

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., AUGUST 13, 2007, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Tony Apel, Vice Chairman Jane Ann Cruce, Commissioners Ginny Stuit, Richard Allen, Bob Johnson, Terry Tosch, Emmanuel Holloman

Absent: Commissioner Sandie Thompson

Staff: Director Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Principal Planner Tammi Nunn, Planner Garrett Langford, Neighborhood Planner Arti Waghray, Deputy City Attorney Liz Lunday, Administrative Secretary Kim Attebery

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

I. APPROVAL OF THE MINUTES OF THE JULY 23, 2007, MEETING

A motion was made by Mr. Johnson and seconded by Ms. Stuit to approve the minutes of July 23, 2007. The motion passed unanimously.

II. PLATS

A. Consider a preliminary replat for Bruton/Belt Line Retail Addition, submitted by Jim Lane's Southwest Surveying Inc., located southeast of E. Cartwright Road and Belt-Line Road intersection. Bruton / Belt Line Addition, Block C, Lots 1R & 2R.

Jim Lane with Southwest Surveying Inc. presented the proposed preliminary replat. He acknowledged receipt of the plat conditions from staff.

A motion was made by Ms. Stuit and seconded by Mr. Holloman to approve the replat with staff recommendations 1 through 6. The motion passed unanimously.

B. Consider a preliminary replat for The Emporium Phase I, Block A, to add a portion of Lot 1A to Lot 2, submitted by Lawrence A. Cates & Assoc., LLP, located northeast of Town East Blvd. and Emporium Circle. The Emporium Phase I, Block A, Lots 1AR & 2R.

Mike Clark, 14800 Quorum, Dallas, Texas, presented the proposed preliminary replat. He acknowledged receipt of the plat conditions from staff. Commissioner Johnson asked if any existing structures would be removed and Mr. Clark said that eventually some would.

A motion was made by Mr. Johnson and seconded by Ms. Cruce to approve the preliminary plat with staff recommendations 1 through 11. The motion passed unanimously.

C. Consider a preliminary replat for Pepsico Addition, Block 1, submitted by Halff Associates, Inc., located at 4532 US Hwy 67. Pepsico Addition, Block 1, Lot 1R1.

David Francis with Halff and Associates presented the proposed preliminary replat. He acknowledged receipt of the plat conditions from staff.

A motion was made by Ms. Stuit and seconded by Mr. Tosch to approve the preliminary plat with staff recommendations 1 through 13. The motion passed unanimously.

III. PUBLIC HEARING - RESIDENTIAL REPLAT

- A. Consider a residential replat of Ebrite's Addition, Block 48, to combine part of lot 11 and lot 12 located at 223 South Walker Street, submitted by Barry Rhodes Land Surveying. Ebrite's Addition, Block 48, Lot 12R.**

David Tupperadagelese with Barry Rhodes Land Surveying, presented the proposed preliminary replat. He acknowledged receipt of the plat conditions from staff. Commissioner Johnson asked if they would be using the existing structure and was told they would.

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

A motion was made by Mr. Holloman and seconded by Ms. Cruce to approve the request with staff recommendations 1 through 7. The motion passed unanimously.

IV. PUBLIC HEARINGS - ZONING

- A. Consider an application for a Zoning Change to Planned Development-Industrial on property presently zoned Industrial, to allow the property to be used for a convenience store and restaurant with multiple fuel pumps, submitted by Sami Sharif, for Skyline Business Park, Sec 2, Blk D, Lot 4, located at the north corner of S. Town East Blvd. and Forney Ave. Zoning File No. 1462-256.**

Richard King, 5206 Woodmeadow Drive, appeared and presented the zoning request and the concept plan. Mr. King clarified portions of the landscape and screening plans and stated that the truck parking areas would be barricaded after hours to prevent overnight parking. Commission and applicant discussed the proposal. Commissioners were concerned with the location, truck access from Forney Road, crime and noise, and after-hours access to the gas pumps. The applicant stated that truck access would not be permitted from Forney Road and that he believed the crimes in question were more closely associated with truck stops which is not what they are proposing. Mr. King initially stated that the fuel pumps would be open 24 hours for credit card customers with some level of staff on-site to monitor activity and possibly surveillance cameras though he later clarified with Mr. Sharif that, in fact, there were no plans to have staff on-site after the store was closed.

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

Mr. Apel asked for input from the Commissioners. Mr. Johnson expressed concerns about additional truckers in the area but was more concerned about the 24-hour pumps. Mr. Sharif interjected that this would not be a problem and that he would be fine with shutting the pumps down at night. Mr. Johnson said if that modification was made he would be for the proposal. Mr. Allen agreed with Mr. Johnson but is also concerned about the placement of the canopy stating that this might require revision at some point. Ms. Stuit admitted the need for this type of business but is not comfortable with the location and Mr. Tosch agreed. Mr. Apel, Mr. Holloman and Ms. Cruce also expressed concerns about the 24-hour gas pumps. Ms. Cruce stated that if the pumps were to be open, someone would need to be there. Mr. Sharif reiterated his desire to address the 24-hour issue stating that he would close the pumps at the same time the store closed and barricade the entrances at that time.

A motion was made by Ms. Stuit and seconded by Mr. Tosch to deny the request. The motion failed with a vote of 2 to 5 with Chairman Apel and Commissioners Allen, Cruce, Holloman, Johnson dissenting. A motion was made by Mr. Johnson and seconded by Ms. Cruce to approve the request with staff recommendations 1 through 11 with the added conditions that truck access would be limited to Town East Blvd., the pumps will be closed when the store closes and there will be a physical barrier installed to prevent entry after hours. The motion passed by a vote of 4 to 3 with Chairman Apel and Commissioners Stuit and Tosch dissenting.

- B. Consider an application for a Zoning Change to Commercial with a Conditional Use Permit on property presently zoned Commercial, to allow the property to be used for private club and movie theater in addition to other uses allowed in Commercial Districts, submitted by Jeff Benson, Movie Tavern Partners, LP, for Town East Mall, Block A, Lots 1-7, located at 1618 N. Town East Blvd. Zoning File No. 1059-60.**

Jeff Armstrong stated the applicant requested that his case be postponed. A motion was made by Mr. Johnson and seconded by Mr. Tosch to postpone the request. The motion passed unanimously.

- C. Consider an application for a Zoning Change to Industrial on property presently zoned Commercial, to allow the property to be used for industrial uses, for Commerce East Business Park, Block A, Lot 7 & 10, located south of Samuel Blvd and Eastover Drive intersection. Zoning File No. 1419-2.**

Robert Baldwin, 401 Exposition, Dallas, Texas, appeared and presented the zoning request. Chairman Apel asked if the lots would be replatted and if the proposed uses were known. Mr. Baldwin stated there were no current plans but that the lots would be replatted and then sold.

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

A motion was made by Ms. Cruce and seconded by Mr. Allen to approve request. The motion passed 6 to 1 with Mr. Tosch dissenting.

V. VARIANCE REQUEST

- A. Consider a variance request submitted by Chris Lam, Lam Consulting Engineering on behalf of Villas at Mesquite Creek for a variance to allow a reduced median opening of 276 feet and 345 feet located at 900 Gross Road.**

Hal Thorne, 832 S. Carrier Pkwy., Grand Prairie, Texas, appeared and presented the variance request.

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

VI. DIRECTOR'S REPORT

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

Mr. Gertson briefed the Commission on recent City Council action.

There being no further business for the Commission, Chairman Apel adjourned the meeting at 8:36 P.M.

Tony Apel, Chairman