

**FILE NO.:** Z0918-0066

**P&Z HEARING DATE:** May 13, 2019

**COUNCIL DATE:** June 3, 2019

**GENERAL INFORMATION**

**APPLICANT:** Alex Ayagh, Alex Auto Repair & Tire Service  
**REQUESTED ACTION:** Conditional Use Permit to allow the sale of used tires.  
**LOCATION:** 2532 E. US Highway 80

**SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The subject property is an approximately 21,762 square foot lot located on E. U.S. Highway 80 frontage and is zoned “C”, Commercial.

**SURROUNDING LAND USE AND ZONING (see attached map):**

	<b>Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	U.S. Highway 80	Highway
<b>South</b>	“R-3” – Single-Family	Single-Family Homes
<b>West</b>	“C” Commercial	Wheel and Tire Shop
<b>East</b>	“C” Commercial	Dental and auto insurance office

**ZONING HISTORY**

1951: Annexed and zoned Residential  
 1959: Rezoned to Local Retail  
 1964: Rezoned to Commercial by Comprehensive Zoning Ordinance #560  
 1973: Rezoned to Service Station with adoption of Comprehensive Zoning Ordinance #1135  
 1983: Zoning change request for Commercial was approved; however, Ordinance was never prepared.  
 1985: Rezoned to Commercial

**PLATTING:** Big Town Estates 3, Block 3, PT Lot 20

**GENERAL:** The applicant is requesting a Conditional Use Permit (CUP) to allow for the sale of used tires at Alex Auto Repair and Tire Services. The main operation of the business will continue to be oil changes, air conditioning services, minor automotive repair, and state automobile inspections. The applicant currently sells new tires along with the repair business. The applicant plans to store approximately 50 used tires within the screened storage space behind the auto shop, with no display of tires outside the building. According to Mr. Ayagh, his business will assist travelers along Highway 80 that experience flat tires. His shop will offer used tires as new ones can at times be too expensive for the untimely inconvenience. The applicant owns the subject property as well as the automotive business and has been in operation for seven years.

**STAFF COMMENTS**

**Mesquite Comprehensive Plan**

The Mesquite Comprehensive Plan designates the subject property as Corridor Business. The Plan describes the intent of the Corridor Business designations in the Development Areas as follows:

*This Corridor Business designation incorporates the frontages along the freeways and highway corridors which provide the highest levels of regional accessibility and thereby provide appropriate locations for a variety of business and commercial uses serving both regional and community customers, as well as highway related uses serving travelers through the area. This area may accommodate light industrial uses. Small-scale storage yards of an incidental, secondary nature which are effectively screened from public view may be accommodated, as they are necessary for many of the business and contractor services which might locate in the corridors.*

**Mesquite Zoning Ordinance Sec. 5-303: Review Criteria for Conditional Use Permits (Staff comments are provided below each criteria.)**

**1. Existing Uses**

*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.*

**The subject property is located within “C” commercial zoning district and adjacent to another tire business. The surrounding nonresidential uses include a dental office and an auto insurance office to the east. To the south is a single-family subdivision. The proposed use is compatible with surrounding nonresidential uses. The proposed use also conforms to the Commercial zoning of the subject property as well as to the Comprehensive Plan. Staff does not anticipate that the sale of used tires with stipulations would adversely impact the surrounding 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.*

**Staff does not expect this proposed use to impact the development or redevelopment of any nearby property.**

**3. Services**

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

**Adequate utilities, access roads, and drainage facilities exist on site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit.**

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### 4. Parking

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

**The parking lot contains sufficient parking spaces to accommodate the current operating business.**

### 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 disturbance to neighboring properties will result.*

**Staff anticipates no disturbances to neighboring properties as a result of the proposed use.**

### **Analysis**

Conditional Use Permit to allow for the sale of used tires is consistent with the future land use designation of the Comprehensive Plan as well as the existing zoning district. The proposed use is an additional amenity to an existing light automotive repair and service business. Screened storage of all tires will allow for minimal visual impact on the property and surrounding area. Staff does not anticipate any adverse impacts from the proposed use on the surrounding uses or properties.

## **RECOMMENDATIONS**

Staff recommends approval of the request to allow the sale of used tires with the following stipulation:

1. Any outdoor display of tires shall be prohibited.

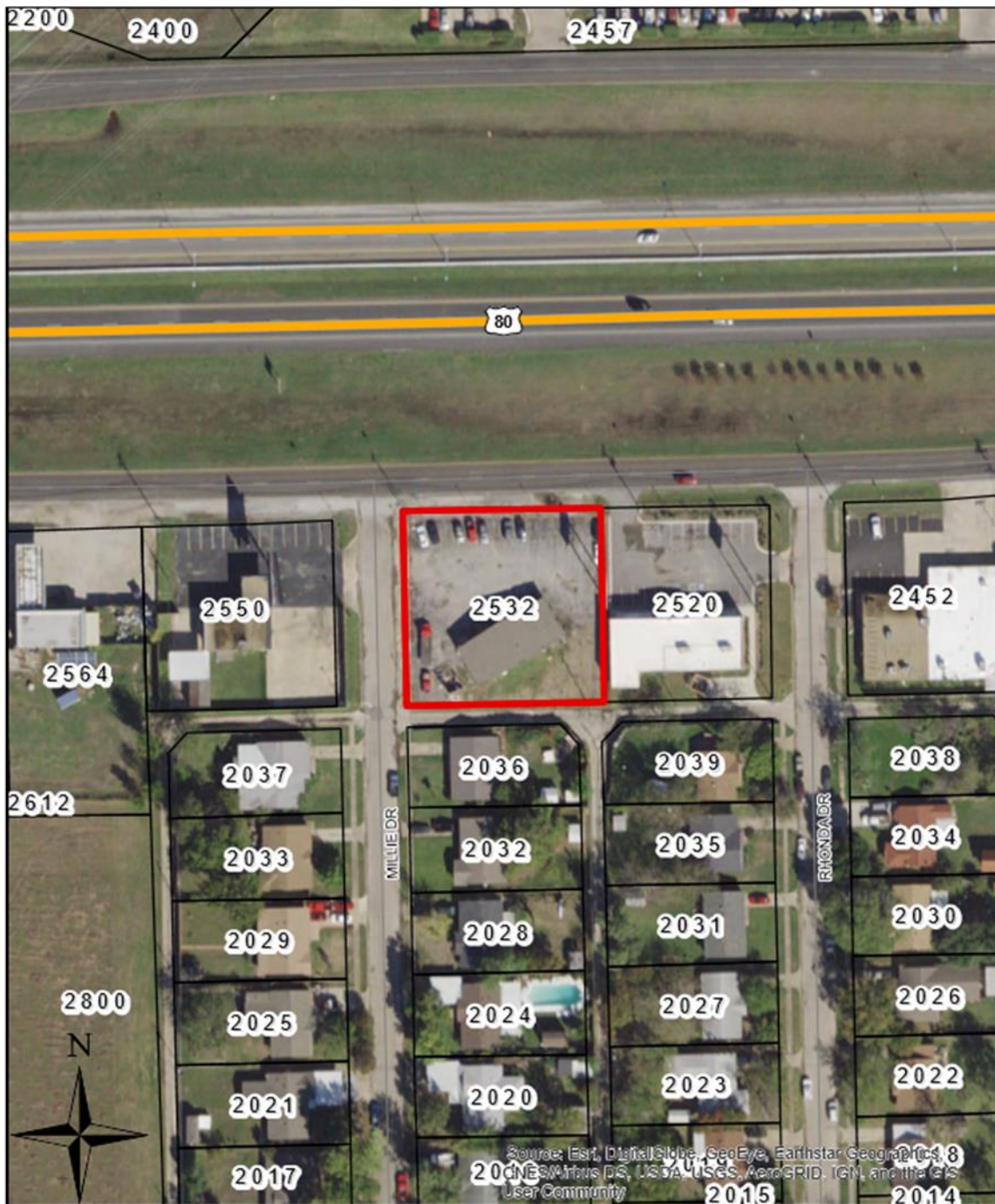
## **PUBLIC NOTICE**

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices from property owners within 200 feet of the subject property.

## **ATTACHMENTS**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Site Pictures

ATTACHMENT 1 – AERIAL MAP



**Request:** Conditional Use Permit to allow for the sale of used tires.

**Applicant:** Alex Ayash

**Location:** 2532 US HWY 80 E.

**Legend**

 Subject Property

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





**Request:** Conditional Use Permit to allow for the sale of used tires.

**Applicant:** Alex Ayagh

**Location:** 2532 US HWY 80 E.

**Legend**

-  Subject Property
-  Notified Properties



ATTACHMENT 3 – ZONING MAP



**Request:** Conditional Use Permit to allow for the sale of used tires.

**Applicant:** Alex Ayash

**Location:** 2532 E. U.S. HWY 80

**Legend**

 Subject Property

**ZONING RECLASSIFICATION**

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**ATTACHMENT 4 – APPLICATION**

<b>CITY OF MESQUITE ZONING APPLICATION</b>	Receipt No. _____	Date Stamp: 9-10-18
	Fee: _____	
	Case Manager: _____	2018-0006

**REQUESTED ACTION:**

Change District Classification to: _____	Conditional Use Permit for: <u>Used Tires</u>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <u>we do want to sale used Tires because some time customer dont have money to pay for new tires</u>		

**SITE INFORMATION/GENERAL LOCATION:**

**LOCATION/LEGAL DESCRIPTION:**

Current Zoning Classification: _____ Site Size: _____ (Acres or Square Feet) Address (if available): _____ General Location Description: _____	Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: Abstract: _____ Tract: _____
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**APPLICANT INFORMATION:**

Contact: <u>Alex Ayash</u>	Phone: <u>(972) 216-0800</u>
Company: <u>Alex Auto Repair &amp; Tire Services</u>	Fax: _____
Address: <u>2532 US Highway 80 E Mesquite TX 75149</u>	E-mail: <u>Alexauto80@yahoo.com</u> <small>(Required)</small>
Signature: <u>Alex</u>	Owner <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>

**OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:**

1. I hereby certify that I am the owner or duly authorized agent of the owner, of the subject property for the purposes of this application.

2. I hereby designate the person named above as applicant, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite in the processing of this application.

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 1) Erecting, maintaining, or removing "Change of Zoning" signs, which indicate that a zoning amendment is under consideration and which indicate how further information may be obtained, and 2) 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 the erecting, maintaining, or removal of said signs or the taking of said photographs.

Owner: <u>Alex Ayash</u>	Phone: <u>(972) 216-0800</u>
Address: <u>2532 US Highway 80 E mesquite TX 75149</u>	Fax: _____
Signature: <u>Alex</u>	E-mail: <u>Alexauto 80@yahoo.com</u>

Alex Auto Repair  
2535 US Highway 80E

Mesquite Tx 75149

(972)-216-0800

Alex Auto Repair Been on Business Since 2011 . we do our best to taken care of our customer and we will like to sale used tires to help our customer who cannot afford the new tires.

Alex Auto repair what we do

we do light mechanic

Brake & rotor Oil change New tires tune ups , A/c Service State inspection and other light mechanic And, we will Like to sale a used tires As well

The reason sometimes customers cannot afford the new ones. Their for we like to sale them we do have the place where to storage the new tires and used ones in the container

Thank you

Alex Ayagh

(972)216-0800

Alexauto80@yahoo.com



ATTACHMENT 5 – SITE PICTURES



Front view of the subject property from U.S. 80 Frontage Road



Rear view of the property showing screened area for storage.