

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., JULY 28, 2008,  
711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent:

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning  
Jeff Armstrong, Planner Bee Martin, 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 14, 2008, MEETING

A motion was made by Ms. Stuit and seconded by Ms. Dunn to approve the minutes of July 14,  
2008. The motion passed unanimously.

II. PLATS

**Consider a plat for Calvary First Baptist Church Addition, submitted by Doug Connally &  
Associates, Inc., located at 2600 East Glen Blvd. Calvary First Baptist Church Addition, Lot 1.**

Mac Costlow appeared for the applicant. He acknowledged receipt of staff recommendations  
and had questions about the site plan submittal and the Hike and Bike Trail easements. Mr.  
Armstrong stated that site plan issues would be discussed during the site plan process and that  
Hike and Bike Trail questions would need to be addressed by the Parks and Recreation  
department.

A motion was made by Mr. Johnson and seconded by Ms. Stuit to approve the request with staff  
recommendations 1 through 18. The motion passed 6 to 1 with Mr. Tosch dissenting.

III. PUBLIC HEARING – ZONING TEXT AMENDMENTS

**A. Consider amendments to Section 2-600 that would modify or create new regulations  
governing the height, size, placement, exterior materials or other construction  
standards for residential accessory structures.**

Richard Gertson presented the request. He stated that currently accessory structures may  
be built out of metal. The proposed amendment would require accessory structures larger  
than 120 square feet to use wood, cementitious fiberboard, or masonry. Oversize structures  
(larger than 500 square feet by Special Exception of the Board of Adjustment) would have  
to use the same materials as the principal dwelling. Minor structures under 120 square  
feet will be allowed to be constructed of metal or approved plastic materials. Staff and  
Commission discussed proposed regulations. Chairman Apel opened the public hearing.  
No one appeared and Mr. Apel closed the public hearing.

A motion was made by Mr. Johnson and seconded by Ms. Cruce to approve the  
amendments with the following changes and additions: "All accessory structures except  
minor buildings shall have a pitched roof with the highest peak directly above the center of  
the structure. The roof shall be shingled or match the roof materials of the principal  
structure." The motion passed with a vote of 6 to 1 with Mr. Allen dissenting.

**B. Consider amendments to Section 2-700 that would modify or create new regulations governing Home Occupations to include some uses, establishment of a registration fee and clarification of various wording. (Zoning Text Amendment 2008-6)**

Jeff Armstrong presented the request stating that the most significant change was to allow certain licensed professional services as approved home occupations. Chairman Apel opened the public hearing. Joy Gautney appeared in favor of the request. She stated that she was a licensed massage therapist and the ability to see clients in her home is a factor in choosing where she lives. Brandy Vasquez appeared and agreed with Ms. Gautney. Ms. Vasquez is also a licensed massage therapist and believes that professional services provide good, low impact options for home occupations and will be good for the City. No one else appeared and Mr. Apel closed the public hearing.

A motion was made by Ms. Cruce and seconded by Mr. Tosch to approve the amendments. The motion passed unanimously.

Following the vote, Mr. Johnson recommended that staff consider an annual fee for home occupations to assure continued compliance and help curb the costs of administration, inspections and enforcement.

**IV. PUBLIC HEARINGS – COMPREHENSIVE PLAN, ORDINANCE AMENDMENT, AND REZONING.**

**A. Consider adoption of and recommendation to the City Council regarding the proposed Extraterritorial Jurisdiction element of the Comprehensive Plan.**

Richard Gertson, Arti Waghray, and Mr. Lynn McManus with Kimley-Horn presented the proposal. Chairman Apel opened the public hearing. Barbara Caraway with Showcase Group LLC, on behalf of Prime Income Assets and Transcontinental, appeared in opposition. She stated that the proposal designates most of her clients' properties as "open space" therefore unable to develop. Ms. Florence Benedict of Forney appeared in opposition citing concerns that emergency services will not be adequate. No one else appeared and Mr. Apel closed the public hearing.

Chairman Apel commented that he understood that the properties represented by Ms. Caraway were in the flood plain and could not be developed. Mr. Gertson confirmed that according to all information staff had received on the properties in question, they were in the flood plain. He also stated that if new information becomes available that redefines the extent of the flood plain, amendments can be made to the ETJ plan as warranted.

A motion was made by Mr. Allen and seconded by Ms. Stuit to approve the plan as submitted. The motion passed unanimously.

**B. Consider an amendment to the Mesquite Zoning Ordinance to create a new floating zone classification to be known as the Kaufman-Interstate 20 District (K-20), which shall incorporate the Interim K-20 Development Code containing new or amended procedural requirements, the creation of zoning districts, certain community types and mandatory regulating plans, standards for site design, and regulations affecting building form, building design, setback, parking signage, landscaping and permitted uses. (Zoning Text Amendment 2008-5)**

Richard Gertson and Arti Waghray introduced the proposed K-20 Code. Mr. Gertson said more details would be given at the next meeting and suggested that at the end of the public hearing the item should be postponed to the next meeting. Chairman Apel opened the public hearing. Mr. Mac Beam appeared in opposition to the request stating that he was not sure the changes would be worth the time and effort spent to implement. Mr. Chris Shaw of Rockwall stated concerns that the communities as proposed will be difficult

to get started because the land is composed of many small lots. No one else appeared and Mr. Apel closed the public hearing.

A motion was made by Mr. Johnson and seconded by Mr. Allen to postpone the request until the August 11, 2008, meeting. The motion passed unanimously.

**C. Consider rezoning of all properties within the City of Mesquite located east of the East Fork of the Trinity River from Agricultural to the new Kaufman-Interstate 20 district.**

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

A motion was made by Mr. Johnson and seconded by Ms. Stuit to postpone the request until the August 11, 2008, meeting. The motion passed unanimously.

V. DIRECTOR'S REPORT

**Report on City Council action and other planning and zoning issues.**

Mr. Gertson briefed the commission on recent City Council action and other issues.

There being no further business for the Commission, Chairman Apel adjourned the meeting at 9:30 P.M.

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Tony Apel, Chairman