

**MINUTES**  
FOR THE  
**SEAGOVILLE PLANNING AND ZONING COMMISSION**  
**Meeting scheduled to begin at 7:00 p.m.,**  
**Thursday, August 27, 2009**  
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

Vice-Chairperson Childress declared a quorum present and called the meeting to order at 7:02 p.m. Commissioners present were Dennis Childress, Ritha Edwards, Jerry Becker and Beverly Wilson. Chairperson Carl Henley arrived at 7:08 p.m. Also present were City Planner Sherry Sefko with The Sefko Group and Planning Technician Cindy Kintz.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner 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 August 13, 2009.

Commissioner Edwards made a motion, seconded by Commissioner Wilson, to approve the minutes for the regular meeting held on August 13, 2009. Vice-Chairperson Childress called for a vote with all present commissioners voting AYE. The motion carried (3-0). Chairperson Henley had not yet arrived.

IV. PUBLIC HEARINGS

- A. Z2009-01 – Hold a Public Hearing, discuss and take necessary action on a request to rezone an approximate 0.35± acre piece of property from its current Residential-5 (R-5) zoning district to the Commercial (C) zoning district. The subject property is generally located on the southwest corner of the intersection of North Kaufman Street and Mathis/Hall Street in the City of Seagoville, Texas; (property physical address: 1001 North Kaufman Street; property acreage: 0.35± acres; property legal description; Lot 2 of the J. L. Mathis Addition, as recorded in Volume 9, Page 137 in the Plat Records of Dallas County, Texas, and being part of the Wyatt Barnett Survey, Abstract No. 189.)

*Applicant: Randy Balch.*

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

Vice-Chairperson Childress opened the public hearing at 7:05 p.m. City Planner Sherry Sefko presented Zoning Case #Z2009-01 to the commissioners. She explained that the applicant had originally submitted his application for the Commercial Zoning District but had since requested to change his application to the Office Zoning District. Since the City had already advertised the public hearing and mailed out the property owner notices with the original zoning application for the Commercial Zoning District, the City Attorney advised City Staff to move forward with the original zoning request or re-advertise and re-mail the property owner notices for the Office Zoning District. She stated that, at this time, it was the applicant's wishes to continue through the rezoning process with the original zoning application request for commercial zoning.

Mrs. Sefko explained how she could envision in the future progress into low density use in this area of the City but at this time could not support this rezoning request for the following three reasons: (1) the Comprehensive Land Use Plan reflects this area of the City as residential; (2) the update to the Comprehensive Land Use Plan will still reflect this area of the City as residential; and (3) rezoning this property from residential to commercial would be considered spot zoning in her professional opinion.

She informed the commissioners that there were thirty-seven property owner notices mailed out. Nine of the notices were submitted with one being in favor of the rezoning request and eight were in opposition of the rezoning request.

Phillip Casebolt, resident – 909 North Kaufman Street, Seagoville, Texas – spoke in opposition to the rezoning request. He read his prepared statement where he spoke of his grandfather building the home in 1944 and strongly requested the Commission separate business from residential properties. He strongly encouraged heavy restrictions on the property, if the Commission approved the rezoning request for commercial zoning.

Linda Hughes, resident – 1003 North Kaufman Street, Seagoville, Texas – spoke in opposition to the rezoning request. She read her prepared statement where she spoke of her and her husband residing right next door to the property in question. She stated that they had purchased their home in 2006 and never would have dreamed the property next door to them would ever be converted into business property. She commented that there was not any evidence the applicant was actually living on the premises and operating a home-based business.

Penny Griffin, resident – 101 Mathis Street, Seagoville, Texas – spoke in opposition to the rezoning request. She spoke of the senior citizen housing development at the end of Mathis Street. She voiced her concern over the senior citizens' safety when they walk down Mathis Street to the stores for many of them do not have any transportation. She stated that she was firmly against this change (in zoning).

Randy Balch, applicant – 1001 North Kaufman Street, Seagoville, Texas – spoke in favor of the rezoning request. He informed the commissioners that his company, Ramsey Insurance Agency, had been serving the community from its original location at 301 West Malloy Bridge Road since 1931 and that he had purchased the business in 1996. He reported that his business did not generate a lot of traffic – maybe ten customers a week. He pointed out that Kaufman Street did not have any sidewalks; his business was located approximately one-fourth of a mile south of U.S. Highway 175; and approximately a half of a mile traveling east on Kaufman Street towards U.S. Highway 175. He stated that he only wanted a small sign in the front yard of the business.

2. Close public hearing;

Without any further comments from the public, Chairperson Henley closed the public hearing at 7:26 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2009-01.

Commissioner Wilson commented that she respected Mr. Balch's intention and understood that he wanted his business to grow but she felt like his business would be better suited in one of the local retail spots. She commented that the current business maybe fine where it is located at now but what about later on when Mr. Balch decides to retire and sell the property. She pointed out that retail spaces were located directly across the street from the property in question but believed it was not the right time to attempt rezoning the property but maybe later on in the future.

Commissioner Becker stated that he was reluctant to approve rezoning the property to the Commercial Zoning District for he also considered it to be spot zoning and rezoning would encompass the Local Retail and Commercial Zoning District allowed uses.

Commissioner Edwards was concerned with what the property could become later on in the future, if Mr. Balch retired or sold the property. She commented that everything around the property on the same side of Kaufman Street was all residential property.

Vice-Chairperson Childress disagreed with the spot zoning statements. He stated that he envisions the Town Center Overlay District gradually expanding down Kaufman Street. He commented that there was commercial property all around the property in question. He pointed out that the property sat on a corner of a major intersection with commercial property located just across the street with even more commercial property just a little further down Kaufman Street. Commissioner Wilson agreed with Vice-Chairperson Childress's transition theory of Kaufman Street but not at the present time.

Without any further discussion, Commissioner Wilson made a motion, seconded by Commissioner Edwards, to recommend denial of the change in zoning from Residential-5 to Commercial as requested by the applicant. Chairperson Henley called for a vote with Commissioner Wilson, Commissioner Becker and Commissioner Edwards voting AYE. Vice-Chairperson Childress voted NAY. The motion carried (3-1).

Chairperson Henley informed Mr. Balch that he could appeal the Commission's decision to the City Council.

V. ACTION ITEMS

None.

VI. REQUESTS AND PRESENTATIONS

- A. Hold a Discussion and give Staff Direction on the Comprehensive Plan Update Study. Sefko

City Planner Sherry Sefko reviewed with the commissioners the results of the visual survey the commissioners, members of City Council and City Staff took part in.

Mrs. Sefko requested that the commissioners review Section 4: The Thoroughfare Plan of the Comprehensive Plan to be discussed during their next meeting.

VII. FUTURE AGENDA ITEMS

None.

VIII. ADJOURNMENT

Without any further business to conduct, Commissioner Wilson made a motion, seconded by Commissioner Edwards, to adjourn the meeting at 8:03 p.m. Chairperson Henley called for a vote with all present commissioners voting AYE. The motion carried (4-0).

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**CARL HENLEY**  
**CHAIRPERSON**

**ATTEST:**

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**CINDY KINTZ, PLANNING TECHNICIAN**  
**PLANNING AND ZONING COMMISSION LIAISON**