

FILE NO.: Z0818-0061

P&Z HEARING DATE:
COUNCIL DATE:

September 24, 2018
October 15, 2018

GENERAL INFORMATION

APPLICANT: Devin Huffines, Deal a Day Real Estate, LLC.
REQUESTED ACTION: Rezone from “AG,” Agriculture to Planned Development – General Retail to allow a convenience store with fuel sales in addition to uses permitted in the General Retail zoning district
LOCATION: 10991 IH-20, SWC of IH-20 and FM 741 Road

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 0.8746 acres site is undeveloped.

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

ZONING HISTORY: 2010: Annexed and zoned Agriculture.

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

GENERAL: The applicant is requesting a zoning change to Planned Development (PD) - General Retail (GR) to develop the property for a 4,000 square-foot convenience store with 8 fuel pumps (16 fueling positions). The applicant is requesting a PD to allow more than the eight fueling positions that are allowed in the General Retail (GR) zoning district and to deviate from some of the development standards (setbacks) of the General Retail zoning district. The proposed development will comply with the requirements in the Mesquite Zoning Ordinance (MZO) along with the requirements stipulated in the Development Standards and Concept Plan. Those regulations which are silent in the PD will revert to the regulations of the Mesquite Zoning and Subdivision Ordinances.

STAFF COMMENTS

Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction

The subject property is located within an area currently designated as Restricted Growth Sector (G-1) 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 G-1 Sector is intended for low density developments.

Analysis

The proposed PD meets the intend of the Comprehensive Plan by allowing for a low-density commercial use, convenience store with fuel sales, to service the surrounding current and future residential communities. The proposed PD will allow for the development of the property while ensuring that it is a high-quality development that maintains its value over time.

RECOMMENDATIONS

Staff recommends rezoning the subject property to the Planned Development – General Retail with the following conditions:

1. Except as provided herein, the plat and site plan for the property shall conform substantially to the Concept Plan (Exhibit B) and PD Development Standards (Exhibit C).
2. Uses shall be limited to those permitted by right in the General Retail Zoning District as provided in the City of Mesquite Zoning Ordinance :
 - a. Additional Uses Permitted:
 - i. SIC Code 554: Gasoline Service Station with up to 16 fueling positions
 - b. Following Uses Shall be Prohibited:
 - i. SIC Code 5947: Gift, Novelty, Souvenir Shops
 - ii. SIC Code 751: Automotive Rental, Leasing
 - iii. SIC Code 753: Automobile Repair Services
3. Signage shall follow the current City of Mesquite Sign Ordinance and comply with the following requirements.
 - a. Window signs shall be limited to 25 percent of the area of any window or door.
 - b. The business shall have no more than one temporary sign at any time, except that two swoosher or teardrop signs may be on the property as long as there are no other temporary signs. Any temporary sign must comply with the Sign Code for the specific sign type.
4. No portion of any window shall be outlined with lighting.
5. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall flash or change no more frequently than every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.
6. District screening shall not be required from the adjacent agricultural zoned districts.
7. Landscaping shall include:
 - a. Landscaping requirement shall be 15 percent of the site.
 - b. All parking islands shall be landscaped with grasses, perennials, or shrubs.
 - c. Parking lot trees shall be placed in a landscape area no smaller than 9-feet by 18-feet. A landscape island located at an intersection of maneuvering aisles may contain landscape material exceeding 30 inches in height.
 - d. One shade tree, one evergreen tree, or 3 ornamental trees are required for each 500 square feet of required landscape area. All trees may be counted to fulfill the requirement, provided a minimum of 50 percent are located between the main building and the front and/or exterior side property lines.
8. Outdoor display and/or storage shall be prohibited.
9. The sidewalk along FM 741 and IH 20 shall be a minimum of 6 feet in width or a width necessary to comply with the City of Mesquite's Trails Master Plan or Texas Department

ZONING RECLASSIFICATION**FILE NO.: Z0818-0061****Page 3**

of Transportation. If necessary or desired, a portion of the sidewalk may be located on private property. Any portion of the sidewalk located on private property must be within a 10' pedestrian easement. Other sidewalks shall be a minimum of 5 feet in width.

10. A pedestrian plaza shall be located on the north side of the building facing the FM 741 and IH 20 intersection and shall consist of one of the following:
 - a. Pedestrian furniture
 - b. Bicycle rack
11. Development shall comply with the Community Appearance Manual.
12. Parking shall be provided as generally shown on the Concept Plan.
13. All parking rows shall be bounded by a landscaped area or a landscaped parking island.

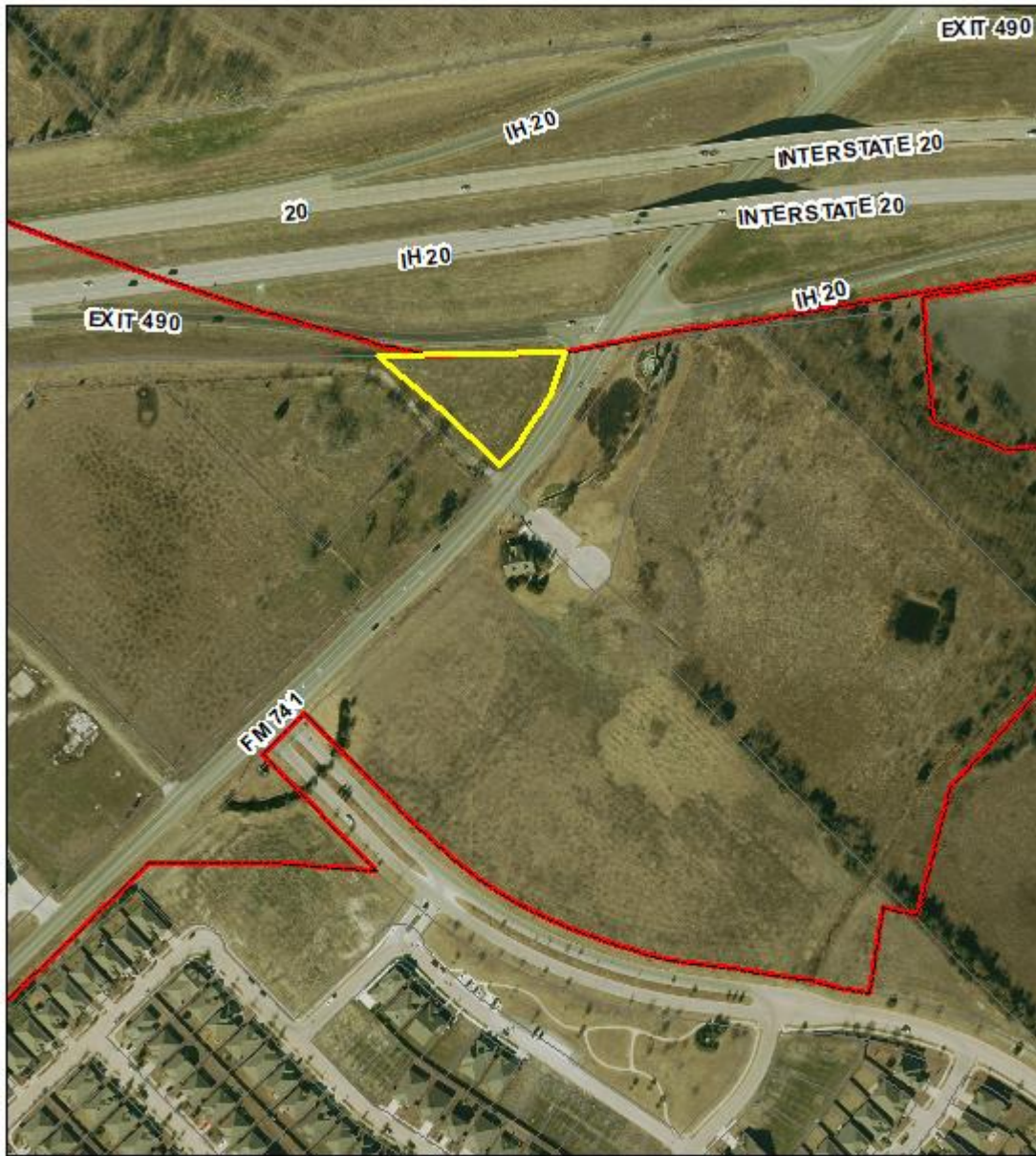
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff received two returned notices in favor of the request.

ATTACHMENTS



- 1 – Aerial Map
- 2 – Zoning Map
- 3 – Public Notification Map
- 4 – Site Pictures
- 5 – Public Notice Responses
- Exhibit B – Concept Plan
- Exhibit C – Development Standards

Attachment 1 – Aerial Map



Request: Rezoning from AG to PD-GR to allow
a convenience store with fuel sales.
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Legend

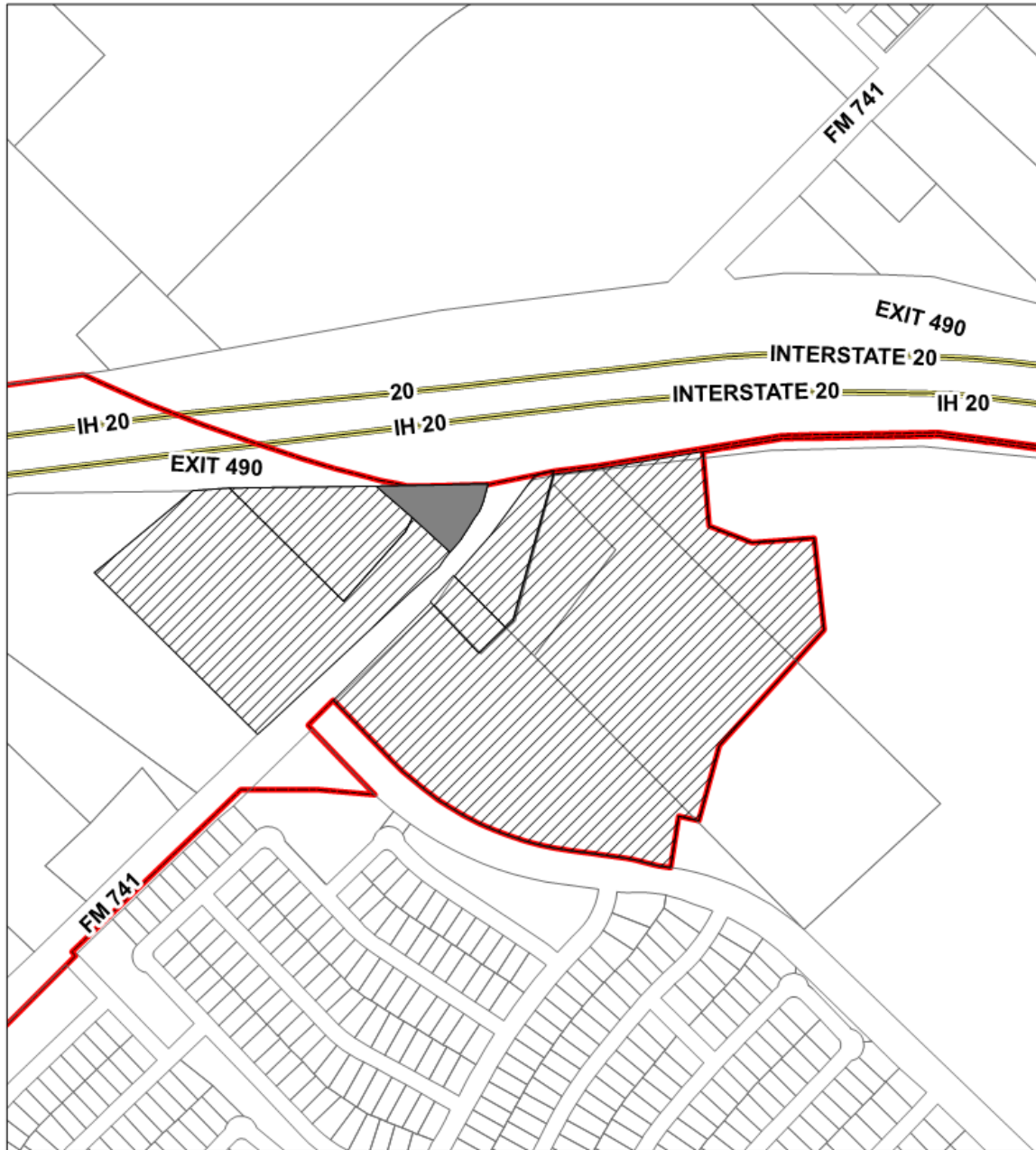
-  Subject Property
-  City Limits



Attachment 2 – Zoning Map






Attachment 3 – Notification Map



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Legend

-  Subject Property
-  Noticed Properties
-  City Limits



Attachment 4 – Site Pictures



Taken from service road



Taken from 741 looking east

Attachment 6 – Public Notice Responses



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 10991 IH-20
(See attached map for reference)
FILE NUMBER: Z0818-0061
APPLICANT: Devin Huffines, Deal A Day Real Estate, LLC.
REQUEST: From: AG, Agriculture
To: Planned Development – General Retail

RECEIVED
SEP 19 2018
PLANNING AND ZONING

The requested Zoning Change would allow a convenience store with fuel sales in addition to uses 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. 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.

LEGAL DESCRIPTION

Being 0.8746 acres in the Martha Musick Survey, Abstract No. 312, City of Mesquite, Kuafman County, Texas.

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, September 24, 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, October 15, 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

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 **September 20th** to be included in the Planning and Zoning Commission packet and by 5 pm on **October 9th** 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) *ROXANNE CABRERA*
Do not write on the reverse side of this form.

Zoning Case: Z0818-0061		Name:(required) <i>Roxanne Cabrera</i>
I am <u>in favor</u> of this request <input checked="" type="checkbox"/>		Address:(required) <i>8200 Douglas</i>
I am <u>opposed</u> to this request <input type="checkbox"/>		<i>Dallas 75225</i>
Reasons (optional):	<i>good land use</i>	

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
NOTICE OF PUBLIC HEARING

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(Complete and return)
Do not write on the reverse side of this form.

Zoning Case: Z0818-0061	Name: (required)	<u>Elvio Bruni</u>
I am <u>in favor</u> of this request <input checked="" type="checkbox"/>	Address: (required)	<u>8200 Houston</u>
I am <u>opposed</u> to this request <input type="checkbox"/>		<u>Dallas 75225</u>
Reasons (optional):		<u>TX</u>
		<u>need more retail</u>

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

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