

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of January 26, 2009
Time: 7:00 PM Place: Sachse City Hall

Members Present:

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

Members Absent:

Staff Present:

Allen Barnes, City Manager
Terry Smith, City Secretary
Barry Shelton, Community Development Director
Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Bill Adams, City Council Liaison
Joe Gorfida, City Attorney
Ryan Kirkland, Applicant

Vice-Chairperson Scott Everett 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 January 12, 2009 regular meeting: David Hock made a motion to approve the minutes. Robert Corbin seconded the motion with all voting in favor the item passed with all voting in favor.

Regular Agenda

2. Conduct vote for Planning and Zoning Commission Chair, Vice Chair and Secretary: Barry Shelton, Community Development Director, introduced the item stating that John Zukosky has resigned from the Planning and Zoning Commission leaving the Commission without a Chairperson. He stated that nominations will be made from the floor and the election will follow immediately.

David Hock made a motion to elect Scott Everett as Chairperson. Wally Sparks seconded the motion and with all voting in favor the motion passed electing Scott Everett to Chairperson.

David Hock made a motion to elect Robert Corbin as Vice-Chairperson. Wally Sparks seconded the motion and with all voting in favor the motion passed electing Robert Corbin to Vice-Chairperson.

Barry Shelton explained since Jeanie Marten has recently been elected to Secretary there is no need to vote again since that position was not vacated.

3. Conduct a Public Hearing and consider the application of Ryan Kirkland, requesting approval of a Special Use Permit for a Tattoo / Body Piercing Establishment on property zoned Industrial 1 (I-1) District on the west side of Industrial Drive, approximately 300 feet north of Park Lane: Mr. Shelton introduced the agenda item. He showed the proposed location of the area which is zoned I-1. The I-1 zoning typically allows for light industrial uses and less intense use than an I-2 zoning. In addition to the industrial uses in the area many retail and service uses are permitted. The applicant is requesting a SUP to operate a tattoo / body piercing establishment. The intent of the Special Use Permit is to determine if a land use is compatible with the surrounding uses where it might not otherwise be allowed by right. Staff is recommending approval of the SUP for a tattoo / body piercing establishment. Scott Everett, Chairperson, asked if the applicant would like to speak. The applicant, Ron Kirkland, stated that he has been in business for four years in Wylie and that they would be shutting down that location if they moved to Sachse. He said that his hours of operation would be Monday thru Saturday, 1:00 p.m. – 10:00 p.m. He said it is him and his wife and that they may bring on another artist.

Mr. Everett opened the Public Hearing at 7:15 p.m.

Jeff Slusher, 4527 Parkridge Circle, said that he owns the property and has an issue with the required number of parking spaces. He asked if the square foot would need to include the storeroom and the mechanical room.

Kathy Cobb, 3820 6th Street, said she had questions about signage. She asked what type and what size of sign would they be limited to. She was worried that they would have some bright signage. She also inquired what kind of items could be sold there in the future.

Jeanie Marten made a motion to close the Public Hearing and Robert Corbin seconded the motion. The motion passed unanimously. The Public Hearing was closed at 7:18 p.m.

Mr. Shelton stated that as far as how parking is calculated that it does include the gross floor area and that storage and mechanical rooms are built into the calculations of required parking spaces required in the ordinance. He stated that we do have a sign ordinance that the applicant would have to follow that limits size and height and also prohibits really bright and flashing signs. He did state that the city cannot regulate the content of signage.

Wally Sparks asked about parking stating that shouldn't the commission know if it is adequate before moving forward. Mr. Shelton stated that even though there is not enough parking currently there is room to provide the required number of parking and in no way would staff have let the applicant proceed with the SUP if we knew the parking requirements could not be met.

David Hock made a motion for approval for the Special Use Permit for a tattooing / body piercing establishment. Wally Sparks seconded the motion. The motion passed 5-1 with Jared Patterson voting no.

There being no further business, Jeanie Marten made a motion to adjourn. Robert Corbin seconded the motion. The motion passed with all voting in favor.

The meeting adjourned at 7:25 p.m.

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Workshop Session of January 26, 2009
Time: 6:30 PM Place: Sachse City Hall

Members Present:

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

Members Absent:

Staff Present:

Allen Barnes, City Manager
Terry Smith, City Secretary
Barry Shelton, Community Development Director
Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Bill Adams, City Council Liaison
Joe Gorfida, City Attorney

Vice-Chairperson Scott Everett opened the workshop session of the Planning and Zoning Commission at 6:35 p.m. and a quorum was declared.

- 1. Open Workshop Meeting**
- 2. Conduct Commission Workshop Session**
 - a. **Roles and Responsibilities**
 - b. **Parliamentary Procedure**
 - c. **Staff Responsibilities**
 - d. **Legal Issues**
- 3. Adjourn**

Joe Gorfida, City Attorney, introduced the item. He stated that they would be reviewing some of the procedures for open meetings and also discussing some housekeeping items. He said he would be giving guidelines as to how a meeting should be conducted. He commented that he did not want to discuss any cases that might be pending or on the agenda. He said a public hearing allows the public to come and speak for or against an item. He stated that in certain cases such as a plat the public has no legal right to speak. He stated that with a plat there is not much the commission can do because if the plat meets all requirements the commission is required to approve it. He stated that hypothetically if you have a commercial plat and the public speaks against it and what are you to do when you have to approve it because it meets all the city requirements. He also said that at any time the commission felt that they need to consult with the city attorney they should attempt to call and see if they are available and inform the public as to what the commission is doing stating that you are going into Executive Session to consult with the city attorney via telephone. Jeanie Marten asked when someone wants to contact the city attorney do we have to agree as a group or what. Joe Gorfida said the commission should look to staff whether or not it would be appropriate. Joe Gorfida said they should try and ask questions they may have ahead of time. Joe stated that at a public hearing the chairperson should give everyone equal time to speak. He also stated that the commission should avoid comments on cases such as "I don't think it should be allowed in that district" or "not in my city" nor should they elaborate that it is against their

morals or religious beliefs. He commented that the law says you have to allow it whether you like the type of business or not. Mr. Gorfida stated that commissioners need to be aware that it is really not appropriate for them to go to City Council and speak for or against an item. There is not a city policy against this and that it is not against the law but it does not look good and other area cities do have policies against this very thing. Robert Corbin asked if an item goes to City Council after Planning and Zoning denies it could the commissioners still be liable. Mr. Gorfida stated not most likely but they could sue the city stating they were discriminated against by not allowing them. They have to be allowed somewhere in the city. He stated that they need to not argue or talk over each other. Scott Everett asked if the commissioners have to deliberate. Mr. Gorfida said no but generally Planning and Zoning members do discuss the items but you do not have to. He stated that they also need to make sure that they open and close the public hearing. He warned them against reopening the public hearing because if they do they need to be prepared to hear everyone again. He said they should avoid stepping down and speaking to citizens during the meetings. Jeanie Marten asked if there was conflicts of interest do the commissioner need to leave the room. Mr. Gorfida stated they need to leave the room and not get up and speak for or against the item as a citizen either.

The meeting was postponed until after the regular meeting of the Planning and Zoning meeting.

The meeting reconvened at 7:33 p.m.

Mr. Gorfida stated that the commissioners need to be conscious of what is known as a walking quorum. He stated that a small town was sued for conspiring to violate the open meetings act by meeting at the local post office in pairs and discussing items and then passing it along to other members as to how they felt about cases. So he informed them this could also be done by emailing or talking on the phone. He stated that they should avoid talking about cases. He advised also against getting into a dialogue with neighbors. More discussion followed.

Terry Smith, City Secretary, gave a handout to the Planning and Zoning members. He reviewed Parliamentary Law stating that it is an organized system that allows a group of people to come together and make a decision. The system is made up of basic principles and rules that determine how the group will proceed through the decision-making process. The rules of parliamentary procedure, which are based on common sense and logic, are designed to protect the rights of board members in the majority to make decision, the rights of the minority to be heard and the rights of the individuals to be maintained. He went on to discuss the Texas Open Meetings Act stating that the Texas Open Meetings Act will always take precedence over parliamentary procedure. He went on to discuss the duties of the presiding officer, the making of a motion and amending a main motion.

Allen Barnes, City Manager, addressed the Planning and Zoning Commissioners. He thanked them for their time and service on the board. More discussion followed.

The meeting adjourned at 8:03 p.m.

Original Signed by Secretary

Original Signed by Chairperson