

ORDINANCE NO. 6684

**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 SCHOOLS; ELEMENTARY, HIGH, COLLEGE AND UNIVERSITIES, PUBLIC, PRIVATE, OR DENOMINATIONAL IN THE C-1 (RETAIL BUSINESS) DISTRICT/F.M. 1417 OVERLAY DISTRICT, LOCATED AT 2276 SOUTH FM 1417 (HERITAGE PARKWAY), CONSISTING OF 10.0030 ACRES IN THE E. JONES SURVEY, ABSTRACT NO. 625, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS SHERMAN DEVELOPERS, LLC (OWNER), MICHAEL CARLISLE, P.E. (APPLICANT) AND KIMLEY-HORN AND ASSOCIATES, INC. (ENGINEER/SURVEYOR); PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW**

**WHEREAS**, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this 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 2276 South FM 1417 (Heritage Parkway), City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to a Charter School, 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**.

**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 (903.892.7267). *(Code of Ordinances Chapter 3.02(c))*
3. There shall be a minimum of 10 stacking spaces in 1 pick-up/drop-off lane. *(Section 14.04.005(5)(a))*
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) (Sec. 14.03.002)*
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. *(Sec. 14.03.002)*
6. Impact fees will be required at the time of building permit application. *(Chapter 13, Article. 13.11)*
7. The approval of a Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Site Plan was approved.
8. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

#### Engineering

9. Right-in/Right-out only driveway access will be required unless the proposed driveway is aligned with the existing driveway on the east side of FM 1417, across from the subject property.
10. Platting of the property is required. *Code of Ordinances Chapter 10.02.002(a)(1); Texas Local Government Code Title 1, Sec. 212.004*
11. Title of civil engineering plans shall match proposed Plat title.
12. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. Civil Plan submittal requirements can be found in the Development Guide on the City of Sherman website. *Code of Ordinances Chapter 10.03.006(b)*

#### Fire Services

13. [ ] 507.5.1 - Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 600' from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
14. [ ] 507.5.1.1 - Buildings equipped with a FDC installed in accordance shall have a fire hydrant within 100' of the fire department connections.
15. Fences attached to building shall have gates with Knox access to maintain hose lay application around buildings.
16. If building exceeds 30' all fire code aerial apparatus access roads shall apply.

#### Solid Waste Services

17. Dumpster Enclosure shall be a minimum of 10' by 10'.
18. Dumpster Enclosure shall be constructed of masonry or similar durable material. *(Sec. 14.04.004(d)(4)(C))*

Additional Conditions: as applicable

19. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B**.
20. 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 Sherman Inspire Academy is the lessee of the Property.
21. The property shall be developed and used in accordance with the Landscape Plan show in **Exhibit C**.

**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 16<sup>th</sup> day of January 2024.

**ADOPTED** on this the 16<sup>th</sup> day of January 2024.

**EFFECTIVE DATE** on this the 16<sup>th</sup> day of January 2024.

**CITY OF SHERMAN, TEXAS**

BY:   
\_\_\_\_\_  
**DAVID PLYLER, MAYOR**

**ATTEST:**

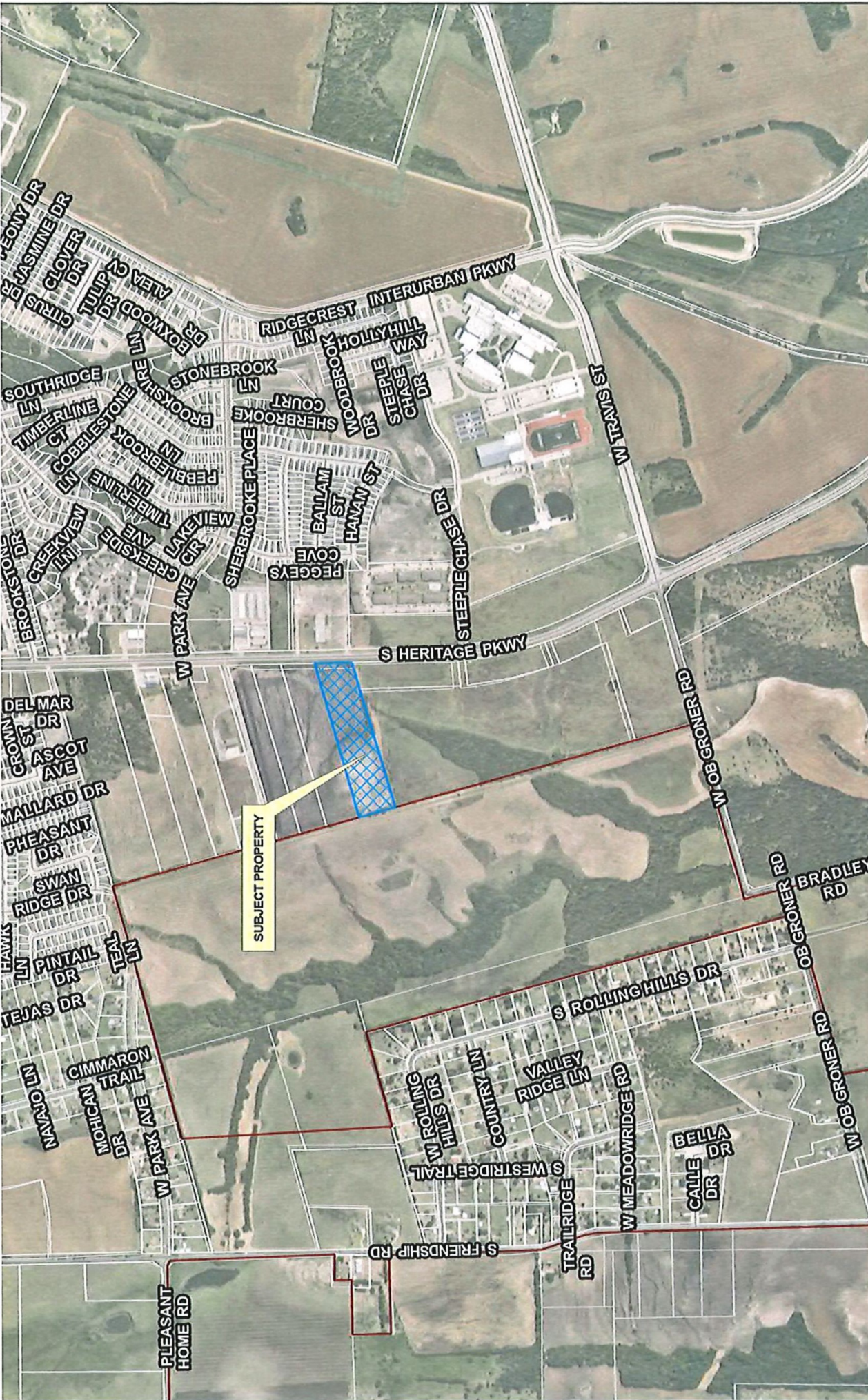
BY:   
\_\_\_\_\_  
**LINDA ASHBY, CITY CLERK**

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

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



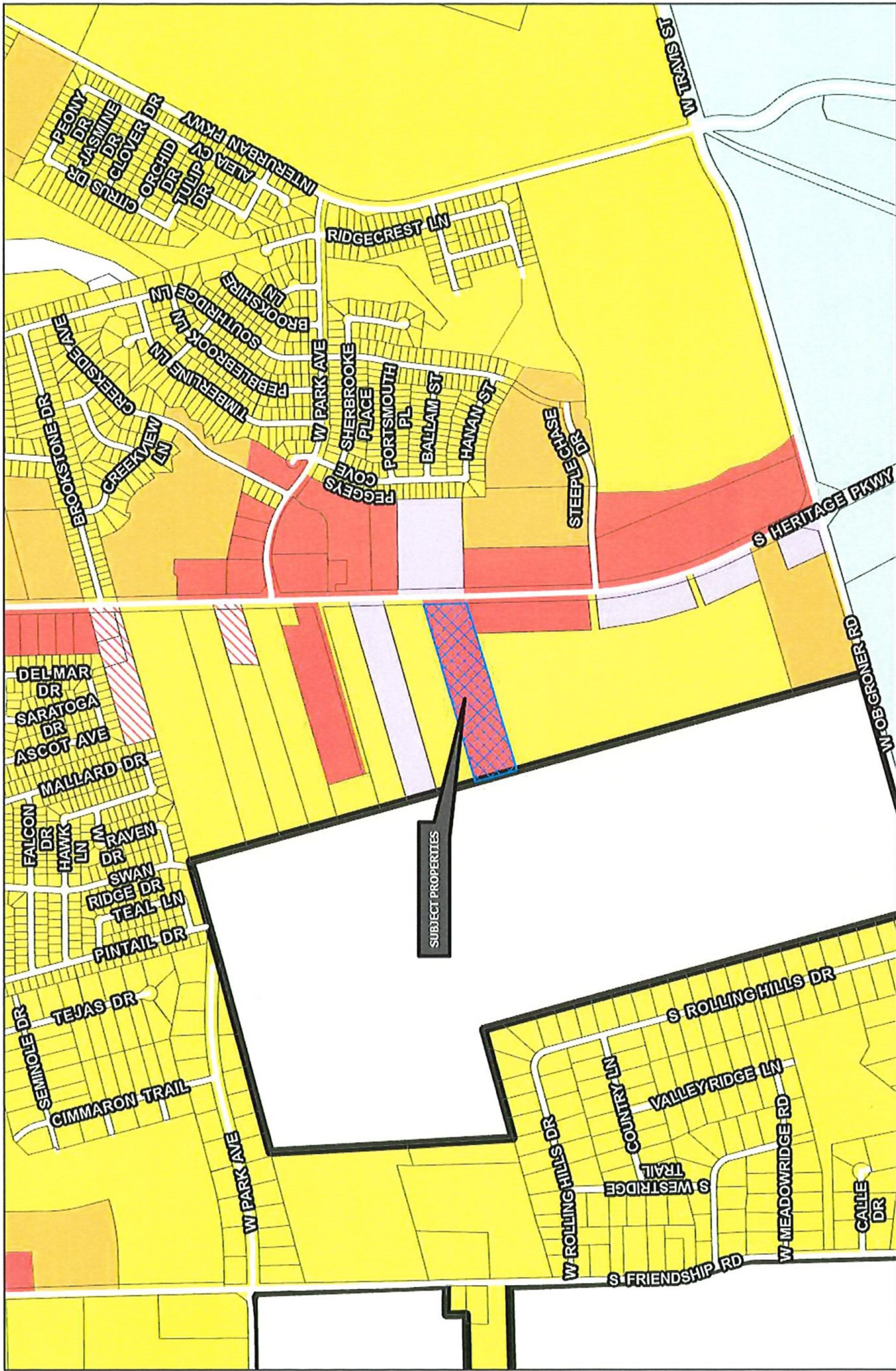
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CITY OF SHERMAN  
LOCATION MAP  
2276 S FM 1417 (HERITAGE PKWY)



City of Sherman, Texas  
Development Services Department



CITY OF SHERMAN  
ZONING MAP  
2276 S FM 1417 (HERITAGE PKWY)

- 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
- 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
- M-1.5 Medium Manufacturing
- M-2 Heavy Manufacturing
- PD Planned Development
- Road Names All
- Planning & Zoning

## CORE NEIGHBORHOOD

### Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

### Appropriate Land Use Types

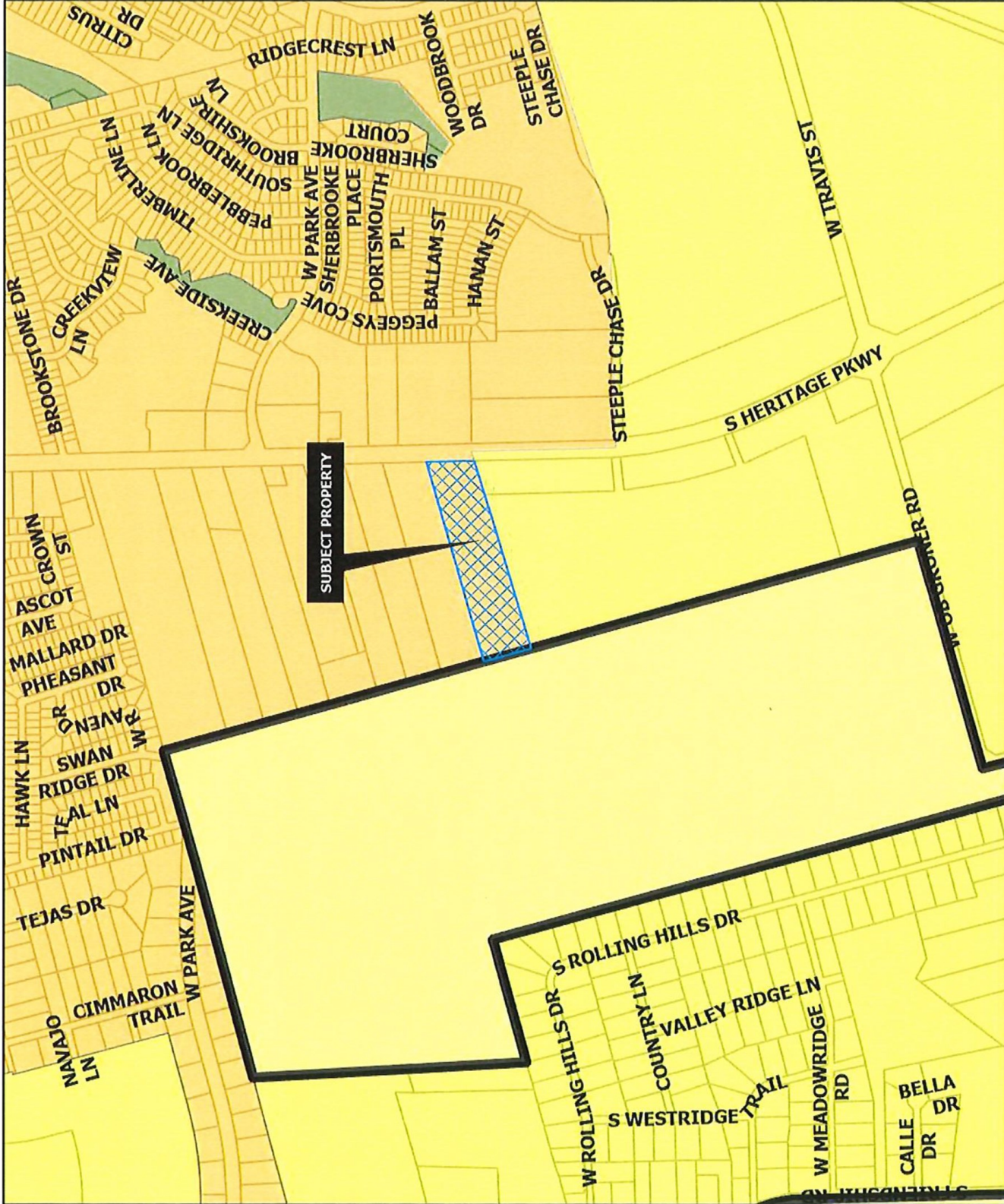
- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

### Compatible Zoning Districts

- Single-Family Residential (R-S, R-4, RZF, and R7H)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

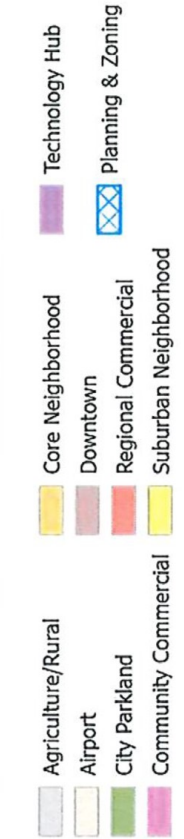
### Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.



# CITY OF SHERMAN FUTURE LAND USE MAP 2276 S FM 1417 (HERITAGE PKWY)

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Development Services  
Department

*Sherman*  
CLASSIC TOWN BRIDGESIDE

**NOTICE OF  
SPECIFIC USE  
PERMIT REQUEST**

PROJECT #: 23-006298

FOR INFORMATION CONTACT:  
DEVELOPMENT SERVICES  
903-892-7279

Nov 28, 2023 12:59:51 PM  
2303 South Farm to Market Road 1417  
Sherman  
Grayson County  
Texas

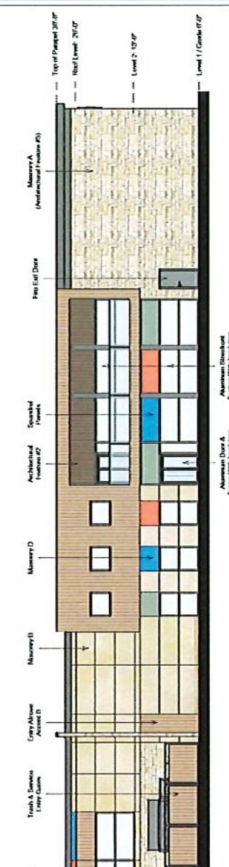
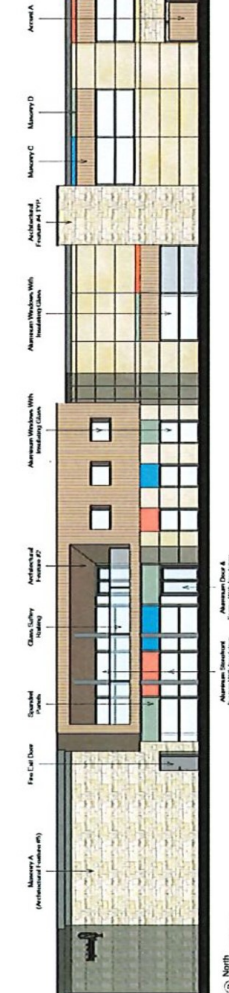








- Key Architectural Features:**
2. Two-story, four-unit entry canopy with canopy system (see Section 1).
  3. Two-story, four-unit entry canopy with canopy system (see Section 1).
  4. Two-story, four-unit entry canopy with canopy system (see Section 1).
  5. Two-story, four-unit entry canopy with canopy system (see Section 1).
  6. Two-story, four-unit entry canopy with canopy system (see Section 1).
- Notes on Level Design Implementation:**
1. All of facade materials are same color or primary.
  2. Primary facade materials are same color or primary.
  3. Three-story, four-unit entry canopy with canopy system (see Section 1).
  4. Four-story, four-unit entry canopy with canopy system (see Section 1).
  5. Long columns are located up to the second facade (see Section 1) with columns behind in Memory A.
  6. A building footprint of the perimeter wall corners of HVAC units from ground stability.



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**STAFF REVIEW LETTER**

December 5, 2023

Sent via Email

Sherman Developers, LLC  
6923 Deseo  
Irving, TX 75039

Kimley-Horn and Associates, Inc.  
Michael Carlisle  
260 East Davos Street, Suite 100  
McKinney, TX 75069

Dear Applicants,

The request of a Public Hearing and Specific Use Permit approval under Section 14.06.009 to allow Schools; elementary, high, college and universities, public, private, or denominational in a C-1 (Retail Business) District/F.M. 1417 Overlay District and Site Plan approval for Sherman Charter School located at 2276 South FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, December 12, 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.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267). (*Code of Ordinances Chapter 3.02(c)*)
3. There shall be a minimum of 10 stacking spaces in 1 pick-up/drop-off lane. (*Section 14.04.005(5)(a)*)
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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 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