

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting on Monday, November 12, 2012

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

Members Present:

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

Members Absent:

Wally Sparks

Staff Present:

Marc Kurbansade, Community Development Director
Billy George, City Manager
Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Bill Adams, City Council Liaison

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

2. Consider approval of the minutes from the October 22, 2012 Planning and Zoning Commission meeting.

Charles Ross made a motion to approve the minutes of the October 22, 2012 Planning and Zoning Commission meeting with corrections noted. Scott Everett seconded the motion. The motion passed with all voting in favor.

3. Conduct a public hearing and make recommendation to City Council regarding the 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 Single Family Residential (R-1) to Single Family Residential (R-10) on an approximately 10.00 acre tract of land located on the southeast corner of Laurel Crest Lane and Woodbridge Parkway, City of Sachse, Dallas County, Texas; 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.

Marc Kurbansade, Community Development Director introduced the item. In his presentation, he explained that the applicant is requesting to rezone the subject property from Single Family Residential (R-1) to Single Family Residential (R-10). The proposed zoning designation would allow for the construction of single-family residential lots with a minimum lot area of 10,000 square feet. He stated staff is recommending approval of the zoning change request.

Chairman Stephen Curtis opened the Public Hearing at 7:09 p.m.

Rick Fambro, 1416 J Avenue, Applicant Representative, stated the property is the 10-acre property located at the SE Corner of Woodbridge Parkway and Laurel Crest Lane. He explained the surrounding areas and stated it does conform to the City's Comprehensive Land Use Plan and he is here to answer any questions the commission may have.

Jean Cogdell, 5915 Woodbridge Parkway, stated she did not send her notice back because she couldn't figure out whether it was referring to tract homes and if the homes were subject to Woodbridge design. She asked if the area would be part of Woodbridge or part of Sachse. She was not happy with the form. It was an unusual and uninformative. She stated she is against the zoning change and that the land should be developed very carefully.

Greg Napolliello, 5802 Meadowcrest Lane, said he has lived there for twelve years and stated eight homes in this area have major foundation issues including his own from underground springs. He does not think the City knows or understands about the underground springs. He fears it will happen again. He feels like there was little oversight by the City when his home was built. He is against the zoning change and thinks the land should be left as is or as a park.

Sharsten Condiff, 5806 Meadowcrest Lane, said she also opposes the zoning. She said she has had foundation issues also. They had to do pier and beam. She stated that while the work was being done the contractor showed her where the springs were bubbling up under our house. She said they have sinkholes in their front yard. She stated she also enjoys the view of the pond and feels an addition to Stone Park would be a better choice.

Raini Day, 5912 Meadowcrest Lane, said she had \$36,000 worth of foundation work done and she did have them within the 10 year warranty period so home owner's insurance did cover it. Two houses that were bought back from the builder had been fixed four times. She said she was fortunate that a lot of the work was covered by homeowner's insurance. She stated that those new homes are not going to be worth anything when they start having problems and people start walking away from them because they cannot afford to fix them. She stated it is a mistake to build or do anything with that land.

Mary Fleetwood, 6002 Crest Court, is opposed to the zoning change. She just bought her home and never thought there would ever be a problem with it being developed because of the pond and much of the drainage from the neighborhood goes that way. She is concerned about foundation problems from the natural springs.

Warren Becker made a motion to close the public hearing. Scott Everett seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 7:22 p.m.

After discussion, Scott Williams made a motion to approve the application for zoning change and amend the Comprehensive Zoning Map. David Hock seconded the motion. The motion passed 5-1 with Charles Ross voting against.

4. Conduct a public hearing and make recommendation to City Council regarding the approval 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 Restaurant with Drive-Through use on an approximately 0.9133 acre tract of land located at 7360 State Highway 78 in a General Commercial District (C-2); providing special conditions; 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.

Marc Kurbansade introduced the item. In his presentation, he stated the applicant is requesting a Special Use Permit for a Restaurant with Drive-Through for property located at 7360 Highway 78. He stated the Zoning Ordinance requires a SUP for the proposed use. He stated that staff is recommending denial of the application due to safety concerns.

Stephen Curtis opened the public hearing at 7:52 p.m.

Tony Ngyuen, DDS, 7360 Hwy 78, Suite 100, stated he is a primary caregiver at Discover Dentistry of Sachse. He is opposed to the SUP request from Church's Chicken for a drive-through. He is concerned with increased traffic and vehicles in the drive-through impeding my patients from seeing me safely. He is also concerned with vehicular noise, and the noise from the restaurant speaker. He does not feel it is a complementary use and the use does not belong next to a dentist office.

Vincent Kong, 5505 Seapines, Plano, Texas, said he was the landlord and owner of the shopping center. He stated he approves of the drive-through and has no issues with it. If you go back to the plan we have taken steps to address traffic issues. If you look at the area very little traffic goes through that part of the center. These are both of my tenants and he wants them both to succeed. He lives in Plano and he has seen several locations where dentist offices are located between a deli and a pizza place. He stated that it's not uncommon in Plano.

Eidi Zaheri, 213 Sherwood Drive, Murphy, Texas, stated he has the #1 Church's Chicken in Irving. He said we will provide 15-25 jobs for the people in the area. He said he does not see any problems being next to the dentist office and they will be good neighbors. He stated that he thinks he could help them with increased traffic. He explained every car in the drive-through has to be gone in two minutes, and that is Church's Chicken policy.

Scott Williams made a motion to close the public hearing. Charles Ross seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 8:02 p.m.

After discussion, David Hock made a motion to approve the SUP for a Drive-Through at 7360 Highway 78 with the provision that the applicant address staff concerns for additional curbing, widening of the drive-through lane for larger vehicular access and stripping of the fire lane. Scott Everett seconded the motion. The motion passed 4-2 with Scott Williams and Stephen Curtis voting no.

5. Conduct a public hearing and make recommendation to City Council regarding the approval 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 Mortuary and Crematorium Service on an approximately 4.99 acre tract of land located at 6800 State Highway 78 in a General Commercial District (C-2); providing special conditions; 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.

Marc Kurbansade, Community Development Director, introduced the item. In his presentation he stated that the applicant is requesting a Special Use Permit for a Mortuary and Crematorium Services for the property located at 6800 Highway 78. He explained that this use is not defined in the Zoning Ordinance; therefore, in accordance with the standards set forth in the Zoning Ordinance, the applicant has requested a Special Use Permit. He stated that staff recommends denial of the application because the proposed use does not meet the intent of the types of uses for the C-2 Zoning District or the definition of the Commercial Future Land Use designation.

Stephen Curtis opened the public hearing at 8:36 p.m.

Martin Markovitz, 6523 Parkview Drive, said he was concerned about air pollution and increased traffic. He stated it's possible if fillings are not removed, mercury could get into the air. He was worried it would decrease property values.

Gerrow Roberts, 901 Saturn Springs, said he is a representative of the North Pointe Church of Christ. He asked who would be responsible to monitor the air quality if emissions are not controlled.

Charles Smith, Applicant, 1901 Ponderosa Trail, explained that currently the cremation rate is 40% and will rise to 50%. He said there are five crematories in Dallas. He said that crematories are regulated by federal and state government. He said they are licensed by the state. He stated the way the equipment is designed is to shut off if there is any kind of problem. He said he thought a nice building could be built instead of the raggedy barns that exist there now. He said there would not be a lot of traffic generated and this business would not be detrimental to Sachse.

David Hock made a motion to close the public hearing. Warren Becker seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 8:46 p.m.

After discussion, Charles Ross made a motion to approve the Special Use Permit for a Mortuary and Crematorium Service at 6800 Highway 78, 4.16 acre for tract 9. Scott Williams seconded the motion. The motion passed 5-1 with Warren Becker voting no.

6. Conduct a public hearing and make recommendation to City Council regarding the approval of an Ordinance of the City Council of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 19 (PD-19); by amending the site boundary for tract B-1 to include 1.130 acres of additional land area of 18.712 acres; by amending Exhibit "A" to reflect the amended site area of 18.712 acres for tract B-1; by amending Exhibit "C" to modify development standards; 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.

Marc Kurbansade introduced the item. In his presentation he explained that the applicant is requesting to amend the existing Planned Development Ordinance to include an additional 1.130 acres of land to the previously Multifamily Tract (Tract B-1). The applicant is also requesting to reduce density and the potential number of dwelling units permitted. Additionally, the applicant is requesting to modify associated development standards. He stated staff is recommending approval since the proposed amendments are generally consistent with what was originally approved by the Planned Development.

Stephen Curtis opened the public hearing at 9:12 p.m.

Don Herzog, Herzog Corporation, explained that they are requesting an amendment to Ordinance #1916, Exhibit A, and Exhibit C, also known as Woodbridge West. He showed a site plan to the Commission. He stated with the configuration of Wal-Mart and Cody Lane it left a 1.38 acre tract zoned for commercial use. However, the piece is long and skinny and not suitable for commercial use. He stated that the amendment from 3 stories to 4 stories and 2 stories results in an overall lower density and does not reduce landscaping requirement. He stated as seller he would retain approval of all architectural standards. He stated currently Woodbridge Apartments are the largest

generator of property taxes in Sachse. He stated that the trees are located in the KCS right of way which will not be removed. He said the sound wall will be screened by existing trees and you can see how much of the radio tower is screened by the trees currently. He explained Mr. Hiles is here to address any question in regards to the sound study.

Mr. Mathew Hiles, Western Rim Property Services, stated we build luxury apartments. We build a higher end product and bring in a desirable tenant profile that had more disposable income. He explained that the eight foot sound wall had a 0 effect on the noise from the train; 15 feet sound wall had a 2 decibel reduction; 20 feet sound wall had a 10 decibel reduction; 25 feet sound wall had diminishing returns based on the sound analysis. He stated that lot coverage was increased because of the addition of the garages on the ground floor.

Scott Everett made a motion to close the public hearing. David Hock seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 9:26 p.m.

After discussion, Scott Williams made a motion to approve amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 19 (PD-19); by amending the site boundary for tract B-1 to include 1.130 acres of additional land area of 18.712 acres; by amending Exhibit "A" to reflect the amended site area of 18.712 acres for tract B-1; by amending Exhibit "C" to modify development standards. David Hock seconded the motion. The motion passed 5-1 with Scott Everett voting no.

7. Conduct a public hearing and make recommendation to City Council regarding the approval of an Ordinance of the City Council of the City of Sachse, Texas amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 23 (PD-23); by amending the overall site boundary to include additional land area; by replacing Exhibit "B" to modify the overall site layout; on approximately 6.73 acres of land more particularly described as Newman 78 Addition, Lots 1, 2R1, 2R2, and 3, Block A; 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.

Marc Kurbansade, introduced the item. In his presentation he explained that the applicant is requesting to amend the existing Planned Development Ordinance to allow for self-storage units to be constructed on the property. The proposed plan would add approximately 0.5 acres of additional land area and would allow for the construction of approximately 34,500 additional square feet of building area on the overall site. He stated that staff recommends approval since the proposed plan meets the general development intent of the original Planned Development.

Shawn Valk, 5613 Blue Bird Avenue, Dallas, Texas, Applicant, stated that the maximum height of the storage building would be 14 feet. The two-story building would be out on Highway 78 where the office and caretaker's quarters would be. He explained they would be increasing the landscaping buffer to 25 feet. He said that Billingsley Road would be improved with this development and that the lighting on the site would face away from residential.

Stephen Curtis opened the public hearing at 10:00 p.m.

Brad Tidwell, 6616 Whittier Lane, Colleyville, Texas, said he is the owner of the property and was in full support of this Class A facility. He said we are very selective about who we sell our land to.

Clint Riley, 1402 Barrington Drive, Coppell, Texas, said he is an Industrial Broker and was excited when Assured came to the table. He stated that the vacant State Farm building which is an eyesore would be demolished and a new building put in its place.

Warren Becker made a motion to close the public hearing. Scott Williams seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 10:03 p.m.

After discussion, Charles Ross made a motion to approve amending the Comprehensive Zoning Ordinance and Map by amending Planned Development No. 23 (PD-23); by amending the overall site boundary to include additional land area; by replacing Exhibit "B" to modify the overall site layout; on approximately 6.73 acres of land more particularly described as Newman 78 Addition, Lots 1, 2R1, 2R2, and 3, Block A. Scott Williams seconded the motion. The motion passed 6-0 with all voting in favor.

There being no further business, David Hock made a motion to adjourn. The meeting was adjourned at 10:10 p.m.

Secretary



Chairperson