

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., JANUARY 9, 2017,
757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Ronald Abraham, Commissioners Janice Bell, Dharma Dharmarajan, Sergio Garcia and Sherry Williams

Absent: Vice-Chairman Mike Potter and Commissioner Jennifer Vidler

Staff: Manager of Planning and Zoning Jeff Armstrong, Principal Planner Garrett Langford, Planner Lauren Simcic, Assistant City Attorney Cindy Steiner

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

I. APPROVAL OF THE MINUTES

A motion was made by Commissioner Williams and seconded by Commissioner Garcia to approve the minutes of the December 12, 2016, meeting. The motion passed unanimously.

II. REZONING

A. Public hearing and consideration of a request to rezone property from C, Commercial and SLH Overlay to PD-C, Planned Development-Commercial and SLH Overlay with a Conditional Use Permit to allow a Truck Stop, submitted by Monte Akers on behalf of TA Operating, Inc. on property described as Truckomatic, Block 1, Lots 1-4, located at 2614 Big Town Boulevard (Zoning File No. 34-46B-2016). This item is from the December 12, 2016 meeting.

Jeff Armstrong briefed the Commission on the request by providing additional information regarding truck idling that was discussed at the Commission meeting on December 12, 2016. Attorney Monte Akers on behalf of TA Operating, Inc. 7 Anderson Crossing, Cedar Park, TX and Kyle Reiner on behalf of Travel Centers of America, Boston, MA were available for questions. There was some discussion regarding the concerns regulating trucks idling, emissions, electric APU/generators and inverters.

Chairman Abraham opened the public hearing.

Charles Baker, 1713 Huntington Drive, opposed the request due to concerns with crime.

Joseph Papania, 1424 Sheffield Court, opposed the request due to concerns with crime and already have enough truck uses in the area.

Yolanda Shepard, 1420 Hermitage Drive, opposed the request because it will negatively impact the community.

Sean Tabayi, 1624 Yorkshire Drive, opposed the request due to concerns with traffic and negative environmental impact.

Fredrick Chew, 1504 Yorkshire Drive, opposed the request due concerns on how the truck traffic will negatively impact street conditions.

Kyle Reiner spoke to address the concerns stating that the company will have 24-hour on site security. Additionally, the demand for the property is for truck related uses.

Cameron Fletcher, 1609 Woodlawn Parkway, opposed the request due to concerns with crime.

Kyle Reiner asserted that TA aims to prevent crime through camera surveillance and employee training.

An unknown speaker, unknown address, stated that truck stops are historically associated with problems.

Being there were no additional speakers, Chairman Abraham closed the public hearing.

A motion was made by Commissioner Garcia and seconded by Commissioner Dharmarajan to approve the request per staff's recommendation. The motion failed by a three to two vote with Commissioners Bell and Williams dissenting. Mr. Armstrong clarified at least four concurring votes are needed approve the motion. Chairman Abraham stated that the case will continue to the January 23, 2017, Commission meeting since no other motions were made.

B. Public hearing and consideration of a request to amend Planned Development Ordinance #2949 to allow used car sales by conditional use permit and to approve a Conditional Use Permit to allow Used Car Sales, submitted by Sean Morrissey on behalf of A MMC Realty, LLC on property described as Crest Addition, Block A, Part of Lot 3R, located at 4700 N. Galloway Avenue (Zoning File No. 1461-149-2016).

Jeff Armstrong briefed the Commission on the request which included staff's recommendation of approval based on the application meeting the criteria for a conditional use permit and meeting the Mesquite Comprehensive Plan. Attorney Prabha Cinclair, 1800 Valley View Lane, Suite 360, Farmer's Branch, TX along with the applicant, Sean Morrissey, 2404 Trinity Court, Heath, TX, were available for questions. The applicant stated that they are proposing a Mitsubishi dealership that would include new car and used sales and provided an overview of the concept plan.

Chairman Abraham opened the public hearing. Being that no one spoke, Chairman Abraham closed the public hearing.

A motion was made by Commissioner Williams and seconded by Commissioner Garcia to approve the amendment to Planned Development #2949 to allow used car sales by conditional use permit per staff's recommendation. The motion passed by a four to one vote with Commissioner Bell dissenting.

A motion was made by Commissioner Williams and seconded by Commissioner Dharmarajan to approve the Conditional Use Permit to allow used car sales per staff's recommendation. The motion passed by a four to one vote with Commissioner Bell dissenting.

C. Public hearing and consideration of a request to rezone property from R-1, Single-family Residential to GR, General Retail, submitted by Kyle Flaming, P.E. on property described as 2.32 acres out of Abstract 972, Page 195, Tract 3.7, located at 100 W. Bruton Lane (Zoning File No. 93-5-2017).

Lauren Simcic briefed the Commission on the request which included staff's recommendation of approval based on the request meeting the intent of the Mesquite Comprehensive Plan.

Chairman Abraham opened the public hearing. James Mitchell, 144 W. Bruton Lane, wanted to know the proposed use and the screening requirements. Ms. Simcic stated that the applicant is proposing an AutoZone store and explained that the screening would include an eight-foot masonry wall when adjacent to a residential district. Mr. Mitchell was also concern about littering, outdoor lighting and security. Being no one else spoke, Chairman Abraham closed the public hearing.

Kyle Flaming on behalf of Dynamic Engineering Consultants, 15678 Frisco Square Boulevard, Frisco TX, appeared as the applicant. Mr. Flaming stated that they understood and will comply with the screening and lighting requirements. He further stated that AutoZone will maintain the property. He also presented an overview of the concept plan.

Mr. Armstrong stated that staff has not reviewed the concept plan for compliance with all applicable development requirements. He further stated that this is a request to rezone to General Retail which would allow other uses besides the proposed AutoZone.

A motion was made by Commissioner Williams and seconded by Commissioner Garcia to approve the zoning change from R-1, Single Family to GR, General Retail. The motion passed unanimously.

D. Public hearing and consideration of a request to rezone property from PD-C, Planned Development-Commercial (ordinance #3933 and ordinance #4299) and SLH Overlay to PD-C, Planned Development-Commercial with a Conditional Use Permit to allow Used Car Sales and remove the SLH Overlay, submitted by Hal Penchan on behalf of SLJ Company, LLC, G.P. on property described as Big Town Addition, Block A, Lots 2 & 4, located at 2323 Big Town Boulevard (Zoning File No. 261-31C-2017).

Jeff Armstrong briefed the Commission on the request which included a review of the Mesquite Comprehensive Plan, Conditional Use Permit criteria, and the recommended stipulations. Mr. Armstrong suggested that the request should be broken into three separate motions 1) to remove the property from the SLH Overlay, 2) to rezone the property to a PD-C and 3) to approve a conditional use permit to allow used car sales. Steve Hall representing the applicant presented their request by providing an overview of their business operations and the proposed improvements to the property. There was discussion regarding the amount of vehicles, ages of vehicles and storage/display of the vehicles.

Chairman Abraham opened the public hearing. Fredrick Chew, 1504 Yorkshire Drive, inquired what the proposed development would look like. Hal Penchan with Alt+CO, LLC representing the applicant came forward and provided an illustration of the development. Mr. Chew stated he would like to see improvements in the fencing. Mr. Penchan stated that there will be wrought-iron fencing along the frontages. Jackson Petty, 2319 Warm Springs Road, asked if this case is related to zoning case 1462-286-2017. Being no further speakers, Chairman Abraham closed the public hearing.

A motion was made by Commissioner Williams and seconded by Commissioner Garcia to remove the property from the SLH Overlay. The motion failed to carry by a three to two vote with Commissioners Bell and Dharmarajan dissenting. Mr. Armstrong clarified at least four concurring votes are needed to approve the motion. Ms. Steiner stated that since the motion to remove the property from the SLH Overlay failed then action on the other two motions is not needed and that the case will continue to the January 23, 2017, Commission meeting.

E. Public hearing and consideration of a request to rezone property from C, Commercial to C, Commercial with a Conditional Use Permit to allow Outdoor Storage and Outdoor Display for an Equipment Rental business and a Vehicle Transport business, submitted by Ryan Smith on behalf of Agarita Mesquite, LLC, on property described as Stevens Addition, Block 1, Part of Lots 1R & 2 and a 10.602 acre tract out of the Daniel Tanner Abstract 1462, Page 636, Tract 1.1, located at 3020 U.S. Highway 80 (Zoning File No. 1462-286-2017).

Lauren Simcic briefed the Commission on the request which included staff's recommendation of denial based on the request not meeting the criteria for a Conditional Use Permit. Ms. Simcic further stated that four responses were received in opposition to the request from the 200-ft notice area and seven additional notices in opposition were received from outside of the 200-ft notice area. The applicant Ryan Smith on behalf of Agarita Mesquite, LLC presented their request. Mr. Smith explained that the request is to allow the current tenant, DAS, to reduce their footprint on site to allow a second tenant (Sunbelt Rental) in order to reduce the rent for DAS.

Chairman Abraham opened the public hearing. The following speakers spoke in opposition and shared the same concerns in that the request would increase surrounding traffic, decrease

property values, negatively affect the greenbelt, increase visual and environmental pollution, and further damage city streets.

Fredrick Chew, 1504 Yorkshire Drive, spoke in opposition.

Joseph Papania, 1424 Sheffield Court, spoke in opposition.

Maria Juarez, 2300 South Parkway, spoke in opposition.

Lille Brown spoke in opposition.

Gregg Williams, 2426 South Parkway, spoke in opposition.

Jackson Petty, 2319 Warm Springs Road, spoke in opposition.

Gary Garner, 1713 Oxford Place, spoke in opposition.

Casey Beaman, 1517 Oxford Place, spoke in opposition.

David Shappard, 2623 North Parkway, spoke in opposition.

Mathew Searcy, 2312 South Parkway, spoke in opposition.

Charles Baker, 1713 Huntington Drive, spoke in opposition.

Mr. Smith wanted to clarify that the greenbelt will not be removed. He further stated that he has not received any inquiries for nonindustrial uses for the property.

Being no further speakers, Chairman Abraham closed the public hearing

A motion was made by Commissioner Williams and seconded by Commissioner Garcia to deny the Conditional Use Permit. The motion passed unanimously.

III. DIRECTOR'S REPORT

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

No report was given.

There being no further business for the Commission, the meeting was adjourned at 9:46 P.M.

Ronald Abraham, Chairman