

MINUTES
FOR THE
SEAGOVILLE PLANNING AND ZONING COMMISSION
Meeting scheduled to begin at 7:00 p.m.,
Thursday, February 25, 2010
in the Council Chambers of City Hall,
located at 702 N. Highway 175 – Seagoville, Texas

CHAIRPERSON
VICE-CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

CARL HENLEY
DENNIS CHILDRESS
JERRY BECKER
BEVERLY WILSON
RITHA EDWARDS
(VACANT)
(VACANT)

► As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

I. CALL TO ORDER

Chairperson Henley declared a quorum present and called the meeting to order at 7:00 p.m. Commissioners present were Dennis Childress, Carl Henley, Ritha Edwards and Jerry Becker. Commissioner Beverly Wilson arrived at 7:10 p.m. Also present were ACM/Director of Public Works Mike Hitt, City Planner Sherry Sefko with The Sefko Group and Planning Technician Cindy Kintz.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Vice-Chairperson Childress gave the invocation and the commissioners led in the Pledge of Allegiance.

III. APPROVAL OF MINUTES

A. Approval of the Minutes for the regular meeting held on January 14, 2010.

Vice-Chairperson Childress made a motion, seconded by Commissioner Becker, to approve the minutes for the regular meeting held on January 14, 2010 as written. Chairperson Henley called for a vote with all present commissioners voting AYE. The motion carried (3-0). Commissioner Wilson was not present when the vote was taken.

IV. PUBLIC HEARINGS

- A. Z2010-01 - Hold a Public Hearing, discuss and take necessary action on a request to rezone an approximate 4.1-acre piece of property from its current Light Manufacturing (LM) zoning to the Heavy Manufacturing (HM) Zoning District and amending the Comprehensive Land Use Plan. The subject property is generally located on West Simonds Road approximately 270 feet southwest of Elizabeth Street in Seagoville, Texas (property physical address: 303½ West Simonds Road; property acreage: 4.1± acres; property legal description: Lot 2, Block A of the Ott Addition, as recorded by Instrument No. 201000022141 in the Plat Records of Dallas County, Texas, and being part of the Herman Heider Survey, Abstract No. 541).
Applicant: Howard Ott.

1. Open public hearing; and receive staff report and public comments.

Chairperson Henley opened the public hearing at 7:03 p.m. City Planner Sherry Sefko presented the zoning request to the Commission. She informed the commissioners that the properties surrounding the subject property were zoned either Light Manufacturing (LM) or Single-Family Residential-5 (R-5). She stated that the City's Comprehensive Plan recommended the Commercial District (C) for zoning in this area of the City. She informed the commissioners that the current business on the property, which was refurbishing freezer units, had been there for a number of years. She reminded the commissioners that the Commission had approved the final plat on the subject property in January.

Mrs. Sefko explained that the property owner wanted to dispose of the current business and open up a metal recycling business for aluminum cans, copper, tin and the like. She informed the commissioners that, after much deliberation, the City Attorney decided this type of land use was allowed in the Heavy Manufacturing Zoning District as metal reclamation.

Mrs. Sefko stated that she did not support this zoning case due to the land use not matching the Comprehensive Plan; considered it to be spot zoning; and the uses allowed in the Heavy Manufacturing Zoning District were not compatible in this area of the City.

Richard Alan Goldberg (Investor) – 6806 Joyce Way, Dallas, Texas 75225 – spoke in favor of the zoning request. He informed the commissioners that he planned on investing in the project. He explained that the business would purchase, process and sell the metals to other businesses. He stated that the metals would be removed from the premises within a day or two. He added that they planned on doing

landscaping to beautify the property. He further explained that the business would aid in economic development for the City for they planned on opening the business with ten employees and expanding the employee base to fifty within the first year. He emphasized that the business was not going to be an automobile wrecking yard. He stated that the majority of the metals would be stored inside the building and the metal that would be outside would be capped low. He commented that recycling would be here for a long time.

1. Reverend Virgil Causey (Property owner representative) – 316 South Bois D Arc, Forney, Texas 75126 – spoke in favor of the zoning request. He informed the commissioners that the business would store the copper, brass and aluminum inside the building. The other metal would be stored in the far back in four dumpsters. He explained that the metals would be shipped out about every three days. He also explained the business would have only one way into and one way out of the property. He further explained that an approximate 1,500 feet stone and rod iron fence would be installed along the side of the property abutting the tire place and landscaping in the front of the property. He commented that the property was 80% cleaned up from the date the photograph had been taken that was provided to the commissioners. He stated that the only equipment on the property would be a front end loader and a “no noise” can machine that would be operating from 7:00 a.m. until 5:00 p.m. He stated that the business would employ Seagoville citizens. He added that the investor/company was good at supporting the fire and police departments, schools, etc. He stated that there would be no more than two or three trucks in the rear of the property at any given time and about five cars parked in front of the property. He stated that the business would be better than the recycling establishment in Garland.

2. Close public hearing.

Chairperson Henley closed the public hearing at 7:21 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2010-01.

Commissioner Wilson commented on the unsightly tire place and added that she felt like the proposed business was no more detrimental in that particular area of the City than what was already there.

Commissioner Becker commented that he had some misgivings on the possible condition the property could be left in if the business ever decided to close and questioned why the business could not operate under the current Light Manufacturing zoning.

Mrs. Sefko responded by saying that the Zoning Ordinance did not have a land use in the Light Manufacturing Zoning District that fit what the property owner wanted to do and the City Attorney felt like the Heavy Manufacturing Zoning District addressed it better under scrap metal reduction, which was an allowable land use under that zoning district. Commissioner Wilson added that she believed metal recycling was regulated by the State. Commissioner Becker commented that the tire place was an allowable land use under Light Manufacturing.

Commissioner Edwards stated that her main concern was, if the commissioners recommended approval of the zoning request to Heavy Manufacturing, what would happen two years down the road and the business closed. She added that she went to the metal recycling business located in Balch Springs and visited with the neighbors that lived around that establishment. She stated that the neighbors had problems with that business. She also mentioned that this type of land use was not in agreement with the City's Comprehensive Plan.

Vice-Chairperson Childress could not understand why the proposed land use was not allowed in the Light Manufacturing Zoning District. He referred to Mrs. Sefko's statement of the proposed land use being a new and unlisted use. He commented that this particular land use needed to be addressed and Commissioner Wilson agreed.

Vice-Chairperson Childress made a motion, seconded by Commissioner Wilson, to recommend denial of the change in zoning from Light Manufacturing to Heavy Manufacturing, as requested by the applicant. Chairperson Henley called for a vote with Vice-Chairperson Childress, Jerry Becker and Commissioner Edwards voting AYE. Commissioner Wilson voted NAY. The motion carried (3-1).

- B. Hold a Public Hearing, discuss and take necessary action on a request to approve a replat for the Town Center Addition, generally located at the southwest corner of West Malloy Bridge Road and North Watson Street in the City of Seagoville, Texas (property physical address after approval of plat: 101 North Watson Street; property acreage: 5.9± acres; property legal description: being all of Lots 1-4 in Block 7, and all of Lots 1-4, 11, 12 and 13 in Block 6 of the Original Town of Seagoville, and all of a 1.3± acre and a 1.2± acre tracts of land as described in Special Warranty Deeds from R & C Supply, Inc. to the City of Seagoville in the Deed Records of Dallas County, Texas, and all of abandoned Peck Street that lies between the west line of Malloy Bridge Road and the east line of Ward Street, and all those abandoned portions of Elm Street and Poplar Street that lie within Blocks 6

and 7 of said Original Town of Seagoville, Dallas County, Texas and also being part of the Henry D. Bohannon Survey, Abstract No. 178).

Applicant: *City of Seagoville.*

1. Open public hearing; and receive staff report and public comments.

Chairperson Henley opened the public hearing at 7:39 p.m. Mrs. Sefko presented the Town Center Addition replat explaining that the City was following the same process that any developer would be required to go through. She added that the subject property was the future site of a municipal building and the City would bring forth another replat of the property once the time comes to develop the property. She recommended approval of the replat.

2. Close public hearing.

Chairperson Henley closed the public hearing at 7:41 p.m.

3. Discuss and take necessary action on the replat for the Town Center Addition.

After a brief discussion, Commissioner Wilson made a motion, seconded by Vice-Chairperson Childress, to approve the replat for the Town Center Addition as submitted by the applicant. Chairperson Henley called for a vote with all present commissioners voting AYE. The motion carried (4-0).

V. REQUESTS AND PRESENTATIONS

- A. Discuss and take necessary action on a request to approve a final site plan for proposed renovations to the existing football stadium and press box at Central Elementary School located at 902 Shady Lane in Seagoville, Texas.

Applicant: *Dallas Independent School District*

Mrs. Sefko presented the Central Elementary School final site plan to the commissioners. She explained that the school was built long before the adoption of the City's Zoning Ordinance; therefore, there was not a site plan prior to the one before the commissioners that evening. She stated that the Board of Adjustments approved D.I.S.D.'s two variance requests from height of the press box as well as the front yard setbacks on all four sides of the subject property.

Karl A. Crawley, Masterplan President (Dallas I.S.D. Representative) – 900 Jackson Street, Suite 640, Dallas, Texas 75202 – addressed the Commission. He explained that the improvements to the school property were part of the \$1.3 billion bond program in 2004. He stated that the

stadium was built in 1955. He commented that the bids were coming in lower than the projected cost estimates allowing the district to do more improvements than anticipated.

Commissioner Edwards made a motion, seconded by Vice-Chairperson Childress, to approve the site plan for Central Elementary School subject to the two conditions cited below:

1. P&Z approval of the façade plans for Central Elementary School; and
2. Any additional additions or alterations to the engineering/construction plans as may be deemed necessary by the City's Engineer, Transportation Engineer, Planner or City staff to address outstanding engineering- or Building Code- related issues.

Chairperson Henley called for a vote with Vice-Chairperson Childress, Commissioner Becker and Commissioner Edwards voting AYE. Commissioner Wilson voted NAY. The motion carried (3-1).

- B. Discuss and take necessary action on a request to approve the façade plans for proposed renovations to the existing football stadium and press box at Central Elementary School located at 902 Shady Lane in Seagoville, Texas.
Applicant: Dallas Independent School District

Mrs. Sefko presented the Central Elementary School façade plans to the commissioners. She stated that she supported the school district's waiver request more in this case due to the graffiti issue and current exterior of existing school buildings.

Karl A. Crawley, Masterplan President (Dallas I.S.D. Representative) – 900 Jackson Street, Suite 640, Dallas, Texas 75202 – addressed the Commission. He explained that graffiti on split-face CMU block is almost impossible to remove. He further explained that on stucco or smooth-face CMU block a coating can be applied to easily wash off the graffiti.

Commissioner Wilson commented that the school district should not be exempt from the masonry requirement.

Commissioner Becker inquired as to how the press box would be constructed. Mr. Crawley responded by saying the press box would be brand new construction with the exterior constructed of concrete block with stucco; a lathe (heavy ware), special paint applied; and then the special coating applied on top of the paint. He stated the concessions/restroom facility would be concrete block only.

Vice-Chairperson Childress commented that anything is an improvement to the stadium's current condition and that the school district was paying for it.

Vice-Chairperson Childress made a motion, seconded by Commissioner Edwards, to approve the façade plans for the renovated press box and the new concessions/restroom building at 902 Shady Lane (Central Elementary School campus) subject to the two conditions cited below:

1. P&Z approval of the site plan for Central Elementary School/stadium; and
2. P&Z approval of the applicant's request for "Alternative Non-Masonry Exterior Materials" waiver for the renovated press box and new concessions/restroom building (as described in the letter from Masterplan).

Chairperson Henley called for a vote with Chairperson Henley, Vice-Chairperson Childress and Commissioner Edwards voting AYE. Commissioner Becker and Commissioner Wilson voted NAY. The motion carried (3-2).

- C. Hold a Discussion and give Staff Direction over possible Amendments to the Zoning Ordinance. Hitt and Sefko

Mrs. Sefko explained to the commissioners that she was still working on a series of amendments to the Zoning Ordinance and would have the amendments completed prior to their next meeting. She commented that there were not any major amendments. ACM/Director of Public Works Mike Hitt reminded the commissioners that the City was on a time frame.

VI. ADJOURNMENT

Without any further business to conduct, Commissioner Wilson made a motion, seconded by Commissioner Edwards, to adjourn the meeting at 8:18 p.m. Chairperson Henley called for a vote with Chairperson Henley, Commissioner Wilson and Commissioner Edwards voting AYE. Vice-Chairperson Childress and Commissioner Becker voted NAY. The motion carried (3-2).

CARL HENLEY
CHAIRPERSON

ATTEST:

CINDY KINTZ, PLANNING TECHNICIAN
PLANNING AND ZONING COMMISSION LIAISON