

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: Z0718-0054

P&Z HEARING DATE:

August 13, 2018

COUNCIL DATE:

September 4, 2018

GENERAL INFORMATION

APPLICANT: Joes Martinez, Martinez Inspections

REQUESTED ACTION: Conditional Use Permit to allow for the occasional sale of used tires

LOCATION: 1616 Range Dr., Suite 100

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 1.49 acre parcel is the location of a retail center that is zoned "C", Commercial. Suite 100 is an approximately 900 square-foot lease space that is currently vacant.

SURROUNDING LAND USE AND ZONING (see attached map):

	Zoning	Existing Land Use
North	"C"- Commercial "PD-SF" Single-Family	Retail Strip with multiple tenants (hair salon, barber shop), across Range Drive are townhomes within Hillcrest Park Addition
South	"PD-LC" Light Commercial	Undeveloped Property
West	"C" Commercial	Multiple health clinics within a small office park
East	"SF" R-3 Single-Family	Single-family home on 1.8 acre lot.

ZONING HISTORY:
1951: Annexed and zoned Residential
1974: Zoned Commercial

PLATTING: Beltline Range Addition, Block A, Lot 1R

GENERAL: The applicant is requesting a Conditional Use Permit (CUP) to allow for the occasional sale of used tires at Martinez Inspections. The main operation of the business will continue to be state automobile inspections. The applicant plans to store 100 to 150 used tires within the structure, with no storage or display of tires outside the structure. Mr. Martinez intends to offer the occasional sale of these tires, along with general automotive accessories during inspections such as headlights, breaks, converters, etc. Mr. Martinez has operated C & M Discount Tire & Muffler Company for over four years at an alternative location in Balch Springs and is proposing to open a second location in Mesquite at 1616 Range Drive.

The lease space is located in a small retail center among multiple tenant occupancies of varying commercial uses, including automotive repair. The suite space is located on the west end of the building that is situated near Range Drive.

STAFF COMMENTS

The Mesquite Comprehensive Plan designates the subject property as General Business. The Plan describes the intent of the General Business designations in the Development Areas as follows:

The General Business designation is utilized in both the Community Areas and the Development Areas to designate areas primarily providing services to residents of the surrounding sectors of the City. In the Development Areas, this designation is used to indicate locations where business use is appropriate, but where the relationship to neighborhoods warrants a more limited business scope. The designation is generally assigned along the fringe of the Development Areas, indicating that goods and services should be oriented to the surrounding community, although some regional services may be included. The community orientation means that certain types of uses acceptable in other parts of the Development Areas will not be appropriate in these locations. Uses which are generally not appropriate in these locations include entertainment/recreation, highway related uses, outdoor display lots and outdoor storage yards.

Staff does not anticipate the proposed use to conflict with the Mesquite Comprehensive Plan within the General Business designation area.

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

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.

The subject property is located within “C” commercial zoning district and within a small retail center. The surrounding nonresidential uses include minor automotive repair shops, and miscellaneous personal services including a cleaning service, barber shop and hair salon. The proposed use is compatible with surrounding nonresidential uses. The proposed use also conforms to the Commercial zoning of the subject property as well as to the Comprehensive Plan. It is not anticipated that the proposed use will be injurious to the surrounding 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 proposed use to impact the development or redevelopment 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 on site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit.

4. Parking

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

The parking lot contains sufficient parking spaces to accommodate all currently operating businesses and including vacant suites.

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 businesses as a result of the proposed use.

Analysis

The proposed Conditional Use Permit to allow for the sale of used tires is consistent with the future land use designation of the Comprehensive Plan as well as the existing zoning district. The proposed use is an additional amenity to an automotive state inspection business located within the existing retail strip. Indoor storage of all tires will allow for minimal visual impact on the property and surrounding area. Staff does not anticipate any adverse impacts from the proposed use on the surrounding uses or properties.

RECOMMENDATIONS

Staff recommends approval of the request to allow the sale of used tires in a lease space located at 1616 Range Drive, Suite 100 with the following stipulation:

1. Any outdoor display of tires shall be prohibited.

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 – Application
- 5 – Site Pictures
- 6 – Alternate Site Pictures

ATTACHMENT 1 – AERIAL MAP



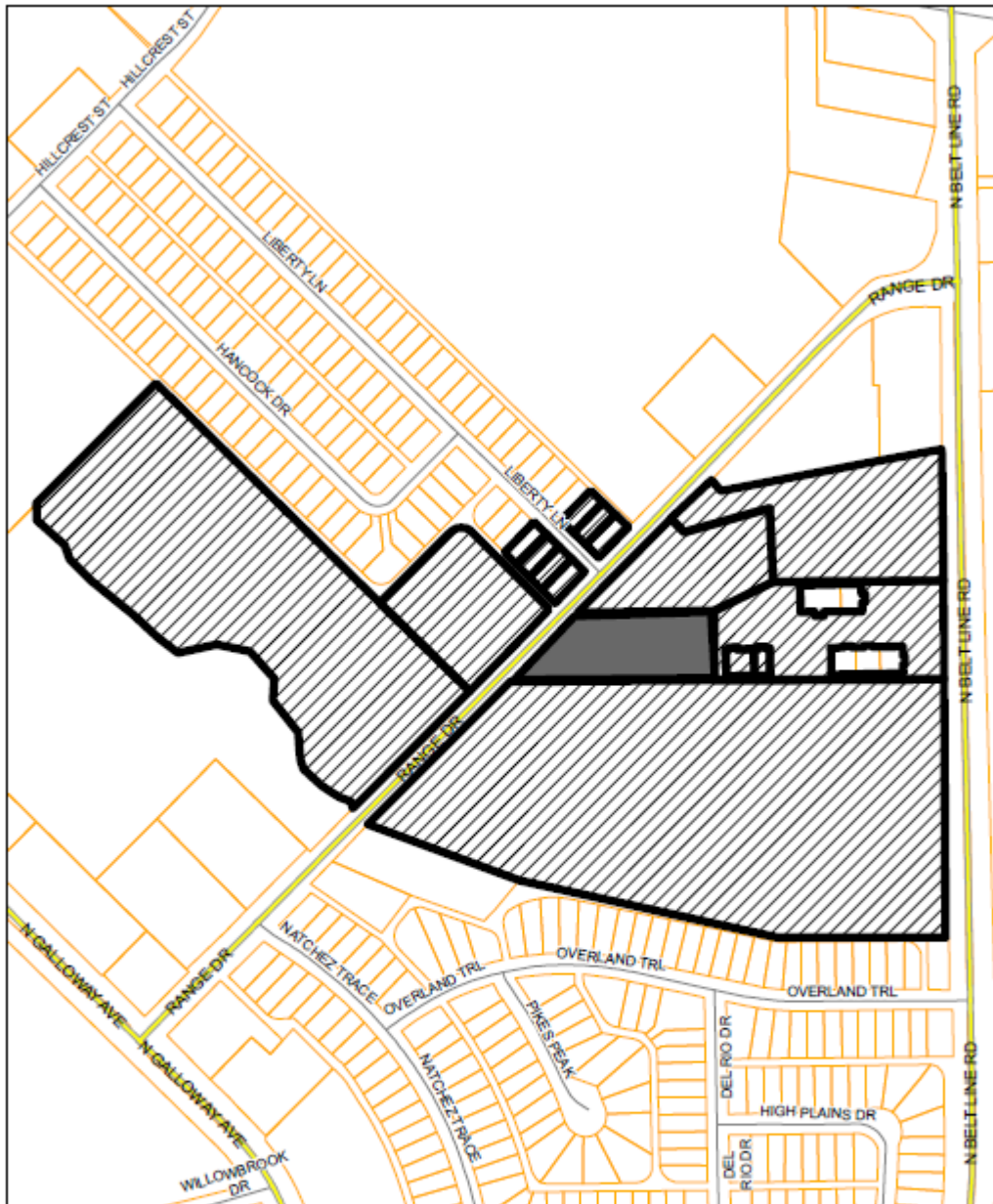
Request: Conditional Use Permit to allow for the sale of used tires. See reverse side of this notice for more information.
Applicant: Jose Martinez
Location: 1616 Range Dr., Suite 100

Legend

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





Request: Conditional Use Permit to allow for the sale of used tires. See reverse side of this notice for more information.

Applicant: Jose Martinez

Location: 1616 Range Dr., Suite 100

Legend

-  Subject Property
-  Notified Properties





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

LOCATION: 1616 Range Road, Suite 100
(a map is attached for reference)

FILE NUMBER: Z0718-0054

APPLICANT: Jose Martinez

REQUEST: From: "C", Commercial
To: "C", Commercial, with a Conditional Use Permit to allow for the sale of used tires

LEGAL DESCRIPTION
Beltline Range Addition, Block A, Lot 1R

PUBLIC HEARINGS
The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, August 13, 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 Tuesday, September 4, 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) 216-6344 or bcallahan@cityofmesquite.com

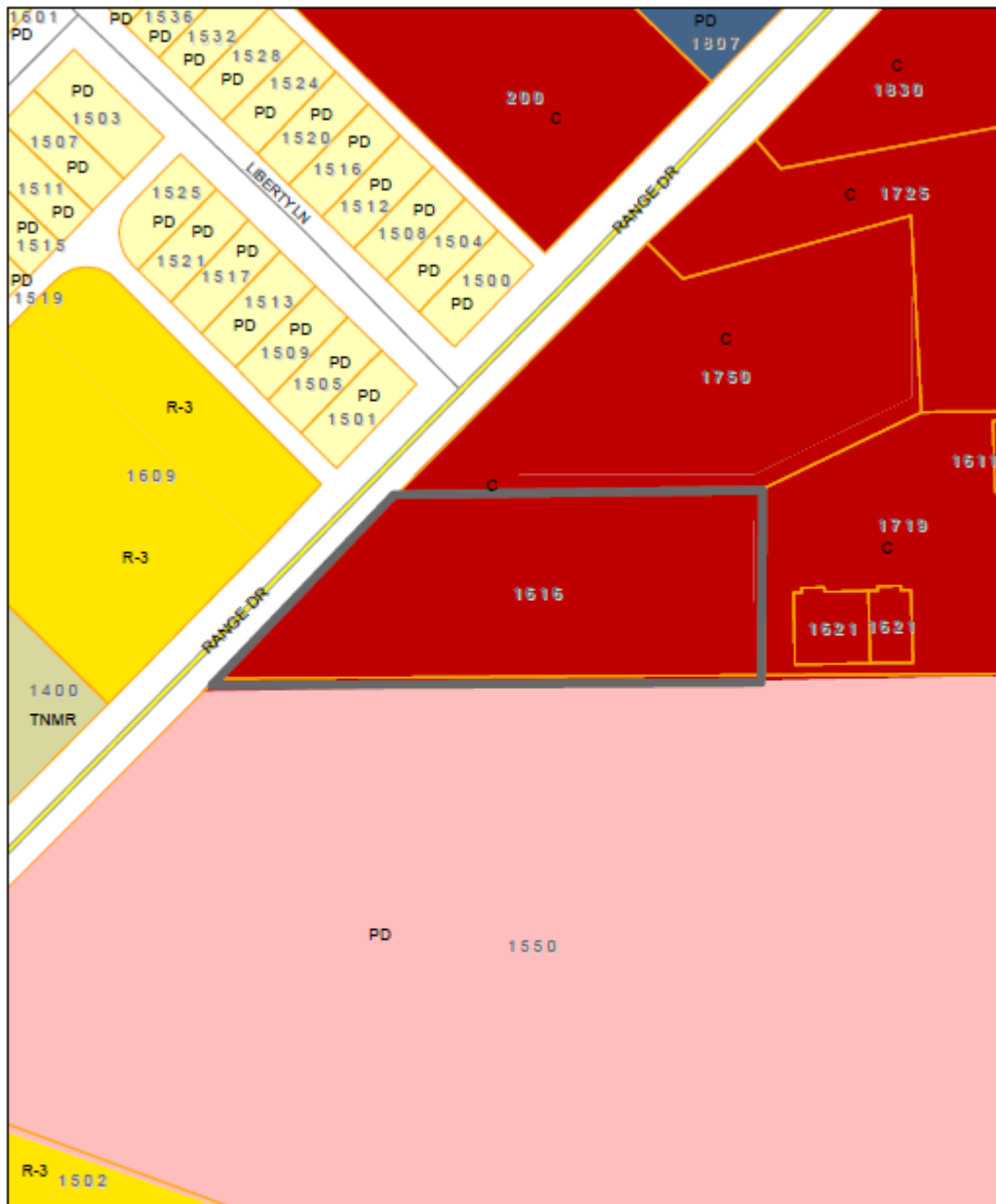
REPLY FORM

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 August 8th to be included in the Planning and Zoning Commission packet and by 5 pm on August 29th 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: Z0718-0054	Name:(required)	<u>PSulli</u>
I am <u>in favor</u> of this request <input checked="" type="checkbox"/>	Address:(required)	
I am <u>opposed</u> to this request <input type="checkbox"/>		
Reasons (optional):		

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



Request: Conditional Use Permit to allow for the sale of used tires. See reverse side of this notice for more information.
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Legend

 Subject Property



CITY OF MESQUITE ZONING APPLICATION	Receipt No.	20718-0054
	Fee	
	Case Manager	

REQUESTED ACTION:

Change District Classification to:	Conditional Use Permit for: <u>USED TIRES</u>	Amend Special Conditions of Ordinance # _____ Caption Section _____
Additional explanation of requested action: <u>OCCASIONAL SALE OF USED TIRES / MAIN BUSINESS WILL BE ST INSPECTIONS</u>		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>COMMERCIAL</u>	Complete one of the following:
Site Size: _____ (Acres or Square Feet)	1. Platted Property:
Address/location: <u>1616 RANGE RD</u>	Address: <u>BESTUNE RANGE REP</u>
General Location Description: <u>ST #100</u>	Block: <u>A</u> Lot: <u>1R</u>
<u>1616 RANGE RD</u>	2. Unplatted Property:
<u>MESQUITE TX 75149</u>	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>JOSE MARTINEZ</u>	Phone: <u>(214) 840-9130</u>
Company: <u>MARTINEZ INSPECTIONS</u>	Fax: _____
Address: <u>11912 ELAM RD</u>	E-mail: <u>THEBUTLERPRO05@GMAIL</u>
<u>BALCH SPRINGS TX 75180</u>	(Business)
Signature: <u>[Signature]</u>	Owner <input type="checkbox"/> Representative <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Buyer <input type="checkbox"/>

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:

1. I hereby certify that I am the owner or duly authorized agent of the owner of the subject property for the purposes of this application. 2. I hereby designate the person named above as applicant, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite in the processing of this application. 3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of (1) taking measurements or removing "Change of Zoning" signs, which indicate that a zoning amendment is under consideration and which indicate how further information may be obtained; and (2) taking photographs documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in the erecting, maintaining, or removal of said signs or the taking of said photographs.	
Owner: <u>RANGE PLAZA</u>	Phone: <u>(214) 607-5646</u>
Address: <u>1820 Range Dr # 101</u>	Fax: _____
<u>Mesquite, TX 75149</u>	E-mail: _____
Signature: <u>[Signature]</u>	

Proposed lease space at 1616 Range Drive



ATTACHMENT 6 – ALTERNATE SITE PICTURES



Current location in Balch Springs



View of mechanic bays on west side of business in Balch Springs