

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: Z0818-0062

P&Z HEARING DATE: October 22, 2018
COUNCIL DATE: November 5, 2018

GENERAL INFORMATION

APPLICANT: Danny Humphrey, Danny's Mesquite Car Care

REQUESTED ACTION: Rezone from "SS", Service Station to "PD-GR" Planned Development – General Retail to allow for major auto repair and outdoor storage.

LOCATION: 2933 Motley Dr.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The subject property is a 23,000 +/- square-foot area and is zoned "SS", Service Station. The current use of the property is an auto repair facility called Danny's Mesquite Car Care. The subject property is not a separate lot and is part of a larger lot that consist of retail uses.

SURROUNDING LAND USE AND ZONING (see attached map):

	Land Use	Zoning
North	Convenience Store	General Retail - GR
South	Retail Strip Center	General Retail – GR
East	Motley Drive – Further east: A bank	General Retail – GR
West	Retail Strip Center	General Retail – GR

ZONING HISTOY:

1954: Annexed and zoned Residential
1955: Special Permit to allow Local Retail uses
1960: Zoning Changed to General Retail
1973: Zoned to Service Station with the adoption of Ordinance #1135

PLATTING: Town East Estates Replat, Block V, Lot 22

GENERAL: In response to a compliant, Code Enforcement cited the applicant for having outdoor storage of vehicles and conducting major auto repair in violation of the Mesquite Zoning Ordinance. The subject property is zoned Service Station which permits minor auto repair but does not permit major auto repair nor does it permit outdoor storage. The applicant is requesting a Zoning Change to allow major automotive repair and the outdoor storage of vehicles. The applicant has owned auto repair business at 2933 Motley Drive since 2004.

STAFF COMMENTS

Mesquite Comprehensive Plan

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.

Zoning Ordinance Sec. 3-101: Nonresidential Districts Established and Purpose

The Mesquite Zoning Ordinance (MZO) describes the purpose of the General Retail designation:

The GR district is established to accommodate the sale of convenience goods and personal services primarily for persons residing in the surrounding neighborhoods.

Analysis

General Business designation located within low-density Community Areas is intended for low impact business uses to deliver goods and services to the surrounding neighborhoods. The purpose of the General Retail zoning district is to "accommodate the sale of convenience goods and personal services primarily for persons residing in the surrounding neighborhoods."

The MZO permits major automotive repair only within the Central Business, Commercial, and Industrial districts. Minor automotive repair is permitted within the General Retail, Light Commercial, Central Business, Service Station, Commercial and Industrial zoning districts. The MZO defines minor repair and major repair as follows:

Minor Repair: minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

Major Repair: major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rustproofing; any operation requiring dismantling or removal of heads, crankcases, engines or other major parts; and recapping or re-grooving of tires; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.

Accessory outdoor storage is only permitted in the Mixed, Central Business, Commercial, and Industrial districts. Outdoor storage cannot be located in any required front or exterior side yard; shall not obstruct or eliminate any required parking or loading space, access drive, or fire lane; or occupy any street right-of-way. In addition, outdoor storage must be screened from public view. The applicant is requesting to store his client's vehicles in the exterior side-yard between the building and Palm Drive without any screening.

The MZO restricts high intensity uses such as major repair and outdoor storage to Commercial and Industrial zoning to ensure that they are not located in close proximity to the City's neighborhoods where lot intensity uses are more appropriate. This reinforces the policy of the Comprehensive Plan which indicates that outdoor storage and high intensity uses such as major auto repair are not generally appropriate and should be restricted from locating in a General Business area designation.

RECOMMENDATIONS

Staff recommends denial of the requested Zoning Change from "SS", Service Station to "PD – GR" Planned Development – General Retail to allow for major auto repair and outdoor storage.

PUBLIC NOTICE

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff received 1 returned notice from property owners within 200 feet of the subject properties, in favor of the request.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application Materials
- 5 – Letter of intent
- 6 – Returned Notices
- 7 – Site Pictures

Attachment 1 – Aerial Map



Request: Rezoning change from "SS" Service Station to "PD-GR" Planned Development General Retail to allow outdoor storage of vehicles
Applicant: Danny Humphrey
Location: 2933 Motley Dr.

Legend



Attachment 2 – Public Notification Map





Request: Rezoning change from "SS" Service Station to "PD-GR" Planned Development General Retail to allow outdoor storage of vehicles & major auto repair.

Applicant: Danny Humphrey

Location: 2933 Motley Dr.

Legend

-  Subject Property
-  Notified Properties

Attachment 3 – Zoning Map



Request: Rezoning change from "SS" Service Station to "PD-SS" Planned Development Service Station to allow major automotive repair.
Applicant: Danny Humphrey
Location: 2933 Motley Dr.

Legend

 Subject Property

Attachment 4 – Application Materials

CITY OF MESQUITE ZONING APPLICATION		Receipt No. _____	Date Stamp: <u>8-15-18</u>
		Fee: _____	
		Case Manager: <u>Hannah Carabon</u>	<u>(going to P42 10/18 per applicant request - want be available 9-24)</u>

REQUESTED ACTION:

Change District Classification to: <u>PD-GR</u>	Conditional Use Permit for: _____	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <u>change zoning from S/S to PD-GA</u> <u>so I can have 10 parking spaces overnight</u>		

SITE INFORMATION/GENERAL LOCATION:

Current Zoning Classification: _____ Site Size: _____ (Acres or Square Feet) Address (if available): <u>2933 MOTLEY DR</u> General Location Description: _____	LOCATION/LEGAL DESCRIPTION: Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: Abstract: _____ Tract: _____
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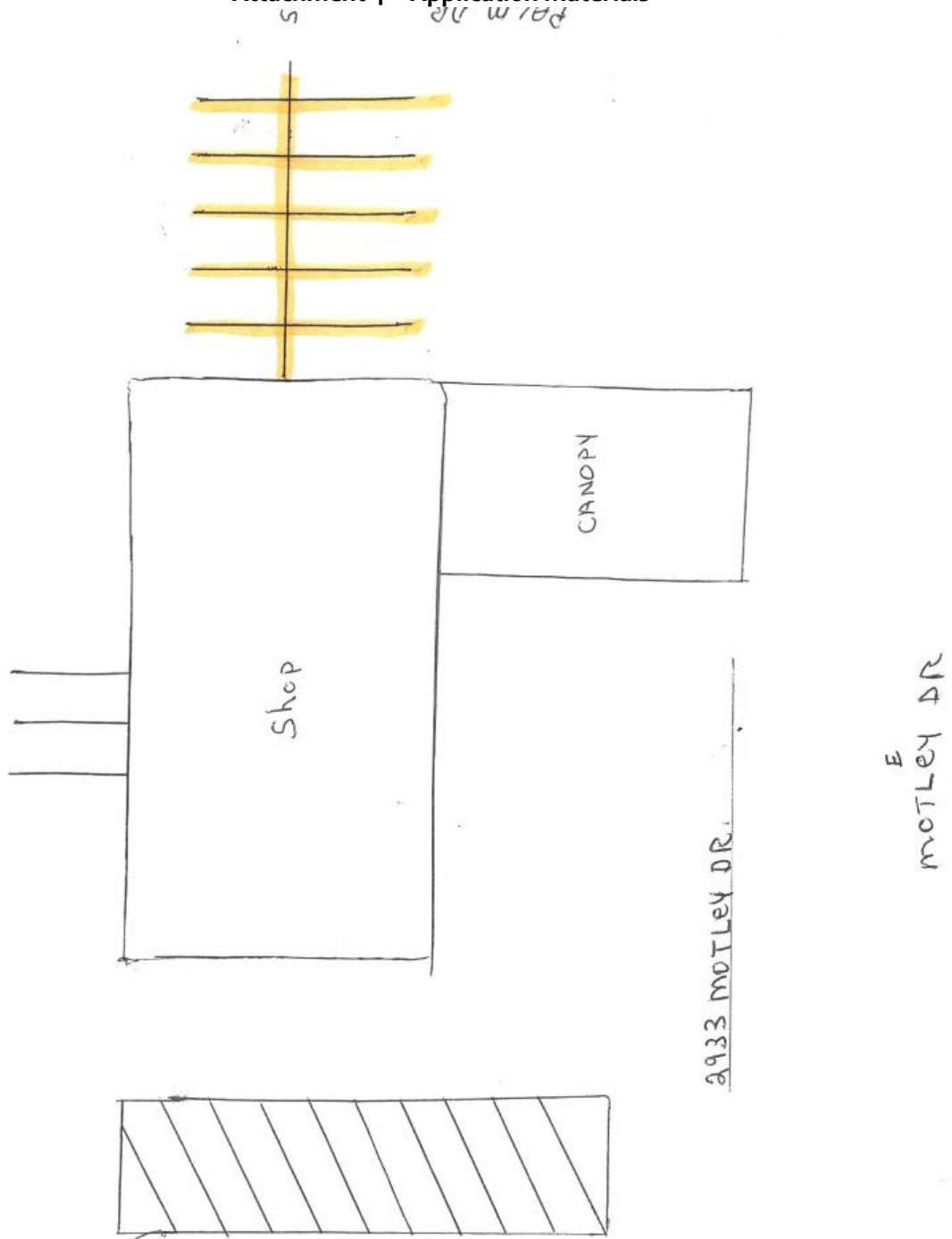
APPLICANT INFORMATION:

Contact: <u>Danny Humphrey</u>	Phone: <u>(469) 628-5034</u>
Company: <u>DANNY'S MESQUITE CAR CARE</u>	Fax: <u>(972) 613-4959</u>
Address: <u>2933 MOTLEY DR</u> <u>MESQUITE, TX 75150</u>	E-mail: <u>DANNY.HUMPHREY44@YAHOO.COM</u> <small>(Required)</small>
Signature: <u>Danny Humphrey</u>	Owner <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:

<small>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.</small>	
Owner: <u>Krishna Pant</u>	Phone: <u>(972) 261-8065</u>
Address: <u>4117 Beasing Way</u> <u>IRVING TX 75063</u>	Fax: _____
Signature: <u>[Signature]</u>	E-mail: <u>Kbpant2110@hotmail.com</u>

Attachment 4 - Application Materials



ATTACHMENT 5 – Letter of Intent

August 15, 2018

Attn: City Of Mesquite,

My name is Danny Humphrey. I've been married to my wife Shirley for forty-four years. I own Danny's Mesquite Car Care at 2933 Motley Drive. I've owned the shop for fourteen years. We have great customers and much repeat business. My request is to change the CO from minor repair to major repair and from a service station to an auto repair shop. For twelve years I didn't have a problem with cars outside. Then last year on 8/2/17 I was told to get rid of some of the vehicles. The inspector said I corrected it in a timely manner. Then one year later on 8/2/18 I get a citation for abandoned cars. I would like to change the zoning because we are not a service station. It hasn't been a service station in about forty years. If I could have about ten parking spots on the South side, that would be great. We have been here for a long time serving the community. I painted the building about two years ago and we keep everything in working order. I also purchase the car wash in the same shopping center about five years ago. It was closed for several years and was attracting drugs etc. We fixed it up with new equipment, lights, paint and we clean it twice daily. I put my heart in soul in my businesses, please help me keep them.

Sincerely,

Danny Humphrey

Attachment 6 – Returned Notices



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 2933 Motley Dr.
(a map is attached for reference)

FILE NUMBER: Z0818-0062

APPLICANT: Danny Humphrey, Danny's Mesquite Car Care

REQUEST: From: "SS", Service Station
To: "PD-GR", Planned Development General Retail to allow outdoor storage of vehicles.

LEGAL DESCRIPTION

Town East Estates, Block V, Lot 22

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **October 8, 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, **November 5, 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) 329-8543 or hcarrasco@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 **October 3rd** to be included in the Planning and Zoning Commission packet and by 5 pm on **October 31st** 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: Z0818-0062

I am in favor of this request ☒

I am opposed to this request ☐

Reasons (optional):

Name: (required)

Address: (required)

David T Brooks
2610 Viva Dr
Mesq. 75130

Very nice & respectable business
owners - been in business a long
time

Please respond by returning to:

PLANNING DIVISION
Hannah Carrasco
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

Lynda G. Brooks
David T Brooks

RECEIVED
OCT 03 2018
PLANNING AND ZONING



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
MEETING RESCHEDULE

LOCATION: 2933 Motley Dr.
(a map is attached for reference)
FILE NUMBER: Z0818-0062
APPLICANT: Danny Humphrey, Danny's Mesquite Car Care
REQUEST: From: "SS", Service Station
To: "PD-GR", Planned Development General Retail to allow major auto repair and outdoor storage of vehicles.

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

Town East Estates, Block V, Lot 22

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(Complete and return)

Do not write on the reverse side of this form.

Zoning Case: Z0818-0062

I am in favor of this request ☒

I am opposed to this request ☐

Reasons (optional):

Name (required)

Address (required)

Paul Lierch
3334 N. Town East Blvd Ste 102
Mesquite, TX 75150

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

Attachment 7 – Site Pictures



View of subject property looking west.



View of subject property looking south.

Attachment 7 – Site Pictures



View of subject property looking east.



View of subject property looking southwest