



# Sachse, Texas

Sachse City Hall  
3815-B Sachse Road  
Sachse, Texas 75048

## Meeting Agenda Planning & Zoning Commission

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Monday, January 13, 2014

7:00 PM

City Hall

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The Planning and Zoning Commission of the City of Sachse will hold a Regular Meeting on Monday, January 13, 2014, at 7:00 p.m. at the Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

**1. Invocation and Pledge of Allegiance to the U.S. and Texas Flags**

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

**3. Regular Agenda Items:**

[14-1996](#) Consider approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.

*Executive Summary*

*Approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.*

**Attachments:** [20131209 PZ MINUTES.pdf](#)

[13-1992](#) Consider an 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.

*Executive Summary*

*The applicant is requesting to plat an approximately 2.751-acre tract to consist of a single lot. The subject property is generally located on the north side of Bunker Hill Road, approximately 625 feet south of State Highway 78.*

**Attachments:** [CD - BARNYARD GATE FP PZ - PRESENTATION.pdf](#)  
[CD - BARNYARD GATE FP PZ - FINAL PLAT.pdf](#)  
[CD - BARNYARD GATE FP PZ - ATTACHMENT 1.pdf](#)

[13-1970](#) 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 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".

#### *Executive Summary*

*The property owner is requesting a modification to the existing zoning designation in order to permit an increase in building lot coverage from 35% to 40%. All other zoning regulations associated with the existing Single-Family Residential (R-10) zoning district would remain in place as the R-10 district would serve as the base zoning district.*

**Attachments:** [CD - HERITAGE PARK PD PZ - PRESENTATION.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT A.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT B.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT C.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT D.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 1.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 2.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 3.pdf](#)

#### 13-1972

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

Development Standards attached as Exhibit “C”; providing for the approval of the Zoning Concept Plan approved as Exhibit “D”.

*Executive Summary*

*The City of Sachse is the applicant for this request to rezone the subject property to allow for the construction of a 150-foot cellular communications tower and associated equipment shelters. The communications tower would be located on City property approximately 300 feet from Sachse Road.*

**Attachments:** [CD - PW VZ CELL TOWER PD PZ - PRESENTATION.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT A.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT B.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT C.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT D.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 1.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 2.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 3.pdf](#)

14-2002

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.

*Executive Summary*

*This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store establishments.*

**Attachments:** [CD - ZONING ORD ECIG PZ - PRESENTATION.pdf](#)  
[CD - ZONING ORD ECIG PZ - DRAFT ORD.pdf](#)

#### 4. Adjournment

Note: The Planning and Zoning Commission may retire and convene into Executive, Closed Session on any matter related to the above agenda items for the purposes of private consultation with the City Attorney under Section 551.071 of the Texas Government Code.

State law prohibits the introduction or discussion of any item of business not posted at least seventy-two (72) hours prior to the meeting time.

Posted: January 10, 2014; 5:00 p.m. Marc Kurbansade, Director of Community Development

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*If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact Terry Smith, City Secretary at (972) 495-1212, 48 business hours prior to the scheduled meeting date. Reasonable accommodations will be made to assist your needs.*



## Legislation Details (With Text)

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**File #:** 14-1996      **Version:** 1      **Name:** CD - PZ MINUTES 20131209  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 1/7/2014      **In control:** Planning & Zoning Commission  
**On agenda:** 1/13/2014      **Final action:**  
**Title:** Consider approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.  
  
Executive Summary  
Approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [20131209 PZ MINUTES.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**Title**

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

*Executive Summary*

*Approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.*

**Staff Recommendations**

Staff recommends approval of the minutes from the December 9, 2013 Planning and Zoning Commission meeting.

**City of Sachse, Texas**  
Planning and Zoning Commission

Minutes of the Regular Meeting on Monday, December 09, 2013

Time: 7:00 p.m.

Place: Sachse City Hall

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**Members Present:**

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

**Members Absent:**

Warren Becker

**Staff Present:**

Marc Kurbansade, Community Development Director  
Charlotte Youngblood, Secretary

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 Wendy Stewart led the pledges.

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

Mr. Kurbansade stated because of cancellations last week the tree lighting was rescheduled to Thursday, December 12<sup>th</sup>. He also stated that the Christmas parade would be held this Saturday at 9 a.m. He also announced the Library will have their E-book kick off this evening.

**3. Consider approval of the minutes from the November 25, 2013 Planning and Zoning Commission meeting.**

David Hock made a motion to approve the minutes of the November 25, 2013 Planning and Zoning Commission meeting. Ty Lamb seconded the motion. The motion passed with all voting in favor.

**4. Consider canceling the December 23, 2013, Planning and Zoning Commission Regular Meeting.**

Paul Watkins made a motion to cancel the December 23, 2013 Planning and Zoning Commission Meeting. Wendy Stewart seconded the motion. The motion passed with all voting in favor.

**5. Discuss the duties and responsibilities associated with the roles as a member of the Planning and Zoning Commission.**

Mr. Kurbansade, Community Development Director, explained that it is necessary to do this training periodically as we get new Commissioners and it serves as a refresher for the existing commissioners. Mr. Kurbansade stated it is the Commission's responsibility to act in an advisory capacity to the City Council. The role of the Chairman and the various types of motions that may be used during a meeting were explained. He stated that the approval of plats is ministerial in

nature, generally stating that when a plat meets the City's criteria it shall be approved by the governing body by state law. He explained that the Commission does have the final approval authority for plats. He explained that the approval of zoning related cases are discretionary in nature, which allows the Commission to recommend approval or disapproval of an item based on the evidence presented. Mr. Kurbansade went on to explain what constitutes a conflict of interest and how that needs to be addressed at the meetings. More discussion followed about open meetings, ethics, and public information.

**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 so as to grant a Special Use Permit for a Private Beverage Club use on an approximately 0.973-acre tract of land located at 6504 State Highway 78, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the site plan attached as Exhibit "B".**

Mr. Kurbansade introduced the item. He explained that the subject property is located at 6504 Highway 78. He stated the property is located in C-2 zoning. He stated that the applicant has expressed their intent to operate a Private Beverage Club at the subject property. He stated the proposed use would consist of a 1,600-square foot lease space with occupancy of approximately 40-60 persons. Mr. Kurbansade said the applicant has another business location in Addison which has not had any issues with TABC or the City of Addison. He stated that the SUP will be tied to the owners and not the land. He stated that per our City Zoning Ordinance a Private Beverage Club is triggered when sales less than 50% are associated with food. He stated that due to the proposed applicant's request to vary from said requirements set in our Code of Ordinance for a Private Beverage Club staff is recommending denial.

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

William Kuhn, Applicant, said their intent was not to open a saloon. He explained they are committed to food. He stated his Addison location has received the Taste of Addison award four times. He stated his projections are 41%-42% of our sales would be from food. He stated they are very involved in the community in Addison and would be here also. He stated their business model would be similar to Boomer Jacks. He said him and his wife have two small children and would not want to put our name on a bar or saloon. He explained if it were not for the fact that their projections are around 41%-42% they would just have opened up as a restaurant. He stated we want to open up as a restaurant but can't be sure we will meet the 50% food requirement.

Richard Holloway, 3202 Clinton Street, said he has lived there for 20 years. He spoke in opposition to the Private Beverage Club. He said it was his understanding with talking to staff that alcohol would consist of 60% of sales. He stated by looking at their website they would be offering 33 different types of beer and people are there until 2 am. He stated that Addison caters to that type of late night entertainment where there is not a heavy population of residences. He stated he was worried about people leaving the place not clear headed. He was also concerned with the adjacent neighbors being disturbed by patrons leaving the location late at night.

Jill Markham, 4107 Arizona Street, spoke in opposition. She stated that her son-in-law was killed by a drunk driver two weeks ago in Wylie. She stated she has seen people passed out in their cars at Uncle Bruce's parking lot. She stated there are a lot of kids in the area close by and does not feel this is an appropriate location. She said she felt like Sachse has become trashier along Highway 78 over the years.

With no one else speaking, David Hock made a motion to close the public hearing. Ty Lamb seconded the motion. With all voting in favor the public hearing was closed at 7:55 p.m.

After discussion, David Hock made a motion to deny the request for a Special Use Permit for a Private Beverage Club. Paul Watkins seconded the motion. The motion passed with all voting in favor.

There being no further business, David Hock made a motion to adjourn. The meeting was adjourned at 8:05 p.m.

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Secretary

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Chairperson



## Legislation Details (With Text)

|                       |                                                                                                                                                                                                                                                                  |                      |   |                      |                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|----------------------|------------------------------|
| <b>File #:</b>        | 13-1992                                                                                                                                                                                                                                                          | <b>Version:</b>      | 1 | <b>Name:</b>         | CD - BARNYARD GATE FP PZ     |
| <b>Type:</b>          | Agenda Item                                                                                                                                                                                                                                                      | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready                 |
| <b>File created:</b>  | 1/7/2014                                                                                                                                                                                                                                                         | <b>In control:</b>   |   | <b>In control:</b>   | Planning & Zoning Commission |
| <b>On agenda:</b>     | 1/13/2014                                                                                                                                                                                                                                                        | <b>Final action:</b> |   | <b>Final action:</b> |                              |
| <b>Title:</b>         | Consider an 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.                                                                             |                      |   |                      |                              |
|                       | <b>Executive Summary</b><br>The applicant is requesting to plat an approximately 2.751-acre tract to consist of a single lot. The subject property is generally located on the north side of Bunker Hill Road, approximately 625 feet south of State Highway 78. |                      |   |                      |                              |
| <b>Sponsors:</b>      |                                                                                                                                                                                                                                                                  |                      |   |                      |                              |
| <b>Indexes:</b>       |                                                                                                                                                                                                                                                                  |                      |   |                      |                              |
| <b>Code sections:</b> |                                                                                                                                                                                                                                                                  |                      |   |                      |                              |
| <b>Attachments:</b>   | <a href="#">CD - BARNYARD GATE FP PZ - PRESENTATION.pdf</a><br><a href="#">CD - BARNYARD GATE FP PZ - FINAL PLAT.pdf</a><br><a href="#">CD - BARNYARD GATE FP PZ - ATTACHMENT 1.pdf</a>                                                                          |                      |   |                      |                              |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Title

Consider an 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.

### Executive Summary

*The applicant is requesting to plat an approximately 2.751-acre tract to consist of a single lot. The subject property is generally located on the north side of Bunker Hill Road, approximately 625 feet south of State Highway 78.*

### Background

The 2.751-acre (approximately 119,825 square feet) subject property is generally located on the north side of Bunker Hill Road, approximately 625 feet south of State Highway 78 (See Attachment 1). The applicant is proposing to plat the subject property as one individual lot.

A Special Use Permit (SUP) rezoning request was approved for a portion of this property on December 3, 2012, to allow a Preschool or Childcare Center Use.

Planning and Zoning Commission approved the Preliminary Plat on April 22, 2013, and City Council approved the Preliminary Plat on May 6, 2013.

### Policy Considerations

The applicant is proposing to plat the subject property into one individual lot, which would solely be utilized for a proposed daycare center.

The proposed subdivision will have two access points from Bunker Hill Road. The main access will align with an existing median cut directly across from the terminus of McClary Street. The second access point at the northern end of the property will solely be a means of egress and be limited to right-turn upon exit.

The proposed Final Plat meets the standards of the City of Sachse Code of Ordinances and is designed in accordance with the zoning of the property. The Final Plat has been reviewed by the City Engineer and has been found to be in compliance with the City of Sachse Code of Ordinances.

The Final Plat was found to be in substantial completion with the installation of public improvements on October 4, 2013.

### Budgetary Considerations

None.

### Staff Recommendations

Staff recommends approval of 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.



## **PLANNING & ZONING COMMISSION**

JANUARY 13, 2014

### **REQUEST**

Consider an 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.



## BACKGROUND

### AERIAL LOCATION MAP



## BACKGROUND

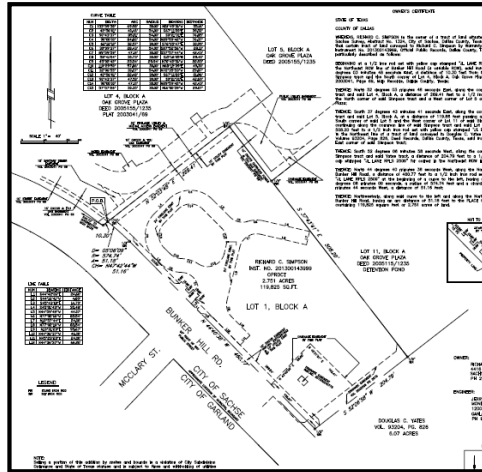
### SITE INFORMATION

- ❑ Site Area: 2.751 acres
- ❑ Single Lot
- ❑ Proposed Use: Childcare/Daycare
- ❑ Existing Zoning: SUP



## BACKGROUND

### FINAL PLAT



## STAFF RECOMMENDATION

Staff recommends approval of the Final Plat.



C:/2013/JACK/NO5083--SURVEY

| CURVE TABLE |            |        |        |             |          |
|-------------|------------|--------|--------|-------------|----------|
| NUM         | DELTA      | ARC    | RADIUS | BEARING     | DISTANCE |
| C1          | 133°39'38" | 69.98' | 30.00' | N21°49'31"W | 55.16'   |
| C2          | 42°56'01"  | 40.46' | 54.00' | S67°11'20"E | 39.52'   |
| C3          | 90°43'37"  | 85.51' | 54.00' | S0°21'31"E  | 76.85'   |
| C4          | 90°00'00"  | 84.82' | 54.00' | N89°59'42"W | 76.37'   |
| C5          | 62°12'10"  | 32.57' | 30.00' | S76°05'47"E | 30.99'   |
| C6          | 30°09'37"  | 28.43' | 54.00' | S87°52'56"W | 28.10'   |
| C7          | 89°59'59"  | 47.12' | 30.00' | S57°57'44"W | 42.43'   |
| C8          | 58°41'04"  | 30.73' | 30.00' | S15°16'05"E | 29.40'   |
| C9          | 45°02'42"  | 23.54' | 29.94' | N70°42'51"W | 22.93'   |
| C10         | 110°29'50" | 57.86' | 30.00' | N68°12'39"E | 49.30'   |
| C11         | 32°06'55"  | 30.27' | 54.00' | N72°35'53"W | 29.87'   |
| C12         | 42°56'01"  | 22.48' | 30.00' | S67°11'20"E | 21.96'   |
| C13         | 90°43'37"  | 47.50' | 30.00' | S0°21'31"E  | 42.69'   |
| C14         | 90°00'00"  | 47.12' | 30.00' | N89°59'42"W | 42.43'   |
| C15         | 57°57'26"  | 30.35' | 30.00' | N16°00'59"W | 29.07'   |

LOT 4, BLOCK A  
OAK GROVE PLAZA  
DEED 2005155/1235  
PLAT 2003041/69

LOT 5, BLOCK A  
OAK GROVE PLAZA  
DEED 2005155/1235

STATE OF TEXAS

COUNTY OF DALLAS

WHEREAS, RICHARD C. SIMPSON is the owner of a tract of land situated in the Elizabeth Sachse Survey, Abstract No. 1324, City of Sachse, Dallas County, Texas and being a portion of that certain tract of land conveyed to Richard C. Simpson by Warranty Deed recorded in Instrument No. 201300143999, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 iron rod set with yellow cap stamped "JL LANE RPLS 2509" for corner in the Northeast ROW line of Bunker Hill Road (a variable ROW), said iron rod also being North 52 degrees 03 minutes 48 seconds East, a distance of 10.30 feet from the West corner of said Simpson tract and the South corner of Lot 4, Block A, Oak Grove Plaza, recorded in Volume 2003041, Page 69, Map Records, Dallas County, Texas;

THENCE: North 52 degrees 03 minutes 48 seconds East, along the common line of said Simpson tract and said Lot 4, Block A, a distance of 269.41 feet to a 1/2 inch iron rod found for corner at the North corner of said Simpson tract and a West corner of Lot 5 of said Block A, Oak Grove Plaza;

THENCE: South 37 degrees 43 minutes 41 seconds East, along the common line of said Simpson tract and said Lot 5, Block A, at a distance of 119.86 feet passing a 1/2 inch iron found at the South corner of said Lot 5 and the West corner of Lot 11 of said Block A, Oak Grove Plaza, continuing along the common line of said Simpson tract and said Lot 11, a total distance of 508.20 feet to a 1/2 inch iron rod set with yellow cap stamped "JL LANE RPLS 2509" for corner in the Northwest line of a tract of land conveyed to Douglas C. Yates by Deed recorded in Volume 93204, Page 826, Deed Records, Dallas County, Texas, said iron rod also being at the East corner of said Simpson tract;

THENCE: South 52 degrees 06 minutes 58 seconds West, along the common line of said Simpson tract and said Yates tract, a distance of 204.79 feet to a 1/2 inch iron rod set with yellow cap stamped "JL LANE RPLS 2509" for corner in the Northeast ROW line of Bunker Hill Road;

THENCE: North 44 degrees 40 minutes 38 seconds West, along the Northeast ROW line of Bunker Hill Road, a distance of 460.77 feet to a 1/2 inch iron rod set with yellow cap stamped "JL LANE RPLS 2509" at the beginning of a curve to the left, having a central angle of 05 degrees 06 minutes 09 seconds, a radius of 574.74 feet and a chord bearing North 47 degrees 42 minutes 44 seconds West, a distance of 51.16 feet;

THENCE: Northwestly, along said curve to the left and along the Northeast ROW line of Bunker Hill Road, having an arc distance of 51.18 feet to the PLACE OF BEGINNING and containing 119,825 square feet or 2.751 acres of land.

LOT 11, BLOCK A  
OAK GROVE PLAZA  
DEED 2005115/1235  
DETENTION POND

RICHARD C. SIMPSON  
INST. NO. 201300143999  
OPRDCT  
2.751 ACRES  
119,825 SQ.FT.

LOT 1, BLOCK A

DOUGLAS C. YATES  
VOL. 93204, PG. 826  
6.07 ACRES

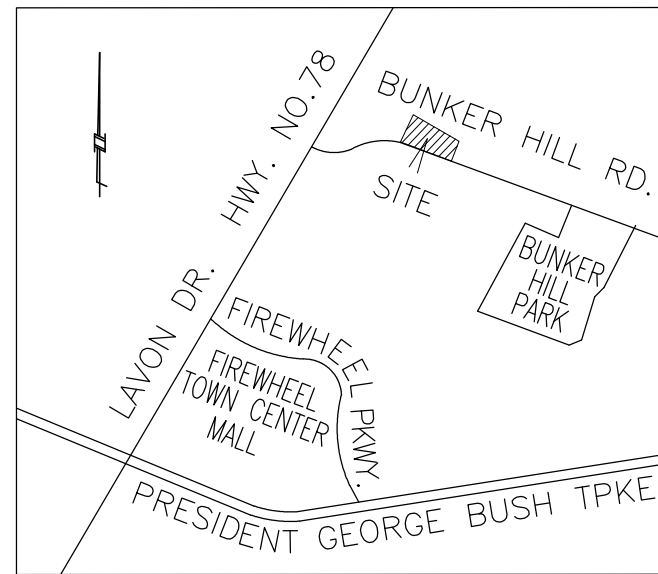
OWNER:

RICHARD C. SIMPSON  
4416 MERRITT RD.  
SACHSE, TEXAS 75048  
PH 214-232-6760

ENGINEER:

JERRY MONK  
MONK CONSULTING ENGINEERS, INC  
1200 W. STATE STREET  
GARLAND, TEXAS 75040  
PH 972-272-1763

VICINITY MAP  
(NOT TO SCALE)



OWNER'S CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, I, RICHARD C. SIMPSON, Owner, do hereby adopt this plat designating the hereinabove described property as **BARNYARD GATE DAYCARE ADDITION**, an addition to the City of Sachse, and does hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings fences, trees, shrubs, or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Sachse, Texas.

WITNESS our Hands at Sachse, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
RICHARD C. SIMPSON, Owner

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE Me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared RICHARD C. SIMPSON, Owner, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

GIVEN under my Hand and Seal of Office this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public for the State of TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, J. L. Lane, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City planning and zoning commission of the City of Sachse.

FOR REVIEW ONLY

J.L. LANE  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2509

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE, Me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared J. L. Lane, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN under my Hand and Seal of Office this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public for the State of TEXAS

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Planning and Zoning Commission of the City of Sachse, Texas.

\_\_\_\_\_  
Chairman, Planning and Zoning Commission  
Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Signature  
Date \_\_\_\_\_

\_\_\_\_\_  
Name & Title

The Director of Community Development of the City of Sachse, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the City of Sachse Code of Ordinances and with engineering construction standards and processes adopted by the City of Sachse, Texas as to which his/her approval is required.

\_\_\_\_\_  
Director of Community Development  
Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Signature  
Date \_\_\_\_\_

\_\_\_\_\_  
Name & Title

FINAL PLAT

BARNYARD GATE DAYCARE ADDITION

LOT 1, BLOCK A  
2.751 ACRES 119,825 SQ FT  
OF THE ELIZABETH SACHSE SURVEY, ABSTRACT NO. 1324  
CITY OF SACHSE, DALLAS COUNTY, TX

DATE: OCTOBER 10, 2013  
REV. NOV. 27, 2013  
REV. DEC. 18, 2013

FILE No. RP-908

WO5083

| LINE TABLE |             |          |
|------------|-------------|----------|
| NUM        | BEARING     | DISTANCE |
| L1         | S44°42'06"E | 24.60'   |
| L2         | S44°16'41"W | 4.89'    |
| L3         | S45°43'19"E | 14.79'   |
| L4         | S45°01'43"W | 35.48'   |
| L5         | N44°59'42"W | 44.07'   |
| L6         | N77°02'16"W | 82.54'   |
| L7         | N12°57'44"E | 24.00'   |
| L8         | N77°02'16"W | 82.54'   |
| L9         | N13°31'23"E | 95.67'   |
| L10        | N44°36'37"W | 46.00'   |
| L11        | N45°23'23"E | 24.00'   |
| L12        | N44°36'37"W | 66.20'   |

LEGEND

FIR FOUND IRON ROD  
SIR SET IRON ROD

NOTE:

Selling a portion of this addition by metes and bounds is a violation of City Subdivision Ordinance and State of Texas statutes and is subject to fines and withholding of utilities and building permits.

Flood Note:

Said described property is located within an area having a Zone Designation of "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 48113C230J, with a date of identification of August 23, 2001, for Community No. 480186, in Dallas County, State of Texas, which is the Flood Insurance Rate Map for the community in which said premises is situated.

SURVEYOR: JIM LANE

LANE'S SOUTHWEST SURVEYING INC.

2717 MOTLEY DR, SUITE B

MESQUITE, TEXAS 75150 - 3812

PHONE (972) 681-4442 FAX 681-4829



0 150 300 600  
Feet

**AERIAL LOCATION MAP**

*Barnyard Gate Daycare Addition  
Final Plat (P13-24)*

*Map Created: January 7, 2014*



## Legislation Details (With Text)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |   |                      |                              |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|----------------------|------------------------------|
| <b>File #:</b>       | 13-1970                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Version:</b>      | 1 | <b>Name:</b>         | CD - HERITAGE PARK PD PZ     |
| <b>Type:</b>         | Agenda Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready                 |
| <b>File created:</b> | 12/31/2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>In control:</b>   |   | <b>In control:</b>   | Planning & Zoning Commission |
| <b>On agenda:</b>    | 1/13/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Final action:</b> |   | <b>Final action:</b> |                              |
| <b>Title:</b>        | 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 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". |                      |   |                      |                              |

### Executive Summary

The property owner is requesting a modification to the existing zoning designation in order to permit an increase in building lot coverage from 35% to 40%. All other zoning regulations associated with the existing Single-Family Residential (R-10) zoning district would remain in place as the R-10 district would serve as the base zoning district.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** [CD - HERITAGE PARK PD PZ - PRESENTATION.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT A.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT B.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT C.pdf](#)  
[CD - HERITAGE PARK PD PZ - DRAFT ORD - EXHIBIT D.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 1.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 2.pdf](#)  
[CD - HERITAGE PARK PD PZ - ATTACHMENT 3.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Title

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 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".

### *Executive Summary*

*The property owner is requesting a modification to the existing zoning designation in order to permit an increase in building lot coverage from 35% to 40%. All other zoning regulations associated with the existing Single-Family Residential (R-10) zoning district would remain in place as the R-10 district would serve as the base zoning district.*

### Background

The 79.902-acre subject property is generally located on the west side of Merritt Road approximately 1,500 feet north of Hudson Drive. The property retains a zoning designation of Single Family Residential (R-10). (See Attachment 1 - Aerial Location Map and Attachment 2 - Zoning Identification Map).

The property comprises Phases 2 and 3 of the Heritage Park subdivision. At the time of preparation of this staff report, the construction of public infrastructure for Phase 2 of the subdivision was nearing completion. Phase 3 has not started at this point.

The subject property is bordered by the following uses:

- North: Existing single-family residence (Zoning designation: R-2 with SUP for Wind Generator)
- South: Heritage Park Phase 1 (Zoning designation: R-10) and City of Sachse Heritage Park (Zoning designation: AG)
- East: Existing single-family residences (Zoning designation: AG)
- West: Existing single-family residential subdivisions - Hunters Ridge, Texas Estates and Jackson Meadows Phase 1 (Zoning designations: R-4, R-8.4 & PD-17).

The Future Land Use designation for the subject property is Low Density Residential. The proposed Planned Development zoning designation is consistent with the Future Land Use designation.

### Policy Considerations

As stated in the above "Background" section, the existing zoning district of the subject property is Single-Family Residential (R-10). As part of the proposed Planned Development, the property owner is requesting to maintain all the standards associated with the R-10 zoning district with the one exception that the building coverage be increased from 35% to 40%.

The main concern with any zoning request is to ensure that the request would not negatively

impact the quality of life of the surrounding properties as well as the amendment not be detrimental to the health, safety and general welfare of those properties. It is in this context that staff has analyzed this request.

In order to provide additional insight as to the corresponding building coverage amounts associated with 10,000 square-foot single-family residential lots, staff researched some surrounding municipalities' regulations. Below are the findings from this research:

- **Sachse: 35% maximum building coverage (R-10 zoning designation, minimum lot area of 10,000 square feet)**
- Wylie: 45% maximum building coverage (SF-10/24 zoning designation, minimum lot area of 10,000 square feet)
- Murphy: 35% maximum building coverage (SF-9 zoning designation, minimum lot area of 9,000 square feet)
- Murphy: 35% maximum building coverage (SF-11 zoning designation, minimum lot area of 11,000 square feet)
- Rowlett: 45% maximum building coverage (SF-10 zoning designation, minimum lot area of 10,000 square feet)
- Garland: 40% maximum building coverage (SF/10 zoning designation, minimum lot area of 10,000 square feet)
- Rockwall: 45% maximum building coverage (SF-10 zoning designation, minimum lot area of 10,000 square feet)

In general, zoning ordinances contain property development regulations that serve as controls to maintain a certain development character. Typically, these regulations will utilize controls such as setbacks, building height and lot coverage coupled with lot area requirements to regulate intensity of development.

The building coverage standards for setbacks and building height would remain unchanged in the proposed Planned Development Ordinance. The modest requested increase in building coverage coupled with these two standards (setbacks and building height) remaining intact will serve to minimize impact that this may have on surrounding properties. Therefore, it is staff's opinion that proposed Planned Development would not be detrimental to the health, safety and general welfare of the surrounding residents and properties. Furthermore, it is staff's opinion that the proposed amendment to the Zoning Ordinance would be consistent with the character of the surrounding properties.

#### Public Notification

Notice of this public hearing was mailed to the property owner and all other property

owners within 1,000 feet of the subject property, as indicated by the most recently approved municipal tax roll and as required by Texas Local Government Code and the City of Sachse Code of Ordinances. A total of 347 property owners were notified via mail on December 31, 2013. As of Thursday, January 9, 2014, four responses were returned - three in favor and one opposed to the request (See Attachment 3).

#### Budgetary Considerations

None.

#### Staff Recommendations

Staff recommends approval 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 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".



## **PLANNING & ZONING COMMISSION**

JANUARY 13, 2014

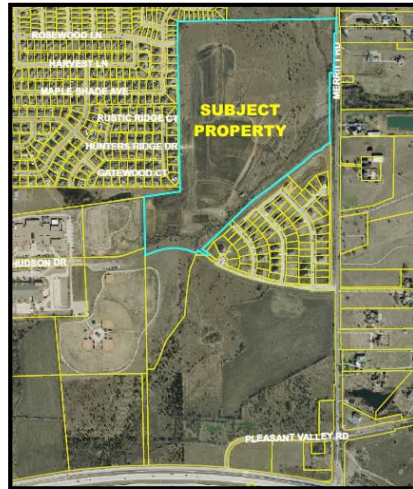
### **REQUEST**

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 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".



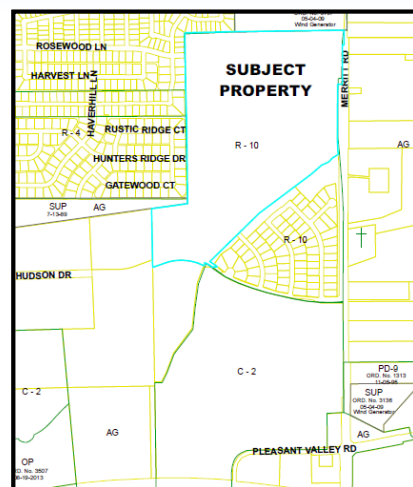
# BACKGROUND

## AERIAL LOCATION MAP



# BACKGROUND

## ZONING MAP



## **BACKGROUND**

### **SITE INFORMATION**

- ❑ Site Area: 79.902 acres
- ❑ Future Land Use: Low Density Residential
- ❑ Existing Zoning: R-10
- ❑ Proposed Zoning: PD (Base Zoning R-10)



## **POLICY CONSIDERATIONS**

### **DEVELOPMENT STANDARDS**

- ❑ All R-10 development standards apply with exception of increase in building coverage from 35% to 40%.



## POLICY CONSIDERATIONS

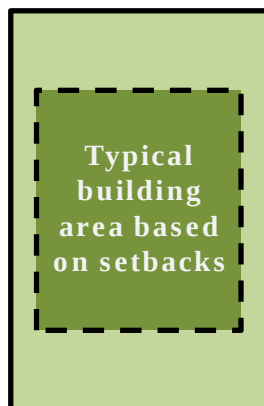
### DEVELOPMENT STANDARDS

- ❑ Building Coverage Comparison of other municipalities:
  - **Sachse: 35% maximum building coverage**
  - Wylie: 45%
  - Murphy: 35%
  - Rowlett: 45%
  - Garland: 40%
  - Rockwall: 45%



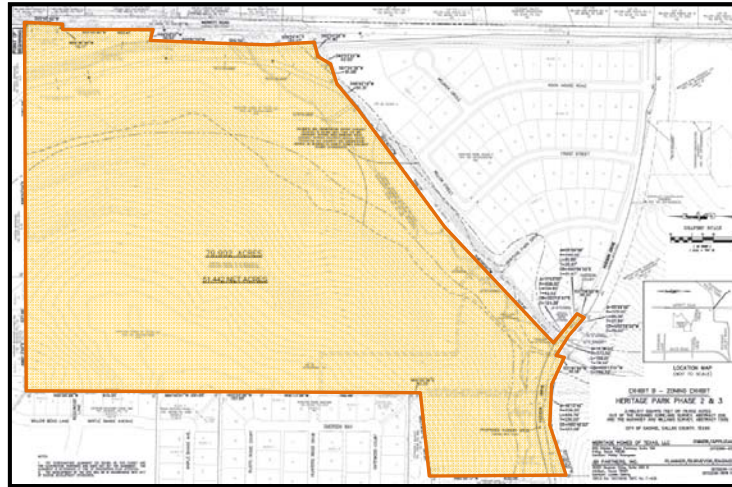
## POLICY CONSIDERATIONS

### DEVELOPMENT STANDARDS



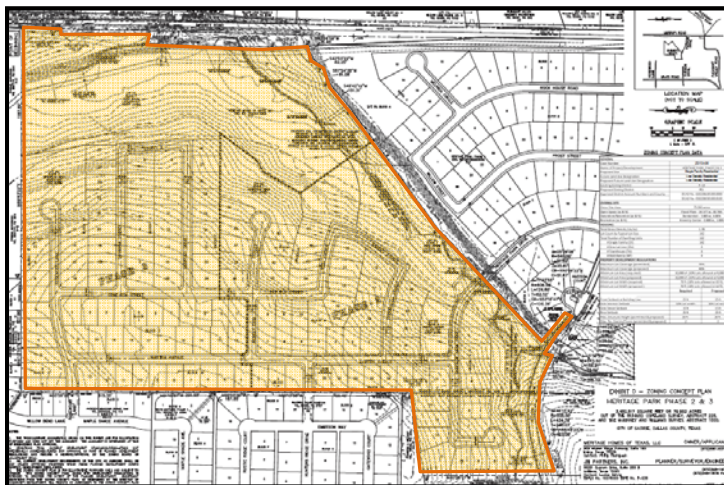
# POLICY CONSIDERATIONS

## ZONING EXHIBIT



# POLICY CONSIDERATIONS

## ZONING CONCEPT PLAN



## **PUBLIC NOTIFICATION FEEDBACK**

- Notifications were mailed to 347 property owners within 1,000 feet
  - 3 returned in favor
  - 1 returned opposed



## **STAFF RECOMMENDATION**

Staff recommends approval of the zoning request as presented.



**ORDINANCE NO. \_\_\_\_\_**

**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) TO PROVIDE FOR AN INCREASE IN THE MAXIMUM LOT COVERAGE FROM 35% TO 40% ON AN APPROXIMATELY 79.902-ACRE TRACT OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO 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 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”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive Zoning Ordinance should be amended as provided herein;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from Single Family Residential (R-10) to Planned Development (PD-27) to provide for an increase in the maximum lot coverage from 35% to 40% on an approximately 79.902-acre tract of land located on the west side of Merritt Road approximately 1,500 feet north of Hudson Drive, City of Sachse, Dallas County, Texas, being more particularly described by metes and bounds in Exhibit “A” attached hereto and incorporated herein; and, as depicted in Exhibit “B”, attached hereto and incorporated herein by reference.

**SECTION 2.** The property described in Exhibit “A”, shall be developed in accordance with the following exhibits, each of which are attached hereto and incorporated herein:

Exhibit “C” - Development Regulations

Exhibit “D” - Zoning Concept Plan.

**SECTION 3.** That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**PASSED AND APPROVED** by the City Council of the City of Sachse, Texas on the \_\_\_\_ day  
of \_\_\_\_\_, 2014.

APPROVED:

---

Mike Felix  
Mayor

DULY ENROLLED:

---

Terry Smith  
City Secretary

APPROVED AS TO FORM:

---

Peter G. Smith  
City Attorney  
(01-06-14/64243)

**EXHIBIT A - LEGAL DESCRIPTION**

**WHEREAS** Meritage Homes of Texas, LLC is the owner of that parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Richard Copeland Survey, Abstract No. 228, a part of the McKinney and Williams Survey, Abstract No. 1000, and being all of that called 79.890 acre tract of land described In o Special Warranty Deed from Arcadia Land

Partners 32, Ltd. to Meritage Homes of Texas, LLC as recorded in Document Number 201200114683 of the Official Public Records of Dallas County, Texas, and being further described as follows:

**BEGINNING** at a one-half inch iron rod found for the northeast corner of called 79.890 acre tract of land, said point being in the extension of the south line of a called 10 acre tract of land as described in a Warranty Deed to Ronda I Lynn Norcross and wife Clarissa Norcross as recorded In Volume 2001173, Page 614, Dallas County Deed Records, said point being in the west right-of-way line of Merritt Road (a variable width right-of-way), and said point is approximately 4552 feet north and 2 feet west of the southeast corner of the Richard Copeland Survey, Abstract No. 228;

**THENCE** along west right-of-way line of Merritt Road as follows:

South 00 degrees 45 minutes 40 seconds West, 160.68 feet to a one-half inch iron rod found for earner;

North 89 degrees 36 minutes 58 seconds West, 19.11 feet to a one-half inch iron rod found for corner;

South 00 degrees 45 minutes 40 seconds West, 423.41 feet to a one-half inch iron rod found for corner;

North 88 degrees 58 minutes 07 seconds West, 50.50 feet to a one-half Inch Iron rod found for corner;

South 00 degrees 51 minutes 19 seconds West, 599.78 feet to a one-half inch iron rod found for corner;

South 02 degrees 52 minutes 41 seconds East, 157.27 feet to a one-half inch iron rod found at the north corner of Heritage Park, Phase 1, an addition to the City of Sachse recorded In County Clerk's Document Number 201200004548, Official Public Records of Dallas County, Texas;

**THENCE** along the northwesterly line of said Heritage Park Phase 1 as follows:

South 60 degrees 34 minutes 56 seconds West, 71.45 feet to a one-half inch iron rod found for corner;

South 42 degrees 03 minutes 22 seconds West, 62.25 feet ta a one-half inch iron rod found for earner;

South 67 degrees 24 minutes 36 seconds West, B1.08 feet to o one-half Inch Iron rod found for corner;

South 48 degrees 42 minutes 19 seconds West, 151.31 feet to o one-half inch iron rod found for corner;

South 53 degrees 40 minutes 17 seconds West, 700.71 feet to o one-half inch iron rod found for corner;

South 46 degrees 08 minutes 00 seconds West, 747.91 feet to o one-half inch iron rod found at the southwest corner of said Heritage Park, Phase 1;

**THENCE** along the south line of said Heritage Park, Phase 1 as follows:

Southeasterly, 124.60 feet along a curve to the right which has a central angle of 11 degrees 43 minutes 55 seconds, a radius of 608.50 feet, a tangent of 62.52 feet, and whose chord bears South 53 degrees 16 minutes 47 seconds East, 124.38 feet to o one-half Inch Iron rod found for corner;

Southeasterly, 51.69 feet along a curve to the left which has a central angle of 05 degrees 29 minutes 06 seconds, a radius of 540.00 feet, a tangent at 25.87 feet, and whose chord bears South 50 degrees 09 minutes 22 seconds East, 51.67 feet to a one-half inch iron rod found for corner;

South 37 degrees 06 minutes 05 seconds West, 35.00 feet to a one-half inch iron rod found in the north line of that tract of land called Tract A as described In deed to Heritage Park Holdings, LLC recorded In County Clerk's Document Number 201000202494, Official Public Records of Dallas County, Texas;

**THENCE** along the south line of said 79.890 acre tract of land as follows:

Northwesterly, 55.05 feet along the north line of said Tract A and along a curve to the right which has a central angle of 05 degrees 29 minutes 06 seconds, a radius of 575.00 feet, a tangent of 27.54 feet, and whose chord bears North 50 degrees 09 minutes 22 seconds West, 55.02 feet to o one-half Inch Iron rod found for corner;

Northwesterly, 156.21 feet along the north line of said Tract A and along a curve to the left which has o central angle of 15 degrees 36 minutes 23 seconds, a radius of 573.50 feet, a tangent of 78.59 feet, and whose chord bears North 55 degrees 13 minutes 01 seconds West, 155.73 feet to a one-half inch iron rod set for corner;

South 21 degrees 41 minutes 44 seconds West, 35.16 feet to o one-half inch iron rod found at the northwest corner of said Tract A and said point being the northeast corner of a called 10.615 acre tract of land described in a Special Warranty Deed to the City of Sachse as recorded In Volume 98121, Page 6186, Dallas County Deed Records;

Northwesterly, 434.79 feet along the north line of said 10.615 acre tract of land and along a curve to the left which has o central angle of 46 degrees 15 minutes 42 seconds, a radius of 538.50 feet, o tangent of 230.03 feet, and whose chord bears North 85 degrees 48 minutes 23 seconds West, 423.08 feet to a one-half inch iron rod found for corner;

South 71 degrees 03 minutes 53 seconds West, 139.59 feet to a one-half inch iron rod found at the northwest corner of said 10.615 acre tract of land and said point being in the east line of that tract of land described in o Special Warranty Deed to The City of Sachse as recorded in Volume 94150, Page 6284, Dallas County Deed Records, said point being the southwest corner of said 79.890 acre tract of land;

**THENCE** along the west line of said 79.89D acre tract of land as follows:

North 00 degrees 28 minutes 17 seconds West, 632.39 feet to a one-half inch iron rod found at the northeast corner of a called 8.94 acre tract of land described in a Special Warranty Deed to Garland Independent School District as recorded in Volume 94150, Page 6273, Dallas County Deed Records, said point being in the south line of a called 10 acre tract of land described in a General Warranty Deed to Franklin L. Millsap and wife Mary Lou Millsap as recorded in Volume 79036, Page 358, Dallas County Deed Records;

North 82 degrees 14 minutes 07 seconds East, 391.81 feet to a one-half inch iron rod found at the southeast corner of said Millsap tract of land;

North 00 degrees 22 minutes 36 seconds East, 50.20 feet to a one-half inch iron rod found for the southeast corner of Hunters Ridge Addition, an addition to the City of Sachse as recorded in Volume 84190, Page 2707, Dallas County Deed Records;

North 00 degrees 13 minutes 58 seconds West, 700.46 feet to a one-half inch iron rod found in the east line of Hunters Ridge Addition, an addition to the City of Sachse as recorded in Volume 84190, Page 2707, Dallas County Deed Records;

North 00 degrees 33 minutes 36 seconds West, 187.85 feet to a one-half inch iron rod found at the northeast corner of said Hunters Ridge Addition, said point being the southeast corner of Texas Estates Phase 1 Addition, an addition to the City of Sachse as recorded in Volume 96056, Page 4384, Dallas County Deed Records;

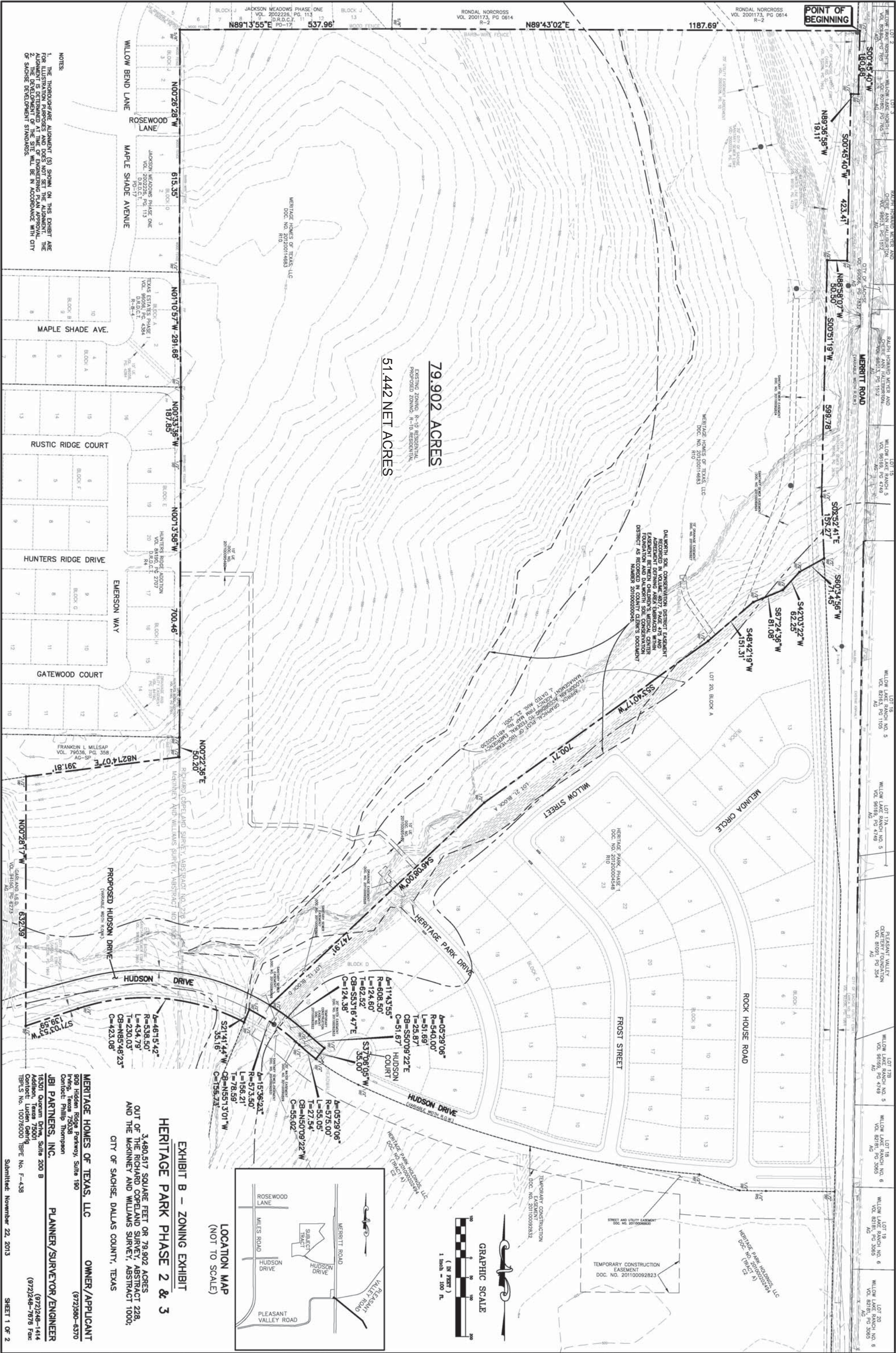
North 01 degrees 10 minutes 57 seconds West, 291.68 feet to a one-half inch iron rod found at the northeast corner of said Texas Estates Phase 1 Addition, said point being the southeast corner of Jackson Meadows Phase One Addition, an addition to the City of Sachse as recorded in Volume 2002226, Page 113, Dallas County Deed Records;

North 00 degrees 26 minutes 28 seconds West, 615.35 feet to a five-eighths inch iron rod found at the northwest corner of said 111.141 acre tract of land;

**THENCE** along the north line of said 79.890 acre tract of land as follows:

North 89 degrees 13 minutes 55 seconds East, 537.96 feet to a five-eighths inch iron rod found for corner;

North 89 degrees 43 minutes 02 seconds East, 1187.69 feet along the south line of said Norcross tract of land to the POINT OF BEGINNING and containing 3,480,517 square feet or 79.902 acres of land.



LEGAL DESCRIPTION

WHEREAS Meritage Homes of Texas, LLC is the owner of that parcel of land located in the City of Sachse, Dallas County, Texas, a part of the Richard Copeland Survey, Abstract No. 228, a part of the McKinney and Williams Survey, Abstract No. 0000, and being all of the called 79,890 acre tract of land described in a Special Warranty Deed from Arcadia Land Partners, LP, dated 11/21/2013, recorded in the Official Public Records of Dallas County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod found for the northeast corner of called 79,890 acre tract of land, said point being in the extension of the south line of a called 10 acre tract of land as described in a Warranty Deed to Randal Lynn Norcross and wife Clarissa Norcross as recorded in Volume 2001173, Page 614, Dallas County Deed Records, said point being in the west right-of-way line of Merritt Road (a variable width right-of-way), and said point is approximately 4552 feet north and 2 feet west of the southeast corner of the Richard Copeland Survey, Abstract No. 228;

THENCE along west right-of-way line of Merritt Road as follows:

South 00 degrees 45 minutes 40 seconds West, 160.68 feet to a one-half inch iron rod found for corner;  
North 89 degrees 36 minutes 58 seconds West, 19.11 feet to a one-half inch iron rod found for corner;  
South 00 degrees 45 minutes 40 seconds West, 423.41 feet to a one-half inch iron rod found for corner;  
North 88 degrees 58 minutes 07 seconds West, 50.50 feet to a one-half inch iron rod found for corner;  
South 00 degrees 51 minutes 19 seconds West, 595.78 feet to a one-half inch iron rod found for corner;  
South 02 degrees 32 minutes 41 seconds East, 157.27 feet to a one-half inch iron rod found at the north corner of said Tract A, in addition to the Official Public Records of Dallas County, Texas, Document Number 201200004546, Official Public Records of Dallas County, Texas;

THENCE along the northwesterly line of said Heritage Park Phase 1 as follows:

South 60 degrees 34 minutes 56 seconds West, 71.45 feet to a one-half inch iron rod found for corner;  
South 42 degrees 03 minutes 22 seconds West, 62.25 feet to a one-half inch iron rod found for corner;  
South 67 degrees 24 minutes 36 seconds West, 81.08 feet to a one-half inch iron rod found for corner;  
South 45 degrees 42 minutes 19 seconds West, 151.31 feet to a one-half inch iron rod found for corner;  
South 45 degrees 42 minutes 19 seconds West, 150.57 feet to a one-half inch iron rod found for corner;  
South 46 degrees 08 minutes 00 seconds West, 747.91 feet to a one-half inch iron rod found at the southwest corner of said Heritage Park, Phase 1;

THENCE along the south line of said Heritage Park, Phase 1 as follows:

Southeasterly, 124.60 feet along a curve to the right which has a central angle of 11 degrees 43 minutes 55 seconds, a radius of 608.50 feet, a tangent of 62.52 feet, and whose chord bears South 53 degrees 16 minutes 47 seconds East, 124.36 feet to a one-half inch iron rod found for corner;  
Southeasterly, 158.69 feet along a curve to the right which has a central angle of 05 degrees 28 minutes 06 seconds, a radius of 540.00 feet, a tangent of 25.87 feet, and whose chord bears South 50 degrees 09 minutes 22 seconds East, 51.67 feet to a one-half inch iron rod found for corner;  
South 37 degrees 06 minutes 05 seconds West, 35.00 feet to a one-half inch iron rod found in the north line of that tract of land called Tract A as described in deed to Heritage Park Holdings, LLC recorded in County Clerk's Document Number 201000202494, Official Public Records of Dallas County, Texas;

THENCE along the south line of said 79,890 acre tract of land as follows:

Northwesterly, 55.05 feet along the north line of said Tract A, and along a curve to the right which has a central angle of 15 degrees 36 minutes 23 seconds, a radius of 573.50 feet, a tangent of 78.59 feet, and whose chord bears North 55 degrees 13 minutes 01 seconds West, 55.02 feet to a one-half inch iron rod found for corner;  
Northwesterly, 156.21 feet along the north line of said Tract A, and along a curve to the left which has a central angle of 15 degrees 36 minutes 23 seconds, a radius of 573.50 feet, a tangent of 78.59 feet, and whose chord bears North 55 degrees 13 minutes 01 seconds West, 155.73 feet to a one-half inch iron rod set for corner;  
South 21 degrees 41 minutes 44 seconds West, 35.16 feet to a one-half inch iron rod found at the northwest corner of said Tract A and said point being the northeast corner of a called 10,615 acre tract of land described in a Special Warranty Deed to The City of Sachse as recorded in Volume 98121, Page 6186, Dallas County Deed Records;  
Northwesterly, 172.92 feet along the north line of said Tract A, and along a curve to the right which has a central angle of 46 degrees 11 minutes 42 seconds, a radius of 538.50 feet, a tangent of 230.03 feet, and whose chord bears North 85 degrees 48 minutes 23 seconds West, 423.08 feet to a one-half inch iron rod found for corner;  
South 71 degrees 03 minutes 53 seconds West, 139.59 feet to a one-half inch iron rod found at the northwest corner of said 10,615 acre tract of land and said point being in the east line of that tract of land described in a Special Warranty Deed to The City of Sachse as recorded in Volume 94150, Page 6284, Dallas County Deed Records, said point being the southwest corner of said 79,890 acre tract of land;

THENCE along the west line of said 79,890 acre tract of land as follows:

North 00 degrees 28 minutes 17 seconds West, 632.39 feet to a one-half inch iron rod found at the northeast corner of a called 8.94 acre tract of land described in a Special Warranty Deed to Garland Independent School District as recorded in Volume 94150, Page 6273, Dallas County Deed Records, said point being in the south line of a called 10 acre tract of land described in a General Warranty Deed to Franklin L. Milsap and wife Mary Lou Milsap as recorded in Volume 79036, Page 358, Dallas County Deed Records;  
North 82 degrees 14 minutes 07 seconds East, 391.81 feet to a one-half inch iron rod found at the southeast corner of said Milsap tract of land;  
North 00 degrees 22 minutes 36 seconds East, 50.20 feet to a one-half inch iron rod found for the southeast corner of Hunters Ridge Addition, an addition to the City of Sachse as recorded in Volume 84190, Page 2707, Dallas County Deed Records;  
North 00 degrees 13 minutes 58 seconds West, 700.46 feet to a one-half inch iron rod found in the east line of Hunters Ridge Addition, an addition to the City of Sachse as recorded in Volume 84190, Page 2707, Dallas County Deed Records;  
North 00 degrees 33 minutes 36 seconds West, 187.85 feet to a one-half inch iron rod found at the northeast corner of said Hunters Ridge Addition, said point being the southwest corner of Texas Estates Phase 1 Addition, on which is the 100% owned property of The City of Sachse, recorded in Volume 96056, Page 4354, Dallas County Deed Records;  
North 01 degrees 10 minutes 57 seconds West, 291.68 feet to a one-half inch iron rod found at the northeast corner of said Texas Estates Phase 1 Addition, said point being the southeast corner of Jackson Meadows Phase One Addition, an addition to the City of Sachse as recorded in Volume 2002226, Page 113, Dallas County Deed Records;  
North 00 degrees 26 minutes 28 seconds West, 615.35 feet to a five-eighths inch iron rod found at the northwest corner of said 111.141 acre tract of land;

THENCE along the north line of said 79,890 acre tract of land as follows:

North 89 degrees 13 minutes 02 seconds East, 537.96 feet to a one-half inch iron rod found for corner;  
North 89 degrees 43 minutes 02 seconds East, 1187.69 feet along the south line of said Norcross tract of land to the POINT OF BEGINNING and containing 3,480,517 square feet or 79,902 acres of land.



Dan B. Ramsey  
Registered Professional Land Surveyor #4172  
JBI PARTNERS, INC.  
16301 Quorum Drive, Suite 200 B, Addison, Texas 75001  
(972) 246-7676

SURVEYOR'S CERTIFICATE

Know All Men By These Presents:

That I, Dan B. Ramsey, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Sachse, Texas.

DATED THIS \_\_\_\_TH DAY OF NOVEMBER, 2013.

EXHIBIT B – ZONING EXHIBIT

HERITAGE PARK PHASE 2 & 3

3,480,517 SQUARE FEET OR 79.902 ACRES  
OUT OF THE RICHARD COPELAND SURVEY, ABSTRACT 228,  
AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT 1000;

CITY OF SACHSE, DALLAS COUNTY, TEXAS

MERITAGE HOMES OF TEXAS, LLC      OWNER/APPLICANT  
909 Hidden Ridge Parkway, Suite 190  
Irving, Texas 75038  
Contact: Phillip Thompson      (972)580-6370

JBI PARTNERS, INC.      PLANNER/SURVEYOR/ENGINEER  
16301 Quorum Drive, Suite 200 B  
Addison, Texas 75001  
Contact: Lucien Gehrig      (972)246-1414  
TBPCLS No. 10070000 TBPCE No. F-438      (972)246-7676 Fax:

**EXHIBIT C – PLANNED DEVELOPMENT STANDARDS**Existing Zoning and Land Use

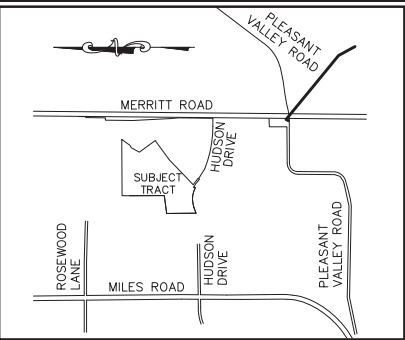
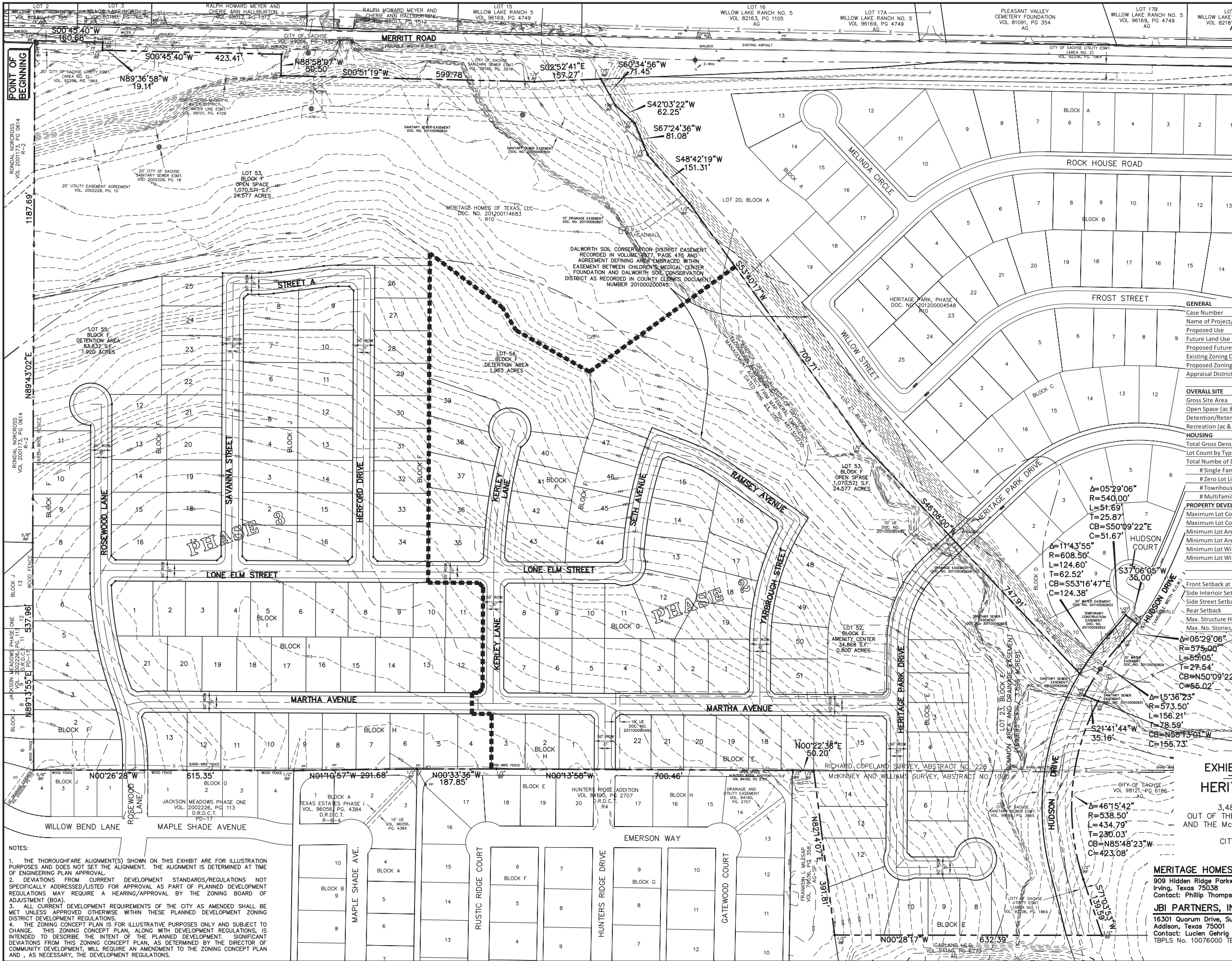
The existing zoning for Heritage Park Phase 2 & 3 is single family zoning classified as R10. The current land use is undeveloped detached single family lots, which corresponds with the future land use plan calling low density residential.

Planned Development Standards

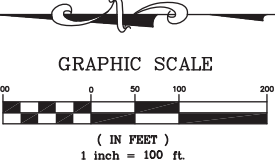
Meritage Homes is seeking to amend the City of Sachse zoning for Heritage Park from R-10 to Planned Development for the Heritage Park Subdivision (Phase 2 & 3). Requested Planned Development standards are as follows:

- The underlying zoning would remain R-10.
- The maximum lot coverage would be increased from 35% to 40%.
- No other changes to the underlying zoning standards are requested.

EXHIBIT D



LOCATION MAP  
(NOT TO SCALE)



ZONING CONCEPT PLAN DATA

| GENERAL                                        |                                                          |
|------------------------------------------------|----------------------------------------------------------|
| Case Number                                    | Z013-06                                                  |
| Name of Project/Development                    | HERITAGE PARK, PHASE 2 & 3                               |
| Proposed Use                                   | Single Family Residential                                |
| Future Land Use Designation                    | Low Density Residential                                  |
| Proposed Future Land Use Designation           | Low Density Residential                                  |
| Existing Zoning District                       | R-10                                                     |
| Proposed Zoning District                       | PD-                                                      |
| Appraisal District Account Numbers and County  | DCAD No. 65022863010010000<br>DCAD No. 65022863010010100 |
| OVERALL SITE                                   |                                                          |
| Gross Site Area                                | 79,902 acres                                             |
| Open Space (ac & %)                            | Flood Plain - 24,577 ac, 30.76%                          |
| Detention/Retention (ac & %)                   | Detention - 3,883 ac, 4.86%                              |
| Recreation (ac & %)                            | Amenity Center - 0.800 ac, 1.00%                         |
| HOUSING                                        |                                                          |
| Total Gross Density (du/ac)                    | 1.78                                                     |
| Lot Count by Typical Lot Size                  | 142                                                      |
| Total Number of Dwelling Units                 | 142                                                      |
| # Single Family (SF)                           | 142                                                      |
| # Zero Lot Line (ZLL)                          | 0                                                        |
| # Townhouse (TH)                               | 0                                                        |
| # Multifamily (MF)                             | 0                                                        |
| PROPERTY DEVELOPMENT REGULATIONS               |                                                          |
| Maximum Lot Coverage (permitted)               | 35%                                                      |
| Maximum Lot Coverage (proposed)                | 40%                                                      |
| Minimum Lot Area (required)                    | 10,000 sf (10% Lots allowed at 9,000 sf)                 |
| Minimum Lot Area (proposed)                    | 10,000 sf (10% Lots allowed at 9,000 sf)                 |
| Minimum Lot Width (required)                   | 70 ft (10% Lots allowed at 63 ft)                        |
| Minimum Lot Width (proposed)                   | 70 ft (10% Lots allowed at 63 ft)                        |
| Required                                       | Proposed                                                 |
| Front Setback at Building Line                 | 25 ft                                                    |
| Side Interior Setback                          | 10% Lot width                                            |
| Side Street Setback                            | 15 ft                                                    |
| Rear Setback                                   | 25 ft                                                    |
| Max. Structure Height (permitted & proposed)   | 30 ft                                                    |
| Max. No. Stories/Floors (permitted & proposed) | 2                                                        |

EXHIBIT D - ZONING CONCEPT PLAN  
HERITAGE PARK PHASE 2 & 3

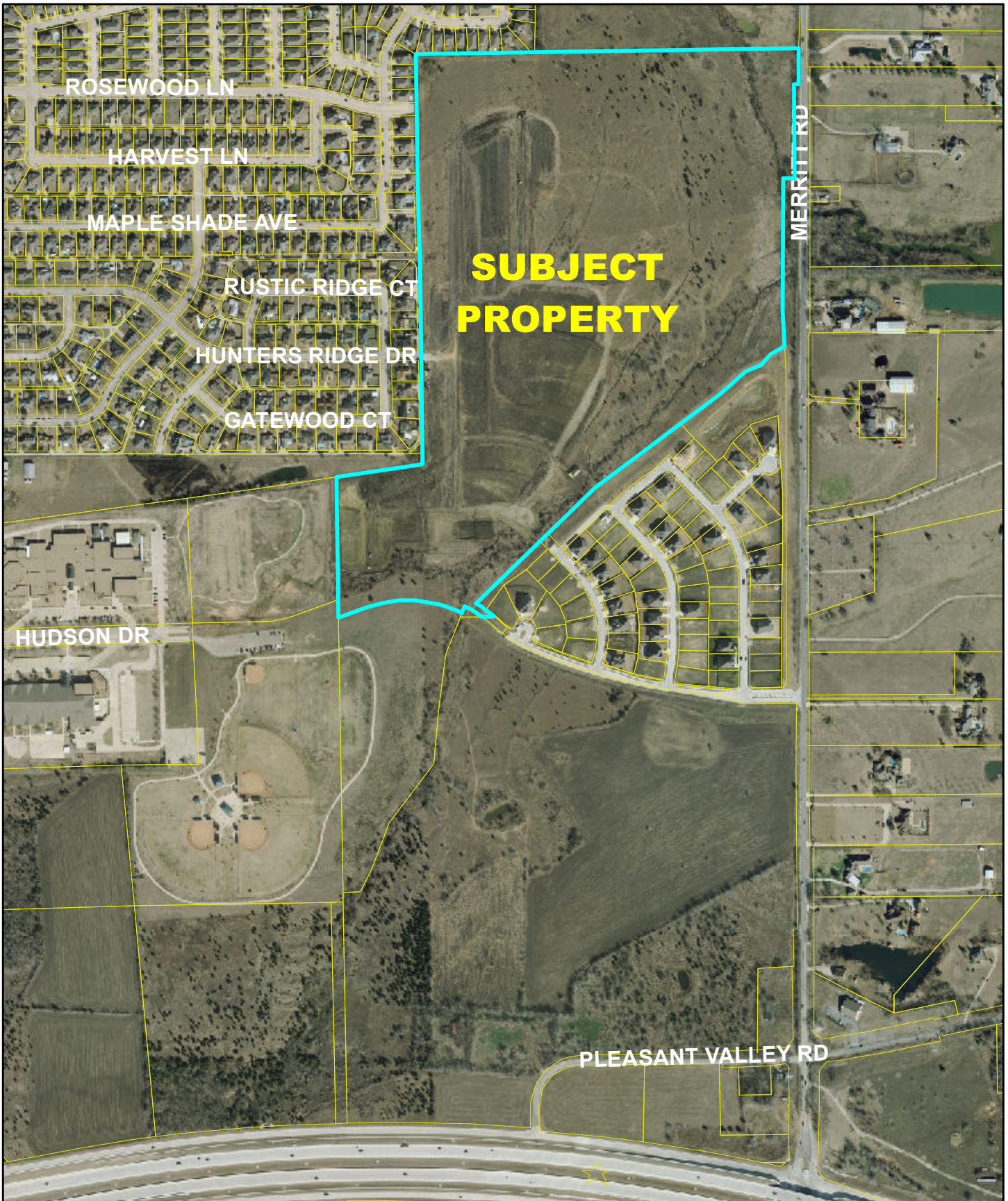
3,480,517 SQUARE FEET OR 79.902 ACRES  
OUT OF THE RICHARD COPELAND SURVEY, ABSTRACT 228,  
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CITY OF SACHSE, DALLAS COUNTY, TEXAS

**MERITAGE HOMES OF TEXAS, LLC** OWNER/APPLICANT  
909 Hidden Ridge Parkway, Suite 190  
Irving, Texas 75038  
Contact: Phillip Thompson (972)580-6370

**JB PARTNERS, INC.** PLANNER/SURVEYOR/ENGINEER  
16301 Quorum Drive, Suite 200 B  
Addison, Texas 75001  
Contact: Lucien Gehrig (972)248-1414  
TBPLS No. 10076000 TBPE No. F-438 (972)248-7676 Fax:

NOTES:  
1. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF ENGINEERING PLAN APPROVAL.  
2. DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS/REGULATIONS NOT SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS PART OF PLANNED DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING/APPROVAL BY THE ZONING BOARD OF ADJUSTMENT (BOA).  
3. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.  
4. THE ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

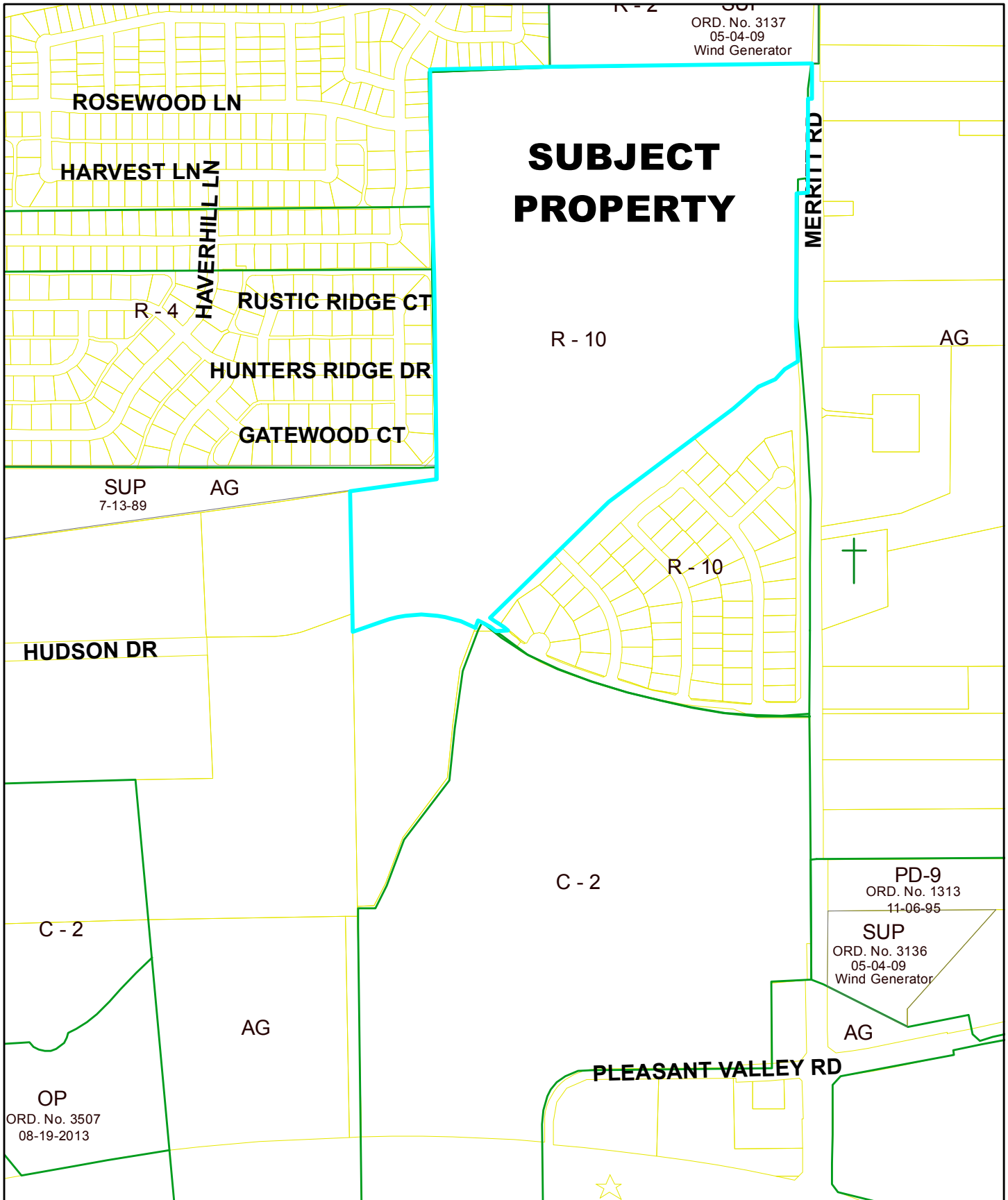


0 300 600 1,200  
Feet

**AERIAL LOCATION MAP**

*Heritage Park Phases 2 & 3 Planned Development  
Final Plat (Z013-06)*

*Map Created: January 7, 2014*



## ZONING IDENTIFICATION MAP

*Heritage Park Phases 2 & 3 Planned Development*

*Final Plat (Z013-06)*

*Map Created: January 7, 2014*



## Community Development Department

### NOTICE OF PUBLIC HEARING

TO: Property Owner  
 DATE: December 31, 2013  
 RE: Zoning Application for a Planned Development  
 LOCATION: The subject property is located on the west side of Merritt Road, approximately 1,500 feet north of Hudson Drive. (A location map depicting the 1,000-foot notification area is attached for reference.)

**EXPLANATION OF REQUEST:** The applicant is requesting a Planned Development zoning designation for Phases 2 & 3 of the Heritage Park development. The proposed Planned Development will adhere to the existing Single-Family Residential (SF-10) zoning designation requirements with the one exception that building coverage be permitted to be increased from 35% to 40%.

- ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: \_\_\_\_\_

SIGNATURE: Donald P. Hergey Woodbridge Properties  
 PRINTED NAME: Donald P. Hergey  
 ADDRESS: 800 E Campbell Rd, Suite 130, Richardson, Tx 75081

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at **7:00pm on Monday, January 13, 2014**. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at **7:30pm on Monday, February 3, 2014**. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Community Development within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, or the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

If you have any questions concerning this request, please contact the Community Development Department.  
 Phone: (469) 429-4781  
 Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL  
 City of Sachse Community Development Dept.  
 3815-B Sachse Road, Sachse, TX 75048  
 FAX: (972) 675-9812



## Community Development Department

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- ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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3815 Sachse Road, Building B, Sachse, Texas 75048 Phone: (469) 429-4781 Fax: (972) 675-9812

TIME RECEIVED January 8, 2014 1:34:55 PM CST  
 REMOTE CSID 9724611836  
 DURATION 76  
 PAGES 1  
 STATUS Failed to  
 \*\* INBOUND NOTIFICATION : FAX RECEIVED WITH ERRORS \*\*  
 Error in fax transmission.  
 Nimrod Torkomian  
 9724611836  
 p.1



## Community Development Department

### NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**DATE:** December 31, 2013  
**RE:** Zoning Application for a Planned Development  
**LOCATION:** The subject property is located on the west side of Merritt Road, approximately 1,500 feet north of Hudson Drive. (A location map depicting the 1,000-foot notification area is attached for reference.)

**EXPLANATION OF REQUEST:** The applicant is requesting a Planned Development zoning designation for Phases 2 & 3 of the Heritage Park development. The proposed Planned Development will adhere to the existing Single-Family Residential (SF-10) zoning designation requirements with the one exception that building coverage be permitted to be increased from 85% to 40%.

☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Increased coverage means smaller homes on smaller lots which equates to more traffic and lower price point for the homes. Sachse doesn't need any more starter homes which over time results in a decrease in surrounding property values. Property owner on Merritt deserves better.

**SIGNATURE:** [Signature]

**PRINTED NAME:** William M Jackson

**ADDRESS:** 4412 Merritt Rd

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 8, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Phone: (469) 429-4781

Email: [mkurban@sachse.com](mailto:mkurban@sachse.com)

#### RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812



**Community Development  
Department**

**NOTICE OF PUBLIC HEARING**

**TO:** Property Owner  
**DATE:** December 31, 2013  
**RE:** Zoning Application for a Planned Development  
**LOCATION:** The subject property is located on the west side of Merritt Road, approximately 1,500 feet north of Hudson Drive. *(A location map depicting the 1,000-foot notification area is attached for reference.)*

**EXPLANATION OF REQUEST:** The applicant is requesting a Planned Development zoning designation for Phases 2 & 3 of the Heritage Park development. The proposed Planned Development will adhere to the existing Single-Family Residential (SF-10) zoning designation requirements with the one exception that building coverage be permitted to be increased from 35% to 40%.

- ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *More residential building is necessary people have to have places to live. A city cannot grow without more housing*

**SIGNATURE:** *Billy J. Kehrer*  
**PRINTED NAME:** *Billy J. Kehrer*  
**ADDRESS:** *1723 Jackson Meadows Dr Sachse TX 75048*

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at **7:00pm on Monday, January 13, 2014**. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at **7:30pm on Monday, February 3, 2014**. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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## Legislation Details (With Text)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                      |   |                      |                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|----------------------|------------------------------|
| <b>File #:</b>       | 13-1972                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Version:</b>      | 1 | <b>Name:</b>         | CD - PW VZ CELL TOWER PD PZ  |
| <b>Type:</b>         | Agenda Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready                 |
| <b>File created:</b> | 12/31/2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>In control:</b>   |   | <b>In control:</b>   | Planning & Zoning Commission |
| <b>On agenda:</b>    | 1/13/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Final action:</b> |   | <b>Final action:</b> |                              |
| <b>Title:</b>        | 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 Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D". |                      |   |                      |                              |

### Executive Summary

The City of Sachse is the applicant for this request to rezone the subject property to allow for the construction of a 150-foot cellular communications tower and associated equipment shelters. The communications tower would be located on City property approximately 300 feet from Sachse Road.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** [CD - PW VZ CELL TOWER PD PZ - PRESENTATION.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT A.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT B.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT C.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - DRAFT ORD - EXHIBIT D.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 1.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 2.pdf](#)  
[CD - PW VZ CELL TOWER PD PZ - ATTACHMENT 3.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Title

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 Development Standards attached as Exhibit “C”; providing for the approval of the Zoning Concept Plan approved as Exhibit “D”.

### *Executive Summary*

*The City of Sachse is the applicant for this request to rezone the subject property to allow for the construction of a 150-foot cellular communications tower and associated equipment shelters. The communications tower would be located on City property approximately 300 feet from Sachse Road.*

### Background

The 10.6241-acre subject property is located at 6420 Sachse Road, and is currently occupied by City of Sachse Public Works and Animal Control operations. The property retains a split zoning designation of Agricultural (AG) and Single Family Residential (R-1). (See Attachment 1 - Aerial Location Map and Attachment 2 - Zoning Identification Map).

The subject property is bordered by the following uses:

North: Woodbridge / existing single family residences (Zoning designation: PD)

South: Existing agricultural operation (Zoning designation: AG)

East: Existing agricultural operation (Zoning designation: AG)

West: City of Sachse Public Works building (Zoning designation: SUP).

The Future Land Use designation for the subject property is Rural Residential. The proposed Planned Development zoning designation is consistent with the Future Land Use designation.

### Policy Considerations

The requested Planned Development includes the entire 10.6241-acre (462,788 square feet) subject property. The compound area for the cellular communications tower and associated equipment storage will be only 3,728 square feet of this total area. Other improvements to the site will include a concrete driveway (approximately 100-feet in length) connecting from the existing driveway to the compound area (See Exhibit D for the Zoning Concept Plan).

Development Standards (Exhibit C) will also be adopted as regulating tools for this Planned Development. These standards include requirements for maximum height (150 feet), the inclusion of up to four additional carriers, and the composition of the substrate within the compound.

The main concern with any zoning request is to ensure that the request would not negatively impact the quality of life of the surrounding properties as well as the amendment not be detrimental to the health, safety and general welfare of those properties. It is in this context

that staff has analyzed this request.

Current development on the subject property includes the Animal Shelter, City water storage tanks (and ancillary equipment), and a windmill generator. The proposed cellular communications antenna will be located approximately 300-feet from the Sachse Road right-of-way and over 400-feet from the nearest single-family residence. The City of Sachse water tower is located on the property adjacent to the west.

It is staff's opinion that the proposed amendment to the Zoning Ordinance would be consistent with the character of the surrounding properties. Furthermore, it is staff's opinion that proposed Planned Development would not be detrimental to the health, safety and general welfare of the surrounding residents and properties.

#### Public Notification

Notice of this public hearing was mailed to the property owner and all other property owners within 1,000 feet of the subject property, as indicated by the most recently approved municipal tax roll and as required by Texas Local Government Code and the City of Sachse Code of Ordinances. A total of 185 property owners were notified via mail on December 31, 2013. As of Thursday, January 9, 2014, eight responses were returned - two in favor and six opposed to the request (See Attachment 3).

#### Budgetary Considerations

None.

#### Staff Recommendations

Staff recommends approval 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 Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D".



## **PLANNING & ZONING COMMISSION**

JANUARY 13, 2014

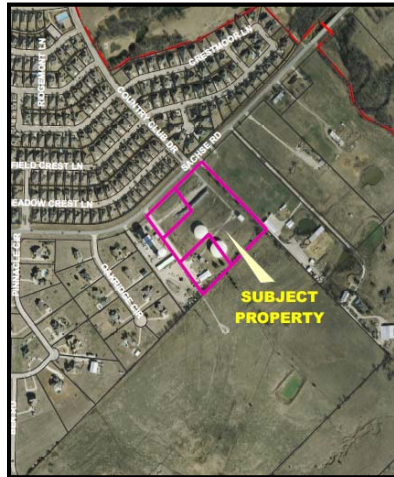
### **REQUEST**

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 Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D".



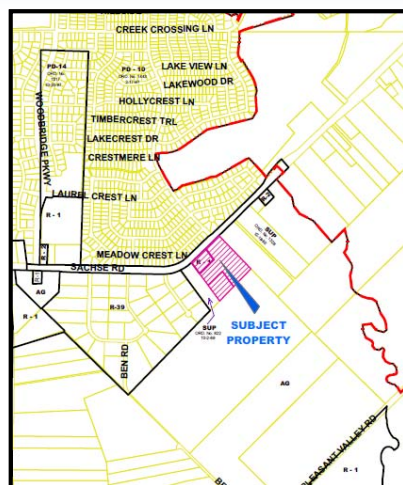
## BACKGROUND

### AERIAL LOCATION MAP



## BACKGROUND

### ZONING MAP



## **BACKGROUND**

### **SITE INFORMATION**

- ❑ Site Area: 10.6241 acres
- ❑ Future Land Use: Rural Residential
- ❑ Existing Zoning: AG & R-1
- ❑ Proposed Zoning: PD (Base Zoning AG)
- ❑ Proposed Uses: City of Sachse Animal Shelter  
& Public Works Operations and Type 2  
Communications Antenna



## **POLICY CONSIDERATIONS**

### **DEVELOPMENT STANDARDS**

- ❑ Agricultural (AG) base district standards apply
- ❑ 150-ft maximum antenna height
- ❑ Compound and antenna to permit up to four carriers



## POLICY CONSIDERATIONS

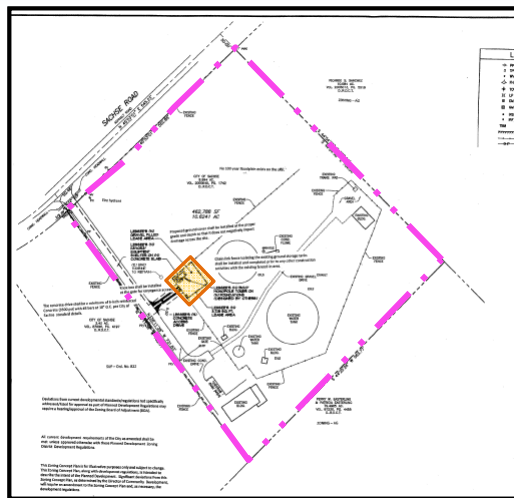
### ZONING CONCEPT PLAN

- ❑ 3,728 square feet compound area
- ❑ Equipment sheds for additional carriers permitted provided the equipment is within the compound area shown on the Plan



## POLICY CONSIDERATIONS

### ZONING CONCEPT PLAN





- ❑ Notifications were mailed to 185 property owners within 1,000 feet
  - 2 in favor
  - 6 returned opposed



## **STAFF RECOMMENDATION**

Staff recommends approval of the zoning request as presented.



**ORDINANCE NO. \_\_\_\_\_**

**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 DEVELOPMENT STANDARDS ATTACHED AS EXHIBIT “C”; PROVIDING FOR THE APPROVAL OF THE ZONING CONCEPT PLAN APPROVED AS EXHIBIT “D”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive Zoning Ordinance should be amended as provided herein;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby further amended to grant a change in zoning from Agricultural (AG) and Single Family Residential (R-1) to Planned Development (PD) on an approximately 10.6241-acre tract of land located 6420 Sachse Road, City of Sachse, Dallas County, Texas being more particularly described by metes and bounds in Exhibit “A” and as depicted in Exhibit “B”, attached hereto and incorporated herein by reference.

**SECTION 2.** The property described in Exhibit “A”, shall be developed in accordance with the following exhibits, each of which are attached hereto and incorporated herein:

Exhibit “C” - Development Regulations

Exhibit “D” - Zoning Concept Plan.

**SECTION 3.** That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**PASSED AND APPROVED** by the City Council of the City of Sachse, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

---

Mike Felix  
Mayor

DULY ENROLLED:

---

Terry Smith  
City Secretary

APPROVED AS TO FORM:

---

Peter G. Smith  
City Attorney  
(01-08-14/64265)

**EXHIBIT "A"**

BEING a tract of land situated in the T. R. Goodwin Survey, Abstract No. 502, and the R. D. Newman Survey, Abstract No. 1072 in the City of Sachse, Texas, also being all of that certain 9.994 acre tract of land conveyed to the City of Sachse, according to that Special Warranty Deed dated February 23, 2000, recorded in Volume 2000040, Page 1742, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the center of Sachse Road from which a 3/8 inch iron rod found at the most westerly corner of said 9.994 acre tract, same being the most northerly corner of a 3.42 acre tract conveyed to the City of Sachse, Texas, by Volume 87096, Page 4197, Deed Records, Dallas County, Texas, also being in the southeast right-of-way line of Sachse Road, bears South 36 degrees 11 minutes 38 seconds East a distance of 50.48 feet;

THENCE along the centerline of said Sachse Road, North 45 degrees 53 minutes 01 seconds East, a distance of 545.23 feet to a Point;

THENCE South 44 degrees 54 minutes 35 seconds East, passing at a distance of 50.00 feet a 1" pipe found for the most northerly corner of said 9.994 acre tract, same being the most westerly corner of a 10.084 acre tract conveyed to Ricardo S. Sanchez by Volume 2005013, Page 5919, Deed Records, Dallas County, Texas, and continuing for a total distance of 758.01 feet to a Point, same being the most easterly corner of said 9.994 acre tract and being the most northerly corner of a 79.4965 acre tract conveyed to Perry W. Easterling and Patrician Easterling by Volume 97230, Page 4455, Deed Records, Dallas County, Texas;

THENCE along the southeast line of said 9.994 acre tract, same being the northwest line of said 79.4965 acre tract, South 44 degrees 25 minutes 26 seconds West, a distance of 663.77 feet to a Point, same being the most southerly corner of said 9.994 acre tract and the most easterly corner of said 3.42 acre tract;

THENCE along the southwest line of said 9.994 acre tract, same being the northeast line of said 3.42 acre tract, North 36 degrees 11 minutes 38 seconds West, passing at a distance of 731.83 feet a 3/8 inch iron rod found at the most westerly corner of said 9.994 acre tract, same being the most northerly corner of said 3.42 acre tract and continuing for a total distance of 782.31 feet to the POINT OF BEGINNING hereof and containing 10.6241 acres or 462,788 square feet of land, more or less.

DEC 30 2013

EXHIBIT B - ZONING EXHIBIT  
P13-07

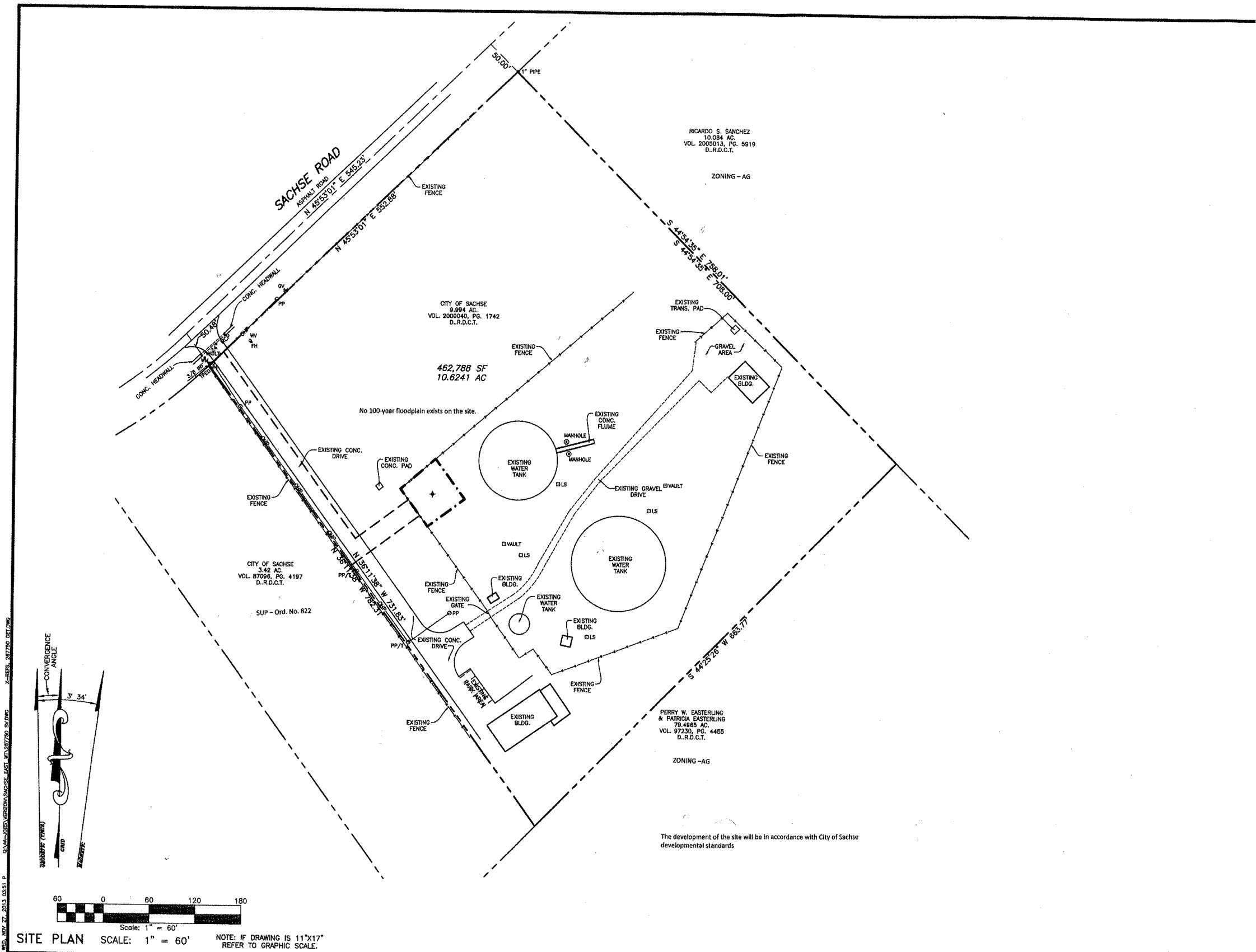
SACHSE EAST WATER TOWER  
5436 SACHSE RD.  
THOMAS R. GOODWIN ABSTRACT 502 PAGE 135  
R.D. NEWMAN ABSTRACT 1072  
DALLAS COUNTY  
DECEMBER, 2013

OWNER: CITY OF SACHSE  
3815 SACHSE ROAD  
SACHSE, TX 75048  
972 495 1212

APPLICANT: PETER KAVANAGH  
ZONE SYSTEMS, INC  
1620 HANDLEY DRIVE  
DALLAS, TX 75208  
214 941-4440

REPRESENTING: VERIZON WIRELESS

TOTAL GROSS AREA = 10.6241 ACRES



**PLANNED DEVELOPMENT STANDARDS**

Existing Zoning and Land Use

The existing zoning designation for the subject property is Agricultural (AG) and Single Family Residential (R-1). The subject property is currently being utilized for the City of Sachse Public Works building and related operations.

Planned Development Standards

The Planned Development will utilize an underlying zoning designation of Agricultural (AG) with the following exception that a “Type 2 Telecommunications Antenna” is permitted by right. All other Agricultural district standards will be in effect.

Design/Construction Standards

The Planned Development will utilize the following design and construction standards:

*General.* These Standards will permit the erection of a monopole that will be one hundred fifty (150) feet in height. The monopole will be designed to accommodate four (4) carriers. Ground space around the tower will be large enough to accommodate the ground equipment of other carriers.

*Tower.* The tower is a monopole that will be one hundred fifty (150) feet in height. The top antenna mast on the tower will be constructed to provide for the antennas to have a center line (center of an eight-foot tall antenna would be in the middle or at the four foot mark). The total height with the mast just above the top of the tower and the lightning rod being just above the mast is one hundred fifty eight (158) feet.

The tower will be designed for this site. A foundation plan will be designed for this site. All plans are to be sealed by a registered Texas engineer.

The tower will be constructed in accordance with Figure 1 below.

*{This space intentionally left blank}*

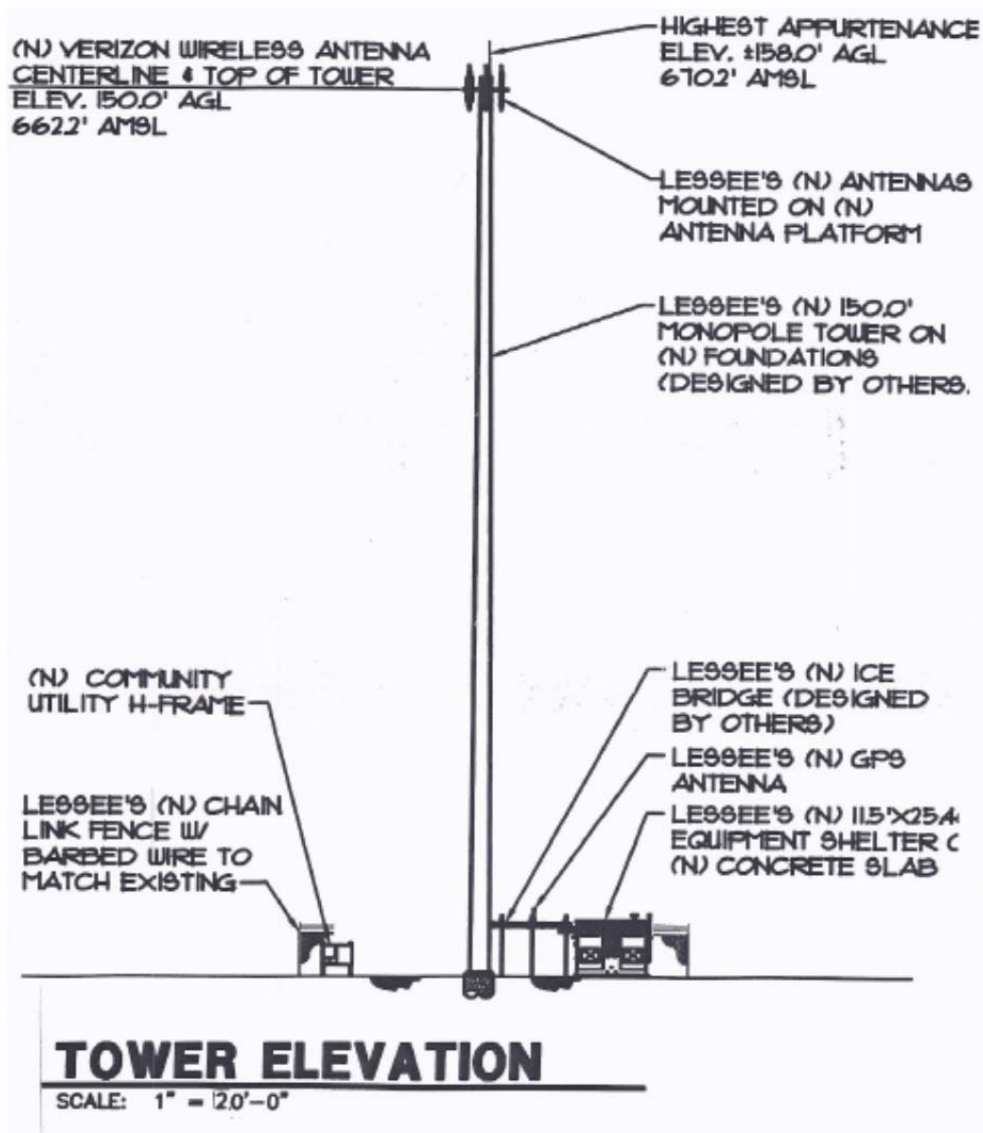


Figure 1. Tower Elevation

*Compound.* The compound will be approximately sixty (60) feet by sixty (60) feet area surrounded by a six foot chain-link fence (Reference Exhibit D of this Ordinance for Compound boundary). The compound will contain the tower and ground equipment. The ground equipment will sit on a concrete slab. Other telecommunications carriers who may co-locate on this tower will have their ground equipment on separate concrete slabs. The location of future equipment shelters/cabinets is provided on Exhibit D to show the potential location of such improvements in the future. Modification of the final location of equipment shelters/cabinets will be permitted without amendment to this Planned Development provided the location is wholly within the compound area shown on Exhibit D.

## EXHIBIT C

Each carrier will have separate electrical service. One utility H-frame will contain all meters. The ground surface in the compound that is not covered by concrete slabs will be gravel over fabric that allows water penetration without grass growing in the compound (See Figure 2).

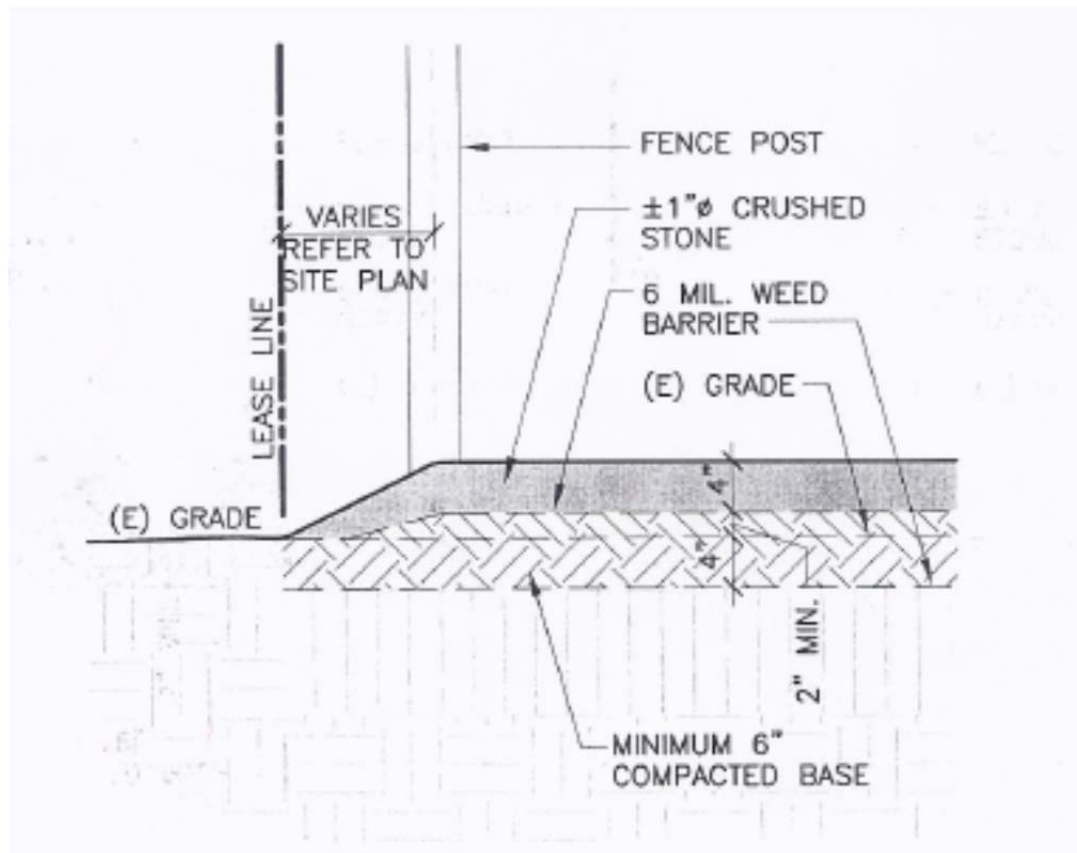
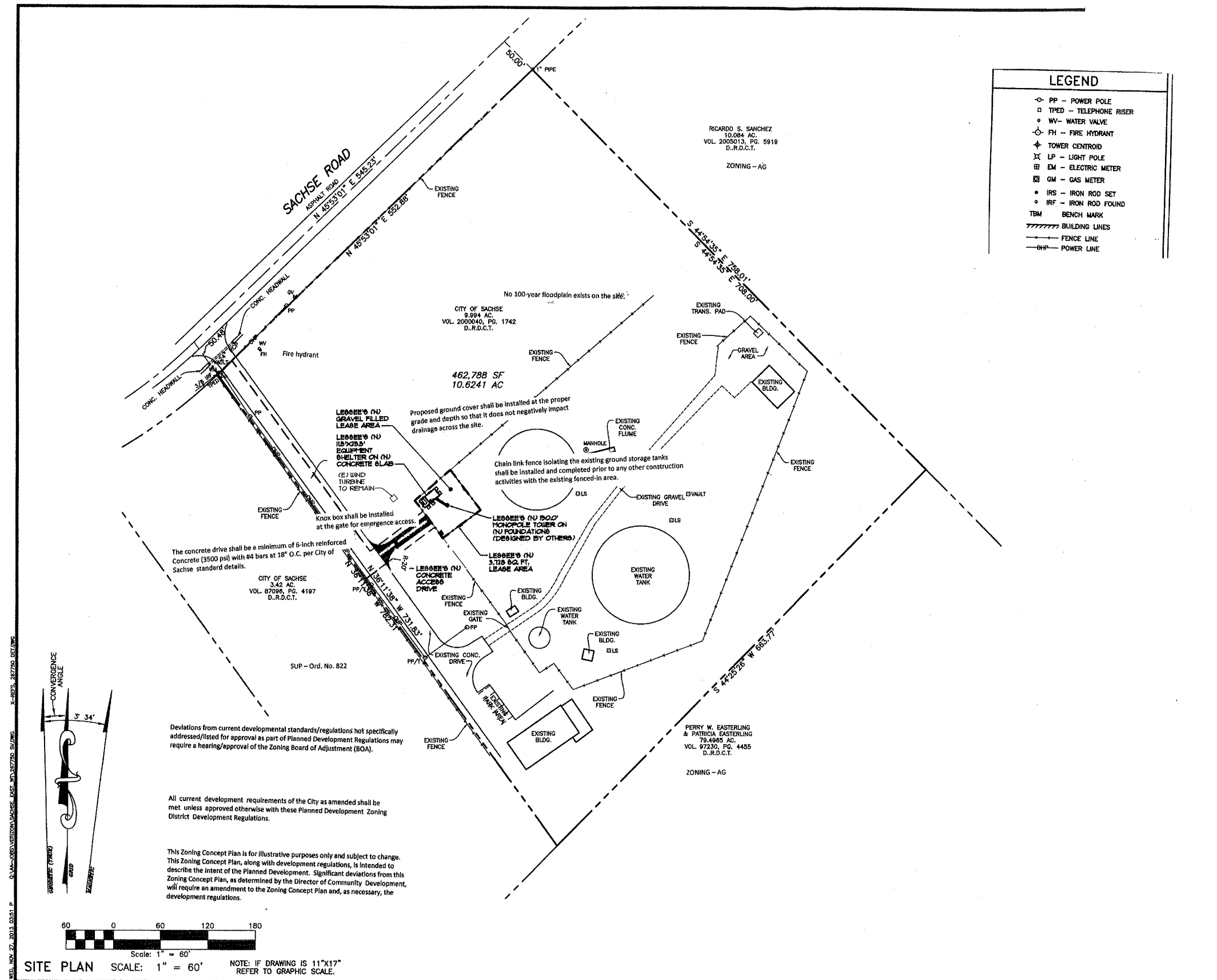
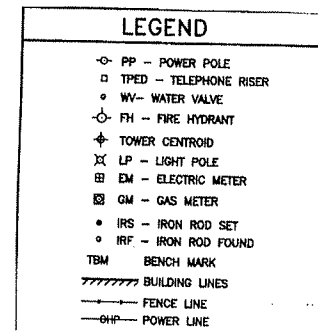
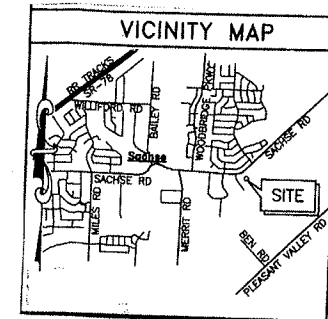


Figure 2. Site Edge Detail

*Construction.* No construction will occur until the City of Sachse has approved a building permit, electrical permit and fence permit (if required). All drawings are sealed by a Texas registered engineer or architect as appropriate per Code. The fence that now surrounds the elevated water storage tank will be relocated in this area as the first construction activity in order to continue the current fenced security of the elevated storage tank.



**EXHIBIT D – ZONING CONCEPT PLAN**  
**P13-07**

SACHSE EAST WATER TOWER  
5436 SACHSE RD.  
THOMAS R. GOODWIN ABSTRACT 502 PAGE 135  
R.D. NEWMAN ABSTRACT 1072  
DALLAS COUNTY  
DECEMBER, 2013

OWNER: CITY OF SACHSE  
3815 SACHSE ROAD  
SACHSE, TX 75048  
972 495 1212

APPLICANT: PETER KAVANAGH  
ZONE SYSTEMS, INC  
1620 HANDLEY DRIVE  
DALLAS, TX 75208  
214 941-4440  
PRESENTING: VERIZON WIRELESS

TOTAL GROSS AREA = 10.6241 ACRES

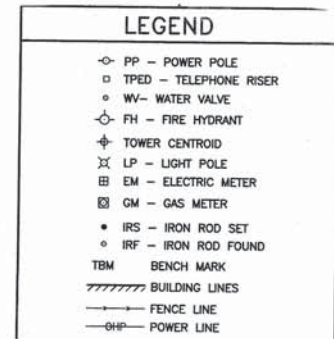
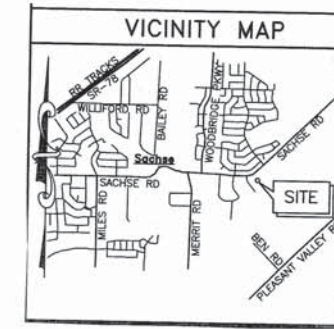
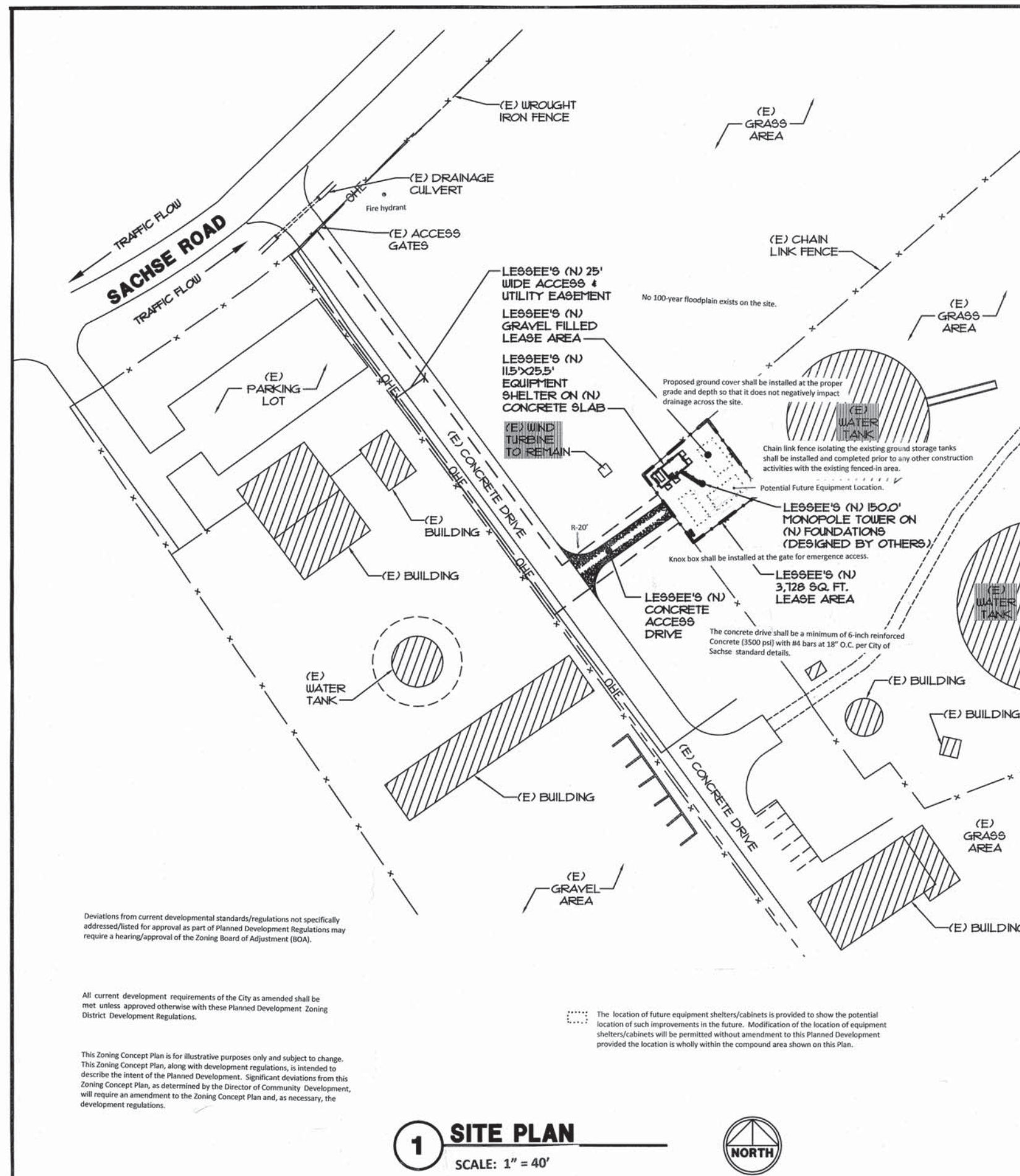


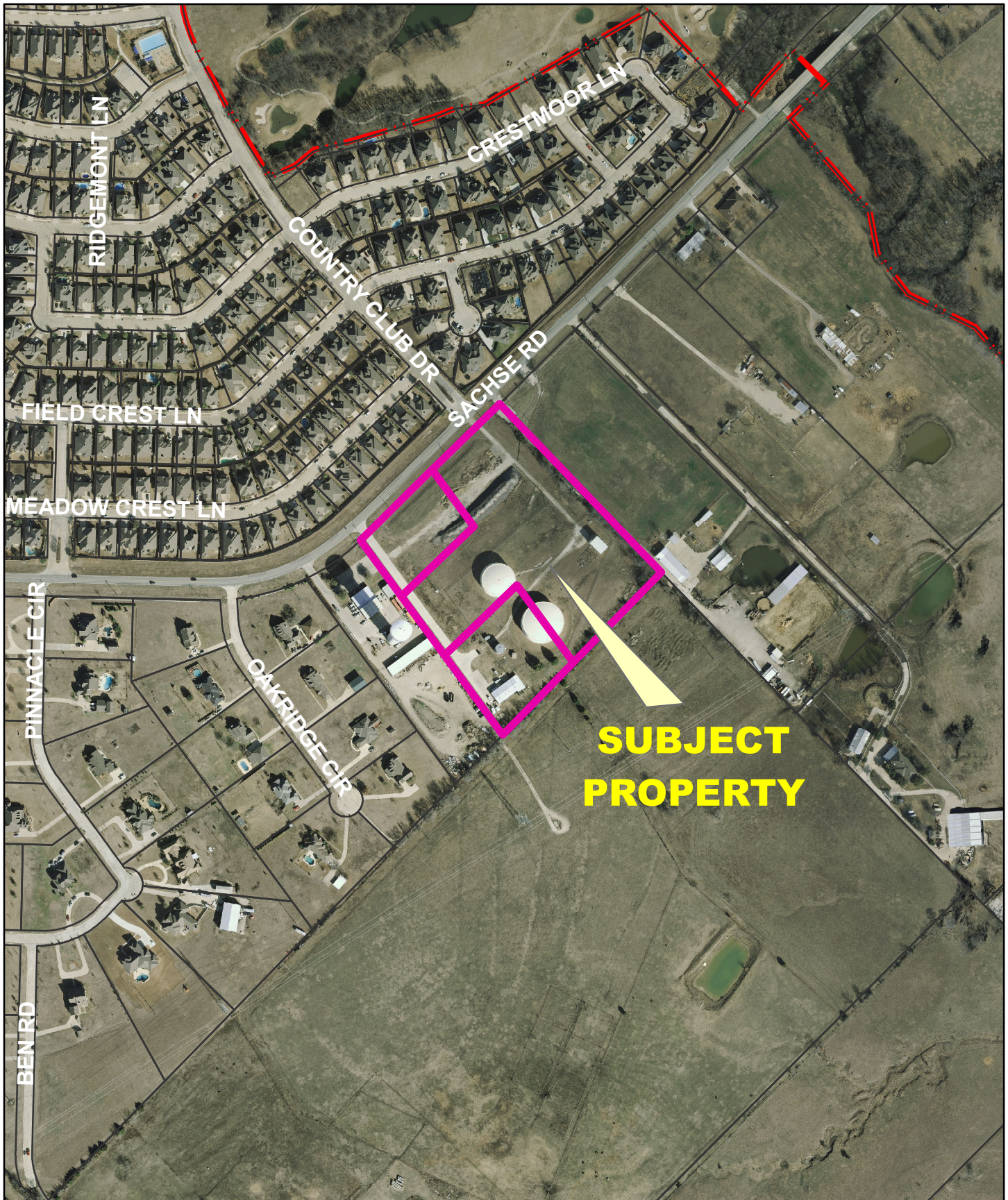
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5436 SACHSE RD.  
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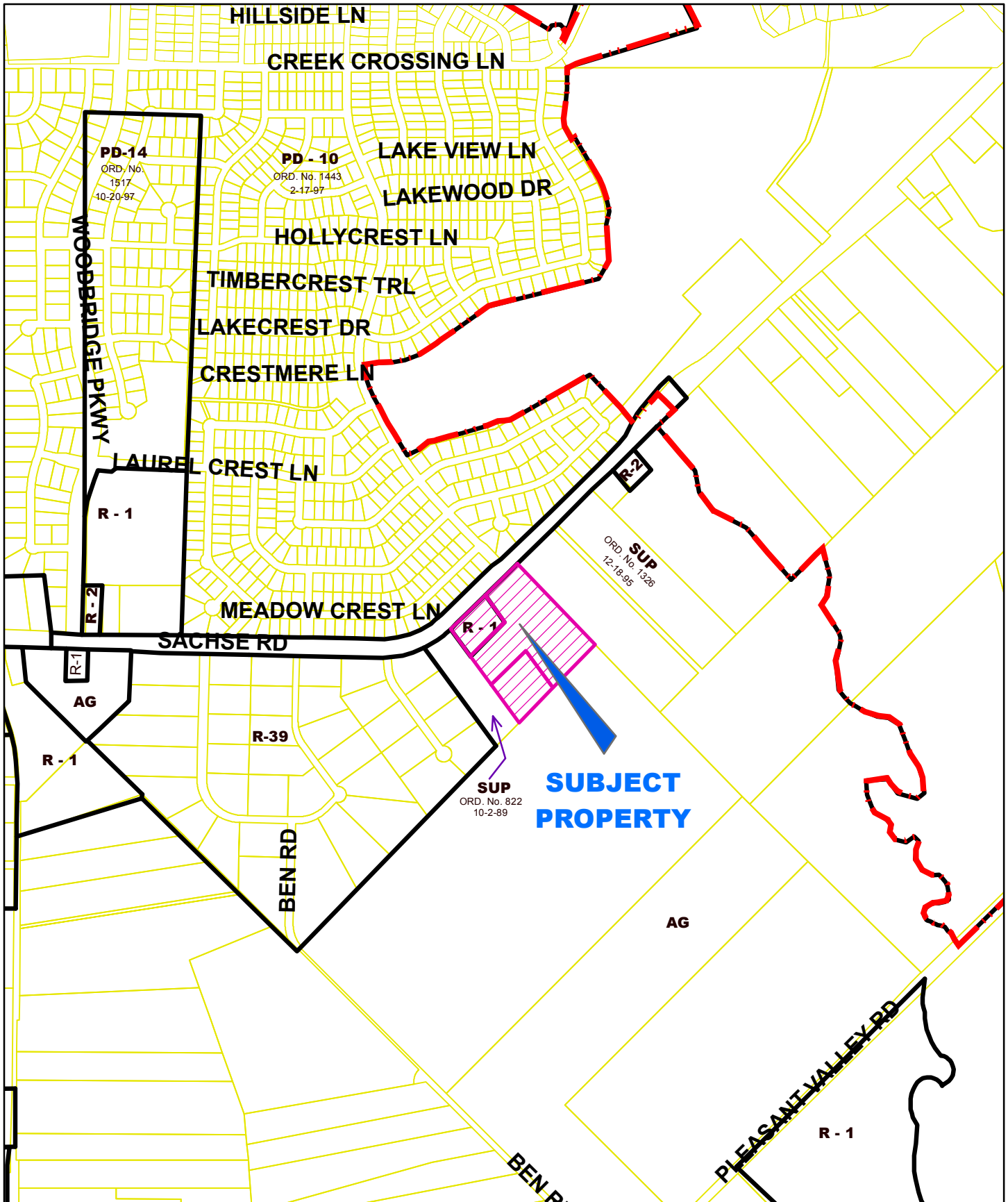
0 150 300 600  
Feet

**AERIAL LOCATION MAP**

**VERIZON WIRELESS FACILITIES**

**FILE: ZO 13-07**

**Map Created: December 23, 2013**



# **ZONING IDENTIFICATION MAP**

VERIZON WIRELESS FACILITIES

FILE: ZO 13-07

Map Created: December 23, 2013



## Community Development Department

### NOTICE OF PUBLIC HEARING

TO: Property Owner  
 DATE: December 31, 2013  
 RE: Zoning Application for a Planned Development  
 LOCATION: The subject property is located at 6420 Sachse Road, and is currently occupied by City of Sachse Public Works operations. *(A location map depicting the 1,000-foot notification area is attached for reference.)*

**EXPLANATION OF REQUEST:** The applicant (City of Sachse) is requesting a Planned Development (PD) zoning designation for the purpose of constructing a telecommunications antenna. The proposed PD will use the underlying zoning designation of Agricultural (AG) with the exception that a "Type 2 Telecommunications Antenna" is permitted by right. All other AG district standards will be in effect. The proposed antenna will be 150-ft in height and located on the existing City of Sachse Public Works property, approximately 350-ft from Sachse Rd.

☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: \_\_\_\_\_

SIGNATURE: Donald P. Hervey Woodbridge VII, Ltd.  
 PRINTED NAME: Donald P. Hervey  
 ADDRESS: 800 E. Campbell Rd., Suite 130, Richardson, TX 75081

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Community Development within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, or the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

If you have any questions concerning this request, please contact the Community Development Department.

Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

#### RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812

TIME RECEIVED  
January 9, 2014 12:39:00 PM CST  
12/09/2013 12:43 9724297165

REMOTE CSID  
9724297165

DURATION 50  
PAGES 1  
STATUS Received  
**ATTACHMENT 3**

CPI COMMUNICATIONS

PAGE 01



## Community Development Department

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☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** AG district standards should be removed- this area should be developed. Property is too VALUABLE FOR AG USE and should be developed for Addition tax for citizens.

**SIGNATURE:** [Signature]  
**PRINTED NAME:** PERRY EASTERLING  
**ADDRESS:** 6702 Bailey RD - 6001 BEN ROAD

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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If you have any questions concerning this request, please contact the Community Development Department.  
Phone: (469) 429-4781  
Email: [mkurbansade@cityofsachse.com](mailto:mkurbansade@cityofsachse.com)

**RETURN BY FAX OR MAIL**  
City of Sachse Community Development Dept.  
3815-B Sachse Road, Sachse, TX 75048  
FAX: (972) 675-9812

TIME RECEIVED  
January 6, 2014 5:17:47 PM CSTREMOTE CSID  
2144914860DURATION PAGES STATUS  
83 2 Received

JAN-06-2014 17:08 From:COLLIN COUNTYDA

2144914860

To:City of Sachse

P.1/2



## Community Development Department

### NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**DATE:** December 31, 2013  
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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** See attachment

**SIGNATURE:** Sheryl Baxter  
**PRINTED NAME:** Sheryl Baxter  
**ADDRESS:** 5604 Pinnacle Circle

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 18, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Community Development within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, or the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

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Email: mkurbaisade@cityofsachse.com

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City of Sachse Community Development Dept.  
 3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812

**ATTACHMENT 3****OPPOSITION TO LAND DEVELOPMENT – PART 2**

- Why do we HAVE to develop every open space in our city???
- Road repairs/conditions/increasing traffic
- Crime rate will rise.
- Subdivisions – Grand Homes, Richfield Estates, Jackson Hills, Woodbridge on Sachse Road near

**Wylie, Woodbridge 14**

- I chose to live here; this is my piece of Paradise
- Drainage/watershed issues – back of my property is higher than the front
- Privacy/valuables in shop on my property
- Noise, pollution, traffic on Ben Road and Pleasant Valley Road
- Will have to hire more Police and Fire personnel; SPD is already under-staffed
- Sachse High is full/where will the students go?
- Sachse High staff increase?
- Lake levels – been on Stage 3 all summer; what kind of strain will this development put on our natural resources?
- Land destroyed/gone forever
- Loss in MY property value
- Might as well change Sachse, TX to Woodbridge, TX
- Developer isn't a Sachse resident. Why is he allowed to ruin our city? Money can never replace the gorgeous view I have in the morning when the sun is rising or there's fog covering the pasture. Money can't replace the stars I see at night or the splendid opportunity to hear wildlife in its own element. I love that I can step out onto my back porch and hear cows, horses, donkeys, owls, coyotes, dove...any number of God's creatures living nearby.
- Quiet, peaceful, relaxing –BEST of city/country living that no other city around can offer
- I do not want cookie cutter homes in my backyard
- Not here to pad the wallet of ANY developer.
- Your decision affects the rest of my life
- The developer won't live there and will never see the area again
- What is the capacity of the landfill? Will I soon be paying extra to have my refuse trucked to a distant site?
- The people who buy these homes won't be there the rest of their lives BUT I WILL. I am in my forever home.
- Developer says "the market" is for homes without yards but these homes are for either young couples or retirees. Young couples will have children and/or family/friends with children who will want to play in a yard. Elder residents will want a yard for their grandchildren.
- We don't HAVE to be like Wylie – if they choose to loose every inch of open land, let THEM do it.
- Put yourself in my place. Would you want this happening to you?
- Is there REALLY a difference between 500+ homes (new proposition) and 600+ homes (old proposition)?
- We need to concentrate on bringing new BUSINESSES to Sachse, not new homes

TIME RECEIVED

January 5, 2014 10:28:57 PM CST

REMOTE CSID

972 675 2645

DURATION

74

PAGES

1

STATUS

Received

Jan 05 14 10:26p

Michael &amp; Kellie Aragon

972-675-2645

p.1



## Community Development Department

### NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**DATE:** December 31, 2013  
**RE:** Zoning Application for a Planned Development  
**LOCATION:** The subject property is located at 6420 Sachse Road, and is currently occupied by City of Sachse Public Works operations. (A location map depicting the 1,000-foot notification area is attached for reference.)

**EXPLANATION OF REQUEST:** The applicant (City of Sachse) is requesting a Planned Development (PD) zoning designation for the purpose of constructing a telecommunications antenna. The proposed PD will use the underlying zoning designation of Agricultural (AG) with the exception that a "Type 2 Telecommunications Antenna" is permitted by right. All other AG district standards will be in effect. The proposed antenna will be 150-ft in height and located on the existing City of Sachse Public Works property, approximately 350-ft from Sachse Rd.

☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** NEED DIVERSITY TO KEEP SACHSE COUNTRY STYLE.  
TO MANY WOOD BRIDGE TYPE HOMES; NEED LARGER LOT  
A LARGER HOME FOR CURRENT WOODBRIDGE RESIDENTS TO GRADUATE TOO !!

**SIGNATURE:** Michael Aragon

**PRINTED NAME:** MICHAEL ARAGON

**ADDRESS:** 5612 PINNACLE CIR

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Community Development within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protests in the form of opposition are received from property owners within 200 feet of the subject property, or the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

If you have any questions concerning this request, please contact the Community Development Department.

Phone: (469) 429-4781

Email: mkrbausaade@cityofsachse.com

#### RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812

TIME RECEIVED  
January 6, 2014 10:09:23 AM CST

REMOTE CSID

DURATION PAGES STATUS  
43 1 Received

01/06/14 11:15 AM

Page 1



## Community Development Department

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Do Not want BEA RD to be  
a through street!

SIGNATURE: B. A. HESSON

PRINTED NAME: BURRIS A. HESSON

ADDRESS: 5716 Pinnacle Circle, Sachse 75048

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Very concerned about the whole-body exposure to a human adult, much more to babies & children by radio frequency radiation*

**SIGNATURE:** *Suzi Faatiti*

**PRINTED NAME:** *Suzi Faatiti*

**ADDRESS:** *6308 Crestmoor Lane*

*Sachse, TX 75048 214/363-3900 ext. 1818*

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at **7:00pm on Monday, January 13, 2014**. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at **7:30pm on Monday, February 3, 2014**. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Phone: (469) 429-4781

Email: [mkurbansade@cityofsachse.com](mailto:mkurbansade@cityofsachse.com)

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3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812



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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: *I am opposed UNLESS you can state in writing it will not cause cancer, sleep disorders, memory loss or alzheimers or lower my home's worth.*

SIGNATURE: *Linda L. Smith*

PRINTED NAME: *LINDA L. Smith*

ADDRESS: *6323 Crestmoor Lane*

Ph: *214-440-2976*

*NOT cause: Cancer, Sleep disorders, memory loss, alzheimers, or lower the worth of my home.*

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, January 13, 2014. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, February 3, 2014. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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FAX: (972) 675-9812

*(State in writing)  
Our hse is in the Buffer Zone.*



## Community Development Department

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I believe that this Antenna will  
and can be obstructive, especially with lightning  
and therefore making the subdivision a target for a fire  
hazard area.

SIGNATURE: Araceli E. Resendez + Jose A. Resendez  
 PRINTED NAME: Araceli E. Resendez + Jose A. Resendez  
 ADDRESS: 16410 Meadowcrest Lane

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at **7:00pm on Monday, January 13, 2014**. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at **7:30pm on Monday, February 3, 2014**. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Email: mkurbansade@cityofsachse.com

#### RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road, Sachse, TX 75048

FAX: (972) 675-9812



## Legislation Details (With Text)

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |   |                      |                              |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|----------------------|------------------------------|
| <b>File #:</b>        | 14-2002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Version:</b>      | 1 | <b>Name:</b>         | CD - ZONING ORD ECIG PZ      |
| <b>Type:</b>          | Agenda Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready                 |
| <b>File created:</b>  | 1/8/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>In control:</b>   |   | <b>In control:</b>   | Planning & Zoning Commission |
| <b>On agenda:</b>     | 1/13/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Final action:</b> |   | <b>Final action:</b> |                              |
| <b>Title:</b>         | <p>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.</p> <p>Executive Summary<br/>This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for regulations pertaining to Retail Tobacco Store establishments.</p> |                      |   |                      |                              |
| <b>Sponsors:</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |   |                      |                              |
| <b>Indexes:</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |   |                      |                              |
| <b>Code sections:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |   |                      |                              |
| <b>Attachments:</b>   | <a href="#">CD - ZONING ORD ECIG PZ - PRESENTATION.pdf</a><br><a href="#">CD - ZONING ORD ECIG PZ - DRAFT ORD.pdf</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |   |                      |                              |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Title

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.

### Executive Summary

*This zoning amendment will establish regulations for Retail Electronic-Cigarette/Vaporizer Store and Hookah/Smoke Lounge uses, as well as provide clarification in definitions for*

*regulations pertaining to Retail Tobacco Store establishments.*

## Background

Recently, the City of Sachse has received numerous requests pertaining to Retail Electronic Cigarette stores. Within the last several months, two of these establishments have received Certificates of Occupancy and are currently open for business. Because of this demand, the City of Sachse is taking a proactive approach to regulate these uses.

The sale of Electronic Cigarettes currently occurs as an ancillary sale in existing retail establishments or as the primary sale within Retail Electronic Cigarette stores. In addition, Retail Electronic Cigarette stores have also expanded operations to allow for lounge areas for patrons; this expansion alters the business operation from typical retail sales.

In the past, the City of Sachse has adopted the following regulations pertaining to the sale/use/possession of tobacco, cigarette, smoking paraphernalia, and e-cigarettes:

- The City of Sachse adopted zoning regulations for Retail Tobacco Stores and Smoking Paraphernalia Establishments on May 3, 2010 via Ordinance Number 3209.
- On December 2, 2013 via Ordinance Number 3551, the City of Sachse adopted E-Cigarette Regulations with the main purpose being to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.

## Policy Considerations

Establishing regulations for the sale and use of tobacco/e-cigarette products is consistent with the City Council's goals of protecting health, safety and general welfare of the community. This is evidenced by the aforementioned Code of Ordinance amendments (Ord. No. 3209 and Ord. No. 3551). Ordinance Number 3209 was aimed at regulating the sales of tobacco and smoking paraphernalia. The intent of Ordinance Number 3551 was to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.

The purpose of this Zoning Ordinance amendment is to further previous objectives by providing regulations for Retail Electronic-Cigarette/Vaporizer Stores and Hookah/Smoke Lounge uses. In summary, the proposed amendment would accomplish the following:

### Retail Electronic-Cigarette/Vaporizer Store

The language in 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.

The below definition will allow for ease in classification of the use by explaining the operation and quantifying the portion of the establishment dedicated to this use:

“A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.”

#### Hookah/Smoke Lounge

The language in the proposed amendment will 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.

As stated in the Background section of this staff report, some Retail Electronic-Cigarette/Vaporizer Stores have provided lounge areas to allow for on-site use/consumption of products purchased. The inclusion of a lounge area alters the function of the retail establishment; therefore, this additional use is proposed.

#### Retail Tobacco Store

The language in the proposed amendment will provide clarification for the Retail Tobacco store definition to allow for a more objective and quantifiable determination of use based on floor area. The current language defines a Retail Tobacco store as a “... store that sells mainly tobacco products...”; the amended definition defines a Retail Tobacco store as a “...business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products...”. The full language of the Retail Tobacco Store definition is included in the attached Draft Ordinance. The above references only include the language pertaining to quantifying the use.

It should be noted that if this Ordinance is passed, existing uses would be classified as Legal Nonconforming Uses and would be permitted to continue provided they are not abandoned for a period greater than six months. For clarification, the abandonment pertains to the use and not the operator/proprietor of the establishment.

#### Budgetary Considerations

None.

### Staff Recommendations

Staff recommends approval 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.



## **PLANNING & ZONING COMMISSION**

JANUARY 13, 2014

### **REQUEST**

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.



## BACKGROUND

### HISTORY / TIMELINE

In the past, the City of Sachse has adopted the following regulations pertaining to the sale/use/possession of tobacco, cigarette, smoking paraphernalia, and e-cigarettes:

- ❑ The City of Sachse adopted zoning regulations for Retail Tobacco Stores and Smoking Paraphernalia Establishments on May 3, 2010 via Ord. No. 3209.
- ❑ On December 2, 2013 via Ord. No. 3551, the City of Sachse adopted E-Cigarette Regulations with the main purpose being to prohibit the purchase, use, or possession of e-cigarettes by minors; and to prohibit the sale of e-cigarettes to minors.



## POLICY CONSIDERATIONS

### PROPOSED AMENDMENTS

#### Electronic Cigarette or E-Cigarette

- ❑ Added Definition (copy from Ord. No. 3551)

#### Definition

“Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigars, electronic cigarillos, or electronic pipe, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes.”



## **POLICY CONSIDERATIONS**

### **PROPOSED AMENDMENTS**

#### Retail Electronic-Cigarette/Vaporizer Store

- ☐ Definition for a new use - Retail Electronic-Cigarette/Vaporizer Store
- ☐ Permitted as an SUP in the C-2, I-1 and I-2 Districts

#### Definition

“A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.”



## **POLICY CONSIDERATIONS**

### **PROPOSED AMENDMENTS**

#### Hookah/Smoke Lounge

- ☐ Definition for a new use – Hookah/Smoke Lounge
- ☐ Permitted as an SUP in the I-1 and I-2 Districts

#### Definition

“A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions. For clarification purpose, a hookah/smoke lounge and/or any other similar uses shall be considered an individual business class separated from a Retail Tobacco Store or a Retail Electronic-Cigarette/ Vaporizer Store.”



## **POLICY CONSIDERATIONS**

### **PROPOSED AMENDMENTS**

#### Retail Tobacco Store

- ☐ Clarification of Definition

#### Definition

“A business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products such a cigars, pipe tobacco and cigarettes. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products.”



## **STAFF RECOMMENDATION**

Staff recommends approval of the Ordinance as presented.



**ORDINANCE NO. \_\_\_\_\_**

**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; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sachse adopted the Zoning Regulations for the protection of the public health and general welfare of the people of the City of Sachse; and

**WHEREAS**, the City Council and the Planning and Zoning Commission have recognized that certain provisions of the Zoning Regulations should be reviewed and updated; and

**WHEREAS**, the City Council has a substantial interest in promoting the public health, safety, and welfare of the community and also promoting land use compatibility within the City; and

**WHEREAS**, the City Council recognizes the need to develop reasonable regulations regarding the location of retail tobacco stores, retail electronic cigarette/vaporizer stores and hookah/ smoke lounges; and

**WHEREAS**, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive zoning ordinance should be amended as provided herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 11, Zoning, in part, to read as follows:

“Chapter 11

## **ZONING**

....

### **ARTICLE 2. DEFINITIONS**

....

#### **1.1**

....

*Electronic Cigarette or E-Cigarette.* Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigars, electronic cigarillos, or electronic pipe, and any cartridge or other component of the device or related product including any liquid products that are manufactured for use with e-cigarettes.

....

*Hookah/Smoke Lounge.* A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions. For clarification purpose, a hookah/smoke lounge and/or any other similar uses shall be considered an individual business class separated from a Retail Tobacco Store or a Retail Electronic-Cigarette/ Vaporizer Store.

....

*Retail Electronic-Cigarette/Vaporizer Store.* A business establishment for which more than 50% of the gross floor area is dedicated to the storage, mixing, display and/or retail sale of nicotine-enriched solutions and/or liquid products that are manufactured for use with e-cigarettes.

....

*Retail Tobacco Store.* A business establishment for which more than 50% of the gross floor area is dedicated to the display and retail sale of tobacco products such a cigars, pipe tobacco and cigarettes. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are merely incidental to the sale of tobacco products.

....

## SCHEDULE I. PERMITTED USES

| COMMERCIAL                                  | Agricultural | Single Family R-39 | Single Family R-15 | Single Family R-12 | Single Family R-10 | Single Family R-E | Office Park | Mixed Use | Commercial-1 | Commercial-2 | Industrial-1 | Industrial-2 | Planned Development | Parking Requirements |
|---------------------------------------------|--------------|--------------------|--------------------|--------------------|--------------------|-------------------|-------------|-----------|--------------|--------------|--------------|--------------|---------------------|----------------------|
| ...                                         |              |                    |                    |                    |                    |                   |             |           |              |              |              |              |                     |                      |
| Hookah/Smoke Lounge                         |              |                    |                    |                    |                    |                   |             |           |              |              | S            | S            | *                   | 1/70 gfa             |
| ...                                         |              |                    |                    |                    |                    |                   |             |           |              |              |              |              |                     |                      |
| Retail Electronic-Cigarette/Vaporizer Store |              |                    |                    |                    |                    |                   |             |           |              | S            | S            | S            | *                   | 1/200 gfa            |
| ...                                         |              |                    |                    |                    |                    |                   |             |           |              |              |              |              |                     |                      |

”

**SECTION 2.** All provisions of the ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be invalid, void or unconstitutional, the same shall not affect the validity of the remaining portions of this ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as hereby amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

**DULY APPROVED AND PASSED** by the City Council of the City of Sachse, Texas  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

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Mike Felix  
Mayor

DULY ENROLLED:

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Terry Smith  
City Secretary

APPROVED AS TO FORM:

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Peter G. Smith  
City Attorney  
(12-18-13/64042)