

ORDINANCE NO. 6679

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14 AND GRANTING A SPECIFIC USE PERMIT TO ALLOW A SECONDHAND STORE OR RUMMAGE SHOP, ON A TRACT OF LAND ZONED C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT OVERLAY LOCATED AT 125 NORTH TRAVIS STREET, BEING IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS LOS HERMONOS PARTNERSHIP (OWNER) AND LAURA AYERS, STILL CHARMING/HOUSE OF ELI (REPRESENTATIVE) PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; 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, the property located at 125 North Travis Street, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Secondhand Store, subject to the conditions described in this Ordinance and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14 is hereby amended so as to hereafter include property on **Exhibit A – Survey/Site Plan**.

**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 Zoning Ordinance/Code of Ordinance Chapter 14/Central Business District.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).  
(Code of Ordinances Chapter 3.02(c))



3. The property must be properly maintained in a state of good repair and neat appearance.
4. Merchandise for sale shall be kept within the building and not for display outside.
5. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C)*)
8. 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.
9. 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.

Additional Conditions:

10. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit A**.

**SECTION 3.** That this Ordinance shall be entered upon the official zoning map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

**SECTION 4.** That after holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if any of the conditions set forth in Zoning Ordinance/Code of Ordinances Chapter 14, Section 14.06.009(1)(g), apply or exist.

**SECTION 5.** That the Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

**SECTION 6.** 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 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 7.** That the 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 8.** 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 9.** 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 10.** 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 18<sup>th</sup> day of December 2023.


**ADOPTED** on this the 18<sup>th</sup> day of December 2023.

**EFFECTIVE DATE** on this the 18<sup>th</sup> day of December 2023.

**CITY OF SHERMAN, TEXAS**

**BY:**   
**DAVID PLYLER, MAYOR**

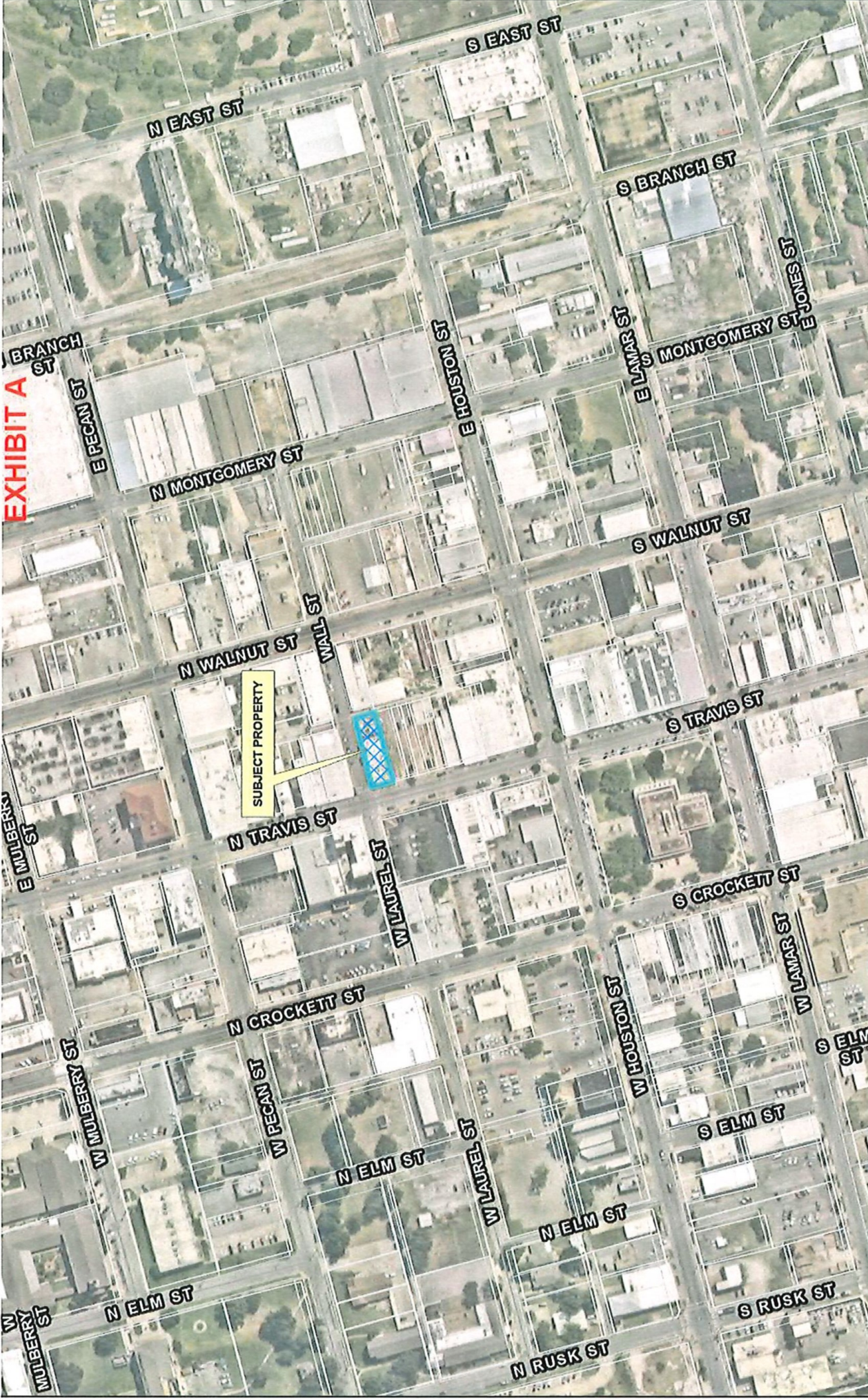
**ATTEST:**

**BY:**   
**LINDA ASHBY, CITY CLERK**

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

**BY:**   
**RYAN D. PITTMAN, CITY ATTORNEY**





**EXHIBIT A**



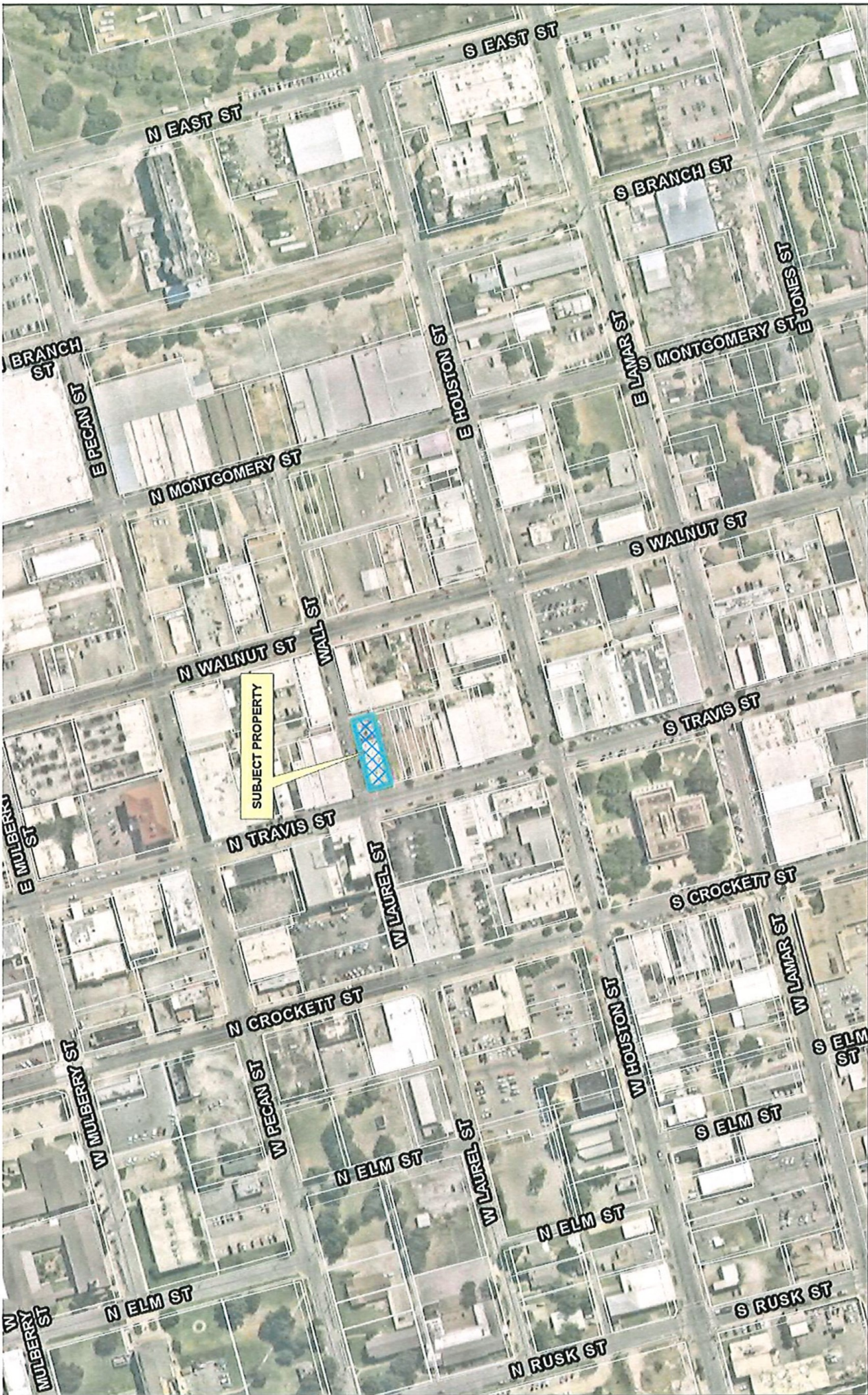
Date: 11/2/2023 5:00 PM

CITY OF SHERMAN  
LOCATION MAP  
125 N TRAVIS ST



City of Sherman, Texas  
Development Services Department





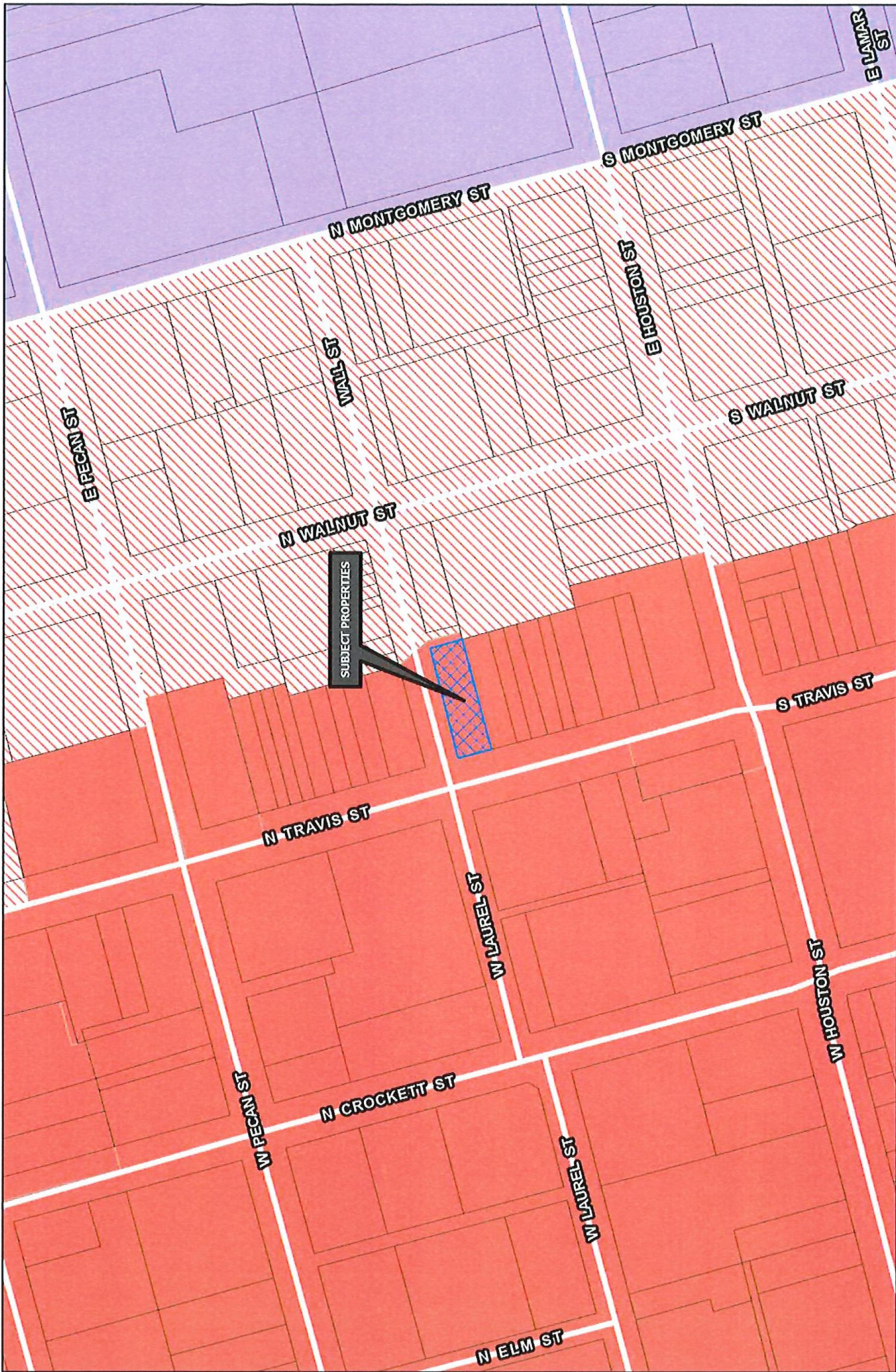
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CITY OF SHERMAN  
LOCATION MAP  
125 N TRAVIS ST



City of Sherman, Texas  
Development Services Department





CITY OF SHERMAN  
 ZONING MAP  
 125 N TRAVIS ST

Date: 11/2/2023 5:00 PM

- |  |                                |
|--|--------------------------------|
|  | M-1.5 Medium Manufacturing     |
|  | M-2 Heavy Manufacturing        |
|  | PD Planned Development         |
|  | Road Names All                 |
|  | Planning & Zoning              |
|  | MF-15 Multi-Family Residential |
|  | MF-30 Multi-Family Residential |
|  | MH Manufactured Housing        |
|  | C-N Neighborhood Commercial    |
|  | C-O Office                     |
|  | C-1 Retail Business            |
|  | C-2 General Commercial         |
|  | R-A Residential Agricultural   |
|  | R-E Estate Residential         |
|  | R-12 Single Family Residential |
|  | R-6 Single Family Residential  |
|  | R-5 Single Family Residential  |
|  | R-4 Patio Home Residential     |
|  | R-2F Duplex Residential        |

*Sherman*  
 CLASSIC TOWN, BROAD HORIZON.  
 Development Services  
 Department



## DOWNTOWN

### Intent & Character

The Downtown category is intended to promote the redevelopment of Downtown Sherman. This area has many aspects to consider like mix of uses, historic and cultural elements, aging buildings and infrastructure, and the pedestrian experience. This area should be guided by a Downtown Master Plan that provides uniquely tailored action steps for the area.

### Appropriate Land Use Types

- Residential (upper-story, multi-family)
- Retail and Restaurants
- Entertainment
- Office (preferably on the second floor and above)

### Compatible Zoning Districts

- Multi-Family Residential (MF-15 and MF-30)
- Office
- Retail Business
- Neighborhood Commercial

### Considerations

- Land uses in downtown should be balanced to promote activity during business and evening hours.
- Residential should be encouraged to support non-residential uses.
- Public facility uses should not be expanded and should be relocated if located in a part of downtown that would be better served by a more dynamic use.



## CITY OF SHERMAN FUTURE LAND USE MAP 125 N TRAVIS ST

- |  |                       |
|--|-----------------------|
|  | Technology Hub        |
|  | Planning & Zoning     |
|  | Core Neighborhood     |
|  | Downtown              |
|  | Regional Commercial   |
|  | Suburban Neighborhood |
|  | Agriculture/Rural     |
|  | Airport               |
|  | City Parkland         |
|  | Community Commercial  |



Development Services  
Department



## Marlow, Lauren

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**From:** laurenm@cityofsherman.com  
**To:** House of Eli  
**Subject:** RE: Property Notification Sign

**From:** House of Eli  
**Sent:** Tuesday, October 31, 2023 10:41 AM  
**To:** Marlow, Lauren  
**Subject:** Re: Property Notification Sign

Good morning,

Please let me know if these pictures will work as proof with date and time stamp.







October 19, 2023

House of Eli's proposed project, located at 125 N. Travis, Sherman, Texas, 75090, is an upscale clothing, furniture, and home décor consignment store named Still Charming. Our store has been remodeled to reflect the character of the original building, uncovering the original ceiling, pillars, and tile flooring. We are not accepting yard sale type clothing, furniture, or other items. Still Charming's intent is to provide a beautiful, boutique feel for those wishing to consign and for our customers. We are asking for a special use permit for a resale boutique and consignment at this location.

Sincerely,

A handwritten signature in cursive script that reads "Laura Ayers".

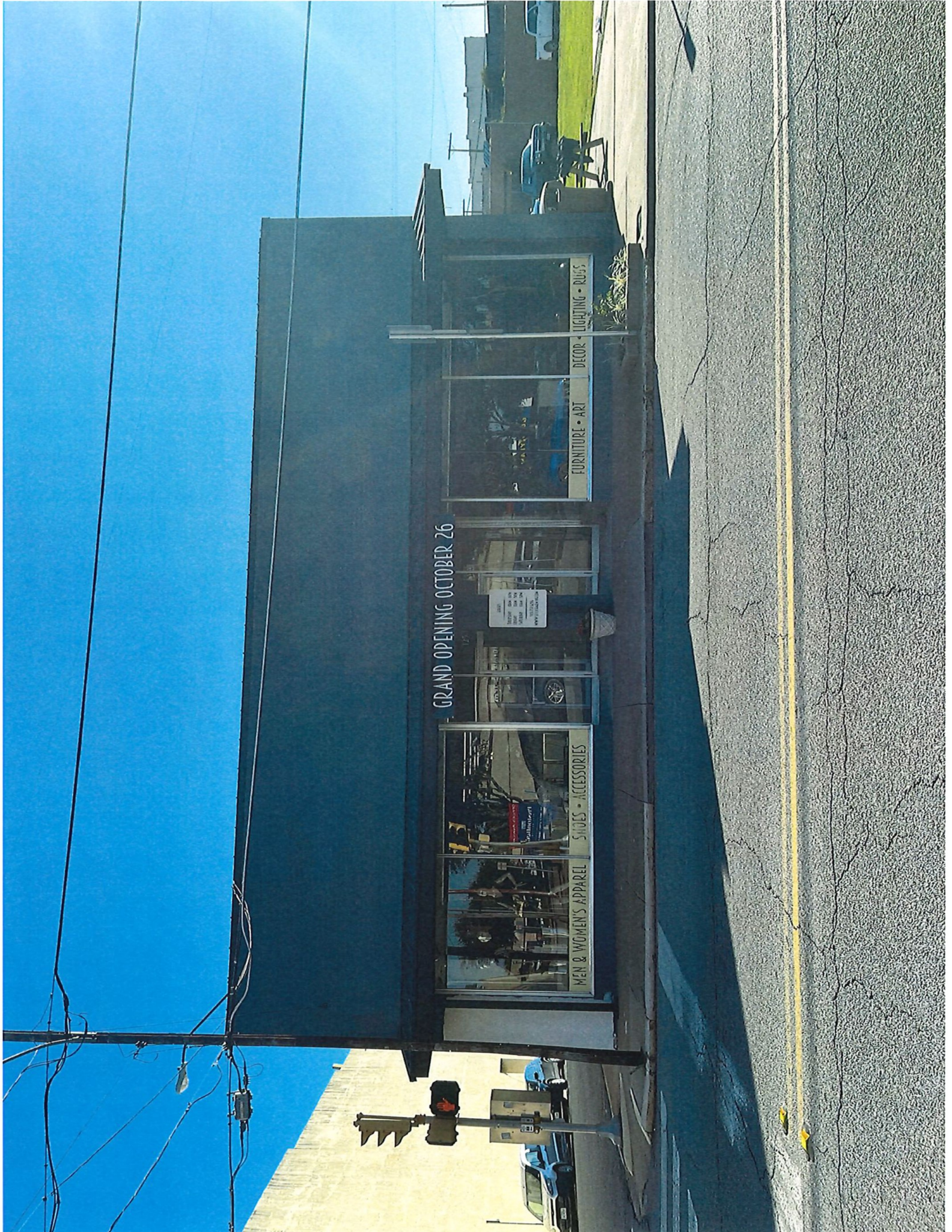
Laura Ayers

House of Eli, Co-Director

903-771-4339

Stillcharming.consignment@gmail.com





GRAND OPENING OCTOBER 26

MEN & WOMEN'S APPAREL

SHOES & ACCESSORIES

FURNITURE • ART

DECOR • LIGHTING • RUGS

SALE  
TRENCH COAT \$49  
SWEATER \$29  
LEATHER SHIRT \$24  
WALLET \$12  
WWW.FITMACH.COM





Handwritten red text on the sidewalk, possibly a name or address, including the number "10".









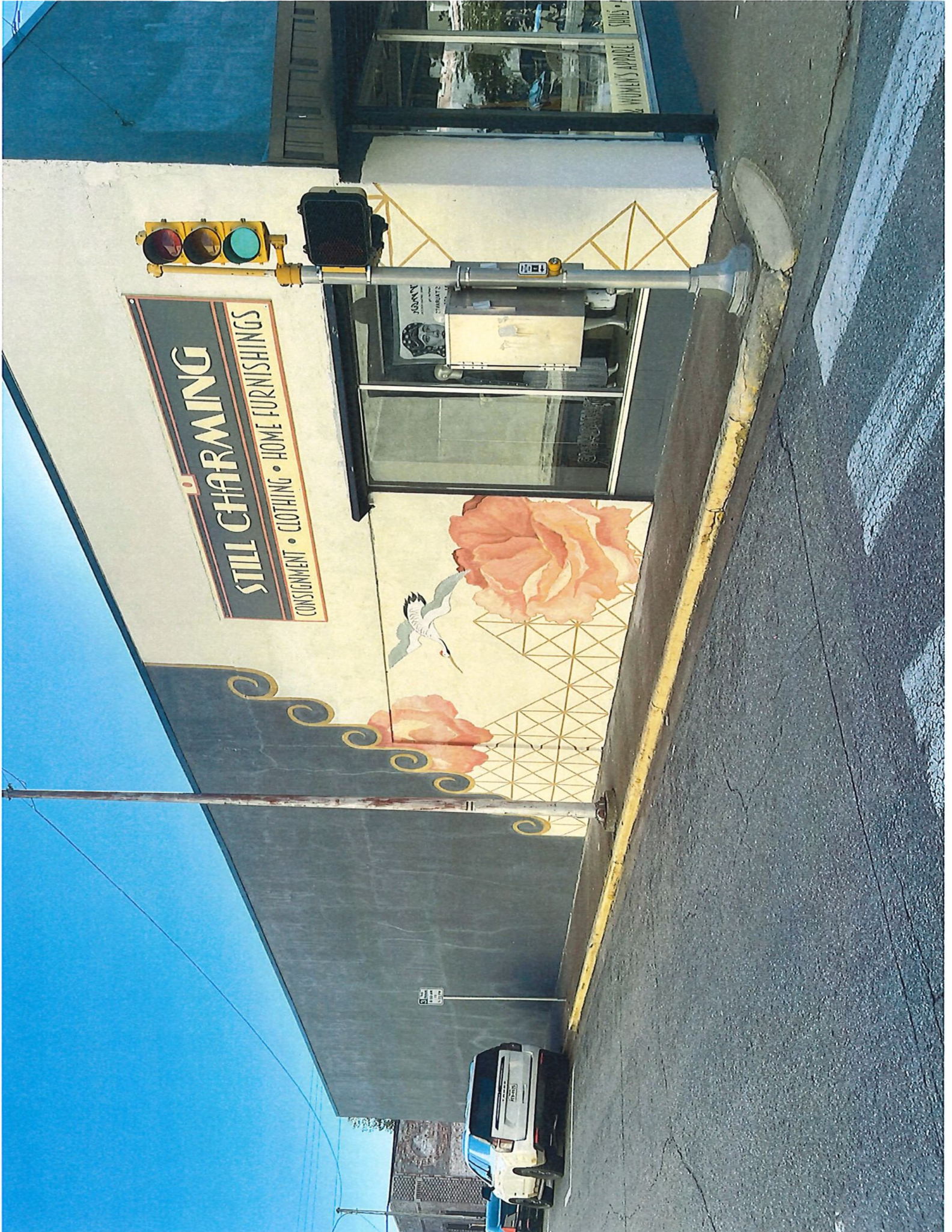
**STILL CHARMING**  
CONSIGNMENT • CLOTHING • HOME FURNISHINGS

WOMEN'S APPAREL  
SHIRTS •

WOMEN'S APPAREL  
SHIRTS •



NO PARKING  
ANYTIME





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**STAFF REVIEW LETTER**

November 7, 2023

Sent via email

Los Hermanos Partnership  
427 South Rusk, Suite B  
Sherman, TX 75090

House of Eli  
125 North Travis Street  
Sherman, TX 75090

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 allow a Secondhand store or rummage shop in a C-1 (Retail Business) District/Central Business District Overlay located at 125 North Travis Street has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 14, 2023, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request, and the following items need to be noted/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 Zoning Ordinance/Code of Ordinance Chapter 14/Central Business District.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). (*Code of Ordinances Chapter 3.02(c)*)
3. The property must be properly maintained in a state of good repair and neat appearance.
4. Merchandise for sale shall be kept within the building and not for display outside.
5. The use of the property must comply with all Federal and State Laws and regulations and with all the ordinances, rules and regulations of the City of Sherman.
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinued or abandoned for a period of thirty (30) consecutive days in which event such Specific Use Permit shall be void and such use may not thereafter be resumed unless a new Specific Use Permit is granted in accordance with this section. (*Chapter 14, Sec. 14.06.009 (a)(1)(C)*)
8. 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.
9. 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 Planning and Zoning Commission and Board of Adjustment 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, contact Development Services by emailing [planning@cityofsherman.com](mailto:planning@cityofsherman.com) prior to the meeting.

Respectfully,



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

CC: Robby Heflon, 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  
Dillon Stewart, Fire Chief  
Amber Doan, Engineering Coordinator  
Christopher Armstrong, Asst. City Engineer