

FILE NO.: Z0718-0056

P&Z HEARING DATE:
COUNCIL DATE:

August 13, 2018
August 20, 2018

GENERAL INFORMATION

APPLICANT: Trevor Kollinger

REQUESTED ACTION: Rezoning from “A”, Agriculture to “GR”, General Retail to allow uses that are permitted in the “GR” district.

LOCATION: Southeast corner of IH 20 and FM 741 Rd.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 25.464 acres site is undeveloped property.

SURROUNDING LAND USE AND ZONING (see attached map): To the east is an undeveloped property outside of Mesquite’s city limits but within the City’s extraterritorial jurisdiction (ETJ). To the north is Interstate Highway 20. To the west is undeveloped property zoned Agriculture within the K-20 Floating overlay. To the south is Heartland, a single-family development that is outside of city limits and outside Mesquite’s ETJ.

ZONING HISTORY: July 2018: Annexed and zoned Agriculture.

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

GENERAL: In April of this year, the City of Mesquite entered into a Development Agreement (Resolution No. 20-2018) with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5, regarding approximately 146.746 acres of land (including the subject property) in Mesquite’s ETJ generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County commonly referred to as “Heartland Town Center”. A development agreement is a contract between the city and the property owner, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. The Development Agreement will establish a Public Improvement District that will assist with the cost of installing public infrastructure for the development. In exchange, the developer is agreeing to develop the property under the conditions established in the Development Agreement. The Development Agreement calls for a planned development district consisting of residential uses and general retail uses.

The subject property was voluntarily annexed in July of this year and per the approved Development Agreement is intended for a general retail

development. The remaining 121.3 acres of the Heartland Town Center property is intended for a residential development consisting of 450 single-family lots which will go through the annexation and rezoning process at a later date when requested by the property owner.

STAFF COMMENTS

Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction

The subject property is located within an area currently designated as an Intended Growth Sector (G-3) by the *Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction (ETJ Plan)*. The *ETJ Plan* covers all of the area annexed in 2006 and 2010, as well as Mesquite's ETJ and including the subject property. The *ETJ Plan* depicts G-3 sector as being "easily accessible to existing or planned major thoroughfares and adjacent to proposed residential development," and "shall be assigned to those locations that can support substantial mixed-use by virtue or proximity to an existing or planned high-capacity thoroughfare and/or transit."

Analysis

Given the subject property's position adjacent to Interstate Highway 20 and FM 741 a zoning change to General Retail is consistent with the *ETJ Plan*. General Retail uses that would service the surrounding current and future residential communities are compatible with the *ETJ Plan*'s Intended Growth Sector (G-3).

The request for General Retail zoning is in line with the Development Agreement that was recently approved by City Council. The Development Agreement lists thirty prohibited uses that will be enforced through deed restrictions (see attachment 5). If the zoning change is approved, then the property will be subject to all development and zoning standards including architectural, setbacks, and screening requirements that apply to the General Retail zoning district.

RECOMMENDATIONS

Staff recommends rezoning the subject property to the General Retail zoning district.

PUBLIC NOTICE

Notices were mailed to property owners within 200 feet of the property. As of this date, Staff has not received any responses to the request.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Zoning Map
- 3 – Public Notification Map
- 4 – Boundary Survey
- 5 – Prohibited Uses to Be Included In the Deed Restrictions
- 6 – Site Pictures

Attachment 1 – Aerial Map



Request: Rezoning change from "A" Agriculture to "GR" General to allow uses that are permitted in the "GR" district.

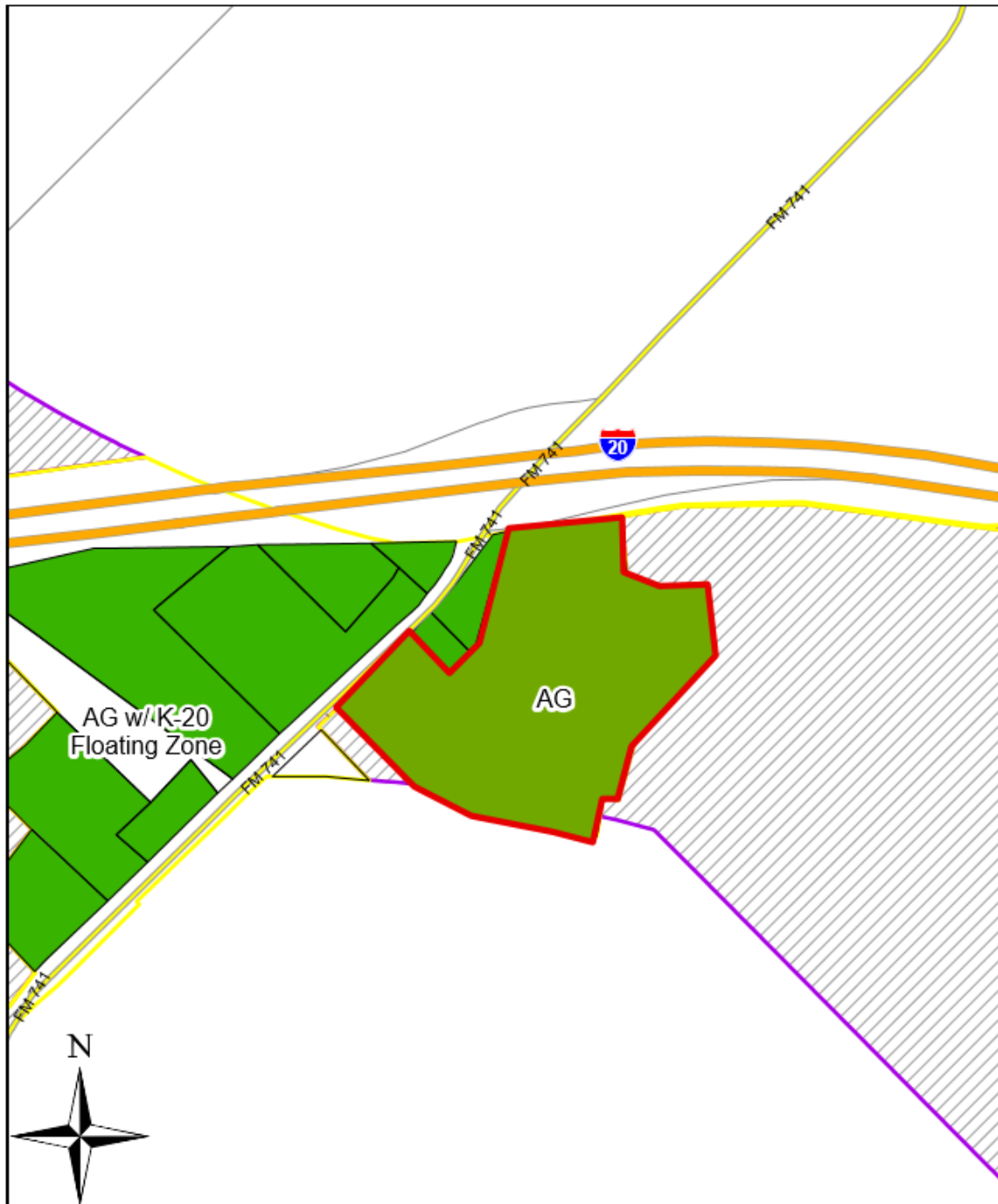
Applicant: Trevor Kollinger

Location: Southeast corner of IH 20 and FM 741 Rd.

Legend

 Subject Property

Attachment 2 – Zoning Map

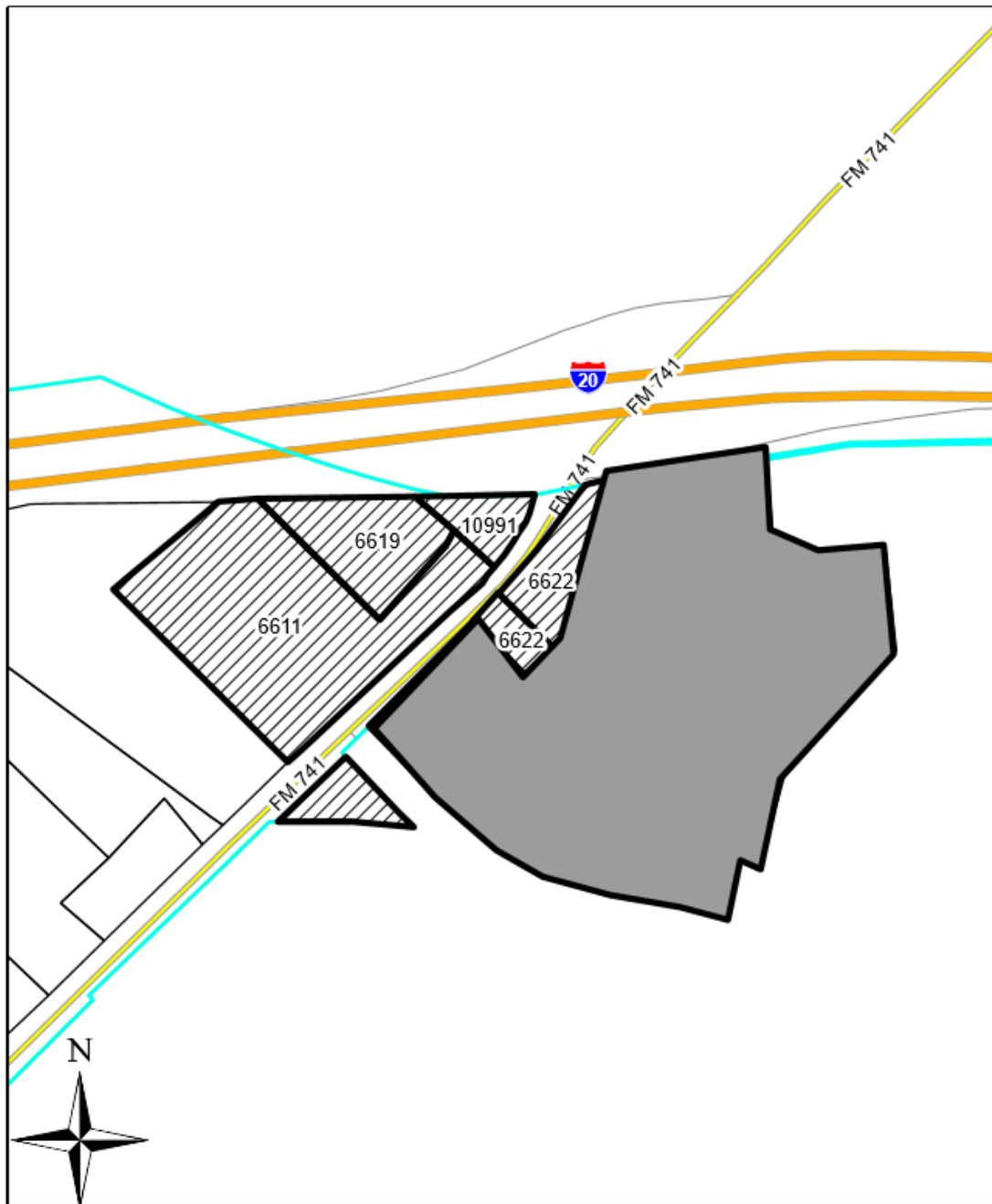


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Legend



-  Subject Property
-  Mesquite ETJ

Attachment 3 – Notification Map

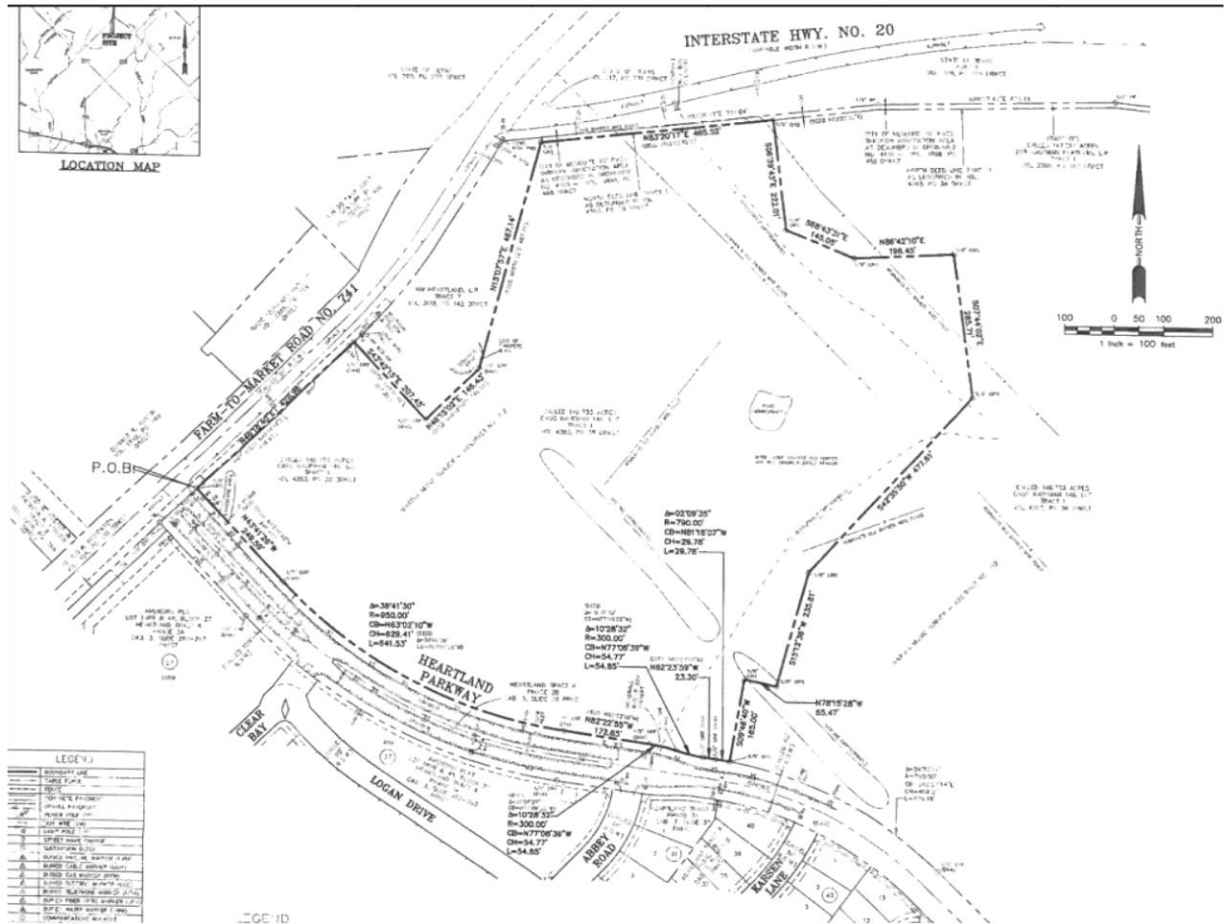


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Legend

-  Subject Property
-  Notified Properties

Attachment 4 – Boundary Survey



Attachment 5 – Prohibited Uses to Be Included In the Deed Restrictions

PROHIBITED USES TO BE INCLUDED IN THE DEED RESTRICTIONS

1. Any use contrary to law or which violates the terms of this Declaration.
2. Any use that emits a noxious odor, excessive noise, waste, environmental pollution, or an offensive activity that may be or become an annoyance or nuisance to the ordinary use of neighboring properties.
3. Cemetery, mortuary, or other place of internment of people or animals, or any premises where deceased bodies or body parts (human or animal) are removed, examined, stored, or processed, such as a taxidermist.
4. Prison, jail, detention or correctional facility.
5. Sexually-oriented business, including businesses that sell sexually-oriented attire, accessories, etc.... (such as Sara's Secrets, Condom Sense, etc....).
6. "Adult Entertainment Uses," which includes (for the purposes of this Declaration) any theater or other establishment which shows, previews, displays, advertises, or conspicuously promotes for sale or rental movies, films, videos, magazines, books, or other medium (whether now or hereafter developed) that are designated for "Adults Only" or rated "X" by the movie production industry (or any successor rating established by the movie production industry).
7. Tattoo parlors, body piercing shops, and shops offering or promoting illegal drug paraphernalia.
8. Bars, nightclubs, or other establishments whose reasonably projected annual gross revenues from the sale of alcoholic beverages for on-premises consumption exceeds 60 percent of the gross revenues. This prohibition does not apply to a full-service restaurant serving alcoholic beverages as part of its food service operation, such as Chili's, which is primarily viewed by the public as a restaurant, but which may derive a substantial portion of its sales from alcoholic beverages - even more than 60 percent of gross sales. Convenience stores that sell beer and/or wine are exempt from this requirement.
9. Slaughter houses or packing plants.
10. Gun club, gun range, shooting range, or any weaponry range that emits loud noises. This prohibition does not apply to archery ranges that do not emit loud noises or to family entertainment centers with toy weapons.
11. Manufacturing processes that discharge dust, gas, fumes, chemicals, or waste, or that involve loud and offensive noise that can be heard outside the building.
12. Outdoor storage, wholesale storage, self-storage facilities, warehousing, or wholesale distribution, such as (without limitation) a landfill, junk yard, scrap metal yard, salvage yard, or storage facility for vehicles, trailers, watercraft, or aircraft. This prohibition does not preclude a limited amount of outdoor storage that is directly necessary for an adjunct business, provided the storage is screened from public view.
13. Self-service laundry or self-service dry cleaner.
14. Sale, storage, or rental of motor vehicles, manufactured homes, mobile homes, trailers, recreation vehicles, trucks, or buses, new or used.
15. Sale, storage, or rental of heavy machinery, used commercial equipment, used commercial machinery, used appliances, used vehicle parts.
16. Repair of vehicles, engines, or motors. This also includes boat repair shops and collision repair, vehicle body shops, and hail repair facilities. This prohibition does not apply to new car dealerships or vehicle repair services in connection with an automobile service station or a new car dealership.

PROHIBITED USES TO BE INCLUDED IN THE DEED RESTRICTIONS

17. Exploration, mining, refining, processing, or sale operations pertaining to oil, gas, minerals, sand, gravel or rocks and all related activities.
18. Dumping, storage, disposal, incineration, treatment, processing, or reduction of garbage, or refuse of any nature, other than handling or reducing waste produced on the premises from authorized uses in a clean and sanitary manner.
19. Pawn shops, flea markets, salvage businesses, or thrift stores - such as Salvation Army - whose principal business is selling discounted and used merchandise. This prohibition does not preclude the resale of high quality merchandise, such as sold by Plato's Closet, Clothes Circuit, and/or Clotheshorse Anonymous, or periodic events, such as craft fairs.
20. Mini-warehouses, warehouse/distribution centers, motor and freight terminals, truck terminals, transit centers, and truck stop-type facilities.
21. Any facility for the dyeing and finishing of textiles, the production of fabricated metal products, the storage and refining of petroleum, or commercial dry cleaners.
22. Electric power generator plant.
23. Kennels and any use involving outdoor animal pens, such as a commercial stable. Veterinary offices with indoor boarding facilities and/or independent indoor animal boarding facilities are permitted.
24. Airport.
25. Drive-in theater.
26. Facilities, businesses, or agencies that provide services to people who are indigent, homeless, unemployed, temporarily employed, or seeking a job change, if the people served come in person to the property.
27. Any government office that provides services to the public, in person, by appointment or on a walk-in basis.
28. Any residential uses, including, but not limited to: single-family homes, apartment units, condominium units, duplex dwellings, tri-plex dwellings, townhomes and any other attached or detached residential dwelling.
29. Pay Day Lending.
30. Dollar Stores may not be a single tenant in a freestanding building. Any dollar store must be located as a tenant in the main retail strip.

Attachment 6 – Site Pictures



Taken from 741 looking northeast



Taken from 741 looking southeast



Taken from south of the subject property



Looking southeast of the subject property