

**MINUTES**  
FOR THE  
**SEAGOVILLE PLANNING AND ZONING COMMISSION**  
**Meeting scheduled to begin at 7:00 p.m.,**  
**Thursday, March 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 Carl Henley, Dennis Childress, Jerry Becker and Ritha Edwards. Commissioner Wilson arrived at 7:15 p.m. Also present were Director of Public Works/A.C.M. Mike Hitt 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 March 11, 2010.

Commissioner Edwards made a motion, seconded by Commissioner Becker, to approve the minutes for the regular meeting held on March 11, 2010. Chairperson Henley called for a vote with all present commissioners voting

AYE. The motion carried (3-0). At the time the vote was taken, Commissioner Wilson had not yet arrived.

#### IV. PUBLIC HEARINGS

A. #Z2010-02: Hold a public hearing to consider, and to make a recommendation to City Council on amending the following sections of the City's Zoning Ordinance, Ordinance No. 428, as amended (as well as any other applicable sections if necessary): Article XII (O Office District Regulations), Section 4.5; Article XIII (LR Local Retail District Regulations), Sections 1 and 3.6; Article XIV (C Commercial District Regulations), Sections 1 and 3.6; Article XV (LM Light Manufacturing District Regulations), Sections 1 and 3.6; Article XVI (HM Heavy Manufacturing District Regulations), Sections and 3.4; Article XVI-A (H/O U.S. Highway 175 Overlay District Regulations), Sections 4.A, 4.B, 4.F and 4.H; Article XIX (Non-Conforming Uses); Article XX (Special Uses); Article XXV-A (Regulations Applicable to all Districts), adding new Sections 3 (Special Parking, Loading and Vehicle Stacking Requirements), 4 (Drive-Through, Drive-In and Walk-Up Services), 5 (Site and Building Lighting Requirements), 6 (Outside Display, Storage and Retail Sales Requirements), 7 (Carports, Canopies and Porte Cocheres), 8 (Distance Separations Between Certain Uses) and 9 (Conversions of Existing Structures); Article XXVI (Permits and Certificates); and Article XXX (Definitions). The purpose of the proposed amendments is to amend and add definitions and design requirements in the Zoning Ordinance for food service, retail, convenience retail, motor fuel sales, and other similar service and retail establishments.

*Applicant: City of Seagoville, Texas.*

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

Chairperson Henley opened the public hearing at 7:03 p.m.

Mr. Hitt informed the commissioners that the documents included in their agenda packets were new and revised definitions as well as a use chart prepared by City Planner Sherry Sefko. He explained that the current definitions in the Zoning Ordinance were generic/gray (vague). He explained that Mrs. Sefko had spent two weeks revising some of the definitions, making them more clearer (black and white), and included some new definitions. He gave outside storage as an example as being more clearly defined and stated that even outside storage units (PODs) were addressed.

Mr. Hitt pointed out that City Manager Denny Wheat reviewed the definitions earlier that day and thought that the residential use may need to be evaluated a little closer, referring to Item 2(f) on Page 14. Mr. Hitt

suggested to the commissioners excluding residential use except for moving or remodeling purposes only on a temporary basis. Commissioner Becker was in agreement with Mr. Hitt's suggestion.

Commissioner Becker pointed out Mrs. Sefko's comment under Section 8(B) that had not been removed from the document yet. Mr. Hitt informed the commissioners that the City Attorney had omitted that particular item earlier that afternoon.

Vice-Chairperson Childress recommended including landscape materials to Section 6. *Outside Display, Storage and Retail Sales*, Item 5.

Commissioner Becker pointed out that the Commission had requested that outside retail (money exchanged outside) be allowed. Mr. Hitt stated that outside retail was allowed at one time until the established flower shops in the city had issues with a temporary vendor being allowed to set up a tent and sell roses for either Valentine's Day or Mother's Day.

Vice-Chairperson Childress commented that the small businesses (convenience stores) within the City were not going to be allowed to have outside storage. Commissioner Becker commented that the businesses could have a POD for storage. Mr. Hitt informed the commissioners that the Commission had only two choices: (1) allow by SUP or (2) do not allow. He stated that the City Council was tasked to revise the Sign Ordinance and that ordinance was on the same track.

2. Close public hearing;

Chairperson Henley closed the public hearing at 7:40 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2010-02.

After further deliberation, Vice-Chairperson Childress made a motion, seconded by Commissioner Wilson, to approve Zoning Request #Z2010-02 amending the following sections of the City's Zoning Ordinance, Ordinance No. 428, as amended (as well as any other applicable sections if necessary): Article XII (O Office District Regulations), Section 4.5; Article XIII (LR Local Retail District Regulations), Sections 1 and 3.6; Article XIV (C Commercial District Regulations), Sections 1 and 3.6; Article XV (LM Light Manufacturing District Regulations), Sections 1 and 3.6; Article XVI (HM Heavy Manufacturing District Regulations), Sections and 3.4; Article XVI-A (H/O U.S. Highway 175 Overlay District Regulations), Sections 4.A, 4.B, 4.F and 4.H; Article XIX (Non-Conforming Uses); Article XX (Special Uses); Article XXV-A (Regulations

Applicable to all Districts), adding new Sections 3 (Special Parking, Loading and Vehicle Stacking Requirements), 4 (Drive-Through, Drive-In and Walk-Up Services), 5 (Site and Building Lighting Requirements), 6 (Outside Display, Storage and Retail Sales Requirements), 7 (Carports, Canopies and Porte Cocheres), 8 (Distance Separations Between Certain Uses) and 9 (Conversions of Existing Structures); Article XXVI (Permits and Certificates); and Article XXX (Definitions) with the following changes:

- (1) Add landscape materials to Section 6.A. *Outside Display*, No. 5;
- (2) Allow PODs in residential zoning districts for moving and remodeling purposes only to Section 6.B.2. *Outside Storage Units, Portable (PODs)*; and
- (3) Delete Section 8.B. *Restaurants/Private Clubs* in its entirety.

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

V. REQUESTS AND PRESENTATIONS

None.

VI. ADJOURNMENT

Without any further business to conduct, Commissioner Edwards made a motion, seconded by Commissioner Becker, to adjourn the meeting at 7:43 p.m. Chairperson Henley called for a vote with Commissioner Edwards, Commissioner Becker and Commissioner Wilson voting AYE. Vice-Chairperson Childress voted NAY. The motion carried (3-1).

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**CARL HENLEY**  
**CHAIRPERSON**

**ATTEST:**

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