

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 6:30 P.M., DECEMBER 14, 2009, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jane Ann Cruce, Vice Chairman Richard Allen, Commissioners, Terry Tosch, Jack Akin, Barbara Dunn, Bob Johnson  
Absent: Ginny Stuit  
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 Cruce called the meeting to order and declared a quorum present.

I. APPROVAL OF THE MINUTES OF THE NOVEMBER 23, 2009, MEETING

A motion was made by Mr. Johnson and seconded by Ms. Dunn to approve the minutes of November 23, 2009, adding a sentence noting Bob Johnson's comment regarding lack of public notice and public hearing if carports are approved by right in some areas. The motion passed unanimously.

II. PUBLIC HEARING – ZONING

**A. Consider an application for a Zoning Change from Commercial and TERRA Overlay to Commercial and TERRA Overlay with a Conditional Use Permit for the sale of used merchandise, submitted by Matt Carby, Entertainmart Town East, LLC., on property described as Town East Mall, located at 2063 Town East Mall, Suite 2116 (Zoning File No. 1095-51-2009).**

Mr. Matt Carby presented the request. Mr. Carby explained that they had several locations in the metroplex and that their stores were clean, and the merchandise was displayed in an attractive manner. He commented that this store was one of their smaller locations and that the company had been in business for 5 years. Chairman Cruce asked if Mr. Carby had received the staff conditions. Mr. Carby stated that he had received them but had a question about number 6 that states all merchandise should be shrink wrapped. Mr. Carby explained that in his experience the shrink wrapped packages look less attractive. In addition to the extra costs for shrink wrapping, it takes extra time for the customers at check out because the discs are not in the boxes so each box would have to be unwrapped so the discs could be inserted. Mr. Carby explained that while this requirement would not be a deal breaker, none of his other locations require this and that all of their stores are clean and neat. Mr. Armstrong explained to the Commission that shrink wrap is one way to present used merchandise but advises that there may be other acceptable options. Mr. Johnson and Ms. Cruce agreed that it would be unlikely that the original packaging would be available for most of the electronic products and asked how they are packaged and marked. Mr. Carby explained that they are labeled as used and there are no handwritten labels. He also explained that they provide boxes for the electronics.

Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing. Mr. Tosch mentioned his desire to have businesses of this type monitored for compliance. Mr. Johnson and Ms. Cruce agreed that while the TERRA overlay has been closely guarded and that used merchandise is something the City is very careful with, stores like Half Price Books and Gamestop are acceptable if well-run and properly monitored.

A motion was made by Mr. Tosch and seconded by Mr. Akin to approve the request with staff recommendations 1 through 9, eliminating the first sentence on recommendation #6. The motion passed unanimously.

III. DIRECTOR'S REPORT

**A. Report on recent City Council action.**

Richard Gertson stated that there were no City Council items to discuss. Mr. Gertson thanked the Commission for their hard work and briefly recapped the accomplishments of the Planning and Zoning Commission for 2009.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 7:40 P.M.

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Jane Ann Cruce, Chairman