



**ZONING AND DEVELOPMENT ADVISORY COMMITTEE
(ZADAC)**

**MEETING SUMMARY
January 18, 2023**

The Zoning and Development Advisory Committee (ZADAC) of the City of University Park met on Wednesday, January 18, 2023 at 12:00 P.M. at the Peek Service Center – Emergency Operations Center, 4420 Worcola St., Dallas, TX 75206. The following are the meeting summary notes.

Committee Members Attending:

Scott Sower, Chair
Ben Biddle
Syd Carter
Mary Graves
Ellen Lee

Staff Members Attending:

Patrick Baugh, Community Development Director
Johnny Bray, Chief Building Official
Jessica Rees, City Planner
Rob Dillard, City Attorney
Amber Lively, Community Development Tech

Absent and Excused:

Michael Culwell
Michael Geisler
Douglas Slagel

Councilmember in Attendance:

Bob Myers

1. Call to Order

Chairman Sower called the meeting to order at 12:03 P.M.

2. Introduction

Chairman Sower introduced himself as Chairman for the Committee, and asked that each person in attendance please state their name and affiliation.

3. Special Sign District Request – Park Cities Baptist Church (PCBC)

• Presentation

- Mr. Baugh introduced the representatives attending the meeting on behalf of the applicant Park Cities Baptist Church; Mr. Brandon Boyd, Operations and Outreach Pastor and, Mr. Richard Horton of Morrison Sign Company.
- The church is seeking an amendment to the Special Sign District for the campus to attach wayfinding map panels to the top of sixteen (16) existing, post and panel, exterior signs. This top panel will add an additional one (1) foot

of height to each sign. As part of this project, the signs will also be refreshed with new paint, compliant with previously approved colors.

- Mr. Horton stated that the refurbishment of the signs is the first step in an exterior remodel project for the church. He also noted that the newly added map panels will be color coordinated with interior signs to help with navigation around the campus for both guests, and if needed, emergency responders.
- Discussion
 - Chairman Sower asked for confirmation that the addition of the top panels will not create any site triangle or line of site obstructions. Staff responded that all of the signs are on private property and do not create any site obstructions or impede traffic in any way.
 - Staff finds no issue with the addition of the maps to the existing signs, and recommends that the Zoning and Development Advisory Committee forward a recommendation to City Council for Approval.
- Action
 - Committee Member Biddle created a motion, seconded by Committee Member Carter, that the request be recommended for approval. The motion carried by a unanimous vote.

4. Creation of a Public/Private Art Review Committee

- Presentation
 - Staff has been asked by Council to approach the Committee regarding the possible development of an Art Review Committee for the placement of art objects on public and private property throughout the City.
 - The Zoning Ordinance currently regulates the type of items that can go in the front yard of a property. Under this ordinance, there can be up to four (4) statuary, bird baths, pedestals or yard art objects per lot, not to exceed five (5) feet in height or twenty (20) cubic feet in volume per object, and located at least five (5) feet from all property lines. Additionally, lawn furniture including benches, tables and stools can be no more than thirty (30) inches in height.
 - Photos were shown of existing statuary located on multiple private properties within University Park. As yard art is becoming more prevalent, Staff feels that there is no allowance in the current Zoning Ordinance for some of these larger statuary pieces, which leads to some negligence on what is and isn't allowed. Because of this, we could begin to see more yard art items which are controversial in nature, or that do not fit the neighborhood or City image.

- Moving forward, from Staff's opinion, there are multiple options to remedy future issues. The City can choose to stay the current course of regulating front yard art by having Code Enforcement monitor for potential violations as based on the current Ordinance. Or, as suggested in the Centennial Master Plan, the Committee can ask the Council to develop a separate citizen committee to advocate for the placement of art in both public and private locations throughout the City. The final option would be to change the Zoning Ordinance itself based on recommendations from the Zoning and Development Advisory Committee.
- At this time, Staff's recommendation is for the development of a citizen committee to review and advocate for the placement of public and private art, as this would provide the most equal opportunity for residents wanting to place statuary in their front yards.
- Discussion
 - Chairman Sower asked if there was not already an established committee that dealt with the placement of art throughout the City. Staff responded that there was an ad-hoc committee formed to assist with guidance on the donation and placement of the LOVE Sculpture at Williams Park. Members of that committee did express interest in remaining on the panel if a permanent need did arise for such an advisory group.
 - Chairman Sower asked how many non-compliant cases there currently are within the City, and how many are on private versus public property. Mr. Baugh responded that he didn't have a total count at this time, as Code Enforcement has only reported what they have seen recently while out on other inspections. He did add that as part of this committee, murals may also be considered, and there are currently several of those throughout the city that are not in compliance.
 - Attorney Rob Dillard stated that this committee, the Zoning and Development Advisory Committee, was originally designed to deal with these types of requests and items. That group was formerly known as the Urban Design and Development Advisory Committee (UDADAC).
 - Councilmember Myers asked how many members would sit on the art review committee. Mr. Baugh responded that he envisions between five (5) and seven (7) members to provide a broader view. Assistant City Manager Shanna Sims is currently exploring what other cities have done regarding the establishment of this committee type, and if approved by Council, will guide Staff on the development of the group.
 - Councilmember Myers asked how Staff plans to approach the issue of existing statuary upon creation of a review committee, and if properties would be grandfathered in. Mr. Baugh responded that for now, we will continue with enforcement of those items that are in obvious noncompliance. Moving forward, if or when a committee is created, Staff will ask have them to evaluate existing statuary to determine if it is compliant, and then base action and enforcement on their developed guidelines and approval.

- Committee Member Graves asked about the statutory cases in which removal was required; were those due to the size. Staff responded yes, the majority of those cases were due to the size being over what was allowed.
- Action
 - Committee Member Biddle created a motion, seconded by Committee Member Carter, that a recommendation to develop a Citizen Committee to advocate for private and public art and its placement throughout the City, be given to City Council. The motion carried by a unanimous vote.

5. ZADAC Meeting Schedule - 2023

- Presentation
 - Mr. Baugh stated that with the implementation of the Centennial Master Plan, there are several Action items that will require more meetings than the typical, quarterly schedule the Committee has been operating under. At these meetings, Staff would like to incorporate speakers who can provide expertise and guidance on the topics prior to the Committee discussing and moving forward with decisions.
 - For this reason, Staff feels that it would be beneficial to discuss as a group the meeting schedule for the remainder of 2023. Moving forward, is it preferred to meet more often in shorter sessions, or, to have fewer meetings that are longer in length? Additionally, does the current meeting time of 12:00 p.m. work with everyone's schedule, or does that need to be adjusted?
- Discussion
 - Chairman Sower spoke that if we limit the meetings to four (4) per year, they would definitely require a longer time limit, perhaps two (2) hours or more. By stretching it out to six (6) meetings per year, we could adhere to a shorter time limit per meeting.
 - Chairman Biddle suggested keeping meetings to no longer than ninety (90) minutes each.
 - Chairman Sower suggested skipping the summer months due to possible vacations, and also, not hosting any meetings past November 15th due to the holiday season.
- Action
 - Staff will develop a tentative meeting schedule and forward to the Committee for review.

6. Smoke/Vape Shops

- Presentation

- Mr. Baugh stated that a new smoke shop opened on Hillcrest recently, and concerns are growing that more of these stores may appear in the community due to the availability of lower lease options in retail zoning districts. Staff has asked City Attorney Rob Dillard to provide information to the Committee regarding what other municipalities are doing in regards to regulating these businesses.
- Mr. Dillard began by saying that smoking, tobacco products and vaping are heavily regulated by the State's health and safety code. Based on ordinances he has seen developed in other municipalities, the main push is to cover some of the details that are not covered by the state law. This might relate to the store's distance from a public school, or, the place in the store where such smoking related products are located or stored. Anything that is already covered by state law can not be changed by a municipality.
- The current Zoning Ordinance does not require any particular, divisional zoning to label these shops. They are just treated as retail shops. The majority of Snider Plaza is within a Planned Development District, which is considered general retail, meaning any retail use is permitted. In order to limit these businesses, the City would have to amend the Zoning Ordinance to require a specific use permit, or, create a special zoning category, both of which would require public scrutiny, public hearings, a recommendation from the Planning and Zoning Committee and a decision from City Council.
- If a regulation is passed, it would be prospective rather than retroactive. Any shops of this type that are currently in business would not be affected by the newly implemented regulations and would be allowed to continue operating as they have been. Currently there is no case law saying that the City can or can't prohibit these stores. However, because these businesses are so heavily regulated by the state code, the law tends to lean towards allowing them to operate since they have been deemed by the State as a legal business.

- Discussion

- Committee Member Biddle asked if the distance in relation to a public school could be pushed back further. Could it be changed to say that this type of store cannot operate within a half mile, or mile away from a public school. Mr. Dillard responded that there may not be enough of an argument to prove that there is an adverse effect from these stores on schools or children to require this much of a distance.
- Chairman Sower asked if other public institutions such as a public park or playground could be added to the list of proximity of where these stores can operate. Mr. Dillard responded that the City can add anything they want to the list, but, would have to defend their reasoning if challenged. Additionally, the City would want to steer away from making it obvious that they are trying to eliminate the opportunity for these businesses to operate altogether.

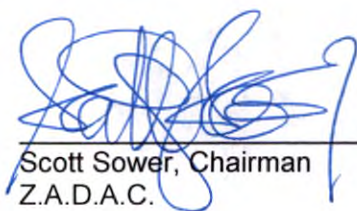
- Councilmember Myers asked if there are regulations regarding what can and cannot be sold in the smoke or vape shops. Mr. Dillard confirmed that their inventory is regulated by State law, and what the establishment is licensed to sell.
- Chief Building Official Bray stated that he has noticed many businesses of this type that use flashing or bright LED lights around their windows, or vibrant colored signage to promote their business, and asked if there can be specific sign regulations prohibiting this. Mr. Dillard confirmed that yes, that type of restriction can be regulated by the City's sign ordinance.
- Committee Member Graves added that the signage was a concern for her as well, and asked if they can be prohibited from using cartoon characters or other items that appeal to children in their advertising or on merchandise they sell. Mr. Dillard stated that was a good point, and could definitely be looked into. He also reiterated that the City would possibly be able to regulate anything regarding these businesses that isn't already regulated by the State.
- Committee Member Biddle voiced concern over the paraphernalia that is often sold in these stores, and the fact that these items could be used for smoking marijuana. He asked if there are any regulations regarding the sell of these items. Mr. Dillard stated that because these items can also be used for smoking tobacco, which is legal, then the items themselves are considered legal.
- Action
 - Mr. Baugh stated that based on the discussion and comments that have been heard today, and, assuming the Committee feels that there is need to implement more regulations on this type of business, Staff will draft some parameters based on distance regulations, signage limitations and possible inventory restrictions. This draft will be brought back to the Committee for further discussion and a possible recommendation to Council at a future meeting.

7. Approval of Minutes

Chairman Sower asked if there were any changes or corrections needed to the minutes from the October 12, 2022 Zoning and Development Advisory Committee meeting. Being that there were none, Chairman Sower moved that the minutes be approved. His motion was seconded by Committee Member Biddle, and passed unanimously by all members present.

8. Adjournment

With there being no further business before the Committee, the meeting adjourned at 1:05 PM.



Scott Sower, Chairman
Z.A.D.A.C.

03.22.2023

Date