



# MINUTES

FOR THE  
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at 6:30 p.m.,  
Tuesday, July 24, 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 6:31 p.m.

Commissioners present: Vice-Chairperson James Sudduth  
Commissioner Brad Inman

Commissioner Rick Howard  
Chairperson Jerry Becker  
Commissioner Alvin Ross

Commissioners absent: Commissioner Ritha Edwards  
Commissioner Jose Hernandez

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

## **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 10, 2012.

MOTION: Approve the minutes for the regular meeting held on July 10, 2012 as written.

FIRST: Vice-Chairperson Sudduth                      SECOND: Commissioner Howard

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

NAYS: None

MOTION CARRIED: (5-0)

### IV. PUBLIC HEARING(S)

A. **#Z2012-03**: Hold a Public Hearing, discuss and take necessary action on a zoning request to establish a Specific Use Permit (SUP) for an extension of church services and amending the Comprehensive Land Use Plan. The subject property is generally located on the northwest corner of Netherland and Seago Drives (property physical address: 618 Netherland Drive; property acreage: 0.43± acre; property legal description: Lot 14 and 15, Block H of the Phillip Pirozzo Survey Unrecorded, as recorded in Instrument No. 201100337951 of the Deed Records of Dallas County, Texas.

*Applicant: Fellowship Holiness Church Inc.*

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

Chairperson Becker opened the public hearing at 6:34 p.m.

Planning Technician Cindy Kintz presented Staff's report over Zoning Request #Z2012-03 to the commissioners. During her presentation, she also suggested a seventh condition of placing a one-year time limit on the SUP; before the one-year expired, have the church re-apply for another SUP at no charge; and, if no complaints are received, grant the SUP on a permanent basis.

Pastor Melvin Oatman, Jr. (Applicant's Representative) - 1001 Seago Drive, Seagoville, Texas 75159 - stated that he became the pastor of the church in 2006 after moving here from California. He stated that the subject property was his deceased father's and mother's home. He stated that the house would be utilized for the women's ministry, church functions and additional classrooms. He stated that the house would mainly be closed up and certainly no living quarters.

Commissioner Inman inquired about the church's intentions on removing the fireplace and, if so, a time line in which the fireplace would be removed.

Pastor Oatman responded by saying that the church had a general contractor ready to start work on the house after the zoning process. He confirmed that the fireplace was going to be removed and thought it would take a couple of months to remove the fireplace. He stated that the City's building official did a walk-through of the house with him and provided a list of things that needed to be addressed to bring the house up to code.

Chairperson Becker inquired if the church planned on utilizing the house as a fellowship hall type use.

Pastor Oatman responded by saying that the church had a fellowship hall next to the church but the use of the house would be similar. He stated that the church did not want the property to fall into the wrong hands.

Tommie Marvin (Property Owner and Church Member) - 1004 Seago Drive, Seagoville, Texas 75159 - *spoke in favor of the zoning request.* He stated that his property abuts the subject property (to the northwest). He stated that he was also a member of the church. He stated that he was in favor of what the church was planning on using the property next door to him for.

Nicholas Belitere (Property Owner) - 808 North Kaufman Street, Seagoville, Texas 75159 (Mr. Belitere refused to provide his address for the record. The address shown is what the Dallas County Appraisal District reflects as Mr. Belitere's personal property address.) - *spoke in favor of the zoning request.* He stated that he held the title(s) to some property (within 200 feet of the subject property) in the area. He stated that he was in favor of the zoning request. He strongly suggested the City utilize independent inspectors for, in his opinion, the City did not have any qualified inspectors.

Chairperson Becker stated that the Commission had no control over City Staff related matters of that type.

2. Close public hearing;

Chairperson Becker closed the public hearing at 6:50 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2012-03.

Vice-Chairperson Sudduth stated that he personally did not like issuing SUPs on a temporary basis or for churches since churches were allowed to go in any zoning district. He added that he believed that the City had a highly-qualified building official.

Mr. Belitere loadly spoke out from the back of the Council Chambers in disagreement with Vice-Chairperson Sudduth's last statement.

Vice-Chairperson Sudduth stated that he was just making a statement and that he was not there to argue with Mr. Belitere.

Ms. Kintz advised both Chairperson Becker and Vice-Chairperson Sudduth of the device that was recently installed.

Without any further discussion, Chairperson Becker asked to entertain a motion.

MOTION: Recommend *approval* of the SUP for an extension of church services on the subject property located at 618 Netherland Drive, subject to the following seven (7) conditions:

1. No one shall occupy the main structure until the structure is brought into compliance with all of the City's building codes; proper inspections have been performed by the City's building official; and a final certificate of occupancy is issued by the City's building official;
2. Installation of a 6' wooden privacy or chain-link steel fencing with interwoven slats is recommended for visual screening from the residential properties on the southwest, northeast and northwest sides of the subject property as per the City's Fence Ordinance, Section 21.08.037 listed above;
3. The subject property shall remain in compliance with the City's Zoning Ordinance, Section 25.02.716 - *Site and Building Lighting*, listed above to minimize the amount of obnoxious glare or direct illumination across the subject property's property lines;
4. The SUP shall be revoked if at any time the structure is used to provide living quarters for an individual(s) past the church's special event periods (vacation bible school, men's retreat, women's retreat, etc.);
5. Events held outside the structure on the subject property shall be in compliance with Article 13.03 - *Noise* and shall cease by no later than 11:00 p.m.;
6. Off-street parking shall be provided on the driveway of the subject property or the church property located directly across Seago Drive; *and*
7. The SUP shall be valid for a time period of one year (i.e., 365 calendar days) following issuance, with re-application (re-application fee being waived) re-review and re-issuance of the SUP on a permanent basis as long as the church wishes to continue with church services ((vacation bible school, men's retreat, women's retreat, etc.) being extended on to the subject property.

FIRST: Commissioner Inman                      SECOND: Vice-Chairperson Sudduth

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

NAYS: None

MOTION CARRIED: (5-0)

- B. **#Z2012-04:** Hold a Public Hearing, discuss and take necessary action on a zoning request to rezone an approximate 4.1-acre piece of property from its current Light Manufacturing (LM) zoning to Heavy Manufacturing (HM) zoning 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).

*Applicant: Howard Ott.*

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

Chairperson Becker opened the public hearing at 6:54 p.m.

Planning Technician Cindy Kintz presented Staff's report over Zoning Request #Z2012-04 to the commissioners. She informed the commissioners that a list of the majority of items the applicant proposed to purchase/sell was included in their agenda packets.

Willie Coker (Applicant's Representative) - 2804 Dennis Circle, Seagoville, Texas 75159 - presented a copy of a "petition" (list of signatures with addresses and telephone numbers) for a scrap metal yard - He stated that he personally went from door-to-door and business-to-business from the convenience store; to the church; and all along West Simonds Road collecting signatures from whomever was there.

Vice-Chairperson Sudduth challenged the signature of Kelly Willis at 714 West Simonds Road, Building B, for he was the property owner and that was one of his rental properties. He stated that he did not recognize that name as the person that rented that building from him.

2. Close public hearing;

At this time during the meeting, Councilman Childress was present in the audience.

Chairperson Becker closed the public hearing at 6:54 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2012-04.

Vice-Chairperson Sudduth stated that he did not like the list of other land uses in the Heavy Manufacturing Zoning District that would be allowed to operate on the subject property if this proposed business were to go out of business. He stated that he thought the property's current Light Manufacturing zoning for that area of Simonds Road was a little heavy with the mixed residential and commercial properties in that particular area of West Simonds Road.

Mr. Coker stated that heavy manufacturing was occurring directly across the street from the subject property starting as early as 4 o'clock in the morning.

MOTION: Recommend *denial* of Zoning Request #Z2012-04 to rezone Lot 2, Block A of the Ott Addition, an approximate 4.1-acre piece of property, from its current Light Manufacturing (LM) zoning to Heavy Manufacturing (HM) zoning and amend the Comprehensive Land Use Plan.

FIRST: Vice-Chairperson Sudduth                      SECOND: Commissioner Inman

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

NAYS: None

MOTION CARRIED: (5-0)

## V. REQUESTS AND PRESENTATIONS

- A. Discuss and take necessary action on a request to approve a site plan including the landscape plan for the subject property located on the southwest corner of U.S. Highway 175 Service Road and Glenn Road in Seagoville, Texas (Property Physical Address: 2701 North U.S. Highway 175; Property Legal Description: Lot One, Block One of the Best Mechanical Addition and part of the Herman Heider Survey, Abstract No. 541, Page 510, Tract 5 as recorded in Instrument No. 201100294597 of the Deed Records of Dallas County, Texas; Total Acreage: 1.5± acres; Zoning Districts: Commercial and U.S. Highway 175 Overlay).

Applicant: Joe Torres Jr. (Best Mechanical)

The applicant - Joe Torres, Jr. - was present in the audience.

Planning Technician Cindy Kintz presented the Staff's report over Best Mechanical's site plan including the landscape plan. She informed the commissioners that the Board of Adjustments granted Mr. Torres's variance request to allow for a six-foot in height ornamental (wrought) iron fence in

front of the building line along U.S. Highway 175 Service Road and Glenn Road during their meeting held on the previous night, July 23, 2012. She also informed the commissioners that the City was in possession of a letter from the property owner that has abutting property to the south. The letter grants Mr. Torres permission to take down the abutting property owner's existing chain link fencing in order for Mr. Torres to erect a six-foot chain link fence with interwoven slats. Mrs. Kintz stated that she was also in possession of an e-mail from an Oncor representative granting Mr. Torres permission to enclose the utility easement as well as a copy of the TxDOT drive approach permit.

On the landscaping, she pointed out that the plan did not reflect landscaping along the front of the property and none of the plants listed were on the City's plant list. She also pointed out the ornamental (wrought) iron fencing would be built directly on the front property line and that the parking lot would be screened with plants. Finally, she stated that the Landscape Ordinance had a provision that, if the "spirit and intent" of the ordinance had been met, an alternative landscape plan could be approved by the Commission.

Vice-Chairperson Sudduth questioned the location of the fencing in front of the building line, the location of where trees were to be planted as well as the masonry requirements on the building(s).

Planning Technician Cindy Kintz responded by reiterating that the Board of Adjustment granted the previous evening the variance request for the additional one-foot in height on the fencing in front of the front building line and explained that the fencing would be along the front property line and the first thirty-five feet along Glenn Road. She stated that there were existing trees Mr. Torres would leave as part of his landscaping requirement but there were not going to be any trees planted in the way of power lines.

For the masonry requirement, she stated that the requirement was on main buildings in the Highway 175 Overlay and that the wording should be read carefully. She encouraged the commissioners to hold off on discussion of the façade/elevation plans until the next agenda item.

Chairperson Becker questioned why other properties like 105 Environmental Way that had to come before the Commission on masonry waivers.

Planning Technician Cindy Kintz explained the current owner of the property located at 105 Environmental Way wanted the additional main structure to look like the initial main structure on the premise.

Vice-Chairperson Sudduth commented that he thought the accessory building reflected on the site plan as being even with the main building should have masonry.

Commissioner Ross commented that he thought all buildings within the Highway 175 Overlay should have masonry.

Planning Technician Cindy Kintz offered to print off copies of the Highway 175 Overlay for the commissioners to review.

While Mrs. Kintz was out of the Council Chambers retrieving a copy of the Highway 175 Overlay District from her office, Councilman Childress was speaking to the commissioners how he was required to put masonry on the building(s) located behind his office when he had them constructed.

Chairperson Becker called for a fifteen minute recess at 7: 26 p.m.

Chairperson Becker reconvened the meeting at 7:40 p.m.

MOTION: Approve the final site plan/landscape plan for the Best Mechanical Addition with the condition of any additional additions or alterations to the engineering/construction plans as may be deemed necessary by the City's Engineer, Transportation Engineer, or City staff to address any outstanding engineering-related issues and approve the waiver request exempting the installation of sidewalks along eastbound U.S. Highway 175 Service Road and Glenn Road the full length of the north and east sides of the subject property.

FIRST: Vice-Chairperson Sudduth

SECOND: Commissioner Ross

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

NAYS: None

MOTION CARRIED: (5-0)

- B. Discuss and take necessary action on a request to approve a elevation/façade plans for the subject property located on the southwest corner of U.S. Highway 175 Service Road and Glenn Road in Seagoville, Texas (Property Physical Address: 2701 North U.S. Highway 175; Property Legal Description: Lot One, Block One of the Best Mechanical Addition and part of the Herman Heider Survey, Abstract No. 541, Page 510, Tract 5 as recorded in Instrument No. 201100294597 of the Deed Records of Dallas County, Texas; Total Acreage: 1.5± acres; Zoning Districts: Commercial and U.S. Highway 175 Overlay).

Applicant: Joe Torres Jr. (Best Mechanical)

Chairperson Becker asked Mrs. Kintz if there were any other options the Commission could consider.

Planning Technician Cindy Kintz stated the property owner would be willing to install masonry along the north side of each one of the buildings to be constructed on the property (per the site plan).

MOTION: Approve the elevation/façade plan for the Best Mechanical Addition

and the waiver request for a reduction in the requirement of 100% masonry construction on the main building to 100% along the north side and 0% along the east, west and south sides of the building, as submitted by the applicant; and 100% masonry on the north side and 0% masonry along the east, west and south sides of each of the accessory buildings.

FIRST: Vice-Chairperson Sudduth                      SECOND: Commissioner Howard

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

NAYS: None

MOTION CARRIED: (5-0)

**VI. ADJOURNMENT**

MOTION: Adjourn the meeting at 7:51 p.m.

FIRST: Commissioner Inman                      SECOND: Vice-Chairperson Sudduth

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

NAYS: None

MOTION CARRIED: (5-0)

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**JERRY BECKER  
CHAIRPERSON**

**ATTEST:**

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