



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, January 4, 2021

5:00 PM

City Hall | Council Chamber  
757 N. Galloway Avenue | Mesquite, Texas

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Present: Mayor Pro Tem Robert Miklos and Councilmembers Dan Aleman, Tandy Boroughs, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Mayor Bruce Archer.

### **PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding the Mesquite Metro Airport's strategic plan.

### **EXECUTIVE SESSION - TRAINING ROOMS A & B - 5:02 P.M.**

Mayor Pro Tem Miklos announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item Nos. 12, 13, 14 and 15); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:57 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:46 P.M.**

- 2 Receive quarterly activity report from the Economic Development Department.

David Witcher, Director of Economic Development, presented the Economic Development Department report covering July 1, 2020 through September 30, 2020. He stated that the City population is increasing, the unemployment rate is down to 8.1 percent and home valuations remain steady along with household income. Permit highlights for the third quarter include the Murphy Express at US Highway 80 and Galloway Avenue, Whataburger corporate office on Town East Boulevard and Best Choice Products on Samuell Boulevard. Commercial New Permit Valuation, Commercial Remodel Permit Valuation and Residential New Permit Valuation has remained steady. Mr. Witcher stated that Office Depot relocated two stores into one site in the Market East Shopping Center and Huntington Properties zoning was approved near the intersection of IH 635 and Military Parkway. The third quarter sales tax receipts increased in comparison to the same quarter in 2019.

Media highlights include printed media coverage in the Dallas Morning News, BISNOW and Texas Real Estate Business. Mr. Witcher stated that the Economic Development Department website received 1,322 page views. Staff attended numerous trade shows and project meetings, with some being virtual, eight site tours, executed six Chapter 380 agreements and four Request for Qualifications/Proposals. Ribbon cuttings have been postponed due to COVID-19 with plans to resume them in 2021 in a safe manner.

Mr. Witcher stated that the Roadmap to Resources website is for Mesquite businesses and job seekers to utilize during the COVID-19 pandemic. The website received more than 2,900 unique visits with 565 views of the video. The electronic newsletter has been opened 7,137 times with 868 link clicks.

Mr. Witcher stated that Downtown Mesquite has made significant progress this quarter with the approval of the Chapter 380 Agreement with Alejandro's at Front Street Station, the architectural work continuing at Heritage Plaza, two façade reimbursement grants processed and the grand opening of Front Street Station projected in January 2021. The Texas Downtown Association named the Front Street Station Groundbreaking as a finalist for a statewide award.

Councilmembers expressed appreciation to Economic Development staff for their work in the community.

The work session ended at 7:04 p.m.

## **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 P.M.**

### **INVOCATION**

Harry Sewell, Pastor, Family Cathedral, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

City of Mesquite Staff.

### **SPECIAL ANNOUNCEMENTS**

1. Ms. Wisdom stated that with the surge of positive COVID-19 cases, she reminded citizens to practice the "3 W's" when out in public – Wear a mask, Wash your hands and Watch your distance by staying six feet away from others.
2. Mr. Green thanked City staff for their efforts on New Year's Eve to address illegal fireworks and gunfire. During the City's deployment, 97 calls for fireworks and 92 calls for sounds of gunfire were received along with two shooting in-progress calls. Six citations were issued for fireworks, 12 pounds of fireworks were seized and five guns were confiscated. He requested citizens contact the Police Department if they have any video evidence or testimony regarding this type of illegal activity.
3. Mr. Boroughs reminded citizens that students will be heading back to school this week after winter break so "Drive Like Your Family Lives Here" because our families do.

4. Mr. Smith stated that the City has begun enforcement of new amendments to the parking ordinance which include regulations for parking of commercial, oversized and recreational vehicles and parking on streets, private property and unimproved surfaces in residential neighborhoods. Residents are encouraged to contact the City's Environmental Code Office with any questions or concerns.
5. Mr. Smith mentioned that he saw a plaque in a store today containing the phrase "If you can be anything, be nice." He asked citizens to adopt this phrase and pass it on to others throughout the year.
6. Mr. Aleman encouraged citizens to take advantage of the Mesquite Arts Center's free, safe programs for families. "Tote and Go" services consist of arts and crafts that families can pick up at the Arts Center and take home to complete. A free art gallery is offered and virtual classes are available on the Arts Center's YouTube channel.
7. Mr. Aleman commended Elizabeth Harrell, Director of Parks and Recreation, and her team for a successful drive-through Christmas In the Park event in December 2020.
8. Mr. Miklos stated that the City's new animal ordinance is now in effect which includes new requirements for proper care and humane treatment of animals. Also, animal nuisance violations and mandatory microchipping of impounded animals is addressed.
9. Mr. Miklos stated that this past New Year's Eve, volunteers manned a phone bank to take calls regarding illegal fireworks and gunfire. Police and Fire Department staff were present in neighborhoods along with other City staff, the Mayor and City Councilmembers spotting and reporting this illegal activity.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

**Mr. Aleman moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Green and approved unanimously.**

- 3 Minutes of the regular City Council meeting held December 21, 2020.

**Approved on the Consent Agenda.**

- 4 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by Ordinance No. 4773, Ordinance No. 4781, Ordinance No. 4784, Ordinance No. 4793, Ordinance No. 4804, and Ordinance No. 4822; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

**Approved on the Consent Agenda.**

Ordinance No. 4836, AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 ISSUED ON MARCH 23, 2020, AND AS FURTHER CONTINUED AND AUTHORIZED BY ORDINANCE NO. 4773, ORDINANCE NO. 4781, ORDINANCE NO. 4784, ORDINANCE NO. 4793, ORDINANCE NO. 4804; AND ORDINANCE NO. 4822; CONFIRMING THE CONTINUED ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. (Ordinance No. 4836 recorded in Ordinance Book No. 122.)

- 5 An ordinance authorizing and directing the City Manager to execute all documents necessary to convey approximately 171.393 acres of land located in Balch Springs, Texas (the "Property") to Bloomfield Homes, L.P., ratifying all such actions taken in furtherance of such direction, and authorizing payment to the U.S. Department of Housing and Urban Development for release and modification of interests in the Property necessary to facilitate the sale of the Property.

**Approved on the Consent Agenda.**

Ordinance No. 4837, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO CONVEY APPROXIMATELY 171.393 ACRES OF LAND LOCATED IN BALCH SPRINGS, TEXAS (THE "PROPERTY"), TO BLOOMFIELD HOMES, L.P., RATIFYING ALL ACTIONS TAKEN IN FURTHERANCE OF SUCH DIRECTION; AND AUTHORIZING PAYMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RELEASE AND MODIFICATION OF INTERESTS IN THE PROPERTY NECESSARY TO FACILITATE THE SALE OF THE PROPERTY. (Ordinance No. 4837 recorded in Ordinance Book No. 122.)

- 6 Bid No. 2021-045 - Purchase of Pickup Trucks for Parks Services.  
(Staff recommends award to Sam Pack's Five Star Ford and Chevrolet in Carrollton, Texas, through Tarrant County Contract No. 2019-041, for a total amount of \$320,934.50.)

**Approved on the Consent Agenda.**

- 7 Authorize the Mayor to finalize and execute an employment agreement between the City of Mesquite and City Manager Cliff Keheley.

**Approved on the Consent Agenda.**

- 8 Authorize the Mayor to finalize and execute an addendum to the employment agreement between the City of Mesquite and City Attorney David L. Paschall.

**Approved on the Consent Agenda.****END OF CONSENT AGENDA****PUBLIC HEARINGS**

- 9 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0920-0149, submitted by Dowdy, Anderson and Associates on behalf of Bloomfield Homes for a change of zoning to amend Planned Development - Single Family Ordinance No. 3887 for Tract 1 (approximately 27.2 acres) and Tract 2 (approximately 73.6 acres), a change of zoning from Agricultural to Planned Development - Single-Family Residential Ordinance No. 3887 for Tract 3 (approximately 13.4 acres) and a change of zoning from Planned Development - Single Family Ordinance No. 3538 to Planned Development - Single-Family Residential Ordinance No. 3887 for Tract 4 (approximately 18.7 acres) to allow expansion of the Ridge Ranch single-family subdivision and to modify the development standards on a total of approximately 132.787 acres of land, located generally west of East Cartwright Road and Lawson Road.  
(No responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

**A public hearing was held for Zoning Application No. Z0920-0149.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to expand the Ridge Ranch single-family subdivision by 32 acres and increase the total number of lots from 800 to 949. The proposed rezoning will amend the number of lots in Tracts 1 and 2 by eliminating all of the 40-foot lots and reducing the total number of 80-foot lots. Tracts 3 and 4 will be added to the Ridge Ranch Planned Development (PD) District. Mr. Armstrong reviewed the revised lot size widths in the proposed PD expansion and stated that all of the requirements in the Ridge Ranch PD District will apply to the proposed expansion. Mr. Armstrong stated there will be three entrances into Ridge Ranch from Lawson Road and three entrances from Cartwright Road.

Jim Douglas, representing Douglas Properties, stated that irrigation and landscaping will be installed between the sidewalk and the slip street which will front Lawson Road. Mr. Douglas stated that they are adding 32 acres of land to the development and removing all of the proposed 40-foot lots. The 80-foot lots will start at \$400,000.00.

Colin Helffrich, 5225 Village Creek Drive, submitted a registration card expressing support for the zoning change but did not wish to speak. No others appeared regarding the zoning change.

Mr. Aleman moved to approve Zoning Application No. Z0920-0149, as recommended by the Planning and Zoning Commission, and to approve

Ordinance No. 4838, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ORDINANCE NO. 3887 FOR TRACT 1 (APPROXIMATELY 27.2 ACRES) AND TRACT 2 (APPROXIMATELY 73.6 ACRES) AND A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ORDINANCE NO. 3887 FOR TRACT 3 (APPROXIMATELY 13.4 ACRES) AND A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – SINGLE FAMILY ORDINANCE NO. 3538 TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ORDINANCE NO. 3887 FOR TRACT 4 (APPROXIMATELY 18.7 ACRES) TO ALLOW EXPANSION OF THE RIDGE RANCH SINGLE FAMILY SUBDIVISION AND TO MODIFY THE DEVELOPMENT STANDARDS ON A TOTAL OF APPROXIMATELY 132.787 ACRES OF LAND ON PROPERTY LOCATED GENERALLY WEST OF EAST CARTWRIGHT ROAD AND LAWSON ROAD SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4838 recorded in Ordinance Book No. 122.)

10

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0920-0153, submitted by Brian Bridgewater of Wintergreen HS Partners Ltd., for a Comprehensive Plan amendment from Commercial to Light Industrial and a change of zoning from Traditional Neighborhood Mixed Residential and Commercial within the Skyline Logistics Hub Overlay to Planned Development - Industrial within the Skyline Logistics Hub Overlay to allow an urban industrial park, located generally northwest of East Meadows Boulevard and U.S. Highway 80.

(No responses in favor and three in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held for Zoning Application No. Z0920-0153.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to construct two industrial buildings consisting of a total of 362,000 square feet on 25.4 acres generally located northwest of East Meadows Boulevard and US Highway 80. He stated that the applicant proposes the following site enhancements: (1) Provide enhanced landscaping along East Meadows Boulevard, (2) Utilize site layout, driveways and signage to direct heavy load traffic south, towards US Highway 80, to limit traffic on East Meadows Boulevard; (3) Reconstruct and alter the southern portion of East Meadows, from East US Highway 80 Frontage Road to the northern most truck entrance, to support the increased volume of traffic and to decrease congestion that may be created and (4) Construct eight foot tall masonry screening walls and fencing.

Mr. Armstrong stated that the applicant held a virtual neighborhood meeting on December 29, 2020, with two residents, two representatives of the applicant and one Planning Division staff member in attendance. Issues that were presented at the virtual meeting by the residents were noise, drainage, crime, displacement of wildlife, glare, hours of operation and property values. The applicant addressed the resident's issues as follows: a 25-foot landscape buffer with a four-foot earthen berm and canopy trees will be installed, along with eight-foot-tall

masonry walls, to assist with the mitigation of noise control; on-site detention will be provided; security measures including lighting and security fencing will be installed; and the creek and vegetation to the north will remain as a habitat for the existing wildlife.

Trey Jacobson, representing the applicant, stated that there is a 180-foot distance between residential property lines and the proposed buildings and 400 feet between the loading docks and the residential property lines. The improvements to East Meadows Boulevard will cost approximately \$750,000.00 due to the structural base and the reconstruction of the median for extended turn lanes.

Brian Bridgewater, 5613 Miller Avenue, submitted a registration card expressing support for the zoning change but did not wish to speak. No others appeared regarding the zoning change.

Mr. Green moved to postpone consideration of Zoning Application No. Z0920-0153, with the public hearing remaining open, until the January 19, 2021, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.

11

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-13 by 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.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**A public hearing was held for Zoning Text Amendment No. 2020-13.**

Jeff Armstrong, Director of Planning and Development Services, stated that a paraphernalia shop is an establishment that displays or offers for sale any smoking paraphernalia as defined in the proposed ordinance. The paraphernalia shops would be permitted by Conditional Use Permits in Commercial and Industrial zoning districts and must comply with Section 3-511 of the Zoning Ordinance. Among other requirements, the proposed ordinance includes separation requirements of paraphernalia businesses from schools, churches, residential zoning and other paraphernalia shops.

No one appeared regarding the proposed amendment.

Mr. Boroughs moved to approve Zoning Text Amendment No. 2020-13, as recommended by the Planning and Zoning Commission and to approve Ordinance No. 4839, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY PROVIDING CERTAIN ADDITIONS UNDER SECTION 3-203 "SCHEDULE OF PERMITTED USES," AND SECTION 6-102 "DEFINITIONS," AND AMENDING SECTION 3-500 "SUPPLEMENTARY USE REGULATIONS" TO ADD A NEW SECTION 3-511 "PARAPHERNALIA SHOP," ALL REGARDING BUSINESSES THAT SELL SMOKING PARAPHERNALIA; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously.

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(Ordinance No. 4839 recorded in Ordinance Book No. 122.)

12

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0159, submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC, for a change of zoning from Planned Development - Service Station Ordinance No. 2888 to Planned Development - General Retail with a Conditional Use Permit to allow a coin operated amusement game room or, alternatively, to amend Ordinance No. 2888 to allow a proposed building expansion subject to new stipulations, located at 1320 Gross Road.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the rezoning request and approval of the amendment to Ordinance No. 2888.)

**A public hearing was held for Zoning Application No. Z1120-0159.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to rezone the property to Planned Development - General Retail in order to apply for a Conditional Use Permit to allow the existing coin-operated amusement machines to remain within the convenience store located at 1320 Gross Road. The applicant proposes to construct a 975-square-foot building addition for new restroom facilities, expand and update the existing restaurant and convenience store, create access along the northwest property line with Cheddar's Restaurant and install additional landscaping along Gross Road.**

**The applicant was not present.**

**No one appeared regarding the proposed application.**

**Mr. Green moved to postpone consideration of Zoning Application No. Z1120-0159, with the public hearing remaining open, until the February 15, 2021, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.**

13

Conduct a public hearing for Zoning Application No. Z1120-0158, submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin operated amusement game room 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 Avenue.

(One response in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

**A public hearing was held for Zoning Application No. Z1120-0158.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to allow a coin-operated amusement gameroom, located at 1430 North Galloway Avenue, with four coin-operated amusement machines. The applicant operates a Grab N Go convenience store with limited fuel sales as a primary use at the same location. Coin-operated amusement machines are not permitted as an accessory use at a**



convenience store; however, they may be permitted as a primary use with the approval of a Conditional Use Permit. The applicant is also requesting a modification to have one customer restroom rather than the required one customer restroom each for male and female.

Applicant Zeeshan Ali requested that he be allowed to keep two coin-operated amusement machines in the convenience store. Mr. Ali stated that the machines have been in the store for six years and due to COVID-19, the store closes at 10:00 p.m.

Michelle Lyles, 1409 Natchez Trace, expressed opposition to the proposed application.

No others appeared regarding the proposed application.

Ms. Wisdom moved to postpone consideration of Zoning Application No. Z1120-0158, with the public hearing remaining open, until the February 15, 2021, City Council meeting. Motion was seconded by Mr. Smith and approved unanimously.

14

Conduct a public hearing for Zoning Application No. Z1120-0161, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Niraj KC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement game room with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1604 West Bruton Road.

(No responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

A public hearing was held for Zoning Application No. Z1120-0161.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to allow a coin-operated amusement gameroom, located at 1604 West Bruton Road, with six coin-operated amusement machines. The applicant operates an EZ Trip Beer and Wine convenience store with limited fuel sales and a restaurant at the same location. Coin-operated amusement machines are not permitted as an accessory use at a convenience store; however, they may be permitted as a primary use with the approval of a Conditional Use Permit. The applicant is also requesting a modification to have one customer restroom rather than the required one customer restroom each for male and female. However, at the Planning and Zoning Commission, the applicant stated that the employee restroom could be converted into a public restroom. Mr. Armstrong stated that this location has not passed the Police Department's inspection for convenience stores.

The applicant was not present.

No one appeared regarding the proposed application.

Mr. Green moved to postpone consideration of Zoning Application No. Z1120-0161, with the public hearing remaining open, until the February 15, 2021, City Council meeting. Motion was seconded by Mr. Smith and approved unanimously.

15

Conduct a public hearing for Zoning Application No. Z1120-0162, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Bikash Pant, Tobacco Corner, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement game room with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 2411 North Galloway Avenue, Suite 126.

(No responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

**A public hearing was held for Zoning Application No. Z1120-0162.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to allow a coin-operated amusement gameroom, located at 2411 North Galloway Avenue, Suite 126, with six coin-operated amusement machines. The applicant operates a Tobacco Corner tobacco store at the same location. Coin-operated amusement machines are not permitted as an accessory use at a tobacco store; however, they may be permitted as a primary use with the approval of a Conditional Use Permit. The applicant is also requesting a modification to have one customer restroom rather than the required one customer restroom each for male and female.**

The applicant was not present.

No one appeared regarding the proposed application.

Ms. Wisdom moved to postpone consideration of Zoning Application No. Z1120-0161, with the public hearing remaining open, until the February 15, 2021, City Council meeting. Motion was seconded by Mr. Smith and approved unanimously.

**ADJOURNMENT**

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Ms. Wisdom and approved unanimously. The meeting adjourned at 9:15 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Robert Miklos, Mayor Pro Tem