



**PLANNING AND ZONING COMMISSION MEETING
TRAINING ROOMS A & B
757 North Galloway Avenue
Mesquite, Texas
July 27, 2020 - 7:00 P.M.** or immediately following the
Capital Improvements Advisory Committee Meeting, whichever is later

MEETING PARTICIPATION INSTRUCTIONS

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his state disaster authority, and guidance issued on the suspension by the Attorney General's Office:

1. A quorum of the Planning and Zoning Commission will participate in the meeting by telephone or by being physically present at the meeting location.
2. Members of the public, applicants and interested parties may attend the meeting in person or participate by telephone conference.
3. All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and are strongly encouraged to wear a covering over their nose and mouth.
4. Applicants and/or members of the public desiring to participate in the meeting by telephone conference may do so by dialing the following local number on Monday, July 27, 2020, before, at, or after 7:00 p.m. central time.

Telephone Conference Number: 888-475-4499
Participation Code (Meeting Id): 874 3605 3021
To view presentation: <https://us02web.zoom.us/j/87436053021>

Persons may press *9 to be recognized to speak during the public comment or public hearing portion of the meeting.

5. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication. Comments may be made during the meeting upon recognition by the Chairperson or may be made in writing before 3:00 p.m. on July 27, 2020, to the following email address: glangford@cityofmesquite.com.
6. An electronic copy of the agenda packet will be posted online at the City of Mesquite's website (www.cityofmesquite.com).

The meeting will be recorded and made available to the public.

AGENDA

Pursuant to Section 551.071 of the *Texas Government Code*, the Planning and Zoning Commission may meet in a closed executive session to consult with the City Attorney regarding matters authorized by Section 551.071, including matters posted on this Agenda.

COMMISSION BUSINESS

1. ROLL CALL.

2. INSTRUCTIONS.

City staff shall give verbal instructions for participation in the meeting.

PUBLIC COMMENTS

3. 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 (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

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.

4. MINUTES.

Discuss and consider approval of the minutes for July 13, 2020, Planning and Zoning Commission.

PUBLIC HEARINGS

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 uses when the request is for solely residential uses or vice versa.

5. ZONING TEXT AMENDMENT 2020-05

Conduct a public hearing and consider zoning text amendments to Mesquite Zoning Ordinance, Section 3-203, Schedule of Permitted Uses; Section 3-507, Coin-Operated Amusement Devices, Section 6-102, Definitions; all pertaining to new and revised regulations for amusement devices, game machines, video games, and similar devices. (**Tabled from the June 22, 2020, Planning and Zoning Commission meeting.**)

DIRECTOR'S REPORT

6. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning items at their meeting on July 20, 2020.

[NOTE: Commission action, *if any*, shall not be taken regarding the Director's Report until Public Comments have been received.]

PUBLIC COMMENTS

7. 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.

At the conclusion of business, the Chair shall adjourn the meeting.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia segun el Sub- capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia segun el Sub- capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code any member of the public wishing to address the Planning and Zoning Commission through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno de Texas, cualquier miembro del público que desea dirigirse a la Comisión través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un traductor.

CERTIFICATE

I, Garrett Langford, Manager of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached Agenda for the Planning and Zoning Commission meeting to be held July 27, 2020, was posted on the bulletin boards at the Municipal Center and City Hall by July 24, 2020, before 6:00 p.m. and remained so posted until after the meeting. This notice was likewise posted on the City’s website at www.cityofmesquite.com for a minimum of 72 hours prior to the meeting.



Garrett Langford, AICP
Manager of Planning and Zoning
City of Mesquite, Texas

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT
7:00 P.M., JULY 13, 2020, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Vice-Chair David Gustof, Ronald Abraham, Sherry Williams, Debbie Anderson, Sheila Lynn, Alternate Mildred Arnold

Absent: Claude McBride, Chairwoman Yolanda Shepard

Staff: Director of Planning & Development Services Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Planner Lesley Frohberg, City Attorney David Paschall Paschall, Senior Administrator Devanee Winn

Alternate Mildred Arnold was seated in place Chairwoman Yolanda Shepard. Ms. Arnold was in attendance by conference call.

COMMISSION BUSINESS

1. ROLL CALL

Manager of Planning & Zoning Garrett Langford called on each Commissioner for the record. Vice-Chair David Gustof called the meeting to order and declared a quorum present.

2. INSTRUCTIONS

Mr. Langford gave verbal instructions for participation in the meeting.

3. PUBLIC COMMENTS.

There were no public comments.

CONSENT AGENDA

4. MINUTES.

Discuss and consider approval of the minutes for June 22, 2020, Planning and Zoning Commission.

5. PD SITE PLAN APPLICATION No. SP0620-0157

Consider a PD Site Plan submitted by Barraza Consulting Group on behalf of DR Horton, for Trailwind Phase 2, a 240-lot single-family subdivision generally located between IH-20 and Heartland Parkway.

Vice-Chair Gustof opened the public hearing for comments on the consent agenda. No one had comments either in person or by conference call. Ms. Williams made a motion to approve the consent agenda as presented. Mr. Abraham seconded. The motion passed 6-0.

PUBLIC HEARINGS

6. ZONING APPLICATION No. Z0520-0140

Conduct a public hearing and consider Zoning Application No. Z0520-0140 submitted by DBS Construction Support on behalf of Tram Hoang for a Zoning Change from Commercial to Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment, located at 4340 IH 30. (Tabled from the June 8, 2020, Planning and Zoning Commission meeting.)

Planner Lesley Frohberg briefed the Commissioners. Ms. Williams asked if all the code issues were fixed. Ms. Frohberg answered that the Applicant is coming into compliance and has made significant progress. Representing the Applicant, Daniel Santos came up to speak. Mr. Santos stated that they are working very hard to address everything to bring the development up to code. They are also working on repairing the sign. Vice-Chair Gustof opened the public hearing. No one came to speak in person or by conference call. Vice-Chair closed the public hearing. Mr. Abraham made a motion to approve with Staff's recommendations. Ms. Williams seconded. The motion passed 6-0.

7. COMPREHENSIVE PLAN MAP AMENDMENT No. 2020-01.

Consider an amendment to the Mesquite Comprehensive Plan that would change the future land use designation from Commercial to High-Density Residential for property located at 521, 623, 655, 699, 761, & 891 E. US Highway 80.

8. ZONING APPLICATION No. Z0220-0132

Conduct a public hearing and consider Zoning Application No. Z0220-0132 submitted by Mariposa Mesquite, LP, for a Zoning Change from Commercial to Planned Development – Multifamily to allow a 180 unit, age-restricted multifamily development located, located at 521, 623, 655, 699, 761, & 891 E. US Highway 80.

Planner Lesley Frohberg briefed the Commissioners on both the Comprehensive Plan Map Amendment No. 2020-01 and Zoning Application Z0220-0132. Representing the Applicant, Casey Bump, gave a presentation for the Commissioners. There was a discussion regarding the parking and security between Mr. Bump and the Commissioners. Mr. Bump stated that they would meet all requirements regarding those issues. Vice-Chair Gustof opened the public hearing. Mr. Phillip Matthews, 2289 Heatherdale, came up to speak. Mr. Matthews was concerned about the screening. Mr. Matthews wanted to know how they will keep the units on the third floor from seeing right into his backyard and windows on the backside of his house. Mr. Bump answered that they are going to use a two-prong approach with trees and a treeline. Mr. Bump stated that they would work with the neighborhood on any concerns the neighbors might have with the screening. No one else came up to speak and no one on the conference call had comments. Vice-Chair Gustof closed the public hearing. A motion was made by Ms. Williams to approve both Items 7 and 8. Ms. Anderson seconded. The motion passed 6-0.

9. ZONING APPLICATION No. Z0620-0142

Conduct a public hearing and consider Zoning Application No. Z0620-0142 submitted by MM Mesquite 50, LLC., for a Zoning Change to amend Planned Development Ordinance No. 4595 to allow an amenity center, a convenience store with fuel sales and modify the screening wall requirements, generally located south of W. Sycene Road and west of Rodeo Center Blvd.

Manager of Planning & Zoning Garrett Langford briefed the Commissioners. Mr. Abraham asked if there was a traffic impact study done. Mr. Langford answered yes and if the zoning is changed to amend the Planned Development Ordinance No. 4595, then traffic engineering will review during the site plan review process whether a new traffic impact study will need to be done. Applicant Trevor Kollinger gave a presentation through the conference call. The reason for the screening adjustment is because placing the screening walls on top of the retaining wall would create an unnecessarily high screening wall. Mr. Matthew Smith gave a presentation about the convenience store with fuel sales and a restaurant. Ms. Anderson asked if the Applicant was aware of the new

security ordinance regarding convenience stores and fuel sales. Mr. Kollinger said yes, and they will comply with all the requirements. Vice-Chair Gustof opened the public hearing. No one came up to speak either in person or by phone. Vice-Chair closed the public hearing. A motion was made by Ms. Williams to approve with Staff's recommendations. Ms. Lynn seconded. The motion passed 6-0.

DIRECTOR'S REPORT

10. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning items at their meeting on July 6, 2020.

Director of Planning & Development Jeff Armstrong briefed the Commissioners. There were no zoning actions taken at the July 6, 2020, City Council Meeting. Mr. Armstrong gave a preview of an upcoming Parkland Dedication ordinance that will be presented to the Commissioners at a future date.

11. DIRECTOR'S REPORT.

Briefing on the Solterra Development.

Manager of Planning & Zoning Garrett Langford gave a presentation on an upcoming development called Solterra.

[NOTE: Commission action, if any, shall not be taken regarding the Director's Report until Public Comments have been received.]

PUBLIC COMMENTS

12. 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.

Kevin Youngblood with Huffines Communities, the project developer, gave a brief overview and answered questions on the Solterra development.

Vice-Chairman David Gustof called the meeting adjourned at 8:57 P.M.

Vice-Chairman David Gustof



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Garrett Langford, Manager of Planning and Zoning

DATE: July 24, 2020

SUBJECT: ZTA 2020-05 – Game Machines

Staff proposes amending the Mesquite Zoning Ordinance (MZO) to establish new and revised regulations regarding coin-operated amusement devices, game machines, video games, and similar devices, including eight-liners.

Coin-operated amusement devices such as eight liners can have adverse effects on nearby property, compromising the quality of life, property values, and the character of surrounding neighborhoods. Staff is proposing to amend the MZO to better adequately address the concerns with these devices.

The MZO classifies the devices described above as an accessory use when there are four or less and as a principal use when there are more than four. As an accessory use (four or less), the MZO permits it with no separation requirements. When there are more than four game machine devices, the MZO requires a Conditional Use Permit with a 100-ft separation from residential. All game machines are required to get an annual license (sticker) from the City's Tax Office. To better address the concerns with game machines, staff proposes the following amendments to the MZO:

- **Establish a separation requirement.** The Texas Occupations Code expressly authorizes a city to restrict the exhibition of coin-operated amusement machines within 300 feet of a church, school, or hospital. The measurement would be measured from the building with the game machine to the property line of a church, school, or hospital. Separation requirements would apply to accessory use or as a principal use. Staff will verify the separation by requiring an applicant to submit an affidavit of measurement where the applicant will need to provide a survey showing that they will meet the separation requirement.
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- **Identify when game machines are permitted as an accessory use.** The MZO defines an accessory use as an “activity conducted in conjunction with a principal use which constitutes only an incidental or subordinate part of the total activity and which is commonly associated with the principal use.” Staff proposes that the City codify the MZO on which principal uses a game machine may be associated with as an accessory use. The proposed list of principal uses is shown in Attachment 1. If a principal use that is not on this list wishes to have a game machine, then they would need to request a Conditional Use Permit.
- **Reduce the number of game machines permitted as an accessory use.** Currently, the MZO permits up to four game machines as an accessory use. Given the possible negative impacts that game machines may have on surrounding properties and neighborhoods, staff believes it is prudent to reduce the number from four to two game machines as an accessory use. If a business wishes to have more than two game machines, then they can request a Conditional Use Permit where City Council can evaluate the potential negative impacts on the community.
- **Establish Effect Date and Retrofit to implement changes.** Staff proposes establishing a date on which existing businesses with game machines must comply with the proposed text amendments. Staff suggests allowing one year from the date of the ordinance for businesses to come in compliance. Any new Certificate-of-Occupancy that includes game machines will be required to comply with the proposed amendments. The amendments described in the above would not apply to businesses that already have a Conditional Use Permit that authorizes game machines.

Attachment 1 – Strikethrough (language removed) and Underline (language added)



Garrett Langford, AICP
Manager of Planning and Zoning

Proposed Text Amendment

Section 3-203.I. Services

SIC CODE	USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7993	Coin-operated Amusement Gameroom (More than 4 <u>2</u> Machines)		C	C			C	C		C	C	11	Requires building to be located at least 300 feet from any church, school, or hospital and 100 feet from any residential district; Requires one customer restroom each for male and female; Requires licensing. <u>Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires licensing.</u>

Section 3-203.L. Accessory Uses and Structures

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7	Coin-operated Amusement Devices	P	P	P			P	P	P	P	P		Permits a maximum of four <u>two</u> machines. Requires licensing. <u>Requires compliance with 3-507.</u> Classify more than four <u>two</u> machines as <u>a</u> primary use under 7993.

3-507 COIN-OPERATED AMUSEMENT DEVICES

Ord. 4215 / 06-04-2012

In addition to the requirements of Section 3-203, an establishment that includes coin-operated amusement devices, either as a primary use with an approved conditional use permit or as an accessory use permitted-by-right, shall comply with the following regulations:

A. OPEN GAMEROOMS

All gamerooms or other areas of an establishment where coin-operated amusement devices are located and offered for the use and enjoyment of patrons or invitees of the establishment shall be kept open and accessible during business hours. It shall be unlawful and an offense for the proprietor, operator or any on-duty manager of the establishment to close, conceal or prevent, or attempt to close, conceal or prevent, any person from entering or looking with a direct line of sight into a gameroom or other such area by the use of a human or electronic sentinel, or the use of doors, curtains, partitions, walls, counters or other physical or visual obstructions.

B. PRIMARY USE TO BE MAINTAINED

An establishment that includes coin-operated amusement devices as an accessory use permitted-by-right shall at all times actively conduct and maintain the primary use of the establishment as declared on the approved certificate-of-occupancy. The failure to actively conduct and maintain the primary use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises and the certificate-of-occupancy shall be subject to revocation. For purposes of this Section, “actively conduct and maintain” means to occupy not less than fifty percent (50%) of the floor space of the establishment, exclusive of restrooms and storage areas, with displays, racks or shelves stocked with goods, wares, unexpired food or other merchandise for sale to customers or with equipment or furniture necessary for producing goods or providing services to clients in accordance with the approved certificate-of-occupancy. Coin-operated Amusement Devices shall only be permitted as an accessory use to the following principal uses:

SIC	Use
<u>539</u>	<u>Miscellaneous General Merchandise Stores</u>
<u>541</u>	<u>Grocery Stores</u>
<u>549a</u>	<u>Convenience Stores</u>
<u>5812</u>	<u>Restaurants</u>
<u>7215</u>	<u>Coin-Operated Laundries/Dry Cleaning</u>

7832	Movie Theaters
793	Bowling Centers
7999b	Indoor Amusement and Recreation Facilities
864a	Civic, Social, Fraternal Organizations that include Indoor Amusement

C. RETROFITTING REQUIRED

An establishment with coin-operated amusement devices in use on the effective date of this ordinance shall modify or retrofit the premises to comply with the requirements of this Section no later than ~~July 15, 2012~~ [\(new date to be entered\)](#).

D. LOCATOIN NEAR CHURCHES, SCHOOLS OR HOSPITALS

All coin-operated amusement devices are prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school or hospital.