

**MINUTES OF THE CITY COUNCIL AND PLANNING AND
ZONING COMMISSION JOINT SPECIAL MEETING
CITY OF WILMER
DECEMBER 5, 2019**

Councilmembers Present

Emmanuel Wealthy Williams, Mayor
Candy Madrigal, Mayor Pro Tem
Jeff Steele, Councilmember
Phyllis Slough, Councilmember
Sergio Campos, Councilmember
Melissa Ramirez, Councilmember

Commissioners Present

Patty Havard, Chairperson (arrived after recess)
Pam Wood, Vice-Chairperson
Allison Mears, Commissioner
Robert Madrigal, Commissioner

City Staff

Missie Schwab, Finance Director
Laurie Rush, Accountant
Mark Hamilton, Fire Chief
Joe Flores, Community Development Director
Eric Moss, Public Works Director
Andy Martin, City Engineer
Sherry Sefko, City Planner
Michael B. Halla, City Attorney
Mayra A. Ortiz, City Secretary

Call to Order

With a quorum present, of the Wilmer City Council and Planning and Zoning Commission Joint Special Meeting was called to order by Mayor Wealthy-Williams at 7:00 p.m. and called to order by Vice-Chairperson Wood at 7:02 p.m. on Thursday, December 5, 2019 in the Wilmer Community Center, 101 Davidson Plaza, Wilmer, Texas.

City Attorney Halla advised there is not supermajority present for a Special called session.

The City Council and Planning and Zoning Commission recessed at 7:02 p.m. and reconvened into open session at 8:04 p.m.

PUBLIC HEARING:

- 1. Conduct a public hearing and discuss a request to rezone a 73.7± acre portion of an existing 95.8± acre Planned Development-Light Industrial (PD-I1) zoning district, as such district was originally established by Ordinance No. 08-0904B, from its current zoning of PD-I1 to a new Planned Development-Mixed Residential (PD-SF2/MF1) zoning district. The subject property is generally located on the north side of Belt Line Road, approximately 500± feet west of Summers Street (legal**

description: Tract 17 A.K. Gray Survey, Abstract No. 505, in the City of Wilmer, Dallas County, Texas).

Mayor Wealthy-Williams and Chairperson Havard opened the floor.

City Planner Sefko spoke on item 1 and shared that in September/October of this year, the applicant submitted a request to rezone the subject property as described above. At the meeting on September 26th, the Planning & Zoning Commission conducted a public hearing and discussed the request, then voted 3-0 to recommend approval of the request by the City Council. At the meeting on October 17th, the City Council conducted a second public hearing and following their discussion on the request, voted 2-1 to rezone the subject property to the straight Single-Family Residential-1 (SF1) rather than the requested PD-Mixed Residential (PD-SF2/MF1). Following the meeting, the City's Attorney determined that such vote was really a "void action" since it was so different from what had been requested by the applicant. The applicant then decided to resubmit the proposal for reconsideration by the Commission and Council. There were 38 property owners notified in accordance with the 200-foot rule, and proper notification was advertised in the local newspaper (per the Texas Local Government Code). To our knowledge, no letters from citizens/property owners had been received by the City at the time this report was prepared (Note: With the applicant's prior PD rezoning application for this property in September/October, one letter in favor and one letter in opposition were received).

William Shannon, XT Beltline 45 LP representative, made a presentation on the subject property and spoke on the proposed developments.

Lorrie McDonald, 1826 E. Beltline Road, shared that the population with Best Southwest is at 3800 population. Also, she expressed her concerns regarding apartments and the impact that will effect Public Safety.

Laura Jacobs, 306 N. Dallas Avenue, expressed her concerns and spoke in opposition of apartments.

John F. Phinney, 736 N. Goode Road, expressed his concerns to ensure all the necessary studies are conducted.

Guadalupe Rodriguez, 115 Summers Street, expressed her concerns and spoke in opposition of apartments.

Hector Pena, 812 E. Beltline Road, expressed his concerns of the development impacting his residence and handed out some information.

Mary Phinney, 736 N. Goode Road, shared her concerns and spoke in opposition. Expressed the necessity to conduct an Environmental Impact Statement.

Barry Knight, representing the applicant, stated that the applicant is seeking for Planned Development-Mixed Residential (PD-SF2/MF1) zoning district.

Mayor Wealthy-Williams closed the public hearing at 8:37 p.m. and Chairperson Havard closed the public hearing at 8:38 p.m.

ACTION:

Planning & Zoning Commission Only

2. **Discuss and consider a recommendation to the City Council on a request to rezone a 73.7± acre portion of an existing 95.8± acre Planned Development-Light Industrial (PD-I1) zoning district, as such district was originally established by Ordinance No. 08-0904B, from its current zoning of PD-I1 to a new Planned Development-Mixed Residential (PD-SF2/MF1) zoning district. The subject property is generally located on the north side of Belt Line Road, approximately 500± feet west of Summers Street (legal description: Tract 17 A.K. Gray Survey, Abstract No. 505, in the City of Wilmer, Dallas County, Texas).**

Chairperson Havard opened the floor to the citizens that registered to speak on item 2.

Laura Jacobs, 306 N. Dallas Avenue, spoke in opposition of item 2.

William Shannon, XT Beltline 45 LP representative, made a presentation and recommended approval of the rezoning request.

MOTION: Vice-Chairperson Wood made a motion, seconded by Commissioner Madrigal to deny item 2. The vote was cast 3 for, 1 against [Havard]. The motion carried.

City Council Only

3. **Discuss and consider an Ordinance on a request to rezone a 73.7± acre portion of an existing 95.8± acre Planned Development-Light Industrial (PD-I1) zoning district, as such district was originally established by Ordinance No. 08-0904B, from its current zoning of PD-I1 to a new Planned Development-Mixed Residential (PD-SF2/MF1) zoning district. The subject property is generally located on the north side of Belt Line Road, approximately 500± feet west of Summers Street (legal description: Tract 17 A.K. Gray Survey, Abstract No. 505, in the City of Wilmer, Dallas County, Texas).**

Mayor Pro Tem Madrigal inquired if Council should consider since Planning and Zoning Commission denied the request.

City Attorney Hall indicated that since Planning and Zoning Commission recommended denial, in order for the request to pass, a supermajority vote is required by City Council.

Mayor Wealthy-Williams opened the floor to the citizens that registered to speak on item 3.

Laura Jacobs, 306 N. Dallas Avenue, spoke in opposition of item 3.

City Attorney Hall shared that pursuant to the City's ordinance, the applicant may modify and resubmit an application to rezone.

MOTION: Mayor Pro Tem Madrigal made a motion, seconded by Councilmember Steele to deny item 3. The vote was cast 5 for, 0 against. The motion carried unanimously.

ADJOURNMENT

There being no further business, Mayor Wealthy-Williams adjourned the joint special session at 8:48 p.m. and Chairperson Havard adjourned the joint special session at 8:49 p.m.

ATTEST:



Terry Capehart, Board Secretary

APPROVED:



Pam Wood, Chairperson