



**PLANNING AND ZONING COMMISSION PRE-MEETING
CITY COUNCIL CONFERENCE ROOM
757 North Galloway Avenue
February 26, 2018 - 6:30 P.M.
To discuss the items on the regular agenda**

**PLANNING AND ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
February 26, 2018 - 7:00 P.M.**

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.

AGENDA

I. APPROVAL OF THE MINUTES OF THE FEBRUARY 12, 2018 MEETING

II. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Conduct a public hearing and make a recommendation to City Council regarding zoning text amendments to Chapter 3-203, Schedule of Permitted Uses; Chapter 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Heavy Load Vehicle Refueling. (ZTA 2018-03)
- B. Consider and make a recommendation to City Council regarding amendments to Section 9-169 the City of Mesquite Code pertaining to new and revised regulations for Heavy Load Vehicle parking at hotels.

III. DIRECTOR'S REPORT

- A. Director's Report on recent City Council action on zoning items at their meeting on February 19, 2018.

At the conclusion of business, the Chairman 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 según el Sub-capítulo H, Capítulo 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 según el Sub-capítulo H, Capítulo 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.

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 February 26, 2018, was posted on the bulletin boards at the Municipal Center and City Hall on February 23, 2018, by 5:00 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.,
FEBRUARY 12, 2018, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Chairman Ronald Abraham, Vice Chair Sherry Williams, Dharma Dharmarajan, Sergio Garcia, Yolanda Shepard, Alternate Debbie Anderson, Alternate Elizabeth Allen

Absent Jennifer Vidler

Staff: Interim Director of Planning & Development Services Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Assistant Senior City Attorney Cindy Steiner, Senior Administrative Secretary Devanee Winn

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

I. APPROVAL OF THE MINUTES OF THE JANUARY 8, 2018 MEETING

A motion was made by Ms. Shepard to approve the minutes with a date correction. Vice Chair Williams seconded and the motion passed unanimously.

II. PUBLIC HEARINGS

- A. Conduct a public hearing and consider a replat of Dr. John D. Horn High School, Block A, Lot 1 submitted by Nathan D Maier Consulting Engineers, Inc. on behalf of Mesquite Independent School District, located at 3300 E. Cartwright Road. (PL0118-0051)**

Manager of Planning and Zoning Garrett Langford briefed the Commissioners. Staff recommended approval with the conditions 1-8 as listed in the staff report. Chairman Abraham opened for public hearing. No one appeared and Chairman Abraham closed the public hearing. A motion was made by Mr. Garcia to approve. Ms. Shepard seconded and the motion passed unanimously.

- B. Conduct a public hearing and consider zoning text amendments to Chapter 2-203, Schedule of Permitted Uses; Chapter 3-200, Use Regulations; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Educational Services including Elementary, Secondary Schools. (ZTA 2017-04) (This item was postpone at the November 27, 2017, and January 8, 2018, Planning and Zoning Commission meetings.)**

Mr. Langford requested that the Commissioners postpone the zoning text amendments until February 26, 2018, Planning & Zoning meeting. A motion was made by Vice Chair Williams to postpone until the February 26, 2018, meeting. Ms. Anderson seconded and the motion passed unanimously.

III. DIRECTOR'S REPORT

- A. Director's Report on recent City Council action on zoning items at their meetings on January 16, 2018, and February 5, 2018.**

Interim Director Jeff Armstrong briefed the Commissioners about the Reception Halls and that it would be discussed by the City Council in their next meeting. There were no other items to discuss.

There being no further items before the Commission, the Chairman adjourned the meeting at 7:15 pm.

Chairman Ronald Abraham



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Jeff Armstrong, AICP, Interim Director of Planning & Development Services

DATE: February 22, 2018

SUBJECT: Amendment to Truck Refueling Ordinance

At the February 26, 2018 meeting, Staff will provide the Commission with proposed revisions to the heavy load vehicle refueling ordinance. In December 2017, the City Council approved ordinance #4528 that, among other things, established regulations for truck fueling and distinguished it from limited fuel sales. Since the ordinance approval, it was determined that there is a need to tighten certain language in the ordinance. Specifically, the need to clarify when or if limited fuel sales and truck refueling may occur on the same lot.

Ordinance 4528 requires any new heavy load refueling business be approved by a conditional use permit in addition to several locational requirements. Staff is proposing new language (draft text attached) that would specify that truck refueling and limited fuel sales are not permitted on the same lot unless approved by a conditional use permit.

A handwritten signature in black ink that reads "Jeff Armstrong".

Jeff Armstrong, AICP
Interim Director of Planning & Development Services

554	Refueling Stations	O	G R	L C		C V	M U	C B	S S	C	I	P K N G S T N D	
a.	Limited Fuel Sales (other than heavy load vehicles)		P	P			P	P	P	P^	P^	1	Requires compliance with 3-504. [^] Requires a CUP when in conjunction with Heavy Load Vehicle Refueling.
b.	Truck Stop												Prohibited in the corporate limits of the City.
c.	Heavy load vehicle refueling									C	C		Requires compliance with 3-504.

C. LIMITED FUEL SALES

Limited fuel sales are permitted in conjunction with the operation of a convenience store in all districts which permit convenience stores. ~~To qualify as limited fuel sales, limited fuel sales shall mean that~~ only one limited service refueling area, generally limited to servicing no more than eight vehicles at a time, ~~is shall be~~ permitted. One pump island with four pumps or two related pump islands with two pumps each shall be deemed to be limited service fueling areas. ~~However, refueling heavy load vehicles is not authorized by this Subsection C and is prohibited in such areas~~ Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.

D. HEAVY LOAD VEHICLE REFUELING

A refueling station for heavy load vehicles may be permitted by Conditional Use Permit in the Commercial and Industrial zoning districts, subject to the following requirements and such other conditions as the City Council may establish:

1. **Access** Refueling stations for heavy load vehicles shall be located on parcels with a principal frontage abutting a federal highway or a designated truck route.
2. **Spacing** A refueling station for heavy load vehicles shall not be located on a parcel that is less than 1,000 feet from another refueling station for heavy load vehicles, or on a parcel that abuts any property zoned or used for residential, or elementary or secondary school purposes, or that is located less than 5,000 feet from any property zoned or used for residential purposes when measured in a straight line between the nearest points where the residential property and the refueling station touch the street right-of-way.
3. **Anti-Idling** Drivers of heavy load vehicles shall comply with the City of Mesquite anti-idling ordinance, if applicable. The owner or operator of the refueling station shall erect and maintain anti-idling signs at locations approved by

the Building Official, which provide reasonable notice to drivers of such ordinance.

4. ***Unmounted Trailers*** Unmounted trailers shall be prohibited on the premises.
5. ***Security*** The refueling station shall provide security personnel during all business hours and operating security cameras at locations throughout the premises as required by the Building Official.
6. ***Parking*** It shall be unlawful for the operator of any heavy load commercial vehicle to park, or for the owner or operator of the refueling station to allow, suffer or permit a heavy load commercial vehicle to park, on the premises of a refueling station in excess of four hours.
7. ***Fuel Sales*** [Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.](#)

REFUELING STATIONS

A commercial establishment that offers combustible fuels such as gasoline, diesel, ethanol, liquefied natural gas or propane for sale to the public for fueling automobiles and sport utility vehicles, recreational vehicles, trucks, commercial, light-load or heavy-load vehicles or similar vehicles, as a primary or accessory use.



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Jeff Armstrong, AICP, Interim Director of Planning & Development Services

DATE: February 22, 2018

SUBJECT: Hotel Truck Parking Ordinance

At the February 26, 2018 meeting, Staff will present to the Commission a proposal to eliminate the hotel truck parking ordinance. This item is not part of the Zoning Ordinance and does not require a public hearing or Planning and Zoning Commission action. However, staff would like to present the proposed change to the Commission. The Commission may at your discretion, make a recommendation to the City Council on this item.

Section 9-169 of the City of Mesquite Code regulates truck parking in Mesquite. Heavy load vehicles are not allowed to park at a hotel unless the hotel has approval from the City Council. The City Code establishes the process and criteria for a hotel owner to request truck parking. The last approval was more than 20 years ago. Only five hotels have ever gotten the approval, one of which no longer exists. The last request from a hotel for truck parking was in March of 2017. The request was denied by the City Council.

The proposed ordinance would eliminate subsection 9-169(b)(1)f of the City Code, thereby eliminating the opportunity for a hotel to request truck parking.

A handwritten signature in black ink that reads "Jeff Armstrong". The signature is written in a cursive, flowing style.

Jeff Armstrong, AICP
Interim Director of Planning & Development Services

Sec. 9-169. - Parking of commercial vehicles in non-compliance with zoning restrictions.

(a) It shall be unlawful for any owner or person in control of a commercial vehicle as defined in this division, or any owner or person in control of property, to leave, park or stand a commercial vehicle, or suffer or permit the leaving, parking or standing of a commercial vehicle upon property within a nonresidential zoning district in any manner that conflicts with provisions of the Mesquite Zoning Ordinance, an approved site plan, a planned development ordinance, a conditional use permit, a variance or special exception, or other development regulation, which restricts, limits or controls the leaving, parking or standing of a commercial vehicle upon such property.

(b) Defenses.

(1) It shall be a defense to prosecution if:

- a. The commercial vehicle is parked or standing for the purpose of expeditiously loading and unloading passengers, freight or merchandise;
- b. The commercial vehicle is parked on an approved surface at a lawfully zoned business establishment, wherein such commercial vehicle is utilized as an integral part of such lawfully zoned business;
- c. The commercial vehicle is a passenger bus parked on a parking lot in an area designated by the owner of the parking lot for the parking of buses, and with the consent of the owner during such period as the bus passengers are attending an event at a facility zoned for such activities, or are customers at a retail center, or in the case of a hotel or motel, during such periods of time that the bus passengers are customers of the hotel or motel;
- d. The commercial vehicle is parked in a designated area at an exhibit or exhibition hall, convention center, entertainment or similar facility when the commercial vehicle is involved in the delivery and removal of equipment, products, merchandise, livestock or other items to and from the facility. All such commercial vehicles must be identified with an official temporary parking permit issued by the facility hosting the event, and must be parked in the area designated for such vehicles. The temporary permit must identify the vehicle to which it is issued by license plate number and state, year, make, model and color, the driver of the vehicle, and the name and date or dates of the event during which the permit is valid;
- e. The commercial vehicle is a truck or trailer no greater than twenty-six (26) feet in length, bumper to bumper, being driven by an individual who has rented the vehicle from a commercial business for the purpose of transporting his personal property from one (1) location to another, and parked for less than twenty-four (24) hours at a motel or hotel while the driver of the vehicle is a customer of the hotel or motel;

~~f. The commercial vehicle is parked in a truck parking area at a motel or hotel within the City, which has been specifically approved for truck parking by the City Council in accordance with the procedures and standards set out below.~~

~~i. Application: An application containing the following information shall be submitted:~~

- ~~a) Specific identification of the property for which the request is made;~~
- ~~b) A detailed site plan of the property showing dimensions and indicating the area(s) for which truck parking is being requested;~~
- ~~c) The maximum number of trucks the proposed area will accommodate;~~
- ~~d) Description and identification of the location of proposed screening and buffering;~~
~~and~~
- ~~e) Other information relevant to the request.~~

~~ii. Notification and hearing: Prior to making a determination concerning the application, the City Council will hold a public hearing to receive input from the applicant, adjoining~~

~~property owners and other interested persons. Owners of property abutting the property described in the application, including properties separated from the subject property by a street or alley, shall be provided written notification at least ten (10) days prior to consideration of the application. Adjoining owners shall be informed of the applicant's request for a truck parking area and be given the opportunity to respond in writing and/or in person at a public hearing.~~

~~iii.— Application review criteria for new hotel or motel: A determination of approval or denial by the City Council shall be based upon an evaluation of the purpose and justification for a truck parking area as stated in the application; the location of the property and proposed parking area in relationship to existing, and proposed and potential uses in the area; the ability to reasonably accommodate truck parking and maneuvering on the site; and other factors affecting on-site circulation and off-site impact. The decision of the City Council shall be final. City Council approval of a truck parking area at a new hotel or motel will include specification of the number of trucks that may be parked in the approved area and require the construction of a standard truck parking area.~~

~~iv.— Application review criteria for an existing hotel or motel: In addition to the criteria set forth for the determination of approval or denial for a new motel or hotel, an existing hotel or motel must demonstrate that their existing parking lot can support and accommodate the use and maneuvering of trucks, that truck traffic will not greatly impact the area, and that requirements concerning the number of spaces required for passenger vehicles will continue to be met. The decision of the City Council shall be final. City Council approval of a truck parking area at an existing hotel or motel will include specification of the number of trucks that may be parked in the approved area. The provisions of this section shall not affect truck parking approved at an existing hotel or motel prior to September 1, 1999.~~

- (2) It shall be a defense to prosecution of the owner or person in control of the commercial vehicle if the commercial vehicle is parked upon an approved parking surface and no sign is erected on the premises giving reasonable notice to the owner or person in control of a commercial vehicle of the applicable zoning restrictions on parking.
- (3) It shall be a defense to prosecution of the owner or person in control of the property if signs are erected on the premises giving reasonable notice to owners or persons in control of commercial vehicles of such zoning restrictions, that the number, size, legibility and location of signs have been approved by the Building Official, and that all signs were present on the premises at approved locations at the time the violation occurred.

(Ord. No. 3322, § 1, 9-20-99; Ord. No. 4460, § 1, 11-21-16)