

**FILE NO.:** Z0218-0022

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

**COUNCIL DATE:** April 2, 2018

#### GENERAL INFORMATION

**APPLICANT:** Ryan Dykstra, Vaquero Ventures

**REQUESTED ACTION:** Amend the current Planned Development ordinance #3872 to allow additional uses on the subject property.

**LOCATION:** 705 State Highway 352

#### SITE BACKGROUND

**EXISTING LAND USE AND SIZE:** The subject property is 4.89 acres and is undeveloped. The proposed rezoning request applies to the 2.428 acres located along the front of the property. The subject property has split zoning with the back portion zoned General Retail and the front portion zoned Planned Development (PD) – General Retail #3872.

**SURROUNDING LAND USE AND ZONING (see attached map):** To the north and to the west is an electrical substation zoned PD Single Family. To the northeast is a single family subdivision zoned PD single family. To the east across SH 352 are medical office buildings zoned General Retail. To the south is a small strip center zoned General Retail.

**ZONING HISTORY:**

- 1963 – Annexed and zoned Residential
- 1972 – Zoning changed to General Retail
- 1982 – Zoning changed to PD (1856) Single-Family
- 2007 – Zoning changed to PD (3872) General Retail

**PLATTING:** Samuel Park Farms Retail, Block A, Lot 2

**GENERAL:** On March 12, 2018, the Planning and Zoning Commission tabled the public hearing for this request until March 26<sup>th</sup> Commission meeting. This was done to allow staff time to review the revised concept plan that was presented by the applicant at the March 12<sup>th</sup> meeting. The followings sections have been updated.

The subject property was rezoned in 2007 to allow phase two of a small three building retail/office development. Phase one includes a small retail building to the south of the subject property that was built in 2002. In 2007, the subject property had two zoning designations with the zoning boundary running north & south through the middle of the property. The western edge of the tract is zoned General Retail while the eastern edge is zoned PD (1856) Single Family.

The residential portion was rezoned to PD – General Retail #3872 that allowed a limited number of General Retail uses. The PD was also approved with a concept plan (Attachment 5) showing where future buildings will be located on the site. The subject property has not been developed since the rezoning in 2007.

The applicant is requesting to amend the current PD Ordinance #3872 to allow additional retail uses on the subject property. The applicant has clarified that they are requesting that the uses that are allowed by right in the General Retail zoning district be permitted in the PD. A list of these uses are shown as Attachment 7. The applicant is also proposing to replace the existing concept plan with a new concept plan (Attachment – 6). The applicant has not indicated an end user for the subject property.

The site has a major drainage feature along the west side of the property that will require an enclosed storm sewer system per the Mesquite's Drainage Ordinance. The development including site plan and all drainage improvements will be in accordance with the *City of Mesquite Storm Water and Flood Protection Ordinance*. The major drainage feature along the rear property will most likely limit development to the front of the property. Additionally, the Zoning Ordinance requires proper screening and sufficient setback from adjacent zoning designations to minimize any impact that a development might have on neighboring properties.

#### **STAFF COMMENTS**

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

According to the Mesquite Comprehensive Plan, the subject property is located in the Community Business Area North and is designated as low-density community area, which provides goods and services to the surrounding neighborhoods. These areas are generally not appropriate for highway-related uses, entertainment/recreational uses, uses with outdoor storage and outdoor sales, and display lots.

##### **Analysis**

The existing PD - General Retail zoning is consistent with the Mesquite Comprehensive Plan which designated the area for a low-density nonresidential uses that serve the surrounding area. Allowing more uses that are allowed in General Retail to be added to the PD would not conflict with the intent of the Comprehensive Plan or cause an adverse impact on nearby residential properties. Staff does not see an issue with replacing the existing concept plan with the new concept plan. In the following section, staff proposes additional uses that are permitted in General Retail zoning that are consistent with the intent of the Comprehensive Plan. Staff also proposes removing stipulation #3 which states that the development should generally comply with the Community Appearance Manual. Removal stipulation #3 will require the development to fully comply with the Community Appearance Manual.

## RECOMMENDATIONS

Staff recommends the following amendments to the PD Ordinance #3872. The new text is underlined and the text to be removed is strike through.

1. Development of the site shall conform generally to the concept plan, attached hereto as Exhibit "B," and subject to the City's environmental and site development regulations.
2. Only uses that are classified under the following SIC codes shall be permitted:

Retail:	<del>523</del>	<del>Paint, Glass, Wallpaper</del>	
	<del>525</del>	<del>Hardware Store</del>	
	<del>54</del>	<del>Food Stores</del>	
	<del>553</del>	<del>Auto Supply Stores</del>	
	56	Apparel, Accessory Stores	
	57	Furniture, Home Furnishings	
	58	Eating, Drinking Places	
	<del>591</del>	<del>Drug, Proprietary Stores</del>	
	594	Miscellaneous Shopping Goods Stores	Except 5947, Gift, Souvenir Shops
	5992	Florists	
	5995	Optical Goods Stores	
Finance, Insurance, Real Estate:	60 - 67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61 Nondepository Institutions <u>and 61a Alternative Financial Establishments</u>
Services:	722	Photographic, Portrait Studios	
	<del>723</del>	<del>Barber Shop</del>	
	<del>724</del>	<del>Beauty Shop</del>	
	7291	Tax Preparation Services	
	7299	Tanning Salon only	
	7334	Photocopying, Duplicating Services	
	80	Health Services	
	81	Legal Services	
	82	Educational Services	
	83	Social Services	
	87	Engineering, Accounting, Research, Management Services	

3. ~~Architectural design, landscaping, and screening shall be consistent with the proposed Community Appearance Manual.~~

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**PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff has received a response from the owner of the subject property in favor of the request. Staff has received one response in opposition to the request.

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**ATTACHMENTS**



- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Existing PD Concept Plan
- 6 – Proposed Concept Plan
- 7 – List of Requested Uses
- 8 – Site Pictures
- 9 – Public Responses

Attachment 1 – Aerial Map



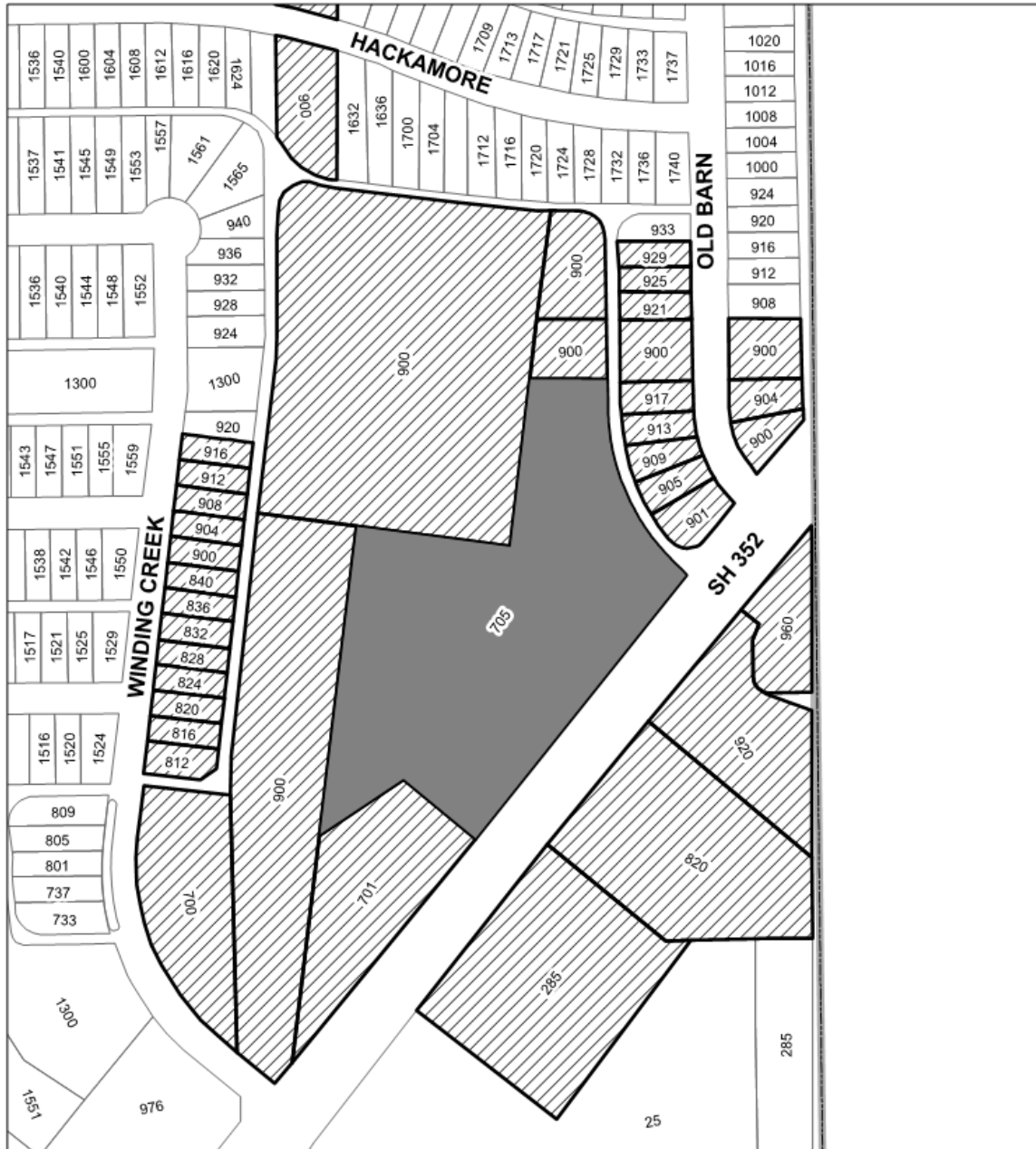
Request: Amend Plannd Development  
General Retail #3872 to allow additional  
uses.  
Applicant: Ryan Dykstra  
Location: 705 SH 352

Legend

 Subject Property  
 City Limit






**Attachment 2 – Notification Map**



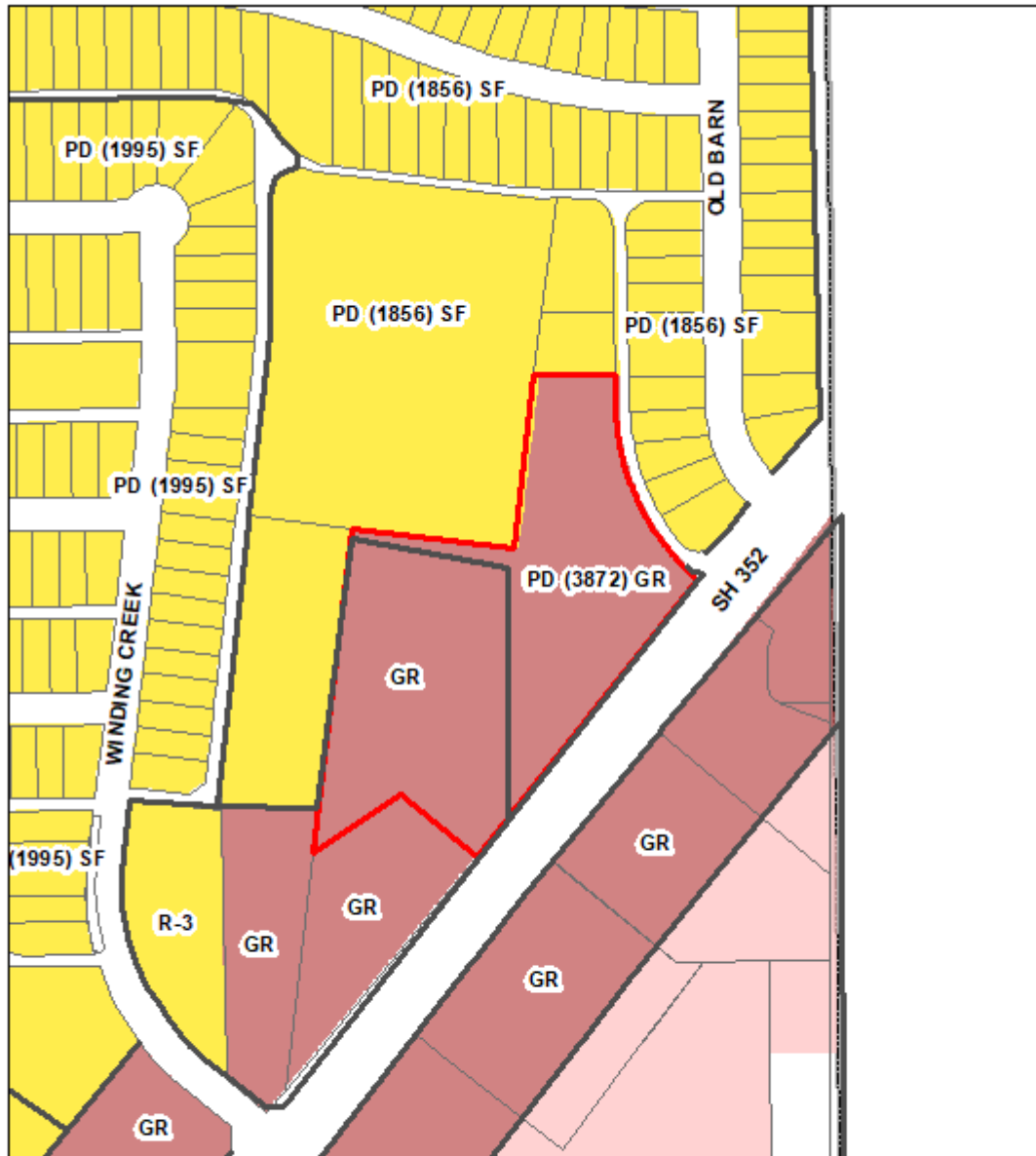
Request: Amend Plannd Development  
General Retail #3872 to allow additional  
uses.  
Applicant: Ryan Dykstra  
Location: 705 SH 352

**Legend**

-  Subject Property
-  Noticed Properties
-  City Limit





Attachment 3 – Zoning Map



Request: Amend Plannd Development  
General Retail #3872 to allow additional  
uses.  
Applicant: Ryan Dykstra  
Location: 705 SH 352

Legend

 Subject Property  
 City Limit





**ATTACHMENT 4 – Application**

<b>CITY OF MESQUITE</b> <b>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 # <u>3872</u> <small>(Explain Below)</small>
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**Additional explanation of requested action:**

I would like SIC codes 52-59 to be permitted to allow for all Retail Trade on the entire property, and remove the conceptual plan to not hinder marketability of remaining property.

**SITE INFORMATION/GENERAL LOCATION:**

**LOCATION/LEGAL DESCRIPTION:**

Current Zoning Classification: <u>split zoning: GR and PD-GR</u>	Complete one of the following:
Site Size: <u>4.8849</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>705 State Hwy. 352</u>	Addition: <u>Samuel Park Farms Retail</u>
General Location Description: <u>The property is located in northeast Mesquite, being 4.8849 acres along Hwy. 352 (Collins Rd.)</u>	Block: <u>A</u> Lot: <u>2</u>
	2. Unplatted Property:
	Abstract: _____ Tract: _____

**APPLICANT INFORMATION:**

Contact: <u>Ryan Dykstra</u>	Phone: <u>(480) 751-8140</u>
Company: <u>Vaquero Ventures</u>	Fax: <u>(817) 984-8373</u>
Address: <u>2900 Wingate St. Ste. 200</u> <u>Fort Worth, TX 76107</u>	E-mail: <u>rdykstra@vaqueroventures.com</u> <small>(Required)</small>
Signature: <u>[Signature]</u>	Owner <input type="checkbox"/> Representative <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>

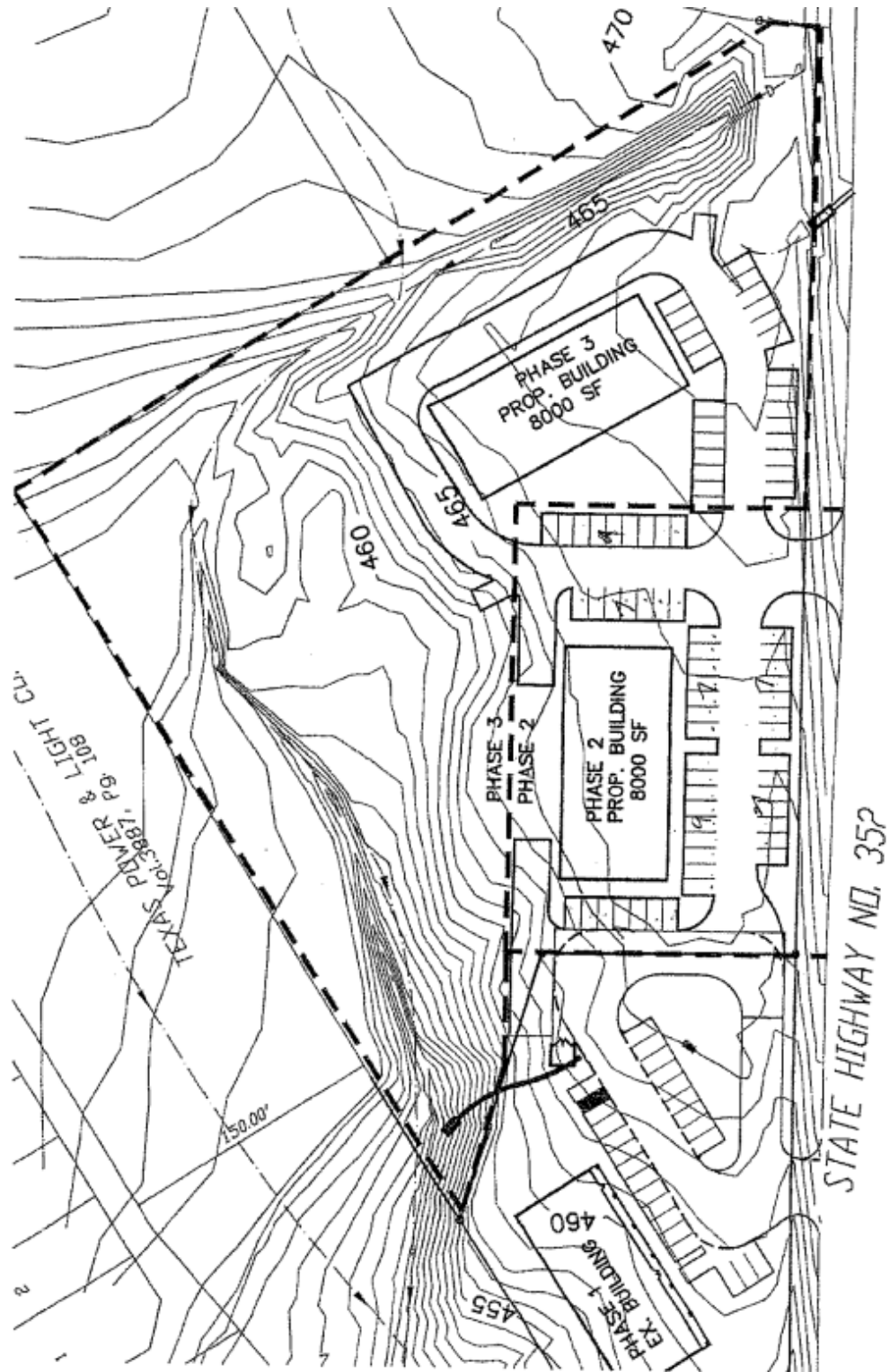
**OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:**

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>TIPTON GROWTH PARTNERS, LTD.</u> <u>BY: AP Assoc. Inc. GENERAL PARTNER</u>	
Owner: <u>DON A. TIPTON, PRESIDENT</u>	Phone: <u>(214) 212-2860</u>
Address: <u>6925 FM 2515</u> <u>KAUFMAN, TEXAS 75142</u>	Fax: <u>(972) 932-6524</u>
Signature: <u>[Signature]</u>	E-mail: <u>dot@alocon.net</u>

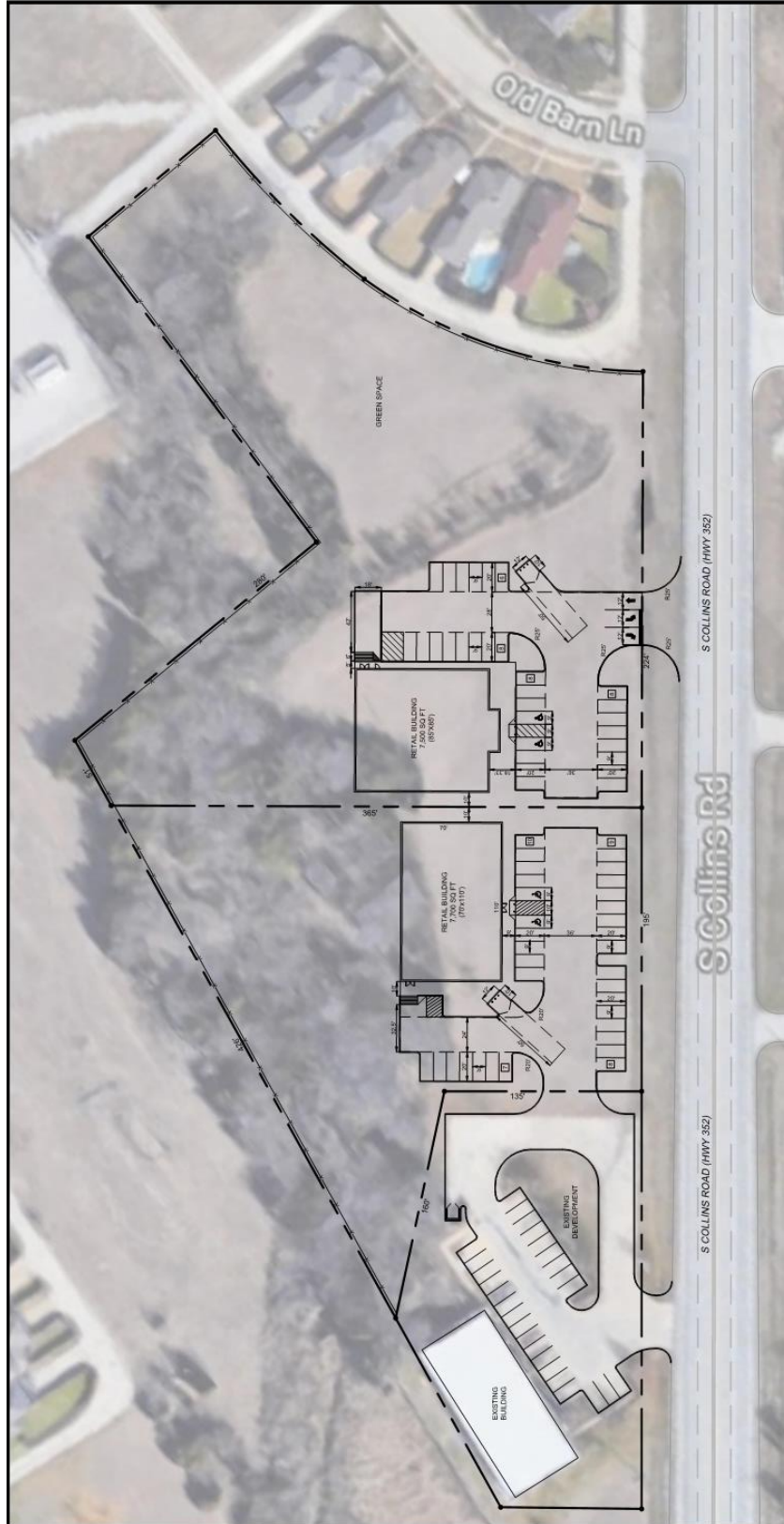


ATTACHMENT 5 – Existing PD Concept Plan

Exhibit B



ATTACHMENT 6 – Proposed Concept Plan



**ATTACHMENT 7 – Requested Uses**

**Below are uses allowed in General Retail but are not currently allowed in PD #3872**

- 523 Paint, Glass, Wallpaper Stores
- 525 Hardware Stores
- 53 GENERAL MERCHANDISE STORES
- 531 Department Stores
- 533 Variety Stores
- 539 Miscellaneous General Merchandise Stores
- 54 FOOD STORES
- 541 Grocery Stores
- 542 Meat, Fish Markets
- 543 Fruit, Vegetable Markets
- 544 Candy, Nut, Confectionery Stores
- 545 Dairy Products Stores
- 546 Retail Bakeries
- 549 Miscellaneous Food Stores (except)
  - a. Convenience Stores
- 553 Auto & Home Supply Stores
- 554 Refueling Stations
  - a. Limited Fuel Sales (other than heavy load vehicles)
- 591 Drug, Proprietary Stores
- 594 Miscellaneous Shopping Goods Stores
- 5947 Gift, Novelty, Souvenir Shops
- 596 Non-Store Retailers
  - 5961 Catalog, Mail Order Houses
  - 5962 Automatic Machine Operators
  - 5963 Direct Selling Establishments
- 599 Retail Stores, NEC
  - 5992 Florists
  - 5993 Tobacco Stores
  - 5994 News Dealers/Newsstands
  - 5995 Optical Goods Stores
  - 5999 Miscellaneous Retail, NEC (except)
    - a. Auction Rooms
    - d. Pet Shops (Ord. 3848/1-2-07)
- 7215 Coin Operated Laundries/Dry Cleaning
- 7219 Laundry, Garment Services, NEC
- 724 Barber Shops
- 723 Beauty Shops
- 725 Shoe Shine & Repair, Hat Cleaning Shop
- 726 Funeral Service
- 7299 Miscellaneous Personal Services NEC
- 7311 Advertising Agencies
- 7313 Media Advertising Representatives
- 732 Credit Reporting, Collection
- 733 Reproduction, Stenographic Services

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- 7331 Direct Mail Advertising Services
- 7334 Photocopying, Duplicating Services
- 7338 Secretarial, Court Reporting
- 7359 Household Equipment Only
- 736 Personnel Supply Services
  - 737 Computer, Data Processing Services (except)
    - a. Computer Equipment Repair
    - b. Computer Sales/Rental
- 7389 Business Services
  - a. Trading Stamp Services
  - b. Post Office Contract Station
- 7514 Passenger Car Rental
- 7515 Passenger Car Leasing
- 752 Automobile Parking (Lots and Structures)
  - a. Automobiles, Trucks, and Vans not exceeding 3/4 ton
- 753 Automobile Repair Shops - Minor Automobile Repair
- 7549 Other Automotive Services - Diagnostic, Inspection Services
- 7622 Radio & Television Repair
- 763 Watch, Clock, Jewelry Repair
- 7699 Repair Shops, Services, NEC
  - a. Camera Repair
  - b. Key Duplicating, Locksmiths
  - c. Musical Instrument Repair
  - d. Office Equipment, Typewriter Repair
- 7832 Motion Picture Theaters
- 784 Video Tape Rental
- 791 Dance Studios, Schools
- 792 Ticket Agencies, Entertainment
- 7991 Physical Fitness Facilities
- 7992 Public Golf Course
- 7999 Amusement Services
  - c. Commercial Art Galleries, Museums
  - d. Sports Instruction (Indoor)
  - e. Ticket Agencies, Sports/Recreation
  - f. Escape Rooms
- 841 Museums, Art Galleries
- 842 Arboreta, Botanical Gardens (except – Zoological Gardens)
- 86 Membership Organizations

**Attachment 8 - Pictures**



**View of subject property facing north**



**View of subject property facing west**





**Existing building to the south**



**Across SH 352**



**Attachment 9 – Public Response**



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

**LOCATION:** 705 State Hwy 352 (See attached map for reference.)  
**FILE NUMBER:** Z0218-0022  
**APPLICANT:** Ryan Dykstra, Vaquero Ventures  
**REQUEST:** From: Planned Development – General Retail #3872  
To: Amend the current Planned Development ordinance #3872

The requested Zoning Change is to amend the current Planned Development ordinance #3872 to allow additional uses on the subject property. 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). Please note that The City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) be nonresidential when the one requested is for a residential use or vice versa.

**LEGAL DESCRIPTION**

Samuel Parks Farms Retail, Block A, Lot 2, 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: Z0218-0022**  
I am in favor of this request

Name (required)  
Address (required)

Kim Ahern  
909 Old Barn Lane  
Mesquite, TX 75149

I am opposed to this request

Reasons (optional):

Please see attached for my reason for  
opposing File # Z0218-0022.  
Kim Ahern

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

**RECEIVED**

**MAR 19 2018**

**PLANNING AND ZONING**

Response to Reason for being opposed to File #Z0218-0022

I purchased my home in September of 2012, and was led to believe that the property directly behind me was a utility easement and no one would ever be able to build there. That was a major determining factor in my decision to purchase this home as opposed to a different one. Additionally, right now our neighborhood is reasonably quiet and has very minimal traffic considering we are right off of the SH 352, but all that would change dramatically if a retail space was allowed to be built behind our houses.

Also, if a retail building was to be built directly behind my home, I would be very concerned about the value of my home and my ability to be able to sell it if or when that time came.

Sincerely,

A handwritten signature in cursive script that reads "Kim Ahern".

Kim Ahern

909 Old Barn Lane  
Mesquite, TX 75149