

FILE NO.: Z0717-0011

P&Z HEARING DATE:

August 28, 2017

COUNCIL DATE:

September 18, 2017

GENERAL INFORMATION

APPLICANT: Fenton Motors

REQUESTED ACTION: Rezone to a Planned Development – Light Commercial with a Conditional Use Permit to allow the outdoor display of new and used vehicles.

LOCATION: 16160 and 16170 IH 635

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The request consists of two parcels totaling in approximately 8 acres of land. 16160 and 16170 IH 635 were previously used as a used car dealership by No Limit Motors which vacated the site earlier this year.

SURROUNDING LAND USE AND ZONING (see attached map): North of the subject properties is a strip shopping center and other commercial uses. Further north are more new and used car dealerships. Across Wooded Lake is the Dallas Christian Schools property and a baseball facility. Immediately to the south of the subject properties is 16190 IH 635 that is currently used by Fenton Motors as their used car dealership in connection with their Hyundai dealership at 16200 and 16230 IH 635. Further south is the Trophy Nissan dealerships.

ZONING HISTORY:

16160 and 16170 IH 635:

1962: Annexed and zoned Residential
1970: Rezoned to Retail
1986: Rezoned to Light Commercial
1993 CUP approved for New and Used Car Sales
1994: CUP approved for New and Used Car Sales
2013: CUP approved for Used Car Sales

PLATTING: Oates Corner Retail Replat, Block A, Lots 4R, 5R-2 and part of Lot 1R and Theophalus Thomas Survey, Abstract No. 1461

GENERAL: The applicant, Fenton Motors, currently operates a Hyundai dealership out of 16200 and 16230 IH 635 for new car sales while they use 16190 IH 635 as their used car sales facilities. Recently, Fenton Motors acquired 16160 and 16170 IH 635 in order to expand and move their operations. In the near future, Fenton Motors is

going undertake major renovations of 16190 and 16200 IH 635. After the renovations are completed, they want to use 16200 IH 635 for new car sales of Hyundai while using 16190 IH 635 for new car sales of Hyundai's luxury brand, Genesis. Fenton Motors will eventually vacate 16230 IH 635 which they are currently leasing. Fenton Motors would like to use 16160 IH 635 for used car sales and use 16170 IH 635 for some outdoor display of new and used vehicles but would mainly be used for storage and auto service.

The proposed rezoning would change the zoning of 16160 and 16170 IH 635 to Planned Development – Light Commercial with a Conditional Use Permit to allow new and used car sales (outdoor display). The Planned Development would allow the Conditional Use Permit for new and/or used as Light Commercial zoning does not allow used car only sales with a Conditional Use Permit. The property at 16190 IH 635 is currently zoned with Conditional Use Permit for used car sales only and it will need to be rezoned in order to the new Genesis dealership. The applicant will pursue a rezoning of 16190 and 16200 IH 635 at a later date once they finalize their plans for the renovations.

The concept plan provided by this applicant is for illustrative purposes to show where the outdoor display will be located. The concept plan includes 16190 and 16200 IH 635 for illustrative plans but will not be included in the request Conditional Use Permit.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the LBJ North Business Corridor; a High Intensity Development Area. These areas incorporate frontages along freeways and highway corridors which provide the highest levels of regional accessibility and 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 throughout the area. The Plan states that "the area should continue as an appropriate location for the existing dealerships; however, further expansion of the outdoor display lots is not recommended."

Analysis

The subject property has been zoned to allow for an Outdoor Display Lot since 1993 for 16160 and 16170 IH 635. These were included in that area where the Plan recognized Outdoor Display lots were already allowed. The proposed PD 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 expansion of an existing 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 rezoning to Planned Development – Light Commercial with following stipulations:

1. The uses permitted shall be limited to those uses permitted by right in the Light Commercial zoning district provided that a Conditional Use Permit may be granted to allow a motor vehicle dealership with used car sales only.
2. A Conditional Use Permit for the sale of new and used cars is hereby approved with the following conditions:
 - a. 100% of the inventory displayed at 16160 IH 635 may be used cars.
 - b. 30% of the inventory displayed at 16170 IH 635 may be used cars.
 - c. 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

ZONING RECLASSIFICATION**FILE NO.: Z0717-0011****Page 4**

customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.

- d. Any vehicle for sale shall be operable and maintained in good condition.
- e. No vehicle for sale shall have body damage greater than four inches in diameter.
- f. Painted repairs shall match the paint on the rest of the vehicle.
- g. Any vehicle for sale shall not have broken or cracked windows.
- h. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
- i. 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.
- j. This Conditional Use Permit shall be limited to Fenton Motors, Inc. and is not assignable or transferrable.

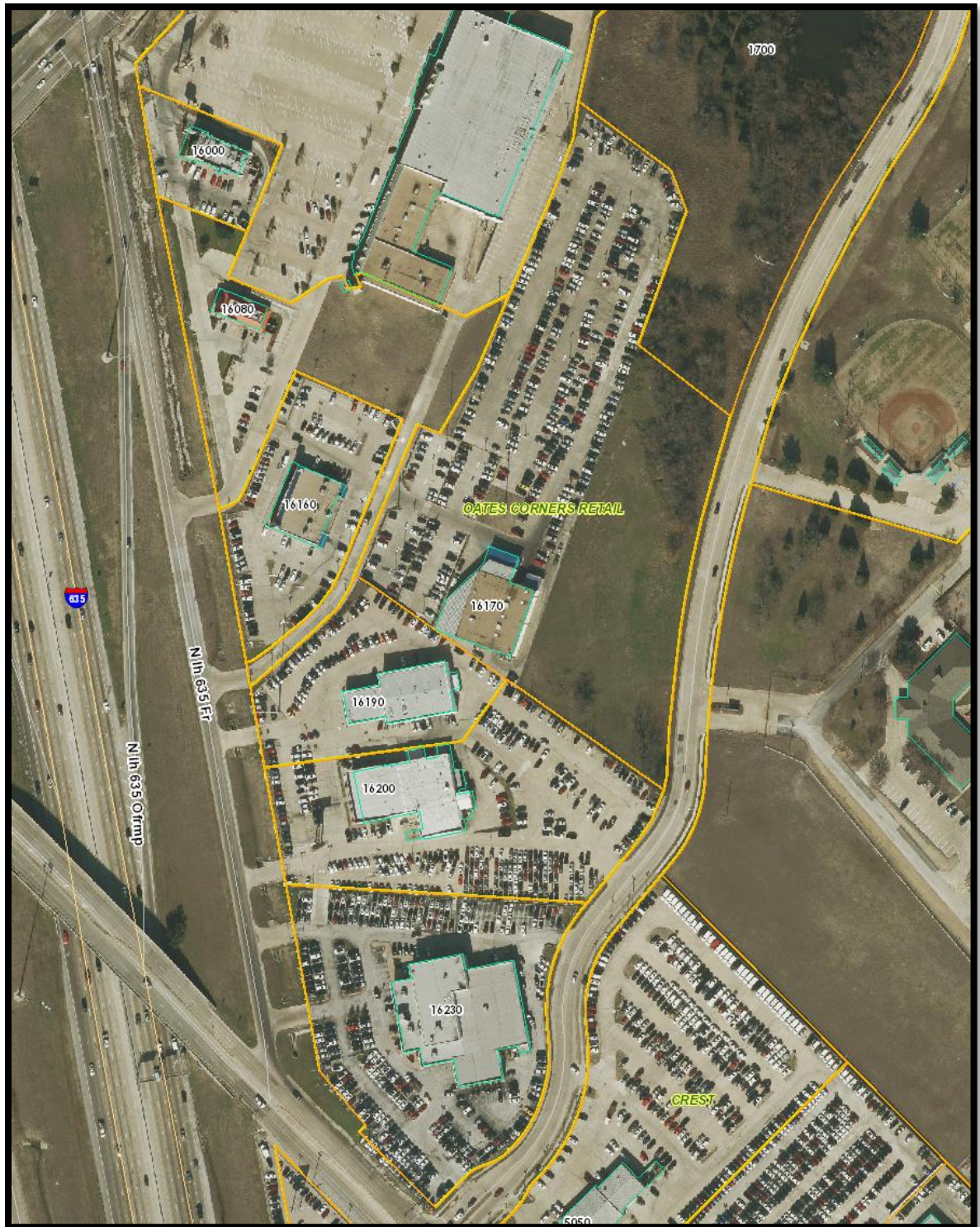
PUBLIC NOTICE

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the subject properties.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Site Photos
- 5 – Concept Plan

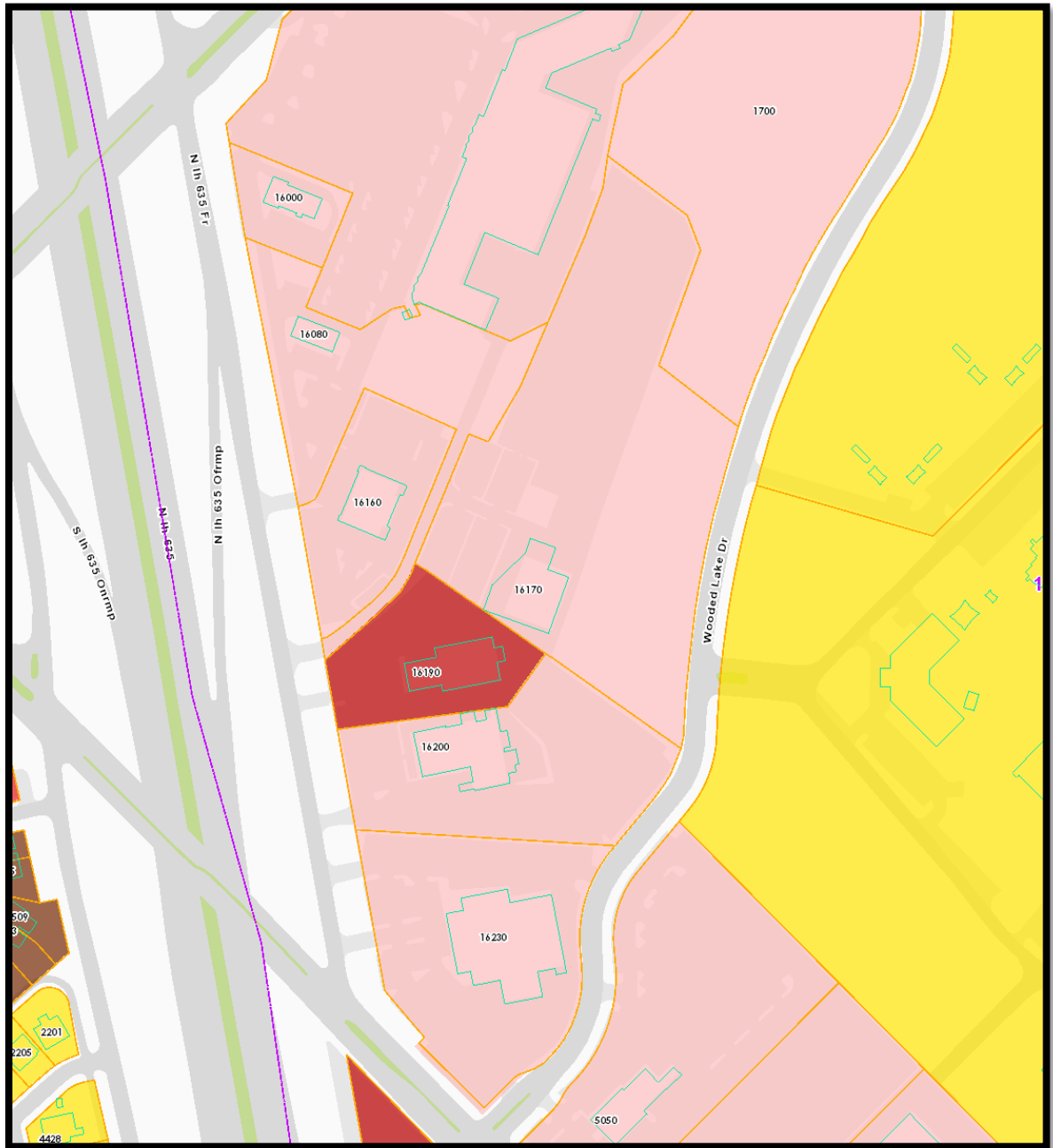
ATTACHMENT 1: AERIAL MAP



ATTACHMENT 2: NOTICE MAP



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – SITE PHOTOS

