



MINUTES

for the

SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at

6:30 p.m. on Tuesday, June 26, 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 David Grimes
Commissioner Lowell Sherman
Commissioner Howard Sanders

Commissioners absent: none (Position 3 is vacant.)

City Staff present: 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.

1. **Approval of Minutes**

- A. **May 15, 2018, special meeting:** Vice-Chairman Scott Englert moved to accept the minutes. Commissioner David Grimes seconded the motion. The commissioners voted unanimously to accept the minutes as presented.
- B. **May 15, 2018, regular meeting:** Commissioner James Sudduth moved to accept the minutes. Vice-Chairman Englert seconded the motion. The commissioners voted unanimously to accept the minutes as presented.

2. **Appointments:**

- A. **P&Z Commissioners:** Chairman Dupuis welcomed Commissioner Howard Sanders to the Planning and Zoning Commission.
- B. **Downtown Corridor Advisory Group:** City Council is working with the Seagoville Economic Development Corporation to do a study of the downtown business area to see what might be suggested for encouraging businesses to move relocate there as well as and other renewal efforts that will encourage shoppers, visitors, and other users to that

area. A contract has been signed with Halff Associates, Inc. for them to do the field work and create documents related to the study. The group shall be composed of ten (10) members, consisting of two (2) members of the SEDC, two (2) members of the Planning & Zoning Commission, and six (6) members of the Community. City staff does not know when the group will meet, but their understanding was that the group might meet at lunchtime or of an evening. Vice-Chairman Englert and Commissioner Grimes both volunteered to serve on the Group with the understanding that the group will meet about three (3) times over a period of seven (7) months or until the study is complete. Staff will serve as the point of contact between the rest of the Group and these commissioners until that Group is official organized in the coming weeks.

3. **Public Hearings:**

A. **Zoning Request Z2018-06:** Chairman Dupuis opened the public hearing at 6:37 p.m. Junior Planner Jennifer Bonner began by giving a summary of her staff report in the meeting packet. She specifically mentioned that regardless of personal preferences, staff's responsibility to the P&Z is to defend the city codes and ordinances as written and currently adopted. She stated that based on her review of the application request against the zoning code, the Master Thoroughfare Plan, the Future Land Use Plan, and the current zoning code, Staff could not support the P&Z Commission recommending approval of the request to the City Council.

She explained the current zoning (front half of property is zoned R-5, Residential Single Family while the back half is zoned LM, Light Manufacturing) and has been since some time prior to 1978. Actual land uses of the surrounding properties (all but one of the abutting properties on both Kaufman Street and Farmers Road) are single-family housing units while the rear abutting property is a mattress company also in the LM district. Planner Bonner explained how the proposed zoning change meets the various review criteria. She continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (26); the number of written responses received against (6) and for (1) the proposed change; and the number of letters that were returned to the City as undeliverable (1). The rest of the staff report is a table of land uses comparing the types of uses that permitted, prohibited, or require a special use permit in each of the zoning districts under consideration. She stated she was complete with the staff report unless the commissioners had questions.

Chairman Dupuis recognized Crocket Boney, president of SRP Development LLC and applicant representative. His company is the owner of the property and has it listed for sale. The most interested buyer – which is who prompted this request – would like to convert the existing building to a climate-controlled storage building. There has been a survey of the property already and the parking lot in the front of the building should be sufficient for what that party should need. In his opinion, this use would not be a true Light Manufacturing use, like the application show but would be more commercial or light business in nature.

Mr. Joe Priest of 1205 North Highway 175 came to the podium and stated that he is the realtor for the property listing and has been in the Seagoville area for over 50 years. He continued by stating that there have been several interested parties but every time they found out about the split zoning, the potential sale discussion ends. Some of the other interested uses have been for a daycare facility; senior citizens home; a church; a private school; and a dislocated children's home that would serve as both their residence and school. The building was built in 1957 and has sat vacant for about two (2) years. It has about 18,000 square feet of heated and cooled space.

Mrs. Elizabeth Ramsey of 307 North Watson came to the podium to be recognized. She stated that she lives about a block away on Watson Street but also owns several rental properties along this portion of Kaufman Street. She continued by stating that she also lives abutting a Light Manufacturing area and has issues with large heavy truck traffic on her street. It is not uncommon for her to be woken in the night by one or several semi-truck and trailers going down her street between Kaufman and the manufacturing property. She suspects that the traffic to and from a large storage complex will disrupt the neighbors in the neighborhood like the truck traffic does at her house.

Chairman Dupuis recognized Crocket Boney as he wished to rebut Mrs. Ramsey's comments. He stated that the only residential zoning in the area is the houses along Kaufman Street. The houses on Farmers Road are zoned Light Manufacturing.

With no further public comments, Chairman Dupuis closed the public hearing at 6:48 p.m. and discussion began by the commissioners. Commissioner Sherman asked if there are any requirements or limitations on the style of the building. Building Official Ladis Barr said the building is currently a legal, non-conforming structure. If the outside of the building is not changed, it will remain so. If the building is modified or a new building is erected, then that will have to be 100% masonry to meet current city standards. Vice-Chair Englert said he had concerns about the rezoning because no site or building plan was provided with the application or at tonight's meeting. Commissioner Sudduth wondered whether changing to Light Manufacturing was maybe overkill. Discussion continued about other various zoning districts that would allow this use. Official Barr stated that selecting a different zoning than Light Manufacturing could be considered spot zoning, which is illegal. Commissioner Sanders agreed that the Commission needs to stay within what city codes and ordinances allow. Commissioner Grimes stated that if a plan had been provided it would be easier for him to support this change – but without a plan it is difficult to do so. Chairman Dupuis agreed with what each of the other commissioners had said.

Mr. Priest asked if he could ask a question. Chairman Dupuis said no, but Mr. Priest asked about withdrawing the application before a vote. Planner Bonner stated that an application can be pulled before a vote of the Planning and Zoning Commission – or even the City Council - but that written documentation of such action by the applicant

needs to follow for the city's file on the project. Mr. Priest conferred with his client and the decision was made to pull the application immediately. Planner Bonner stated she would like a motion and second from the P&Z to recognize the withdrawal of the application. Commissioner Grimes moved to accept the application withdrawal and Commissioner Sudduth seconded the motion. The vote was unanimous to accept the withdrawal of this rezoning application for 615 North Kaufman Street.

- B. Zoning Request Z2018-07:** Chairman Dupuis opened the public hearing at 7:00 p.m. Junior Planner Jennifer Bonner began by giving a summary of her staff report in the meeting packet. She noted that it is not listed in the packet that this property is also being platted. She had spoken with the surveyor earlier in the day and found out that the revised plat should be coming back to her desk later this week for the City to sign and then file at Dallas County. She continued by explaining the current zoning (R-5, Residential Single Family) of this parcel in comparison to the actual land uses of the surrounding properties. All but one of the properties along this portion of Simonds Road are manufacturing. Planner Bonner added that nurseries (without limitations) are allowed in every zoning district with a Special Use Permit (SUP). Depending on the applicant's definition of "landscape business" whether a SUP is needed in addition to the zoning change. City Council can add that stipulation to their final decision. Planning Commission can recommend whether they recommend adding the stipulation. Due to the comparison of the request to the zoning map, the Master Thoroughfare Plan, the Future Land Use Plan, and the current zoning code, Staff supports the P&Z Commission recommending approval of the request to the City Council as this is one of the few properties still in the area with both a residential zoning and residential use – a use that would change if this request is approved by City Council.

In addition, Planner Bonner stated that all of the properties on this side of Simonds Road about the federal prison property on their east side. She also described how the proposed zoning change meets the various review criteria. She continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (10); the number of written responses received for or against (none) the proposed change; and the number of letters that were returned to the City as undeliverable (2). The rest of the staff report is a table of land uses comparing the types of uses that permitted, prohibited, or require a special use permit in each of the zoning districts under consideration. She stated she was complete with the staff report unless the commissioners had questions.

Chairman Dupuis recognized Mr. Santiago Bustos, applicant and owner of the subject property. He stated that he was asking for this zoning change so that he could operate his landscaping business at this location. He plans to park trucks, have his office and a shop building for storing his equipment all on this property. There is no plan to have products for sale located here.

Chairman Dupuis asked for any public comments. No one approached the podium so he

closed the public hearing at 7:08 p.m.

Commissioner Sherman asked if there is Light Manufacturing around it. Vice-Chair Englert asked about commercial uses around it. Commissioner Sudduth stated that he feels the whole are needs to be LM, Light Manufacturing. Commissioner Sanders said that he felt the change would be in compliance with codes. Commissioner Grimes stated that he agreed with Commissioner Sanders. Chairman Dupuis also agreed with these 2 commissioners. Commissioner Sudduth move and Commissioner Grimes seconded that the P&Z's recommendation to City Council be to approve the zoning change on the subject property at 301 West Simonds Road from R-5, Residential Single Family, to the LM, Light Manufacturing zoning district. No stipulation was made about adding an SUP as a condition of approving the request. The vote was unanimous in favor of recommending the approval of this rezoning at 301 West Simonds Road. Planner Bonner reminded the group that City Council could still add that stipulation to their review-and-approval of this zoning change request.

- C. **Zoning Request Z2018-08:** Chairman Dupuis opened the public hearing at 7:10 p.m. Junior Planner Jennifer Bonner began by stating that the City is the applicant and will be represented by Official Barr later in the public hearing. She said that property is only 80- to 100-feet wide (north-to-south) but is several hundred feet long (east-to-west) so will never have any buildings on it. She gave a summary of her staff report in the meeting packet – in particular that this request is to aid an adjoining property owner to change her property's zoning so she can re-build her house which is currently located outside of a residential zoning district. Based on the comparison of the request to the zoning map, the Master Thoroughfare Plan, the Future Land Use Plan, and the current zoning code, Staff supports the P&Z Commission recommending approval of the request to the City Council.

Planner Bonner continued by explaining the current zoning (LM, Light Manufacturing) of this parcel in comparison to the actual land uses of the surrounding properties. She also described how the proposed zoning change meets the various review criteria. She continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (21); the number of written responses received against (none) and for (2) the proposed change; and the number of letters that were returned to the City as undeliverable (none). The rest of the staff report is a table of land uses comparing the types of uses that permitted, prohibited, or require a special use permit in each of the zoning districts under consideration. She stated she was complete with the staff report unless the commissioners had questions.

Chairman Dupuis recognized Official Barr stated that this is one of several pieces of property that were deeded to the City when the railroad right-of-way was abandoned. The right-of-way was to be used for hike-and-bike trails, but several pieces have been sold off and are no longer in the ownership of the City. This property is needing to be rezoned in order to support the planned actions of two (2) adjoining properties on the

north side (away from Fran Street) of the railroad that are accessed from West Farmers Road.

Chairman Dupuis asked for any public comments. No one approached the podium so he closed the public hearing at 7:15 p.m. None of the commissioners had any questions or discussion. Vice-Chair Englert moved that the Planning and Zoning Commission's recommendation to the City Council be for the Council members to approve the request to change the current zoning on over 2-acres at 300 West Farmers Road (also known as the unplatted Tract 27 of the John Denton Abstract number 426 on page 300) from LM, Light Manufacturing, to the R-5, Residential Single Family, zoning district. Commissioner Grimes seconded the motion. The vote was unanimous in favor of recommending the approval of this rezoning request.

- D. Zoning Request Z2018-09:** Chairman Dupuis opened the public hearing at 7:18 p.m. Junior Planner Jennifer Bonner began by giving a summary of her staff report in the meeting packet – in particular that this request is to aid one of the property owners' mother who lives next door so she can re-build her house - both which are currently zoned outside of a residential zoning district. She explained the current zoning of this parcel in comparison to the actual land uses of the surrounding properties. All of the properties along Farmers Road are zoned LM, Light Manufacturing. However, all but two (2) properties are single family residential houses. She described how the proposed zoning change meets the various review criteria. Based on Staff's comparison of the request to the zoning map, the Master Thoroughfare Plan, the Future Land Use Plan, and the current zoning code, Staff supports the P&Z Commission recommending approval of the request to the City Council as this is one of several properties in the area with a residential use in a manufacturing zoned area. In particular, this property has had a residence on it for over 15 years, but the property has been zoned for Light Manufacturing since prior to 1978.

Planner Bonner continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (9); the number of written responses received against (none) and for (1 – the City) the proposed change; and the number of letters that were returned to the City as undeliverable (none). The rest of the staff report is a table of land uses comparing the types of uses that permitted, prohibited, or require a special use permit in each of the zoning districts under consideration. She stated she was complete with the staff report unless the commissioners had questions.

Chairman Dupuis recognized Mr. Gary Vaden, co-owner and co-applicant with his wife, who stated the Planner Bonner had pretty much said everything that they thought needed to be said. He stated that he and his wife Teresa are asking for this request in support of his wife's mother, Linda Johnson.

Chairman Dupuis asked for any public comments. No one approached the podium so he closed the public hearing at 7:20 p.m. Commissioner Sherman had no comments but

liked the direction the applicant was trying rezone to. All of the other commissioners verbally agreed. Commissioner Grimes moved that the P&Z's recommendation to City Council be to approve the zoning change on the subject property at 706 North Railroad Avenue from LM, Light Manufacturing, to the R-5, Residential Single Family, zoning district. Commissioner Sanders seconded the motion. The vote was unanimous in favor of recommending the approval of this rezoning request.

- E. **Zoning Request Z2018-09:** Chairman Dupuis opened the public hearing at 7:22 p.m. Junior Planner Jennifer Bonner began by giving a summary of her staff report in the meeting packet – in particular that this request is the one that had the two (2) previous items on tonight's agenda. The applicant has an agreement with Dallas County Replacement Housing Program to tear-down and re-build her house – which is currently outside of a residential zoning district. She explained the current zoning of this parcel in comparison to the actual land uses of the surrounding properties. All of the properties along Farmers Road are zoned LM, Light Manufacturing. However, all but two (2) properties are single family residential houses. She described how the proposed zoning change meets the various review criteria. Based on Staff's comparison of the request to the zoning map, the Master Thoroughfare Plan, the Future Land Use Plan, and the current zoning code, Staff supports the P&Z Commission recommending approval of the request to the City Council as this is one of several properties in the area with a residential use in a manufacturing zoned area. In particular, this property has had a residence on it for almost 70 years, but the property has been zoned for Light Manufacturing since prior to 1978.

Planner Bonner continued by stating the number of property owners that were identified and sent a notice of the public hearings by regular mail (11); the number of written responses received against (none) and for (1 – the City) the proposed change; and the number of letters that were returned to the City as undeliverable (1). The rest of the staff report is a table of land uses comparing the types of uses that permitted, prohibited, or require a special use permit in each of the zoning districts under consideration. She stated she was complete with the staff report unless the commissioners had questions.

Chairman Dupuis recognized Mr. Carey Ray, the applicant's son. He stated, as included in the staff's report, that his mother has been approved to have her house torn down and replaced through the Dallas County Replacement Housing Program (a grant program). There have been issues in moving forward because the Program lost her application and then she had to wait her turn on the list to be approved – a total of over two (2) years. Funding has now been approved, but it wasn't until a couple months ago when the county came in for the needed variances from the City of Seagoville that anyone had looked to see if the zoning for the property was correct. Since it currently isn't, the county is being kind enough to hold his mother's place on the list while the zoning is adjusted. He finalized by saying that the family is glad that the City is working with them to correct this problem.

Chairman Dupuis asked for any public comments. No one approached the podium so he closed the public hearing at 7:27 p.m. Commissioner Sherman agreed with the staff recommendation. All of the other commissioners verbally agreed. Vice-Chair Englert moved that the Planning and Zoning Commission's recommendation to the City Council be for the Council members to approve the request to change the current zoning on about 0.7-acres at 116 West Farmers Road (a/k/a Tract 22 of the John Denton Abstract number 426 on page 300) from the LM, Light Manufacturing to the R-5, Residential Single-family zoning district t. Commissioner Sanders seconded the motion. The vote was unanimous in favor of recommending the approval of this rezoning request.

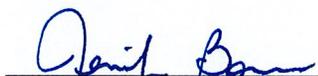
Chairman Dupuis announced upcoming city meetings. City Council will meet on Monday, July 2nd at 6:30 p.m. in this room. The next Planning and Zoning Commission meeting will be held on July 10th in this room. Planner Bonner stated that there are two (2) public hearing items on that agenda and something else that she can't think of right now. The City Council will meet again on July 16th and that meeting will include tonight's public hearing items. Planner Bonner stated that the P&Z meeting at the end of July also has at least one (1) public hearing on that agenda so she is going to be busy for the next weeks.

With no other business to address, Chairman Dupuis adjourned the meeting at 7:31 p.m.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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