



Monday, January 14, 2019
Planning and Zoning Commission Meeting

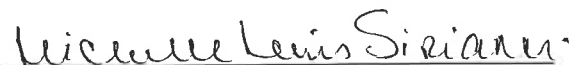
Council Chambers
3815 Sachse Road, Building B
6:30 p.m.

To address the Commission for any public hearing item, please sign a speaker's sheet located on the tables by the front entry and submit to the acting Secretary. You will have three (3) minutes to address the Commission. In accordance to the Open Meetings Act, the Commission may not discuss or take any action on any item which has not been posted on the agenda.

A. Regular Meeting - 6:30 PM

1. Call to Order: The Planning and Zoning Commission of the City of Sachse will hold a Regular Meeting on Monday, January 14, 2019 at 6:30 p.m. at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:
2. Invocation and Pledge of Allegiance to the U.S. and Texas Flags.
3. Receive training on the BoardDocs meeting and voting software.
4. Discuss and consider election of officers.
5. Consider approval of the November 12, 2018 meeting minutes.
6. Conduct a public hearing and make a recommendation regarding an ordinance amending the Code of Ordinances by amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 2 titled "Definitions" by adding a definition for Retail CBD and Hemp Based Products; by amending Schedule 1 titled "Permitted Uses" by amending "Commercial" to include permitted uses for Retail CBD and Hemp Based Products.
7. Discussion of future agenda items, update on Council actions, training topics, and requests for new business consideration.
8. Adjournment.

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and on the bulletin board, an accessible location at Sachse City Hall.


Michelle Lewis Sirianni, City Secretary

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Lauren Rose, ADA Coordinator, via phone at 972.429.4770, via email at lrose@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.

**Agenda Item Details**

Meeting	Jan 14, 2019 - Planning and Zoning Commission Meeting
Category	A. Regular Meeting - 6:30 PM
Subject	3. Receive training on the BoardDocs meeting and voting software.
Access	Public
Type	Discussion, Information

Public Content

The City has been using new agenda management software. The City Council has been using this for the last several meetings. The City will now be using it for all Boards/Commissions as well. The software allows the members to access their agenda, as well as includes a voting component that the Board will be using during the meeting.



Agenda Item Details

Meeting Jan 14, 2019 - Planning and Zoning Commission Meeting

Category A. Regular Meeting - 6:30 PM

Subject 5. Consider approval of the November 12, 2018 meeting minutes.

Access Public

Type Action, Minutes

Recommended Action Approve the minutes of the November 12, 2018 meeting.

Minutes [View Minutes for Nov 12, 2018 - Planning and Zoning Commission Meeting](#)

Public Content

**City of Sachse, Texas
Planning & Zoning Commission
Minutes of the Regular Meeting
Monday, November 12, 2018**

Members Present:

David Hock – Chairman
Jeanie Marten
Chance Lindsey
Travis Mondok
Fernando Gutierrez

Members Absent:

Wendy Stewart, Vice – Chairman
Scott Ohman

Staff Present:

Lata Krishnarao –Interim- Development Services Director
Charlotte Youngblood - Development Services Coordinator

Others Present:

Paul Watkins, City Council Liaison

6:30 PM Work Session

Staff provided the commission with a departmental update.

7:00 PM Regular Meeting

Chairman Hock opened the meeting of the Planning & Zoning Commission at 7:00 p.m. and declared a quorum.

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

Commissioner Marten offered the invocation, and Commissioner Lindsey led the pledges.

2. Consider approval of the minutes of the September 24, 2018 Planning & Zoning Commission meeting.

With a motion by Marten, and a second by Gutierrez, the Planning & Zoning Commission adopted the September 10, 2018 minutes unanimously.

3. Consider and act on a Final Plat application for the Estates of Pleasant Valley Phase II from Sachse 95, LLC, generally located at the corner of Pleasant Valley Road and Country Club Drive, within city limits.

Staff presented the case as outlined in the staff report. Jeanie Marten made a motion to approve the plat, with a second by Lyndsey, the motion passed unanimously.

Adjourn: With a motion by Mondock, the meeting adjourned a 7:03 pm.



Agenda Item Details

Meeting	Jan 14, 2019 - Planning and Zoning Commission Meeting
Category	A. Regular Meeting - 6:30 PM
Subject	6. Conduct a public hearing and make a recommendation regarding an ordinance amending the Code of Ordinances by amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 2 titled "Definitions" by adding a definition for Retail CBD and Hemp Based Products; by amending Schedule 1 titled "Permitted Uses" by amending "Commercial" to include permitted uses for Retail CBD and Hemp Based Products.
Access	Public
Type	Action, Discussion, Information
Recommended Action	Conduct a public hearing and make a recommendation to City Council. The recommendation of the Planning & Zoning Commission will be forwarded to the City Council for final action.

Public Content

OVERVIEW

- Staff has received a number of inquiries about potential businesses looking to sell CBD oil and hemp based products within Sachse.
- The City's zoning ordinance is silent to the type of use that such a business would be classified.
- Staff has concerns regarding the potential impact of such a use on the long-term ability to attract high quality non-residential uses along Sachse's commercial corridors.

BACKGROUND

- Hemp, the plant from which CBD oil (cannabidiol) is derived, is a variety of the cannabis, the plant from which marijuana is derived. An important distinction between hemp and marijuana is the amount of tetrahydrocannabinol (THC). THC is the psychoactive compound that provides users with mind-altering effects. Unlike cannabis, the industrial hemp plant and its derivatives contain less than 0.3 percent of THC.
- At the Federal level, the recently signed 2018 Farm Bill took the following measures:
 - Removed hemp from the Controlled Substances Act's definition of marijuana;
 - Removed hemp's designation as a Schedule 1 drug;
 - All products derived from "industrial hemp". including CBD oil, will be legal as long as they contain less than 0.3 percent of THC;
 - Permits the widespread cultivation of hemp;
 - Permits the transfer of hemp across state lines for commercial purposes; and
 - Puts no restrictions on the sale, transport, or possession of hemp products, so long as they are produced in a manner that is consistent with the law.
- Under current Texas State Law, the sale of CBD/Hemp oil is illegal, however it is possible that several bills at the State level may be introduced at the next session that could alter that.
- Companies that sell CBD oil have begun to open across the DFW Metroplex, including locations in Carrollton, Hurst, Denton, Fort Worth, Dallas, Plano and Allen.

ORDINANCE

- Establishes a definition for Retail CBD and Hemp Based Products.
- Establishes a use category for Retail CBD and Hemp Based Products and the zoning districts in which the

use is permitted.

POLICY

- Regulating the sale of retail CBD and hemp based products. The current zoning ordinance does not make a distinction on this type of use or products.

RECOMMENDATION

- Conduct a public hearing and make a recommendation to City Council. The recommendation of the Planning & Zoning Commission will be forwarded onto the City Council for final action.

[Staff Presentation.pdf \(262 KB\)](#)

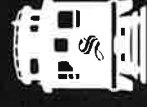
[Proposed Ordinance.pdf \(22 KB\)](#)

Ordinance Amendment

Retail CBD and Hemp Based Products

PLANNING & ZONING COMMISSION

JANUARY 14, 2019



Request

Consider and make a recommendation on an ordinance amending to Chapter 11 “Zoning Ordinance” regarding a definition and land use category for Retail CBD and Hemp Based Products.



Overview

- Staff has received a number of inquiries from potential businesses looking to sell CBD oil and hemp based products within Sachse.
- The City's zoning ordinance is silent to the type of use that such a business would be classified.
- Staff has concerns regarding the potential impact of such a use on the long-term ability to attract high quality non-residential uses along Sachse's commercial corridors.

Background

- Hemp, the plant from which CBD oil (cannabidiol) is derived, is a variety of the cannabis, the plant from which marijuana is derived.
- At the Federal level, the recently signed 2018 Farm Bill took the following measures:
 - Removed hemp from the Controlled Substances Act's definition of marijuana;
 - Removed hemp's designation as a Schedule 1 drug;
 - All products derived from "industrial hemp" including CBD oil, will be legal as long as they contain less than 0.3 percent of THC;
 - Permits the widespread cultivation of hemp;
 - Permits the transfer of hemp across state lines for commercial purposes; and
 - Puts no restrictions on the sale, transport, or possession of hemp products, so long as they are produced in a manner that is consistent with the law.
- Under current Texas State Law, the sale of CBD/Hemp oil is illegal, however it is possible that several bills at the State level may be introduced at the next session that could alter that.

Next Steps / Recommendation

The recommendation of the Planning & Zoning Commission will be forwarded onto the City Council for final action.

Next Steps:

1-22-19: City Council Regular Meeting



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11 TITLED "ZONING ORDINANCE" BY AMENDING EXHIBIT 1 BY AMENDING ARTICLE 2 TITLED "DEFINITIONS" BY ADDING A DEFINITION FOR RETAIL CBD AND HEMP BASED PRODUCTS; BY AMENDING SCHEDULE 1 TITLED "PERMITTED USES" BY AMENDING "COMMERCIAL" TO INCLUDE PERMITTED USES FOR RETAIL CBD AND HEMP BASED PRODUCTS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 2 titled "Definitions" and by amending Schedule I titled "Permitted Uses" by amending "Commercial", to read as follows:

"Chapter 11

ZONING ORDINANCE

...

EXHIBIT I

...

ARTICLE 2. – DEFINITIONS

...

Retail CBD and Hemp Based Products. A business establishment for which more than 50 percent (50%) of sales are based on the retail sale of products related to or derived from CBD oil (cannabidiol) or hemp. This includes, but is not limited to oils, vitamins, supplements, food, personal care and garments.

...

SCHEDULE 1. PERMITTED USES

...

COMMERCIAL	Agricultural	Single Family R-39	Single Family R-15	Single Family R-12	Single Family R-10	Single Family Estate R-E	Office Park	Mixed Use	Commercial-1	Commercial-2	Industrial-1	Industrial-2	Planned Development	Parking Requirement
...														
Retail CBD and Hemp Based Products											P	P		1/200 gfa
...”														

SECTION 2. That 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 that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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 thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

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

SECTION 5. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as 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 6. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____ 2019.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(12-28-2018:TM105079)