

**FILE NO.:** 20218-0024

**P&Z HEARING DATE:**

March 26, 2018

**COUNCIL DATE:**

April 16, 2018

#### **GENERAL INFORMATION**

**APPLICANT:** Mohammad Qureshi, Qureshi and Nguyen Properties

**REQUESTED ACTION:** Planned Development (PD) Amendment to Ordinance 3870 to allow for additional commercial uses

**LOCATION:** 3730 US Highway 80 East

#### **SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The subject property includes approximately 0.69 acres of land (29,969 sq. ft.) and is currently developed with a one-story, 2,856 square foot multi-tenant building. There are 2 tenant spaces and one tenant space is occupied by a restaurant; Charleys. The second tenant space is unoccupied.

**SURROUNDING LAND USE AND ZONING (see attached map):** North: US Hwy. 80 E.  
South: Riddell Plumbing Company, zoned "C" Commercial  
East: Riddell Plumbing Company, zoned "C" Commercial  
West: Fuel City, zoned "PD-I" PD-Industrial

**ZONING HISTORY:** 1954: Annexed and zoned Residential  
1967: Zone change to "C" Commercial  
1989: Zoned change to "PD-SS" PD-Service Station  
2007: Zone change to "PD-GR" PD-General Retail

**PLATTING:** The subject property is platted in the Skyline Business Park Addition, Block D, Lot 2. No platting is required.

**GENERAL:** The applicant is requesting an amendment to Ordinance Number 3870 to allow for additional commercial uses. Ordinance Number 3870 was approved in 2007 as an amendment to a previous ordinance, to allow for a Planned Development with an underlying zoning district of "GR" General Retail. The ordinance included conditions requiring improvements to the building façade, landscaping, and a list of permitted uses (See Attachment 6 for Ordinance 3870). According to the applicant, due to the current restrictions on permitted uses, obtaining full occupancy of the multi-tenant space is difficult. The multi-tenant building

## REQUEST FOR ZONING RECLASSIFICATION

is currently occupied by a restaurant. The other tenant space is unoccupied and has been unoccupied for 6 months or more.

The applicant proposes to add the following uses, as permitted uses:

SIC Code	Use Description
539	Miscellaneous General Merchandise Store including Beauty Supply Store
549	Miscellaneous Food Store: Convenience Store with no gasoline sales
573	Radio, TV, Electronics, Music Stores (Cell Phones)
724	Barber Shop
723	Beauty Shop including Nail Salon
7299	Miscellaneous Personal Services: Tax Preparation
737	Computer Equipment Repair
	Learning Center: Driving School
7389	Business Services NEC (Signs, Advertising)
7699	Repair Shops: Key Duplicating Locksmiths
804	Offices of Other Health Practitioners
829	Schools, Educational Services, NEC: (Automobile driving instruction)
866	Religious Organizations (Churches)

### STAFF COMMENTS

#### **Mesquite Comprehensive Plan**

According to the Comprehensive Plan, the subject property is located within the Industrial/Business Parks future land use designation. The Industrial/Business Parks future land use designation provides specialized areas for basic employment by providing locations for manufacturing, wholesale distribution and heavy commercial uses. Additionally, the Plan recommends that retail and personal service type uses should generally be discouraged.

#### **Analysis**

Although the Comprehensive Plan discourages retail and personal service type uses in the area, in 2007 a PD was approved with an underlying zoning district of "GR" General Retail. The "GR" district was established to accommodate the sale of convenience goods and personal services primarily for persons residing in the area. While the subject property is in a primarily industrial area, the property is located along Highway 80 and of a small size (0.69 acres) which makes it unsuitable for industrial uses. The uses currently permitted and the uses proposed would both serve nearby neighborhoods that use the intersection and those working in the area.

## **REQUEST FOR ZONING RECLASSIFICATION**

### **RECOMMENDATION**

Staff recommends approval of the change in zoning to allow for additional uses, as referenced in this staff report.

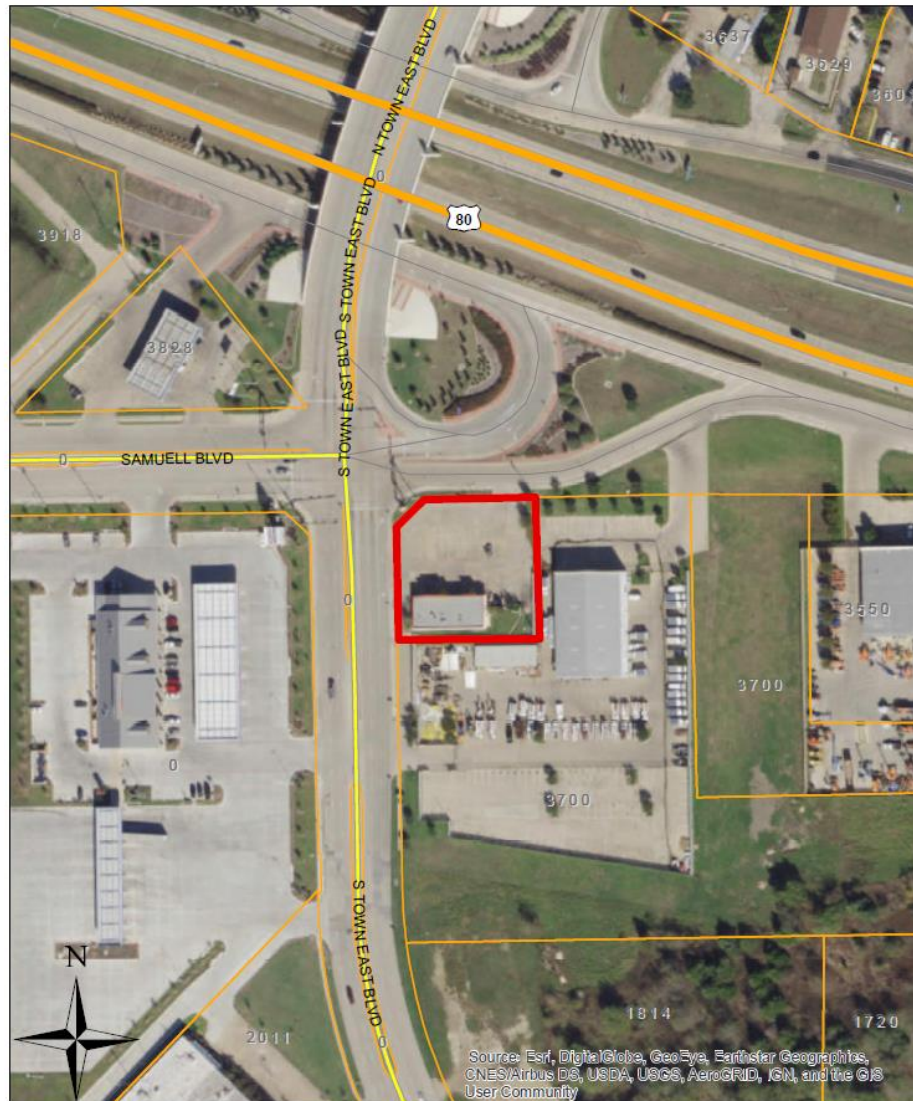
### **PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, no notices have been returned.

### **ATTACHMENTS**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application and Supporting Materials
- 5 – Site Photos
- 6 – Ordinance Number 3870

## Aerial Map

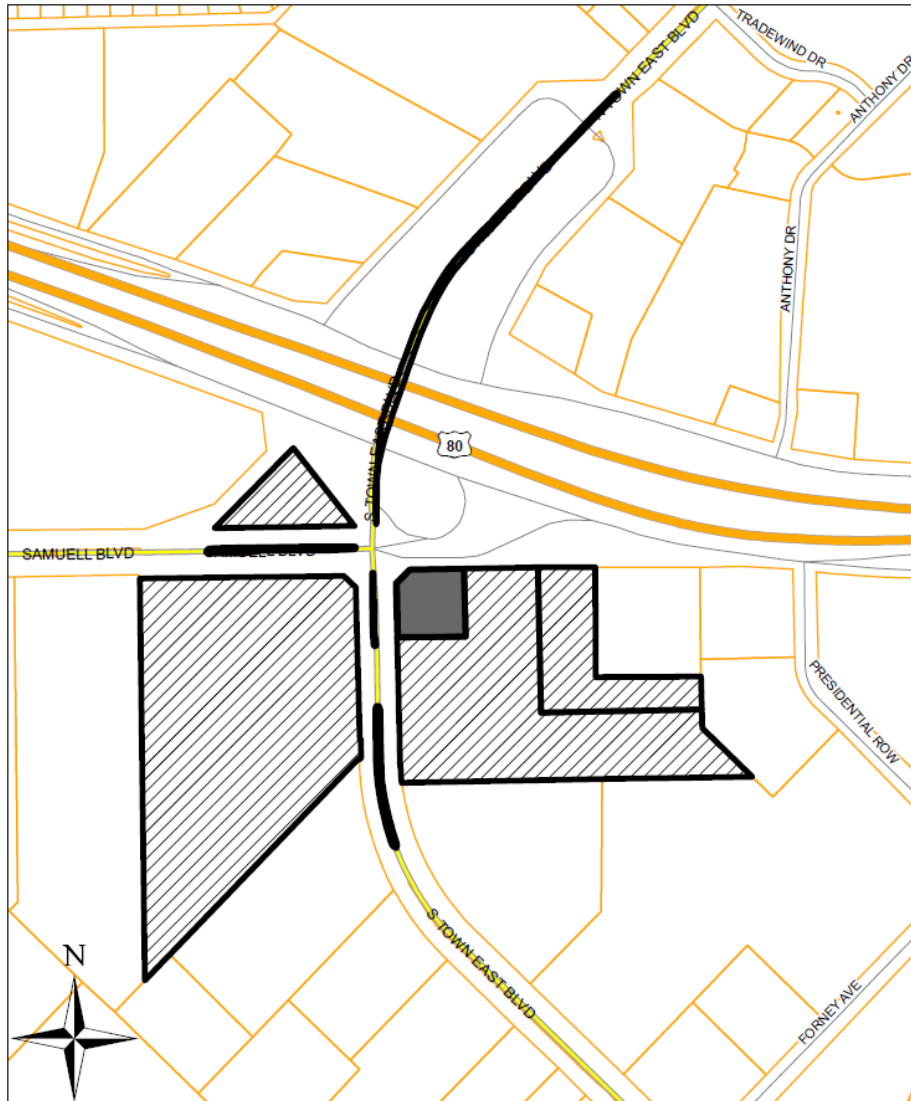


**Request:** Zone change from Planned Development-General Retail "PD-GR" to "PD-GR," with the addition of certain commercial uses  
**Applicant:** Mohammad Qureshi  
**Location:** 3730 E US HWY 80

### Legend

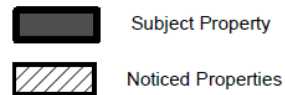


## Notification Map

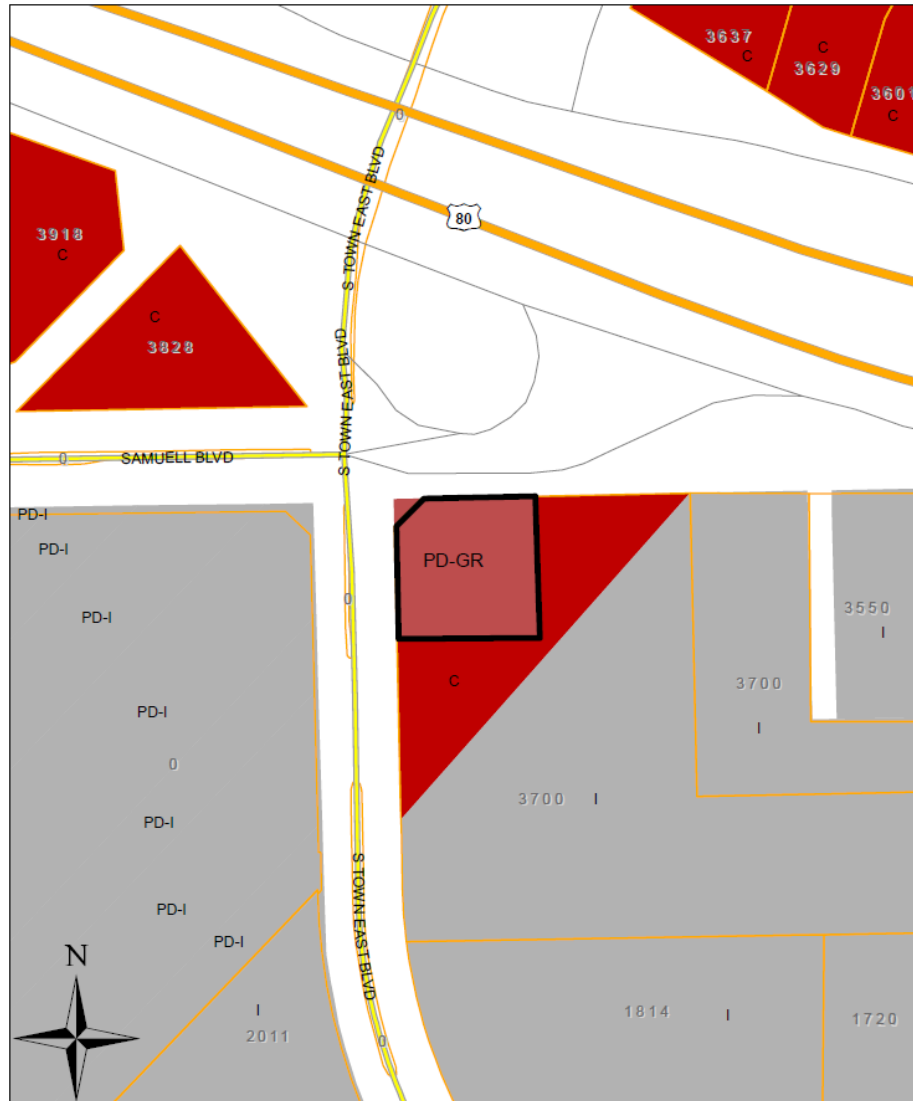


**Request:** Zone change from Planned Development-General Retail "PD-GR" to "PD-GR," with the addition of certain commercial uses  
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**Legend**



## Zoning Map



**Request:** Zone change from Planned Development-General Retail "PD-GR" to "PD-GR," with the addition of certain commercial uses  
**Applicant:** Mohammad Qureshi  
**Location:** 3730 E US HWY 80

### Legend

 Subject Property



**REQUEST FOR ZONING  
RECLASSIFICATION**

**MESQUITE**  
T E X A S  
Real. Texas. Service.

ATTACHMENT 4: APPLICATION

<b>CITY OF MESQUITE ZONING APPLICATION</b>	Receipt No. <u>48793</u>	Date Stamp: <u>20218-0024</u>
	Fee: <u>500</u>	
	Case Manager:	

**REQUESTED ACTION:**

Change District Classification to:	Conditional Use Permit for:	Amend Special Conditions of Ordinance # <u>3870</u> (Explain Below)
Additional explanation of requested action: <u>NEED MORE RETAIL OPTIONS</u>		

**SITE INFORMATION/GENERAL LOCATION:**

**LOCATION/LEGAL DESCRIPTION:**

Current Zoning Classification: <u>RETAIL</u>	Complete one of the following:
Site Size: _____ (Acres or Square Feet)	1. Platted Property
Address (if available): <u>3730 HWY 80 EAST</u>	Addition: _____
General Location Description: <u>HWY 80 AND TOWN EAST</u>	Block: _____ Lot: _____
	2. Unplatted Property:
	Abstract: _____ Tract: _____

**APPLICANT INFORMATION:**

Contact: <u>MOHAMMAD QURESHI</u>	Phone: <u>(214) 629-8539</u>
Company: <u>QURESHI &amp; NGUYEN PROPERTIES</u>	Fax: _____
Address: <u>6602 AUTUMNWOOD LN GARLAND, TX 75044</u>	E-mail: <u>QURESHI972@GMAIL.COM</u> (Required)
Signature: <u>[Signature]</u>	Owner <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input 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>MOHAMMAD QURESHI</u>	Phone: <u>(214) 629-8539</u>
Address: <u>6602 AUTUMNWOOD LN GARLAND, TX 75044</u>	Fax: _____
Signature: <u>[Signature]</u>	E-mail: <u>QURESHI972@GMAIL.COM</u>

**REQUEST FOR ZONING  
RECLASSIFICATION**



ATTACHMENT 4: APPLICATION

3730 HWY 80 EAST MESQUITE, TX 75149

RETAIL OPTIONS LIKE TO ADD

CONVENIENCE STORE  
COMPUTER EQUIPMENT REPAIR  
CELL PHONE STORE , LEARNING CENTER,  
KEY DUPLICATING, LOCK SMITHS , SIGN SHOP , NAIL SALON , BEAUTY SUPPLY SHOP

539, 7215, 724, 723, 7299, 801, 802, 804, 866



**REQUEST FOR ZONING  
RECLASSIFICATION**



Photo taken in the parking lot of the subject property looking south towards the existing multi-tenant building.

**REQUEST FOR ZONING  
RECLASSIFICATION**

ORDINANCE NO. 3870

File No. SKB-4

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM PLANNED DEVELOPMENT-SERVICE STATION TO PLANNED DEVELOPMENT-GENERAL RETAIL SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning on property zoned Planned Development - Service Station to Planned Development - General Retail subject to the following stipulations:

1. Only uses that are classified under the following SIC codes are permitted:

Retail:	56	Apparel, Accessory Stores
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	5942	Book Stores
	5943	Stationary Stores
	5944	Jewelry Stores
	5945	Hobby, Toy, Game Shops
	5946	Camera, Photo Supply Shops
	5948	Luggage, Leather Goods Stores
	5949	Sewing, Needlework, Piece Goods Stores
	5992	Florists
	5995	Optical Goods Stores

## REQUEST FOR ZONING RECLASSIFICATION

Zoning Ordinance/File No. SKB-4/May 21, 2007  
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Finance, Insurance, Real Estate	All	Except SIC 61, Nondepository Institutions
Personal Services	722 7291	Photographic, Portrait Studios Tax Preparation Services
Business Services	7334	Photocopying, Duplicating Services

2. Removal of the existing pole sign located on the site.
3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the requirements of the proposed Community Appearance Manual.
5. Landscaping that includes:
  - a. One shade tree per 50 feet along right-of-way excluding the drive aisles.
  - b. Decorative plantings and/or landscaping around the monument sign.
  - c. A four-foot parking screen along the perimeter of any parking area parallel to the street.
  - d. Parking lot landscaping:
    - (1) One tree per 15 spaces located in the parking lot.
    - (2) Each tree shall be placed in a landscaped area no smaller than nine-feet by 18-feet.
  - e. Foundation landscaping around the building.
  - f. Enhance landscaping in southeast corner open space and the southwest corner open spaces with a combination of all the following:
    - (1) Bushes or hedges.
    - (2) At least two additional trees added in southeast corner.
    - (3) Flowerbeds and/or low ground plantings.
6. Masonry dumpster screening that matches the building.
7. Construction of sidewalk along the right-of-way.
8. The applicant shall file a revised site plan showing compliance with stipulations 1-7 prior to filing a building permit application.

# REQUEST FOR ZONING RECLASSIFICATION

Zoning Ordinance/File No. SKB-4/May 21, 2007  
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That the subject property is a 30,625-square foot lot located at 3730 U. S. Highway 80 on the southeast corner of the South Town East Boulevard and U.S. Highway 80 intersection, and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

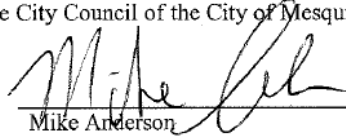
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

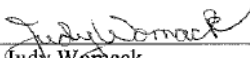
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

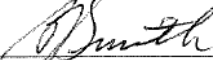
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of May, 2007.

  
Mike Anderson  
Mayor

ATTEST:

  
Judy Womack  
City Secretary

APPROVED:

  
B. J. Smith  
City Attorney

**REQUEST FOR ZONING  
RECLASSIFICATION**

Exhibit "A"

**Field Notes**  
File No. SKB-4

Beginning at the point of intersection of the South line of said U.S. Highway 80 service road, (a 120' R.O.W.) and the East line of Towne East Boulevard (100' R.O.W.), same point of intersection being the Northwest corner of said 1.670 acre tract, a ½" iron pin found at corner;

Thence, North 89 Degrees 56 Minutes 07 Seconds East, along said U.S. Highway 80 service road South Line, a distance of 175.00 feet to ½" iron pin found at corner;

Thence, South 00 Degrees 14 Minutes 12 Seconds East, along said U.S. Highway 80 service road South Line, a distance of 175.00 feet to ½" iron pin found at corner;

Thence, South 89 Degrees 56 Minutes 07 Seconds West, a distance of 175.00 feet to a point on said Town East Boulevard East line, to ½" iron pin found at corner;

Thence, North 00 Degrees 14 Minutes 12 Seconds West, along said Town East Boulevard a distance of 175.00 feet to the Point of Beginning and containing 20,625 square feet or 0.7031 acres of land.