# REQUEST FOR ZONING RECLASSIFICATION



# PLANNING AND DEVELOPOMENT SERVICES

**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:	523 525 54 553 56 57 58 591 594	Paint, Glass, Wallpaper Hardware Store Food Stores Auto Supply Stores Apparel, Accessory Stores Furniture, Home Furnishings Eating, Drinking Places Drug, Proprietary Stores Miscellaneous Shopping Goods Stores Florists Optical Goods Stores	Except 5947, Gift, Souvenir Shops
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</u> 61a Alternative Financial Establishments
Services:	722 723 724 7291 7299	Photographic, Portrait Studios <u>Barber Shop</u> <u>Beauty Shop</u> Tax Preparation Services  Tanning Salon only	
	7334	Photocopying, Duplicating Services	
	80 81 82 83 87	Health Services Legal Services Educational Services Social Services 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.

#### **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

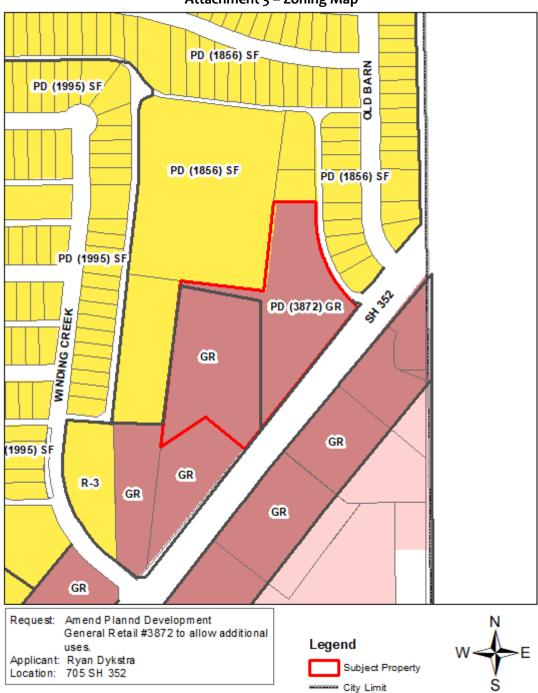




Attachment 2 - Notification Map



Attachment 3 – Zoning Map

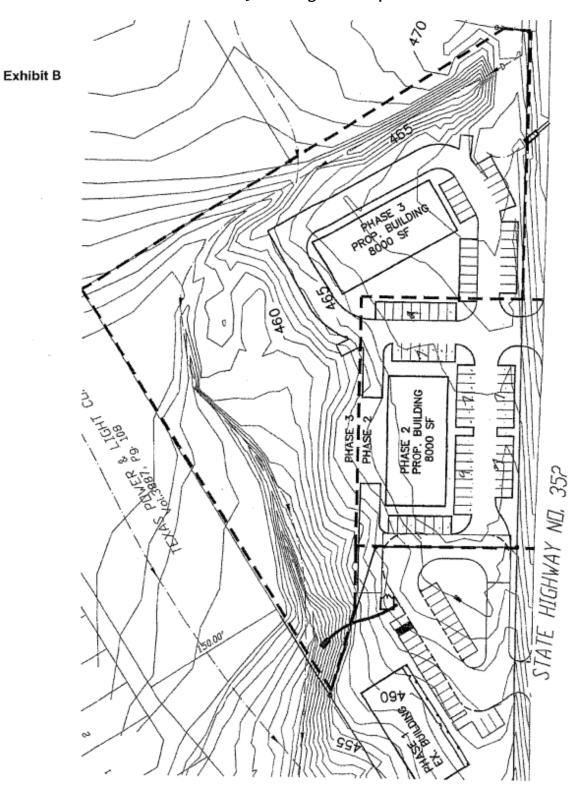


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## ATTACHMENT 4 – Application

CITY OF MESQUITE	Receipt No.		Date Stamp:		
ZONING APPLICATION	Fee:				
ZONING APPLICATION	Case Manager:				
REQUESTED ACTION:					
	al Use Permit for:	Ame	end Special Conditions of		
	Ordinance #_3872 (Explain Below)				
Additional explanation of requested action:  Two-dike STC codes 52-5	9 to be pe	rmitted	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	N: , 1	OCATION/LI	EGAL DESCRIPTION:		
Current Zoning Classification: Split zoning i 80-	970		of the following:		
Site Size: 4.8849 (Acres) or Square Fer	et) 1. Platted P	roperty			
Address (If available): 705 State Huy. 352	Addition	Samuel	Park Farms Retail		
General Location Description: The property	is Block: _	A	_ Lot: _ Z		
located in northeast Mesquite, 2. Unplatted Property:					
being 4.8849 acres along they. 352 Ca	THE RESERVE OF THE PARTY OF THE		Tract:		
APPLICANT INFORMATION:		-			
Contact: Ryan Dykstca	Pho	ne: (480 )	751 - 8140		
company: Vaguero Ventures Fax: (817) 984 - 8373					
Address: 2900 Wingate St. Ste. 7	00		Q vaguela ventures		
Fort Worth, TX 76107		(Rec	quired)		
Signature:	Owi	ner 🗆 Represent	ative 🕱 Tenant 🗆 Buyer 🗆		
			Tomas B sayar B		
OWNER AUTHORIZATION AND ACKNOWLED					
I hereby certify that I am the owner or duly authorized application.      I hereby designs to the person person above as application.					
I hereby designate the person named above as applicant, contact person with the City of Mesquite in the processing of the City authorize the City of Mesquite, its agents or employed and the City of Mesquite, its agents or employed.	of this application.				
purpose of 1) Erecting, maintaining, or removing "Change consideration and which indicate how further information in	of Zoning" signs, w	hich Indicate that	a zoning amendment is under		
and current conditions of the property; and further, I relea damages which may be incurred to the subject property in	se the City of Mesaul	te its agents or a	mnlovene from liability for any		
photographs. Tipton Growth Partners LTV. BY: AR Assoc. Inc. Scheral Partner Owner: Don A. Tipton, President	are areama, mantan	ang, or removal or	said signs of the taking of said		
Owner: Don A. Tippon, President Phone: (214)212 -28					
Address: 6925 Fm 2515 Fax: (972) 932 - 65					
KAUFMAN, TEXAS 75142 E-mail: dot@alocon.net					
Signature: Dan a styl					

ATTACHMENT 5 – Existing PD Concept Plan



ATTACHMENT 6 – Proposed Concept Plan Qd Edwin 

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## 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					
		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	Passeng	ger Car Rental				
7515	Passenger Car Leasing					
752	Automo	bbile Parking (Lots and Structures)				
	a.	Automobiles, Trucks, and Vans not exceeding 3/4 ton				
753	Automo	bbile Repair Shops - Minor Automobile Repair				
7549	Other Automotive Services - Diagnostic, Inspection Services					
7622	Radio & Television Repair					
763	Watch, Clock, Jewelry Repair					
7699	Repair S	Shops, Services, NEC				
	a.	Camera Repair				
	b.	Key Duplicating, Locksmiths				
	с.	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	Amuser	ment Services				
	с.	Commercial Art Galleries,				
		Museums				
	d.	Sports Instruction (Indoor)				
		Ticket Agencies, Sports/Recreation				
	f.	Escape Rooms				
841	Museums, Art Galleries					
842	Arboreta, Botanical Gardens (except – Zoological Gardens)					
86	Membe	rship Orgaizations				

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. 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.

Samuel Parks Farms Retail, Block A, Lot 2, City of Mesquite, Dallas County, Texas.

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

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 Name (required) Zoning Case: Z0218-0022 I am in favor of this request Address:(required) I am opposed to this request Reasons (optional): PLANNING DIVISION Please respond by returning to:

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

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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,

Kim Ahern

909 Old Barn Lane Mesquite, TX 75149