

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., OCTOBER 14, 2019, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

**Present:** Chairman Ronald Abraham, Vice-Chair Sherry Williams, David Gustof, Sheila Lynn, Yolanda Shepard, Claude McBride

**Absent:** Debbie Anderson, Alternate Jerome Geisler

**Staff:** Director of Planning & Development Services Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Principle Planner Johnna Matthews, Planner Ben Callahan, Planner John Chapman, Planner Lesley Frohberg, City Attorney David Paschall, Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn, Downtown Development Manager Beverly Abell

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

**I. CONSENT AGENDA**

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Planning and Zoning Commission or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Planning and Zoning Commission. Any individual desiring to address the Planning and Zoning Commission regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six minutes.

**A. Approval of the minutes of the September 23, 2019, Planning and Zoning Commission.**

A motion was made by Ms. Williams to approve the minutes with corrections. Ms. Lynn Seconded. The motion passed 6-0.

**II. ZONING CASES**

The City Council may approve a different zoning district than the one requested, except that the different district will not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to solely nonresidential when the request is for solely residential uses or vice versa.

**A. Conduct a public hearing and consider Application No. Z0819-0106 submitted by Brian Wyatt, WRA Architects, Inc., on behalf of Mesquite ISD for a Zoning Change from “R-3,” Single Family Residential to “R-3,” Single Family Residential with a Conditional Use Permit for an elementary school thereby allowing addition to Cannaday Elementary School, located at 2701 Chisolm Trail.**

**B. Conduct a public hearing and consider Application No. Z0919-0107 submitted by Brian Wyatt, WRA Architects, Inc., on behalf of Mesquite ISD for a Zoning Change from “R-3,” Single Family Residential to “R-3,” Single Family**

**Residential with a Conditional Use Permit for a middle school thereby allowing an addition to Wilkinson Middle School, located at 2100 Crest Park Drive.**

- C. **Conduct a public hearing and consider Application No. Z0919-0108 submitted by Brian Wyatt, WRA Architects, Inc., on behalf of Mesquite ISD for a Zoning Change from “R-3,” Single Family Residential to “R-3,” Single Family Residential with a Conditional Use Permit for a middle school thereby allowing an addition to McDonald Middle School, located at 2930 N. Town East Blvd.**  
Planner John Chapman and Planner Lesley Frohberg briefed the Commission on items A through C. Mr. Chapman presented case numbers **Z0819-0106** and **Z0919-0108**. Ms. Frohberg presented case number **Z0919-0107**. The Chair opened for Applicant questions. Applicant Brian Wyatt came to the lectern. Mr. Wyatt explained the reason for the new gyms will be to establish storm shelters and to help with extracurricular activities and P.E. The Chair opened the public hearing. Ms. Olivia Banack came up to speak about Cannaday. Ms. Banack stated that the trees should stay for the shade and when parents come to pick up their children they will park under her trees with her permission in order to stay out of the sun. Mr. Robert Rios came up to speak about Wilkinson. Mr. Rios is concerned that the school is going to close down the street that he uses to get to from his house. Manager of Planning and Zoning Garrett Langford explained the school is not going to close any streets. Mr. Langford explained that the drive between Rayburn and Crestpark is actually a private drive that belongs to MISD. No one else came up to speak. The Chair closed the public hearing. Mr. Gustof made a motion to approve items A-C. Ms. Shepard seconded. The motion passed 6-0.
- D. **Conduct a public hearing and consider amending Section 4-100, Overlay Districts; Section 4-400, Historic Landmark Overlay District Regulations; Section 5-400, Board and Commission Established; Section 6-102, Definitions; and a new Part 8, Local Register of Mesquite Landmarks and Historic Designations, all pertaining to new and revised regulations for historic preservation. (ZTA 2019-05)**  
Director of Planning and Development Services Jeff Armstrong briefed the Commission. Mr. Armstrong requested that this case be postponed until a date certain of October 28, 2019. The Chair opened the public hearing for any comments. Mr. John Tilton came up to speak. Mr. Tilton wanted to know if the ordinance will create the Landmark Commission. Mr. Armstrong answered yes that the ordinance would set the parameters for the Landmark Commission. A motion was made by Mr. Gustof to postpone to a date certain of October 28, 2019. Ms. Shepard seconded. The motion passed 6-0.
- E. **Conduct a public hearing and consider amending Section 4-102, Overlay Districts; a new Section 4-500, Downtown Overlay District Regulations; Section 6-102, Definitions; all pertaining to new regulations for the establishment of a Downtown Overlay District. (ZTA 2019-06)**
- F. **Conduct a public hearing and consider Application Z1019-0117 submitted by the City of Mesquite for a change of zoning adding the Downtown Overlay District to an area bounded to the west by Carmack Street, to the north by the Union Pacific Railroad right-of-way, to the east by Belt Line Road and to the south by properties fronting the south side of W. Davis Street.**

Planner Ben Callahan briefed the Commission cases **ZTA2019-06** and **Z1019-117**. The Chair opened the public hearing for items E and F. Mr. Ronnie Macada came up to speak. Mr. Macada has a business downtown that will be his retirement when that time comes. Mr. Macada does not see the reason for an overlay and he is confused as to who is initiating this ordinance. Staff uses the word “we” and Mr. Macada does not know who “we” is pertaining to. He opposes this ordinance and will always oppose the ordinance. Director of Planning and Development Jeff Armstrong came up to answer the question. Mr. Armstrong explains that “we” refers to the City of Mesquite. Mr. David Belt came up to speak. Mr. Belt represents the Church of Christ located downtown and would like to know how this will affect the church. Mr. Armstrong answered that it will not affect the church unless they decide to add on or want to change the façade. Major changes they would have to comply with. Nancy Ruckert came up to speak. Her concern is that the City of Mesquite will take some control away from her to how she runs her business or how she wants to redesign her business. Ms. Connie Moore came up to speak. Her concern is that there is not enough clarification with the words permitted uses. Ms. Moore is very concerned with this overlay and clarification as to what exactly is going to be added in the ordinance. Mr. Tilton came up to speak. Mr. Tilton needs to know what the City of Mesquite really thinks what a downtown should look like. He seems to think that the historic look does really not apply to anyone who has a business downtown. Mr. Tilton also wanted to know why the City does not concentrate on a connection to the park that is south of downtown. Mr. Tilton would like to have specific answers to the murals on brick, the lighting on signs, blocking upper story windows and what exactly does blocking upper windows mean. Mr. Tilton wants specific language for the criteria that will be in the ordinance. Mr. Armstrong answered some of the questions. The main answer is that everything will remain the same unless the business owners decide to change anything from what they are doing now. There was discussion between the staff and commission to open up more communication between the business owners and the City. Mr. Armstrong said we can lean on Downtown Development Manager Beverly Abell to get more communication out there. The Planning and Zoning Commission wants to have town hall meetings and to get more information to the business owners. Tom Lorenzo came up to speak and he really doesn’t understand why the City needs an overlay. He was concerned that a flea market was going to start the overlay. Mr. Lorenzo does not see a need for this overlay. He is opposing the ordinance. Carolyn Stoddard came up to speak. Ms. Stoddard is understanding that as long as she does not change the façade of her building everything will stay the same. No one else came up to speak. The Chair closed the public hearing. A motion was made by Ms. Shepard to postpone items E-F indefinitely with staff’s discretion to bring back to Commission with proper notice. Ms. Lynn seconded. The motion passed 6-0

### **III. DIRECTOR’S REPORT**

At this time, any individual wishing to discuss any matter on the agenda, with the exception of public hearings, shall be allowed to speak for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

#### **A. Director’s Report on recent City Council action taken on zoning items at their**

**meetings on October 7, 2019.**

The Director of Planning & Development Services Jeff Armstrong briefed the Commission.

The actions are as follows;

- 1) Conduct a public hearing and consider an ordinance for Application No. Z0519-0093, submitted by Jason Shaw of Eminence Realty Developers, for a change of zoning from Agricultural to Planned Development - Single Family, for a residential subdivision, located at 2781 Lawson Road. **Approved by Ordinance No. 4726 with amendments.**
- 2) Adopt a new Comprehensive Plan for the City of Mesquite. **Approved by Ordinance No. 4726.**

**There being no further items before the Commission, Chairman Ron Abraham called the meeting adjourned at 9:30 PM.**

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**Chairman Ronald Abraham**