

MINUTES

FEBRUARY 13, 2023

**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	Mr. Nellapalli Dharmarajan	<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 checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 3	Mr. Roger Melend	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 4	Elizabeth Rodriguez-Ross	<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	Ms. Debbie Screws	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input checked="" type="checkbox"/> Absent
ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE		
Alternate No. 1	Rick Cumby	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes)
Alternate No. 2	Dr. Michael Fulton	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes)

ATTENDANCE: STAFF

Jeff Armstrong	Director of Planning & Development	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Garrett Langford	Manager of Planning and Zoning	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
John Cervantes	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Jalyn Porchay	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
David Pachall	City Attorney	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Karen Strand	Deputy City Attorney	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Devanee Winn	Administrative Aide Planning & Development	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video

Note: Commissioner Cumby was seated for Commissioner Screws Position # 7

CALL TO ORDER

1. ROLL CALL

Administrative Aide of Planning & Development Devanee Winn took roll call and declared a quorum was present.

EXECUTIVE SESSION

Chairman Melend adjourned the meeting at 7:02 P.M. for Executive Session.

Chairman Melend re-opened the meeting at 7:32 P.M.

PUBLIC COMMENTS

2. No comments.

CONSENT AGENDA

3. **MINUTES**

Consider approval of the minutes for January 23, 2023, Planning and Zoning Commission.

4. **PLAT APPLICATION NO. PL1022-0141.**

Consider approval of Plat Application No. PL1022-0141 submitted by WBI, Inc., on behalf of ILPT Mesquite, LLC, for Lot 4-R, Block A, Truckomatic Addition, a replat of Lot 4 and Lot 1, Block 1, Truckomatic Addition, located at 2614 Big Town Blvd.

5. **PLAT APPLICATION NO. PL1222-0147.**

Consider approval of Plat Application No. PL1222-0147 submitted by LJA Engineering, Inc., on behalf of HC, Solterra, LLC, for a final plat for Solterra Phase 1D addition, a 234-lot single-family subdivision on 58.455 acres generally located south of Twin Oaks Drive and west of E. Cartwright Road.

6. **PLAT APPLICATION NO. PL1222-0148.**

Consider approval of Plat Application No. PL1222-0148 submitted by Halff Associates, Inc., on behalf of the City of Mesquite, for a final plat for Alcott Logistics Station, Block 1, Lot 2, a single lot subdivision for Alcott Park, located at 2750 E. Sycene Road.

7. **PLAT APPLICATION NO. PL1222-0149.**

Consider approval of Plat Application No. PL1222-0149 submitted by Halff Associates, Inc., on behalf of Alcott Logistics Station Tract B, LP, for a final plat for Alcott Logistics Station, Block 1, Lot 1, a single lot subdivision for an industrial development located at 2700 E. Sycene Road.

8. **PLAT APPLICATION NO. PL1222-0150.**

Consider approval of Plat Application No. PL1222-0150 submitted Halff Associates, Inc., on behalf of Alcott Logistics Station Tract B, LP, for a final plat for Alcott Logistics Station, Block 2, Lot 2, a single lot subdivision for an industrial development located at 2830 E. Sycene Road.

9. **PLAT APPLICATION NO. PL0123-0153.**

Consider approval of Plat Application No. PL0123-0153 submitted by Halff Associates, Inc., on behalf of Jackson-Shaw/Alcott, LP, for a final plat for Alcott Logistics Station, Block 2, Lot 1, a single lot for an industrial development located at 2800 E. Sycene Road.

10. PLAT APPLICATION NO. PL0123-0154.

Consider approval of Plat Application No. PL0123-0154 submitted by LJA Engineering, Inc., on behalf of HC, Solterra, LLC, for a final plat for Solterra Phase 1E addition, a 134-lot single-family subdivision on 38.405 acres generally located east of Twin Oaks Drive and west of E. Cartwright Road.

11. PLAT APPLICATION NO. PL0123-0155.

Consider approval of Plat Application No. PL0123-0155 submitted by LJA Engineering, Inc., on behalf of HC, Solterra, LLC, for a final plat for Solterra Phase 1F addition, a 21-lot single-family subdivision on 26.25 acres generally located east of Twin Oaks Drive and west of E. Cartwright Road.

ACTION

Commissioner Rodriguez-Ross made a motion to APPROVE consent agenda items 3-11 as presented; Commissioner Lynn seconded; the motion carried 7-0.

PUBLIC HEARINGS**12. ZONING APPLICATION NO. Z1222-0280.**

Conduct a public hearing and consider Zoning Application No. Z1222-0280 submitted by Ana Cuevas-Niño and Gerardo Niño for a Zoning Change from General Retail to Commercial, located at 1601 W. Bruton Road.

PRESENTATION

Planner John Cervantes presented to the Commission.

DISCUSSION

Commissioner Rodriguez-Ross questioned that if someone else came in to buy the property, would there be a way for the new owner to stick with what is being presented? Mr. Cervantes stated no, this is a straight zoning case. This is not a Conditional Use Permit (CUP) or a Planned Development where you set stipulations. Chairman Melend asked if the case could be a CUP and keep it as General Retail and adding stipulations for just this property and if the applicant sells the property, then it will go back to General Retail. Manager of Planning & Zoning Garrett Langford addressed that question. Mr. Langford explained why the applicant wants to change to commercial is so the applicant can have a mechanic shop with collision services which is not allowed in General Retail. Chairman Melend asked if they can put stipulations on the zoning change. Mr. Langford answered that would not be an option with a straight zoning change. Mr. Langford said the Commission could recommend a Planned Development General Retail district with stipulations to allow collision services; however, the PD cannot be used to limit the approval to one applicant. Chairman Melend's opinion is that they want to put in a business, which is a good thing for the community.

APPLICANT

Representing the applicant, Adrian Korea 317 S. Stillwater Blvd. Dallas, TX. Mr. Korea stated that having this business here will create more jobs and will clean up the area. Mr. Korea explained that with the carwash more people are dumping their garbage there and they will develop it to make it look nice. If they keep it a carwash that will allow people to hang out and that would cause more police calls. Mr. Korea said that the business does collision repairs through insurance companies and that there will not be cars coming in and out.

OWNER

Owner Gerardo Nino, 1601 W Bruton Road, came up to answer any questions the Commission might have. The Commission wanted to know how many years in business, how many employees and will cars be stored there. Mr. Nino answered he has been in business for 19 years. There are 6 employees, all family, and no more than 3 cars will be stored there at one time. The property will be fenced all the way around and the cars will be stored in the building no more than 3 at one time. The building will be modified with putting doors up, but the size of the building will remain the same. Hours of operation will be Monday through Friday, 9-6 and Saturday, 9-3. There were no other questions for the Applicant/Owner.

PUBLIC HEARING

Chairman Melend opened the public hearing, no one came to speak. Chairman Melend closed the public hearing.

ACTION

There was discussion with Mr. Langford to explain what the motion should say regarding putting stipulations on the motion. Mr. Langford explained to them how a motion to rezone to Planned Development General Retail could be done.

A motion was made by Commissioner Rodriguez-Ross to rezone to Planned Development General Retail with the stipulations to allow major collision; Commissioner Arnold seconded; before the vote was taken Mr. Langford suggested that they postpone to the next meeting to give time for the staff and the applicant to work on the Planned Development.

Commissioner Rdriguez-Ross withdrew her motion and made a motion to postpone to the next meeting date of February 27, 2023; Commissioner Arnold seconded; the motion carried 7-0.

13. ZONING APPLICATION NO. Z0123-0284.

Conduct a public hearing and consider Zoning Application No. Z0123-0284 submitted by Golden Valley Fundraising LLC & Texas Amusement Group LLC doing business as Winner's Sweepstakes for a Zoning Change from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement game room located at 3301 N. Town East Blvd., Unit:122.

PRESENTATION

Planner John Cervantes presented to the Commission.

APPLICANT

Steve Bell, 5901 Summer Point Dr. McKinney, TX, Dave and Amy Stewart, 610 Oak Cliff Dallas, TX, presented to the Commission. Mr. Bell noted that he is heavy in fundraising and does a lot of charitable work. He does have a 501-C3 Company. The Commission wanted to know the hours of operation, if there will be any goods sold there, the security, what days of the week the business will be open, and how he will keep track of the ages entering the building. Mr. Bell stated that the business will be open from 11 AM to 11 PM seven days a week. There will be no goods sold on the premises. Security will be monitored through ADT Security and I.D.s will checked before any customers are able to play any of the gaming machines. Mr. Bell described how the games are played like a lottery.

PUBLIC HEARING

Chairman Melend opened the public hearing. Ram (last name inaudible) 1109 (street name inaudible) asked why all the winners have to file a 1099 form because that is basically for contractors. Also, is the money that is donated to charities from the business or from him personally? No one else came to speak. Chairman Melend closed the public hearing.

APPLICANT

Mr. Bell stated that anybody that wins over 600 dollars they have to fill out a 1099 form and anyone that does not have a valid I.D. they take out the taxes right there and sends it to the I.R.S. As for the charities, he has a contract with all the charities and he gives 10% of all his gross revenue to the charities.

ACTION

Commissioner Rodriguez-Ross made a motion to DENY; Commissioner Arnold Seconded; the motion carried by a roll call vote 7-0.

14. DIRECTOR'S REPORT**Director's Report on recent City Council action taken on zoning items at their meeting on February 6, 2023.**

Director of Planning and Development Services Jeff Armstrong stated that the City Council took action on the followings cases on February 6th.

1. Zoning Application No. Z1022-0259, submitted by Celeris Group Consultation Engineers on behalf of Oncor, for a change of zoning from Industrial and Skyline Logistics Hub Overlay to Industrial and Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a telecommunications tower with modifications to allow a height of 195 feet and a

separation distance of 800 feet from the closest telecommunications tower, located at 1545 High Point Drive. **APPROVED**

2. Zoning Application No. Z1222-0279, submitted by Centurion American, for a change of zoning to amend Planned Development Ordinance No. 4766 to reduce required setbacks, located southeast of Interstate Highway 20 and FM 740 along FM 2757. **APPROVED.**
3. Zoning Application No. Z1222-0281, submitted by The Nehemiah Company, for a change of zoning to amend "Exhibit B - Legal Description of the Property," "Exhibit E - Planned Development Standards," and "Exhibit F - Building Setback, Area, and Bulk Requirements for Residential" in Planned Development Ordinance No. 4739, located at 9850 FM 2757. **APPROVED.**
4. Zoning Application No. Z0123-0282, submitted by Gary Conway of MJM Architects, LLC and Ryan Kerr representing Pop Shelf, for a change of zoning from Commercial to Commercial with a Conditional Use Permit for a Variety Store with modifications to allow a Variety Store within 5,000 feet of another Variety Store and to waive the requirement that a minimum of 10 percent of the floor area be dedicated to fresh foods, located at 19153 Interstate Highway 635. **APPROVED.**

Chairman Melend adjourned the meeting at 8:51 PM.


Chairman Roger Melend