

FILE NO.: Z1117-0014

P&Z HEARING DATE:

December 11, 2017

COUNCIL DATE:

January 2, 2018

GENERAL INFORMATION

APPLICANT: Ernest Warnock, EE Warnock & Associates, LLC

REQUESTED ACTION: Conditional Use Permit to allow an outdoor display lot for a used automobile dealership (Precision Auto).

LOCATION: 2960 Interstate Highway 30

SITE BACKGROUND

EXISTING LAND USE AND SIZE:

The approximately 4.410-acre site was previously used as an outdoor sales and display lot by Chaperral Dodge; an automobile dealership selling new and used vehicles. The buildings on site are currently vacant and the property is not in use. The property has been vacant for over 10 years.

SURROUNDING LAND USE AND ZONING (see attached map):

North of the subject property is Interstate Highway (IH) 30, and north of IH 30 is undeveloped land located within the North Gus Thomasson Corridor Form-Based Code District and an undeveloped tract zoned "C" Commercial; east and west of the site are properties zoned "C" Commercial. The property to the west is undeveloped and the property to the east is currently vacant, but was previously used by an RV dealer. South of the property is a single family subdivision located within the Casa Ridge Heights 1 Addition, zoned "R3," Single Family Residential.

ZONING HISTORY:

1954: Annexed and zoned "C" Commercial
2003: Conditional Use Permit #4297 (Terminate due to failure to implement)

PLATTING:

Casa Ridge Heights 1, Block D, Lot 5

GENERAL: SRA Group, Inc., recently purchased the subject property and is proposing reuse and restoration of the vacant site. The property will be used by

Precision Auto (SRA Group, Inc.) for the outdoor display, sale and repair of used vehicles. According to the applicant's letter of intent, restoration will include an exterior and interior remodel, the addition of a sprinkler system and landscaping, site lighting parking lot upgrades and compliance with all requirements including the building codes.

The Mesquite Zoning Ordinance requires approval of a Conditional Use Permit (CUP) within the existing zoning district ("C" Commercial) in order to allow an outdoor display lot. An outdoor display lot shall mean such display, whether for sale or rental, which constitutes a principal use of the premises, which primarily involves the display of a number of items, including vehicles, which are displayed outside of an enclosed building. The Mesquite Zoning Ordinance also requires compliance with Section 3-602 (Outdoor Display Lot) for an outdoor display lot. If the CUP is approved, the proposed development will be considered as a redevelopment of the site. Redevelopment requires compliance with all regulations of the Mesquite Zoning Ordinance including, but not limited to landscaping and screening requirements, architectural requirements, etc.

The applicant provided a concept plan and building elevations with the CUP application. It is important to note that a site plan and building elevations require review and approval by the Development Review Committee for compliance with all applicable ordinances and codes.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the I-30 West 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 Comprehensive Plan recommends a limitation of outdoor display lots within High Intensity Development Areas. However, the Comprehensive Plan identified a cluster of car dealerships at LBJ Freeway/Galloway, display facilities for mobile home and RV sales along I-30 at Big Town and near Gus Thomasson, and other display lots in various locations scattered along the freeway. The Comprehensive Plan indicated that the aforementioned site provides adequate locations for the sale and display of larger items. Although the Comprehensive Plan recommended that no additional primary display lots should be permitted, it recommended accommodation of limited outdoor display, of a secondary, incidental nature in other locations, with stipulations for enhanced landscaping and design

features. It is important to note; however, that the subject property is located in one of the areas identified within the 2003 Comprehensive Plan as being an adequate location for the sale and display of larger items. City records indicate that the property was previously used as an automobile dealership, with outdoor display of automobiles.

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.

Due to its frontage along IH 30 and compatibility with nearby and adjacent highway oriented commercial uses along IH 30, which include outdoor display lots for automobile and RV sales and a vacant outdoor display lot to the east, Staff does not anticipate the proposed use will have any adverse impact on the use or enjoyment of other property in the immediate area for purposes already permitted, nor will it substantially diminish and impair property values within the immediate vicinity. There is an existing single family subdivision to the south of the property which was built in the 1950s. The rear yards of the existing single family homes are separated from the subject property by an alley and an approximately 6.5 foot concrete wall and a grassy area. It is important to note that because redevelopment of the site is proposed, all regulations of the Mesquite Zoning Ordinance must be met, including screening and buffering requirements. For example, when a nonresidential district backs up or sides upon a residential district, an 8-foot high long-span precast concrete decorative screening wall and a buffer tree line are required abutting the residential district.

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.

The proposed highway-oriented use is not expected to impede the normal and orderly development of surrounding vacant property for uses predominant in the area. Predominant uses in the area along IH 30, include similar outdoor display lots, as proposed by the applicant. The majority of nearby vacant land is adjacent to IH 30 and directly adjacent to the subject property (to the east and west); and are zoned “C” Commercial. The property to the east of the subject property was once used as an outdoor display lot for RVs.

Services

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

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Adequate utilities, access roads and drainage facilities exist or will be provided as part of the redevelopment proposed for the site. Staff will ensure that services are sufficient for accommodating the demands associated with the proposed use.

Parking

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

The design of the site must include sufficient spaces to accommodate all display vehicles, as well as parking for customers, employees and any other uses on site, as per Section 3-405 of the Mesquite Zoning Ordinance, "Table of Parking Standards – Nonresidential Uses."

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.

The property is surrounded by vacant property to the east and west, Interstate Highway 30 to the north and a single family subdivision exists to the south of the subject property. The existing alley located along the rear yards of the single family homes and the concrete wall at the rear of the subject property substantially separate the property from the residential subdivision and provide an opaque screen to limit nuisances to nearby residential properties. Due to the proposed redevelopment of the site, all requirements of the Mesquite Zoning Ordinance must be met, including an 8-foot high long-span precast concrete decorative screening wall and a buffer tree line abutting the residential district.

Regulations for Outdoor Display Lots – Zoning Ordinance Sec. 3-602

The Mesquite Zoning Ordinance requires compliance with Section 3-602 (Outdoor Display Lot) for an outdoor display lot. The general provisions applicable to an outdoor display lot are as follows:

- Site Plan
- Minimum lot area of 12,000 square feet;
- Principal building of permanent construction;
- Parking and display shall be permitted in the front yard setback and subject to parking location standards set out in Section 3-400 of the zoning ordinance;
- Paving is required for all parking, display and storage areas in accordance with City standards;
- Parking for customers/employees shall be provided in accordance with Section 3-405 of the zoning ordinance, and shall be in addition to the parking in the display/storage area;

- Fire lanes must be marked and maintained throughout the display/storage area in accordance with the Fire Code;
- Vehicle sales lots may include minor repair and maintenance if conducted totally within an enclosed building. Major repairs and collision services are permitted only in conjunction with new car dealerships;
- Outdoor display shall consist only of operational vehicles with current inspection stickers; with hoods, trunks and doors closed when not open for inspection; and with tires properly inflated.
- The appearance of the lot shall be sightly and orderly;
- Barriers shall be provided on all vehicular sales lots to retain vehicles completely within the property and prohibit ingress and egress except at approved drive approaches; and
- Display areas shall be arranged in an orderly manner with items generally parallel to each other.

Analysis

The proposed highway oriented use is appropriate for the subject property, as it is located along IH 30, and is surrounded by similar uses and/or zoning districts to the west and east, and all along the IH 30 corridor. The proposed Conditional Use is consistent with past and future development of the site and along the IH 30 corridor as evidenced by the 2003 Comprehensive Plan, which identified the area as being an adequate location for an outdoor display lot. The property was previously used for outdoor display of new and used vehicles. No impedance to development of nearby vacant land is anticipated. Additionally, redevelopment of the site triggers compliance with all requirements of the Mesquite Zoning Ordinance, which will further protect surrounding properties, specifically with reference to the single family subdivision to the south.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit, subject to the following conditions:

1. The use of loudspeakers and outdoor amplification devices is prohibited.
2. A photometric plan is required which minimizes overnight light nuisance to neighboring residential properties, but which provides adequate lighting for security. Lighting shall be measured in foot candles not to exceed 0.25 at the rear property line.
3. Any vehicle for sale shall be operable and maintained in good condition.
4. No vehicle for sale shall have body damage greater than four inches in diameter.
5. Painted repairs shall match the paint on the rest of the vehicle.
6. Any vehicle for sale shall not have broken or cracked windows.
7. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
8. 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.

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9. At a minimum, 80 percent of the used car inventory displayed for sale shall be less than eight years old.

PUBLIC NOTICE

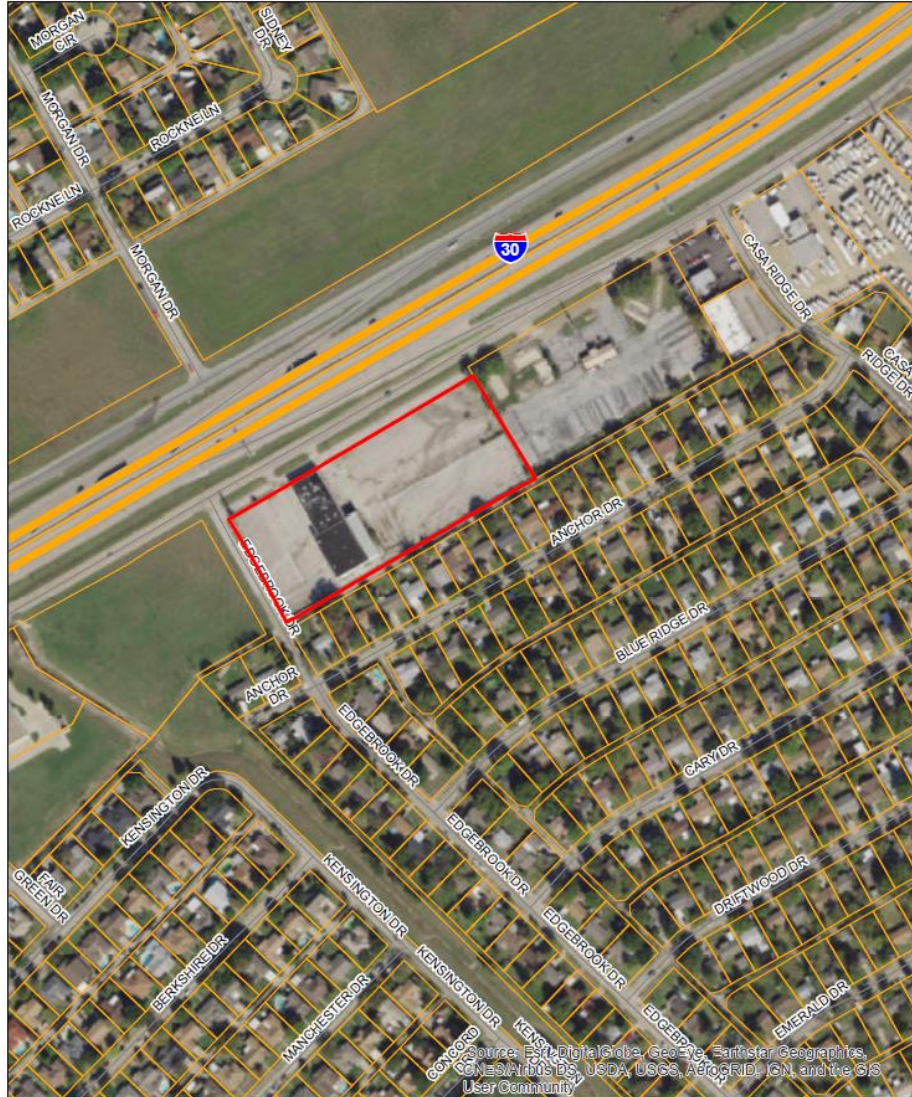
Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, Staff has not received any returned notices.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Zoning Map
- 3 – Public Notification Map
- 4 – Site Photos
- 5 – Application and Materials
- 6 – Returned Notices


ATTACHMENT 1: AERIAL MAP

Aerial Map



Request: CUP to allow an outdoor dealership.
with outdoor display and storage
Applicant: Ernest Warnock
EE Warnock & Associates, LLC
Location: 2960 IH 30

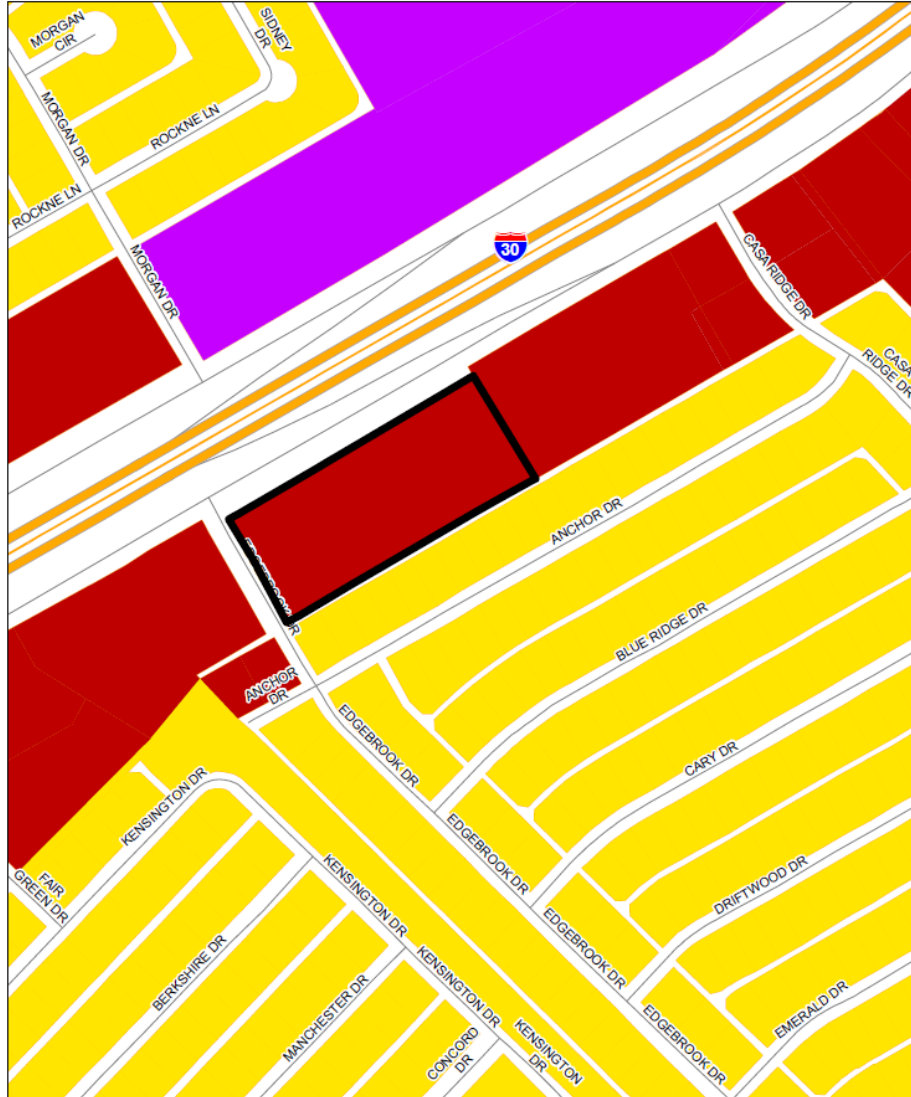
Legend

 Subject Property




ATTACHMENT 2: ZONING MAP

Zoning Map



Request: CUP to allow an outdoor dealership.
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Applicant: Ernest Warnock
EE Warnock & Associates, LLC
Location: 2960 IH 30

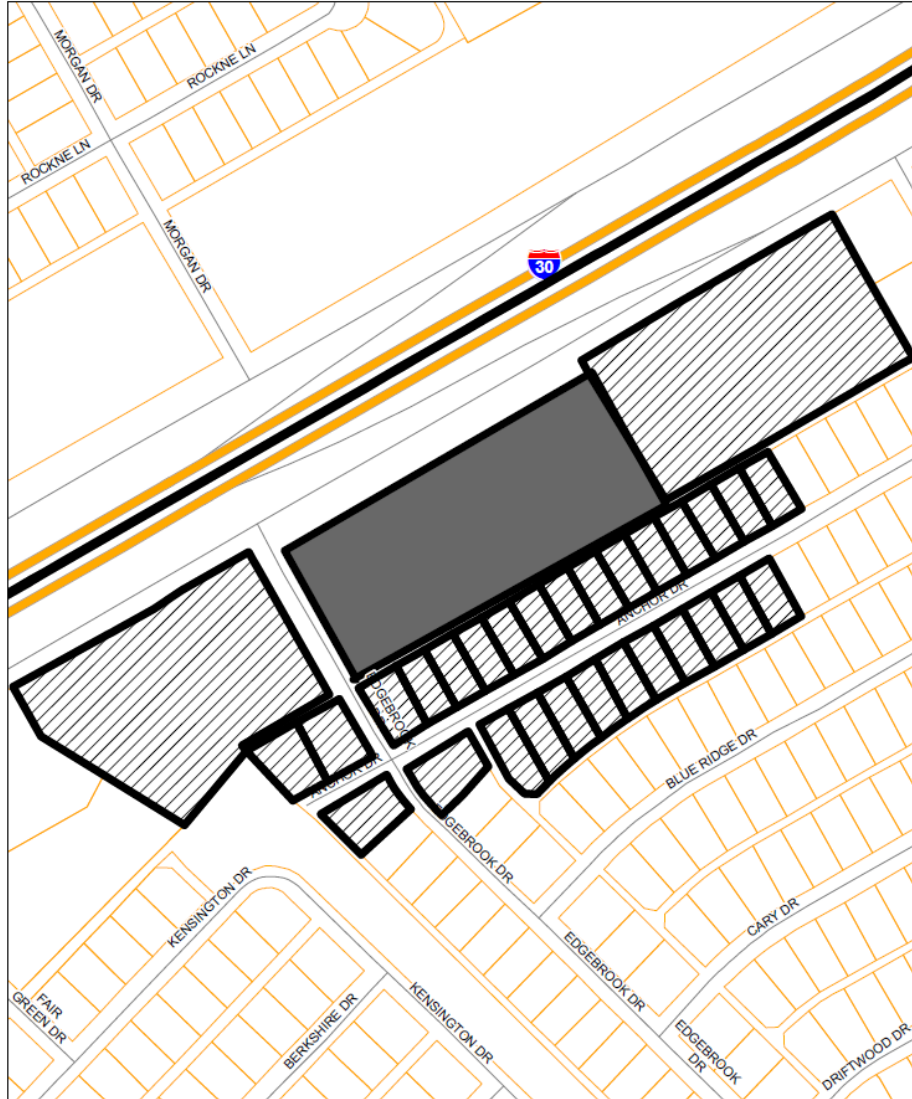
Legend

 Subject Property



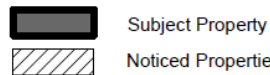
ATTACHMENT 3: PUBLIC NOTIFICATION MAP

Notification Map



Request: CUP to allow an outdoor dealership
with outdoor display and storage
Applicant: Ernest Warnock
EE Warnock & Associates, LLC
Location: 2960 IH 30

Legend



ATTACHMENT 4: SITE PHOTOS



Photo taken near east property line looking west towards existing building.



Photo taken near east property line looking southwest.



Photo looking towards south property line.



Photo looking towards east property line.



Existing building



Existing building.



Photo taken looking at the back side of the existing concrete wall, alley and adjacent single family homes.

ATTACHMENT 5: APPLICATION MATERIALS AND CONCEPT PLAN

CITY OF MESQUITE ZONING APPLICATION	Receipt No. <u>5564</u>	Date Stamp:
	Fee: <u>\$800.00</u>	
	Case Manager: <u>JM</u>	

REQUESTED ACTION:

Change District Classification to: <u>CUP</u>	Conditional Use Permit for: <u>CUP</u>	Amend Special Conditions of Ordinance # _____ (Explain Below)
Additional explanation of requested action: — Existing Facility Auto Sales, Owner purchased property, to up date remodel and provide a new business of auto services center and sales is requesting to provide outdoor display of automobiles, _____		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: _____	Complete one of the following:
Site Size: <u>4.410 acres</u> (Acres or Square Feet)	1. Platted Property <u>ALTA/ACSM Survey</u>
Address (if available): <u>2960 I-30</u>	Replat of Casa Ridge Heights No. 1 Addition
General Location Description: _____	Addition: _____
<u>I-30 South Side Frontage Rd and East of</u>	Block: <u>D</u> Lot: <u>5</u>
<u>Edgebrook Drive</u>	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>Ernest Warnock</u>	Phone: <u>(972) 757-7551</u>
Company: <u>EE Warnock & Associates, LLC</u>	Fax: <u>()</u>
Address: <u>2834 Sunny Hill Lane</u>	E-mail: <u>ernest.warnock@gmail.com</u>
<u>Dallas, TX 75234</u>	(Required)
Signature: <u>[Signature]</u>	Owner <input type="checkbox"/> Representative <input checked="" 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.	
<u>SRA GROUP, INC.</u>	
Owner: <u>MOHAMMAD RASHID</u>	Phone: <u>(972) 467-3984</u>
Address: <u>3413 GARDENBROOK WAY</u>	Fax: <u>()</u>
<u>PLANO TX 75074</u>	E-mail: <u>PRECISIONAUTOS@YAHOOCOM</u>
Signature: <u>[Signature]</u>	

EE Warnock & Associates, LLC
dba Architects Forum

Date: November 12, 2017

City of Mesquite
Planning and Zoning Commission

Project: Precision Auto (SRA Group Inc.)
2960 I-30 Frontage Road
Mesquite Texas – 75150
RE: Zoning Application for CUP
For Precision Auto (SRA Group Inc.)

To Whom It May Concern,

We are requesting Conditional /use Permit to the existing property located at 2960 I-30 Frontage Road Mesquite Texas. The property has been vacant for over ten years and in need of restoration.

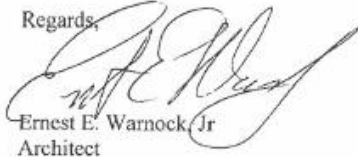
SRA Group has recently purchased the property and in the process of remodeling the site and building to bring up to code and make a more acceptable façade, landscape and site improvements. The intended use is an auto sales and service center to operate as Precision Auto. They will sell used autos and offer automobile repairs and service to the public.

Restoration will include exterior remodel, interior remodel, addition of sprinklers system, new landscaping, site lighting parking lot upgrade, and bring the building and property up to code.

With the substantial investment in the property is imperative to display automobiles in the existing parking lot as a show area. We are therefore requesting the conditional use permit for this property.

SRA is looking forward to opening and operating a successful business in Mesquite. Thank you for your consideration for approval.

Regards,



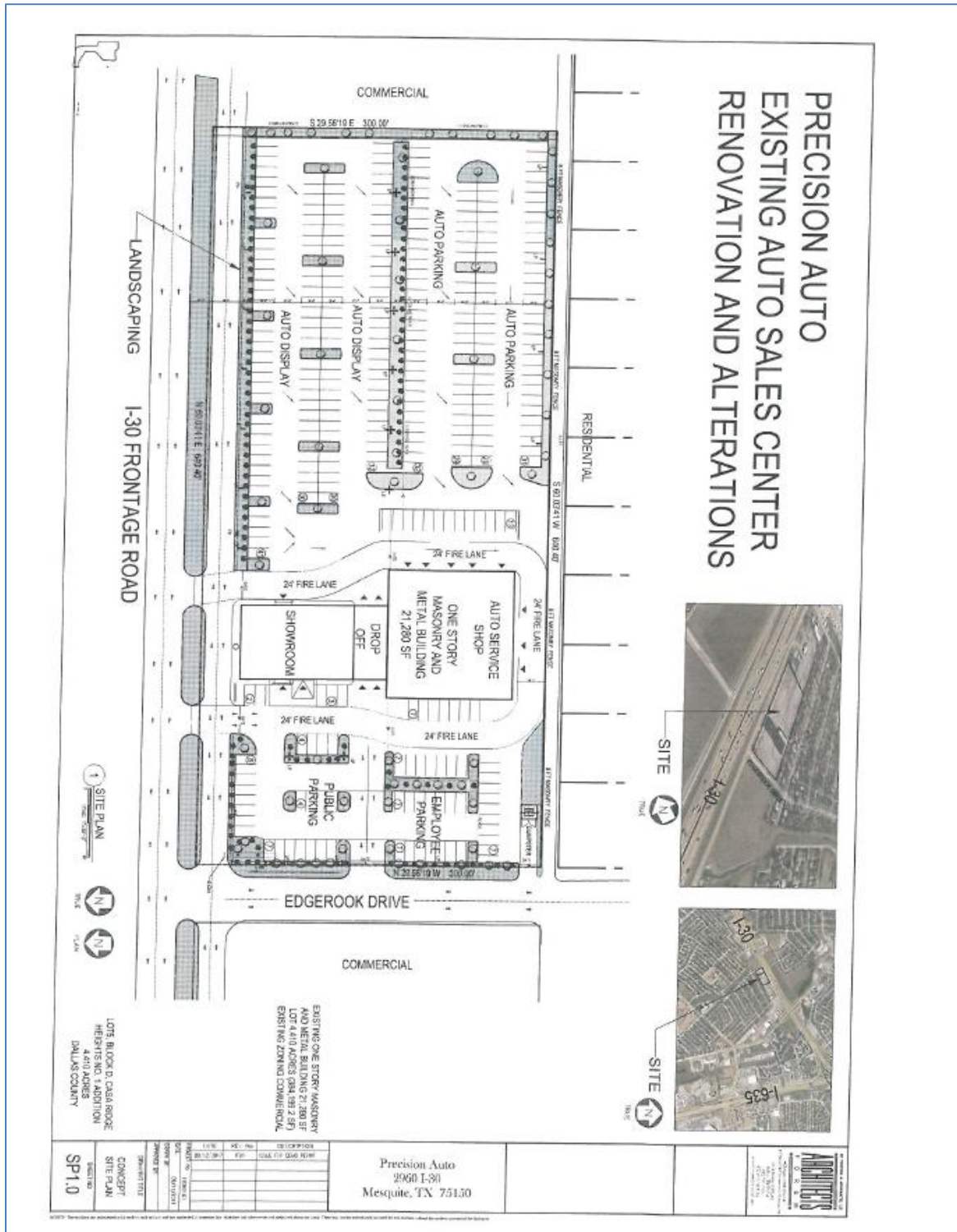
Ernest E. Warnock, Jr.
Architect

cc: Mohammad Rashid

2834 Sunny Hill Lane

Dallas, Texas 75234

972-757-7551



[illegible]



T E X A S

Real. Texas. Service.

CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 2960 Interstate Highway 30
(A map is attached for reference.)

FILE NUMBER: Z1117-0014

APPLICANT: Ernest Warnock, EE Warnock & Associates

REQUEST: From: C, Commercial
To: C, Commercial with a Conditional Use Permit to allow an automobile dealership, with outdoor sales, display and storage

LEGAL DESCRIPTION

Casa Ridge Heights 1 Rep, Block D, Lot 5

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, December 11, 2017 in the City Council Chambers of City Hall located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Tuesday, January 2, 2018 in the City Council Chambers located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 329-8523 or jmatthews@cityofmesquite.com.

REPLY FORM

As a property owner within 200 feet of the property, you are urged to attend the public hearing to give your opinion on the zoning request. Any owner of property subject to a proposed rezoning or affected by the proposed rezoning may protest the rezoning by filing a written protest with Planning and Development Services. The protest must be received by **5 pm on Thursday, December 7th** to be included in the Planning and Zoning Commission packet and by **5 pm on Thursday, December 28th** to be included in the City Council packet. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. Your written reply is important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. This form should be returned to the Planning Division.

(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z1117-0014

I am in favor of this request

✓

Name:(required)

Address:(required)

Robert Kinnard
3007 Anchor Drive

I am opposed to this request

Mesquite, Texas 75150

Reasons (optional):

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

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CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

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(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z1117-0014

I am in favor of this request _____

Name:(required)

Address:(required)

ROBERT THRASHOR

2842 ANCHOR

MESQUITE TX 75150

I am opposed to this request X

Reasons (optional):

The last time a car lot was there
they test drive threw our street,
and excessive speeding also.

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

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ATTACHMENT 6: RETURNED NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

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DEC 07 2017
PLANNING AND ZONING

LOCATION: 2960 Interstate Highway 30
(A map is attached for reference.)

FILE NUMBER: Z1117-0014

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Zoning Case: Z1117-0014

I am in favor of this request

I am opposed to this request

Reasons (optional):

Name: (required)

Address: (required)

Mungkorn Tosomboon

2923 Anchor Dr, Mesquite, TX 75150

From previous experience with the "Rodeo Dodge" dealership occupying is property, it will draw crime and create noise disturbances to the neighborhood. They had a problem with late night thefts and overnight security guards sleeping on the job. To keep the guards

Please respond by returning to:

PLANNING DIVISION

Johnna Matthews

CITY OF MESQUITE

PO BOX 850137

MESQUITE TX 75185-0137

on falling asleep, they would play loud music over their PA system at 3AM in the morning! complained to management about their loud music when I'm trying to sleep at 3AM, but they just ignored me. I DO NOT WANT A REPEAT OF THIS! I PROTEST A CAR DEALERSHIP OPENING NEXT TO ME. I OPPOSE IT!



**CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

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Zoning Case: Z1117-0014

I am in favor of this request

I am opposed to this request

Reasons (optional):

Name:(required)

Address:(required)

MASON
Martin Stewart & John Kelly
2843 Anchor Dr.

Yes
Too Much Noise
Depreciation of Property

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

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PLANNING AND ZONING



CITY OF MESQUITE
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I am in favor of this request

I am opposed to this request

Reasons (optional):

Name: (required)

Address: (required)

Charlotte Thompson
2839 Anchor Dr.
Mesquite TX 75750

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

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