



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at
6:30 p.m. on Tuesday, May 15, 2018**
in the City Hall Council Chambers
at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Mike Dupuis called the meeting to order at 6:30 p.m.

Commissioners present: Commissioner & Chairman Mike Dupuis
Commissioner & Vice-Chairman Scott Englert
Commissioner James Sudduth
Commissioner Scott Englert
Commissioner David (Allen) Grimes
Commissioner Lowell Sherman

Commissioners absent: Commissioner Garry (Butch) Adams

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

Commissioner Lowell Sherman gave the invocation and then led those present in the Pledge of Allegiance. Commissioner Garry (Butch) Adams arrived at 6:32 p.m. as the discussion of business items began.

- 1. Approval of Minutes of April 24, 2018, meeting:** The Chair noted a couple of corrections on page 5 of 6. In the last two lines of the first paragraph the phrase inside the parenthesis should have the word "or" instead of the word "on". In the last paragraph, three lines above the bottom of the page the word "meeting" is used twice. The first use of the word needs to be removed. Commissioner Grimes moved to accept the minutes of the April 24, 2018, Planning and Zoning Commission meeting with these changes. Commissioner Adams seconded the motion. The vote of the commission was unanimously (six to zero) in favor of accepting the minutes of the April 24, 2018, meeting with the requested changes.
- 2. Public Hearing: Highway 175 Highway Overlay District:** Chairman Dupuis opened the public hearing at 6:32 p.m. Junior Planner Jennifer Bonner began by giving some background on the highway overlay district – originally adopted in 1998 to provide development regulations along Highway 175 but the language was entirely repealed in

2013. City Council asked that the Planning and Zoning Commission look at re-establishing the district and regulations for it. She continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (1360); the number of written responses received for (6) and against (16) the proposed language; the number of letters addressed to the City (33); and the number of letters that were returned to the City as undeliverable (2). She added duplicates were not removed from the mailing process so that is why some owners (like the City) received more than one copy of the letter. In addition, five (5) paper copies of the draft language were made available for review in the Planning office beginning at 3:30 p.m. on Wed., May 9th and that anyone who called asking about the language and that also had an email address were given the option to receive a copy by that method. She stated she was complete with the staff report unless the commissioners wanted her to go through the draft language at that time instead of after the public comment period. No one asked for her to go through the language, but Commissioner Englert asked for the stats again on the written responses.

Chairman Dupuis opened the floor for public comments at 6:38 by stating that individuals wishing to speak needed to come to the podium to be recognized. He continued by stating that each speaker is limited to six (6) minutes to speak so that each person can be heard that wishes to speak.

Mr. Dennis Childress of 600 South Highway 175 came to the podium and stated that he was representing himself tonight as a Seagoville business owner and individual, not as the mayor. He continued by stating that he is totaling against this. We had it before and it had some problems so it was removed. We have codes and other ways for the City to put teeth into enforcing regulations that we already have for whatever violations may exist. He didn't see the need for more regulations. It will hurt his property values and create issues when he decides to sell since he will need a special use permit. People owning property along Highway 175 for years and this looks like this language would be thumbing the nose of those that have been here and helping Seagoville grow. Please re-consider what you are doing to property and business owners as this will have repercussions both now and years from now as there will be a domino effect to future businesses and property owners. He thanked the commissioners for hearing him.

The next person approached the podium and introduced himself as Gary Denson of 1303 North Highway 175. He is also a business owner of a car lot and owns a total of 5 pieces of property but received 6 letters. He has spent time on the Planning and Zoning Commission as well as the Economic Development Board as was part of the group that wrote the earlier version of the overlay district language. He has been in Seagoville 25 years and has accumulated several pieces of property to the sides of his car lot. Will probably be retiring in the next few years so will be selling his properties. He has issues with the 600-foot depth from Highway 175 because it will draw a lot of residential properties into the district. Re-development is mentioned on page 1, but is not defined until page 5 where the language talks about tearing down and starting over. When he reads the language though, it looks like any change will require the property to become compliant with the overlay regulations. You

can look at the map and see what the zoning district is on the property but this language looks like a special use permit will be required for many items that are allowed outright in the zoning district – and that isn't fair to the current owner/operator. Previous discussion about car lots not being allowed in overlay district – he had written the portion of the old language on car lots but it was written with the intent to prevent off-site sales (i.e. car owner parking a vehicle in commercial or church parking lot for individual sales). At some point someone at the city decided that the language meant there should be no car lots at all in the overlay district. Really doesn't like requiring a special use permit in the highway overlay area if the base zoning district permits that land use now. If you don't make the language well-defined and very clear now, it will make someone else interpret the intent of the language later on. He thanked the commission for a chance to speak.

Dr. R. K. Mohr of the Seagoville Veterinary Hospital at 1206 North Highway 175 rose and came to the podium next. Mentioned that like Gary and Joe Priest was on the committee that wrote the old language. Concrete parking lots are a concern for him. He has a sewer line that was installed poorly and now people complain about odors and gas escaping from the line as well as the line settling and has messed up several parking lots. Maintenance and repairs on the underground utilities and concrete parking lots? Do the requirements get written into these regulations? City has no responsibility? As far as re-development is concerned – definition is not provided so does this language mean that someone is doing something new or they are re-doing something on the existing property? Language isn't real clear. Sites, use, and condition is grandfathered immediately or are these something that has to immediately be brought into compliance? Who is doing these things and when? Would like a chance to come back to speak again if there is something else brought up that he wants more information about. Mainly concerned about grandfathering and concrete parking lot requirement. He thanked the commission for a chance to speak.

Joe Priest, real estate agent and owner of property at 1205 North Highway 175, spoke next. Moved to Seagoville in 1959 and has seen lots of changes – some good, some not so good. Good with making improvements. Been told the property can stay the way it is as long as does not sit vacant for more than 6 months, but he doesn't see that language in the written language so would like to see a paragraph added to stipulate that. Changing in staff results in no one knowing or remembering that promise. He has several pieces of property (as the seller's agent) listed along the highway that would be affected by this new language and where a sale won't happen if the new owners have to comply with the proposed regulations. He thanked the commission for a chance to speak.

Vice Chair Scott Englert asked the Chair if could be excused for a prior engagement at 6:51 p.m. He was excused. Chairman Dupuis asked if anyone else wished to speak. When no other individuals rose to approach the podium, the chair announced that the public comment period was closed. He continued by stating that the public was welcome to stay and observe but they may not comment or otherwise disrupt the meeting. The commission began its discussion on the language.

Commissioner David Grimes was asked first to comment. He began by stating that the commission was in the middle of reviewing and creating this language when he came onto the commission. He asked if the highway overlay is something the city has to have? Or is there other codes and regulations that address these areas. Commissioner Adams responded that the City Council had asked the Planning and Zoning Commission to review and look at it. The commission has taken a lot of things out of the old language and have tried to improve the language that had been previously adopted. He continued by explaining that they had also been told that existing uses remain – possibly as legal and non-forming – but would be grandfathered in. Director Barr stated that any existing use would remain and would be considered legal and non-forming use. Commissioner Grimes mentioned he was concerned about how these regulations would affect property values. Commissioner Adams responded that this board was just asked to look at the language and try to improve it. Once the P&Z takes its action tonight, it moves the language back to the City Council for them to decide whether to enact act or not. This is probably not the final document because the City Council will have to make the final decision. Chairman Dupuis said that all property in Seagoville is subject to several codes – zoning being just one. Commission Grimes asked then if this was just adding more code or defining it better or what? Commissioner Adams said there are a lot of grey areas in the old codes and these would hopefully help clear those up. That is why we started with the old language and took out a lot of the problem language and then re-wrote whole sections of the language to try update and remove these holes or grey areas. Commissioner Sherman said so we are making a recommendation to the City Council. Commissioner Adams responded by saying yes but the Council can accept, deny, alter, or ask for more work on the language by the P&Z. We are just their volunteer workers doing the task for the City Council. The Chair asked Commission Sherman if he had anything else he wished to comment on. Commissioner Sherman responded that his question was when this would be something that benefits the City – now, 10 years from now, or something later? Commissioner Adams said that is a good question as we may not see anything significant on the existing businesses for several years because of the number of existing businesses currently operating. Director Barr stated that anything that sits vacant for more than six (6) months would then need to be brought into compliance because that is when any legal, non-conformance ends. Any operation that began after the six months of vacancy or non-use would have to brought into compliance in order to acquire a certificate of occupancy. Commissioner Sherman said so we really are just making a recommendation to the City Council. Director Barr stated the final decision on the language lies with the City Council. Chairman Dupuis asked Commissioner Adams if he had anything else to add. He said no, we have done what the City Council asked us to do. Commissioner Sudduth was asked if he had any comments. Commissioner Sudduth said yes. He agreed with Commissioner Grimes that any property in the proposed overlay district with or needing a special use permit will have their property value affected by the adoption of this language. A special use permit is only good for that particular use so will affect the value of the property so any new owner would need to go through the process of having their (new use?) zoning reviewed and determined if an adjustment is needed. Commissioner Adams referenced the possible loss of income because of the new requirements of the overlay district mentioned by one of the public speakers. Director Barr interrupted the discussion to remind the

commission that only if the property sits unused or vacant for over six months (end of the legal, non-conformance). Director Barr had City Attorney Alexis Allen confirm what he had just stated. Attorney Allen stated that what the Director stated was correct because the zoning ordinance has a whole division on legal, non-conforming uses. She continued that this language will only apply to property that sits vacant or unused for more than six months. Commissioner Sudduth said that if they have to get a special use permit for a particular use with the overlay regulations, this would affect that. But what about if the property is rental and this week is one operator as a mechanic and next week the new renter will be an auto body. Won't the new tenant have to get a special use permit before they can get their certificate of occupancy since the overlay district requires it? Attorney Allen said she would let Director Barr answer that question because she wasn't following. Director Barr said that if the property sells and it has been less than six months since its last use, then the legal non-conformity would remain in effect and a special use permit is not required prior to the certificate of occupancy. Only if the property has not been used for more than six months would the special use permit have to be acquired. Commissioner Grimes stated, so the legal non-conformity goes with the property – not the business? Director Barr said that is correct and Attorney Allen agreed also. Discussion soon ended on the comments from public hearing and the clarification for the commissioners with Director Barr and Attorney Allen.

Planner Bonner then rose and went to the podium to go through the last of the changed items between last meeting version of the language and the meeting's version. These items are highlighted in yellow. She began on page 1 in section 25.02.472 for the sentence before the table. This text was adjusted to more clearly define what the phrase "Distance from ROW" meant in the table that follows. In the next paragraph (section 25.02.473), she continued by explaining the changes in this paragraph to clarify when these regulations would govern and in the process found a phrase in the first line that read "weird". She asked the group to help her confirm that the suggested change to the word "purposed" (removed the letter "d") made the paragraph read correctly. The commissioners nodded their heads when asked whether they were alright with the proposed changes. Moving on to page 2, Planner Bonner mentioned that the highlighting under item 5B is for noting the slight language change per Director Barr to clarify that the fire lanes are to be engineered to support the emergency vehicles – not just paved to support them. On the same page in the first item in the lighting section, we were discussing the amount of lighting. Per Director Barr, Planner Bonner changed the language to reflect no light bleed from one property onto another. The group had previously discussed how the previous quantity of one-fourth of one foot-candle is no longer in units of measure that are recognized today. Again the commissioners nodded their heads when asked whether they were alright with the proposed changes. On the bottom of page 3, the last item talked about visibility obstructions. Director Barr had her add the reference to the code section which provides explanation and definition of both visibility and obstructions at the intersections of street and driveways. On the top of page 4, the first item is in the same subsection as the last item and we had discussed the need to place screening materials in a permanent easement but had failed to state that the easement needed to be permanently maintained. The word "permanent" was added to better define that requirement. The commissioners continued to nod their heads in

agreement to the proposed changes in tonight's document language. Planner Bonner covered the discussion about highly reflective glass and how we were trying to determine what number to use if the number was changed from the previous language of twenty-seven percent (27%). She stated she had found some language from the City of Dallas in one of their on-line PD documents and said she would read that document and would like the commissioner to tell her if it sounded like it was quoting the same language that is in our previous language. Commissioner Englert returned at 7:08 p.m. while Planner Bonner was reading. Chairman Dupuis agreed that the language she had read from the PD language from Dallas closely matched what was in the old language. By nodding and verbal consent, the group agreed to leave that language "as is" so that highly reflective glass is defined as glass with an exterior reflectance over twenty-seven percent (27%). There were no other outstanding language items to be addressed unless the Commission knew of something else. None comments so Planner Bonner continued by stating she made no changes to the table of uses other than to remove all of the "no" shown at the last meeting. In re-reading the meeting minutes today, she found that the commission wanted to the list of uses to be inclusive when it is sent to the City Council so that they could see the entire table of uses created and reviewed (instead of only providing the list of uses that are permitted or that would require a special use permit). She stated that she had not been able to find a table of uses for the previous version of the adopted language – if it had ever existed. She also mentioned that at the end of the language each commissioner should have an 11-inch by 17-inch reduced copy of the map that she had the city's reviewing engineer Halff Associates put together which shows each of the overlay district segments are located and how they interact for reference. With no other questions or discussion of the outstanding items in the language for her, she returned to her seat for the Commissioners to complete any other discussion they might have before voting.

The commissioners had no other questions or items of concern that they wished to cover before voting began. Each of the proposed language sections listed before were voted on separately so that if there were any other corrections that the Commissioners wanted, they could be noted in each section before a vote was held.

- A. Sections 25.02.471 thru 25.02.473 (Establishment; Location; and Application):
Commissioner Adams moved to recommend the language to City Council with the changes made a few minutes ago during the final changes discussion. Commissioner Sherman seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- B. Section 25.02.474 subsection a (Parking and curbing): Commissioner Adams moved to recommend the language to City Council with the changes made a few minutes ago during the final changes discussion. Commissioner Englert seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- C. Section 25.02.474 subsections b (Lighting) and c (Setbacks): Commissioner Adams

moved to recommend the language to City Council with the changes made a few minutes ago during the final changes discussion. Commissioner Sherman seconded the motion. A vote was cast and it was four to one in favor of recommending to City Council with Commissioner Englert voting against. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.

- D. Section 25.02.474 subsection d (Fencing, screening, and landscaping): Commissioner Englert moved to recommend the language to City Council with the changes made a few minutes ago during the final changes discussion. Commissioner Grimes seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- E. Section 25.02.474 subsection e (Exterior construction): Commissioner Englert moved to recommend the language to City Council. Commissioner Grimes seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- F. Section 25.02.474 subsection f (Loading docks): Commissioner Grimes moved to recommend the language to City Council. Commissioner Englert seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- G. Section 25.02.474 subsection g (Landscaping): Commissioner Grimes moved to recommend the language to City Council. Commissioner Adams seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- H. Section 25.02.474 subsections h thru l (Uses; Signage; Building heights; Planned Developments; and Other Areas): Commissioner Grimes moved to recommend the language to City Council. Commissioner Adams seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- I. Table of Uses: Commissioner Englert moved to recommend the table of uses to be included with language to City Council. Commissioner Adams seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.
- J. Final vote placing all pieces above into single document for City Council: Commissioner Adams moved to recommend the language and table as voted on previous be sent to City Council as a single document. Commissioner Grimes seconded the motion. A vote was cast and it was unanimous (five to zero) in favor of recommending to City Council. Since Commissioner Sudduth is a property owner that will be affected by the outcome of the City Council decision, he abstained from voting.

This closed the voting on the highway overlay district regulations.

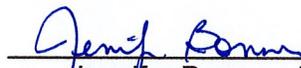
Chairman Dupuis announced upcoming city meetings. City Council will meet on Monday, June 4th at 6:30 PM in this room and that meeting will include tonight's public hearing item. Planner Bonner interrupted to state the date of the next Planning & Zoning Commission meeting is wrong on the agenda. It should state that the meeting will be held on Tuesday, June 12th at 6:30 PM in this room. She already knows there will be a public hearing item on that agenda.

With no other business to address, Chairman Dupuis adjourned the meeting at 7:19 p.m.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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