

**FILE NO.:** Z0518-0031

**P&Z HEARING DATE:**

May 29, 2018

**COUNCIL DATE:**

June 18, 2018

#### **GENERAL INFORMATION**

**APPLICANT:** Md. Mozharul Islam  
**REQUESTED ACTION:** Rezoning from Single Family Residential, R-3 to General Retail, GR.  
**LOCATION:** 100 W. Mimosa Lane

#### **SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The 1.39 acre site is the location of an undeveloped property.

**SURROUNDING LAND USE AND ZONING (see attached map):** To the east, is a property containing a parking lot for Mimosa Lane Baptist Church zoned R-3. To the north are single family homes zoned Planned Development – Single Family, and to the northwest is an office center zoned Planned Development – General Retail. To the west is a single family home, and further west are single family homes, both zoned R-3. To the south is a medical clinic zoned Planned Development – Office and a parcel containing a parking lot for Mimosa Lane Baptist Church zoned R-3.

**ZONING HISTORY:** 1951: Annexed and zoned Residential

**PLATTING:** The property is currently unplatted. A plat will be required with development.

**GENERAL:** March of this year, the applicant acquired the subject property from Mimosa Lane Baptist Church in order to build additional parking for the adjacent medical office located at 1320 N. Galloway Avenue. The applicant is requesting a rezoning of the property in order to build a 26-space parking lot. Parking lots as a primary use are not allowed in R-3 zoning. At this time, the property owner has no plans to build an additional office or another use on the property.

#### **STAFF COMMENTS**

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

The subject property is located within the North Galloway Corridor inside the Central Mesquite development area as designated in the *Mesquite Comprehensive Plan*. The

Plan depicts Central Mesquite as an area “serving both surrounding neighborhoods and the broader community” and notes that “specialized subareas have emerged.” Within Central Mesquite, the North Galloway Corridor is described as “generally oriented to community business.” The Community Business designation is intended for general retail, personal service and office uses that service the surrounding community. This designation is not intended for entertainment/recreation, highway related uses, outdoor display lots and outdoor storage yards.

### **Analysis**

While the Mesquite Comprehensive Plan is amicable to the request to rezone the subject property from Residential to General Retail, it is staff’s opinion that Office zoning is more appropriate. While the request was for General Retail, City Council may approve a different zoning district than the one requested as long as it is not less restrictive than the one being requested. The Office zoning district is more restrictive than General Retail. After the public notices were sent, the applicant notified staff that they are agreeable to Office zoning.

The subject property has frontage on W. Mimosa Lane and not on N. Galloway Ave or N. Beltline Road. It is staff’s opinion that a local street such as W. Mimosa Lane with very low traffic volumes is not suited for retail uses. Office zoning would allow for the proposed parking lot and future office related uses. The uses permitted in Office zoning would be more compatible with the surrounding office uses and would allow for a smoother transition from the nonresidential development to the residential development to the north. If the zoning change is approved, then the property will be subject to all development standards including architectural, setbacks, and screening requirements that apply to the Office zoning district. The applicant has requested a waiver from the screening requirements which will be considered as a separate request by City Council.

### **RECOMMENDATIONS**

Staff recommends rezoning the subject property to the Office zoning district.

### **PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the property. Staff received one response in opposition to the request.

### **ATTACHMENTS**


- 1 – Aerial Map
- 2 – Zoning Map
- 3 – Public Notification Map
- 4 – Letter of Intent
- 5 – Site Plan (Reference Only)
- 6 – Site Pictures
- 7 – Public Notice Response

Attachment 1 – Aerial Map



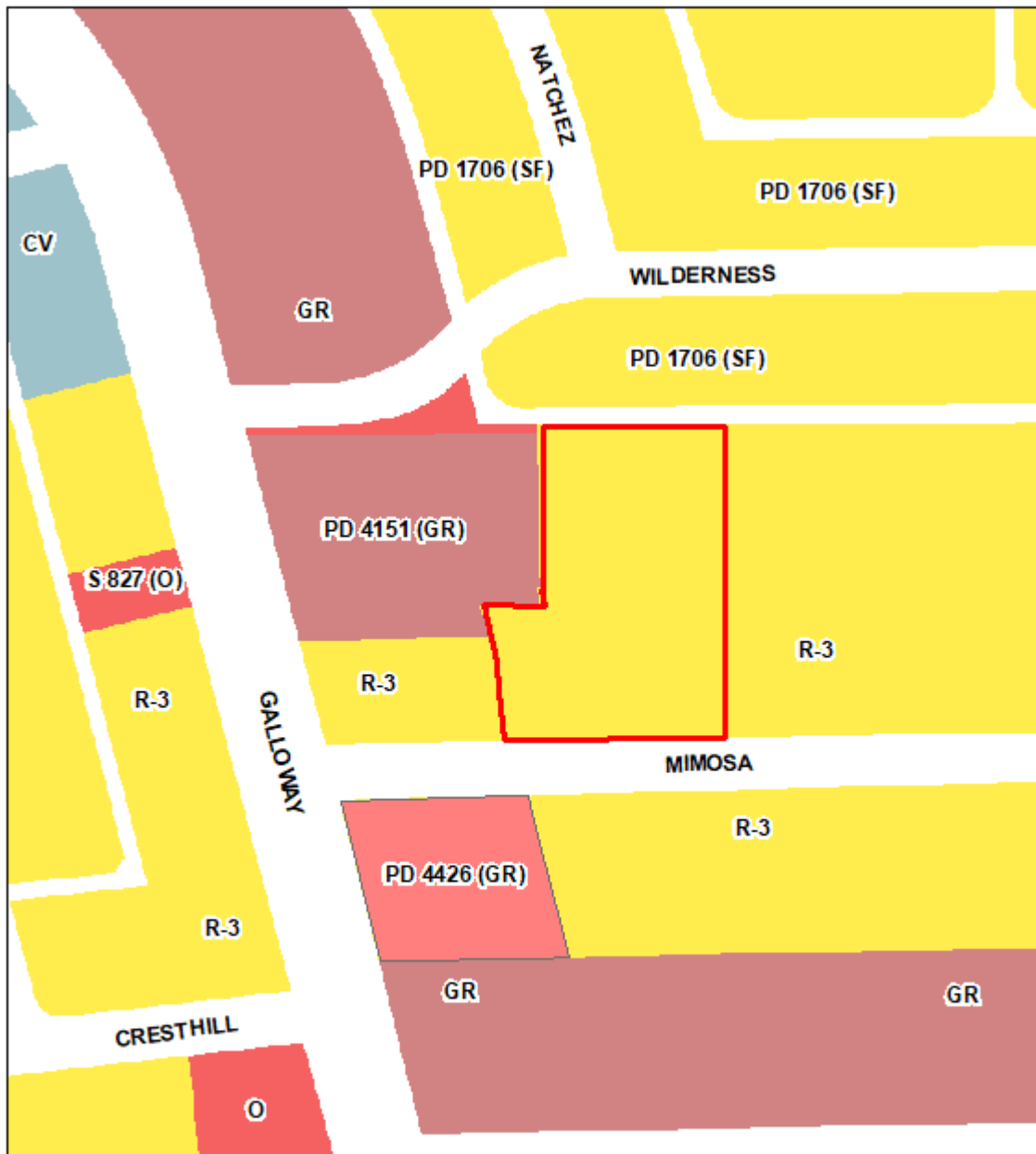
Request: Rezone to General Retail  
Applicant: Md M ozharul Islam  
Location: 100 W Mimosa Lane

Legend

 Subject Property




Attachment 2 – Zoning Map



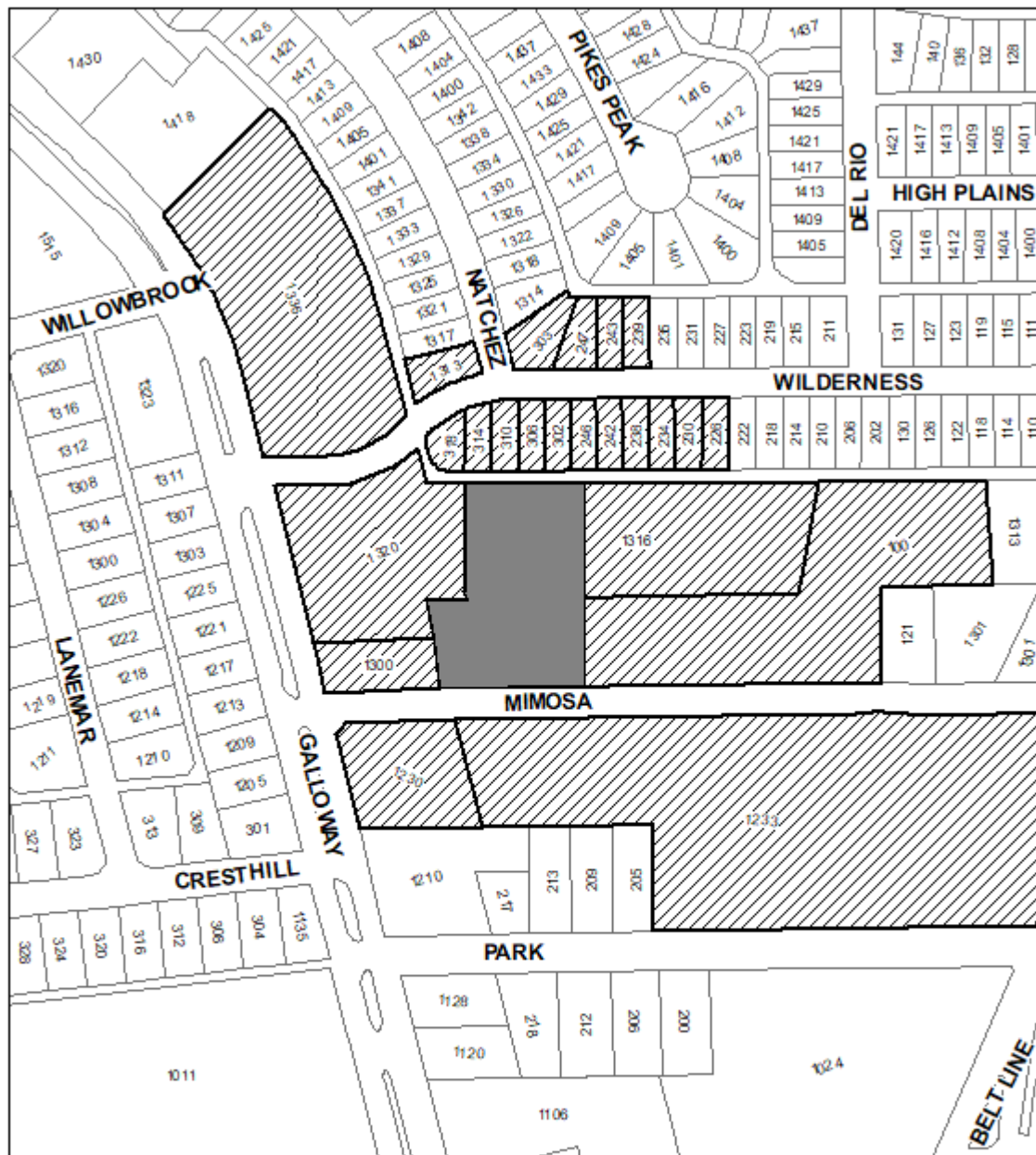
Request: Rezone to General Retail  
Applicant: Md M ozharul Islam  
Location: 100 W Mimosa Lane

Legend

 Subject Property



Attachment 3 – Notification Map



Request: Rezone to General Retail  
Applicant: Md Mozharul Islam  
Location: 100 W Mimosa Lane

Legend

- Subject Property
- Noticed Properties





**Attachment 4 – Letter of Intent**



**Civil Urban Associates, Inc**

9401 LBJ Frwy#305, Dallas, Texas 75243  
Professional Engineering & surveying Services;  
[mmi.engineers@cuainc.com](mailto:mmi.engineers@cuainc.com)  
Contact (469)-226-5965 cell

**LETTER OF INTENT**

Date: May 1, 2018

Garrett Langford, AICP, CNU-A  
Manager of Planning and Zoning | Planning and Zoning  
1515 N Galloway Ave | Mesquite, TX 75149  
(972) 216-6343 | [glangford@cityofmesquite.com](mailto:glangford@cityofmesquite.com) | [www.cityofmesquite.com](http://www.cityofmesquite.com)

**Re: Site Plan** – 0.230 acre out of 1.3901 acre tract, ML SWING SURVEY, ABST#1397 , Dallas County, City of Mesquite, Texas 75149

Dear Garrett,

Attached please find ZONING submittal for a 0.230 acre out of 1.3901 acre tract of land located at 100 W Mimosa Lane, Mesquite , Texas, MAPSCO #49A-R. The property is physical located a approx.. 200 feet east from N. Galloway Ave and north side of W Mimisa Lane. The intent of the owner is to develop the part of the property to construct approx., 7720 sf concrete parking lot for 28 parking spaces. The project will be limited to approx.. 10,000 sq. ft. are located west part of the said 1.3901 acre tract. The rest of the property will remain as it is and no impact due to this cosntruction. The following are the details summary of the proposed development:

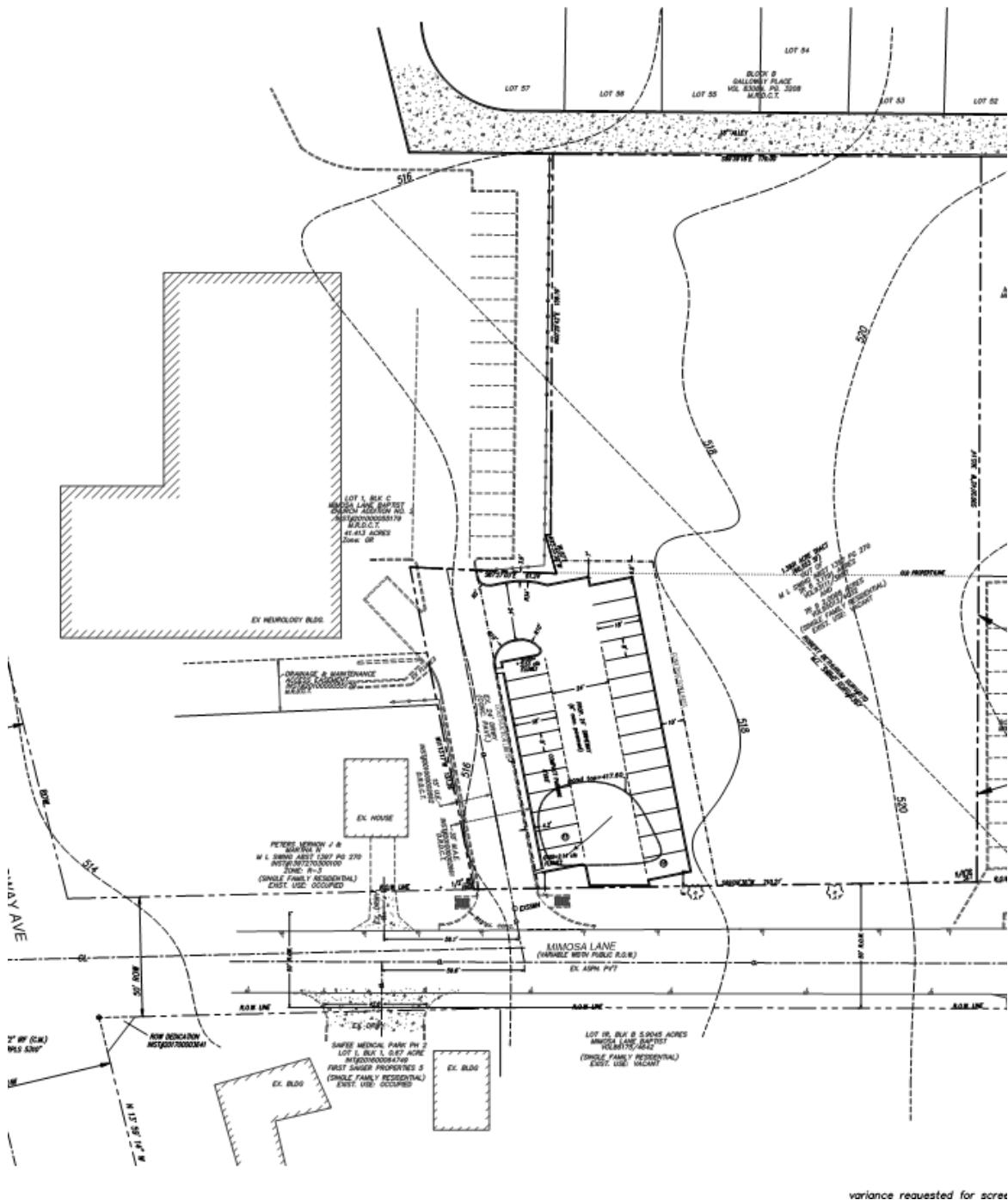
- 0.230 acre construction limit out of 1.3901 acre tract
- 7,720 sq. ft. concrete area for paring and driveway.
- Zoning Change: current zone: single family and requested to general Retail.
- East property line of said 1.3901 acre tract will require screening fence due to adjacent single family zoning. Variance requested to avoid screening fence requirement.

Sincerely

Engineer: Md Mozharul Islam, P.E.  
Civil Urban Associates, Inc.

Owner name: Lutfi Basatnfh, M.D., President  
Company: Petroplex, Inc.

**Attachment 5 – Site Plan (Reference Only)**



**Attachment 6 – Site Pictures**



Taken from the southeast looking west







Taken from the southwest of the property







Taken from the alley located to the north.



Looking southwest from the subject property





Looking south from the subject property



Looking southeast from the subject property

# MESQUITE

T E X A S

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

**RECEIVED**  
**JUN 01 2018**  
**PLANNING AND ZONING**

**LOCATION:** 100 W. Mimosa Lane

**FILE NUMBER:** Z0518-0031

**APPLICANT:** Md Mozharul Islam, Civil Urban Associates, Inc.

**REQUEST:** From: R-3, Single Family Residential  
To: GR, General Retail

The requested Zoning Change would allow the construction of a parking lot and other uses that are permitted in the 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](http://www.cityofmesquite.com/1250/Zoning-Ordinance). Please note that City Council may approve a different zoning district than the one requested, except that the different district may not be less restrictive than the one requested.

### LEGAL DESCRIPTION

1.39 acres in the M.L. Swing Survey, Abstract Number 1397 and Roberty Bethurm Survey, Abstract Number 170, 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 Tuesday, **May 29, 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, **June 18, 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 **May 24<sup>th</sup>** to be included in the Planning and Zoning Commission packet and by 5 pm on **June 6<sup>th</sup>** 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: Z0518-0031**

I am in favor of this request ☒

I am opposed to this request ☐

Reasons (optional):

Name:(required)

Address:(required)

LUFFI Basatne R  
1320 N. Galloway Ave  
#101  
Mesquite TX 75149

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





CITY OF MESQUITE  
PLANNING AND ZONING COMMISSION  
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I am in favor of this request ✓

Name:(required)

Address:(required)

SAM PENOYALA

1233 N. BELTLINE RD

I am opposed to this request \_\_\_\_\_

MESQUITE, TX 75149

Reasons (optional):

AS A PARKING LOT ONLY

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

**RECEIVED**

**MAY 29 2018**

**PLANNING AND ZONING**

# MESQUITE

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I am in favor of this request

I am opposed to this request

Reasons (optional):

Name:(required)

Address:(required)

Jerry E Ruth Sims  
239 Wilderness Trl.  
Mesquite Tx 75149

It would be very difficult for my wife and  
I to leave our home. We have planned on living here for the rest of  
our days. I am confined to a wheelchair. We have made substantial

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

Investments, heat pump,  
special shower. Please do not  
take our home.

Jerry

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**MAY 22 2018**  
**PLANNING AND ZONING**