

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of February 27, 2012

Time: 7:00 p.m. Place: Sachse City Hall

Members Present:

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

Members Absent:

Wally Sparks

Staff Present:

Michael Spencer, Interim Director of Community Development
Charlotte Youngblood, Secretary

Others Present:

Bill Adams, City Council Liaison

Chairman Stephen Curtis opened the regular 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 Warren Becker and Stephen Curtis led the pledges.

Regular Agenda

2. Consider approval of the minutes for the February 13, 2012 regular Planning and Zoning Commission meeting.

Warren Becker made a motion to approve the minutes. David Hock seconded the motion. With all voting in favor the motion passed unanimously.

3. Conduct a public hearing and consider a recommendation regarding an ordinance amending Chapter 11, Zoning, Article 2 by adding a definition for "Drive-Through Establishment" and by amending Schedule 1 "Permitted Use" chart to add "Drive-Through Establishment" and by amending "Retail Sales / Drive-Through" in Industrial-1 and Industrial-2 by approval of a Special Use Permit.

Michael Spencer, Interim Community Development Director, introduced the item. He made a Powerpoint presentation. He stated that Council had asked city staff to research Mesquite's newly adopted ordinance prohibiting beverage barns. Mesquite had adopted an ordinance in July 2011. The ordinance prohibits Beverage barns in all zoning districts in the City of Mesquite. In March 2009, the City of Greenville adopted a similar ordinance that prohibits Pre-packaged beverage retail sales (Drive Through) in all zoning districts in the City of Greenville. On December 12, 2011 staff brought the proposed ordinance before the Planning and Zoning Commission, which was patterned after the ordinance adopted by the City of Greenville. The item was tabled until the City attorney's office could refine the content and provide a more clearly stated ordinance. Mr. Spencer stated that the new proposed ordinance includes: A definition for Drive-Through Establishment; an amendment to Schedule I "Permitted Uses" to add Drive-Through Establishment, making it a prohibited use in all districts; an amendment to Schedule I "Permitted

Uses” to amend Retail Sales with Drive-Through in Industrial-1 and Industrial-2 Districts, by approval of a Special Use Permit.

Stephen Curtis opened the public hearing at 7:11 p.m.

Jim Becker, 1105 Meadow Lane, stated that he has been following this item and he is not sure how critical it may or may not be. He said that Mesquite created an ordinance for a solution to a problem they were having and he did not feel like Sachse has a problem. He said that he was confused about what is allowed and what is not allowed as reflected on the proposed use chart. He felt that drive up windows were a common thing and should be allowed by right. He felt that they should not have the extra burden of having to go through the Special Use Permit process.

There being no more comments Scott Everett made a motion to close the public hearing. Charles Ross seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 7:16 p.m.

More discussion followed. David Hock made a motion to approve the ordinance as written. Scott Everett seconded the motion. The motion passed with all voting in favor.

4. Conduct a public hearing and consider the application of Benbrook Winchester, L.P. requesting a change in zoning for an approximately 65.54 acre tract located at 3100 Pleasant Valley Road, generally on the southeast corner of Merritt Road and Pleasant Valley Road from Agriculture (AG) District to Planned Development District and Turnpike Overlay District generally for Commercial 2 (C-2) uses.

Mr. Spencer introduced the item. He stated that the applicant is requesting to rezone an approximately 65.54 acre tract located at 3100 Pleasant Valley Road. The subject site has frontage on Merritt Road, Pleasant Valley Road and the George Bush Turnpike. The Turnpike does not have frontage roads adjacent to the subject property and vehicular access to the Turnpike is not permitted. He stated that the proposed Planned Development is in conformance with the City of Sachse Comprehensive Plan and the overlay zoning standards. The eastern portion of the property has floodplain, floodway and a conservation easement that will prevent a good portion of the property from developing. This undeveloped portion will preserve the existing trees and will preserve the property as open space and serve as a buffer between the residential uses and the future commercial uses. Mr. Spencer stated that additional measures for buffering have been included in the planned development. The landscaping requirements would include a minimum 50 foot landscape buffer along the north property boundary a minimum distance of 875 feet from the northeast boundary corner and 413 feet along the east property boundary to be installed prior to the development of Area “2”.

Stephen Curtis opened the public hearing at 7:43 p.m.

Pat O'Neill, 6418 Eastview Drive, stated he owns a 30-acre tract of land and has fought development in Sachse. He quit coming to the meetings because he felt defeated. He stated that as far as the proposed buffer goes he said there was a natural buffer there but awoke to the sounds of them cutting the trees down. The trees were replaced but all of them are dead now. He stated his property is on a hill and the roar of the highway sounds like the Indy 500. The billboard lights are on all night and as far as planting trees it might as well be grass because it won't help. He sees this development as further encroachment to his property.

David Pesta, 6632 Eastview Drive, stated at the times when the billboards were installed there was a meeting held at the United Methodist Church and at the time the man said they installed the

billboard because they could. They are not good neighbors and they came in the dark of night to put these signs in. He stated he has been woken up at 4:30 a.m. to the sound of ninja bikes speeding down the freeway. He said he does not trust the applicant at all. They have the lawyers and will not abide by any contracts they agree too. He stated that the flooding was worse than it has ever been since the construction of the highway and feels that development of this property will only make it worse. He is vehemently opposed to the development. He also wanted to know what type of uses they are talking about and if it included multifamily uses.

Mike Peterson, Graham Associates, representative for the applicant, stated that during the previous work session last year he felt that they had worked through some of these issues. The 50 - foot buffer was an alternative to putting up a screening wall. The landscape buffer would be a supplement to the living screen that exists there now. The conservation area further buffers the area from development. The concept of extending the transition zoning would also keep the property viable. They are not extending building heights any more than what they exist currently in agricultural zoning.

There being no more comments, Charles Ross made a motion to close the public hearing. David Hock seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 7:54 p.m.

Michael Spencer addressed some of the concerns. He said that the type of uses would not be multifamily or apartments. He stated in the transition zone there would be light office uses. The maximum building footprint is 50,000 square feet. The building heights would be limited within 300 feet of residential zoned property. The uses would be limited until they get to Area "1" where you get into big box type of retailers. He stated in regards to the traffic noise there is nothing we can do about that. Scott Everett asked how they plan on maintaining the landscape buffer. Mr. Spencer said while we are in drought conditions it may be difficult but it would be the property owner's responsibility to maintain the landscape. Scott Williams asked if the Soil Conservation area is in a floodplain. Mr. Spencer said it was and in a floodway also. More discussion followed about the survivability of the landscape buffer and ways to ensure the landscape buffer would be maintained. Charles Ross stated that the applicant came before us last year and the commission gave the applicant directions on what they would hope to see in the area. The applicant took our comments and respectfully addressed them in the Planned Development submitted to us tonight. Mr. Hock made a motion to approve the zoning change for approximately 65.54 acre property from Agriculture (AG) District to Planned Development (PD) District and Turnpike Overlay District generally for Commercial 2 (C-2) uses with the addition of the wording shall be maintained "in live condition at all times" in Exhibit "A", 2.4 Screening, (b). Charles Ross seconded the motion. The motion passed unanimously with all voting in favor.

5. Conduct a public hearing and consider the application for Arms of Hope Children's Home requesting approval of a Special Use Permit for Used Goods or Products Collection Point (Temporary) such as Goodwill or Salvation Army type collection box on property approximately 1.421 acres, zoned Commercial 2 (C-2) District, located at 7010 State Highway 78.

Mr. Spencer stated that Arms of Hope Children's Home is requesting approval of a Special Use Permit for Used Goods or Products Collection Point (Temporary) to install two (2) donation boxes on the subject property for a period of five years. He stated that the applicant was originally issued a permit for the two (2) donation boxes in error and has since come forward to comply with the City's Zoning ordinance by requesting a Special Use Permit. The donation boxes are currently on the property and Mr. Spencer showed pictures of the existing donation boxes.

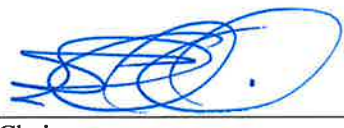
Stephen Curtis opened the public hearing at 8:55 p.m.

George Nessinger, Applicant, stated that they have been at the location for two years and has never had any complaints or vandalism and he would like to keep operating at the current location. He said the donation bins are kept cleaned and maintained.

Scott Everett 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 8:59 p.m.

After discussion, Warren Becker made a motion to approve the Special Use Permit. Scott Everett seconded the motion the motion passed unanimously with all voting in favor.

There being no further business Scott Everett moved to adjourn. The meeting was adjourned at 9:05 p.m.


Secretary
Chairperson