

MINUTES

for the

SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at

6:30 p.m. on Tuesday, April 28, 2020

in the City Hall Council Chambers

at 702 North U.S. Highway 175; Seagoville, Texas

Chairman Mike Dupuis called the meeting to order at 6:33 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, except the chairman, joined the meeting remotely by either interactive video or computer and phone.

Present: Commissioner and Chairman Mike Dupuis at City Hall with staff
Commissioner Charles Galbreth by interactive video
Commissioner Tommy Lemond by computer and phone
Commissioner Heather Rice by interactive video
Commissioner Olu Olajimi by interactive video

Absent: Commissioner Tyree Roberson

City Staff: Community Development Director Ladis Barr
Planner Jennifer Bonner

Commissioner Galbreth was asked to lead the group in an invocation. Afterwards, the chairman led the Pledge of Allegiance. He then said he hoped all were doing well.

Chairman Dupuis gave an opportunity for the public to comment on items not on the agenda. Planner Bonner stated that she had not received notice from any non-applicants about wishing to speak at tonight’s meeting.

Commissioner and Vice Chairman David Grimes joined the meeting by interactive video during the public comment period.

- 1. Approval of Minutes:** The chairman asked if there were any corrections to the minutes supplied by staff in the meeting packet from the February 11th meeting. Vice Chairman David Grimes moved to accept the minutes. Commissioner Olajimi seconded the motion. By voice vote, the minutes were approved six (6) to zero (0).
- 2. Zoning Request Z2020-04: Public Hearing** Chairman Dupuis introduced the first item of

business on the agenda. The item was a public hearing for a request to change from PD-19-04 to PD-19-04-A1 to amend the development regulations by amending the lot dimensions while maintaining the minimum 6,000 square foot lot area and amending the concept plan to reflect the same on approximately 46-acres located at 835 Thedford Road; Seagoville; Dallas County; Texas. The chairman then opened the public hearing at 6:34 pm and asked for the staff report.

Planner Jennifer Bonner began by stating that the property is unimproved. It is located northeast of East Farmers Road between Thedford Road and Brandon Drive. Mr. Pat Atkins is representing himself and the owner, developer, and home builder Robbie Hale under the name of his company Shepherd Place Homes in this request. This application is asking to amend the current plan development regulations by revising the current concept plan and reducing the minimum lot depth from 120-feet to 110-feet on certain lots in the development. With this application, they are not asking for total area of these lots to be reduced from current minimum requirement of 6,000-square-feet – just the lot depth.

Planner Bonner then moved on to Exhibit 1, the staff report. There is an aerial photograph on the front page showing the parcels that are included in this request under the yellow stars outlined in red as well as the subject area is outlined in green. This is the second time this property has asked for a change in zoning in recent months. The concept plan has changed from what was submitted the first time, which requires a new review of the project. Additionally, the new concept plan is what is requiring the request for the reduction in the lot depth since every lot could not meet the minimum 120-foot depth. Staff is recommending approval of the concept plan with the following conditions: 1) only those lots identified in the application have their minimum depth reduced to 110.00-feet while all other lots in the development maintain their 120.00-foot lot depth and 2) the total area of no lot is less than the minimum of 6,000-square-feet.

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. The only “no” answers in review criteria (that begin on page 3) are that no historic buildings, structures, or features have been identified on the subject property; and that these certain items can be changed with a plan development – which we are looking at amending with this request. The changes with this request can be found in Exhibit 5b. She then provided information on the public notices, responses received, and the example motion for the commissioners. There is a table at the end of the staff report covering the permitted and other uses allowed in a standard R-5 district, which this development has for its base zoning. Finally she covered the other exhibits that were attached in this portion of the meeting packet. Exhibit 5 has multiple parts because of the application, the proposed changes to the development regulations, the new concept plan, the draft construction plat (not being reviewed tonight but that Planner Bonner required to confirm that all lots in this request are the only ones needing to be revised), and a page identifying those lots needing the lot depth reduction. She then stated she would be willing to answer any questions the Commissioners had. The items showing on the screen now are the slides of the PowerPoint presentation that the developer and applicant will show shortly. Planner Bonner stated that the commissioners who requested paper deliveries got the slides in the second delivery.

Mr. Pat Atkins introduced himself as the developer’s representative for this project. He stated this project was first reviewed by the commission a few months back. They have gotten into the engineering design and now have found some lot depth issues that cannot

meet the requirements spelled out in the initial ordinance for this plan development. They are asking for some minor changes. Details are listed in the documents submitted to Planner Bonner that she included in Exhibit 5 of the packet. Initial requirements of larger house sizes and adding to Casa Grande Park are not changing. Park fees will be paid now instead of the applicant making the improvements to the park. (Park fees are \$500 per lot and paid with other final plat fees.) There will not be an increase of number of lots with this design. All lots will remain a minimum 6,000-square feet per residential lot. Engineering and new layout just does not provide the minimum required 120-foot lot depth so asking for the change of concept and reduced depth. Configuration and connections to existing streets are exerting control on the several lots. Again, there is no change in the number of lots, overall lot area, or minimum house sizes (1600, 1700, and 1800 square feet) with this request. They are excited to get moving forward with the engineering and then construction on this project. He would be happy to answer any questions from the Commissioners. He is requesting approval of the project. They have no issues with staff's recommended conditions of approval. As can be seen in the slides, the houses to be built are expected to be \$250,000 and higher.

Chairman Dupuis asked if any of the commissioners had questions. Vice Chairman Grimes replied yes. His question is in relation to the reduced size of the detention pond and will that create in flooding issues. Mr. Atkins replied no. The engineers have told him the preliminary calculations for the pond show that new area should be adequate to hold the planned pond. If during plan review and final engineering it is determined that the area is not be large enough, they realize that lots may have to be lost to provide more room for the pond.

Chairman Dupuis asked if anyone else had any questions. There was no response so the chairman thanked Mr. Atkins for his presentation.

Chairman Dupuis opened the floor for public comments. No one else came forward with public comments, so the chairman closed the public hearing at 6:49 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. Vice Chairman David Grimes moved that the Planning and Zoning Commission recommend to City Council to approve with conditions the request to change from PD-19-04 to PD-19-04-A1 to amend the development regulations by amending the lot dimensions while maintaining the minimum 6,000 square foot lot area and amending the concept plan to reflect the same on approximately 46-acres located at 835 Thedford Road; Seagoville; Dallas County; Texas. The conditions of approval were the concept plan was acceptable if both of the following conditions were met: only those lots identified with this application may have a reduced lot depth of not less than 110.00-feet while all other lots maintain their lot depth of 120.00-feet and no lot shall have its total area reduced from 6,000.00-square-feet. Commissioner Lemond seconded the motion. By individually-voiced votes, the motion passed unanimously in favor (six to zero) of recommending approval of the request with the conditions listed by the vice chairman.

- 3. Zoning Request Z2020-06: Construction Plat** Chairman Dupuis introduced the next item of business on the agenda. The item was a discussion and action on a request to re-approve the Construction Plat for Wellington Farms on approximately 8-acres at 1110 Stark Road in Plan Development PD-17-03-A1 with an R-2, Residential Single Family, base zoning. The chairman then opened the public hearing at 6:52 pm and asked for the staff report.

Planner Jennifer Bonner began by stating that this is listed as a re-approval of the construction plat because the plat was originally approved in October of 2018. Since that time, the developer and the City of Seagoville has been waiting on Dallas Water Utilities (DWU) to recognize that the planned 23 homes on lots in Seagoville will be directly connect to Dallas water meters and sanitary sewer. Within the last few weeks, a verbal agreement has been reached by both cities for these utility services. There has been no plat or engineering plan changes. Re-approval is required by the Planning and Zoning Commission because no action was taken on-site since the last approval, which had to occur within six months of the initial approval of the plat. There are planned 23 lots for single family homes plus 2 detention ponds in common areas and right-of-way dedication along both Lasater and Stark Roads.

Planner Bonner then moved on to Exhibit 1, the staff report. There is an aerial photograph on the front page showing the location of the parcel in this request. The area is only about 150-feet deep, which is why there are residential lots but no internal street right-of-way or Seagoville utility connection. Staff is recommending re-approval with one condition since the development regulations listed in Ordinance 02-2019 allowed the escrowing of the improvements of Lasater Road until the time of Final Plat.

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. The review criteria begin on page 3. Review Criteria 7 has some items that need to be added to the Final Plat, but do not affect this approval. Review Criteria 6 is listed as not being met since there is no written agreement between Seagoville and Dallas for the water and sanitary sewer for these lots. But again, a verbal agreement was been reached on March 25th of this year for these homes. Certificate of Occupancies for the homes in Seagoville cannot be issued until a written agreement is in place. She then provided information on the public notices, responses received, and the example motion for the commissioners. Finally she covered the other exhibits that were attached in this portion of the meeting packet, including the construction plat in Exhibit 6b and the ordinances that contain the development regulations for the development. She then stated she would be willing to answer any questions the Commissioners had.

The chairman then asked if there were any questions from the Commissioners for either Planner Bonner. The commissioners indicated not at this time.

Chairman Dupuis asked if the applicant or his representative were asked if they had anything they wanted to say. Mr. Richard Hovas with Engineering Design Concepts introduced himself as the representative for the owner of this project D. R. Horton. He stated he said he would be happy to answer any questions the commissioners might have on the project.

Chairman Dupuis asked if anyone else had any questions. There was no response so the chairman thanked Mr. Atkins for his presentation.

Chairman Dupuis then opened the floor for comments from the public. No one else came forward with public comments, so the chairman closed the public hearing at 6:57 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 re-approve with conditions the Construction Plat for Wellington Farms on approximately 8-acres at 1110 Stark Road in Plan Development PD-17-03-A1 with an R-2, Residential Single Family, base zoning. The one condition of approval was – per Ordinance 02-2019 - payment of the escrow of the Lasater Road improvements being delayed until the time of Final Plat, when it would need to be paid along with all other Final Plat fees. Vice Chairman Grimes seconded the motion. By individually-voiced votes, the motion passed unanimously in favor (six to zero) of re-approving the construction plat.

- 4. Zoning Request Z2020-03: Construction Plat** Chairman Dupuis introduced the next item of business on the agenda. The item was a discussion and action on a request to approve the Construction Plat for Caldwell Farms on approximately 20-acres at 15000 Lasater Road in Plan Development PD-19-02-A1 with an R-5, Residential Single Family, base zoning. The chairman then opened the public hearing at 6:59 pm and asked for the staff report.

Planner Jennifer Bonner began by stating that Mr. Atkins is also representing this item tonight. The property is located northwest and across Lasater Road from the last item we discussed. More specifically, it is about 150 feet northwest along Lasater from the intersection of Lasater Road with Wynngate Drive in the Highland Meadows subdivision. The subject property is bounded by Highland Meadows on two sides and is currently vacant. The construction plat would allow the construction of 87 residential single family lots, 5 common areas, and street right-of-way improvements for Lasater Road in addition to the creation of new internal streets. Tonight we are looking at the Seagoville portion of the subdivision. There are also 42-acres of this overall subdivision in the City of Dallas and about 13 acres in the City of Mesquite.

Planner Bonner then moved on to Exhibit 1, the staff report. The aerial photograph on the front page identifies all of the parcels that will be in the overall subdivision. The larger yellow star outlined in red is in Seagoville; the blue star outlined in orange is in Mesquite; and the green star outlined in pink/purple is in Dallas. As with the last agenda item, only a verbal agreement has been reached for providing municipal water and sanitary sewer to these lots. No engineering plans have been submitted at this time. Because there have been no engineering plans submitted at this time, Staff is recommending denial of the request for an approved construction plat. The plat and related plan development regulations for meet the requirements for the Future Land Use Map and Plan, the 2006 Thoroughfare Map and Plan, and the 2009 Zoning Map. However it does not meet the requirements of the subdivision codes without a set of engineering plans as shown on the top of page 3 of the staff report. Most of these items are listed as recommended conditions of approval on the last page of Exhibit 1 if the Commission decides to approve the plat. Again, Staff is recommending denial since no engineering plans have been submitted and therefore no review has been done to compare to city subdivision, development, and stormwater/drainage codes. If the plat is approved tonight, the applicant has 180 days to get engineering plans completed, submitted, reviewed, and accepted and with no written agreement with DWU, it is exceedingly difficult for Staff to state that can be achieved. Seagoville code does states the construction plat must acquire a re-approval if engineering plans do not reached an acceptable state or if the time to reach that position takes more than 180-days. Most of the review criteria questions have a “No” answer because they refer to something that should be in the engineering plans. Without engineering plans, there is no way for staff to provide any sort of positive answer to these criteria. With this many “No” answers, there is no justification for staff to recommend approval of the plat. The example motion starts on the bottom of

page 4 with the bulk of the language on page 5. Finally she covered the other exhibits that were attached in this portion of the meeting packet. Exhibit 6 has multiple parts because of the application, construction plat, the 1-page utility plan, and the 1-page preliminary screening sheet. This utility plan does show gravity feeding into the Highland Meadows subdivision for sanitary sewer (instead of a lift station in the detention pond area), but that is part of what has to be worked out between Dallas and Seagoville. She then stated she would be willing to answer any questions the Commissioners had.

Commissioner Rice asked Planner Bonner to re-explain what needed to be accomplished in the 180-day period if the Commission chose to approve the plat with conditions because the microphone/speaker had broken up. Planner Bonner re-explained again and went more slowly to try to prevent the microphone issue. She also reiterated that it might take 180 days just to get the written agreement with DWU in place. Even if everything else needed had been taken care of and the written agreement with DWU was a condition of approval on the construction plat, then the plat would have to be re-approved after the DWU agreement had been finalized.

The chairman then asked if there were any questions from the Commissioners for either Planner Bonner. The commissioners indicated not at this time.

Chairman Dupuis asked Mr. Pat Atkins if they had anything they wanted to say.

Mr. Atkins replied that he did. He explained the procedural process he and the owners are trying to accomplish. Each city has their own layers and sets of requirements and processes. The zoning processes for plan development in Mesquite and Dallas have both been completed. The other cities also have preliminary platting processes that are quasi approval - but not construction plat approval. One city has granted their preliminary approval; the other is scheduled to review and/or grant next week. Seagoville does not have this extra step, but that is what they are actually looking for at this time. They are not trying to get approved construction plans at this time – just approval to move to that step into that process. He understands the deadline to complete all the required Seagoville steps before construction can begin. His group feels that can accomplish everything in the 180-day period to be ready to begin construction. If granted tonight, the investors and lenders for this project can see the approvals are being acquired as needed for continuing to move the project forward in all 3 cities. DWU has moved forward quite a bit in the last 6 months on the sanitary sewer issues at the Lawson lift station. His group hopes this DWU progress continues moving forward. They understand the deadlines, guidelines, and code requirements for Seagoville as well as the other cities. They are asking for approval to move their project forward to the next step of engineering plans. He requests Commission's approval of the "plat" so that work on engineering documents can begin. He would be happy to answer any questions.

Chairman Dupuis said that 6 months does not seem like enough time to him to try to get everything done, but he is hearing Mr. Atkins state that is their goal? Mr. Atkins replied yes, but they understand that if it does not happen, they will have to come for a new approval of the construction plat. Chairman Dupuis then listed some of his possible conditions for granting approval tonight. Mr. Atkins stated that the engineering plans for all 3 municipalities will be worked on as a single project/subdivision. Need layers of approval on the financial end of the project. They have the Mesquite and Dallas portions, just need Seagoville's piece to complete the package. Chairman Dupuis then asked about emergency services to the site once built. Planner Bonner responded that the addressing is something the staff of each

of the 3 cities will need to coordinate together so that there no street names or numbering that could create confusion for responders. Planner Bonner continued by explaining she has had the same situation with the Wellington Farms development just down the street that is mostly in Dallas but will have a few lots and houses in Seagoville.

Chairman Dupuis asked if any of the other commissioners had questions. Vice Chairman Grimes stated he had a question for Planner Bonner. So, in 180 days the investor could back out. How does that affect us if the Commission approves it? It is just paperwork, right? He stated he knows it is a lot on her, but the Commission is not really out anything at that point if they have to come back. Planner Bonner stated all of that is true. This is not something that goes to City Council for review so only the Commission would see this again when it comes back. She can understand that the Commission does not see anything to prevent them from granting approval with conditions, which is why example conditions of approval are provided at the end of the staff report. These conditions come from various city codes. The review criteria just make it difficult for staff to provide any recommendation except denial. Vice Chairman then asked about the wooden screening fence instead of a masonry fence as another condition. Planner Bonner states that code requires a does not allow a wooden screening fence so that is something that should be picked in the review without being specifically called out tonight. Vice Chair said he heard someone say something about adding the fence material as a condition of approval. Planner Bonner stated it can be listed, but with the number of code items that are looked at during the engineering plan review process that it would probably be caught anyway.

Commissioner Rice stated she had another question. Do engineering plans come to the Commission? Planner Bonner stated no, that is a staff responsibility. The applicant submits, staff reviews, applicant corrects based on comments and re-submits. The cycle is repeated until the plans are determined to be acceptable to city codes for developments, subdivision, development regulations in the plan development ordinances from City Council, and any conditions you place on the construction plat approval. There is not another review by the Commission prior to construction beginning, but they do have to meet all of those requirements she just listed before the plans are determined to be acceptable. Director Barr then added that a phone call had been held with DWU in the last few weeks to reach the verbal agreement on the water and sanitary sewer services that have been mentioned tonight.

Chairman Dupuis asked if anyone else had any questions. There was no response so the chairman thanked Mr. Atkins for his presentation. The chairman closed the public hearing at 7:17 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 and move the project forward. The vice chair agreed but still wanted to make sure he had conditions of approval from the group. Planner Bonner said if you grant approval with conditions, you have to spell out those conditions for her. The example conditions she provided can be used or the Commission can create their own. Discussion continued. Eventually Vice Chairman Grimes moved that the Planning and Zoning Commission approve with conditions the request to approve the Construction Plat for Caldwell Farms on approximately 20-acres at 15000 Lasater Road in Plan Development PD-19-02-A1 with an R-5, Residential Single Family, base zoning. The conditions of approval were as follows: Signed agreement between the City of Seagoville and Dallas Water Utilities for municipal water and sanitary sewer services to the subject development and acceptable engineering plans within 180

days. Commissioner Rice seconded the motion. By individually-voiced votes, the motion passed unanimously in favor (six to zero) to approve the request.

5. **Zoning Request Z2020-07: Public Hearing** Chairman Dupuis introduced the last item of business on the agenda. The item was a public hearing for a zoning request to change from AG, Agriculture, to R-5, Residential Single Family, on property located at 417 North Watson Street; Seagoville, Dallas County, Texas. The chairman then opened the public hearing at 7:22 pm and asked for the staff report.

Planner Jennifer Bonner began by informing the commissioners that this is a vacant piece of property that sits on one of the 90-degree corners of North Watson Street. It has been zoned Agriculture since some time prior to 1978, when a city-wide rezoning occurred. The property is just outside of original plat of Seagoville, which stopped at Durham Road. The Planning and Zoning Commission is to make a recommendation on the request to City Council to make a final decision.

Planner Bonner then moved on to Exhibit 1, the staff report. The applicant Mr. Bobadilla is requesting that the parcel under the purple star outlined in orange in the aerial photograph on the front page be rezoned to R-5. This process began by having the applicant come in for a plat on the property. During that review, Planner Bonner identified that this property was zoned AG. Setbacks for that district are 50-feet from each property line, which essentially makes the property unable to be built on. She suggested that Mr. Bobadilla submit a zoning request to R-5 because that zoning district matches the current zoning on 3 of the 4 sides of the property. Staff is not sure why a lot this small has not been rezoned to match the surrounding R-5 previously, so they are recommending approval of this request.

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. The submitted plat has not been recorded yet (because of being closed due to the corona virus) but is signed and ready to go to the county. It will be dedicating the needed share of Watson Street right-of-way on both the front and right side of the lot. Once the plat is recorded and the rezoning has been approved, the Board of Adjustments can review the lot for a variance on lot depth reduction (due to required right-of-way dedication on the front of the lot) and possibly a second variance to the street side setback.

Planner Bonner then explained the legal notice to the newspaper, a letter to the neighbors, the response received from one neighbor, and the list of neighbors within 200-feet of the boundary of the property that were required to be notified by state law. She then referenced the table of land uses at the end of the staff report comparing AG and R-5 zoning districts. She summarized the other exhibits in this portion of the meeting packet. She pointed out some details on the copies of the unsigned plat in Exhibit 5b. She concluded by stating she would be willing to answer any questions the Commissioners had.

The chairman then asked if there were any questions from the Commissioners for either Planner Bonner. The commissioners indicated not at this time.

Chairman Dupuis asked if the applicant or his representative were asked if they had anything they wanted to say. Mr. Edgar Bobadilla introduced himself as the property owner on this request. He said that Planner Bonner explained his application quite well. He wants to build a house on this corner lot. She has been helping him get through the various

processes to get to the point he can submit that application and make the lot useful for something other than growing grass. He would be happy to answer any questions.

Chairman Dupuis asked if anyone else had any questions. There was no response so the chairman thanked Mr. Bobadilla.

Chairman Dupuis then opened the floor for comments from the public. No one else came forward with public comments, so the chairman closed the public hearing at 7:29 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. Vice Chairman Grimes moved that the Planning and Zoning Commission recommend to City Council to approve the zoning request to change from AG, Agriculture, to R-5, Residential Single Family, on property located at 417 North Watson Street; Seagoville, Dallas County, Texas. Commissioner Olajimi seconded the motion. By individually-voiced votes, the motion passed unanimously in favor (six to zero) of recommending approval of the request.

- 6. Announcements:** Planner Bonner then read the list of upcoming, cancelled, and tentatively cancelled city meetings.

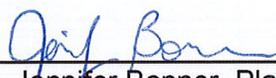
Chairman Dupuis adjourned the meeting at 7:32 pm.

APPROVED:



Mike Dupuis
Planning & Zoning Commission Chairman

ATTEST:



Jennifer Bonner, Planner and
Planning & Zoning Commission Liaison

