



# MINUTES

## for the SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at  
6:30 p.m. on Tuesday, December 5, 2017**  
in the City Hall Council Chambers  
at 702 North U.S. Highway 175; Seagoville, Texas

Before the meeting began, Community Development Director Ladis Barr introduced new Jr. Planner Jennifer Bonner to the commissioners. He asked to briefly described her background and experience.

Chairman Raymond Covert called the meeting to order at 6:30 p.m.

Commissioners present: Commissioner & Chairman Raymond Covert  
Commissioner & Vice-Chairman Mike Dupuis  
Commissioner James Sudduth  
Commissioner Lowell Sherman  
Commissioner Brian Williams

Commissioners absent: Commissioner Garry Adams  
Commissioner Ritha Edwards

City Staff present: Community Development Director Ladis Barr and  
Jr. Planner/P&Z Liaison Jennifer Bonner

Chairman Raymond Covert gave the invocation and led those present in the Pledge of Allegiance.

- 1. Approval of Minutes:** Commissioner James Sudduth moved and Vice-Chairman Mike Dupuis seconded to approve the minutes from the October 30, 2017, meeting of the Planning and Zoning Commission. The vote was cast with 5 in favor and none against.
- 2. Highway 175 Highway Overlay District Workshop:** Chairman Raymond Covert opened the workshop discussion at 6:33 p.m. Director Barr began the discussion by reminding everyone that the City Council had requested that the Planning and Zoning Commission look at re-instituting a Highway Overlay (H/O) District and its regulations for US Highway 175 and several connecting or adjacent roads such as Malloy Bridge Road, Hall Road, Seagoville Road, and Stark Road. The Commission had previously met on September 12, 2017, to begin looking at the regulations. Each of the Commissioners were assigned certain

sections of the previous H/O language to review and bring their comments back to the next workshop meeting. Commissioner Adams to review Parking/Curbing; Exterior Construction; and Loading docks. Commissioner Sudduth was to assess at Lighting and Setbacks. Commissioner Williams was to review Landscaping while Commissioner Sherman was to consider Prohibited Uses. Chairman Covert volunteered to consider applicable locations such as Highway 175 from city limits to city limits plus Seagoville Road, Water Street, Farm Market 1389, and other surrounding locations. When the Commission met for its regular business meeting on October 30, 2017, Vice-Chair Dupuis mentioned that he was missing from the list of reviewers and that he was probably supposed to be reviewing the Fencing and Screening portions of the old district language since those were not on the list mentioned in the September minutes. Director Barr mentioned that tonight's meeting to find out the recommendations from each Commissioner on their portion of the H/O language.

Since Commissioner Garry Adams was not present, Chairman Covert asked Commissioner James Sudduth to begin his comments on the lighting and setbacks sections that he had been assigned to review. Commissioner Sudduth began by stating that the current city codes have more controls in them on lighting in several locations than the old H/O district language ever had. The setbacks are more restrictive in the current zoning districts' language than what are called for in the old H/O language because the current language also addresses things like parking and requirements. Director Barr mentioned that setbacks need to be looked at more closely in Commercial District because the current language allows building construction to go all the way to property lines, which can create fire protection issues because of the storage of unknown commodity in each building which can increase the chance of a fire spreading more easily than if there were physical gaps between buildings. Discussion continued about firewalls, sprinkler requirements, fire containment, how the fire rating of a wall can be increased, etc.

After the end of the firewall and setback discussion, Chairman Covert turned to Commissioner Brian Williams for his comments on landscaping primarily along Highway 175. The question was posed to Director Barr about whether these would apply to existing businesses. Director Barr responded that once code language is adopted, they apply to only new development after that point – and redevelopment in certain cases if there is language specifying that. Since most of the area under review is currently a form of commercial or industrial use, no existing operation would need to address the regulations under discussion unless something changed on the site (i.e. legal, non-conforming use; site is unused or vacant for over 6 months) that met the application requirements in the language – and then only after the effective date of the code. Commissioner Williams stated that he didn't really see anything then that needed added to the old H/O language. Director Barr stated the change could be as simple as adding a line in the old language that states that the landscaping, aesthetics, screening, lighting, etc. portions of the existing code also apply in this district. Chairman Covert asked whether screening and fencing are part of landscaping. Director Barr responded that no, those are different parts of the code. Those other sections do identify what materials can be used to meet those requirements as well as the locations

where they are allowed versus required. Vice Chairman Dupuis noted that if read together you can see how these other portions of the existing code are woven together.

Director Barr also mentioned that the Commission needs to consider that there are many different types of zoning along Highway 175 right now. Right now there is a mixture of Agriculture, R-5, Commercial, and Local Retail zoning districts so one of his suggestions would be to consider rezoning all the properties with the H/O overlay district to-be-defined to either Commercial or Local Retail because of the increased number of allowed uses in those districts. Commissioner Sudduth mentioned that he thought everything was supposed to be rezoned to Local Retail when the language was created before. Director Barr mentioned that Local Retail is more restrictive than Commercial in the allowed uses. Commissioner Sudduth mentioned that maybe he was thinking of the Comprehensive Plan instead of the Zoning Map. Director Barr referenced the maps on the wall to his left which show what was recommended in 2002 for the Future Land Plan (smaller) in comparison to actual 2009 Zoning Map (larger). The Future Land Use Map has not been updated since 2002. Commissioner Sudduth responded by asking then that the P&Z is supposed to have been following the Future Land Use Plan when rezoning properties along the highway to Local Retail. Director Barr said that is correct. Chairman Covert stated that it is difficult to see the difference between Local Retail and Commercial on the Future Land Use Map. He also asked Director Barr if he had any recommendations or suggestions on changes to the Future Land Use Plan and map. Director Barr responded by saying that decision really needs to come from the P&Z. He also confirmed that what Commissioner Sudduth stated was correct about the Land Use Plan but as you can see by looking at the Zoning Map, not all of the approved rezoning applications along Highway 175 resulted in a LR zoning. Chairman Covert suggested that a future discussion by the group needs to be held on which properties in the future overlay district to be rezoned as well as which direction to change each property.

Director Barr asked Commissioner Sudduth about any changes he would like to see changed in the lighting portions for the proposed overlay district location. The commissioner responded by saying that the existing language sufficiently addresses his concerns about lighting. Chairman Covert asked about Commissioner Sudduth's thoughts on setbacks. Mr. Sudduth responded that he wasn't as certain about the zoning and setbacks. (Jr. Planner Jennifer Bonner handed her printed copy of the zoning ordinance to Director Barr, who began looking at it.) Commissioner Sudduth stated he could find anything real definite on setbacks in the ordinances when he looked at them. Planner Bonner stated that as a new city employee she is taking the zoning ordinance and creating a summary table of zoning district comparisons for herself to use. She would be willing to share the summary table with the Commissioners at the next workshop meeting. Several of the commissioners responded that they would definitely like to see that document included in their next packet to help them too. Director Barr gave an example of front, side, and rear yard setbacks for commercial. In short, there is no setback unless the adjoining lot is a different zoning district that is residential. Commissioner Sudduth responded that he thought that the parking requirement would be taking care of the setbacks needed. Vice-Chairman Dupuis stated he had made

the same assumption. Director Barr responded by stating that required parking (regular, handicap, van-accessible, etc.) is defined by another section of the code or ADA and TASS. Vice-Chairman Dupuis responded by saying that you can tell which places meet the parking requirements and which ones don't by the lack of available parking. Director Barr responded by saying that it is up to this board to establish setback requirements for the highway overlay district. Commissioner Sudduth said that this is something they will all need to review so the summary table from Planner Bonner will be extremely helpful for comparing the current setbacks and then as a group making a determination. Chairman Covert mentioned that having some photographs for visual comparisons later on may also be helpful to illustrate the different types when numeric amounts are in discussion. Director Barr said that Staff could put together a PowerPoint presentation with local illustrations of varying setback quantities for Local Retail and Commercial.

Commissioner Sudduth mentioned going back to one of Commissioner Adams review criteria – exterior construction, is the City pretty much 80% masonry all over town without a variance? Director Barr responded by stating that Commercial requires 100% masonry or a waiver. Commissioner Sudduth responded by stating that there isn't needed language in the overlay district code that specifically addresses masonry. Director Barr said if you don't like what you are seeing, then you will want to make some suggestions for either this district or for other portions of the code. Specific examples of regional businesses and offices were mentioned that are not 100% masonry (i.e. metal panels, concrete tilt wall, etc.) that would require a waiver.

Chairman Covert asked Commissioner Lowell Sherman if he had another other comments on his portion. Commissioner Sherman replied that there is a lot more on Prohibited Uses in the past than there is in the packet of information. He asked if the group would just automatically go back and take items, or would they be looking at uses - more than just storage close to the highway or will we also look at things like sidewalk or parking lot sales? How will we determine what needs to be included or prohibited? Director Barr responded by stating that the group needs to decide what they want to see along the highway. For example, is it aesthetically pleasing? Compare what new potential business person currently see when they come to town – like used car lots and storage containers. Is that what we want folks to see or do we want nice-looking buildings and facilities, clean properties, or more appealing? In short, what do you want your city to look like? Chairman Covert asked Director Barr if there are any specific regulations or restrictions on how used car lots are set-up, laid out or organized? i.e. screening materials, pavement type, fencing. Director Barr responded by saying that is what this group is here for - to determine what you want to see along various streets in town. Chairman Covert responded by I guess that is what we need to think about. I recommend we need to write so there are suggestions on organization, etc. Director Barr responded that we can't write it in order to run people out of town. The chairman agreed, just that having some say in the organization and look should be something the group needs to think about. Commissioner Sudduth responded with that specific topic was hotly debated in the original highway overlay district discussion. Chairman Covert said he had some very low-cost recommendations that should be easy to implement

to cure some of the negative thoughts about certain properties and gave an example. Commissioner Dupuis mentioned that landscaping and screening make it easy to update the look of a building or property. DirectorLadis reminded the board they need to work on creating the language as a team to find things that work together and that will ultimately promote the city. Chairman Covert asked Commissioner Sudduth if he had any examples from the initial overlay discussion on used car lots. Commissioner Sudduth said no, he had gotten rid of them. He did mention that the earlier discussions had recommended providing a time period for locations to conform to the (then new) highway overlay regulations. Carrollton had also adopted a highway overlay district language with an implementation period that was so long that the folks got together there and got a whole new City Council elected who revoked the language. The Seagoville group was still in discussions and made the decision that giving a time period (years) was not feasible for the property to become compliant with the overlay requirements. Director Barr stated that his preference would be for the regulations to only apply to currently vacant or used locations, new construction or, in certain cases, remodeling. There are currently 2 properties that have submitted for remodeling and he thought the P&Z would like the changes those owners are wanting to do. Commissioner Sherman stated what he sees on prohibited uses may make a difference 5 to 10 years down the road but we need to consider ways so that we can also work with those already in the City. Commissioner Sudduth mentioned that the Seagoville Economic Development Corporation (SEDC) had done in the past some façade work along Highway 175 for a while via grants, but he doesn't know if they have funding to do that type of work now. Commissioner Sherman responded with if they are willing to spend money on to get new folks to come here, wouldn't it be more effective to spend some money to improve or correct the properties here and then try to bring in some new folks? Director Barr replied that the group discussion is only supposed to make decisions on how to improve the city and the aesthetics along our primary thoroughfare and its service roads. Commissioner Sudduth said SEDC did do some of stuff along Highway 175 and they could do more if they chose to. Vice Chairman Dupuis mentioned and Commissioner Sudduth agreed that the SEDC had also done quite a bit of upgrade work in downtown Seagoville. Commissioner Sherman said he thought it was worth asking the question. Commissioner Covert said he understood the thought. He made one recommendation that the code include upgrade recommendations or suggestions along the line of "if the sign or billboard is over 8 to 10 years old, then a modification is needed. It could be as simple as replacing or upgrading the sign – which would be cost-effective, helps promote that property owner, and presents a better face of the City to the public at the same time." Director Barr responded with this committee is to make recommendations and/or guidelines to the City Council to adopt on how you would like to see the area along Highway 175, its service roads, and other streets look. Chairman Covert thought that signage could be something looked at during the next workshop.

Chairman Covert asked Director Barr about locations to be included in the overlay district – how much input is dependent on state funding? Director Barr responded that there would be no state funding for the overlay unless SEDC funding is also requested. This group would be identifying those streets and locations that they want regulated by the overlay district. The chairman thanked Director Barr as that helped answered questions he had about his

reviewing his portions of the old H/O language. Director Barr then asked the group about various streets and locations. All agreed by the nodding of heads that entirety U.S. Highway 175 and its frontage roads within the city limits are to be included in the district. Commissioner Sudduth said Farm Market 1389 has some funny issues and questions because of all of the unknowns about future Loop 9's location. How do we address an area that "can't be built on"? Director Barr responded with the language could be from the service roads to Kaufman Street (standing at the Zoning Map). Director Barr said the same thing could be done for Water Street – but how far do you want the regulations to go? The same question for Malloy Bridge Road and Hall Street. Please look at each of the streets and each of you bring a distance back for this whole group then to come to a consensus on. Director Barr also stated that the old H/O language also didn't look to see how the district limits interacted with property or building lines so there were properties where only a portion of the building fell into the overlay district, but the rest of it didn't. It would be nice to not have that issue this time around. Commissioner Sudduth mentioned that the Water Street area has a significant amount of Light Manufacturing (LM). We may want to stop the district limits at Malloy Bridge Road to allow Local Retail so that the LM area can remain because they create a lot of jobs. Director Barr responded with the regulations could address certain items – such as aesthetics, fencing, screening, and setbacks – that we would want applied to the LM areas in the overlay district. Chairman Covert understands now better that not just the intersections but also lengths of the other streets. Commissioner Williams responded with so we need to look at each street as just the intersection, one block, several blocks, a quarter-mile, half-mile, the whole length, or not at all. And each street is different because each has its own amount of existing Commercial, Local Retail, or Manufacturing. Director Barr said to also look at the Future Land Use map as there are areas that have been or will be converted from residential to more intense uses along the highway service roads. Vice Chairman Dupuis mentioned the changes which will trigger re-development and older buildings are replaced with newer ones. Director Barr said that was why he wants everyone to look not only at these streets but the location(s) along each one. He was also trying to get everyone to be specific in what they want to see in relation to each of these parts of the old overlay district language.

Chairman Covert said that tonight's meeting is definitely helping him understand what the group needs to be looking at and planning during his review of the old language and possible create of new language. He continued by saying that we will need to another workshop just based on tonight's discussion. Vice Chairman Dupuis stated that based on tonight's meeting, we will need to have several meetings for focused discussion on the many items we need to look at. Director Barr said this is something we really need to start moving forward on so we need to schedule several dates even though we are moving into the end-of-year holiday season. Commissioner Sudduth pulled out his pocket calendar and remarked that our next workshop should probably be in January as it will too difficult to try to schedule something before the New Year.

Commissioner Williams asked Director Barr if the City Council had provided any suggestions when they sent this project to us? Chairman Covert agreed that was a good question.

Commissioner Sudduth replied that there wasn't anything. Commissioner Williams and Chairman Covert stated "so they are putting all the footwork on us". Commissioner Williams asked Director Barr if the City Council members had mentioned if there was anything they specifically wanted the P&Z to look at? Director Barr stated they wanted the P&Z to discuss at it first. Start with the old overlay language, but make it your own. Make recommendations that enhances the city and improves its appearance while bring more residents and businesses to the city. Commissioner Williams said then we are really only looking at commercial and local retail. Director Barr said no, you need to look at all districts. The city is getting ready to explode. Commissioner Williams replied that having an approximate idea of how staff sees growth so the commissioners need an idea of what is coming along the intersecting streets with the highway.

Commissioner Sherman asked about rezoning. Director Barr clarified that an application is submitted to Staff, who does a review against current codes (including the Future Land Use Plan and map), and then forwards the application to the P&Z as well as City Council. Commissioner Sherman stated, so we are setting up the picture of how we want the city to look and then we will be reviewing applications to see if they meet that picture. Chairman Covert asked about who is responsible for the Future Land Use Plan that was last done in 2002. Director Barr responded that it is/will be part of Planner Bonner's job. Chairman Covert asked that the presentation with photos of setbacks, Staff also provide some pictures of other highway overlay districts from nearby cities so the group can look at how far the district reaches – or if the service road remains as is. Commissioner Williams said so when we look at each street, we can decide how far down each street the district reaches rather than the same distance on each? Director Barr said yes. Vice Chairman Dupuis also mentioned that some areas may also have to deal with floodplain issues that will further complicate construction and may limit the need for the overlay district in those locations. Director Barr stated, you as a group may decide the district only goes 200 feet or you may want to include the entire length of the street.

Commissioner Williams and Vice Chairman Dupuis both mentioned signage maintenance and possible lack of enforcement on "old dead" signs. Commissioner Williams mentioned that most regional and national companies put their signs on a maintenance schedule and completely replaces them every so many years. Other businesses don't care if their sign is falling down or doesn't light up. And dealing with TXDOT on items is impossible. For example, a truck drives across the grass strip – that their right-of-way, they won't fix the ruts, but they won't let you do something without permission from them either. Director Barr stated that the code only refers to landscaping on private property. The city doesn't count landscaping placed in public right-of-way towards required quantities. Chairman Covert liked what Commissioner Williams had to say about signage, painting and lighting. Director Barr mentioned that the sign code is undergoing a revision right now. Commissioner Williams asked if the code language would be expanded. Director Barr said yes and several commissioners responded with "good" and "great". Chairman Covert said that will resolve some of what this review is also looking at.

Commissioner Sudduth asked if the group wanted to do the next workshop on January 9<sup>th</sup>. Planner Bonner asked if that is the first regularly scheduled meeting night of the P&Z. Director Barr responded that January 9<sup>th</sup> is the next regularly scheduled meeting night. Commissioner Sudduth said that we could meet for another workshop, but it may be dependent on other items on the regular P&Z agenda. If that agenda has several items that will take time, we may need to move the workshop to another night. Chairman Covert asked if Director Barr was asking to meet before the 9<sup>th</sup>? Director Barr said no, we'll just have to look at the meeting agenda to figure out if we have it then but it is short or if we need to move it to another evening. Commissioner Sudduth said that selecting that date should give Planner Bonner enough time to finish putting her spreadsheet together for sharing with us. We also have a lot of holidays coming up too with people taking vacation days. Director Barr mentioned days when staff will not be working because of recognized holidays. Chairman Covert said that we have a huge foundation and platform of everything that needs to be included for the district from the previous overlay language. He also mentioned having tonight's meeting to clarify the issues and concerns with the old language. He continued with he thought the committee would ready to move forward on January 9<sup>th</sup> after the regular P&Z meeting. The chair asked if anyone else had any comments or questions for Director Barr. No one did.

Planner Bonner spoke briefly to address a couple of additional handouts for each commissioner tonight that she had not emailed out with the rest of the packet of information last week. One is all on traffic and parking. The other is her marked-up suggestions for the first part of the old language. She did mention that she would try to get the second item completed so that at the next meeting you could have both of her items that could be laid side-by-side for comparisons and every person be looking at identical language when the group begins "creating" the (new) overlay district language. Chairman Covert recommended that everyone bring her handouts for the next meeting. Commissioner Williams asked Director Barr if he had seen Mrs. Bonner's handouts. Both staff members immediately replied no.

Chairman Covert closed the workshop at 7:25 p.m.

The meeting adjourned at 7:30 p.m.



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Raymond Covert  
Planning and Zoning Commission Chairman

**ATTEST:**



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Jennifer Bonner, Jr. Planner and  
Planning and Zoning Commission Liaison