

**FILE NO.:** Z0818-0058

**P&Z HEARING DATE:** September 10, 2018

**COUNCIL DATE:** October 1, 2018

**GENERAL INFORMATION**

**APPLICANT:** Chris Frerich, Eikon Consulting, on behalf of Golden Chick

**REQUESTED ACTION:** Rezone from R-1, Single-Family Residential to "GR" General Retail to allow a restaurant.

**LOCATION:** 120 W. Cartwright Rd.

**SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The subject property is 1.01 acres and is part of a 3.14 acres undeveloped tract of land. The proposed rezoning request applies to the 1.01 acres located at the western end of the property fronting on Cartwright Rd. The subject property is zoned R-1, Single-Family Residential.

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

	Land Use	Zoning
North	Homes	Single-Family Residential
South	Retail Strip Center	General Retail – Planned Development "PD-GR" No. 3688
East	Drive-In Restaurant	General Retail – Planned Development "PD-GR" No. 3873
West	Commercial Offices	General Retail – Planned Development "PD-GR" No. 4356

**ZONING HISTOY:** 1959: Annexed and zoned Residential  
1984: Request to rezone to General Retail denied without prejudice

**PLATTING:** Property is unplatted. Platting will be required with the development.

**GENERAL:** The applicant is requesting a Zoning Change to accommodate future development of a fast-food restaurant; however, the request would also allow a developer to use for property any uses allowed-by-right in the General Retail zoning district.

The portion of land that the applicant is looking to rezone to General Retail is part of a larger tract of land zoned R-1, Single Family Residential. The applicant is proposing to rezone and develop only the westernmost portion of the tract

located between two other PD-General Retail zoned parcels fronting Cartwright Rd.

## **STAFF COMMENTS**

### **Mesquite Comprehensive Plan**

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

The General Business designation is utilized in both the Community Areas and the Development Areas to designate areas primarily providing services to residents of the surrounding sectors of the City. In the Development Areas, this designation is used to indicate locations where business use is appropriate, but where the relationship to neighborhoods warrants a more limited business scope. The designation is generally assigned along the fringe of the Development Areas, indicating that goods and services should be oriented to the surrounding community, although some regional services may be included. The community orientation means that certain types of uses acceptable in other parts of the Development Areas will not be appropriate in these locations. Uses which are generally not appropriate in these locations include entertainment/recreation, highway related uses, outdoor display lots and outdoor storage yards.

### **Zoning Ordinance Sec. 3-101: Nonresidential Districts Established and Purpose**

The Mesquite Zoning Ordinance (MZO) describes the purpose of the General Retail designation:

The GR district is established to accommodate the sale of convenience goods and personal services primarily for persons residing in the surrounding neighborhoods.

### **Analysis**

General Business designation located within low-density Community Areas is intended for low impact business uses to deliver goods and services to the surrounding neighborhoods. The purpose of the General Retail zoning district is to "accommodate the sale of convenience goods and personal services primarily for persons residing in the surrounding neighborhoods." Rezoning the subject property to General Retail is in keeping with the Comprehensive Plan. Staff's review of the request finds the subject property's high visibility and frontage on a major arterial conducive for a commercial development making it suitable for General Retail zoning.

There is an existing tree line along the north property line of the subject property that screens the rear yard of a home that abuts the subject property. If City Council approves the Zoning Change, then the property will be subject to all development standards applying to General Retail districts including masonry screening wall when adjacent to residential. The applicant is, however, requesting a screening wall variance along the eastern property line, north of the

Taco Bell site. City Council will consider the screening wall variance at the City Council on October 1, 2018.

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### **RECOMMENDATIONS**

Staff recommends approval of the requested Zoning Change from R-1, Single-family Residential to GR, General Retail.

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### **PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff received 2 returned notices from property owners within 200 feet of the subject properties, 1 in favor and 1 in opposition.

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### **ATTACHMENTS**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Returned Public Notices
- 5 – Property Legal Description
- 6 – Site Pictures

Attachment 1 – Aerial Map



**Request:** Rezoning change from "SF" Single Family Residential to "GR" General Retail  
**Applicant:** Chris Frerich, Eikon  
**Location:** 120 W. Cartwright Rd.



**Legend**  
 Subject Property

**Attachment 2 – Public Notification Map**

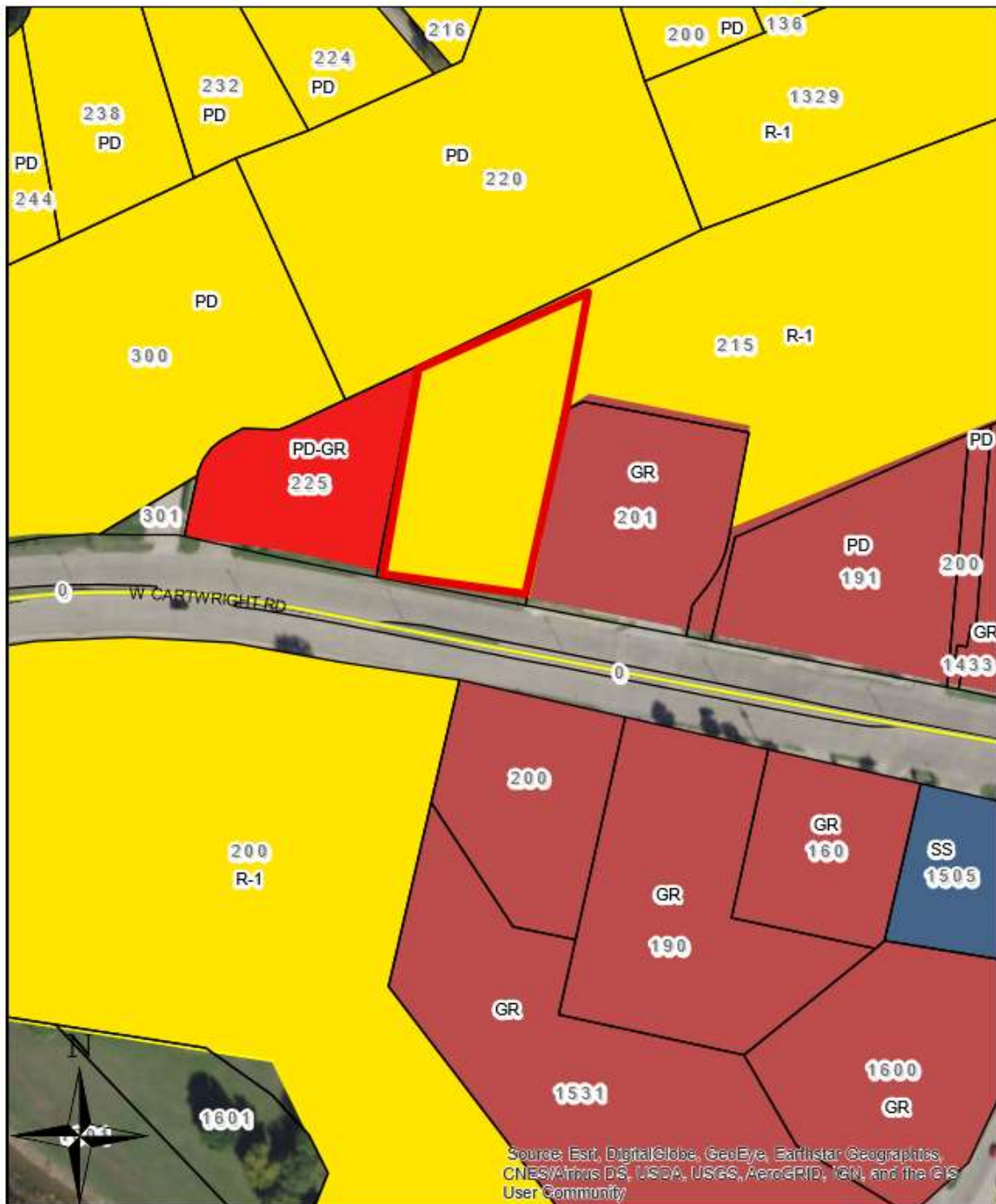


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**Legend**

-  Subject Property
-  Notified Properties

Attachment 3 – Zoning Map



**Request:** Rezoning change from "SF" Single Family Residential to "GR" General Retail  
**Applicant:** Chris Ferich, Eikon  
**Location:** 120 W. Cartwright Rd.

**Legend**  
 Subject Property

Zoning Case: Z0818-0058  
I am in favor of this request  ✓  
Name (required) Leslie Gockler  
Address (required) 136 Riggs Circle July 9/5/18  
I am opposed to this request   
Reasons (optional):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**RECEIVED**  
SEP 07 2018  
PLANNING AND ZONING

(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z0818-0058  
I am in favor of this request   
Name (required) SARAH CURTIS  
Address (required) 200 Riggs  
I am opposed to this request  X Mesquite TX 75149  
Reasons (optional):  
THIS LOCATION WILL BRING DOWN  
PROPERTY VALUES IF ANOTHER FAST  
FOOD LOCATION IS BUILT ON THIS LOCATION

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

**RECEIVED**  
SEP 07 2018  
PLANNING AND ZONING

**ATTACHMENT 5 – Property Legal Description**  
**NORTH AMERICAN TITLE INSURANCE COMPANY**

Commitment Number: 14701-18-02302

**LEGAL DESCRIPTION**

Legal description of the land:

**BEING** a 1.011 acre tract of land situated in the W. H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, and being part of a called 28.42 acre tract described in a deed to S. H. Whitehurst & S. Huey Whitehurst, Jr. recorded in [Volume 5503, Page 365](#). Deed Records, Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a point for corner in an existing sanitary sewer manhole at the intersection of the north right-of-way line of Cartwright Road (a 100 feet right-of-way), with the west line of Lot 4, Block A, of Bruton-Beltline Retail Addition, Block A, Lot 4, an Addition in the City of Mesquite, according to the Plat thereof recorded as Inst. No. 201100210563. Map Records, Dallas County, Texas, from which a 1/2" iron rod found for reference bears South 12°31'35" West for a distance of 1.72 feet:

THENCE North 77°19'13" West along the north right of way line of said Cartwright Road, a distance of 155.29 feet to a 5/8" iron rod with a plastic cap stamped "RPLS 3963" set for corner at the southeast corner of Lot 3, Block A, Bruton-Beltline Retail Addition, Block A, Lot 3, an addition of the City of Mesquite, according to the Plat thereof recorded in [Volume 88157, Page 297](#), Map Records, Dallas County, Texas, from which a 3/8" iron rod found for reference bears North 58°43'22" East, for a distance 4.04 feet:

THENCE North 12°34'53" East, along the east line of said Lot 3, a distance of 224.18 feet to a 3/8" iron rod found for corner at the northeast corner thereof, said point being in the north line of said Whitehurst tract common to the south line of Lot 17B, Block A, a Replat of Lot 17, Block A, Lake Park East Estates, an addition of the City of Mesquite, according to the Plat thereof recorded in [Volume 81151, Page 2281](#), Map Records, Dallas County, Texas:

THENCE North 65°05'52" East, along the common line of last mentioned tracts, a distance of 195.28 feet to a 5/8" iron rod with a plastic cap stamped "RPLS 3963" set for corner:

THENCE South 12°31'35" West, at 142.11 feet, passing a 1/2" iron rod found for corner at the northwest corner of said Lot 4, and continuing with the west line thereof for a total distance of 343.28 feet to the **PLACE OF BEGINNING** and containing 1.011 acres of land or 44,024 square feet.

The Company is prohibited from insuring the area or quantity of the land. Any Statement in the legal description contained in Schedule A as to area or quantity of land is not a representation that such area or quantity is correct but is for informal identification purposes and does not override Item 2 of Schedule b hereof.



**Attachment 6 – Site Pictures**



**View of subject property looking north from Cartwright.**



**View of subject property looking north from Cartwright.**