



MINUTES

for the
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Regular meeting scheduled to begin at
6:30 p.m. on Tuesday, September 14, 2021**

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

Vice Chairman Grimes called the meeting to order at 6:30 p.m.

Present: Commissioner and Vice Chairman David Grimes
Commissioner Tommy Lemond
Commissioner Charles Galbreth
Commissioner Dr. Don Cole
Commissioner Debra Haney

Absent: Commissioner and Chairman Mike Dupuis, sick at home
Commissioner Olu Olajimi

City Staff: Community Development Director Ladis Barr
Planner Jennifer Bonner

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

Vice Chairman Grimes then gave an opportunity for the public to comment on items not on the agenda. No one responded in person.

1. **APPROVAL OF MINUTES:** Consider the minutes of the previous August 24, 2021, regular Planning and Zoning Commission meetings.

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

2. **ZONING REQUEST Z2021-15: PUBLIC HEARING** Conduct a Public Hearing, discuss and make a recommendation to City Council on a zoning change request from R-5/LM, Residential Single Family/Light Manufacturing, to O/LM, Office/Light Manufacturing, on approximately 4± acres described as Tract 59 in the John D. Merchant Abstract, commonly known as 615 North Kaufman Street, Seagoville, Dallas County, Texas, to allow for the

remodel and office use of the existing structure thereon.

Vice Chairman Grimes opened the public hearing at 6:33 p.m.

Planner Jennifer Bonner began by stating covering the existing site's information and the plan for the site as provided in the Agenda Comm. She 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. The table in the middle of the page summarizes the size of the project, site zoning, surrounding zoning district, the site's land use, surrounding land uses, and surrounding recommended future land uses. She again stated that the property is an unoccupied school building with 2 portable classrooms in the back. This request would allow the remodel and conversion of the current building (with a split zoning of R-5 and LM) to an office use (zoned O, Office). The current driveway and utility easement area along the west property line would be rezoned to LM to match the back of the property, which is to be platted as its own lot using the existing driveway area as its access to North Kaufman Street. Staff is recommending approval with the list of conditions specified on the bottom of page 1.

Planner Bonner then moved onto Page 2 of the report, which compares the application to the 2002 Future Land Use Plan, the 2006 Master Thoroughfare Plan, and the 2009 Zoning Map. On each map, the property is located under a star. In the Land Use section, she stated the plan calls for this area to be Public/Civic site because that is how the property would have been classified when it was a school. The Comprehensive Plan shows areas of Low and Medium Density Residential properties to the west, north and east, Commercial and Low Density Residential properties to the south and southeast. There is also some called for Office areas to the west and southeast. In the Master Thoroughfare Plan section, Planner Bonner explained that right-of-way for North Kaufman Street will be required with the platting of this property. In the Zoning Map section, she again discussed the split zoning of R-5 and LM that exists from Farmers Road to Ard Street that has existed since prior to 1977.

The review criteria for a planned development begin on the top of Page 3. Planner Bonner stated she was going to focus on those criteria with answers of "no", meaning the application does not meet code requirements for allowing a change. Criteria 7 covers ingress, egress, and pedestrian ways. Those outside the building are compliant, but any shortages in the building will have to be corrected during its remodel. Criteria 13 asks about permitting less than code minimums. Assuming the zoning change is granted, any items that currently do not meet code will be required to be brought into code compliance with the building's remodel. Criteria 14 asks about meeting the requirements of the Master Thoroughfare Plan, which will be addressed with the required plat before a building permit can be issued. Moving onto Page 4 of the report, Planner Bonner stated there are no other review criteria needing a negative response explained. She then covered the legal notices for this application. Only 1 response was received and it was from the property owner in support of the request. Planner Bonner then covered the table of uses at the end of the staff report and the rest of the exhibits. She then quickly went through Exhibits 2 through 4. Exhibit 5 she covered in more detail. Exhibit 5A is the application. Exhibit 5B is a survey, the boundary description of this application, and other notes from the survey. She covered the legal notice exhibits, the responses received, and the list of property owners notified. She then concluded by stating she would answer any questions from the commissioners.

Vice Chairman Grimes asked if any of the other commissioners had questions for staff. There were none.

Vice Chairman Grimes asked applicant's representative to come forward and identify himself. Mr. J.J. Moore, representing Genesis Fire Protection, the company proposing to buy the property and use it if the zoning change is approved, came forward and introduced himself. He began by stating the business has been at its current location of 330 West Simonds Road here in Seagoville since it began operating in 2003. The company has outgrown that location and prefers to stay in Seagoville. This location was found and appears that it would be able to serve them for several years and allow the business to continue to grow. They understand the property has to be platted. They are putting plans together for remodeling the building permit process. Their list of things to do includes reviewing the fencing and site grading. The company wants to secure the site like they do the current site with fencing, cameras, lighting, etc. They do have some questions about the pavement conversion from asphalt to concrete. They do not want to have to pour the concrete if in the middle of other revisions to the site.

Director Barr spoke up and stated that the plat is required by state law to be acquired before the building permit can be issued. A building permit is good for 6 months, but if the project cannot be completed in that time, the applicant can ask for a time extension prior to the expiration of the permit. So the time period for the paving in 6 months is to reflect the life of a building permit, not when the pavement work should be done. He has no problem with revising the recommended condition of approval from "6 months" to "prior to issuance of Certificate of Occupancy". That way the amount of time it takes to complete the remodel is not specified/limited, but the deadline for completing the pavement conversion is. He agreed the fire lane and concrete pavement could be completed prior to Certificate of Occupancy.

Vice Chairman Grimes asked if the entire business would be relocated to this site, or just part of the company. Mr. Moore responded that the whole company would move. The plan is to gut and convert 9500 square feet of the existing 14,000 square foot building into offices for their company and leave the rest for completion and renting out to others for office space. There is also a plan to build an additional 10,000 square foot building in the back part of the property that will primarily to be used for short-term storage of materials between their delivery to the company and their transfer to their job sites.

Director Barr spoke up to explain what their company does (install fire suppression systems), what work is done at their office (limited assembly), and what work they do on job sites (installation, erection, testing, pressurizing, etc. of both wet and dry systems).

Vice Chairman Grimes said if any of the commissioners had any other questions for Mr. Moore. There were none by the commissioners.

Vice Chairman Grimes opened the floor for comments from the public. No one came forward to speak. He closed the public hearing at 6:56 p.m.

Vice Chairman Grimes asked if any of other commissioners had questions or felt a need for any additional discussion. There were none.

Commissioner Lemond moved to recommend to City Council to approve with staff's recommended conditions of approval of the zoning change request from R-5/LM, Residential Single Family/Light Manufacturing, to O/LM, Office/Light Manufacturing, on approximately 4± acres described as Tract 59 in the John D. Merchant Abstract, commonly known as 615 North Kaufman Street, Seagoville, Dallas County, Texas, to allow for the

remodel and office use of the existing structure thereon. The conditions of approval were:

- The property is platted before any building permit is issued.
- The driveways and parking lot converted to reinforced concrete prior to issuance of a Certificate of Occupancy.
- Onsite drainage to be reviewed during building remodel. Grading corrections completed within 6 months.
- Front fencing materials (along the North Kaufman Street side of the property) to be replaced during building remodel to bring it into code compliance.

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

3. **ZONING REQUEST Z2021-16: PUBLIC HEARING** Conduct a Public Hearing, discuss and make a recommendation to City Council on a zoning change request from LR, Local Retail, to LR-SUP, Local Retail with a Special Use Permit for a Tobacco Shop on approximately 0.39+ acres described as Tracts L, M, and the east half of Lot 2 in the Town & Country Shopping Center Revised, commonly known as 611 North U.S. Highway 175, Seagoville, Dallas County, Texas.

Vice Chairman Grimes opened the public hearing at 6:59 p.m.

Planner Jennifer Bonner began by covering the site information from the Agenda Comm. She 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. The table in the middle of the page summarizes the size of the project, site zoning, surrounding zoning district, the site's land use, surrounding land uses, and surrounding recommended future land uses. The property is part of an existing strip mall. The owner of each portion of the building also owns a separate parcel containing their portion of the parking lot. This request would allow the owner to rent the space to a potential tenant wishing to open a tobacco shop at this location. Tobaccos shops require a special use permit and a minimum zoning of LR. Staff is recommending approval with the list of conditions specified on the bottom of page 1. Most of these are common conditions with a Special Use Permit. The hours of operation listed however, are particular to this request that is asking for the ability to be open 24-hours a day and 7 days a week. Staff is concerned about noise, traffic, and cleanliness around the business and so has suggested operational hours of 6:00 AM to 12:00 midnight, which are more in keeping with the noise ordinance and the hours of other city businesses that are either servicing early morning or late evening commuters or employees of other businesses.

Planner Bonner then moved onto Page 2 of the report, which compares the application to the 2002 Future Land Use Plan, the 2006 Master Thoroughfare Plan, and the 2009 Zoning Map. On each map, the property is located under a star. In the Land Use section, she stated the plan calls for this area to be Retail. In the Master Thoroughfare Plan section, Planner Bonner explained that the parking lot for the strip mall has access onto East Farmers Road and the highway frontage road. The subject parcel has no direct access to either road and is already platted. In the Zoning Map section, she discussed the various zoning districts shown.

The review criteria for a planned development begin on the top of Page 3. Planner Bonner stated she was going to focus on those criteria with answers of "no", meaning the application does not meet code requirements for allowing a change. Criteria 2 covers layout of the proposed development, which is entirely in an existing building. Criteria 5 discusses

granting the permit be authorizing less than the minimum requirements of the code. With no plans to change the building or parking lot, these existing conditions are either legal and conforming or legal and non-conforming. Certificate of Occupancy inspections will determine which. Criteria 7 asks about proposed landscaping and screening, of which there is none. Director Barr adds this can be required as part of a Certificate of Occupancy. Criteria 8 references whether there are special setbacks required for this use. There are not and the again, the requested site is in an existing building. Criteria 9 questions the planned parking surface type. Asphalt is existing and will not be required to be replaced with reinforced concrete unless it is not maintained in good condition. Criteria 10 asks about installation of curbs and other drainage structures, which are not needed since what is required is already existing. Criteria 11 is about granting a use that is not allowed. Tobacco shops require a special use permit and a minimum zoning of LR, which is the existing zoning on the site. Criteria 16 asks about safeguards for noxious and offensive emissions, which should be similar to those of the adjoining business in the strip mall unless the hours of the proposed tobacco shop extend beyond those of the neighbors.

Moving onto Page 4 of the report, Planner Bonner stated that is the end of the review criteria to be covered. She then covered the legal notices for this application and then covered the rest of the exhibits. She then quickly went through Exhibits 2 through 4. Exhibit 5 she covered in more detail. Exhibit 5A is the application. Exhibit 5B is the applicant's letter to the City Council and the Planning and Zoning Commission. She covered the legal notice exhibits, the responses received, and the list of property owners notified. She concluded by stating she would answer any questions from the commissioners.

Vice Chairman Grimes asked if any of the other commissioners had questions for staff. There were none.

Vice Chairman Grimes asked applicant's representative to come forward and identify himself. Mr. Anas Naji, proposed tobacco store owner, came forward and introduced himself. He stated he would like to open a 24-hour tobacco and vape shop at 611 North Highway 175.

Director Barr asked about the current store size. Mr. Naji replied about 7000 square feet. Director Barr asked then what size area Mr. Naji planned to occupy. Mr. Naji replied, just a portion of it - 2200 to maybe 3500 square feet of the space.

Commissioner Cole asked whether there would be a smoking lounge inside the store. Mr. Naji replied, no it would be a purchase and leave. He does not plan on having a smoking lounge area within the store.

Vice Chairman Grimes asked to confirm the plan was for the store to operate 24-hours a day. Mr. Naji replied that he is currently employed at a similar store that is open from about 9 AM to 9:30 PM and is always busy with customers. When he opens his store, he would like the option to be 24-hours, but if can't find employees to operate it or doesn't have sufficient traffic for it to be open that long, then he would reduce the store hours.

Director Barr asked if Mr. Naji would be keeping the existing store and expanding to Seagoville or if this would be his first store. Mr. Naji replied that he is only an employee at the store that he referenced so this would be his first location. He hopes to expand to other cities from this store.

Mr. Naji added that most convenience stores are open 24/7. He thinks his store would be just as popular.

Vice Chairman Grimes said if any of the commissioners had any questions for Mr. Naji. There were none by the commissioners.

Vice Chairman Grimes opened the floor for comments from the public.

One person came forward to speak. She identified herself as Angela Lewis, representing her parents' trust, the owners of the property at 420 East Farmers Road – another business in the strip mall that the subject property is also located in. She submitted a response letter earlier today against this request. There was a short letter attached to the written response that she would like to read. "As adjoining property owners we are opposed to the zoning request Z2021-16 at 611 North U.S. Highway 175 in the Town & Country Shopping Center. The negative impacts of another Smoke and Tobacco shop include, but are not limited to increased potential for tobacco sales to minors, greater opportunity for sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight and loss of property values of businesses and neighborhoods in close proximity." She added that 8-10 years ago there had been a similar tobacco shop next to her parents' store. There were issues with littering and loitering at that location and it had more limited hours of operation than those suggested by staff. She then thanked the commission for letting her speak.

Vice Chairman Grimes asked if there were any other comments from the public. No one else came forward to speak. He closed the public hearing at 7:17 p.m.

Vice Chairman Grimes asked if each of commissioners had any more questions or felt a need for any additional discussion. Commissioner Haney said she had none. Commissioner Cole stated that he was thinking. He personally does not smoke, but it is not illegal so does not see a reason to outright deny the request. He is concerned with allowing the business to operate as a 24-hour business 7 days a week though. Vice Chairman Grimes stated he had concerns about cleanliness, signage and storage. Director Barr responded that signage requires city permits with types, amounts, and locations limited by city codes. Commissioner Galbreth stated all of his concerns had already been mentioned. Commissioner Lemond stated the same. Commissioner Cole did say he had been to the location where Mr. Naji works and it is clean and well-maintained, but Mr. Naji is only an employee. Director Barr added that there is a city ordinance against smoking in any building and within 25 feet of any building exterior. Commissioner Haney asked if the ordinance also addressed vaping. Director Barr stated yes. There was no other discussion.

Commissioner Galbreth moved to recommend to City Council to approve with staff's recommended conditions of approval on the zoning change request from LR, Local Retail, to LR-SUP, Local Retail with a Special Use Permit for a Tobacco Shop on approximately 0.39± acres described as Tracts L, M, and the east half of Lot 2 in the Town & Country Shopping Center Revised, commonly known as 611 North U.S. Highway 175, Seagoville, Dallas County, Texas. The conditions of approval were:

- SUP limited to maximum 2 calendar years.
- Limit hours of operation from 6:00 AM to 12:00 midnight.
- This SUP will expire when one of the following happens:
 - The owner relocates;
 - The owner closes its doors;

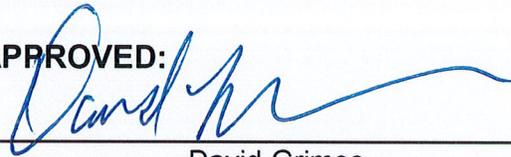
- o The owner expands their land uses; or
- o The owner applies for a new SUP for this use at this location.

Commissioner Cole stated he would like to an amendment to the motion. He would like each reference to "the owner" to be specified as "the business owner" since the property is part of a strip mall with multiple businesses that are seperately owned, rented out, and operated. After some discussion, all agreed that this amendment was logical for this request and Commissioner Galbreth re-stated his motion with the revised language. The motion was then seconded by Commissioner Haney. By a show of hands and voice vote, the motion passed unanimously (five to zero) in favor of the amended motion to conditionally approve the request.

ANNOUNCEMENTS & UPCOMING MEETINGS: Planner Bonner read the list of upcoming city meetings and provided updates on which meetings are likely to be re-scheduled or cancelled. There was a brief discussion about the next scheduled meeting being moved from Tuesday, September 28, to Thursday, September 30. The meeting start time is unchanged from 6:30 p.m.

Vice Chairman Grimes adjourned the meeting at 7:27 pm.

APPROVED:



David Grimes
Planning & Zoning Commission
Vice Chairman and Acting Chairman

ATTEST:



Jennifer Bonner, Planner and
Planning & Zoning Commission Liaison