

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting on Monday, January 14, 2014
Time: 7:00 p.m. Place: Sachse City Hall

Members Present:

David Hock
Jack Bickler
Ty Lamb
Paul Watkins
Scott Everett
Wendy Stewart
Warren Becker

Members Absent:

Staff Present:

Marc Kurbansade, Community Development Director
Charlotte Youngblood, Secretary

Others Present:

Bill Adams, City Council Liaison

Chairman Scott Everett 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 Paul Watkins and Jack Bickler led the pledges.

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

Marc Kurbansade announced that the Board and Commission Dinner will be next week, January 22. He stated that the kick-off meeting for the Highway 78 Advisory Committee was last week and reminded everyone they are welcome to attend future meetings.

3. Consider approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.

Ty Lamb made a motion to approve the minutes of the December 9, 2013 Planning and Zoning Commission meeting. Wendy Stewart seconded the motion. The motion passed with all voting in favor.

4. Consider the application from Simpson Foster, LLC for approval of a Final Plat for Barnyard Gate Daycare Addition, being a single lot comprised of approximately 2.751 acres of land.

Marc Kurbansade introduced the item. He stated that the applicant is proposing to plat the subject property as one individual lot. He stated that a Special Use Permit rezoning request was approved for a portion of this property to allow for a Preschool or Childcare Center on December 3, 2012. He stated the subject property is located on the north side of Bunker Hill Road approximately 625 south of Highway 78. He stated that the Preliminary Plat was approved by the Planning and Zoning Commission on April 22, 2013 and City Council approved the Preliminary Plat on May 6, 2013. He stated that staff recommends approval of the Final Plat for Barnyard Gate Daycare Addition.

After discussion, David Hock made a motion to approve the Final Plat for Barnyard Gate Daycare Addition. Ty Lamb seconded the motion. The motion passed with all voting in favor.

5. Conduct a public hearing and offer recommendation to City Council regarding the consideration of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; to grant a change of zoning from a Single-Family Residential (R-10) District to a Planned Development District (PD-27) on an approximately 79.902-acre tract of land, more particularly described in Exhibit "A" and located on the west side of Merritt Road approximately 1,500 feet north of Hudson Drive, City of Sachse, Dallas County, Texas; providing for the approval of Exhibit "B"; providing for the approval of Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D".

Marc Kurbansade introduced the item. He explained that the property owner is requesting a modification to the existing zoning designation to permit an increase in building lot coverage from 35% to 40%. All other zoning regulations associated with the existing Single-Family Residential will remain the same. He said that the subject property is 79.902 acres located on the west side of Merritt Road. He stated that the Future Land Use designation is Low Density Residential and the proposed request is consistent with the Future Land Use designation. He explained that the main concern of the zoning request is to ensure that the request would not negatively impact the quality of life of the surrounding properties. He stated that the building coverage standards for setbacks and building height would remain unchanged and the modest requested increase in building coverage in staff's opinions would not negatively impact surrounding residents and is consistent with the character of the surrounding properties.

Chairman Everett opened the public hearing at 7:17 p.m.

With no one speaking at the public hearing, David Hock made a motion to close the public hearing. Paul Watkins seconded the motion. With all voting in favor the public hearing was closed at 7:17 p.m.

David Hock was concerned that the lot coverage could make the homes resemble patio homes. Marc Kurbansade stated that the setback would remain the same and would still fall under the same building envelope.

Steven Pepper, Applicant Representative for Meritage Homes, stated that the pad site would remain unchanged. He stated that currently home buyers are not able to get as many options. He stated that those options are the 3rd car garage and outdoor living space. Currently they can only get one or the other and not both.

Chairman Everett asked about potential drainage issues with the increase of lot coverage.

Greg Peters, City Engineer, stated that he has reviewed the drainage plans for the subdivision and stated that if all the lots built out to the 40% lot coverage the system could handle it without a problem due to the conservative numbers the Engineer of Record used in designing the drainage plan for the subdivision.

After discussion, Warren Becker made a motion to grant a change of zoning from a Single-Family Residential (R-10) District to a Planned Development District (PD-27) on an approximately 79.902-acre tract of land, more particularly described in Exhibit "A" and located on the west side of Merritt Road approximately 1,500 feet north of Hudson Drive, City of Sachse,

Dallas County, Texas; providing for the approval of Exhibit “B”; providing for the approval of Development Standards attached as Exhibit “C”; providing for the approval of the Zoning Concept Plan approved as Exhibit “D”. Ty Lamb seconded the motion. The motion passed unanimously with all voting in favor.

6. Conduct a public hearing and offer recommendation to City Council regarding the consideration of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; to grant a change of zoning from an Agricultural (AG) District and Single Family Residential (R-1) District to a Planned Development District (PD-26) to allow for the development of a Type 2 Cellular Communications Tower on an approximately 10.6241-acre tract of land, more particularly described in Exhibit “A” and located at 6420 Sachse Road, City of Sachse, Dallas County, Texas; providing for the approval of the Zoning Exhibit attached as Exhibit “B”; providing for the approval of the Zoning Exhibit attached as Exhibit “B”; providing for the approval of Development Standards attached as Exhibit “C”; providing for the approval of the Zoning Concept Plan approved as Exhibit “D”.

Mr. Kurbansade introduced the item. He stated that the City of Sachse is the applicant on this request to allow for the construction of a 150-foot cellular tower and associated equipment shelters. He stated that the communications tower will be located on approximately 10.6241-acre tract of land and located at 6420 Sachse Road. He stated that the Animal Shelter, City water storage tanks (and ancillary equipment) and a windmill generator are located on the site. He stated the antenna would be located approximately 300-feet from the Sachse Road right-of-way and 400-feet from the nearest single-family residence. He stated that staff is recommending approval for the zoning request to allow for the development of a Type 2 Cellular Communications Tower.

Chairman Everett opened the public hearing at 7:35 p.m.

Peter Kavanagh, 1620 Handley Drive, stated that he is with Verizon Wireless. He said that we talk a lot more on cell phones and many people replace their land lines with cell phones. He said people want their phones to work inside building and their homes. He explained in order for that to occur we need antennas a lot closer to one another. He stated as neighborhoods develop and there are improvements to water and sewer services you have to improve cell service also. He stated they try to locate cell towers on existing facilities if possible. He stated that the tower would provide service for all the major carriers in the area. He mentioned there were concerns about lighting striking the antenna. He explained that there are very sophisticated grounding systems on the cell towers to be able to handle lighting strikes. He stated as far as health concerns over the radio waves from the tower most recent studies shows the health issues may lie with the phone itself and not the antennas.

William Roney, 5506 Oakridge Circle, was concerned about whether the cell tower would put off a buzzing sound.

Sharon Wilson, 5717 Pinnacle Circle, wanted to see a diagram of the cell tower.

With no one else speaking, David Hock made a motion to close the public hearing. Wendy Stewart seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 7:46 p.m.

Mr. Kavanagh, Verizon Wireless Representative, explained that the tower would not produce any noise.

Ty Lamb asked how tall the water tower was and if it would that cause any shadowing or interference with the cell tower. Mr. Kurbansade stated that it was close to 200 feet tall. Mr. Kavanagh stated that it is far enough away from the water tower that it would not be an issue.

Chairman Everett asked if the facility would be maintained by the City. Mr. Kurbansade stated if the zoning request is approved that the city would enter a licensing agreement with Verizon.

After discussion, Ty Lamb made a motion to approve the change of zoning from an Agricultural (AG) District and Single Family Residential (R-1) District to a Planned Development District (PD-26) to allow for the development of a Type 2 Cellular Communications Tower on an approximately 10.6241-acre tract of land, more particularly described in Exhibit "A" and located at 6420 Sachse Road, City of Sachse, Dallas County, Texas; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D". Warren Becker seconded the motion. The motion passed with all voting in favor.

7. Conduct a public hearing and offer recommendation to City Council regarding the consideration of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning" Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store; by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit.

Mr. Kurbansade introduced the item. He stated that this amendment would establish regulations for Retail Electronic-Cigarette/Vaporizer store and Hookah/Smoke Lounge as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store Establishments. He stated that the city is taking a proactive approach to regulate these uses. He said the proposed amendment will provide a definition for a new use-Retail Electronic-Cigarette/ Vaporizer Store, and provide regulations in the Permitted Uses table that would permit the use as a Special Use Permit in the General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District. It would also provide a definition for a new use Hookah/ Smoke Lounge and provide regulations in the Permitted Uses table that would permit the use as a Special Use Permit in the Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District. He stated that he wished to include the electronic cigarette devices themselves be in the definition and asked that the Commission to include this in the motion. Mr. Kurbansade stated that the city currently has two electronic cigarette stores and what we are starting to see is couches and sofas show up in these retail establishments as well and its starts to create a new type of use from an occupancy standpoint. He stated that by creating these lounge areas it allows for more people to be sitting around which creates more demand on parking and it becomes a different type of establishment. Mr. Kurbansade used the analogy between a grocery store and a restaurant.

Chairman Everett opened the public hearing at 8:04 p.m.

With no one speaking, Paul Watkins 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 8:05 p.m.

More discussion followed about the definitions of uses, configuration of floor area and how it relates to on-site consumption.

David Hock made a motion to offer recommendation to City Council regarding the consideration of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 11 "Zoning" Article 2, by adding definitions for Electronic Cigarette or E-Cigarette, Hookah/Smoke Lounge, Retail Electronic-Cigarette/Vaporizer Store: by amending the definition for Retail Tobacco Store; by amending Schedule I "Permitted Uses" to add Hookah/Smoke Lounge use in Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit; by amending Schedule I "Permitted Uses" to add Retail Electronic-Cigarette/Vaporizer Store in General Commercial C-2 District, Restricted Manufacturing and Warehousing I-1 District and General Industrial I-2 District by approval of a Special Use Permit and include the definition of electronic cigarettes as requested by staff. Wendy Stewart seconded the motion. The motion passed with all voting in favor.

There being no further business, Warren Becker made a motion to adjourn. The meeting was adjourned at 8:23 p.m.

Secretary

Chairperson