

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: Z0818-0060

P&Z HEARING DATE:

September 24, 2018

COUNCIL DATE:

October 15, 2018

GENERAL INFORMATION

APPLICANT: Mohammad Siddiqi

REQUESTED ACTION: Conditional Use Permit to allow a variety store

LOCATION: 3012 Big Town Blvd, Suite 100

SITE BACKGROUND

**EXISTING LAND USE AND
SIZE:**

The subject property is a 2,230 square-foot lease space located within a retail center on a lot zoned "PD" Commercial. The lot is approximately 4 acres in size and is located along Big Town Boulevard and near Interstate Highway 30.

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

	Zoning	Existing Land Use
North	"PD-C"	Texaco Gas Station
South	"PD-C"	Rios Collision & Auto Repair
West	"SS" "PD-LC"	Valero Gas Station Assured Self Storage
East	"PD-C"	Graduation Place Retail Shop

ZONING HISTORY

1954: Annexed and zoned Residential
1964: Commercial
1973: Service Station
1978: PD – Commercial

PLATTING: Tally Town 3, Block A, Lot 3

GENERAL: The applicant is requesting a Conditional Use Permit (CUP) to allow for a variety store in an unoccupied 2,230 square-foot lease space in a retail strip center. The retail center includes one other tenant space currently occupied by a pawnshop. According to the applicant, the variety store will offer household items, personal care items, automotive supplies, movies and CD's, small daily-use tools, gift items, along with fresh produce. The applicant is proposing a designated area in the store to accommodate fresh foods as required by Section 3-510 of the Mesquite Zoning Ordinance.

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. 3-510: VARIETY STORES

Table 3-203 Schedule of Permitted Uses

<i>SIC CODE</i>	<i>USE DESCRIPTION</i>	<i>O</i>	<i>GR</i>	<i>LC</i>	<i>C V</i>	<i>MU</i>	<i>CB</i>	<i>S S</i>	<i>C</i>	<i>I</i>	<i>P K N G S T N D</i>	<i>SPECIAL CONDITIONS</i>
53 GENERAL MERCHANDISE STORES			P	P		P	P		P	P	I	
531 Department Stores												
533 Variety Stores			*C	*C		*C	*C		*C	*C	I	*If location meets 3-510.A, allowed by CUP
539 Miscellaneous General Merchandise Stores			P	P		P	P		P	P	I	

- A. Variety stores are prohibited unless the proposed use is located more than 5,000 feet from another variety store.
- B. Incidental outdoor display is prohibited at all variety stores.
- C. If located at least 5,000 feet from another variety store, this use is permitted by conditional use permit (“CUP”) only. In addition to the criteria for a CUP set forth in Section 5-303.B, when reviewing for a request for CUP for a variety store use, the City Council shall consider:
 1. Whether the proposed variety store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.
 2. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
 3. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.
- D. A CUP approved under this section must stipulate that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.

Analysis - Variety Store Ordinance

The Subject property does meet the requirements within Section 3-510 regarding the use of variety stores. The property is over 5,000 feet from the nearest variety store, and it is not anticipated that this location will have an adverse impact on the development

of grocery stores or other business that sell fresh food. Currently, the closest full-service grocery store within Mesquite is approximately 1 mile from the subject property. The United State Department of Agriculture does not classify this location as being located within a food desert.

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 surrounded by nonresidential uses including three gas stations, a pawn shop, storage facility, and automobile repair shop. 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 a variety store 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 “PD” 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 a variety store at 3012 Big Town Blvd., Suite 100 with the following stipulations.

1. A minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.
2. Window signs shall be limited to 25 percent of the area of any window or door.
3. 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. Outdoor display and/or storage shall be prohibited.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the property. As of the date of this writing, Staff has received two returned notices from property owners within 200 feet of the subject properties. One notice was returned “In Favor” and one notice was returned “Opposed” to the proposed change.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Site Pictures
- 6 – Additional Documents
- 7 – Returned Notices

ATTACHMENT 1 – AERIAL MAP





ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**Request: Conditional Use Permit to allow for
a variety store**
Applicant: Mohammad Siddiqi
Location: 3012 Big Town Blvd. Suite 100

Legend

-  Notified Properties
-  Subject Property



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – APPLICATION

CITY OF MESQUITE ZONING APPLICATION	Receipt No. <u>130853-</u>	Date Stamp:
	Fee: <u>800 0001</u>	
	Case Manager: <u>BC</u>	

REQUESTED ACTION:

Change District Classification to:	Conditional Use Permit for: <u>VEAT VARIETY STORE</u>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <u>Operate VARIETY Store</u>		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>Retail</u>	Complete one of the following:
Site Size: <u>2400 sf</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>3012 Bigtown Blvd St # 100</u>	Addition: <u>TALLY TOWN Addition #3</u>
General Location Description: <u>as above</u>	Block: <u>A</u> Lot: <u>3</u>
	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>MO SIDDIGI</u>	Phone: <u>(214) 727-7763</u>
Company: <u>Ad Star Inc</u>	Fax: <u>(214) 327-4412</u>
Address: <u>3012 Bigtown Blvd</u>	E-mail: <u>B Siddigiusa@gmail.com</u>
<u>St # 100</u>	<small>(Required)</small>
Signature: <u>Adil</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>MO Siddigi</u>	Phone: <u>(214) 727-7763</u>
Address: <u>3012 Bigtown Blvd</u>	Fax: <u>(214) 327-4412</u>
<u>St # 100</u>	E-mail: <u>Siddigiusa@gmail.com</u>
Signature: <u>Adil</u>	

ATTACHMENT 5 – SITE PICTURES



Front view of the subject property, Suite 100, looking east from Big Town Blvd.



Front view of Suite 100



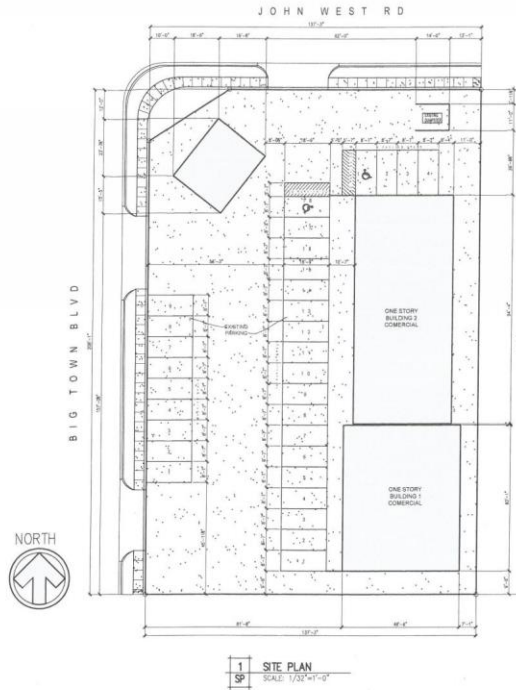
Interior view of the vacant subject property

ATTACHMENT 6 – Additional Documents

Subject Property Current Parking Layout

Legal Desc (Current 2019)
1: TALLEY TOWN 3
2: BLK A LT 3 ACS 0.3700
3:
4: INT201200159614 DD09012011 CO-DC
5: 2006200100300 3CM20062001
Deed Transfer Date: 6/5/2012

Legal Desc (Current 2019)
1: TALLEY TOWN 3
2: BLK A LT 2
3:
4: INT201000311919 DD12012010 CO-DC
5: 2006200100200 3CM20062001
Deed Transfer Date: 12/8/2010



GeContrac LLC
"General Contractor"
Blair
9304 Forest Hills S203
Dallas, TEXAS 75228
TEL (214) 462 0853

NAME SHEET: FLOOR PLAN
ADDRESS: 3102 BIG TOWN BLVD
MESQUITE, TX 75150
PROJECT: COMMERCIAL
DATE: 08/24/2018
SCALE: 1/32" = 1'-0"
SHEET: SP
OWNER: MOHAMMAD
DRAWN BY: jay@gecontrac.com

This detailed floor plan shows the layout of a retail store, including dimensions, area calculations, and functional zones.

Overall Dimensions:

- Top: 5'-4 1/2" (left), 6'-8" (left), 45'-9" (center), 35'-8 1/2" (right), 7'-11" (right)
- Left: 6'-1" (top), 3'-4" (middle), 48'-6" (bottom), 27'-0" (bottom)
- Right: 27'-4 1/2" (middle), 14'-2" (bottom)
- Bottom: 8'-8" (left), 1'-10" (left), 3'-7 1/2" (left), 5'-1 1/2" (left), 3'-6" (left), 2'-0" (left), 2'-0" (left), 3'-0" (left), 4'-6" (left), 3'-0" (left), 5'-6" (right)

Functional Zones and Dimensions:

- RESTROOM:** 8'-9" CEILING (top left, two units)
- FRESH PRODUCTS AREA:** 8'-9" CEILING, 18'-11" (top center)
- GONDOLAS AREAS:** 8'-9" CEILING (center, three vertical sections)
- CASHIER:** 8'-9" CEILING (right side)
- OFFICE:** 8'-9" CEILING (bottom left and bottom right)

Area Calculations:

- 4380 SQ. FT. @ 8'-0" H.A. (bottom left)
- (2) 3580 SQ. FT. @ 8'-0" H.A. (bottom center)
- 3580 SQ. FT. @ 8'-0" H.A. (bottom right)
- (2) 3580 SQ. FT. @ 8'-0" H.A. (bottom right)

Other Details:

- Entrances and exits are marked with arrows and door swing indicators.
- Island displays are shown in the central gondola areas.
- Service counters are located in the cashier and office areas.

1 FLOOR PLAN EXISTING
A1 SCALE: 1/8" = 1'-0"