

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M.,
APRIL 23, 2018, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Chairman Ronald Abraham, Vice Chair Sherry Williams, Sergio Garcia, Dharma Dharmarajan, Jennifer Vidler, Yolanda Shepard, Debbie Anderson, Alternate Elizabeth Allen

Absent

Staff: Manager of Planning & Zoning Garrett Langford, Planner Hannah Carrasco, Assistant Senior City Attorney Cindy Steiner, Senior Administrative Secretary Devanee Winn

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

I. APPROVAL OF THE MINUTES OF THE APRIL 9, 2018 MEETING

A motion was made by Vice Chair Williams to approve the minutes with the corrections to Case number Z0318-0028. Ms. Anderson seconded. The motion passed unanimously.

II. PUBLIC HEARINGS

A. Conduct a public hearing and take action on a replat of Skyline Village, Section 3, Block C, Lot 1R and Lot 2, submitted by Thomas Campbell on behalf of Legacy Preparatory Charter Academy, located at 2371 Military Parkway (PL0318-0059).

Mr. Langford briefed the Commissioners. Ms. Vidler asked if there will be a traffic impact study done for this project. Mr. Langford answered yes. Chairman Abraham opened for public hearing. No one came to speak. Chairman Abraham closed the public hearing. A motion was made by Ms. Vidler to approve with Staff's recommendations. Vice-Chair Williams seconded. The motion passed unanimously.

B. Conduct a public hearing and take action on a replat of East Dallas Estates, Block 1, Lot 8R, submitted by ClayMoore Engineering, Inc., on behalf of Starplex Operating, L.P, located at 227 US HWY 80 E (PL0318-0060).

Mr. Langford briefed the Commissioners. Chairman Abraham opened for public hearing. No one came to speak. Chairman Abraham closed the public hearing. A motion was made by Ms. Vidler to approve with Staff's recommendations. Mr. Garcia seconded. The motion passed unanimously.

C. Conduct a public hearing and consider an application submitted by Brian Lingle for a Zoning Change from AG, Agriculture to GR, General Retail to allow a commercial development on a property described as Lots 22 – 30, Block E; Lots 16 – 25, Block F; Lots 20-21, Block G; Woodland Park Addition, located at 3401 McKenzie Road (Z0318-0029).

Mr. Langford briefed the Commissioners. Ms. Vidler asked why the developer did not go ahead with developing the subject property. Mr. Langford indicated that the construction of IH-20 prevented the streets from ever being built. Vice-Chair Williams asked when the neighborhood was developed. Mr. Langford answered in 1983 or 1984. Ms. Shepard asked if there were any returned notices in opposition. Mr. Langford answered yes, staff received two notices in opposition. Vice-Chair Williams asked if a General Retail development will increase the surrounding neighborhood's taxes. Mr. Langford explained that property appraisals are done by the Dallas County Appraisal District and that staff could not determine how a change in zoning would impact, if any, how the appraisal district would determine the

value of adjacent properties. Chairman Abraham asked if the Commission could modify what kind of land uses can be developed on the subject property. Mr. Langford answered that the Commission could recommend a Planned Development with additional restrictions on the land uses. The applicant, Brian Lingle, 7001 Westchester Court, McKinney, TX, came up to speak. Mr. Lingle stated the subject property was not developed due IH-20 cutting through the subdivision. He further stated that there is not enough lots to recoup the cost of building the streets. Chairman Abraham opened the public hearing. Mark Rush, 240 Woodgrove, spoke in opposition. Mr. Rush does not want to see any liquor stores or gas stations being built on the property. Mr. Rush is also concerned what the long term impact would be on his neighborhood if the rezoning is approved. Ms. Vidler asked Mr. Rush what kind of businesses he would like to see developed. Mr. Rush answered a small restaurant, strip center with insurance agent and/or family owned business. Mr. Rush is concerned that some businesses would be detrimental to the neighborhood. No one else came up to speak. Chairman Abraham closed the public hearing. A motion was made by Ms. Vidler to approve the rezoning to a Planned Development – General Retail with the condition that all uses permitted by right in the General Retail zoning district shall be permitted except for those uses that require a Conditional Use Permit in the General Retail zoning district. In addition, limited fuel sales, gift stores, novelty stores, souvenir shops, tobacco stores, automotive repair services including passenger car rental, car leasing, automobile parking (lots and structures), automobile repair shops, car washes, including detail shops, and auto services shall be prohibited. Ms. Shepard seconded the motion and it passed unanimously.

D. Conduct a public hearing and consider an application submitted by Eco-Site for a Zoning Change from AG, Agriculture to AG, Agriculture with a Conditional Use Permit to allow a telecommunication tower on property described as Christian Center of Mesquite, Block A, Lot 1, located at 4401 E. Cartwright Road (Zoning File No. Z0318-0027).

Mr. Langford briefed the Commissioners. Chairman Abraham asked if the property to the east could be developed as a single family subdivision. Mr. Langford answered that the property to the east is in the floodplain and is unlikely to be developed near the subject property. John Gatz with Eco-Site came up to speak as the applicant. Mr. Gatz explained that the cell tower is needed to fill in a gap in coverage. Mr. Garcia asked how large the gap is in coverage. Mr. Gatz provided a map that showed the gap coverage in indoor service includes Falcon's Lair south of Lawson Road. Ms. Vidler asked if the applicant looked into other sites. Mr. Gatz answered yes that they previously were interested in a nearby park site that the City of Mesquite owned. However, Eco-Site could not agree to the City's terms. Mr. Gatz stated that they did look at other possible sites but that the subject property presented the best opportunity to build a tower to adequately provide cell and internet coverage in the area. Ms. Vidler expressed her concern that if the tower is built in this particular area that it may adversely impact future development in the area. Ms. Shepard asked what the range in coverage is from a cell tower. Mr. Gatz answered that changes in technology and the increasing demand for more data at higher speed has resulted in the need for more cell towers. Ms. Shepard asked are there health risks with a cell tower. Mr. Gatz answered that the risk is less than some of the appliances you would use in your home. Assistant City Attorney Ms. Steiner stated that Federal Law prohibits the City from using the health risk as a consideration of the Conditional Use Permit. Mr. Dharmarajan asked if there are any water towers nearby that that they could use. Mr. Gatz answered no. Chairman Abraham opened for public hearing. Dan Murphy spoke on behalf of the church who owns the subject property at 4401 E. Cartwright Road. Mr. Murphy stated that the Church's board and congregation are in full support and feel the design is acceptable and this would be in the best interest of the church. No one else came up to speak. Chairman Abraham closed the public hearing. Chairman Abraham re-opened the public hearing. Mr. Gatz explained that Eco-Site did not look into any other City of Mesquite

owned properties because of the previous negotiation. Ms. Vidler stated she would like for the applicant to explore other sites out of concern that building a tower on the proposed site might hurt future development around the subject property. Chairman Abraham closed the public hearing. Mr. Dharmarajan made a motion to approve per staff's recommendation. Vice-Chair Williams seconded. The motion passed 6 to 1 with Ms. Vidler dissenting.

E. Conduct a public hearing and consider zoning text amendments to Chapter 1-600, Temporary Uses and Structures; Chapter 2-203, Schedule of Permitted Uses; Chapter 3-200, Use Regulations; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Educational Services including Elementary, Secondary Schools. (ZTA 2018-02)

Mr. Langford briefed the Commissioners. Ms. Shepard asked if any of the proposed schools are under five acres. Mr. Langford answered no that he is not aware of a proposed school site under five acres. Ms. Shepard asked the intent of requiring a Conditional Use Permit for schools. Mr. Langford answered the purpose is to provide additional oversight by allowing the Planning and Zoning Commission and City Council to evaluate how a new school site might impact the surrounding areas. Chairman Abraham asked if they approve the text amendments, will MISD have to go through the same process. Mr. Langford answered yes. Vice-Chair Williams asked would someone from the City help a new school develop their traffic impact study plan. Mr. Langford answered yes, the City's Traffic Engineering Department would guide an applicant in preparing their traffic impact analysis and traffic management plan. Chairman Abraham opened for public hearing. No one came to speak. Chairman Abraham closed the public hearing. Ms. Shepard stated that she was concerned that the proposed text amendments could limit school choice. A motion was made by Ms. Vidler to approve as presented. Mr. Garcia seconded. The motion passed 6-1 with Ms. Shepard dissenting.

III. DIRECTOR'S REPORT

A. Director's Report on recent City Council action on zoning items at their meeting on April 16, 2018.

Mr. Langford briefed the Commissioners regarding the zoning items acted on at April 16th City Council meeting.

There being no further items before the Commission, the Chairman adjourned the meeting at 9:23 p.m.

Chairman Ronald Abraham