



## MINUTES

for the

### SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at**

**6:30 p.m. on Tuesday, December 10, 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 6:35 p.m.

Commissioners present: Commissioner and Chairman Mike Dupuis  
Commissioner and Vice Chairman David Grimes  
Commissioner Olu Olajimi  
Commissioner Charles Galbreth  
Commissioner Tommy Lemond

Commissioners absent: Commissioner Tyree Roberson is stuck out-of-state with work due to winter weather closing the airport in Chicago.  
Position 7 is vacant.

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

Commissioner Galbreth was asked to lead the group in an invocation. Afterwards, he 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:** The chairman asked if there were any corrections to the minutes from the November 12<sup>th</sup> meeting. Vice Chairman David Grimes moved to accept the minutes as presented. Commissioner Olajimi seconded the motion. By a show of hands, the minutes were approved five (5) to zero (0).
- 2. Zoning Request Z2019-35: Public Hearing** Chairman Dupuis introduced the first item of business on the agenda. The request is a public hearing for a change of zoning at 301 West Simonds Road from LM, Light Manufacturing, to R-5, Residential Single Family. The chairman then opened the public hearing at 6:38 pm and asked for the staff report.

Planner Jennifer Bonner began by stating this request is to change the zoning on only a portion of the property at 301 West Simonds Road. She summarized the improvements to the property, including a home built in the 1950's and a building built on the rear of the property after a zoning change from R-5 to LM in April 2018. The property owner has been using the house as his office and now wants to tear down the existing house and replace it with a larger one with that act as both the business office and his residence. A summary of public notifications and the exhibits for the rest of this item are listed on the remainder of the agenda comm.

Planner Bonner then moved on to the summary of the staff report. There is an aerial photograph on the front page. The yellow star with the red outline is located on the portion of the property that the owner would like to rezone back to R-5. This request is only for that portion of the property. The area of the request is about 0.25-acres, and the entire parcel's size is over 0.9-acres. The parcel is currently zoned LM. Planner Bonner summarized the surrounding zoning districts and 2002 Future Land Use Plan designations. Planner Bonner then stated that staff is recommending denial of the request because the Future Lane Use Plan calls for the area to become Commercial, the property was rezoned from R-5 to LM in April of 2018 by tonight's applicant so he could construct the outbuilding in the rear of the property for his business; and most properties in this area have been converted from residential to Industrial. Moving onto the second page of the staff report, Planner Bonner went into more detail comparing the subject property to the 2002 Future Land Use Map and Plan, the 2006 Thoroughfare Map and Plan, and the 2009 Zoning Map before going into the review criteria for comparing the request to code requirements for granting rezoning requests. The review criteria specifically covered in most cases those items were a "no" because those criteria are part of why staff is recommending denial of the zoning change. Review criteria 13 was covered in more detail because this answer has been expanded to include review of the nonconforming use code sections. One of those sections – 25.02.603 - specifically states "... in the event a nonconforming use of a building is once changed to a nonconforming use of a higher or more restricted classification, it shall not later be reverted to the former lower or less restricted classification." Based on this code section alone, Planner Bonner believes that changing the zoning of the property would be an illegal act by the city. She then summarized the public notices and responses as well as the example motion for the commissioners. She stated that the entirety of the nonconforming use division has been copied into the staff report beginning after the land use table ends on page 12. Finally she covered the other exhibits that were attached in this portion of the meeting packet. She then stated she would be willing to answer any questions the Commissioners had.

Vice Chairman Grimes asked about how the owner could have proceeded with his zoning request in 2018 so that he could have acquired the zoning he wanted for the commercial building in the back and still had a residential zoning for the house on the front. She stated that he could have asked for his request differently last year and possibly resulted in what he is now asking for, but even that it would have been a final decision of City Council on

whether they might have granted the partial zoning change. Vice Chairman Grimes wondered if this was part of the applicant's thoughts a year ago. Planner Bonner stated the Commissioners can ask the applicant since he is here tonight.

There were no other questions from the Commissioners.

Chairman Dupuis asked if the applicant or his representative were asked if they had anything they wanted to say. Mr. Santiago Bustos came forward and introduced himself.

As Mr. Bustos did not state anything further after introducing himself, Vice Chairman Grimes asked if the plan for replacing the house was part of his longer-term plans for the property when he applied for the LM zoning last year. Mr. Bustos said that the replacement of the house was on his plan. He likes the property and being close to his business. Vice Chairman Grimes said he just isn't aware of a way to change the zoning for the house he wants to build. It might be possible, but it will be a lot harder now.

Chairman Dupuis asked if he still will be basing his business out of this location. Mr. Bustos said yes. The chairman said the City has been in the process of trying to get the Light Manufacturing out of the residential areas and the residential out of the Light Manufacturing areas. There are areas designated for each type of use and for the last couple of years we have been working on getting these areas better separated.

Mr. Bustos stating that he was asking if this change is possible. Chairman Dupuis responded that right now it is not legal. Mr. Bustos asked is this something where he just needs to wait longer. Chairman Dupuis responded that unless something changes, there isn't a way for the city to legally grant this request. He isn't sure what that change would need to be. Mr. Bustos asked about changes to the house. Chairman Dupuis stated he couldn't answer that question. Maybe Director Barr can answer.

Director Barr responded by stating that the existing house is a legal nonconforming use. As long as the house is being used as a home – without any discontinuation of use for longer than 6 months and 1 day – than the house can continue to be used as a home. It cannot be enlarged because of the present zoning of the land. To increase the size of the house would be a violation of the zoning ordinance.

Chairman Dupuis then opened the floor for comments from the public.

Mr. Corey Rullestad, representing the light manufacturing business at 306 West Simonds Road, came forward and introduced himself. The business runs 2 shifts. The company wanted to mention that the business's primary concern is regarding buffering for noise between the existing businesses in the area and any proposed residential structures. He then thanked the commission for letting him speak and then returned to his seat.

Chairman Dupuis asked if anyone else wished to speak. No one else came forward with

public comments, so the chairman closed the public hearing at 6:52 pm.

The chairman then asked if commissioners if they had any additional discussion. If not, he believed the commissioners were ready for someone to make a motion. Commissioner Lemond moved that the Planning and Zoning Commission recommend to City Council to deny the request to change the zoning on part of the property known as 301 West Simonds Road, Seagoville, Dallas County, Texas from LM, Light Manufacturing, to R-5, Residential Single Family. Vice Chairman David Grimes seconded the motion. By a show of hands, the motion passed unanimously in favor (five to zero) of recommending denial of the request.

Planner Bonner stated this item would be on the City Council agenda on January 6, 2020. New letters will go to the neighbors with that meeting's information.

3. **Zoning Request Z2019-36: Public Hearing** Chairman Dupuis introduced the second item on the meeting agenda. This request is for a Special Use Permit for a religious institution at 1201 North Kaufman Street. The chairman then opened the public hearing at 6:54 pm and asked for the staff report.

Planner Jennifer Bonner began by stating that the application is for a Special Use Permit (SUP) for a religious institution. The property at 1201 North Kaufman Street is at the intersection of North Kaufman Street with East and West Adkins Streets. The land is improved with a 2-story brick building. The rest of the land has been paved with concrete at some point in the past. Tonight's applicant is Restore Hope and Life Mission has purchased the property to serve as their base of operations for several religious-related mission activities and outreaches. All zoning districts allow religious institutions as long as they acquire a SUP. The rest of the agenda comm summarizes the legal notices as well as the exhibits for this request. She stated that there are several religious related-activities that they would like to have based at this location – she can't remember all that were mentioned during the building walk-through with Director Barr and the mission's representative in late October – but church services were not one of those items mentioned. Staff is not aware that public assembly would be one of the planned activities at this location. No building permit application has been submitted to address the 3-pages of comments the she and Director Barr put together of items that would need to be corrected prior to the occupation of the structure. Planner Bonner then moved on to the first page of the staff report. She summarized the surrounding zoning and land uses. Staff recommends accepting the request with the conditions listed on the first page of the staff report.

Moving onto the second page of the staff report, Planner Bonner compared the subject property to the 2002 Future Land Use Map and Plan, the 2006 Thoroughfare Map and Plan, and the 2009 Zoning Map before going into the review criteria for comparing the request to code requirements for granting a plan development request on Page 3. Again, she covered primarily only those items with a "no" answer because of site existing conditions (when the criteria refers to proposed items) that are not expected to be changed. She then covered the legal notices and responses received. One (1) letter was returned as undeliverable today.

Planner Bonner moved on to the rest of the exhibits in the packet. She concluded by asking the commission if they had questions or wanted more information.

Vice Chairman Grimes asked if the commission could ask about uses on the site, and mentioned a food bank. Planner Bonner stated that a food bank was not one of the items mentioned during the October walk-through. Use for one office person upstairs was definite, possibly the pastor's study downstairs, and possibility of having small groups such drug or alcohol recovery groups. The largest room in the building was about the same size as half of this room (the Council chambers). She re-stated from the review criteria that any assembly of a group of 50 people or more would have parking issues. The 11 existing spaces (that need to be re-stripped) barely meet the minimum required number of spaces for a group assembly of 50. Vice Chair Grimes stated he would be concerned with a food bank at that location because Kaufman Street would be blocked if that type of use was allowed at the site. Planner Bonner stated that the existing facilities at this location could not support the operation of a food bank. Chairman Dupuis also had concerns about parking for this location. Planner Bonner stated that parking is going to be their one issue if the site provides more than office type uses or services. There have been several things in this building – healthcare provider and tax service as an example – but no group assemblies. Someone has been in the building and done something since the last time it was occupied because of the number of items that need to be corrected before the owner can occupy the building. It is unclear at this point who did the work on the building, but no building permit has been issued for the “damage” that Director Barr and her saw during the walk-through. An electrician, plumber, mechanical company, and structural engineer all need to review and/or make repairs.

Vice Chairman Grimes stated he really was trying to figure out what the commissioners could ask about. Planner Bonner stated that you can ask about things related to those in the review criteria or the structure, but not specific land uses unless you are attempting to determine some additional conditions of approval. Those she has provided in the staff report are typical examples related to similar religious institutional SUP requests the commission as reviewed in the past. Other items that can place limits on the property or its SUP include landscaping, lighting, hours of operation, etc. Because the property's ownership is listed as the mission, she is assuming that the mission activities will be operated from this location, not any of the church's activities. She continued by stating that to even get the existing room for a kitchen, a major amount of plumbing and electrical remodeling would have to be completed to support a kitchen. Chairman Dupuis stated that the SUP can be granted, but they still will need to get permits for building repairs and Certificate of Occupancy. Planner Bonner stated that is true, but is not aware that they have applied for those permits yet. She concluded by stating there is no representative here tonight to answer any questions that the commissioners might have. Parking is really the main concern for staff with the site already having a 2-story building on it.

Chairman Dupuis then opened the floor for comments from the public.

Mr. Thomas Day of 108 West Adkins Street came forward and introduced himself. He doesn't want to see any more accidents at that intersection where there are 3 bushes that get tall and bushy that block the view of oncoming traffic along Kaufman Street. He would like to see the bushes trimmed and parking limited so that they wouldn't block the view of oncoming traffic. He as concerned about what might bleed over from the site into the neighborhood. Asked about folks staying from other locations. Director Barr stated there could be no residential living on the site. He then thanked the commission for letting him speak and then returned to his seat. Director Barr said he would make sure the bushes on the corner trimmed again.

Chairman Dupuis asked if anyone else wished to speak. No one came forward with public comments, so the chairman closed the public hearing at 7:10 pm.

The chairman asked the commissioners had any additional discussion. There was none.

Chairman Dupuis asked the commissioners for a motion. Vice Chairman Grimes moved to recommend to City Council the approval with conditions on the request for a religious institution on Tract 52 of the Wyatt Barnett Abstract, commonly known as 1201 North Kaufman Street, Seagoville, Dallas County, Texas. The conditions of approval were that the SUP is limited to maximum 2 calendar years; the SUP will expire when one of the following happens: the owner relocates; the owner closes its doors; the owner expands their land uses; or the owner applies for a new SUP for this location; and no food pantry due to the insufficient parking. Commissioner Lemond seconded the motion. By a show of hands, the motion passed unanimously in favor (five to zero) to recommend approval with conditions.

4. **Announcements:** Chairman Dupuis then read the list of upcoming city meetings.

Chairman Dupuis adjourned the meeting at 7:12 pm.

**APPROVED:**

  
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Mike Dupuis  
Planning and Zoning Commission Chairman

**ATTEST:**

  
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Jennifer Bonner, Planner and  
Planning and Zoning Commission Liaison