

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of April 12, 2010

Time: 7:00 PM Place: Sachse City Hall

Members Present:

Warren Becker
Stephen Curtis
David Hock
Robert Corbin
Jeanie Marten

Members Absent:

Wally Sparks
Scott Everett

Staff Present:

Barry Shelton, Community Development Director
Michael Spencer, Building Official

Others Present:

Bill Adams, City Council Liaison

Vice-Chairman Robert Corbin opened the regular meeting of the Planning and Zoning Commission at 7:00 p.m. and a quorum was declared.

Consent Agenda

1. **Consider approval of the minutes for the March 8, 2010 regular Planning and Zoning Commission meeting:** Jeanie Marten made a motion to approve the minutes for the March 8, 2010 regular Planning and Zoning Commission meeting and David Hock seconded the motion. With all voting in favor the motion was passed unanimously.

Regular Agenda

2. **Conduct a public hearing and consider amendments to Chapter 11, Article 4, Section 4, “Storage and parking of trailers and commercial vehicles” and Section 5 “Off-street automobile and vehicle parking and loading” of the Sachse Code of Ordinances:** Barry Shelton, Community Development Director, explained that this was the same item that was discussed on the March 8, 2010 agenda. The amendments discussed were made and time was needed to re-notice the public hearing item. Mr. Shelton highlighted the changes. He said the provision to allow parking in the side yard with screening needs to be added and needed to be reflected in the motion.

Robert Corbin, Vice-Chairman opened the Public Hearing at 7:10 p.m.

Dave Sanford, 3718 Trailridge, asked how this would apply to someone in the neighborhood that currently is parking their boats in the front driveway and their recreation vehicles along the side when on a corner lot. He asked what it means for his neighbors not in compliance.

Jim Becker, 1105 Meadow Lane, questioned about the required surface for parking a trailer and if it was adequate to have something only under the wheels and what the intentions were on that.

Mr. Shelton stated to answer the question regarding the required parking surface that Section 4.3 c made clarifications to that requirement. The six-inch requirement only pertains to gravel and that concrete pads could be used for trailers but not for recreational vehicles. To answer the question concerning neighbors’ no longer in compliance there is different ways to handle those situations. The intent of the ordinance is to reduce clutter along the street view and to place those items behind the front build line. Mr. Shelton

turned it over to Doug Kendrick, City of Sachse Fire Chief, to address code enforcement issues. Mr. Kendrick thanked the commission for addressing the ordinance. He stated our obligation is to the community and working with the citizens. Code enforcement does not drive neighborhoods looking for violations. Code enforcement only proceeds after someone reports a violation or complaint. If there is a resident out of compliance that might perhaps require additional screening we would work with them.

David Hock made a motion to close the Public Hearing and to approve the amendments and add the provision to allow for parking in the side yard with screening. Jeanie Marten seconded the motion. With all voting in favor the motion passed unanimously.

3. Conduct a public hearing and consider the application of Edward T. Haines requesting a change in zoning for properties, combined totaling 37.941 acres, generally located on the north side of Pleasant Valley Road, on the east and west side of Miles Road, from Industrial-1 (I-1) and Agriculture (AG) Districts to Commercial-2 (C-2) and Planned Development (PD) District for general commercial uses: Barry Shelton, Community Development Director, stated that this is the second large zoning case before the commission since the Overlay District was approved. The site is approximately 37.941 acres and it is comprised of the four corners of the President George Bush Turnpike. The applicant is requesting a rezone of the property to allow general commercial uses. The requests consist of approximately 25.80 acres of Commercial 2 (C-2) Zoning and about 12.04 acres of a Planned Development (PD) Zoning. The proposed Planned Development would have a base zoning of Commercial 2 (C-2) but include uses not permitted in the Overlay District. These uses were allowed previously by right prior to the adoption of the Overlay District. The applicant is requesting a couple of the uses that are no longer allowed by right. An applicant can request a Planned Development to modify the standards of the Overlay District. It then will have to be developed according to both the C-2 as well as the Overlay District. Where the standards of the Zoning Ordinance are in conflict with the standards of the overlay district the more restrictive shall apply. Where the Planned Development standards conflict with the standards of the Overlay District, the PD standards apply. The only standards that are different in the Planned Development are to allow for additional permitted uses. Staff is recommending approval. The thought process being that not all automobile uses are necessary negative uses. The portion of the property is secluded and there is no potential negative impact on the district. Staff feels that the transitional zoning will buffer residential areas. More discussion followed.

Jerry Silo, Representative for applicant, explained that they have gone through a three-year process with NTTA to require right-of-way and detention in regards to floodplain. He stated that the applicant is fully committed to following the standards in place and are just requesting a few changes to the allowed uses. He stated from a use perspective, Tract 1A and 2 would not fall into normal retail uses because of location and limited access. The applicant felt the additional uses would fit. He stated they do not want uses that are intrusive to the area but would work with the topography of the land and be a viable use. The types of uses need to be a destination type use because of limited access and visibility to the site. More discussion followed.

Robert Corbin, Vice-Chairman, opened the Public Hearing. No one spoke at the public hearing. Jeanie Marten made a motion to close the Public Hearing and Warren Becker seconded the motion. The motion passed unanimously with all voting in favor.

After much discussion, Stephen Curtis made a motion to change current uses on Tract 1B, 3A, 3B, Tract 4, and Tract 2, to C-2 and Tract 1A to Planned Development with the stipulation the uses outlines in paragraph 2a would be allowed by Special Use Permit. David Hock seconded the motion. The motion passed unanimously with all voting in favor.

4. Conduct a public hearing and consider amendments to Chapter 11 of the Sachse Code of Ordinances by amending Article 2 “Definitions” to add the definitions “Retail tobacco store” and “Smoking paraphernalia establishment”, by amending Schedule 1 “Use chart” to add retail tobacco store and smoking paraphernalia establishment; by amending Schedule 1 “Use Chart” to establish parking requirements for retail tobacco stores and smoking paraphernalia establishments: Mr. Shelton, introduced the item. He said that currently the Zoning Ordinance groups a large number of uses under “retail sales and personal service”. He stated that typically this is not an issue but lately the city has received a lot of backlash for an allowed use under “retail sales and personal service”. He stated occasionally a use comes along that fits the description but is not in line with the community’s wishes based on the type of merchandise sold. The two uses in question are the retail tobacco stores and smoking paraphernalia establishments. In order for this not to be repeated we are including two new uses to the use chart, adding definitions, and establishing parking requirements.

Robert Corbin, Vice-Chairman opened the public hearing.

Jackie Eichelberger, 7121 Bailey Road, would like to see the wording change from other substance to tobacco.

Dave Sanford, 3718 Trailridge, stated in relative to location heard along Highway 78 with C-2 zoning was concerned because there is C-2 zoning also along Miles Road. He would like to see the ordinance state something about proximity to a school.

Jim Becker, 1105 Meadow Lane, stated he is against the proposal of adding another proliferation of SUP’s that are already out of hand, in order to not rule against something collectively but just deny them one at a time. He stated he would like to see a list of restrictions that would make these kinds of uses acceptable instead of using the SUP process as a method of denying item after item.

Stephen Curtis made a motion to close the public hearing and Warren Becker seconded the motion. The motion passed unanimously with all voting in favor.

Mr. Shelton stated to answer the question about changing the wording would not help differentiate what you would use the pipe for. If you were to ask the store owner “what are the pipes for” they would state smoking tobacco. That is their argument and until there is residue on those items it is not illegal to possess them. Currently as the ordinance is written this use would be allowed along Miles Road. However, with the proposed amendments the Smoking Paraphernalia Establishment would only be allowed in C-2 with a SUP. More discussion followed.

Jeanie Marten made a motion to allow Retail Tobacco Stores by right in C-2, I-1 and I-2 Zoning and Smoking Paraphernalia Establishment by SUP in C-2, I-1 and I-2 Zoning Districts. David Hock seconded the motion with all voting in favor the motion passed unanimously.

There being no further business, Jeanie Marten made a motion to adjourn. David Hock seconded the motion with all voting in favor the meeting was adjourned at 8:40 p.m.