



MINUTES

for the

SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at
6:30 p.m. on Tuesday, April 9, 2019
in the City Hall Council Chambers
at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Mike Dupuis called the meeting to order at 6:46 p.m.

Commissioners present: Commissioner & Chairman Mike Dupuis
Vice-Chairman Scott Englert
Commissioner Howard Sanders
Commissioner David Grimes

Commissioners absent: Positions 1, 3, and 4 are vacant.

City Staff present: Junior Planner Jennifer Bonner

Vice-Chairman Scott Englert gave the invocation and then led those present in the Pledge of Allegiance.

1. **Approval of Minutes:** Vice-Chairman Scott Englert moved to approve the minutes from the Tuesday, April 9, 2019, meeting. Commissioner David Grimes seconded the motion. By a show of hands, the minutes were approved unanimously (four to zero).
2. **Public Hearing: Request Z2019-07:** Chairman Dupuis introduced a zoning change request on about 12.4-acres of Lot 1 of Sang B. Han Addition located at 112 West Farmers Road from LM, Light Manufacturing, to LM-SUP, Light Manufacturing with a Special Use Permit for both residential and institution of religious, educational, or philanthropic use. He opened the public hearing at 6:48 pm and then asked for a staff report.

Planner Bonner began by stating that this area of town was zoned Light Manufacturing some time prior to 1978. However, the land uses are mostly residential. Because the land is zoned Light Manufacturing, this request is coming forward as a Special Use Permit. The applicant is Oneness Meditation Temple, represented by Mr. Jason Kim tonight. The application is asking for a Special Use Permit that would allow both a residence as well as the continued use of the temple (institution of religion). Both uses have operated on the property for several years under a different director. Mr. Kim came voluntarily to the city offices last fall to see if the

property was conforming with city regulations. When he was told it wasn't, he has worked with staff and Community Director Barr specifically to identify and work on correcting what issues were out of compliance. The largest item remaining is the existence and use of a sub-standard barn, which has been used as living quarters in the past. Director Barr is asking that the demolition of this structure prior to any new construction be a condition of approval for this Special Use Permit. The acquisition of the SUP is one of the last items remaining to bring the property into compliance. Staff has a two (2) other recommended conditions of approval. These include that any land use not shown in tonight's concept plan be submitted for approval to both the P&Z and City Council before that new use begins. Also that the expansion of any existing land use on the property would require the improvement of the existing gravel driveway and parking area to concrete and that fire lane requirements also be met.

Planner Bonner then continued by going through the comparison of the request to the Land Use Plan, Thoroughfare Plan, Zoning Map, and Special Use Permit review criteria in the Staff Report (Exhibit 1). Most of the uses along Farmers Road are detached single family residences. The Special Use Permit section of the code (provided in Exhibit 9) states that an institution of religious, educational, or philanthropic use can be approved to operate in any zoning district. That same code section states that both single family and multi-family dwelling units can be granted for a non-residential zoning district. She completed her review as a single family use since that is what is in the neighborhood. However, when the motion for the recommendation to City Council is made tonight it should specify single family, multi-family, or both residential uses. She then continued with legal notices and responses received from the neighbors. Copies of the 5 responses received have been provided on the dais tonight for each Commissioner to have for review – with 3 against and 2 in favor. Some of those responded against but then commented on children in the neighborhood or no truck traffic wanted, so Planner Bonner believes that the responders did not pick-up on the fact that the neighborhood is not changing to manufacturing – it already is. The applicant is trying to maintain something already in the neighborhood. The vice chair asked if the application stated single family or multi-family residence. Planner Bonner responded, no. And she had asked the applicant to return to city hall so he could specify on the application what the SUP was asking for.

Planner Bonner then went into detail on some of the exhibits following the Staff Report. Specifically Exhibit 5 (the application, site concept plan, and over 30-days processing paperwork) were addressed. She had asked the applicant to bring the concept plan since the once in the packet is somewhat difficult to read. The "over 30-days processing paperwork" is provided because this application was turned in at the end of January this year, but then the applicant left the country for South Korea for 30 days. He completed the "over 30-days" paperwork and asked for tonight's date for his public hearing so that he could be here to answer any questions the commissioners might have. Exhibit 9 (code section on Special Use Permits) has highlighted in yellow the 2 lines of information related to tonight's request. She concluded by stating that the concept plan provided tonight is not regulatory until City Council approves the SUP for the religious use. The concept plan does become part of the ordinance regulating the uses inside the approved SUP. This means that the City Council can make changes to the concept plan prior to its approval and inclusion in the ordinance. She also

reminded the commissioners that how City Council votes on the request will determine if or how the residential development and use of the property moves forward. If single family is approved, then the default zoning district is R-5 as the least restrictive zoning district. If multi-family is chosen, then the Townhouse district becomes the default as the least restrictive base zoning. These are the default unless another base zoning is specified by P&Z tonight – as well as what City Council decides in their review of the residential use portion of the application.

Commissioner David Grimes asked about how this request would affect the senior housing to the west. Planner Bonner stated that when their Planned Development was granted in 1998, the concept included additional housing units that have not yet been built. If that neighbor built more units, they would have to meet their concept plan as well as the building codes in affect at the time of application. She did not know if there would be any direct influence between the neighbors, but there might be some sort of agreement where the seniors could directly access the property through their common property line instead of trying to figure out how to reach the property in another manner. There are no plans for any wall. The area between the current uses and the senior housing is currently open for meditation and other similar uses.

Commissioner Grimes then asked how many residences are planned. Planner Bonner responded that there is currently only one on the property and it is shown in the concept plan. There cannot be any others unless a multi-family use is granted. Vice Chairman Englert stated that was also his question. Planner Bonner stated that city code allows one dwelling structure per property – regardless of the zoning. She continued explaining the difference between single family and multi-family. Single family units can be attached (i.e. duplex) or detached, but only one per property unless it is a bona vide servant's quarters. It can't be a mother-in-law's unit or a rented unit. Multi-family units would be townhouses or apartments and have more than 2 attached dwelling units. Both continued to ask about number of units. Planner Bonner stated those would have to be questions answered by the applicant because the request is not to change the zoning – it is for a SUP that would allow a religious use and a residential use. A specific zoning district can be recommended, but she was providing comparison so the commission could recommend either single family, multi-family, or both if recommending approval of the continued residential use. Any use that would be allowed in the SUP that is not religion-related (i.e. another living quarters – which means any building with a bathroom and kitchen) would have to be specified what type of zoning district requirements the non-religious structure would need to meet.

Chairman Dupuis asked how long the property has been used as a temple. Planner Bonner turned to the applicant then stated something over 5 years. The Chairman said, so quite some time but hasn't been intrusive enough for the neighbors to even realize it was there. Planner Bonner stated yes.

The vice chair then asked about a cap on residential use. Planner Bonner stated that is why her recommended conditions of approval include any use not shown in the concept plan be submitted to both the P&Z and City Council before that use begins. That would mean if they want to build a second living quarters or abode, they would need to apply to either change

this concept plan, ask for a Planned Development or a Multi-family Development with all these amenities in it. It would be up to the applicant to make that decision at that time. Tonight we are only looking at the SUP for the religious use (temple and meditation) as well as the existing residential use.

Commissioner Howard Sander asked about the sub-standard barn and its location. Planner Bonner stated what information she knew. She continued that the applicant could probably answer better than her. Director is not here and also would be able to answer, but she has only seen photographs from the street. She does know that Director Barr's primary is that the barn had been used as living quarters and that there were safety issues with electrical and other items that made it substandard as both a structure as well as un-occupiable for a dwelling unit. Since he is also the Fire Marshal, she wasn't sure of all issues – just that getting the barn demolished is a high priority.

None of the commissioners had any further questions, so Planner Bonner returned to her seat.

Chairman Dupuis asked if the applicant, Mr. Jason Kim, wished to speak. He said yes and came forward to the podium to address the commission. He thanked the commission for their time. He asked about recording the procedures. The chairman granted permission. Mr. Kim apologized for not having very good English. The Commissioners stated that they would ask questions if they didn't understand. He began with a background of site. While the application says a temple, there hasn't been an active temple or temple activities for several years. The application is really for meditation, not religion. Northern Dallas has temples and meditation locations, but nothing in this part of the region. Mainly would like to bring people from South Korea to this location for meditation. They hadn't looked for a site in the U.S. We came here 2 years ago because this site already existed here – not in New York or California. Would like to bring students from Korea. Mr. Kim stated that he is a retired educator, so he knows about the US education system. Students would initially come for attending the community college and then would transfer to UT system. {[0:24:15]} ... for revenue to manage this facility. Would like to start by building, rather than demolishing the barn. Not using the barn any more, and are not going to use it. It has several bedrooms in it. Understands that is not right and it should not have been built the housing facilities in there. Are a non-profit organization. Would like to request that if funds can be raised in Korea to pay for practicing meditation, etc. don't want to only raise funds to pay for demolition because that will be slower fund-raising than if for some sort of building/construction for multi-family or dormitory. Bringing students and Chinese here. We will charge them some money as donation type. If building for bringing students to site, then fund-raising will be faster in the beginning. So are requesting that the barn's demolition be after the applying for a building permit. Understands why the City is worried about the barn and they are not going to use it any more. The water, pipes, electrical, broken items, etc. It has been closed up and things turned off. No one can use it now. They will abide by the law and regulations for building. Not asking to do anything extra. They hope they can get the building permit to accommodate students and visitors before demolishing the barn.

The Chairman stated that the P&Z doesn't issue building permits. They only review the SUP

application and make a recommendation to the City Council. The permit application will go through the review-and-approval process by Community Development staff. He continued by stating the demolition of the barn is a condition of approval for the Special Use Permit. Commissioner Grimes stated this condition is staff-recommended. He asked Mr. Kim if he had anything else, Mr. Kim stated no.

Commissioner Grimes stated he had some questions for the applicant. He began by asking if the site would be open to the public. Mr. Kim said yes, of course. He had mainly explained about those coming from Korea to the site, but it would also welcome the people of the community. The site is really for the community to be able to use for classes on meditation, yoga, etc. – not just those from Korea. Commissioner Grimes said he would be willing to try meditation with all of the stress in his life.

Vice Chairman Englert then asked about what type of “staying” would be occurring on the site. Overnight? Week? Weekends? A family for a year? Mr. Kim said preferably all of those types of staying. If students, their plan would be to come and stay at least 2 years while attending community college before transferring to another Texas 4-year college. Some might only come for a day, weekend, or for the summer. Commissioner Grimes stated that answered the question he was trying to ask. Mr. Kim followed by stating that they hope to build classes up so that they could offer their classes several times a week at different times to better provide access to their services. They have several very experienced practitioners and educators in meditation. Religion will not be discussed in classes. Chairman Dupuis stated that the Commission understands that. It is just that for the application the category of religion was the best choice for what you are looking for.

Vice Chairman Englert said, so you do understand that in order to build there are applications for permits and requirements for upgrading on the site – concrete, parking, etc. And that is not even what we are looking at today. We are only looking at the zoning.

Commissioner Sanders asked Mr. Kim if he was familiar with the Buddhist temple in North Dallas off Forest Lane. He stated that they started out like this request - in a house - but now it is a huge temple. He wanted to know if this could grow into something like that. Mr. Kim replied probably not because is not for inviting Koreans. This is for the visitors who practice meditation and the community. He was surprised at small number of Koreans and Asians in this community, so they are not aiming at bringing those individuals to join the community here. It is to serve those already in the area and the college students coming to study.

None of the commissioners had any further questions, so Mr. Kim returned to his seat.

There was only one person in the audience from the public so he was asked if he would like to speak on this subject. Mr. Rick Kirby came forward, introduced himself, gave his address for the record as 700 South Kaufman Street, and asked the question he had was how many days a week these classes might be held because of the narrow and dangerous condition of Farmers Road and the current amount of traffic on it. He is not against religion or new development. He thinks that additional accesses should be provided from another street to

remove some of the traffic from Farmers Road. He has no problem with this concept. It is just that changes something usually gets out-of-hand – even if with a Special Use Permit. Often the first visual problem is traffic. There is also a lot of foot traffic that walks on the pavement because of the lack of a sidewalk. Not sure why the Senior Citizens property has not developed the rest of the way. Again traffic is the only reason he is against this request. Regardless of what goes in at this location - housing of any type or something else - ... Chairman Dupuis stated that nothing else can really happen at this site until this meeting, and/or another like it is held to review the application for what is being proposed. And City Council still has to review this request before anything is official. Mr. Kirby said but doesn't City Council follow your recommendation. The entire commission shook their heads no or said "Not necessarily". He likes the idea of what they want to do, he just doesn't think this is the right place for it. Chairman Dupuis stated that the application is currently meeting the code requirements for granting a Special Use except for the conditions of approval that have been mentioned. It would be hard to say it doesn't meet the criteria of the request if they address these conditions.

Commissioner Grimes asked Planner Bonner if the location he was looking at on one of the exhibits to the packet was an access. After going to his position on the podium, and getting everyone look at that the same exhibit (2), she then cross-referencing the location to her list of owners. After a minute or so she replied that it is a 15- to 20-foot-wide strip of land that on the paper copy of the John Denton Abstract map and the Dallas Central Appraisal District (DCAD) website does not appear to be a parcel that is privately owned. However, with its narrow width it most likely is not wide enough to provide an addition point of access to the property. It also appears from the aerial photograph on the DCAD website that this strip is being used as a driveway by the abutting land owner on the west. The dead-end street Whitehaven Street that several are thinking of is farther down the block and does not touch the border of the subject parcel.

Chairman Dupuis asked if anyone else wanted to speak. No one else did, so he closed the public hearing at 7:27 pm.

Neither Commissioner Grimes nor Sanders had any additional items of discussion. Vice Chair Englert said not at this time since when building occurs, Staff is asking that the P&Z to review those applications. He also understands about the difficulty in raising of funds for demolition. The Chairman asked if those present were ready to vote. Vice Chairman Englert moved to recommend approval with conditions on the request to amend the zoning on about 12.4-acres of Lot 1 of Sang B. Han Addition located at 112 West Farmers Road from LM, Light Manufacturing, to LM-SUP, Light Manufacturing with a Special Use Permit for both multi-family residential and an institution of religious, educational or philanthropic use. The conditions of approval are:

- Any additional uses not shown in this concept plan shall be reviewed and approved by the Planning & Zoning Commission as well as City Council prior to the start of such an activity.
- Expansion of parking for any use shown in this concept plan shall require upgrading the existing driveway and parking to all concrete. Fire lane requirements shall also be met at

the time of these improvement.

- The sub-standard barn being used as living quarters needs to be demolished prior to the issuance of any other permits being obtained for the site.

Commissioner Grimes seconded the motion. By a show of hands, the vote was unanimous (four to zero) in favor of the change.

Planner Bonner gave a summary of upcoming city meetings and concluded that the City Council meeting that will hear this item will be held on May 6th at 6:30 pm in this room.

Chairman Dupuis adjourned the meeting at 7:32 pm.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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

