



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

Re-scheduled meeting scheduled to begin at

6:30 p.m. on Thursday, January 28, 2021

in the City Hall Council Chambers
at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Mike Dupuis called the meeting to order at 6:32 p.m. The meeting was held as a webinar by utilizing Zoom in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (CoVID-19). The Commissioners joined the meeting as listed below.

Present: Commissioner and Chairman Mike Dupuis, in-person
Commissioner and Vice Chairman David Grimes, in person
Commissioner Tommy Lemond by interactive video
Commissioner Charles Galbreth by interactive video

Absent: Positions 6 & 7 are vacant.

City Staff: Community Development Director Ladis Barr
Planner Jennifer Bonner
City Secretary Kandi Jackson
City Attorney Victoria Thomas by interactive video

Commissioner Charles Galbreth was asked to lead the group in an invocation. Afterwards, the chairman led the Pledge of Allegiance.

The following items were read by the chairman before the meeting proceeded.

First, there are 2 public hearing items on the agenda tonight. Here are the procedures for a public hearing and receiving public comments during a virtual meeting. An inquiry has been made about whether citizens will have an opportunity to vote tonight on the items listed on the agenda. The commission members are the only ones that actually vote. There is a designated time and opportunity during the public hearing for persons who are not on the commission to speak and voice their opinions, but not to vote.

Second, those that are permitted to speak during the public comment periods of tonight's public hearings will be limited to those individuals that met the requirements listed on the agenda: contacted Planner Jennifer Bonner and contacted her prior to 4:00 pm this afternoon. This provided staff the notice they needed to establish the opportunity to set those individuals up as speakers at tonight's meeting. Those who did not contact Planner Bonner before 4:00 pm will

not be permitted to speak this evening, but will be given an opportunity to speak when that item is heard by City Council in the future.

Finally, the Planning & Zoning Commission only votes on a recommendation to the City Council for a zoning change. The City Council hears the case, holds a separate public hearing, considers the recommendation of the Planning & Zoning Commission, and then takes final action.

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

1. **APPROVAL OF MINUTES:** Consider the minutes of the previous December 8, 2020, regular Planning and Zoning Commission meeting.

Chairman Dupuis asked if there were any questions or comments on the supplied minutes. Vice Chairman Grimes moved to approve the minutes of the regular meeting as presented. The motion was seconded by Commissioner Lemond. By a show of hands and voice vote, the motion passed unanimously (four to zero) in favor of the motion.

Commissioner Olu Olajimi joined by interactive video after the approval of the minutes.

2. **ZONING REQUEST Z2021-04: PUBLIC HEARING** Conduct a Public Hearing, discuss and make a recommendation to City Council on a zoning request to rezone three (3) tracts of land with a combined total of approximately 510.3± acres from AG, Agriculture, and R-1, Residential Single Family, to PD-21-02 (planned development for a mixed use including single family, multi-family, and commercial) in the Peter Stockman and John D. Merchant Abstracts in Dallas and Kaufman Counties, with approximately 359± acres generally bounded on 3 sides by U.S. Highway 175, F.M. 1389, and South Kaufman Street, AND approximately 151± acres generally bounded by South Kaufman Street and Combine Road near the Dallas-Kaufman County line, all in Seagoville, Texas.

Chairman Dupuis asked for the staff report.

Director Barr began by stating the city has been working with the developer for some time to bring this project forward. Citizens have asked for something really nice to come to town. This opportunity has arisen that would do so. This particular project would bring several opportunities to town while also making Seagoville a destination. We are pleased and proud to provide the chance for this facility to come to town.

Chairman Dupuis opened the public hearing at 6:39 p.m.

Planner Jennifer Bonner began by stating she would not be reading everything in the meeting packet as there are a lot of pages included. She addressed who the representatives are on this application. There are numerous exhibits, partially because the subject area sits over the Dallas-Kaufman County line so the typical maps from staff had to be created and supplied separately for each county's portion of the site. Planner Bonner then moved onto the staff report Exhibit 1. The first page gives the location of the property in the aerial photograph in the upper right corner, provides a summary of the size of the project, site

zoning, surrounding zoning district, the site's land use, surrounding land uses, and quite a few staff-recommended conditions of approval. She suggested that if the commissioners have questions about the recommendations, they ask as she move through the rest of the report. Page 2 of the report compares the application to the 2002 Future Land Use Plan, the 2006 Master Thoroughfare Plan, and the 2009 Zoning Map. Page 3 begins the comparison of the planned development request to review criteria from city codes. Highlights of those comparisons include no identified historical buildings, structures, or places (criteria 5). Other criteria were addressed as she moved through the rest of the exhibits. Planner Bonner then covered the legal notices. No responses had been received before the meeting packet was sent out but since then there have been responses that she sent by email to the commissioners this afternoon.

Planner Bonner quickly went through Exhibits 2 through 6. Exhibit 7 she covered in more detail since this is where all of the applications and supplemental documents for the application are provided. Exhibit 7B is the one to keep in front of you as it is the concept plan for the planned development. Exhibit 7C provides the plan for bringing utilities to the site for the development. Exhibit 7D addresses how utilities will be dispersed throughout the site. Landscaping and screening as well as signage examples are covered by Exhibit 7E. Street lighting is in Exhibit 7F. Proposed building elevations are in Exhibit 7G. Copies of the legal notices are in Exhibits 8 and 9 while Exhibit 10 provides the list of adjoining owners. Exhibit 11 is the applicants' presentation that they will see shortly. She then concluded by stating she would answers any questions from the commissioners.

Chairman Dupuis asked Planner Bonner who would provide emergency services to the site since it occurs within 2 different counties. She answered that since the entire site is within Seagoville city limits that the city would provide those services. She stated she was not certain who would provide back-up for those emergency services, but probably whoever the city would have already have a contract or agreement with.

The chairman asked if any of the other commissioners had questions for staff. There were none.

Chairman Dupuis asked applicant representative Mr. Steve Lenart of Lenart Development to begin. He began by thanking the commission for allowing him to bring the application forward. He then went through the provided PowerPoint presentation from his company on behalf of Megatel Homes. The presentation began with the Laguna area of the development, which is centered around 2- to 2.3-acres of freshwater area. This area is the focus of the programmed recreational and commercial parts of the development. The final programming is not complete, but will include multi-family residential units with waterfront access/views; a restaurant; entertainment including a bowling alley, lounge, fitness center, game room; and several beach areas. The water will be 8- to 9-feet deep and then slope up to between zero and 3-feet deep on all sides. The water area will have a poly liner and concrete form. The beaches will each have an average depth of 18-inches of sand imported in to create a true beach that all ages can use and play in. Beach areas will include seating and cabanas. Swim-up bars will also be available around the water for providing food and beverages. There will be some sort of water play area (i.e. splash or spray park). May include dock for kayaking, paddle-boarding, yoga (on and off the water). Very much a resort-like atmosphere. Numerous employees will be focused on the water and water-side areas. 4

to 5 of those employees will be full-time employees focused on the water cleanliness and maintenance alone. The main restaurant building on site is likely to have an event center on the 2nd floor that can either be rented out or used for meetings by the development's residents. Site overall concept plan shown and covered. All commercial, retail, and multi-family areas are along Highway 175 side of site. Seagoville's development is likely to include a dog park with food and beverages and socializing area. Large existing easements within the boundary of development to provide open/common areas and for locations of non-vehicular paths to reach the Laguna area. The Laguna will be open to both the public as well as having (private) areas reserved for use by residents of the overall development only. Day-passes or membership fees for use by the public. Landscaping, screening, and classified streets were discussed. Billboard planned somewhere along Highway 175. Examples of single family exteriors were provided. Multi-family building exterior examples were provided for 3-story product (with each unit being exterior-access only) and 4-/5-story product (with each unit being interior common hallway access only). All buildings that are 3-stories or taller would also have elevators. Laguna Azure is the name Megatel Homes (applicant) has selected for this site. Megatel has similar developments planned throughout the Dallas-Fort Worth area. Examples of how the restaurant and entertainment areas will look were provided in the rest of the presentation. Mr. Lenart closed by stating he would be happy to answer any questions the commissioners had.

Director Barr asked Mr. Lenart to expand on the number of planned bowling lanes. Mr. Lenart replied that current estimates are between 2 and 15 lanes, but there is no set number at this time.

Chairman Dupuis asked if any of the commissioners had questions.

Vice Chairman Grimes asked if there would be one restaurant that would be brought in with the development. Mr. Lenart replied that Megatel has their own providers of food and beverages so it would not be a brand-name or chain restaurant that would come with the development. All restaurants will be owned and operated by Megatel.

The chairman asked if any of the other commissioners had questions. There were none.

Chairman Dupuis then asked if anyone from the public would like to come forward. No one had registered to speak.

Chairman Dupuis closed the public hearing at 7:04 pm.

Vice Chairman Grimes moved to recommend approval with staff's recommended conditions on the zoning request to rezone three (3) tracts of land with a combined total of approximately 510.3± acres from AG, Agriculture, and R-1, Residential Single Family, to PD-21-02 (planned development for a mixed use including single family, multi-family, and commercial) in the Peter Stockman and John D. Merchant Abstracts in Dallas and Kaufman Counties, with approximately 359± acres generally bounded on 3 sides by U.S. Highway 175, F.M. 1389, and South Kaufman Street, AND approximately 151± acres generally bounded by South Kaufman Street and Combine Road near the Dallas-Kaufman County line, all in Seagoville, Texas. The conditions of approval were:

- No dwelling unit with a living area smaller than:

- 500 square feet in multi-family areas;
- 1,600 square feet in single family areas; and
- 1,200 square feet in designated senior areas.
- Construction of 5-foot or wider sidewalks in the right-of-way on both sides of arterial and collector streets.
- Construction of 3-foot or wider sidewalks in the right-of-way on both sides of local streets.
- All interior sidewalks to be at least 3-foot wide in commercial and multi-family areas.
- Walking trail may replace sidewalk on one side and be outside of street right-of-way.
- 24-foot wide concrete fire lane/access per city codes.
- Maximum structure height of:
 - 85-feet for 5 stories multi-family areas;
 - 50-feet for 3 stories in commercial, retail, and areas of mixed use with multi-family; and
 - 2-1/2 stories in single family areas.
 - Parapets and accent features allowed an additional 8-feet of height.
- All screening walls to be between 6- and 8-feet tall.
- Living screening walls allowed in specified locations in place of a wood or masonry screening.
- Signage to include one (1) billboard.

The motion was seconded by Commissioner Olajimi. By a show of hands and voice vote, the motion passed unanimously (five to zero) in favor of the motion.

3. **ZONING REQUEST Z2021-01: PUBLIC HEARING** Conduct a public hearing, discuss, and make a recommendation to City Council on a zoning request on two (2) tracts of land with a combined total of approximately 8.24+ acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas.

Chairman Dupuis opened the public hearing at 7:08 p.m. and asked for the staff report.

Director Barr read a statement about postings on the internet about this project. There have been comments that the cemetery would be dug up and bodies moved to make way for this project are not true. The proposed apartment development will wrap around with buildings backing up to the cemetery. The City of Seagoville will not allow the re-location of any cemetery for a development. Director Barr then yielded the floor to Planner Bonner.

Planner Jennifer Bonner began from the agenda comm by stating that the land in this request is vacant and wraps around Lee Cemetery on 3 sides. The application is being represented by Steven Homeyer this evening. Mr. Homeyer is representing the Oak Hill Assembly church that owns the northern and western areas as well as Kevin Butler who owns the eastern area. This application is for a planned development. While not stated in the packet, Mr. Butler has the church property under contract to buy assuming this planned development is approved. Mr. Butler would then be the sole owner and developer of the property. The request tonight would be for a planned development that contains (prior to any site engineering) a maximum of 9 apartment buildings that would have their roof peak at 50-foot or lower, an amenity center with an outdoor pool, and some utility/storage buildings. The development is also asking for a monument sign at each street entry. Planner Bonner then covered the legal notices and responses received.

Moving onto the staff report, Planner Bonner covered the summary of items shown. She added that this page also provides more detailed information on the amenity center plus information on the development's planned mail service and parking. Many of the recommended conditions of approval are standards required of any development in Seagoville. The smallest unit size in the application is not of a size that Director Barr or she were comfortable with so they are recommending a larger minimum size. She stated she would discuss that in more detail later in the report. She summarized of the size of the project, site zoning, surrounding zoning district, the site's land use, surrounding land uses, and then moved to Page 2 of the report where the application was compared to the 2002 Future Land Use Plan, the 2006 Master Thoroughfare Plan, and the 2009 Zoning Map. Page 3 begins the comparison of the planned development request to review criteria from city codes. Because the review criteria are looking for a yes/no answer, if part of the answer was "no" then the entire answer was defaulted to a "no". Explanations are provided for each criteria and the staff's answer. She read certain review criteria and explained in more detail than listed in the report for criteria 1, 2, 5, 6, and 20. She then had everyone turn to page 5 of the report for the staff comments on dwelling unit sizes. This part of the report provides a table with existing code dwelling unit minimum living area sizes, the application requested living area minimums, and staff recommended minimums for each unit size. She discussed how she and Director Barr came up with their recommendations for minimum sizes that are smaller than current code but larger than application requested sizes for each unit type. She then concluded her coverage of the staff report by describing the information provided in the table of uses.

Planner Bonner quickly went through Exhibits 2 through 4. Exhibit 5 she covered in more detail since this is where all of the applications and supplemental documents for the application are provided. She had everyone open Exhibit 5B, the concept plan for the development to point out the location of Lee Cemetery, what area the church owns, and what area Mr. Butler owns, in addition to the narrow strip of land that will connect the current church property to Mr. Butler's without crossing the cemetery property. Exhibit 5C is the planned landscaping for the development. Exhibit 5D is the proposed building elevations. Exhibits 6 & 7 are copies of the legal notices and Exhibit 8 is a list of adjoining owners that were notified by mail. Exhibit 9 is the applicant's PowerPoint presentation. She stated she would answer questions if the commissioners had any.

Chairman Dupuis asked about the wall behind the existing residences. Planner Bonner replied that part of it will be a fence and part of it will be an actual screening wall 6- to 8- feet tall. The materials of the wall need to be discussed by the Commissioners with their representative and finalized with the City Council, but staff's only role is to state a wall is needed. Most of the houses already have a fence along their back property line. Director Barr added that screening walls are required by code to be 6-feet tall.

The chairman asked if any of the other commissioners had questions for her. There were none.

Chairman Dupuis asked the applicant to introduce themselves. Mr. Steve Homeyer introduced himself. He began by stating that he had been able to view the meeting until it was his turn to speak. He was afraid that disconnecting and then re-connection would not let him back into the meeting so he would cover what he could from memory but would not use

the slides in the presentation. He would gladly answer any questions the commissioners might have. He quickly added that there was one clarification he wanted to point out. The application lists only 400 square feet of living area in the efficient apartment units. Their current floorplans call for those units have been increased to 528 square feet in size. The amenity center and the items there will be for the tenants of the development only – not the public. Underground detention is planned for addressing the increase in stormwater runoff from the development of the site.

Chairman Dupuis asked about the siding on the buildings. Mr. Homeyer replied it would be hardi-board or equivalent cementitious board.

The chairman asked if any of the other commissioners had questions for Mr. Homeyer. None did.

Chairman Dupuis then stated it was time for comments from the public.

He asked City Secretary Kandi Jackson who was first on the list. Nancy Ashley was moved in the virtual meeting room so she could speak to the commission. After several trials, Mrs. Ashley replied that she could not see or hear the commission so would just begin speaking. She lives at 1702 Parkhaven Drive. She lives outside of the notification zone. She feels that apartments should be located in a business or commercial area only. She has concerns about safety with the apartments so close to the elementary school. Apartment complexes are a business – they are there to make money. People moving in and out. Traffic should be a safety consideration. Neighborhood is already getting congested with all of the other new houses coming and that apartments will only add to that. For these reasons, she is against the rezoning. She then thanked to commission for giving her a chance to speak.

Tonya Godbehere was then moved in the virtual meeting room so she could speak to the commission. Ms. Godbehere stated that she lives at 1703 and 1705 Woodhaven – a double lot that backs up to the development. She is against the zoning change. She asked how far back the apartments will be from her fence line. She has an 8-foot tall fence around her back yard where her grandkids play and have a pool. She is concerned about the number of residents of the apartment complex that would be able to look into her back yard with 3-story buildings. Traffic is a concern. All of the new houses coming are bringing more traffic and the addition of the elementary school has also brought a lot of traffic to the area. Drainage issues in her development. She is totally against the change. Chairman Dupuis stated that the closest building would be about 39-feet. There is an alley between her lot and the planned development, and they will have building setbacks to meet on their property. The 39-feet includes her existing fence and the fence/screening wall that they will be required to install as well as a 24-foot fire lane through the development.

City Attorney Victoria Thomas spoke up and asked who was speaking. After identifying both the chairman and Ms. Godbehere, Attorney Thomas stated that a public hearing is not for discussion or dialogue but to allow people to provide their comments. They can ask questions, but it is not the role of the commission to answer them.

Chairman Dupuis asked if there was anyone else on the list to speak. City Secretary Jackson replied that there were others who had registered to speak and had been listening

to the meeting but that had left the virtual meeting room.

Mr. Homeyer said that there were questions that had been posted in the chat box of the meeting room that he would be willing to answer. Attorney Thomas stated that this time is only for those who have signed up to speak so comments in the chat box cannot be answered or addressed during this time.

Chairman Dupuis closed the public hearing at 7:30 pm.

Chairman Dupuis asked if the commissioners for their thoughts.

Vice Chairman Grimes stated he had a question that probably should go to Director Barr. He knows most of the area is currently wooded, but part of it drains to Woodhaven. Would putting this project in possibly help with the drainage issues? Director Barr responded that is part of what needs to be looked at with the engineering of the site – and the related retention/detention of the increased runoff from the site's development. None of the drainage from the site can bypass the detention area.

With no other discussion, the chairman asked for a motion on the request.

Vice Chairman Grimes moved to recommend approval with staff-recommended conditions for the zoning request on two (2) tracts of land with a combined total of approximately 8.24± acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas. The recommended conditions of approval were:

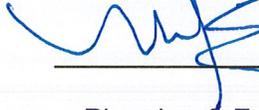
- No dwelling unit smaller than 500 square feet of living area.
- Construction of 5-foot sidewalk along both Seagoville Road and Alto Road in dedicated public sidewalk easements.
- Construction of 5-foot sidewalk along the highway frontage road outside the highway's right-of-way.
- Construction of 4-foot sidewalk along Greenhaven Drive in a dedicated public sidewalk easement.
- All interior sidewalks to be at least 3-foot wide.
- 24-foot wide concrete fire lane/access per city codes.
- Maximum structure height of 50-feet at roof peaks.
- All masonry screening walls to be at least 6-feet tall.
- 6-foot masonry wall – brick, rock, or combination thereof- along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.

Attorney Thomas interjected that since the applicant's representative has stated that the smallest dwelling unit now planned is 528 square feet, the motion needs to be amended to that same size. Commissioner Grimes amended his motion to match the recommendation of the City Attorney. The motion was seconded by Commissioner Olajimi. By a show of hands and voice vote, the motion passed unanimously (five to zero) in favor of the motion.

ANNOUNCEMENTS & UPCOMING MEETINGS: Planner Bonner read the list of upcoming city meetings and provided updates on which meetings are likely to be cancelled but are not listed that way on tonight's agenda.

Chairman Dupuis adjourned the meeting at 7:35 pm.

APPROVED:



Mike Dupuis
Planning & Zoning Commission Chairman

ATTEST:



Jennifer Bonner, Planner and
Planning & Zoning Commission Liaison