

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., AUGUST 25, 2008, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Tony Apel, Vice Chairman Jane Ann Cruce, Commissioners Barbara Dunn, Terry Tosch, Bob Johnson, Richard Allen, Alternate Jack Akin

Absent: Ginny Stuit

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planners Bee Martin and Garrett Langford, Neighborhood Planner Arti Waghray, Deputy City Attorney Liz Lunday

Chairman Apel called the meeting to order and declared a quorum present.

I. APPROVAL OF THE MINUTES OF THE AUGUST 11, 2008, MEETING

A motion was made by Ms. Cruce and seconded by Ms. Dunn to approve the minutes of August 11, 2008, correcting item II.B. to include the correct plat request information. The motion passed unanimously.

II. PLATS

A. **Consider a plat of Town East Mall, Block A, submitted by John Vicain, R.P.L.S., Kimley-Horn and Associates, Inc., located between IH 635, Town East Blvd. and Towne Centre Drive. Town East Mall, Block A, Lots 1-7.**

A representative of Kimley-Horn and Associates presented the request.

A motion was made by Mr. Allen and seconded by Mr. Johnson to approve the plat. The motion passed unanimously.

III. DRIVEWAY VARIANCE

A. **Consider a variance from the requirements of Section 15-150(2)(h) of the Code of the City of Mesquite, to allow two driveways on Emporium Square, a local street, to be 40 feet in width, exceeding the 24 feet maximum driveway width, for property described as the Emporium, Phase 1, Block A, Lot 2R.**

Chairman Apel noted that the applicant was not present. Jeff Armstrong presented the request.

A motion was made by Mr. Johnson and seconded by Mr. Tosch to approve the variance. The motion passed unanimously.

IV. PUBLIC HEARINGS – ZONING

A. **Consider an application for a Zoning Change to amend PD (2506) Planned Development Service Station to allow sale of diesel fuel, submitted by Tony Wagner of Danny Tosh Management, on property described as Prairie Hills Retail Addition, Block 1, Lot 1, located at 1145 Interstate Highway 30 (Zoning File No. 1461-97B).**

Gerald Robinson of Valero appeared for the applicant and presented the request. He stated they had been selling diesel for years, unaware that they were not supposed to be doing so. Mr. Robinson asked for clarification on whether box trucks are allowed and if his parking and diesel pump placement is currently in compliance with the proposed PD amendment. Bee Martin explained that the existing pumps would be in compliance.

Chairman Apel opened the public hearing. No one appeared and Mr. Apel closed the public hearing. Mr. Johnson asked about box trucks and whether they are described as 2-axle vehicles, and whether

that would be a better way to restrict the truck traffic – by stating only 2-axle vehicles would be allowed.

A motion was made by Ms. Cruce and seconded by Mr. Tosch to approve the proposed amendment to PD #2506 in accordance with staff recommendations 1 through 6, amending number 1 to allow 2-axle box and delivery trucks only, and amending number 4 to read "8 feet from the north and south outer edge". The motion passed unanimously.

**B. Consider an application for a Zoning Change to amend PD (3873) Planned Development Office to modify the concept plan and change the property description, submitted by Marc Bentley, P.E., on property described as a .93 acre tract out of the W.H. Bennett Survey Abstracts 190 and 93, located on the north side of Cartwright, approximately 400 feet west of Belt Line Road (Zoning File No. 190-9).**

Doug Galbraith, MPI Architects, 5100 Belt Line, Ste 838, Dallas, Texas 75254, appeared for the applicant.

Chairman Apel asked the applicant to explain what has changed in the development that has triggered the zoning request. Mr. Galbraith explained that the adjoining property owner to the rear of the proposed development has retained a small tract of land creating a flag lot between the proposed Guaranty Bank and the Sonic Drive-In. Additionally, the driveway was relocated to the west. As a result of the flag lot and the relocation of the proposed driveway, the proposed bank was shifted west which created encroachment into the side yard with the drive-through canopy.

Mr. Johnson asked why the proposed driveway had to be moved and could the drive-through be switched to the other side of the proposed bank. Mr. Galbraith explained the original proposed driveway was incorrectly placed and would need to be moved to accommodate the site. Chairman Apel noted that switching the drive-through facility to the eastern side of the property could cause difficulties with car stacking.

Chairman Apel opened the public hearing. No one appeared and Mr. Apel closed the public hearing.

Chairman Apel noted there were three responses in favor of the request.

A motion was made by Ms. Cruce and seconded by Ms. Dunn to approve the proposed amendment to PD #3873 in accordance with staff recommendations 1 through 4. The motion passed unanimously.

**C. Consider an application for a Zoning Change from Planned Development General Retail to Planned Development General Retail with a Conditional Use Permit for the sale of Used Merchandise in addition to other uses currently permitted in the zoning district, submitted by Maria Aranda, on property described as Skyline Retail, Block 1, Lot 33, located at 2033 Military Parkway, Suite 100A (Zoning File No. SK-6).**

Applicants Luis and Maria Aranda presented their request for a CUP. They said that they would buy used merchandise from off-site and bring it to the shop for resale. Merchandise would include quality used furniture. Mr. Aranda said that part of the proceeds from the business would be used to support religious activities.

Chairman Apel opened the public hearing. Ms. Elizabeth Browning, 102 Caraway Drive, appeared and stated her concerns about how the shop might affect the surrounding area. No one else appeared, and Mr. Apel closed the public hearing.

Several members of the Commission expressed reservations about allowing the used merchandise sales. A motion was made by Mr. Johnson, seconded by Mr. Tosch, to DENY the application for a Conditional Use Permit for the sale of used merchandise. The motion passed on

a vote of 4-3, with Commissioners Allen, Cruce and Akin dissenting. The applicants have until the close of business on Thursday, September 4, 2008, to appeal the decision to deny.

V. PUBLIC HEARINGS – K20 INTERIM CODE AND REZONING

- A. Consider an amendment to Section 4-100 and the addition of 4-1100 to the Mesquite Zoning Ordinance to create a new floating zone classification to be known as the Kaufman-Interstate 20 District (K20), which shall incorporate the Interim K20 Development Code containing new or amended procedural requirements, the creation of zoning subdistricts, certain community types and mandatory regulating plans, standards for site design, and regulations affecting building form, building design, setback, parking, signage, landscaping and permitted uses. (Zoning Text Amendment No. 2008-5)**

Community Development Director Richard Gertson summarized previous discussions on the text amendments and K20 Code. He outlined changes that had been made to the proposed Code since the last meeting. Members of the Commission thanked staff for their work in preparing the Code.

Chairman Apel opened the public hearing. No one appeared, and Mr. Apel closed the public hearing.

A motion was made by Mr. Johnson and seconded by Mr. Allen to approve Zoning Text Amendment No. 2008-05, which includes approval of the K20 Interim Development Code. The motion passed unanimously.

- B. Consider designation and classification of all properties within the City of Mesquite located east of the East Fork of the Trinity River as subject to the application of the new Kaufman-Interstate 20 District floating zone classification.**

Mr. Gertson explained the nature of a floating zone and how the K20 District and Interim K20 Code would apply to land. He reminded the Commission that the property in the newly annexed area is zoned Agricultural, and would remain that way, until new development is proposed. At that time the subject property would have to comply with the requirements of the K20 District. Upon approval of a regulating plan, the K20 zoning would attach to the property.

Chairman Apel opened the public hearing. No one appeared, and Mr. Apel closed the public hearing.

A motion was made by Mr. Allen and seconded by Ms. Cruce to designate and classify all properties within the city limits located east of the East Fork of the Trinity River as subject to the application of the new K20 District floating zone classification. The motion passed unanimously.

V. DIRECTOR'S REPORT

- A. Report on City Council action and other planning and zoning issues.**

Mr. Gertson briefed the commission on recent City Council action and other issues.

There being no further business for the Commission, Chairman Apel adjourned the meeting at 8:07 P.M.

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Tony Apel, Chairman