



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at
6:30 p.m. on Tuesday, July 24, 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 Lowell Sherman
Commissioner Howard Sanders
Commissioner David Grimes

Commissioners absent: 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:** Vice-Chairman Scott Englert moved to accept the minutes of the June 24, 2018, meeting. Commissioner David Grimes seconded the motion. The commissioners voted unanimously to accept the minutes as presented.
2. **Public Hearings: Zoning Request Z2018-13:** Chairman Dupuis opened the public hearing at 6:33 p.m. Staff began by stating that she is reading from Exhibit 1, the Staff Report. She explained that the applicants are asking for a zoning change from a Planned Development with an R-2 base zoning district to a straight R-2 zoning district at 408 East Stark Road. They purchased the property within the last year. The previous owner had not explained the zoning (created by Ordinance 45-03) to the new owners who wants to sell off large tracts of the land for people to build a single family home on tracts of land that are 5-acres or larger in size.

The City was not aware of the ownership change nor that the first 10-acre tract had been sold until a second potential buyer came to the City to find out what she her limitations

would be for building on the 5-acre tract she was interested in buying. With a Planned Development, each new owner will have to build their share of the approved concept for the Planned Development – not just one single family home on a large lot as would be allowed in a straight R-2 zoning district. A copy of the Planned Development ordinance and concept plan are attached as a later exhibit in the commissioners' packets. The total overall size of the subject property is about 44-acres with its primary access on Stark Road – which is also the approximate city limit line between Seagoville and Dallas. Each city owns a portion of the road. The City of Dallas is labeled in the map on the first page.

Planner Bonner continued with the fact that the subject property is currently surrounded almost completely by residential properties except for a portion of the boundary to the north where the adjoining land use is the Seagoville High School and Seagoville Middle School property. Those schools are part of the Dallas Independent School District System, even though they are named Seagoville. She continued by summarizing the surrounding Seagoville zoning information – R-2 along Seagoville Road; R-5 along Stark Road, Ard Road, Lynell Drive, and any of their side streets. She also stated she had not called the City of Dallas to check into their zoning districts since the land is either being used or being developed for residential use. Planner Bonner continued by stating that the Future Land Use Plan calls for this area of Seagoville to all be Low Density Residential. The plan does show for the current school property to be Public/Semi-Public/Civic uses.

She continued by stating that Staff's responsibility is to defend the code regardless of how personally they felt about the project fitting into the subject location – even the Planned Development regulations currently in place. Because of this responsibility, Staff is recommending *against* the zoning change because Planned Development regulations provide a city more control over how a development looks and/or is operated once the construction and development phase is complete.

Moving onto page 2 of the Staff Report are the 3 maps that are used for comparing the request to existing city guides and plans – Future Land Use; Master Thoroughfare Plan, and Zoning Plan/Map/code. She moved on to the Master Thoroughfare Plan since the information about the Future Land Use Plan had already been covered. Stark Road is shown in the Master Thoroughfare Plan to become a Minor Arterial with 100-feet of right-of-way. If this area stays a Planned Development (PD) then the additional required right-of-way and pavement for Stark Road will be required to be built with the PD subdivision. If the zoning is changed back to a straight R-2 zoning, then the number of lots divided into may dictate that the right-of-way is dedicated, but the pavement widening will not happen until some time in the future. And based on the way Dallas is allowing their side of the road to develop, getting the right-of-way needed to widen in their direction may make it even harder to get the road to the needed width for the traffic that the area is expected to have to deal with because of the proximity of 2 large school campuses and the number of residential units in this area as shown in the current Zoning Map. Planner Bonner continued by stating that there really isn't a lot of negatives shown in the review criteria analysis that follows because you are comparing a straight R-2 to a PD with a R-2 zoning.

Planner Bonner then summarized the legal notifications (68 adjoining by mail plus the newspaper) and responses that she had received – 2 that came in today. She will cover those in more detail in a few minutes. Continuing, that she added a section for Other Staff Comments to this Staff Report so that should could provide a table to the Commissioners (and City Council in a few weeks) that compares the PD language she could find to the standard R-2 zoning district. Generally the difference is in the lot width – which in turn reduces the total lot area and allows smaller setbacks. The table of uses that she has been providing with the last several rezones has still been provided, but it only shows the R-2 zoning district since that is really the types of uses that would be allowed regardless of the recommendation from the P&Z or the decision of the City Council. She quickly covered Exhibits 2 thru 8 that follow the Staff Report. She expounded slightly on Exhibit 9, which is a copy of the ordinance from City Council that created the PD that is being asked to be repealed.

Going now over the letters she received today, Planner Bonner stated that one letter is marked that the respondent is against the zoning change with no explanation. The other letter is marked in favor of the request, but has the added statement that they are against subdivision housing. She asked for comments from the Commissioners to clear up anything she may have covered to quickly. Vice Chair Englert said that in his review of the ordinance that created the PD – in particular the table on the concept plan, isn't the PD more or less an R-5 zoning? Planner Bonner stated that she had had some questions about this herself. The lot information numbers in the table on the PD concept plan really is matches the R-4 zoning district, but other information in the table uses words to state that the lots are to be developed to meet the R-2 requirements. She added that the concept plan has no detention pond or other stormwater runoff addressed so the PD is going to have to be amended at some point in the future if the zoning change being requested is not approved.

Commissioner Sherman stated he had a question, but wasn't sure if this was the time to ask it. Additional street right-of-way will be required but how does the zoning and development type affect the way it occurs? Is he correct in understanding that all of it would be required if the land is left in PD but if the zoning is converted so just large lots are sold along Stark, then getting it will be different? Planner Bonner responded that if the property is left as a PD then not only will the right-of-way be required to be dedicated, but the contractor/developer would also be required to build their half of the widened road's pavement. If the development occurs as large tracts of land, the right-of-way would still be required as the land is divided but the road would not be widened unless the land division met the definition of a subdivision (more than 3 lots). With no more questions from the Commission, she returned to her seat.

Chairman Dupuis invited the applicant Mr. Jose Manriquez to come to the podium to rebut what staff had said or to add anything else he would to say. He stated that he didn't have much to say but he wanted to say is that he wanted to be able to sell large lots not have a subdivision. With nothing else to say, he returned to his seat.

At 6:42 p.m., the Chairman invited members of the public to approach the podium and be recognized if they wished to speak. First to approach the podium was Mr. Johnny Toland of 2906 Lynell Drive. He said his primary comment is related to the drainage channel that runs in the back of 5 lots in both directions from his house and was cut in their lots to divert water off the subject parcel. The channel is 28-feet wide. A man at the top of the channel was going to move a house in and got someone to level for a house pad which created a dyke. The first rain after that flooded everything and the lot below the new house pad has become a swamp that has held water now for 10-15 years several inches deep. He would like to see the channel moved back onto their side of the fence. Chairman Dupuis thanked him for his comments.

Next to approach the podium was Alicia Aguilar, the granddaughter of Mr. Toland as well as his next door neighbor at 2908 Lynell Drive. She wanted to confirm everything that he had said. She added that the neighbors' fences have all been moved to their side of the drainage ditch because of how bad the area always floods. The back property line for the houses along Lynell are on the far side of the drainage ditch but because of how wide it is and how badly it floods they can't use part of their backyards and fences have been moved to keep their children and things out of the ditch. She would also like the ditch filled and moved so that her family can actually use all of their own backyard. Her biggest concern is that there is a new addition that is going in across from the intersection of Lynell Drive and Stark Road that the City of Seagoville may or may not be aware of. There is a lot of new traffic and related problems. Additionally Lynell Drive seems to be becoming a drag strip with a lot of speeding traffic. Nothing may have even been said to the City yet but there just doesn't seem to be enough infrastructure for what is already there. She would like to see some speed humps or Child At Play signs to try to slow down the traffic. She also asked for clarification from someone that the current zoning is for a neighborhood, but the request is to change to larger lots. Chairman Dupuis asked Community Development Director Barr to address the clarification. Community Development Director Barr stated that what has been brought to Staff is to rezone and then divide much larger parcels or lots than the PD concept plan shows. Ms. Aguilar then turned to the applicant and asked him about developing or leaving the land "as is." Mrs. Maria Manriquez replied that currently they are just clearing the land. Ms. Aguilar then asked about future plans. After a brief pause, Community Development Director Barr responded with his understanding was that the plan was to develop into a total of about 4 lots. Ms. Aguilar stated she had no other questions or comments and returned to her seat.

Chairman Dupuis asked if anyone else wished to speak. No one else approached the podium so he closed the public hearing at 6:48 p.m. He continued by stating that no further comments will be accepted from the audience. The public is welcome to stay and observe, but they are asked to not comment or otherwise disrupt the meeting.

Commissioner David Grimes asked if the zoning changes from a planned community to an R-2 zoning, can he do whatever wants? 100-head of cattle? Community Development

Director Barr responded that he could do cattle but is limited to one per acre of land. Commissioner Grimes - so if the zoning is changed from a community, he could convert to pasture and the City wouldn't get the right-of-way or road? Community Development Director Barr stated that is correct. Commissioner Grimes stated that answers his question. Community Development Director Barr stated that the city could still require the right-of-way, but getting the road repaired or widened would not happen. Commissioner Grimes did mention that there are a lot new housing going in on the Dallas side of Stark Road. At some point that street is going to have to be widened. Chairman Dupuis asked about who owns the street. Planner Bonner stated that both cities – Seagoville and Dallas – own a portion of the current street. Community Development Director Barr add that generally the center of the street is the line between the 2 cities. Chairman Dupuis said that should make for an interesting project then to get the road widened in a joint venture.

Commissioner Sherman was asked by the chairman if he had any comments. He asked whether the zoning change would affect getting the drainage channel corrected? Community Development Director Barr stated that with development the City requires engineered plans that include how the increase of runoff from development that must be addressed on-site because neighbor both up- and downstream must not be flooded. Detention ponds or other ways to slow or preventing flooding must be provided. Vice Chair Englert stated that single lots in an R-2 zone don't have to address runoff, right? Community Development Director Barr state that is correct. Subdivisions must meet the requirements related to increased runoff when the subdivision is created; the individual lots don't.

Chairman Dupuis asked Commissioner Howard Sanders for his comments and thoughts. He understands what Staff and the other commissioners are saying and really doesn't have any other comments. Commissioner James Sudduth asked about being on well and septic instead of city water and sewer because of the larger lots if zoned R-2. Planner Bonner stated, no. By state law, if municipal water or sewer is within a defined distance, the property must connect to those services when developed. In this case, there is both water and sewer within that defined distance, so each lot would have to connect to municipal services. Commissioner Sudduth had no other comments.

Vice Chairman Englert was asked for his comments. HE stated that by looking at the map as well as the other development in the area, he thinks it needs to remain a PD to maximize the number of homes in Seagoville – especially close to the schools there. His only question to Staff would be if there was a difference between a PD-R2 versus a PD-R5? Community Development Director Barr stated that it is a PD already. To change to a PD-R5 would be to amend the existing PD. A PD provides more control for the City than a straight zoning allows. What is required with any development are engineered plans for bringing infrastructure, all concrete streets, drainage improvements, possible detention pond, and other municipal services engineered to serve the development. With a PD, the City can asked for more than the standard – usually in exchange for something extra that the developer wants but can't get in straight zoned area. So to change the PD to an R-5, it would require someone to bring the property back before the P&Z and City Council at a

different time. Vice Chairman Englert stated that he would prefer to see this site become a PD-R5 than stay a PD-R2.

Chairman Dupuis stated that he feels a lot like the Vice Chair. To continue to meet the intent of the code, he would like to see the positive continued growth in that area of town. He also thinks we need to leave it a PD. Commissioner Grimes stated that you can get a good picture of how the existing splits of land are (R-2 along Seagoville Road; R-5 from there southwest towards Highway 175). The PD brings the infrastructure (roads, water, sewer, etc.) and drainage needed. Discussion briefly continued.

After a brief discussion between Planner Bonner and Vice Chair Englert on how the motion can be worded and what he can put in it, he moved to deny the request to change the current zoning on approximately 44-acres at 408 East Stark Road (being Tract 1 S-3-C of the Herman Heider Abstract 541 Page 441) from the PD-R2, Planned Development with R-2 (Residential Single-Family) zoning district to a straight R-2, Residential Single-Family, zoning district. Commissioner Grimes seconded the motion to deny the request. A vote was cast and by a show of hands, it was unanimously decided that the recommendation is to deny the request. Planner Bonner turned to the audience and stated that the P&Z only makes a recommendation to City Council. City Council makes the final decision in all zoning matters. If anyone present received a letter and kept a copy, the letter states the date that the City Council will hear this item. City Council does have the option to delay a vote on the item if there is a lot of responses from the residents, but they will at least hear from the public at that meeting even if they delay making a decision until another meeting date and time.

With no other business to address, Chairman Dupuis adjourned the meeting at 6:55 p.m.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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