

STATE OF TEXAS

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October 18, 2011

BE IT REMEMBERED THAT A Regular Meeting of the Planning and Zoning Commission of the City of Sherman, was begun and held on October 18, 2011.

MEMBERS PRESENT: CHAIRMAN LAWRENCE DAVIS
COMMISSION MEMBERS: BARTON, HICKS, BARBER,
PLYLER AND TANKERSLEY

MEMBERS ABSENT: MORGAN AND JACOBS

CALL TO ORDER

Chairman Davis 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 September 20, 2011 Meeting. Motion by Commission Member Hicks to approve the Minutes as written. Second by Commission Member Barton. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

BOARD OF ADJUSTMENT

The members of the Board of Adjustment: DAVIS, PLYLER, TANKERSLEY, BARTON AND HICKS.

BOARD OF
ADJUSTMENTS

ZONE CHANGE, SUP, SITE PLAN & VARIANCE

THE REQUEST OF TOMMY REED (OWNER), ALTON SOMMERS AND LORENZO BLANTON (APPLICANTS), CONCERNING THE PROPERTY AT 2113 SOUTH FIRST STREET, BEING LOT 6, BLOCK 3, SHAMROCK ADDITION, AS FOLLOWS:

PLANNING AND ZONING COMMISSION

ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTOMOTIVE AND TRUCK REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

BOARD OF ADJUSTMENTS

VARIANCE UNDER ORDINANCE NO. 2280, SECTION 6.5, SUBSECTION (1) TO ALLOW A 5' SIDE YARD AND A 10' REAR YARD SETBACK FOR AN EXISTING BUILDING IN LIEU OF THE REQUIRED 15' ABUTTING A RESIDENTIAL DISTRICT IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

ZONE CHANGE – R-1
TO C-2
SUP & SITE PLAN –
AUTOMOTIVE &
TRUCK REPAIR
VARIANCE – SIDE &
REAR SETBACK
2113 S. FIRST
(TOMMY REED)

(DENIED)

Tommy Reed, 551 Block Road, Gunter, TX

Mr. Reed appeared to represent the request and answer any questions. The property is located at 2113 South First Street; between East Lake Street and Ida Road. The building had been used as an office and shop for an electrical business when it was annexed into the City, February 16, 1987. An exception was granted to allow a

catering business as an existing non-conforming use at the August 8, 1995, Planning and Zoning Commission Meeting.

Mr. Reed explained he purchased the building, the house next door and an apartment above a garage at a tax auction about three years ago and assumed the property was zoned for commercial use because the building had been used for commercial in the past; he later found out the property was zoned an R-1 (One Family Residential) District. The building has not been used or leased as commercial since he purchased the property. Mr. Sommers and Mr. Blanton would like to use the building for automotive and truck repair. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

Oleta Smith, 2115 S. First, Sherman, TX

Ms. Smith explained she owns the property to the south of this property and has lived there for 28 years. She was very much opposed to having a garage next door; “there is always a lot of noise and they are in and out a lot. The previous owner built the building for storage for his electrical company; he lived in the house and stored his vehicles in the building at night.”

Commission Member Hicks explained in the background of the property it was a catering business in there at one time.

Scott Shadden, Director of Developmental Services explained “it was approved for a catering business; he started the business but he did not run it very long.”

M.L. Gaines, 2105 S. First, Sherman, TX

Mr. Gaines explained “the property has been zoned an R-1 (One Family Residential) District for many years. If they are going to make anything commercial, take it a little bit further down away from the housing.” He did not understand how they would enter the back of the shop because he owns all the land around it; “there is not enough room to have a drive on either side of the building to drive a vehicle through.”

Chairman Davis asked Mr. Shadden to give a background of how this commercial building came about in a residential neighborhood.

Mr. Shadden explained South First Street was developed quite a bit before it was annexed into the City; residences and businesses as well. “When these buildings were built there was not a limit on the number of buildings you could build; they were built with permits but apparently the owner continued to do some work after the final inspection. This building was used for storage and was approved for a catering business as an existing non-conforming use. From time to time, we have had people

apply for commercial or manufacturing districts down through there and when no one opposed it because of the nature in the area, sometimes the board granted the request, because what is compatible with the neighborhood.”

No other citizens appeared before the Planning and Zoning Commission to discuss the zone change, Specific Use Permit, site plan or variance.

Commission Member Tankersley was concerned with the business being so close to the existing residential.

Commission Member Plyler explained last month they denied a zone change to a C-2 (General Commercial) District because once you go to a C-2 (General Commercial) District you leave the door open to a variety of uses.

ACTION TAKEN.

PLANNING AND ZONING COMMISSION

ZONE CHANGE UNDER ORDINANCE NO. 2280, SECTION 12, FROM AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT TO A C-2 (GENERAL COMMERCIAL) DISTRICT AND SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER SECTION 8, SUBSECTION (5)(A) TO ALLOW AUTOMOTIVE AND TRUCK REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT.

Motion by Commission Member Tankersley to deny the zone change, Specific Use Permit and site plan because it is not compatible with the neighborhood. Second by Commission Member Hicks.

VOTING AYE: DAVIS, PLYLER, BARTON, TANKERSLEY, BARBER AND HICKS.

VOTING NAY: NONE

MOTION CARRIED

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

SPECIFIC USE PERMIT & SITE PLAN

THE REQUEST OF JACK & PATSY PIERCE (MINERAL RIGHTS OWNERS), GREG SPALDING, LONGFELLOW ENERGY, LP (REPRESENTATIVE) AND SARTIN & ASSOCIATES, INC. (SURVEYORS) CONCERNING THE PROPERTY LOCATED AT 4329 U.S. HIGHWAY 82 EAST, BEING 194.896 ACES IN THE WILLIAM BROGDEN SURVEY, ABSTRACT NO. 92, AS FOLLOWS:

PLANNING AND ZONING BOARD

SPECIFIC USE PERMIT AND SITE PLAN APPROVAL UNDER ORDINANCE NO. 2280, SECTION 8, SUBSECTION (5)(A) TO ALLOW THE DRILLING OF AN OIL/GAS WELL (SKAGGS #3) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT.

SUP & SITE PLAN –
OIL/GAS WELL
(SKAGGS #3)
4329 HWY 82 E.
(JACK & PATSY
PIERCE)

Greg Spalding, Longfellow Energy, LP, PO Box 1989,
Addison, TX

Mr. Spalding appeared to represent the request and answer any questions. The property is located at 4329 U.S. Highway 82 East; the northwest corner of U.S. Highway 82 East and the F.M. 1417 NE Junction. The mineral rights owners would like to drill an oil/gas well on the property.

Mr. Spalding explained they were approved for another oil/gas well (Skaggs #2) at the September 20, 2011, Planning and Zoning Commission Meeting; this well will be at the exact same well site, they will just skid the rig 30 or 40 feet and drill an additional well. They anticipate starting drilling in December. They had seen the Staff Review Letter and would abide by the Staff Review Recommendations.

No other citizens appeared before the Planning and Zoning Commission to discuss the Specific Use Permit and site plan.

ACTION TAKEN.

Motion by Commission Member Tankersley to approve the Specific Use Permit and site plan subject to the Staff Review Letter. Second by Commission Member Barber.

VOTING AYE: DAVIS, PLYLER, HICKS, BARTON, TANKERSLEY AND BARBER.

VOTING NAY: NONE

MOTION CARRIED

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

OTHER BUSINESS

No other business came before the board.

OTHER BUSINESS

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:20 p.m.

ADJOURNMENT

CHAIRMAN _____

SECRETARY