

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 6:30 P.M., JULY 12, 2010, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jane Ann Cruce, Commissioners Jack Akin, Terry Tosch, Barbara Dunn, Larry Allen, Alternate Mike Potter  
Absent: Vice Chairman Richard Allen, Commissioner Bob Johnson and Alternate Donna Adams  
Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Senior Planner Garrett Langford, Planner Liz Butler, Planner Danielle Wonkovich, Assistant City Attorney Lillian Graham, Administrative Secretary Kim Attebery

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

I. APPROVAL OF THE MINUTES OF THE JUNE 28, 2010, MEETING

A motion was made by Mr. Tosch and seconded by Ms. Dunn to approve, with corrections, the minutes of June 28, 2010. The motion passed unanimously.

II. PUBLIC HEARING - REPLAT

A. **Consider a preliminary plat for a replat of Eastfield College Addition, submitted by Candy Hone, R.L.P.S., Nathan D. Maier Consulting Engineers, Inc., located at 3737 Motley Drive (Eastfield College Addition, Block A, Lot 1R).**

Jeff Armstrong briefed the Commission on the request. Mr. Armstrong noted that the applicant was in receipt of Staff recommendations and had not offered any objections. The applicant was not present.

A motion was made by Mr. L. Allen and seconded by Mr. Potter to approve the request with Staff recommendations 1 through 3. The motion passed unanimously.

III. PUBLIC HEARING - ZONING

A. **Consider an application for a Zoning Change from Commercial to Planned Development – Traditional Neighborhood Multifamily, submitted by Clifton Phillips, Roundstone Development, LLC, and Al Crozier, Prime Income Asset Management, Inc., on property described as The Emporium, Block A, Lot 9 and a 14.256 acre tract out of John T Nelms Abstract 1095, located at 3500 Emporium Square (Zoning File No. 1095-52-2010).**

Richard Gertson began the case presentation. He said the City has entered into a contingent contract of sale with the applicant for the purpose of developing 4.5 acres in the southwest corner of the site for a tax credit project. The parties also anticipate the eventual development of the entire City-owned parcel. That would require the applicant to be the successful bidder on the sale of the remaining 9.75 acres. Regardless of who ultimately secures the rights to develop the site, Mr. Gertson said it is the City Council's desire to develop the entire parcel as an exemplary multifamily project. To that end, the Planning Staff has worked with the applicant on a concept plan that comes very close to meeting the standards of the new Traditional Neighborhood Multifamily District. He reminded the Commission that the land is designated on the Comprehensive Plan as appropriate for Urban Multifamily Residential.

Jeff Armstrong briefed the Commission on the request. He stated that the applicant had received Staff's recommendations. Mr. Armstrong presented a property map and noted that Staff had sent out 42 property owner notices and had received 107 response letters representing 92 properties that were in opposition to the request. Of these letters, only 13 came from properties that were notified. The remaining letters were outside the 200 foot notification area. Mr. Armstrong explained that the property is located in the TERRA overlay and is currently zoned Commercial and that the new zoning as a Planned Development gives Staff the ability to work with developers and to be very clear about what is allowed and not allowed on the property. He presented a preliminary concept plan for the property and explained that this is not the typical multifamily development but a more urban style development geared toward young professionals and empty-nesters.

Commissioner Tosch asked about Staff's report that Staff and the applicant had not been able to agree on some of the Staff recommendations. Mr. Armstrong stated that there had been some discussion with the applicant on the stipulations but he was unsure if the applicant still had questions. He explained that the recommendations are as originally written but suggested the Commission wait to hear from the applicant noting that they could make adjustments if desired. Mr. L. Allen asked about traffic impact and if we have

any estimate on the increased traffic. Mr. Armstrong explained that there had not been a traffic analysis but that Staff did not believe that daily traffic would greatly impact the neighborhood. Mr. L. Allen also asked about the impact on the school population. Mr. Armstrong stated that the school district is evaluating the impact on the schools. He reiterated that this development is not marketed toward families and believes there will be minimal impact. Mr. Akin asked who will be paying for the streets, park and pond. Mr. Armstrong stated that developers will be responsible for all improvements and developments on the property. Mr. L. Allen asked what is covered in Phase I of the project and Mr. Armstrong outlined the scope of the project.

Clifton Phillips appeared on behalf of the applicant. He commended city staff on their efforts in working with the applicants. Ms. Cruce asked Mr. Phillips if they were in agreement with the Staff recommendations one through nine. Mr. Phillips stated that they felt the unitized masonry requirement was too stringent and that a combination of brick, stucco and stone would be appropriate and close to the boundaries of the Community Appearance Manual. Mr. Phillips also mentioned the requirement that all units in the senior housing building have access to the square stating that they would like to see more options available. Mr. L. Allen asked if age will be the only restriction in the senior units and Mr. Phillips said that was correct and that no one under a certain age would be permitted to live in those units.

Chairman Cruce opened the public hearing.

Tom Brashear, 1417 Panola Tr., stated that he felt there had been a "bait-and-switch" referring to the sign on the property that refers to 96 units being built but now realizes there are more than that in the proposal. He feels betrayed and is concerned about crime and traffic and suggests additional single family homes or commercial property.

Mark Beutnagel, 1509 Pecos, does not want to see tall apartment buildings outside his window and is concerned about property values and traffic. He applauds the push for change but felt it offered no value to existing residents.

John Wardell, 3540 Emporium Cr., stated that he was from Lakepoint Church and would like to see a fence or wall between the church and the apartments. He is concerned about parking issues and also said that he hoped the apartment owners would be required to participate in the Owner's Association.

Tina Wilkerson, 1324 Devonshire, agreed with others and said this was not a good location for multifamily and that the schools were already overcrowded. She was also concerned about traffic and crime, does not want the wall openings for emergency vehicles and thinks there are better places for this type of development.

William Cody, 1500 Panola Tr., also mentioned traffic concerns and believes it should stay commercial.

Barbara Gunn, 1423 Brazoria, agreed this area should remain commercial and agreed with traffic and school concerns.

Rick Svalesen, 4008 Shackelford, is proud of his neighborhood and is in agreement with the others about crime, traffic and school overcrowding.

Bob Scott, 4701 Knollview, stated his biggest concern was increased crime.

Kelly Wilkerson, 1324 Devonshire, appalled that we are marketing a senior community just to be able to build more apartments and agreed that crime was a concern and puts the seniors at risk.

Richard Ritz, 1415 Brazoria, is frustrated that the developer never contacted the community and is also concerned about the proposed cut-outs in the wall.

David Gould, 1412 Pecos, is concerned about integrating apartments into the community.

Sam Salas, 4000 Shackelford, believes the zoning should stay commercial.

Millie Odell, 1527 Uvalde, had concerns about creating drainage problems.

Jean Ragsdale, 3623 Parkmont, is worried about additional pedestrian traffic and crime.

John McQuiston, 1807 Uvalde, mentioned school overcrowding.

Charita Hagad, 1336 Devonshire, is concerned about the 4 story buildings.

In addition, one of the citizens asked if the city had a requirement for posting signs when there was a pending zoning change.

Ms. Cruce stated that she has lived in Mesquite all her life and understood their concerns. The proposed development is in the TERRA overlay and Ms. Cruce said that the City would never let that district go downhill. She stated that crime is everywhere and that the City is always concerned about that and will monitor that. She stated that change is inevitable but believes that the City will take their concerns into consideration. Ms. Cruce stated that urban living is a new concept and would like to see new developments with walkability and other changes. As no one else appeared, Ms. Cruce closed the public hearing.

Mr. Gertson addressed the question of zoning change signs stating that the City had no requirement for pending zoning change notification signs.

Mr. Armstrong clarified that the sign that was posted on the property was regarding a separate issue regarding state tax credits and financing for Phase I. The zoning change proposal is a separate and individual issue with different requirements for notification and there was no deception on the City's part. He also stated that the wall between the church and the new development could be addressed by the Commission if desired. He stated that all engineering, drainage and traffic issues would be addressed during the development process and that the school district will have additional information available before the next City Council meeting. Mr. Akin is not sure this is the right location for this development and Ms. Dunn agrees but stated that it was a nice, upscale development and that we need this type of development in Mesquite. Mr. Tosch agrees that we need the newer types of developments and believes that walkability will be a necessity with gas prices being a contributing factor. Mr. L. Allen supports the concept but not the area because the traffic is already an issue there and Mr. Potter agreed. Ms. Cruce stated that there are clearly mixed feelings about the proposal but thinks this is a good development. She explained that neighborhoods change and will continue to change and that the City will take the citizen's concerns into consideration.

A motion was made by Mr. Akin and seconded by L. Allen to deny the request. The motion failed with a vote of 3 to 3, with Commissioners Dunn, Cruce and Tosch dissenting.

A motion was made by Mr. Akin and seconded by Ms. Dunn to table the request until the July 26, 2010, meeting. The motion passed with a vote of 5 to 1 with Mr. L. Allen dissenting.

Chairman Cruce asked if the traffic and school impact reports would be available at that time. Mr. Armstrong stated that there would be additional information available but there would not be a full traffic impact analysis.

#### IV. DIRECTOR'S REPORT

##### **A. Report on recent City Council action.**

Richard Gertson reported on recent and upcoming Planning and Zoning items.

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

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Jane Ann Cruce, Chairman