



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, JUNE 3, 2019**

**City Council Chambers, City Hall
702 N. Hwy 175
Seagoville, Texas 75159**

WORK SESSION – 6:30 P.M.

Call to Order

- A. Discuss regular session agenda items**
- B. Receive presentation concerning how to submit loud noise complaints**

Adjourn

REGULAR SESSION - 7:00 P.M.

ROUTINE ANNOUNCEMENTS, RECOGNITIONS, and PROCLAMATIONS

Call to Order

Invocation

Pledge of Allegiance

Mayor's Report

Citizens Public Comment Period- *This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.*

CONSENT AGENDA- The Consent Agenda contains items which are routine in nature and will be acted upon in one motion.

- 1. Consider approving City Council Meeting minutes for May 16, 2019 and May 20, 2019 (City Secretary)**

REGULAR AGENDA-

- 2. Receive a presentation concerning the rear easement of the 800 block of High School Dr. and Quinette Dr (Code Enforcement Supervisor)**
- 3. Conduct a public hearing on a request for a change in zoning from PD-R4 (Planned Development – Residential Single Family-4) to R-4 (Residential Single Family-4) on approximately 4.283±acres commonly known as 1917 Seagoville Road, Seagoville, Dallas County, Texas, and being more particularly described as Lot 1 of the Carey Addition (Community Development Director)**
- 4. Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from PD-R4 (Planned Development – Residential Single Family-4) to R-4 (Residential Single Family-4) on approximately 4.283±acres commonly known as 1917 Seagoville Road, Seagoville, Dallas County, Texas, and being more particularly described as Lot 1 of the Carey Addition and depicted in Exhibit “A”, which is attached hereto and incorporated herein; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date (Community Development Director)**
- 5. Conduct a public hearing on a request from Planned Development–Residential-5 (PD-18-01) to Planned Development–Residential-5 Amended (PD-18-01A1) to provide for a concept plan for approximately 28.53±acres of land located in the John D. Merchant Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road (Community Development Director)**
- 6. Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Planned Development–Residential-5 (PD-18-01) to Planned Development–Residential-5 Amended (PD-18-01A1) to provide for an amended concept plan for approximately 28.53±acres of land located in the John D. Merchant Survey Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”, attached hereto and incorporated herein; providing for amended development regulations; providing for the approval of an amended concept plan, which is attached hereto and incorporated herein as Exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date (Community Development Director)**

- 7. Discuss and consider approval of a Resolution of the City Council of the City of Seagoville, Texas, authorizing the City Manager to execute an Interlocal Agreement with Dallas County, Texas for participation in the Memorandum of Understanding/Interlocal Agreement among participating local governments for Law Enforcement Data Sharing via Dallas County Adult Information System (AIS) (Police Chief)**

- 8. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, amending the FY 2018-2019 Master Fee Schedule by amending the Building Inspection/Code Enforcement/Health Section by repealing the fee for a Residential Building Permit and replacing the same with a fee of Seventy-Five Cents (\$0.75) per square foot; and providing an effective date (Community Development Director)**

- 9. Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.**

- 10. Future Agenda Items – Council to provide direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.**

11. Recess into Executive Session

Council will recess into Executive Session in compliance with Texas Government Code

(A) Section § 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

12. Reconvene Into Regular Session

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session

(A) Section § 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

Adjourn

Posted Friday, May 31, 2019 by 5:00 P.M.



Kandi Jackson, City Secretary



As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- **Monday, June 17, 2019 Regular City Council Meeting**
- **Monday, July 1, 2019 Regular City Council Meeting**
- **Monday, July 15, 2019 Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Consider approving City Council Meeting minutes for May 16, 2019 and May 20, 2019.

BACKGROUND OF ISSUE:

Approve City Council Meeting minutes for May 16, 2019 and May 20, 2019.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

May 16, 2019 Regular Meeting Minutes

May 20, 2019 Work Session Minutes

May 20, 2019 Regular Meeting Minutes



**MINUTES OF CITY COUNCIL
REGULAR SESSION
MAY 16, 2019**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 6:32 p.m. on Thursday, May 16, 2019, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor	
Jon Epps	Mayor Pro Tem	
Jose Hernandez	Councilmember	absent
Rick Howard	Councilmember	
Harold Magill	Councilmember	
Mike Fruin	Councilmember	

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, and City Secretary Kandi Jackson.

Invocation – *Invocation was led by Councilmember Magill.*

Pledge of Allegiance – *Pledge of Allegiance was led by Mayor Childress.*

Mayor's Report – *None.*

Citizens Public Comment Period- *This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.*

None.

REGULAR AGENDA-

- 1. Discuss and consider approval of a Resolution canvassing results of the General Election held on Saturday, May 4, 2019**

City Secretary Jackson stated Mayor Dennis K. Childress was unopposed and received a total of 386 votes. She stated Councilmember Jose Hernandez was unopposed and received a total of 341 votes. She stated Candidate Mike Fruin was opposed and received a total of 303 votes. Candidate Raymond Covert received total of 150 votes. Mike Fruin won Councilmember Place 4.

Motion to approve a Resolution canvassing the results of the General Election held on Saturday, May 4, 2019 – Magill, seconded by Epps; motion passed with all ayes. 4/0

Adjourned at 6:35 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
WORK SESSION
MAY 20, 2019**

The Work Session of the City Council of the City of Seagoville, Texas was called to order at 6:31 p.m. on Monday, May 20, 2019, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor
Jon Epps	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Patrick Harvey, Library Director Liz Gant, Water Utilities Director Phil DeChant, Court Administrator Julissa Perez, Police Captain Steve Davis, Seagoville Economic Development Assistant Don Cole, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

A. Reception for Council and Leadership Seagoville

Mayor Childress invited everyone to the foyer for a reception to honor re-elected Councilmember and Leadership Seagoville Graduates.

Adjourned at 6:32 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
REGULAR SESSION
MAY 20, 2019**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:01 p.m. on Monday, May 20, 2019, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor
Jon Epps	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Library Director Liz Gant, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Patrick Harvey, Water Utilities Director Phil DeChant, Seagoville Economic Development Assistant Don Cole, Court Administrator Julissa Perez, Police Captain Steve Davis, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation - *Invocation was led by Seagoville Economic Development Director Cole.*

Pledge of Allegiance – *Pledge of Allegiance was led by Cub Scout Pack 96, Ayden Hernandez.*

Oaths of Office for Newly Elected City Council Members – *City Secretary Jackson administered the Oath of Office to Councilmember Place 2 Jose Hernandez, Councilmember Place 4 Mike Fruin, and Mayor Dennis K. Childress.*

Graduation Leadership Seagoville – *Mayor Childress and Director of Administrative Services Brown presented graduation certificates to the second Leadership Seagoville Class.*

Mayor's Report – *Mayor Childress congratulated the graduates of the second Leadership Seagoville Class. He also encouraged participation in Leadership Seagoville.*

Citizens Public Comment Period- *This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.*

Judson Watkins at 815 High School Drive provided pictures and expressed his concern to Council about flooding on High School Drive.

CONSENT AGENDA- The Consent Agenda contains items which are routine in nature and will be acted upon in one motion.

1. Consider approving City Council Meeting minutes for May 6, 2019 (City Secretary)

Motion to approve City Council Meeting minutes for May 6, 2019 – Epps, seconded by Magill; motion passed with all ayes. 5/0

REGULAR AGENDA-

2. Discuss and consider selection of Mayor Pro Tem for 2019-2020 (City Council)

*Mayor Childress called for nominations.
Motion to selection Jon Epps as Mayor Pro Tem – Hernandez, seconded by Howard; motion passed with all ayes. 5/0*

3. Discuss and consider a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager to engage C&M Concrete for concrete repairs to Concorde Circle in an amount not to exceed One Hundred Four Thousand Five Hundred Twenty-Nine Dollars and No Cents (\$104,529.00); authorizing the City Manager to execute an agreement or any documents necessary for the work to be performed; and providing an effective date (Community Development)

Community Development Director Barr stated this Resolution authorizes the repair of Concorde Circle. He stated the concrete on Concorde Circle is only three (3) to three and half (3 ½) inches thick and rebar is only installed in one direction. City Manager Stallings stated our standard is concrete that is six (6) to eight (8) inches thick.

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager to engage C&M Concrete for concrete repairs to Concorde Circle in an amount not to exceed One Hundred Four Thousand Five Hundred Twenty-Nine Dollars and No Cents (\$104,529.00); authorizing the City Manager to execute an agreement or any documents necessary for the work to be performed; and providing an effective date – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

- 4. Discuss and consider approval of a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager to engage C&M Concrete for concrete repairs to Oakbrook Lane, Hall Lane, Ross Lane, and Shadybrook Lane in an amount not to exceed One Hundred Thirty-Three Thousand Eight Hundred Twenty-Eight Dollars and Twenty-Two Cents (\$133,828.22); authorizing the City Manager to execute an agreement or any documents necessary for the work to be performed; and providing an effective date (Community Development)**

In response to a questions by Councilmember Hernandez, City Manager Stallings stated this would repair multiple sections of Oakbrook Lane, Hall Lane, Ross Lane, Shadybrook Lane, and sections of the sidewalks.

Community Development Director Barr stated these streets were already in need of repair and then it became a truck route for the construction of the new subdivision. He stated there two (2) lots left in the new subdivision to build and once the lots are built repairs will begin.

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager to engage C&M Concrete for concrete repairs to Oakbrook Lane, Hall Lane, Ross Lane, and Shadybrook Lane in an amount not to exceed One Hundred Thirty-Three Thousand Eight Hundred Twenty-Eight Dollars and Twenty-Two Cents (\$133,828.22); authorizing the City Manager to execute an agreement or any documents necessary for the work to be performed; and providing an effective date – Magill, seconded by Howard; motion passed with all ayes. 5/0

5. **Discuss and consider approval of an Ordinance of the City of Seagoville, Texas, amending Chapter 19 of the Code of Ordinances by repealing Article 19.07 in its entirety and replacing with a new Article 19.07, “Water Conservation Plan and Drought Contingency Plan”; providing for the adoption of a Water Conservation Plan; providing for a Drought Contingency Plan; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; providing for the disconnection of water service for noncompliance with the provisions of the Drought Contingency Plan; and providing an effective date (Water Utilities)**

Halff Associates, Inc., Operations Manager, Jayson Melcher stated this Ordinance is required annually. He explained water contingency is done every year to use water wisely and reduce water usage. He stated drought contingency is done during a drought and requires the City to go through stages to reduce water usage. He stated both, water conservation and drought contingency, is required by state law and by the contract with Dallas Water Utilities. He introduced Halff Associates, Inc., Senior Project Manager, Mark Kestner.

Senior Project Manager Kestner presented the Water Conservation Plan and Drought Contingency Plan.

Motion to approve an Ordinance of the City of Seagoville, Texas, amending Chapter 19 of the Code of Ordinances by repealing Article 19.07 in its entirety and replacing with a new Article 19.07, “Water Conservation Plan and Drought Contingency Plan”; providing for the adoption of a Water Conservation Plan; providing for a Drought Contingency Plan; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; providing for the disconnection of water service for noncompliance with the provisions of the Drought Contingency Plan; and providing an effective date – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

6. **Update concerning Storm Waster Ph. II MS4 General Permit (Water Utilities)**

Halff Associates Inc., Senior Project Manager Kestner presented the Storm Water Ph. II MS4 General Permit.

7. Discuss possible catch and release Ordinance for fish at Bruce Central Park (Mayor Pro Tem Epps)

Police Captain Davis stated he contacted Texas Parks and Wildlife concerning the possible catch and release Ordinance. He stated Texas Parks and Wildlife informed him the lake water body at C.O. Bruce Park is called a Community Fishing Lake (CFL) and falls under Texas Parks and Wildlife restrictions. He was informed that if a catch and release Ordinance was put into effect it could potentially cause an overpopulation of certain species and upset the natural ecosystem of the pond. He stated the legal opinion is that cities do not have the authority to promulgate or modify fishing regulations. The authority rests solely with the Texas Parks and Wildlife Commission. He also highlighted the CFL Fishing Standards. He stated anyone fishing in the pond at C.O. Bruce Park over the age of seventeen (17) is required by state law to have a valid fresh water fishing license, can use no more than two (2) poles; only poles are allowed to harvest fish from the pond, no cast netting, length and bag limits are modified for this pond. He also stated for catfish there is no length limit but can bag five (5) a day, bass is fourteen (14) inches with five (5) a day, and there is no limit on trout but there are no trout in the C.O. Bruce pond.

Councilmember Hernandez asked if the Police Department is able to enforce the CFL Fishing Standards. Police Captain Davis stated any Peace Officer in the state of Texas can enforce the Texas Parks and Wildlife Code.

Councilmember Epps asked if a sign can be posted at C.O. Bruce Park. Police Captain Davis stated in his opinion, education is key.

City Manager Stallings stated Mr. Barr will work with Captain Davis to get a couple of signs installed at the entry point of C.O. Bruce Park.

8. Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.

Mayor Pro Tem Epps stated the City is looking good and wants things to keep moving in a positive direction.

Councilmember Fruin thanked all of the voters in the community.

Councilmember Hernandez stated the Cub Scout would like to invite Council to C.O. Bruce Park on June 1, 2019. He stated he would provide the City Secretary with detailed information concerning the invitation to send out to Council.

9. Future Agenda Items – Council to provide direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

None.

10. Recessed into Executive Session at 7:48 p.m.

Council will recess into Executive Session in compliance with Texas Government Code:

(A) Section§ 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

11. Reconvene Into Regular Session at 8:06 p.m.

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

(A) Section§ 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

No action taken.

Adjourned at 8:07 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Receive a presentation concerning the rear easement of the 800 block of High School Dr. and Quinette Dr.

BACKGROUND OF ISSUE:

Due to recent heavy rainfall totals, poor drainage, and overgrown vegetation, flooding became an issue at the rear easement of High School Dr. and Quinette Dr. The ongoing issue caused the vegetation to continue to grow excessively, which caused stagnate water. In order to solve the issue Staff contracted to cut back overgrown vegetation in order for light and air to flow in the alley. The clearing of the vegetation rapidly improved the flooding. In the beginning Staff was concerned about a leak but once the alley was cleared Staff learned there is not a leak. While we are continuing our efforts to improve the conditions of the alley Staff will monitor for any leak.

FINANCIAL IMPACT:

RECOMMENDATION:

EXHIBITS:

Presentation photos

The background features a light gray gradient with several realistic water droplets of various sizes scattered across the surface. The droplets have highlights and shadows, giving them a three-dimensional appearance.

HIGH SCHOOL DR. & QUINETTE DR.

REAR EASEMENT



















Regular Session Agenda Item: 3

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Conduct a public hearing on a request for a change in zoning from PD-R4 (Planned Development – Residential Single Family-4) to R-4 (Residential Single Family-4) on approximately 4.283±acres commonly known as 1917 Seagoville Road, Seagoville, Dallas County, Texas, and being more particularly described as Lot 1 of the Carey Addition.

BACKGROUND OF ISSUE:

The land is currently vacant.

The existing zoning, land uses, and relevant portions of the City's comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant's request.

Arturo Pelayo (the owner) is being represented by his son Chris Pelayo in this request.

The property was zoned R-5 when it was part of the tract of land owned by now-adjointing owner Julie Carey and her husband William. This lot was divided from the area retained by the Careys in 2002. The existing planned development was created by Ordinance 03-02. This ordinance was enacted to allow the construction of a retirement community consisting of 20 residential structures, a community center, a 22-foot-wide through street, and associated parking for the residential structures. The retirement community development was never built. The Planned Development was amended in 2008 to allow the construction of a church and parsonage with a base zoning of R-4. That proposed development also did not occur. The property was sold to the current owner in 2012. He is now asking that the zoning be changed from the PD-R4 to a straight R-4 zoning so that he can build a home for his family.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Including the parcel in question, there are twenty-seven (27) properties plus three (3) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, April 15, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. As of the date of this Staff Report on Thursday, May 9, 2019, no (zero) property owners responded for or against the request. One (1) letters was returned as undeliverable by the U.S. Postal Service. Copies of the responses were provided to the Commissioners at the meeting. No one spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, May 29, 2019, one (1) additional response has been received in favor of the request. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending approval zoning change request on about 4.3-acres of Lot 1 of Carey Addition located at Seagoville Road and Cain Street from PD-R4, Plan Development with R-4 base zoning, to R-4, Residential Single Family. The conditions of approval are tied to the development of the property and are:

- Dedication any missing right-of-way along Seagoville Road and Cain Street as required by the 2006 Thoroughfare Plan, and
- Construction of a sidewalk along Seagoville Road in the road's right-of-way.

Staff is also recommending conditional approval of the request.

EXHIBITS:

1. Staff Report (6 pages)
2. 2017 aerial photograph from DCAD website
3. Dimensional reference map from DCAD website
4. Zoning map reference (dimensional map with zoning added)
5. Zoning application
6. Public hearing notice for City Council to newspaper
7. Public hearing notice to property owners (total of 3 pages)
 - a. Notice to property owners for City Council within 200 feet (2 pages)
 - b. Returned response
8. List of property owners within 200 feet of subject parcel
9. Original PD Ordinance 03-02 (3 pages)
10. PD amendment Ordinance 17-2008 (6 pages)



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

DATE: JUNE 3, 2019
AUTHOR: JENNIFER BONNER, JUNIOR PLANNER
APPLICANT: ARTURO PELAYO
PARCEL: 5000940000001000
LOCATION: 1917 SEAGOVILLE ROAD (LOT 1 OF CAREY ADDITION)

REQUEST SUMMARY:

The applicant is requesting that his parcel (highlighted in green and under the 2 yellow stars in the map) have the current zoning changed from PD-R4, Planned Development with R-4 base zoning, to a straight R-4, Single Family Residential, zoning so that he can construct a home for his family.

Prior to the PD's creation, the site's zoning was R-5. The initial planned development was created by Ordinance 03-02, which allowed the construction of 20 residential structures, a community center, a street, and associated parking for a retirement community. It was never built. The PD was amended in 2008 to allow the construction of a church and parsonage with a base zoning of R-4. That development also did not occur.

The property was sold to the current owner in 2012. He had been told the property at that time that it was a mix of residential and commercial.



REQUEST LOCATION: Inside City, Dallas County

SIZE OF PROJECT	EXISTING ZONING	SURROUNDING ZONING	EXISTING LAND USE	SURROUNDING LAND USE
About 4.3-acres	PD, Planned Development for a church and parsonage with R-4 base Zoning	Northwest: R-5, Single Family Residential Southwest: PD, Planned Development Northeast: R-5, Single Family Residential Southeast: D, Duplex and C, Commercial	Low Density Residential	Northwest: Low Density Residential Southwest: Low Density Residential Northeast: Low Density Residential Southeast: Low Density Residential

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommend approval with conditions on the request to change the current zoning on about 4.3-acres of Lot 1 of Carey Addition located at Seagoville Road and Cain Street from PD-R4, Plan Development with R-4 base zoning, to R-4, Residential Single Family. The conditions of approval are tied to the development of the property and are:

- Dedication any missing right-of-way along Seagoville Road and Cain Street as required by the 2006 Thoroughfare Plan, and
- Construction of a sidewalk along Seagoville Road in the road's right-of-way.

Staff is also recommending conditional approval of the request.

Detailed explanations follow on the attached pages.

STANDARD:	ANALYSIS:
Development Calendar (Deadlines)	Has Met
Application Requirements	Has Met
Zoning Code	Has Met

COMPARISON TO ADOPTED CITY MASTER PLANS

STAFF ANALYSIS

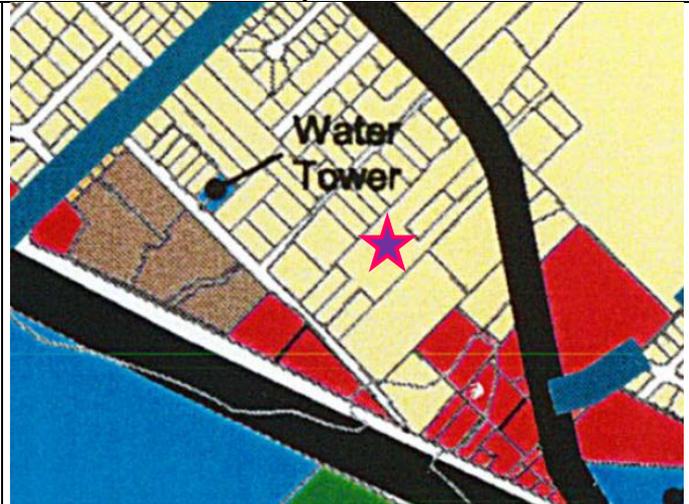
PLAN GOALS OR GUIDELINES

2002 Future Land Use Plan and Map

The lot in the request (under the purple star outlined in pink) is in an area that the 2002 Future Land Use Plan and Map shows to be Low Density Residential (light yellow).

The red areas are to be Local Retail. The blue areas are expected to become Public or Semi-Public. The green area to the south is Bruce Park. The brown colored area are expected to become High Density Residential areas.

Meets Standard



2006 Thoroughfare Plan and Map

The property in the request (under the 2 purple stars outlined in pink) has access to both Seagoville Road (labeled and shown by a red line) as well as Cain Street (not labeled on the map).

The plat for the Carey Addition (a one-lot subdivision) did not identify the quantity of existing right-of-way for either Cain Street or Seagoville Road. Staff suspects that additional right-of-way for both streets will have to be dedicated with the development of the lot in order to meet the requirements of the Thoroughfare Plan.

Does Not Meet Standard



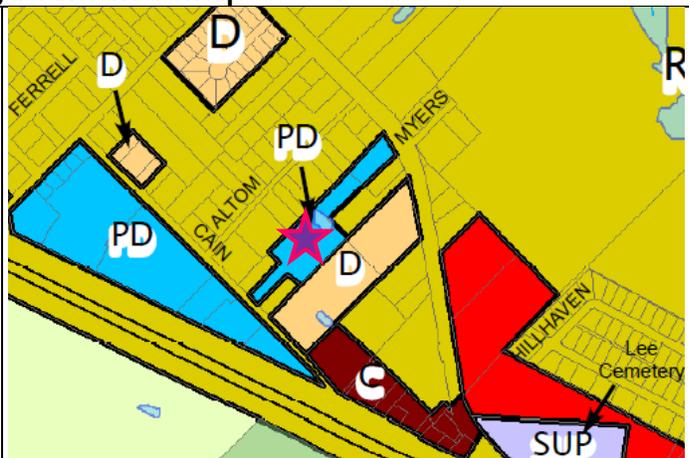
2009 Zoning Plan and Map

The lot in the request (under the purple star outlined in pink) is a PD, Planned Development (blue color).

The 2002 ordinance that created this PD states it was to be developed for a retirement community. That concept was not built and the PD was amended in 2008 to allow for a church and parsonage, which also was not built.

The applicant is requesting that the zoning be changed to R-4, Single Family Residential, the base zoning of the PD, as currently amended.

Meets Standard



REVIEW CRITERIA	STAFF ANALYSIS	
1. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected?	Yes	Public water and sewer are already connected to the residences, businesses, and the elementary school in this neighborhood.
2. Will the land use be compatible with other area properties located nearby?	Yes	Lands to the northwest, northeast, and southeast are already zoned residential. Those to the northwest and northeast match the requested zoning district.
3. Will the use be in compliance with all of the provisions of the Zoning Amendments portion of the Municipal Code?	Yes	The requirements for the change in zoning have been met (application, legal notifications, etc.).
4. Will the use be compliant with all applicable provisions in the Code for the district in which the use is to be located?	Yes	This request is being made so that the applicant can build a home for his family in an R-4 Single Family zoning district. A single family home is not allowed in the current Planned Development's ordinance.
5. Will the use facilitate public convenience at that location?	Yes	The site has direct access to both Seagoville Road (a planned major arterial) as well as Cain Street (a local street).
6. Will the use conform to off-street parking and loading requirements?	N/A	No proposed plans for the site have been submitted. If and when they are, this will be something that Staff will review.
7. Are all of the ingress, egress, and pedestrian ways adequate?	No	There is currently a unpaved driveway accessing the lot from Seagoville Road and another from Cain Street. There are currently no sidewalks or other pedestrian accesses to the lot.
8. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed?	No	Staff will be confirming these safeguards have all been addressed before a building permit is issued. None of these will be required unless this lot develops for anything other than a single family home or subdivision of these homes.
9. Will the proposed landscaping and screening be compliant with all City regulations?	N/A	No proposed plans for the site have been submitted.
10. Will the signage be compliant with those portions of the Municipal Code?	N/A	Staff will require the code to be met when any application is submitted. No application has been submitted yet.
11. Will all open space(s) be maintained by the owner/developer?	Yes	The property will continue to be maintained by the property owner until development occurs.
12. Are the size and shape of the site as well as the arrangement of the proposed structure(s) in keeping with the intent of the Code?	Yes	The existing lot dimensions exceed code minimums. Any new driveways, parking areas, and/or structures will be reviewed when applied for to confirm all minimums continue to be met.
13. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping?	No	There are no currently proposed structures. Any future structures will have to meet all Seagoville codes at the time each is applied for.
14. Have the provisions of the existing master thoroughfare plan been met to protect the public interest?	No	It is unclear if sufficient right-of-way was dedicated when the Carey Addition was platted, so Staff may be requiring right-of-way when the lot is developed.
15. Have the provisions of any existing future land use plan been met to protect the public interest?	Yes	Chapter 5 (Future Land Use) of the 2002 Comprehensive Plan provides suggestions on locations for different types of land use. The subject lot is shown in an area to be Low Density Residential.

**STAFF REPORT
Z2019-16**

REVIEW CRITERIA	STAFF ANALYSIS	
16. Have the provisions of any existing capital improvements plan been met to protect the public interest?	Yes	There currently is no active capital improvement plan. The most recent plan (2008) has completed all improvements, but the pay-off has not yet been finalized.
17. Have the provisions of any community facilities plan been met to protect the public interest?	N/A	Changing the zoning of parcels is not affected by the community facilities portion of any city Plan.
18. Have the provisions of any other adopted document for providing required necessary public facilities been met to protect the public interest?	N/A	Chapter 8 (Public Facilities) of the 2002 Comprehensive Plan addresses municipal facilities primarily. Changing the zoning of parcels does not affect the provisions of any city Plan.

Public Comments Received: Including the parcel in question, there are twenty-seven (27) properties plus three (3) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail for the Planning and Zoning Commission on Monday, April 15, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. No (zero) property owners responded for or against the request. One (1) letter was returned as undeliverable by the U.S. Postal Service. No one spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, May 29, 2019, one (1) additional response has been received in favor of the request. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.

Other Staff Comments: The table below compares the land uses listed in the municipal code for the R-4 and R-5 zoning districts in comparison to those land uses allowed by both the original and amended planned development's ordinances. The table to the right shows which symbols depict land uses that would be permitted or require a special use permit in the land use table. Any other land use would be prohibited. The land use table is arranged alphabetically.

Land Use Key:	Zoning District:
P = Permitted land use	R-4 , Residential Single-family
S = Special Use Permit (SUP) required	R-5 , Residential Single-family
A blank box means the land use is <i>prohibited</i> in that zoning district.	Ord. 03-02 created this Planned Development. Ord. 17-08 amended the Planned Development.

Type of Land Use	Zoning District			
	R-4	R-5	Ord. 03-02	Ord. 17-08
Accessory buildings	P	P		
Addition of pre-packaged food or beverages sales to a retail or business already operating	S	S		
Airport or airport facilities	S	S		
Art gallery	P	P		
Breezeway attaching accessory to the main building	P	P		
Carnival	S	S		
Cemetery	S	S		
Children's home on 5 acres or more	S	S		
Church or religious worship facility	P	P		P
Circus	S	S		
Commercial amusement, temporary	S	S		
Community building			P	
Community building on 3 acres or more	S	S		
Concrete batching plant	S	S		

**STAFF REPORT
Z2019-16**

Type of Land Use	Zoning District		Ord. 03-02	Ord. 17-08
	R-4	R-5		
Convalescent home on 5 acres or more	S	S		
Daycare or nursery with fewer than four unrelated children	P	P		
Daycare or nursery with more than four unrelated children	S	S		
Detached dwelling for servants employed on-site	P	P		
Dog kennels on farm of 5 acres or more	S	S		
Drive-in theatre on 10 acres or more	S	S		
Driving range	S	S		
Earth excavation	S	S		
Educational institutions	S	S		
Electrical public utility regulating station	S	S		
Farm without on-site retail or wholesale business	P	P		
Fire station	P	P		
Garden without on-site retail or wholesale business	P	P		
Golf course without driving range	P	P		
Government use - local, county, state, federal	S	S		
Gravel excavation	S	S		
Greenhouse	S	S		
Greenhouse without on-site retail or wholesale business	P	P		
Homes for narcotics on 20 acres or more	S	S		
Homes for the alcoholic on 20 acres or more	S	S		
Homes for the feeble-minded on 20 acres or more	S	S		
Homes for the insane on 20 acres or more	S	S		
Hospital on 5 acres or more	S	S		
Kindergarten - public or private	S	S		
Landing airfield or facilities	S	S		
Library	P	P		
Maternity home on 5 acres or more	S	S		
Miniature golf course	S	S		
Miniature train ride	S	S		
Mixed-Use projects of private housing and shopping center on 3 acres or more	S	S		
Museum	P	P		
Natural gas public utility regulating station	S	S		
Neighborhood recreation center (swimming pool, social or hobby rooms)	P	P		
Normal household pets	P	P		
Nursery	S	S		
Nursery school - public or private	S	S		
Nursery without on-site retail or wholesale business	P	P		
Old people's home on 5 acres or more	S	S		
Orchard without on-site retail or wholesale business	P	P		
Park	P	P		
Parsonage				P
Passenger train station	P	P		
Philanthropic institutions	S	S		
Playgrounds	P	P		
Pony rides	S	S		
Private carport and/or garage	P	P		
Private school, equivalent to a public school	P	P		
Public school (elementary through high school)	P	P		
Public stable on 5 acres or more	S	S		
Public utility - privately or publicly owned	S	S		
Radio or television broadcasting stations	S	S		
Radio or television broadcasting towers	S	S		
Radio or television transmitter tower	S	S		

**STAFF REPORT
Z2019-16**

Type of Land Use	Zoning District		Ord.	Ord.
	R-4	R-5	03-02	17-08
Railway right-of-way and tracks, passenger station but not including railroad yards, team tracks or storage yards	P	P		
Railway ROW & tracks, but no railroad yards, team tracks or storage yards	P	P		
Religious institutions	S	S		
Retirement community of 20 residential buildings			P	
Riding academy on 5 acres or more	S	S		
Rock quarry	S	S		
Rodeo	S	S		
Sale of pre-packaged food/beverages, in combination, that exceeds 10% of an establishment's gross annual sales revenues	S	S		
Sand excavation	S	S		
Sewage treatment plant	S	S		
Single-family residence (detached)	P	P		
Telephone exchange without office, repair or storage facilities	P	P		
Temporary and seasonal sales establishment, such as flea market or produce stand	S	S		
Temporary buildings to be used for construction purposes only	P	P		
Travel trailer park	S	S		
Veterinary hospital on 5 acres or more	S	S		
Water pumping plant	P	P		
Water supply reservoir	P	P		
Water tower or artesian well	P	P		
Wind energy conversion system (WEC)	S	S		





DCAD Property Map





RECEIVED 4/15/19

ZONING APPLICATION City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: City Council: DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required):

Application Type:

- Initial Zoning (newly annexed or Agricultural property)
Rezoning (property currently zoned)
Planned Development (PD) - see Zoning Ordinance for special requirements and procedures
Specific Use Permit (SUP) - see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project:

Physical Location of Property: 1917 Seagoville Rd. Seagoville TX [General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 4.283 Existing Zoning: ord. 17.08 Requested Zoning: R4 [Attach a detailed description of requested zoning & development standards, if a PD]

Applicant / Owner's Name: Arturo Pelayo Applicant or Owner? (circle one)

Contact Person: Title:

Company Name:

Street/Mailing Address: 1615 N Woody Rd. City: Dallas State: TX Zip: 75253

Phone: (972) 880-3678 Fax: Email Address: Christopher.Pelayo23@gmail.com

Engineer (Representative's Name) Chris Pelayo

Contact Person: Title: Son

Company Name:

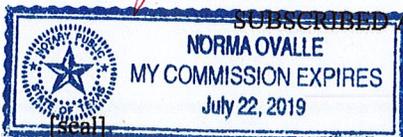
Street/Mailing Address: 1015 N Woody Rd. City: Dallas State: TX Zip: 75253

Phone: (972) 880-3678 Fax: Email Address: Christopher.Pelayo23@gmail.com

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: Arturo Pelayo Title: Date:



SUBSCRIBED AND SWORN TO before me, this the 11 day of April, 2019 Notary Public in and for the State of Texas Norma Ovalle My Commission Expires On: 7/22/2019

Office Use Only: Date Rec'd: 4/15/19 Fees Paid: \$ waived Check #: Receipt #: Zoning Case # 2209-16 Accepted By: [Signature] Official Submittal Date: 4/15/19



May 21, 2019

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2019-16**

The Seagoville City Council will hold a public hearing on Monday, June 3, 2019, at 6:30 PM in the City Council Chambers in City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to change the current zoning on about 4.3-acres of Lot 1 of Carey Addition located at Seagoville Road and Cain Street from PD-R4, Plan Development with R-4 base zoning, to R-4, Residential Single Family.

Individuals may appear at the public hearing to state their opinions or may send a written notice prior to 4:30 PM on the day of the public hearing to Jr. Planner Jennifer Bonner at 702 North U.S. Highway 175; Seagoville, TX 75159.

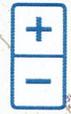
As an adjoining property owner, this is the second opportunity to voice your opinion about this project. The final opportunity will be at the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2019-16 as it is described herein.

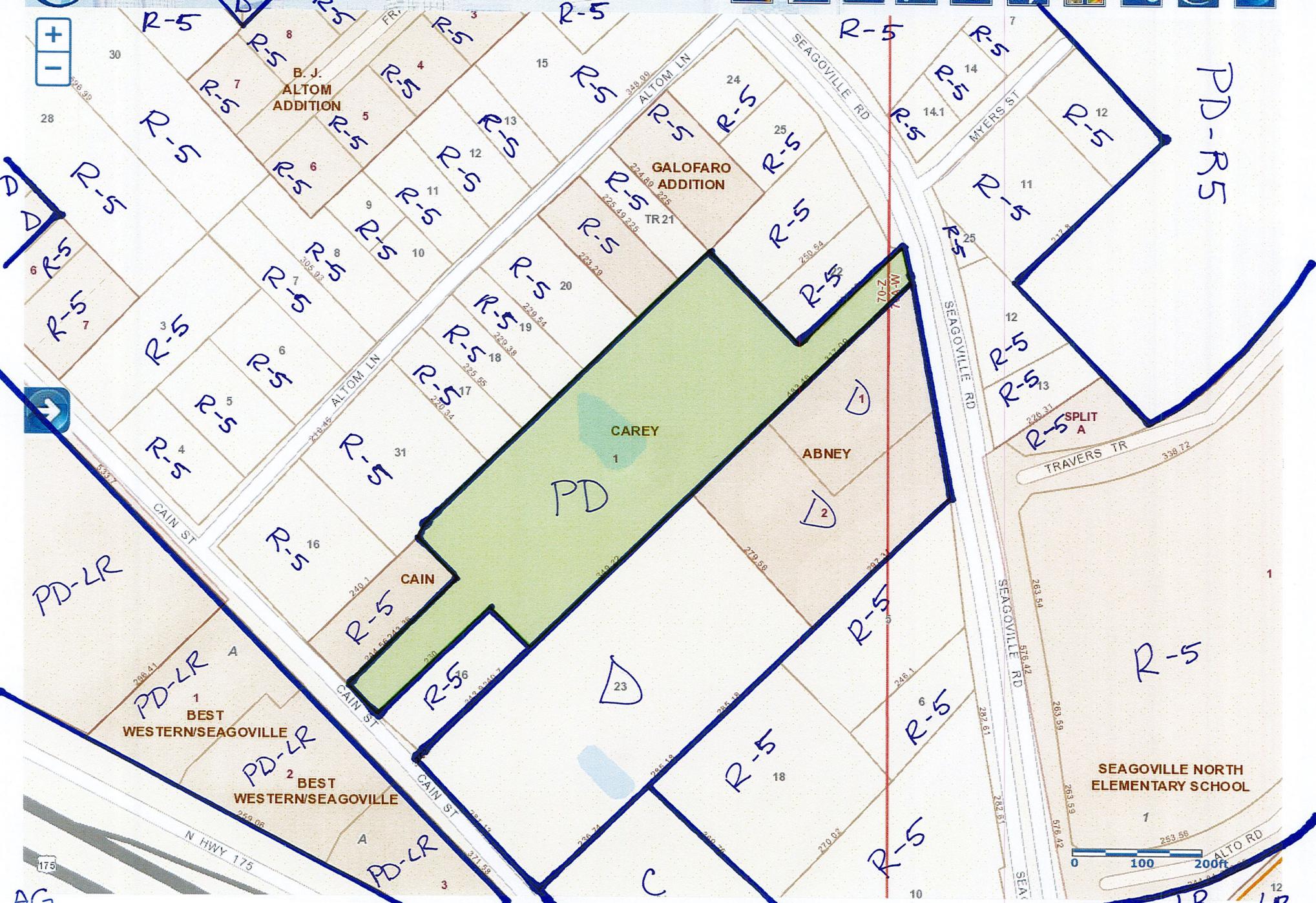
Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____
Printed Name(s): _____
Address: _____
City, State & Zip code: _____
Phone Number: _____



175

AG



PD-R5

PD

23

R-5

LR LR

BEST WESTERN/SEAGOVILLE

BEST WESTERN/SEAGOVILLE

SEAGOVILLE NORTH ELEMENTARY SCHOOL

CAREY

ABNEY

B. J. ALTOM ADDITION

GALOFARO ADDITION TR 21

SPLIT A



May 21, 2019

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

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SEAGOVILLE CITY COUNCIL
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As an adjoining property owner, this is the second opportunity to voice your opinion about this project. The final opportunity will be at the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2019-16 as it is described herein.

Additional Comments (attach additional sheets as necessary):
is a 6ft fence around?

Signature(s): [Handwritten Signature]
Printed Name(s): FL Sebastian
Address: _____
City, State & Zip code: _____
Phone Number: _____

RECEIVED
MAY 23 2019
BY: [Handwritten Signature]

MAY 21, 2019

ORDINANCE #03-02

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SEAGOVILLE, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM "R-5" RESIDENTIAL-5 TO "PD" PLANNED DEVELOPMENT (RETIREMENT COMMUNITY) ON 4.28 ACRES LOCATED AT SEAGOVILLE ROAD AND CAIN STREET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes and have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted and that the Comprehensive Zoning ordinance and Map should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, as heretofore amended, be, and the same are hereby, amended by changing the property described as 4.28 acres at 1917 Seagoville Rd and Cain Street, in Exhibit "A" attached hereto from "R-5" Residential-5 TO "PD" Planned Development for a Retirement Community at the request of Julie Carey.

SECTION 2. That the property described may be used only for the purposes set out in the site plan attached hereto as Exhibit "B" and made part hereof for all purposes.

SECTION 3. That all Ordinances of the City of Seagoville in conflict with the provisions of this Ordinance or the Comprehensive Zoning Ordinance as amended hereby be, and the same are hereby, repealed and all other provisions of the Ordinances of the City of Seagoville not in conflict with the provisions of the Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Comprehensive Zoning ordinance, as amended hereby, shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, Texas, and upon conviction in the municipal court of the City of Seagoville, Texas, shall be punished by a fine not to exceed the sum of Two Hundred (\$200.00) dollars for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 17th day of January, 2002.

APPROVED:

David Maroney
David Maroney, Mayor

ATTEST:

Ruth Sorrells
Ruth Sorrells, City Secretary

See Attachment
R5
1-29-2002

Beginning all that certain lot, tract or parcel of land located in the HERMAN HEIDER SURVEY, ABSTRACT NO. 1, Seagoville, Dallas County, Texas and being part of a 7 acre tract of land conveyed to William T. Carey and wife, Julie Carey, by deed recorded in Volume 96125, Page 4928, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch diameter iron rod set for corner in the Southwest line of Seagoville Road and the Southeast line of said 7 acre tract;

Thence South 45 deg. 00 min. 00 sec. West, along said Southeast line, a distance of 818.14 feet to a 1/2 inch diameter iron rod set at the East corner of a tract of land conveyed to J. W. Bearden, Jr. and wife, Betty Jo Bearden, by deed recorded in Volume 5512, Page 634, Deed Records, Dallas County, Texas.

Thence North 51 deg. 29 min. 28 sec. West, along the Northeast line of said Bearden tract, a distance of 89.38 feet to a 1/2 inch diameter iron rod set at the North corner of said Bearden tract;

Thence South 44 deg. 40 min. 16 sec. West, along the Northwest line of Bearden tract, a distance of 230.00 feet to a 1/2 inch diameter iron rod set for corner in the Northeast line of Cain Street;

Thence North 42 deg. 38 min. 07 sec. West, along said Northeast line, a distance of 75.00 feet to a 1/2 inch diameter iron rod set at the South corner of a 0.49954 of an acre tract of land, conveyed to Stephen S. Shaddox, by deed recorded in Volume 97075, Page 1283, Deed Records, Dallas County, Texas.

Thence North 44 deg. 40 min. 16 sec. East, along the Northwest line of said 0.49954 of an acre tract, a distance of 244.50 feet to a 1 inch diameter iron pipe found at the East corner of said 0.49954 of an acre tract;

Thence North 45 deg. 28 min. 26 sec. West, along the Northeast line of said 0.49954 of an acre tract, a distance of 90.00 feet to a 1/2 inch diameter iron rod set for corner in the Southeast line of a 0.112 of an acre tract of land (Tract 2), conveyed to Sandra Sara Rogers, by deed recorded in Volume 86005, Page 1351, Deed Records, Dallas County, Texas;

Thence North 45 deg. 00 min. 00 sec. East, along said Southeast line, a distance of 617.71 feet to a 1/2 inch diameter iron rod set for corner;

Thence South 45 deg. 11 deg. 10 min. East, a distance of 204.83 feet to a 3/8 inch diameter iron rod found at the South corner of a 0.50329 of an acre tract of land, conveyed to Michael W. Muncrief and wife, Sandra L. Muncrief, by deed recorded in Volume 94059, Page 2273, Deed Records, Dallas County, Texas;

Thence North 44 deg. 48 min 50 sec. East, along the Southeast line of said 0.50329 of an acre tract, a distance of 222.03 feet to a 3/8 inch diameter iron rod found for corner in the Southwest line of said Seagoville Road and said point being at the beginning of a curve to the right having a angle of 06 deg. 04 min. 19 sec. a radius of 543.69 feet and a chord bearing of South 14 deg. 40 min. 21 sec. East, a distance of 57.59 feet;

Thence along said Southwest line and said curve to the right an arc distance of 57.62 feet to the PLACE OF BEGINNING and containing 4.283 acres of land.

ORDINANCE NO. 17-08

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SEAGOVILLE, AS AMENDED, BY CHANGING THE ZONING FROM "PD" (PLANNED DEVELOPMENT) FOR A RETIREMENT COMMUNITY TO "PD-R4" (PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL) TO ALLOW FOR A CHURCH ON 4.28+ ACRES LOCATED ON THE SOUTH SIDE OF SEAGOVILLE ROAD, APPROXIMATELY 450 FEET SOUTH/SOUTHEAST OF ALTOM ROAD, AND BEING DESCRIBED AS LOT 1 OF THE CAREY ADDITION, VOLUME 2001094, PAGE 13 OF THE MAP RECORDS OF DALLAS COUNTY, AND BEING COMMONLY KNOWN AS 1917 SEAGOVILLE ROAD, CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE SUBMISSION TO AND APPROVAL BY THE CITY COUNCIL OF A DETAILED SITE PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Case No. Z2008-03 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE,
TEXAS:**

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, as amended, be, and the same are amended by changing the zoning from "PD" (Planned Development) for a retirement community to "PD-R4" (Planned Development – Single Family Residential) to allow for a church on 4.28+ acres located on the south side of Seagoville Road, approximately 450 feet south/southeast of Altom Road, and being described as Lot 1 of

the Carey Addition, Volume 2001094, Page 13 of the Map Records of Dallas County, and being commonly known as 1917 Seagoville Road, City of Seagoville, Dallas County, Texas

SECTION 2. That this Planned Development for a church with one (1) residential parsonage shall be developed and used only in accordance with the Residential-4 zoning District, the Detailed Site Plan approved by the City Council, and the following development regulations:

- (A) The base zoning district for the Planned Development shall be Residential-4 (R-4), as amended. All zoning and development requirements of the R-4 zoning district, as may be amended, shall apply to this property unless otherwise specifically cited herein.
- (B) A church shall be an allowed use by right. Any other use of the property shall conform to the R-4 zoning district, as amended.
- (C) The development standards for a church shall be the same as are applicable for other non-residential land uses in the Local Retail (LR) zoning district (these include minimum requirements for masonry, site landscaping, fire lanes and fire hydrants, on-site parking, perimeter fences/screening/buffering adjacent properties, dumpster and rooftop mechanical unit screening, etc.), as such are required by the City's Zoning Ordinance. Construction of the church shall be in accordance with the applicable Building Codes at the time of application for site plan review/approval for the church and any buildings on the property, including accessory buildings.
- (D) The maximum building height shall be in accordance with the Residential R-4 zoning district, as amended.
- (E) Minimum front building setback (on any street frontage): 30 feet for a church or any other allowed non-residential use; for single-family or other allowed residential uses, the minimum front building setback shall be in accordance with the Residential R-4 zoning district, as amended.
- (F) Minimum side and rear building setback: 30 feet for a church or any other allowed non-residential use; for single-family or other allowed residential uses, the minimum side and rear building setbacks shall be in accordance with the Residential R-4 zoning district, as amended.
- (G) Minimum lot size: two acres for a church or any other allowed non-residential use; for single-family or other allowed residential uses, the minimum lot size shall be in accordance with the Residential R-4 zoning district, as amended.

- (H) Minimum lot width: as the property currently exists for a church or any other allowed non-residential use (i.e., approximately 75-foot width on Cain Street, and approximately 50-foot width on Seagoville Road); for single-family or other allowed residential uses, the parsonage, the minimum lot width shall be in accordance with the Residential R-4 zoning district, as amended, except that the current width on Seagoville Road (approximately 50 feet) shall be deemed as conforming for one single-family residence fronting onto Seagoville Road.
- (I) Minimum lot depth: as the property currently exists for a church or any other allowed non-residential use (i.e., approximately 1,050-foot overall depth from Cain Street frontage to Seagoville Road frontage, and 300-foot minimum depth for each lot if the property is subdivided into two lots with one lot fronting Cain Street and the other lot fronting Seagoville Road); for single-family or other allowed residential uses, the minimum lot width shall be in accordance with the Residential R-4 zoning district, as amended.
- (J) Minimum building size: no minimum for a church or any other allowed non-residential use; for single-family or other allowed residential uses, the minimum building/dwelling size shall be in accordance with the Residential R-4 zoning district, as amended.
- (K) Minimum lot coverage: in accordance with the Residential R-4 zoning district, as amended.
- (L) A church or any other allowed non-residential use shall have at least two points of public access onto the property from public streets, and shall provide on-site fire hydrants and concrete-paved fire lanes as required by the City's Fire Code and its Fire Department.
- (M) Concrete paving shall be required for all driveways, parking areas and vehicular circulation aisles for a church or any other allowed non-residential use.
- (N) The minimum parking requirement for a church shall be one parking space per three seats in the main sanctuary at maximum building occupancy. The minimum parking requirement for any other use shall be as required in the Zoning Ordinance, as amended.
- (O) For a church or any other allowed non-residential use, screening/buffering shall be provided on the perimeter of the property to protect adjacent residential properties. Such screening/buffering shall include a minimum 6-foot tall fence, plus the preservation/protection of existing trees, and/or the addition of new overstory trees, along the property's perimeter. The method for screening/buffering shall be reviewed/approved by the City during the site plan approval process.

- (P) The sketch attached as Exhibit A shall serve as the Concept Plan for this Planned Development. Final Site Plan review/approval (in accordance with the City's Zoning Ordinance, as amended), and possible replatting of the property (to subdivide it, establish new easements, etc.) shall be required prior to development of the property as a church or as any other allowed non-residential use. Development of the property with allowed single-family uses shall require replatting (i.e., no site plan required).

SECTION 3. That a Detailed Site Plan depicting the location mass and elevation of the building on said property shall be submitted to and approved by the City Council and attached hereto as Exhibit A prior to the issuance of any building permits.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and as amended herein. All reference in this ordinance to Residential R-4 shall mean Article VII of the City of Seagoville Zoning Ordinance.

SECTION 5. That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

SECTION 6. That all provisions of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 9. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 21st day of August, 2008.

APPROVED:


SIDNEY M. SEXTON, JR., MAYOR



ATTEST:


ELAINE SIMPSON, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/cdb 08/14/08)(amended 9/18/08)

EXHIBIT A
DETAILED SITE PLAN

Regular Session Agenda Item: 4

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from PD-R4 (Planned Development – Residential Single Family-4) to R-4 (Residential Single Family-4) on approximately 4.283±acres commonly known as 1917 Seagoville Road, Seagoville, Dallas County, Texas, and being more particularly described as Lot 1 of the Carey Addition and depicted in Exhibit “A”, which is attached hereto and incorporated herein; providing for development regulations; providing for a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date.

BACKGROUND OF ISSUE:

The land is currently vacant.

The existing zoning, land uses, and relevant portions of the City’s comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant’s request.

Arturo Pelayo (the owner) is being represented by his son Chris Pelayo in this request.

The property was zoned R-5 when it was part of the tract of land owned by now-adjointing owner Julie Carey and her husband William. This lot was divided from the area retained by the Careys in 2002. The existing planned development was created by Ordinance 03-02. This ordinance was enacted to allow the construction of a retirement community consisting of 20 residential structures, a community center, a 22-foot-wide through street, and associated parking for the residential structures. The retirement community development was never built. The Planned Development was amended in 2008 to allow the construction of a church and parsonage with a base zoning of R-4. That proposed development also did not occur. The property was sold to the current owner in 2012. He is now asking that the zoning be changed from the PD-R4 to a straight R-4 zoning so that he can build a home for his family.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Including the parcel in question, there are twenty-seven (27) properties plus three (3) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, April 15, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. As of the date of this Staff Report on Thursday, May 9, 2019, no (zero) property owners responded for or against the request. One (1) letters was returned as undeliverable by the U.S. Postal Service. Copies of the responses were provided to the Commissioners at the meeting. No one spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, May 29, 2019, one (1) additional response has been received in favor of the request. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending approval zoning change request on about 4.3-acres of Lot 1 of Carey Addition located at Seagoville Road and Cain Street from PD-R4, Plan Development with R-4 base zoning, to R-4, Residential Single Family. The conditions of approval are tied to the development of the property and are:

- Dedication any missing right-of-way along Seagoville Road and Cain Street as required by the 2006 Thoroughfare Plan, and
- Construction of a sidewalk along Seagoville Road in the road's right-of-way.

Staff is also recommending conditional approval of the request.

EXHIBIT:

1. Ordinance

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. ____-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM PD-R4 (PLANNED DEVELOPMENT-RESIDENTIAL SINGLE FAMILY-4) TO R-4 (RESIDENTIAL SINGLE FAMILY-4) ON APPROXIMATELY 4.283± ACRES COMMONLY KNOWN AS 1917 SEAGOVILLE ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS LOT 1 OF THE CAREY ADDITION AND DEPICTED IN EXHIBIT “A”, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given requisite notices by publication and otherwise, and have held due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted, and that the Comprehensive Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in the zoning from a PD-R4 (Planned Development- Residential Single Family-4) to R-4 (Residential Single Family-4) on approximately 4.283± acres commonly known as 1917 Seagoville Road, Seagoville, Dallas County, Texas, and being more particularly described as Lot 1 of the Carey Addition and depicted in Exhibit “A”, which is attached hereto and incorporated herein.

SECTION 2: That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein, and that the development of the property herein shall be in

accordance with all applicable federal, state and local building regulations, zoning ordinances, and any other applicable ordinances.

SECTION 3: That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance as amended be hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 5: That any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty of two thousand dollars (\$2,000.00) for each offense as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended. Each and every day such a violation continues or is allowed to exist shall constitute a separate offense.

SECTION 6: That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas this 3rd day of June, 2019.

APPROVED:

Dennis, K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(/cdb 05/28/2019 TM108424)



Regular Session Agenda Item: 5

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Conduct a public hearing on a request from Planned Development–Residential-5 (PD-18-01) to Planned Development–Residential-5 Amended (PD-18-01A1) to provide for a concept plan for approximately 28.53±acres of land located in the John D. Merchant Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road.

BACKGROUND OF ISSUE:

The land is currently vacant. The amended concept plan shows an existing gas line and a realigning the streets to move them from the gas line.

The existing zoning, land uses, and relevant portions of the City’s comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant’s request.

Owners Jan Tredway and Shepherd Place Homes Inc. are being represented by Richard Hovas of Engineering Concepts and Design L.P. The owners plan to develop the property into a subdivision of single family homes. The concept plan shows a total of 127 lots, 7 green open spaces along the required widen portions of the right-of-way for May Road and Alto Road, and no storm detention pond area(s). The planned development amendment calls for adjusting the concept plan to account for an existing gas line that was not shown on the original concept plan. The location of the gas line also requires the relocation of some of the street alignments. No other changes are being requested with this PD amendment.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Besides the parcels in question, there are seventy-seven (77) properties, and parts of five (5) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, April 8, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. No (zero) property owner responded in writing in favor of the request and one (1) was against the request. Two (2) letters were returned as undeliverable by the U.S. Postal Service. Copies of the responses were provided to the Commissioners at the meeting. Only the engineer for Phase 1 and the current owner of future Phase 2 spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, Wednesday, May 29, 2019, a letter conditionally against the request has come from the property owner of future Phase 2. One (1) additional property owners have responded in favor the request in writing. One (1) additional letter has been returned as undeliverable by the U.S. Postal Service. Owner Jan Tredway has also sent a letter. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending to City Council the approval of the request to amend PD-18-01 at 405 May Road by amending the concept plan to provide for an existing gas line and realigning the streets - with a condition. The condition of approval is that the engineered design of the Phase 1 detention accommodate all runoff for this development so that it has no effect on the adjoining Haven Hills Subdivision.

Staff recommended that the P&Z table this item because no detention or retention was shown on the concept plan. Because the engineer for this project has since submitted plans and these plans show a detention pond, Staff can support a conditional approval of the request as stated by the Planning and Zoning Commission motion. However, the pond location in the engineering plans does not match what is in the concept plan that is in Exhibit 5b.

EXHIBITS:

1. Staff Report (4 pages)
2. 2017 aerial photograph from DCAD website
3. Dimensional reference map from DCAD website
4. Zoning map reference (dimensional map with zoning added)
5. Zoning application (total of 3 pages)
 - a. Application (2 pages)
 - b. New concept plan (11x17)
6. Public hearing notice for City Council to newspaper
7. Public hearing notice to property owners within 200 feet (total of 6 pages)
 - a. Notice for City Council (2 pages)
 - b. Returned responses (4 pages)
8. List of property owners within 200 feet of subject parcel (3 sheets of legal paper)
9. Original PD Ordinance 08-2018 (6 pages)



COMMUNITY DEVELOPMENT
 702 NORTH HIGHWAY 175
 SEAGOVILLE, TX 75159
 PHONE: (972) 287-2050

STAFF REPORT
Z2019-10

DATE: JUNE 3, 2019
AUTHOR: JENNIFER BONNER, JUNIOR PLANNER
APPLICANT: ENGINEERING CONCEPTS & DESIGN L.P. (RICHARD HOVAS)
PARCEL: 650-850-065-10070000
LOCATION: 405 MAY ROAD

REQUEST SUMMARY:

The applicant is requesting that the subject parcel (under the pink star) to amend the current PD-18-01 (Planned Development with R-5, Residential Single Family base zoning) to account for an existing gas line that was not shown on the original concept plan. The location of the gas line also requires the relocation of some of the new internal street alignments.



REQUEST LOCATION: Inside City, Dallas County

SIZE OF PROPERTY	EXISTING ZONING	SURROUNDING ZONING	EXISTING LAND USE	SURROUNDING LAND USE
28.45 acres	PD-R5, Planned Development with R-5 Residential Single Family base zoning	<p>Northwest: PD-R5, Planned Development with R-5 Residential Single Family base zoning</p> <p>Southwest: R-5, Single Family Residential</p> <p>Northeast: R-5, Single Family Residential & R-2, Single Family Residential for Bearden Park</p> <p>Southeast: LR, Local Retail; PD, Planned Development; & A, Apartment</p>	Low Density Residential	<p>Northwest: Low Density Residential</p> <p>Southwest: Low Density Residential</p> <p>Northeast: Low Density Residential & Recreation/Parks</p> <p>Southeast: Low Density Residential & High Density Residential</p>

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommend to City Council to approve the request with a condition to amend PD-18-01 at 405 May Road by amending the concept plan to provide for an existing gas line and realigning the streets. The condition of approval is that the engineered design of the Phase 1 detention accommodate all runoff for this development so that it has no effect on the adjoining Haven Hills Subdivision.

Staff recommended that the P&Z table this item because no detention or retention was shown on the concept plan. Because the engineer for this project has since submitted plans and these plans show a detention pond, Staff can support a conditional approval of the request as stated by the Planning and Zoning Commission motion. However, the pond location in the engineering plans does not

Detailed explanations follow on the attached pages.

STANDARD:	ANALYSIS:
Development Calendar (Deadlines)	Has Met
Application Requirements	Has Met
Zoning Code	Has Met
Subdivision Code	Has Not Met

match what is in the concept plan that is in Exhibit 5b.

COMPARISON TO ADOPTED CITY MASTER PLANS

STAFF ANALYSIS

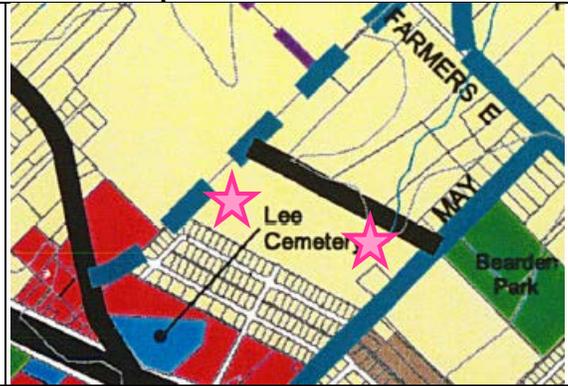
PLAN GOALS OR GUIDELINES

2002 Future Land Use Plan and Map

The lot in the request is under the 2 pink stars. It is located in an area shown to become Low Density Residential (light yellow color) area.

The red areas in the map are expected to become Retail. The blue areas are expected to be Public or Semi-Public uses. The green areas are parks and other public open spaces. The light brown area across May Road was planned for High Density Residential.

Meets Standard



2006 Thoroughfare Plan and Map

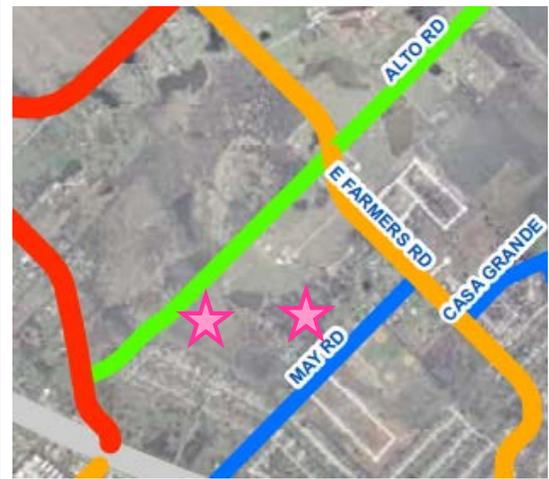
The property in the request (under the 2 pink stars) will have exits to both Alto Road (labeled and shown by the green line) and May Road (labeled and shown by the blue line). Right-of-way and paving of their half of each of these streets will be required with the development of the subdivision.

Alto Road has only been built from Seagoville Road to the southwest property corner of this proposed residential subdivision. It will built for its portion of a Major Collector, an undivided 4-lane road.

May Road exists as a local street. This portion of it will be upgraded to a Minor Collector, a 3-lane road.

A traffic impact analysis is required with submittal of the construction plat because the total development will contain over 50 dwelling units.

Meets Standard

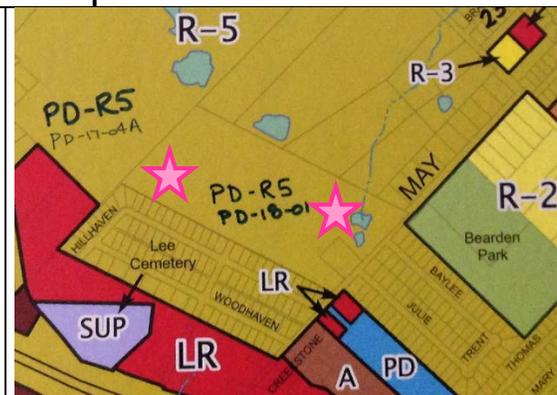


2009 Zoning Plan and Map

The lot in the request (under the 2 pink stars) is located in a PD-R5, (planned development with a R-5 Single Family Residential base zoning).

The applicant is requesting that the PD be amended to provide for an existing gas line and realigning the streets. No other changes are being requested with this PD amendment.

Meets Standard



Subdivision Code

A detention or retention pond is included on the applicant's concept for the amended PD. However, the location of the Phase 1 "temporary" pond is located outside of the construction limits of Phase 1. Additionally, the Phase 2 pond is labeled as "Potential location of Permanent Detention Pond", so another amendment of this PD is probable when Phase 2 develops.

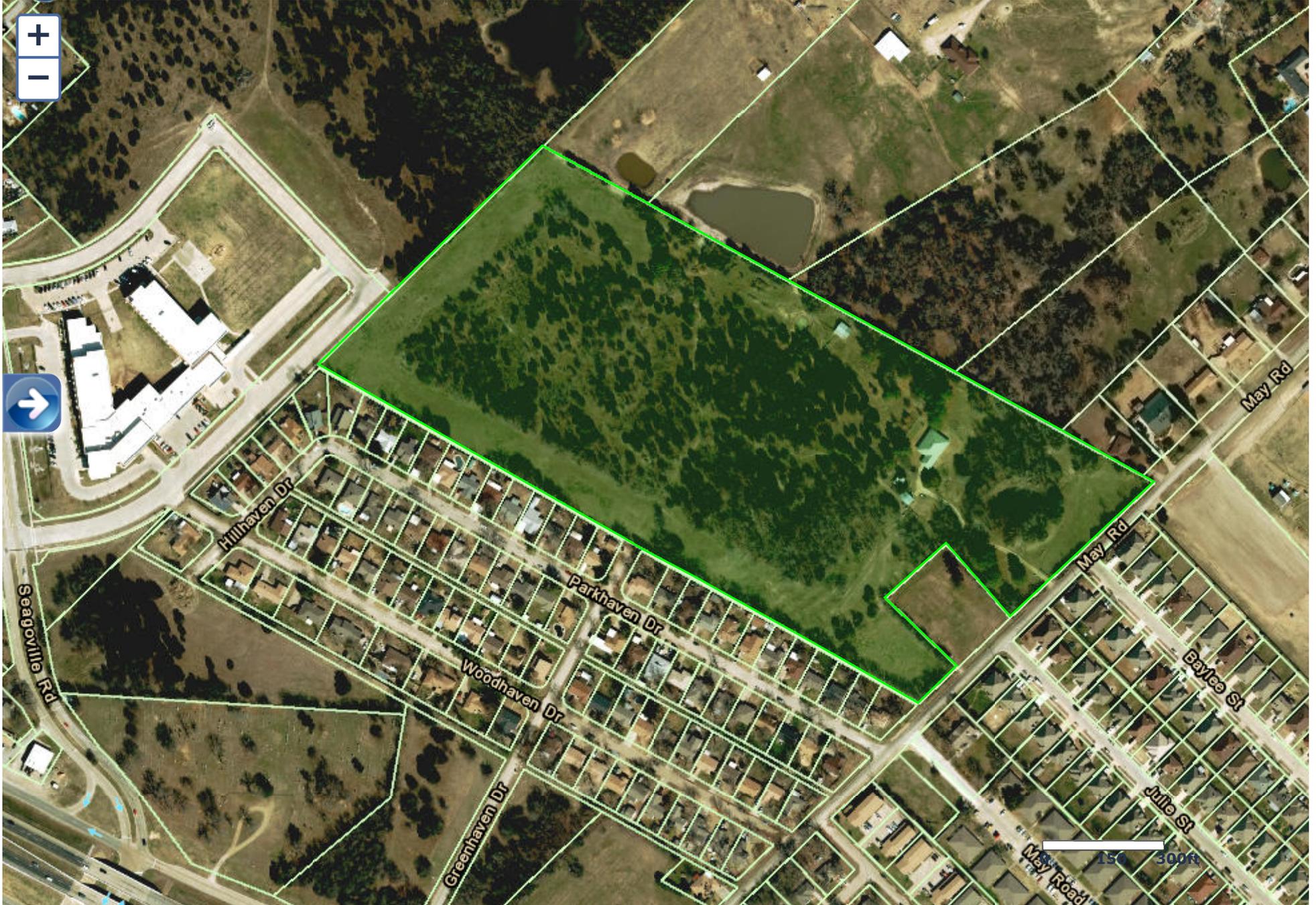
REVIEW CRITERIA	STAFF ANALYSIS	
1. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected?	Yes	All lots will be residential in use. Each will be connected to public water and sewer. Each lot will be located on a to-be-constructed and dedicated public street.
2. Will the land use be compatible with other area properties located nearby?	Yes	The concept plan shows all lots will be used for single-family residences. No area of stormwater detention is identified.
3. Will the use be in compliance with all of the provisions of the Zoning Amendments portion of the Municipal Code?	Yes	The requirements for the PD amendment have been met (application, concept, legal notifications, etc.) A list of requested changes has also been provided.
4. Will the use be compliant with all applicable provisions in the Code for the district in which the use is to be located?	Yes	The only changes being requested with this amendment to the PD is to provide for an existing gas line that was not shown on the original concept plan and to re-align some streets due to the gas line location.
5. Will the use facilitate public convenience at that location?	Yes	One of the planned streets will be a through street from May Road to Alto Road. There will be other internal streets to the subdivision so that each lot can be directly accessed from a public street.
6. Will the use conform to off-street parking and loading requirements?	Yes	Staff will require these code minimums to be met at the time a building permit is issued for the residential lots.
7. Are all of the ingress, egress, and pedestrian ways adequate?	Yes	Staff will require pedestrian ways that meet the subdivision code at the time of construction plat approval. Lot and building ingresses and egresses will be reviewed as part of each proposed structure's building permit review-and-approval process.
8. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed?	N/A	This property is surrounded by other residences and residential subdivisions so safeguards for these items are not required.
9. Will the proposed landscaping and screening be compliant with all City regulations?	Yes	As the original PD ordinance does not call for any differences to landscaping, the lots will be required to provide the landscaping required by code.
10. Will the signage be compliant with those portions of the Municipal Code?	N/A	There will be little to no on-site signage that will require permitting.
11. Will all open space(s) be maintained by the owner/developer?	Yes	The PD ordinance requires a Homeowners Association that will own and maintain the common areas of the development once it is complete. Individual lots will be regulated by Seagoville's Code Enforcement officers once the houses are built.
12. Are the size and shape of the site as well as the arrangement of the proposed structure(s) in keeping with the intent of the Code?	Yes	The only changes being requested with this amendment to the PD is to provide for an existing gas line that was not shown on the original concept plan and to re-align some streets due to the gas line location.
13. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping?	N/A	The only changes being requested with this amendment to the PD is to provide for an existing gas line that was not shown on the original concept plan and to re-align some streets due to the gas line location.

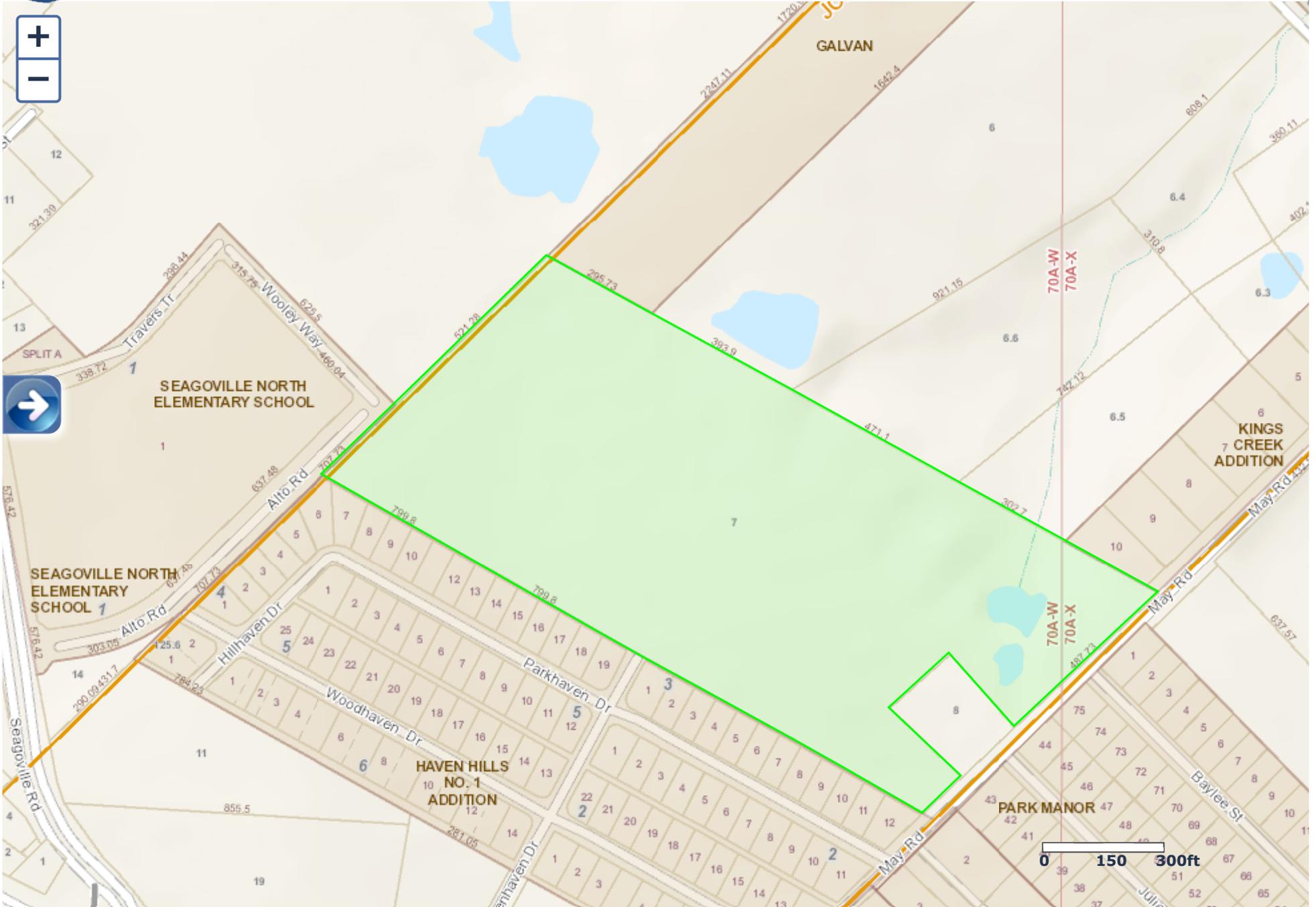
**STAFF REPORT
Z2019-10**

REVIEW CRITERIA	STAFF ANALYSIS	
14. Have the provisions of the existing master thoroughfare plan been met to protect the public interest?	No	Additional right-of-way will be required along both May Road and Alto Road. The portion of each road will have to have pavement improvements made before the city will accept at the time of Final Plat. A traffic impact analysis is required with submittal of the construction plat because the total development will contain over 50 dwelling units.
15. Have the provisions of any existing future land use plan been met to protect the public interest?	Yes	Chapter 5 (Future Land Use) of the 2002 Comprehensive Plan calls for this area to be Low Density Residential, which this development will meet those current definitions.
16. Have the provisions of any existing capital improvements plan been met to protect the public interest?	N/A	There currently is no active capital improvement plan. The most recent plan (2008) has completed all improvements, but the pay-off has not yet been finalized.
17. Have the provisions of any community facilities plan been met to protect the public interest?	N/A	Chapter 6 (Parks, Recreation, and Open Space) and Chapter 7 (Infrastructure Systems) of the 2002 Comprehensive Plan discuss other community facilities. Zoning of the subject parcels is not affected by these chapters of the Plan.
18. Have the provisions of any other adopted document for providing required necessary public facilities been met to protect the public interest?	N/A	Chapter 8 (Public Facilities) of the 2002 Comprehensive Plan addresses municipal facilities primarily. Zoning of the subject parcels is not affected by this chapter of the Plan.

Public Comments Received: Besides the parcels in question, there are seventy-seven (77) properties, and parts of five (5) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, April 8, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. No (zero) property owner responded in writing in favor of the request and one (1) was against the request. Two (2) letters were returned as undeliverable by the U.S. Postal Service. Copies of the responses were provided to the Commissioners at the meeting. Only the engineer for Phase 1 and the current owner of future Phase 2 spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, Wednesday, May 29, 2019, a letter conditionally against the request has come from the property owner of future Phase 2. One (1) additional property owners have responded in favor the request in writing. One (1) additional letter has been returned as undeliverable by the U.S. Postal Service. Owner Jan Tredway has also sent a letter. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.







DEVELOPMENT APPLICATION City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: City Council: DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required):

- Subdivision/Plat: Preliminary Plat, Final Plat, Plat Vacation, Revised Plat (check type above)
Site Plan: Concept Plan, Site Plan, Revised Site Plan
Other: Landscape Plan, Irrigation Plan, Elevation/Façade Plan, Screening Wall/Fence Plan, Engineering Plans

Name of Subdivision or Project: TREDWAY ESTATES
Physical Location of Property: East of Wooley Way & Alto Road
Brief Legal Description of Property: 28.536 Acres John D. Merchant Survey Abstract No. 850
Acreage: 28.536 Existing # of Lots/Tracts: Existing Zoning: PD-18-01

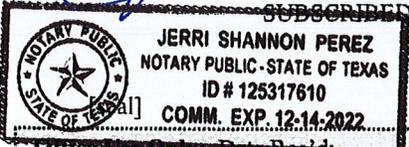
Applicant / Owner's Name: JAN TREDWAY
Contact Person: Jan Tredway Title:
Company Name:
Street/Mailing Address: 405 May Road City: Seagoville State: Tx Zip: 75159
Phone: (972) 757-1501 Fax: Email Address: jans84t@gmail.com

Engineer / Representative's Name: Engineering Concepts & Design L.P.
Contact Person: Richard Hovas Title:
Company Name: Engineering Concepts & Design
Street/Mailing Address: 201 Windco Circle, Suite 200 City: Wylie State: Tx Zip: 75098
Phone: (972) 941-8400 Fax: (972) 941-8401 Email Address: Richard@ecdip.com

SUBMITTAL DEADLINE: 28 DAYS PRIOR TO P&Z MEETING DATE. (Residential replats must be submitted at least 30 days prior to meeting to allow time for public hearing notification - application must include letter waiving 30-day review time. Please contact City staff for all submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered directly to the City's Planner (in addition to the required submittal materials delivered to the City - check with City staff and with the City's Planner in advance for submittal requirements for each type of development application). The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials (including full engineering plans, if applicable) to the City's Planner may result in delays scheduling the application for a P&Z agenda.
Notice of Public Records. The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: Jan Tredway Title: owner Date: 4-4-19



SUBSCRIBED AND SWORN TO before me, this the 4 day of April 2019.
Notary Public in and for the State of Texas:
My Commission Expires On: Dec 14, 2022

Office Use Only: Date Rec'd: 4/4/19 Fees Paid: \$ by app. Check #: Receipt #:
Development Case # Accepted By: Official Submittal Date: 4/4/2019



DEVELOPMENT APPLICATION

City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: 4/23 City Council: 5/20

DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

Subdivision/Plat:			Site Plan:			Other:		
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Preliminary Replat	<input checked="" type="checkbox"/> Concept Plan	<input type="checkbox"/> Landscape Plan	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Replat (final)	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Irrigation Plan	<input type="checkbox"/> Elevation/Façade Plan
<input type="checkbox"/> Plat Vacation	<input type="checkbox"/> Amended Plat	<input type="checkbox"/> Revised Site Plan	<input type="checkbox"/> Screening Wall/Fence Plan	<input type="checkbox"/> Revised Plat (check type above)			<input type="checkbox"/> Engineering Plans	

Name of Subdivision or Project: TREDWAY ESTATES

Physical Location of Property: East of Wooley Way & Alto Road

[General Location – approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): _____

28.536 Acres John D. Merchant Survey Abstract No. 850

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 28.536 Existing # of Lots/Tracts: _____ Existing Zoning: PD-18-01

[If zoned PD, attach a copy of the PD ordinance to this application]

Applicant / Owner's Name: Shepherd Place Homes Inc. Applicant or Owner? (circle one)

Contact Person: Robbie Hale Title: _____

Company Name: Shepherd Place Homes Inc.

Street/Mailing Address: 620 Rowlett Road City: Garland State: Tx. Zip: 75043

Phone: (972) 475-1100 Fax: (972) 771-5089 Email Address: cjones@robbiehalehomes.com

Engineer / Representative's Name: Engineering Concepts & Design L.P.

Contact Person: Richard Hovas Title: _____

Company Name: Engineering Concepts & Design

Street/Mailing Address: 201 Windco Circle, Suite 200 City: Wylie State: Tx. Zip: 75098

Phone: (972) 941-8400 Fax: (972) 941-8401 Email Address: Richard@ecdip.com

SUBMITTAL DEADLINE: 28 DAYS PRIOR TO P&Z MEETING DATE. (Residential replats must be submitted at least 30 days prior to meeting to allow time for public hearing notification – application must include letter waiving 30-day review time. Please contact City staff for all submittal deadlines.)

All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.

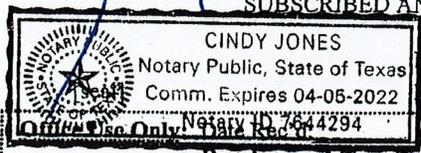
All application materials (one copy) must be delivered directly to the City's Planner (in addition to the required submittal materials delivered to the City – check with City staff and with the City's Planner in advance for submittal requirements for each type of development application). The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials (including full engineering plans, if applicable) to the City's Planner may result in delays scheduling the application for a P&Z agenda.

Notice of Public Records. The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: V.P. Date: 03/18/19

SUBSCRIBED AND SWORN TO before me, this the 18 day of March, 2019



Notary Public in and for the State of Texas: [Signature]
My Commission Expires On: 04-05-2022

Official Use Only: Notary ID: 7844294 Fees Paid: \$ 84.00 Check #: 14466 Receipt #: 561944
Development Case #: _____ Accepted By: [Signature] Official Submittal Date: 3/25/19

22019-10

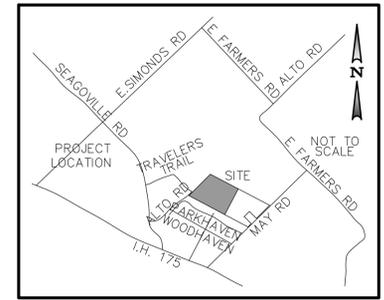
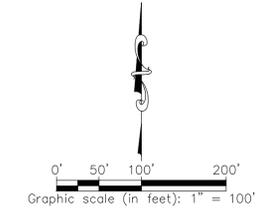
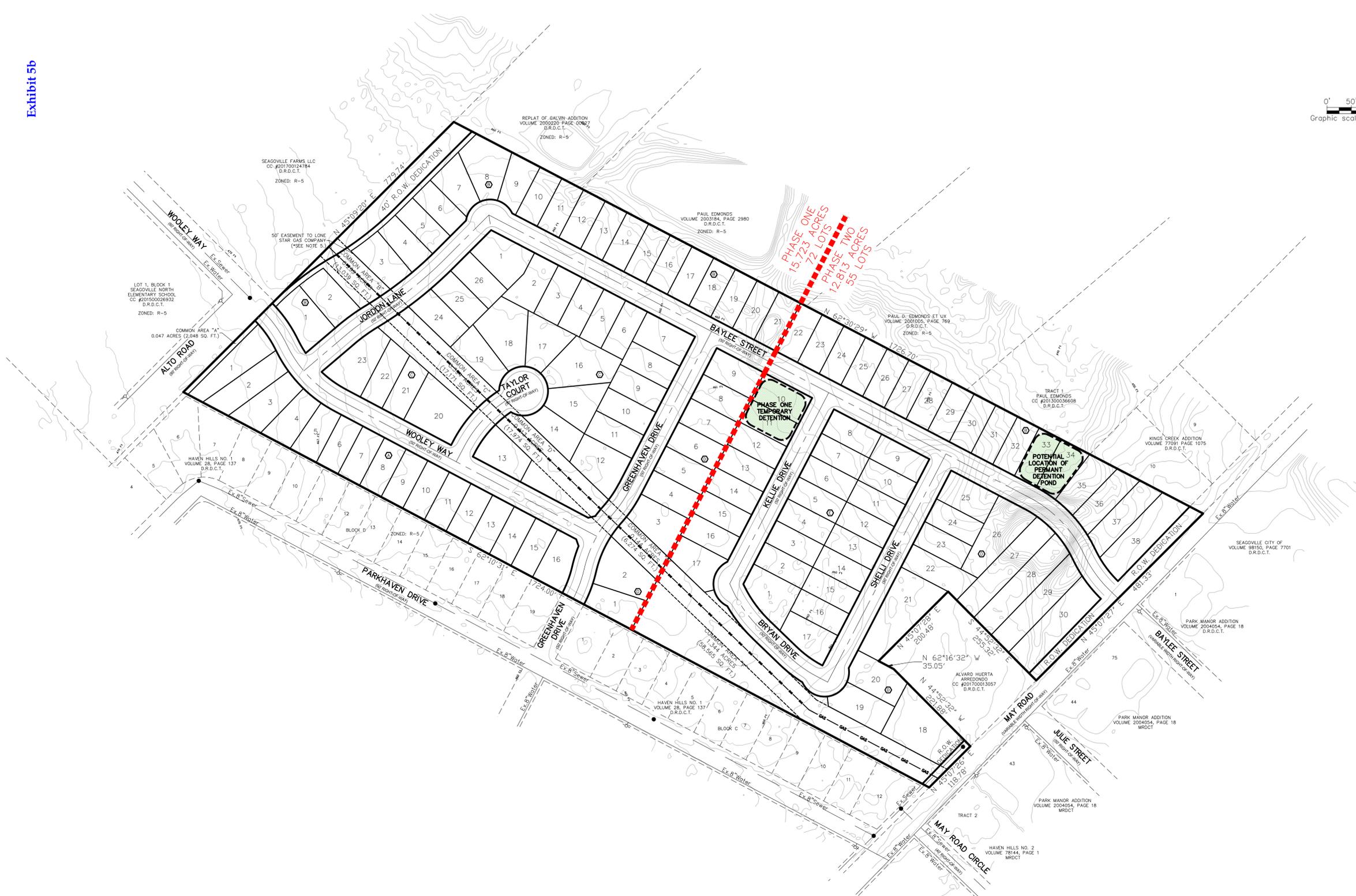


Exhibit 5b



LAND USE DATA

Min. Lot Width	50'
Min. Lot Depth	110'
Front Yard Setback	20'
Rear Yard Setback	20'
Side Yard Setback (Adj. to Street)	5' (10')
Min. Living Area	1700 s.f.

28.536 Acres
 50'x110' Min. Lot Size
 Tract 1 (Ph. 1) - 72 Lots
 Tract 2 (Ph. 2) - 55 Lots
 Total Lots - 127
 7 Common Area Lots

CONCEPT PLAN

Tredway Estates

City of Seagoville, Dallas County, Texas

Being part of 28.536 Acres out of the John D. Merchant Survey, Abstract No. 850 in the City of Seagoville, Dallas County, Texas

OWNER
 H. C. TREDWAY JR.
 405 MAY ROAD
 Seagoville, Texas 75159-2321

OWNER/DEVELOPER
 Shepherd Place Homes Inc.
 dba Robbie Hale Homes
 620 Rowlett Road
 Garland, Texas 75043-3703
 972-475-1100
 972-771-5089

LAND SURVEYOR
 R. C. Myers Surveying, LLC
 488 Arroyo Court
 Sunnyvale, Texas 75182
 (214) 532-0636
 Fax (972) 412-4875
 Email: rcmysurveying@gmail.com
 Firm no. 10192300 Job NO. 433 PLAT-1

ENGINEERING / PROJECT MANAGEMENT /
 CONSTRUCTION SERVICES - FIRM REG. # - 001145
 201 WINDCO CIR, SUITE 200, WYLE, TX 75098
 972-941-8400 FAX: 972-941-8401
 WWW.ECDLP.COM



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

May 21, 2019

**NOTICE OF PUBLIC HEARINGS
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2019-10**

The Seagoville City Council will hold a public hearing on Monday, June 3, 2019, at 6:30 PM in the Council Chambers in City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend PD-18-01 at 405 May Road by amending the concept plan to provide for an existing gas line and realigning the streets.

All individuals may appear at the public hearing to state their opinions or may send a written notice prior to 4:30 PM on the day of the public hearing to Jr. Planner Jennifer Bonner at 702 North U.S. Highway 175; Seagoville, TX 75159.

As an adjoining property owner, this is the second opportunity to voice your opinion about this project. The final opportunity will be at the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2019-10 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____
Printed Name(s): _____
Address: _____
City, State & Zip code: _____
Phone Number: _____



April 15, 2019

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARINGS
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-10**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, May 14, 2019, at 6:30 PM in the Council Chambers in City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend PD-18-01 at 405 May Road by amending the concept plan to provide for an existing gas line and realigning the streets.

All individuals may appear at the public hearing to state their opinions or may send a written notice prior to 4:30 PM on the day of the public hearing to Jr. Planner Jennifer Bonner at 702 North U.S. Highway 175; Seagoville, TX 75159.

As an adjoining property owner, this is the first of 3 opportunities to voice your opinion about this project for the record. The second opportunity will be at the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2019-10 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): 
Printed Name(s): DEWAYNE BURNS
Address: 1700 PARKHAVEN DR,
City, State & Zip Code: SEAGOVILLE, TX, 75159
Phone Number: (214) 538-9651

RECEIVED
APR 23 2019
BY: AOB

APRIL 15, 2019



April 15, 2019

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARINGS
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-10

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Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2019-10 as it is described herein.

Additional Comments (attach additional sheets as necessary):

Signature(s): Martin Ashley
Printed Name(s): MARTIN ASHLEY
Address: 1702 PARIC AUBEN DRIVE
City, State & Zip Code: SEAGOVILLE, TEXAS 75159
Phone Number: 2145723237

RECEIVED
MAY 14 2019
BY: [Signature]

APRIL 15, 2019

May 22, 2019

Jennifer Bonner
Planning Technician
City of Seagoville
702 N. Highway 175
Seagoville, TX 75159

Dear Jennifer,

Thank you for sharing the plans you received this week regarding the retention pond required by the city.

I am reiterating our conversation in writing so all parties will be abreast of my intentions. From the very beginning (over a year ago), phase 2 was always hypothetical. I am advising all concerned that I never was, am not now or any time in the near future planning to act on phase 2.

Furthermore, I have many versions of the plat and none of them include the pond required by the city. I was made aware of such pond at the chamber meeting May 14th. At such time the city did not have plans that included this pond either. The plans received at the city this week shows the required pond on my property and not on the land that was purchased. Therefore, this pond needs to be encompassed on the land purchased by Mr. Patrick Atkins, commonly referred to as phase 1.

Please direct any questions/concerns to me.

Best Regards,

Jan Tredway
405 May Rd
Seagoville, TX 75159



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

May 21, 2019

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SEAGOVILLE CITY COUNCIL
ZONING CASE Z2019-10

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Please also sign and complete the name and address portion below.*

I am in favor of ~~the~~ against Zoning Request Z2019-10 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Great

Signature(s): *FL Sebastian*
Printed Name(s): *FL Sebastian*
Address: _____
City, State & Zip code: _____
Phone Number: _____

RECEIVED
MAY 23 2019
BY: *QJB*

MAY 21, 2019

**Property Owners List for 405 May Road
ZONING REQUEST Z2019-10**

Exhibit 8

Mailed out a total of 82 certified letters on Tuesday, April 16, 2019, before 5:00 PM

Subject or adjoiner?	Site Address	Owner	DCAD acc't	Mailing Address 1	Address 2	City	State	Zip
Subject	405 May Road	H. C. Tredway, Jr.	65085006510070000	405 May Road		Seagoville	TX	75159
Adjoiner	401 May Road	Alvaro H. Arrendondo	65085006510080000	515 Glen Cove Street		Seagoville	TX	75159
Adjoiner	1602 Parkhaven Street	John Mikulak III	50017500030120000	1602 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1604 Parkhaven Street	Jose B. R. Perez	50017500030110000	1604 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1606 Parkhaven Street	Estate of Eleuterio C. Nava	50017500030100000	1606 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1608 Parkhaven Street	Floyd R. Tallant	50017500030090000	1025 Seminary Ridge		Garland	TX	75043
Adjoiner	1610 Parkhaven Street	DFW Deals LLC	50017500030080000	519 East I30	#602	Rockwall	TX	75087
Adjoiner	1612 Parkhaven Street	John E. Morrison, Sr.	50017500030070000	1706 Crescent Lane		Duncanville	TX	75137
Adjoiner	1614 Parkhaven Street	Bryan McManus	50017500030060000	1614 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1616 Parkhaven Street	F. L. Sebastian	50017500030050000	2210 North Highway 175		Seagoville	TX	75159
Adjoiner	1618 Parkhaven Street	Victor I. del Rio Campos	50017500030040000	1618 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1620 Parkhaven Street	Tim B. Tarlton	50017500030030000	1620 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1622 Parkhaven Street	Ruth A. Smith	50017500030020000	1622 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1624 Parkhaven Street	Ryan W. & Amy B. Clark	50017500030010000	982 Chad Way		Rockwall	TX	75087
Adjoiner		City of Seagoville		702 North Highway 175		Seagoville	TX	75159
Adjoiner	1601 Parkhaven Street	Marco C. Fuentes & Victoria Vargas	50017500020110000	1601 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1603 Parkhaven Street	Rebeca Romero-Sanchez & Jabin Espinoza-Hernandez	50017500020100000	1603 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1605 Parkhaven Street	Aime D. J. Silva	50017500020090000	1605 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1607 Parkhaven Street	Robert L. Corder	50017500020080000	1607 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1609 Parkhaven Street	MNSF T2 SPE LLC	50017500020070000	6836 Morrison Boulevard	Suite 320	Charlotte	NC	28211
Adjoiner	1611 Parkhaven Street	Leonard & Arbreda Evans	50017500020060000	1611 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1613 Parkhaven Street	Julia F. May	50017500020050000	1613 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1615 Parkhaven Street	Brenda Bowen	50017500020040000	807 Ard Road		Seagoville	TX	75159
Adjoiner	1617 Parkhaven Street	Heriberto S. Rojas & Oscar G. Cortes	50017500020030000	1617 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1619 Parkhaven Street	Dennis Moore	50017500020020000	1816 Mount Pleasant		Mesquite	TX	75149
Adjoiner	1621 Parkhaven Street	Thomas & Vesta C. Lenamond	50017500020010000	1621 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1700 Parkhaven Street	DeWayne Burns	50017500040190000	1700 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1702 Parkhaven Street	Nanacy L. M. Ashley	50017500040180000	1702 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1704 Parkhaven Street	Gloria E. Herrera	50017500040170000	1704 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1706 Parkhaven Street	Life Estate of Sharon McCandless	50017500040160000	1706 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1708 Parkhaven Street	Samuel S. Bautista & Minerva M. Gonzalez	50017500040150000	1708 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1710 Parkhaven Street	Christopher J. & Stacy A. Gammons	50017500040140000	5127 Homeplace Lane		Kaufman	TX	75142
Adjoiner	1712 Parkhaven Street	James E. Lawson	50017500040130000	1712 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1714 Parkhaven Street	Russell E. & Lan Chambless	50017500040120000	1402 Rapids Court		Rockwall	TX	75087

Exhibit 8

**Property Owners List for 405 May Road
ZONING REQUEST Z2019-10**

Mailed out a total of 82 certified letters on Tuesday, April 16, 2019, before 5:00 PM

Subject or adjoiner?	Site Address	Owner	DCAD acc't	Mailing Address 1	Address 2	City	State	Zip
Adjoiner	1716 Parkhaven Street	Jennifer & Stephen Lawrence	50017500040110000	1716 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1718 Parkhaven Street	Roque D. Acuna	50017500040100000	1718 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1720 Parkhaven Street	Cameron R. Chambers	50017500040090000	1720 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1722 Parkhaven Street	Rene Rodriguez	50017500040080000	1722 Parkhaven Street		Seagoville	TX	75159
Adjoiner	313 Havenhill Street	Savoy Development & Acquisitions LLC	50017500040070000	6913 Traceland Drive		Plano	TX	75024
Adjoiner	311 Havenhill Street	Lonnie R. Lynn	50017500040060000	311 Havenhill Street		Seagoville	TX	75159
Adjoiner	309 Havenhill Street	Juana Martinez & Maria del Toro	50017500040050000	309 Havenhill Street		Seagoville	TX	75159
Adjoiner	307 Havenhill Street	Williamson Revocable Living Trust	50017500040040000	711 North Kaufman		Seagoville	TX	75159
Adjoiner	1701 Parkhaven Street	Isela V. P. Rangel & Carlos Maldonado	50017500050120000	11050 Woodmeadow Parkway	#1420	Dallas	TX	75228
Adjoiner	1703 Parkhaven Street	Shyrrill D. D. Walker	50017500050110000	1703 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1705 Parkhaven Street	Miachelle Gentry	50017500050100000	1705 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1707 Parkhaven Street	Sergio O. Navaro & Dolores Suarez	50017500050090000	1707 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1709 Parkhaven Street	Antonio Olmos	50017500050080000	1709 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1711 Parkhaven Street	Chad N. Huffhines	50017500050070000	P.O. Box 2638		Forney	TX	75126
Adjoiner	1713 Parkhaven Street	Tasheen M. Jackson	50017500050060000	1713 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1715 Parkhaven Street	Magdaleno & Yolanda Rodriguez	50017500050050000	1715 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1717 Parkhaven Street	Oria M. Reed	50017500050040000	1717 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1719 Parkhaven Street	Maria E. Hernandez & Eduardo J. Lira	50017500050030000	1719 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1721 Parkhaven Street	Owner	50017500050020000	1721 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1723 Parkhaven Street	Ripley J. Scott	50017500050010000	1723 Parkhaven Street		Seagoville	TX	75159
Adjoiner	1900 Seagoville Road	Dallas I.S.D.	50046560010010000	ATTN: Treasurer	9400 North Central Expressway	Dallas	TX	75231
Adjoiner		City of Seagoville		702 North Highway 175		Seagoville	TX	75159
Adjoiner	1900 Seagoville Road	LGI Homes - Texas LLC	65054148010080000	1450 Lake Robbins Drive	Suite 430	Spring	TX	77380
Adjoiner	1601 East Farmers Road	Francisco & Raquel Galvan	50014750000000000	1643 East Farmers Road		Seagoville	TX	75159
Adjoiner	1631 East Farmers Road	Paul Edmonds	65085006510060000	1609 East Farmers Road		Seagoville	TX	75159
Adjoiner	1601 East Farmers Road	Paul & Rhonda Edmonds	65085006510060600	1609 East Farmers Road		Seagoville	TX	75159
Adjoiner	1601 East Farmers Road	Paul Edmonds	65085006510060500	1609 East Farmers Road		Seagoville	TX	75159
Adjoiner	611 May Road	Estate of Marian F. Sugden	50021600000080000	611 May Road		Seagoville	TX	75159
Adjoiner	607 May Road	Rubal Farms LP	50021600000090000	601 South Pearl Expressway		Dallas	TX	75201
Adjoiner	605 May Road	Everette E. Hoskins	50021600000100000	605 May Road		Seagoville	TX	75159
Adjoiner	500 May Road	City of Seagoville	65036771010060000	702 North Highway 175		Seagoville	TX	75159
Adjoiner	406 May Road	City of Seagoville	65036771010010200	702 North Highway 175		Seagoville	TX	75159
Adjoiner	1434 Baylee Street	Alfred & Edna Niblet	50031520000010000	1434 Baylee Street		Seagoville	TX	75159
Adjoiner	1432 Baylee Street	Parag R. Shah	50031520000020000	2252 New College Lane		Plano	TX	75025
Adjoiner	1430 Baylee Street	Yvette LaShun Randall	50031520000030000	1430 Baylee Street		Seagoville	TX	75159
Adjoiner	1431 Baylee Street	Donna S. & Robert D. Murphy, Sr.	50031520000075000	1431 Baylee Street		Seagoville	TX	75159

**Property Owners List for 405 May Road
ZONING REQUEST Z2019-10**

Mailed out a total of 82 certified letters on Tuesday, April 16, 2019, before 5:00 PM

Subject or adjointer?	Site Address	Owner	DCAD acc't	Mailing Address 1	Address 2	City	State	Zip
Adjoiner	1429 Baylee Street	Ethel M. Elliot	50031520000740000	1429 Baylee Street		Seagoville	TX	75159
Adjoiner	1427 Baylee Street	Daniel D. R. Blanco	50031520000730000	1427 Baylee Street		Seagoville	TX	75159
Adjoiner	1428 Julie Street	Marie Powell	50031520000460000	1428 Julie Street		Seagoville	TX	75159
Adjoiner	1430 Julie Street	Authority Real Estate Southwest LLC	50031520000450000	P. O. Box 2126		Redondo Beach	CA	90278
Adjoiner	1432 Julie Street	Gregory & Tina Toal	50031520000440000	1432 Julie Street		Seagoville	TX	75159
Adjoiner	1435 Julie Street	Progress Residential 2015-2 Borrower LLC	50031520000430000	P.O. Box 4090		Scottsdale	AZ	85261
Adjoiner	1433 Julie Street	Brandon & Amadona M. Warren	50031520000420000	1433 Julie Street		Seagoville	TX	75159
Adjoiner	1431 Julie Street	Audine R. & Eugene D. Pleyo Jr.	50031520000410000	1431 Julie Street		Seagoville	TX	75159
Adjoiner		City of Seagoville		702 North Highway 175		Seagoville	TX	75159
Adjoiner	402 May Road	Linda Salinas	50018510000020000	P.O. Box 633		Seagoville	TX	75159
Adjoiner	1488 May Road	Seagoville Fountainhead LP	50018510000010000	4000 Old Benbrook Road		Fort Worth	TX	76116
Adjoiner	1490 May Road	Setero Silva	50018510000030000	1490 May Street		Dallas	TX	75208

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL-5 (R-5) TO PLANNED DEVELOPMENT-RESIDENTIAL -5 (PD-18-01) FOR APPROXIMATELY 28.53± ACRES OF LAND LOCATED IN THE JOHN D. MERCHANT SURVEY ABSTRACT NO. 850, GENERALLY DESCRIBED AS WEST OF MAY ROAD AND ADJACENT/EAST OF ALTO ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT/PRELIMINARY DRAINAGE PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT “B”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. Z2018-02 (PD 18-01) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Residential-5 (R-5) to Planned Development-Residential-5 (PD 18-01) for approximately 28.53± acres of land located

in the John D. Merchant Survey Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”, attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. The property shall be developed in accordance with the approved Concept Plan, which is attached hereto and made a part of the ordinance
- B. Front yard shall have a minimum depth of not less than 20 feet
- C. Side yard shall have a width of not less than 5 feet
- D. Side yard with street shall have a width of not less than 10 feet
- E. Rear yard shall have a minimum depth of not less than 20 feet
- F. Minimum area of the lot shall be not less than 5,500 square feet
- G. Minimum depth of the lot shall be not less than 110 feet
- H. Minimum width of the lot shall be not less than 50 feet
- I. Minimum living area of the dwelling shall be 1,700 square feet
- J. Maximum height of the dwelling shall be 35 square feet
- K. One-half of May Road, that portion that runs the full length of the property abutting May Road, shall be paved concrete, curb, and gutter roadway
- L. One-half of Alto Road, that portion that runs the full length of the property abutting Alto Road, shall be paved concrete, curb, and gutter roadway
- M. The property shall be landscaped in compliance with Division 21 of the City of Seagoville Zoning Ordinance
- N. All signage shall comply with Article 21.09 of the City of Seagoville Code of Ordinances

Exhibit 9

- O. Except as amended herein, all construction shall comply with the construction standards and ordinances of the City of Seagoville, Texas

SECTION 3. The property shall be developed and used only in accordance with the conceptual/preliminary drainage plan attached as Exhibit “B” and incorporated herein for all purposes, and which is hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein.

SECTION 5. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished

by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 2nd day of April, 2018.

APPROVED:

/s/DENNIS K. CHILDRESS, MAYOR

ATTEST:

/s/KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

/s/ALEXIS G. ALLEN, CITY ATTORNEY
(/cdb)

EXHIBIT "A"
(Legal Property Description)

Exhibit 9

LEGAL DESCRIPTION

BEING a 28.5361 acre tract, situated in the John D. Merchant Survey, Abstract No. 850, in Dallas County, Texas, and being the same tract of land conveyed to Douglas A. Sears, Trustee of the Douglas Sears Living Trust, D.O.T., June 3, 1993, or his successors in trust by deed recorded in Volume 96229, Page 02344, Deed Records, Dallas County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set at the south corner of the Kings Creek Addition, an Addition to the city of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77091, Page 1075, Map Records, Dallas County, Texas in May Road, (45 foot right-of-way);

THENCE South 44 degrees 53 minutes 58 seconds West, a distance of 481.33 feet to a 5/8 inch iron rod set;

THENCE North 45 degrees 06 minutes 01 seconds West, passing a 5/8 inch iron rod set at the east corner of a "save and except" tract recorded in said Volume 96229, Page 02344, Deed Records, Dallas County, Texas on the northwest right-of-way line of said May Road, at a distance of 15.32 feet and continuing along the northeast property line of said save and except tract, a total distance of 255.32 feet to a 5/8 inch iron rod set at the north corner of said save and except tract;

THENCE South 44 degrees 53 minutes 59 seconds West, along the northwest property line of said save and except tract, a distance of 200.48 feet to a 5/8 inch iron rod set at the west corner of said save and except tract;

THENCE South 62 degrees 30 minutes 01 seconds East, along the southwest property line of said save and except tract, a distance of 35.05 feet to a 5/8 inch iron rod set;

THENCE South 45 degrees 06 minutes 01 seconds East, continuing along the southwest property line of said save and except tract, passing a 5/8 inch iron rod set at the south corner of said save and except tract on said May Road northwest right-of-way line, at a distance of 206.56 feet and continuing a total distance of 221.88 feet to a 5/8 inch iron rod set in said May Road;

THENCE South 44 degrees 53 minutes 59 seconds West, a distance of 118.78 feet to a 5/8 inch iron rod set at the east corner of the Haven Hills No. 1 Addition, an Addition to the County of Dallas, according to the plat thereof recorded in Volume 28, Page 137, Map Records, Dallas County, Texas;

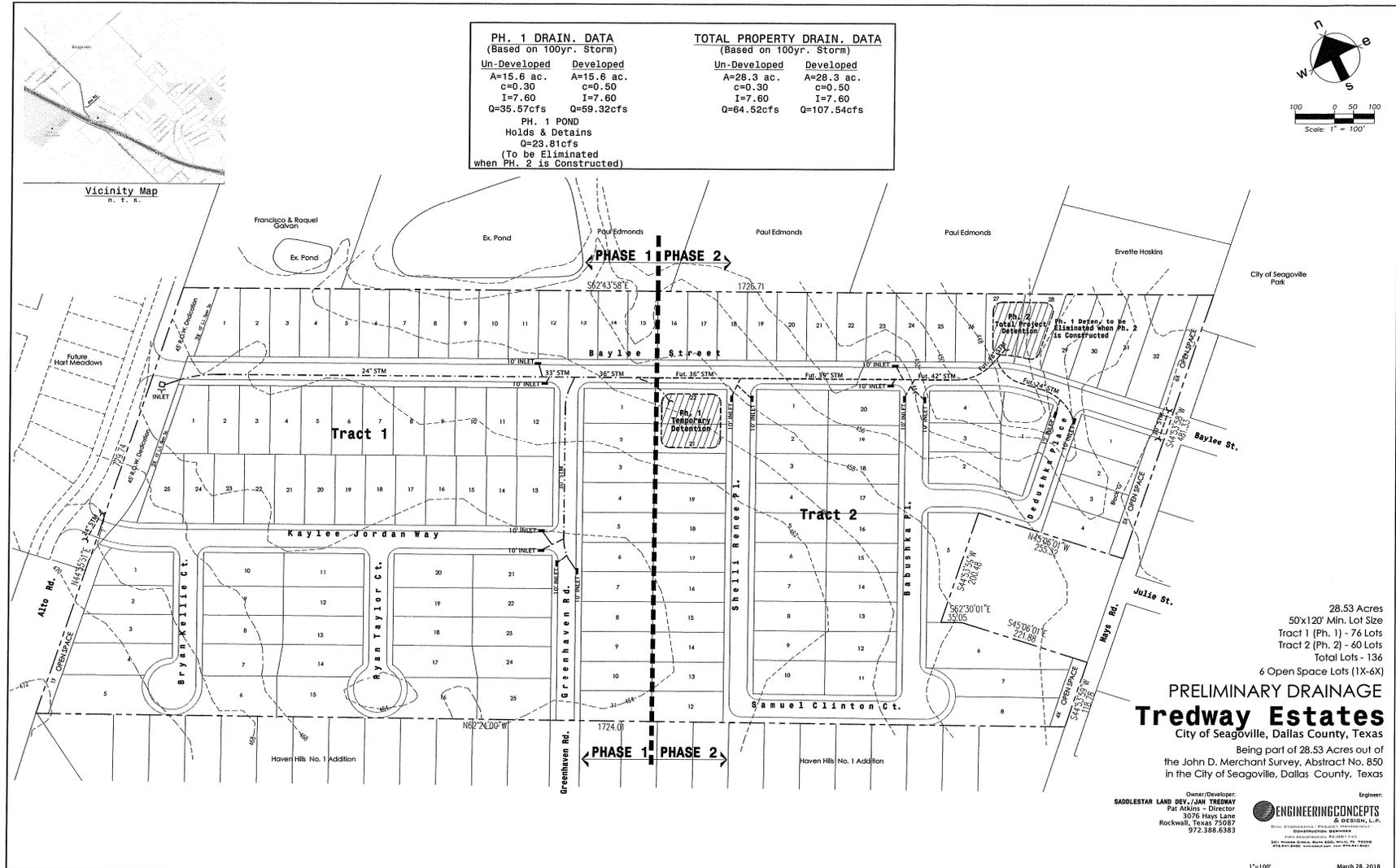
THENCE North 62 degrees 24 minutes 00 seconds West, along the northeast property line of said Haven Hills No. 1 Addition, a distance of 1724.00 feet to a 5/8 inch iron rod set at the north corner of said Haven Hills No. 1 Addition on the southeast property line of a 95.679 acre tract conveyed to Ralph Wallace Hart by deed recorded in Volume 75215, Page 905, Deed Records, Dallas County, Texas;

THENCE North 44 degrees 55 minutes 51 seconds East, along said Hart southeast property line, a distance of 779.74 feet to a 5/8 inch iron rod set at the west corner of a 5.4562 acre tract of land conveyed to Francisco Galvin and Raquel Galvin by deed recorded in County Clerk's File No. 9910211921, Deed Records, Dallas County, Texas;

THENCE South 62 degrees 43 minutes 58 seconds East, along the southwest property line of said Galvin tract, passing the south corner of said Galvin tract and the west corner of a 20 acre tract of land conveyed to Joe C. Wright and Linda S. Wright by deed recorded in Volume 98232, Page 01149, Deed Records, Dallas County, Texas, at a distance of 293.30 feet and continuing along the southwest property line of said Wright tract, passing the south corner of said Wright tract and the west corner of a 6.507 acre tract conveyed to Donald R. Stockton and Donna R. Stockton by deed recorded in Volume 96211, Page 00793, Deed Records, Dallas County, Texas, at a distance of 812.30 feet and continuing along the southwest property line of said 6.507 acre tract, passing the south corner of said 6.507 acre tract and the west corner of a 3.842 acre tract, at a distance of 1181.63 feet and continuing along the southwest property line of said 3.842 acre tract, passing the south corner of said 3.842 acre tract and the west corner of said Kings Creek Addition, at a distance of 1465.69 feet and continuing along the southwest property line of said Kings Creek Addition, a total distance of 1726.71 feet to the POINT OF BEGINNING and containing 1,243,031 square feet or 28.5361 acres of land.

EXHIBIT "B" (Concept/Preliminary Drainage Plan)

Exhibit 9



Regular Session Agenda Item: 6

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Planned Development–Residential-5 (PD-18-01) to Planned Development–Residential-5 Amended (PD-18-01A1) to provide for an amended concept plan for approximately 28.53±acres of land located in the John D. Merchant Survey Abstract No. 850, generally described as west of May Road and adjacent/east of Alto Road, Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”, attached hereto and incorporated herein; providing for amended development regulations; providing for the approval of an amended concept plan, which is attached hereto and incorporated herein as Exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date.

BACKGROUND OF ISSUE:

The land is currently vacant.

The existing zoning, land uses, and relevant portions of the City’s comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant’s request.

Owners Jan Tredway and Shepherd Place Homes Inc. are being represented by Richard Hovas of Engineering Concepts and Design L.P. The owners plan to develop the property into a subdivision of single family homes. The concept plan shows a total of 127 lots, 7 green open spaces along the required widen portions of the right-of-way for May Road and Alto Road, and no storm detention pond area(s). The planned development amendment calls for adjusting the concept plan to account for an existing gas line that was not shown on the original concept plan. The location of the gas line also requires the relocation of some of the street alignments. No other changes are being requested with this PD amendment.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Besides the parcels in question, there are seventy-seven (77) properties, and parts of five (5) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, April 8, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, April 15, 2019, edition of the Daily Commercial Record newspaper. No (zero) property owner responded in writing in favor of the request and one (1) was against the request. Two (2) letters were returned as undeliverable by the U.S. Postal Service. Copies of the responses were provided to the Commissioners at the meeting. Only the engineer for Phase 1 and the current owner of future Phase 2 spoke on the item at the P&Z meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Tuesday, May 21, 2019. A legal ad was also published per the Texas Local Government Code in the Monday, May 20, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, Wednesday, May 29, 2019, a letter conditionally against the request has come from the property owner of future Phase 2. One (1) additional property owners have responded in favor the request in writing. One (1) additional letter has been returned as undeliverable by the U.S. Postal Service. Owner Jan Tredway has also sent a letter. Any responses received after the emailing of the packet to the Council members will be available at the meeting for review.

On May 14th, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending to City Council the approval of the request to amend PD-18-01 at 405 May Road by amending the concept plan to provide for an existing gas line and realigning the streets - with a condition. The condition of approval is that the engineered design of the Phase 1 detention accommodate all runoff for this development so that it has no effect on the adjoining Haven Hills Subdivision.

Staff recommended that the P&Z table this item because no detention or retention was shown on the concept plan. Because the engineer for this project has since submitted plans and these plans show a detention pond, Staff can support a conditional approval of the request as stated by the Planning and Zoning Commission motion. However, the pond location in the engineering plans does not match what is in the concept plan that is in Exhibit 5b.

EXHIBIT:

1. Ordinance

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. ____-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT-RESIDENTIAL-5 (PD-18-01) TO PLANNED DEVELOPMENT-RESIDENTIAL-5 AMENDED (PD-18-01A1) TO PROVIDE FOR AN AMENDED CONCEPT PLAN FOR APPROXIMATELY 28.53± ACRES OF LAND LOCATED IN THE JOHN D. MERCHANT SURVEY ABSTRACT NO. 850, GENERALLY DESCRIBED AS WEST OF MAY ROAD AND ADJACENT/EAST OF ALTO ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR AMENDED DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF AN AMENDED CONCEPT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT “B”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. Z2019-10 (PD 17-03A1) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended to reflect the zoning change.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That Zoning Application No. Z2019-10 (PD 17-03A1) is hereby approved and the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same are hereby amended by granting a change in zoning from Planned Development-Residential-5 (PD-18-01) to Planned Development-Residential-5 Amended (PD-18-01A1) To provide for an amended concept plan for approximately 28.53± acres of land located in the John D. Merchant Survey Abstract No.

850, generally described as west of May Road and adjacent/east of Alto Road City of Seagoville, Dallas County, Texas, and being legally described in Exhibit “A”.

SECTION 2. That the property shall be developed and used in accordance with the original Development Regulations set forth in Ordinance No. 08-2018 except as amended by the Amended Concept Plan attached hereto as Exhibit “B” and otherwise in accordance with all applicable City of Seagoville Zoning Ordinance and Construction Standards.

SECTION 3. That the Amended Concept Plan, which is attached hereto as Exhibit “B” and incorporated herein for all purposes, is hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein.

SECTION 5. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

PASSED AND ADOPTED by the City Council for the City of Seagoville at a meeting on the 3rd day of June, 2019, at which a quorum was present, and for which due notice was given.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA W. THOMAS, CITY ATTORNEY

(/cdb 05.28.2019 TM v)

EXHIBIT "A"
(Legal Property Description)

LEGAL DESCRIPTION

BEING a 28.5361 acre tract, situated in the John D. Merchant Survey, Abstract No. 850; in Dallas County, Texas, and being the same tract of land conveyed to Douglas A. Sears, Trustee of the Douglas Sears Living Trust, D.O.T., June 3, 1993, or his successors in trust by deed recorded in Volume 96229, Page 02344, Deed Records, Dallas County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set at the south corner of the Kings Creek Addition, an Addition to the city of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77091, Page 1075, Map Records, Dallas County, Texas in May Road, (45 foot right-of-way);

THENCE South 44 degrees 53 minutes 58 seconds West, a distance of 481.33 feet to a 5/8 inch iron rod set;

THENCE North 45 degrees 06 minutes 01 seconds West, passing a 5/8 inch iron rod set at the east corner of a "save and except" tract recorded in said Volume 96229, Page 02344, Deed Records, Dallas County, Texas on the northwest right-of-way line of said May Road, at a distance of 15.32 feet and continuing along the northeast property line of said save and except tract, a total distance of 255.32 feet to a 5/8 inch iron rod set at the north corner of said save and except tract;

THENCE South 44 degrees 53 minutes 59 seconds West, along the northwest property line of said save and except tract, a distance of 200.48 feet to a 5/8 inch iron rod set at the west corner of said save and except tract;

THENCE South 62 degrees 30 minutes 01 seconds East, along the southwest property line of said save and except tract, a distance of 35.05 feet to a 5/8 inch iron rod set;

THENCE South 45 degrees 06 minutes 01 seconds East, continuing along the southwest property line of said save and except tract, passing a 5/8 inch iron rod set at the south corner of said save and except tract on said May Road northwest right-of-way line, at a distance of 206.56 feet and continuing a total distance of 221.88 feet to a 5/8 inch iron rod set in said May Road;

THENCE South 44 degrees 53 minutes 59 seconds West, a distance of 118.78 feet to a 5/8 inch iron rod set at the east corner of the Haven Hills No. 1 Addition, an Addition to the County of Dallas, according to the plat thereof recorded in Volume 28, Page 137, Map Records, Dallas County, Texas;

THENCE North 62 degrees 24 minutes 00 seconds West, along the northeast property line of said Haven Hills No. 1 Addition, a distance of 1724.00 feet to a 5/8 inch iron rod set at the north corner of said Haven Hills No. 1 Addition on the southeast property line of a 95.679 acre tract conveyed to Ralph Wallace Hart by deed recorded in Volume 75215, Page 905, Deed Records, Dallas County, Texas;

THENCE North 44 degrees 55 minutes 51 seconds East, along said Hart southeast property line, a distance of 779.74 feet to a 5/8 inch iron rod set at the west corner of a 5.4562 acre tract of land conveyed to Francisco Galvin and Raquel Galvin by deed recorded in County Clerk's File No. 9910211921, Deed Records, Dallas County, Texas;

THENCE South 62 degrees 43 minutes 58 seconds East, along the southwest property line of said Galvin tract, passing the south corner of said Galvin tract and the west corner of a .20 acre tract of land conveyed to Joe C. Wright and Linda S. Wright by deed recorded in Volume 98232, Page 01149, Deed Records, Dallas County, Texas, at a distance of 293.30 feet and continuing along the southwest property line of said Wright tract, passing the south corner of said Wright tract and the west corner of a 6.507 acre tract conveyed to Donald R. Stockton and Donna R. Stockton by deed recorded in Volume 96211, Page 00793, Deed Records, Dallas County, Texas, at a distance of 812.30 feet and continuing along the southwest property line of said 6.507 acre tract, passing the south corner of said 6.507 acre tract and the west corner of a 3.842 acre tract, at a distance of 1181.63 feet and continuing along the southwest property line of said 3.842 acre tract, passing the south corner of said 3.842 acre tract and the west corner of said Kings Creek Addition, at a distance of 1465.69 feet and continuing along the southwest property line of said Kings Creek Addition, a total distance of 1726.71 feet to the POINT OF BEGINNING and containing 1,243,031 square feet or 28.5361 acres of land.

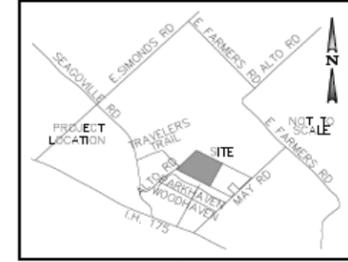
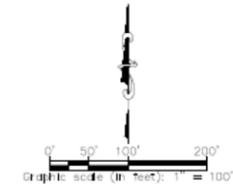
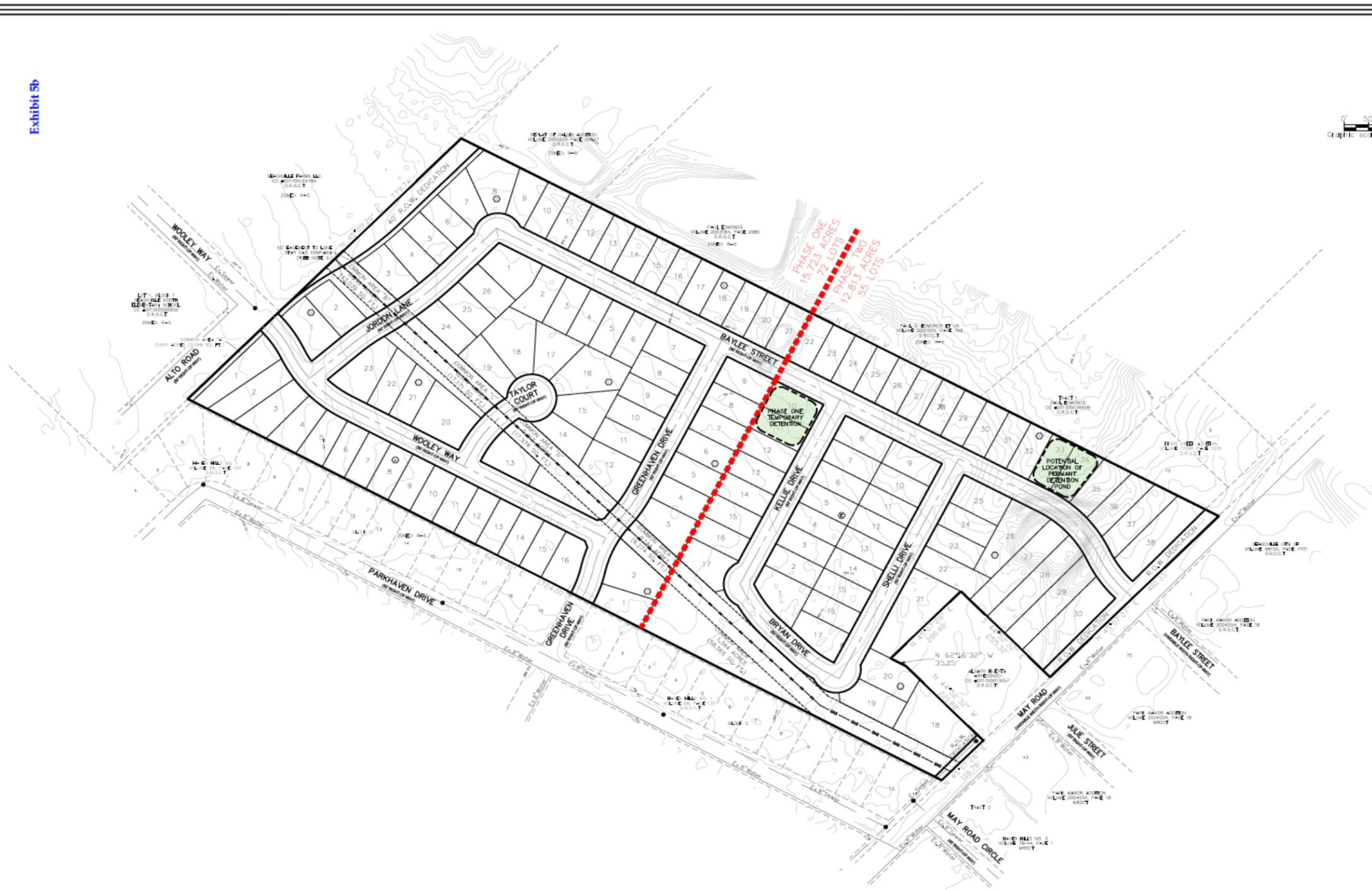


Exhibit 5b



LAND USE DATA

Min. Lot Width	50'
Min. Lot Depth	110'
Front Yard Setback	20'
Rear Yard Setback	20'
Side Yard Setback (Adj. to Street)	5' (10')
Min. Living Area	1700 s.f.

28.536 Acres
 50'x110' Min. Lot Size
 Tract 1 (Ph. 1) - 72 Lots
 Tract 2 (Ph. 2) - 55 Lots
 Total Lots - 127
 7 Common Area Lots

CONCEPT PLAN

Tredway Estates

City of Seagoville, Dallas County, Texas

Being part of 28.536 Acres out of the John D. Merchant Survey, Abstract No. 850 in the City of Seagoville, Dallas County, Texas

OWNER
 R. C. TREDWAY JR.
 405 MAY ROAD
 Seagoville, Texas 75159-2321

OWNER/DEVELOPER
 Shepherd Place Homes Inc.
 180 Robbie Hale Homes
 620 Rowlett Road
 Garland, Texas 75043-3703
 972-475-1100
 972-771-5089

LAND SURVEYOR
 R. C. Myers Surveying, LLC
 488 Arroyo Court
 Sunnyvale, Texas 75182
 (214) 532-0636
 Fax (972) 412-4875
 Email: rcmysurveying@gmail.com
 Firm no. 10192300 Job NO. 433 PL4T-1

Regular Session Agenda Item: 7

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Discuss and consider approval of a Resolution of the City Council of the City of Seagoville, Texas, authorizing the City Manager to execute an Interlocal Agreement with Dallas County, Texas for participation in the Memorandum of Understanding/Interlocal Agreement among participating local governments for Law Enforcement Data Sharing via Dallas County Adult Information System (AIS).

BACKGROUND OF ISSUE:

In reference to the Resolution, approving an agreement with Dallas County. This Interlocal Agreement is contractual in nature and is not to be construed to create a partnership, joint venture, joint enterprise, or agency relationship between the Parties. The agreement is for Participating Local Government Agencies to fully share and commonly use certain Data owned by Dallas County for the management of public safety response activities during both emergency and non-emergency operations and to adhere to Dallas County's licensing rights to Adult Information System (AIS).

FINANCIAL IMPACT:

There is no financial impact with this Interlocal Agreement to the City or Dallas County.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

N/A

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY, TEXAS FOR PARTICIPATION IN THE MEMORANDUM OF UNDERSTANDING/INTERLOCAL AGREEMENT AMONG PARTICIPATING LOCAL GOVERNMENTS FOR LAW ENFORCEMENT DATA SHARING VIA DALLAS COUNTY ADULT INFORMATION SYSTEM (AIS).

WHEREAS, the City Council of the City of Seagoville, Texas desires to fully share and commonly use certain Data owned by Dallas County, Texas for the management of public safety response activities during both emergency and non-emergency operations by entering into an Interlocal Agreement with Dallas County for participation in the Memorandum of Understanding/Interlocal Agreement (“MOU/ILA”) among participating local governments for law enforcement data sharing through Dallas County Adult Information System (“IAS”); and

WHEREAS, the City Council of the City of Seagoville, Texas, will understand “data” shall mean the created and/or submitted data, records and/or information by the Participating Local Governments and Dallas County that is being shared under the MOU/ILA for purposes of public safety and agency inquiries; and

WHEREAS, the City Council of the City of Seagoville, Texas, as a Participating Local Government, understands that the MOU/ILA, including all addenda, amendments, exhibits and attachments hereto, sets forth the applicable policies, practices and responsibilities; and

WHEREAS, the City Council of the City of Seagoville, Texas, the Participating Local Government, recognizes and agrees to adhere to Dallas County’s licensing rights to AIS; and

WHEREAS, the City Council of the City of Seagoville, Texas, desires to authorize the City Manager to execute an updated Interlocal Agreement with Dallas County, Texas, for participation in the Memorandum of Understanding/Interlocal Agreement Among Participating Local Governments for the sharing of law enforcement incident data through Dallas County Adult Information System.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THAT:

Section 1. The City Council of the City of Seagoville, Texas, authorizes the City Manager to execute an updated Interlocal Agreement with Dallas County, Texas, which is incorporated herein for all purposes and attached hereto as Attachment “A”, for participation in the Memorandum of Understanding/Interlocal Agreement Among Participating Local Governments for Law Enforcement Data Sharing Via Dallas County Adult Information System.

Section 2. That this Resolution shall take effect immediately from and after its passage as the law and Charter in such cases provide.

DULY ORDERED by the City Council of the City of Seagoville, Texas on the 3rd day of June, 2019.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY
(TM 108425 053019)

**COURT ORDER
2018-0760**



ORIGINAL

Sheriff's Office - 2018 Data Sharing via Dallas County Adult Information System

On a motion made by Commissioner Mike Cantrell, District 2, and seconded by Commissioner Dr. Theresa M. Daniel, District 1, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 7/3/2018
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby approve the MOU/ILA for data sharing via the Dallas County Adult Information System with other local governments and authorizes the County Judge to sign this agreement.

Done in open court July 3, 2018, by the following vote:

- IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
Commissioner Dr. Theresa M. Daniel, District 1
Commissioner Mike Cantrell, District 2
Commissioner John Wiley Price, District 3
Commissioner Dr. Elba Garcia, District 4
- OPPOSED: None
- ABSTAINED: None
- ABSENT: None

**MEMORANDUM OF UNDERSTANDING /INTERLOCAL AGREEMENT
("MOU/ILA")
AMONG PARTICIPATING LOCAL GOVERNMENTS
FOR LAW ENFORCEMENT DATA SHARING VIA
DALLAS COUNTY ADULT INFORMATION SYSTEM**

**I.
PARTIES**

This MOU/ILA is entered by and among the undersigned participating local governments of the State of Texas ("Participating Local Governments"), acting by and through their respective governing bodies or their respective local law enforcement agencies and Dallas County, Texas ("Dallas County"), pursuant to and under authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code to share law enforcement incident data through Dallas County Adult Information System ("AIS"). The undersigned Participating Local Governments and any and all other Participating Local Governments of the State of Texas adopting this MOU/ILA upon execution by their governing body or their respective local law enforcement agency as provided for herein may be referred to in this MOU/ILA individually as "Party" and collectively as "Parties."

**II.
RECITALS**

WHEREAS, the Participating Local Governments of the State of Texas desire to fully share and commonly use certain Data owned by Dallas County for the management of public safety response activities during both emergency and non-emergency operations; and

WHEREAS, "Data" shall mean the created and/or submitted data, records and/or information by the Participating Local Governments and Dallas County that is being shared under this ILA for purposes of public safety and agency inquiries; and

WHEREAS, this MOU/ILA, including all addenda, amendments, exhibits and attachments hereto, sets forth the policies, practices and responsibilities of the Participating Local Governments; and

WHEREAS, the Participating Local Governments recognize and adhere to Dallas County's licensing rights to AIS; and

WHEREAS, the Participating Local Governments, acting by and through their respective governing bodies or respective local law enforcement agency, individually and collectively, do hereby adopt and find the foregoing premises as findings.

NOW, THEREFORE, in consideration of the promises, inducements, covenants, agreements, conditions and other good and valuable consideration, the receipt and sufficiency of which is

hereby acknowledged, the Participating Local Governments approving this MOU/ILA agree as follows:

III.
PARTICIPATION BY ADDITIONAL PARTICIPATING LOCAL GOVERNMENTS

Any local government or respective local law enforcement agency may participate in this MOU/ILA with the mutual administrative approval of Dallas County. Each Participating Local Government will be required to approve and agree to the terms and conditions of this MOU/ILA. The participation of additional Participating Local Governments shall not require the approval of other Participating Local Governments.

IV.
TERM AND WITHDRAWAL

- A. Unless otherwise stated, this MOU/ILA shall remain in effect from the time of its authorized signing until a mutual agreement to terminate by all parties occurs.
- B. A Participating Local Government may withdraw from this MOU/ILA at any time and for any reason by giving thirty (30) days prior written notice to Dallas County. In the event of withdrawal or termination (voluntarily or involuntarily) by a Participating Local Government from this MOU/ILA, the Participating Local Government shall bear all costs and expenses related to this MOU/ILA and its withdrawal or termination. In no event, shall Dallas County be responsible to the Participating Local Government for any cost or expenses incurred in connection with this MOU/ILA.
- C. Immediate termination of this MOU/ILA shall occur for the Participating Local Government (including, without limitation, the Participating Local Government's employee, officer, subcontractor, agent, or volunteer), who violates any of the security and access provisions in effect for this MOU/ILA. Such Participating Local Government is responsible for correcting the security violation, and for any damages or cost incurred as a result of such violation. That Participating Local Government may re-participate subject to Dallas County's discretionary administrative approval and after such violation has been corrected so as to prevent future and further violation of the security measures.
- D. The withdrawal or termination of a Participating Local Government from this MOU/ILA does not constitute a withdrawal or termination by the Participating Local Government from any other interlocal government projects.
- E. The withdrawal or termination of a Participating Local Government from this MOU/ILA does not affect the validity of this MOU/ILA as to the remaining Participating Local Governments.

V.

DATA OWNERSHIP, ACCESS, SECURITY AND STORAGE

- A. Ownership of Data. It is the intention of the Parties that Dallas County will remain the custodian and owner for the Data that was created in or submitted for AIS, unless expressly agreed in writing otherwise.
- B. Use and Disclosure of Data. The Parties acknowledge and agree that the Data shall not be used by the Parties other than in connection with the performance of this MOU/ILA, as required by law; or as contemplated by the Parties under this MOU/ILA. Additionally the Parties agree that the Data shall not be disclosed, sold, assigned, leased or otherwise provided to third parties, or commercially exploited by or on behalf of the other Parties, their employees, officers, agents, subcontractors, invitees, or assigns in any respect without the express written approval of Dallas County. Dallas County shall share and report the Participating Local Governments' Data in accordance with the law.
- C. Responding to the Public's Requests for Information or Data. Dallas County shall be responsible for responding to the requests for any AIS Data. In the event a Participating Local Government receives a request for Data belonging Dallas County, the request must be forwarded by the receiving Party to Dallas County within three (3) business days of receipt. Participating Local Governments shall contractually bind other entities or subcontractors who have access to AIS under this MOU/ILA to observe the same restrictions on the use and disclosure of Data belonging Dallas County in accordance with this MOU/ILA.
- D. Data Storage. Dallas County shall provide a secured redundant data storage for law enforcement Data covered under this MOU/ILA. Data storage is backed up nightly by Dallas County Technical Services and by Dallas County Database Administration. Database audit records will be retained by the system for one year. The Dallas County Database Administration will provide support to the AIS data bases and/or data warehouse.
- E. Security and Access of Data.
- 1) Each Participating Local Government must define and set security and access rules for itself that will limit access or use of database to specified law enforcement personnel, for law enforcement purposes only, and that will minimally meet the standards outlined in the sample Security and Access of Data Procedure outlined in Exhibit A, which is attached and incorporated into this MOU/ILA for all purposes by reference.
 - 2) Dallas County shall require every Participating Local Government's agents, employees, contractors, or subcontractors who will have access or potentially have access to Criminal Justice Information (CJI) pursuant to this MOU/ILA to maintain compliance with the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Security Policy 5.6, as amended. All Parties to this

MOU/ILA are responsible for their individual compliance with the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Security policy and the Texas Department of Public Safety policies, as amended.

Furthermore, Dallas County in its sole discretion shall make a determination based upon Texas Commission on Law Enforcement (TCOLE) peace officer criminal history screening rules (Title 37, Texas Administrative Code, Chapter 217) to determine eligibility for systems access for all Participating Local Government's agents, employees, contractors, or subcontractors related to this MOU/ILA. This shall include criminal background checks and fingerprint identification.

- F. Survival. The provisions of this Article V shall survive any termination, cancellation, withdrawal, or expiration of this ILA.

VI. MAINTENANCE AND HELPDESK

AIS was built with hardware and software redundancy. Unless there is a production problem, new software release upgrade, and/or regulatory updates, the system runs "24/7." Participating Local Governments will report any access and software problems through their respective AIS Administrators. The AIS Administrators will be able to report problems through contacting the Dallas County Help Desk on the AIS Contact List.

Any system down issue must be first addressed with Participating Local Government IT and/or Network Services before they may be reported to the Dallas County Help Desk. Dallas County IT Network Services will report any system-down occurrence and subsequent back-to-running status to each Party's AIS Administrator for the Party's internal distribution.

Access password and I.D. problems will be handled by the Party's AIS Administrator. Functional access in the AIS is dependent upon role and responsibilities of the law enforcement position. Unless Dallas County has provided network access or internet pipes to AIS, each Participating Local Government is responsible for its interface software and network at its sole cost and expense.

Dallas County shall:

- Provide a minimum of 256 bit encryption security
- Provide Backup databases
- Maintain hardware, AIS, and databases
- Provide limited "training to the trainers"

VII.
WARRANTIES

No Party to this MOU/ILA warrants the availability, accuracy, quality, reliability or fitness for a particular purpose of any Data made available under this MOU/ILA. Third party warranties or guarantees may inure to the benefit of the parties to a particular project if such are contractually secured as part of such project; however, no Party to this MOU/ILA shall be held liable for a warranty or guarantee offered by a third party, if any. All conditions, representations and warranties, whether express, implied, statutory or otherwise, including, without limitation, any implied warranty or merchantability, fitness for a particular purpose, or non-infringement of third party rights, are hereby disclaimed by all Parties to this MOU/ILA to the maximum extent permitted by applicable law.

Survival. This Article VII. shall survive any termination, cancellation, withdrawal, or expiration of this MOU/ILA.

VIII.
LIMITATIONS OF USE OF AIS

The AIS and related resources that have been made accessible through this MOU/ILA, shall only be used for the specific purpose under this MOU/ILA, and shall not be made available to other persons or entities not a Party to this MOU/ILA. No party may license, sublicense, lease, sell, resell, transfer, assign, or distribute a resource, license, or intellectual property being used under this MOU/ILA except as may be permitted by this MOU/ILA or another controlling written agreement.

Survival. The provisions of this Article VIII shall survive any termination, cancellation, withdrawal, or expiration of this MOU/ILA.

IX.
NOTICE

Any and all notices to be given under this MOU/ILA by a Participating Local Government shall be deemed to have been given if reduced to writing and delivered in person or mailed by overnight or certified mail, return receipt requested, postage pre-paid, to the Parties at the addresses set forth on the signatory pages below or to such other addresses designated in writing to all the Participating Local Governments. Any notice required hereunder shall be deemed to have been given three (3) days subsequent to the date it was so delivered or mailed.

X.
AMENDMENT

This MOU/ILA may not be amended except in a written instrument specifically referring to this MOU/ILA and signed by the Parties hereto. Any modification, alteration, addition or deletion to

the terms of this MOU/ILA which are required by changes in federal or state law are automatically incorporated herein without written amendment to this MOU/ILA and shall be effective on the date designated by said law.

XI.
CURRENT REVENUE

The Parties hereby warrant that all payments, expenditures, contributions, fees, costs, and disbursements, if any, required of each Party hereunder or required by any other agreements, contracts and documents executed, adopted, or approved pursuant to this MOU/ILA, which shall include any exhibit, attachment, addendum or associated document, shall be paid from current revenues and resources available to each paying Party. The Parties hereby warrant that no debt is created by this MOU/ILA.

XII.
FISCAL FUNDING

The obligations of the Participating Local Governments pursuant to this MOU/ILA are contingent upon the availability and appropriation of sufficient funding. Any Party may withdraw from this MOU/ILA without penalty in the event funds are not available or appropriated. However, no Party will be entitled to a refund of amounts previously contributed in the event of withdrawal for lack of funding, unless expressly agreed in writing by the affected Parties.

XIII.
APPLICABLE LAW

This MOU/ILA shall be expressly subject to the participating Parties' sovereign immunity and other governmental immunity and all applicable federal and state law. This MOU/ILA shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall lie exclusively in Dallas County, Texas.

XIV.
SEVERABILITY

In the event that one or more of the provisions contained in the MOU/ILA shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability of the MOU/ILA shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein, but shall not affect the remaining provisions of this MOU/ILA, which shall remain in force and effect.

XV.
ASSIGNMENT

The Parties may not assign their respective rights and duties under this MOU/ILA without the prior written consent and/or approval of the remaining Participating Local Governments, even if

such assignment is due to a change in ownership or affiliation. Any assignment attempted without such prior consent and approval by the remaining Participating Local Governments shall be null and void.

Survival. The provisions of this Article XV shall survive any termination, cancellation, withdrawal, or expiration of this MOU/ILA.

XVI.
ENTIRE AGREEMENT

This MOU/ILA, including any and all exhibits, attachments, and addendums incorporated as a part hereof, shall constitute the entire agreement relating to the subject matter herein between the Parties and supersedes any prior agreement or other agreement concerning the subject matter of this transaction, whether oral or written. Each Party acknowledges that the other Parties, or anyone acting on behalf of the other Parties, have made no representations, inducements, promises or agreements, orally or otherwise, unless such representations, inducements, promises or agreements are embodied in this MOU/ILA, expressly or by incorporation.

XVII.
RESPONSIBILITIES

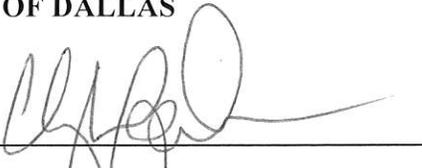
All Parties agree to be responsible each for their own negligent acts or omissions, or other tortious conduct in the course of performance of this MOU/ILA without waiving any sovereign immunity, governmental immunity or other defenses available to the Parties under federal or State law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities. All Parties agree that any such liability or damages occurring during the performance of this MOU/ILA caused by the joint or comparative negligence of the Parties, or their employees, agents or officers, shall be determined in accordance with comparative responsibility laws of Texas.

[SIGNATORY PAGES SHALL FOLLOW]

XVIII.
BINDING AGREEMENT, AUTHORITY, PARTIES BOUND

By signing this page, each Participating Local Government or Party represents that it has the full right, power and authority to enter and perform this *Memorandum of Understanding/Interlocal Agreement ("MOU/ILA") Among Participating Local Governments for Law Enforcement Data Sharing Via Dallas County Adult Information System* in accordance with all of the terms and conditions, and that the execution and delivery of this MOU/ILA has been made by an authorized representative of each Party to validly and legally bind the same Party to all terms, performances and provisions set forth in this MOU/ILA.

COUNTY OF DALLAS

X 

Name: Clay Lewis Jenkins

Title: Dallas County Judge

Date: July / 3rd / 20 18

Contact Name & Address: Stanley Victrum, CIO

Dallas County Information Technology

1201 Elm Street, Suite 2400-A

Dallas, Texas 75207

Phone: (214) 653-7603

Email: alice.sweet@dallascounty.org

APPROVED AS TO FORM*:

FAITH JOHNSON
DISTRICT ATTORNEY



Randall Miller
Assistant District Attorney

*By law, the district attorney's office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a lease, contract, or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

XVIII.
BINDING AGREEMENT, AUTHORITY, PARTIES BOUND

By signing this page, each Participating Local Government or Party represents that it has the full right, power and authority to enter and perform this *Memorandum of Understanding/Interlocal Agreement ("MOU/ILA") Among Participating Local Governments for Law Enforcement Data Sharing Via Dallas County Adult Information System* in accordance with all of the terms and conditions, and that the execution and delivery of this MOU/ILA has been made by an authorized representative of each Party to validly and legally bind the same Party to all terms, performances and provisions set forth in this MOU/ILA.

COUNTY/CITY/TOWN OF _____

Name: _____

Title: _____

Date: _____ / _____ / 20_____

Contact Name & Address: _____

Phone: (_____) _____

Email: _____

EXHIBIT A

GENERAL SECURITY AND ACCESS OF DATA PROCEDURES

The following list serves as minimum requirements for the security and access of law enforcement data via AIS pursuant to this MOU/ILA among the Participating Local Governments.

- Each Participating Local Government (“PLG”) must actively take responsibility for the management and the security of the Data. Data sharing among PLGs via the Dallas County Adult Information System (“AIS”) will depend on adhering to professional standards, integrity, communication, and cooperation.
- Each PLG must establish review and approval procedures for its user access. Each PLG must assign a unique AIS ID and Password to each authorized user for purposes of an audit trail.
- Under each PLG’s highest local executive authority, the respective AIS Administrator controls and maintains the user access to AIS. The AIS Administrator will:
 - Only authorize access to employees of Administrator’s PLG, and maintain a current list of authorized users
 - Review and update all of the ORG-IDs system tables and individual user’s access, roles, and permissions
 - Ensure PLG’s sensitive public integrity reports are correctly flagged and/or encrypted in AIS
 - Immediately cancel user’s access to AIS when user is no longer associated with PLG or is placed on administrative leave
 - Act as primary contact to Dallas County Help Desk on access problems and / or application issues
 - Act as the main contact for testing support, update notification, and testing of new releases and production issues
 - Organize all appropriate training
 - Monitor AIS use and abuse by its own users

Regular Session Agenda Item: 8

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, amending the FY 2018-2019 Master Fee Schedule by amending the Building Inspection/Code Enforcement/Health Section by repealing the fee for a Residential Building Permit and replacing the same with a fee of Seventy-Five Cents (\$0.75) per square foot; and providing an effective date.

BACKGROUND OF ISSUE:

The City has an adopted Master Fee Schedule.

The State of Texas recently passed regulations on the method and fee for calculating the cost of residential building permit in House Bill 852. This bill no longer allows the method of calculation defined in the current City's Master Fee Schedule.

To comply with the new state law, Staff is requesting an amendment to the portion of the Master Fee Schedule that references the calculations of residential building permit fees.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the adoption of this amendment

EXHIBIT:

1. Resolution

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. ____-R-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE FY 2018-2019 MASTER FEE SCHEDULE BY AMENDING THE BUILDING INSPECTION/CODE ENFORCEMENT/HEALTH SECTION BY REPEALING THE FEE FOR A RESIDENTIAL BUILDING PERMIT AND REPLACING THE SAME WITH A FEE OF SEVENTY-FIVE CENTS (\$0.75) PER SQUARE FOOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has adopted a Master Fee Schedule that sets forth the fees charged by each department of the City of Seagoville; and

WHEREAS, in the event a fee is amended or a new fee is established or an existing fee is amended, the same must be done by resolution of the City Council to amend the FY 2018-2019 Master Fee Schedule; and

WHEREAS, due to the passage of House Bill 852, the City must amend the method and fee for calculating the cost of a residential building permit; and

WHEREAS, to comply with State law, the City Council has determined that the FY 2018-2019 Master Fee Schedule be amended by amending the Building Inspection/Code Enforcement/Health section by repealing the fee for a residential building permit and replacing the same with a fee of seventy-five cents (\$0.75) per square foot.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the FY 2018-2019 Master Fee Schedule be, and the same is, hereby amended by amending the Building Inspection/Code Enforcement/Health section by repealing the fee for a residential building permit and replacing the same with a fee of seventy-five cents (\$0.75) per square foot.

SECTION 2. That all provisions of the Resolutions of the City of Seagoville, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions of the Resolutions of the City not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. This Resolution and the fee established herein shall become effective from and after its date of passage in accordance with law, and it is accordingly so resolved.

PASSED AND APPROVED by the City Council of the City of Seagoville, Texas this 3rd day of June 2019.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(/cdb 05/30/2019)

Regular Session Agenda Item: 9

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Receive Councilmember Reports/ Items of Community Interest

BACKGROUND OF ISSUE:

Section 551.0415 of the Texas Government Code authorizes a quorum of the governing body of a municipality or county to receive reports about items of community interest during a meeting without having given notice of the subject of the report if no action is taken. Section 551.0415 defines an “item of community interest” to include:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person’s public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 10

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Future Agenda Items

BACKGROUND OF ISSUE:

Council provides direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Executive Session Agenda Item: 11

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Executive Session

Council will recess into Executive Session in compliance with Texas Government Code:

(A) Section § 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager.

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Executive Session Agenda Item: 12

Meeting Date: June 3, 2019

ITEM DESCRIPTION:

Reconvene into Regular Session

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

(A) Section § 551.074 Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager.

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A