

ORDINANCE NO. 6685

AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, AND GRANTING A SPECIFIC USE PERMIT TO ALLOW A JUNK, SALVAGE YARD, OR WRECKING SERVICE IN THE M-2 (HEAVY MANUFACTURING) DISTRICT, LOCATED AT 415 EAST HOUSTON STREET, CONSISTING OF 1.526 ACRES BEING A PART OF THE J.B. MCANAIK SURVEY, ABSTRACT NO. 763 AND BEING ALL OF TRACT ONE, TRACT TWO AND TRACT THREE, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS JUSTIN ELLIS, ELLIS TRUCK AND AUTO, INC. (OWNER) AND UNDERWOOD DRAFTING & SURVEYING (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 415 East Houston Street, City of Sherman, Grayson County, Texas is/are granted a Specific Use Permit to an impound lot, 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.**

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. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. (*Sec. 14.04.003(d)(1)*)
4. Off-street parking shall be prohibited from encroaching into the public right-of-way in any case. (*Sec. 14.04.003(b)(1)*)
5. The property must be properly maintained in a state of good repair and neat appearance.
6. Outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts shall be fully screened ~~with a wood or masonry fence on all sides of the property along Houston Street and East Street with privacy slats.~~
7. Fencing permits are required and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (*Sec. 14.04.004*)
8. Barbed wire fences are not permitted in the City of Sherman. (*Sec. 8.02.003*)
9. ~~Current fences are encroaching on the public right-of-way and adjacent properties and must be removed.~~
10. 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.
11. 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.
12. 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. (*Sec. 14.06.009(a)(1)(C)*)
13. 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.
14. 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

15. Platting of the property is required. *Code of Ordinances Chapter 10.02.002(a)(1); Texas Local Government Code Title 1, Sec. 212.004*
16. 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)*
17. ~~Fences encroach into right of way and adjacent neighbor to the North. Fence to be moved to property line.~~

Additional Conditions: as applicable

18. 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 16th day of January 2024.

ADOPTED on this the 16th day of January 2024.

EFFECTIVE DATE on this the 16th day of January 2024.

CITY OF SHERMAN, TEXAS


BY:



DAVID PLYLER, MAYOR

ATTEST:

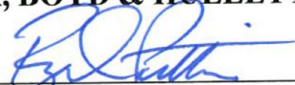
BY:



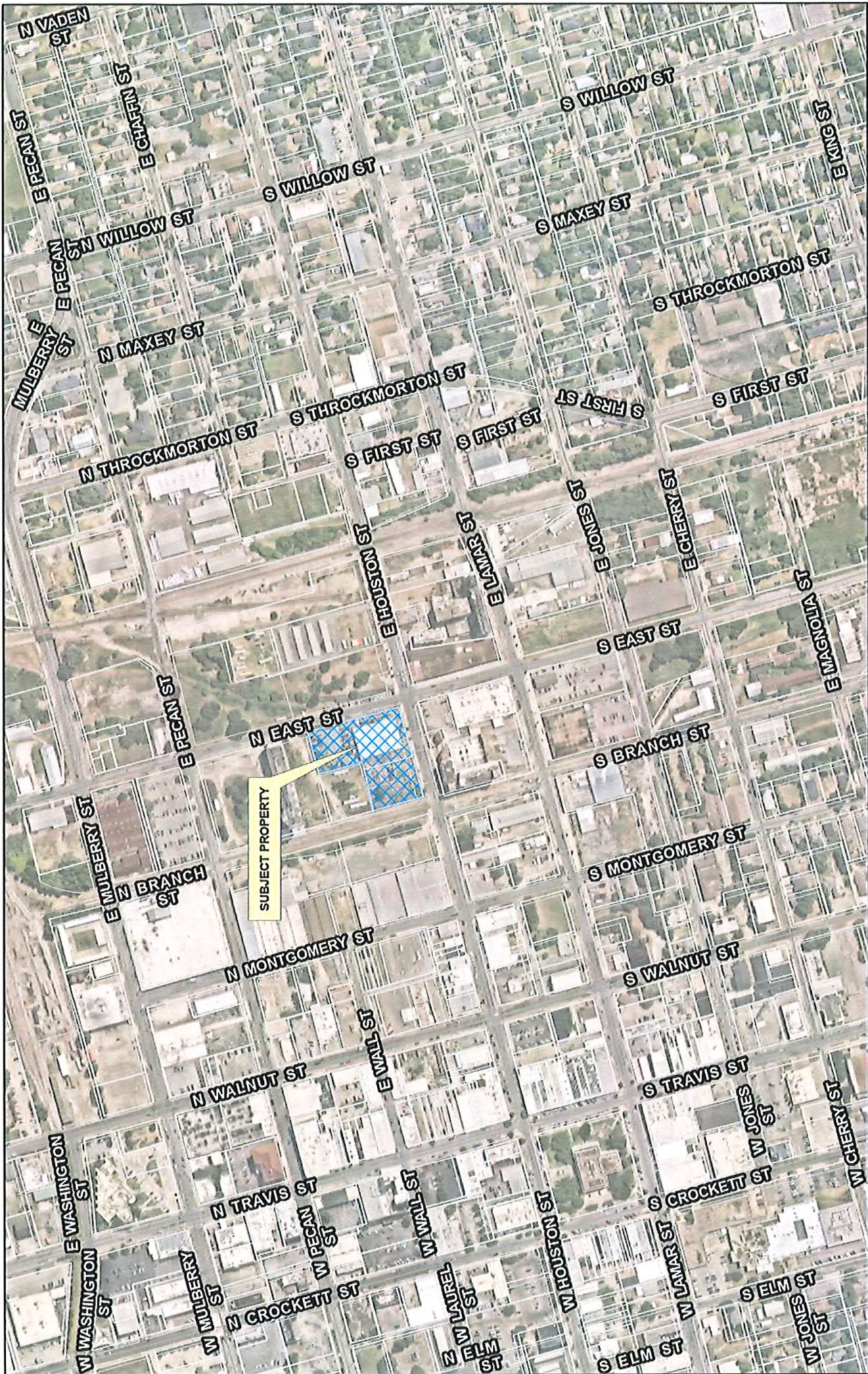
LINDA ASHBY, CITY CLERK

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

BY:



RYAN D. PITTMAN, CITY ATTORNEY

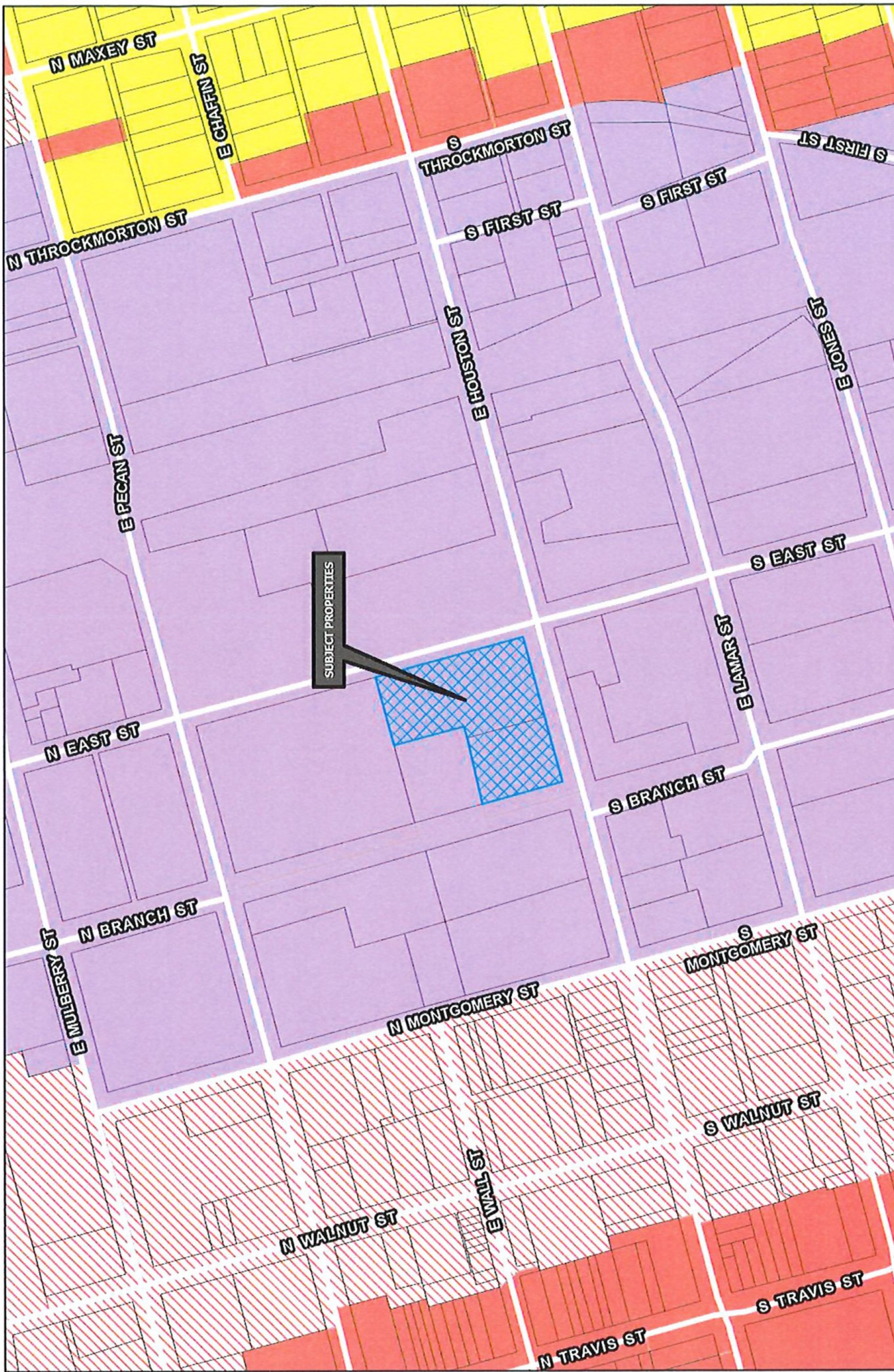


Date: 12/16/2023 9:20 AM

CITY OF SHERMAN
LOCATION MAP
415 E HOUSTON ST



City of Sherman, Texas
Development Services Department



CITY OF SHERMAN
ZONING MAP
415 E HOUSTON ST

Date: 12/6/2023 9:21 AM

- 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 Pato Home Residential
- R-2F Duplex Residential

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services
Department

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

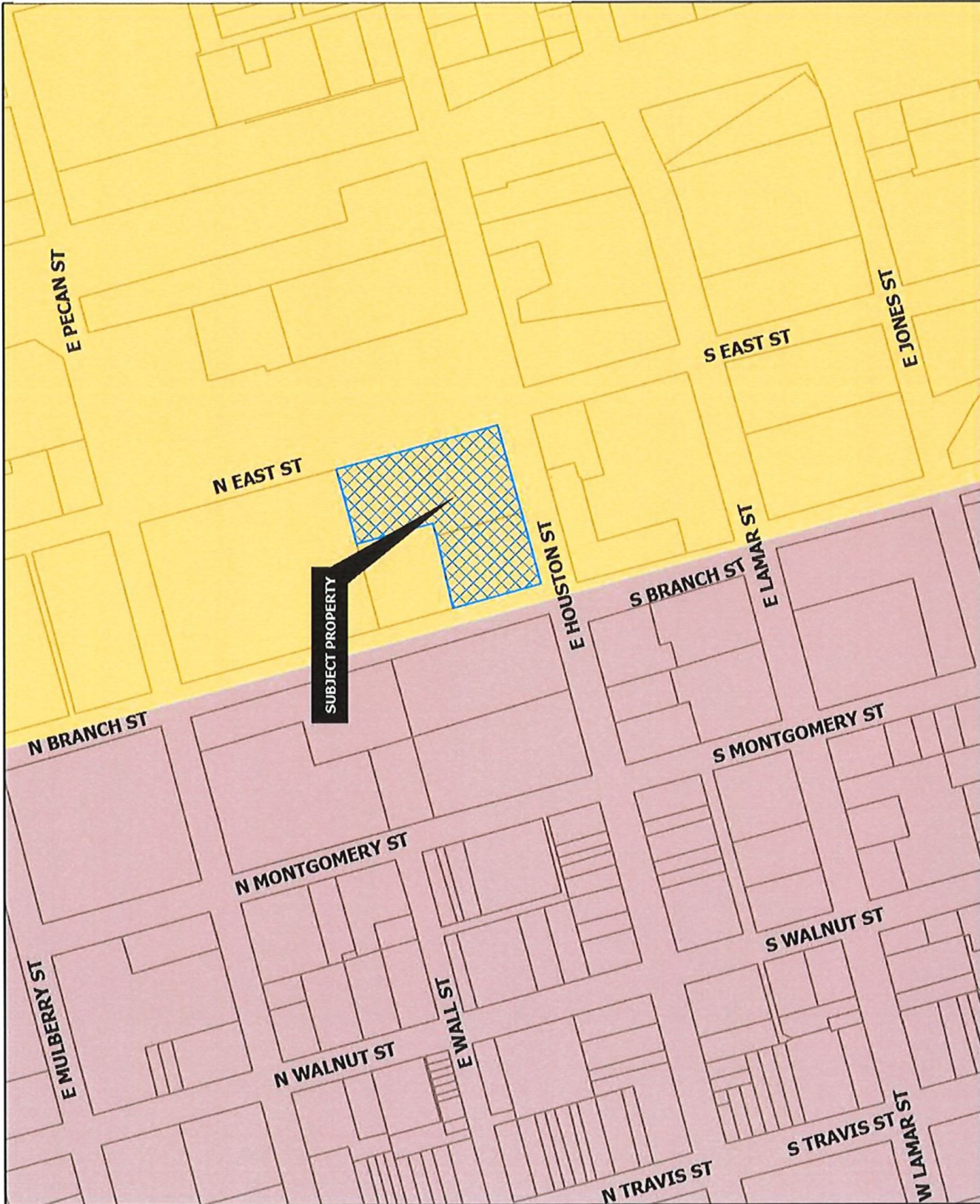
- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- 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
415 E HOUSTON ST**

- Technology Hub (purple square)
- Core Neighborhood (yellow square)
- Downtown (light purple square)
- Regional Commercial (light red square)
- Suburban Neighborhood (light yellow square)
- Agriculture/Rural (light blue square)
- Airport (white square)
- City Parkland (green square)
- Community Commercial (pink square)
- Planning & Zoning (blue cross-hatch square)



Development Services
Department

Marlow, Lauren

From: laurenm@cityofsherman.com
To: Justin Ellis
Subject: RE: Property Notification Signs

From: Justin Ellis
Sent: Tuesday, November 28, 2023 2:33 PM
To: Marlow, Lauren
Subject: Re: Property Notification Signs



Here is a picture of the sign up at 415 E Houston. It is 2:33pm on 11/28/23.

Ellis Truck & Auto, Inc.
415 E Houston, Sherman, Tx 75090
903-893-1127
Justin@EllisAuto.Com

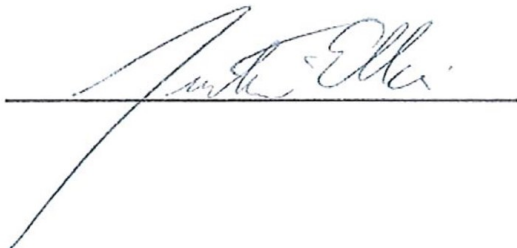
Request for Specific Use Permit

To Whom it May Concern,

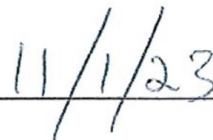
Ellis Truck & Auto, Inc. TDLR Tow License # 005724507C TDLR VSF License # 0570765VSF is requesting a specific use permit to continue running a towing service and impound lot at our current location 415 E Houston. This location is primarily operated as an auto repair shop and the fenced area on the north side of the building is the licensed impound lot for storing vehicles.

Thank You,

Justin Ellis
President



Date



JOB NO. 2310117
FW: WK - DFT: CO

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the J. E. McAnair Survey, Abstract No. 763 and being all of Tract One, Tract Two, and Tract Three, as shown by Plat of Grayson County, Texas, and also being a part of Block 20 of the Original Town Plat of the City of Sherman, Texas, as shown by Plat of record in Volume B, Page 1, Deed Records, Grayson County, Texas, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod found for the northeast corner of said Tract Two, common to the northern-most southeast corner of that 3.172 acre tract of land described in the deed to Quality Grain, LLC, recorded in Volume 4831, Page 440, said Official Public Records;

Thence South 15°47'21" East, with the easterly line of said Tract Two, and with the westerly Right-of-Way line of East Street, a distance of 292.00 feet to a 1/2" steel rod set for the southeast corner of said Tract Two;

Thence South 74°35'38" West, with the southerly line of said Tract One, Tract Two and Tract Three, a distance of 300.01 feet to a 1/2" steel rod set for the southwest corner of said Tract Three;

Thence North 15°47'21" West, with the westerly line of said Tract Three, a distance of 150.00 feet to a 1/2" steel rod found for the northwest corner of said Tract Three, common to the southwest corner of said 3.172 acre tract;

Thence North 75°02'00" East, with the northerly line of said Tract Three, and with the southerly line of said 3.172 acre tract, a distance of 75.01 feet to a "Y" cut in concrete found for the northeast corner of said Tract Three;

Thence North 15°36'03" West, with the westerly line of said Tract One, a distance of 15.04 feet to a 1/2" steel rod found for the northwest corner of said Tract One;

Thence North 74°13'13" East, with the northerly line of said Tract One, and with the southerly line of said 3.172 acre tract, a distance of 31.95 feet to a "X" cut in concrete for the northeast corner of said Tract One;

Thence North 15°47'21" West, with the westerly line of said Tract Two, a distance of 127.00 feet to a 1/2" steel rod set for the northwest corner of said Tract Two;

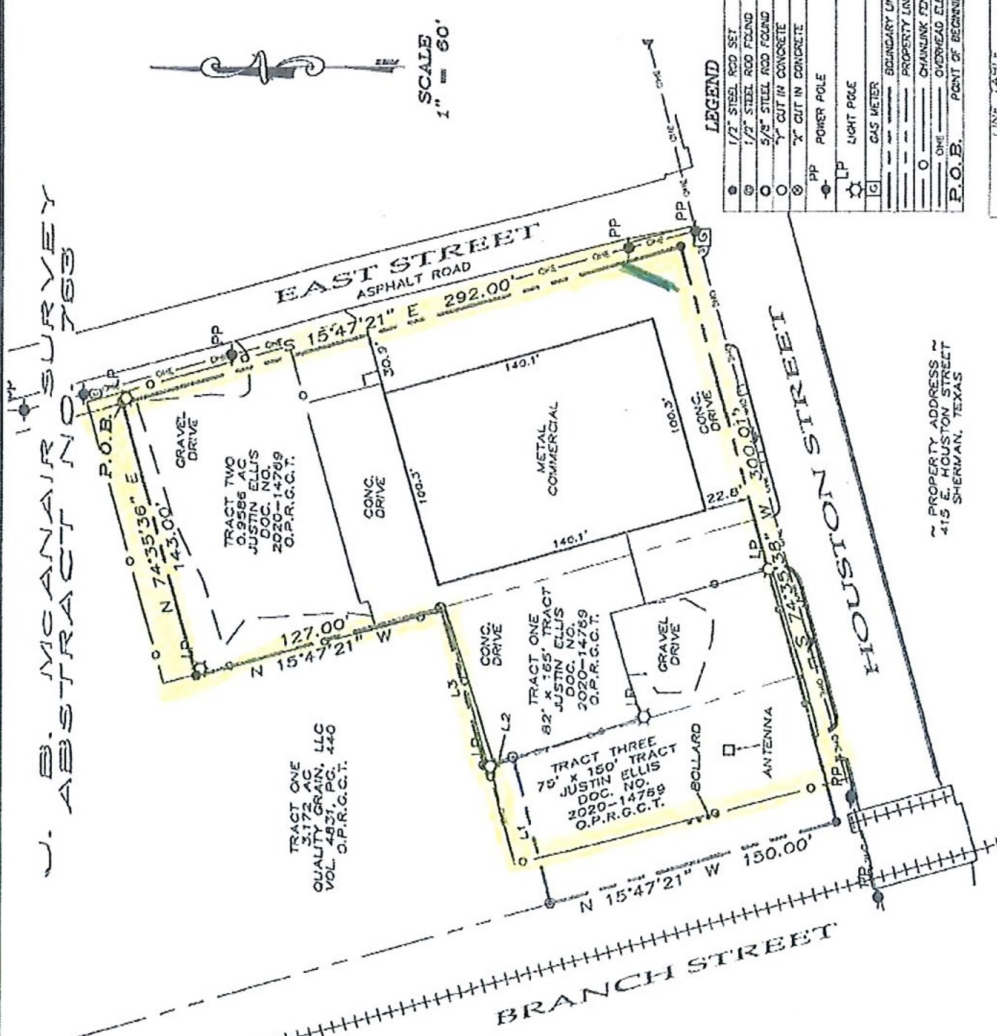
Thence North 74°35'36" East, with the northerly line of said Tract Two, and with the southerly line of said 3.172 acre tract, a distance of 143.00 feet to the Point-of-Beginning and containing 1.526 acres of land, more or less.

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground hereon in accordance with the laws of the State of Texas, and that the plat hereon is a true, correct and accurate representation of the property legally described hereinabove.



Douglas W. Underwood
Registered Professional
Land Surveyor No. 4703
Firm No. 10006300

DATE OF SURVEY: 10/26/23



SCALE
1" = 60'

LEGEND

○	1/2" STEEL ROD SET
○	1/2" STEEL ROD FOUND
○	5/8" STEEL ROD FOUND
○	"Y" CUT IN CONCRETE
○	"X" CUT IN CONCRETE
○	PP POWER POLE
○	LP LIGHT POLE
○	GAS METER
○	BOUNDARY LINE
○	PROPERTY LINE
○	CHAINLINK FENCE
○	OVERHEAD ELEC.
○	P.O.B.

LINE	1	2	3	4	5	6	7	8	9	10
BEARING	N 75° 02' 00" E	S 74° 13' 13" E	N 15° 47' 21" W	S 74° 35' 36" E	N 74° 35' 36" E	N 15° 47' 21" W	S 74° 35' 36" E	N 74° 35' 36" E	N 15° 47' 21" W	S 74° 35' 36" E
DISTANCE	75.01	31.95	150.00	143.00	143.00	127.00	143.00	143.00	127.00	143.00

UNDERWOOD
DRAFTING & SURVEYING
DENISON, TEXAS 75021

This plat of public information, and the accompanying Underwood Drafting & Surveying, Inc., is a true and correct representation of the land described herein, and is not to be used for any other purpose without the written consent of Underwood Drafting & Surveying, Inc.

Copyright © 2023
Underwood Drafting & Surveying, Inc.

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

(903) 465-2151

415 E HOUSTON ST.
1-4x4





August 8, 2023

Ellis Auto
415 E Houston Street
Sherman, TX 75090

Certified Mail:
7021 2720 0001 0333 5750

NOTICE OF VIOLATION



Dear Owner/Occupant,

This letter is being sent to you as the listed owner of the real property located at 415 E Houston Street, Sherman, Texas, commonly known as the Ellis Auto, according to the Real Property Records of Grayson County, Texas (the "Property").

It has come to the attention of the City of Sherman that Ellis Auto is operating a wrecking service without an appropriate Certification of Occupancy (CO) and Special Use Permit (SUP) which is a violation of the City's Code of Ordinances. You will be required to submit all the relevant application materials necessary for a SUP request. If approved, you would then be permitted to apply for a CO for a wrecking service.

You are required to respond to this notice by August 22, 2023 to advise how you intend to conform to the City Code and your proposed timeline to get into conformity. Should you fail to respond as required and/or the Code violations be permitted to continue on the Property, the City may begin issuing citations for each day such you or other persons continue to violate the City Code. Violation of the City Code constitutes a misdemeanor, and an entity or person convicted may be fined up to \$2,000 for each offense. A violation of any provision of the Code shall constitute a separate violation for each calendar day in which it occurs. In addition, the City may bring a civil action for enforcement of the Code and seek the following relief: (i) an injunction; (ii) a civil penalty of up to \$1,000.00 per day; (iii) the repair or demolition of structure(s) on the Property; (iv) an action in rem against the Property, meaning that the City will seek to foreclose on the Property to collect expenses associated with bringing the structure(s) and Property into compliance with the Code; and (v) any other relief to which the City may be entitled. See TEX. LOC. GOV'T CODE §§ 54.012, 54.016, 54.017, 54.018.

The City of Sherman will also be installing no parking signs in the right of way on North East Street beside your business on August 22, 2023. Please remove all vehicles parked in the right of way on North East Street by the given date, failure to do so will result in all remaining cars being towed at the cost of Ellis Auto.

If additional information or clarification is needed, do not hesitate to contact me at 220 W. Mulberry or by phone 903-892-7197

Respectfully,



Caleb Green, Inspector
Development Services

Cc: Rob Rac, Director of Development Services
Robby Hefton, City Manager
Clint Philpott, Assistant City Manager
Ryan Pitman, City Attorney, Abernathy Roeder & Hullett, P.C.

NOTICE OF VIOLATION

October 10, 2023

Ellis Auto
415 E Houston Street
Sherman, TX 75090

Certified Mail:
7021 2720 0001 0333 5842

Dear Owner/Occupant,

This letter is being sent to you as the listed owner of the real property located at 415 E Houston Street, Sherman, Texas, commonly known as the Ellis Auto, according to the Real Property Records of Grayson County, Texas (the "Property").

It has come to the attention of the City of Sherman that Ellis Auto is operating a wrecking service without an appropriate Certification of Occupancy (CO) and Special Use Permit (SUP), which is a violation of the City's Code of Ordinances. You will be required to submit all the relevant application materials necessary for a SUP request. If approved, you would then be permitted to apply for a CO for a wrecking service.

Per our meeting and phone call you will need to have your SUP paperwork in by November 1, 2023, or you will be forcing the City to move forward with the legal process to gain compliance including but not limited to being removed from the City of Sherman's wrecker rotation list. If additional information or clarification is needed, do not hesitate to contact me at 220 W. Mulberry or by phone 903-892-7197

Respectfully,



Caleb Green, Inspector
Development Services

Cc: Rob Rae, Director of Development Services
Robby Hefton, City Manager
Zachary Flores, Assistant City Manager
Ryan Pittman, City Attorney, Abernathy Roeder & Hullett, P.C.

7021 2720 0001 0333 5750

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here
AUG - 5 2023

Sent To: Ellis Auto
 Street and Apt. No., or PO Box No. 418 E Houston St
 City, State, ZIP+4® Sherman TX 75090

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 2720 0001 0333 5842

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.


OFFICIAL USE


Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here
OCT 11 2023
SHERMAN TX 75090
USPS

Sent To: Ellis Auto
 Street and Apt. No., or PO Box No. 418 E Houston St
 City, State, ZIP+4® Sherman TX 75090

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<p>Complete items 1, 2, and 3.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>Ellis Auto 415 E Houston St Sherman, TX 75090</p>  <p>9590 9402 6453 0346 3958 99</p> <p>Article Number (Transfer from service label)</p> <p>7021 2720 0001 0333 5842</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table> <p>Article Number (over \$500)</p>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<input type="checkbox"/> Collect on Delivery Restricted Delivery													
<p>S Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>													

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<p>Complete items 1, 2, and 3.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>Ellis Auto 415 E Houston St Sherman, TX 75090</p>  <p>9590 9402 6453 0346 3959 81</p> <p>Article Number (Transfer from service label)</p> <p>7021 2720 0001 0333 5750</p>	<p>A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) DELLIS C. Date of Delivery 5-11-20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> </table> <p>Article Number (over \$500)</p>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
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Marlow, Lauren

From: Planning
To: David Smith
Subject: RE: Quality Grain 118 N East St, Special Use Permit Ellis Truck and Auto

From: David Smith
Sent: Monday, December 4, 2023 9:59 AM
To: Planning
Subject: Quality Grain 118 N East St, Special Use Permit Ellis Truck and Auto

Lauren,

We received the notice for Public Hearing for Ellis Truck & Auto applying for a Special Use Permit. We feel this land description contains part of our property and we do not wish for a Special Use Permit on our property. Also they have located two fences on portions of our property over the years, and if required to screen or fence for this permit, it should be relocated on their property.

Sincerely,

David Smith, Manager
Quality Grain LLC.

STAFF REVIEW LETTER

December 5, 2023

Sent via email

Justin Ellis
2502 Canyon Creek Dr.
Sherman, TX 75092

Dear Applicants,

The request of a Public Hearing, Site Plan and Specific Use Permit approval under Section 14.06.009 to allow a Junk, salvage yard, or wrecking service in an M-2 (Heavy Manufacturing) District located at 415 East Houston Street 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 (dillons@cityofsherman.com). (Code of Ordinances Chapter 3.02(c))
3. Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the director of engineering. (Sec. 14.04.003(d)(1))
4. Off-street parking shall be prohibited from encroaching into the public right-of-way in any case. (Sec. 14.04.003(b)(1))
5. The property must be properly maintained in a state of good repair and neat appearance.
6. Outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts shall be fully screened with a wood or masonry fence on all sides of the property.
7. Fencing permits are required and must adhere to the City's Zoning Ordinance/Code of Ordinance Chapter 14. (Sec. 14.04.004)
8. Barbed wire fences are not permitted in the City of Sherman. (Sec. 8.02.003)
9. Current fences are encroaching on the public right-of-way and adjacent properties and must be removed.
10. 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.
11. 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.
12. 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. (Sec. 14.06.009(a)(1)(C))

13. 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.
14. 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

15. Platting of the property is required. *Code of Ordinances Chapter 10.02.002(a)(1); Texas Local Government Code Title 1, Sec. 212.004*
16. 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)*
17. Fences encroach into right of way and adjacent neighbor to the North. Fence to be moved to property line.

If additional information or clarification is needed, contact Development Services by emailing planning@cityofsherman.com 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.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