

MINUTES

DECEMBER 14, 2020

PLANNING & ZONING COMMISSION CITY OF MESQUITE, TEXAS

City Hall
City Council Chambers
757 North Galloway Avenue
Mesquite, Texas

REGULAR MEETING

ATTENDANCE: COMMISSIONERS (REGULAR MEMBERS AND ALTERNATES)

POSITION NO.	REGULAR MEMBER NAME	ATTENDANCE
Position No. 1	Chairwoman Yolanda Shepard	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 2	Ms. Millie Arnold	<input type="checkbox"/> Present In-Person <input checked="" type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 3	Ms. Debbie Anderson	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 4	Ms. Sherry Williams	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 5	Mr. Claude McBride	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 6	Ms. Sheila Lynn	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent
Position No. 7	Mr. Ronald Abraham	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> Absent

ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE
Alternate No. 1	Dorothy Patterson	<input type="checkbox"/> Present In-Person <input checked="" type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> * Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes)
Alternate No. 2	Brandon Murden	<input type="checkbox"/> Present In-Person <input checked="" type="checkbox"/> Present by Telephone/Video <input type="checkbox"/> * Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes)

ATTENDANCE NOTES:

1. In accordance with Governor Abbott's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, related to the Coronavirus (COVID-19) pandemic, and the guidance issued on the suspension by the Texas Attorney General's Office this regular board meeting was conducted both in-person and by telephone conferencing to support adequate social distancing.
2. Commissioners and City Staff in attendance (in-person) were present in the City Council Chambers, wore facial coverings over their face and mouth, and practiced social distancing of remaining at least 6-feet apart.

ATTENDANCE: STAFF

Johnna Matthews	Principal Planner	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Lesley Frohberg	Planner	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Garrett Langford	Manager of Planning & Zoning	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Jeff Armstrong	Director of Planning & Development	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Karen Strand	Senior Assistant Attorney	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
David Paschall	City Attorney	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Devanee Winn	Admin. Assistant of Planning & Dev.	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video
Eric Gallt	Manager of Traffic Engineering	<input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Present by Telephone/Video

COMMISSION BUSINESS**1. ROLL CALL**

Chairwoman Shepard called the meeting to order. Manager of Planning & Zoning Garrett Langford took Roll Call and declared a quorum was present.

2. INSTRUCTIONS

Mr. Langford gave verbal instructions on how to participate in the meeting by telephone conference.

PUBLIC COMMENTS

- 3.** There were no public comments on the Consent Agenda.

CONSENT AGENDA**4. MINUTES.**

Discuss and consider approval of the minutes for November 23, 2020, Planning and Zoning Commission.

ACTION

Commissioner Lynn made a motion to APPROVE minutes as presented; Commissioner Williams second; motion carried 6-1. Commissioner Abraham abstained due to being absent for the November 23 meeting.

PUBLIC HEARINGS

- 5. SUBDIVISION VARIANCE V01120-0027 Conduct a public hearing and consider an application submitted by Westwood Professional Services for a Subdivision Variance to Article V, Section E(2) of the Mesquite Subdivision Ordinance to allow a new single-family subdivision with block lengths that exceed the 1,600-foot maximum block length. The proposed subdivision, Trinity Crossing Phases 6 and 7, includes block lengths of 2,130 +/- feet and 1,790 +/- feet. The subject property is generally located northwest of US HWY 80 and FM 460 in the Mesquite Extraterritorial Jurisdiction. (APPLICATION HAS BEEN WITHDRAWN BY THE APPLICANT.**
- 6. ZONING APPLICATION Z0920-0149 Conduct a public hearing and consider Zoning Application No. Z0920-0146 submitted by Dowdey, Anderson and Associates on behalf of Bloomfield Homes for a Zoning Change to amend Planned Development – Single Family Ordinance No. 3887 for Tract 1 (27.2 +/- acres) and Tract 2 (73.6 +/- acres), a Zoning Change from Agricultural to Planned Development – Single Family Residential Ordinance No. 3887 for Tract 3 (13.4 +/-**

acres) and a Zoning Change from Planned Development – Single Family Ordinance No. 3538 to Planned Development – Single Family Residential Ordinance No. 3887 for Tract 4 (18.7 +/- acres) to allow expansion of the Ridge Ranch single family subdivision and to modify the development standards on a total of 132.787 +/- acres Page 3 of 5 of land generally located southwest of E. Cartwright Road and north of Lawson Road.

PRESENTATION:

Manager of Planning & Zoning Garrett Langford presented the staff report to the Commissioners.

DISCUSSION:

Commissioners did not have any questions for Staff.

APPLICANT

The Developer Jim Douglas was available to answer the Commission's questions. Mr. Douglas stated that he has brochures that he could hand to the Commissioners showing the types of homes that they are going to build. All the Commissioners requested a brochure. Commissioner Williams asked what size were the lots they first built? Mr. Douglas answered the first lots were 80 feet and the rest have been 50 to 60 foot lots and that is what they have been selling.

PUBLIC HEARING OPENED:

Chairwoman Shepard opened the public hearing.
There were no speakers.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

Commissioner Anderson made a motion to APPROVE; Commissioner Lynn seconded; Motion carried 7-0.

7. **ZONING APPLICATION Z0920-0153** Conduct a public hearing and consider Zoning Application No. Z0920-0153 submitted by Brian Bridgewater of Manhard Consulting, on behalf of Wintergreen HS Partners, Ltd. for a Comprehensive Plan Amendment from Commercial to Light Industrial and a Zoning Change from Traditional Neighborhood Mixed Residential and Commercial within the Skyline Logistic Hub Overlay District to Planned Development – Industrial within the Skyline Logistic Hub Overlay District to allow an industrial park on 25.38 +/- acres of land generally located northwest of East Meadows Blvd and US. E Highway 80.

PRESENTATION:

Planner Lesley Frohberg presented the staff report to the Commissioners.

DISCUSSION:

Chairwoman Shepard asked staff what the distance is between the proposed structures and the residential homes. Ms. Frohberg answered approximately 200 feet. Chairwoman Shepard commented that there will be less than 50 feet where the large trucks would be entering the industrial park. Ms. Frohberg went to the exhibits to show the 8-foot screening wall and where the buildings would be located behind the screening wall and the landscaping. Commissioner Abraham wanted to know what will stop the trucks from going all the way down East Meadows Blvd. to Interstate 30? Ms. Frohberg explained if approved that would be something that will be worked out in the next step, which includes the reconstruction of East Meadows Blvd. Commissioner Abraham commented that there would be nothing stopping the heavy load trucks from going all the way down East Meadows. Ms. Frohberg suggested that the Commissioners talk with Eric Gallt who is the Manager of the City's Traffic Engineering Division. Mr. Gallt explained that there is no layout preventing the heavy load trucks from going all the way down East Meadows other than if the trucks did try to pass the intended entrance the trucks would get stuck. Mr. Gallt explained that there is not enough room for trucks to enter or exit other than where the layout suggests for an entrance and exit.

APPLICANT

Applicant Trey Jacobson came up to give a presentation for the Commissioners. Chairwoman Shepard asked the applicant what they are going to do to buffer the noise from the large trucks that will travel through the area. Mr. Jacobson answered the 8-foot concrete screening wall, plus the landscaping is intended to be used as a sound buffer. Mr. Jacobson did let the commission know that they sent letters out to the residents that live around the proposed development with no responses.

PUBLIC HEARING OPENED:

Chairwoman Shepard opened the public hearing.

Julia Glendo came up to speak. Ms. Glendo has concerns for the safety of the children that live around the area, including the apartments and the danger the kids are in with the large trucks that already drive up and down East Meadows Blvd. Ms. Glendo stated that there are already too many 18-wheeler trucks going through there. No one else came up to speak.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

DISCUSSION

Chairwoman Shepard would like for the applicant to reach out to the surrounding Residents for more input.

Ms. Glendo commented from her seat that the applicant did not send out the letters in Spanish as well.

ACTION:

Commissioner Williams made a motion to APPROVE with 3 conditions;

1. The applicant installs sidewalks on the east and west side of East Meadows Blvd.
2. The applicant sends out notices to the residents both in English and Spanish explaining the development
3. The applicant complies with all the staff's recommendations.

Commissioner Lynn seconded; motion carried 7-0.

- 8. ZONING APPLICATION Z1120-0157 Conduct a public hearing and consider Zoning Application No. Z1120-0157 submitted by Coy Quine on behalf of TSCA-203 Limited Partnership for a Zoning Change from North Gus Thomasson Corridor District to Planned Development – General Retail to allow outdoor display and storage, and wholesale and retail sales of plumbing, electrical, and mechanical related supplies, in addition to other uses allowed in the General Retail Zoning District, located at 4414 Gus Thomasson Road.**

PRESENTATION:

Manager of Planning & Zoning Garrett Langford presented to the Commissioners.

DISCUSSION:

Commissioner Williams wanted verification that recommendation number 3 would be wrought iron without seeing through the fence. Mr. Langford answered yes and quoted the recommendation that the Outdoor Display and Storage area visible from Gus Thomasson Road shall be screened with a wrought-iron fence (maximum height of 8 feet) with Closed Mesh Polypropylene. Stacking of inventory in the outdoor storage shall not exceed the height of the screening fence.

Commissioner Abraham asked if there will be outdoor storage in the front. Mr. Langford answered no.

APPLICANT

The applicant Mr. Coy Quine came up to answer questions the Commissioners might have. From the conference call, Commissioner Patterson asked if there will be improvements to the front of the store. Mr. Langford answered yes.

PUBLIC HEARING OPENED:

Chairwoman Shepard opened the public hearing.

There were no speakers.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Williams to APPROVE with Staff's recommendations 1-3; Commissioner Lynn seconded; the motion carried 7-0.

NOTE

Before moving to the next case, City Attorney David Paschall requested he relieve Senior Assistant Attorney Karen Strand for the remainder of the meeting. Chairwoman Shepard agreed.

- 9. ZONING APPLICATION Z1120-0158 Conduct a public hearing and consider Zoning Application No. Z1120-0158 submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC., for a Zoning Change from General Retail to General Retail with a Conditional Use Permit to allow a Coin-operated Amusement Gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1430 N. Galloway Ave.**

PRESENTATION:

Manager of Planning & Zoning Garrett Langford presented to the Commissioners.

DISCUSSION:

Commissioner Abraham asked what is the definition of a game room? Mr. Langford answered more than 2 game machines. Commissioner Abraham asked about the game machines blocking out the view into the convenience store. Commissioner Abraham asked about the new ordinance with the City concerning the street side view into the store. Mr. Langford answered yes, but does not think this store has been inspected yet. Commissioner Abraham made comments, however, it was inaudible due to not speaking into the microphone. Commissioner Shepard asked if the applicant was not willing to put in a second bathroom. Mr. Langford deferred to the applicant to answer that question. Chairwoman Shepard asked if there was a space requirement between gaming machines. Mr. Langford answered that there are not space requirements defined in the ordinance. Mr. Langford told Chairwoman Shepard that space requirements can be added in if the Commission wishes to approve the CUP. Commissioner Williams asked if the applicant is following the guidelines that are implemented due to Covid-19?

Mr. Langford deferred to the applicant to answer that question. Commissioner Abraham wants to know how he can find out what the visibility percentage is to be able to see through the windows. Mr. Langford answered that he will get that information and let the commission know.

APPLICANT

Applicant Zeeshan Ali came up to answer the questions the Commissioners might have. Mr. Ali stated that the store keeps the customers apart on the gaming machines and those machines are wiped down after each use. The applicant said that they only allow 2 people at a time and customers must wear a mask. Mr. Ali stated that City of Mesquite Police

Officers come into his store all the time and nothing has ever been mentioned about window visibility. The applicant stated that he is willing to build another restroom if approved.

PUBLIC HEARING OPENED:

Chairwoman Shepard opened the public hearing.

Olivia Blanket came up to speak. Ms. Blanket indicated that she does not live around this particular store, but lives by another one. Ms. Blanket is against gaming machines and she does not think they are appropriate. No one else came to speak.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

Chairwoman Shepard made a motion to DENY; Ms. Anderson seconded; motion carried 6-1 with Commissioner Lynn dissenting.

- 10. ZONING APPLICATION Z1120-0159 Conduct a public hearing and consider Zoning Application No. Z1120-0159 submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC., for a Zoning Change from Planned Development – Service Station, Ord. No. 2888, to Planned Development – General Retail with a Conditional Use Permit to allow a Coin-operated Amusement Gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1320 Gross Road.**

PRESENTATION:

Planner Lesley Frohberg presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

APPLICANT

Representing the owner Roberto Nunez 2929 Kings Rd. Dallas, TX answered questions via conference call. Mr. Nunez stated that the owner is willing to move the machines from the windows if approved. Mr. Nunez said that the proposal is for 6 machines, but willing to reduce down to 4 due to Covid-19.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Williams for DENIAL of the zoning change to Planned Development-General Retail and DENIAL of the Conditional Use Permit to allow coin-operated amusement gameroom including six amusement machines. To APPROVE the amendment to Planned Development – Service Station, Ordinance No. 2888, with the following new stipulations:

- a. Diesel fuel sales shall be limited to passenger vehicles only.
- b. Development of the site shall conform generally to the development standards, attached hereto as "Exhibit A," and the concept plan, attached hereto as "Exhibit B," as determined by the Director of Planning and Development Services.

Chairwoman Shepard seconded; motion carried 7-0.

- 11. ZONING APPLICATION Z1120-0160 Conduct a public hearing and consider Zoning Application No. Z1120-0160 submitted by Roberto Nunez, Alchemi Development Partners on behalf of Syed K Ali, Zarin, Inc. for a Zoning Change from Commercial with Special Permit, Ord. No. 1027, within the Skyline Logistics Hub Overlay District to Commercial with Special Permit, Ord. No. 1027, and a Conditional Use Permit to allow a Coin-operated Amusement Gameroom within the Skyline Logistics Hub Overlay District, located at 3828 E US HWY 80.**

PRESENTATION:

Planner Lesley Frohberg presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

APPLICANT

Representing the owner Roberto Nunez 2929 Kings Rd. Dallas, TX answered questions via conference call. Mr. Nunez asked if the reason for denial is because of only 1 restroom? If so, they are willing to turn the employee restroom into a restroom for the public.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Anderson to DENY; seconded by Commissioner Arnold; motion carried 7-0.

- 12. ZONING APPLICATION Z1120-0161** Conduct a public hearing and consider Zoning Application No. Z1120-0161 submitted by Roberto Nunez, Alchemi Development Partners on behalf of Niraj KC for a Zoning Change from General Retail to General Retail with a Conditional Use Permit to allow a Coin-operated Amusement Gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1604 W. Bruton Road.

PRESENTATION:

Principle Planner Johnna Matthews presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

APPLICANT

Representing the owner Roberto Nunez 2929 Kings Rd. Dallas, TX answered questions via conference call. Mr. Nunez told staff that if denials are because of the restrooms, that can be fixed. Ms. Matthews read off the various reasons that the game machines do not meet the conditional use permit criteria.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Anderson to DENY; Commissioner McBride seconded; motion carried 7-0.

- 13. ZONING APPLICATION Z1120-0162** Conduct a public hearing and consider Zoning Application No. Z1120-0162 submitted by Roberto Page 4 of 5 Nunez, Alchemi Development Partners on behalf of Bikash Pant, Tobacco Corner for a Zoning Change from General Retail to General Retail with a Conditional Use Permit to allow a Coin-operated Amusement Gameroom with a modification to the Special Conditions to have one customer restroom instead of the required one customer restroom each for male and female, located at 2411 N. Galloway Avenue, Suite 126.

PRESENTATION:

Principle Planner Johnna Matthews presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

APPLICANT

Representing the owner Roberto Nunez 2929 Kings Rd. Dallas, TX answered questions via conference call. Mr. Nunez requested documentation for the reasons for the denial.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Williams to DENY; Commissioner Lynn seconded; motion carried 7-0.

- 14. ZONING APPLICATION Z1120-0163 Conduct a public hearing and consider Zoning Application No. Z1120-0163 submitted by Amin Chagani, Tobacco City for a Zoning Change from General Retail to General Retail with a Conditional Use Permit to allow a Coin-operated Amusement Gameroom with modifications to the Special Conditions to have one customer restroom instead of the required one customer restroom each for male and female, and to locate a game room within 300 feet of a church, located at 417 N. Bryan - Belt Line Road.**

PRESENTATION:

Manager of Planning & Zoning Garrett Langford presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

APPLICANT

Applicant Amin Chagani was not in attendance.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Williams to DENY; Commissioner Lynn seconded; motion carried 7-0.

- 15. ZONING TEXT AMENDMENT NO. Z2020-12 Conduct a public hearing and consider amending various sections of the Mesquite Zoning Ordinance, including**

but not limited to Section 1-600, Temporary Uses and Structures; Section 3- 203, Schedule of Permitted Uses; Section 3-500, Supplementary Use Regulations; and Section 6- 102, Definitions, pertaining to mobile food units and mobile food unit parks. Postponed from the November 23, 2020, Planning and Zoning Commission Meeting.

PRESENTATION:

Director of Planning & Development Jeff Armstrong asked the Commissioners to table this text amendment to a date uncertain. Staff still has some work to do on this amendment. City Attorney Paschall suggested that the item be tabled rather than continued.

ACTION

A motion was made by Chairwoman Shepard to table the item; Commissioner Arnold seconded; motion carried 7-0.

- 16. ZONING TEXT AMENDMENT NO. Z2020-13 Conduct a public hearing and Consider amending various sections of the Mesquite Zoning Ordinance including, but not limited to Section 3-203, Schedule of Permitted Uses; Section 3-500, Supplementary Use Regulations and Section 6-102, Definitions, regarding businesses that sell smoking paraphernalia used to ingest substances into the human body.**

PRESENTATION:

Director of Planning & Development Jeff Armstrong presented to the Commissioners.

DISCUSSION:

There were no questions for Staff.

PUBLIC HEARING OPENED:

No one came to speak in person or by conference call.

PUBLIC HEARING CLOSED:

Chairwoman Shepard closed the public hearing.

ACTION:

A motion was made by Commissioner Anderson to APPROVE; Commissioner Williams seconded; motion carried 7-0.

DIRECTOR'S REPORT

17. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning items at their meetings on December 7, 2020.

Director of Planning & Development Jeff Armstrong presented the zoning actions from the December 7, 2020, City Council meeting. The items are as listed;

1. Appointment of three regular members and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2022. **Millie Arnold, Regular Member Position No. 2; Sherry Williams, Regular Member Position No. 4; and Sheila Lynn, Regular Member Position No. 6, were appointed as regular members and Brandon Murden, Alternate Member Position No. 2, was appointed as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2022. 21 Consider appointment of one regular member to the Capital Improvements Advisory Committee for a term to expire December 31, 2022. Jim Andrews was appointed to the Capital Improvements Advisory Committee for a term to expire December 31, 2022. 22.**
2. Zoning Application No. Z0920-0148 submitted by Ghader Mirak for a Zoning Change from “C” - Commercial to “C” - Commercial with a Conditional Use Permit to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district, located at 3935 East US Highway 80. **Denied**
3. Zoning Application No. Z1020-0156 submitted by Shield Engineering Group amending the Mesquite Comprehensive Plan by providing a Comprehensive Plan Amendment from Commercial to Low Density Residential and by approving a change of zoning from R-3, Single-Family Residential to Planned Development - Single Family Residential, to allow a 99-lot single-family subdivision generally located at 1218 South Belt Line Road and 430 Paza Drive. **Approved by Ordinance No. 4834.**

PUBLIC COMMENTS

18. Any individual desiring to address the Planning and Zoning Commission regarding the **DIRECTOR'S REPORT** or **ANY OTHER MATTER** not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

There were no public comments in person or by phone.

Chairwoman Shepard called the meeting adjourned at 10:30 P.M.

Chairwoman Yolanda Shepard