

FILE NO.: Z1218-0080

P&Z HEARING DATE:
COUNCIL DATE:

January 28, 2019
February 18, 2019

GENERAL INFORMATION

APPLICANT: Stantec Consulting Services, Inc. on behalf of Market East Associates, LLC.

REQUESTED ACTION: Rezoning to Planned Development – Commercial to establish revised sign regulations for the subject properties.

LOCATION: 1505, 1515, 1519, 1601, 1645, 1649, and 1705 N. Town East Blvd.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The 48.18 +/- acres site is developed with retail and restaurant uses.

SURROUNDING LAND USE AND ZONING (see attached map):

North:	Single-family homes zoned R-3 and undeveloped land zoned Commercial
West:	Retail uses zoned Commercial
East:	Single-family homes zoned R-3
South:	Retail and restaurant uses zoned Commercial

ZONING HISTORY:

1954:	Annexed and zoned Residential.
1966:	Zoning changed to Commercial.
1996:	TERRA Overlay established

PLATTING: The subject properties are platted.

GENERAL: The applicant is requesting a rezoning to a Planned Development – Commercial to revise sign regulations for the subject properties owned by Market East Associates, LLC. The requested PD would allow (1) an additional oversized freestanding sign, (2) to add additional signage to existing ‘tower-type’ ground sign, and (3) allow off-premise signage within the Market East Shopping center.

Request No. 1

The applicant would like to install a second freestanding sign that does not meet the size requirements by the easternmost entrance to the shopping center off of Town East Blvd (see Attachment 5 for the proposed sign location). In April 1986, the City Council approved a Sign Variance to allow “a three-sided ‘tower-type’ ground sign, 54 feet 2 inches in height...to advertise the Market East Shopping Center.” A stipulation of the Council’s approval was “there shall be no other signs on the site with the exception of the one on the buildings...” The result of the 1986 variance approval is the tall tower sign seen along Town East Blvd advertising Target and businesses in the Market East Shopping Center.

The stipulation of Council's 1986 approval prohibits another freestanding sign. Under the current Sign Ordinance, a freestanding sign may be erected every 300 feet of linear street frontage or portion thereof. Therefore, if the Council variance had not included the one sign stipulation, then the applicant could place a second freestanding sign on the property if it met the requirements of the sign ordinance. It is Staff's interpretation that the Board of Adjustment cannot change a stipulation of a City Council granted variance. As a result, the applicant cannot pursue a variance from the Board of Adjustment to allow an oversized freestanding sign. The current sign ordinance does not provide for a City Council procedure for issuing these types of sign variances.

Request No. 2

The 1986 City Council sign variance allowed the two-sided tower-type ground sign that is seen today at the Market East Shopping Center. The applicant would like to be able to place signage on all four sides of the tower-type ground sign. As indicated in the previous paragraphs, the Board of Adjustment does not have the authority to modify a City Council granted variance.

Request No. 3

The Market East Shopping Center consists of many retail and restaurant businesses some of which are located on separate lots. The sign ordinance prohibits off-premise signage. A sign can only contain content of a business/use that is on the same lot as the sign is located. As a result of the lot layout of the Market East Shopping Center, some of its business tenants would not be permitted to place signage on the existing tower sign or the proposed sign located along N. Town East Blvd. The Board of Adjustment is not authorized to grant variances for sign types that are not permitted by the sign ordinance.

Given the circumstances, Staff advised the applicant that a PD would be the most prudent method for the City to consider their requests.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the Town East Retail and Restaurant Area (TERRA) as designated in the *Mesquite Comprehensive Plan*. The Plan states the following for TERRA:

TERRA is the major retail district for eastern Dallas County and the counties to the east, providing a concentration of retail, service and entertainment uses oriented primarily toward family services...

In order to regulate and restrict those uses which were considered problematic to the area's regional retail and entertainment role, a zoning overlay district was adopted in 1996. Uses which were targeted in the overlay include uses generating

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truck traffic or otherwise adding to area congestion; uses with visual or aesthetic characteristics not normally present in a retail-type area; and uses with characteristics disruptive to family- and customer-oriented retail and entertainment uses.

Analysis

The proposed PD will not alter the allowable uses within the Market East Shopping Center. The shopping center will be required to continue to comply with the Mesquite Zoning Ordinance including the TERRA Overlay District, Mesquite Subdivision Ordinance, Mesquite Community Appearance Manual, and City Code. The proposed PD, if approved, will allow a second oversized freestanding sign as shown in Attachment 5. It will also allow signage on all four sides of the existing 'tower-type' ground sign as shown in Attachment 6. Finally, the PD will allow the two freestanding signs to advertise any business/use within the Market East Shopping Center as shown on Attachment 4. It is staff's opinion that the proposed PD is acceptable. Given the size of the Market East Shopping Center and how far some of the tenants are located from N. Town East Blvd., it is appropriate to allow additional opportunities for advertising to assist with the viability of the tenants within Market East.

RECOMMENDATIONS

Staff recommends rezoning the subject property to Planned Development – Commercial within the TERRA Overlay District with the following stipulations.

1. The boundary of the PD shall be limited to those lots as identified on Exhibit A.
2. The tower-type ground sign as shown in Exhibit B shall be allowed to have up to 450 square feet of signage on each of the four sides of the tower.
3. An oversized multitenant monument sign shall be permitted as shown in Exhibit C and located as shown on Exhibit D provided that the sign complies with the City's traffic visibility requirements.
4. Free-standing signs permitted in accordance with this ordinance may advertise any business located within the PD, regardless of individual lot lines, without being considered off-premises (billboard) signage.

PUBLIC NOTICE

Staff mailed notices to property owners within 200 feet of the property and have received two responses in favor and one in opposition to the request.

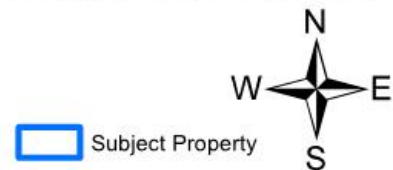
ATTACHMENTS

- 1 – Aerial Map
- 2 – Zoning Map
- 3 – Public Notification Map
- 4 – PD Boundary
- 5 – New Oversized Ground Sign
- 6 – Existing Four-sided Ground Sign
- 7 – Public Notices Returned

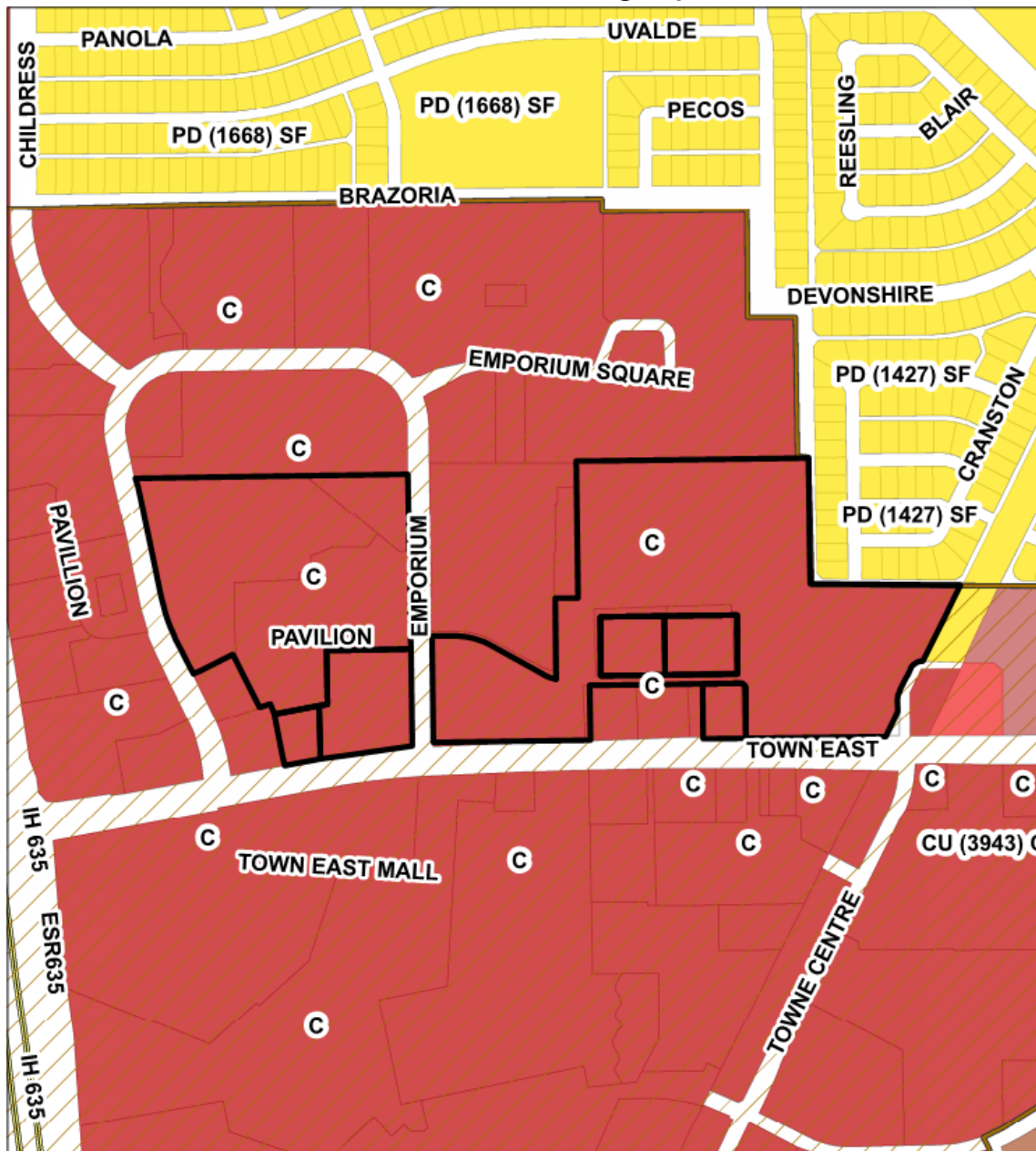
Attachment 1 – Aerial Map



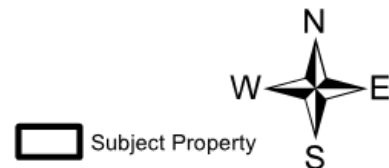
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Applicant: Stantec on behalf Market East Associates, LLC.
Location: Market East Shopping Center



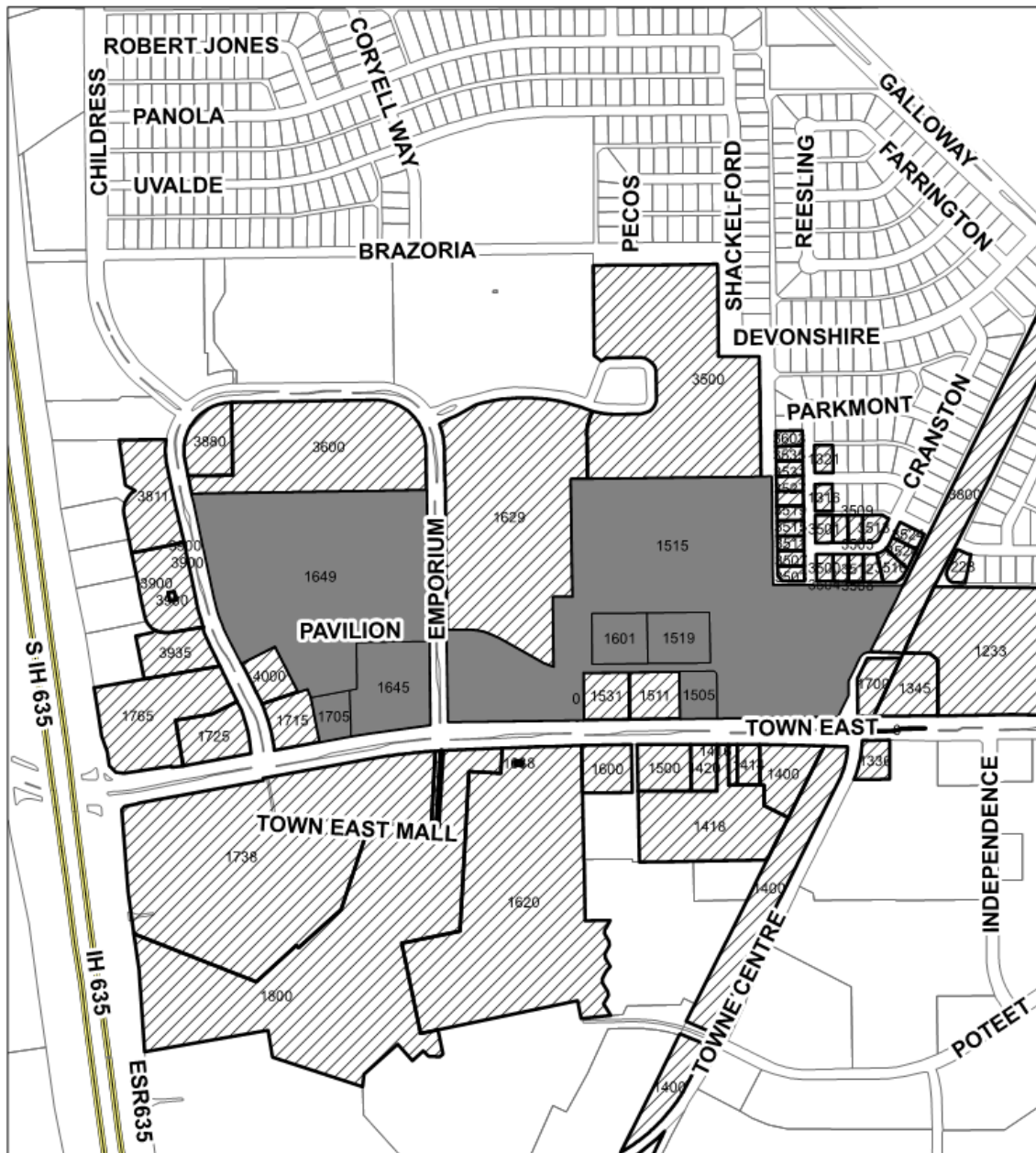
Attachment 2 – Zoning Map



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Attachment 3 – Notification Map



DEVELOPMENT SYNOPSIS

PARCEL	LAND AREA	BUILDING AREA	IMPROVEMENTS	PARKING SPOTS	SETBACK
PARCEL V	68,000 SF	19,000 SF	100' SIDEWALK	100' SIDEWALK	20' S
PARCEL VI	30,000 SF	10,000 SF	100' SIDEWALK	100' SIDEWALK	20' S

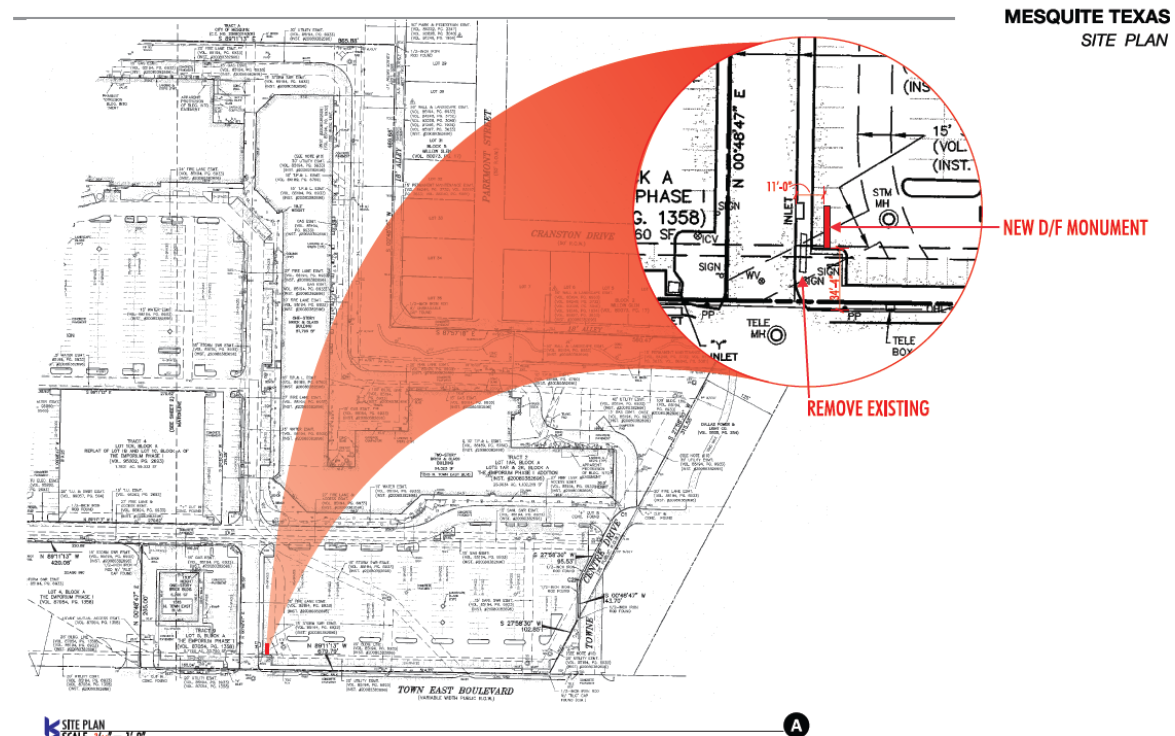
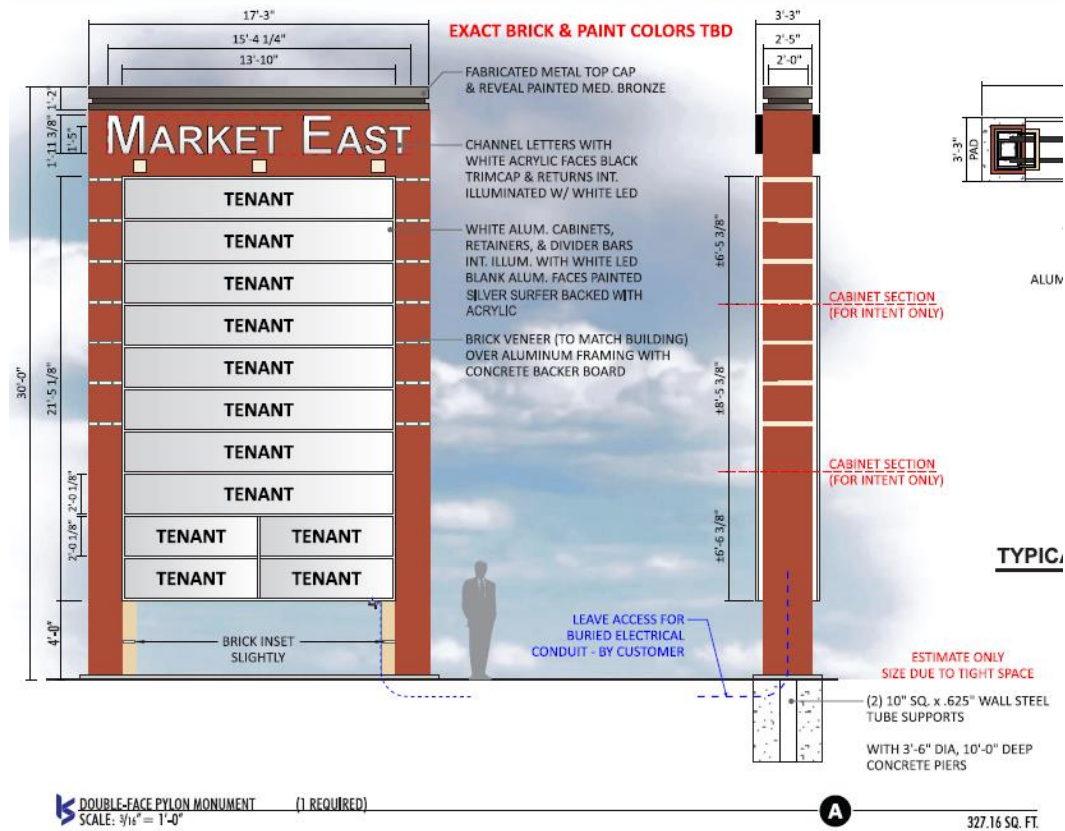
PROPOSED PD AREAS

- A** NEW DOUBLE SIDED MONUMENT (PLACEMENT DETAILS P. 4)
- B** SOUTH FACE OF EXISTING MONUMENT - NEW CABINETS

N. TOWN E BLVD. & W. EMPORIUM CIRCLE
MESQUITE, TEXAS

SCALE: 1"=250'

Attachment 5 – New Ground Sign (Exhibit C and D)



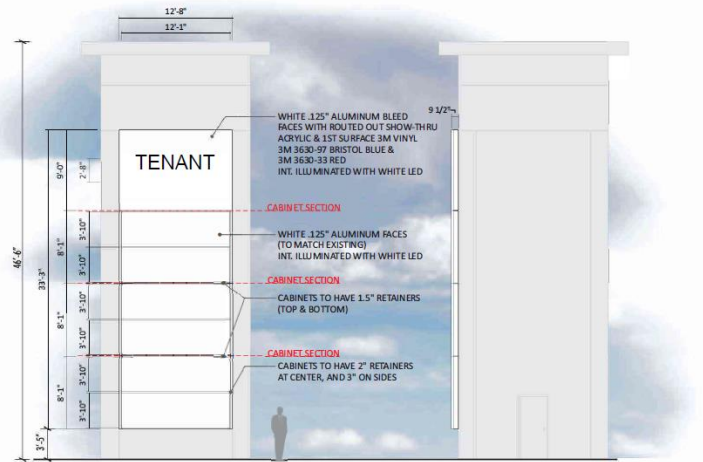
Attachment 6 – Tower Sign (Exhibit B)



SOUTH FACE OF EXISTING 4-SIDED MONUMENT - PROPOSED

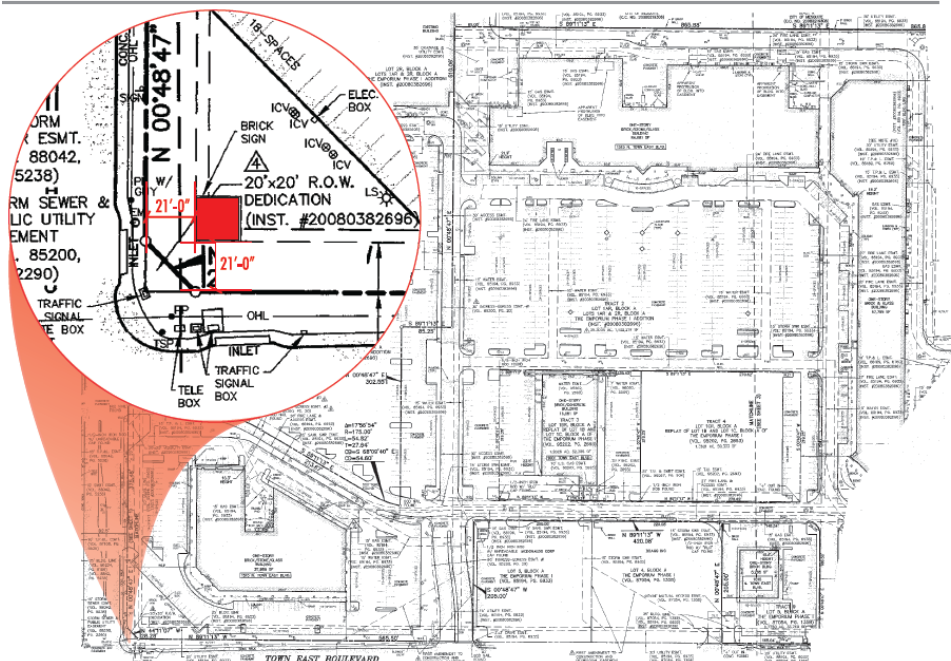


SOUTH FACE OF EXISTING 4-SIDED MONUMENT - CURRENT CONDITION



EXISTING FOUR-FACE MONUMENT - PROPOSED NEW CABINET FACE(S) FOR SOUTH SIDE (1 REQUIRED)

420.95 SQ. FT.



SITE PLAN SCALE: 1" = 250'

SOUTH FACE OF EXISTING MONUMENT - NEW CABINETS

MESQUITE TEXAS
SITE PLAN

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Attachment 7 – Public Notices Returned



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

LOCATION: 1505, 1515, 1519, 1601, 1645, 1649, and 1705 N. Town East Blvd
(a map is attached for reference)
FILE NUMBER: Z1218-0080
APPLICANT: Stantec Consulting Services, Inc. on behalf of Market East Associates, LLC.
REQUEST: From: Commercial within the TERRA Overlay District
To: Planned Development – Commercial within the TERRA Overlay District

The requested Zoning Change would establish new sign regulations for the subject property. No additional uses are being proposed for the subject property. 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

The Emporium Phase I, Block A, Lots 1AR, 1BR, 1CR and 5, and The Emporium Phase II, Block C, Lots 1R, 2, and 4, City of Mesquite, Dallas County, Texas.

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **January 14, 2019**, 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, **February 4, 2019**, 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 **January 9th** to be included in the Planning and Zoning Commission packet and by 5 pm on **January 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: Z1218-0080

I am in favor of this request X

I am opposed to this request ~~X~~

Reasons (optional):

Name: (required)

Address: (required)

McGUIRE PROPERTIES LTD
3831 WINDSON LANE
DALLAS, TEXAS 75205

Robert McQueen

IMPROVE FOR VISUALS - NOT LOWER

PROPERTY VALUES FOR OWNERS BY TOO
MUCH SIGNAGE - THANK YOU

Please respond by returning to:

PLANNING DIVISION
Ben Callahan
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

JAN 10 2018

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I am in favor of this request X

Name:(required)

Address:(required)

Mc DONALDS

1531 TE Blvd Fay Ingram

I am opposed to this request _____

Reasons (optional):

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Ben Callahan
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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Reasons (optional):

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Address:(required)



Joseph Del Ferro
3509 Cranston Dr.
Mesquite, TX 75150-4230

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Ben Callahan
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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