

**City of Sachse, Texas**  
Planning and Zoning Commission

Minutes of the Regular Meeting on Monday, October 22, 2012  
Time: 7:00 p.m.                      Place: Sachse City Hall

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**Members Present:**

Warren Becker  
Wally Sparks  
Scott Williams  
Stephen Curtis  
Scott Everett  
Charles Ross  
David Hock

**Members Absent:**

**Staff Present:**

Marc Kurbansade, Community Development Director  
Michael Spencer, Building Official  
Charlotte Youngblood, Secretary

**Others Present:**

Bill Adams, City Council Liaison

Chairman Stephen Curtis opened the meeting of the Planning and Zoning Commission at 7:00 p.m. and a quorum was declared.

**1. Invocation and Pledge of the Allegiance to the U.S. and Texas Flags**

The invocation was offered by Scott Everett and Stephen Curtis led the pledges.

Warren Becker arrived at the meeting at 7:05 p.m.

**2. Community Development Director's Update Report: Briefing on current activities of staff.**

Marc Kurbansade, Community Development Director, stated that staff is currently in the process of making a lot of minor code amendments to the ordinance and will be bringing those forward to the commission to make sure they stay up to date. He also said that the Impact Fee Ordinance will be up for consideration at the next City Council Meeting.

**3. Consider approval of the minutes from the October 8, 2012 Planning and Zoning Commission meeting.**

Scott Everett made a motion to approve the minutes of the October 8, 2012 Planning and Zoning Commission meeting. David Hock seconded the motion. The motion passed with all voting in favor.

**4. Discuss the regulations associated with Special Use Permits in the Zoning Ordinance.**

Marc Kurbansade, Community Development Director, introduced the item. He explained that Special Use Permits are a zoning tool used for regulating land uses that have the potential to have additional impacts on the health, safety, general welfare or aesthetics of the community. He stated that this was a previous discussion item presented to City Council on September 4, 2012 and October 15, 2012 to discuss alternate options for regulating those uses currently associated with Special Use Permits. He made a PowerPoint presentation which summarized the current regulations for Special Use Permits and broke them down by policy issues and administrative issues. He stated that the reason we are here is to find that balance between necessary oversight and streamlining the process while updating an important zoning process. He reviewed the seven

sections that regulate Special Use Permits and discussed both administrative and policy changes necessary in achieving that goal. He also discussed a main policy change which includes the addition of a Condition Use Permit (CUP). He explained that a Conditional Use Permit (CUP) would not be a change in zoning and be only granted for the particular applicant or tenant of the property. It would also be something that the Planning and Zoning Commission would have approval authority over just like they do now with the final plats. Scott Everett stated that it is his understanding that the Planning and Zoning Commission does not approve anything but are a recommending board to City Council. He asked if Council was aware of these changes. Mr. Kurbansade stated Council has discussed the approval process through the Planning and Zoning Commission and an administrative approval process as well. Mr. Curtis asked what would be the difference between a Conditional Use Permit and a Variance. Mr. Kurbansade stated that a Conditional Use Permit is a discretionary act. You look at how it fits in with the adjacent uses as well as accounting for health, safety, and general welfare. A Variance is approved based upon strict criteria where the land owner has to show hardship and prove that the zoning ordinance would do an injustice to the property. Warren Becker asked if the Conditional Use Permit ran with the tenant and not the land. Mr. Kurbansade said that was correct that it runs with the tenant. Mr. Kurbansade stated that the Temporary Special Use Permits in regards to modular portable buildings generated the most discussion from City Council. He stated he would like some feedback from the commission on how they feel about the approval levels. Mr. Curtis asked how long is a temporary use allowed. Mr. Kurbansade stated staff can approve for two years and City Council has the authority to approve for more than two years. More discussion followed about the Temporary Special Use of Modular buildings and discretionary levels needed for approval and how best to regulate them.

**4. Conduct a public hearing and make recommendation to City Council regarding the approval of an ordinance of the City Council of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 11, Section 11-2 titled "Zoning Fees" by providing for the adoption of a Master Fee Schedule for Zoning Fees through Council resolution; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.**

Mr. Kurbansade introduced the item. He explained that the proposed ordinance would continue the extraction process of removing fees from our ordinance and relocating them to the Master Fee Schedule. Currently any time you want to change fees in the Zoning Ordinance it is necessary to hold two public hearing and run notices in the paper and make a formal recommendation to City Council. In the future with these changes the amendment to the zoning fees will be part of a resolution amending the Master Fee Schedule to be considered by City Council.

Stephen Curtis opened the Public Hearing at 8:21 p.m.

No one spoke at the Public Hearing.

Charles Ross made a motion to close the Public Hearing. Warren Becker seconded the motion. The motion passed with all voting in favor. The Public Hearing was closed at 8:21 p.m.

Wally Sparks made a motion to approve amending the Code of Ordinance by amending Chapter 11, Section 11-2 titled "Zoning Fees" by providing for the adoption of a Master Fee Schedule for Zoning Fees through Council resolution. Scott Everett seconded the motion. The motion passed with all voting in favor.

There being no further business, David Hock moved to adjourn. The meeting was adjourned at 8:25 p.m.

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Secretary

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Chairperson