



MINUTES
for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at
6:30 p.m. on Tuesday, August 28, 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 James Sudduth
Commissioner Howard Sanders
Commissioner David Grimes
Commissioner Lowell Sherman

Commissioners absent: Commissioner & Vice-Chairman Scott Englert (sick)
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.

- A. Approval of Minutes:** Commissioner James Sudduth moved to accept the minutes of the August 14, 2018, meeting. Commissioner David Grimes seconded the motion. The commissioners voted unanimously (five to zero) to accept the minutes as presented.
- B. Calendar Discussion:** A discussion was held about the second meeting of the P&Z in December 2018. Planner Bonner began by stating that the discussion was asked for by Vice Chairman Scott Englert at the last P&Z meeting. She stated there should be 2 attachments to this agenda comm. One is an 11x17 copy of the schedule for the Council Chambers (the room we are in). The other is blue and white and is the current version of the development calendar that she uses for keeping track of deadlines and submittal dates. This sheet also has 2 squares in orange. We are discussing the dates in orange tonight. The first meeting of the P&Z in December is scheduled for Tuesday the 11th, which means the second meeting should occur on the 25th – Christmas Day. City Hall will be closed both Monday the 24th as well as Tuesday the 25th for the holiday. Because of other boards and commissions using the Council Chamber (our regular meeting room), her suggestion is to have the meeting

scheduled for Thursday the 27th or not have a second meeting in the month. Discussion was held with consensus that the Commission would prefer to not have a second meeting in December. Planner Bonner asked if there was only to be one meeting in the month did they want to leave that date on the 11th or move it to the 18th? Consensus was to place the single meeting in December 2018 on Tuesday the 18th. Planner Bonner stated that she would update the development calendar and have copies for the commissioners at our next meeting. She will also need to provide this updated information to other city staff for their boards and commission meetings as well.

C. Public Hearings:

A. Request Z2018-15: Chairman Dupuis asked for a staff report. Planner Bonner began by stating that the applicant is currently not in the room. She will move forward with the Staff Report and then the Commission can decide if they want to take action on the item on or not. The applicant is requesting to change the zoning on about 2-acres of land at 401 West Simonds Road from R-5, Residential Single Family, to LM, Light Manufacturing. The parcel has a house built in about 1955 and several outbuildings. Staff is supportive of the rezoning because most of the adjoining parcels along Simonds Road are also zoned Light Manufacturing. If this rezoning is approved, then only 2 pieces of property between Kleberg Road and Highway 175 would still be zoned residentially – one immediately to the southwest of this lot and the other much closer to the highway. The applicant also owns the property next door where he trucking business is located. He purchased this property to move his business' office and dispatch center into from the other property. Planner Bonner explained that if the applicant ever needs to add a tower for the dispatch center, he will need to come back and ask for a Special Use Permit for the tower's construction.

Moving onto the second page of the Staff Report, Planner Bonner continued by comparing the property to the Future Land Use Plan (area shown as Commercial but Light Manufacturing is what the properties are actually zoned), the Master Thoroughfare Plan (unclear if sufficient right-of-way has been dedicated at this time); and the Zoning Map (showing the little bit of residential still on Simonds in comparison to the amount of Light Manufacturing existing). The review criteria on page 2 and 3 are mostly positively answered. With no submitted plans for changes to the site, Staff cannot state if there is sufficient parking. There are 2 unpaved driveways on the site. Both the driveways and parking areas will need to be paved. If there is no sidewalk from the parking area to the building, one will need to be provided. Without any plans, Staff also cannot say that safeguards are in place to deal with any noxious or offensive omissions along the boundary with the remaining residential property. This is will be something though that Staff looks at prior to issuing a Certificate of Occupancy. Something will probably need to be done about landscaping and other screening, but most of that will defined by code. Staff will also require this to be addressed prior to Certificate of Occupancy issuance. Page 4 of the Staff Report begins with a summary of the notifications to the neighbors. The rest of the Staff Report is the table of uses she has been providing for the commissioners to compare the land uses in a R-5 zoning district to a LM zoning district.

She briefly summarized Exhibits 2 through 8, which are typical to a zoning change.

Commissioner Sudduth asked about zoning for Green Forest. Is it on an adjacent piece of property? Isn't it zoned manufacturing? Planner Bonner explained that there are several pieces of property in that area that are being used one way but may be zoned another. She does remember from the mailing list that Green Forest used to own the lot we are reviewing. Commissioner Sudduth also asked about the dispatch service for the trucking business. Planner Bonner stated that the new owner operates the trucking company on the lot next door at 305 West Simonds, which is zoned LM. The dispatch center and offices are going to be moved into the house. The applicant hasn't provided any information on how the rest of the lot will be used. Commissioner Sudduth so no trucks on this lot? Planner Bonner stated, again no plans have been submitted so we don't have any additional information about whether they will or won't be parked on the backside of this lot. Commissioner Sudduth about trucks on Simonds Road are a problem. He hates to see any more trucks on Simonds Road or parking along it. Just driving Simonds Road now is pretty bad. Director Barr added that he had spoken with the owner and this applicant and had advised him that placing trucks on this lot will require a 24-foot fire lane to the back of the lot and all parking areas will require concrete pavement also. Planner Bonner stated that if any other improvements were made to the property, platting would be required to provide additional right-of-way, if there isn't enough already dedicated. No other commissioners had questions for Planner Bonner so she returned to her seat at 6:42 pm.

Chairman Dupuis asked for comments from the public if anyone wished to speak. Mr. Theodore Wojtowicz of 688 Stark Road approached the podium. He said he knew the folks involved with the application and was in support of the request. Having no other comments, he returned to his seat. No one else approached the podium so the public hearing was closed at 6:45 pm.

Chairman Dupuis asked if there were any further questions of the commissioners. None did so the chairman asked for a motion on the request. Commissioner Grimes moved to recommend approval of the request to the City Council for changing the zoning of the property at 401 West Simonds Road (being the unplatted tract 37 of the Herman Heider Abstract number 541 on page 490) from the R-5, Residential Single Family, zoning district to the LM, Light Manufacturing, zoning district. Commissioner Howard Sanders seconded the motion. The commissioners voted. The total was unanimously (five to zero) in favor of recommending the request for approval to the City Council.

Planner Bonner announced to the audience that this item will be on the September 10th City Council agenda. The first letter that was sent listed the date as Sept. 17th, but City Council has changed their September meeting dates because of the Labor Day holiday. With their decision to hold only a single meeting in September on Monday the 10th, she had had to re-send the legal notices to the neighbors with a date correction for the City Council public hearing. That is the reason a second letter had been sent with a different

date than the first legal notification.

- B. Request Z2018-15:** Chairman Dupuis asked for a staff report. Planner Bonner began by stating that the property owners, Mr. and Mrs. Wolford, and applicant Vertical Bridge are asking for a Special Use Permit for the construction and operation of a communications cell tower on the property. The map on page 1 of the Staff Report shows the proposed tower site under the purple star outlined in orange as well as the city limits line common with the City of Dallas just a short distance across Stark Road. The decision is needed on the SUP request so that the owner/operator of the tower knows whether they can construct a cell tower at this location or if they will need to find another location to build. The property is 66.5+acres in size and has a house, several outbuildings, and a 10+acre pond/lake. The tower would be constructed on a 0.25-acre lease area in the northern corner of the property where the land is highest in elevation. If approved, the SUP would be for the entire site - not just the proposed tower lease area. Most of the area in the immediately surrounding area is zoned R-2, Residential Single Family, with some Planned Developments in the area to the north and west as well as some R-1, a different variety of Residential Single Family, in areas to the south. Staff is supportive of the request approval with the following conditions. The Commission can change add, remove, change, or ignore these. City Council will have the final say on any conditions.
- SUP is good for only 270 days unless the tower cannot be completed in that time.
 - The SUP will need to be re-applied for and approved prior to any time extension on the tower's construction.
 - Once the tower is completed, the SUP remains in effect until it is removed from the site.

Planner Bonner continued by referring to the maps on page 2 of the Staff Report – Future Lane Use Map, Master Thoroughfare Map, and Zoning Map. When looking at the review criteria listed on pages 2 through 4 there are very few items of concerns. The site will be providing a 24-foot wide concrete paved driveway, but it will not have any curbs, gutters, or other drainage structures installed as part of the project. Special Use Permit section of the zoning code allows towers like this one in every district as long as a SUP is approved by City Council. Planner Bonner summarized the legal notifications and that no responses had been received. Under Exhibit 5 there are 2 applications – one from the tower only initially as well as the property owner sign off on a separate. This exhibit also includes the descriptions for the tower lease area, the driveway access easement, utility connection easement, and the parent parcel. Exhibit 9 is the site concept and tower location on the parent parcel from the tower company. She specially pointed out the entire parent parcel shape and the tower location within it. At the request of the audience, she also turned to point out these items to them as well. She concluded by stating that she has had the tower moved once already on the site so that if the tower failed after it was erected, it would collapse only onto the parent parcel (and not onto any adjoining parcel). With no questions from the commissioners, she returned to her seat.

Chairman Dupuis asked from comments from the public beginning at 6:51 pm. First to

approach the podium was Mr. Theodore Wojtowicz of 688 Stark Road. He had some questions. He lives across from the proposed site. His primary concern was the type of tower being constructed – 3G, 4G, 5G, GSM, microwave, other? Director Barr stated that Mr. Wojtowicz can ask his questions, but the applicant has the choice whether to respond or not when it is their turn to speak next. Mr. Wojtowicz stated that some types of cell towers are much more dangerous than others, based on various research studies. He wishes that the tower was located on the other end of the property from his home and property, but that isn't where the tower apparently plans to be built. He is sure that the cost of putting utilities into the site had some effect on the location chosen. He has worked putting utility connections into site before and understands the cost of construction. His primary concern is proximity. He has the information with him tonight about the research that has been done on various radiation levels of different types of equipment. He handed the information to Planner Bonner who then passed it to the commissioners to look at as they choose. Mr. Wojtowicz said he did not need the materials back and then returned to his seat.

Mr. Steve Herlinger rose and approached the podium to represent the applicant Vertical Bridge at 6:53 pm. He stated that the questions of the last speaker were important questions. The items shown in the current plans are for 4G equipment and services. It may be changed out to 5G equipment in many years from now, but right now 5G is mostly limited to first responders in very small service areas with very limited coverage (for E911, sheriff deputies, etc.). The tower will be 100-feet tall and for now its only carrier will be T-Mobile, but there will be room for other co-locators on the tower. This type of monopole construction is designed for failures to occur where the tower sections are connected – in 20-foot-sections – so it is designed to collapse on itself. As several questions continued to come from the audience for the applicant, Chairman Dupuis stated that if there were more questions, the audience members need to come to the podium and ask their questions or make their statements – not blurt them out from the audience where the rest of the room can't hear. Mr. Herlinger graciously stepped away from the podium so that a member of the audience could come the podium to be recognized.

Mr. Coen Enright of 688 Stark Road came to the podium and asked questions about tower height. He also mentioned the PD across the street that is split – partially in Seagoville and partially in Dallas. His primary concern was the distance of the tower from the houses – existing and proposed for the new subdivision across Stark Road in the planned development. Planner Bonner responded that she had looked at those distances as part of her staff report. She had not read that section earlier but had found that the tower would be between 1,500- and 1,700-feet from the 3 closest houses in the area. She also determined that once the subdivision across Stark Road is completed, the closest house would be about 450-feet from the planned tower. Those distances seem rather close. Mr. Enright then returned to his seat.

Mr. Herlinger returned to the podium. He explained that there is no minimum spacing

between tower locations nor between towers and residences. Towers in Texas and the surrounding states are spaced to provide service to residential areas – especially for emergency services to pinpoint caller locations. Director Barr asked for his comments to be directed towards the microphone and the commissioners. Commissioner Grimes asked about the break-away locations. Commissioner Sudduth asked about the next closest tower to this one. Mr. Herlinger said he wasn't sure of exact distance without looking at the RF report, but this tower is planned to cover a gap – or dead area – without any coverage. Chairman Dupuis asked if any of the other commissioners had questions for the applicant. All responded with a negative shake of their head. The chairman thanked the applicant for his time. The chairman asked if the commissioners had any other items of discussion.

Commissioner Grimes asked the security of the site – brick wall, block wall, screening wall, etc. – so no one can get in and climb the tower. Planner Bonner stated that the plans call for an 8-foot-tall CMU block wall with a wrought iron gate. There is also landscaping planned for around the outside of the walled area. Chairman Dupuis stated that he needed to close the public hearing. He asked one last time for anyone else who wished to speak. When no one else approached the podium, he closed the public hearing at 7:00 pm.

Commissioner Grimes stated his concern was for security of the site – no one being able to climb a fence or wall and then onto the tower. How tall a wall or fence – 8-foot, 10-foot, 12-foot? Director Barr stated that a minimum 6-foot screening wall is required. Planner Bonner stated that the plans show either a 6- or 8-foot-tall CMU block wall with a wrought iron gate and with landscaping planned for around the outside of the walled area. None of the other commissioners had anything to discuss so the Chairman asked for a motion on the item.

Commissioner Grimes moved that the Special Use Permit request to be added to the existing R-2 zoning district be recommended to City Council with the conditions that Staff had suggested. Commissioner Sanders seconded the motion. The commissioners voted. The total was unanimously (five to zero) in favor of recommending the request for approval to the City Council.

Planner Bonner announced to the audience that this item will also be on the City Council agenda on September 10th. Chairman Dupuis stated that those not satisfied with the recommendation of the P&Z tonight are encouraged to attend that meeting and state your opinions that evening also.

He then adjourned the meeting at 7:03 pm.

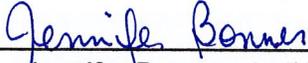
Planner Bonner reminded the P&Z that their next meeting is on September 11th. There are a couple of public hearing items planned for that agenda in addition to a 3rd item for review. Commissioners Howard and Sudduth both stated that they will not be able to attend the

meeting on that date. Chairman Dupuis stated that he will not be available for the 2nd P&Z meeting in October. Director Barr instructed Planner Bonner to figure out if we will have a quorum for the September 11th meeting as well as meetings through the end of the year so that if other meetings need to be cancelled or re-scheduled, that can be determined as soon as possible.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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