



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at
6:30 p.m. on Tuesday, August 27, 2019
in the City Hall Council Chambers
at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Mike Dupuis called the meeting to order at 6:30 p.m.

Commissioners present: Commissioner & Chairman Mike Dupuis
Commissioner David Grimes
Commissioner Charles Galbreth
Commissioner ~~Terry~~ Lemond
Tommy

Commissioners absent: Positions 6 and 7 are vacant.

City Staff present: Community Development Director Ladis Barr
Junior Planner Jennifer Bonner

Commissioner Charles Galbreth gave the invocation. Chairman Mike Dupuis then led those present in the Pledge of Allegiance.

Chairman Dupuis gave an opportunity for the public to comment on items not on the agenda. No one approached the podium.

1. **Approval of Minutes:** Chairman Dupuis asked if there were any corrections to the minutes of the July 23rd meeting. Commissioner David Grimes moved to approve the minutes as typed. Commissioner Galbreth seconded the motion. By a show of hands, the minutes were approved unanimously (four to zero).
2. **Zoning Request Z2019-20: Public Hearing** Chairman Dupuis introduced the 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 Tract 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 an area with a single family

detached home base zoning.

Chairman Dupuis opened the public hearing at 6:34 pm and asked for the staff report.

Jr. Planner Bonner began by giving a background of the property location and its zoning. The City is the property owner for this application as they have purchased the property in question for the construction of a second fire station and has already platted the property. During the platting process, right-of-way was given for both East Simonds Road and a future extension of East Farmers Road. Fire stations and similar public and semi-public uses are permitted in all zoning districts. The request tonight just amends the concept plan of the existing plan development documents to show a fire station at this location instead of single family homes.

Moving on to Exhibit 1, Planner Bonner covered the site location map as well as this area on the subject parcel. She also addressed is the surrounding zoning districts and land uses. Staff is recommending approval since it meets all code requirements and comparisons from the 2002 Future Land Use Plan, 2006 Master Thoroughfare Plan, the 2009 Zoning Map, and the code review criteria for planned developments. A summary of legal notifications was provided and then the rest of the exhibits. Exhibit 9 is the PD ordinance for this parcel. While difficult to read, the last page of the ordinance is the concept plat that we are looking at amending tonight and is large enough to see the different types of zoning within the PD. She then pointed out where the fire station is supposed to go, even though she has not added that information to the this concept plan since this exhibit is a copy of the original ordinance. She can add that to the City Council version of the packet if the P&Z thinks that would be helpful for them.

Chairman Dupuis asked about Farmers Road being extended. Planner Bonner replied that eventually Farmers Road would be extended to the west. Both Simonds Road and Farmers Road will be improved, widened, or built when the rest of the plan development occurs. Director Barr followed by stating that developers build their share of a road when their development occurs, so that is why the City is not building the roads at this time but has dedicated the right-of-way for when development does occur.

There were no other questions from the commissioners.

Alan LaFon from Halff & Associates rose and approached the podium to be recognized as the city's representative. Mr. LaFon stated that his company is the project manager on the fire station project. He has provided copies of several pages of 11x17 paper with concept drawings of the fire station. The project is a design-build project. Bids have already been submitted. Halff is currently negotiating with their recommended bidding contractor to finalize a contract for the construction of the building. Completing this concept plan change is the next step in the process. The city is also working on getting a water line to the fire station. He continued by describing the site plan. The site will be have a septic system initially as there is no sanitary sewer service in the area. There were no questions from the

commissioners about the station.

He asked if there was any other discussion from the Commissioners. There was not. Mrs. Terry Ogletree of 1505 East Simonds Road asked from the audience about where the water line was going to go and other water-related questions. Chairman Dupuis asked her to speak from the podium. She was primarily concerned about where the new water line was going to go and whether it would affect the existing line. Mr. LaFon then answered the questions to the best of his ability as the water line design will not be completed for a couple of weeks.

Commissioner Olu Olajimi arrived at 6:47 pm.

After Mrs. Ogletree finished, Chairman Dupuis asked if anyone else from the public wished to speak.

No one else approached the podium so the Chairman closed the public hearing at 6:50 pm.

The chair then asked for a motion. Vice Chairman Grimes moved that the Planning and Zoning Commission recommend to City Council to approve the request to change the zoning on about 0.556-acres commonly known as 106 West Farmers Road (being the unplatted Tract 18 in the John Denton Abstract 426 Page 085) from the R-4, Residential Single Family, zoning district to the R-5, Residential Single Family, zoning district. Commissioner Lemond seconded the motion. A vote was made by the show of hands. The motion was approved unanimously five (5) to zero (0) in favor of the request.

3. **Zoning Request Z2019-21: Development review** Chairman Dupuis introduced the request to approve the site and concept plans; landscape and irrigation plans; and façade (elevation) plans for a building proposed to be constructed on Lot 9 Block B in Seagoville Highlands Addition on approximately 1.3±acres in the LR, Local Retail, zoning district.

Jr. Planner Bonner began with the agenda comm by identifying each of the applicants and that they are asking for site approvals for a dental office to be housed in a proposed single story building on the subject property. The representative tonight is the engineer on the project. If tonight's review of the site concept plan, landscaping, and building elevations are approved then the sale of the property will move forward between the current owner and the proposed buyer (Wise Ventures Seagoville). She then gave a summary of the subdivision, the zoning of this and the surrounding properties and their land uses.

She continued by reviewing several of the items on page 1 of the staff report. Staff supports the change of this application since this land is zoned for a Local Retail use and has been for numerous decades. Staff is recommending separate approval for each request tonight (concept plan, elevations, landscaping), so if the Commission has any conditions of approval they can be added to the motion for the respective request. On page 2 of the staff report, Jr. Bonner covered the land uses for this area on the Future Land Use Plan and the

Master Thoroughfare Plan. She provided more information in relation to the zoning districts shown in this area of the Zoning Map. On the bottom of page 2 is the explanation that the P&Z is only looking at the exterior of the building tonight as signage is a separate review and building interiors are only looked at with a building permit. She then explained the sample motions for the commissioners to reference if they wish later in the meeting. Planner Bonner then summarized the rest of the exhibits in the packets.

The Chairman asked if there were any questions for staff. There were none.

Chairman Dupuis asked the applicant if he had anything she wanted to say. Mr. Walter Nelson said that he did not have much to add since Staff covered things pretty thoroughly. He did want to inform the commission that the site has been laid out to preserve the five (5) existing trees on the site because of the required detention pond. There really isn't room for anything on the site once the building and pond are placed on it.

The chairman asked the commission if they had any questions for the applicant. There were none.

Planner Bonner told Mr. Nelson that she had forgotten to call and let him know that the Water Utilities Director had told her that a manhole would be required wherever the connection to the sanitary sewer is made, but that he didn't have a preference on where it was placed.

Chairman Dupuis asked if there was any other discussion from the Commissioners. There was not. The chair then asked for a motion.

Commissioner Lemond moved that the Planning and Zoning Commission:

- Approve the concept plan with the conditions that:
 - the dumpster be screened and even though no screening information was provided, staff be granted permission to review and approve administratively; and
 - a reminder that no outside storage or display is permitted on the site
- Approve the landscape plans with the allowance the staff be allowed to administratively approve changes to plant list without re-submittal to the P&Z; and
- Approve the building elevations as submitted.

Vice Chairman Grimes seconded the motion. A vote was made by the show of hands. The motion was approved unanimously five (5) to zero (0) in favor of the request.

4. **Zoning Request Z2019-23: Public Hearing** Chairman Dupuis introduced the request on 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.

Chairman Dupuis opened the public hearing at 7:03 pm and asked for the staff report.

Jr. Planner Bonner began by stating she would read less about the subject this time. In the last few months this property has been before the P&Z and City Council for amendments to its plan development documents, concept plan, and construction plat. The subdivision now has construction started, so the applicant is asking for the approval of an on-site temporary concrete batch plant for use exclusively within this development. She gave a summary of the subdivision. She then gave a description of the planned location of the batch plant before moving onto Exhibit 1 (staff report).

In Exhibit 1, Planner Bonner covered the site location map as well as this area on the subject parcel. She also addressed is the surrounding zoning districts and land uses. Staff is recommending conditional approval of the request with conditions that are typical for similar requests in the past: deliveries by a defined and staff-approved truck route, limited time the plant may operate on the subject property, and hours of operation for the plant while on-site. On page 2 of the staff report, comparisons were made between the request and the 2002 Future Land Use Plan, 2006 Master Thoroughfare Plan, and the 2009 Zoning Map. Review criteria for special uses began on page 3 followed on page 4 by a summary of legal notifications and an example motion with recommended detailed conditions of approval. Planner Bonner then covered the rest of the exhibits, pointing out special items on note in Exhibit 5, the application and its attached documents (Gilco letter and approved construction plat with batch plant location noted). Director Barr added that East Farmers Road (along the boundary of the subdivision) would be widened, re-built, and paved as part of the development. Planner Bonner added that Farmers Road would probably be one of the last streets to be paved as development will happen closest to the school (Seagoville North Elementary) first.

The chair asked if any of the commissioners had questions for Ms. Bonner. None did.

Mr. Mark Leonard of Gilco Contracting approached the podium to answer any questions for the applicant or the paving company.

The chair stated that Ms. Bonner had answered any questions he had. Director Barr added that Gilco, and Mr. Leonard specifically, have worked with the city and staff on similar developments before so is aware of our requirements.

There were no questions from the commission.

The chair asked for any other comments from the public. No one else approached the podium so the Chairman closed the public hearing at 7:12 pm.

The chair asked for any other discussion from the commission. Vice Chair Grimes asked the applicant about planning for a time extension. Mr. Leonard said they plan to be completed in less than the allowed 180 days. Planner Bonner stated that LGI (property owner and

developer) wants to have the paving completed in about 120 days. Director Barr and Chairman Dupuis stated that is for just the streets, curb and gutters, and utilities. Homes and their concrete placement would be done at a later time.

The chair then asked for a motion. Vice Chairman Grimes moved that the Planning and Zoning Commission recommend to City Council to approve with conditions the request on 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. Conditions of approval include deliveries must access the site via Interstate 20 to Lasater Road to Simonds Road to East Farmers Road to the site. The SUP is limited to 180 calendar days with a maximum of 2 time extensions for 60-days each to be submitted to, reviewed by, and granted administratively by the City Manager. Hours of operation of the plant are limited to Monday through Friday from 7:00 AM to 6:00 PM and Saturdays from 7:00 AM to 5:00 PM. Commissioner Lemond seconded the motion. A vote was made by the show of hands. The motion was approved unanimously five (5) to zero (0) in favor of the request with the stated conditions.

5. **Zoning Request Z2019-23: Public Hearing** Chairman Dupuis introduced the request 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.

Chairman Dupuis opened the public hearing at 7:16 pm and asked for the staff report.

Jr. Planner Bonner began by stating that this should be the shortest item on the agenda for tonight. Staff has found language in certain zoning code sections that discourages new grocery stores, restaurants, and convenience store/mini marts because of their size or permitting requirements. Staff is asking that the limiting language be removed. She then provided a summary of the existing language in Division 15 (Local Retail), Division 16 (Commercial), Division 18 (Light Manufacturing), Division 19 (Heavy Manufacturing), and Division 26 (Special Uses). Because this language change would affect all zoning districts of these types, the only legal notice required was for the newspaper. Individual property owners were not required to be notified for the proposed language changes. The current language is summarized in Exhibit 1. The proposed language to be removed is shown in Exhibit 3 in the crossed-out red text. Director Barr stated that staff is asking for change so that we can promote growth of Seagoville even though the existing ordinance is from 1985, and parts might be even older. We are trying to bring code language changes to the P&Z and City Council in small and reasonably sized parts. Tonight's focus is on food-related land uses.

The vice chair said little steps at a time is the best way to try to tackle some of these changes.

The chair stated this is just one of several discussions that the P&Z has been having for several years on trying to bring ordinances into the current century.

Commissioner Olajimi mentioned we should want to change the code to allow businesses to come to Seagoville.

The vice chair mentioned an outdoor dining restaurant example in Dallas. Planner Bonner stated that the current code would not allow that restaurant to operate that way in Seagoville without a Special Use Permit (SUP). If the size and type limitations were removed as recommended by staff, then that restaurant would be able to operate in Seagoville the same way it operates in Dallas – with no minimum size and without the need to acquire a SUP.

Chairman Dupuis asked for any other questions from the Commission. There were none.

The chair then asked for comments from the public. There were none so he closed the public hearing at 7:22 pm.

The chair then asked for a motion. Vice Chairman Grimes moved that the Planning and Zoning Commission recommend to City Council to approve the request from staff for 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. Commissioner Galbreth seconded the motion. A vote was made by the show of hands. The motion was approved unanimously five (5) to zero (0) in favor of the request.

6. **Announcements:** Chairman Dupuis asked Planner Bonner to go over the upcoming meetings listed at the bottom of the P&Z agenda.

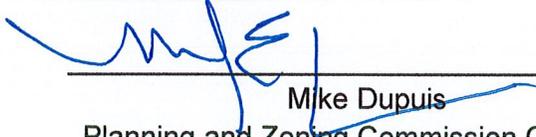
Planner Bonner began by stating there had been another item on tonight's agenda. She said that a decision came from the city attorney which stated that item did not need to be reviewed by the P&Z because the application was for a change of a concept plan from 2007. The City Attorney had found a line in the code that Planner Bonner had missed in her review prior to sending legal notices to both the newspaper and adjoining property owners that stated that if a concept plan for a plan development is not acted on within 180 days of approval (such as by a building permit application), then the concept plan is void and would have to be re-submitted for the P&Z to review prior to any permit application can be approved or construction can begin. Because the old (2007) concept had language in the ordinance that it accompanied, any use listed in the ordinance will be allowed on the site even if it doesn't meet the concept plan attached to the ordinance. The reason the fire station had to be looked at tonight as a concept change was because of the land size requirements for a fire station are significantly different than single family homes, even though both are permitted land uses at that location. The concept plan for the item pulled tonight will need to

be reviewed like the dental office was tonight when someone is ready to build on the lot in question on the item that was pulled from tonight's agenda.

Planner Bonner then summarized the upcoming City Council and P&Z meetings in September. She continued by stating she has been told that there will not be a quorum for the September 24th P&Z meeting. Discussion then followed about when or if to have a re-scheduled meeting for items that should be on that agenda. It was decided to move the September 24th meeting to October 1st, but an official vote on how this meeting date will change will be held at the Sept. 10th meeting so that everyone has time to review all of their calendars before a final decision is made.

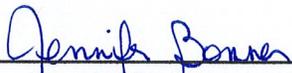
Chairman Dupuis adjourned the meeting at 7:29 pm.

APPROVED:



Mike Dupuis
Planning and Zoning Commission Chairman

ATTEST:



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