

**FILE NO.:** Z0218-0021

**P&Z HEARING DATE:** March 12, 2018

**COUNCIL DATE:** April 2, 2018

**GENERAL INFORMATION**

**APPLICANT:** Jennifer Keathly on behalf of Donna Woodson

**REQUESTED ACTION:** Amend the current Planned Development (PD) – Industrial #1848 to allow the property to be developed for a nonresidential use.

**LOCATION:** 2821 Newsom Road

**SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The subject property is 1.79 acres and has an existing single family house with a metal barn.

**SURROUNDING LAND USE AND ZONING (see attached map):** To the north and to the east is a church zoned PD – Office #3961. To the west and northwest are undeveloped parcels owned by a church that are zoned PD – Industrial #1848. To the south across Newsom Rd is a single family subdivision that is zoned Single Family Residential.

**ZONING HISTORY:** 1974: Annexed and zoned Agricultural  
1982: Zoning changed to PD 1848 (PD-Industrial)

**PLATTING:** Not currently platted.

**GENERAL:** In 1982, the area (including the subject property) located between Newsom Road and East Glen Blvd were rezoned to PD – Industrial #1848. The intent of the PD was for the properties located between Newsom Rd and East Glen Blvd to be developed for industrial uses. To reduce the incompatible impacts that the industrial uses might have on surrounding property particularly with the residential area to the south, the PD included a number of restrictions. This includes restricting any future uses on the site from accessing Newsom Road, requires a 200-foot setback for any development from Newsom Road, requires visual screening, a 6-foot berm with a 4 to 1 slope, and landscaping (the PD Ordinance is not specific on the type and extent of screening and landscaping); and requires all buildings to be 100% masonry construction.

The industrial development never occurred in the area between East Glen Blvd and Newsom Rd. Large portions of this area were developed for a single family subdivision and two churches. Given the nonindustrial developments that have occurred in this area, the existing PD has become antiquated. The owner of the subject property is wishing to sell their property; however, it has generated very little interest from perspective buyers given the restrictions of the existing PD. The 200-ft setback restriction and prohibition on any future access to Newsom Rd makes the property undevelopable. The subject property at its deepest point is approximately 217 feet. The property owner is requesting to remove the PD restrictions that apply to the subject property and to establish appropriate land

uses for the subject property. There is no proposed buyer or developer at this time.

#### **STAFF COMMENTS**

##### **Mesquite Comprehensive Plan**

The Mesquite Comprehensive Plan designates this area as being on the border of the “East Glen Industrial District” and a single-family residential area. The Comprehensive Plan mentions the existence of the current Planned Development restrictions as a buffer between industrial areas and adjacent residential areas to the south. Amending the PD designation would achieve the same result by allowing low intensity uses that would function as a buffer from any future anticipated industrial uses developed north of East Glen Blvd.

##### **Analysis**

Amending the existing PD to remove the 200-ft setback, screening, and access restrictions to Newsome Rd will be appropriate as long as it is only for low intensity land uses that would not adversely impact the neighborhood to the south. Staff proposes to amend the PD by removing the restrictions that apply to the subject property and by changing the zoning from PD – Industrial to Office. This would allow the property to be developed as an office use while meeting the Office zoning district development standards. An Office zoning designation would provide a transition from the residences to the south to any future anticipated industrial uses developed to the north within the “East Glen District” while also allowing the property owner to develop their property.

#### **RECOMMENDATIONS**

Staff recommends approval of the request to eliminate the stipulations listed for Tract 4 on the subject property and rezone it to Office.

#### **PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff has received one returned notice in opposition from the property owners within 200 feet of the subject properties.

#### **ATTACHMENTS**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Site Pictures
- 6 – Office Development Standards
- 7 – Returned Public Notice

Attachment 1 – Aerial Map



Request: Amend stipulations of Planned Development Ord 1848 to allow a nonresidential development.  
Applicant: Donna Woodson  
Location: 2821 Newsom Road

Legend

 Subject Property



**Attachment 2 – Notification Map**

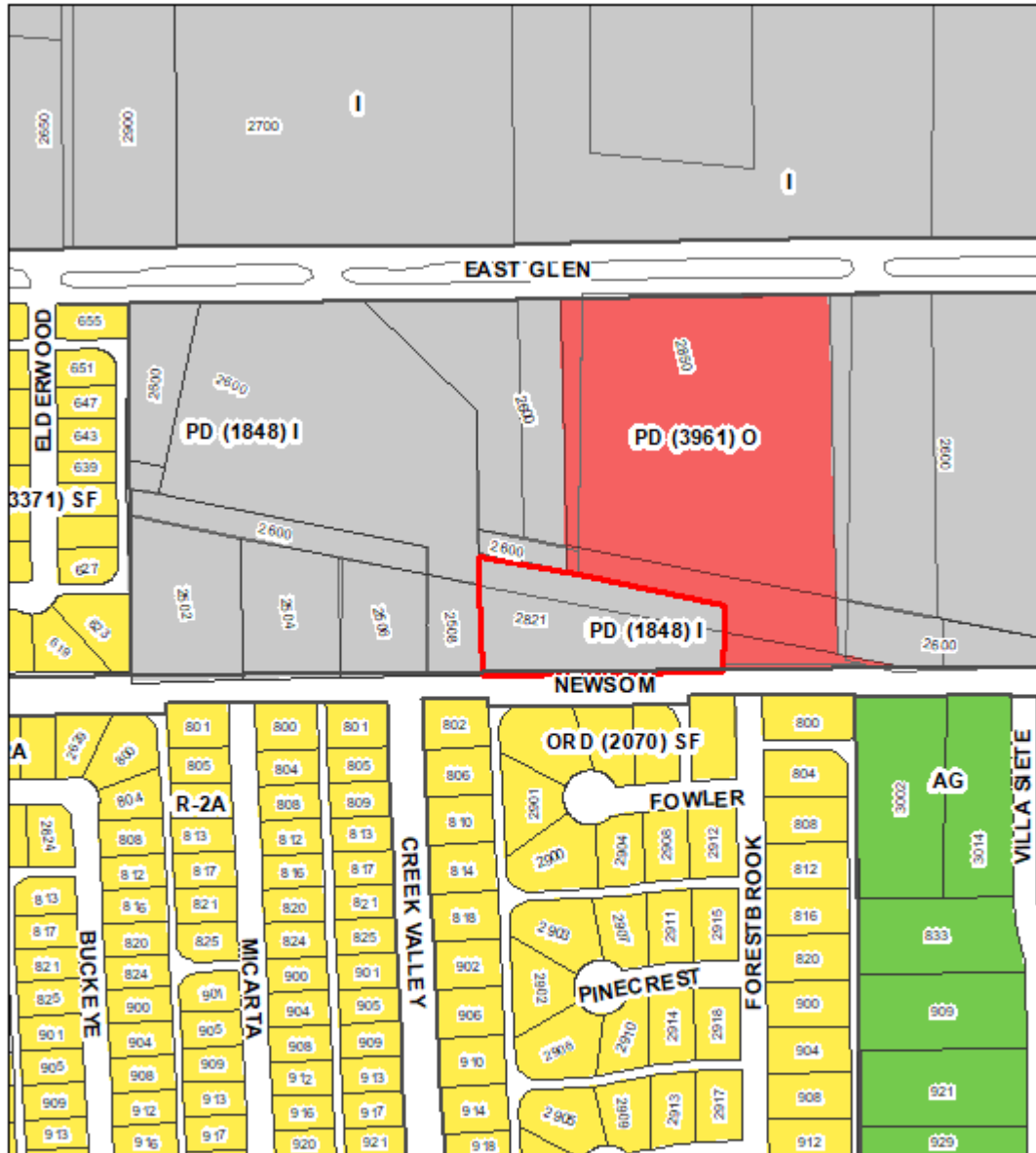


Request: Amend stipulations of Planned Development Ord 1848 to allow a nonresidential development.  
 Applicant: Donna Woodson  
 Location: 2821 Newsom Road

**Legend**  
 ■ Subject Property  
 ▨ Noticed Properties



**Attachment 3 – Zoning Map**



Request: Amend stipulations of Planned Development Ord 1848 to allow a nonresidential development.  
 Applicant: Donna Woodson  
 Location: 2821 Newsom Road

**Legend**  
 [Red Box] Subject Property





**ATTACHMENT 4 – Application**

<b>CITY OF MESQUITE ZONING APPLICATION</b>	Receipt No.		Date Stamp:
	Fee:		
	Case Manager:		

**REQUESTED ACTION:**

Change District Classification to: _____	Conditional Use Permit for: _____	Amend Special Conditions of Ordinance # _____ (Explain Below)
Additional explanation of requested action: <u>remove 200 ft set back from Newsom Road</u> <u>possible change zoning to best fit the current use of the property.</u>		

**SITE INFORMATION/GENERAL LOCATION:**

**LOCATION/LEGAL DESCRIPTION:**

Current Zoning Classification: <u>Residential</u>	Complete one of the following:
Site Size: <u>1.790</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>2821 Newsom Road</u>	Addition: <u>Thomas J Sewell</u>
General Location Description: _____	Block: _____ Lot: _____
<u>Forestbrook Drive and Newsom Road</u>	2. Unplatted Property:
<u>Mapsco 50A-W (DALLAS)</u>	Abstract: _____ Tract: _____

**APPLICANT INFORMATION:**

Contact: <u>Donna Woodson</u>	Phone: ( <u>972</u> ) <u>835</u> <u>6927</u>
Company: <u>Home Owner</u>	Fax: <u>NA</u>
Address: <u>2821 Newsom Road Mesquite Tx 75181</u>	E-mail: <u>grits-n-texas@hotmail.com</u> (Required)
Signature: <u><i>Donna Woodson</i></u>	Owner <input checked="" type="checkbox"/> Representative <input 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.	
Owner: <u>Donna Woodson</u>	Phone: ( <u>972</u> ) <u>835</u> <u>6927</u>
Address: <u>2821 Newsom Road Mesquite Tx 75181</u>	Fax: <u>NA</u>
	E-mail: <u>grits-n-texas@hotmail.com</u>
Signature: <u><i>Donna Woodson</i></u>	

**Attachment 5 - Pictures**



**View of the subject property from across Newsom Rd**







**Residential subdivision to the south.**



**Attachment 6 – Development Standards**

**3-301 LOT, SETBACK, AND HEIGHT REGULATIONS      Ord. 3959/5-19-2008; Ord. 2650/12-18-89**

	<i><b>O / CV</b></i>	<i><b>GR</b></i>	<i><b>LC</b></i>	<i><b>MU</b></i>	<i><b>CB</b></i>	<i><b>SS</b></i>	<i><b>C</b></i>	<i><b>I</b></i>
<b>A. MAXIMUM LOT COVERAGE (%)</b>	30	30	50	--	50	30	50	75
<b>B. MINIMUM FRONT AND EXTERIOR SIDE YARDS (FEET)</b>	25	25	25	5	See 3-305	40	25	25
<b>C. MINIMUM INTERIOR SIDE AND REAR YARDS (FEET)</b>								
1. Adjacent to Nonresidential District	0	0	0	0	0	0	0	0
2. Adjacent to A District	15	15	15	15	15	15	15	15
3. Adjacent to AG, R, or D District	25 feet or 2 times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater.							
<b>D. MAXIMUM HEIGHT (FEET OR STORY)</b>								
1. With Setbacks Specified Above (Ft)	75	35	75	1 Story	75	35	75	75
2. Increase Height Permitted With Increased Setbacks (See 3-305)	Yes	No	Yes	Yes	Yes	No	Yes	Yes

**Attachment 7 – Public Notice**



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

**LOCATION:** 2821 Newsom Road (See attached map for reference.)  
**FILE NUMBER:** Z0218-0021  
**APPLICANT:** Donna Woodson  
**REQUEST:** From: Planned Development – Industrial #1848  
To: Amend the current Planned Development Ordinance #1848

The requested Zoning Change is to amend the stipulations of the Planned Development ordinance #1848 to allow the property to be developed for a nonresidential use. A list of permitted uses for each zoning district is available on the City's website at [www.cityofmesquite.com/1250/Zoning-Ordinance](http://www.cityofmesquite.com/1250/Zoning-Ordinance).

**LEGAL DESCRIPTION**

Being 1.79 acres in the Thomas J Sewell Survey, Abstract No. 1359, City of Mesquite, Dallas County, Texas.

**PUBLIC HEARINGS**

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **March 12, 2018**, 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 Monday, **April 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) 216-6343 or [glangford@cityofmesquite.com](mailto:glangford@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 **March 9th** to be included in the Planning and Zoning Commission packet and by 5 pm on **March 22nd** to be included in the City Council packet. The protest shall object to the zoning map amendment 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: Z0218-0021**

I am in favor of this request

I am opposed to this request

Reasons (optional):

Name: (required)

Address: (required)

MARVIN L. FREEMAN

2905 FOWLER CT

MESQUITE, TX, 75181

**RECEIVED**

**MAR 09 2018**

Please respond by returning to:

PLANNING DIVISION  
Garrett Langford  
CITY OF MESQUITE  
PO BOX 850137  
MESQUITE TX 75185-0137

**PLANNING AND ZONING**