



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at
6:30 p.m. on Tuesday, February 13, 2018**
in the City Hall Council Chambers
at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Raymond Covert called the meeting to order at 6:35 p.m.

Commissioners present: Commissioner & Chairman Raymond Covert
Commissioner James Sudduth
Commissioner Lowell Sherman
Commissioner Garry (Butch) Adams

Commissioners absent: Commissioner & Vice-Chairman Mike Dupuis
Commissioner Ritha Edwards

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

Commissioner Lowell Sherman gave the invocation and led those present in the Pledge of Allegiance. Planner Bonner stated that Brian Williams had submitted his resignation to her via email on Monday, February 12th and that it was effective immediately. He resigned because he felt he was unable to meet his commitments to work and family if he continued to serve on the Commission. Planner Bonner also stated that along with this board vacancy, there are other city boards and commissions with vacancies. If anyone knows someone willing to serve, please contact her or the City Secretary for an application.

1. **Approval of Minutes:** Commissioner James Sudduth moved and Commissioner Garry Adams seconded to approve the minutes from the October 30, 2017, meeting of the Planning and Zoning Commission. The vote was cast with 4 in favor and none against.
2. **Highway 175 Highway Overlay District Workshop:** Chairman Raymond Covert opened the workshop discussion at 6:38 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. Director Barr mentioned that tonight's meeting to find out the recommendations from each Commissioner on their portion of the H/O language since our last meeting in December 2017.

Commissioner Sudduth began by stating that he had serious concerns about creating so many legal, non-conformances with the creation of the Highway Overlay District. Director Barr responded by stating that the legal, non-conformances would be corrected as new Certificates of Occupancy were applied for since the Certificates could not be issued until the properties were brought into compliance. Commissioner Sudduth replied by stating that he had issues with de-valuing properties within what will be the Overlay District – especially those that have owned their property for a long period of time. Director Barr stated that only those properties that were vacant for more than 6 months would need to be brought into compliance.

Commissioner Sudduth then gave the example of a property selling. If the property sold in less than 6 months and the use didn't change, the property would not be required to be brought into compliance with the overlay district. Commissioner Lowell Sherman stated "so if the property didn't sell in less than 6 months, that the property's use and condition would no longer be considered "grandfathered" and would need to be brought into compliance." Director Barr responded to both commissioners with a different example. His example was the site of a previous restaurant that was unoccupied, undeveloped, unmaintained, and not used by their owner/leaser for more than 8 months but that now had a potential new restaurant moving in and that site was in the proposed H/O District but that certain items within the district regulations couldn't be met (such as signage, landscaping, pavement type). Once the overlay district regulations are effective, his office could require that the non-conformances in the signage, landscaping, and pavement be met before the Certificate of Occupancy could be issued. Today, there are no regulations requiring his staff to inform the proposed occupant that there are items that the City would like to have addressed and that their Occupancy and use of the property are dependent on the improvements being completed.

Commissioner Adams stated that he had missed the last few meetings because he had had a heart attack in November (2017). He remembers that the old language didn't work as it was intended. There were definitions that didn't seem to exist for items that the code required. He didn't remember seeing loading docks in the old code. He was glad to see a copy of the old language being used as a basis for this new review and was glad to see suggestions from Staff that seem to address the deficiencies of the old language.

Commissioner Sudduth replied that he had reviewed the lighting section and hadn't seen a lot of differences between the old language and Staff suggestions. He is really concerned though about making properties non-conforming to city codes. Commissioner Adams replied that he had created a spreadsheet on his computer so he could note the differences between the old language and the Staff suggestions. The main changes he saw were in the screening and pavement type sections (previous required asphalt, this time concrete) of the language.

Director Barr spoke up and stated the purpose of the Overlay District is to try and help revitalize the Highway 175 corridor. Commissioner Adams asked why the old language had been revoked. Director Barr responded that primarily it was related to both how and why the language had been created. Mainly it was because the language didn't meet the intent of why the City Council had asked for the original language. Commissioner Adams stated that the Staff suggestions seem to be an overall improvement on the original language while also suggesting to bring the district regulations into compliance with the current city codes.

Chairman Raymond Covert stated that he had labeled the exhibits A, B, C, D, and E for him to help keep the different versions straight when trying to compare them. Planner Bonner went over the various exhibits and followed up with the staff suggestions are Exhibit E. That item takes all of the old codified language in Exhibit B (black text). Suggested removals of old text are in the crossed-out blue text (that is also slightly smaller in font size than the black text). Suggested additions to the old text are in the bolder red (that is also slightly larger in font size than the black text). In this way you can look at the old text and suggested new text all at one time.

Discussion continued. Also mentioned were the City's Technical Construction Standards and Specifications; Staff suggested increased setbacks; more on when a property would become legal, non-conforming property under the new language; etc. Chairman Covert mentioned the signage section. Planner Bonner responded by saying that the Staff is also looking at a new sign code. That new code is still being reviewed so specifics are not listed in the overlay district language, but some guideline on how they should maybe be addressed. Chairman Covert specifically listed that the Commissioners probably need to look at age, lighting, materials, etc. for the overlay district in addition to any changes in the upcoming sign code.

Commissioner Lowell Sherman asked about the differences between 35-feet and 50-feet ... and prohibited uses within the district. Planner Bonner stated that the distance difference was to push any new buildings and/or accessory structures farther back onto the property and away from the street. She continued by stating the Prohibited Uses are something the P&Z as a whole needs to decide and make recommendations on before forwarding the language to the City Council. Commissioner Sherman asked who the overlay district would benefit. Both Chairman Covert and Director Barr stated "all" with Director Barr including that an explanation of who the "all" are – public, residents, visitors, potential new businesses, etc. Commissioner Adams asked, "then the purpose of the overlay is to create more conformity along the corridor?" to which Director Barr said yes.

Chairman Covert asked why the old Highway Overlay language was repealed. Director Barr stated that it didn't meet the other city codes nor the intent of what it was originally designed for. Chairman Covert asked who would be providing funding for the changes required by the overlay regulations. Director Barr responded that the owner, developer, occupant, leaser would be responsible for finding the funding. He continued by stating that funding can sometimes be acquired through the local Economic Development Center, grants, or other mechanisms. Commissioner Adams stated then that the regulations we are trying to draft would be for refining what would and may already be along the corridor, but would primarily be focused on businesses and not residences? He continued by stating that if properties were part of a new development (regardless of commercial or otherwise) and they were within the corridor (within the yet-to-be-defined locations and limits), then the development would need to meet the requirements of the overlay district.

Commissioner Adams stated he was happy with many of the Staff suggestions on his parts the code to review (parking, curbing, and loading docks). He had also looked at exterior

construction even though it wasn't his to specifically look at but was referenced in his sections. He was content with the Staff suggestions on that as well. In addition, he had looked at the glazing/reflective glass section and stated that there aren't many buildings in town currently that would need to meet those requirements, but was glad to see that Staff had at least reviewed and made some changes that appear to make the language better. Overall he liked the better consistency in his portions of the language. Director Barr said that there are a few items that Staff will need to re-review in this draft – in particular the direction of facing overhead doors as other portions of the city code only allow overhead doors to face the street if they are for an oil change use or on a car wash and meet other limitations. Commissioner Sudduth commented on the lighting section, which was his to review.

Director Barr stated that his preferred time line is to send the new sign code to City Council in April 2018 and would like the new highway overlay district language to go to City Council in either Late April or early May 2018. The Commissioners all thanked Director Barr on providing that information as it gives them a better idea of how quickly they need to work.

Planner Bonner spoke briefly about an additional handout she had that was not in the emailed packet. She had thought she was copying the Master Thoroughfare Plan chapter out of the City's 2002 Comprehensive Plan, but now that she looks closer she realizes she copied the Future Land Use Chapter instead. Planner Bonner continued by stating she is trying to put together a folder for each commissioner that will contain copies of all relevant codes, guidelines, and other documents that they may need to use as reference materials for reviewing a zoning or development application. The folder would also contain a list of each of the Commissioners along with their planned term expiration date, a calendar of future meeting dates, and some other helpful information like their procedural rules.

Commissioner Adams asked about coordinating the overlay district with the State of Texas and other municipalities and government agencies. Director Barr stated that the City Manager and himself meet with TXDOT at least 2 times per year. He is not aware of any widening that they have planned for at least 2 years into the future. Commissioner Adams asked about Future Loop 9. Director Barr said that TXDOT seems to have possibly moved the location of Future Loop 9 slightly to the west of the location shown on the maps on the City's website, but that Staff has not yet had a chance to go to their offices to confirm this is true or find out how far that alignment may have moved along the Highway 175 alignment. He continued by stating his suggested focus for the Commission is to consider applying the overlay district language to Malloy Bridge Road, Seagoville, Road, Woody Road, Stark Road, FM 1389, and Hall Lane/Road/Street. Planner Bonner stated the list of roads in the draft language in front of the Commissioners was pulled from the 2002 Master Thoroughfare Map (which includes the City's Extra-Territorial Jurisdiction) on the wall in the City Hall conference room, which should match the on-line map. She continued by stating she plans to include that portion of the 2002 Comprehensive Plan in the folders she is putting together.

Discussion briefly continued. Most Commissioners verbally agreed that the parking, loading docks, curbing, lighting, fencing, screening, and exterior construction portions of the draft document could (for now) remain "as is" with the Staff suggestions. Future commission meeting

discussions would be more focused on the segments of the draft code that were either not discussed or barely mentioned at this meeting (locations and lengths, setbacks, landscaping, permitted vs. prohibited uses). Once the language in each of the sections had reached some sort of consensus, the Commissioners would then re-review the draft document as a whole for determining any final changes needed.

The other hand-out (zoning district summary table) that the Commissioners had asked Planner Bonner for at their last meeting was also mentioned and covered momentarily. Planner Bonner stated that the table does NOT include permitted uses in each district, but that she is in the process of creating a table that would summarize the code language. She stated that if she has time to complete that before the next Commission meeting, she might also have that for the Commissioners to have for reference.

There was a short discussion about sharing notes and comments from the Commissioners with each other and Staff for updating the draft document. Planner Bonner and Director Barr both reminded the Commissioners that their sharing the document amongst themselves meets the definition of a public meeting and that doing so requires public notice by state law at least 72-hours prior to the beginning and must have a closing time (meeting can't be on-going via email). Planner Bonner did say that comments and notes could be sent to either her or Director Bonner and they can send them to all of the Commissioners. The Commissioners just can't "reply all" and share their comments directly with each other. The Commissioners agreed to send all thought, comments, notes, suggestions, etc. to Planner Bonner for her to incorporate into the current draft document and re-submit to the Commission for review and discussion at their next meeting.

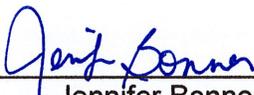
Chairman Covert closed the workshop at 7:23 p.m.

The meeting adjourned at 7:25 p.m.



Raymond Covert
Planning and Zoning Commission Chairman

ATTEST:



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