



MINUTES

FOR THE

SEAGOVILLE PLANNING AND ZONING COMMISSION

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

Tuesday, December 11, 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 Rick Howard
Commissioner Alvin Ross
Commissioner Ritha Edwards
Chairperson Jerry Becker
Commissioner Jose Hernandez

Commissioners absent: Commissioner Brad Inman

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 November 27, 2012.

MOTION: Approve the minutes for the regular meeting held on November 27, 2012 as stated.

FIRST: Commissioner Hernandez SECOND: Commissioner Edwards

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

NAYS: None

MOTION CARRIED: (6-0)

IV. 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

(During the Planning & Zoning Commission meeting held on November 27, 2012, the public hearing for Zoning Request #Z2012-05 was conducted and closed to public comments. The Commission's further discussion and recommendation was tabled until the December 11, 2012 meeting.)

1. Untable Zoning Request #Z2012-05.

MOTION: Untable Zoning Request #Z2012-05.

FIRST: Commissioner Hernandez SECOND: Vice-Chairperson Sudduth

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

NAYS: None

MOTION CARRIED: (6-0)

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

Planning Technician Cindy Kintz presented the Staff report on Zoning Request #Z2012-06 to the commissioners. She reminded the commissioners of why the zoning request was tabled from the November 27, 2012 meeting was to allow her the opportunity to research Commissioner Hernandez's question regarding whether or not a residential structure would be allowed to rebuild in case of partial or complete destruction due to a fire or act of nature. She read aloud a portion of Section 25.02.065 of the Zoning Ordinance, which reads, "A nonconforming use shall not be extended nor a nonconforming structure rebuilt in case of obsolescence or total destruction by fire or other cause, except that a single-family residential dwelling structure in a single-family dwelling district, partially or totally destroyed, may be rebuilt by the owner at the same size as when it was destroyed, or larger, but the owner shall not be required to build to a minimum house size greater than the size of the destroyed house, even if required by the area regulations of the zoning district in which the property is situated." She reiterated the portion that referred to a single-family residential dwelling structure in a single-family dwelling district.

Mrs. Kintz informed the commissioners that she researched each of the properties to be effected by the rezoning on the Dallas County Appraisal District's website. Out of the twenty-nine properties, seven properties had residential structures on them and stated their physical addresses; one property was a legal non-conforming mobile home park that had been there for years; and five properties were owned by churches.

Mrs. Kintz informed the commissioners that she was told a clause could be included in the adopting ordinance for the rezoning of these properties stating that the residential structures would be allowed to rebuild in case of partial or complete destruction due to fire or act of nature. She recommended Option #2 to the commissioner, which included a clause such as this with the physical addresses of the residential structures listed in their motion, if they chose to recommend approval of the zoning request to the City Council.

Commissioner Hernandez commented that some of these residential structures looked to him to be substandard and some were even boarded up. He inquired as to whether or not the added clause in the adopting ordinance would include these structures.

Planning Technician Cindy Kintz reiterated that her research was on the Dallas County Appraisal District's website and that she did not personally drive by each of the residential structures. She emphasized that the clause would only pertain to partial or complete destruction due to fire or act of nature of the subject residential structures. She further explained that, if the subject residential structures ever became substandard or dilapidated due to lack of neglect on the part of the property owner, Code

Enforcement would work with the property owners to bring the structures into compliance or take further necessary action to obtain a resolution to the matter.

Commissioner Hernandez and Commissioner Edwards moved the discussion towards alcohol sales and how it would affect the subject twenty-nine properties proposed to be rezoned to the Local Retail Zoning District.

Planning Technician Cindy Kintz referred the commissioners to the three (3) DCAD maps she included in their agenda packets for this particular agenda item. She also referred to the Zoning Ordinance, Section 25.02.719 for the minimum 1,000 separation requirement for future convenience stores/mini-marts and Section 25.02.720 for the conversions of existing structures to retail use; additional retail uses; accessory uses. She provided examples of each and spoke of how alcohol sales would not be allowed in that particular area of Malloy Bridge Road due to the distance requirement of 1,000 feet from the Valero store, which had already made application for their alcohol permit, located on the southwest corner of U.S. Highway 175 and Malloy Bridge Road as well as the location of the school district's property.

Commissioner Hernandez stated that he would be speaking with Dallas I.S.D. Board Trustee Nancy Bingham about the school district making a formal request of the 1,000 distance requirement from the school property.

MOTION: Recommend approval of Zoning Request #Z2012-05 to rezone approximately 20.7 acres, consisting of twenty-nine land parcels, from their respective Residential-2 (R-2) and Residential-5 (R-5) Zoning Districts to the Local Retail (LR) Zoning District; *to include a clause in the adopting ordinance for the current eight single-family residential structures with the physical addresses of 207, 303, 309, 331, 336, 338, 339 and 400 East Malloy Bridge Road to be allowed to rebuild if they ever experience destruction caused from a fire or act of nature;* and amending the Comprehensive Land Use Plan, as presented herewith.

FIRST: Commissioner Hernandez

SECOND: Commissioner Ross

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

NAYS: None

MOTION CARRIED: (6-0)

- B. #Z2012-06 - Hold a Public Hearing, discuss and take necessary action on a request to rezone approximately 3.3 acres from its current Agriculture (AG)

zoning to Light Manufacturing (LM) zoning and amending the Comprehensive Land Use Plan. The subject property is generally located on Environmental Way approximately 830 feet southwest of Bruce Way and approximately 2,538 feet northwest of Bowers Road in Seagoville, Texas (property physical address: 300 Environmental Way; property acreage: 3.3± acres; property legal description: Lot 1, Block A of the Quimby Addition, as recorded by Instrument No. 201000129434 in the Deed Records of Dallas County, Texas.

Applicant: Environmental Way Properties LLC.

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

Chairperson Becker opened the public hearing at 6:52 p.m.

Planning Technician Cindy Kintz presented the Staff report on Zoning Request #Z2012-06 to the commissioners. She stated that the applicant was actually Mr. Robert Quimby with Green Lake Nursery off of Environmental Way. She reported that he had purchased the former Seagoville fire chief's, David Maroney, residential property in 2010 and wanted to convert the residence into the office for the nursery. She explained Mr. Quimby had taken the initial step by platting the property including frontage along Environmental Way, which was approved administratively (three lots or less). She further explained that rezoning the property from its current zoning of agriculture to the Light Manufacturing Zoning District was the second step in the process before submitting the site plan, which he had submitted along with the zoning application. She reported that there were seven properties within 200 feet of the subject property with Mr. Quimby owning three of the properties. As of the date of the meeting, she reported that she had received one property owner notice in favor of the rezoning from Mr. George Williams, who was present in the audience. She finally reported that Staff supported Mr. Quimby's rezoning request due to the request being in conformance with the city's Comprehensive Land Use Plan of industrial for this area of the city and the majority of the properties directly across Environmental Way were currently zoned light manufacturing.

George Williams (Property Owner within 200 feet) - 1504 Bowers Road, Seagoville, Texas 75159 - spoke in favor of the zoning request and stated that he hoped the commissioners would approve the request.

Nicki Livingston - (Property Owner of residential rental property at 336 East Malloy Bridge Road) - attempted to speak on the previous zoning request (#Z2012-05) but Planning Technician Cindy Kintz interjected and explained to Ms. Livingston that the public hearing for Zoning Request #Z2012-05 was closed to public comments during the Commission's November 27, 2012 meeting. She offered to visit with Ms. Livingston at her convenience and suggested to Ms. Livingston to drop by her office after the certificate of occupancy inspection to be performed on her residential rental property at 336 East Malloy Bridge Road.

2. Close public hearing;

Chairperson Becker closed the public hearing at 6:57 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2012-06.

MOTION: Recommend *approval* of Zoning Request #Z2012-06 to rezone approximately 3.3 acres from its current Agriculture (AG) zoning to the Light Manufacturing Zoning District (property physical address: 300 Environmental Way; property acreage: 3.3± acres; property legal description: Lot 1, Block A of the Quimby Addition, as recorded by Instrument No. 201000129434 in the Deed Records of Dallas County, Texas) and amending the Comprehensive Land Use Plan, as requested by the applicant.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Hernandez

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

NAYS: None

MOTION CARRIED: (6-0)

V. REQUESTS AND PRESENTATIONS

- A. Hold a discussion and take necessary action on making a recommendation to the City Council on the U.S. Highway 175 Overlay District.

Planning Technician Cindy Kintz reported that there were several discrepancies Staff had found in the U.S. Highway 175 Overlay District. During their November 19, 2012 meeting, City Council tasked the Commission with reviewing and making a recommendation on the overlay district.

Commissioner Hernandez stated that he wanted to have the opportunity to revisit the overlay district's regulations before making a decision to do anything.

Commissioner Howard echoed Commissioner Hernandez's comment(s).

Vice-Chairperson Sudduth stated that he was involved in creating the overlay district and knew what the intent of the district was supposed to be as far as lighting and masonry along the highway. He recommended rescinding the district and amending other districts like local retail, commercial and light manufacturing with the requirements of a concrete drive approach and

concrete parking to the front of the buildings.

Commissioner Edwards stated that she somewhat agreed with Vice-Chairperson Sudduth.

Chairperson Becker echoed Commissioner Hernandez's and Commissioner Howard's comments.

MOTION: Recommend to the City Council to do away with the U.S. Highway 175 Overlay District.

FIRST: Commissioner Ross SECOND: Vice-Chairperson Sudduth

AYES: Commissioner Ross and Vice-Chairperson Sudduth

NAYS: Chairperson Becker, Commissioner Edwards, Commissioner Howard and Commissioner Hernandez

MOTION FAILED: (2-4)

The consensus of the Commission was to review the U.S. Highway 175 Overlay District regulations along with the Local Retail, Commercial and Light Manufacturing Zoning Districts before making a recommendation to the City Council.

VI. ADJOURNMENT

MOTION: Adjourn the meeting at 7:13 p.m.

FIRST: Commissioner Edwards SECOND: Commissioner Hernandez

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

NAYS: None

MOTION CARRIED: (6-0)

JERRY BECKER
CHAIRPERSON

ATTEST:

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