

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., OCTOBER 25, 2010, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Richard Allen, Commissioners Barbara Dunn, Larry Allen, Donna Adams, and Terry Tosch, Alternates Dharma Dharmarajan and Mike Potter

Absent: Vice Chairman Bob Johnson, Commissioner Jack Akin

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planner Liz Butler, Planner Danielle Wonkovich, Deputy City Attorney Liz Lunday, Administrative Secretary Kim Attebery

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

I. APPROVAL OF THE MINUTES OF THE OCTOBER 11, 2010, MEETINGS

A motion was made by Mr. Tosch and seconded by Ms. Dunn to approve the minutes of October 11, 2010, minutes with one correction. The motion passed unanimously.

II. PUBLIC HEARINGS - ZONING

A. Consider an application for an amendment to Planned Development – Single-family (2960) to allow indoor and outdoor sports and recreation uses, submitted by James Belt, Baseball Nation, LLC, on property described as 26.246 acres out of the Theophalus Thomas Survey, Abstract No. 1461, located at 1420 Wooded Lake (Zoning File No. 1461-111A-2010). (This item was tabled at the October 11, 2010 meeting.)

James Belt presented the request on behalf of Baseball Nation, LLC., stating they had received Staff recommendations and are in agreement with them. Mr. Belt stated that they would be expanding their operation with an indoor training facility and later adding a minor league field. Development would begin within the next year. Mr. Belt explained that his existing facility is being utilized by people from all over the metroplex and outlying areas.

A motion was made by Ms. Dunn and seconded by Mr. L. Allen to approve the request with Staff recommendations 1 through 7. The motion passed unanimously.

NOTE: Jeff Armstrong gave a brief overview of the following agenda items. Mr. Armstrong stated that City Council recently created a new zoning district called Traditional Neighborhood Multifamily. Following the creation of the new zoning district, City Council asked Staff to find properties that were currently zoned for multifamily development so they could be considered for a zoning change to Traditional Neighborhood Multifamily. The properties in question do not have pending developments. The zoning change is a City initiated request to take properties that are already zoned for multifamily developments and rezone them as Traditional Neighborhood Multifamily which requires a higher quality development than the existing multifamily zoning districts require.

B. Consider an application for a Zoning Change from Planned Development–Multifamily to Traditional Neighborhood Multifamily, submitted by City of Mesquite, on property described as Village East, Section A, Block B, Lot 2, located at 600 Matador Lane (Zoning File No. 810-23A-2010).

Jeff Armstrong briefed the Commission on the case summarizing Staff's recommendations. This property is owned by the same owner as the adjacent property with the assisted living facility. The property owner has long-range plans to expand the assisted living facility and would like to develop the expansion in a manner that would be consistent with the current facility. If the zoning change is approved, he would be required to develop under the new standards. Mr. Armstrong explained that there could be an exception for the expansion of the assisted living facility by making it a Planned Development-TNMF as noted in Staff recommendations. Mr. L. Allen asked if the current owner would have the option to use the old standards in all future developments. Mr. Armstrong explained that only the expansion of the existing assisted living facility would be allowed to utilize the old standards. Any other developments would be required to use the new standards. Chairman R. Allen opened the public hearing. No one appeared and Mr. Allen closed the public hearing.

A motion was made by Ms. Adams and seconded by Mr. Potter to approve the request with Staff recommendations 1 through 4. The motion passed unanimously.

C. Consider an application for a Zoning Change from Planned Development-Townhome and Light Commercial to Traditional Neighborhood Multifamily, submitted by City of Mesquite, on property described as 31.973 acres out of the Daniel Tanner Abstract 1462, Page 623, Tract 34, located at 1500 Gross Road (Zoning File No. 1462-268-2010).

Jeff Armstrong briefed the Commission on the case. Mr. Armstrong stated that this property has a hike and bike trail and a significant portion of this lot that is in the flood plain. Mr. Armstrong stated that the new zoning would provide for some non-residential uses that would be much less intensive than is currently allowed under the light commercial zoning. Mr. R. Allen further explained that the intent is to have shops and stores that will be supported by the residential properties they share space with. Chairman Allen opened the public hearing.

- Mr. James Hood, 2215 Norma, is opposed to multifamily developments due to increased traffic, crime and decrease in property values.
- Ms. Nancy Wright, 2227 Norma, feels it is a betrayal of trust and that it would create more crime and school crowding.
- Mr. Ken Robison, 2214 Norma, asked which part was owned by the City and asked if anything can be built under the high lines. Mr. Armstrong showed Mr. Robison the division of ownership on the map. Mr. Armstrong stated that the lines were in the easement and would not be built under. Mr. Robison said that he doesn't see how anything could be developed in this area. Mr. R. Allen explained that the new zoning might offer more creative options to be able to develop the property.
- Ms. Cindy Blackburn, 2226 Norma, concerned about school crowding and would rather see this property stay undeveloped.
- Mr. Steve Blackburn, 2226 Norma, questioned the ability to develop in the flood zone and has concerns about traffic and crime.

No one else appeared and Chairman Allen closed the public hearing. Commissioner Tosch stated that he was opposed to the zoning change and would like to see the parks in the area expanded.

A motion was made by Mr. Tosch and seconded by Ms. Adams to deny the request. The motion to deny passed unanimously.

D. Consider an application for a Zoning Change from Planned Development-Duplex to Traditional Neighborhood Multifamily, submitted by City of Mesquite, on property described as Daniel Tanner Abstract 1462, Page 633, Tract 53, located at 2500 Baker Drive (Zoning File No. 1462-269-2010).

Liz Butler briefed the Commission on the case. She stated that the surrounding zoning includes residential, general retail and office zoning and that it would be an ideal location for TNMF zoning. Chairman Allen opened the public hearing.

- Cathy Clark, 2848 Belhaven, has concerns about traffic, and how multi-story building would affect privacy for adjacent backyards.
- Shirley Edwards, 3122 Eastbrook, is also concerned about traffic and more accidents and believes that the city doesn't need any additional apartments.

No one else appeared and Chairman Allen closed the public hearing.

Mr. Armstrong noted that the current zoning already allows for two-story buildings but that the TNMF zoning requires that the edge of the development be developed in context with neighboring properties. Chairman Allen believes the new zoning will create more opportunities for development on this property. Commissioner Dharmarajan asked about the property owner notice process. Mr. Armstrong explained that state law requires property owner notices to be sent to those within a 200 foot radius at least 10 days prior to the meeting date.

A motion was made by Mr. Tosch and seconded by Ms. Dunn to approve the request. The motion passed by a vote of 6 to 1 with Mr. L. Allen dissenting.

E. Consider an application for a Zoning Change from Apartment(A-1) and Commercial to Traditional Neighborhood Multifamily, submitted by City of Mesquite, on property described as Daniel Tanner Abstract 1462, Page 631, Tracts 7 and 8, located in the 2900 & 3000 blocks of E. U. S. Highway 80 (Zoning File No. 1462-270-2010).

Liz Butler briefed the Commission on the case. The lots both have split zoning and would be difficult to develop and Ms. Butler stated this change would be appropriate with the adjacent properties. She stated that some property owners had expressed concerns about traffic on the returned property owner notices and asked Mr. Armstrong to speak on this issue. Mr. Armstrong stated that the TNMF zoning brings buildings closer to the street and requires landscaping near the street and promotes walkability which in turn provides a natural traffic-calming effect. Chairman Allen opened the public hearing.

- June Polvado, 3200 Eastbrook, is concerned about traffic and is opposed to any multifamily development.
- Stanley McKee, 3208 Eastbrook, thinks the zoning should be changed only when the property is developed and he believes that the area is not appropriate or safe for “walkability”. Chairman Allen stated that the zoning change is being done now to protect the remaining multifamily properties from being developed with the old-style multifamily developments and stated that safety and walkability would be handled appropriately at the time of development.
- Shirley Edwards, 3122 Eastbrook, spoke again, repeating her concerns about multifamily developments. In addition, she expressed concerns about code enforcement in the city.
- Judy McKee, 3208 Eastbrook, stated she was not opposed to the development and would like to see something more beautiful built there but does have concerns about the increased foot traffic.

No one else appeared and Chairman Allen closed the public hearing.

Commissioner Tosch stated that he believes we do have some decent apartments in the city but also some that are in need of attention. He believes that code enforcement is lacking and asked if we had code enforcement officials. Mr. Gertson stated that there are indeed 9 code enforcement officers that are out every day. He explained that successful maintenance requires action from the city and from the property owners. Mr. Gertson also explained that the city has several programs, including the Target Neighborhood Program and the Rental Certificate of Occupancy Program that are geared towards improving housing conditions and the visual appearance of the city. Mr. L. Allen asked if the property could have a zoning change if a developer wanted to develop the property. Mr. Armstrong stated that could be done like any zoning change request.

A motion was made by Ms. Dunn and seconded by Ms. Adams to approve the request. The motion passed unanimously.

III. DIRECTOR'S REPORT

A. Report on recent City Council action.

There were no items to report.

There being no further business for the Commission, the meeting was adjourned at 9:00 P.M.

Richard Allen, Chairman