

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., AUGUST 24, 2009, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jane Ann Cruce, Vice Chairman Richard Allen, Commissioners, Ginny Stuit, Terry Tosch, Jack Akin, Barbara Dunn, Bob Johnson

Absent:

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Liz Butler, 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 AUGUST 10, 2009, MEETING

A motion was made by Ms. Stuit and seconded by Ms. Dunn to approve the minutes of August 10, 2009. The motion passed unanimously.

II. PUBLIC HEARING – REPLAT

**A. Consider a preliminary plat for the Russell Addition, being a replat of a portion of Block A, Russell Addition, submitted by Carolyn & Charlie Naile and Gerald & Ramona Locke, located at 4181 E Cartwright Road (Russell Addition, Block A, Lots 2R and 3).**

The applicant was not present. Staff explained that the applicant had received staff recommendations. Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

A motion was made by Mr. Johnson and seconded by Mr. Tosch to approve the replat with staff recommendations 1 through 10. The motion passed unanimously.

III. PUBLIC HEARING – ZONING

**A. Consider an application for a Zoning Change from Commercial and Military Parkway/Scyene Corridor Overlay to Commercial and Military Parkway/Scyene Corridor Overlay with a Conditional Use Permit for Ambulance Services, submitted by Daryl Quigley, Texas Lifeline Corporation on property described as Blue Bell Addition No. 2, Block A, Lot 3, located at 1210 W. Scyene Road, Suite D (Zoning File No. 342-14B-2009). This item was continued from the August 10, 2009 meeting.**

Steven Cooper appeared and spoke on behalf of the applicant, Daryl Quigley. Mr. Cooper recapped the information from the last meeting. He stated that most of the business from this service would be non-emergency transport of patients, with very few emergency back-up calls. He again stressed the importance of the security that this location would provide for the ambulances and equipment since they can be stored inside the facility. Mr. Cooper stated that one of the doors is 12x12 which is adequate for the size of their vehicles and that the 10x10 door will not need to be used nor will the fenced area of the property.

Chairman Cruce opened the public hearing. Mr. Addallah Adham, property owner for this location, stated that the nature of this property will not lend itself to the type of uses the overlay district indicates. He stated that the building would not be appropriate for retail uses and that the location is not in a pedestrian-friendly location. Finally, Mr. Adham stated that good tenants were difficult to find even in good economical times and asked the Commission to support this applicant. No one else appeared and Ms. Cruce closed the public hearing.

Commissioners Tosch, Stuit and Johnson are opposed because of the existing overlay. Ms. Stuit and Mr. Johnson commented that the business would not be appropriate for what the City is trying to do in that area. Chairman Cruce and Commissioner Dunn have mixed feelings but believe that the building should be used rather than stay empty. Mr. Allen feels the overlay district is a long-term plan that will take time and the ambulance service is a short-term lease that will make good use of the property. Mr. Johnson expressed concern that the CUP could allow this use indefinitely if approved. Staff indicates

that time limits can be placed on CUPs and Mr. Johnson indicated that he would be more inclined to support a CUP with a time limit.

A motion was made by Mr. Akin and seconded by Mr. Tosch to deny the request. The motion to deny passed 4 to 3 with Commissioners Allen and Dunn and Chairman Cruce dissenting.

**B. Consider an application for a Zoning Change from Light Commercial with a Conditional Use Permit to Commercial with a Conditional Use Permit for Used Car Sales and Mini-warehousing, submitted by F. Michael Graves, The Dakota Company and Dick Calvert, Calvert & Co/Architects, Inc. on property described as Long Branch Addition, Block B, Lot 2A-R, located at 1919 Oates (Zoning File No. 1461-144-2009).**

F. Michael Graves presented the case. He stated that their company had an agreement with certain auto-makers that they would not sell new cars in this location. During discussion with the Commission Mr. Graves stated that all of the vehicles would be 5 years old or less and have less than 100,000 miles and that there would be no car repair on the premises. Mr. Graves stated that they had received and had no problem with staff recommendations on more than one occasion during his presentation. He went on to describe the location of the proposed mini-warehouses and RV storage units stating that at least one fire lane would be preserved and that they would be hidden from street view. Mr. Armstrong explained that RV storage is specifically prohibited by City Ordinance when adjacent to residential property and could not be considered.

Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing. Mr. Allen had mixed feelings about the request. Mr. Johnson was in favor of the used cars if the age of the vehicles could be regulated, but was not in favor of the mini-warehousing on this gateway property. Mr. Tosch and Chairman Cruce agreed with regulating the vehicles but did not oppose the mini-warehousing.

A motion was made by Mr. Johnson and seconded by Ms. Stuit to deny the change of zoning and mini-warehouses and approve the Conditional Use Permit allowing the sale of 100% used cars with staff recommendations 1 through 4, amending recommendation #3 adding "(e) all signs should be in compliance with the sign ordinance", and adding recommendation #5 stating "All used vehicles must be 4 years old or newer." The motion passed by a vote of 6 to 1 with Mr. Allen dissenting.

After the vote, the applicant expressed concerns about meeting some of the recommendations.

**C. Consider an application for a Zoning Change from Industrial to Industrial with a Conditional Use Permit to allow the sale of used forklifts and to allow the outdoor display of new and used forklifts, submitted by Danny Gamez, Texas Forklift, on property described as Skyline Business Park Section One, Block C, Lot 1-A, located at 3510 U.S. HWY 80 E. (Zoning File No. 1462-265-2009).**

Danny Gamez presented the request and explained that he will be selling new and used forklifts. He will start with 15 units and carry parts as well. He stated that he had received staff recommendations but does not want to have to move the displayed forklifts back and forth in order to keep the hours of use down on his machines. Chairman Cruce asked if Mr. Gamez had plans for the fenced area and he stated he did not.

Chairman Cruce opened the public hearing. Jim Lane appeared for the applicant clarifying that the display forklifts would not be moved back and forth but will remain on display at all times. Staff explained that the recommendation to move the forklifts actually indicates that the display area should be moved permanently not that the forklifts themselves should be moved back and forth each day. No one else appeared and Ms. Cruce closed the public hearing.

A motion was made by Mr. Tosch and seconded by Mr. Akin to approve the Conditional Use Permit allowing the sale of new and used forklifts and the outdoor display of new forklifts with staff recommendations 1 through 5, amending recommendation #1, striking "or no more than six forklifts whichever is less" from the first sentence, and amending recommendation #3, adding "(e) all signs should be in compliance with the sign ordinance". The motion passed unanimously.

IV. PUBLIC HEARINGS – ZONING TEXT AMENDMENT

**A. Consider a zoning text amendment that would amend Section 5-400 to revise the attendance requirements for the members of the Board of Adjustment (Zoning File No. 2009-04).**

Garrett Langford presented the request and explained that the attendance requirements for the Board of Adjustment were being modified in order to be consistent with the Planning and Zoning Commission requirements for attendance.

A motion as made by Ms. Stuit and seconded by Mr. Akin to approve the request. The motion passed unanimously.

V. DIRECTOR'S REPORT

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

Richard Gertson reported on recent and upcoming Planning and Zoning items.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 8:20 P.M.

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Jane Ann Cruce, Chairman