

STATE OF TEXAS §
COUNTY OF GRAYSON §

September 17, 2013

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission and Board of Adjustments of the City of Sherman, was begun and held on September 17, 2013.

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

MEMBERS ABSENT: NONE

CALL TO ORDER
Chairman Hicks called the meeting to order at 5:00 p.m.

CALL TO ORDER

APPROVE MINUTES
The Planning and Zoning Commission reviewed the minutes of the August 20, 2013 Meeting. Motion by Commission Member Olmstead to approve the Minutes as written. Second by Commission Member Barton. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

APPOINT BOARD OF ADJUSTMENTS
Chairman Hicks appointed the members of the Board of Adjustments: HICKS, MORGAN, BARTON, GILBERT, AND THORPE.

BOARD OF
ADJUSTMENTS

CONSENT AGENDA (ITEMS 5, 6 & 8)
Consent Agenda items are considered to be routine and non-controversial items. The Commission reviewed the Consent Agenda. Commission Member Thorpe moved to approve the Consent Agenda, as presented subject to the Staff Review Letters. Second by Commission Member Morgan. All present voted AYE.

CONSENT AGENDA

THE COMMISSION FOUND THE REQUESTS CONFORM TO THE INTENT OF THE ORDINANCE.

REPLAT – CONSENT AGENDA ITEM
THE REQUEST OF ET JOINT VENTURE (OWNERS) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYORS) CONCERNING THE PROPERTY LOCATED IN THE 1600 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING LOT 4C, BLOCK 1 OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA, AS FOLLOWS:
PLANNING AND ZONING COMMISSION
REPLAT LOT 4C, BLOCK 1 OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA

REPLAT – LOT 4C, BLK.
1 OF THE REPLAT OF
LOT 4, BLK. 1,
CRESCENT OAKS
PLAZA
1600 BLK. HWY. 75 N.
(ET JOINT VENTURE)

The property is located in the 1600 Block of U.S. Highway 75 North between Texoma Parkway and Taylor Street. The

owners would like to replat the lot into two lots for commercial development. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF ET JOINT VENTURE (OWNERS), UNDERWOOD DRAFTING AND SURVEYING (SURVEYORS) AND DAVID BACA STUDIO (ARCHITECT) CONCERNING THE PROPERTY LOCATED AT 1609 U.S. HIGHWAY 75 NORTH, BEING LOT 4C, BLOCK 1 OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR SHOEMAKER DENTAL CLINIC.

**SITE PLAN –
SHOEMAKER DENTAL
CLINIC
1609 U.S. HWY. 75 N.
(ET JOINT VENTURE)**

The property is located at 1609 U.S. Highway 75 North between Texoma Parkway and Taylor Street in the Crescent Oaks Plaza Addition. Shoemaker Dental Clinic would like to construct a 5,550 square foot, one-story medical office, the exterior finish will be stone veneer, stained fiber cement siding, cement panels with a standing seam metal roof; 30 parking spaces will be provided. They had seen the Staff Review Letter and would abide by the Recommendations.

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

SITE PLAN – CONSENT AGENDA ITEM

THE REQUEST OF GOINS HOME CENTER, LLC (OWNERS), LANDON GOINS (REPRESENTATIVE) AND NATHAN GRAY (DRAFTSMAN) CONCERNING THE PROPERTY LOCATED AT 3601 N. TRAVIS STREET, BEING LOT 1, BLOCK 1, COVEY ADDITION, AS FOLLOWS;

PLANNING AND ZONING COMMISSION

SITE PLAN APPROVAL FOR AN ENTRYWAY AND OVERHEAD DOOR ADDITION FOR GOINS HOME CENTER

**SITE PLAN –
ENTRYWAY &
OVERHEAD DOOR
ADDITION
3601 N. TRAVIS
(GOINS HOME
CENTER)**

The property is located at 3601 N. Travis Street between Lamberth Road and U.S. Highway 82; L Watkins and Associates were the former tenants. Exceptions have been granted to not require a screening device adjacent to a residential district in 1995 and to allow the existing building finishes of metal at the July 16, 2013 Planning and Zoning Commission Meeting. Goins Home Center was granted a Specific Use Permit to allow a lumber yard at the August 5, 2013, City Council Meeting.

Goins Home Center plans to open a lumberyard/home building center at this location and they would like to construct an entryway and overhead door addition to accommodate the business. They had seen the Staff Review Letter and would abide by the Recommendations.

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

EXCEPTIONS

THE REQUEST OF JOHNNY & BRENDA PARNELL (OWNERS) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 4607 FARMINGTON ROAD, BEING 10.14 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, AS FOLLOWS:

BOARD OF ADJUSTMENTS

- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 6.2, SUBSECTION (4) TO ALLOW TWO DWELLINGS ON A 10.14 ACRE TRACT IN LIEU OF THE PERMITTED ONE-FAMILY DWELLING PER LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.
- EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (10)(H) TO ALLOW A GRAVEL DRIVEWAY IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

EXCEPTION – TWO DWELLINGS ON ONE LOT

EXCEPTION - DRIVEWAY

4607 FARMINGTON RD. (JOHNNY & BRENDA PARNELL)

Commission Member Kreck arrived at 5:05 p.m. during this request.

Johnny Parnell, 4607 Farmington Rd., Sherman, TX

Mr. Parnell appeared to represent the request and answer any questions. The property is located at 4607 Farmington Road in southwest Sherman; off FM 1417 South. Mr. Parnell explained he built the home on the property north of this tract and just sold it. “The house we just built is for my mother-in-law and father-in-law, who is a disabled vet so that we could take care of him. The house is a one-story 35’x45’ metal building with living quarters; it is handicapped assessable and fully insulated. We are in the process to start our house which is going to be a \$200,000 house. I am not going to devalue my property or anyone else’s property, I plan to retire there.”

Mr. Parnell explained the driveway is 400’ and he is requesting an exception to allow a gravel driveway to the buildings in lieu of a dust free surface (concrete or asphalt). He is concreting around the buildings and the entrance off of Farmington Road and would like to have a granite drive approximately 250’ in between the concrete; cost is the reason for the exception. “I had concrete on the driveway to the house next door and it cracked; I think they look good if you take care of them. The house I’m currently building is costing \$100,000; it is ADA compliant and energy efficient; so it is not devaluating the property.” He had seen the Staff Review Letter and would abide by the Recommendations.

Ron Woodworth, 2917 Redbud Trail, Sherman, TX

Mr. Woodworth explained he owns ten acres south of the Parnell property. “We bought the ten acres with the intent

to build a house there at a later date and with the knowledge that it came with strict city ordinances such as one-family dwelling, durable and dustless roadways, no livestock and no barbed wire fences. We don't approve of the livestock that is currently being kept there, but since we don't live there, it is not a problem at this time. We have lived on gravel roads before; they are not healthy or much fun. The house currently built on this property is not of the caliber or value what we anticipated would be built in that area as the same value of the two houses that are currently built. There are four ten acre tracts in the area, one to the north with a very nice brick home, the ten acres to the south has a very nice home, our ten acres to the south which is just farmland and the property in question, they have built a house there which has a gravel road leading up to the house. My wife and I are opposed to both exceptions, we find them a downgrade to what the City of Sherman has been striving for a long, long time and we find that if you approve these variances it will devalue our ten acres."

Peggy Jackson, Century 21, 4604 Vista Lagos, Sherman, TX

Mrs. Jackson explained "I have been a realtor for thirty seven years, I do not know Mr. Parnell, but I showed his house three times while it was for sale; it was meticulous, it was very well cared for, his land was very well cared for; it definitely was a \$300,000 house. There are friends of mine that live directly across the street that have two gravel drives."

Cheryl Woodworth, 2917 Redbud Trail, Sherman, TX

Mrs. Woodworth explained she and her husband own the property to the south. "Allow a gravel driveway which makes dust and is bad for your lungs."

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

ACTION TAKEN.

Motion by Commission Member Morgan to approve the exception to allow two dwellings on one tract and an exception to allow a (granite) driveway with the condition of a 30' concrete drive approach, concrete up to the two residences with 250' of granite in between the concrete in lieu of the required durable and dustless surface and subject to the Staff Review Letter. Second by Commission Member Gilbert.

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

VOTING NAY: NONE

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF PROMISE LAND CHURCH OF SHERMAN (OWNERS) AND POGUE ENGINEERING & DEVELOPMENT COMPANY, INC. (ENGINEERS/SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 1908 SOUTH DEWEY AVENUE, BEING 5.885 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(A & C) TO ALLOW A LANDSCAPED AREA PLANTED WITH EVERGREEN TREES ALONG THE PROPERTY LINES TO PROVIDE A MINIMUM 6' SCREENING DEVICE ADJACENT TO RESIDENTIALLY ZONED PROPERTY IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT WITH A SPECIFIC USE PERMIT TO ALLOW A CHURCH.

EXCEPTION -
SCREENING
1908 S. DEWEY
(PROMISE LAND
CHURCH OF
SHERMAN)

Arlyn Samuelson, Pogue Engineering & Development Co.,
Inc. 1512 Bray Central Dr., Ste. 100, McKinney, TX,

Mr. Samuelson appeared to represent the request and answer any questions. The property is located at 1908 South Dewey Avenue in front of the Sherman Municipal Airport between Oak Park and FM 697. At the August 20, 2013 Planning and Zoning Commission Meeting, Promise Land Church of Sherman was granted a Specific Use Permit to allow a church in an R-1 (One Family Residential) District and forward the request to the September 16, 2013 City Council Meeting for their consideration; the City Council tabled the request until the October 7, 2013 City Council Meeting pending further research.

The owners are requesting an exception to allow a living screen of evergreen trees along the property lines that will achieve a minimum six foot (6') screening device adjacent to the residentially zoned property. They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks explained "in the past they have allowed vegetation as six foot screening in lieu of a fence such as shrubs, but if you have a tree, you have limbs that start at six foot; it's not really much screening at the bottom of the tree. He asked with the proximity to the airport, do they not see a need for a fence."

Mr. Samuelson explained "it is many trees such as cypress that typically start at the ground; they almost look like a Christmas tree. If there is a particular species you prefer, we could work with that. We believe the existing trees are there and the barbed wire fence that is there now will provide some security to stop them from crossing that boundary."

Chairman Hicks felt there could be a danger if a child got on the airport property.

Mr. Samuelson explained “it would, but it is the same situation on Dewey Avenue; which is even a bigger concern, there is no security there and if a fence were there they could climb the fence; I don’t see it as a security issue, it is a screening issue.”

Commission Member Morgan asked if they had ever approved an exception where there were not some type of structure; we’ve approved wrought fences with shrubs for apartments. He felt they needed some type of structure adjacent to the airport; “I would want some type of barrier between them and the airport.”

Scott Shadden, Director of Developmental Services explained “the last several years there have been some type of structure. Screening is required to screen the church from the adjacent properties; we could not issue a Certificate of Occupancy Permit until the screening is in place; ground level to six foot. Since the City Council tabled it last night, the board could put a contingency in the motion to be contingent on the Specific Use Permit being approved by the City Council otherwise the exception runs with the land no matter what use will be there.”

Mr. Samuelson explained “the ordinance has no mention of a structure with the living screen. A living screen is not going to be a wood fence; so we will plant a lot more trees to provide the six foot screening.”

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

ACTION TAKEN.

Motion by Commission Member Thorpe to approve the exception contingent on the Specific Use Permit to allow a church in an R-1 (One Family Residential) District being approved by the City Council. Second by Commission Member Barton.

VOTING AYE: HICKS, BARTON, GILBERT, AND THORPE.

VOTING NAY: MORGAN

MOTION CARRIED

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

EXCEPTION

THE REQUEST OF LAUREL ACRES, LTD (OWNER), THE GATHERING CHURCH (TENANT) AND RAY MATTHEWS (REPRESENTATIVE) CONCERNING THE PROPERTY LOCATED AT 224 ½ W. HOUSTON STREET, BEING PART OF LOT 7, BLOCK X, S.B. ALLEN ADDITION, AS FOLLOWS;

BOARD OF ADJUSTMENTS

EXCEPTION UNDER ORDINANCE NO. 2280, SECTION 7,

**EXCEPTION – WALL SIGN
224 ½ W. HOUSTON
(THE GATHERING CHURCH)**

SUBSECTION (14)(B)(5) TO ALLOW A WALL SIGN TO PROJECT 4’8” FROM THE BUILDING OVER THE SIDEWALK IN LIEU OF THE PERMITTED 18” IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT.

Ray Matthews, 1803 N. Lockhart, Sherman, TX,

Mr. Matthews appeared to represent the request and answer any questions. The property is located at 224½ West Houston Street in the Central Business District between Elm and Crockett Streets. The Gathering Church occupies the space at this location and they would like to erect a wall sign, 13' above the sidewalk extending out from the building approximately 4'8". Mr. Matthews explained “when you are coming down West Houston Street there are lots of signs on the left that come out that far, right now we have the window signs but we don’t have anything that comes out.”

Chairman Hicks asked if there were any other options for a sign downtown.

Mr. Shadden explained “they could put a sandwich board on the sidewalk. I think they did that for a while but they wanted to clear the sidewalk.”

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

ACTION TAKEN.

Motion by Commission Member Gilbert to approve the exception. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

VARIANCE

THE REQUEST OF CLAY BARNETT (OWNER) CONCERNING THE PROPERTY LOCATED AT 3101 REDBUD TRAIL, BEING LOTS 1 & 2, BLOCK 7, BELVEDERE ESTATES, AS FOLLOWS;

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 7, SUBSECTION (13)(H)(1) & (3) TO ALLOW AN 8’ PRIVACY FENCE IN THE SIDE YARD IN LIEU OF THE PERMITTED 6’ AND TO ALLOW AN 8’ PRIVACY FENCE ON THE PROPERTY LINE ON A FRONT STREET IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT.

**VARIANCE - FENCE
3101 REDBUD TRL.
(CLAY BARNETT)**

Clay Barnett, 3101 Redbud Trail, Sherman, TX,

Mr. Barnett appeared to represent the request and answer

any questions. The property is located at 3101 Redbud Trail, the northeast corner of Redbud Trail and Stephens Circle. Mr. Barnett explained he would like to erect an eight foot (8') privacy fence in the side and rear yards on a front line street. "The front yard setback is my side yard because I have a corner lot, the front yard setback is twenty-five feet and I would prefer to build my fence on the property line similar to my neighbors who have built their fences up and down Stephens Circle."

Danny Brouer, 1509 Timberline, Sherman, TX

Mr. Brouer explained he owns the vacant lot east of this lot and he was curious where the fence would be located. (Mr. Barnett showed Mr. Brouer the site plan and explained where the fence would be located.) Mr. Brouer did not understand why there was a need for an eight foot fence.

Mr. Shadden explained a six foot fence would be automatic down the property line adjacent to Mr. Brouer's property.

Chairman Hicks explained "he does not need our permission to put up an eight foot fence between your property and his property as long as he is twenty-five feet back from the side street property line."

Ron Woodworth, 2917 Redbud Trail, Sherman, TX

Mr. Woodworth explained they have lived there for thirty-six years; "I'm not aware of any eight-foot fences in the neighborhood and I don't understand why he would want an eight-foot fence. If you have ever been in the neighborhood it is very open, it is very friendly. I am opposed to an eight-foot fence."

Mr. Barnett explained if there was a concern with the board he would be happy to build a six-foot fence on the property line instead of an eight-foot fence.

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

ACTION TAKEN.

Motion by Commission Member Thorpe to approve a 6' fence on the property line. Second by Commission Member Barton.

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

VOTING NAY: NONE

MOTION CARRIED

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

ZONE CHANGE & CONCEPTUAL SITE PLAN

THE REQUEST OF CLARK FAMILY TRUST (OWNER), SAPPHIRE GROUP LLC (PROSPECTIVE BUYER) AND

**ZONE CHANGE – R-1
TO R-2
4521 N. TRAVIS**

BLUESTONE PARTNERS, LLC, JOE DELL
(REPRESENTATIVE) CONCERNING THE PROPERTY
LOCATED AT 4521 NORTH TRAVIS STREET, BEING 11.049
ACRES IN THE JOHN JENNINGS SURVEY, ABSTRACT NO.
647, AS FOLLOWS;

(CLARK FAMILY
TRUST)

(DENIED)

PLANNING AND ZONING COMMISSION

ZONE CHANGE AND CONCEPTUAL SITE PLAN
APPROVAL UNDER ORDINANCE NO. 2280, SECTION 12,
FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO
AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

Kyle Boothe, Bluestone Partners, 2913 Overland Trail, Ste.
100, Sherman, Texas

Mr. Boothe appeared to represent the request and answer any questions. The property is located at 4521 North Travis Street between Forest Creek Drive and North Creek Drive. Mr. Boothe explained they are a small development and construction company and they would like to rezone the property for multi-family residential development to build an apartment complex on the lot. “We feel this property can be used in this way as its best use.”

“Some of the developments we have done around town are high quality developments as far as office, smaller multi-family, senior living and we really view this as a higher end multi-family product. This is about an eleven acre tract and we would only be utilizing less than half of that; the east half is mostly in the floodplain area. One of the bigger proposals we would like to offer up is where Savannah Drive dead-ends to the south, our proposal is to do a nice park and a nature trail through the back acreage that is heavily wooded, we would create a joint access easement with all the neighbors there in the subdivision, but the developers would maintain that area, we would maintain the park and nature trails, so it seems it would be a good buffer between the our development which would be on about five acres and the subdivision to the south.”

“I know there have been some issues with flooding to the southeast end of the neighborhood there and with some changes to the floodplain lines. Another thing we would be open to is over-engineering detention ponds and flood control type structures there that would beat the minimum requirement, we would be open to doing above and beyond, I am not an expert on that, but we could come up with some type of specifics on that, that could help resolve some the issues to the south of the development.”

“We are definitely out to improve the City, we don’t want to deter from the City, this would be over a ten million dollar project and the goal is to enhance the area, not to take away from it. The site plan is only conceptual, but we plan to have a design very similar to the exterior and interior, it is a heavily wooded piece of property that we would do everything in our power to save all the trees that we could and utilize those in the landscape design, in addition, add

retaining walls and additional landscaping to improve the property.”

“With our research around the North Texas area we have found there is a big need for multi-family for higher end, a little bit higher rent multi-family properties; they are just not around and the few units that are available; stay occupied very heavily.” They had seen the Staff Review Letter and would abide by the Recommendations.

Chairman Hicks explained “on the Staff Review Letter it says all traffic shall enter and exit off of Travis Street, but on the site plan you have an area entering off of Savannah Street.”

Mr. Boothe explained “that was labeled to show where Savannah Street dead-ends. We do not plan on entering through that neighborhood whatsoever, our only entrance would be in and out on Travis Street.”

Chairman Hicks explained “one of the concerns I have is, when you have a conceptual site plan, if the zone change is granted then you could build anything, we wouldn’t have a lot of control of what is built.”

Mr. Shadden explained they would still have to have site plan approval but as long as it meets code they could build it.

Chairman Hicks stated “it does not have to look like they are proposing now; they could come back with hardy board siding and aluminum windows.”

Mr. Boothe explained “the only way around that would to put deed restrictions on the property to make that a requirement; we are not opposed to that whatsoever.”

Commission Member Thorpe asked “how many units they are proposing.”

Mr. Boothe did not know exactly but they plan on a little over a hundred units.

Commission Member Scheibmeir asked “what the monthly rent would be.”

Mr. Boothe explained “we are looking at \$1,000 to \$1,200 per month.”

Chairman Hicks explained another concern he had was traffic. “We have already approved the Creed Canyon Apartments on the corner of Travis and Canyon Grove Road and TXDOT has changed some of the routing there and installed some traffic lights, that’s a lot of vehicles if you have a hundred units, two vehicles per unit; that’s two-hundred more vehicles.

Mr. Shadden explained “the traffic would be a TXDOT issue they could require an accel and decel lane or left turn lanes.”

Clay Barnett, City Engineer explained “they could require a traffic impact analysis as far as the development and have them make any improvements associated with the increase in traffic on Travis Street, if you so choose.”

Chairman Hicks explained the master plan has it as natural areas, wooded and vegetated land; which are essentially untouched by development.

Commission Member Barton asked what his conceptual plan for screening for the apartments and the residential to the south.

Mr. Boothe explained they would do a nice masonry wall or whatever they needed to do.

Appearing from the audience:

Tom Miller, 313 Forest Creek Dr., Sherman, TX

Mr. Miller showed photographs of the flood that took place in 2007; we have had three, one-hundred year floods, 2000, 2004 and 2007. There were about ten homes that were on an island; we came this close to calling the fire department to help get out. We have some elderly people, I have my wife and kids and I’m usually at work at night, it scares me to death knowing that creek is rising and she’s calling me on the phone saying the creek is over into the road and it is coming towards the back of the home.

“If you look at the conceptual site plan that he has, the east units will be flooded, so you are talking two hundred seventy to three-hundred square feet of unrestricted water coming down through that area which currently has a retention pond or a stock tank in it that will be gone because it will be a parking lot at the time they build this; you are throwing a lot of water down our way. The City has been good and coming out and removing debris and so forth from the drainage pipes, but it is numerous times that it still comes over the street. An example is when it was a good four-foot over the street; we had no way out, it was flooding to the east, north, south and to our west.

“Traffic is another issue on Travis Street, you have North Creek, Highway 75 and then Forest Creek, 55 mph speed limit, many of us are over 50 years old trying to come out, with an additional one-hundred cars at any given time; it makes it awfully rough to slow down and turn or to enter on Travis Street, that is going to be a small road between North Creek, Forest Creek and Highway 82.”

“My main concern is flooding to the south of this property, for potential loss of property or loss of life in the middle of the night; that is usually when it is flooding. We have had

water in the houses and when you get panicky and try to drive through the water in the road you are going to have just like in 2007; a fatality. The detention ponds do help but you still have North Creek that drains into that little creek that eventually brings a lot of water down our way, it doesn't take much to flood. We are not opposed to building, we bought those houses with the expectation that we were going to have neighbors, and we do; Austin Landing is growing and is now starting to build, we have North Creek which is built and is vibrant and Forest Creek, so we are not sure why you want to put an apartment complex in between those three housing developments; it just doesn't make sense. The Commission back in 2007 agreed with us; it just didn't seem to fit, it just didn't seem to work."

Commission Member Gilbert explained "this property has been for sale for thirty years, no one has seemed to develop it for residential so far. As far as the flooding goes, when they hire a third party engineer to study the flooding, will they work with the City to control the flooding issue?"

Mr. Barnett explained "staff makes every effort to ensure they adhere to the ordinance."

Joe Cooper, 109 Forest Creek Dr., Sherman, TX

Mr. Cooper explained "flooding is just one of our grievances but also the traffic. The State has done some traffic studies out there already and getting ready to do some widening on Travis, but there is not really too much they can do because they have a choke point down by the church and the Women's Crisis Center. I don't see how you could make it any wider; it's about 55 mph or at night 80 mph on that road. My main gripe, is it is going to bring traffic down Forest Creek. I talked to the people who were building the last two apartment complexes on North Travis and they had to have two entrances as I was told by the folks building it, a front and rear entrance, they normally keep them locked, but they have access, because of life safety, a development of a certain size has to have access for emergency personnel; so this development will have to have a road coming into Forest Creek at the back of this property, you will have one off of Travis and one coming down Forest Creek Drive. The way the traffic is right now it can take you five minutes just to get on Travis Street, I'm also a senior citizen almost and I don't have my NASCAR license; I don't want to get run over on that street. They mentioned having one hundred units and that is different than having forty or fifty houses; if you have thirty houses you are not going to have all the people leaving at the same time, it is going to be higher income people and not everyone will be leaving at 8:00 in the morning coming back at 4:30 in the evening. The gentleman mentioned putting a park out there, if they put a park out there someone has to maintain it; the developer he is going to build and he will leave, he has his money; the only way you

can maintain a park is a HOA (Homeowner's Association) and somebody has to pay those fees; it will be on the people in the apartment or it will be on us. We moved to Forest Creek because it is single-family and the ordinance supported single-family around that area; ordinances are an explicit contract that buy in an area and invest.

Edna Bishop, 209 Forest Creek Dr., Sherman, TX

"We have an interest in this project because where Savannah dead-ends that is where our driveway dead-ends also, and it is just a few feet where the grassy knoll ends. The area on the site plan that shows the jogging path is in the middle of our street. I can't imagine that they are going to open a park where they are going to let strangers come in to where we let our children play."

Commission Member Barton asked Clay Barnett, City Engineer if the area has been designated as FEMA floodplain in the last couple of decades or has it been for a long time for the development.

Mr. Barnett explained he did not know what time it was mapped as a designated floodplain but "I do know the houses in Forest Creek were built prior to it being mapped."

Commission Member Olmstead explained "the storm water prevention plan that the developer will have to do will only deal with the water coming off that piece of property; it's not going to fix anything from the past and odds are it doesn't matter what is put there that flooding will continue because they were built too low."

Commission Member Scheibmeir asked if the City had any plans to improve the flooding risk related to that area.

Mr. Barnett explained "the City just finished a flood protection plan of Post Oak Creek; it has several recommendations throughout the City of Sherman but the furthest north is the area behind Town Center, there was not a solution in that flood protection plan for the area north of the area behind Town Center."

Commission Member Scheibmeir asked "would it matter if this was single-family residential versus multi-family residential as far as the flooding problem. The City will get \$34,000 tax revenue if we let them build it; in that sense, that's good for all of us, when the City can do that, but not when it adds to harm, we don't want it to exasperate to the community we've already got. So if the City could, I don't know some kind of win-win, people get together and say we are going to keep it from flooding there, because the City wants to do that and at the same time we can make it work to the development that is going to go in, if it stays single-family or if it is going to develop, it is only going to make it worst for you if anything goes in, it is going to be

concrete and water rushing and all that; it is going to be bad news if it develops at all; I don't know how you are going to get a win-win."

Mr. Cooper explained "flooding is not their only concern, it is traffic and keeping that area from multi-family, that's very important because harm with the flooding is in the increased density and the increased traffic, the vehicles that will be coming through Forest Creek to support that facility. That is our main concern changing the character of that area by changing the zoning. If they put some high-end houses there, that's great; it is within the same character and houses that can be built in a certain way, they do not have to have all the blacktop for parking which will exasperate the flooding issue, single family housing can be molded into the landscape; but the main thing is the number of people this apartment will bring in. I admire these guys, I've seen what they have built around town, if they would come in and put some single family houses in there and it is not going to change the character of the area."

Commission Member Morgan asked if there were any plans for Travis Street.

Mr. Barnett explained "TXDOT has plans to widen it but I do not know the timeline on that."

Laura King, 4800 Indio, Sherman, TX

Ms. King explained she has worked all her life to not live in an apartment complex and I don't want to live next door to one. How do we know it will not be low income housing? I would ask each of you if you would want this apartment complex next to your house."

Roy Whisenant, 201 Forest Creek Dr., Sherman, TX

"I live directly behind this proposed apartment complex and I would ask if this is changed from R-1 (One Family Residential) District to R-2 (Multi-Family Residential) District now, what can happen then, can somebody come along and change the site plan, can another developer come along and Sapphire decides it is not cost effective because these guys are going to be fighting me every tooth and nail all the way. So if you change the zoning now, which is residential, single-family, the last batch of single-family housing in that area of town."

"When I moved there North Creek didn't exist, Wal-Mart was not there, that came up around us; we couldn't stop that, but we can keep it R-1 (One Family Residential) District because of the very thing I have heard tonight that changed my whole concept; we are not that far along yet, we don't know about screening, we don't know about the site plan, we don't really know how we are going to build a retention, we thought about entrances and exits but we may have to have something on Savannah. We're hearing

an awful lot of questions from the developer, but we are not that far along yet. Please don't change the zoning based on a conceptual site plan that is not that far along yet; bring something I can sink my teeth into and wrap my arms around and I will sit and talk to them, but we're not that far along yet."

Joyce Lawrence, 4400 Savannah, Sherman, TX

Ms. Lawrence explained she just moved here and everyday she and her dog walk up and down the streets and make the whole entire area. "There are no sidewalks, so when I walk, I have to walk on the outside, I'm not dodging cars but it could be a serious situation. If we have all these cars coming from the new apartment complex onto our street and we have to dodge the cars as they are coming around and if they are young people you better be dodging them. I think we need to consider what is going to happen to that situation; it needs to be a little bit more thought given to this process."

Russ Bowers, 1717 N. Wharton, Sherman, TX

"I moved to Sherman and moved into one of the high-end apartment complexes, within a few years of living there it changed ownership and the gated entrance was constantly open, there were people coming in and out of there all hours of the night, partying in the swimming pool right outside my back door of my apartment. When I moved in there, oh this is a nice place, it's a high income place; that doesn't stay that way, it will change and what are we going to leave with the people in this community when that happens, there is going to be a lot of people coming in there and they are going to make big money, they're going to make lots of profits from this development, but what are they going to leave these people from this community. It's an R-1 (One Family Residential) District for a reason, please keep it that way."

Steve Ramsey, 117 Forest Creek Dr., Sherman, TX

Mr. Ramsey was concerned about privacy, "right now we have a reasonable expectation of privacy in our home and in our yards. If you put a two and three story apartment complex in the back of your yard, that expectation of privacy is gone, even in your home you will have to keep your drapes or blinds drawn at all times to keep people from looking in your home. There is a reason we moved into a single-family section of the City, the City of Sherman is a great place, I moved here from Dallas and I really would like to see us keep our privacy and our single-family dwelling an R-1 (One Family Residential) District."

Priscilla Bowers, 4413 Augusta Circle, Sherman, TX

"I was here previously when all this was brought before the board and I'm here again seeking the continuance of the R-1 (One Family Residential) District based upon all the reasons you have already heard. As a senior citizen, I know that if that traffic is increased on Forest Creek, I back out

onto Forest Creek out of my garage as many of these people, I walk as the lady with her dog, that being the case it is the traffic along with the concern of the flooding. I would ask that you continue with the R-1 (One Family Residential) District zoning for that area.”

Andy Boyd, 121 Forest Creek Dr., Sherman, TX

“My backyard goes all the way to the western boundary of what is going to be the little park. I have a pool back there and I have raised two daughters; privacy is an issue, I don’t want someone walking through the park or the neighborhood. The average depreciation from houses run anywhere from ten to twenty-five percent. You guys probably do not live or backup to an apartment complex and there is probably a good reason for that; do you want this in your backyard, I don’t.”

Mr. Boothe understood everyone’s concerns and felt they could come up with something that makes sense. “As far as the flooding, we would do what an engineer comes up with the development but we could do it two times what is required to make that happen; not that it is going make a big impact on the floodplain but it would have a small impact.”

Commission Member Thorpe asked if the people in the audience would be willing to work with the developer.

The audience did not want to work with the developer, they wanted it to remain an R-1 (One Family Residential) District.

Mr. Boothe understood, “knowing where this project is coming from not being completed, but I am saying I would be so willing to talk through all those details, from detention to the maintenance, it will be an agreement, it will be a legal joint access agreement, we will be required to maintain the property and it will be ongoing with that property within these restrictions. If we did move forward with low-income single family and attach a street and probably get as many as fifty or sixty homes in there that are one hundred percent siding, from my conversations with the City, you could do a low-income, very inexpensive housing addition without any kind of approval.”

Mr. Shadden explained “we do not address low-income housing as far as zoning. You can build single-family homes without approval of the zoning board.”

Mr. Boothe explained “the reason I brought that up is with the amount of floodplain, it is so hard to make the property work without higher density. The idea is, if we were able to do more units and it is going to be nicer, there is money to put up full masonry walls, there is money to put up a trail that is maintained and well kept. If we just go in there and slapped up fifty units, by the time you pay for

infrastructure and put in city streets, there is going to be a lot of coverage for flooding. I feel like there are some things we could definitely come to some common ground and I am totally willing to work in any way I can, if that is a possibility.”

Mr. Cooper explained “there for a while I was feeling sorry for Mr. Boothe since he is here by himself and up against this onslaught but the one thing that did bother me is what I perceive is he puts out there a threat, if he doesn’t put this here, he is going to put in low-income housing.”

Chairman Hicks explained “that is not what he said. His example was even if he put in low-income siding houses, didn’t spend a lot of money, you can’t make money on the property because it is not financially feasible to do that because there is so much floodplain in the back; that was his example, it wasn’t a threat.”

Mr. Cooper explained “I’m going to let him speak for himself; I have a good command of the English language, I know what I understood. He was giving us what the alternative, if this doesn’t happen, this is what we are going to look forward to and I guarantee everyone else interpreted that same way; so he doesn’t want to play that card. This is an R-1 (One Family Residential) District, R-2 (Multi-Family Residential) District issue; if someone later on wants to put low-income housing in there, that’s just a dirty way to perceive it, that’s why folks have a hard time with developers, because they don’t care about neighborhoods; he just wants to make a buck. I felt a lot of empathy for him until that, because that tells me what he is interested in; he’s interested in making some money, not our community.”

Commission Member Gilbert stated “he is a businessman; I actually applaud him because this property has been for sale for thirty-five years and no one has developed it.”

Mr. Cooper explained “maybe that is the best use for the property, to leave it like it is.”

Mr. Boothe apologized “if what I said came off as a threat, I promise you that was not the intention. What was going through my head is, when we ran the numbers and when we are looking at it as a single-family and with the amount of infrastructure and how you have to get the infrastructure there; the only way you could make it work to where it would meet a market rate on a house is to do high density, cheap as you can. We won’t do that; ya’ll don’t have to worry about that.”

Phil Bishop, 209 Forest Creek Dr., Sherman, TX

Mr. Bishop explained he has lived in Sherman 33 years and is retired from Texas Instruments. He was opposed to the zone change.

Peggy Jackson, 4604 Vista Lagos, Sherman, TX

Mrs. Jackson explained she represents the family that is requesting the zone change. “The family lives in Nevada and they purchased the property thirty-six years ago when Saturn was popular and they have not been back. I don’t see a situation that is going to make everybody happy. I have sold houses in Austin Landing and in the Forest Creek neighborhood. I have been there when it was flooding and took pictures so that I could tell the truth to people when they say, is this a nice neighborhood, what should I expect, what am I going to do, where are the kids going to school. I am always telling the truth on a piece of property.”

“The length of that property is 1,000 feet long on the north side, if you took a housing division; a lot of lots are 75 or 80 feet wide by 100 feet deep. If you wanted to make a housing addition there, whether it be nice, substandard, or whatever on that 1,000 feet down this way and then 800 feet on the south side, you can put a lot more residences in there than you can an apartment complex; a lot more residences and that might be something to think about. So, maybe the best thing might be to get something nice there, and if you are worried about people looking over your fence and you lose your privacy, what’s the difference in that and having a two-story house behind you. You can go over into Turtle Creek South where we’ve built before and some of the upper class people in Sherman are looking over into somebody’s pool on small lots. So I think the density problem is the only thing, we have talked about the flooding, traffic, when that comes or anything comes or even the houses; they are going to have to widen North Travis Street. Probably fifteen to twenty percent of people will turn there at Wal-Mart at Canyon Grove Road or they will turn on North Creek to go to Town Center North. So, we can’t put all the blame on the housing addition or the apartment complex; people are going to use North Travis period and if it is not coming now and done by the people that I know build quality products, they’ve built doctor’s offices, commercial buildings and some of the best quality homes in Sherman. Otherwise, maybe someone here or from Dallas would like to come in there and build 180 houses right next to each other, because you could take those lots and build a house on a 75’ lot, you could build a townhome or a garden home on a 50’ lot. What is real popular right now is, we get calls from people that want to move to our area looking for a condo, townhome or garden home. Look at that area on Rex Cruse, they built those townhomes and garden homes like that; they were selling them before they were finished and that is what can go in there. You may end up with more traffic and more flooding issues when you build all those homes and all those driveways and patios.”

Rev. Don Russell, 304 Forest Creek Dr., Sherman, TX

“My concern would be if they did something, would it

change the floodplain from where it is now; is there anything that would change the floodplain.”

Chairman Hicks did not think it would do anything whether they put houses or apartments there; “I don’t think it is going to change the floodplain at all. The engineering, the detention pond and all that will try to control the additional water that development would put into the system, they are not coming in and building a lake and fixing the flooding problem.”

Mr. Barnett explained “FEMA is in control of the flood maps, they periodically review the topography from time to time and they will make adjustments based on the results.”

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

Letters were received from:

Don & Carolyn Vickrey, 308 Forest Creek Dr., Sherman, TX
Mr. & Mrs. Vickrey were opposed to the zone change; they did not feel an apartment complex was the best use for the property and does not blend with the single-family developments in the immediate vicinity. “A major impact that will directly result from allowing this development will be a dramatic increase in storm water runoff from acres of parking lots into the East Fork of Post Oak Creek. Post Oak Creek already overflows its banks immediately downstream from this proposed development when high rain events occur.”

“Sherman needs quality, newer single-family subdivisions and they don’t all need to be located along Highway 1417. Developers have spent time and money to locate several along the North Travis corridor. Please do not discourage more quality development in this area by allowing this zoning change.”

Priscilla Bowers, 4413 Augusta Circle, Sherman, TX

“This is the second time my neighborhood has lived the request of zone change from R-1 to R-2. Flood concerns and documentation of concerns were presented as valid in the previous request. Request was denied, why, as a senior citizen and neighbor, are we living this again? I sent a certified letter of concern to be placed on file; you should have the letter from the previous seeking to change. I was a witness to the flooding and saw endangerment of my fellow neighbors when they were blocked off by raging waters. I saw normally accessible homes surrounded by water and some flooded. Why must we again live what’s happening this day – zone change. Please retain R-1 zoning for 4521 N. Travis.”

ACTION TAKEN.

Motion by Commission Member Olmstead to deny the zone

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change and conceptual site plan. Second by Commission Member Scheibmeir.

VOTING AYE: MORGAN, BARTON, DUTTON, SCHEIBMEIR AND OLMSTEAD.

**VOTING NAY: KRECK, GILBERT AND THORPE
MOTION CARRIED**

THE COMMISSION FOUND THE REQUEST DID NOT CONFORM TO THE INTENT OF THE ORDINANCE.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:13 p.m.

ADJOURNMENT

CHAIRMAN

SECRETARY