

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: Z0319-0087

P&Z HEARING DATE: April 8, 2019

COUNCIL DATE: May 6, 2019

GENERAL INFORMATION

APPLICANT: Salah Zoubi

REQUESTED ACTION: Rezone from THN, Truman Heights Neighborhood-Mandatory Ground Floor Retail to GR, General Retail.

LOCATION: 1816 Galloway Ave.

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The subject property is an approximately 25,524 square foot, developed lot within the Truman Heights Neighborhood. The structure is currently used as a Conoco gas station and convenience store.

SURROUNDING LAND USE AND ZONING (see attached map):

	Zoning	Existing Land Use
North	THN	Single-Family Home
South	THN	Single-Family Home
West	THN	Single-Family Home, Vacant Business
East	THN	North Texas Municipal Water District

ZONING HISTORY
1951: Annexed
2007: Truman Heights Neighborhood Designation

PLATTING: Truman Heights, Block 3, PT Lots 1-3

GENERAL: The applicant is requesting a Zoning Change to accommodate minor automobile repair as a permitted use on the subject property. Current zoning restrictions do not allow for automobile use repair at this location. If the request is approved, the applicant is proposing to construct a new structure behind the existing gas station to operate a minor automobile repair business along with the operation of the gas station. The new structure would face Hillview Drive. If the rezoning is approved, then any new development on the subject property would be required to meet all development standards in the City of Mesquite's ordinances applying to a nonresidential development in the GR zoning district. These standards include but are not limited to landscaping, screening, parking, lighting, architectural, driveways, drainage, utilities, and setbacks. A zoning change to General Retail would allow a new structure to have a greater setback from the road and place customer parking in the front of the property, compared to the current THN setback and parking requirements.

STAFF COMMENTS**Mesquite Comprehensive Plan**

The Mesquite Comprehensive Plan designates the subject property within a Neighborhood Sustainability Zone. The Plan describes the intent of the Neighborhood Sustainability Zone designation in the Development Areas as follows:

This designation is intended to identify areas where residential and business uses are not only compatible, but also essential to revitalization of the neighborhood. The density of all development within the zone is optimized for pedestrian-scaled activity. This generally translates into development which is more intense than that produced by other policies intended for application on the urban fringe. The pedestrian defines the limits of a Neighborhood Sustainability Zone. The standards for infill housing and the zone's business component must serve the City's larger goal of renewal.

Truman Heights Revitalization Code: Ordinance No. 3911:**1. Truman Heights Revitalization Code Intent**

The subject property is located within the Truman Heights Neighborhood, and currently designated within a mandatory main level retail zone. The Truman Heights Revitalization Code was adopted in 2007 as an effort to help revitalize the neighborhood through infill development and creation of a pedestrian-oriented community. This development is intended to be single-use or limited-use, and encourage residents' daily activities to be accessible through connecting streets and enhanced walkability.

2. THN Mandatory Retail Zones

Analysis

The proposed change in zoning to General Retail is not consistent with the future land use designation of the Comprehensive Plan, as well as the overall intent of the Truman Heights Revitalization Code. The proposed rezoning would allow the subject property to no longer follow THN requirements, including permitted uses and development guidelines for any future development. This change in zoning would create a small, isolated zoning area that would not be consistent with the surrounding and existing THN zoning designation. The Comprehensive Plan intends for this property to allow uses which serve surrounding residence with compatible business uses that are not only pedestrian friendly, but also essential to revitalization to the neighborhood. In this case, the proposed zoning change to allow for minor automobile repair will not be compatible with the Comprehensive Plan, as the proposed use would be located in close proximity to existing single-family homes and the north side of the subject property currently abuts a single-family lot. This proposed use through an approved zoning change could potentially have increased traffic along Hillview, along with an increase in noise associated with minor automotive repair. Currently, THN zoning does not allow automobile services as a permitted use. With an approved change in zoning to General Retail, this location would be permitted for automobile uses including a parking lot as a primary use, minor automobile repair, and diagnostic and inspection services.

The rezoning could potentially have a negative effect on the surrounding properties within the THN, as the subject property would no longer be required to follow the Truman Heights Revitalization Code for future development and comply with all requirements including permitted uses, maximum setbacks, construction material, enhanced walkability, landscaping and visual appearance for a non-residential use at this location. Currently, the THN requirements are more restrictive on development setbacks and design when compared to a General Retail zoning outside of the THN, with an overall goal of creating a more compact, pedestrian-oriented neighborhood. While the City's current zoning ordinance requires structures in General Retail zoning to meet a minimum setback, the THN zoning sets a maximum setback for a commercial structure at 18 feet. The THN also has reduced parking requirements that places parking areas behind the primary structures to enhance the visual appearance of the neighborhood, that if approved, a General Retail zone would not be required to follow with the development of the property.

RECOMMENDATIONS

Staff recommends denial of the requested Zoning Change from Truman Heights Neighborhood – Mandatory Retail-Shopfront to GR, General Retail.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices from property owners within 200 feet of the subject property.

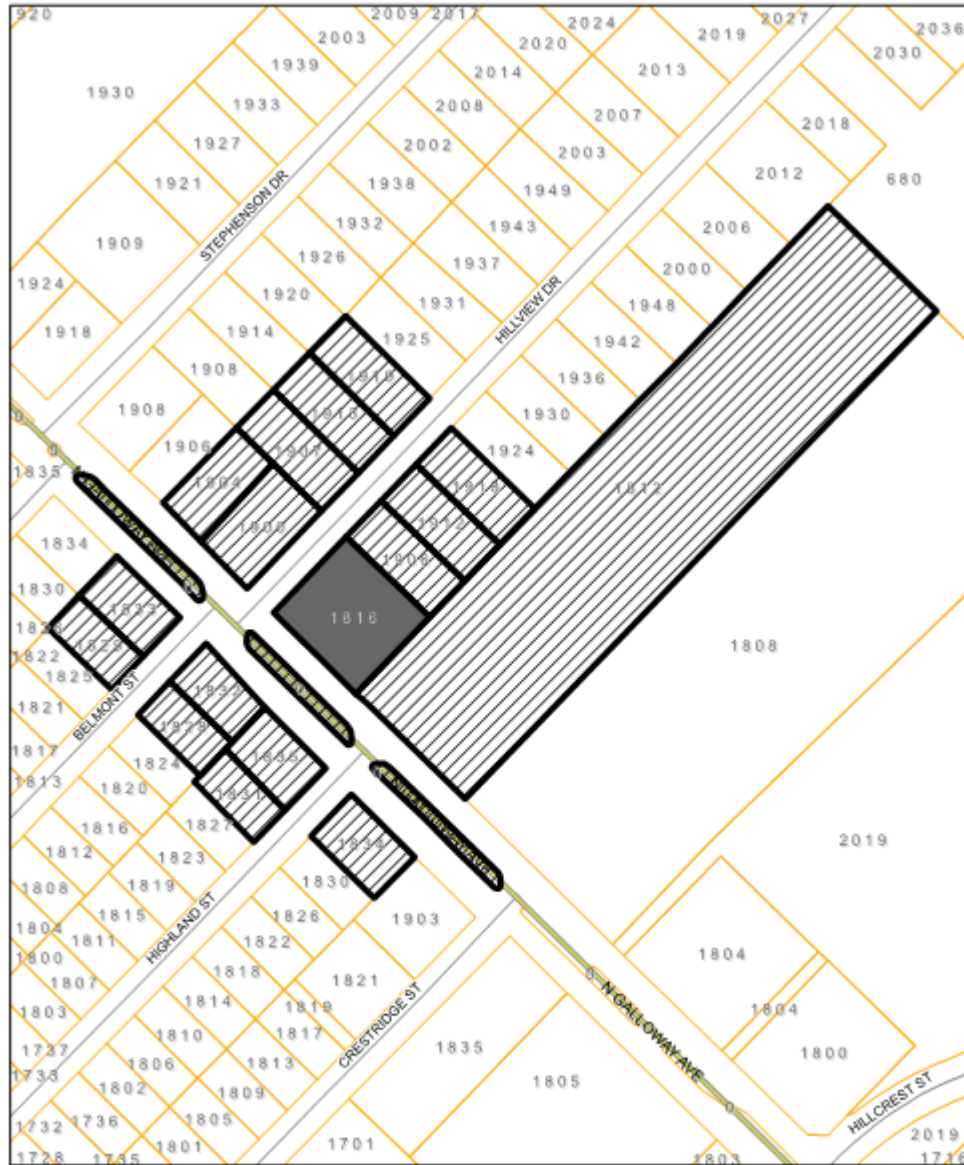
ATTACHMENTS

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

ATTACHMENT 1 – AERIAL MAP



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



Request: Rezoning change from Truman Heights
Neighborhood to "GR" General Retail

Applicant: Salah Zoubi

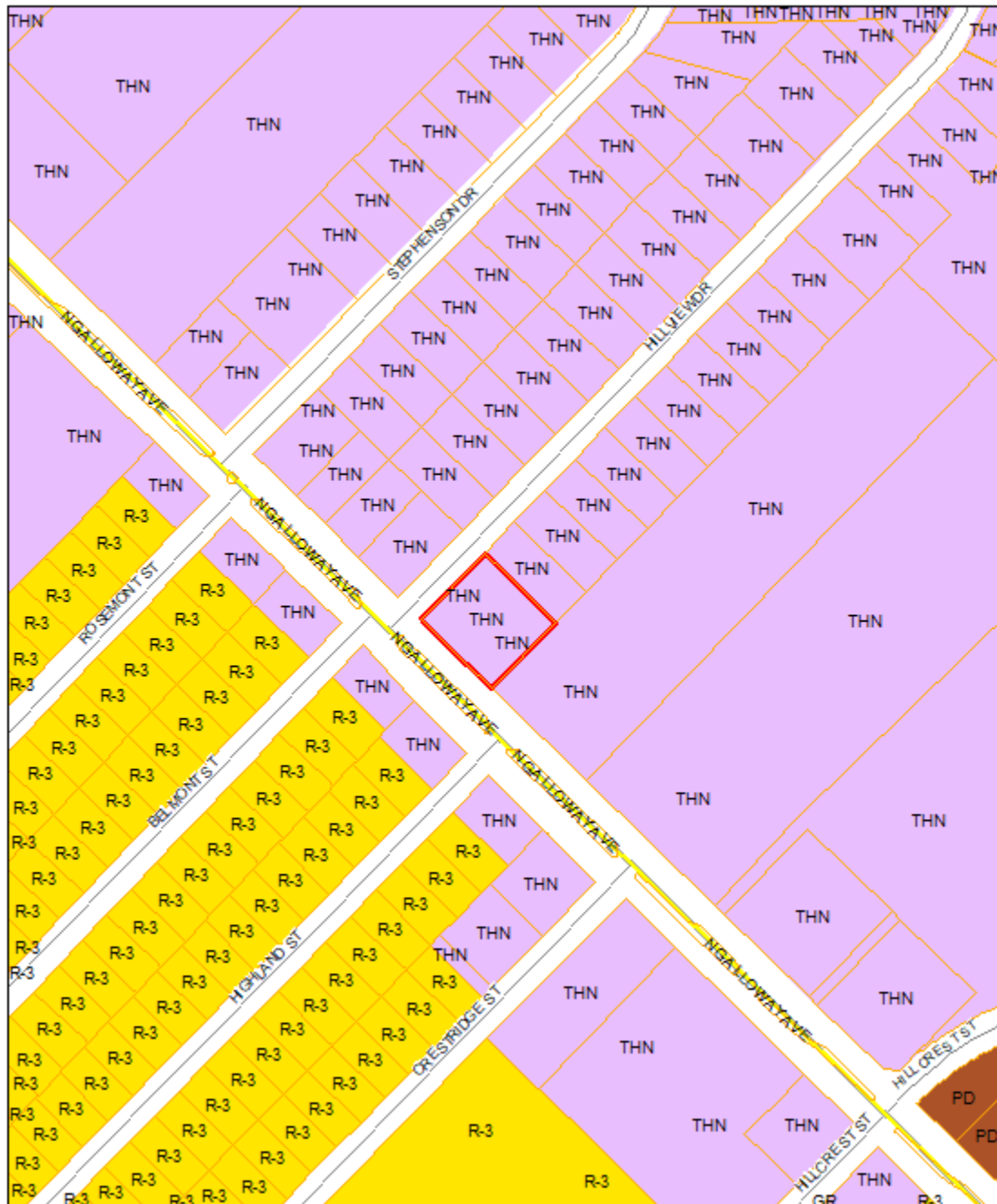
Location: 1816 Galloway Ave.

Legend

-  Notified Properties
-  Subject Property



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – APPLICATION

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

REQUESTED ACTION:

Change District Classification to:	Conditional Use Permit for: <u>Light Auto Service</u>	Amend Special Conditions of Ordinance # _____ (Explain Below)
Additional explanation of requested action: <u>To open Light Auto Service</u> <u>(Explained in Letter Attached)</u>		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

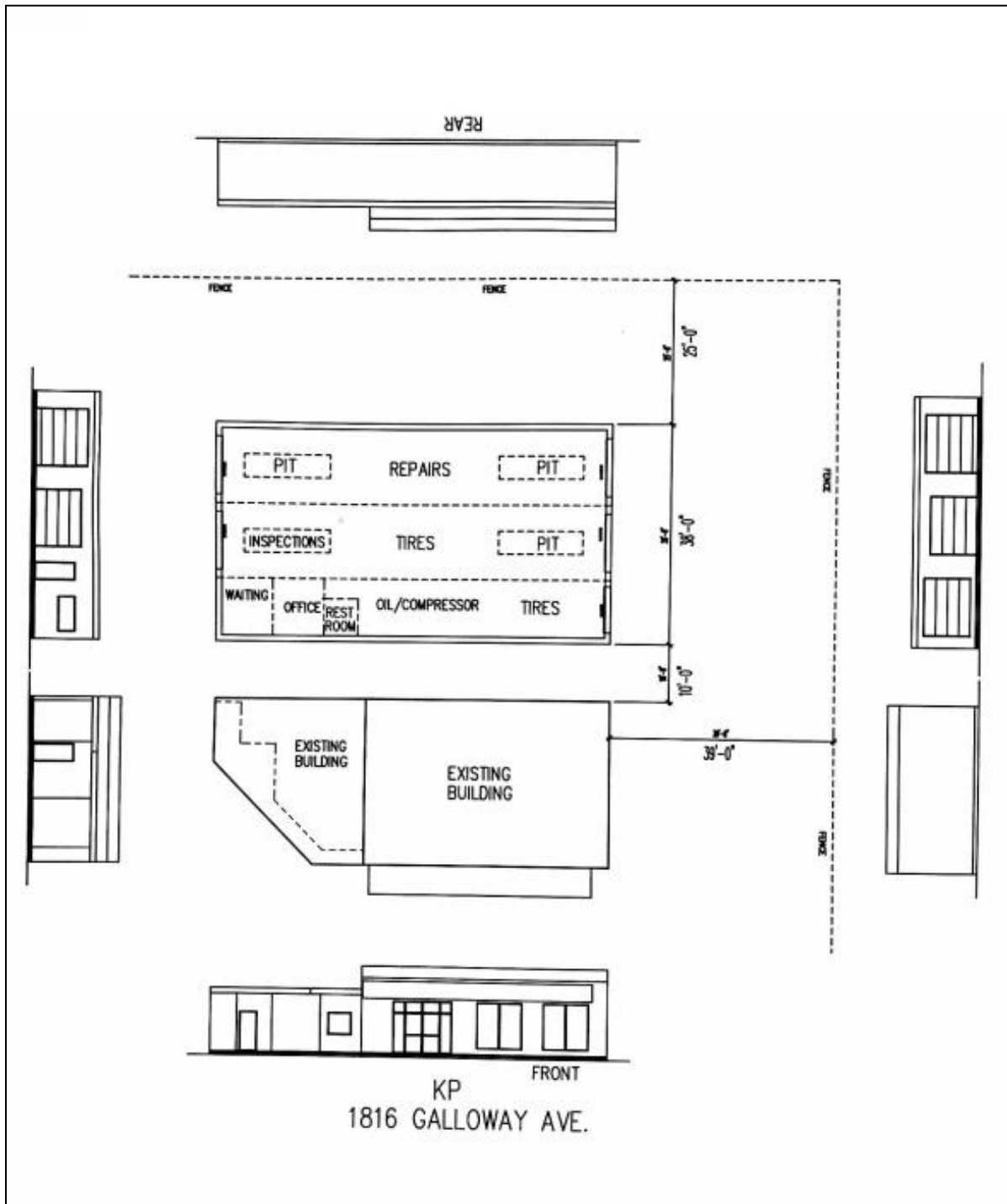
Current Zoning Classification: _____	Complete one of the following:
Site Size: _____ (Acres or Square Feet)	1. Platted Property
Address (if available): <u>1816 N. Galloway</u>	Addition: _____
General Location Description: <u>Gas Station</u>	Block: <u>3</u> Lot: <u>1-3</u>
<u>and convenience store with</u>	2. Unplatted Property:
<u>Lot behind.</u>	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>Terry Mayfield</u>	Phone: <u>(469) 999-7967</u>
Company: <u>Mayfield Construction</u>	Fax: () _____
Address: _____	E-mail: <u>Tmmayfield22@aol.com</u> (Required)
Signature: _____	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>Salah Zoubi</u>	Phone: <u>(214) 632-0263</u>
Address: <u>1816 N. Galloway</u>	Fax: <u>(972) 289-0205</u>
<u>Mesquite, TX 75149</u>	E-mail: <u>KP1816@hotmail.com</u>
Signature: <u>[Signature]</u>	



ZONING RECLASSIFICATION

FILE NO.: Z0319-0087

Page 10

27 February 2019

Salah Zoubi

1816 N Galloway Ave

Mesquite, TX, 75149

Property Zone Change Request:

To whom it may concern,

I, Salah Zoubi, the property owner of KP Food Mart, at 1816 N Galloway Ave, have been in business since 1992. I would like to bring to your attention that this business used to be both a gas station and an auto shop, and has operated as a convenience store since I took over. It also used to have a car wash located right behind that we had to demolish since it was old and wasn't operating properly.

I am here now to propose that I would like to open a light mechanic work shop located where the old car wash used to be as indicated in the drawing submitted. This shop will serve the community as a place for oil inspections and tire changes. My goal was to improve the property in terms of having more services and making it more appealing. I hope to be granted the opportunity to establish this service and grow my business.

Signature: _____

A handwritten signature in black ink, appearing to read 'Salah Zoubi', is written over a horizontal line.

ATTACHMENT 5 – SITE PICTURES



Front view of the subject property from Galloway Avenue



Front view of subject property from Hillview Drive looking southeast



Rear view of subject property from Hillview Drive looking southeast