

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of January 12, 2009

Time: 7:00 PM Place: Sachse City Hall

Members Present:

Wally Sparks
Scott Everett
Robert Corbin
David Zukosky
David Hock
Jeanie Marten
Jared Patterson

Members Absent:

Staff Present:

Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Scott Hickman, Applicant
Michael Bernstein, Applicant

Chairperson David Zukosky 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 December 8, 2008 regular meeting: Wally Sparks made a motion to approve the minutes. David Hock seconded the motion with all voting in favor the item passed 6-0 with Jeanie Marten not present to vote at this time.

Regular Agenda

2. Conduct a Public Hearing to consider the application of Hickman Consulting Engineers on behalf of JDI Investments requesting approval of a change in zoning from Residential-2 (R-2) District located on the east side of Miles Road, approximately 70 feet north of Trail Ridge Drive: Michael Spencer, Building Official, introduced the item. He stated that this particular property has been used for agricultural purposes and in March 2008 the owner had tried to rezone the area within a planned development. The rezoning was denied because the lot size was smaller than 10,000 square feet. Mr. Spencer also stated that the zoning request is compatible with the surrounding neighborhoods.

Jeanie Marten arrived at the meeting at 7:04 p.m.

Scott Everett asked if flooding on the back side of this property would be addressed. Michael Spencer said the developer would be doing a flood study but the first step is to get the zoning approved.

David Zukosky opened the Public Hearing at 7:08 p.m.

Mark Hickman, Hickman Engineering, stated that he was available to answer any questions.

Mike Jones, 4910 Getha Lane, stated he was concerned about the thoroughfare going off of Getha Lane and if he could find out if that was the case or not. He stated that he had tried to contact the developer but had not gotten a response.

Wally Sparks made a motion to close the Public Hearing. Robert Corbin seconded the motion with all voting in favor the Public Hearing was closed at 7:11 p.m.

Jeanie Marten made a motion to approve the zoning change and Scott Everett seconded the motion with all voting in favor the motion passed unanimously.

3. Conduct a Public Hearing and consider the application of Monster Ink Inc., requesting approval of a Special Use Permit for a Tattoo / Body Piercing Establishment on property zoned Commercial-2 (C-2) District on the east side of State Highway 78, approximately 600 feet north of 7th Street: Michael Spencer, Building Official, introduced the item. He stated that the subject property is zoned C-2 and is currently occupied by Tacos y Salsa, Sparky's Bar and Grill, and Pizza Hut. He stated that it is a smaller shopping center that has succeeded in leasing retail space. Mr. Spencer stated that the applicant had previously applied for an SUP in another shopping center and was denied without prejudice to reapply without a fee in an Industrial (I) Zoning. Because the applicant is applying for a C-2 zoning he did have to pay an additional fee. Mr. Spencer said that the shopping center has some parking issues but that this use would not increase the problem. Michael Bernstein, applicant, told the commissioners that the business plan would remain the same, that the size of the building is just smaller. More discussion followed.

David Zukosky opened the Public Hearing at 7:24 p.m.

Jackie Eichelberger, 7121 Bailey Road, stated that Highway 78 is the main street in Sachse and people that travel through make up their minds about what sort of town Sachse is by what they see. She stated that we have zoning for a reason. She recalled that there was discussion at Council about very little tax revenue generated by this sort of business. She stated before the commission starts setting the precedent and allowing these kinds of uses that they need to remember that they are guardians of the City and the public trusts them to make the best decision in the best interest of the City.

Jill Barten, 6346 Sachse Street, stated that she agrees with Mrs. Eichelberger. She said she moved out here when Sachse was a bed and breakfast community and now you can get your beer, wine, cigarettes, quick loan and a tattoo. She stated she was concerned with the place being sanitary and about signage.

Liz Tobler, 3345 7th Street, spoke against the SUP stating that she was afraid it would hurt her property value and currently she already has to pick up beer bottles and drug paraphernalia out of her yard. She is concerned about parking. She stated that Salmon Estates should not be treated any different than Woodbridge.

Jeff Slusher, 4527 Parkridge Circle, stated that he has a different perspective. He has a tenant that has applied for an SUP for tattooing in the Industrial Zoning and would like to see that one be approved instead.

Russell James, 4903 Waterside Lane, stated that it should be a red flag when something needs special permission to be allowed in the zoning district and that he would rather not see this type of business go in Sachse.

Kathy Cobb, 3820 6th Street, states that the zoning is possible in the industrial area. She also stated she was concerned about the type of art work to be displayed. She said that a lot of young people identify themselves with tattoos as part of a particular group and do we want those kinds of people coming to Sachse. She said school buses travel by that area and children live nearby and she does not feel it would be appropriate at this location. She said if it had to go somewhere then the industrial area would be more appropriate.

Scott Everett made a motion to close the Public Hearing and Wally Sparks seconded the motion. The motion passed unanimously. The Public Hearing closed at 7:37 p.m.

David Zukosky said he heard a lot of people stating they want it to go in the industrial zoning. Scott Everett stated that I-2 is set up to accommodate this use and if it is allowed in C-2 are we setting a precedent to allow more to come in the future and would that make the city open to lawsuits if we were to deny them. Michael Spencer commented that City Council had stated they would like to see it in the industrial area. However, it is in the ordinance that it is allowed in C-2, I-1 and I-2 by SUP. So regardless of the location it still requires a SUP and would have to go before Planning and Zoning and City Council. David Zukosky said if another tattoo shop wanted to come in it would still have to be through a SUP. Mr. Spencer said this was correct. David Zukosky stated that an SUP is done on a case by case basis. Scott Everett stated he is still concerned over the city's liability and would like to speak to the city attorney in Executive Session. David Zukosky asked if it was possible to call the attorneys and Michael Spencer stated that he would need to go to his office and call. Jeanie Marten said that for some reason we are demonizing this business and that someone had decided that it is only drunk bikers that get tattoos. She said she knows of a lot of law abiding citizens that have tattoos and that tattoos and body piercings are more main stream today than ever. She felt that we need to go ahead and pull the trigger and make a decision tonight stating we are one step of many. More discussion followed. Wally Sparks made a motion to approve the Special Use Permit for a Tattoo / Body Piercing Establishment. Jeanie Marten seconded the motion. The motion passed 5-2 with Scott Everett and Jared Patterson voting no.

There being no further business, Scott Everett made a motion to adjourn. Jared Patterson seconded the motion. The motion passed with all voting in favor.

The meeting adjourned at 8:05 p.m.

Original Signed by Secretary

Original Signed by Chairperson