

FILE NO.: Z0119-0084

P&Z HEARING DATE:  
COUNCIL DATE:

February 25, 2019  
March 18, 2019

#### GENERAL INFORMATION

**APPLICANT:** Glen Pingleton, L. M. Walters Inc.  
**REQUESTED ACTION:** Rezoning from R-1 and R-3, Single Family Residential to GR, General Retail.  
**LOCATION:** 340 State Highway 352

#### SITE BACKGROUND

**EXISTING LAND USE AND SIZE:** The 2.54 +/- acres site is developed with a single family house.

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

North:	Single-family home, zoned R-3, Single Family Residential
West:	Undeveloped, zoned Planned Development - Industrial
East:	Undeveloped, zoned Planned Development – Light Commercial
South:	Undeveloped, zoned Planned Development – Light Commercial

**ZONING HISTORY:** 1965 and 1970: Annexed and zoned Residential.

**PLATTING:** The subject property is unplatted. A plat will be required at the time of development.

**GENERAL:** The applicant is requesting rezoning to GR, General Retail. The applicant does not have a proposed development at this time and would like to be able to market the property for future retail uses. The requested Zoning Change would allow the property to be used for any use permitted by right in the General Retail zoning districts. (See Mesquite Zoning Ordinance Section 3-203: “Schedule of Permitted Uses” ([online](#)) for a list of use permitted in the GR district.) In summary, the GR district would allow retail, personal service, general office, medical services, restaurants, business services, minor auto repair, miscellaneous repair, etc.

This request is a straight rezoning request. Unlike an application for a Conditional Use Permit or a Planned Development, a straight rezoning request does not involve consideration of a concept plan. In this case, the requested rezoning is to change the land uses permitted on the subject property. The notices for the proposed rezoning to GR also indicated that Council could 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.

This additional notice will allow City Council to approve a rezoning to a Planned Development as long it meets the conditions stated above.

If the Zoning Change is approved, the property will be subject to all development standards in the City of Mesquite's ordinances applying to a nonresidential development. These standards include but are not limited to landscaping, screening, parking, lighting, architectural, driveways, drainage, utilities, and setbacks.

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**STAFF COMMENTS**

**Mesquite Comprehensive Plan**

The subject property is located within the East Kearney/Highway 352 Industrial District as designated in the *Mesquite Comprehensive Plan*. The Plan states the following:

*Several tracts of undeveloped land remain on the south side of East Kearney. Development of these tracts will be under existing planned development ordinances which attempt to address some of the transition/buffering issues. Most importantly, the retail zoning on the north side of East Kearney provides a transition area and distance between the industrial and residential uses.*

*The area to the east of Highway 352 abuts areas which are zoned for industrial use in Sunnyvale. Most of these areas are currently not zoned industrial and each site will require individual evaluation to determine if industrial use is appropriate. Due to trees, flood plains, existing homes and topography, some of these tracts may not be appropriate for industrial use and might be zoned for general business usage instead.*

**Analysis**

The proposed rezoning is in line with the current Mesquite Comprehensive Plan. The area is intended for industrial uses; however, as noted in the above paragraph, such uses may not be suited for the areas east of SH 352. The subject property is bounded by an existing single-family home to the north and flood plain areas to the east. As a result, the general business usage allowed under a General Retail zoning is more appropriate.

**RECOMMENDATIONS**

Staff recommends rezoning the subject property to General Retail.

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**PUBLIC NOTICE**

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

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**ATTACHMENTS**

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

Attachment 1 – Aerial Map

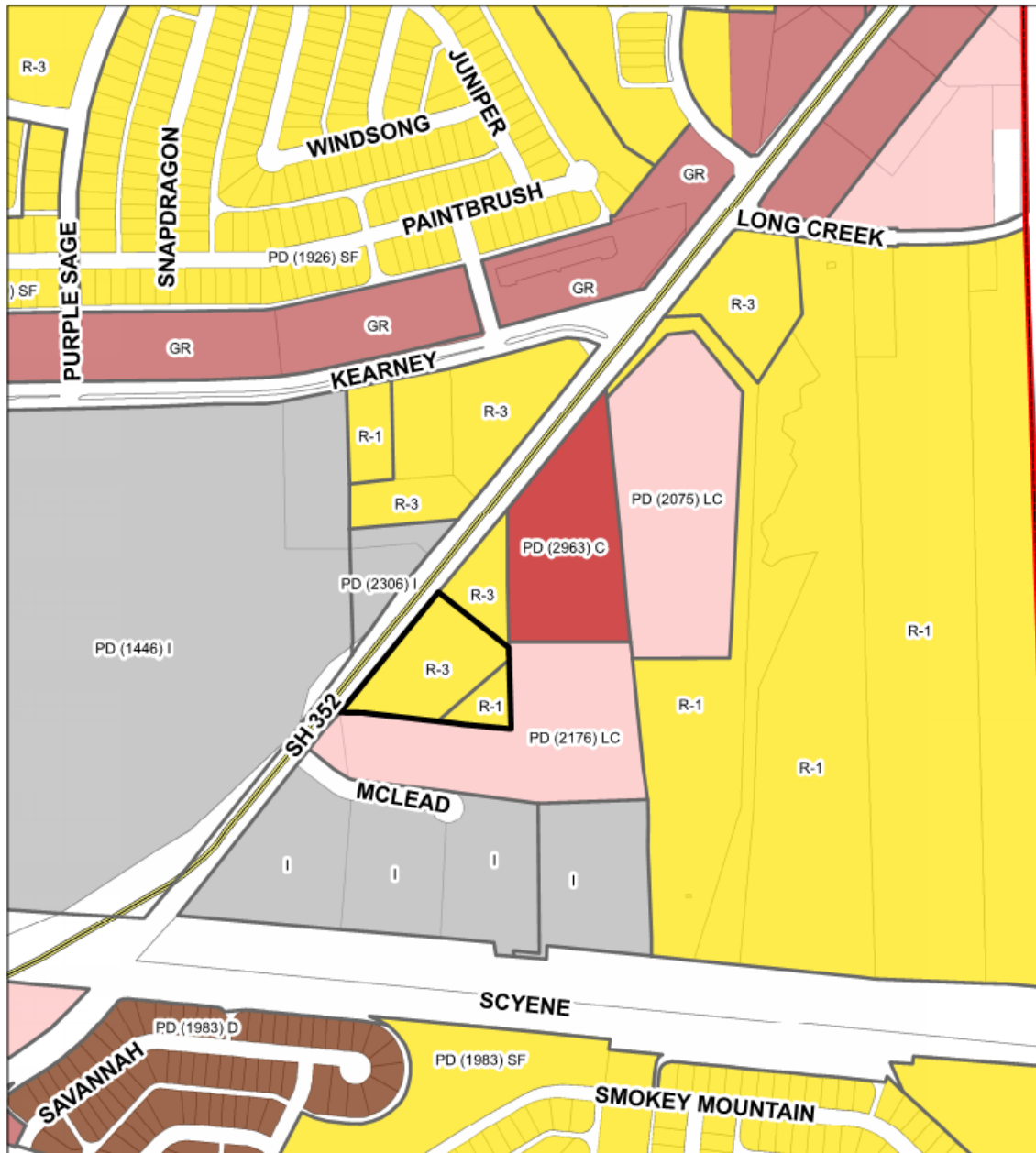


Request: Rezoning change from "R-3" and "R-1"  
Single Family to "GR" General Retail  
Applicant: Robert D'Angelo  
Location: 340 SH 352





 Subject Property

Attachment 2 – Zoning Map

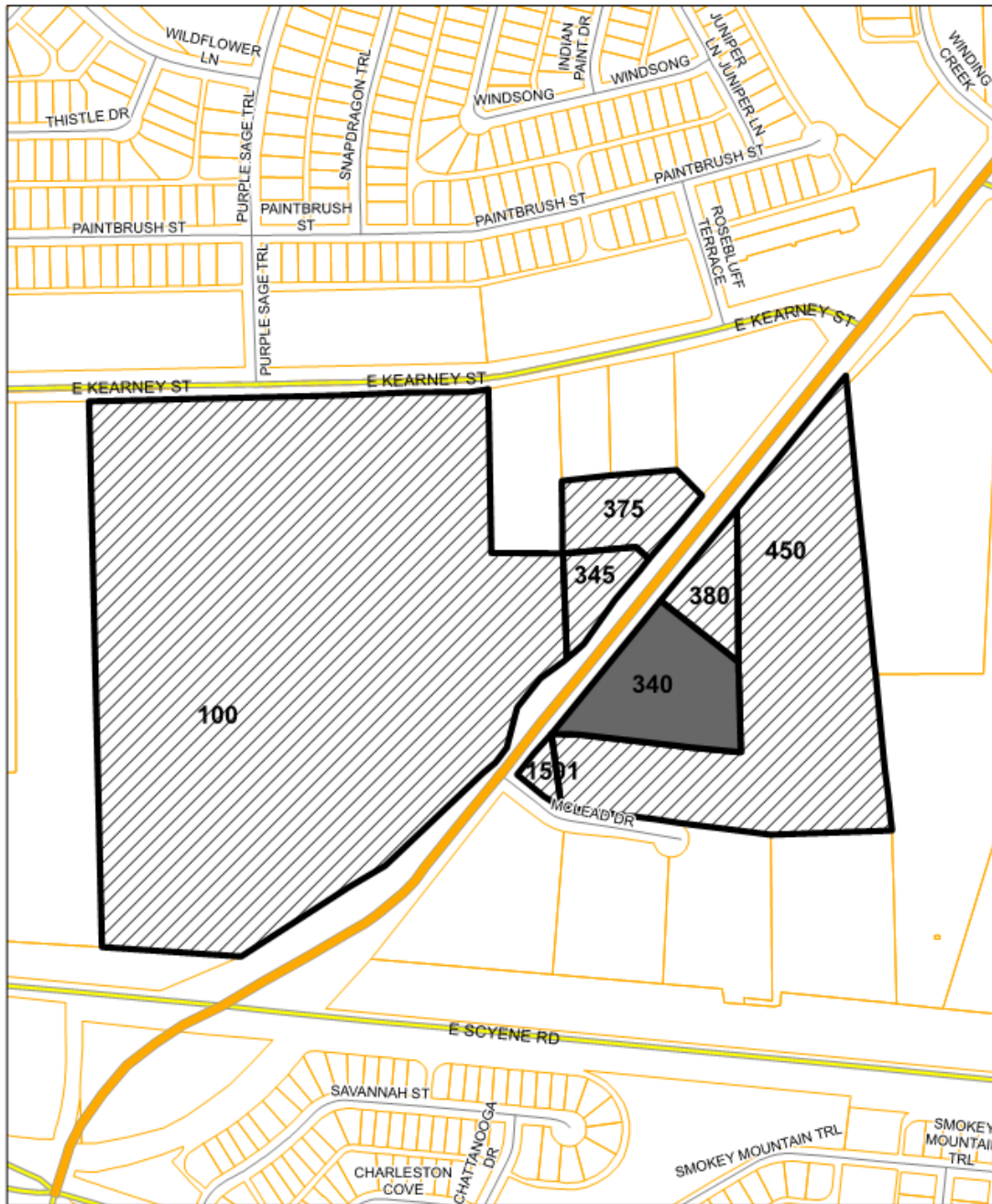


Request: Rezoning change from "R-3" and "R-1"  
Single Family to "GR" General Retail  
Applicant: Robert D'Angelo  
Location: 340 SH 352

 City Limits  
 Subject Property



Attachment 3 – Notification Map





**Request:** Rezoning change from "R-3" and "R-1"  
Single Family to "GR" General Retail

**Applicant:** Robert D'Angelo

**Location:** 340 SH 352

**Legend**

-  Notified Properties
-  Subject Property



**Attachment 4 – Site Pictures**



## Attachment 5 – Zoning Application

CITY OF MESQUITE ZONING APPLICATION	Receipt No.		Date Stamp:
	Fee:		
	Case Manager:		

## REQUESTED ACTION:

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

## SITE INFORMATION/GENERAL LOCATION:

## LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>SFR</u>	Complete one of the following:
Site Size: <u>110606</u> <sup>4</sup> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>3405 Hwy 352</u>	Addition: _____
General Location Description: <u>EAST SIDE OF Hwy. 352 NORTH OF MAIN ST.</u>	Block: _____ Lot: _____
	2. Unplatted Property: <u>#1353</u>
	Abstract: <u>Thomas Scott SWEENEY</u> Tract: <u>17</u>

## APPLICANT INFORMATION:

Contact: <u>Glen Pingleton</u>	Phone: <u>(214) 695-3165</u>
Company: <u>L.M. Walters, Inc.</u>	Fax: (____) _____
Address: <u>381 Casa Linda Plaza #214</u>	E-mail: <u>glen.pingleton@gmail.com</u> <small>(Required)</small>
<u>Dallas, TX 75218</u>	
Signature: <u>[Signature]</u>	Owner <input type="checkbox"/> Representative <input checked="" 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>L.M. Walters, Inc.</u>	Phone: <u>(214) 320-8816</u>
Address: <u>381 Casa Linda Pl. #214</u>	Fax: (____) _____
<u>Dallas, TX 75218</u>	E-mail: <u>lee@johnlangeleine.com</u>
Signature: <u>[Signature]</u>	

ZONING RECLASSIFICATION

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Attachment 6 – Public Notices Returned



CITY OF MESQUITE  
PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING

**LOCATION:** 340 SH 352  
(a map is attached for reference)

**FILE NUMBER:** Z0119-0084

**APPLICANT:** Robert D'Angelo  
**OWNER:** L M Walters Inc.

**REQUEST:** From: "R-3" Single Family  
To: "GR" General Retail

The requested Zoning Change would allow a commercial development on the subject property. The rezoning request to General Retail would allow retail, office, restaurant and personal service uses in addition to other uses allowed by right in 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](http://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**

Thomas Scott ABST 1353 PG 2.5377, TR 17

**PUBLIC HEARINGS**

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **February 25, 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, **March 18, 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](mailto: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 **February 20<sup>th</sup>** to be included in the Planning and Zoning Commission packet and by 5 pm on **March 13<sup>th</sup>** 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: Z0119-0084

I am in favor of this request

I am opposed to this request **X**

Reasons (optional):

Name:(required)

Address:(required)

Seth M. Wyatt

380 SH 352

Mesquite, TX 75149

This could end up literally at my driveway. This is my home for over 35 years now. Traffic increase, noise, trash, safety issues are a problem if this becomes commercial. I strongly oppose this rezoning

**RECEIVED**

FEB 21

**PLANNING AND ZONING**

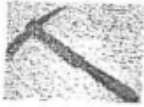
Please respond by returning to:

PLANNING DIVISION  
Garrett Langford  
CITY OF MESQUITE  
PO BOX 850137  
MESQUITE TX 75185-0137

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Seth Wyatt

Seth Wyatt  
380 SH 352  
Mesquite TX 75149  
M: 214-534-3256

March 10, 2019

Members of the City Council;

Hello: I am Seth Wyatt; I am here to object to the changing of the zoning from residential to commercial from R1 to R3 to GR general retail.

There are only (3) three homes in our area and are affected by this & (1) rental property, the owner at 445 was not was not notified about this because he is a little more than 200ft from the affected property.

There is a creek that carries a huge amount of water when we get a good rain & a small lake that can hold a lot of water on this property. D.L. Langly at 375 SH 352 is 89 Yrs old & disabled and Seth Wyatt at 380 SH 352 is 89 Yrs old & disabled & we are not looking forward to more noise & more trash thrown & scattered in our yards.

All (3) of us that are affected by this change are receiving live in or in home care. I am the new kid on the block; I have only been here soon to be 33 years. We feel like we have earned the right to enjoy what few years we may have left & not to have to endure hassles & problems created by some others to enrich themselves at our expense.

We are not opposed to progress & profit but this change opens the door to many others not listed, but included in the zoning request as the other uses allowed by right in general retail zoning district.

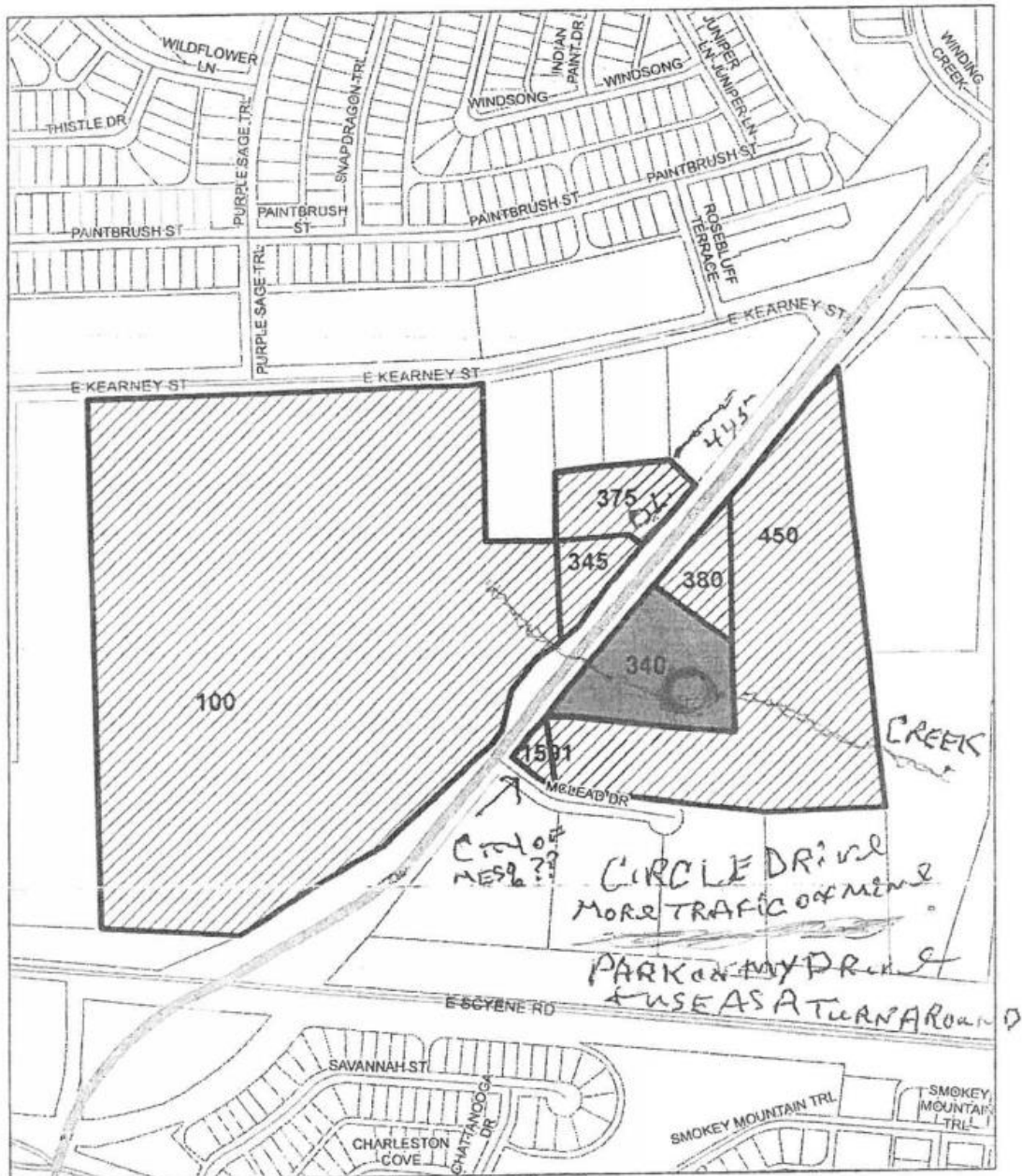
That leaves it up to the developers to put just about anything in approximately 1000ft of hi way frontage. If you do lean to a zoning change could you please put some sort of Moratorium for say at least 5 yrs on it, by that time at our age & condition of health we won't be a voice of protest we have served out state & country well & would seek your help in this.

Thank you

Best regards,

*Seth Wyatt*  
Seth Wyatt

## Notification Map





Request: Rezoning change from "R-3" and "R-1"  
Single Family to "GR" General Retail

Applicant: Robert D'Angelo

Location: 340 SH 352

### Legend

-  Notified Properties
-  Subject Property



**ZONING RECLASSIFICATION**

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REC'D FEB 21 2019

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

**LOCATION:** 340 State Highway 352  
(a map is attached for reference)

**FILE NUMBER:** Z0119-0084

**APPLICANT:** Robert D'Angelo  
**OWNER:** L M Walters Inc.

**REQUEST:** From: "R-1," Single Family and "R-3," Single Family  
To: "GR" General Retail

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(Complete and return)

Do not write on the reverse side of this form.

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I am in favor of this request

Name:(required)

Address:(required)

I am opposed to this request

Reasons (optional):

Zoning for this Area is Light Commercial  
P.D. It should be the same for this  
Whole Area.

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

**RECEIVED**

**FEB 25 2019**

**PLANNING AND ZONING**