

CITY OF SULPHUR SPRINGS  
PLANNING AND ZONING MEETING  
NOVEMBER 18, 2019  
6:00 P.M.

Present: Chairman Mike Horne, Vice Chairman Craig English, Board Member Chuck Sickles, Board Member Tommy Harrison

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development

Others: Ben Spraggins, Robert Cote, Laura Cote, LaJuan Foster, John Campbell, Marc Maxwell, Todd Kleibeer, Faith Huffman

**CALL MEETING TO ORDER:**

Chairman Mike Horne called the Planning and Zoning Meeting to order at 6:00 P.M.

**DISCUSSION/ACTION ON PLANNING AND ZONING MEETING MINUTES OF AUGUST 19, 2019.:**

Consider for approval the Planning and Zoning meeting minutes of August 19, 2019. Board Member Chuck Sickles moved to approve the meeting minutes. Vice-Chairman Craig English seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A SPECIAL USE PERMIT FOR 201 HOUSTON ST., SUITE 4, TO OPERATE A TATTOO STUDIO:**

A request by Robert Cote for a Special Use Permit for property located at 201 Houston Street Suite 4, being further described as Lot 2, Block 70 100 Addition: Murphy to operate a tattoo studio. Tattoo studio are permitted by Special Use Permit which means a use may be considered regardless of zoning district depending on the context and character of the area. Staff sent out 16 letters to owners of property within 200 ft. of the property in question. There was one response in favor and two in opposition. One of those responses being from the County.

Vice-Chairman Craig English, having property located in the area of the request, recused himself from the meeting as a Member of the Board.

The property is located in a mixed use area. Tattoo Studios is located in the proper zoning of Heavy Commercial. Since 2000, the City has approved eight cosmetic tattoo establishments and one tattoo and piercing establishment. The only tattoo and body piercing shop that has been approved was on E. Shannon Road located in the large strip center off from the service road. That location is in a large strip center and is zoned heavy commercial and is in an intensive area. Board Member Chuck Sickles asked what the main reason for denying this request. Community Development Director, Tory Niewiadomski, stated that staff was looking at past decisions and looking at the context of that area and comparing it to this one it was felt that area was just as intensive if not more.

The Planning and Zoning's role is to send a recommendation to the Zoning Board of Adjustments who will have the final approval authority.

The applicant, Robert Cote, spoke on his behalf. One concern was the Church and its hours. The business would closed on Sunday and Monday unless an appointment was scheduled. He has been a Tattoo Artist for 15 years and is licensed by the state. At this time he operates a shop in the county. His hours of operation would be Tuesday thru Thursday from 2pm – 10pm and Friday and Saturday would be 2pm – 12pm.

There are apartments directly to the south of 201 Houston which are in a Light Commercial zoning, as well as a Multi-Family zone at the corner of Church and Houston. The property sits in **Light Industrial** and the property to the east is Heavy Industrial.

The shop is located about a mile and a half outside the city limits on Hwy. 19. There have never been any issues with law enforcement. The last appointment is booked around 10:00pm – 10:30pm in order to be finished by the 12:00pm close time. Board Member Chuck Sickles noted some of the conditions such as hours of operation and stipulations placed on the last applicant. Those were on week days from 10:00am – 10:00pm and weekends 10:00am – 11:30pm. Also, excessive loitering or disturbances would be a reason to withdraw the Special Use Permit. If three or more complaints were received the SUP would be bought back to ZBA for review and reevaluation. The applicant stated he would be fine with the conditions laid out by the Board. Board Member Chuck Sickles and Board Member Tommy Harrison stated that there should be some adjustment in the hours. The applicant agreed that that could be done.

Ben Spraggins, owner of 201 Houston, spoke on behalf of the applicant. Mr. Spraggins went to each tenant in his building and spoke with them. All were in favor of the Tattoo Studio coming to the said location. There are businesses operated 24 hours along that corridor. The residential property located in the area was built with the knowledge that this was already a commercial and industrial area.

Marc Maxwell spoke regarding the request and why a Special Use Permit is required. One of those being where a tattoo studio can be located, but not so they can be prohibited. The location in question is a place where this would be a good fit within the City.

Member Chuck Sickles moved to recommend to the Zoning Board of Adjustments approval of the Special Use Permit with the same conditions stated in the previous request. Board Member Tommy Harrison seconded. Motion carried, all voting aye.

### **DISCUSSION ON ACCESSORY DWELLING UNITS**

This discussion would provide Staff with some direction on the accessory dwelling subject. This will be one part in a series of conversations regarding growth and development within the City. Due to the lack of housing, Staff would like to talk about the idea of allowing a secondary housing unit, attached or detached, on one piece of property. This would be a text amendment to potentially

be allowed into a Single Family zone. Some of the reasons to address this are demographics, affordability, and infill development.

In the early 1900's we began to put in water and sewer lines along with the interstate system. Over the years a pattern of deterioration has become an issue with the infrastructure. This causes a need to update and maintain these things. Because of this we need to start to diversify our housing stock and accessory dwelling units could be a factor to create more opportunities to tap into our existing network. It's expensive for developers when they come to town and they have an interest in trying to create a neighborhood and then start to figure the cost of the infrastructure and see it is not a good investment based on our demographics. One thing would be to utilize the infrastructure we have with vacant lots around town.

Marc Maxwell spoke about the subject with the Planning and Zoning Commission. The number of miles that each tax payer in Sulphur Springs is responsible for maintaining for instance streets, sewer and water has grown dramatically. The population has grown but the utilities have grown a lot faster. This could cause us to go bankrupt, just like every other city, if we don't stop it. We are only funding streets at half the rate of decay and that's just the maintenance not the re-building part. One example is that a developer comes in and says they want to build a subdivision with 100 homes. They will built the streets to our standards and then ask us to take over maintenance. When we do that we are just making the problem bigger.

Based on information from our real estate agents we are short on housing. If you look at the city from an aerial view you will see that the city is only half developed. All over town there are lots that could be built on that already have the infrastructure in place. That is a good place to focus by possibly giving incentives to people or developers to build on these lots. There is a developer here who is going to build housing on a lot that is just under an acre. He can get seven primary residences and seven granny flats above the garage in the back. The City told him they would recommend a variance to build on the lot. Right now our codes does not allow for that. By allowing this development you will have additional tax revenues coming in to maintain the streets, water and sewer that's in the front of that parcel.

Stipulations would be put in place so that not just any structure can be built in the back yard. The structure would have to meet the 2018 building code. If a developer comes in the property must be built to our standards. This requires a Community Facilities Agreement which is done with a cash bond or letter of credit and with a one year workmanship. This is to ensure the work is done to our satisfaction. This usually involves the installation of utilities and the building of streets for the development.

At property tax including commercial and industrial property tax only covers the Police Department and half of the Fire Department salaries. This does not include any other city maintenance or personnel. This means additional tax revenue is needed to cover the other costs. This is why there is such a focus on the thermal mine. It has an immense potential for development.

Tory Niewiadomski, Community Development Director, will give the Board a presentation he gave to City Council regarding past and present infrastructure. In 1960, we had about 51 miles of water lines and now we have over 140 miles. Since that time the population has grown by

approximately seven thousand people. This is why maintenance of the utilities is growing and causing a burden on tax payers. The housing shortage is affecting the Industrial growth. The city has a better growth rate historically than the county. Since 2000, there has been a gap between the City and County population growth.

With this idea there are some key areas to think about being are what kind of design standards we need to put in place if we allow secondary housing in single family properties, setbacks, lot coverage provisions and ratio of primary structure versus the accessory dwelling. Off street parking would be another thing to think about. Also, the primary structure would need to be owner occupied and not rental property to allow this concept. Initially, explore the idea in single family zoning and later come up with its own zoning area.

**ADJOURN**

With no further business the meeting was adjourned at 7:17 P.M.