

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M.,
JULY 9, 2018, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Chairman Ronald Abraham, Jennifer Vidler, Debbie Anderson, Sergio Garcia
Dharma Dharmarajan, Yolanda Shepard

Absent: Vice Chair Sherry Williams, Alternate Elizabeth Allen

Staff: Director of Planning & Development Services Jeff Armstrong, Manager of Planning
& Zoning Garrett Langford, Principal Planner Johnna Matthews, Planner Hannah
Carrasco, Assistant City Attorney Cynthia 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 JUNE 25, 2018 MEETING

- A. A motion was made by Ms. Vidler to approve the minutes. Ms. Anderson seconded. The motion passed unanimously.

II. PLATS

- A. Consider and take action on a Preliminary Plat for Samuel Boulevard Business Park, submitted by Matthew Gardner, Halff Associates, Inc., on behalf of Prologis, on property described as 14.10 acres situated in the Isaac Beeman Survey, Abstract No. 82, located at 5181Samuell Blvd, formerly 5151 Samuell Blvd. (PL0618-0071, Samuel Boulevard Business Park, Block 3, Lot 1).

Ms. Matthews briefed the Commission. Chairman Abraham opened for Staff questions. Ms. Vidler asked if there was a traffic impact study done. Ms. Matthews referred the question to Mr. Langford. Mr. Langford answered that a traffic impact study was not required, but Staff could asked for one to be done. Applicant approached the lectern and stated that engineering is requiring them to do a traffic impact analysis. There were no other questions. Ms. Vidler made a motion to approve with the 1-10 staff recommendations. Ms. Shepard seconded. The motion passed unanimously.

II. PUBLIC HEARINGS

- A. Conduct a public hearing and consider an application submitted by Travis Boghetich, Boghetch Law, PLLC, on behalf of Scyene Road, Ltd. C/O Synerplex #510 for a Zoning Change from Planned Development – Townhomes #3817; Light Commercial, Commercial, and Planned Development – Light Commercial #3753 within the Mesquite Arena Rodeo Overlay District (MA/RE) to Planned Development – Light Commercial and Planned Development – Residential within the Mesquite Arena Rodeo Overlay District (MA/RE)to allow a development with residential uses (townhomes and zero-lot line homes) and commercial uses including retail, restaurant, entertainment, and indoor recreational uses on a property described as 56.11 +/- acres situated in the Daniel Tanner Survey, Abstract No. 1462 and in the Job Badgley Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, located at 1900 and 2000 W. Scyene Road, 21713 and 21717 IH 635, 1703 and 1705 Rodeo Drive, 417 Rodeo Center Drive. (Z0518-0036).

Manager of Planning & Zoning Garrett Langford briefed the Commissioners. Mr. Langford requested no action be taken on this case. Chairman Abraham opened the public hearing. No one came up to speak. Chairman Abraham closed the public hearing.

- B. Conduct a public hearing and consider an application submitted by Veronica Becerra on behalf of Kids Empire Dallas Mesquite, LLC., for a Zoning Change from GR,

General Retail to Planned Development – General Retail with a Conditional Use Permit to allow indoor recreation on a property described as Towne Crossing, Block C, Lot 1, City of Mesquite, Dallas County, Texas, located at 3600 Gus Thomasson Road, Suite 125 (Z0518-0039).

Mr. Langford briefed the Commission. Chairman opened for Staff questions. There were no questions for Staff. Chairman Abraham asked if the Applicant was available for questions. Applicant Veronica Becerra came up to speak. Ms. Becerra explained that this is going to be a parent/child type of indoor recreational playground. Family friendly kind of place. Ms. Vidler asked if the company was a franchise. Ms. Becerra answered yes. Chairman Abraham opened the public hearing. No one came to speak. Chairman Abraham closed the public hearing. A motion was made by Ms. Shepard to approve with Staff recommendations. Mr. Garcia seconded. The motion passed unanimously.

- C. Conduct a public hearing and consider an application submitted by Drive Time Car Sales, LLC for a Zoning Change from Planned Development - Light Commercial and Commercial to Planned Development – Light Commercial and Commercial with a Conditional Use Permit to allow an automobile dealership for used vehicles sales with outdoor sales, display and storage on a property described as all being all of Lots Lots 5R- 1, and 5R-2, Block A of the Oates Corner Retail Addition, and part of Lot 1R, Block A of the Oates Corner Retail Addition, and part of the adjacent tract in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, TX, located at 16170 IH 635 and 16190 IH 635 (Z0618-0046).**

Mr. Langford briefed the Commissioners. Chairman Abraham opened for questions. There were no questions for staff. Chairman Abraham opened for the Applicant to come up and answer any questions the Commission might have. Representing DriveTime Ryan Rickels came up to speak. Mr. Rickels gave a brief presentation. Mr. Rickels stated that all the conditions Staff has recommended will be easily met. Mr. Rickels stated that the one condition they have a problem with is condition number 9. DriveTime would like to take this condition out. DriveTime would like to see 50% instead of 80 %. Mr. Dharmarajan asked if they the lease cars. Mr. Rickle answered no. DriveTime buys from the auctions. Mr. Dharmarajan asked if they buy damaged cars such as flood damage cars. Mr. Rickles answered no. There was discussion among the Commissioners and Mr. Rickle about what the average age of used cars and how many ears cars are lasting now. There was discussion about the economic change concerning used cars. Mr. Rickles asked if this is the forum to negotiate the condition number 9. Mr. Langford explained to the Commissioners that they may table this item for further consideration or they can reduce the percentage. Ms. Vidler states that she is in favor of Staff's conditions. There were no other questions. A motion was made by Ms. Vidler with the stipulation to reduce condition number 9 from 80% to 70%. Ms. Anderson seconded. Motion passed 4 approving and 2 dissenting.

- D. Conduct a public hearing and make a recommendation to City Council regarding zoning text amendments to 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 indoor recreational uses. (ZTA 2018-05)**

Mr. Langford gave a brief presentation the zoning text amendments regarding indoor recreational facilities. Chairman Abraham opened for staff questions. There were no questions. Chairman Abraham opened the public hearing. No one came up to speak. Chairman Abraham closed the public hearing. A motion was made by Ms. Vidler to approve the text amendments. Mr. Garcia seconded. The motion passed unanimously.

E. Conduct a public hearing and make a recommendation to City Council regarding zoning text amendments to 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 variety stores. (ZTA 2018-06)

Mr. Armstrong briefed the Commission of the text amendments for variety stores. Chairman Abraham opened for discussion and questions. Mr. Dharmarajan asked if the already existing variety stores would be grandfather in. Mr. Armstrong answered yes they will become nonconforming uses. Mr. Dharmarajan asked if the stores were to upgrade and/or refurbish their stores would that trigger the ordinance to be put in place. Mr. Armstrong answered typically no. Mr. Armstrong explained that the zoning ordinance has a whole section for nonconforming uses. If the store wants to repaint, maintenance, plumbing, mechanical, or redesign the inside of the store by moving stuff around that would not trigger the ordinance, however; if the store wants to change square footage, expand, grow their foot print, that would trigger the new ordinance. Mr. Garcia asked if stores that do not sell food considered variety stores. Mr. Armstrong answered yes, selling food does not dictate what is considered a variety store. Mr. Garcia asked if this new ordinance will flood us with a lot of retail type stores that will have to jump through a lot of hoops because they sell inexpensive items, but they do not sell food. Mr. Armstrong answered no. Mr. Armstrong explained retail stores fall under all different kinds of categories such as toy stores, shoe stores, and large box stores that are not affected by this ordinance. Mr. Armstrong stressed that the City of Mesquite is not going to discriminate against one particular store. Mr. Armstrong explained that is the reason for the definition of the grocery store. Ms. Vidler wants to make sure that the City does not limit the citizens or the developers that want to come to Mesquite will have options and not limited to one option. Ms. Vidler thinks that the change is good. Assistant Attorney Cynthia Steiner needed clarification of the definition of pre-packaged food. Mr. Armstrong answered typically foods that are prepared somewhere else, put into a package and/or sealed packaged and then sold in the package. Ms. Steiner asked if that is considered fresh food. Mr. Armstrong answered not always. Mr. Armstrong explained the different types of pre-packaged food such as the frozen vegetable type or the canned type. Ms. Shepard asked if package is salad considered fresh. Mr. Armstrong explained what is and what is not fresh pre-packaged food and that sometimes interpretations will have to be made. Mr. Armstrong explained Planners sometimes have to rely on the interpretations of a certain item. There were no other questions for staff. Chairman Abraham opened for public hearing. No one came to speak. Chairman Abraham closed the public hearing. A motion was made by Jennifer Vidler to approve. Ms. Shepard seconded. The motion passed unanimously.

III. DIRECTOR'S REPORT

A. Director's Report on recent City Council action on zoning items at their meeting on July 2, 2018.
Mr. Langford briefed the Commission on the Planning & Zoning actions taken at the City Council Meeting.

There being no further items before the Commission, the Chairman adjourned the meeting at 8:30 p.m.

Chairman Ronald Abraham