



MINUTES

FOR THE
SEAGOVILLE PLANNING AND ZONING COMMISSION

Meeting scheduled to begin at 6:30 p.m.,

Tuesday, November 27, 2012

in the Council Chambers of City Hall,
located at 702 N. Highway 175 - Seagoville, Texas

**CHAIRPERSON
VICE-CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

**JERRY BECKER
JAMES SUDDUTH
RITHA EDWARDS
RICK HOWARD
ALVIN ROSS
JOSE HERNANDEZ
BRAD INMAN**

► 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 Becker declared a quorum present and called the meeting to order at 6:30 p.m.

Commissioners present: Vice-Chairperson James Sudduth
Commissioner Brad Inman
Commissioner Alvin Ross
Chairperson Jerry Becker

Commissioner Ritha Edwards
Commissioner Jose Hernandez (arrived at 6:43 p.m.)

Commissioners absent: Commissioner Rick Howard

City Staff present: Cindy Kintz, Planning Technician/P & Z Commission Liaison

II. INVOCATION & PLEDGE OF ALLEGIANCE

Chairperson Becker 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 July 24, 2012.

MOTION: Approve the minutes for the regular meeting held on July 24, 2012.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Inman

AYES: Vice-Chairperson Sudduth, Commissioner Inman, Chairperson Becker, Commissioner Edwards and Commissioner Ross

NAYS: None

MOTION CARRIED: (5-0)

B. Approval of the Minutes for the regular meeting held on August 28, 2012.

MOTION: Approve the minutes for the regular meeting held on August 28, 2012.

FIRST: Commissioner Ross SECOND: Commissioner Inman

AYES: Commissioner Ross, Commissioner Inman, Chairperson Becker and Commissioner Edwards

NAYS: None

ABSTAINED: Vice-Chairperson Sudduth

MOTION CARRIED: (4-0-1)

IV. REQUESTS AND PRESENTATIONS

A. Discuss and take necessary action on a request to approve a replat for Lots 1A, 1B, 2, 3A & 3B, Block 2 of the Original Town of Seagoville, generally located 78± feet southeast of Malloy Bridge Road and the southwest intersection of Cypress and South Kaufman Streets in Seagoville, Texas.

Applicant: Robert Knight

Planning Technician Cindy Kintz presented the agenda item to the commissioners and recommended approval of the replat. She stated that the decision to grant the requested sidewalk waiver as well as granting the additional sidewalk waiver along Cypress Street and Railroad Avenue was up to their discretion.

FIRST MOTION: Approve the replat for Lots 1A, 1B, 2, 3A & 3B, Block 2, of the Original Town of Seagoville.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Edwards

AYES: Vice-Chairperson Sudduth, Commissioner Edwards, Chairperson
Becker, Commissioner Ross and Commissioner Inman

NAYS: None

MOTION CARRIED: (5-0)

SECOND MOTION: Approve the waiver request from the requirement to
install a 5' sidewalk along the subject properties that
front on to South Kaufman Street, as requested by the
applicant.

FIRST: Commissioner Inman SECOND: Vice-Chairperson Sudduth

AYES: Commissioner Inman, Vice-Chairperson Sudduth, Chairperson
Becker, Commissioner Edwards and Commissioner Ross

NAYS: None

MOTION CARRIED: (5-0)

At this time, Commissioner Hernandez arrived at the meeting.

THIRD MOTION: Approve the additional waiver from the requirement to
install a 5' sidewalk along the subject properties that front
on to Cypress Street and Railroad Avenue.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Edwards

AYES: Vice-Chairperson Sudduth, Commissioner Edwards, Chairperson
Becker, Commissioner Ross, Commissioner Hernandez and
Commissioner Inman

NAYS: None

MOTION CARRIED: (6-0)

V. PUBLIC HEARING(S)

- A. #Z2012-05 - Hold a Public Hearing, discuss and take necessary action on a
request to rezone approximately 20.7 acres from their respective
Residential-2 (R-2) and Residential-5 (R-5) Zoning Districts to the Local Retail
(LR) Zoning District and amending the Comprehensive Land Use Plan.

The subject acreage (properties) being considered for rezoning are generally
located on both the southwest and southeast sides of Malloy Bridge Road

from Kaufman Street to the U.S. Highway 175 Service Road and being more particularly depicted on the map labeled as Exhibit "A".

Applicant: City of Seagoville

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

Chairperson Becker opened the public hearing at 6:45 p.m.

Planning Technician Cindy Kintz presented Zoning Request #Z2012-05 to the commissioners and stated that the rezoning process on the twenty-nine subject properties was initiated by the City.

Jose Mendez (Property Owner that could be rezoned) - vacant property at 343 East Malloy Bridge Road - spoke in favor of the rezoning and would like to see the City grow.

Nicki Livingston (Property Owner that could be rezoned) - rental residential property at 336 East Malloy Bridge Road - stated that her mother resided on the property. She asked for a timeline on when the city planned on selling the property next to her property. She stated that the city must have a plan. She asked how the rezoning would affect her and her property.

Planning Technician Cindy Kintz responded to Ms. Livingston stating that the City did not have a timeline to sell the property but that the intent was to allow the Seagoville Economic Development Corporation to market the vacant properties to potential clients. She explained that existing occupied residential structures would continue as a legal non-conforming use (Commissioner Hernandez explained further as "grandfathered") until the structure remained vacant (unoccupied) for six months. After that time, the legal non-conforming status would go away and the effective zoning would go into effect meaning the house would no longer be allowed to be occupied as living quarters. She further explained existing vacant properties would no longer be allowed to be used for residential purposes, if the zoning was changed to local retail.

Jean Landess (Property Owner that could be rezoned) - 1450 Combine Road, Seagoville, Texas 75159 - vacant property at 316 East Malloy Bridge Road - spoke in favor of the rezoning. He commented that Malloy Bridge Road was a major connected of Interstate-20, U.S. Highway 80, Interstate-30, Interstate-35 and Interstate-45. He stated that he thought that particular section of Malloy Bridge Road should be local-retail and not residential.

Rita Braggs (Property Owner within 200 feet) - 206 Lakey Road - spoke in opposition of the rezoning. She spoke of gravel trucks racing up and down Malloy Bridge Road; the police taking people home instead of taking them to jail; drugs and drug dealers in their neighborhood; and poor street conditions. She wanted to see the city develop on the south side of U.S. Highway 175 with the nice brick homes in their neighborhoods.

Zulma Jasso (Property Owner that could be rezoned) - vacant property at 343 East Malloy Bridge Road - spoke in favor of the rezoning. She thought it would be good for Seagoville and hoped the rezoning passed. When asked by Commissioner Edwards, she stated that she owned an empty lot.

Ms. Braggs (Property Owner within 200 feet) - 338 Lakey Road - agreed with Rita Braggs and spoke in opposition to the rezoning.

2. Close public hearing.

Chairperson Becker asked if there was anyone else in the audience that would like to speak on the subject matter. He expressed that this was the time to step up to the podium and speak. No one else from the audience wished to speak.

Chairperson Becker closed the public hearing at 7:00 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2012-05.

The commissioners discussed the effect Loop 9 would have on Malloy Bridge Road as far as alleviating some of the traffic congestion, if and when Loop 9 ever was constructed.

Commissioner Hernandez asked Mrs. Kintz, if the properties were rezoned to local retail and the residential structures were ever destroyed by an act of nature or fire, would the property owners be allowed to rebuild their homes.

Planning Technician Cindy Kintz thought for a second or two before she spoke and then openly admitted that she was uncertain of the answer to Commissioner Hernandez's question. She stated that she would not give the commissioners an answer unless she was 100% confident in her answer. She thought possibly that question would be a building official question.

Commissioner Hernandez asked if the building official was present.

Planning Technician Cindy Kintz replied that the building official was not present but she would speak with him the very next morning and would provide them with a response.

At this time, people from the audience began asking questions and Commissioner Hernandez responded to their questions. After a few minutes, Chairperson Becker politely reminded everyone that the public hearing was closed to public comments and this was the time for the commissioners to ask questions and discuss the item themselves.

Commissioner Edwards agreed with Commissioner Hernandez. She stated that she had concerns due to the families that lived in the area of the proposed rezoning.

MOTION: Table Zoning Request #Z2012-05 until the December 11, 2012 meeting.

FIRST: Commissioner Hernandez SECOND: Commissioner Edwards

AYES: Commissioner Hernandez, Commissioner Edwards, Chairperson Becker, Vice-Chairperson Sudduth, Commissioner Ross and Commissioner Inman

NAYS: None

MOTION CARRIED: (6-0)

VI. ADJOURNMENT

MOTION: Adjourn the meeting at 7:14 p.m.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Ross

AYES: Vice-Chairperson Sudduth, Commissioner Ross, Chairperson Becker, Commissioner Edwards, Commissioner Hernandez and Commissioner Inman

NAYS: None

MOTION CARRIED: (6-0)

JERRY BECKER
CHAIRPERSON

ATTEST:

CINDY KINTZ, PLANNING TECHNICIAN
PLANNING AND ZONING COMMISSION LIAISON