

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:10 P.M., FEBRUARY 9, 2009, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: Commissioner Bob Johnson

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Bee Martin, Neighborhood Planner Arti Waghay, 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 JANUARY 12, 2009, MEETING

A motion was made by Ms. Stuit and seconded by Mr. Allen to approve the minutes of January 12, 2009. The motion passed unanimously.

II. PRELIMINARY PLATS

A. Consider a preliminary plat for the Shands Elementary/Shands Park Addition, submitted by Nathan D. Maier Consulting Engineers, located at the northern corner of Shands Drive and Karla Drive. (Shands Elementary/Shands Park Addition, Block A, Lots 1 and 2).

Mike Daniels appeared on behalf of the applicant. He presented the request and stated that he had received and is in agreement with staff recommendations.

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

B. Consider a preliminary replat for Driftwood Village Shopping Center, submitted by Heather Rimmer of Aldi, Inc., located at the corner of Driftwood Dr. and Gus Thomasson Rd. (Driftwood Village Shopping Center, Block A, Lots 1 and 3).

Heather Rimmer appeared on behalf of the applicant. She presented the request and stated that she had received and is in agreement with staff recommendations.

A motion was made by Mr. Tosch and seconded by Mr. Akin to approve the request with staff recommendations 1 through 7, correcting number 5 to read: following the words "joint access easements" should be the words "OR JOINT ACCESS AGREEMENTS." The motion passed unanimously.

III. PUBLIC HEARINGS – ZONING

A. Consider an application for a Zoning Change from Single Family Residential, to Single Family Residential with Conditional Use Permit for a Tax Preparation Home Occupation, submitted by Bettye M. Blount, on property described as E. D. Bennett Abstract 163, Tract 2, located at 300 New Market Road. (Zoning File No. 163-3-2009). Prior to hearing the case, Mr. Terry Tosch recused himself due to the fact that he is Ms. Blount's neighbor.

Ms. Bettye Blount appeared and presented the case. Ms. Blount stated that she had been providing tax preparation services in Dallas for several years from her home and has many loyal clients. She explained that she would like to continue doing so now that she has moved to Mesquite. She stated that she will have very few clients per day and that several of her customers mail their tax documents to her.

Chairman Cruce opened the public hearing. Mr. Ismael Guzman, 928 Lakeland Dr., asked whether having a home occupation in the neighborhood would affect his taxes. Mr. Armstrong explained that this was improbable. No one else appeared and Ms. Cruce closed the public hearing. Mr. Akin asked about the use of an accessory structure for the business. Mr. Armstrong stated that in fact the room Ms. Blount would be using for her office is an attached room and not an accessory structure and that this could be stricken from the recommendations as listed.

A motion was made by Mr. Akin and seconded by Mr. Allen to approve the request with staff recommendations 1 and 2, omitting 1.a. The motion passed unanimously.

Mr. Tosch rejoined the Commission for the remainder of the meeting.

IV. PUBLIC HEARINGS – ZONING TEXT AMENDMENT

A. Consider a zoning text amendment that would amend Section 3-203 (SIC 73) to create new regulations on the location, appearance and site design of bail bond establishments (Zoning File No. 2009-01).

Richard Gertson presented the proposed text amendment. He explained that the current zoning ordinance does not specifically address bail bond establishments.

Mr. Allen asked for clarification on the 200 foot rule of separation. Mr. Gertson stated that this type of establishment sometimes has the potential for negative impacts on the surrounding areas. By enforcing the separation rule, the negative impacts can be managed. Mr. Tosch asked where the nearest Commercial or Industrial districts were located and Mr. Gertson stated that the Kearny-Gross corridor offered several appropriately zoned locations. Ms. Stuit stated her concern that bail bond establishments could deteriorate the area. Ms. Cruce said that the type of business is not the problem. She believes that the look and presentation would be appropriately controlled by our current regulations. Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

A motion to approve the request as proposed was made by Mr. Allen. No one seconded and the motion died for lack of a second.

A motion to deny (not approve the proposed text amendment) was made by Ms. Stuit. After further discussion and clarification, Ms. Stuit withdrew her motion.

A motion was made by Mr. Akin and seconded by Mr. Tosch to approve the request adding General Retail and Office districts to the list of permitted zoning with a Conditional Use Permit. The motion passed by a vote of 4 to 2 with Ms. Stuit and Mr. Allen dissenting.

V. OTHER

A. Discussion of possible zoning options for the area generally bounded by Franklin Dr., Tripp Rd., U.S. Highway 80, and Interstate Highway 635.

After providing background information, Mr. Armstrong asked the Commission for input on whether to pursue a change to the zoning in the area generally bounded by Franklin Drive, Tripp Road, U.S. Highway 80, and Interstate 635 to legitimize several existing uses or to leave the zoning as it is and continue the recent practice of strictly enforcing the zoning. The Commission stated that their preference would be to either leave the zoning as is and continue to enforce the requirements as has been done recently or to create some new zoning district that would:

- Continue to allow Commercial uses, but also include a few additional uses
- Include additional development standards that would help improve the area's appearance
- Not include the larger vacant parcels and the junction of Highway 80 and Interstate 635

Mr. Armstrong indicated that staff would have a similar discussion with the City Council and then determine whether or not to move forward with any zoning changes for the area.

VI. DIRECTOR'S REPORT

A. Report on recent City Council action.

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

Mr. Gertson also briefed Commissioners on the recent conference of the Texas Chapter of the American Planning Association. He said staff members presented two sessions to conference attendees on planning in the extraterritorial jurisdiction and platting. Ms. Waghray showed Commissioners the two awards received by the City of Mesquite for comprehensive planning and Honorable Mention for Community of the Year.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 8:28 P.M.

Jane Ann Cruce, Chairman