

**FILE NO.:** Z0818-0059

**P&Z HEARING DATE:**

September 10, 2018

**COUNCIL DATE:**

October 1, 2018

#### GENERAL INFORMATION

**APPLICANT:** James Novey, J-N Fence Company Inc.

**REQUESTED ACTION:** Conditional Use Permit to allow outdoor display of constructed sheds for sale.

**LOCATION:** 305 US Highway 80 East

#### SITE BACKGROUND

**EXISTING LAND USE AND SIZE:** J-N Fence Company Inc. is located on a lot zoned "C" Commercial. The lot is approximately 4 acres in size and is located along US Highway 80.

**SURROUNDING LAND USE AND ZONING (see attached map):**

	Zoning	Existing Land Use
North	"PD-SF"	Single-family use
South	US Hwy 80 "C" Commercial	Walmart Supercenter
West	"C" Commercial	Microtel Inn & Suites
East	"C" Commercial	AMC Classic Mesquite 10

**ZONING HISTORY**

1951: Annexed and zoned R-3 Residential  
 1973: Zoned Commercial  
 1987: Conditional Use Permit for metal building expansion

**PLATTING:** East Dallas Estates, TR 5, ACS 3.955

**GENERAL:** The applicant is requesting a Conditional Use Permit (CUP) to allow for the outdoor display of newly-constructed storage sheds for purchase. These storage sheds are designed as mobile, accessory storage structures often used in a residential setting.

According to the applicant's letter of intent, J-N Fence Company Inc. has been in business in Mesquite for over 32 years and is an A+ Member of Better Business Bureau. J-N Fence Company Inc. has sold similar "Tough Sheds" in the past, but has changed shed manufacturers and is now proposed to "Leland Buildings" for display and sales. The applicant believes that approval of the proposed CUP will allow J-N Fence Company Inc. to expand its business model and sell additional home improvement products to the residents of Mesquite.

#### STAFF COMMENTS

#### Mesquite Comprehensive Plan

The Mesquite Comprehensive Plan designates the subject property within a Business Corridor. The Plan describes the intent of the Business Corridor designation in the Development Areas as follows:

This designation is intended to primarily provide sites for a variety of business and commercial uses serving both regional and community customers with frontages along the freeways and highway corridors. This area is intended for general business and commercial uses and should not be used for entertainment uses or for large scale display lots.

**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 abuts nonresidential uses on the east, west, and south side of the property. The surrounding nonresidential uses include a hotel, a movie theater, and Mesquite ISD storage facility. The proposed use is consistent and compatible with surrounding nonresidential uses. The proposed use also conforms to the commercial zoning intended use and to the Business Corridor designation within the Comprehensive Plan. It is not anticipated that the proposed use will be injurious to the property or 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 the 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 for the site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit to allow the proposed use.

**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 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 outdoor display of sheds is consistent with the future land use designation of the Comprehensive Plan as well as the existing zoning district. The proposed use will be adjacent to multiple nonresidential uses and located within an existing “C” Commercial zone. 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 outdoor display of storage sheds at 305 US Hwy E with the following condition.

1. No more than 5 storage sheds may be displayed onsite at any given time.

**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 – Additional Submitted Documents

**ATTACHMENT 1 – AERIAL MAP**



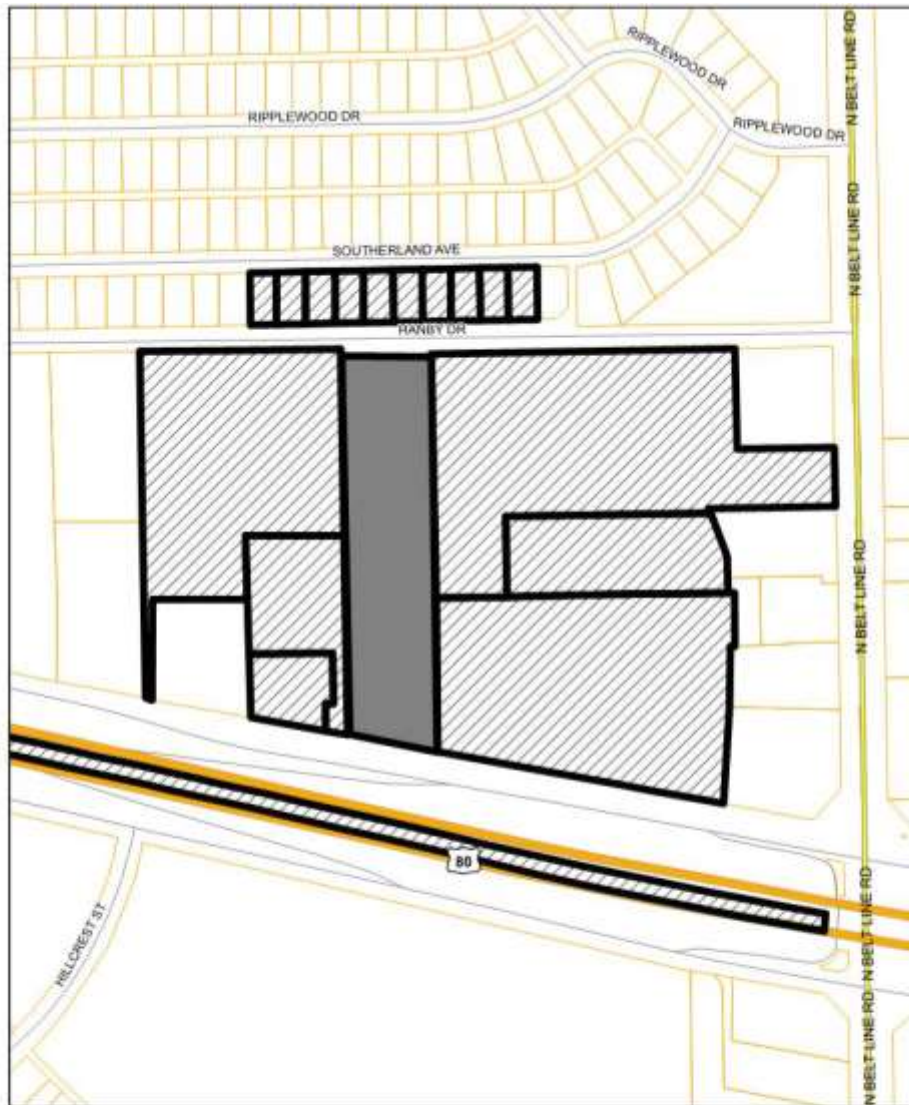
**Request:** Conditional Use Permit to allow for  
outdoor display  
**Applicant:** James Novey, J-N Fence Company Inc  
**Location:** 305 E US Hwy 80

**Legend**

 Subject Property



**ATTACHMENT 2 – PUBLIC NOTIFICATION MAP**



**Request:** Conditional Use Permit to allow for outdoor display  
**Applicant:** James Novey, J-N Fence Company Inc  
**Location:** 305 E US Hwy 80

**Legend**  
■ Subject Property  
▨ Notified Properties



**ATTACHMENT 3 – ZONING MAP**





<b>CITY OF MESQUITE ZONING APPLICATION</b>	Receipt No.	030903-MS	Date Stamp:
	Fee:	800.00	
	Case Manager:	Ben C.	

REQUESTED ACTION:

Change District Classification to:	Conditional Use Permit for:	Amend Special Conditions of
	J-N Fence Company Inc. Display Products in Front	Ordinance # _____ (Explain Below)
Additional explanation of requested action: J-N Fence in the past provided Tough Sheds on this property. For Sale in the past, Tough Shed decided to sell through Home Depot stores and closed other dealers - therefore, J-N Fence decided to look for another vendor and chose Leland Buildings, Burleson TX to provide these products. We would like to expand our business in this area to provide a quality product in the Mesquite Area.		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>Commercial</u>	Complete one of the following:
Site Size: <u>3.955</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>305 Hwy 80 E, Mesquite, TX 75150-5825</u>	Addition: <u>East Dallas Estates TR 5 ACS 3.955</u> <u>VOL.2001223/0356 DDT022001 CO-DC</u>
General Location Description: <u>Commercial Property</u>	Block: _____ Lot: _____
Hwy 80 East Between Belt Line Rd and Galloway Ave	0475000000500 33804750000
North Side of Hwy 80 Service Road Across from Walmart	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>James Novey</u>	Phone: ( 972 ) <u>226</u> - <u>7205</u>
Company: <u>J-N Fence Company Inc.</u>	Fax: ( 972 ) <u>285</u> - <u>8064</u>
Address: <u>305 Hwy 80 E</u>	E-mail: <u>info@jnfence.com</u> (Required)
<u>Mesquite, TX 75150-5825</u>	
Signature: <u>[Signature]</u>	Owner <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Tenant <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) Erecting, maintaining, 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>James Novey</u>	Phone: ( 972 ) <u>226</u> - <u>7205</u>
Address: <u>305 Hwy 80 E</u>	Fax: ( 972 ) <u>285</u> - <u>8064</u>
<u>Mesquite, TX 75150-5825</u>	E-mail: <u>info@jnfence.com</u>
Signature: <u>[Signature]</u>	

**ATTACHMENT 5 – SITE PICTURES**



**Front view of J-N Fence Company Inc. looking north from US Hwy 80**



**View of J-N Fence Company Inc. with side access gate to rear supply area.**





View of the current display of sheds on the property looking northeast



View of shed display looking west



**Rear view of shed display**