



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at
6:30 p.m. on Tuesday, May 14, 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 6:32 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: Community Development Director Ladis Barr
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 as typed. Commissioner David Grimes seconded the motion. By a show of hands, the minutes were approved unanimously (four to zero).
2. **Public Hearings:**
 - A. **Request Z2019-16:** Chairman Dupuis introduced the 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. He opened the public hearing at 6:36 pm and then asked for a staff report.

Planner Bonner began by stating that the property has been reviewed by P&Z before. However, between the last time the Commission had seen it and the date it was scheduled to go to City Council, she found an ordinance that amended the zoning on the property as she had presented it to P&Z. No copy of the amending document had been placed in any of the city files she had reviewed with the initial application, so she had no

reason to believe that an amendment had occurred after 2003. Tonight we are looking at the request to change from the 2008-amended condition of PD-R4 to a straight zoning of R-4, which is the base zoning of the existing planned development. Because the 2008 amendment was not what the request was applied against during the last review, the request has had to be re-submitted and P&Z must re-review. She then summarized both the original 2003 PD that would have allowed a retirement community to be built on the site as well as the 2008 church-and-parsonage PD for the site. Planner Bonner stated that the property owner is asking that the zoning be changed so that he can construct a single family home for his house on the property. In short, he is asking that the PD development requirements be removed from the property which would allow him to build one home on the lot meeting the R-4 zoning district requirements.

The applicant is Arturo Pelayo, who is being represented by his son Chris Pelayo tonight. She asked Director Barr to point to the property on the zoning map on the wall for those in the audience. She summarized each of the surrounding zoning districts and land use categories. 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. The property does have access to both Seagoville Road (a Major Arterial) and Cain Street (a local street without any previous platting). Staff supports the zoning change because the base zoning of the PD is being kept – which is more restrictive than the zoning districts which surround the request. However, Staff does have one condition of approval: that any right-of-way required for Cain Street or Seagoville Road be dedicated with the development of the property as no quantity was specified as existing or dedicated with the creation of the plat for the lot. All requirements for submittals, deadlines, etc. were met. There are no review criteria that have not been met or that are outstanding for addressing. The existing PD would not allow the construction of a single family home – only a church and parsonage. Frontage on each street is only the width of a driveway so if any development beyond a single family home was wanted, there would be issues for street construction and other access that would have to be addressed through the P&Z and City Council review process for a subdivision on this 4+acre parcel. She then continued with legal notices and responses received from the neighbors. Planner Bonner then went into detail on some of the exhibits following the Staff Report. Exhibit 9 is the original PD ordinance from 2003. Exhibit 10 should be the amending ordinance from 2008. None of the Commissioners had questions for her so she returned to her seat.

Chairman Dupuis asked if the applicant or his representative wished to speak or add anything to what Staff had said. Mr. Chris Pelayo said no, thank you.

Chairman Dupuis asked if anyone else wanted to speak. No one else did, so he closed the public hearing at 6:49 pm.

None of the Commissioners had any items of discussion so the Chairman asked for a motion. Director Barr stated that in addition to the right-of-way along the 2 streets, the

applicant will be required to build 4-foot-wide sidewalk along his portion of Seagoville Road. Vice Chair Englert moved to 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, and
- Construction of sidewalk along Seagoville Road in the road's right-of-way.

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

- B. Request Z2019-10:** Chairman Dupuis introduced a zoning change request to amend PD-18-01 (Planned Development with R-5, Residential Single Family, base zoning) on roughly 28.5 acres at 405 May Road on the unplatted Tract 1 of the John D. Merchant Abstract by amending the concept plan to provide for an existing gas line and realigning the streets. He opened the public hearing at 6:51 pm and then asked for a staff report.

Planner Bonner began by stating that the property was rezoned to a PD not that long ago by this P&Z. The original applicant however did not show the existing gas line on the concept plan that was supplied with that application. She summarized the improvements that would be made in the area with the subdivision. She continued by stating that the concept with tonight's application does not show the detention pond for either the initial or final phase of the subdivision. Staff is recommending the tabling of this item until the detention pond is added back onto the concept plan, so Staff has listed the addition of these to the concept as one of their conditions of approval. Tonight's amendment is mainly to add this item to the concept plan and show the re-aligning of the lots and streets affected by the gas line's location.

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. She continued by stating that a traffic impact analysis will be required with the construction plat of this subdivision because the total number of dwelling units will be more than 50 units. In fact, each phase will have over 50 units. Staff is stating that the Subdivision Code is not being met because of the lack of a detention/retention pond/area on the concept plan, which is again why Staff is asking that this item be tabled. She also summarized the legal notifications and responses. Planner Bonner then went into detail on some of the exhibits following the Staff Report. Specifically Exhibit 5's site concept plan was addressed.

Vice Chair Englert asked if this wasn't changed to a PD not that long ago and the detention pond was an issue that had to be added at that time. Staff nodded her head yes. Vice Chair Englert asked, so it still has not been added to the concept. Staff shook her head no.

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

Chairman Dupuis asked if the applicants or their representative wished to speak. Mr. Richard Hovas of Engineering Concepts and Design said yes, and came forward to the podium to address the commission. He began by explaining that the survey used for closing on the property did not show the gas line. When his company got involved in designing the engineering plans, they found out there was a gas line so they are back tonight with a slightly different concept plan that includes the gas line's alignment and the revision of the street and lot layout to move each outside of the 50-foot-wide easement that the gas company will require as a minimum. They have a set of engineering plans almost ready to submit for first review, which does show the detention pond areas that Staff says needs to be added to the concept plan. The Phase 2 area has an easement area for the detention pond for Phase 1. The pond for Phase 2 will be located, designed, and developed when Phase 2 engineering occurs. There some adjoining property(-ies) that may be added to the development, which may move the Phase 2 pond from the location that was shown with the original PD concept onto a neighboring property. They were simply trying to move Phase 1 of the project forward towards construction plat.

Director Barr mentioned Phase 1 pond is temporary. Phase 2 pond will be permanent. Chairman Dupuis stated that he was concerned about what would happen if future Phase 2 was never built. After some thought, Director Barr did agree that it would be possible to state that the motion so that the Phase 1 pond is required to be adequately sized and designed to not affect any surrounding property. Mr. Hovas said that the location shown in the engineering plans that are ready to submit within a week meet all the city's requirements for a detention pond. They are showing the pond to be in a dedicated easement in an area calculated to hold the Phase 1 pond in the Phase 2 area of the development.

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

Chairman Dupuis asked if anyone else wanted to speak. No one else did, so he closed the public hearing at 7:03 pm.

As part of the discussion, the Chair summarized the conditions on the detention ponds so that these items could be added to the motion to be made in a few minutes. Planner Bonner took the summary and placed into words as the Chair spoke. She then read the language back to the Commissioners to confirm that she had everything that Director Barr had stated in the recommended format of the chairman – engineered design for the Phase 1 detention pond, to accommodate all flooding, etc. for this phase; not to affect the Haven subdivision to the south; etc. – so that the Commissioners can keep the project from being tabled tonight, which allows the project to move forward to City Council. These items listed as conditions of approval would need to be addressed as

completely as possible before the City Council reviews the application.

Mrs. Jan Tredway, owner of 405 May Road and one of the applicants with tonight's request, came forward to the podium. She was recognized by the Chairman and allowed to speak and ask a couple of questions. She stated that she has a gas line that runs to her house in part of that area which will be future Phase 2 of the subdivision under consideration. She wanted to know if it would be affected by tonight's change request. Chairman Dupuis responded no it shouldn't since it is outside of Phase 1. She also asked about the pond – would it always have water in it? Director Barr stated that it most likely would be a retention pond (dries between storms), not a detention pond (always holding water). Director Barr continued by explaining that the property cannot discharge any more water than it currently does so the development is required to provide some sort of method for holding and slowly releasing the water collected from storms. Ms. Tredway then went on to state that Pat Atkins had told her he would be building a pond for her horses that would be replacing the one she was losing by selling that part of the property that will be Phase 1. Director Barr stated that pond would be something that she and the builder would have to work out. Ms. Tredway then stated that she was just trying to clarify if these were one in the same pond, or 2 different ponds. Chairman Dupuis stated that what the Commissioners were discussing is a construction-type pond. She thanks the Commissioners and returned to her seat.

The Chairman asked if those present were ready to vote. Vice Chairman Englert moved to 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 Haven Hills Subdivision. Commissioner Grimes seconded the motion. By a show of hands, the vote was unanimous (four to zero) in favor of the change.

C. Request Z2019-11: Chairman Dupuis introduced the request to amend the current PD-1705 (Plan Development with R-1, Residential Single Family, base zoning) to PD-17-05A1 (PD-1705 Amendment 1), located on the northeast corner of Ard Road and Seagoville Road in the Herman Heider Survey, Abstract 541, by:

- Correcting the acreage from 86.39 to 86.4531; and
- Amending the Development Regulations and Concept Plan by:
 - Increasing the number of lots and the number of common areas,
 - Reducing the minimum living areas,
 - Revising the fencing,
 - Revising the amenities to be constructed, and
 - Revising the exterior construction materials.

He opened the public hearing at 7:08 pm and then asked for a staff report.

Planner Bonner began by stating she is going to go through the explanation of each item in greater detail than typical because of the number of changes. These details are

provided to the Commissioners in their packets. She stated that so tonight's audience can understand each change, she is going to go through the details of each item as provided in the application and its supplemental documents. What the chairman read already is the description created for the legal notice, which covers the general description of each item but in a much shorter format than the list provided by the applicants. She then read the detailed listing of the requested changes:

- Correcting the acreage from 86.39 to 86.4531 by a new survey; and
- Amending the Development Regulations and Concept Plan by:
 - Increasing the number of lots from a maximum of 288 lots to a maximum of 354 lots;
 - Increasing the number of commonly-held spaces from 8 areas to 13 areas;
 - Reducing the minimum living areas on the smallest lots (50-foot-wide) from 2,000 square feet to 1,600 square feet;
 - Reducing the minimum living areas on all other lots from 2,200 square feet to 1,800 square feet (in the existing PD these are 60-, 70- or 80-foot wide);
 - Revising the driveway length from a maximum length of 20-feet to a minimum length of 20-feet;
 - Revising the screening wall materials by removing the reference to wrought iron fencing;
 - Revising the amenities to be constructed by replacing the "community garden/agri-hood" with a "recreation center with a community pool";
 - Revising the exterior construction materials by reducing the minimum exterior masonry requirement from 90% to 80% to match city codes;
 - Revising the exterior construction materials by removing hardi-plank from the list of approved masonry materials to match city code;
 - Adding a statement that impact fees should only be applicable to this development's off-site improvements and on-site lift station and related force main.
 - Adding a statement to allow minor amendments to the PD without going back to P&Z and City Council; and
 - Adding a statement defining the quantity of right-of-way required for Ard Road and what its typical cross-section would look like.

For the following 12 minutes, she then continued reading or summarizing the Staff comparison of each request to city codes and the existing PD ordinance as listed in the Agenda Comm. Before moving on she asked the Commissioners if there were any questions about what she had covered in the Agenda Comm.

Planner Bonner then moved on to the Staff Report. Most of the first page is a repeat of what she had covered in the Agenda Comm, so she began by giving Staff's recommended conditions of approval.

- The 50-foot-wide lots keep their minimum existing 2,000-square-foot living area.
- Lots more than 60-foot-wide keep their minimum existing 2,200-square-foot living area.
- That the required HOA maintain the screening walls, hike/bike trails, recreation center, community pool, drainage and wetland areas, pond(s), pipeline alignment,

and all other common areas.

- All revisions to the concept be reviewed by the Planning & Zoning Commission and approved by City Council.
- A traffic impact analysis will be required with the submittal of a construction plat because the development will contain more 50 dwelling units.

She continued by going through the comparison of the request to the Land Use Plan, Thoroughfare Plan, Zoning Map, and review criteria in the Staff Report (Exhibit 1). This is one of the few remaining areas in Seagoville with a R-1 zoning, which is also the base zoning for the development. R-1 is the largest detached single family lots by could so this area is a true Low Density Residential area, matching the Future Land Use Plan. Insufficient right-of-way given for both Ard Road and Seagoville Road, so both will area will be dedicating new right-of-way to match the City's 2006 Thoroughfare Plan. She had covered the right-of-way and pavement for Ard Road in some detail earlier, but referenced that information again. Seagoville Road has already been upgrades to a Major Arterial pavement cross-section. It will only need to have sidewalk added in its new right-of-way. Again, a traffic impact analysis will be required with the submittal of a construction plat because of the total number of dwelling units in the development. The City's Subdivision Code is not being met because of the that Code requires revisions to a construction plat to be reviewed by the Planning & Zoning Commission and approved by City Council, Ard Road right-of-way and pavement (because of not meeting the Master Thoroughfare Plan), and the need for a traffic impact study. She then summarized the review criteria and the legal notifications for this project.

Planner Bonner then went into detail on some of the exhibits following the Staff Report. Specifically Exhibit 5 (the owner's application, the applicant and engineer's application, the new survey, list of requested changes to the existing PD ordinance, and the new site concept plan) were addressed. She described color-coding of the new concept plan and pointed out each to the audience as describing to the Commissioners. Exhibit 9 is the existing Planned Development ordinance, which has a color copy of the concept plan for the existing regulations, but which has lost a significant amount of color in addition to having been reduced to a size that make it difficult to read. Because of these issues, she found a better copy of the color concept in the Planning and Zoning Commission records and included is as Exhibit 10 as a better-color copy to be used for reference only. She then asked if the Commissioners had any questions for her.

Vice Chairman Englert confirmed that the recreation center and community pool were not shown on the concept plan. The rest agreed that it is not shown or labeled, even though Planner Bonner had explained where she understood it is to go during her overview of the site. His concern was the parking for the rec center. Planner Bonner stated that parking would be something that Staff would definitely be looking for in the engineering plans, because off-street parking would be required for this part of the development and the quantity would be determined by the size and uses of the building. All agreed that the recreation center and community pool were definitely better amenities than the currently-called for community garden/agri-hood. With no further questions,

Planner Bonner returned to her seat.

Chairman Dupuis asked if someone from Academy Development wished to speak. Mr. Bob Devillier came forward to the podium and introduced himself to the Commission. With the help of Planner Bonner, he then began the PowerPoint presentation that he had prepared for the Commissioners on the digital presentation screens. Planner Bonner did inform the Commissioners that they had copies of the presentation in front of them in the stack of papers. Mr. Devillier began by describing the location of the property and showing the planned concept that in the packet. On the concept, he first covered the new probable jurisdictional wetland area which will have its boundary determined by the U.S. Corps of Engineers (C.O.E.). This area will continue to provide drainage from Ard Road through the site. They will not spending any time, money, or effort to try to remove any wetlands from the site if that is the ruling from the C.O.E. He then moved on to the park area around the pond, which will be sized to serve as stormwater detention for the site. He had the engineer, who is with him tonight, squeeze in as many lots as possible around the park and agrees with Staff that quite a few of these lots are likely to be "lost" during the engineering of the pond for detention as well as the limitations that may be placed on the site by the C.O.E. He did say that if this amendment is approved, they will likely be back in the future with another concept amendment to give more park frontage on the roads surrounding it. He then reviewed the site in comparison to the zoning map.

The next couple of slides again summarized the location of the site; the proposed lots and their expected value; comp sales for homes within 3 miles and their average size; the target market for the homes; the Home Owners' Association (HOA) and their areas of responsibility; lot and house requirements; and other development items. The next couple of slides covered the almost 2,000-square-foot clubhouse with roughly half the building as community meeting room, 2 proposed front elevation options, the building layout with room dimensions, and the attached tanning deck outside next to the 45-foot by 75-foot pool. The next couple of slides provided photographs of their 4 typical exteriors. Mr. Devillier stated that the hardi-plank areas shown in the photographs would be masonry to meet the 80% requirement, and that several of the plans have multiple façade options as well as other optional additions that are available, which means very few will actually look the same. The area of the homes shown were 1947, 2039, 1830, and 2445 square feet, respectively. All houses shown were 2-stories in height. They are asking for smaller lots to provide more homes to Seagoville. They are concerned with keeping the larger homes as requested by Staff because that could possibly then price these homes out of the local market. The final two slides of the presentation provided examples of the screening walls that would or could be used on this site. The graphic folks with his company have not yet edited the photographs to change the names shown to Summer Lakes.

Commissioner Grimes stated he had some questions for the applicant. He began by asking if the keeping the sizes are currently called for, you believe that that will price you out of the market. Mr. Devillier said yes. He then provided details with comments on

expected selling prices and the affect the amenities will have on the selling prices. Commissioner Grimes asked about how these would compare to if the sizes were reduced to what he is asking for. Mr. Devillier replied with expected comparable prices on the smaller home sizes. He continued by stating that he actually expects most of the 50-foot lots to have homes in the 1900-1950 living area size with only a handful being in the 1600-1700 range. The larger lots probably would all be 2000-square-foot or larger homes. His company does its own building, so they have all of the information for pricing and house sizes in-house. They generally don't have to go out and find builders for their lots.

With no further questions from the Commission, Mr. Devillier returned to his seat.

Chairman Dupuis asked if anyone else wished to speak. Ms. Caprice Michelle, listing real estate agent and broker on this land, came forward and introduced herself. She stated that she had just pulled the comp sales for the Seagoville from last year. 53 lots were sold, but only 9 were larger than 2100 square feet. There are 15 pending sales with 1900 square feet or less and 4 over 2300 square feet. That was all she wanted to share and returned to her seat.

Chairman Dupuis asked if anyone else wished to speak. Mr. Craig Waggoner of 2500 Seagoville Road approached the podium and introduced himself. He began by stating that he lives adjacent to this property. He continued by stating that he doesn't feel that proper notice was provided about the project because only a one page letter was sent out with a zoning map. He was opposed to the original plan when it was for 288 lots. He mentioned the old gravel pit that used to be on the subject parcel and the dam below it. He discussed the way the neighborhood drains. He would like to have had the information provided tonight to look at closer before coming to this meeting. He is still opposed to this development because he doesn't expect to develop in his lifetime.

Chairman Dupuis confirmed with Director Barr that copies of the handouts from tonight could be provided to him tomorrow. Those may help address some of his questions. Mr. Waggoner returned to his seat.

Chairman Dupuis asked if anyone else wished to speak. Mr. David Segura of 2601 Seagoville Road came forward and introduced himself. He stated that most of the people living in that area have a little larger tracts of land. A lot probably moved to that area because they don't want to see that much development. He also stated though that it would be selfish to not allow some development and to grow the city. He also wanted to add that he works for a title company in Allen. When clients and other people in his office ask him where he lives and he tells them Seagoville, they all say "mobile homes" and "mobile home parks." He believes that this is because what the folks in Allen see is the homes that are being built by the builders that are brought in. He referenced what Mr. Devillier had said about pricing people out of the homes. He disagrees with that because there is a development by Bloomfield (another developer) less than 3 miles away in

southern Mesquite where homes are priced significantly higher than are being proposed for this site – and being bought up and the prices are going even higher in the new phase they just started. He believes if you do build it, they will come. But you have to go ahead and build it because people are looking for homes and are willing to pay whatever it costs due to the housing want and need. If the right home is there, the right people will come.

Chairman Dupuis asked if anyone else wanted to speak. No one else did, so he closed the public hearing at 7:54 pm and stated there can be no more comments from the audience.

Neither Commissioner Sanders nor Vice Chairman Englert had any additional items of discussion. Commissioner Grimes did have a question about revising their request. Director Barr stated that it could be recommended with a different number than the applicant's request, but Staff could not support a 1,800-square-foot living area for this development because the base zoning is R-1 which requires a 2,200-square-foot living area. He could see a percentage breakdown for each type of house would be helpful. The 1830 floor plan would be okay but a breakdown of the how many of each size what allow for better discussion/negotiation at City Council. Commissioner Grimes stated since the smallest one shown tonight is 1830, he could agree to nothing smaller than that size even though the request asked for a minimum of 1600 square feet for the smaller lots. Vice Chairman Englert stated that he can agree with those numbers, even though he had been leaning towards keeping the 2000 area. Commissioner Grimes said this at least gives them a place to start and the house sizes would get larger from this recommended minimum. Chairman Dupuis said we can specify in the conditions of approval about a case-by-case. Vice Chairman Englert said so we are changing the staff recommended language then to reflect the minimum size of 1830 for the 50-foot lots. All commissioners said yes. Director Barr said they still need to do a percentage of each to prevent them all from being the 1830 plan.

The Chairman asked if those present were ready to vote. Vice Chairman Englert moved to recommend approval to the City Council with a condition of approval on the request to amend the current PD-1705 (Plan Development with R-1, Residential Single Family, base zoning) to PD-17-05A1 (PD-1705 Amendment 1), located on the northeast corner of Ard Road and Seagoville Road in the Herman Heider Survey, Abstract 541, by:

- Correcting the acreage from 86.39 to 86.4531; and
- Amending the Development Regulations and Concept Plan by:
 - Increasing the number of lots and the number of common areas,
 - Reducing the minimum living areas with the conditions that the 50-foot-wide lots homes would have a minimum of 1,830-square-foot living area and the lots more than 60-foot-wide keep their minimum existing 2,200-square-foot living area,
 - Revising the fencing,
 - Revising the amenities to be constructed, and
 - Revising the exterior construction materials.

The condition of approval is that all revisions to the concept be reviewed by the Planning & Zoning Commission and approved by City Council. Commissioner Grimes seconded the motion. By a show of hands, the vote was unanimous (four to zero) in favor of the change.

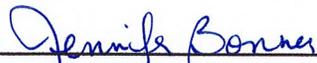
- 3. Upcoming Meetings:** Chairman Dupuis gave a summary of upcoming city meetings and concluded with the City Council meeting that will hear these items, which will be held on Monday, June 3rd at 6:30 pm in this room.

Chairman Dupuis adjourned the meeting at 8:01 pm.



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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