



MINUTES

FOR THE
SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at 6:30 p.m.,
Tuesday, August 27, 2013**

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
ALVIN ROSS
BRAD INMAN
DEBRA TURNER
ALEXANDRIA PEREZ**

► 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 6:32 p.m.

Commissioners present: Commissioner Debra Turner
Vice-Chairperson James Sudduth
Commissioner Ritha Edwards
Commissioner Alvin Ross
Commissioner Alexandria Perez
Chairperson Jerry Becker

Commissioners absent: Commissioner Brad Inman (Unexcused)

City Staff present: Cindy Kintz, Planning Technician/P & Z Commission Liaison
Dara Crabtree, City Secretary (*in the audience*)
Cindy Brown, Human Resources Director (*in the audience*)

II. INVOCATION & PLEDGE OF ALLEGIANCE

Chairperson Becker gave the invocation and the commissioners led in the Pledge of Allegiance.

III. ELECT THE FOLLOWING TWO (2) BOARD POSITIONS (TERMS EXPIRE IN JUNE 2014):

A. CHAIRPERSON

B. VICE-CHAIRPERSON

MOTION: Table electing a chairperson and vice-chairperson until the next Commission meeting.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Edwards

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

NAYS: None

MOTION CARRIED: (6-0)

Chairperson Becker welcomed the Commission's newest members – Commissioner Turner and Commissioner Perez.

IV. APPROVAL OF MINUTES

A. Approval of the Minutes for the regular meeting held on July 23, 2013.

MOTION: Approve the minutes for the regular meeting held on July 23, 2013 as written.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Ross

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

NAYS: None

ABSTAINED: Commissioner Turner (She was appointed to the Commission on July 29, 2013.)

MOTION CARRIED: (5-0-1)

V. PUBLIC HEARINGS

- A. **#Z2013-04** – Hold a Public Hearing, discuss and take necessary action for the purpose of rescinding the City of Seagoville’s U.S. Highway 175 Overlay District in its entirety with the underlying zoning on the subject properties to remain and amending the Comprehensive Land Use Plan.

The applicant, City of Seagoville, is requesting to rescind the U.S. Highway 175 Overlay District, which is applied to properties that directly abut U.S. Highway 175, and extends three hundred feet on those particular properties on both the north and south sides of U.S. Highway 175, which runs the full length of the city limits from east to west.

Applicant: City of Seagoville

At this time, Chairperson Becker read aloud the following prepared statement:

“Texas Local Government Code, Section 171.004, states if a local public official has a substantial interest in a business entity or real property, the official shall file an affidavit stating the nature and extent of the interest.

The public official shall abstain from further participation in the matter if:

- (1) The action on the matter will allow the business entity a special economic effect that is distinguishable from the effect on the public;
- or
- (2) The action on the matter will allow the property owner a special economic effect that is distinguishable from the effect on the public.

No board member participating this evening will receive a special economic effect regardless if the Highway Overlay District is repealed or not.

Also, the public official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the board are likewise required to file affidavits of similar interests on the same official action.”

Chairperson Becker also informed the public that Vice-Chairperson Sudduth owned personal property within the subject district; he, himself (Chairperson Becker), leased property and ran his business on property within the subject district; Commissioner Edwards worked for the Seagoville Chamber of Commerce, who leased property in the subject district; and Commissioner Ross leased property and ran his business on property within the subject district.

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

Chairperson Becker opened the public hearing to receive the staff report at 6:40 p.m.

Planning Technician/P & Z Commission Liaison Cindy Kintz presented the staff report on Zoning Request #Z2013-04 to the commissioners.

Chairperson Becker provided a brief history on the U.S. Highway 175 Overlay District to the public.

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

Ronda Smith (Business Owner) – at 615 North U.S. Highway 175 – She questioned how rescinding the subject district would affect her existing business.

Joe Priest (Property Owner and Real Estate/Leasing Agent) – 1205 North U.S. Highway 175) – He questioned how rescinding the subject district would affect current buildings, parking lots, properties changing ownership, etc.

Daniel Patrick (Residential Property Owner) – 3014 North U.S. Highway 175) – He questioned how rescinding the subject district would affect residential properties.

Jody Rogers (Celebration Church) – 2427 North U.S. Highway 175 – He questioned how rescinding the subject district would affect the church's property.

Oscar Cadenhead (Property Owner) – 103 Colonial Circle – He was unsure on why he received a property owner notice and did not see how rescinding the subject district would affect his property.

Jerry Yearout (Property Owner) – 710 East Simonds Road – He spoke in opposition to rescinding the subject district. He stated that he was on the original committee that created the subject district and explained what the intent was at that time. He questioned why the City wanted to do away with the subject district. He also made a suggestion to create a pleasing color scheme (for painting of buildings, signs, etc.) to protect someone from using an intrusive color particularly along the highway.

Larry Campbell (Property Owner's Son) – 2737 North U.S. Highway 175 – He spoke in favor of rescinding the subject district. He told the Commission of how his father recently chose to retire and turn his business property that is in the subject district into rental property (used car lot) and how his father had to bring the property and building up to the current building code at the expense of \$16,000.

Each of the questions and concerns the public had was addressed.

2. Close public hearing;

Chairperson Becker closed the public hearing at 7:18 p.m.

3. Discuss and take necessary action to make a recommendation to City Council on Zoning Request #Z2013-04.

The commissioners held a discussion.

MOTION: Recommend to City Council to rescind the U.S. Highway 175 Overlay District.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Ross

AYES: Vice-Chairperson Sudduth, Commissioner Ross, Commissioner Edwards, Commissioner Turner and Commissioner Perez

NAYS: Chairperson Becker

MOTION CARRIED: (5-1)

VI. **REQUESTS AND PRESENTATIONS**

- A. Discuss and take necessary action on a request to approve a façade (elevation) plan and a request for alternative non-masonry material for subject property generally located on the southwest side of Simonds Road approximately 118 feet southwest of U.S. Highway 175 and approximately 437 feet northeast of Elizabeth Lane in Seagoville, Texas. (Property Physical Address: 104 West Simonds Road; Property Acreage: 2.406± acres; Property Legal Description: Tract 9, of the Herman Heider Survey, Abstract No. 541 and 460, Page 490 as recorded in Instrument No. 201200085873 of the Deed Records, Dallas County, Texas).

Applicant: Humberto Serrano

Planning Technician Cindy Kintz presented the façade (elevation) plan submitted for the Commission's approval for the subject property located at 104 West Simonds.

The property owner – Humberto Serrano, 2443 Crow Creek, Dallas, Texas 75233 – and his representative – Eliodora Perez, 241 Kodiak Drive, Dallas, Texas 75217 – were present in the audience.

The commissioners asked the applicant and/or his representative a few questions and held a brief discussion.

MOTION: Deny the façade (elevation) plan for the property located at 104 West Simonds as presented by the applicant.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Ross

AYES: Vice-Chairperson Sudduth Commissioner Ross, Chairperson Becker,
Commissioner Turner and Commissioner Perez

NAYS: Commissioner Edwards

MOTION CARRIED: (5-1)

VII. ADJOURNMENT

MOTION: Adjourn the meeting at 7:36 p.m.

FIRST: Vice-Chairperson Sudduth SECOND: Commissioner Perez

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

NAYS: None

MOTION CARRIED: (6-0)

JERRY BECKER
CHAIRPERSON

ATTEST:

CINDY KINTZ, PLANNING TECHNICIAN
PLANNING AND ZONING COMMISSION LIAISON