



PLANNING AND ZONING CASE SUMMARY

BACKGROUND

APPLICANT:	Scott Woodruff
REQUESTED ACTION:	Rezone from R-2, Single Family Residential within the Town East Retail and Restaurant Overlay District to Planned Development – General Retail within the Town East Retail and Restaurant Overlay District to allow restaurants and retail uses.
LOCATION:	A portion of the south side of the 1900 block of North Town East Blvd.
CASE NUMBER:	Z0219-0086
COMMUNITY RESPONSES:	No responses.

STAFF COMMENTS AND ANALYSIS

The applicant requests to rezone five acres along N. Town East Blvd. to a Planned Development (PD) to allow restaurant and retail development. The proposed development may have up to five pad sites for restaurant and/or retail users. The proposed PD includes a number of stipulations limiting the number of permitted uses, establishing appropriate screening from the high school, and establishing specific design requirements for the pad sites. Those standards which are silent in the PD will revert to the standards within the Mesquite Zoning Ordinance that apply to General Retail zoned properties located within Town East Retail and Restaurant Overlay District.

RECOMMENDATION

At the March 25, 2019 meeting, the Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the proposed change in zoning, subject to the following conditions:

1. Except as provided herein, the site plan for the property shall conform substantially to the Concept Plan, attached hereto as Exhibit "B." In no event shall the number of lots on the property exceed five or be fewer than four. Permissible Building Area (PBA) sizes and locations shown on Exhibit "B" may be modified provided that parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and Exhibit "B," the provisions of this ordinance control.
2. All uses permitted in the General Retail zoning district are allowed on the property except the prohibited uses listed in Subsections a, b and c of this paragraph. Uses listed in the Mesquite Zoning Ordinance as permitted by Conditional Use Permit in the General Retail zoning district are prohibited on the property.
 - a. The following Retail Trade uses are prohibited on the property:



554	Limited Fuel Sales
5947	Gift, Novelty, Souvenir Shops
5993	Tobacco Stores

- b. The following Finance, Insurance, Real Estate uses are prohibited on the property:

61	Nondepository Institutions, including Alternative Financial Institutions
----	--

- c. The following Services uses are prohibited on the property:

75	Automotive Repair Services – all including:
7514	Passenger Car Rental
7515	Passenger Car Leasing
752	Automobile Parking (Lots/Structures)
753	Automobile Repair Shops
7542	Car Washes, including Detail Shops
7549	Other Automotive Services

3. Drive through windows shall not face a public right-of-way except as shown on Lot 1 on Exhibit “B.”
4. District screening and setbacks are not required from adjacent residential zoning districts.
5. Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought tolerant shrubs and trees. Along the shared property line with North Mesquite High School, a retaining wall (where required) with a six-foot-high wrought iron fence will be installed by the site developer during the initial site work. The wrought iron fence, at least six (6) feet in height, with evergreen trees selected from Section 1A-500 shall be installed on the subject property to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. Before issuance of a certificate of occupancy for any use on the Property, the evergreen screening shown on the Landscape Concept Plan, attached as Exhibit “B-1” must be installed on the lot where the use is located. This evergreen screening shall be installed by the individual lot developer within five feet of the north side of the wrought iron screening fence on the Property.
6. A cross access easement shall be provided on each lot at the time of development. Cross access easements will assure cross access through all lots in the development and assure that all lots have access to the signalized main entrance.
7. A Traffic Impact Analysis (“TIA”) is required. The TIA shall include recommended measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development’s planned access points. Mitigation measures must be approved by the City Engineer and may include, but are not limited to, the following:



an access management plan; transportation demand management measures; street improvements on or off site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvements projects such as traffic calming infrastructure or capacity improvements. The developer is responsible for making improvements recommended by the TIA and approved by the City that are necessitated by and proportional to the development.

8. Pole signs are prohibited. One monument sign is permitted on each lot. The monument sign shall be in accordance with the attached sign elevation exhibit attached hereto as Exhibit "D."
9. On lot 3 as identified on the Exhibit "B," wall signs shall be permitted on elevations without a customer entrance. Painted brick may be used for an 84 square-foot wall sign on the drive-through side of the building.
10. Architectural Design Requirements.
 - a. *Transparency.* Ground level retail and restaurant shall incorporate transparent features over a minimum of 50 percent of one primary façade. Additional primary façades and secondary façades shall incorporate 20 percent transparency. One rear-facing secondary façade shall be allowed with no fenestration. Transparency, as defined in the Mesquite Community Appearance Manual, shall be measured within the first 10 feet of the building wall, measured vertically at street level. All ground level windows shall provide direct views to the building's interior or a lit display area extending a minimum of three feet behind the window.
 - b. *Color and Material.* To provide unity throughout the development, the exterior of all buildings shall incorporate the brick and stone material and color as shown on the Material and Color board attached as Exhibit "C" on 80 percent of the primary façades (excluding windows, doors, roofs and curtain walls). The remainder of the wall area shall incorporate other fire-resistive materials such as, but not limited to, stucco, EIFS and cement board provided that such materials are complementary/compatible with materials and colors shown in Exhibit "C." Additional accent materials or colors associated with established corporate identity are allowed on the remainder of the wall area.
 - c. *Mechanical equipment.* All mechanical equipment shall be screened from view at a point six feet above ground level at the property line. Screening for roof-mounted units shall be incorporated with the building façade.