

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., JANUARY 12, 2009, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: Bob Johnson

Staff: Director of Community Development Richard Gertson, Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Bee Martin, Neighborhood Planner Arti Waghra, Deputy City Attorney Liz Lunday, Administrative Secretary Kim Attebery

Chairman Cruce called the meeting to order and declared a quorum present. Items II.E. and II.D. were heard first and second respectively after Item I. All other items were heard in order of appearance on the agenda.

I. APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2008. MEETING

A motion was made by Ms. Stuit and seconded by Ms. Dunn to approve the minutes of December 8, 2008. The motion passed unanimously.

II. PUBLIC HEARINGS – ZONING

- E. 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). This item was tabled at the September 8, September 22, October 27, and November 10, 2008, meetings.**

A motion was made by Mr. Allen and seconded by Ms. Dunn to table the request indefinitely. The motion passed unanimously.

- D. Consider an application for a Zoning Change from R-1 Single-family and Agricultural to Planned Development – Mixed Use, 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 Interstate Highway 30 and Greenbelt Pkwy. (Zoning File No. 944-1).**

Kirk Williams appeared on behalf of the applicant. He thanked Staff for their help in coming up with a workable plan. Mr. Williams stated that they had received and were in agreement with Staff recommendations.

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. The motion passed unanimously.

- A. Consider an application for a Zoning Change from Commercial, to Commercial with a Conditional Use Permit for used merchandise sales and an indoor amusement facility, submitted by Kevin Burns and Ricky Escochea, Hollywood Extreme, on property described as Galloway Crossing, Lot 2, located at 2110 N. Galloway (Zoning File No. 486-17).**

Kevin Burns presented the request stating that he had received and understood the staff recommendations. He stated that he would be selling and renting new and used video games and movies. He explained that customers will also be able to pay by the hour for game time on big screen television sets.

Chairman Cruce opened the public hearing. Mr. Ricky Escochea appeared in favor of the request. No one else appeared and Ms. Cruce closed the public hearing.

A motion was made by Ms. Stuit and seconded by Mr. Akin to approve the request with staff recommendations 1 through 10. The motion passed unanimously.

B. Consider an application for a Zoning Change from General Retail, to General Retail with Conditional Use Permit for used merchandise sales, submitted by Maiath A. Yousif, Ace Auto and Tire Center, on property described as Casa View Heights No. 15, Block 21, Lot 1A, located at 3215 Oates Dr. (Zoning File No. 545-23).

Maiath Yousif presented the case. He stated he would like to add used tire sales to his business in order to help the customers that need an inexpensive alternative and to increase his volume. He stated that he would have no outdoor storage and would have no signage regarding the sale of used tires. Mr. Yousif also stated that his lot is clean and well kept. Chairman Cruce mentioned the recent implementation of the North Gus Thomasson Corridor Revitalization Code in the area. She explained that under the new code, existing auto-related uses are legal non-conforming uses and are not allowed to expand or intensify. Vice Chairman Allen agreed that the lot is well kept and stated that he liked the sound of what the applicant had in mind.

Ms. 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 deny the request. The motion to deny passed by a vote of 5-1, with Mr. Allen dissenting.

C. Consider an application for a Zoning Change from Service Station to General Retail, submitted by Bobby Gajera, Bobby's Corporation, on property described as Valley View Heights Block C, part of Lot 26, located at 901 Rodeo Center Blvd. (Zoning File No. 74-20).

Bobby Gajera presented the request. He stated that he did not receive the email that contained Staff's recommendations. He was given a copy and stated that he would do whatever was necessary to get the property ready for business. The applicant, Commission and Staff discussed landscaping requirements and Mr. Gajera was assured that the required landscaping would be appropriate on the site and that Staff would work with him on this issue.

Ms. Cruce opened the public hearing. Ms. Katherine Belcher, 852 Daffodil, appeared asking what type of business would be at this location. Ms. Cruce stated that while nothing had been decided for sure, the applicant had mentioned a small store of some type. No one else appeared, and Ms. Cruce closed the public hearing.

A motion was made by Mr. Allen and seconded by Ms. Dunn to approve a zoning change to Planned Development-General Retail with staff recommendations 1 through 10. The motion passed by a vote of 5-1, with Mr. Tosch dissenting.

VI. DIRECTOR'S REPORT

A. Report on recent City Council action.

Mr. Gertson reported that there were no Planning and Zoning items on the January 5, 2009, Council agenda.

There being no further business for the Commission, Chairman Cruce adjourned the meeting at 7:38P.M.

Jane Ann Cruce, Chairman