

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M.,
FEBRUARY 11, 2008, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: Commissioner Terry Tosch

DRAFT

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Principal Planner Tammi Nunn, Planner Garrett Langford, Planner Bee Martin, 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 JANUARY 28, 2008, MEETING

A motion was made by Ms. Stuit and seconded by Ms. Cruce to approve the minutes of January 28, 2008. The motion passed unanimously.

II. PRELIMINARY REPLAT

A. Consider a preliminary plat for W.A. Ridge Ranch, LLC and Mesquite Independent School District submitted by Dowdey, Anderson & Associates, Inc, located at the western corner of Cartwright and Lawson Roads. *Ridge Ranch.*

John Bull, on behalf of Dowdey Anderson, presented the proposed preliminary plat. He had not received the plat conditions from staff prior to the meeting. He was given a copy and he reviewed it at the meeting. Mr. Bull stated that plat conditions presented no problem. He stated that the second fire access would be shared with the adjacent property but was not part of this property which is why it was not shown on the documents presented by Dowdey Anderson.

A motion was made by Ms. Cruce and seconded by Mr. Allen to approve the preliminary plat with staff comments 1-5. The motion passed unanimously.

III. SUBDIVISION VARIANCE

A. Consider a variance from the Subdivision Ordinance requiring the dedication of street right-of-way in compliance with the Thoroughfare Plan for proposed Replat of Crestwood Addition, Block A, Lots 8R and 9.

David Belt presented the request.

IV. PUBLIC HEARINGS – REPLAT

A. Consider a replat for White Properties submitted by Marc Bentley, located between S. Bryan-Belt Line Road and S. Galloway Ave, on the north side of Norwood Dr. Crestwood, Block A, Lots 8R and 9.

B. Consider a replat for White Properties submitted by Jim Lane, located at the southeast corner of South Bryan-Belt Line Road and the abandoned Holley St ROW. *Original Town Mesquite, Block 17, Lot 5R & Block 18, Lots 1R and 5R.*

V. PUBLIC HEARINGS – ZONING

- A. Consider an application for a Zoning Change to Planned Development Commercial for an office-warehouse on property presently zoned Commercial, submitted by Tristan Eager of Pogue Engineering, on property described as East Dallas Estates, Block 1, Lot 4R, located east of 415 U.S. Highway 80 (Zoning File No. EDE-23).** This item was tabled on January 14th and 28th.

Randy Pogue, with Pogue Engineering, on behalf of Baker Drywall presented the case. He briefly reviewed their plans for the development restating their desire to address some of the issues that were introduced at the previous meeting such as traffic control and lighting. Mr. Pogue stated that they had read and accepted staff conditions. Commissioner Johnson asked if they were agreeable to the condition that there be no semi-truck traffic on Hanby. Mr. Pogue stated that while it was not preferable, they would agree to the condition. Chairman Apel asked about the height of the screening wall and was told that it would be 8 feet in height in accordance with the ordinance. Mr. Allen asked if the property will look like the rendering submitted and Ms. Dunn asked if the structure will be one story. Mr. Pogue stated that they expect the development to look very much like the drawing. He stated that the property will look better, that the dilapidated screening will be repaired and that it would be a one story structure. Commissioner Apel opened the public hearing.

Ms. Fay Price appeared in opposition to the request. She stated that although she was aware that her property was adjacent to a commercial district she did not realize what type of business would be conducted there. She is opposed to the Hanby extension because she is concerned that Tiseo Paving will want to expand next, which will create more noise and traffic in the area. She stated that she was not convinced that the property would be as nice as proposed. Mr. Larry Aycock appeared stating that he was afraid that the Hanby extension would provide a quick exit for people engaged in criminal activity in the area or that it might be a place where people would congregate after hours. M. Sherring, 318 Southerland, agreed with the others also stating that there was too much traffic and noise in the area already. Mr. Mike Turner stated concerns about flooding in their neighborhood and on Belt Line. Ms. Lisa Turner appeared stating her concerns that the use is too intense for the area. She believes that the rear access will be unattractive and that it will be impossible to enforce the “no semi-truck” rule.

No one else appeared and Chairman Apel closed the public hearing. Commissioner Allen commented that he understood the concerns of the residents but stated that it was always a possibility that Hanby would be extended when the property was developed. He is satisfied with the developer’s plans for an attractive property with appropriate screening and noise reduction. Mr. Johnson agreed with Mr. Allen and stated that they definitely can regulate semi-truck traffic from this property but that Hanby will be a public road and will be accessible to all traffic. Commissioners Cruce and Dunn believe that the proposal is a good one. Chairman Apel stated that the drainage issues will definitely be addressed throughout the development process and that lighting shields and careful screening plans should be covered in the PD.

A motion was made by Mr. Johnson and seconded by Mr. Allen to approve the request with staff conditions one through four, adding condition number five, limiting the structure to one story, and condition number six, that all lighting be shielded and directed onto the property. The motion passed with a vote of 5 to 1 with Ms. Stuit dissenting.

- B. Consider an application for a Zoning Change to Commercial with a Conditional Use Permit to allow storage and warehousing on property presently zoned Commercial, submitted by Michael Coffey of Mesquite Independent School District, on property**

described as East Dallas Estates, Block 1, Lots 6R, located at 2133 N. Belt Line (Zoning File No. 337-13).

(Due to a conflict of interest, Chairman Apel recused himself from the meeting.) Mike Coffey with MISD presented the case. Commissioner Allen asked about the plans for the exterior, lighting shields and traffic maneuvering to the docks. Mr. Coffey stated two new docks would be installed on the south side. Also, the exterior would be painted and given a nice retro-fit. He stated they could do lighting shields and that traffic to the docks would enter through Hanby. Mr. Allen asked about shared parking with other retail and Mr. Coffey was unsure of how much could be given up and still meet the parking requirements. Mr. Johnson asked about the size of other vacant big-boxes and whether they could be retro-fit for this use and whether they had looked at other possible sites. Mr. Coffey stated that no other buildings were of adequate size for their overall needs. Mr. Allen asked about fencing and if there could be a gate at the northwest corner of the property to prevent trucks from entering. Mr. Coffey stated that would not work out.

Vice-Chairman Cruce opened the public hearing. Mike Turner, a resident of the area, appeared and spoke in favor of the request because it was not as intense as retail use of the site. As no one else appeared, Ms. Cruce closed the public hearing.

Commissioner Johnson reminded everyone that a similar use was rejected for this site recently, and that there is significant development activity taking place in the vicinity, which means the area is still viable for retail uses. A motion was made by Mr. Johnson, seconded by Ms. Stuit, to deny the application for a conditional use permit. The motion passed 4-1 (Mr. Allen dissenting).

C. Consider an application for a Zoning Change to Commercial with a Conditional Use Permit to allow indoor recreation facilities on property presently zoned Commercial, submitted by Marc Paulain of FEC Mesquite, LP, dba Incredible Pizza, on property described as Towne Centre Village 4 Replat, Block C, Lot 1BR, located at 1330 N. Town East Blvd (Zoning File No. TCV4-9).

(Chairman Apel returned to the meeting.)

Mark Paulain presented the request.

Mr. Johnson stated that it was an exciting concept but questioned whether the requirement that there be no alcohol and only certain rated games should be included in the staff conditions. Mr. Armstrong stated that because it was limited to the Incredible Pizza franchise, there was no need to incorporate those conditions. Commissioners had several questions for applicant. Mr. Paulain explained that there would be no outdoor storage or outdoor activities. The facility will have approximately 225 employees and will be open until 9:00pm with the game section staying open later. Mr. Paulain also stated that they often do lock-ins for churches. He explained that the common hall in the lease space was for receiving groceries and that all the exits will have alarms. The admission fee will be \$6.99 for adults and \$4.99 for children.

Chairman 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 Ms. Stuit to approve the request with staff conditions one through 3. The motion passed unanimously. Mr. Gertson praised Incredible Pizza for its efforts to comply with the Community Appearance Manual.

D. Consider an application for a Zoning Change to Commercial with a Conditional Use Permit to allow a ballroom on property presently zoned Commercial, submitted by Luis Flores, Regio Ballroom, on property described as Town East Mall, Block A, Lot 3, located at 18600 I-635 (Zoning File No. TEMA-5).

This proposal was withdrawn by the applicant.

VI. PUBLIC HEARINGS – ZONING TEXT AMENDMENT

A. Consider amendments to 3-203 (SIC 60-61), 3-500 and 6-100 that would create new regulations on the location, spacing, appearance and site design of check cashing, payday loan and similar establishments (File #2008-1).

Richard Gertson presented the proposed text amendment.

Chairman Apel expressed concerns about Western Union being subject to regulations as a money transfer business. Mr. Gertson explained that the definition applies to international transfers. Mr. Johnson asked about the distance requirement from residential districts being 200 feet versus the 1000 feet separation between these types of business. Mr. Gertson stated that the intents of the two regulations differ: the 1,000-foot requirement prevents clustering of these businesses, while the 200 feet separation from residential lessens the external impacts on neighborhoods. Mr. Johnson suggested that a larger setback from residential might be appropriate since with a wide street right-of-way one of these businesses could be across a street from a house. Mr. Gertson clarified that the separation is lot line to lot line, not building to building, and that will have the effect of increasing the building separation.

Chairman Apel opened the public hearing. A resident of a home on Motley asked if the ordinance will regulate the appearance of these facilities. Mr. Gertson explained that the Community Appearance Manual will address this issue. No one else appeared and Mr. Apel closed the public hearing.

A motion was made by Ms. Stuit and seconded by Ms. Dunn to approve the text amendments. The motion passed unanimously.

VII. 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 _____ P.M.

Tony Apel, Chairman