

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 6:30 P.M., OCTOBER 8, 2007, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: Principal Planner Tammi Nunn, Planner Garrett Langford

Staff: Director Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Neighborhood Planner Arti Waghray, Assistant City Attorney Lillian Graham, Administrative Secretary Kim Attebery

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

I. APPROVAL OF THE MINUTES OF THE SEPTEMBER 10, 2007 MEETING

A motion was made by Ms. Cruce and seconded by Ms. Stuit to approve the minutes of September 10, 2007. The motion passed unanimously.

II. PLAT

A. Consider a preliminary plat of Samuell Blvd. Business Park, Block 3, Lot 1, submitted by Halff Associates and located north of the Unilever building at 5351 Samuell Blvd. and west of the Big Town Mall site.

Jeff Roberts, Flower Mound, Texas, presented the proposed preliminary plat. He acknowledged receipt of the plat conditions from staff.

A motion was made by Ms. Stuit and seconded by Mr. Johnson to approve the preliminary plat with staff recommendations 1 through 10. The motion passed unanimously.

III. PUBLIC HEARINGS - ZONING

A. 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 in a proposed restaurant in addition to other uses allowed in Commercial Districts, submitted by Pam Goodwin, Goodwin Commercial Properties for BJ's Restaurants, Inc. on property described as Town East Mall, Block A, Lots 1-7, located at 2063 Town East Mall (Zoning File No. 1059-61.)

Pam Goodwin, Deb Chappel of BJ's Restaurant, Inc., and representatives from Town East Mall appeared and presented the zoning case. Ms. Goodwin and Ms. Chappel described the proposed restaurant and private club as a family-oriented establishment with cost per plate being around \$15.00. Mr. Johnson stated that the applicant had noted concerns with the usual screening requirement for the bar area. Ms Chappel explained that the brewery/bar was a focal point in their establishments. Mr. Apel asked about expansion and an outside entrance location. Mr. Kevin Connell with Town East Mall explained where the exterior entrance would be in relation to the mall and stated that some expansion would be necessary, but that they look forward to having this addition. Mr. Apel questioned how they could be describing the restaurant as a family-oriented establishment with the bar as a focal point. Ms. Chappel explained that the price and the comfortable atmosphere make it appealing to families. Ms. Cruce concurred with the description stating that her experiences in other BJ's locations have been very positive. Mr. Apel ask about extended hours of operation and outdoor seating. Ms. Chappel said that they would be open after the mall had closed and that there would be no service outside. However, there may be an exterior waiting area.

Mr. Apel opened the public hearing.

John Lefever of Mesquite spoke against the proposal expressing his concerns about the bar being the focal point in this location. Randall Jenkins of Mesquite also appeared and agreed with Mr. Lefever. Sue Coker-Quick of Mesquite spoke against the proposal stating concerns about mall access after hours. The mall representatives assured her there would be no interior access after hours. No one else came forward, and Mr. Apel closed the public hearing.

A motion was made by Ms. Cruce and seconded by Ms. Stuit to approve the Conditional Use Permit for a private club with staff conditions 1 through 10. The motion passed unanimously.

B. Consider an application for a Zoning Change to Planned Development- General Retail on property presently zoned General Retail, to allow the property to be used for a general service hotel in addition to other uses allowed in the General Retail district, submitted by Raj Patel, on property described as Northridge Estates 6, Part of Lot 5, located at 1000 Ridgeview St. (Zoning File No. 1462-257.)

Raj Patel appeared and presented the zoning case describing the 3-story hotel. Mr. Apel asked about the restaurant and Mr. Patel stated that he did not have any details. The Commissioners explained that the restaurant must be on the same or adjacent tract in order for the hotel to be considered a full-service hotel. Mr. Patel stated that he was considering a breakfast area or perhaps a fast-food establishment. Commission and applicant discussed exterior issues such as masonry and screening requirements.

Mr. Apel opened the public hearing.

Randy Searcy of Mesquite spoke in opposition with concerns about additional traffic and crime. Nita Knapp of Mesquite agreed. Sue Coker-Quick stated that Mr. Patel's other hotels had serious crime issues. (It was later noted that Mr. Raj Patel has no other hotels.)

Henry Knapp, Natalie Searcy and Debra Robbins spoke in agreement with the others and added concerns about privacy. Mr. Clarence Cope, real estate broker for Mr. Patel, explained that the hotel will be a quality hotel with room rates being prohibitive to undesirable clientele. He also stated that with the hotel being right on the highway, it is unlikely that the residential streets surrounding the area would be affected by extra traffic.

John Lefever spoke against the proposal stating his belief that other locations in the city would be more appropriate. Commissioners Johnson and Stuit agreed with concerns regarding the location stating that there would not be enough room on this lot for a full-service hotel. Mr. Apel stated his concerns about inadequate buffering and the restaurant plans. No one else came forward, and Mr. Apel closed the public hearing.

A motion was made by Mr. Johnson and seconded by Mr. Tosch to deny the rezoning to Planned Development – General Retail. The motion to deny passed unanimously. Mr. Gertson informed the applicant that he has through the close of business on Thursday, October 18, to file an appeal with the City Secretary's Office. Mr. Gertson said that the City Council public hearing would be postponed to November 5, unless the applicant filed his appeal by Wednesday, October 10. He advised interested parties to check with the Planning Office beginning late Wednesday as to the date for the public hearing, if any.

- C. Consider an application for an amendment to the Planned Development District identified as PD 2346 (SS) to change it from PD (SS) to PD (Commercial), to allow the property to be used for a car wash and quick lube business in addition to other uses allowed in the Commercial District, submitted by Vincent Jarrard, EDG Architects, on property described as The Emporium, Phase 1, Block A, Lot 4, located at 1511 N. Town East Blvd. (Zoning File No. 1059-62.)**

Vincent Jarrard presented the case briefly describing the nature of the business and stating that they had received staff recommendations and were happy to comply. In response to Commission's concerns, Mr. Jarrard stated that the canopy on the drawing was existing and would remain on property with no additional canopies being added and explained that the new portion of the buildings would blend with the current structure. Mr. Apel complimented the landscape plan and asked whether the proposed uses would be competitive and beneficial to the area and their business and Mr. Jarrard stated that he believed it would good for everyone.

Mr. Apel opened the public hearing.

John Lefevers spoke in favor of the proposal. No one else came forward, and Mr. Apel closed the public hearing.

A motion was made by Mr. Tosch and seconded by Ms. Stuit to approve with staff conditions 1 through 3. The motion passed unanimously.

IV. PUBLIC HEARINGS - TRUMAN HEIGHTS NEIGHBORHOOD

- A. Consider amendments to the Comprehensive Plan to create and modify neighborhood-related land use and development policies.**
- B. Consider an amendment to the Mesquite Zoning Ordinance to create a new zoning classification to be known as the Truman Heights Neighborhood District (THN), which shall incorporate the Truman Heights Revitalization Code containing new or amended procedural requirement, standards for site design, and regulations affecting building form, building design, setbacks, parking, signage, landscaping, and permitted uses. (Zoning Text Amendment 2007-6)**
- C. Consider rezoning of the following properties from their current zoning classifications to the new Truman Heights Neighborhood classification, to wit:**

All properties with frontage on the southwest right-of-way line of N. Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of N. Galloway Avenue and Hillcrest Street, inclusive of all tracts abutting such properties that are currently used for non-residential purposes, and all properties located within Census Tract 177.02, Block Group 3, which is bounded by Galloway Avenue, Hillcrest Street, and U.S. Highway 80, all as shown in Exhibit A. (Combined applications No. 486-17/1256-7/1462-253)

Richard Gertson briefed the Commissioners on sections of the proposed Truman Heights Revitalization Code. He also discussed new language for the Comprehensive Plan that addresses neighborhood revitalization. He noted that item IV. A. is the only action item for this meeting. He stated that interested parties may be heard on items IV. B. and C., but that the items will not be acted upon until October 22, 2007.

Mr. Apel opened the public hearing.

John Lefevers spoke in opposition of the plan stating that he is unsure how it will work. He stated that you can't keep something the same and revamp it at the same time. Mr. Herman Finley spoke against the proposal stating it was impractical and expensive and that the City was trying to turn Mesquite into Highland Park. Mr. Randall Jenkins agreed stating that Mesquite had no "draw" for the kind of businesses the proposal mentions and that there was no provision for expansion of a worship center on his property. No one else came forward, and Mr. Apel closed the public hearing.

Mr. Gertson stated that the worship center is permitted by right under the proposed Truman Height Revitalization Code and would not be an issue. Commissioner Allen commented that some people are not thinking of all the possibilities inherent in this type of plan and that it was a good place to start the revitalization of Mesquite. Commissioner Johnson says that while he understands some of the opposition, he believes it is time for Mesquite to do something different to affect a positive change for the City.

A motion was made by Mr. Allen and seconded by Mr. Johnson to approve amendments to the Comprehensive Plan for Truman Heights as proposed by staff. The motion passed unanimously.

V. 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 9:50P.M.

Tony Apel, Chairman