



T E X A S

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PLANNING AND ZONING DIVISION

FILE NUMBER: Z0722-0247
REQUEST FOR: Conditional Use Permit to allow the outdoor display of vehicles for sale
CASE MANAGER: Garrett Langford, AICP

PUBLIC HEARINGS

Planning and Zoning Commission: Tuesday, September 27, 2022
City Council: Monday, October 17, 2022

GENERAL INFORMATION

Applicant: Scott Harvel
Requested Action: Rezone from Commercial to Commercial with a Conditional Use Permit to allow the outdoor display of used vehicles for sale.
Location: 2828 IH 30, Suite 101

PLANNING AND ZONING ACTION

On Spetember 26, 2022, the Planning and Zoning Commission unanimously recommended approval of the Conditional Use Permit recommended approval with the following conditions:

- 1. Display of vehicles shall be limited to the number of display spaces and display areas as noted on the Concept Plan attached hereto as Exhibit "A". Display spaces and customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.
2. Any vehicle for sale shall be operable and maintained in good condition.
3. No vehicle for sale shall have body damage greater than four inches in diameter.
4. Painted repairs shall match the paint on the rest of the vehicle.
5. Any vehicle for sale shall not have broken or cracked windows.
6. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
7. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the secured area behind the building on a paved surface as shown in Exhibit A or inside of a structure.
8. Prices shall not be painted or drawn in any way on the vehicles, including the windows.

SITE BACKGROUND

Platting: Castle Ridge Heights 1, Block D, Lot 6
Size: 3.45 Acres
Zoning: C - Commercial

Future Land Use: Commercial

Zoning History: 1954: Annexed into City of Mesquite and zoned Residential.
1964: Rezoned to Commercial

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	IH-30	IH-30
SOUTH:	R-3, Single Family Residential	Casa Ridge Heights Subdivision
EAST:	C - Commercial	Automobile-related use
WEST:	C - Commercial	Automobile-related use

CASE SUMMARY

The applicant is leasing a 3,450 square-foot tenant space at the recently constructed All-trade development located at 2828 IH-30 to sell late model, low mileage used vehicles. The applicant requests a Conditional Use Permit to allow the outdoor display of used vehicles for sale. The proposed CUP would allow the outdoor display of up to 16 used vehicles for sale, as shown on the concept plan. The applicant will service the vehicles within the tenant space and will locate the vehicles within a fenced area after hours.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the future land use of the subject property as Commercial and within the Corridor Development area. The Commercial land use designation represents a broad range of goods and services for a community or region. Developments in this category are larger and more intense than those in the Neighborhood Retail category. The Corridor Development designation represents commercial development that is located along a major corridor. Developments within these corridors are highly visible and enhanced landscaping and public art are encouraged in this area. Compatible land use types for this area include retail, hotels, restaurants, big box retailers, entertainment, and personal services.

STAFF COMMENTS:

The CUP to allow late model used vehicle sales is consistent with the Mesquite Comprehensive Plan's Commercial land use designation. The proposed use would be along a major highway, Interstate 30, and serve as a regional retailer for automobile sales. Staff is recommending stipulations to ensure that the display of used vehicles meets the expectations of the Corridor Development area.

MESQUITE ZONING ORDINANCE

SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS

1. Existing uses

The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

STAFF COMMENTS:

It is staff's opinion that the proposed CUP will not be injurious to the surrounding uses. The applicant provided a plan showing the location of the proposed outdoor display area. It is staff's opinion, that the proposed operation will not affect the surrounding property or the adjacent tenants located within the development.

2. Vacant Properties

The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

STAFF COMMENTS:

Staff does not anticipate the request to impact the normal and orderly development and improvement of any nearby vacant property negatively.

3. Services

Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

STAFF COMMENTS:

The applicant will be required to provide adequate utilities, access roads and drainage facilities to the site.

4. Parking

Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

STAFF COMMENTS:

The structure on the subject site is 50,433 square feet. Per the parking requirements found in the MZO, a total of 113 parking spaces are required for the office/warehouse development. The parking requirement for the proposed auto sales (1 space /per 10,000 square feet of display area) and vehicle services (1 space per 500 square feet floor area) is 6 spaces. The property provides 176 parking spaces. The applicant will use 16 parking spaces for outdoor display. The remaining number of parking spaces, 160 parking spaces, exceeds the minimum number of required parking spaces of 119.

5. Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.

STAFF COMMENTS:

Staff does not anticipate disturbances to neighboring businesses or residences as a result of the limited outdoor display of used vehicles, provided that the vehicles are in good condition.

CONCLUSIONS

Staff does not anticipate the proposed CUP to allow a small outdoor display area of used vehicles to have a negative impact on the area.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit to allow used vehicle sales, located at 2828 IH 30, with the following stipulations:

1. Display of vehicles shall be limited to the number of display spaces and display areas as noted on the Concept Plan attached hereto as Exhibit "A". Display spaces and customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.
2. Any vehicle for sale shall be operable and maintained in good condition.
3. No vehicle for sale shall have body damage greater than four inches in diameter.
4. Painted repairs shall match the paint on the rest of the vehicle.
5. Any vehicle for sale shall not have broken or cracked windows.
6. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
7. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the secured area behind the building on a paved surface as shown in Exhibit A or inside of a structure.
8. Prices shall not be painted or drawn in any way on the vehicles, including the windows.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has received two returned notices in opposition to the request.

CODE CHECK

The Alltrade development was recently completed and has obtained Certificates of Occupancy for the shell buildings. Currently, there is no record of an open code violation for the property.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Application Materials
6. Concept Plan
7. Site Photos
8. Police Department Inspection Form

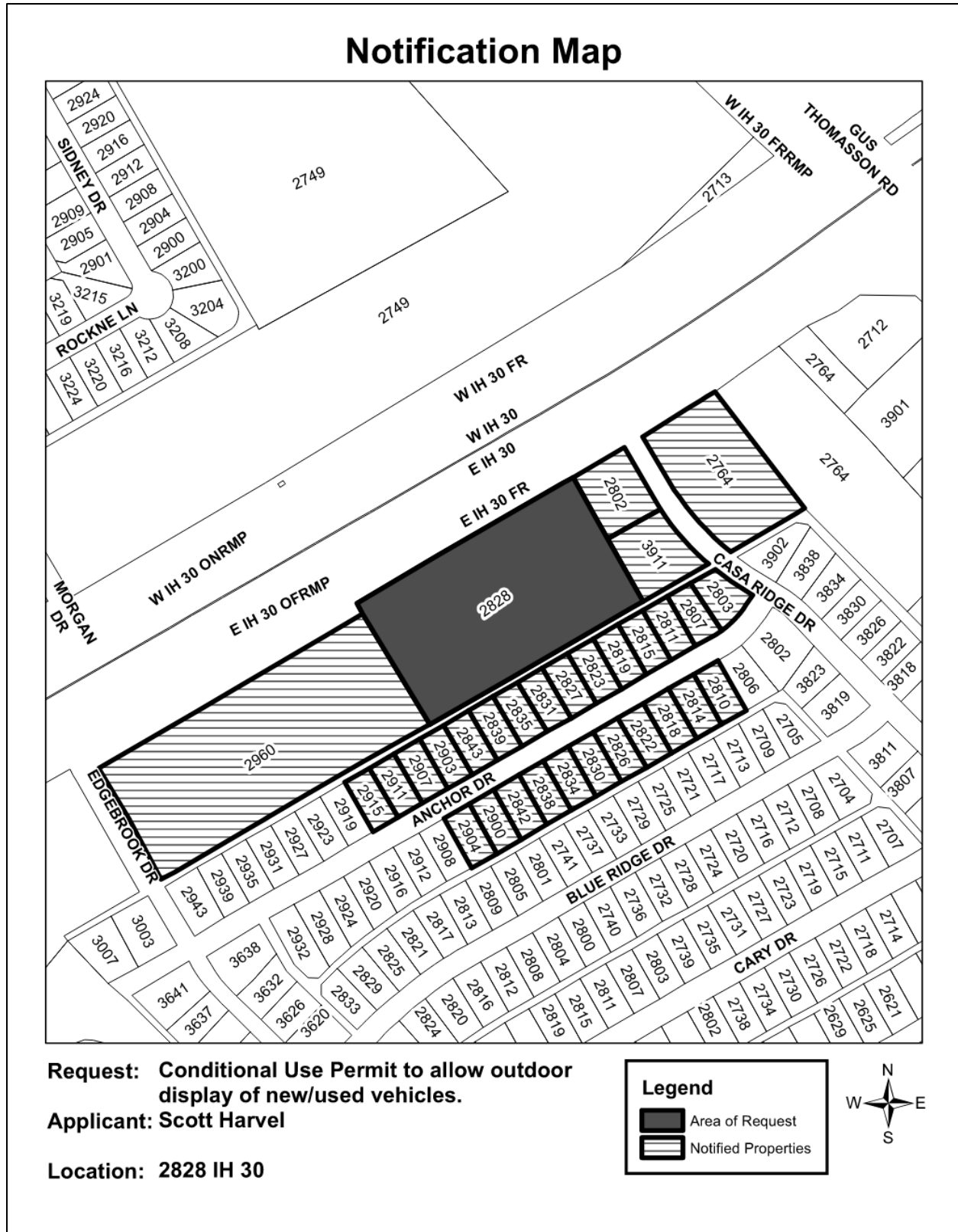
Aerial Map



Request: Conditional Use Permit to allow outdoor display of used vehicle sales.
Applicant: Scott Harvel
Location: 2828 IH 30

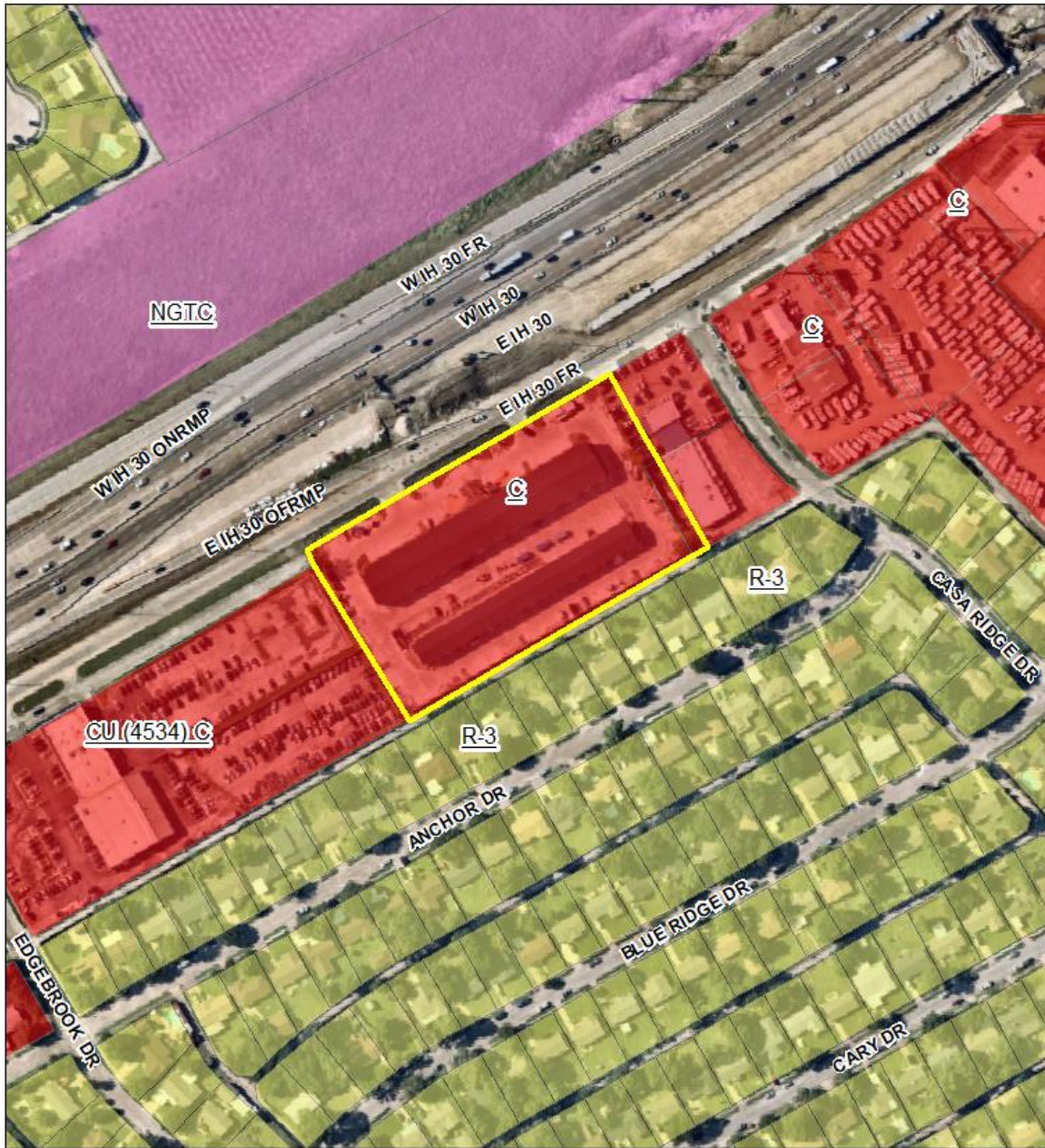
Legend
2828_IH_30





ATTACHMENT 3 – ZONING MAP

Zoning Map



Legend

	Area of Request		NORTH GUS THOMASSON CORRIDOR		SINGLE FAMILY RESIDENTIAL
	COMMERCIAL				







Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/17383/Conditional-Use-Permit-Application>

Application Checklist

- Completed Application Statement of Intent and Purpose Zoning Exhibits A & B
- Owner Authorization (page 6) Application Fee*

**Fee will be assessed at time of application submittal (\$800/\$1,000).*

Property Information

General Location: Interstate 30 and Casa Ridge Drive
Physical Address: 2828 Interstate 30 City, State: Mesquite, Texas
Zip Code: 75150
Platted: Yes No (If yes, fill in information below)
Subdivision: Casa Ridge Heights No .1 Block: D Lot: 6

Applicant Information – The person filling out the application

First Name: Scott Last Name: Harvel
Phone Number: 972-765-8058 Email Address: scott.harvel@aol.com
Company Name: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
First Name: _____ Last Name: AIP MESQUITE, LLC
Phone Number: 855-255-8723 Email Address: ted.rea@855AllTrades.com
Mailing Address: 1504 Eagle Court, Suite 9, Lewisville City, State: Texas
(If different from physical address)
Zip Code: 75057

Requested Action

Existing district classification: (Select all that apply)

Residential Zoning Districts

- AG – Agricultural R-1 – Single Family R-1A – Single Family R-2 – Single Family
- R-2A – Single Family R-3 – Single Family D – Duplex Multifamily (less than 25 units)
- Traditional Neighborhood Mixed Residential (TNMR)
- Other: _____

Non-Residential Zoning Districts

- O – Office GR – General Retail LC – Light Commercial MU – Mixed Use
- CB – Central Business SS – Service Station C – Commercial I – Industrial
- CV – Civic
- Other: _____

Describe the proposed Conditional Use Permit and the purpose of the request using the space below. You may use a separate sheet if necessary. The following should be included:

1. Description of project uses.
2. If the property is currently developed, list all active businesses on the property with a brief description of each.
3. Address how the requested conditional use permit complies with the [Mesquite Comprehensive Plan](#).

Under Commercial zoning, motor vehicle dealers (new and/or used) requires a Conditional Use Permit. For the newly developed property at 2828 Interstate 30, the Applicant is looking to lease a corner unit for the sale of lower mileage, late model vehicles. As part of operations, vehicles in inventory will be serviced here. Inventory of cars will not negatively affect parking for the development and will be moved in the rear at night within the secure gated parking area directly behind the leased space. The Applicant and Landlord have coordinated to ensure that the use and day to day operations will not negatively impact the development or neighboring properties in any form.

ATTACHMENT 5 – APPLICATION MATERIALS

Address how the request meets the approval criteria in [Section 5-303](#) of the Mesquite Zoning Ordinance, outlined below.

1. **Existing Uses:** That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. **Vacant Properties:** That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.
3. **Services:** That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Conditional uses in residential districts shall generally require direct access to an arterial street.
4. **Parking:** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.
5. **Performance Standards:** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

You may use a separate sheet if necessary.

1. Existing Uses: The Conditional Use is consistent with other properties in the immediate area for purposes already permitted. Specifically, auto sales/finance/servicing will not be injurious to the use and enjoyment of other properties in the immediate area.

2. Vacant Properties: The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. As a new developed property with no vacant properties within the immediate area, there will not be a negative impact.


3. Services: Adequate utilities, access roads, drainage, and other necessary facilities are being provided.

4. Parking: Adequate measures have been taken with the developer/landlord to ensure that the operations of this business will not negatively affect the rest of the development. Sufficient off-street parking is available at this facility.

5. The Applicant's business will not generate offensive odors, fumes, dust, noise, and vibration and no lighted signs will be permitted on the property by the landlord. Operations of this business will not disturb or be a nuisance to neighboring properties.

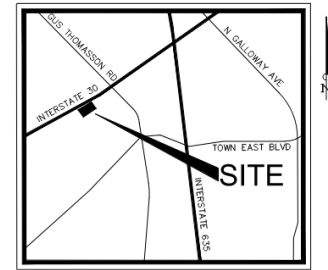
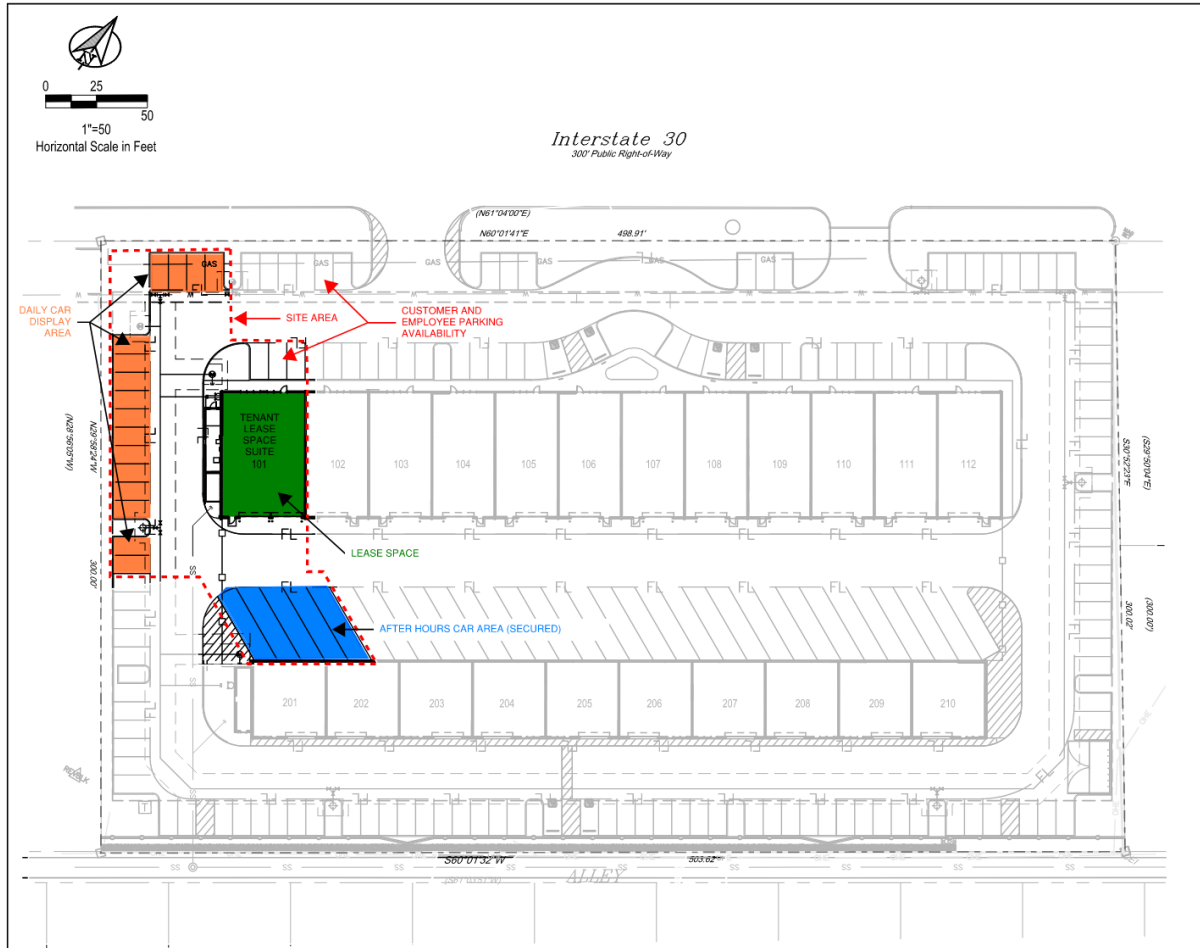
OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Conditional Use Permit Application.

Property Owner: AIP Mesquite, LLC Phone Number: 855-255-8723
Address: 1504 Eagle Court, Suite 9
Lewisville Texas 75057 Email Address: ted.rea@855AllTrades.com
Signature:  _____

Each property owner must complete a separate authorization form

ATTACHMENT 6 – CONCEPT PLAN



VICINITY MAP
 N.T.S.
 MAPSCO GRID: 49A-H

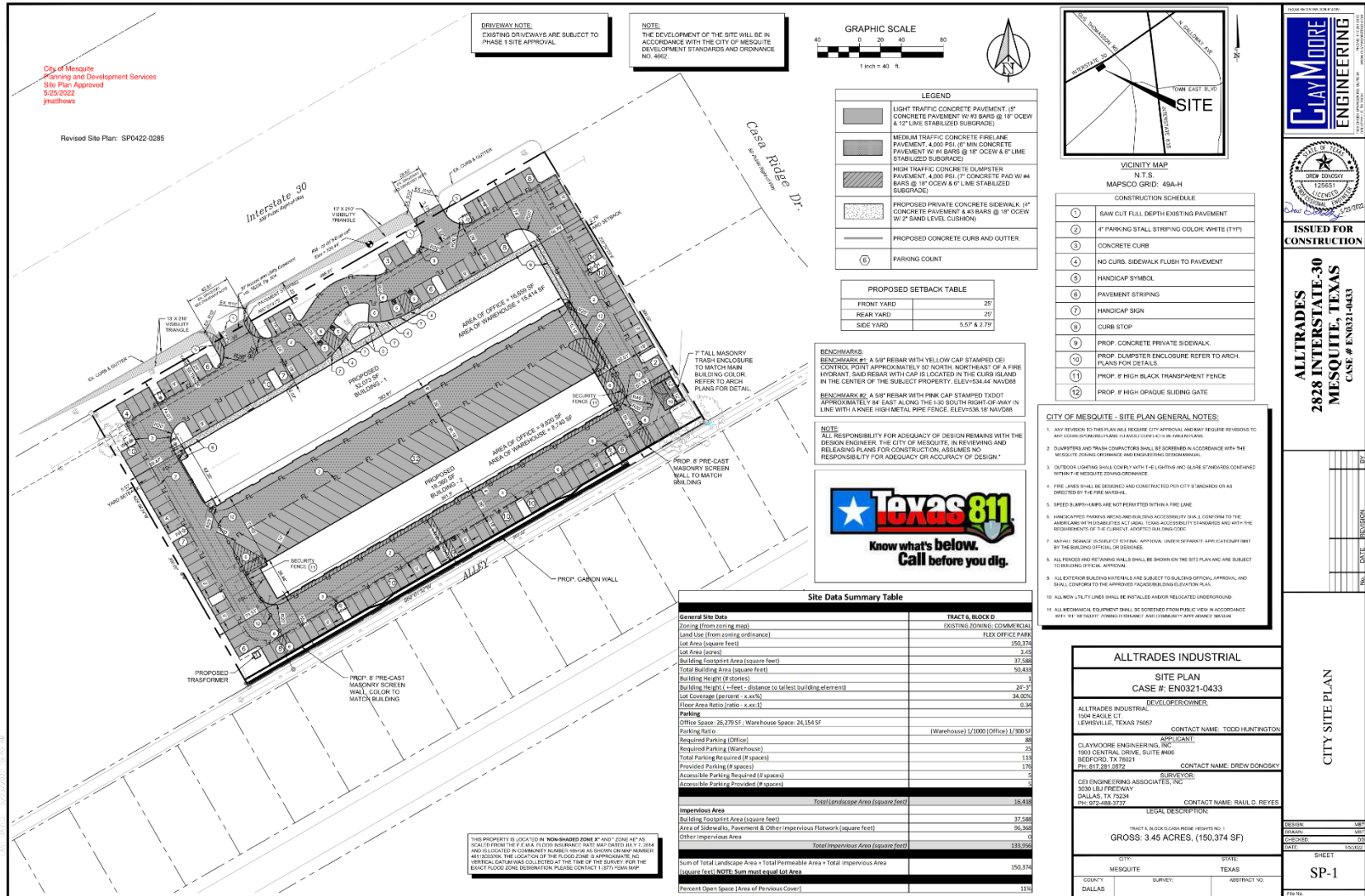
Site Data Summary Table	
General Site Data	TRACT 6, BLOCK D
Zoning (from zoning map)	EXISTING ZONING: COMMERCIAL
Land Use (from zoning ordinance)	FLEX OFFICE PARK
Lot Area (square feet)	150,374
Lot Area (acres)	3.45
Building Footprint Area (square feet) Suite 101	3,420
Total Building Area (square feet)	50,433
Building Height (# stories)	2
Building Height (in feet - distance to tallest building element)	24'3"
Lot Coverage (percent - a.xx%) Suite 101	2.30%
Floor Area Ratio (ratio - a.xx:1) Suite 101	0.823
Parking	
Auto sales: 1,800 SF; Vehicle services: 1,650 SF; Site area per dashed line: 15,430 SF	
Parking Ratio (Auto sales) 1:110,000 SF site area (Vehicle services) 1:500 SF floor area	
Required Parking (Auto sales)	2
Required Parking (Vehicle services)	4
Total Parking Required (if spaces)	6
Provided Parking (if spaces)	21
Landscape Area and Impervious Area for Entire Site	
Total Landscape Area (square feet)	36,438
Impervious Area	
Building Footprint Area (square feet)	37,588
Area of Sidewalks, Pavement & Other Impervious Flatwork (square feet)	96,368
Other Impervious Area	0
Total Impervious Area (square feet)	133,956
Sum of Total Landscape Area + Total Permeable Area + Total Impervious Area (square feet) NOTE: Sum must equal Lot Area	200,374
Percent Open Space (Area of Pervious Cover)	13%

2828 IH 30 SUITE 101 - Z0722-0247

**ZONING CONCEPT PLAN
 CONDITIONAL USE PERMIT**

PROPERTY OWNER
AIP MESQUITE, LLC 1504 EAGLE COURT, SUITE 9 LEWISVILLE, TX 75057 TED REA - 855-255-8723
APPLICANT / TENANT
SCOTT HARVEL 972-785-8058 SCOTT.HARVEL@AOL.COM
SURVEYOR
CEI ENGINEERING ASSOCIATES, INC 3030 LBJ FREEWAY DALLAS, TX 75234 972-488-3737
LEGAL DESCRIPTION
TRACT 6, BLOCK D, CASA RIDGE HEIGHTS NO. 1 GROSS: 3.45 ACRES (150,374 SF)

ATTACHMENT 7 – ALLTRADE SITE PLAN





Suite 101



Location of Outdoor Display



Location of four outdoor display spaces



After hours location of vehicles



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING REVISED

LOCATION: 2828 IH 30, Suite 101
(See attached map for reference)
FILE NUMBER: Z0722-0247
APPLICANT: Scott Harvel
REQUEST: From: Commercial
To: Commercial with a Conditional Use Permit

The requested Zoning Change for a Conditional Use Permit (CUP) will allow outdoor display of new/used vehicles located at 2828 IH 30.

A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1250/Zoning-Ordinance. Please note that the City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) be nonresidential when the one requested is for a residential use or vice versa.

*not in favor if structure
Higher than 2 stories!*

LEGAL DESCRIPTION
Castle Ridge Heights 1, Block D, Lot 6

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **September 26, 2022**, in the City Council Chambers of City Hall located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, **October 17, 2022**, in the City Council Chambers located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6343 or glangford@cityofmesquite.com

REPLY FORM

State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice. As a property owner within 200 feet of the property, you are urged to give your opinion on the request by attending the public hearing or by completing the form below or both. Your written reply is important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5 p.m. on **September 22nd** to be included in the Planning and Zoning Commission packet and **September 30th** to be included in the City Council packet. All notices received after the listed dates will still be accepted and presented to Commission/Council, but will not be included in meeting packets.

(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z0722-0247

I am in favor of this request

I am opposed to this request

Name:(required) Warren H. Nobles & Elizabeth Hackworth
Address of 2830 Anchor Dr.
Noticed Property:
Owner Signature: Elizabeth Hackworth Date: 9/16/22

Reasons (optional):

Not in Favor if structure is Higher than
2-stories!

Please respond by returning to: PLANNING DIVISION
Garrett Langford
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
SEP 21 2022
PLANNING AND ZONING



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING REVISED

LOCATION: 2828 IH 30, Suite 101
(See attached map for reference)
FILE NUMBER: Z0722-0247
APPLICANT: Scott Harvel
REQUEST: From: Commercial
To: Commercial with a Conditional Use Permit

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(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z0722-0247

I am in favor of this request

I am opposed to this request

Name:(required) LILY KENNEDY
Address of 2907 ANEFFOR DR.
Noticed Property:
Owner Signature: Lily Kennedy Date: 9-21-22

Reasons (optional):

ALL I SEE NOW IS A WALL OF
JUNK CARS WHERE RODENTS
MAKE IT THEIR HOME

Please respond by returning to: PLANNING DIVISION
Garrett Langford
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
SEP 26 2022
PLANNING AND ZONING