

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., NOVEMBER 24, 2008, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: None

Staff: Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Bee Martin, Neighborhood Planner Arti Waghray, Deputy City Attorney Liz Lunday

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

I. APPROVAL OF THE MINUTES OF THE NOVEMBER 10, 2008, MEETING

A motion was made by Ms. Stuit and seconded by Ms. Dunn to approve the minutes of November 10, 2008. The motion passed unanimously.

II. PUBLIC HEARINGS – ZONING

- A. Consider an application for a Zoning Change from Planned Development Multi-family with a Special Exception for Medical Facilities to Planned Development - 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). NOTE: On October 13, 2008, the Planning and Zoning Commission recommended denial of a request to rezone this property to General Retail. On November 3, 2008, the City Council remanded the case back to the Commission for consideration of a Planned Development District.**

Bryan Hull, Architect, spoke on behalf of the applicant and potential buyer of the property. Mr. Hull indicated the three uses proposed for the building are an ethnic food store, a Jackson-Hewitt Tax office, and a Metro PCS store. He described the history of the case, and reviewed the submitted concept plan, including revisions made after discussions with staff. He requested that, rather than having a list of specific permitted uses, we allow all uses in the GR district less certain undesirable uses. Mr. Johnson asked if the proposed ethnic food store was one we would be familiar with. Mr. Hull said no, it is not a franchise. Mr. Johnson asked if the target market is local – the nearby area. Mr. Hull said yes, but then added that they expected some commuter traffic, people who wanted the specialized product. Mr. Johnson asked if they have some other specific uses in mind. Mr. Hull said no, they just don't want to be limited. Chairman Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

Ms. Stuit indicated that there is a convenience store across the street and questioned the need for another. Mr. Hull stated that although there would be some similar products, their store is drastically different. Mr. Armstrong commented that the permitted use list is consistent with the permitted uses approved by the P&Z and Council for PD – GR zoning over the last couple of years on lots similar in size and nature to the subject property. Mr. Johnson asked if food would be available for consumption on premises. Mr. Hull said yes, ethnic foods. There would be a couple of small tables, but primarily prepared food would be sold for take out. Mr. Allen asked if they had done market and demographic research for the use. Mr. Hull stated that he was not involved in any such research, but that he assumed the potential buyer had done that. Mr. Allen asked what type of ethnic food store is it. Mr. Hull said Mexican. Mr. Akin stated that he would not support any additional uses. Mr. Johnson concurred.

A motion was made by Mr. Johnson and seconded by Mr. Akin to approve the request with staff recommendations 1 through 6. The motion passed by a vote of 6-1, with Ms. Stuit dissenting.

- B. Consider an application for a Zoning Change from Commercial to Planned Development Commercial, submitted by Michael Coffey, MISD, on property described as a portion of East Dallas Estates, Block 1, Lot 6R, located at 2133 N. Belt Line Rd. (Zoning File No.337-14).**

Mr. Michael Coffey spoke on behalf of MISD. He stated that they are in need of warehouse space and some office space. They have looked for alternative locations and have not found any other suitable properties. Their hours of operation will be 7:00-4:00 primarily on weekdays. Large truck deliveries will be from 7:00-2:00. Typically, there will be smaller trucks.

Mr. Tony Apel of WRA Architects spoke on behalf of the applicant. He pointed out some changes to their proposal from what the Commission had in their packets. The south side docks are no longer planned and they are proposing to recess the southwest corner of the building to create a dock for bobtail trucks. The building has been vacant for some time and the wiring has been stripped from it. The structure is very good for their use. He described proposed site and building improvements. He discussed what they have proposed for landscaping, which would be 10.9% of the site. Though staff recommended 15%, even with the addition of two landscaped strips in place of existing parking, they would only achieve 12.3 or 12.8 percent.

Mr. Allen asked if it was likely that MISD would sell the east part of the property. Mr. Coffey said that they are open to it. Mr. Allen suggested an additional north-south strip of landscaping in the parking lot. Mr. Apel indicated that the proposed landscape islands are an attempt to move closer to the landscape ordinance requirements. Mr. Apel discussed the need for the bobtail truck parking and security for it, which would include visibility. He showed pictures that demonstrate the topography of the area and visibility of the proposed bobtail truck parking. He indicated that stipulations 7 and 8 do not work for their security needs. Mr. Tosch asked if the north side of the building would receive the same façade treatment as the front. Mr. Apel said, no, but reiterated that they plan to plant trees along the north side of the building to soften its appearance from residential areas. Mr. Tosch said that he would like to see the same building façade on both the north and south sides as proposed in the front and would be willing to accept less landscaping if that were done. Mr. Apel indicated that they are flat walls with no openings. Mr. Allen suggested the use of colored vinyl chain link fencing as a reasonable option for the bobtail truck parking area stating stipulations 7 and 8 could be amended accordingly.

Ms. Cruce opened the public hearing. No one appeared and Ms. Cruce closed the public hearing.

A motion was made by Mr. Allen and seconded by Ms. Stuit to approve the request with staff recommendations 1 through 10, amended as follows:

Amend #3 to change the minimum landscape percentage to 12.8%

Amend #7 to read: "The bobtail truck parking area may be enclosed by a colored chain link fence. Landscaping to the east of the area shall include trees that provide a visual buffer.

Amend #8 to read: Except as provided for in #7 above, any fencing in the PD shall be made of wrought iron, masonry materials, or a combination of the two. Any masonry used shall be consistent in color with the primary color of the front building façade.

The motion passed by a vote of 5-2, with Mr. Johnson and Mr. Tosch dissenting.

VI. DIRECTOR'S REPORT

A. Report on recent City Council action.

Mr. Armstrong briefed the Commission on recent Council actions related to Commission activities.

B. Presentation on the 2008 Citywide Data Summary

Mr. Armstrong passed out the recently completed 2008 Citywide Data Summary and briefly mentioned a couple of items found in the document.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 8:19P.M.

Jane Ann Cruce, Chairman