

FILE NO.: Z0318-0025

P&Z HEARING DATE: April 9, 2018

COUNCIL DATE: May 7, 2018

GENERAL INFORMATION

APPLICANT: Fenton Motors

REQUESTED ACTION: Rezone to a Planned Development – Light Commercial with a Conditional Use Permit (CUP) to allow the outdoor display of new and used vehicles.

LOCATION: 16200 IH 635

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The approximately 3 acre property is currently used as a car dealership with outdoor display of new vehicles.

SURROUNDING LAND USE AND ZONING (see attached map): North of the subject property is a car dealership. Further north is a retail center with some outparcels. To the east, undeveloped property. Immediately to the south of the subject property is 16230 IH 635 is currently used by Fenton Motors as their new car dealership in connection with their Hyundai dealership. Further south are the Trophy Nissan dealerships.

ZONING HISTORY:

- 1962: Annexed and zoned Residential
- 1970: Rezoned to Special Permit for Townhouse
- 1983: Rezoned to PD – Multifamily
- 1985: Rezoned to Light Commercial
- 1986: CUP approved for new car sales

PLATTING: Lot 2B, Block A of the Oates Corner Retail Addition

GENERAL: The applicant, Fenton Motors, currently operates a Hyundai dealership out of 16200 and 16230 IH 635 for new car sales. Their used car sales are located at 16160, 16170, and 16190 IH 635. In 2017, Fenton Motors acquired 16160 and 16170 IH 635 and were granted a CUP for the outdoor display of used cars. They planned on using 16200 IH 635 for new car sales of Hyundai while using 16190 IH 635 for new car sales of Hyundai's luxury brand, Genesis. This is what was planned as Fenton Motors was going to have to vacate 16230 IH 635 due to an expiring lease. Recently, however, Fenton Motors was able to purchase 16230 IH 635 and will not have to vacate their existing facility. As result of this, they are now planning on selling 16160, 16170 and 16190 IH 635. Their plan is now to use 16230 IH 635 to display their new car inventory while using 16200 IH 625 to display their used car inventory.

The proposed rezoning would change the zoning of 16200 IH 635 to Planned Development – Light Commercial with a Conditional Use Permit to allow new and used car sales (outdoor display). The Planned Development would allow the Conditional Use Permit for new and/or used as Light Commercial zoning does not allow used car only sales with a Conditional Use Permit. The existing CUP (#2299) for 16200 IH 635 only allows for new car sales. The applicant provided at plan to show where the outdoor display will be located on the subject property.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the LBJ North 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 Plan states that “the area should continue as an appropriate location for the existing dealerships; however, further expansion of the outdoor display lots is not recommended.”

Analysis

The subject property has been zoned for an outdoor display lot since 1986. The subject property is included in an area where the Plan recognizes that outdoor display lots are permissible provided that there are no expansion of outdoor display lots. Staff does not consider this request to be an expansion of outdoor display. The proposed PD with a CUP would be consistent with the recommendations of the Comprehensive Plan.

Mesquite Zoning Ordinance Sec. 5-303: Review Criteria for Conditional Use Permits (Staff comments are provided below each criteria in bold.)

1. 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.

There are numerous car dealerships in the area. The expansion of an existing dealership with appropriate conditions should not impact adjacent properties or affect property values in the area.

2. 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.

Staff does not expect this use to impact the development of any nearby property.

3. Services

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

Adequate utilities, access roads and drainage facilities exist for the site and are sufficient for accommodating the demands associated with the request for a CUP.

4. Parking

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

Adequate parking will need to be provided. This will be assured in the site plan review process. The proposed concept plan indicates a sufficient amount of parking for inventory, as well as, customer and employee parking.

5. 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.

Staff anticipates no disturbances to neighboring properties as a result of the proposed use.

RECOMMENDATIONS

Staff recommends approval of the rezoning to Planned Development – Light Commercial with following stipulations:

1. The uses permitted shall be limited to those uses permitted by right in the Light Commercial zoning district provided that a Conditional Use Permit may be granted to allow a motor vehicle dealership with used car sales only.
2. A Conditional Use Permit for the sale of new and used cars is hereby approved with the following conditions:
 - a. 90% of the inventory displayed may be used cars.
 - b. Display of vehicles shall be limited to the number of display spaces and display areas as noted on the Concept Plan attached hereto as Exhibit "A". Display spaces and customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.
 - c. Any vehicle for sale shall be operable and maintained in good condition.
 - d. No vehicle for sale shall have body damage greater than four inches in diameter.
 - e. Painted repairs shall match the paint on the rest of the vehicle.
 - f. Any vehicle for sale shall not have broken or cracked windows.
 - g. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
 - h. 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.

- i. At a minimum, 80 percent of the used car inventory displayed for sale shall be less than eight years old.
- j. This Conditional Use Permit shall be limited to Fenton Motors, Inc. and is not assignable or transferrable.

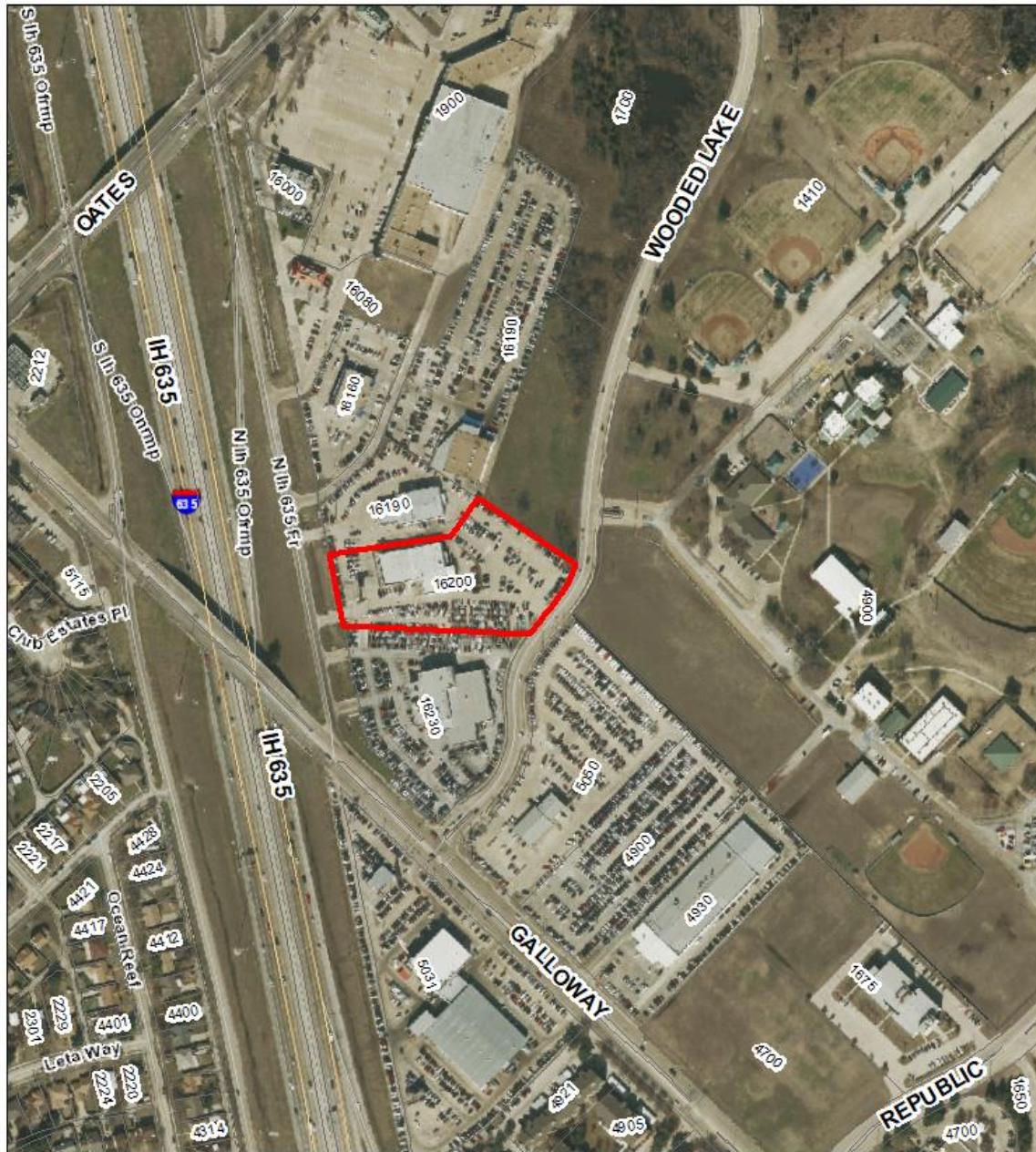
PUBLIC NOTICE

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 from property owners within 200 feet of the subject properties.

ATTACHMENTS


- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Site Photos
- 5 – Concept Plan

ATTACHMENT 1: AERIAL MAP



Request: Rezoning to Planned Development-Light Commercial with a Conditional Use Permit to allow used car sales.
Applicant: Fenton Motors
Location: 16200 IH 635

Legend

 Subject Property





ATTACHMENT 2: NOTICE MAP



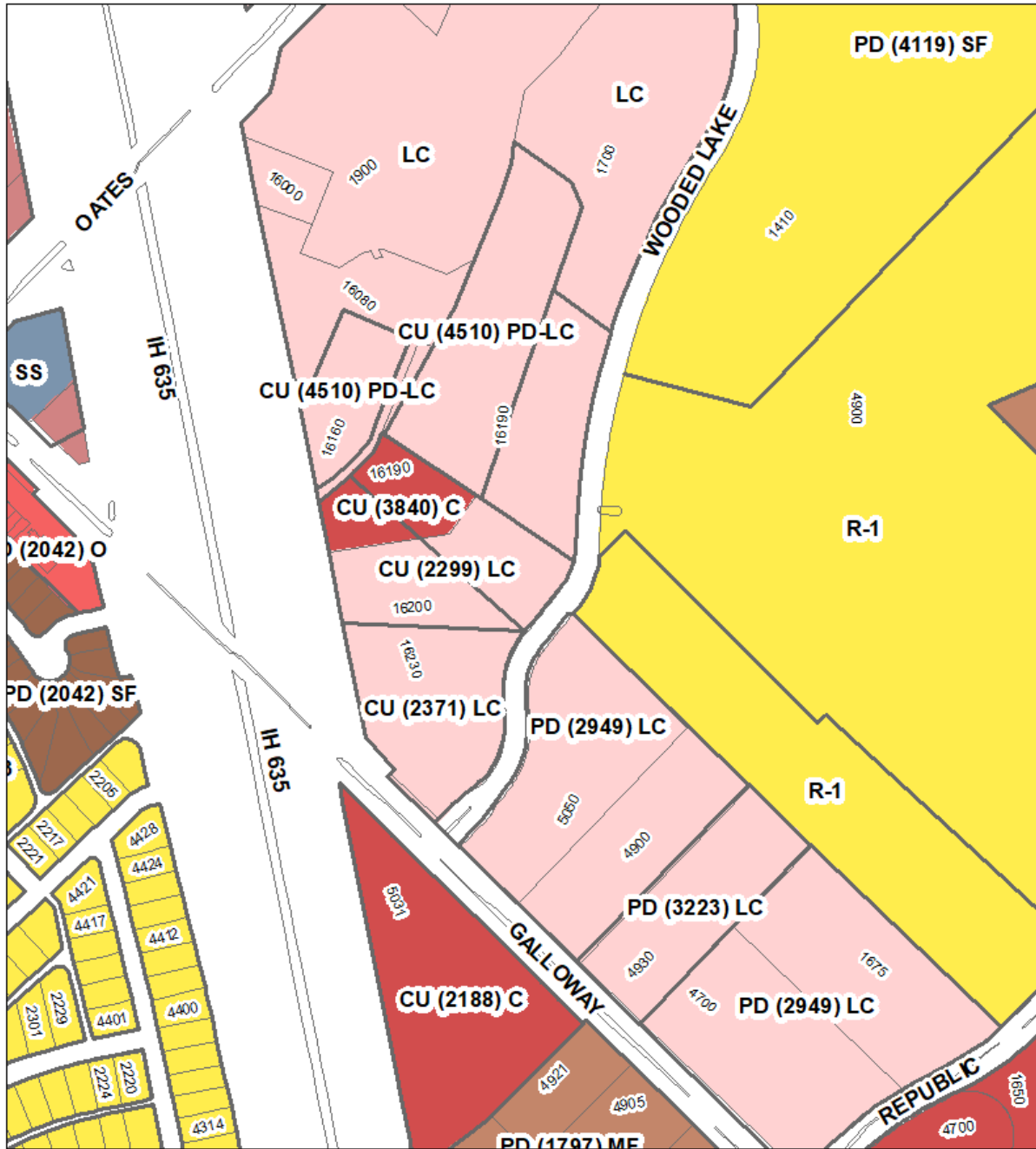
Request: Rezoning to Planned Development-Light Commercial with a Conditional Use Permit to allow used car sales.
Applicant: Fenton Motors
Location: 16200 IH 635

Legend

-  Subject Property
-  Noticed Properties



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – SITE PHOTOS



ATTACHMENT 5 – CONCEPT PLAN

