Council reappoint David Gunn and appoint David Downtain to the Main Street Advisory Board.

Alternatives:

The alternative is to delay appointments to the Board.

Attachments

Roster

Fact Sheet

Applicant List

David Gunn Reappointment Letter

David Downtain Appllication

MEMBERSHIP ROSTER

MAIN STREET ADVISORY BOARD

LENGTH OF TERMS: 2 Years
Consecutive Term Limit 3 Terms

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Sherry Little	n/a	A 3/22/2016 R 3/31/2017 R 3/31/2019	3/31/2017 3/31/2019 3/31/2021	1 2 3	
Sean Vanderveer	3	U 5/7/2019 R 3/31/2020	3/31/2020 3/31/2022	0 1	
Janey Lynn	1	U 10/22/2019	3/31/2021	1	
Tommi Sue Homuth	n/a	U 1/22/2020 R 3/31/2020	3/31/2020 3/31/2022	0 1	
David Gunn	n/a	A 3/31/2017 R 3/31/2019	3/31/2019 3/31/2021	1 2	
Nancy Sims	4	A 3/31/2018 R 3/31/2020	3/31/2020 3/31/2022	1 2	
Lindsey Manley	1	A 9/5/2018 R 9/5/2020	9/5/2020 9/5/2022	1 2	
Diana Salas	n/a	A 9/5/2018 R 9/5/2020	9/5/2020 9/5/2022	1 2	
Courtney Mitchell	1	A 9/5/2018 R 9/5/2020	9/5/2020 9/5/2022	1 2	
Sarah Richardson	4	A 10/20/2020	10/20/2022	1	
Ex-Officio Members					
Daron Holland					Council Member
Karen Tooley					DSP&R President

Ex-Officio Members: City Council Member
Downtown Sherman Preservation & Revitalization President

Chair:
Vice Chair:

Resolution 6063, approved Sept. 4, 2018
Increased membership from 6 to 10

CITY STAFF:
Revised 10/20/2020

FACT SHEET

MAIN STREET ADVISORY BOARD

Established by RESOLUTION 6063 – MARCH 7, 2016

1. Number of Members: SIX
2. Term of Appointment: 2 YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: PRESERVE AND GROW DOWNTOWN AS A BUSINESS CENTER FOR SHERMAN
- 5.
6. Appointed by: MAYOR AND CITY COUNCIL

7. Board Organization

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E

ELECTED E APPOINTED

8. Departmental Responsibility: DIRECTOR OF COMMUNITY AND SUPPORT SERVICES
9. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
10. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

=====

Ex-Officio Members:

City Council Member

Downtown Sherman Preservation & Revitalization President

PURPOSE:

- Encourage participation in the Sherman Main Street Downtown Revitalization Program
- Establish and evaluate goals and priorities for the Main Street Program
- Review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects
- Design and coordinate activities coinciding with the Main Street Program
- Assist with the Main Street Program Annual Report
- Advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

RESPONSIBILITIES:

Said Board shall work with the Main Street Manager and other City officials to publicize the Main Street Program and shall recommend projects and activities to include marketing, advertising, promotion, design, organization, economic restructuring as related to the Main Street Program. The Board will also review any commercial construction or reconstruction plans proposed within the Main Street Program Target Area.

APPLICANT LIST

Main Street Advisory Board

Positions Vacant 3

Applicant	Address	District	Qualifications
David Gunn	12 Carter Court, Allen	n/a	Current Member; Wishes to be Reappointed
David Downtain	1612 W. Washington	1	Risen Properties, LLC

COMMENTS:

PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 22, 2021

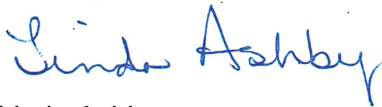
David Gunn
12 Carter Court
Allen, Texas 75002

RE: Main Street Advisory Board

Dear Mr. Gunn:

Your term on the Main Street Advisory Board expires on March 31, 2021. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,



Linda Ashby
City Clerk

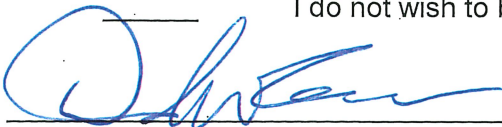
cc: Nate Strauch, Community and Support Services Manager
Sarah McRae, Tourism/Main Street Manager

☒

I do wish to be considered for reappointment to this board

☐

I do not wish to be considered for reappointment to this board

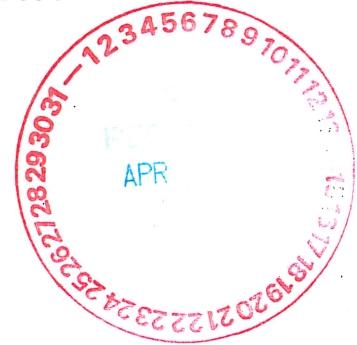


Signature

3-30-21

Date

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106





CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Gary D. Downtain prefer David Downtain

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission:

~~Downtown Advisory~~ MAIN STREET ADVISORY BOARD

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Occupational Information

Home Address: 1612 W. Washington Street 75092
Mailing Address: 1200 N. East Street 75090
Telephone: 972-832-8011 Fax: _____
E-Mail: ddowntain@risenproperties.com
Sherman Resident for 8+ years County: 25 + Years
Drivers License No.: 03690682
Voter Registration No.: 1025306253 ✓

Business Name: Risen Properties, LLC
Occupation: Builder/Developer/Real Estate
Address: 1200 N. East Street, Sherman TX 75090
Telephone: 972.832.8011 Fax: _____
E-Mail: ddowntain@risenproperties.com

Which Council District do you live in? (see attached map) District 1 ✓

Prior work experience: (please include dates)

VP Strategic Operations - IPro Media, Inc 2019-Present; Managing Member - RIT Group, LLC 2005-20014

President & CEO - Advanced Micro Solutions Inc. 1998-2005

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1980

Business College, Correspondence School, Adult Education, Other? Real Estate, MIS

Name of College/University: Multiple ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Sherman Planning & Zoning Commission Vice Chairman.

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - None

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☒ Yes ☐ No

If so, which one? Planning & Zoning Commission

Why do you want to become a member of this particular board or commission (*how would you use this experience to benefit the City*)?
We own several properties in the CBD and downtown area and have a passion for downtown Sherman. I would like to contribute to the ongoing development & revitalization of the downtown area.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Embracing Growth - Sherman is experiencing rapid growth and it's vital we stay ahead of the growth.

2) Strategic Planning - With the rapid growth we need to continue to revitalize the downtown area.

3) Economic Growth - I have ideas for economic development

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

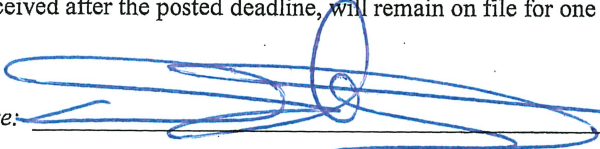
Financial Accumen, Real Estate Investment, Construction & Development, 30+ Years Entrepreneurial Experience

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☐ No
Comments: Yes

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

Signature: 

Date: 7/24/20

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 06/07/2021

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

Council Calendar 2021

2021

Council Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March						
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28	29	30	31			

April						
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May						
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30	31					

June						
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July						
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25	26	27	28	29	30	31

August						
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29	30	31				

September						
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October						
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24	25	26	27	28	29	30
31						

November						
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14	15	16	17	18	19	20
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28	29	30				

December						
Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

	Holiday
	Holiday for Firefighters/Police Only
	City Council Regular Meeting
	City Council Called Meeting
	Special Called Meeting
	Budget Workshop
	Cancelled City Council Meeting

CALLED MEETINGS	
1/19/2021	Rescheduled - Martin Luther King, Jr. Day
4/23/2021	Called Budget Planning Meeting
5/27/2021	Called Capital Improvement Program Work Session
7/6/2021	Rescheduled - Independence Day
9/7/2021	Rescheduled - Labor Day