

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: 1461-149-2016

P&Z HEARING DATE: January 9, 2017
COUNCIL DATE: February 6, 2017

GENERAL INFORMATION

APPLICANT: Sean Morrissey
REQUESTED ACTION: Amend PD Ordinance #2949 to allow used car sales by conditional use permit and to approve a conditional use permit for used car sales
LOCATION: 4700 block of N. Galloway Ave.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 4.182-acre tract is vacant.

SURROUNDING LAND USE AND ZONING (see attached map):

- North:** PD-LC, Car dealerships
- South:** PD-C, Medical Facility
- West:** PD-MF, Apartments
- East:** PD-LC and R-1, Medical Facility and Dallas Christian School

ZONING HISTORY:

- 1952: Annexed – zoning unknown
- Note: Records of zoning of this property from 1952 to 1982 could not be found
- 1982: Rezoned from PD-Townhomes and A-1, Apartments to PD-Multifamily
- 1994: Rezoned from PD-Multifamily to PD-Light Commercial.

PLATTING: The parcel is part of Lot 3R, Block A, Crest Addition.

GENERAL: The applicant proposes developing a car dealership on the subject property (Tract 2 of the existing PD). Both new and used cars would be sold. A concept plan has been provided and is attached. New car sales are already permitted on Tract 2 in the existing planned development district. Used car sales are currently only permitted on Tract 1 of the PD and then only in conjunction with new car sales at 5031 N. Galloway. The proposed amendment to the PD ordinance would permit used car sales by conditional use permit (CUP) in the PD and would approve a CUP for used car sales on Tract 2.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within an area designated in the Comprehensive Plan (Plan) as Corridor Business, which is intended for businesses that serve both regional and community customers. The Plan states that Outdoor Display Lots should be limited to those areas where they were allowed at the time that section of the Plan was adopted (2003) and not expand into other areas.

Analysis

The subject property has been zoned to allow for an Outdoor Display Lot since 1994 and would have been included in that area where the Plan recognized Outdoor Display lots were already allowed. The proposed PD amendment and CUP would be consistent with the recommendations of the Comprehensive Plan.

Conditional Use Permit Review Criteria – Mesquite Zoning Ordinance Sec. 5-303

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.

There are numerous car dealerships in the area. The addition of a small dealership with appropriate conditions should not impact adjacent properties or affect property values in the area.

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 use to impact the development of any nearby property.

Services

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

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

Parking

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

Adequate parking will need to be provided. This will be assured in the site plan review process. The proposed concept plan indicates a sufficient amount of parking for inventory, as well as, customer and employee parking.

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.

RECOMMENDATIONS

Staff recommends approval of the following amendments to Planned Development District ordinance #2949 to include a conditional use permit for used car sales:

Amend:

1. Outdoor sales shall be limited to new car dealers, provided that ~~not more than four acres on the northwesterly portion of Tract 1 may be used as a remote used car sales lot, but only if such lot is operated as part of and in conjunction with a new car dealership located across North Galloway Avenue at the location whose address is 5031 N. Galloway~~ used car sales shall only be permitted by Conditional Use Permit.

Add New:

5. A conditional use permit for the sale of used cars is hereby approved on Tract 2 subject to the following conditions:
 - a. Any vehicle for sale shall be operable and maintained in good condition.
 - b. No vehicle for sale shall have body damage greater than four inches in diameter.
 - c. Painted repairs shall match the paint on the rest of the vehicle.
 - d. Any vehicle for sale shall not have broken or cracked windows.
 - e. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
 - f. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the rear of the property on a paved surface or inside of a structure.

Aerial Map: Zoning Case 1461-149-2016



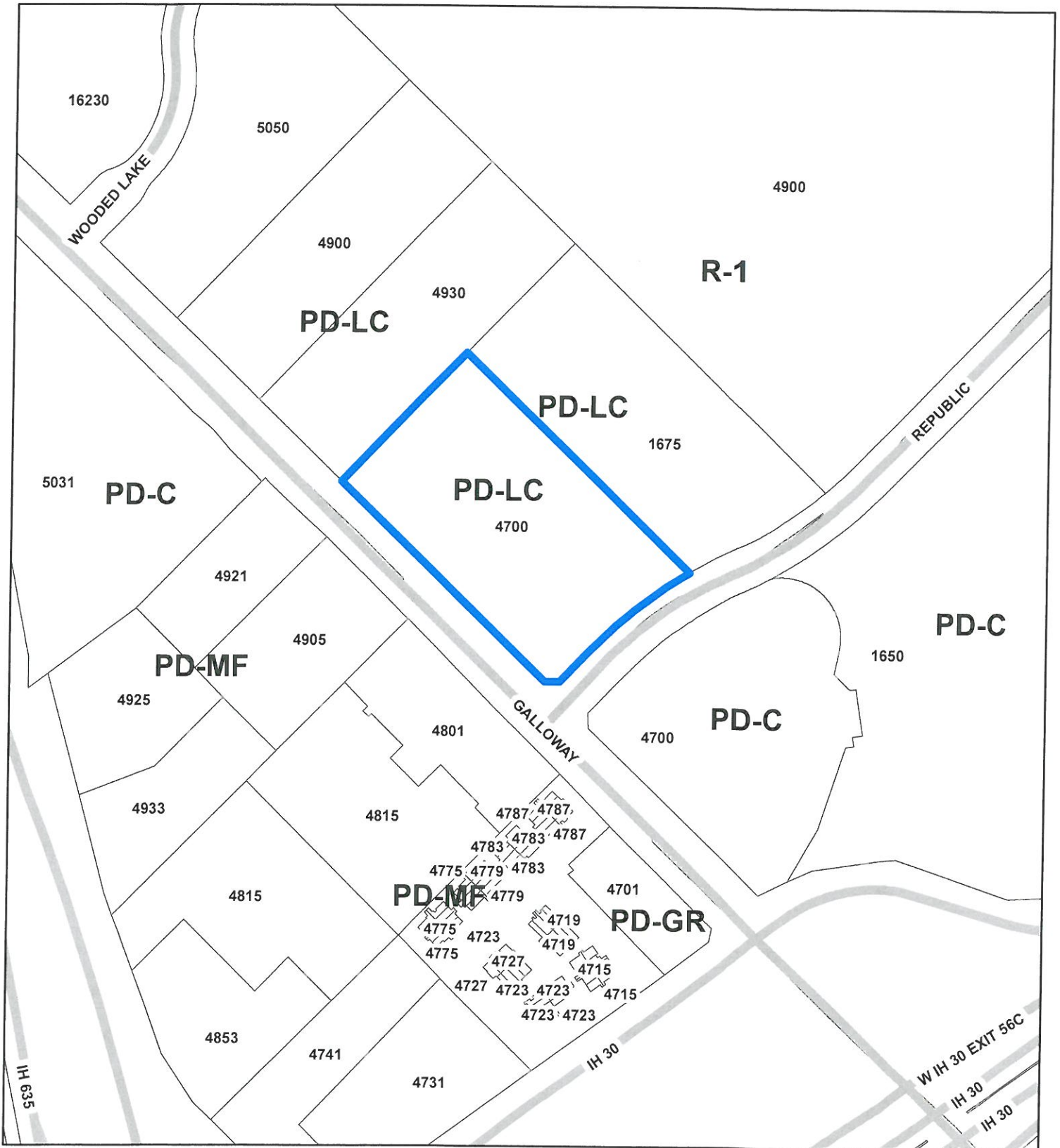
Request: CUP New and Used Car Sales
Location: 4700 N. Galloway
Applicant: Sean Morrissey

Legend

 Subject Property



Zoning Map: Zoning Case 1461-149-2016



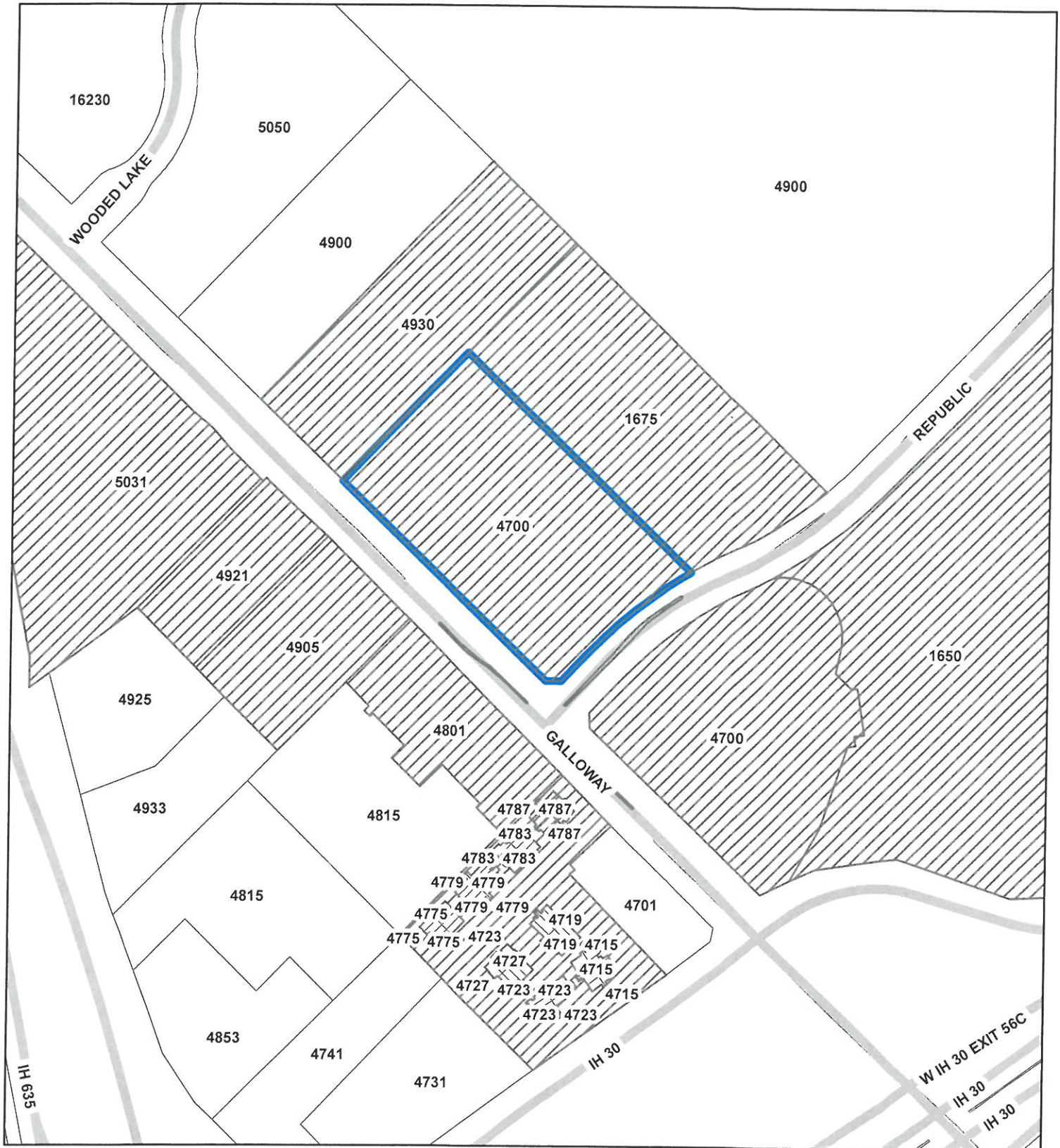
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Legend

 Subject Property





Notification Map: Zoning Case 1461-149-2016

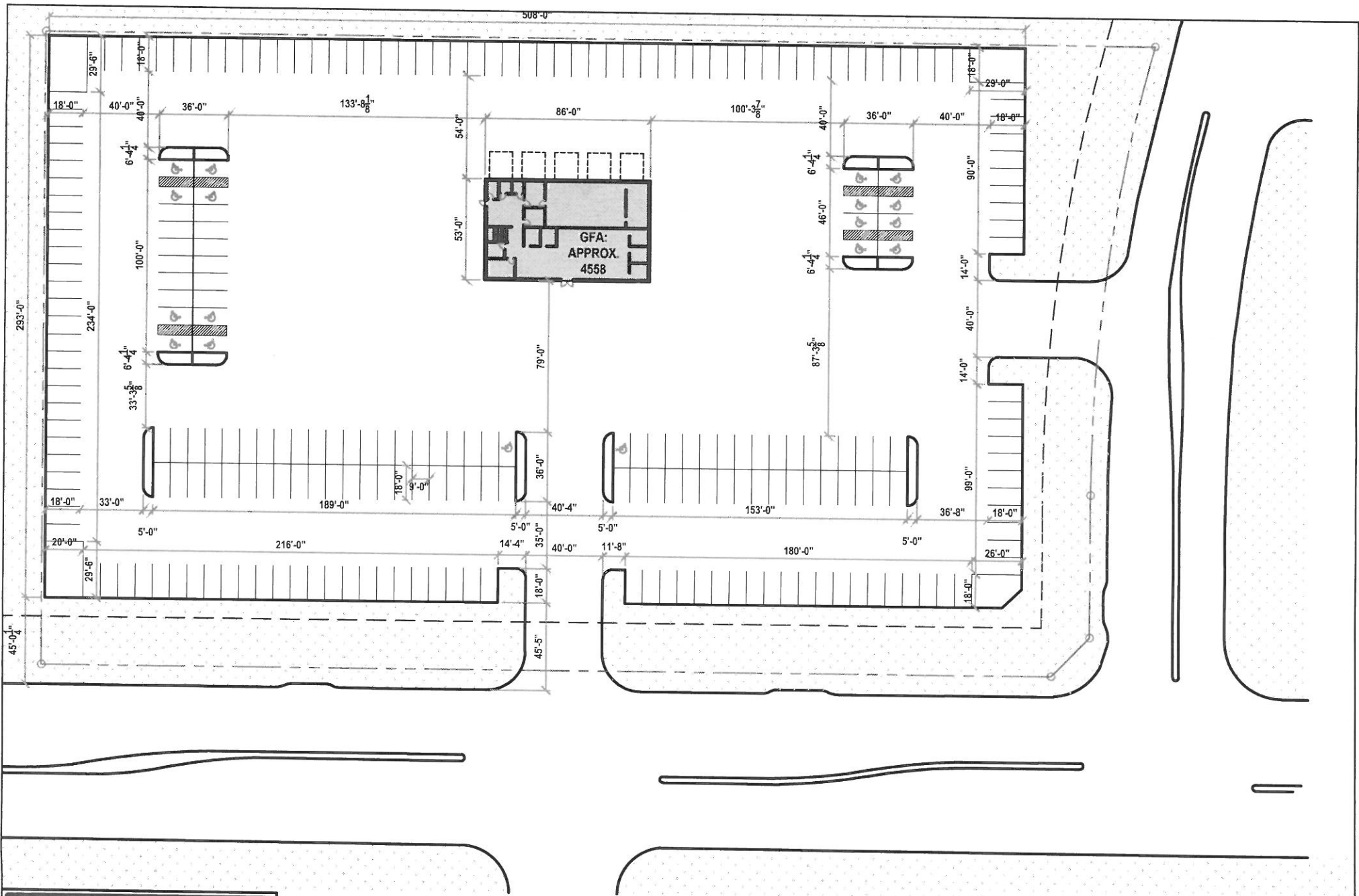



Request: CUP New and Used Car Sales
Location: 4700 N. Galloway
Applicant: Sean Morrissey

Legend

-  Subject Property
-  200' Noticed Properties





 ChiroDesign Group			
PROJECT NAME & SITE			
CHASE - GALLOWAY MORRISSEY CAR LOT			
REVISION:	DATE:	APPROX. SQ FT:	GROSS AREA:
1	11/04/2016		
DRAWN BY:		EDGAR	
CLIENT:			
SIGNATURE:			

CITY OF MESQUITE ZONING APPLICATION	Receipt No.	036985	Date Stamp: RECEIVED JUN 01 2016 PLANNING AND ZONING
	Fee:	800	
	Case Manager:		

REQUESTED ACTION:

1461-149 -2016

Change District Classification to:	Conditional Use Permit for:	Amend Special Conditions of
	Major Vehicle Dealers (New and Used)	Ordinance # _____ (Explain Below)
Additional explanation of requested action: See attached Statement		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>Light Commercial</u>	Complete one of the following:
Site Size: <u>4.182 acres</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>4700 N. Galloway Avenue</u>	Addition: <u>Crest</u>
General Location Description: <u>Northeast corner of</u>	Block: <u>APT</u> Lot: <u>3R</u>
<u>N. Galloway Avenue and Republic Parkway</u>	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>Sean Morrissey</u>	Phone: <u>(402) 676-7800</u>
Company: <u>A MMC Realty, LLC</u>	Fax: <u>() -</u>
Address: _____	E-mail: _____ (Required)
Signature: _____	Owner <input type="checkbox"/> Representative <input type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input checked="" type="checkbox"/>

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:

<p>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.</p> <p>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.</p> <p>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.</p>	
Owner: <u>BHA Real Estate Holdings, LLC / TXVT Development, Inc.</u>	Phone: <u>(972) 536 - 2926</u>
Address: <u>8333 Royal Ridge Parkway, Suite 130</u>	Fax: <u>() -</u>
<u>Irving, Texas 75063</u>	E-mail: <u>rsanders@berkshirehathawayautomotive.com</u>
Signature: <u>Robert Sanders</u>	

LETTER OF AUTHORIZATION

BHA REAL ESTATE HOLDINGS, LLC
8333 Royal Ridge Parkway, Ste. 130
Irving, Texas 75063

Telephone: 972-536-2926

November 1, 2016

City of Mesquite
Planning and Zoning
1515 N. Galloway Avenue
Mesquite, Texas 75149

Re: Applicant Authorization Letter

To Whom It May Concern:

BHA Real Estate Holdings, LLC ("Owner") owns approximately 4.182 acres commonly known as 4700 N. Galloway Avenue (the "Property").

This letter authorizes A MMC Realty, LLC ("Applicant") and Applicant's representative, Miklos Law, PLLC, to pursue a conditional use permit ("CUP") for the Property. Miklos Law, PLLC is authorized to take any actions necessary to submit and complete the CUP application.

Sincerely,

BHA Real Estate Holdings, LLC

By: 

Name: Robert Sanders

Title: Director Facility Development and Real Estate

LAND USE STATEMENT

A MMC Realty, LLC

Request a Conditional Use Permit to Operate a Motor Vehicle Dealership Selling Both New and Used Vehicles on Property Located at 4700 N. Galloway Avenue

A MMC Realty, LLC, requests a conditional use permit ("CUP") to operate a Motor Vehicle Dealership (selling both new and used vehicles) in the current Light Industrial zoning district. A Motor Vehicle Dealership (selling both new and used vehicles) is only allowed by a CUP in the Light Industrial zoning district.

Granting the application will not add to the scope of uses of the surrounding areas. Currently, on property generally located at the southeast corner of N. Galloway Avenue and Wooded Lake Drive and within the Light Industrial zoning district, there is a Nissan motor vehicle dealership. In addition, on property generally located at the northeast corner of N. Galloway Avenue and Wooded Lake Drive and within the Light Industrial zoning district, there is a Hyundai motor vehicle dealership. The size of the CUP activities shall be limited as written in any approved ordinance and as shown on an approved site plan.