

FILE NUMBER: Z1220-0172
REQUEST FOR: Conditional Use Permit
CASE MANAGER: Lesley Frohberg, AICP, Senior Planner

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, October 25, 2021
City Council: Monday, December 6, 2021

GENERAL INFORMATION

Applicant: Roberto Nunez, Alchemi Development Partners
Requested Action: Rezone from "SS," Service Station to "SS," Service Station with a Conditional Use Permit to allow a convenience store with limited fuel sales, with modification to the 500-foot separation requirement from a residential district.
Location: 1028 W. Cartwright Road

PLANNING AND ZONING ACTION

Decision: On October 25, 2021, the Planning and Zoning Commission unanimously recommended approval of the Conditional Use Permit to allow a convenience store with limited fuel sales, with modification to the 500-foot separation requirement from a residential district, with the following stipulation:

1. The existing chain link fence along the west property line shall be replaced with a wood fence, however, such fence shall not interfere with traffic visibility.

SITE BACKGROUND

Platting: Creek Village Retail, Block A, Lot 1
Size: 2.91 Acres
Zoning: SS - Service Station
Future Land Use: Neighborhood Retail
Zoning History: 1959: Annexed into City of Mesquite, Zoned Residential
1967: Rezoned to Local Retail (Ord. 706)
1973: Rezoned to Service Station

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	PD-SS – Planned Development Service Station (Ord. No. 2433)	Vacant / Undeveloped
SOUTH:	PD-MF – Planned Development Multi-Family (Ord. No. 1867)	Multi-Family Apartments
EAST:	PD-MF – Planned Development Multi-Family (Ord. No. 1867)	Multi-Family Apartments
WEST:	R-3, Single Family Residential	Single Family Residences / IH-635

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow a 902 square-foot expansion of an existing Shamrock convenience store with limited fuel sales. The subject property has been operating as a convenience store with fuel sales since the early 1970s. The hours of operation are 6:00 AM to midnight, seven days a week. The applicant has indicated that the 902 square-foot addition will be used for expansion of the convenience store, including office and restroom facilities.

The Mesquite Zoning Ordinance (MZO) requires a CUP to operate a convenience store and limited fuel sales in a Service Station zoning district when the structure is within 500 feet of a residential district. The subject property directly abuts a residential district along the east and south property lines. This business currently has nonconforming status and is legally allowed to continue operation. The separation requirements from residential districts were established in March 2020, after the business was already in existence. Due to the expansion of the structure, the site must come into compliance. If the CUP is denied, the existing business will be allowed to continue operations per Section 1-300 of the Mesquite Zoning Ordinance (MZO); however, it will not be allowed to expand.

In addition to the 902 square-foot building expansion, a pre-cast concrete decorative screening wall and buffer tree line will be provided along the south and east property lines, which directly abut the existing multi-family development.

The business will meet all required Building Code and Fire Code requirements.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates this area as Neighborhood Retail on the Future Land Use Map (see attachment 4). "Neighborhood Retail establishments include a variety of retail and personal service businesses that meet the daily needs of the residents. This development type generally includes small or medium scale development ranging from 1,500 square feet to 45,000 square feet and one to two stories in height."

STAFF COMMENTS:

The CUP to allow a convenience store with limited fuel sales is consistent with the *Mesquite Comprehensive Plan's* Neighborhood Retail designation. The proposed CUP will provide "convenience services in proximity to the large housing stock within a one-mile radius of the property."

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:

City staff does not believe the proposed CUP will be injurious to existing uses. Additionally, the building addition and other site improvements will enhance the aesthetics of the subject property.

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:

City staff does not anticipate the request to impact the development or redevelopment of any nearby property negatively.

3. Services

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

STAFF COMMENTS:

Adequate utilities and drainage facilities exist or will be installed with the development of the site and are sufficient for accommodating the demands associated with the request for the CUP.

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:

A minimum of eight (8) off-street parking spaces must be provided on site. Adequate off-street parking and loading spaces will be confirmed during the Site Plan process.

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:

City staff does not anticipate disturbances to neighboring residences as a result of the request, with the additional screening and landscaping proposed.

CONCLUSIONS

ANALYSIS

The proposed CUP to allow a 902 square-foot expansion of an existing convenience store with limited fuel sales is consistent with the *Mesquite Comprehensive Plan* to provide neighborhood services. The proposed CUP is unlikely to negatively impact the area, specifically the multi-family residential neighborhood, to the southeast of the subject property with the additional screening and landscaping proposed on the subject property.

RECOMMENDATIONS

Staff recommends approval of the CUP to allow a convenience store with limited fuel sales at 1028 W. Cartwright Road.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of October 22, 2021, Staff has not received any returned property owner notices for the request.

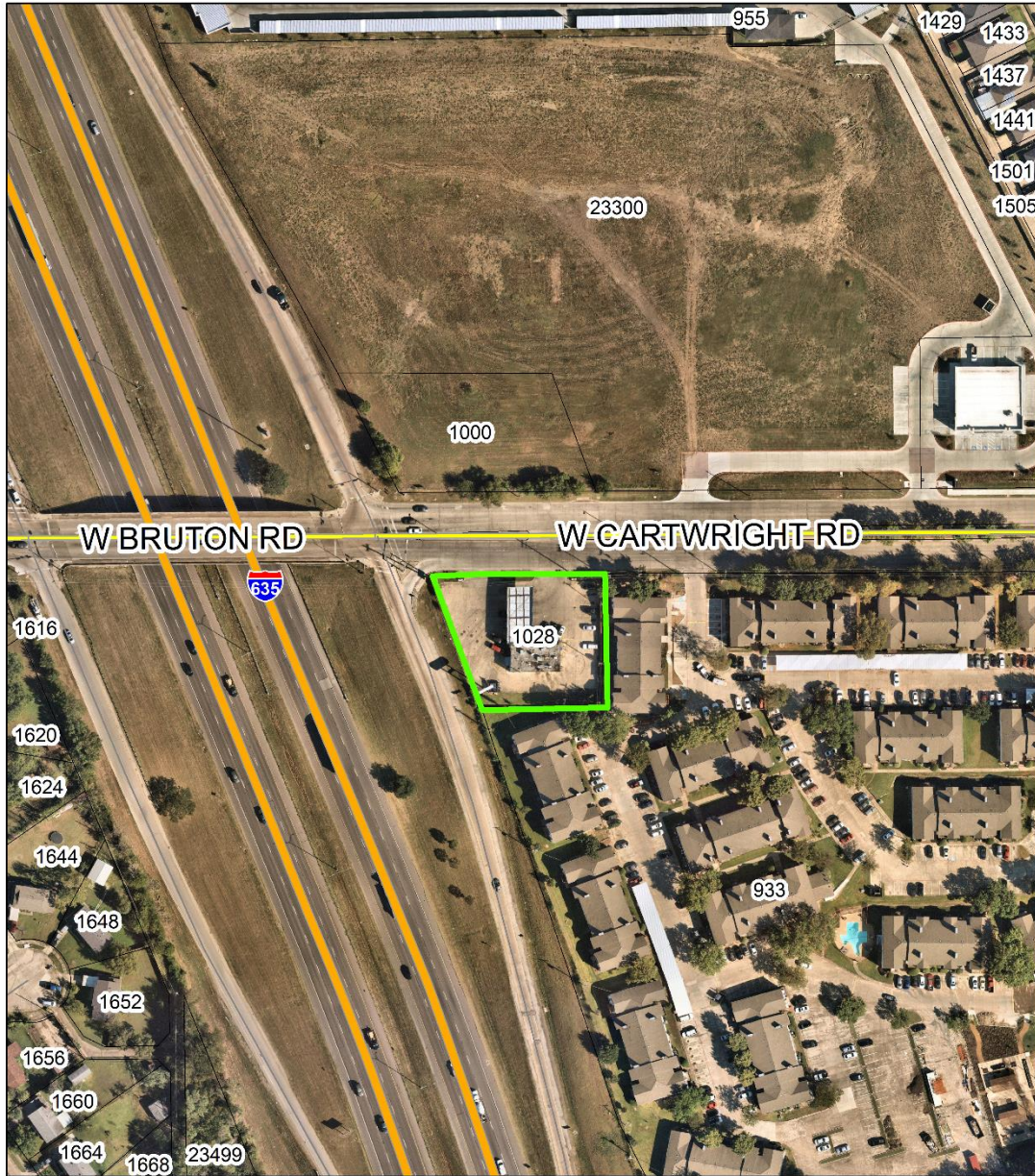
CODE CHECK

Staff conducted a site visit to the subject property and did not find any visible code issues or possible violations as of the date of this writing.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials

Aerial Map



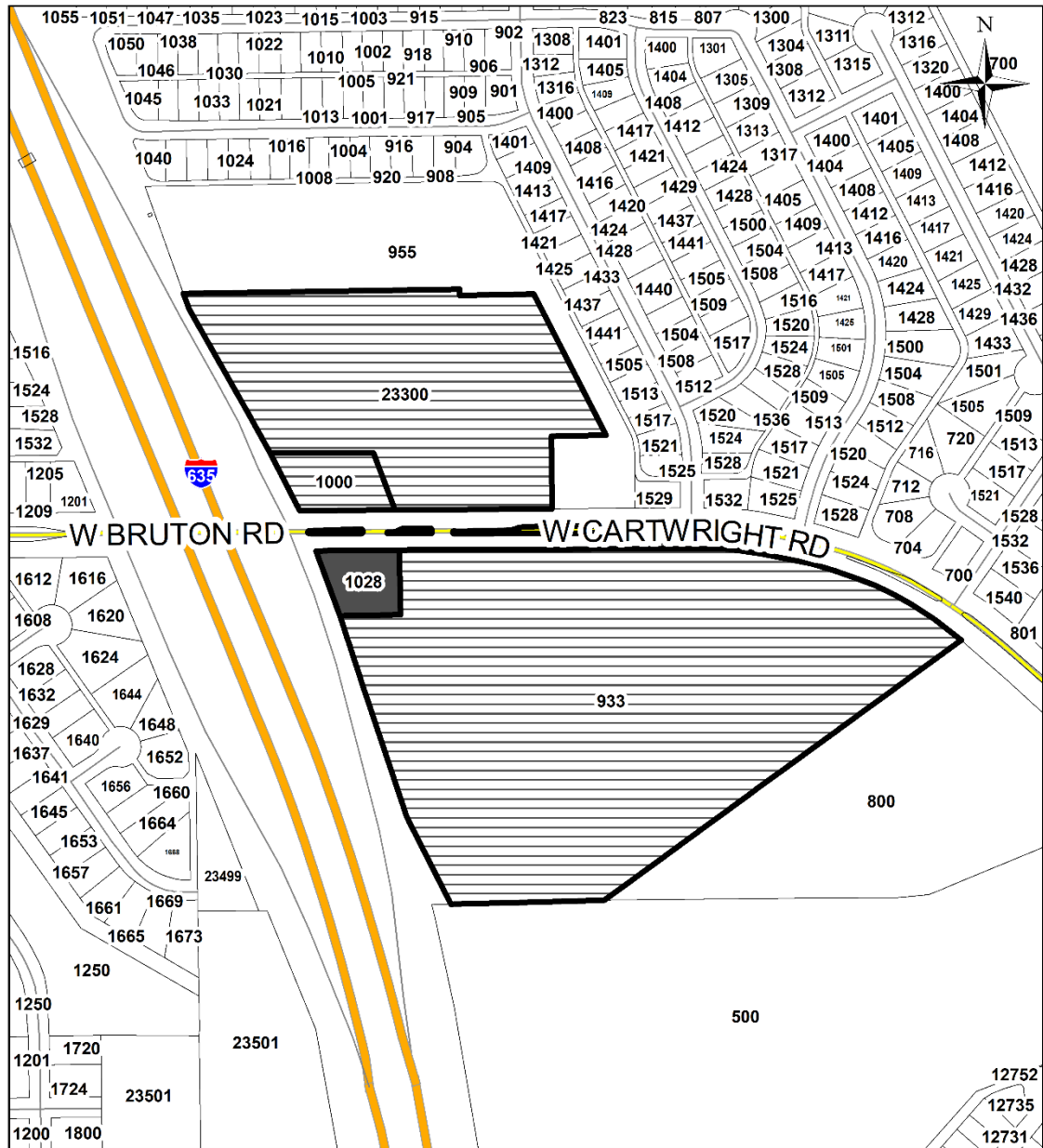
Legend

 Subject Property

0 65 130 260 390 Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

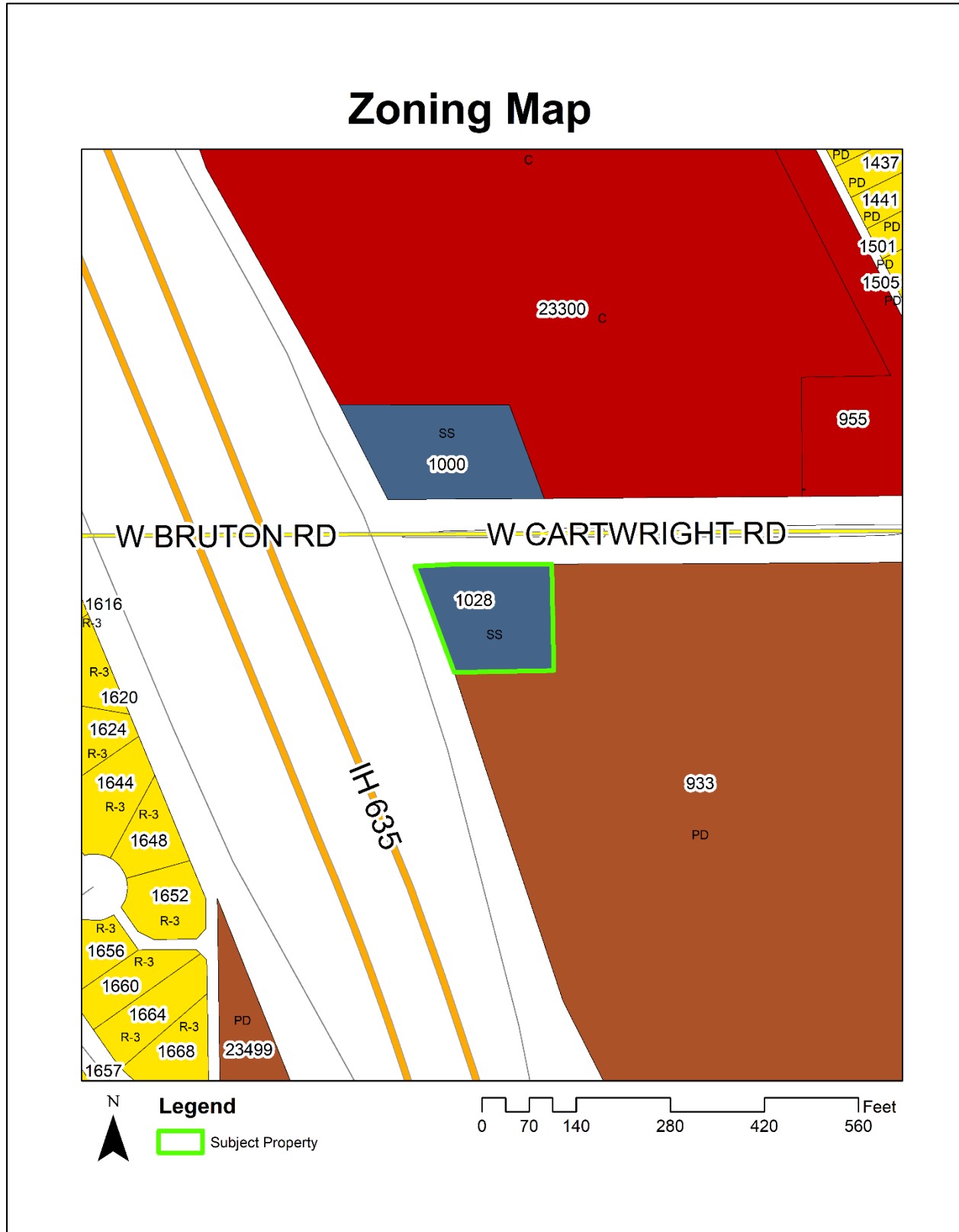
Notification Map



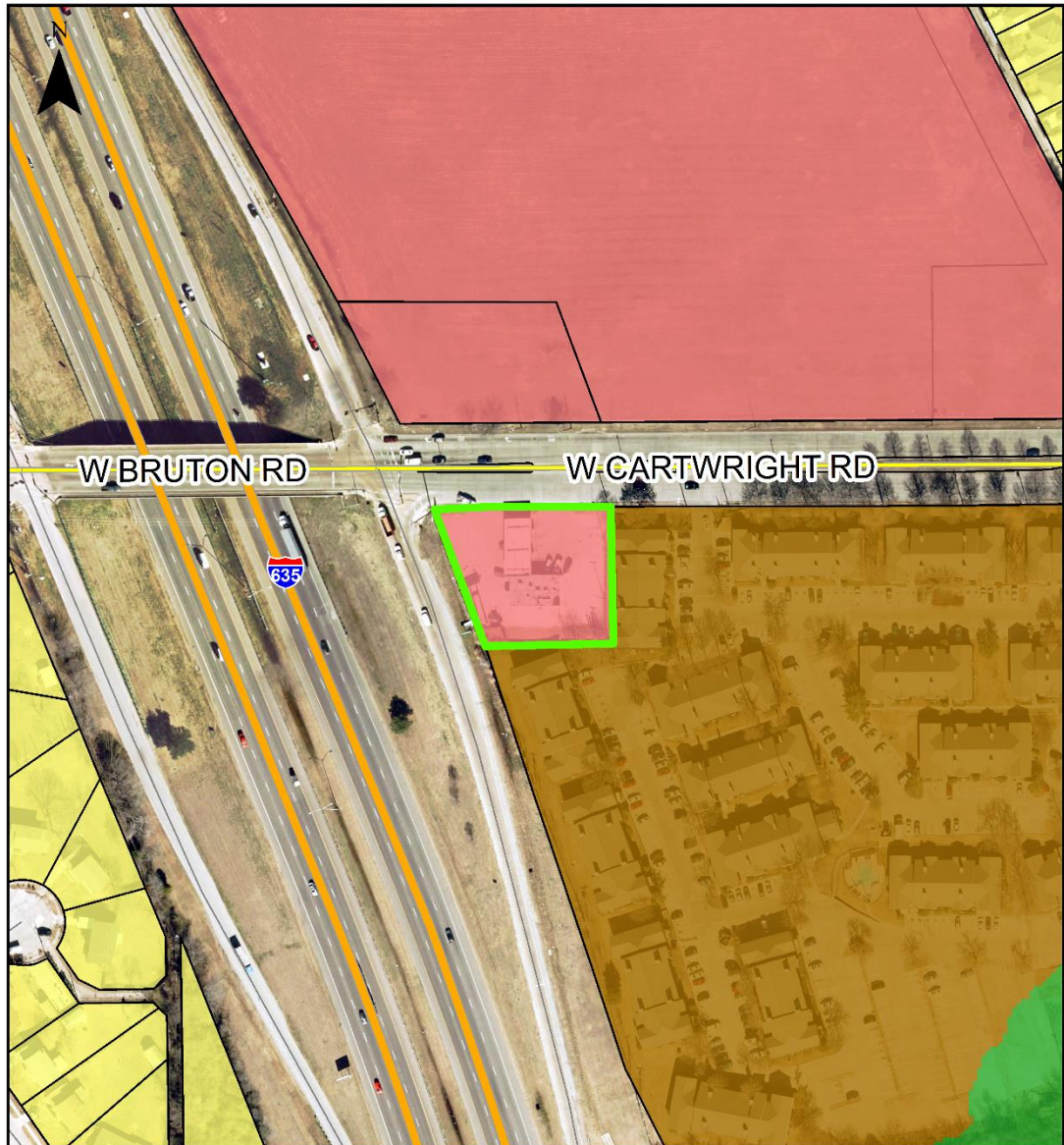
Request: Conditional Use Permit to allow a 902 square foot addition to an existing convenience store with fuel sales.
Applicant: Roberto Nunez, Alchemi Development Partners
Location: 1028 W. Cartwright Road

Legend

-  Notified Properties
-  Subject Property



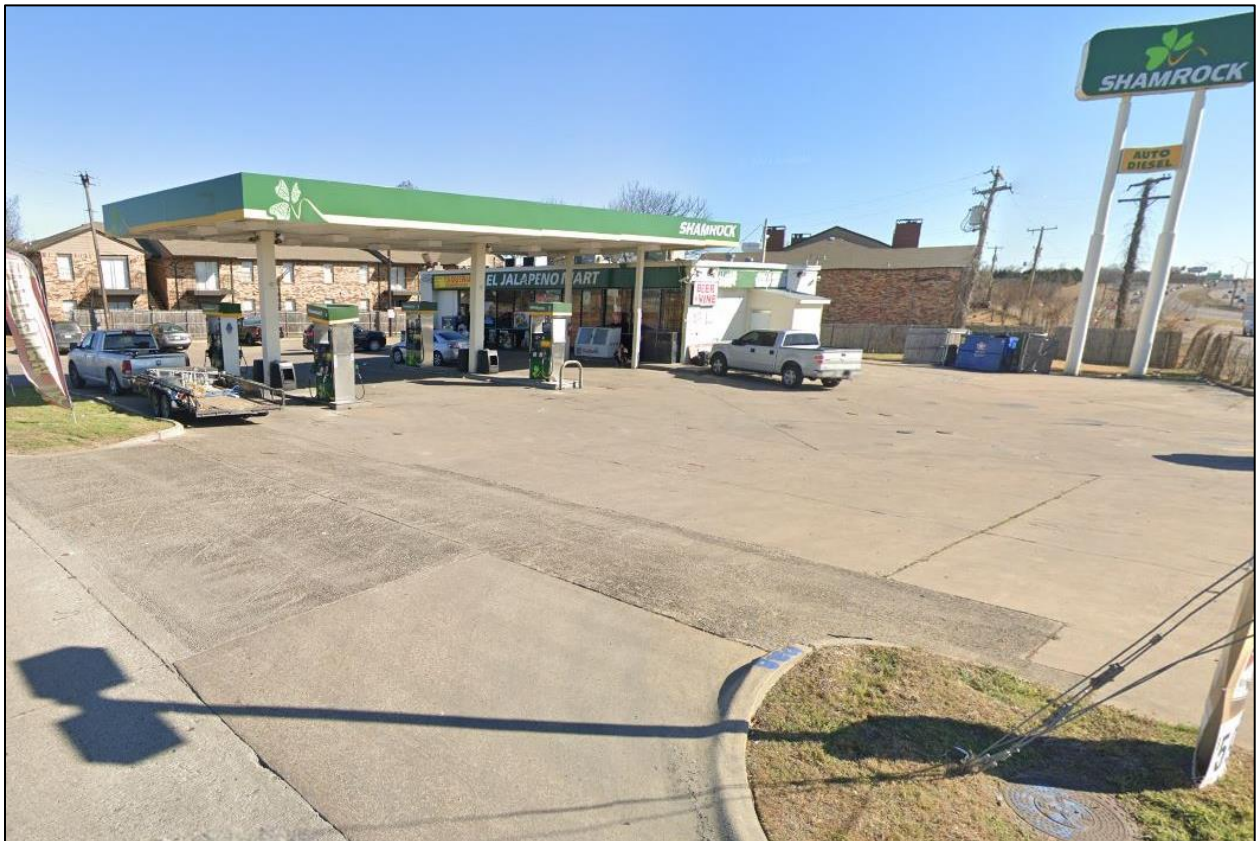
Future Land Use Map



ATTACHMENT 5 – SITE PHOTOS



Subject property from W. Cartwright Road, facing south.



Subject property from W. Cartwright Road, facing southeast.

ATTACHMENT 5 – SITE PHOTOS



Subject property from IH-635 Frontage Road, facing northeast.

ATTACHMENT 6 – APPLICATION MATERIALS



Alchemi Development Partners, LLC
Dallas – Ft Worth

December 14, 2020

To: City of Mesquite

RE: Proposed Conditional Use Permit to add 2670 sq-ft to an existing building

Project: 1028 W Cartwright Mesquite, Texas 75149

Dear City of Mesquite Planning Department

We are applying for the Conditional Use Permit to add 2670 sq-ft to an existing building. The store currently operates as a convenience store with gas sales, food sale for off-site consumption, and beer and wine sales. Our proposed site plan and floor plan shows the proposed addition, new parking, setback requirements are met as the property will sit 20 feet from the property line all around the property. Our request is to add to the rear to enlarge the taco shop and storage at the rear of the property, and a new retail shopping suite to the left of property attached with a new ADA restroom. The land use for the new suite has not been determined yet as the owner plans to lease the suite to an incoming tenant that will follow all allowable uses per city of Mesquite Zoning requirements.

Please let us know what other documents are required.

The property is currently developed and operating, we will begin a future development with all the required documents as soon as we get our CUP approved.

Signed by Roberto Nunez
Alchemi Development Partners
806.570.4867

A handwritten signature in black ink, appearing to be "R Nunez", with a horizontal line extending to the right.

ATTACHMENT 6 – APPLICATION MATERIALS

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: Golakia, Niles Phone Number: 469-733-8865
Address: 3009 Creekside Dr.
Sachse TX 75048 Email Address: nilyo28@gmail.com
Signature: [Signature]

Each property owner must complete a separate authorization form

