



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, SEPTEMBER 16, 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**

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. Discuss and consider approval of a Resolution of the City of Seagoville, Texas, authorizing the Mayor to execute the Dallas Area Household Hazardous Waste Network Interlocal Agreement Amendment No. 2 between the City of Seagoville and Dallas County, from October 1, 2019 until September 30, 2020; and providing an effective date (Community Development Director)**

REGULAR AGENDA-

- 2. Conduct a public hearing to discuss a zoning change from “PD-R-5” Planned Development – Residential 5 to “PD-R-5-SUP” Planned Development – Residential 5 with a Special Use Permit, which shall expire on March 13, 2020, to allow for a Temporary Batch Plant, on approximately 1.5±acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road (Community Development Director)**

- 3. Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance, as amended by changing the zoning from “PD-R-5” Planned Development – Residential 5 to “PD-R-5-SUP” Planned Development – Residential 5 with a Special Use Permit, which shall expire on March 13, 2020, to allow for a Temporary Batch Plant, on approximately 1.5±acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road, in the City of Seagoville, Texas; providing for special conditions; providing for an approved site plan which is attached hereto and incorporated herein as Exhibit “A”; providing for the repeal of all Ordinances in conflict; providing for 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 (Community Development Director)**

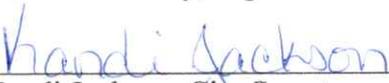
- 4. Conduct a public hearing on a request to amend from Planned Development-Ord 500 (PD-Ord 500) to Planned Development-19-01 Amended (PD-19-01A1) to provide for the construction of fire station on approximately 5.5±acres located on the north side of East Simonds Road at its intersection with East Farmers Road (Community Development Director)**

- 5. Discuss and consider approving an Ordinance of the City of Seagoville, 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-Ord 500 (PD-Ord 500) to Planned Development-19-01 Amended (PD-19-01A1) to provide for the construction of fire station on approximately 5.5±acres located on the north side of East Simonds Road at its intersection with East Farmers Road, Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”, attached hereto and incorporated herein; providing for amended development regulations; 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)**

- 6. **Conduct a public hearing on an amendment to the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, “Use Regulations”, and Division 26, Special Uses, Section 25.02.631, “Uses which may be authorized by Ordinance”, by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart (Community Development Director)**
- 7. **Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances, Chapter 25, “Zoning”, Article 25.02, “Zoning Ordinance”, by amending Division 15, “LR - Local Retail District Regulations”, Section 25.02.351, “Use Regulations”, and Division 26, “Special Uses”, Section 25.02.631, “uses which may be authorized by Ordinance”, providing a penalty clause; providing a severability clause; providing a repealing clause; and providing an effective date (Community Development Director)**
- 8. **Receive a presentation concerning the City of Seagoville ranking #49 of the Safest Cities to Live in Texas 2019 as reported by BackgroundChecks.org (Police Chief)**
- 9. **Receive a presentation on the new Seagoville Police Department Unmanned Aircraft System (U.A.S.) Program (Police Chief)**
- 10. **Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.**
- 11. **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.**

Adjourn

Posted Thursday, September 12, 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, October 7, 2019 Regular Council Meeting**
- **Monday, October 21, 2019 Regular Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: September 16, 2019

ITEM DESCRIPTION

Discuss and consider approval of a Resolution of the City of Seagoville, Texas, authorizing the Mayor to execute the Dallas Area Household Hazardous Waste Network Interlocal Agreement Amendment No. 2 between the City of Seagoville and Dallas County, from October 1, 2019 until September 30, 2020; and providing an effective date.

BACKGROUND OF ISSUE:

The Household Hazardous Waste Interlocal Agreement is part of the City of Seagoville's Storm Water Pollution Program which was adopted in 1994. This program provides a means for the citizens of Seagoville to dispose of household hazardous waste legally rather than illegally dumping the hazardous waste in Right-of-Ways or onto private property. It protects the storm waters running into our creeks and our lakes.

The attached agreement is a continuation of the 1994-2017 program. The contract initiated in FY2019-20 under Dallas County Commissioner Court Order 2019-0793. As in the past, each renewal is brought to the Council annually for consideration.

FINANCIAL IMPACT:

This expenditure is included in the FY20 budget.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

Resolution
Agreement

RESOLUTION NO. -R-2019

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK INTERLOCAL AGREEMENT AMENDMENT NO. 2 BETWEEN THE CITY OF SEAGOVILLE AND DALLAS COUNTY, FROM OCTOBER 1, 2019 UNTIL SEPTEMBER 30, 2020; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City to join with the County and other interested jurisdictions to participate in a Household Hazardous Waste ("HHW") collection program as a continuation of the 1994-2017 program; and

WHEREAS, the Dallas County Commissioners Court adopted Court Order No. 94-751 establishing the HHW Network to coordinate the planning and implementation of a HHW collection program; and

WHEREAS, the City Council has determined that the Dallas Area Household Hazardous Waste Network is in the best interest for the citizens of Seagoville.

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

SECTION 1. That the Mayor is hereby authorized to execute an Interlocal Agreement Amendment No. 1 with Dallas County, a copy of which is attached hereto and incorporated herein as Exhibit "A", for the collection and disposal of household hazardous waste for FY 2019-2020.

SECTION 2. This resolution shall take effect immediately from and after its passage, and so it is accordingly resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 16th day of September, 2019.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY



Dallas County Household Hazardous Waste Program

Planning and Development Department

August 29, 2019

Dear Dallas Area Household Hazardous Waste Network member:

The current Household Hazardous Waste (HHW) interlocal agreement between your city and Dallas County will expire on September 30, 2019. The original agreement included four annual renewal options, three of which remain. To activate the renewal for the coming year, each member city of the Dallas County HHW Program will need to execute the enclosed Amendment Number 1 with Dallas County.

The amendment and the FY2020 HHW Budget have been approved by Dallas County Commissioners Court Order #2019-0793. The budget was approved by the Household Hazardous Waste Network at the April budget meeting.

If you cannot execute this agreement by September 30, you can make arrangements to continue your HHW service without interruption. Simply send me an email or letter stating that the city intends to renew the agreement for FY20 and provide an estimated return date. The executed agreement will be retroactive to October 1, 2019, and all services will continue in the interim.

Included in your renewal packet you will find

- (1) Instructions for completing and returning the documents
- (2) the Court Order authorizing Dallas County to execute the renewal amendment
- (3) two copies of the renewal Amendment No. 2 with attached Exhibit C2020.

Let me know if I can help you with any questions or issues.

Sincerely,

Earle Blakney
HHW Program Manager
(214) 553-1765 ext 6594

Home Chemical Collection Center
11234 Plano Road, Dallas, Texas 75243
(214) 553-1765 Fax (214) 553-5007



Dallas County Household Hazardous Waste Program

Planning and Development Department

Instructions for Executing the FY2020 Renewal Amendment to the Household Hazardous Waste Interlocal Agreement

1. **EXECUTE** two (2) originals – Dallas County will keep one and return one.
2. **INCLUDE** Exhibit C2020 with each original.
3. **INSERT** your city's total FY2019-2020 HHW budget limit for all HHW activities (including operational and disposal fees) into the blank space in Article II, Section B, Paragraph 1 on page 2.
4. **ENTER** the date your city representative signs the amendment in the line on page 2 that begins "**EXECUTED THIS** the _____ day."
5. **SIGN** on the signature line on the right side of page 2. Note: the agreement must be signed by a person who is authorized to enter into a binding contract on behalf of the city, as specified in Article XI, "Signatory Warranty".
6. **PRINT** the name and title of the signatory agent underneath the signature line.
7. **ATTACH** "Evidence in appropriate form that funding has been committed and will be available," as specified in Article IV item 2 ("City Responsibilities"). "Appropriate form" can include a City Council resolution, approved line item budget, purchase order, letter from department head or other official authorized to encumber funds, etc. (This may be submitted at a later date, if necessary.)
8. **CALL** the HHW Program Manager at (214) 553-1765 ext.6594 if you have questions.
9. **RETURN** the signed copies to:

**HHW Program Manager
Dallas County Household Hazardous Waste
11234 Plano Rd.
Dallas TX 75243**
10. **PLEASE DO NOT** mail to any other County office.

Home Chemical Collection Center
11234 Plano Road, Dallas, Texas 75243
(214) 553-1765 Fax (214) 553-5007

STATE OF TEXAS §
COUNTY OF DALLAS §

**AMENDMENT NO. 2
TO THE HOUSEHOLD HAZARDOUS WASTE INTERLOCAL AGREEMENT
(The "Agreement")
BETWEEN
DALLAS COUNTY
AND
CITY OF SEAGOVILLE
(The "City")
A MEMBER CITY OF
THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK**

WHEREAS, on August 6, 2019, the Dallas County Commissioners Court was briefed on a request from the cities of the Dallas Area Household Hazardous Waste Network to renew and revise the effective term and specify new fiscal year budgets for the Household Hazardous Waste Program Interlocal Agreement ("Agreement") that permits four additional one-year renewals for a five-year total contract term and was authorized by Court Order 2017-0979; and

WHEREAS, the proposed Amendment No. 2 along with the attachment C2020, will serve to continue the Household Hazardous Waste Program through fiscal year 2020, while updating overall program budget amounts and individual city budget limits for the new fiscal year; and

WHEREAS, proposed Amendment No. 2 contains no other changes in the basic terms and conditions of the Agreement and incurs no cost to Dallas County;

NOW THEREFORE, by execution of this Amendment No. 2, the Agreement is amended hereby with respect to the items and features described in the Articles below.

**I.
PURPOSE**

The purpose of this Amendment is to amend the effective term and fiscal year budget of the Agreement without change to the basic terms and provisions. No other sections, provisions, clauses or conditions of the Agreement are waived, deleted or changed hereby, and they shall remain in full force and effect throughout the term of the Agreement and any duly authorized amendments.

**II.
AMENDED PROVISIONS**

- A. The new term of the Agreement shall be October 1, 2019, through September 30, 2020
- B. The language contained in Paragraph 1, *Section IV. City Responsibilities* shall be deleted in its entirety and replaced with the following language:

1. "A sum not to exceed \$ _____ for disposal, setup, operational, capital and transportation costs for HHW collection for residents of the City during the period from October 1, 2019 through September 30, 2020.
 - a. Collection, setup, and disposal costs will be paid after-the-fact, based on actual usage by the City at events and at the collection center.
 - b. Operational and capital costs shall be paid quarterly in advance.
 - c. In the event of early withdrawal, the operational and capital costs will not be pro-rated for partial quarter participation but will become immediately due and payable in full."

- C. The language contained in Exhibit C2019 of the Agreement entitled *FY2019 HHW Program Budget Summary* shall be deleted in its entirety and shall be replaced with the attached Exhibit C2020 entitled *FY2020HHW Program Budget Summary*.

IN WITNESS WHEREOF, by their signatures below, the duly authorized representatives of Dallas County and **City of Seagoville**, a member city of the Dallas Area Household Hazardous Waste Network, do hereby agree and append this Amendment No.2 to the Agreement.

EXECUTED THIS the _____ day of _____, 2019.

DALLAS COUNTY:

CITY OF SEAGOVILLE:

BY: Clay Lewis Jenkins
 County Judge

BY:

APPROVED AS TO FORM:*
 John Cruzot
 District Attorney

BY: Lacey Lucas
 Assistant District Attorney

* By law, the Dallas County 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 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).

Exhibit C2020

FY2020 HHW PROGRAM BUDGET SUMMARY

This exhibit summarizes the total program funding for FY2020 as approved by the Dallas Area Household Hazardous Waste Network at its regular meeting on April 17, 2019, and replaces the language contained in Exhibit C2018 of the Household Hazardous Waste Program Interlocal Agreement that was authorized by Court Order 2017-0979.

Fixed Costs include personnel expense, operating costs, and capital budget, which are shared by the Network cities based on single-family household projections published by North Central Texas Council of Governments.

- Personnel Expense includes all HHW staff salaries and fringe.
- Operating Expense includes supplies, equipment, advertising, public education, volunteer support, staff development, printing, postage, facility maintenance, utilities, and all other direct programming costs.
- Capital Expense includes building repairs, equipment repair or replacement, mechanical upgrades, and expansion projects.

Variable costs include estimated direct costs for collection and disposal of hazardous household wastes, which vary according to actual usage and are indicated in the budget summary for planning purposes only. ***Funding for actual collection, contract labor, and disposal costs will be collected from the cities after the fact, on an as-used basis.***

- Collection/Mobilization/Disposal Budget includes estimated costs for staging of events, recycling services, waste containers, waste transportation, and disposal.
- Contract Labor Expense is for part-time, seasonal labor provided by the disposal vendor.

Budget adjustments made to the Operational Budget during the term of the agreement shall not result in a City Funding amount that exceeds the approved budget total shown herein. The County may make line item transfers within the operating budget when these transfers do not exceed \$5,000. Budget adjustments in excess of \$5,000 must be approved by the HHW Network.

BUDGET SECTION	CITY FUNDING
FIXED COSTS (OPERATIONAL BUDGET)	
Personnel Costs	\$ 507,700
Operating Costs	\$ 209,925
Capital Expense	\$ 93,000
Sub-Total	\$ 810,625
ESTIMATED VARIABLE COSTS (COLLECTION / LABOR / DISPOSAL BUDGET)	\$ 1,052,000
TOTAL PROGRAM BUDGET	\$1,862,625

STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

**AMENDMENT NO. 2
 TO THE HOUSEHOLD HAZARDOUS WASTE INTERLOCAL AGREEMENT
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 BETWEEN
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WHEREAS, the proposed Amendment No. 2 along with the attachment C2020, will serve to continue the Household Hazardous Waste Program through fiscal year 2020, while updating overall program budget amounts and individual city budget limits for the new fiscal year; and

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Budget adjustments made to the Operational Budget during the term of the agreement shall not result in a City Funding amount that exceeds the approved budget total shown herein. The County may make line item transfers within the operating budget when these transfers do not exceed \$5,000. Budget adjustments in excess of \$5,000 must be approved by the HHW Network.

BUDGET SECTION	CITY FUNDING
FIXED COSTS (OPERATIONAL BUDGET)	
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TOTAL PROGRAM BUDGET	\$1,862,625

Regular Session Agenda Item: 2

Meeting Date: September 16, 2019

ITEM DESCRIPTION:

Conduct a public hearing to discuss a zoning change from “PD-R-5” Planned Development – Residential 5 to “PD-R-5-SUP” Planned Development – Residential 5 with a Special Use Permit, which shall expire on March 13, 2020, to allow for a Temporary Batch Plant, on approximately 1.5± acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road.

BACKGROUND OF ISSUE:

The land is currently vacant.

The applicant LGI Homes Texas LLC has approved construction plans to construct a subdivision called Seagoville Farms containing about 372 lots for single family homes. Today they are requesting to change the current zoning on a total of 1.5± acres encompassed by 12 proposed lots in Seagoville Farms (Lots 21 through 32 of Block J) from a planned development with an R-5 base zoning (PD-R5) to a PD-R5-SUP (PD-R5 with a special use permit) for a temporary concrete batch plant to be used exclusively for the paving of the proposed internal streets of the Seagoville Farms subdivision on the (unplatted) Tract 3 of the Herman Heider Abstract 541.

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.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

Besides the parcel in question, there are twenty-five (25) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified about the public hearing at the Planning and Zoning Commission meeting in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper about the public hearing at the Planning and Zoning Commission meeting. No (zero) letters were returned as undeliverable by the U.S. Postal Service. No one from the public spoke for or against 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 Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5±acres on the south side of East Farmers Road between Simonds Road and Alto Road with the following conditions:

- Deliveries and materials to reach the site only via Interstate 20 to Lasater Road to Simonds Road to Farmers Road.
- SUP is limited to 180 calendar days with maximum of 2 time extensions of 60-days that can only be requested and granted by the City Manager.
- Hours of operation: Monday through Friday from 7:00 AM to 6:00 PM and Saturdays from 7:00 AM to 5:00 PM.

Staff also supports the requested change.

EXHIBITS:

Each of the following are letter-sized.

1. Staff Report (4 pages)
2. 2017 aerial photograph from DCAD website
3. Dimensional reference map from DCAD website
4. Zoning map (zoning information added to dimensional map)
5. Application
 - a. Signed and notarized application
 - b. Gilco Contracting, Inc. letter to P&Z Commission
 - c. Approved construction plat for Seagoville Farms with batch plant location marked
6. Public hearing notices to newspaper
 - a. Planning & Zoning Commission notice
 - b. City Council notice
7. Public hearing notice to property owners within 200 feet (2 pages)
8. List of property owners within 200 feet of subject parcels



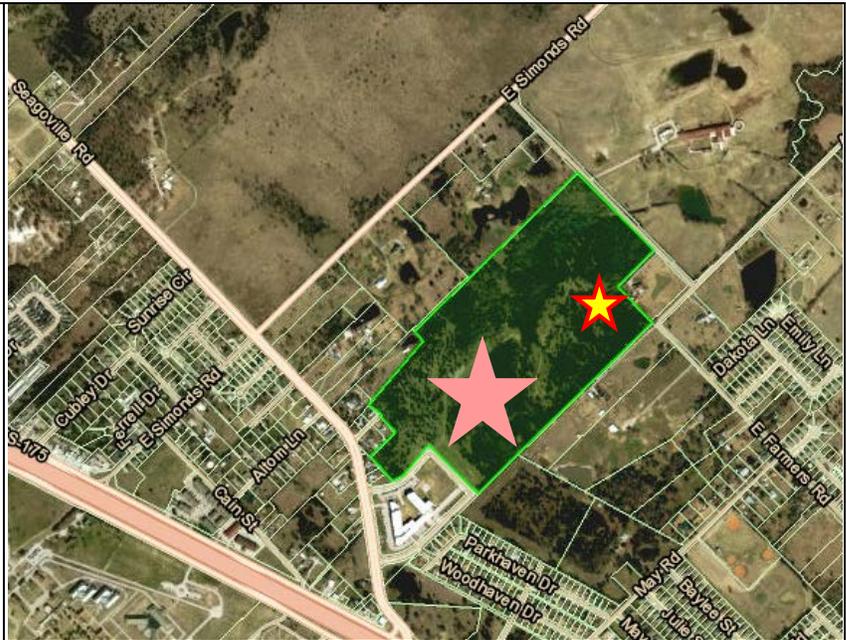
COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

DATE: SEPTEMBER 16, 2019
AUTHOR: JENNIFER BONNER, JUNIOR PLANNER
APPLICANT: LGI HOMES TEXAS LLC
PARCEL: 65054148010080000
LOCATION: LOTS 21 THROUGH 32 BLOCK J OF PROPOSED SEAGOVILLE FARMS

REQUEST SUMMARY:

The applicant has an approved construction plat for Seagoville Farms. They also have approved construction plans for most of the related public infrastructure. Once the decision is made on this SUP, the applicant will know whether they will be able to have an on-site batch plant on site under the yellow star with the red outline or if they will need to haul concrete in by the truckload.

The batch plant will be used exclusively for the construction on infrastructure of Seagoville Farms, the subdivision that is highlighted in green and with the light pink star on the map to the right.



REQUEST LOCATION: Inside City; Dallas County

SIZE OF PROPERTY	EXISTING ZONING	SURROUNDING ZONING	EXISTING LAND USE	SURROUNDING LAND USE
1.5+acres in the request; 88+acres for subdivision	PD-R5, Plan Development with R-5 (Single Family Residential) base zoning	Northwest: R-5, Single Family Residential Southwest: R-5, Single Family Residential Northeast: mostly AG, Agriculture Southeast: R-5, Single Family Residential	Low Density Residential	Low Density Residential

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval with condition on the request for a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5±acres on the south side of East Farmers Road between Simonds Road and Alto Road with the following conditions:

- Deliveries only by Interstate 20 to Lasater Road to Simonds Road to Farmers Road.
- SUP limited to 180 calendar days with maximum of 2 time extensions of 60-days granted by the City Manager.
- Hours of operation: Monday through Friday from 7:00 AM to 6:00 PM and Saturdays from 7:00 AM to 5:00 PM.

Staff also supports the requested change.

Planning and Zoning Commission reviews and makes a recommendation to the City Council, which makes the final decision on the request.

Detailed explanations follow on the attached pages.	
STANDARD:	ANALYSIS:
Development Calendar (Deadlines)	Has Met
Application(s) 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 request (yellow star outlined in red) is located in a planned Low Density Residential (light yellow color) area in the map to the right. The plan development encompasses those areas designed with the 2 green stars.

Meets Standard

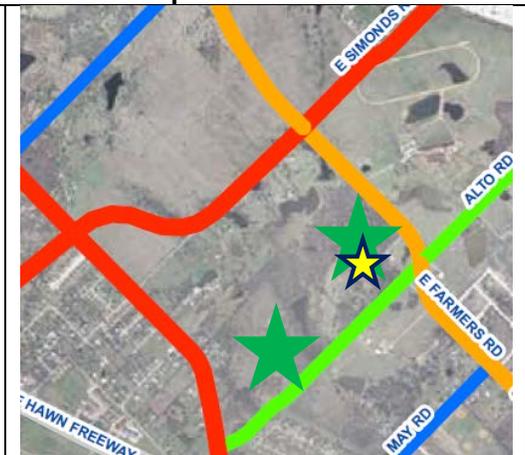


2006 Master Thoroughfare Plan and Map

The proposed site for this request (yellow star outlined in blue) will only have access via East Farmers Road (labeled and shown in orange on the map to the right). Insufficient road right-of-way has previously been dedicated for East Farmers Road so additional right-of-way will be dedicated to the City during the final plat of the subdivision. Farmers Road will be constructed and paved once all utility improvements are complete.

Alto Road (labeled and shown in light green on the map) will be partially constructed with the Seagoville Farms under the 2 green stars. This temporary batch plant will be used exclusively for constructing streets and other infrastructure in Seagoville Farms.

Meets Standard



2009 Zoning Plan and Map

The yellow star outlined in red shows the planned location of the temporary concrete batch plant. Although the 2009 zoning map does not reflect the fact that the property is zoned PD-R5, its zoning was changed from R-5, Single Family Residential, to PD-R5, planned development with R-5 base zoning by Ordinance 18-17 in August 2017. It was amended in January 2019 for a new concept plan by a new property owner as well as revised development regulations due to an existing gas line not previously accounted for.

Meets Standard



REVIEW CRITERIA	STAFF ANALYSIS	
1. Will the use conform to off-street parking and loading requirements?	N/A	As this Special Use Permit (SUP) is for a temporary use, it has no parking or loading requirements other than both activities must be contained within the boundary of the SUP site itself.
2. Has a site plan been submitted showing the layout of the proposed development/use?	No	A plan has been submitted for where the batch plant will be located, but nothing has been provided that shows how the use of the area itself will be laid out.
3. Are all of the ingress and egress ways adequate?	Yes	Since ingress and egress will be via existing public streets, these criteria will be met.
4. 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 application is for the area needed (about 1.5-acres) of the total subdivision's site (88+acres) for the plat to operate. There will be no structures for the batch plant that will remain on-site after all paving has been completed.
5. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping?	No	These items have code-defined minimums for permanent installations. This Special Use Permit is for a limited time (temporary for about 180 days) so is not controlled by these code sections. 60-day time extensions can only be requested when weather delays completion. Requests should be submitted to the City Manager for review and possible approval.
6. Are there any outside lighting or screening controls that needs to be installed?	No	Staff recommends that all lighting be pointed into the subdivision (not along Farmers Road). Due to the distance between the site and the closest residential uses (200-feet), Staff is recommending that screening of the batch plant only be required for controlling/containing dust and other air-borne erosion-related items.
7. Will the proposed landscaping and screening be compliant with all City regulations?	N/A	These requirements are usually for permanent installations and this operation will be temporary in nature.
8. Are there any special setbacks that are needed between this use and adjoining properties?	No	The two (2) closest residential uses from the batch plant will be 200-feet away to the east along Farmers Road and over 625-feet away to the east-northeast along Farmers Road. All other nearby properties are either vacant (undeveloped) or have an agriculture-related use.
9. What type of surfacing will be applied to parking areas and drives?	N/A	The batch plant will not place any pavement within its plant area. The accesses to the plant site will be paved with the subdivision improvements. These include the streets around the plant and Farmers Road (to be widened from a 2-lane road).
10. Will curbs and drainage structures be installed as part of the project?	Yes	The batch plant will be used for the paving of all public concrete areas - streets, sidewalks, handicap ramps, curbs-and-gutters, etc. The plant will also mix any concrete for on-site streetlight piers; thrust blocking for water lines; cast-in-place manholes for sanitary or storm sewer; plus headwalls, curb inlets, junction boxes, scour control pads, outlet control structures, flumes, etc. shown in the plans for the storm sewer system.
11. Will granting the permit be authorizing any use that is not allowed or that defies the intent of the district it will be located in?	No	The Special Use Permit portion of the code allows temporary concrete batch plants in all zoning districts.
12. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected?	Yes	The batch plant will be placed in the middle of several new internal streets for Seagoville Farms. Staff is requiring that the truck route for all deliveries be Interstate 20 to Lasater Road to Simonds Road to Farmers.

STAFF REPORT

Z2019-23

REVIEW CRITERIA	STAFF ANALYSIS	
13. Will the land use be compatible with other area properties located nearby?	Yes	Once all streets are paved and other concrete has been placed, the batch plant will be removed and the area converted into twelve (12) residential building lots.
14. Will the use conform to all provisions in the Code for the district in which the use is to be located?	Yes	The Special Use Permit portion of the code allows temporary concrete batch plants in all zoning districts. Permanent asphalt and concrete plants are only allowed in the Heavy Manufacturing zoning district.
15. Will the use facilitate public convenience at that location?	Yes	Farmers Road is an existing road that will be widened and improved as part of the subdivision's infrastructure installation and/or creation during the current phase of the project.
16. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed?	Yes	These items will be controlled through a state permit with the Texas Commission on Environmental Quality as well as city code enforcement.
17. Will the signage conform to those portions of the Municipal Code?	Yes	There will be limited signage on-site for directing deliveries as the plant will be located only during the construction and installation of to-be-dedicated public infrastructure.
18. Will the open space be maintained by the owner and/or developer?	N/A	Open spaces connected to the subdivision are not part of this Special Use Permit application.

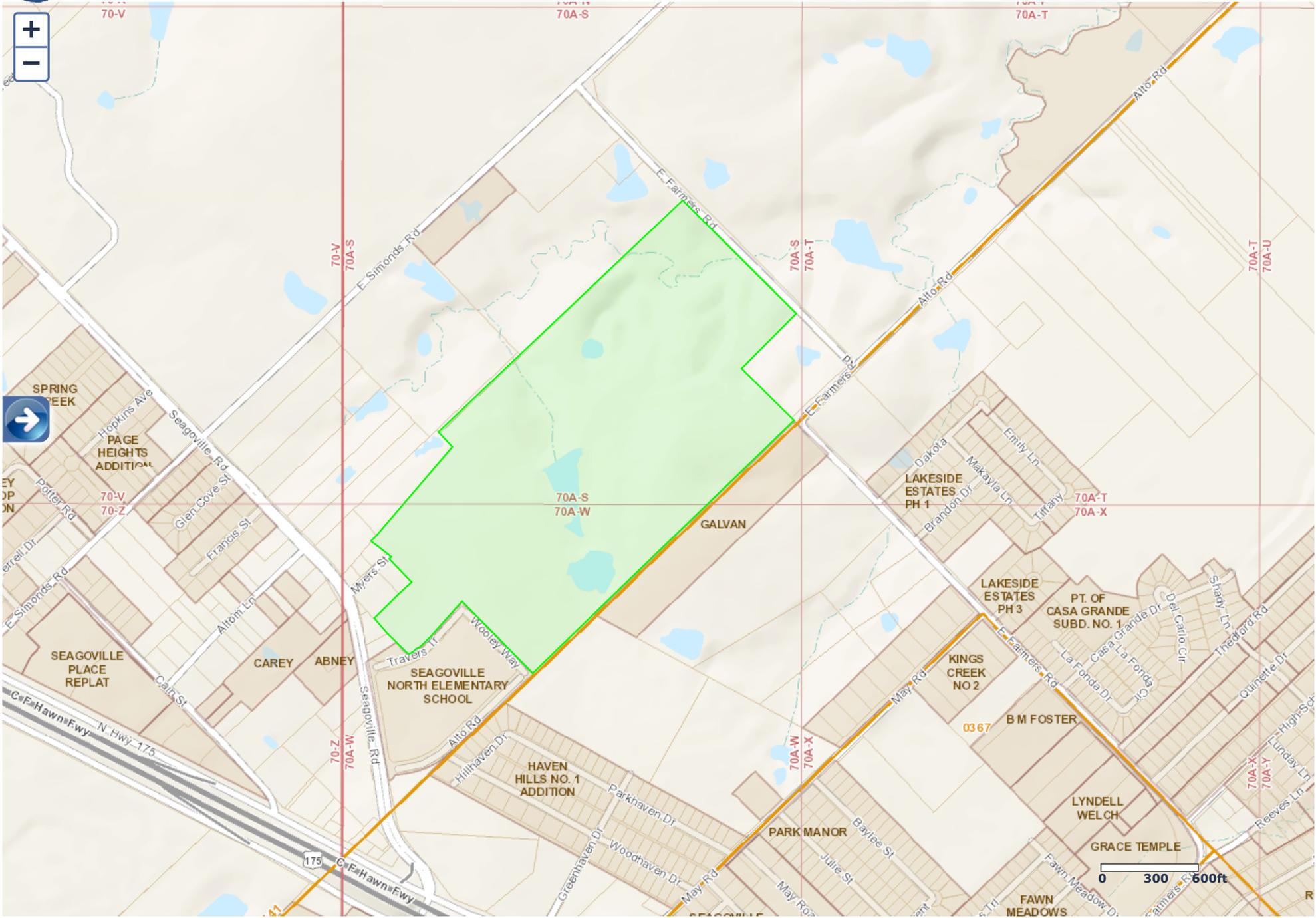
Public Comments Received: Besides the parcels in question, there are twenty-five (25) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper. No (zero) letters were returned as undeliverable by the U.S. Postal Service. Any responses received before the emailing of the packet to the Commissioners will be attached in Exhibit 7. Any responses received after the emailing of the packet to the Commissioners were provided at the meeting.

For the City Council meeting, the owners of each parcel were again notified in compliance with the 200-foot rule by mail on Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5±acres on the south side of East Farmers Road between East Simonds Road and Alto Road with the following conditions:

- Deliveries and materials to reach the site only via Interstate 20 to Lasater Road to Simonds Road to Farmers Road.
- SUP is limited to 180 calendar days with maximum of 2 time extensions of 60-days that can only be requested and granted by the City Manager.
- Hours of operation: Monday through Friday from 7:00 AM to 6:00 PM and Saturdays from 7:00 AM to 5:00 PM.







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

Name of Subdivision or Project: Seagoville Farms

Physical Location of Property: South west side of Farmers Road 25 mi south of Simonds Rd.
[General Location – approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description):
Herman Heider Survey, Abst 541
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 88.831 Existing # of Lots/Tracts: 371 res and 15 com Existing Zoning: Residential
[If zoned PD, attach a copy of the PD ordinance to this application]

Applicant / Owner's Name: LGI Homes- Texas, LLC Applicant or Owner? (circle one)

Contact Person: Elaine Torres Title: VP Land Development

Company Name: _____

Street/Mailing Address: 1450 Lake Robbins Dr. 430 City: Woodlands State: TX Zip: 77380

Phone: (____) _____ Fax: (____) _____ Email Address: _____

Engineer / Representative's Name: Pape- Dawson Engineers

Contact Person: Ashley Williams Title: _____

Company Name: _____

Street/Mailing Address: 5810 Tennyson Pkwy 425 City: Plano State: TX Zip: 75024

Phone: (____) _____ Fax: (____) _____ Email Address: awilliams@pape-dawson.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.)

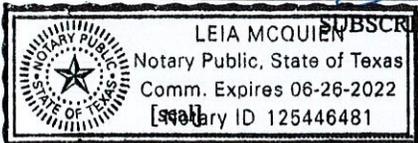
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that 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: _____ Title: Officer Date: 7-22-19



SUBSCRIBED AND SWORN TO before me, this the 22 day of July, 2019

Notary Public in and for the State of Texas: _____

My Commission Expires On: 6-26-22

Office Use Only: Date Rec'd: 7/22/19 Fees Paid: \$ 300 Check #: 55412614 Receipt #: 578891
Development Case # 2209 Accepted By: [Signature] Official Submittal Date: 7/23/19



July 19, 2019

City of Seagoville
Attn: Ms. Jennifer Bonner
702 N. Highway 175
Seagoville, TX. 75159

Re: Temporary Concrete Batch Plant
Seagoville Farms, Seagoville TX

Ms. Bonner,

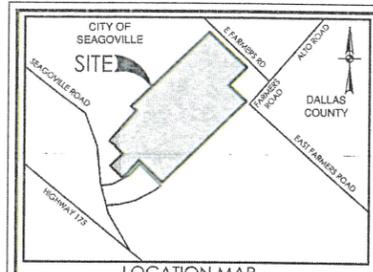
Gilco would like to set up a Temporary Concrete Batch Plant to produce concrete pavement for the improvements of Seagoville Farms project in the City of Seagoville. The location for the plant is Block J, lots 21-32. With City approval, hours of operation are Monday through Friday 7AM to 6PM, and Saturday 7AM to 5PM. The plant will be used to produce concrete exclusively for the Seagoville Farms project. Dust Process Controls include but are not limited to (A) Material Delivery -wet material are delivered in covered trucks via the construction entrance and exit to prevent offsite tracking. (B) Stockpiles and haul roads are sprinkled with water. (C) Silos are equipped with a visible warning mechanism to warn operators when the silo is full. Dust Collector vacuums excess material and removes it from air delivery. (D) Erosion control fencing or berms will be utilized at the plant site to prevent erosion run off due to water. Gilco requests permit be issued for 180 days.

Please let me know if you need any additional information.

Sincerely,

Leia McQuien
Operations Director
(817) 521-1288

6331 Southwest Blvd.
Benbrook, Texas 76132
Office: 817.735.1600
Fax: 817.735.1613



PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT



SPECIAL NOTE:
NOTICE: A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

VIOLATION, ACCESS AND MAINTENANCE EASEMENTS:
THE AREA OR AREAS SHOWN ON THIS PLAT AS "VAM" (VIOLATION, ACCESS AND MAINTENANCE) EASEMENTS ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT, THE CITY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO MAINTAIN ANY AND ALL LANDSCAPING WITHIN THE VAM EASEMENT, SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THERE SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, BUSHES, GROUND COVER AND FOLIAGES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE PROPERTY OWNER(S), WHO SHALL MAINTAIN, FENCE, SHrub, TREE OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN OR OVER OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPING IMPROVEMENTS TO THE VAM EASEMENT, TO BEET ANY TRAFFIC CONTROL DEVICES OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY'S SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

SURVEYOR'S NOTE:
1. 1/2" IRON ROD WITH YELLOW CAP MARKED "PAPE-DAWSON SET AT SUBJECT PROPERTY CORNER UNLESS NOTED OTHERWISE.
2. THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NAD 83 (NAD2011) EPOCH (2010.0), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE NORTH CENTRAL ZONE.
3. EASEMENTS SHOWN HEREON ARE CREATED BY THIS PLAT UNLESS NOTED OTHERWISE. THE SUBJECT PROPERTY IS WITHIN THE FOLLOWING FLOOD ZONES AS SPECIFIED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NUMBER 810120048, DATED JULY 7, 2014 FOR DALLAS COUNTY, TEXAS AND INCORPORATED AREA.
ZONE X (UNSHADDED), DEFINED AS: "OTHER AREAS ARE DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN."

LAND USE CHART

PROPOSED - RESIDENTIAL LOTS	53.61 ACRES
PROPOSED - OPEN SPACE	15.81 ACRES
PROPOSED - STREETS/ROW DEDICATION	19.32 ACRES
PROPOSED - TOTAL	88.83 ACRES

LINE TABLE

LINE #	BEARING	LENGTH	LINE #	BEARING	LENGTH
L1	S41°20'30"E	20.83	L23	S41°20'30"E	14.01
L2	S00°00'00"E	14.14	L24	S89°50'32"E	14.14
L3	S89°50'32"E	14.14	L25	S02°34'07"E	14.84
L4	N02°34'07"E	14.14	L26	N85°27'27"E	12.88
L5	S89°50'32"E	14.14	L27	N4°59'52"E	12.88
L6	S89°50'32"E	14.14	L28	N89°59'52"E	14.14
L7	N89°59'52"E	14.14	L29	N02°00'00"E	14.14
L8	N89°59'52"E	14.14	L30	N89°59'52"E	14.14
L9	S00°00'00"E	14.14	L31	S00°00'00"E	19.32
L10	S00°00'00"E	14.14	L32	N89°59'52"E	14.14
L11	S00°00'00"E	14.14	L33	S00°00'00"E	14.14
L12	N89°59'52"E	14.14	L34	S89°59'52"E	14.14
L13	S00°00'00"E	14.14	L35	S89°59'52"E	14.14
L14	N89°59'52"E	14.14	L36	N02°00'00"E	14.14
L15	N89°59'52"E	14.14	L37	S89°59'52"E	14.14
L16	S00°00'00"E	14.14	L38	N02°00'00"E	14.14
L17	N49°49'50"E	56.29	L39	N02°00'00"E	14.14
L18	N02°00'00"E	15.21	L40	N89°59'52"E	14.14
L19	N40°58'27"E	51.33	L41	S00°00'00"E	14.14
L20	S45°03'52"E	39.78	L42	N89°59'52"E	14.14
L21	S88°30'17"E	13.79	L43	S00°00'00"E	14.14

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	418.84	23°46'30"	N01°32'56"E	172.97	174.21
C2	474.50	9°04'50"	N40°27'27"E	75.12	75.20
C3	425.00	9°04'50"	S40°27'27"E	67.36	67.44
C4	10.00	80°33'53"	S4°42'38"E	10.81	10.87
C5	51.00	250°33'54"	S85°17'04"E	77.81	331.93
C6	5025.50	1°03'25"	S45°31'35"E	92.71	92.71
C7	4974.50	1°03'25"	S45°31'35"E	91.77	91.77
C8	76.50	90°00'00"	S89°59'52"E	108.19	107.10
C9	10.00	33°18'23"	S61°38'04"E	5.73	5.81
C10	51.00	156°32'46"	N00°00'00"E	99.87	139.34
C11	10.00	33°18'23"	S61°38'04"E	5.73	5.81
C12	10.00	28°03'48"	S55°02'01"E	4.85	4.90
C13	51.00	148°07'32"	N00°00'00"E	97.58	130.07
C14	10.00	28°03'48"	S55°02'01"E	4.85	4.90
C15	525.50	10°00'00"	N49°59'52"E	91.60	91.72
C16	500.00	10°00'00"	S49°59'52"E	87.16	87.27
C17	10.00	39°22'41"	S29°29'49"E	6.08	6.14
C18	51.00	156°32'46"	N89°59'52"E	99.87	139.34
C19	10.00	33°18'23"	N29°17'36"E	5.73	5.81
C20	235.50	8°19'08"	N40°27'27"E	32.71	32.74
C21	204.50	8°19'08"	S40°27'27"E	31.48	31.51

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C22	255.50	1°51'12"	S44°59'52"E	8.28	8.28
C23	10.00	5°42'40"	S17°47'32"E	5.14	9.50
C24	51.00	280°49'19"	S45°00'00"E	59.35	237.00
C25	10.00	5°42'40"	N72°12'12"E	5.14	9.50
C26	174.50	8°19'08"	N40°20'44"E	25.31	25.33
C27	825.50	2°45'03"	N27°17'34"E	25.23	25.23
C28	525.50	10°00'00"	S49°59'52"E	91.60	91.72
C29	25.50	90°00'00"	N89°59'52"E	36.06	40.06
C30	374.50	2°40'10"	S43°39'47"E	17.45	17.45
C31	474.50	10°00'00"	N49°59'52"E	82.71	82.82
C32	25.50	90°00'00"	N00°00'00"E	36.06	40.06
C33	4974.50	1°03'25"	S45°31'35"E	91.77	91.77
C34	10.00	33°18'23"	S61°38'04"E	5.73	5.81
C35	51.00	156°32'46"	N00°00'00"E	99.87	139.34
C36	10.00	33°18'23"	S61°38'04"E	5.73	5.81
C37	5025.50	1°03'25"	S45°31'35"E	92.71	92.71
C38	25.50	90°00'00"	S89°59'52"E	36.06	40.06
C39	25.50	90°00'00"	N00°00'00"E	36.06	40.06
C40	25.50	90°00'00"	N00°00'00"E	36.06	40.06
C41	500.00	9°04'50"	N40°27'27"E	79.18	79.24
C42	400.00	9°04'50"	S40°27'27"E	83.33	83.39

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C43	500.00	1°03'25"	S45°31'35"E	92.24	92.24
C44	500.00	1°03'25"	N45°31'35"E	92.24	92.24
C45	51.00	90°00'00"	S89°59'52"E	72.12	80.11
C46	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C47	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C48	500.00	1°03'25"	S45°31'35"E	87.16	87.27
C49	500.00	1°03'25"	S45°31'35"E	87.16	87.27
C50	230.00	8°19'08"	S40°20'44"E	25.31	25.34
C51	200.00	8°19'08"	N40°20'44"E	25.31	25.34
C52	230.00	8°19'08"	S40°20'44"E	25.31	25.34
C53	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C54	540.00	1°03'25"	N45°31'35"E	94.13	94.20
C55	480.00	1°03'25"	N45°31'35"E	88.18	88.29
C56	500.00	1°03'25"	S45°31'35"E	87.16	87.27
C57	500.00	1°03'25"	S45°31'35"E	87.16	87.27
C58	250.00	8°19'08"	N39°39'53"E	28.00	28.02
C59	250.00	8°19'08"	S39°39'53"E	27.24	27.28

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C60	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C61	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C62	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C63	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C64	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C65	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C66	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C67	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C68	51.00	90°00'00"	N00°00'00"E	72.12	80.11
C69	51.00	90°00'00"	N00°00'00"E	72.12	80.11

DEVELOPER / OWNER:
LGI HOMES - TEXAS, LLC
1430 LAKE ROBBINS DR. SUITE 430
THE WOODLANDS, TX 77380
PH: 281.210.5484
FAX: 281.210.2601

SURVEYOR:
PAPE-DAWSON ENGINEERS
DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH
5810 TENNYSON PKWY, STE 425 | PLANO, TX 75024 | 214.420.8494
TPE FIRM REGISTRATION #410 | TPLS FIRM REGISTRATION #10194980

DATE OF PREPARATION: April 05, 2019

BEING A 88.83 ACRES SITUATED IN THE HERMAN HEIDER SURVEY, ABSTRACT 541, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS.

**371 RESIDENTIAL LOTS
15 COMMON AREA LOTS**

Exhibit 5c
**CONSTRUCTION PLAT
OF
SEAGOVILLE FARMS**

LOTS 1-15, 1X-2X, BLOCK 1; LOTS 1-18, 1X-2X, BLOCK 8; LOTS 1-52, 1X-3X, BLOCK C; LOTS 1-32, 1X, BLOCK D; LOTS 1-36, 1X, BLOCK E; LOTS 1-18, BLOCK F; LOTS 1-47, 1X, BLOCK G; LOTS 1-14, BLOCK H; LOTS 1-54, 1X, BLOCK I; LOTS 1-40, 1X, BLOCK J; LOTS 1-35, 1X-3X, BLOCK K AND LOTS 1-12, BLOCK L.

SHEET 1 OF 2



August 9, 2019

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

via email:
notices@dailycommercialrecord.com

Daily Commercial Record
706 Main Street
Dallas, Texas 75202

Please publish the legal notice below in the August 13, 2019 issue of your newspaper. Please send the affidavit of publication to the ATTN: Kandi Jackson at the address above. If you need to contact Kandi, her office direct number is (972) 287-6819 and her email is citysecretary@seagoville.us Kandi's normal office hours are Monday through Friday from 8:00 AM to 5:00 PM.



**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-23**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, August 27, 2019, at 6:30 PM in the City Council Chambers of the Seagoville City Hall building at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5± acres on the south side of East Farmers Road between Simonds Road and Alto Road.

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.

CITY OF SEAGOVILLE
Kandi Jackson
City Secretary



August 28, 2019

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

via email:
notices@dailycommercialrecord.com

Daily Commercial Record
706 Main Street
Dallas, Texas 75202

Please publish the legal notice below in the August 30, 2019 issue of your newspaper. Please send the affidavit of publication to the ATTN: Kandi Jackson at the address above. If you need to contact Kandi, her office direct number is (972) 287-6819 and her email is citysecretary@seagoville.us Kandi's normal office hours are Monday through Friday from 8:00 AM to 5:00 PM.



**NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2019-23**

The Seagoville City Council will hold a public hearing on Monday, September 16, 2019, at 6:30 PM in the City Council Chambers of the Seagoville City Hall building at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5±acres on the south side of East Farmers Road between Simonds Road and Alto Road.

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.

CITY OF SEAGOVILLE
Kandi Jackson
City Secretary



August 15, 2019

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

**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-23**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, August 27, 2019, at 6:30 PM in the City Council Chambers of the Seagoville City Hall building at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5+acres on the south side of East Farmers Road between Simonds Road and Alto Road.

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 opportunity to voice your opinion about this project for the record. The second opportunity will be at the public hearing listed above. There will also be a public hearing held in front of City Council, but that meeting date has not yet been set.

*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 Z2019-23 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

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

AUGUST 15, 2019

Property Owners List for Seagoville Farms

Exhibit 8

ZONING REQUEST Z2019-23: Temporary Concrete Batch Plant SUP

Mailed out a total of 25 certified letters on Friday, August 16, 2019, before 5:00 PM

Subject or adjoiner?	Site Address	DCAD Account	Owner	Mailing Address 1	Address 2	City	State	Zip
Subject	1900 Seagoville Road	65054148010080000	Seagoville Farms LLC	13901 Midway Road	#102 LB 243	Farmers Branch	TX	75244
Adjoiner	1900 Seagoville Road	50046560010010000	Dallas I.S.D.	Attn: Treasurer	9400 North Central Expressway	Dallas	TX	75231
Adjoiner	405 May Road	65085006510070000	H. C. Tredway, Jr.	405 May Road		Seagoville	TX	75159
Adjoiner	1601 East Farmers Road	50014750000000000	Francisco & Raquel Galvan	1643 East Farmers Road		Seagoville	TX	75159
Adjoiner	1650 East Farmers Road	65085006510120400	Judy & Ferney Sebastian, Jr.	2210 North Highway 175		Seagoville	TX	75159
Adjoiner	1801 East Farmers Road	65054142510040000	Roberts & Alma Rodriguez	1801 East Farmers Road		Seagoville	TX	75159
Adjoiner	1900 East Farmers Road	65054142510050000	Jose & Sheery Ann Huerta	1900 East Farmers Road		Seagoville	TX	75159
Adjoiner	2001 East Farmers Road	65054142510020000	Carl & Janet Henley	2001 East Farmers Road		Seagoville	TX	75159
Adjoiner	1900 Seagoville Road	65054148010100000	Altie Clark	c/o Clark & Vaught	870 VZ County Road 2703	Mabank	TX	75147
Adjoiner	710 East Simonds Road	65054148010090000	Jerome & Joyce Yearout	710 East Simonds Road		Seagoville	TX	75159
Adjoiner	2004 Seagoville Road	65054148010040000	Jose & Elisa Luciano	2004 Seagoville Road		Seagoville	TX	75159
Adjoiner	2002 Seagoville Road	65054148010130000	Brenda Malvaez	2002 Seagoville Road		Seagoville	TX	75159
Adjoiner	1918 Seagoville Road	65054148010050000	Dee Thompson	1918 Seagoville Road		Seagoville	TX	75159
Adjoiner	2002 Seagoville Road	65054148010060000	Brenda Malvaez	2002 Seagoville Road		Seagoville	TX	75159
Adjoiner	603 Myers Street	65054148010140000	Roger & Clara Bauer	603 Myers Street		Seagoville	TX	75159
Adjoiner	605 Myers Street	65054148010070000	Lackey Sebastian, Jr.	1650 East Farmers Road		Seagoville	TX	75159
Adjoiner	606 Myers Street	65054148010120000	Shanna Epps	606 Myers Street		Seagoville	TX	75159
Adjoiner	602 Myers Street	65054148010110000	Stephanie Dunn	602 Myers Street		Seagoville	TX	75159
Adjoiner	602 Myers Street	65054147510250000	F. L. Sebastian, Jr.	1650 East Farmers Road		Seagoville	TX	75159
Adjoiner	1910 Seagoville Road	65054147510120000	Russell Zelaska	1910 Seagoville Road		Seagoville	TX	75159
Adjoiner	1908 Seagoville Road	65054147510130000	Jesus Garcia & Daisy Bahena	1908 Seagoville Road		Seagoville	TX	75159
Adjoiner	1906 Seagoville Road	50046560000000A00	Dallas I.S.D.	Attn: Treasurer	9400 North Central Expressway	Dallas	TX	75231
Adjoiner	1915 Seagoville Road	65054147510220000	Micheal & Sandra Muncrief Life Estates	1915 Seagoville Road		Seagoville	TX	75159
Adjoiner	1917 Seagoville Road	50009400000010000	Arturo Pelayo	1015 North Woody Road		Dallas	TX	75253
Adjoiner	1913 Seagoville Road	50000550000010000	Randy M. Beason	1913 Seagoville Road		Seagoville	TX	75159
Adjoiner								

Exhibit 8

Regular Session Agenda Item: 3

Meeting Date: September 16, 2019

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance, as amended by changing the zoning from “PD-R-5” Planned Development – Residential 5 to “PD-R-5-SUP” Planned Development – Residential 5 with a Special Use Permit, which shall expire on March 13, 2020, to allow for a Temporary Batch Plant, on approximately 1.5± acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road, in the City of Seagoville, Texas; providing for special conditions; providing for an approved site plan which is attached hereto and incorporated herein as Exhibit “A”; providing for the repeal of all Ordinances in conflict; providing for 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.

BACKGROUND OF ISSUE:

The land is currently vacant.

The applicant LGI Homes Texas LLC has approved construction plans to construct a subdivision called Seagoville Farms containing about 372 lots for single family homes. Today they are requesting to change the current zoning on 12 proposed lots in Seagoville Farms (Lots 21 through 32 of Block J; a total of 1.5± acres) from a planned development with an R-5 base zoning (PD-R5) to a PD-R5-SUP (PD-R5 with a special use permit) for a temporary concrete batch plant to be used for the paving of the proposed internal streets of the Seagoville Farms subdivision on the (unplatted) Tract 3 of the Herman Heider Abstract 541.

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.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

Besides the parcel in question, there are twenty-five (25) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified about the public hearing at the Planning and Zoning Commission meeting in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper about the public hearing at the Planning and Zoning Commission meeting. No (zero) letters were returned as undeliverable by the U.S. Postal Service. No one from the public spoke for or against 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 Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of a zone change from PD-R5 (Planned Development with a R-5 base zoning) to PD-R5-SUP (PD-R5 with a Special Use Permit) for a Temporary Concrete Batch Plant on approximately 1.5±acres on the south side of East Farmers Road between Simonds Road and Alto Road with the following conditions:

- Deliveries and materials to reach the site only via Interstate 20 to Lasater Road to Simonds Road to Farmers Road.
- SUP is limited to 180 calendar days with maximum of 2 time extensions of 60-days that can only be requested and granted by the City Manager.
- Hours of operation: Monday through Friday from 7:00 AM to 6:00 PM and Saturdays from 7:00 AM to 5:00 PM.

Staff also supports the requested change.

EXHIBIT:

Ordinance (5 pages)

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS AMENDED, BY CHANGING THE ZONING FROM "PD-R-5" PLANNED DEVELOPMENT - RESIDENTIAL-5 TO "PD- R-5-SUP" PLANNED DEVELOPMENT - RESIDENTIAL-5 WITH A SPECIAL USE PERMIT, WHICH SHALL EXPIRE ON MARCH 13, 2020, TO ALLOW FOR A TEMPORARY BATCH PLANT, ON APPROXIMATELY 1.5± ACRES BEING LOTS 21 THROUGH 32, BLOCK J, OF THE SEAGOVILLE FARMS SUBDIVISION LOCATED ON THE SOUTH SIDE OF EAST FARMERS ROAD BETWEEN SIMONDS ROAD AND ALTO ROAD, IN THE CITY OF SEAGOVILLE, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR AN APPROVED SITE PLAN WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; 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 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 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 of the City of Seagoville, Texas, as amended, be, and the same is amended by changing the zoning from "PD-R- 5" Planned Development - Residential-5 to "PD-R-5-SUP" Planned Development - Residential-5 with a Special Use Permit, which shall expire on March 13, 2020 except however, that the City Manager may grant two (2) sixty (60) day extensions, to allow for a temporary batch

plant, on approximately 1.5± acres being Lots 21 through 32, Block J, of the Seagoville Farms Subdivision located on the south side of East Farmers Road between Simonds Road and Alto Road, in the City of Seagoville, Texas.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Seagoville Zoning Ordinance, ordinances of the City of Seagoville, and the following special conditions:

- (A) that the special use permit for the temporary batch plant shall be limited to the Seagoville Farms Subdivision, Lots 21 through 32, Block J only;
- (B) that the special use permit for the temporary batch plan shall expire on March 13, 2020, except that the City Manager may grant two (2) sixty (60) day extensions;
- (C) that the hours of operation for the batch plant shall be from 7:00 am. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 5:00 p.m. on Saturday;
- (D) that the only approved truck route for all deliveries to access the site shall be via Interstate 20 to Lasater Road to Simonds Road to Farmers Road (*please note all trucks not using this route will be ticketed*);
- (E) that deliveries of wet materials shall be in covered trucks and shall be permitted via the approved construction entrance and exit only;
- (F) that stockpiles and haul roads shall be sprinkled with water;
- (G) that silos shall be equipped with a visible warning mechanism to warn operators when silo is full and dust collector vacuums for excess material and preventing air delivery;
- (H) that erosion control fencing or berms shall be utilized at the plant site to prevent erosion run off due to water;
- (I) that the property shall be developed in accordance with the approved site plan, which is attached hereto as conditions to the use granted herein; and,
- (J) except as amended herein, the property shall be developed in accordance with the regulations included in Planned Development Residential 5, PD-17-04 and PD-17-04A1.

SECTION 3. That the Site Plan attached hereto as Exhibit "A", and made a part hereof 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, and 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 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. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 16th day of September, 2019.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY

(cdb 09.04.2019)

Regular Session Agenda Item: 4

Meeting Date: **September 16, 2019**

ITEM DESCRIPTION:

Conduct a public hearing on a request to amend from Planned Development-Ord 500 (PD-Ord 500) to Planned Development-19-01 Amended (PD-19-01A1) to provide for the construction of fire station on approximately 5.5+ acres located on the north side of East Simonds Road at its intersection with East Farmers Road.

BACKGROUND OF ISSUE:

The land is currently unimproved and is located on the north side of East Simonds Road at its intersection with East Farmers Road.

The property is zoned PD, a planned development with a mixture of base zonings, and has been since the creation of the PD by Ordinance 500 in August 1980.

The city has purchased the property for a second fire station at this location. 60-feet of right-of-way has been dedicated for East Simonds Road. 50-feet of right-of-way has been dedicated for a future extension of East Farmers Road. The property – after right-of-way was dedicated – is approximately 4.3-acres in size.

The City, as the property owner, is requesting an amendment to the concept plan for the PD. The current concept plan calls for this area within the PD to be detached, single family residential housing. For a fire station to be construction, the concept plan needs to be amended to reflect a fire station at this location. The proposed design places the new fire station on the north end of the property as it faces East Simonds Road. Pavement improvements for both Simonds Road and Farmers Road will happen when the rest of PD-Ord 500 develops.

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.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

Besides the parcel in question, there are forty-three (43) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified about the public hearing at the Planning and Zoning Commission meeting in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper about the public hearing at the Planning and Zoning Commission meeting. No (zero) letters have been returned with a response or as undeliverable by the U.S. Postal Service. No one from the public spoke for or against 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 Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service. One additional letter was returned in favor of the request. A phone call was also received on September 5 from one additional adjoining property owner in favor of the fire station.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending PD-Ord 500 to PD-19-01-A1 (first amendment to the first plan development in 2019) to allow the construction of a fire station on approximately 5.5±acres (being part of Tract 26 of the Herman Heider Abstract) on the north side of East Simonds Road at its intersection with East Farmers Road.

Staff also supports the requested change.

EXHIBITS:

Each of the following are letter-sized.

1. Staff Report (4 pages)
2. 2017 aerial photograph from DCAD website
3. Dimensional reference map from DCAD website
4. Zoning map (zoning information added to dimensional map)
5. Application
 - a. Signed and notarized application
 - b. Unsigned plat (11x17)
6. Public hearing notices to newspaper
 - a. Planning & Zoning Commission notice
 - b. City Council notice
7. Public hearing notice to property owners within 200 feet
 - a. Planning & Zoning Commission notice to adjoining owners (2 pages)
 - b. Responses received from adjoining owners
8. List of property owners within 200 feet of subject parcels
9. Ordinance 500 (7 pages with last page as 11x17)
10. Concept Design Drawings Fire Station



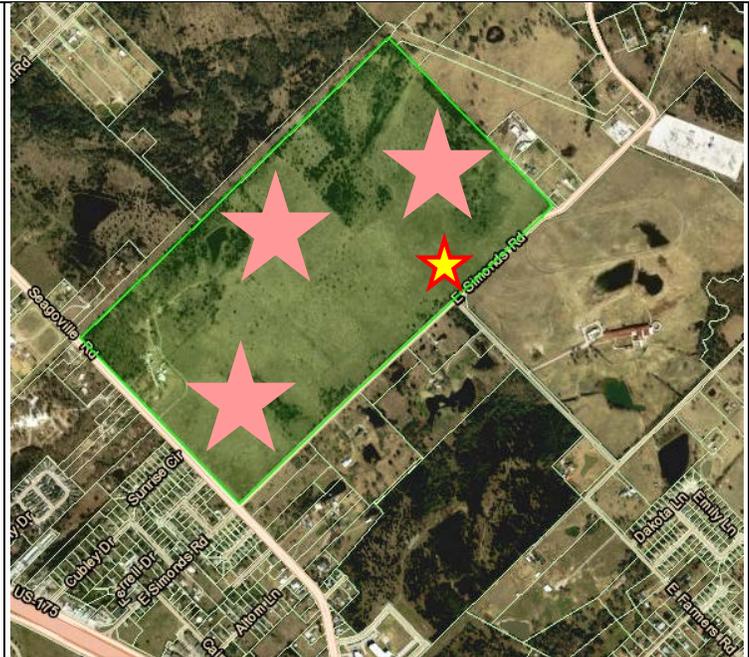
COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

DATE: SEPTEMBER 16, 2019
AUTHOR: JENNIFER BONNER, JUNIOR PLANNER
APPLICANT: CITY OF SEAGOVILLE
PARCEL: PART OF 65054142510260000
LOCATION: NORTH SIDE OF EAST SIMONDS ROAD AT ITS INTERSECTION WITH EAST FARMERS ROAD

REQUEST SUMMARY:

The applicants are requesting that the current planned development's concept be amended to allow for the construction of a fire station in an area of a plan development that calls for single family houses.

The plan development is over 250-acres and is located under the 3 purple stars on the map to the right. The area of the amendment request is approximately 5.5±acres and is located under the yellow star that is outlined in red.



REQUEST LOCATION: Inside City; Dallas County

SIZE OF PROPERTY	EXISTING ZONING	SURROUNDING ZONING	EXISTING LAND USE	SURROUNDING LAND USE
5.5±acres	PD-R, Planned Development with Single Family Residential base zoning	North: PD, Planned Development West: PD, Planned Development East: AG, Agriculture South: R-5, Single Family Residential	Low Density Residential	Low Density Residential

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending PD-Ord 500 to PD-19-01-A1 (first amendment to the first plan development in 2019) to allow the construction of a fire station on approximately 5.5±acres (being part of Tract 26 of the Herman Heider Abstract) on the north side of East Simonds Road at its intersection with East Farmers Road.

Planning and Zoning Commission reviews and makes a recommendation to the City Council, which makes the final decision on the request.

Detailed explanations follow on the attached pages.

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

Staff also supports the requested change.

COMPARISON TO ADOPTED CITY MASTER PLANS

STAFF ANALYSIS

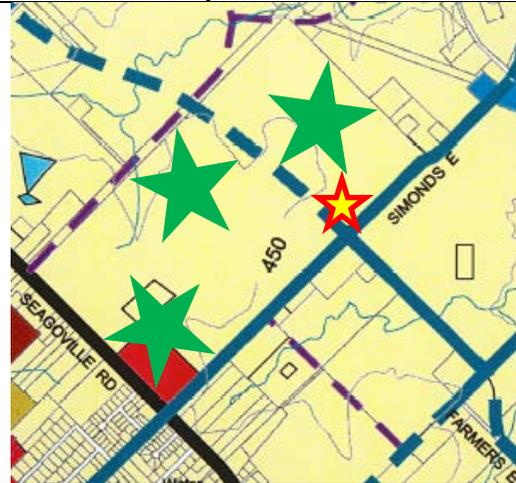
PLAN GOALS OR GUIDELINES

2002 Future Land Use Plan and Map

The plan development encompasses over 250-acres and is located under the 3 green stars in the map. The site for this amendment is under the yellow star outlined in red. This entire area of Seagoville is in an area expected to remain as Low Density Residential (light yellow color).

Public and Semi-Public uses, such as fire stations, are considered by the Land Use Plan chapter of the 2002 Comprehensive Plan to be compatible with all land uses.

Meets Standard

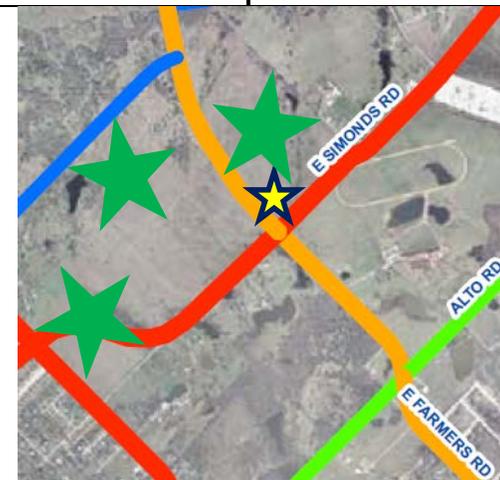


2006 Master Thoroughfare Plan and Map

The property in the request (under the yellow star outlined in blue) will have access to both East Simonds Road (a Major Arterial) and future extension of East Farmers Road (a Minor Arterial).

Right-of-way for both roads are in the process of being dedicated by a plat of the property. Both roads will have these portions the widened road section when the rest of the plan development (under the 3 green stars) is constructed.

Meets Standard

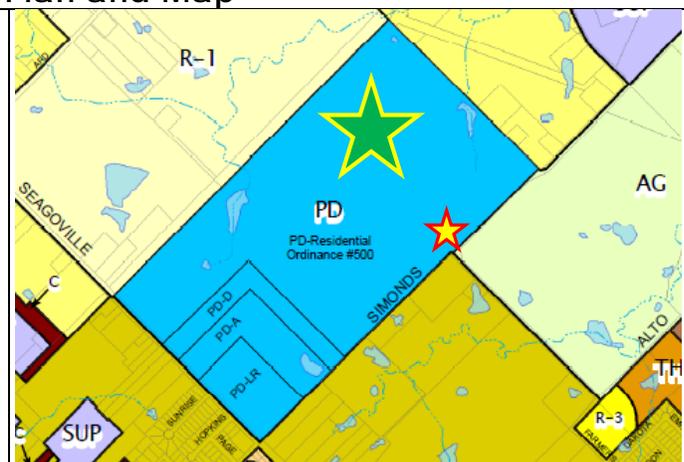


2009 Zoning Plan and Map

The plan development encompasses over 250-acres in the blue area shown under the green star outlined in yellow in the map to the right. The site for this amendment is under the yellow star outlined in red.

The City is requesting that this portion of the plan development's concept be amended for the placement of a fire station at this location instead of residential housing. Fire Stations are a permitted use in all single family zoning districts.

Meets Standard



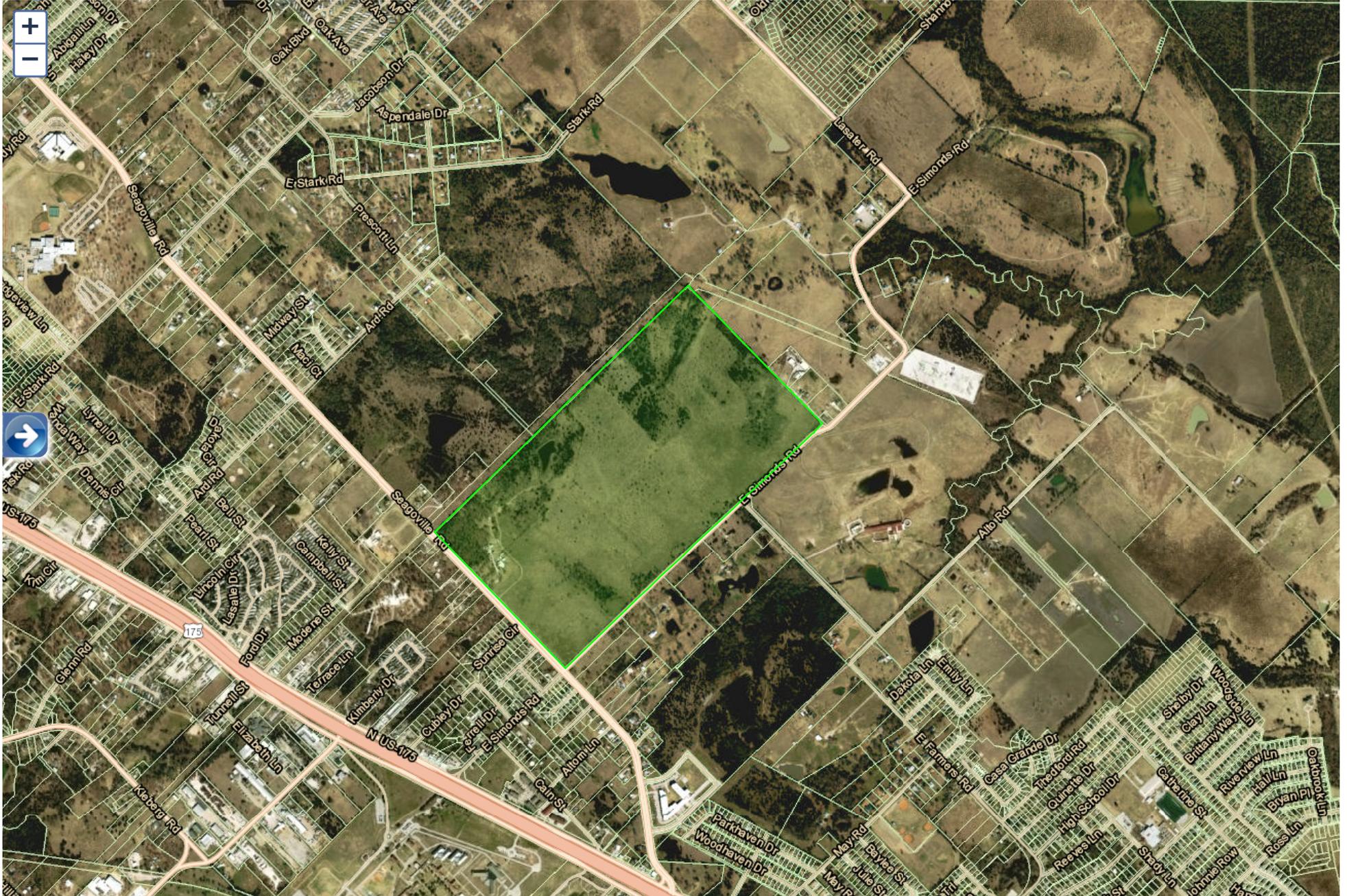
REVIEW CRITERIA	STAFF ANALYSIS	
1. Will the development provide for a superior design of the lots or buildings?	Yes	This lot is significantly larger in size than the residential lots allowed at this location by the plan development's current concept plan.
2. Will the development or land use provide for increased recreation and open space opportunities for public use and enjoyment?	Yes	The Fire Station will not take the entire site, which will leave land available for other future uses on the site by the public.
3. Will the development or land use provide amenities or features that would be of special benefit to the property users or to the overall community?	Yes	Since the City currently only has one fire station, placing a new fire station at this location will reduce response times to this part of town.
4. Will the development or land use protect or provide natural amenities and environmental assets?	No	There are no known natural amenities or environmental assets at this location.
5. Will the development or land use protect or preserve existing historical buildings, structures, features, or places?	Yes	There are no identified locations at this time that have been identified for protection or preservation. Once the fire station is constructed on this site, it will serve to protect or preserve any identified historical buildings and structures in the City.
6. Will the development or land use provide an appropriate balance between the intensity of the development and the ability to provide adequate supporting public facilities and services?	Yes	The planned use of the property is a fire station - a public service and facility that will benefit all of Seagoville.
7. Will the development or land use meet or exceed the planned development regulations?	Yes	The lot dimensions shown on this concept exceed all zoning district minimums.
8. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected?	Yes	A fire station is a public service and facility that will benefit all of Seagoville.
9. Will the land use be compatible with other area properties located nearby?	Yes	Fire Stations are a permitted use in all zoning districts.
10. Will the use be in compliance with all provisions of the zoning amendments portion of the Municipal Code?	Yes	Fire Stations are a public service and facility that is permitted use in all zoning districts.
11. 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 primary land use in the base zoning district is residential. Public facilities such as fire stations are a permitted use in all zoning districts.
12. Will the use facilitate public convenience at that location?	Yes	The property has access to both East Simonds Road and future extension of East Farmers Road.
13. Will the use conform to off-street parking and loading requirements?	Yes	The development of the property by the City will meet all required codes and regulations.
14. Are the ingress, egress, and pedestrian ways adequate?	Yes	All ingress and egress ways will be constructed as part of the site's development. Improvements to Simonds Road and construction of the future extension of Farmers Road (including sidewalks and ramps) will be constructed with the plan development that this property is located within.
15. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed?	Yes	No safeguards are required for dust or odor. Glare will be limited to vehicular lights. State law defines when sirens and lights for emergency vehicles are required.

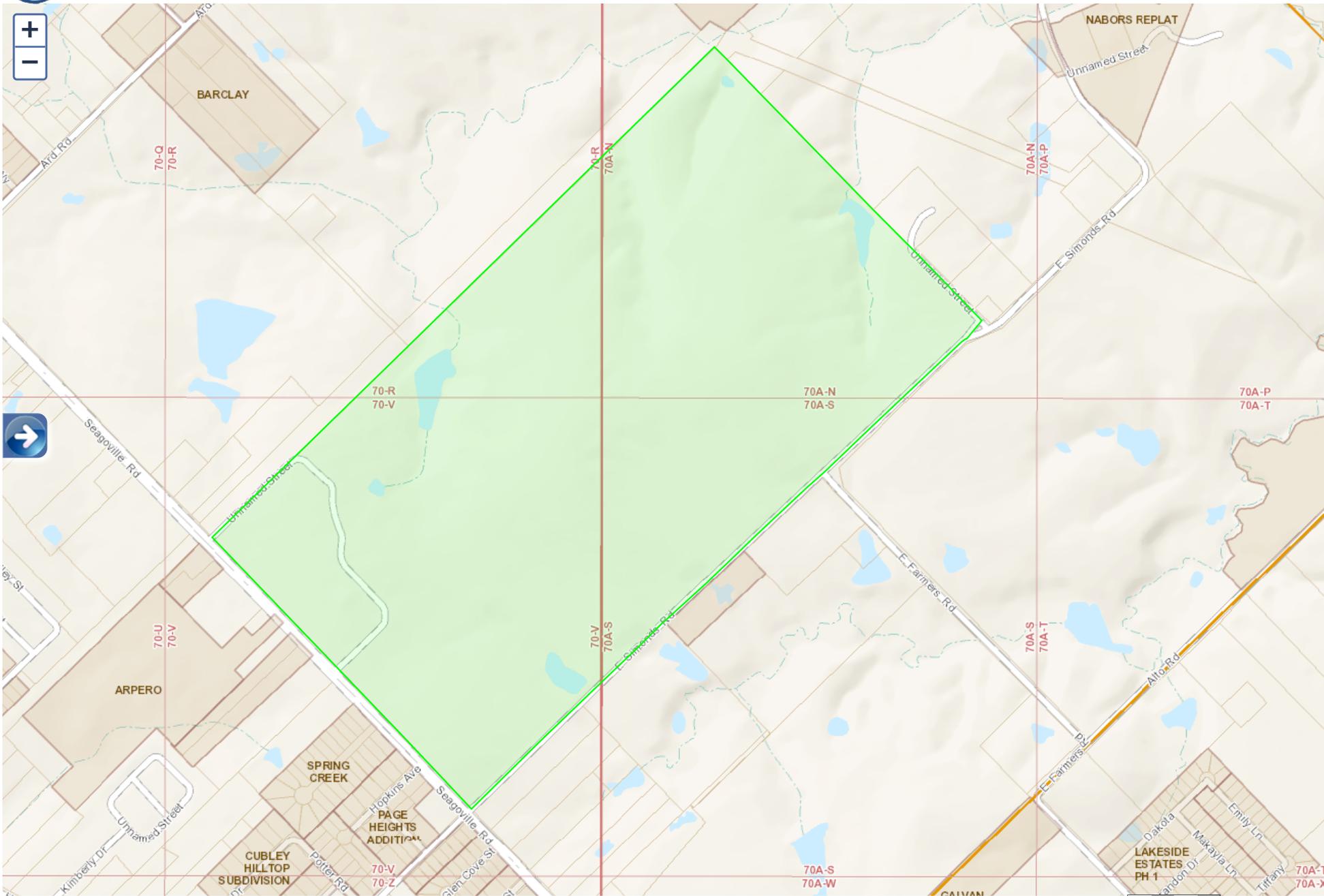
**STAFF REPORT
Z2019-20**

REVIEW CRITERIA	STAFF ANALYSIS	
16. Will the proposed landscaping and screening be compliant with all City regulations?	Yes	The development of the property by the City will meet all required codes and regulations.
17. Will the signage be compliant with those portions of the Municipal Code?	Yes	Signage for this site will be limited to those allowed by code. Signage is a separate review conducted by Staff.
18. Will all open space(s) be maintained by the owner/developer?	Yes	The City will be maintaining the property as its owner.
19. 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 fire station is being bid as a design-build project. As the property owner, the City will confirm that all building, development, zoning and other city codes and regulations will be met or exceeded.
20. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping?	No	As the property owner, the City will meet all required codes and regulations.
21. Have the provisions of the existing master thoroughfare plan been met to protect the public interest?	Yes	The quantities of right-of-way for both Simonds Road and Farmers Road have been platted to meet the current Seagoville Master Thoroughfare Plan.
22. 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 allows that most Public and Semi-Public uses (such as fire stations) are compatible with all land uses.
23. 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. If there was an active plan, a fire station at this site would be on the list.
24. 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 community facilities. Changing the zoning does not affect these chapters.
25. Have the provisions of any other adopted document for providing required necessary public facilities been met to protect the public interest?	Yes	Chapter 8 (Public Facilities) of the 2002 Comprehensive Plan addresses municipal facilities primarily. This fire station will be one of those necessary public facilities that area required as the City continues to grow.

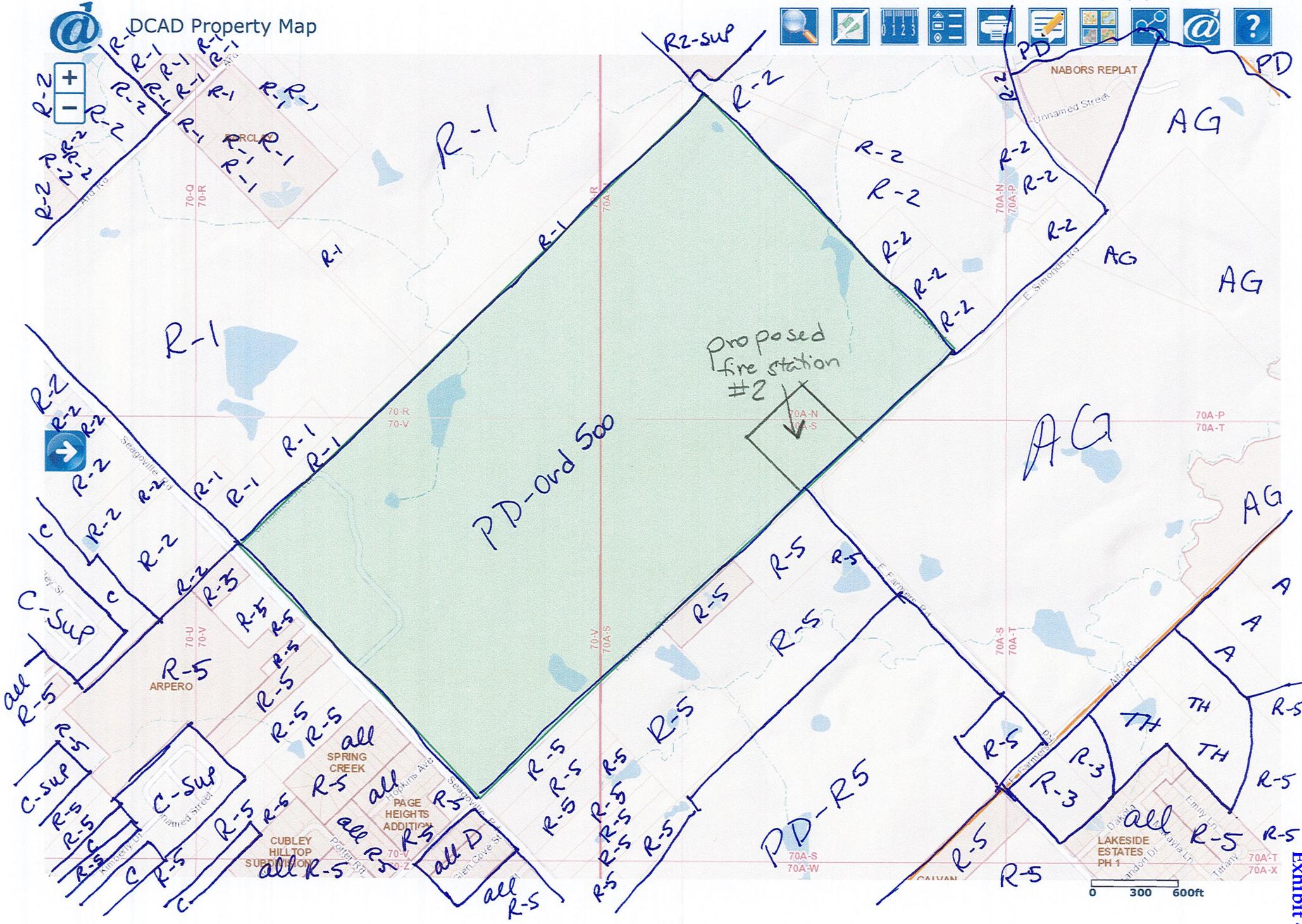
Public Comments Received: Besides the parcels in question, there are forty-four (44) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper. No (zero) letters have been returned with a response or as undeliverable by the U.S. Postal Service. No one from the public spoke for or against 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 Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service. One additional letter was returned in favor of the request. A phone call was also received on September 5 from one adjoining property owner in favor of the fire station.





0 300 600ft





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



BY: [Signature]

Name of Subdivision or Project: Fire Station #2

Physical Location of Property: Farmer's Road at Simonds 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): _____

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

Acreage: 5+ Existing Zoning: PD Requested Zoning: PD Amendment

[Attach a detailed description of requested zoning & development standards, if a PD]

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

Contact Person: Pat Stallings Title: City Manager

Company Name: City of Seagoville

Street/Mailing Address: 702 North Highway 175 City: Seagoville State: TX Zip: 75159

Phone: (972) 287-2050 Fax: () Email Address: pstallings@seagoville.us

Engineer / Representative's Name: _____

Contact Person: Alan LaFon Title: Project Manager

Company Name: Half Associates

Street/Mailing Address: 1201 North Bowser Rd. City: Richardson State: TX Zip: 75081

Phone: (214) 217-6404 Fax: () Email Address: alafon@half.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.)

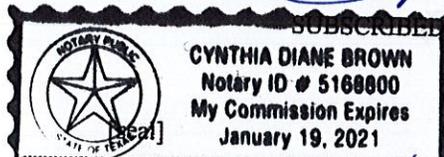
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that 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 to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the zoning application for a P&Z agenda.

Notice of Public Records. The submission of plans/drawings 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) 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: City manager Date: 7-2-2019



SUBSCRIBED AND SWORN TO before me, this the 2nd day of July, 2019.
[Month] [Year]
Notary Public in and for the State of Texas: Cynthia Diane Brown
My Commission Expires On: 01-19-2021

Office Use Only: Date Rec'd: 7/2/19 Fees Paid: \$ N/C Check #: N/A Receipt #: N/A
Zoning Case # 22019-20 Accepted By: [Signature] Official Submittal Date: 7/2/2019

LEGAL DESCRIPTION

BEING a 5.539 acre tract of land situated in the H. Hider Survey, Abstract No. 541 in the City of Seagoville, Dallas County, Texas, and being all of a called 5.539 acre tract of land described in Special Warranty Deed to City of Seagoville, as recorded in Instrument Number 201900058625 of the Official Public Records of the Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with cap stamped "RPLS 3963" for the east corner of a called 129.052 acre tract of land described in deed to Charlotte Lee Taylor, recorded in Instrument Number 20070095728, O.P.R.D.C.T., the north corner of a called 20 acre tract of land described as "Tract Two" in deed to Jose Huerta and wife, Sherry Ann Huerta, recorded in Volume 2001027, Page 4188 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.) and on the centerline of E. Simonds Road (a variable width right-of-way);

THENCE with the northwest line of said 20 acre tract, and the centerline of said E. Simonds Road, the following bearings and distances:

- South 45 degrees 13 minutes 25 seconds West, with the south line of said 129.052 acre tract, a distance of 713.17 feet to a point for corner;
- South 45 degrees 47 minutes 05 seconds West, with the south line of said 129.052 acre tract, a distance of 196.21 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the **POINT OF BEGINNING**, said corner being the east corner of said 5.539 acre tract;
- South 45 degrees 47 minutes 05 seconds West, with the south line of said 5.539 acre tract, a distance of 470.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 45 degrees 24 minutes 20 seconds West, departing the northwest line of said 20 acre tract, and said centerline, being the southwest line of said 5.539 acre tract, passing at a distance of 50.01 feet to a 5/8-inch found iron rod with cap stamped "RPLS 3963"; and continuing with said southwest line for a total distance of 513.51 feet to 5/8-inch found iron rod with cap stamped "RPLS 3963" for the west corner of said 5.539 acre tract;

THENCE North 45 degrees 47 minutes 02 seconds East, with the northwest line of said 5.539 acre tract, a distance of 470.00 feet to a 5/8-inch found iron rod with cap stamped "RPLS 3963" for the north corner of said 5.539 acre tract;

THENCE South 45 degrees 24 minutes 20 seconds East, with the northeast line of said 5.539 acre tract, passing at a distance of 50.01 feet, a 5/8-inch found iron rod with cap stamped "RPLS 3963", continuing with said southeast line, a total distance of 513.51 feet to the **POINT OF BEGINNING AND CONTAINING** 5.539 acres (241,298 square feet) of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS §
COUNTY OF DALLAS §

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That CITY OF SEAGOVILLE, a Texas home rule municipality and does hereby adopt this plat designating the herein described property as **SEAGOVILLE FIRE STATION NO. 2 PLAT**, an addition to the City of Seagoville, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences trees shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growth which in any way endanger or interfere with the construction, maintenance or efficiency of its respective right or ingress or egress to or from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right to ingress or egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility.) Water main and waste water easements shall also include additional areas of working space for construction and maintenance of the systems. Additional easements area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and waste water services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Seagoville, Texas.

WITNESS OUR HANDS, this the _____ day of _____, 2019.

City of Seagoville
a Texas home rule municipality
Its: Sole Member

Name: _____ Title: _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2019.

Notary Public in and for the State of Texas

GENERAL NOTES

- The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506.
- Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law and is subject to fines and withholding of utilities and building permits.
- The purpose of this plat is to create one lot from an unplatted tract.
- No lot to lot drainage will be permitted, without approval.
- FLOOD STATEMENT:** By graphical plotting the subject tract lies within Zone "X" (unshaded) on the Dallas County, Texas and Incorporate Areas, Flood Insurance Rate Map, Map Number 48113C0545K, Dated July 7, 2014, published by the Federal Emergency Management Agency. Zone "X" (unshaded) is defined as "Areas determined to be outside the 0.2% annual chance floodplain".
- The surveyor utilized the above referenced flood plain information for this determination and does not certify that revised flood plain information has or has not been published by the federal emergency management agency or some other source.

CITY APPROVAL OF CONSTRUCTION PLAT FINAL PLAT

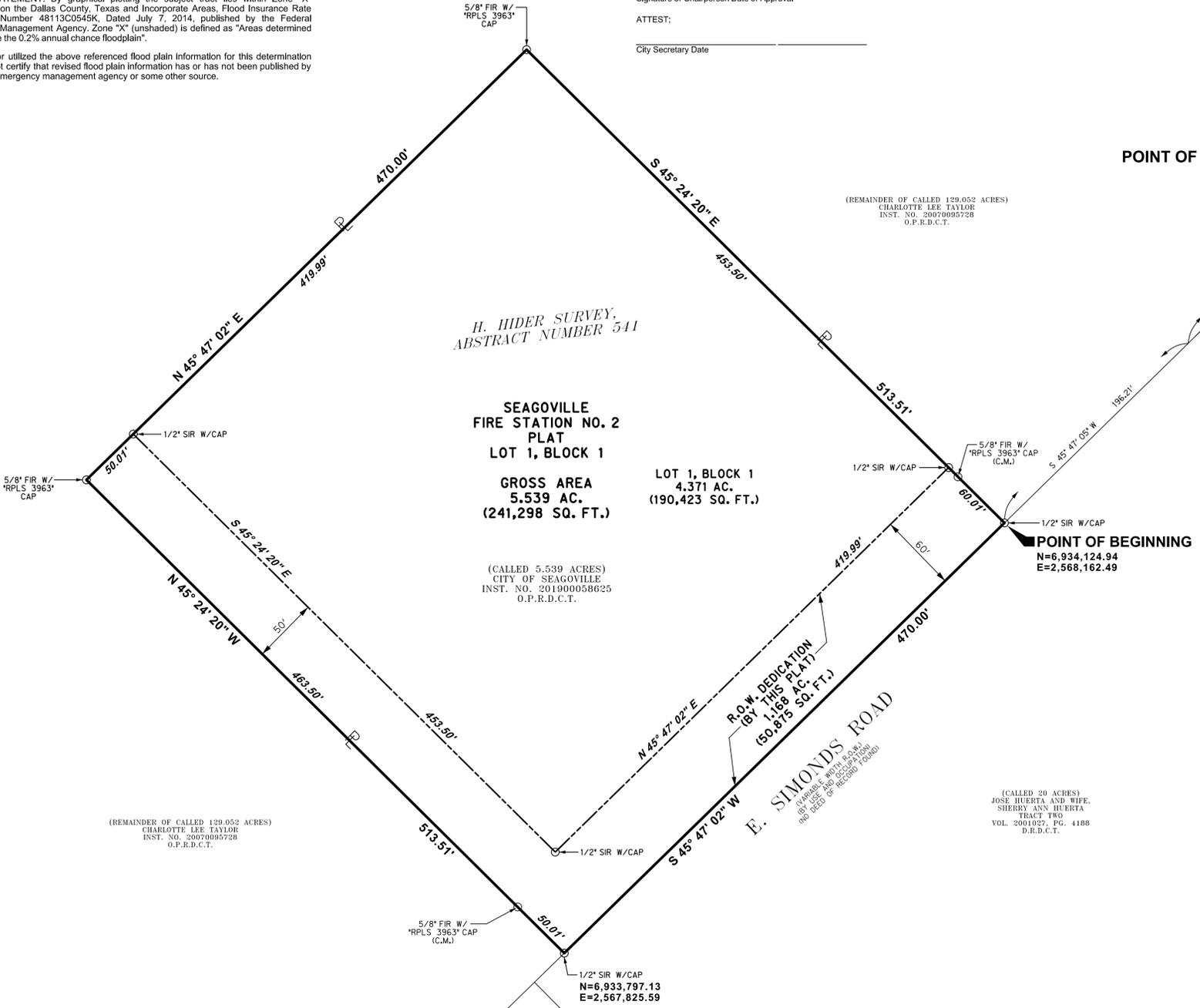
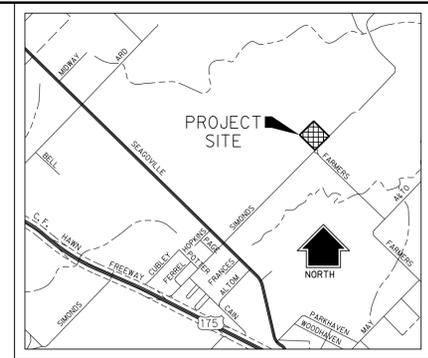
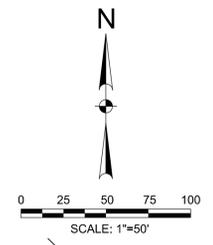
This property is located in the corporate limits of the City of Seagoville, Dallas County, Texas. Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat. Approved by the City of Seagoville for filing at the office of the County Clerk of Dallas County, Texas.

APPROVED BY: Community Development Director
City of Seagoville, Texas

Signature of Chairperson Date of Approval _____

ATTEST: _____

City Secretary Date _____



H. HIDER SURVEY,
ABSTRACT NUMBER 541

**SEAGOVILLE
FIRE STATION NO. 2
PLAT
LOT 1, BLOCK 1**
**GROSS AREA
5.539 AC.
(241,298 SQ. FT.)**

**LOT 1, BLOCK 1
4.371 AC.
(190,423 SQ. FT.)**

(CALLED 5.539 ACRES)
CITY OF SEAGOVILLE
INST. NO. 201900058625
O.P.R.D.C.T.

**R.O.W. DEDICATION
(BY THIS PLAT)
(50.875 SQ. FT.)**

E. SIMONDS ROAD
(IN WHOLE WITH BOUNDARY
BY USE AND OCCUPATION,
ING DEED OF RECORD FOUND)

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS: That I, Getsy J. Suthan, a Registered Professional Land Surveyor, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the City of Seagoville, Texas.

GETSY J. SUTHAN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6449
TBPLS FIRM NO. 10029600

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Getsy J. Suthan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public in and for the State of Texas

**FINAL PLAT
SEAGOVILLE FIRE STATION NO. 2 PLAT**
BEING A
5.539 ACRE TRACT
SITUATED IN THE
H. HIDER SURVEY, ABSTRACT NUMBER 541
CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS

FOR
CITY OF SEAGOVILLE
BY



TBPLS FIRM NO. 10029600
1201 NORTH BOWSER ROAD, RICHARDSON, TEXAS 75081
(214) 346-6200 SCALE: 1"=50' AVO: 35935 JULY, 2019

SURVEYOR
HALFF ASSOCIATES, INC.
1201 NORTH BOWSER ROAD
RICHARDSON, TX 75081
CONTACT: GETSY J. SUTHAN
EMAIL: gsuthan@halff.com
(214) 346-6200

OWNER/DEVELOPER
CITY OF SEAGOVILLE
702 N. HIGHWAY 75
SEAGOVILLE, TX 75159
PH: (972)-287-2050

LEGEND

FIR	FOUND IRON ROD
SIR	SET IRON ROD
W/CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFF"
R.O.W.	RIGHT OF WAY
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
C.M.	CONTROL MONUMENT
W/ CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFF"
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
○	NOT MONUMENTED (UNLESS NOTED)

8/5/2019 8:26:24 AM I:\35000s\35935\001\CADD\Sheets\1601-FP01-35935.dgn



August 9, 2019

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

via email:
notices@dailycommercialrecord.com

Daily Commercial Record
706 Main Street
Dallas, Texas 75202

Please publish the legal notice below in the August 13, 2019 issue of your newspaper. Please send the affidavit of publication to the ATTN: Kandi Jackson at the address above. If you need to contact Kandi, her office direct number is (972) 287-6819 and her email is citysecretary@seagoville.us Kandi's normal office hours are Monday through Friday from 8:00 AM to 5:00 PM.



**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-20**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, August 27, 2019, at 6:30 PM in the City Council Chambers of the Seagoville City Hall building at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend PD-Ord. 500 to PD-19-01-A1 (first amendment to the first plan development in 2019) to allow the construction of a fire station on approximately 5.5±acres (being part of unplatted Lot 26 of the Herman Heider Abstract) on the north side of East Simonds Road at its intersection with East Farmers Road. The site currently is zoned a Planned Development with a mixture of base zonings. The location of the proposed change is in area with a single family detached home base zoning.

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.

CITY OF SEAGOVILLE
Kandi Jackson
City Secretary



August 15, 2019

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

**NOTICE OF PUBLIC HEARING
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As an adjoining property owner, this is the first opportunity to voice your opinion about this project for the record. The second opportunity will be at the public hearing listed above. There will also be a public hearing held in front of City Council, but that meeting date has not yet been set.

*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 Z2019-20 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____

Printed Name(s): _____

Address: _____

City, State & Zip code: _____

Phone Number: _____



August 15, 2019

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

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ZONING CASE Z2019-20

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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 Z2019-20 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): Malcolm Thomas, Evelyn Thomas
Printed Name(s): MALCOLM AND EVELYN THOMAS
Address: 910 E. SIMONDS RD
City, State & Zip code: SEAGOVILLE TX 75159
Phone Number: (214) 431-8286 or (972) 974-6217

RECEIVED
AUG 28 2019
BY: gjb

AUGUST 15, 2019
1

Property Owner List for Fire Station 2
ZONING REQUEST Z2019-20: Amend PD-Ord 500

Exhibit 8

Mailed out a total of 44 certified letters on Friday, August 16, 2019, before 5:00 PM

Subject or adjoiner?	Site Address	DCAD acc't	Owner	Mailing Address 1	Address 2	City	State	Zip
Subject	2401 Simonds Road	65054142510260000	Charlotte Taylor	2414 Seagoville Road		Seagoville	TX	75159
Adjoiner	1509 East Simonds Road	65054142510280000	Estate of Billie A. Ogletree	1509 East Simonds Road		Seagoville	TX	75159
Adjoiner	1515 East Simonds Road	65054142510280100	B. R. Ogletree	1515 East Simonds Road		Seagoville	TX	75159
Adjoiner	1505 East Simonds Road	65054142510280200	Rocky B. and Terry L. Ogletree	1505 East Simonds Road		Seagoville	TX	75159
Adjoiner	1501 East Simonds Road	65054142510320000	J. R. & Barbara Yarborough	1501 East Simonds Road		Seagoville	TX	75159
Adjoiner	2301 Simonds Road	65054142510080100	Dennis & Janis Wolford	P. O. Box 360217		Dallas	TX	75336
Adjoiner	2219 Simonds Road	65054142510150100	Dennis & Janis Wolford	P. O. Box 360217		Dallas	TX	75336
Adjoiner	2211 Simonds Road	65054142518000000	Texas Utilities Electric Co.	State & Local Tax Dept.	P. O. Box 139100	Dallas	TX	75313
Adjoiner	2500 Seagoville Road	65054142018000000	Texas Utilities Electric Co.	State & Local Tax Dept.	P. O. Box 139100	Dallas	TX	75313
Adjoiner	100 Stark Road	65054142010030000	Judith M. & Kirby C. Smith	6800 Del Norte Lane	Apartment 245	Dallas	TX	75225
Adjoiner	930 Ard Road	65054142010040000	Pablo Olmos Escutchion Homes	6550 Overlook Drive		Dallas	TX	75227
Adjoiner	2518 Seagoville Road	65054143010020000	D J B Prodigy Investments	Attn: Bharat Suvagia	6028 Toledo Street	Plano	TX	75094
Adjoiner	2500 East Seagoville Road	65054143010070000	Craig E. Waggoner Trustees	2500 Seagoville Road		Seagoville	TX	75159
Adjoiner	2502 Seagoville Road	65054143010090000	Donald W. & Ardell K. Taylor	2502 Seagoville Road		Seagoville	TX	75159
Adjoiner	2505 East Seagoville Road	65054144010140000	Isamel & Luis Arpero	2509 Laurel Street		Grand Prairie	TX	75050
Adjoiner	2420 North Highway 175	65054144018000000	Texas Utilities Electric Co.	State & Local Tax Dept.	P. O. Box 139100	Dallas	TX	75313
Adjoiner	2421 Seagoville Road	50014630000020000	Martin Balderas-Salazar	2421 Seagoville Road		Seagoville	TX	75159
Adjoiner	2419 - 1/2 Seagoville Road	50014630000010000	Roberto M. Moasterio	2419 - 1/2 Seagoville Road		Seagoville	TX	75159
Adjoiner	2419 Seagoville Road	65054146510030000	Beverly Bode	2419 Seagoville Road		Seagoville	TX	75159
Adjoiner	2411 Seagoville Road	65054146510040000	O. H. Floyd	c/o Nova Kirby	P. O. Boc 696	Seagoville	TX	75159
Adjoiner	2415 Seagoville Road	500016700A0010000	Isamel Arpero	6039 Verde Way		Dallas	TX	75211
Adjoiner	2407 Seagoville Road	65054146510300000	Sandy G. Paschall & Unmarr Reynolds & Constance W. Reynolds	2407 Seagoville Road		Seagoville	TX	75159
Adjoiner	2405 East Seagoville Road	50012600000020000	Jose Tamez	2405 - 1/2 Seagoville Road		Seagoville	TX	75159
Adjoiner	2405 East Seagoville Road	50012600000010000	Rodolfo Tamez	2405 Seagoville Road		Seagoville	TX	75159
Adjoiner	2403 East Seagoville Road	65054146510080000	Gay L. Bingham	2403 Seagoville Road		Seagoville	TX	75159
Adjoiner	2401 Seagoville Road	65054146510260000	Sandra Lee Waggoner	2401 Seagoville Road		Seagoville	TX	75159
Adjoiner	505 Sunrise Circle	50049570000250000	Caroline Delgado	505 Sunrise Circle		Seagoville	TX	75159

Exhibit 8

**Property Owner List for Fire Station 2
ZONING REQUEST Z2019-20: Amend PD-Ord 500**

Exhibit 8

Mailed out a total of 44 certified letters on Friday, August 16, 2019, before 5:00 PM

Subject or adjoiner?	Site Address	DCAD acc't	Owner	Mailing Address 1	Address 2	City	State	Zip
Adjoiner	507 Sunrise Circle	50049570000260000	Raul A. Carreno	507 Sunrise Circle		Seagoville	TX	75159
Adjoiner	506 Sunrise Circle	50049570000010000	Rhonda K. Hawkins	506 Sunrise Circle		Seagoville	TX	75159
Adjoiner	504 Sunrise Circle	50049570000020000	Homero Tapia-Sanchez & Alicia M. Chavez	504 Sunrise Circle		Seagoville	TX	75159
Adjoiner	505 Hopkins Avenue	50031500020080000	Adrian & Araceli S. Gutierrez	505 Hopkins Avenue		Seagoville	TX	75159
Adjoiner	507 Hopkins Avenue	50031500020070000	Doyle E. & Kay L. Grindelle	507 Hopkins Avenue		Seagoville	TX	75159
Adjoiner	2211 East Seagoville Road	50031500010060000	Debra & Lloyd R. Chambers	2211 Seagoville Road		Seagoville	TX	75159
Adjoiner	2209 East Seagoville Road	50031500010070000	Alfredo V. Mendez	9979 Marsh Lane		Dallas	TX	75220
Adjoiner	2201 East Seagoville Road	65054146510290000	Dan J. & Carlotta D. DiMarco	2201 Seagoville Road		Seagoville	TX	75159
Adjoiner	512 Simonds Road	50015300000080000	Charles C. & Larry Davis	4023 Fairlakes Drive		Dallas	TX	75228
Adjoiner	518 Simonds Road	50015300000090000	Equity Trust Co.	4023 Fairlakes Drive		Dallas	TX	75228
Adjoiner	533 Glen Cove Street	50014650000010000	Alain Dermarkar	8351 Santa Clara Drive		Dallas	TX	75218
Adjoiner	2040 Seagoville Road	65054148010020000	Jerry & Joyce Yearout	710 East Simonds Road		Seagoville	TX	75159
Adjoiner	2060 Seagoville Road	65054148010010000	Jerome F. & Joyce S. Yearout	710 East Simonds Road		Seagoville	TX	75159
Adjoiner	710 East Simonds Road	65054148010090000	Jerome F. & Joyce S. Yearout	710 East Simonds Road		Seagoville	TX	75159
Adjoiner	810 East Simonds Road	65054142510010000	Karen Joffrion	c/o Weil Gotchal & Manges LLC	200 Crescent Court; Suite 300	Dallas	TX	75201
Adjoiner	910 East Simonds Road	65054142510240000	Evelyn & Malcom Thomas, Jr.	910 East Simonds Road		Seagoville	TX	75159
Adjoiner	1900 East Farmers Road	65054142510050000	Jose & Sherry A. Huerta	1900 East Farmers Road		Seagoville	TX	75159
Adjoiner								

Exhibit 8

ORDINANCE NO. 500

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SEAGOVILLE, AS HERETOFORE AMENDED, SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A ZONING CHANGE TO "PD" PLANNED DEVELOPMENT DISTRICT FOR LOCAL RETAIL SHOPPING CENTER AND HOUSING DEVELOPMENT WITH APARTMENT, DUPLEX AND SINGLE FAMILY USES; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR DEVELOPMENT IN ACCORDANCE WITH EXHIBIT A, PRELIMINARY SITE PLAN; PROVIDING FOR THE FILING OF A COMPREHENSIVE SITE PLAN OF THE DEVELOPMENT TO BE APPROVED BY THE CITY COUNCIL AND FILED AS A PART OF THE ORDINANCE; SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO-WIT:

Being a tract of land out of the Herman Heider Survey, Abstract No. 541, Dallas County, Texas and being more particularly described as follows:

Beginning at the point of intersection of the centerline of the Old Seagoville Road and the centerline of Simonds Road;

Thence North 45° 00' West along said centerline of Old Seagoville Road, a distance of 2447.17 feet to a point for corner;

Thence North 44° 46' 20" East departing said centerline, a distance of 4613.55 feet to a point for corner;

Thence South 45° 14' 03" East, a distance of 2494.72 feet to a point for a corner, said point lying on the centerline of Simonds Road;

Thence South 45° 90' 14" West along said centerline of Simonds Road, a distance of 713.17 feet to an angle point;

Thence South 45° 42' 54" West, continuing along said centerline, a distance of 2002.20 feet to an angle point;

Thence South 45° 04' 22" West, a distance of 1908.5 feet to the Point of Beginning and Containing 261.630 acres;

PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Seagoville, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, has determined that the Comprehensive Zoning Ordinance 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 of the City of Seagoville, Texas, be, and the same is hereby amended, by amending the official Zoning Map of the City of Seagoville so as to give the following described property zoning change classification to "PD" Planned Development District No. _____ for a local retail shopping center on tracts of three or more acres and for a housing development on tracts of three or more acres for apartment, duplex and single family residential uses. That the property subject to said Planned Development District regulations is described as follows, to-wit:

Being a tract of land out of the Herman Heider Survey, Abstract No. 541, Dallas County, Texas and being more particularly described as follows:

Beginning at the point of intersection of the centerline of the Old Seagoville Road and the centerline of Simonds Road;

Thence North $45^{\circ} 00'$ West along said centerline of Old Seagoville Road, a distance of 2447.17 feet to a point for a corner;

Thence North $44^{\circ} 46' 20''$ East departing said centerline, a distance of 4613.55 feet to a point for a corner;

Thence South $45^{\circ} 14' 03''$ East, a distance of 2494.72 feet to a point for a corner, said point lying on the centerline of Simonds Road;

Thence South $45^{\circ} 04' 14''$ West along said centerline of Simonds Road, a distance of 713.17 feet to an angle point;

Thence South $45^{\circ} 42' 54''$ West, continuing along said centerline, a distance of 2002.20 feet to an angle point;

Thence South $45^{\circ} 04' 22''$ West, a distance of 1908.5 feet to the Point of Beginning and containing 261.630 acres.

SECTION 2. That attached to and marked Exhibit "A" is a Preliminary Site Plan showing the location of the respective uses to be authorized for said tracts. That Tracts 1, 2 and 3 may be used for Local Retail Shopping Center, that Tract 4 may be used for Apartments, that Tract 5 may be used for Duplexes, that Tract 6 may be used for Single Family Residential uses, and Tract 7 may be used for Single Family Residential uses with a minimum house size of 1200 square feet, with all such uses subject to conditions hereafter stated.

Exhibit 9

SECTION 3. That the above described property shall be used only in the manner and for the uses provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and as amended herein by the granting of this zoning change, subject to the following special conditions:

(a) That the development of said tracts shall be for the uses shown on the Preliminary Site Plan, Exhibit "A", attached hereto.

(b) Prior to the issuance of any building permit in the Planned Development District, a Comprehensive Site Plan of the development shall be filed with and approved by the City Council, and when approved shall become a part of this ordinance. Such required site plan shall set forth the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the thoroughfare plan of the City of Seagoville, sidewalks, utilities, drainage, parking space, height of building, maximum lot and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.

(c) That Tract 7, consisting of 29.2 plus or minus acres, as shown on the Preliminary Site Plan, shall be deed restricted to 1200 square feet minimum living area of each dwelling, with each house having a minimum one-car attached garage.

(d) The developer/builder shall provide four (4) foot concrete sidewalks adjacent to the curb on Farmers Road and on those lots which side on Simonds Road. The developer/builder will provide three (3) foot concrete walks adjacent to the curb on all other streets within the proposed subdivision. Such sidewalks shall be installed in accordance with City of Seagoville specifications of April, 1977.

(e) That there shall be no minimum required front line width or lot depth for residential lots if the residential lot contains a minimum of 7200 square feet.

(f) Single family residential dwellings to be located in Tract 6 shall contain not less than 900 square feet of living area, plus a one-car attached garage.

(g) The sum of all outside perimeter walls below the first floor plate line, excluding doors and windows, shall be constructed of 50% brick, stone, concrete block,

or other characteristics in accordance with the City of Seagoville Building Code and Fire Prevention Code. This condition shall apply to all single family detached dwellings, all duplex dwellings and for all apartment dwellings.

(h) That the minimum living area for apartments shall be as follows, to wit: For one bedroom, 550 square feet; for two bedroom apartment, 650 square feet; for a three bedroom apartment, 800 square feet.

(i) Streets within said Planned Development District may be constructed with mountable curbs and such streets may be constructed of asphalt. Such curbs and streets shall be constructed according to City of Seagoville specifications of April, 1977.

(j) That alleys shall not be required within said Planned Development District.

(k) Screening to be approved by the City Council shall be required only along Old Seagoville Road as per planted screen standard specification of April, 1976.

(l) The City of Seagoville, in accordance with its normal policy, will participate with the developer in the cost of all water and sewer lines in excess of eight (8) inches in diameter.

(m) Houses may be constructed before the street is completed, however, a certificate of occupancy will not be issued for any improvement until the street upon which the improvement is located shall have been completed and accepted by the City.

(n) The extension of Farmers Road shall be constructed as a 36-foot collector street with a 60-foot right-of-way, in accordance with City of Seagoville specifications of April, 1977.

(o) The developer/builder of the retail and/or apartment zoning will construct a Type "D" urban thoroughfare (Simonds Road) forty-eight (48) feet in width with a dedicated sixty five (65) foot right-of-way at the time the property is developed. The developer/builder will only construct that new portion of Simonds Road which transverses the Planned District Development from Old Seagoville Road to the existing Simonds Road. Construction will be in conformance to the City of Seagoville April, 1977 specifications. All costs for paving streets in excess of thirty-six (36) feet in width will be borne by the City of Seagoville, provided funds are available at the time the said streets are constructed.

Exhibit 9

(p) The developer and/or builder shall dedicate a maximum of fifteen (15) feet, over and above the existing right-of-way, for the future widening of Simonds Road without charge to the City of Seagoville, Texas. This land will be dedicated as the plat of each individual phase which abuts Simonds Road is filed for record with the County of Dallas. However, the developer and/or builder of the Subject property will not be required to participate in the costs of paving existing Simonds Road.

(q) The developer/builder shall have no responsibility for expense nor development of Old Seagoville Road. The developer/builder will dedicate, at no cost to the City of Seagoville nor the County of Dallas, a maximum of twenty (20) feet of right-of-way for the widening of Old Seagoville Road, provided that there is no paving assessment or charges of any kind levied against the developer/builder for the improvement of Old Seagoville Road. The developer/builder shall provide the dedication upon being requested by the County of Dallas and upon being shown paving and drainage plans for his approval, which approval shall not be unreasonably withheld. However, said approval will be contingent upon the implementation of left turn lanes, median cuts, etc. necessary for ingress and egress to the development and which are acceptable to the developer/builder.

(r) The developer/builder shall conform to the City of Seagoville water, sanitary sewer, storm sewer and other utility specifications as stipulated in April, 1977, except:

- (1) The sanitary sewer lines shall be located in the streets rather than outside the curb and gutter.

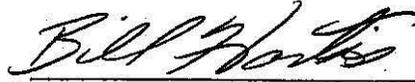
SECTION 4. That all ordinances of the City of Seagoville in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating any of the provisions of this ordinance, or of the requirements of the final site plan adopted by the City Council pursuant hereto, shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, and upon conviction in the Municipal Court of the City of Seagoville, shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day said offense shall continue 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 of said ordinances, as the law in such cases provides.

DULY PASSED by the City Council of the City of Seagoville, Texas
on the 5th. day of August, 1980.

APPROVED:



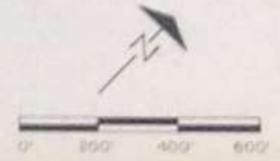
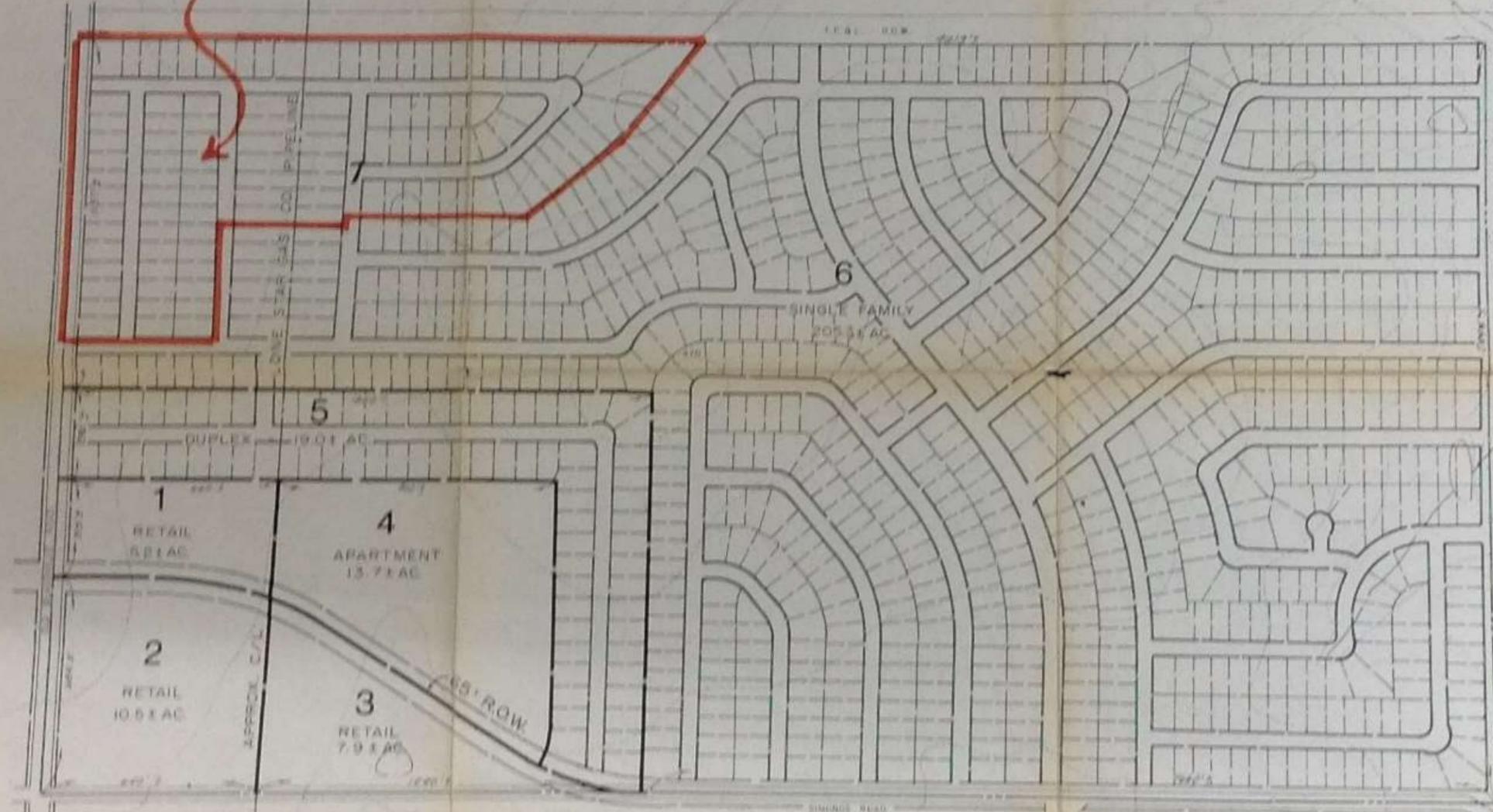
BILL HARTIS, Mayor Pro Tem

ATTEST:



SHERRY KOLESZAR, City Secretary

1200 S.F. MIN.
HOUSE SIZE
29.2± ACRES



ZONING REQUEST

TRACT	AC ±	LAND USE
1	5.2	RETAIL
2	10.5	RETAIL
3	7.9	RETAIL
4	13.7	APT.
5	19.0	DUPLEX
6	205.3	SINGLE FAM.

TOTAL 261.6 ± AC.

814 S.F. LOTS (typ. 60'x120')
73 DUP. LOTS (typ. 70'x120')

PLANNED DEVELOPMENT · SEAGOVILLE, TEXAS

PULTE HOME CORP. — TEXAS DIVISION
510 UNIVERSITY VILLAGE, RICHARDSON, TEXAS

J.T. DUNKIN & ASSOCIATES
URBAN PLANNERS · LANDSCAPE ARCHITECTS

EXHIBIT 4 · PRELIMINARY SITE PLAN

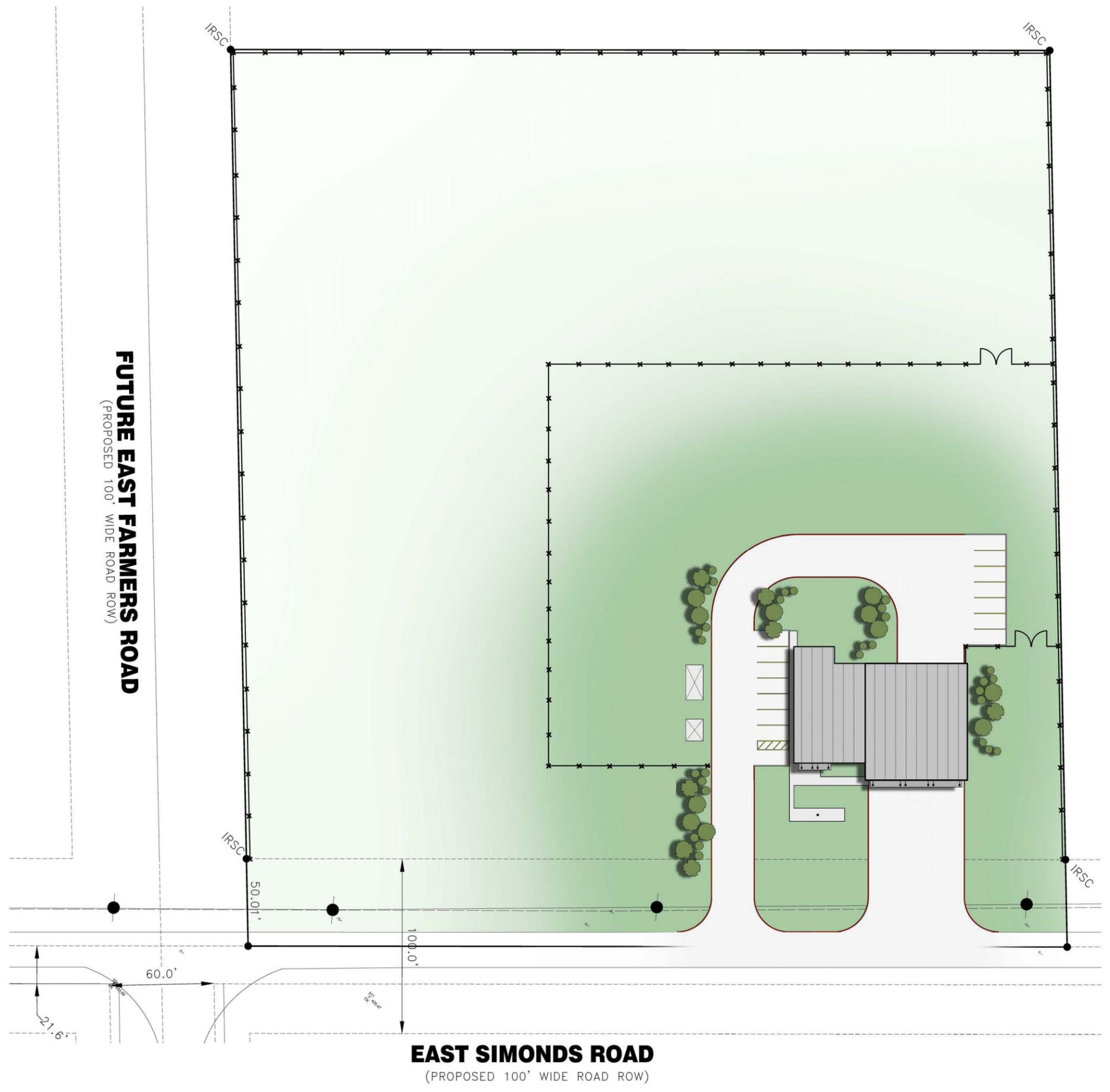
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DATE: 4/11/80





2



FUTURE EAST FARMERS ROAD
(PROPOSED 100' WIDE ROAD ROW)

EAST SIMONDS ROAD
(PROPOSED 100' WIDE ROAD ROW)

IRSC

IRSC

IRSC

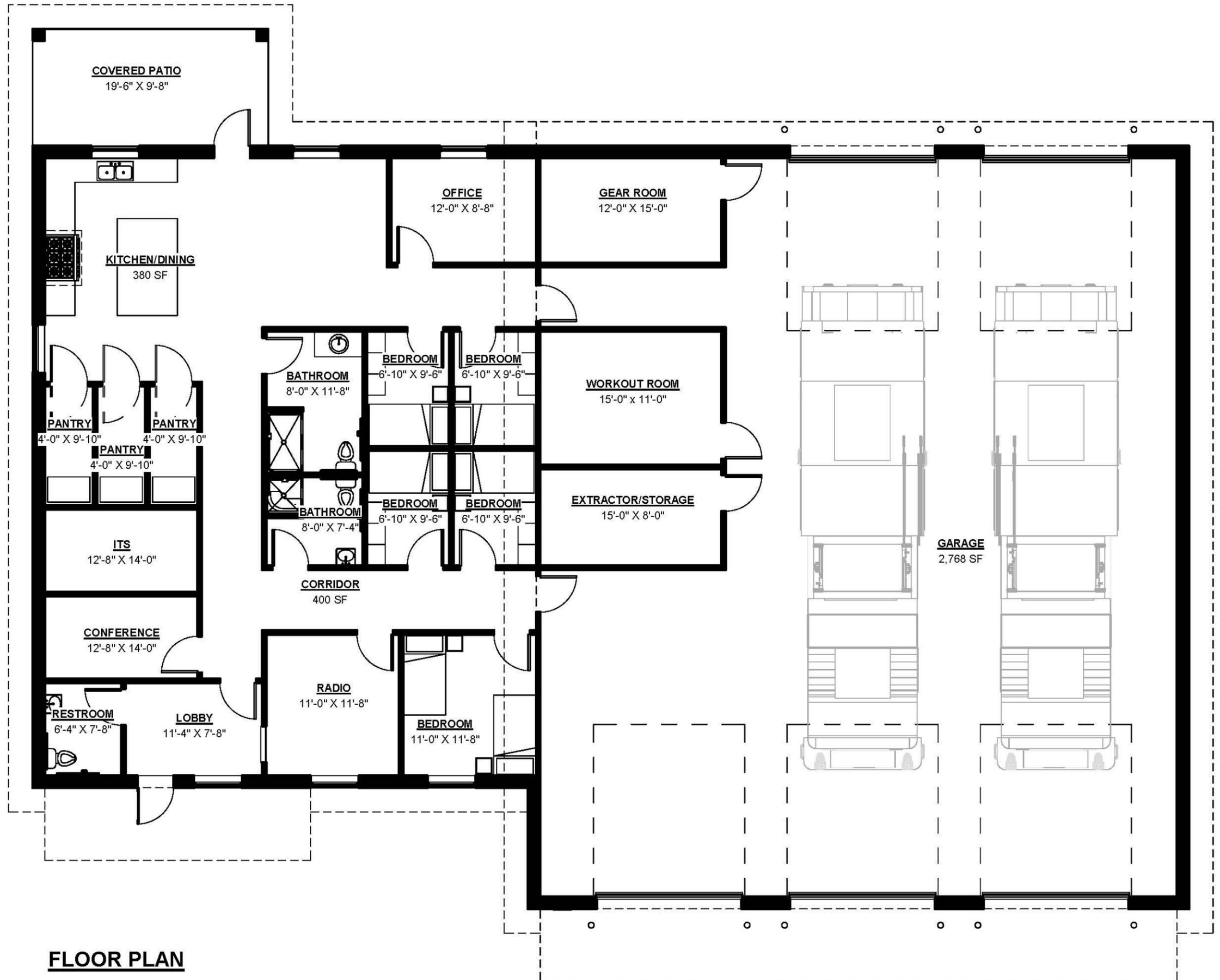
IRSC

50.01'

100.0'

60.0'

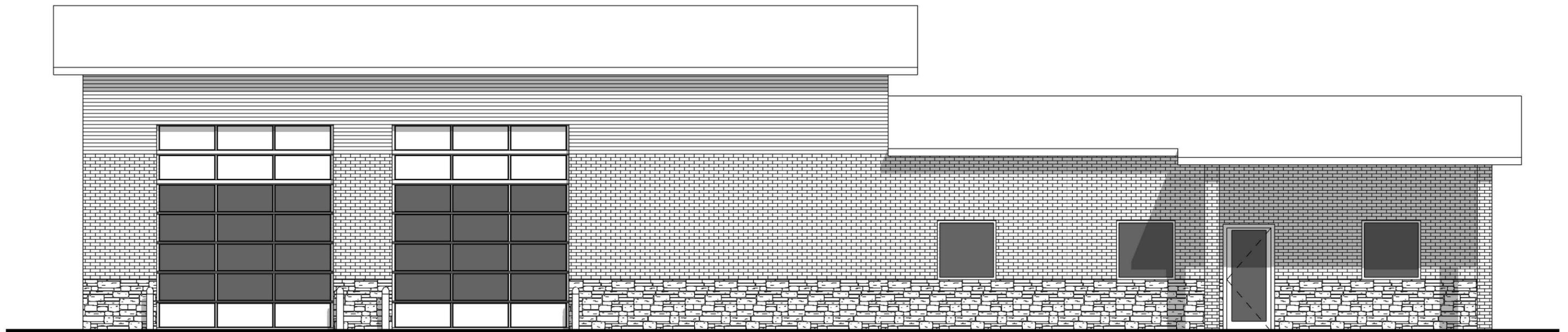
21.0'



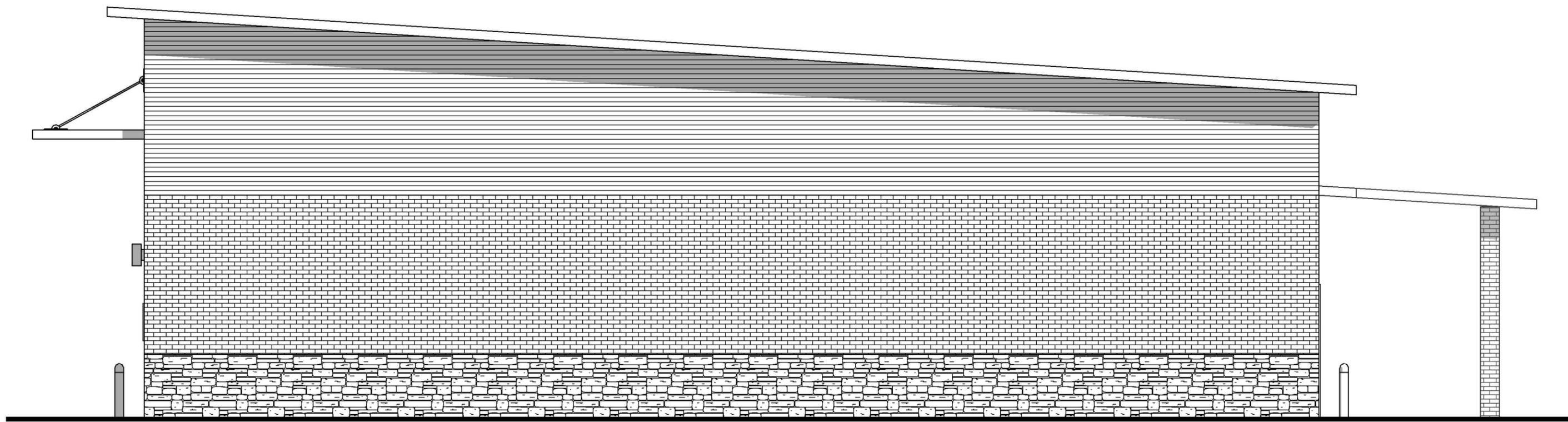
FLOOR PLAN



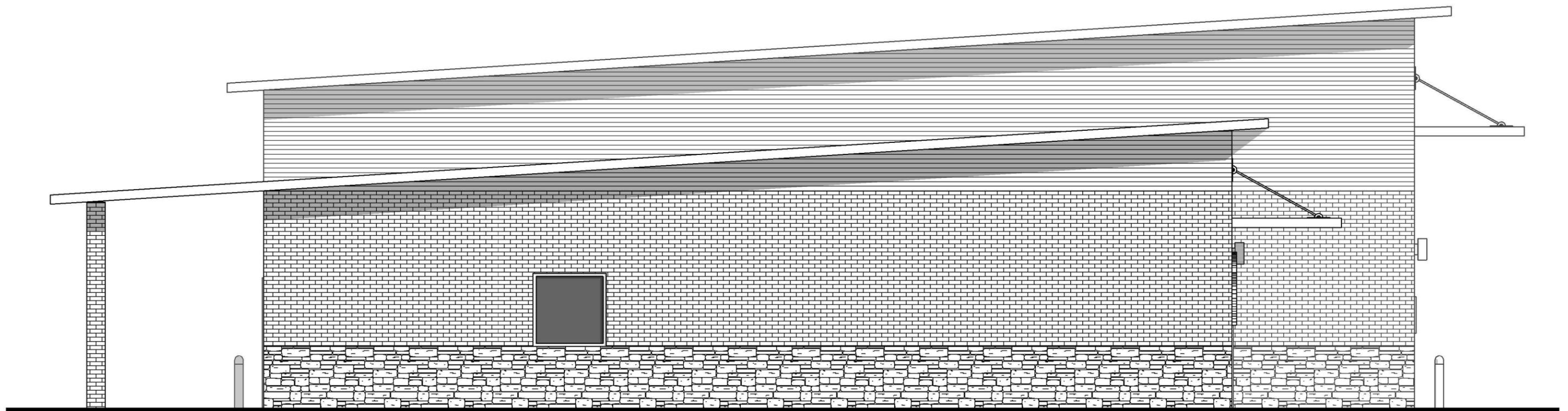
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

Regular Session Agenda Item: 5

Meeting Date: September 16, 2019

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, 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-Ord 500 (PD-Ord 500) to Planned Development-19-01 Amended (PD-19-01A1) to provide for the construction of fire station on approximately 5.5±acres located on the north side of East Simonds Road at its intersection with East Farmers Road, Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”, attached hereto and incorporated herein; providing for amended development regulations; 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 unimproved and is located on the north side of East Simonds Road at its intersection with East Farmers Road.

The property is zoned PD, a planned development with a mixture of base zonings, and has been since the creation of the PD by Ordinance 500 in August 1980.

The city has purchased the property for a second fire station at this location. 60-feet of right-of-way has been dedicated for East Simonds Road. 50-feet of right-of-way has been dedicated for a future extension of East Farmers Road. The property – after right-of-way was dedicated – is approximately 4.3-acres in size.

The City, as the property owner, is requesting an amendment to the concept plan for the PD. The current concept plan calls for this area within the PD to be detached, single family residential housing. For a fire station to be construction, the concept plan needs to be amended to reflect a fire station at this location. The proposed design places the new fire station on the north end of the property as it faces East Simonds Road. Pavement improvements for both Simonds Road and Farmers Road will happen when the rest of PD-Ord 500 develops.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

Besides the parcel in question, there are forty-three (43) properties, and two (2) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified about the public hearing at the Planning and Zoning Commission meeting in compliance with the 200-foot rule by mail on Friday, August 16, 2019. A legal ad was published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper about the public hearing at the Planning and Zoning Commission meeting. No (zero) letters have been returned with a response or as undeliverable by the U.S. Postal Service. No one from the public spoke for or against 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 Wednesday, August 28, 2019. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. As of the date of this report, September 5, 2019, no (zero) additional letters have been returned as undeliverable by the U.S. Postal Service. One additional letter was returned in favor of the request. A phone call was also received on September 5 from one adjoining property owner in favor of the fire station.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending PD-Ord 500 to PD-19-01-A1 (first amendment to the first plan development in 2019) to allow the construction of a fire station on approximately 5.5± acres (being part of Tract 26 of the Herman Heider Abstract) on the north side of East Simonds Road at its intersection with East Farmers Road.

Staff also supports the requested change.

EXHIBIT:

Ordinance (4 pages)

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-ORD 500 (PD-ORD 500) TO PLANNED DEVELOPMENT-19-01 AMENDED (PD-19-01A1) TO PROVIDE FOR THE CONSTRUCTION OF FIRE STATION ON APPROXIMATELY 5.5± ACRES LOCATED ON THE NORTH SIDE OF EAST SIMONDS ROAD AT ITS INTERSECTION WITH EAST FARMERS ROAD, SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED AND DEPICTED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR AMENDED DEVELOPMENT REGULATIONS; 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. Z2019-20 (PD 19-01A1) 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. Z2019-20 (PD 19-01A1) 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-Ord 500 (PD-Ord 500) to Planned Development-19-01 Amended (PD-19-01A1) to provide for the construction of fire station on approximately 5.5± acres located on the north side of East Simonds Road at its intersection with East Farmers Road, Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”.

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

- A. That the property shall be used only for the construction of a fire station and/or any other governmental building and use; and
- B. That the property shall be developed in accordance with the approved concept plan.

SECTION 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 16th day of September, 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 09.04.2019)

LEGAL DESCRIPTION

BEING 5.539 acre tract of land situated in the H. Hider Survey, Abstract No. 541 in the City of Seagoville, Dallas County, Texas, and being part of a called 5.539 acre tract of land described in Special Warranty Deed to City of Seagoville, as recorded in Instrument Number 201900058625 of the Official Public Records of the Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with cap stamped "RPLS 3963" for the east corner of a called 129.052 acre tract of land described in deed to Charlotte Lee Taylor, recorded in Instrument Number 2007095728, O.P.R.D.C.T., the north corner of a called 20 acre tract of land described as "Tract Two" in deed to Jose Huerta and wife, Sherry Ann Huerta, recorded in Volume 2001027, Page 4168 of the Deed Records of Dallas County, Texas, (O.P.R.D.C.T.) and on the centerline of E. Simonds Road (a variable width right-of-way);

THENCE with the northwest line of said 20 acre tract, and the centerline of said E. Simonds Road, the following bearings and distances:

South 45 degrees 13 minutes 25 seconds West, with the south line of said 129.052 acre tract, a distance of 713.17 feet to a point for corner;

South 45 degrees 47 minutes 05 seconds West, with the south line of said 129.052 acre tract, a distance of 192.21 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFP" (hereinafter referred to as "with cap") for the POINT OF BEGINNING, said corner being the east corner of said 5.539 acre tract;

South 45 degrees 47 minutes 05 seconds West, with the south line of said 5.539 acre tract, a distance of 470.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 45 degrees 24 minutes 20 seconds West, separating the northwest line of said 20 acre tract, and said centerline, being the southwest line of said 5.539 acre tract, passing at a distance of 50.01 feet to a 5/8-inch found iron rod with cap stamped "RPLS 3963", and continuing with said southwest line for a total distance of 513.51 feet to a 5/8-inch found iron rod with cap stamped "RPLS 3963" for the west corner of said 5.539 acre tract;

THENCE North 45 degrees 47 minutes 05 seconds East, with the northwest line of said 5.539 acre tract, a distance of 470.00 feet to a 5/8-inch found iron rod with cap stamped "RPLS 3963" for the north corner of said 5.539 acre tract;

THENCE South 45 degrees 24 minutes 20 seconds East, with the northwest line of said 5.539 acre tract, passing at a distance of 50.01 feet, a 5/8-inch found iron rod with cap stamped "RPLS 3963" continuing with said southwest line, a total distance of 513.51 feet to the POINT OF BEGINNING AND CONTAINING 5.539 acres (511.268 square feet) of land, more or less.

OWNERS DEDICATION

STATE OF TEXAS
COUNTY OF DALLAS

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That CITY OF SEAGOVILLE, a Texas home rule municipality and does hereby adopt this plat designating the herein described property as SEAGOVILLE FIRE STATION NO. 2 PLAT, in addition to the City of Seagoville, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets shown hereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire line easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growth shall be constructed, reconstructed or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growth which in any way endanger or interfere with the construction, maintenance or efficiency of its respective right of ingress or egress to or from and upon the said easement for the purpose of constructing, reconstructing, inspecting, painting, maintaining and adding to or removing all or parts of its respective systems without the necessity of any form of procuring the permission of anyone. Any public utility shall have the right to ingress or egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility. Water main and waste water easements shall also include additional areas of working space for construction and maintenance of the systems. Additional easements are also conveyed for installation and maintenance of trasholes, cleanouts, fire hydrants, water services and waste water services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all existing ordinances, rules, regulations and resolutions of the City of Seagoville, Texas.

WITNESS OUR HANDS, this the _____ day of _____, 2019.

City of Seagoville
a Texas home rule municipality
by: Cole Morner

Name: _____ Title: _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2019.

Notary Public in and for the State of Texas

- GENERAL NOTES**
- The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4002. All distances are surface distances, Surface Adjustment Scale Factor: 1.000136655.
 - Selling a portion of this addition by notes and bounds is a violation of City ordinance and State law and is subject to fines and penalties of utility and building permits.
 - The purpose of this plat is to create one lot from an unplatted tract.
 - No lot to lot drainage will be permitted, without approval.
 - FLOOD STATEMENT:** By graphical plotting the subject tract lies within Zone "X" (unshaded) on the Dallas County, Texas and Incorporated Areas, Flood Insurance Rate Map, Map Number 48113C04045, Dated July 7, 2014, published by the Federal Emergency Management Agency, Zone "X" (unshaded) is defined as "Areas determined to be outside the 1% annual chance floodplain".
 - The surveyor utilized the above referenced flood plain information for this determination and does not certify that revised flood plain information has or has not been published by the federal emergency management agency or some other source.

CITY APPROVAL OF CONSTRUCTION PLAT
FINAL PLAT

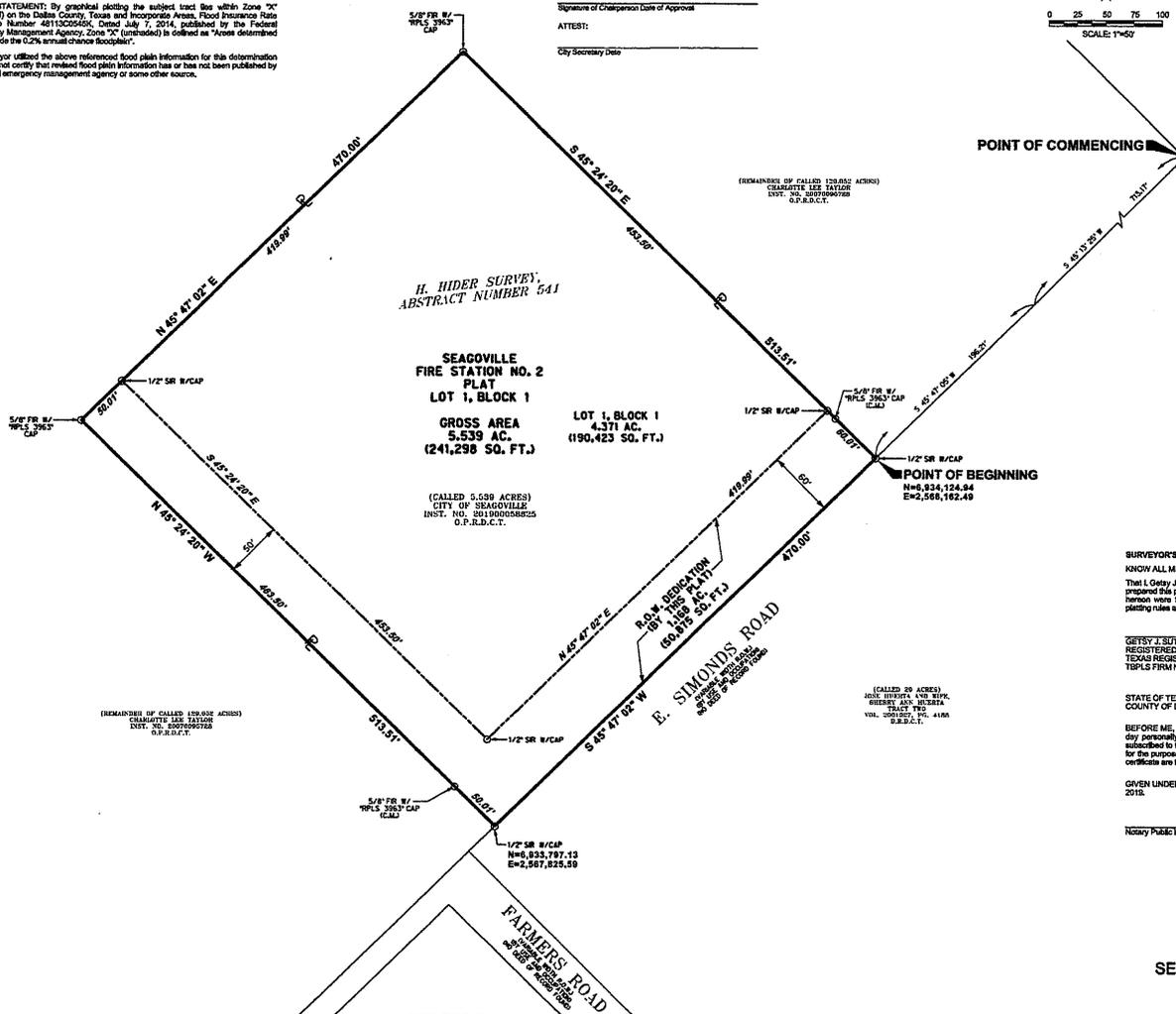
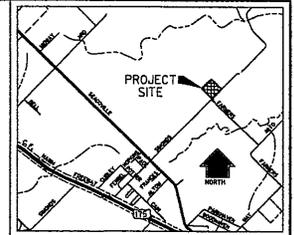
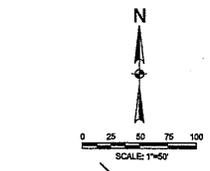
The property located in the corporate limits of the City of Seagoville, Dallas County, Texas. Approved for preparation of final plat following construction of all public improvements (or appropriate variance permit) necessary for the subdivision shown on this plat. Approved by the City of Seagoville for filing at the office of the County Clerk of Dallas County, Texas.

APPROVED BY: Community Development Director
City of Seagoville, Texas

Signature of Chairperson: _____ Date of Approval: _____

ATTEST:

City Secretary/Dea



SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS: That I, Geary J. Suthan, a Registered Professional Land Surveyor, do hereby certify that I have prepared this plat from an actual on the ground survey of the land; and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the City of Seagoville, Texas.

GEARY J. SUTHAN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6449
TPLS FIRM NO. 1002900

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Geary J. Suthan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public in and for the State of Texas

FINAL PLAT
SEAGOVILLE FIRE STATION NO. 2 PLAT
BEING A
5.539 ACRE TRACT
SITUATED IN THE
H. HIDER SURVEY, ABSTRACT NUMBER 541
CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS
FOR
CITY OF SEAGOVILLE
BY

LEGEND

FR	FOUND IRON ROD
SR	SET IRON ROD
W/CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFP"
R.O.W.	RIGHT OF WAY
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
C.M.	CONTROL MONUMENT
W/ CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFP"
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
O	NOT MENTIONED UNLESS NOTED

SURVEYOR
HALF ASSOCIATES, INC.
100 NORTH BOWSER ROAD
SEAGOVILLE, TX 75119
CONTACT: GEARY J. SUTHAN
GAS@half.com
(414) 348-6200

OWNER/DEVELOPER
CITY OF SEAGOVILLE
100 NORTH BOWSER ROAD
SEAGOVILLE, TX 75119
PL 19-0000058625

TPLS FIRM NO. 1002900
1201 NORTH BOWSER ROAD, RICHARDSON, TEXAS 75081
(214) 348-6200 SCALE: 1"=50' AWC: 38358 JULY, 2019



E:\3000\30058625\1\CD\08\HW\01-FPL-300535.dwg 8/28/24 AM 8:28:10 PM

Regular Session Agenda Item: 6

Meeting Date: September 16, 2019

ITEM DESCRIPTION:

Conduct a public hearing on an amendment to the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, “Use Regulations”, and Division 26, Special Uses, Section 25.02.631, “Uses which may be authorized by Ordinance”, by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.

BACKGROUND OF ISSUE:

In the last few months, staff has become aware of language in the current zoning code that discourages new grocery stores, restaurants, and convenience store/mini marts to open in Seagoville unless they meet certain size or permitting requirements.

Specifically, Division 15. Local Retail District Regulations require grocery stores to be a minimum of 5,000 square feet in size. This same division also limits restaurants in this district to be either dine-in or dine-in/convenience only while requiring a minimum size of 4,000 square feet. Fast food, outdoor/patio dining, and private club restaurants are not allowed by right so must acquire a special use permit in order to operate in an area zoned Local Retail (LR).

Because the “Use Regulations” subsection in Division 16. Commercial District Regulations, Division 18. Light Manufacturing District Regulations, and District 19. Heavy Manufacturing District Regulations each respectively state “Any use permitted in the [lower] District”, these same requirements for uses, building sizes, and special use permits are also required for these higher (more intense land use) district.

Additionally, Division 26. Special Uses also lists convenience store/mini mart may be permitted with a special use permit in these same 4 zoning districts as long as the store size is between 1,000 and 5,000 square feet.

Staff is recommending that certain language in regards to each of these land uses be amended as shown in Exhibit 3.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

As this change would affect all properties zoned Local Retail (LR), Commercial (C), Light Manufacturing (LM), Heavy Manufacturing (HM), and certain Special Uses (SUP), letters to property owners were not required. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper. No one from the public spoke for or against the item at the P&Z meeting.

For the City Council meeting, a legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. Again, letters to property owners were not required. As of the date of this report, September 5, 2019, no (zero) comments have been received about this request.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, "Use Regulations", and Division 26, Special Uses, Section 25.02.631, "Uses which may be authorized by ordinance", by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.

Staff also supports the requested change.

EXHIBITS:

Each of the following are letter-sized.

1. Staff Report (2 pages)
2. Public hearing notice to newspaper
 - a. Planning and Zoning Commission notice
 - b. City Council notice
3. Recommended changes to Seagoville Zoning Ordinance:
 - Division 15. Local Retail District Regulations, Section 25.02.351, "Use Regulations", and
 - Division 26, Special Uses, Section 25.02.631, "Uses which may be authorized by ordinance"



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

DATE: SEPTEMBER 16, 2019
AUTHOR: JENNIFER BONNER, JUNIOR PLANNER
LOCATIONS: LOCAL RETAIL, COMMERCIAL, LIGHT MANUFACTURING,
AND HEAVY MANUFACTURING DISTRICTS AND SITES
WITH SPECIAL USE PERMITS

REQUEST SUMMARY:

In the last few months, staff has become aware of language in the current zoning code that discourages new grocery store, restaurants, and convenience store/mini marts to open in Seagoville unless they meet certain size or permitting requirements.

Specifically, Division 15. Local Retail District Regulations require grocery stores to be a minimum of 5,000 square feet in size. This same division also limits restaurants in this district to be either dine-in or dine-in/convenience only while requiring a minimum size of 4,000 square feet. Fast food, outdoor/patio dining, and private club restaurants are not allowed by right so must acquire a special use permit in order to operate in an area zoned Local Retail (LR).

Because the "Use Regulations" subsection in Division 16. Commercial District Regulations, Division 18. Light Manufacturing District Regulations, and District 19. Heavy Manufacturing District Regulations each respectively state "Any use permitted in the [lower] District", these same requirements for uses, building sizes, and special use permits are also required for these higher (more intense land use) district.

Additionally, Division 26. Special Uses also lists convenience store/mini mart may be permitted with a special use permit in these same 4 zoning districts as long as the store size is between 1,000 and 5,000 square feet.

Staff is recommending that certain language in regards to each of these land uses be amended as shown in Exhibit 3.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, "Use Regulations", and Division 26, Special Uses, Section 25.02.631, "Uses which may be authorized by ordinance", by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.

Staff also supports the requested change.

Planning and Zoning Commission reviews and makes a recommendation to the City Council, which makes the final decision on the request.

Current regulation language:

➤ **Sec. 25.02.351 Use regulations**

In an "LR" District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

Any use permitted in the "O" Office District. (Dwellings of all types are excluded.)

...

Grocery store (over 5,000 square feet).

...

Restaurant, dine-in only (over 4,000 square feet).

Restaurant, dine-in/convenience (over 4,000 square feet).

...

STAFF REPORT

Z2019-25

➤ **Sec. 25.02.371 Use regulations**

In an "C" District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

Any use permitted in the "LR" Office District.

...

➤ **Sec. 25.02.421 Use regulations**

In an "LM" District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

Any use permitted in the "C" Office District.

...

➤ **Sec. 25.02.451 Use regulations**

In an "LM" District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

Any use permitted in the "LM" Light Manufacturing District, no building shall be erected or converted for dwelling purposes, provided, however, that dwelling quarters may be established in connection with an industrial plant for watchmen and caretakers employed on the premises and provided further any existing dwelling within any "HM" District may be repaired or altered.

...

➤ **Sec. 25.02.631 Uses which may be authorized by ordinance**

The city council may, after public hearing and proper notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the specified districts:

...

40) Convenience store/mini-mart (1,000-5,000 square feet) in "LR," "C," "LM" and "HM" Districts.

...

51) Restaurant, dine-in only (≤ 4,000 square feet) in "LR," "C," "LM" and "HM" Districts.

52) Restaurant, dine-in/convenience (≤ 4,000 square feet) in "LR," "C," "LM" and "HM" Districts.

53) Restaurant, fast food in "LR," "C," "LM" and "HM" Districts.

54) Restaurant, outdoor/patio dining in "LR," "C," "LM" and "HM" Districts.

55) Restaurant/private club in "LR," "C," "LM" and "HM" Districts.

...

Public Comments Received: As this change would affect all properties zoned Local Retail (LR), Commercial (C), Light Manufacturing (LM), Heavy Manufacturing (HM), and certain Special Uses (SUP), letters to property owners were not required. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper. No one from the public spoke for or against the item at the P&Z meeting.

For the City Council meeting, a legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. Again, letters to property owners were not required. As of the date of this report, September 5, 2019, no (zero) comments have been received about this request.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, "Use Regulations", and Division 26, Special Uses, Section 25.02.631, "Uses which may be authorized by ordinance", by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.



August 9, 2019

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

via email:
notices@dailycommercialrecord.com

Daily Commercial Record
706 Main Street
Dallas, Texas 75202

Please publish the legal notice below in the August 13, 2019 issue of your newspaper. Please send the affidavit of publication to the ATTN: Kandi Jackson at the address above. If you need to contact Kandi, her office direct number is (972) 287-6819 and her email is citysecretary@seagoville.us Kandi's normal office hours are Monday through Friday from 8:00 AM to 5:00 PM.



**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2019-25**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, August 27, 2019, at 6:30 PM in the City Council Chambers of the Seagoville City Hall building at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider amending the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, "Use Regulations", and Division 26, Special Uses, Section 25.02.631, "Uses which may be authorized by ordinance", by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.

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.

CITY OF SEAGOVILLE
Kandi Jackson
City Secretary

Text below that is black is existing code language.

Text below that is red and ~~crossed through~~ is existing code language being recommended for removal.

Text below that is blue, bold, and underlined is language being recommended for addition to the code.

**CHAPTER 25 - ZONING
ARTICLE 25.02 ZONING ORDINANCE**

Division 15. LR Local Retail District Regulations

Sec. 25.02.351 Use regulations

In an "LR" District, ...

Grocery store (~~over 5,000 square feet~~).

...

~~Restaurant, dine in only (over 4,000 square feet).~~

~~Restaurant, dine in/convenience (over 4,000 square feet).~~

...

Division 26. Special Uses

Sec. 25.02.631 Uses which may be authorized by ordinance

The city council may, ...

40) Convenience store/mini-mart (~~1,000-5,000 square feet~~) in "LR," "C," "LM" and "HM" Districts.

...

~~51) Restaurant, dine in only (\leq 4,000 square feet) in "LR," "C," "LM" and "HM" Districts.~~

~~52) Restaurant, dine in/convenience (\leq 4,000 square feet) in "LR," "C," "LM" and "HM" Districts.~~

~~53) Restaurant, fast food in "LR," "C," "LM" and "HM" Districts.~~

~~54) Restaurant, outdoor/patio dining in "LR," "C," "LM" and "HM" Districts.~~

~~55) Restaurant/private club in "LR," "C," "LM" and "HM" Districts.~~

...

Regular Session Agenda Item: 7

Meeting Date: September 16, 2019

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances, Chapter 25, "Zoning", Article 25.02, "Zoning Ordinance", by amending Division 15, "LR - Local Retail District Regulations", Section 25.02.351, "Use Regulations", and Division 26, "Special Uses", Section 25.02.631, "uses which may be authorized by Ordinance", providing a penalty clause; providing a severability clause; providing a repealing clause; and providing an effective date.

BACKGROUND OF ISSUE:

In the last few months, staff has become aware of language in the current zoning code that discourages new grocery stores, restaurants, and convenience store/mini marts to open in Seagoville unless they meet certain size or permitting requirements.

Specifically, Division 15. Local Retail District Regulations require grocery stores to be a minimum of 5,000 square feet in size. This same division also limits restaurants in this district to be either dine-in or dine-in/convenience only while requiring a minimum size of 4,000 square feet. Fast food, outdoor/patio dining, and private club restaurants are not allowed by right so must acquire a special use permit in order to operate in an area zoned Local Retail (LR).

Because the "Use Regulations" subsection in Division 16. Commercial District Regulations, Division 18. Light Manufacturing District Regulations, and District 19. Heavy Manufacturing District Regulations each respectively state "Any use permitted in the [lower] District", these same requirements for uses, building sizes, and special use permits are also required for these higher (more intense land use) district.

Additionally, Division 26. Special Uses also lists convenience store/mini mart may be permitted with a special use permit in these same 4 zoning districts as long as the store size is between 1,000 and 5,000 square feet.

Staff is recommending that certain language in regards to each of these land uses be amended as shown in Exhibit 3.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

As this change would affect all properties zoned Local Retail (LR), Commercial (C), Light Manufacturing (LM), Heavy Manufacturing (HM), and certain Special Uses (SUP), letters to property owners were not required. A legal ad was also published per the Texas Local Government Code in the Tuesday, August 13, 2019, edition of the Daily Commercial Record newspaper. No one from the public spoke for or against the item at the P&Z meeting.

For the City Council meeting, a legal ad was also published per the Texas Local Government Code in the Tuesday, August 27, 2019, edition of the Daily Commercial Record newspaper. Again, letters to property owners were not required. As of the date of this report, September 5, 2019, no (zero) comments have been received about this request.

On August 27th, the Planning and Zoning Commission voted five (5) to zero (0) in favor of recommending approval of amending the City of Seagoville Zoning Ordinance, Division 15. Local Retail District Regulations, Section 25.02.351, “Use Regulations”, and Division 26, Special Uses, Section 25.02.631, “Uses which may be authorized by ordinance”, by repealing the size reference contained therein for a grocery store, restaurant, and convenience store/mini mart.

Staff also supports the requested change.

EXHIBIT:

Ordinance (3 pages)

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. -2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 25, “ZONING”, ARTICLE 25.02, “ZONING ORDINANCE”, BY AMENDING DIVISION 15, “LR – LOCAL RETAIL DISTRICT REGULATIONS”, SECTION 25.02.351, "USE REGULATIONS" AND DIVISION 26, “SPECIAL USES”, SECTION 25.02.631, "USES WHICH MAY BE AUTHORIZED BY ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seagoville Zoning Ordinance, Division 15 and Division 26, provides that new grocery stores, restaurants, and convenience stores/mini marts are not permitted if they do not meet certain size or special use permit requirements; and,

WHEREAS, the City desires to encourage development of new grocery stores, restaurants, and convenience stores/mini marts and desires to remove the size requirement for the same; and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 27, 2019 to receive input from the public on removing the size and special requirements stated herein; and

WHEREAS, after public hearing and discussion, the Planning and Zoning Commission unanimously voted to make recommendation to the City Council to amend the zoning ordinance by amending Division 15, “LR – Local Retail District Regulations”, Section 25.02.351, "Use Regulations" and Division 26, “Special Uses”, Section 25.02.631, "Uses Which May Be Authorized By Ordinance", by removing the size requirements stated therein for a grocery store, restaurant, and convenience store/mini mart and removing restaurants from special uses; and

WHEREAS, after discussion and consideration of the Planning and Zoning Commission’s recommendation, the City Council determined that it is in the best interest of the City to amend the Zoning Ordinance as set forth herein.

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

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas, Chapter 25, “Zoning”, Article 25.02, “Zoning Ordinance”, be, and the same is, hereby amended by amending Division 15, “LR – Local Retail District Regulations”, Section 25.02.351, "Use Regulations" and Division 26, “Special Uses”, Section 25.02.631, "Uses Which May Be Authorized By Ordinance” to read as follows:

"CHAPTER 25. ZONING

....

Article 25.02. Zoning Ordinance

....

Division 15. LR Local Retail District Regulations

Sec. 25.02.351 Use regulations

In a "LR" District, no land shall be used and no building shall be used, erected or converted to any use other than those listed below or those of a like and/or similar use:

...

Grocery Store

...

Restaurant, dine-in only

Restaurant, dine-in/convenience

Restaurant, fast food

Restaurant, outdoor/patio dining

Restaurant, private club

....

Division 26. Special Uses

Sec. 25.02.631 Uses which may be authorized by ordinance

The city council may, after public hearing and property notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorized by ordinance the location of any of the following in the specified districts:

...

(40) Convenience store/mini mart

...

(50) Outside storage of any type of materials exceeding eight feet (8') in height in "C," "LM" and "HM" Districts

(51) Travel Center in "C", "LM" and "HM" Districts.

(52) Winery in "LM" and "HM" Districts.

(53) Winery, boutique in "C", "LM" and "HM" Districts.

(54) Wine-tasting room in "LR", "C", "LM" and "HM" Districts.

(55) Addition of the sale of prepackaged food . . .

- (56) Sales of prepackaged food and/or . . .
- (57) Mortuary uses, only in stand-alone . . .
- (58) Wedding services and event center uses, . . .
- (59) Hotel and motel in a "C" District.

Sec. 25.02.632 Changes in zoning

.....”

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. 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 amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 16th day of SEPTEMBER, 2019.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(:cdb 09/04/2019 TM 110832)

Regular Session Agenda Item: 8

Meeting Date: September 12, 2019

ITEM DESCRIPTION:

Receive a presentation concerning the City of Seagoville ranking #49 of the Safest Cities to Live in Texas 2019 as reported by BackgroundChecks.org.

BACKGROUND OF ISSUE:

BackgroundChecks.org is an independent Media Outreach and Research Company who takes information reported through the most recent Federal Bureau of Investigation (FBI) crime statistics to create state rankings. BackgroundChecks.org uses a percentage rating of violent crimes and property crimes reported through the FBI's UCR reporting system along with population statistics and number of sworn officer calculations to determine their rankings of the safest cities.

There were initially 7,430 cities on the list to be researched. After narrowing the field to cities more than 10,000 in population there were 2,929 cities across the U.S. researched. In total for the state of Texas there were 142 cities researched. Out of these 142 cities, 100 Texas cities are publicized and listed in the attachment. The City of Seagoville, your City, ranked number 49th as the safest cities to live in Texas. On this publicized list there are only 5 Dallas County cities that made the top 50 and Seagoville is the only city in Kaufman County listed.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

- A. Ranking list of the top 100 Texas cities listed as the Safest Cities to Live in Texas
- B. Digitized badge revealing the Safest Cities to Live in Texas to be displayed on our City website and Facebook pages



Texas ranks in the middle of the pack in terms of safety, recording the [30th lowest property crime rate](#) and 35th lowest violent crime rate. However, this is not the full picture, as Texas' violent crime rate is elevated by higher crime rates in its largest cities.

Owing to its size and the diversity of its communities, Texas is actually home to a large selection of very safe cities boasting low violent and property crime rates. Let's take a look at some of the Lone Star State's safest communities.

Memorial Villages, Texas' safest community, is actually an adjoining group of independent municipalities west of downtown Houston. Known for its exciting mix of residential architecture, the Memorial Villages area is also very safe, recording a terrifically low 0.08 per 1,000 violent crime rate based on just 1 recorded violent crime occurring in 2017.

Mansfield, Texas #2 safest city, is part of the Dallas-Fort Worth Area. The fast-growing city of 67K logged a violent crime rate less than a third of the Texas state average of 4.39 per 1,000, as well as a property crime rate half of the state average. Logging similarly low crime numbers is #3 **Roma**, a small border city along the Rio Grande in Starr County.

Ranking #4 in the list of Texas' safest cities is **Seabrook**, a pleasant community located on Galveston Bay with a waterfront known for its cozy bed and breakfasts and antique shops. Seabrook's low violent and property crime rates are well under half of Texas state averages, which should provide comfort for residents and visitors alike.

Rounding out Texas' top five safest cities is **Midlothian**, a fast-growing suburb of Dallas known as a steel and cement industry hub that boasts a violent crime rate below 1 incident per 1,000 residents.

Safest Cities in Texas, 2019

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Rank	City	Safety Index
1	Memorial Villages	1.13
2	Mansfield	0.82
3	Roma	0.79
4	Seabrook	0.69
5	Midlothian	0.67
6	West University Place	0.64
7	Southlake	0.64
8	Rio Grande City	0.61
9	Colleyville	0.6
10	University Park	0.58
11	Keller	0.56

Rank	City	Safety Index
12	Hewitt	0.55
13	Trophy Club	0.55
14	Friendswood	0.52
15	Hidalgo	0.48
16	Sachse	0.47
17	Sulphur Springs	0.47
18	Santa Fe	0.44
19	Del Rio	0.43
20	Prosper	0.42
21	Georgetown	0.41
22	Allen	0.41
23	McAllen	0.39
24	Coppell	0.39
25	Azle	0.38
26	Clute	0.37
27	Robinson	0.36
28	Little Elm	0.35
29	Selma	0.35
30	North Richland Hills	0.35
31	Wylie	0.35
32	Royse City	0.35
33	Anna	0.33
34	Grapevine	0.33
35	Eules	0.32
36	Crowley	0.32
37	Kerrville	0.31
38	Bedford	0.31
39	Cibolo	0.29
40	Frisco	0.29
41	White Settlement	0.28
42	Buda	0.28
43	Benbrook	0.28
44	The Colony	0.27
45	League City	0.26
46	Pearsall	0.24

Rank	City	Safety Index
47	Carrollton	0.23
48	Saginaw	0.23
49	Seagoville	0.23
50	Belton	0.21
51	Alton	0.21
52	Beeville	0.2
53	Missouri City	0.2
54	Watauga	0.2
55	Ingleside	0.19
56	McKinney	0.18
57	Dickinson	0.17
58	Cleburne	0.17
59	Kilgore	0.16
60	Red Oak	0.14
61	Live Oak	0.14
62	Kyle	0.1
63	Burleson	0.09
64	Schertz	0.09
65	Lewisville	0.09
66	Rockport	0.07
67	Irving	0.06
68	Abilene	0.03
69	Athens	0.03
70	Galveston	0
71	Midland	0
72	South Houston	0
73	Ennis	-0.01
74	Grand Prairie	-0.03
75	Webster	-0.04
76	Nederland	-0.06
77	Laredo	-0.06
78	Wichita Falls	-0.07
79	Cedar Hill	-0.09
80	Greenville	-0.1
81	Baytown	-0.11

Rank	City	Safety Index
82	Andrews	-0.11
83	Denton	-0.11
84	El Paso	-0.12
85	Hereford	-0.12
86	Vernon	-0.14
87	DeSoto	-0.14
88	Haltom City	-0.17
89	Sweetwater	-0.17
90	Burkburnett	-0.17
91	Garland	-0.17
92	Pleasanton	-0.18
93	Gainesville	-0.18
94	Plainview	-0.19
95	Brownwood	-0.19
96	Edinburg	-0.19
97	Seguin	-0.2
98	Pasadena	-0.21
99	Addison	-0.21
100	Bryan	-0.22

◀ Previous [Next](#) ▶

Methodology

We used the most recent FBI crime statistics to create state rankings. There were initially 7,430 cities in the data set. After filtering out the cities with populations of less than 10,000, 2,929 cities remained. We then calculated violent crime rates and property crime rates by dividing the crime numbers by the population to get rates per 1,000. We also calculated the ratio of law enforcement workers to per 1,000. These were weighted with -50% for the violent crime rate, -25% for the property crime rate, and +25% for the law enforcement rate. The resulting metric gave us a the safety index score. The higher this number more safe the city is.

Did your district make the list? Share the good news!

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texas.html/'><img src='https://backgroundchecks.org/wp-
content/uploads/2019/08/badge-safest_cities_texas_2019.png'
alt='badge - safest_cities_texas_2019' 540px
border='0' /></a></p>
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Jason

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TO LIVE IN
TEXAS

2019
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Regular Session Agenda Item: 9

Meeting Date: September 12, 2019

ITEM DESCRIPTION:

Receive a presentation on the new Seagoville Police Department Unmanned Aircraft System (U.A.S.) Program.

BACKGROUND OF ISSUE:

The use of UAS in the law enforcement communities across the nation has become more and more popular. The scope of their usefulness is very broad and the vast improvements in this technology over the past few years has made these tools very beneficial to all facets of public safety and the communities we serve.

We have done extensive research on this available technology, the training that is associated and required for this type of program, along with the protocols required for operation. This program will help Seagoville move forward into the next evolution of law enforcement and emergency response.

A brief presentation by Det. Sgt. Andrew Sparrow of video taken from our UAS and brief explanation of the overall program.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 10

Meeting Date: September 16, 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: 11

Meeting Date: September 16, 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