

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., OCTOBER 13, 2008, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

- Present: Chairman Jane Ann Cruce, Commissioners, Bob Johnson, Barbara Dunn, Ginny Stuit, Terry Tosch
- Absent: Vice Chairman Richard Allen, Commissioner Jack Akin
- Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Bee Martin, Neighborhood Planner Arti Waghray, 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 SEPTEMBER 22, 2008, MEETING

A motion was made by Mr. Tosch and seconded by Ms. Dunn to approve the minutes of September 22, 2008. The motion passed unanimously.

II. PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT

Consider an amendment to the Mesquite Comprehensive Plan that would create and modify land use development policies for certain Low Density Community Areas.

Garrett Langford presented the proposed amendment to the Comprehensive Plan. Staff and Commission discussed the proposal including term definitions, how to determine which businesses can be supported by the surrounding residential, and other issues. Jeff Armstrong stated that the proposed changes are policy guidelines and not an ordinance. Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

A motion was made by Mr. Tosch and seconded by Ms. Stuit to approve the proposed amendment to the Mesquite Comprehensive Plan. The motion passed unanimously.

III. PUBLIC HEARING - ZONING

A. Consider an application for a Zoning Change from Planned Development Single-family to General Retail, submitted by Matthew Cain, Kimley-Horn and Associates, Inc., on property described as Creek Crossing Estates No. 10, Block A, Lot 1, located on the south corner of Clay Mathis Rd. and Faithon P. Lucas Sr. Blvd. (Zoning File No. 1-39).

Garrett Langford stated that the applicant had requested that this item be postponed until the November 10, 2008, meeting.

A motion was made by Ms. Dunn and seconded by Mr. Johnson to postpone the request until the November 10, 2008, Planning and Zoning Meeting. The motion passed unanimously.

B. Consider an application for a Zoning Change from A-1 Multi-family with a Conditional Use Permit for a Nursing Center to Planned Development-A1, submitted by Marc Bentley, Bentley Engineering, Inc., on property described as K Parker Enterprises, Block A, Lot 1, located at 434 Paza Dr. (Zoning File No. KPE-1).

Marc Bentley presented the landscape plan as requested at the September 22, 2008, Planning and Zoning meeting. He stated that he had worked with Staff to develop the plan and that he had received and was in agreement with all Staff recommendations. He mentioned that the tree requirements listed under recommendation number 11 had been adjusted by mutual agreement with Staff. Ms. Cruce opened the public hearing. No one appeared and Ms. Cruce closed the hearing.

A motion was made by Mr. Johnson and seconded by Ms. Dunn to approve the request with recommendations 1 through 14, modifying number 11 to read "two (2) additional shade or evergreen trees or six (6) additional ornamental trees". The motion passed unanimously.

C. Consider an application for a Zoning Change from Planned Development Multi-family with a Special Exception for Medical Facilities to General Retail, submitted by Joel D. Holliday, D.O., on property described as Town East Estates, Block 1, Lot 11B, located at 3737 N. Town East Blvd. (Zoning File No. 483-7).

Dr. Joel Holliday presented the request. He stated that he was ready to sell the property and felt like the property would be more marketable with a different zoning. Staff and Commission discussed the case. The Commissioners agreed that a zoning change was needed but several expressed concerns that General Retail might not be the appropriate zoning for this location. Ms. Cruce opened the public hearing. No one appeared and the hearing was closed.

A motion was made by Mr. Johnson and seconded by Ms. Dunn to approve a zoning change to Office rather than General Retail. The motion passed unanimously.

D. Consider an application for a Zoning Change from Planned Development Office to Planned Development General Retail, submitted by Larry Allen, State Farm Insurance, on property described as Bruton Beltline Retail Addition, Block A, Lot 3, located at 225 W. Cartwright Rd. (Zoning File No. 190-4B).

Larry Allen presented the request and expressed his agreement with Staff recommendations. Mr. Allen stated that the property would be used for three or four additional low-intensity businesses along with the insurance office currently operating at this location. He also mentioned that recommendation number 4 contained a discrepancy in the number of trees required. Mr. Martin stated that the number of trees required should read "three (3)". Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

A motion was made by Ms. Stuit and seconded by Mr. Tosch to approve the request with recommendations 1 through 8, noting the correction on number 4. The motion passed unanimously.

E. Consider an application for a Zoning Change from R-1 Single-family and Agricultural to Mixed Use and Agricultural, submitted by Tommy Mann and Kirk Williams, Winstead PC, on property described as 12.79 acres out of the E. T. Myers Survey, Abstract 944, located at the northwest corner of IH 30 and Greenbelt Pkwy. (Zoning File No. 944-1).

Kirk Williams presented the case. He explained the history of the property and how it came to be annexed by the City of Mesquite. Mr. Williams feels that this property does not necessarily fall within the Comprehensive Plan's Gateway designation. He believes that due to the property's location, it should match the type of development to the east of the property rather than adhere to the development guidelines of the Gateway

designation. Staff and Commission discussed the case. Mr. Langford and Mr. Armstrong stated that the area is included in the Comp Plan Gateway designation. Mr. Gertson explained the scope and conclusions of the report from the Mesa Design Group regarding this gateway. While not the immediate focus of the report, the strategies adopted by the City Council apply to the subject property, and it is important not to consider the property in isolation to the remainder of the gateway area to the west. Ms. Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

Some of the Commissioners echoed the Staff position that the subject property must be viewed in the context of the gateway policies. The full list of uses provided under Mixed-Use zoning are not appropriate for the site. Moreover, connectivity to other properties in the gateway is important and the requested rezoning would not provide these assurances. A motion was made by Mr. Johnson and seconded by Ms. Stuit to deny the request. The motion to deny passed with a vote of 4 to 1 with Ms. Cruce dissenting.

VI. DIRECTOR'S REPORT

A. Report on City Council action regarding planning and zoning issues.

Mr. Gertson briefed the Commission on current and upcoming planning and zoning issues.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 8:38 P.M.

Jane Ann Cruce, Chairman