

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of January 14, 2008
Time: 7:00 PM Place: Sachse City Hall

Members Present:

Duane Franzen
Scott Everett
John Staples
David Zukosky
Cullen King
Jeanie Marten

Members Absent:

Robert Lafaye

Staff Present:

Barry Shelton, Community Development Director
Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Pat McMillan, City Council Liaison

Vice-chairperson Cullen King 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 November 26, 2007 meeting.

David Zukosky made a motion to approve the minutes and John Staples seconded the motion with all voting in favor it passed unanimously.

Regular Agenda

1. Conduct a public hearing and consider the application of Arbor Creek Montessori School, requesting approval of a Special Use Permit for Childcare/ Kindergarten on property zoned Commercial 2 (C-2) District on the northeast corner of Hooper Road and Bailey Road.

Barry Shelton, Community Development Director, introduced the item. Barry mentioned that the Montessori School can not go by right in any zoning district but requires a SUP for all zoning in Sachse. Barry highlighted that when a request such as this is made that compatibility of the request with surrounding zoning and land uses is looked at. The development of a Montessori school at this location is far less intrusive and more compatible for the property and surrounding areas than many of the uses that could go there by right. Barry said that the sale of alcohol in the adjacent shopping center is not an issue for the Montessori School since the beer and wine sales are currently in place and would still continue to operate as usual. David Zukosky asked if in the adjacent shopping center could a new restaurant establishment come in and obtain a license through TABC to serve alcohol beverages. Barry said that the 300 feet does not apply to restaurants so they would be able to. However, the alcohol sales for off premise consumption would not be able to come in and sale alcohol beverages. The City Attorney interpretation of the law is that first in time is first in right. Barry said the 300 foot rule would apply to new business.

This is measured from property line to property line. However, in a strip center this is measured from lease space not actual property line. Scott Everett asked if the existing gas station went out of business could a new one come in and sale alcohol. Barry said no not if it expires. However, the existing business would be able to operate as usual as long as they continue to operate and did not shut down their business for more than six months. Cullen opened the Public Hearing at 7:12 PM.

Jackie Eichelberger, 7121 Bailey Rd., spoke and said that she was not opposed to the day care. However, she was concerned about the corner being hazardous where they would need to access the property, the large volume of traffic it would generate, and the safety concerns of vehicle and school buses using the same route along Bailey and Hooper which she felt are substandard 20 feet wide streets. She was also concerned about the proximity of alcohol sales next door.

Christie Benator, 6915 Bailey Rd., spoke against the SUP because she felt the infrastructure can not support any more traffic and with the road only being 20 feet wide currently people run off the road and hit mailboxes and stop signs all the time because it is too narrow. She felt that the day care should look at the site again due to safety reasons.

Sima Cheregosha, 1819 Red Oak Lane, part owner of Arbor Creek Montessori School, said that there school has been the choice of hundreds. It is a private school and does not provide day care to any one in public school. She felt the school would add to the beauty of the neighborhood.

Jay Stewart, 5316 Summit Knoll Trail, said that he lives directly behind the property. He agrees that the right angle turn is dangerous and has concerns over the traffic. However, he says currently on Saturday night they hear music from Monkey's Pub and Grub and he would rather have a Montessori school rather than some of the other uses like another restaurant or auto repair shop that would be allowed in that zoning.

Patty Said, 2101 Meredith Lane, part owner of Arbor Creek Montessori School, stated that the school would be a good buffer. The families that use their school generally are dropping off more than one child. Typically they have two or more children enrolled at the school and some of them carpool. Parents drive very carefully because they do have children with them. The hours are between 6:00 AM and 7:00 PM which are daylight hours. She also said that only 20% stay in afternoon child care and they have never had a single accident in their 8 year record of where their customers are concerned.

Jackie Eichelberger, 7121 Bailey Rd., spoke a second time as to what the city is willing to do to improve the safety of Bailey Rd.

David Zukosky made a motion to close the Public Hearing. Scott Everett seconded the motion with all voting in favor it passed unanimously. The Public Hearing was closed at 7:34 pm.

David Zukosky inquired whether or not a traffic study has been done. Barry said that a formal study had not been done. Cullen King asked about the previous study done for Cox Elementary if they could have access to that study. Barry Shelton said that a traffic study is not required for the Special Use Permit. This comes along later in the process as the applicant moves forward these things are addressed. The city engineer had preliminary looked at the site for visibility and access. I can not promise that there will be any improvements to the road tonight that would fall under the City Engineer department. Jeanie asked if Barry could elaborate on the screening requirements for property owner on Summit Knoll. Barry said there would be a screening wall along the entire east side of the property that would be a minimum 6 foot in height and not exceed

8 feet. David Zukosky asked when they could see information on a traffic study. Barry said he could email that information to them tomorrow. Scott Everett said he did not think that the information would be accurate because of the new school opening up on the other side of Highway 78. Jeanie asked if the new school would be opened in the fall. Barry said yes it would be.

David Zukosky made a motion to table the vote until further information on the traffic study could be available. Duane seconded the motion. The motion to table the item failed with David Zukosky and Duane Franzen voting in favor and Jeanine Marten, Scott Everett and John Staples voting against.

John Staples felt that traffic was not an issue because the property is zoned for Commercial and some sort of business is going to go there no matter what. Jeanie Marten question whether or not that these issues would also be addressed in the platting process. Barry said that they would have to have a final site plan that would reflect improvement to the roadway if necessary. At this point we only look for adequate access.

Jeanie Marten made a motion to approve the Special Use Permit for the Arbor Creek Montessori School Childcare/ Kindergarten on property zoned Commercial-2 on the north east corner of Hooper Road and Bailey Road. Scott Everett seconded the motion. The motion fails with a John Staples, Duane Franzen, and David Zukosky voting against the motion and Cullen King, Jeanie Marten, and Scott Everett voting in favor.

2. Discuss the Old Town Sachse Mixed Use District

Barry Shelton, Community Development Director introduced the item. Barry stated that as he looks over the standards he is looking for loopholes in the ordinance as a developer who does not want to follow the ordinance and in doing so he had found several loop holes and a number of issues with the ordinance. He said that as the standards are written currently it would allow a developer to work their way around them and come up with something typical for instance the parking requirements are not tight enough. More discussion followed. Barry also mentioned the need to involve the property owners in the area to a series of public workshop so they could provide their input.

3. Conduct vote for new Planning and Zoning Commission Chair and Vice Chairman

The first vote taken had three votes for David Zukosky and three votes for Cullen King. David Zukosky withdrew his vote and voted for Cullen King. The vote was then 4-2 in favor of Cullen King. Duane made a motion for vice- chairman to be David Zukosky and Jeanie Marten seconded the motion it passed unanimously with all voting in favor. Jeanine Marten also made a motion for Cullen King as Chairman and David Zukosky seconded the motion it passed unanimously. There will be a vote at the next meeting for secretary.

There being no further business John Staples made a motion to adjourn and Duane Franzen seconded that motion with all voting in favor it passed unanimously. The meeting adjourned at 8:33 pm.


Chairperson


Secretary