#### ORDINANCE NO. 6678

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 AN AUTOMOBILE SALES, NEW OR USED AND AUTOMOBILE REPAIR, BODY WORK, OR PAINTING WITH ASPHALT ADDITION IN A C-2 (RETAIL BUSINESS) DISTRICT/75&82 OVERLAY DISTRICT AND REPEAL ORDINANCE NO. 6613, LOCATED AT 2303 TEXOMA PARKWAY; CONSISTING OF 0.770 ACRES, BEING IN THE SMITH MCGLOTHLIN SURVEY, ABSTRACT NO. 808, AND BEING A REMAINDER OF LOT 1 IN BLOCK 1 OF HIGHLAND PARK ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS LCA PROPERTIES, LLC (OWNER), TODD KOFSKY, SHERMAN MOTORS (REPRESENTATIVE) AND UNDERWOOD DRAFTING & SURVEYING (SURVEYOR) PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; PROVIDING A NOT PENALTY TO EXCEED \$2,000.00; **PROVIDING** 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 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:

<u>SECTION 1</u>. That, from and after the effective date of this Ordinance, the property located at 2303 Texoma Parkway, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Automobile Sales and Repair with asphalt addition, 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 highlighted in yellow on Exhibit A – Survey/Site Plan.

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### **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.
- 2. Fire access, lanes and codes shall be coordinated with the Fire Marshal. (Code of Ordinances Chapter 3.02(c))
- 3. The dumpster/trash enclosure shall be screened. The screening shall be constructed of masonry or similar durable material. (Sec. 14.04.004(4)(c)).
- 4. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (Sec. 14.04.004)
- 5. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (Article 14.07)
- 6. 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.
- 7. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires, displays or parts are permitted.
- 8. The property must be properly maintained in a state of good repair and neat appearance.
- 9. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
- 10. 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))
- 11. 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.
- 12. 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

- 13. Platting of the property is required. Code of Ordinances Chapter 10.02.002(a)(1); Texas Local Government Code Title 1, Sec. 212.004
- 14. Wastewater main may be required to be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; 10.03.003(j)(1)*
- 15. Drive approaches and sidewalks must conform to City of Sherman and TxDOT 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; 10.03.003(f)

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### Fire Services

- 16. [] 503.1.1 The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150' of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- 17. [] 507.5.1 Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official.
- 18. [] 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 24', exclusive of shoulders and an unobstructed vertical clearance of not less than 14'. (City Ordinances Amendments 3.01.002)
- 19. [] 503.2.4 The minimum turning radius shall be at least 25' unless fire lane exceeds minimum requirement of 24'. (City Ordinances Amendments 3.01.002)
- 20. [] 503.2.5 Dead-end fire apparatus access roads in excess of 150' in length shall be provided with a 100' diameter cul-de-sac or 120' hammerhead at 20' 24' wide fire lane. (City Ordinances Amendments 3.01.002)

### **Additional Conditions:**

- 21. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit A**.
- 22. This Specific Use Permit is limited to New or Used Automobile Sales and Minor Automobile Repair for vehicles to be sold at this location. Automobile repair is not allowed for customers seeking to maintain or repair their personal or private vehicle.

### P&Z Conditions:

- 23. Notwithstanding anything to the contrary herein, the Specific Use Permit granted in this Ordinance shall automatically expire, terminate and be rescinded in the event that a person or entity other than LCA, Properties and Todd Kofsky, Sherman Motors is the lessee of the Property.
- **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

Ordinance No. 6678 Page 3 of 5

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 18th day of December 2023.

 $\boldsymbol{ADOPTED}$  on this the  $18^{th}\,day$  of December 2023.

EFFECTIVE DATE on this the 18th 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

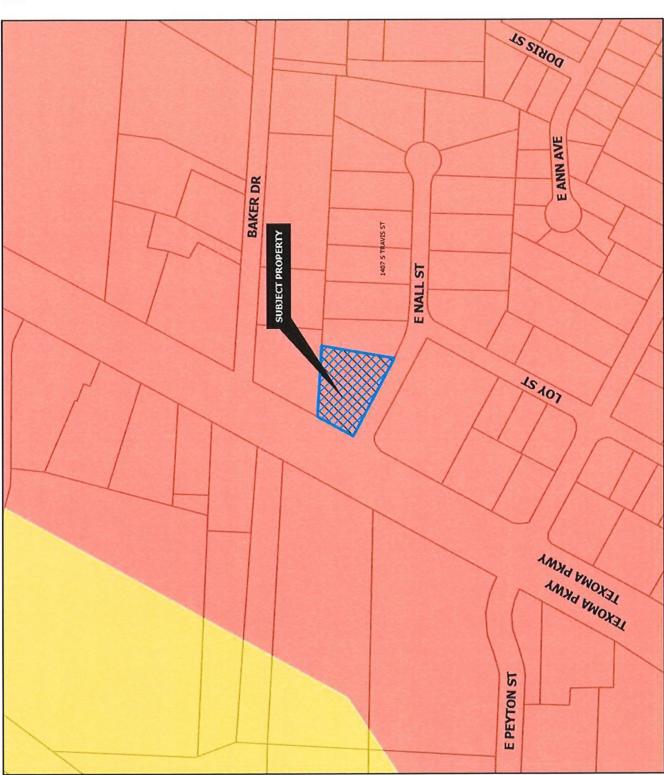
Date: 5/24/2023 9:10 AM







City of Sherman, Texas Development Services Department



# REGIONAL COMMERCIAL

### Intent & Character

that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be US-75, while promoting community character through promote large-scale commercial development along category should allow large-scale commercial uses design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and The Regional Commercial category is intended to design should be promoted in this corridor. This encouraged.

## Appropriate Land Use Types

- Retail and Restaurants
  - Multi-Family Living
    - · Office Complex
      - Medical
- · Mixed Use
- · Indoor Entertainment

### Compatible Zoning Districts Retail Business

General Commercial

· Office

- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

### Considerations

- parking, landscaping, and building articulation. Site design considerations should be given to
- or welf-landscaped with native, drought-tolerant plants. Where possible, parking should be screened from view
  - All buildings facades fronting a public street or within significant public view should have aestheticallypleasing horizontal and vertical articulation.
    - Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."



Development Services Department

City Parkland Airport

Agriculture/Rural

Community Commercial

Suburban Neighborhood Regional Commercial Downtown

XXX Subject Locations

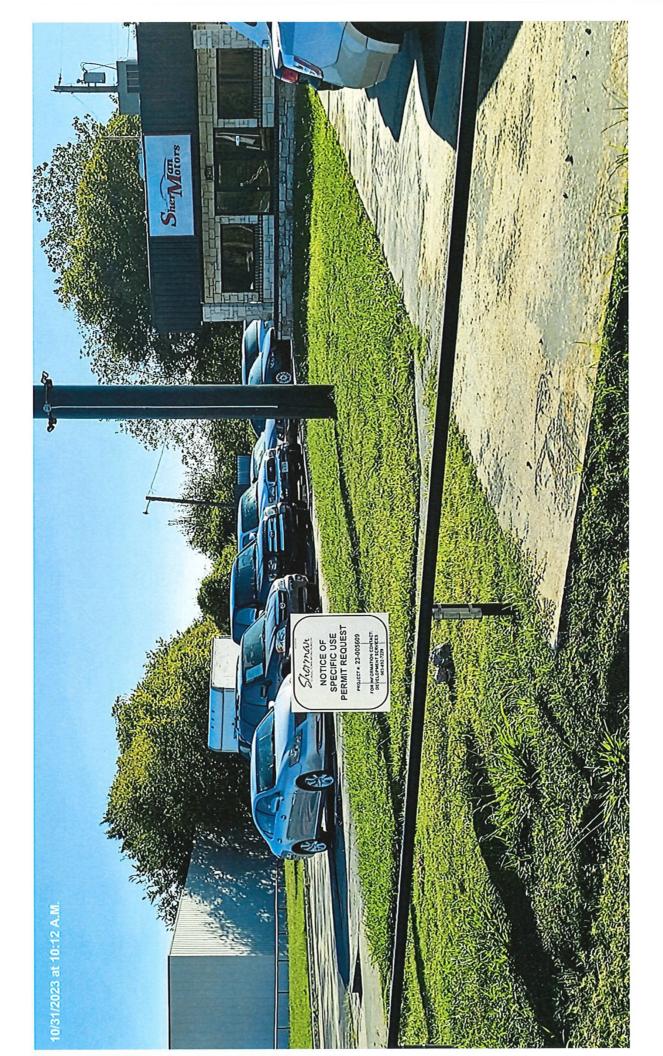
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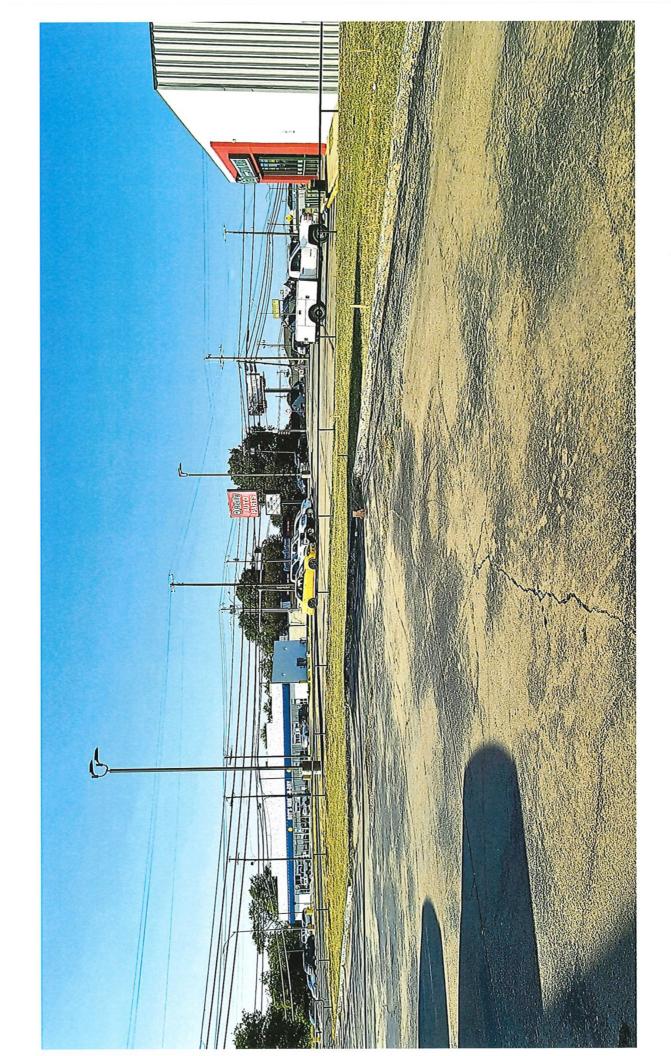
Core Neighborhood

FUTURE LAND USE MAP 2303 TEXOMA PKWY CITY OF SHERMAN



Date: 5/24/2023 9:13 AM







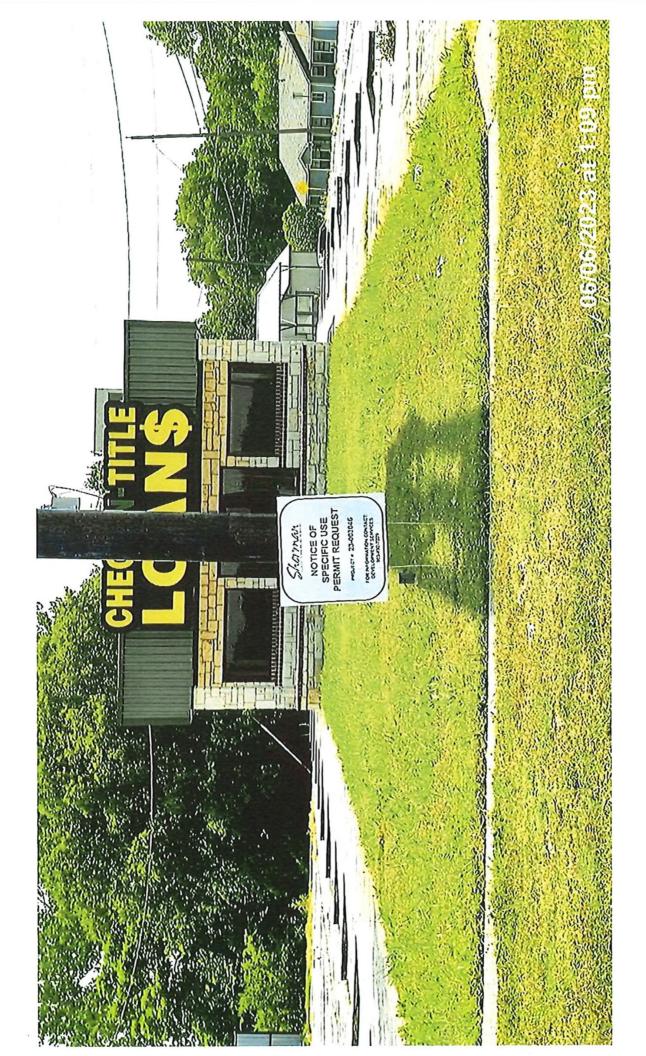


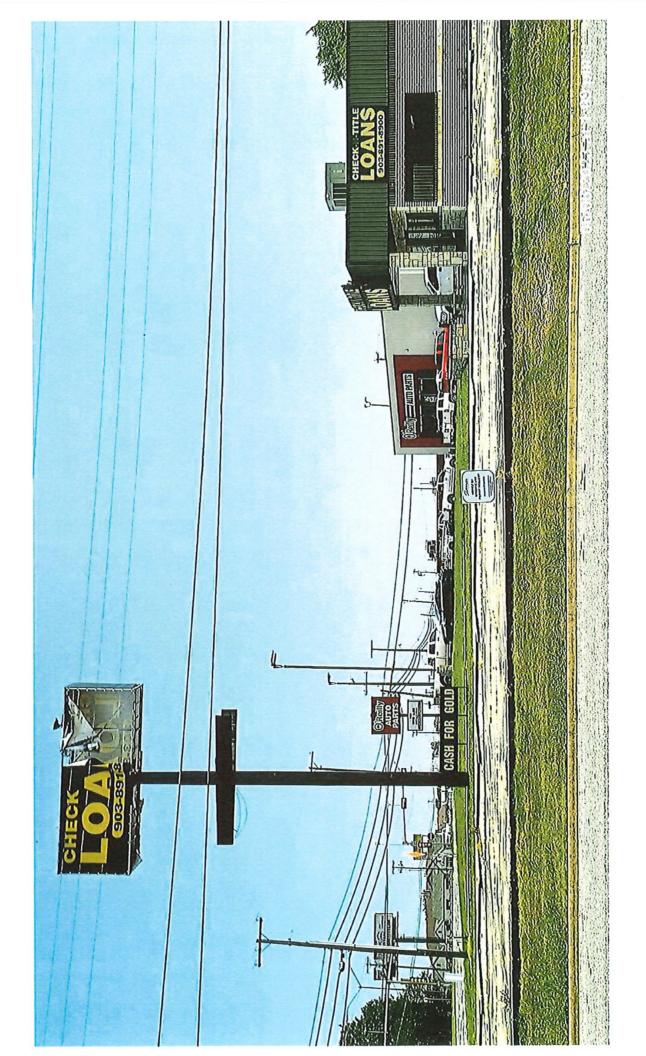


Cty of Sherman, Texas Development Services Department

SUBJECT PROPERTY







# REGIONAL COMMERCIAL

### Intent & Character

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## Appropriate Land Use Types

- Retail and Restaurants
   Multi-Family Living

  - Office Complex
  - Note:
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- · Indoor Entertainment

## Compatible Zoning Districts

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Development Services

Department

Agriculture/Rural City Parkland Airport

Suburban Neighborhood Regional Commercial Community Commercial

Technology Hub

Core Neighborhood

Downtown

NXX Subject Locations

CITY OF SHERMAN FUTURE LAND USE MAP 2303 TEXOMA PKWY



### 2303 Texoma Pkwy Sherman, TX 75090

RE: Special Use Permit

May 22, 2023

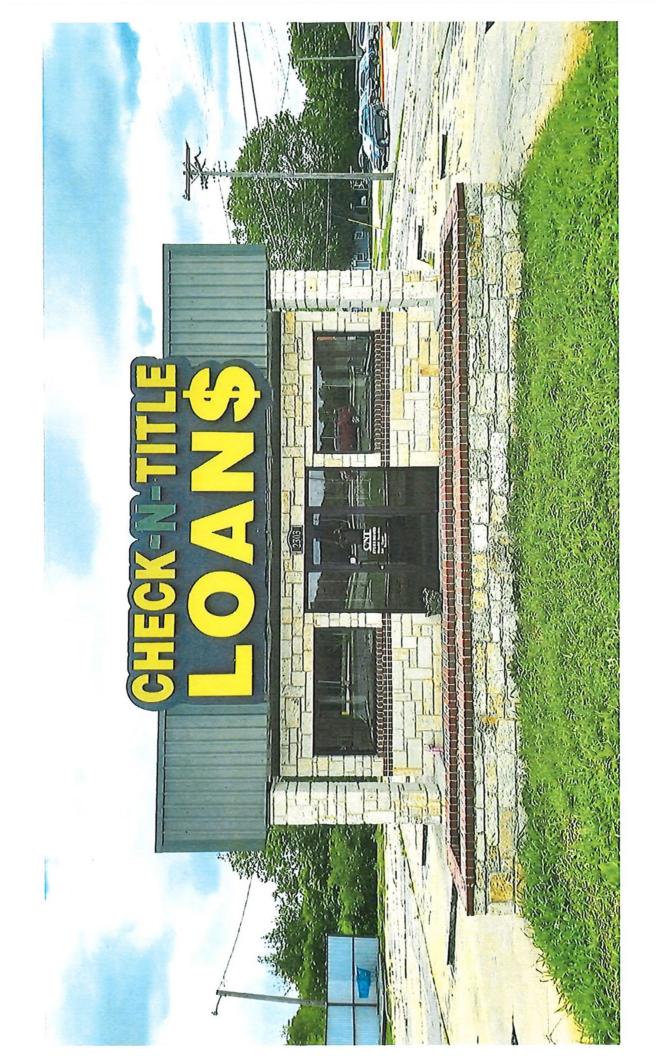
We are requesting a Special Use Permit to operate an automobile dealership. Business operations will include buying and selling of used cars, trucks and SUVs as well as automotive repair and detailing of vehicles.

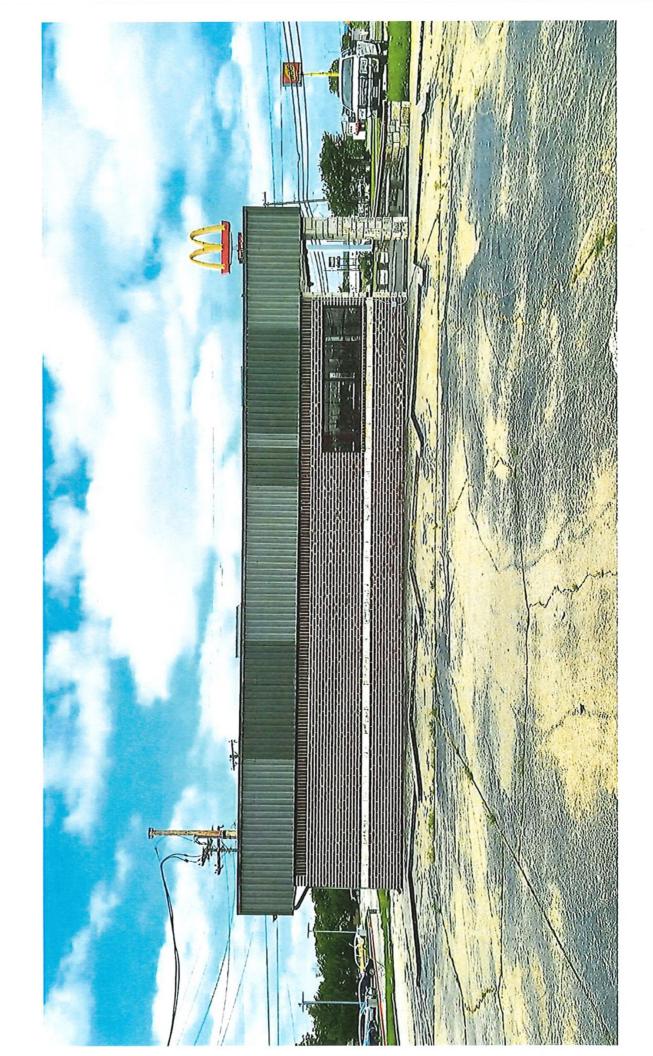
If you have any questions, please contact Todd Kofsky at 903-226-0626.

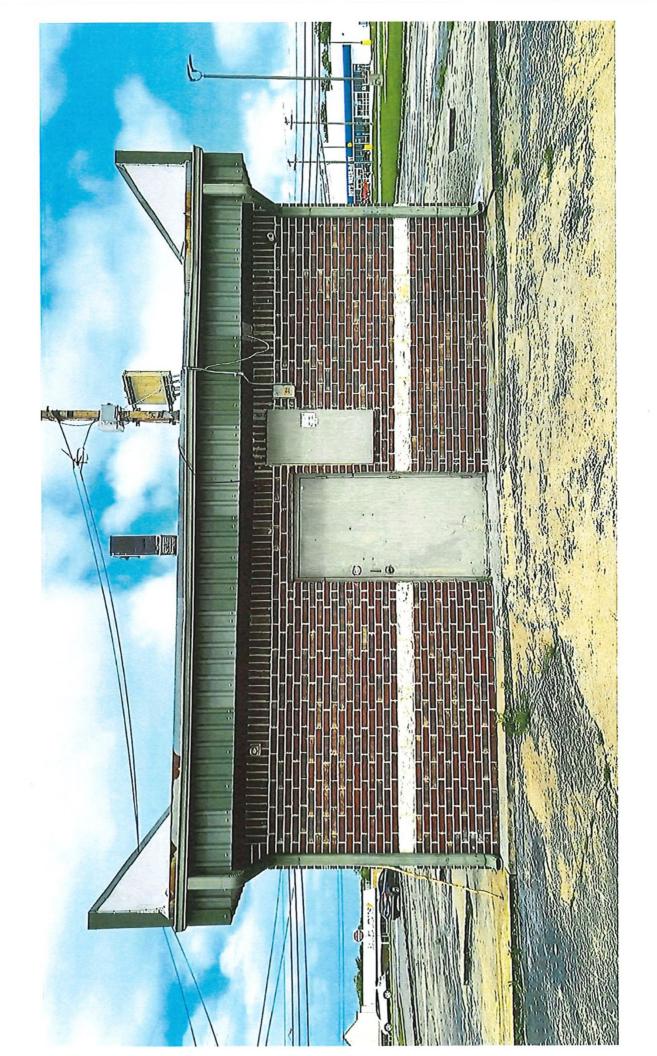
Thank you.

Todd Kofsky

Owner, Sherman Motors

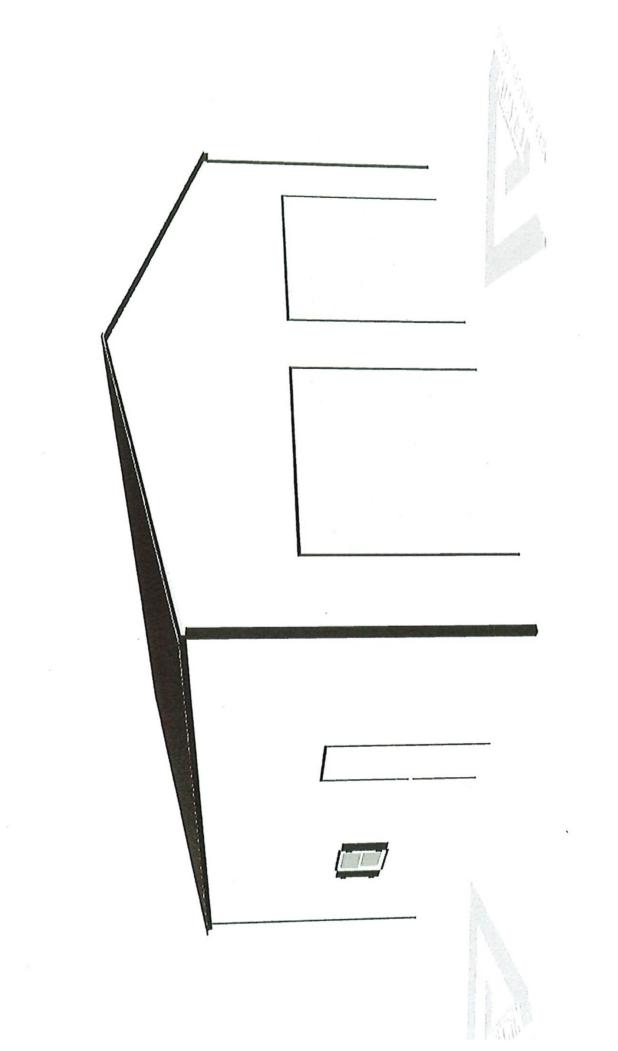














### STAFF REVIEW LETTER

June 13, 2023

Sent via Email

Sherman Motors Todd Kofsky 2303 Texoma Pkwy Sherman, TX 75090 LCA Properties, LLC 565 Cleve Cole Rd Denison, TX 75021

### Dear Applicants,

The request of a Public Hearing and Specific Use Permit under Section 14.06.009 to allow Automobile motorcycle, boat or trailer sales, new or used; a Public Hearing and Specific Use Permit under Section 14.06.009 to allow Automobile repair, body work, or painting; and Site Plan approval for a garage addition located at 2303 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, June 20, 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:

- 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.
- 2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). (Code of Ordinances Chapter 3.02(c))
- 3. Fence Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (Sec. 14.04.004)
- 4. Sign Permits shall be permitted separately from the building permit and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (Article 14.07)
- 5. Impact fees will be required at the time of building permit application. (Chapter 13, Article, 13, 11)
- 6. 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.
- 7. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires, displays or parts are permitted.
- 8. The property must be properly maintained in a state of good repair and neat appearance.
- 9. The granting of the Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
- 10. 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))

- 11. 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.
- 12. 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

- Platting of the property is required. Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004
- 14. Wastewater main may be required to be extended in accordance with City criteria to serve proposed Lot. Wastewater capacity shall be verified for proposed use. Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)
- 15. Drive approaches and sidewalks must conform to City of Sherman and TxDOT 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

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, do not hesitate to contact Development Services at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rac

Acting Secretary, Planning and Zoning Board and Board of Adjustment

cc:

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

Dillon Stewart, Fire Chief Amber Doan, Engineering Coordinator Christopher Armstrong, Asst. City Engineer



### STAFF REVIEW LETTER

November 7, 2023

Sent via email

Sherman Motors Todd Kofsky 2303 Texoma Pkwy Sherman, TX 75090 LCA Properties, LLC 565 Cleve Cole Rd Denison, TX 75021

### Dear Applicants,

The request of a Public Hearing, Specific Use Permit and Site Plan approval under Section 14.06.009 to allow Automobile Sales, New or Used and Automobile repair, body work, or painting with asphalt addition in a C-2 (Retail Business) District and repeal Ordinance No. 6613 located at 2303 Texoma Parkway 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:

- 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.
- 2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (dillons@cityofsherman.com). (Code of Ordinances Chapter 3.02(c))
- 3. The dumpster/trash enclosure shall be screened. The screening shall be constructed of masonry or similar durable material. (Sec. 14.04.004(4)(c)).
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the Site Plan was approved.

12. 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.

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### Fire Services

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It is the policy of the 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 prior to the meeting.

Dillon Stewart, Fire Chief

Amber Doan, Engineering Coordinator

Christopher Armstrong, Asst. City Engineer

Respectfully,

Rob Rae

Acting Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
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