

FILE NO.: Z0318-0029

P&Z HEARING DATE: April 23, 2018
COUNCIL DATE: May 7, 2018

GENERAL INFORMATION

APPLICANT: Brian Lingle, Lingle Engineers
REQUESTED ACTION: Rezone from AG, Agriculture to GR, General Retail
LOCATION: 3401 McKenzie Road

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The approximately 3-acre property consist of multiple undeveloped platted lots. These undeveloped lots are part of the Woodland Park single family subdivision but were never built due to IH-20.

SURROUNDING LAND USE AND ZONING (see attached map):

North:	Undeveloped property zoned PD-Business Park
East:	Undeveloped property zoned PD-Business Park
South:	IH-20
West:	Single family subdivision zoned PD – Single Family

ZONING HISTORY: 1984: Annexed and zoned Agriculture

PLATTING: Lots 22 – 30, Block E; Lots 16 – 25, Block F; Lots 20-21, Block G; Woodland Park Addition (Replat will be required)

GENERAL: The property owner is attempting to assemble the undeveloped platted lots into a single lot in order to sell it. There is no proposed end user or developer for the subject property at this time. The applicant is pursuing the rezoning request on behalf of the property owners in order to move forward with consolidating the lots.

The undeveloped platted lots are part of the Woodland Park subdivision. The subject lots front onto Ripplewood Drive and Autumn Drive which are dedicated streets that were never built due to the construction of IH-20. The right-of-ways (ROW) for these two streets remain dedicated to the City. In order to consolidate the undeveloped lots into one lot, the ROWs must be abandoned along with an existing easement by the City. On February 5, 2018, the applicant requested City Council to abandon the unused ROW and easements. However, City Council indicated a desire to review the zoning of the property before approving the request to abandon the ROWs and easement. As a result, the applicant is now proposing to rezone the subject property in order to bring the matter before City Council for their consideration along with the ROW abandonment.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the I-20/McKenzie Business Park area and is designated by the *Mesquite Comprehensive Plan (Plan)* for residential use. However, the *Plan* states the following for I-20/McKenzie Business Park:

The tracts located on the north side of the I-20/Lawson Road interchange have also been incorporated into a planned development business park district requiring upgraded standards similar to those in the Falcon's Lair Business Park. With the designation of these tracts, the undeveloped tracts further west along McKenzie Road also become feasible for business park use as they have good access to I-20 and the creek on the north side provides a natural separation from proposed residential areas to the north. Business uses will need to be accommodated in a manner not detrimental to such development.

The designation of these tracts as Business Park signals the ultimate conversion of the small Woodland Park subdivision to business use. A portion of this subdivision was already demolished for the construction of I-20 and the business park designation will isolate the area from other residential districts. Although the neighborhood will be isolated, it should be supported as a residential use until such time as all lots are assembled for a wholesale conversion to nonresidential uses.

Zoning Ordinance Sec. 3-101: Nonresidential Districts Established and Purpose

The Mesquite Zoning Ordinance describes the purpose of the General Retail designation:

The GR district is established to accommodate the sale of convenience goods and personal services primarily for persons residing in surrounding neighborhoods.

Analysis

The *Plan* intends for the subject property to be developed with nonresidential uses given its location between IH-20 and the area designated for the I-20 Business Park. The subject property's close proximity to IH-20, McKenzie Road and Lawson Road makes it more appropriate for retail and personal uses as opposed to a residential use. If the Zoning Change is approved, then the property will be subject to all development standards including landscaping, screening, architectural, and setback requirements that are applicable to General Retail zoning district. It is staff's opinion that rezoning the subject property to GR will not adversely impact the existing residential neighborhood to the west.

RECOMMENDATIONS

Staff recommends approval of a Zoning Change from AG, Agriculture to GR, General Retail.

PUBLIC NOTICE

ZONING RECLASSIFICATION

FILE NO.: Z0318-0029

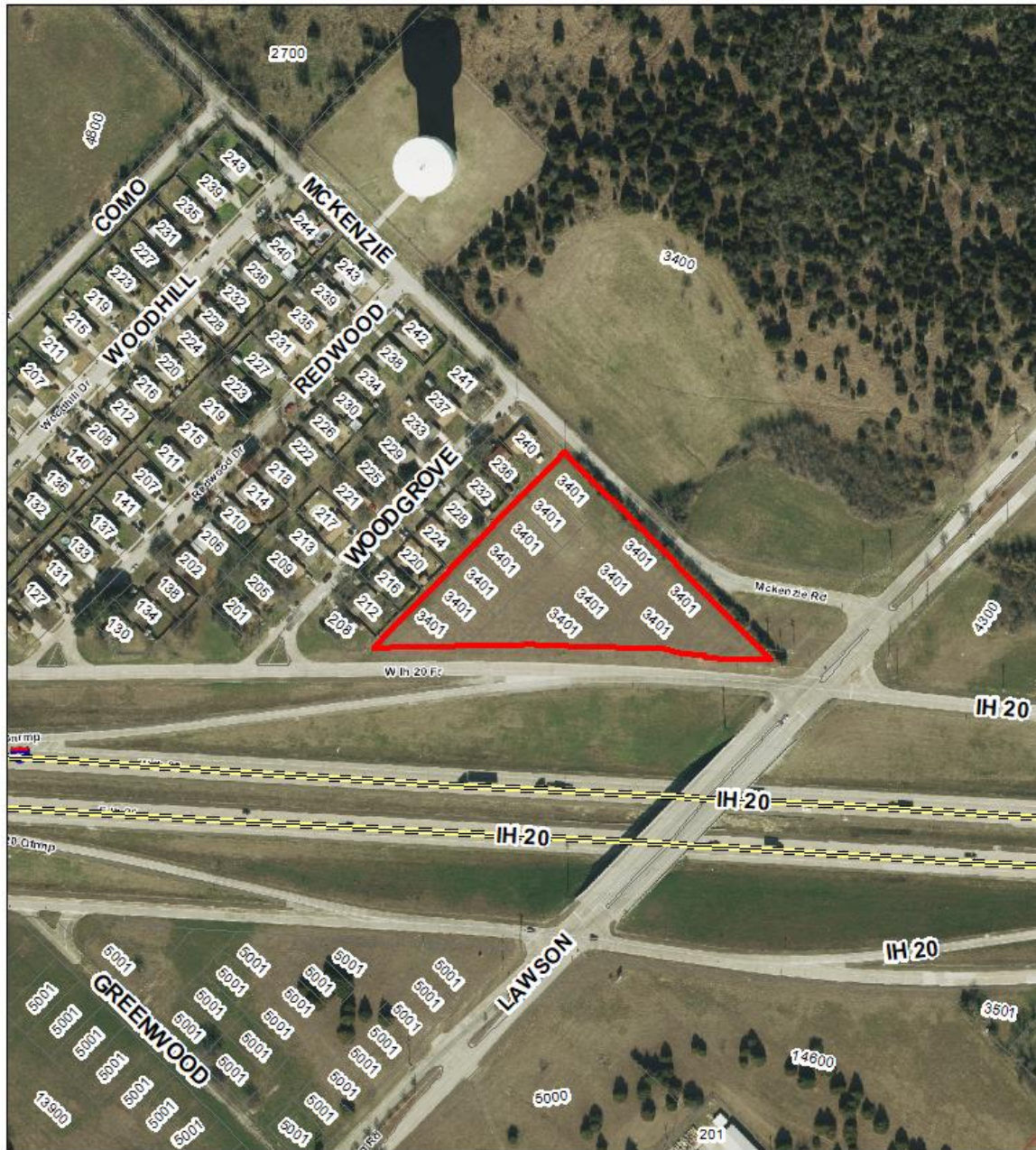
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Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff received one notice opposed to the request.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Letter of Intent
- 5 – Site Photos
- 6 – Public Response

ATTACHMENT 1: AERIAL MAP



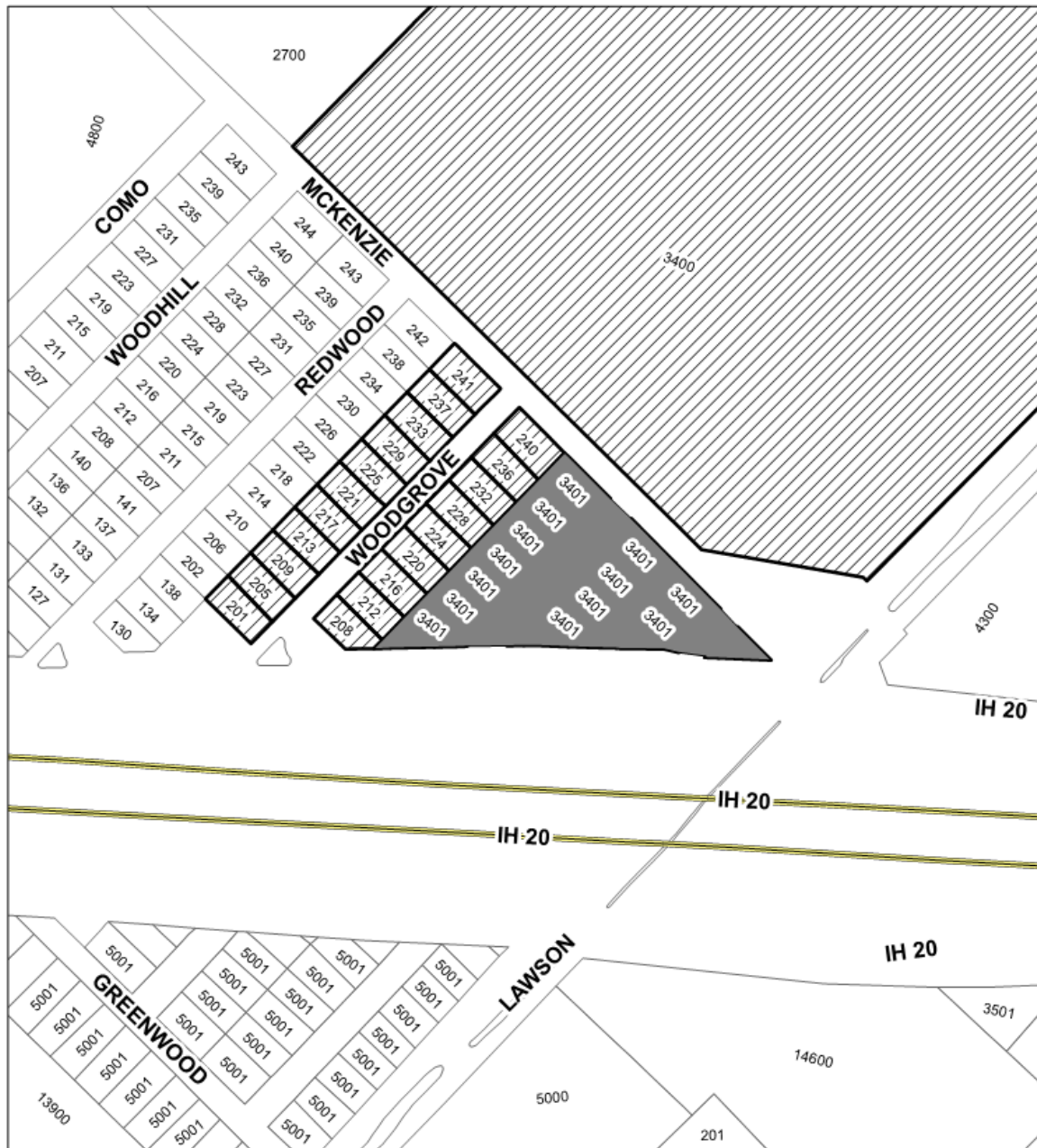
Request: Rezone to General Retail
Applicant: Lingle Engineers
Location: 3401 McKenzie Road

Legend

Subject Property



ATTACHMENT 2: NOTICE MAP



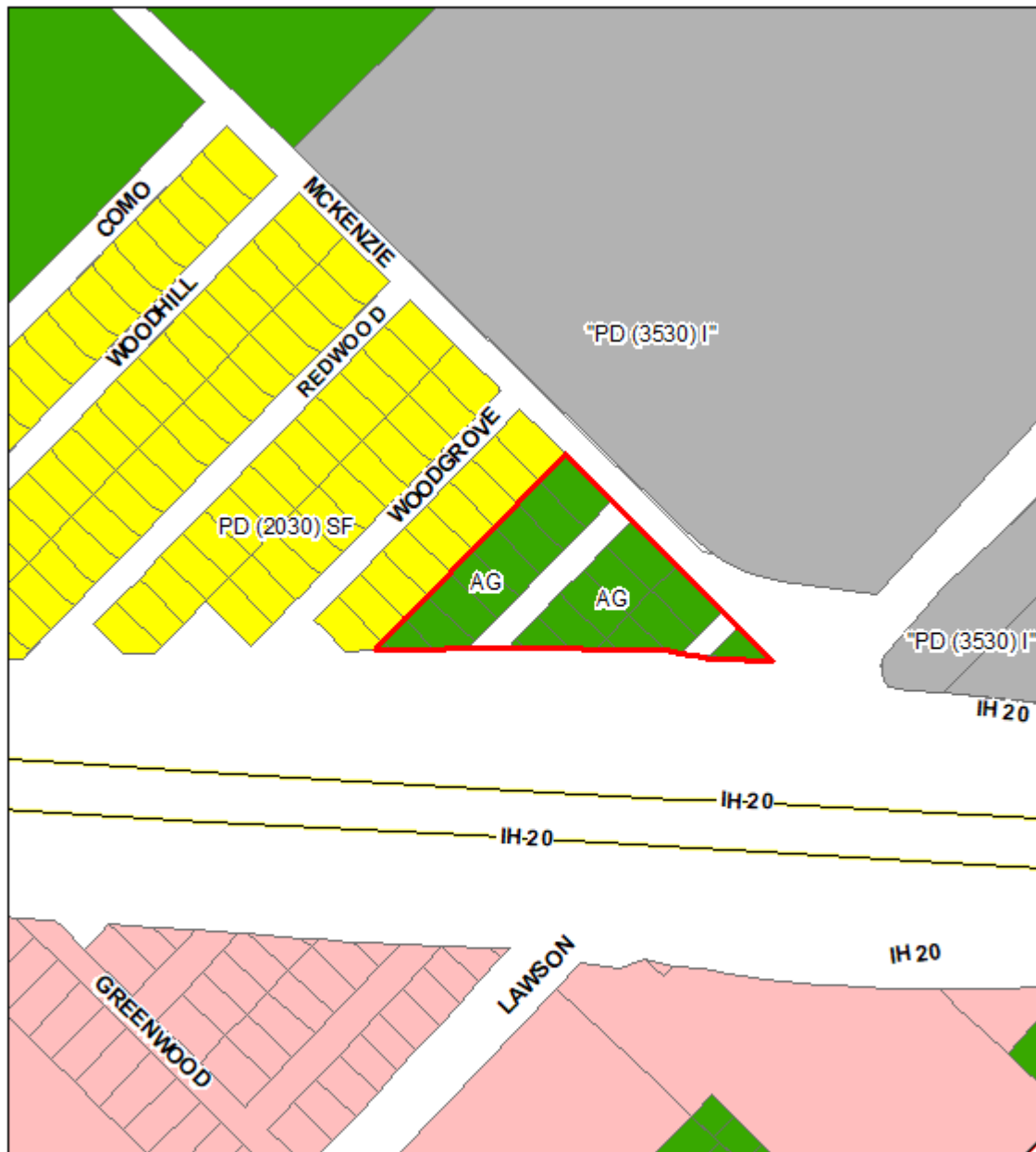
Request: Rezone to General Retail
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 Location: 3401 McKenzie Road

Legend

- Subject Property
- Noticed Properties



ATTACHMENT 3 – ZONING MAP



Request: Rezone to General Retail
Applicant: Lingle Engineers
Location: 3401 McKenzie Road

Legend

- Subject Property
- City Limit



ATTACHMENT 4 – Letter of Intent

City of Mesquite
1515 North Galloway Ave.
Mesquite, TX 75149

Woodland Park Subdivision 3+ acre parcel Letter of Intent for development.

Gentlemen,

Thank you for accepting this letter of intent regarding the rezoning of the 3+ acre property remaining from the Woodland Park subdivision located in the City of Mesquite that was cut up by Interstate 20.

The large block of lots in Blocks E, F, and G can be combined into a 3+ acre site for a commercial development at the intersection of I 20 and Lawson Road. There is freeway access on and off I 20 very convenient to the site.


We request that the City of Mesquite rezone the remaining 3+ acre parcel into a single lot which will encompass the streets of Ripplewood Drive, Autumn Wood Drive, and the lots in Block E; Lots 22 thru 30, Block F, Lots 16 thru 25; Block G, Lots 20 thru 21, and including the utility easement between Ripplewood and Autumn Wood. The City will need to officially abandon Autumn Wood and Ripplewood streets since they are not developed but are still shown on the subdivision plat.

The proposed development of the property is for a general retail use with typical restaurant, convenience store, small offices, medical dental office, beauty or barber shop, or small shops that can serve the local area. The use may be a single building or a few specific use buildings.

Once the area is rezoned, then the subject streets and utility easement can be abandoned and the area replatted into a single lot for the commercial development. A 5 foot utility easement will be provided along McKenzie Drive to Oncor for the existing overhead power line.

Yours Truly,

Jenene Tynes

 dotloop verified
03/12/18 11:33AM CST
VALT-EZVF-IHAC-EHGX

Jack W. Tynes

 dotloop verified
03/12/18 10:52AM CST
WP1V-XMSA-96TP-I28T

Mark G. Tynes

 dotloop verified
03/12/18 8:40PM CST
RMNW-A0BD-DXKO-EPSC

ATTACHMENT 5 – SITE PHOTOS



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ATTACHMENT 6 – Public Response**CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

LOCATION: 3401 McKenzie Road
(See the map for reference.)
FILE NUMBER: Z0318-0029
APPLICANT: Brad Lingle, Lingle Engineers
REQUEST: From: R-3, Single Family Residential and AG, Agriculture
To: GR, General Retail

The requested Zoning Change would allow a commercial development on the subject property. The rezoning request to General Retail would allow retail, office, restaurant and personal service uses in addition to other uses allowed by right in General Retail zoning district. A list of permitted uses for each zoning district is available on the City's website at 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

Lots 22 – 30, Block E; Lots 16 – 25, Block F; Lots 20-21, Block G; Woodland Park Addition, 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, **April 9, 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, **May 7, 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

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 **April 5th** to be included in the Planning and Zoning Commission packet and by 5 pm on **April 26th** 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: Z0318-0029**I am in favor of this request _____

Name: (required) _____

Address: (required) _____

MARK D. RUSH246 Woodgrove Mesquite #775781I am opposed to this request X _____

Reasons (optional): _____

I would prefer the zoning to stay as is, especially
if the change would bring another gas station
or liquor store to the city.

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

RECEIVED**APR 05 2018****PLANNING AND ZONING**

ZONING RECLASSIFICATION

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**CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
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Zoning Case: Z0318-0029

I am in favor of this request

Name: (required)

Address: (required)

Sandra Morrow

29611 DFW Road

Mesquite TX 75181

I am opposed to this request

Reasons (optional):

Construction, tax increases, Crime Rate increases
Delaying for Privacy Fence to be installed
Noise

Please respond by returning to:

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

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APR 18 2018

PLANNING AND ZONING

ZONING RECLASSIFICATION

FILE NO.: Zo318-0029

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From: Yahoo mail <lucky24055@yahoo.com>
Sent: Sunday, April 15, 2018 5:22 PM
To: Garrett Langford
Subject: Zoning change of 3401 McKenzie Road

I have rec'd notice of a change from AG to GR. I assume GR could apply to most anything from a liquor store/ gas station to a number of undesirables. As the resident adjacent to this property since 1997 I am hoping, crossing fingers, and praying that The City Of Mesquite does not allow a gas station / liquor store or such, there are enough of these type business within 5 miles. A business more on the order of a small restaurant or strip center with an insurance agent & other family business would be a good thing. I have no idea what the City wants or would allow on this property, something " low maintenance " for Police/ Fire/ City Services would be a good thing. I believe work will have me away at meetings scheduled for zoning, I'm hoping for the best & what's best for the neighborhood, not just what's best for the City coffers ending up on this property.

Mark Rush
240 Woodgrove
Mesquite, Tx 75181

Sent from my iPad

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APR 16 2018
PLANNING AND ZONING

ZONING RECLASSIFICATION

FILE NO.: Z0318-0029

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

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APPLICANT: Brian Lingle, Lingle Engineers
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(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z0318-0029

I am in favor of this request

X

Name (required)

Address (required)

Jenny Tynes
4109 Travis County Cr.
Austin, TX 78735

I am opposed to this request

Reasons (optional):

Please respond by returning to:

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

RECEIVED

APR 19 2018

PLANNING AND ZONING