

**REQUEST FOR ZONING
RECLASSIFICATION**



**PLANNING AND
DEVELOPMENT SERVICES**

FILE NO.: Z0519-0094

P&Z HEARING DATE: June 24, 2019

COUNCIL DATE: July 15, 2019

GENERAL INFORMATION

APPLICANT: Ahmad Khatib, Ten Minute Oil Change

REQUESTED ACTION: Conditional Use Permit to allow the sale of used tires

LOCATION: 520 Clay Mathis Road

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The subject property is an approximately 21,926 square foot lot located on Clay Mathis Road and is zoned "PD-GR", Planned Development – General Retail.

SURROUNDING LAND USE AND ZONING (see attached map):

	Zoning	Existing Land Use
North	"PD-GR" Planned Development- General Retail	7-Eleven
South	"PD-GR" Planned Development- General Retail	Multi-Tenant Retail Center
West	"GR" General Retail	Undeveloped Property
East	"PD-SF" Planned Development-Single Family	Single Family Homes

ZONING HISTORY

1974:	Annexed and zoned Agriculture
1984:	Rezoned to Office
1986:	Rezoned to General Retail
2000:	Rezoned to Planned Development-General Retail

PLATTING: Glenway Estates Retail, Block A, Lot 1

GENERAL: The applicant is requesting a Conditional Use Permit (CUP) to allow for the sale of used tires at Ten Minute Oil Change. The main operation of the business will continue to be oil changes and minor automotive repair. The applicant currently sells new tires as an accessory service to the repair business. The applicant will store all new and used tires within the auto shop, with no display or storage of tires outside the building. The applicant stated that old or damaged tires removed from customers vehicles will be stored inside and will be picked up by a tire recycling company regularly. Along with oil changes, the business currently offers minor automotive services such as tire rotation and alignments, brake service, A/C service, and state inspections. Ten Minute Oil Changes has been in operation at this location since June of 2017.

STAFF COMMENTS

Mesquite Comprehensive Plan

The Mesquite Comprehensive Plan designates the subject property as General Business with a Neighborhood Retail Limitation. The Plan describes the intent of the Neighborhood Retail Limitation designations in the Development Areas as follows:

This General Business-Neighborhood Retail Limitation designation incorporates small sites which are in very close proximity to the adjoining residences. The intention is that these sites be limited both in the size and in the uses which are accommodated so that the impact on adjacent residences is minimized. This designation is intended for light commercial uses and should have a restriction on outdoor storage and display, as well as highway related or recreation/entertainment uses. These uses should offer those goods which are used most frequently as a convenience to the immediately surrounding residents.

Mesquite Zoning Ordinance Sec. 5-303: Review Criteria for Conditional Use Permits *(Staff comments are provided below each criteria.)*

1. Existing Uses

The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The subject property is located within “PD-GR” Planned Development-General Retail zoning district and adjacent to retail uses along Clay Mathis Road. The surrounding nonresidential uses include a “7-Eleven” gas station, dental office, nail salon, physical fitness, and pet care center. To the east is a single-family subdivision. The proposed use is compatible with surrounding nonresidential uses. The proposed use also conforms to the “PD-GR” zoning of the subject property as well as to the Comprehensive Plan. Staff does not anticipate that the sale of used tires as an accessory to a minor automotive use would adversely impact the surrounding area.

2. Vacant Properties

The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Staff does not expect this proposed use to impact the development or redevelopment of any nearby property.

3. Services

Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

Adequate utilities, access roads, and drainage facilities exist on site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit.

4. Parking

Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

The parking lot contains sufficient parking spaces to accommodate the current operating business.

5. Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff anticipates no disturbances to neighboring properties as a result of the proposed use.

Analysis

The request for a Conditional Use Permit to allow for the sale of used tires is consistent with the future land use designation identified in the Comprehensive Plan as well as with the existing General Retail zoning. The proposed use is an additional amenity to an existing light automotive repair business. Interior storage of all tires will allow for a minimal visual impact on the property and surrounding area. Staff does not anticipate any adverse impacts from the proposed use on the surrounding uses or properties.

RECOMMENDATIONS

Staff recommends approval of the request to allow the sale of used tires with the following stipulation:

1. Any outdoor display or storage of tires shall be prohibited.

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 received one returned notice in opposition of the request.

CODE CHECK

Staff conducted a site visit to the subject property and did not find any visible code issues or possible violations as of the date of this writing.

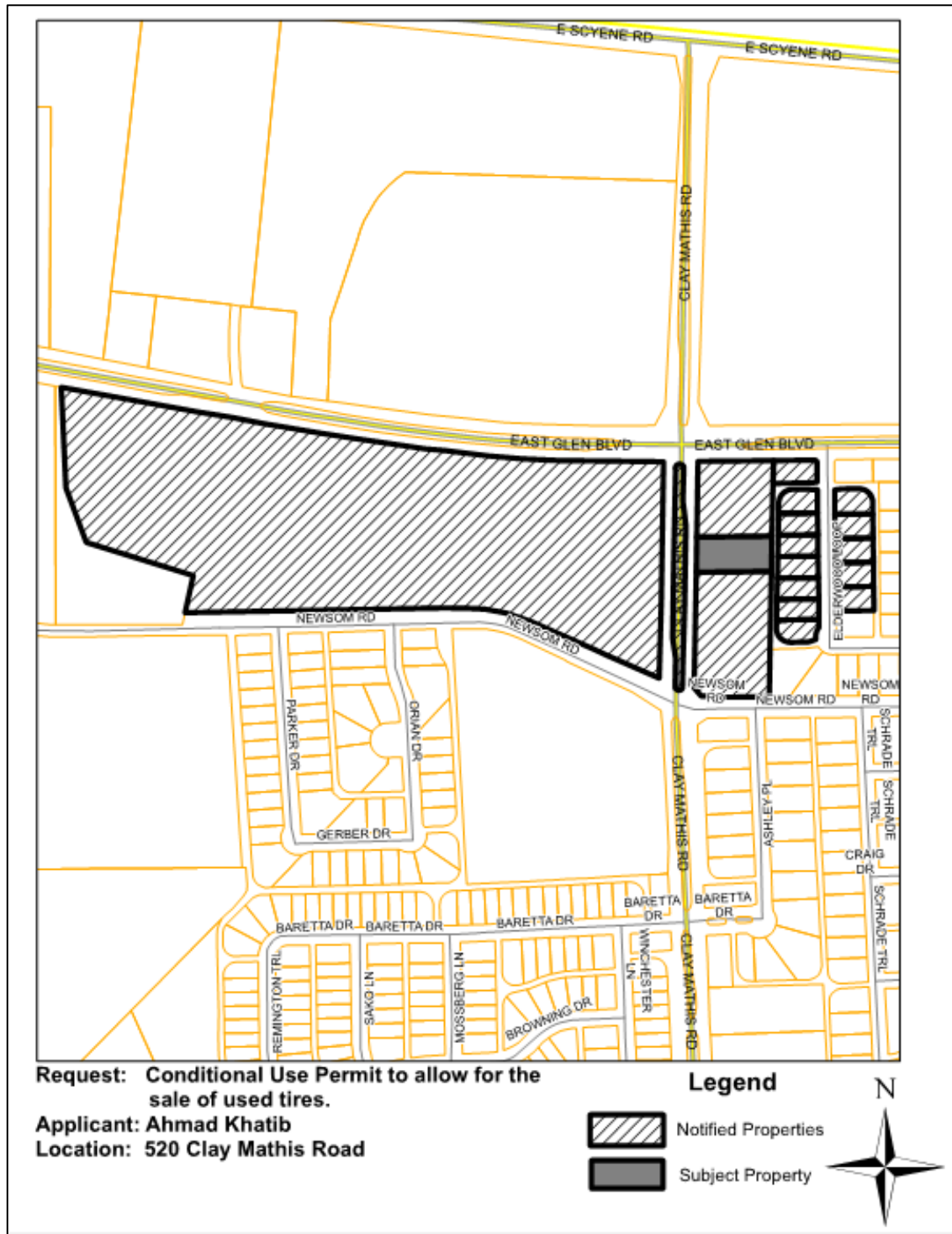
ATTACHMENTS

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

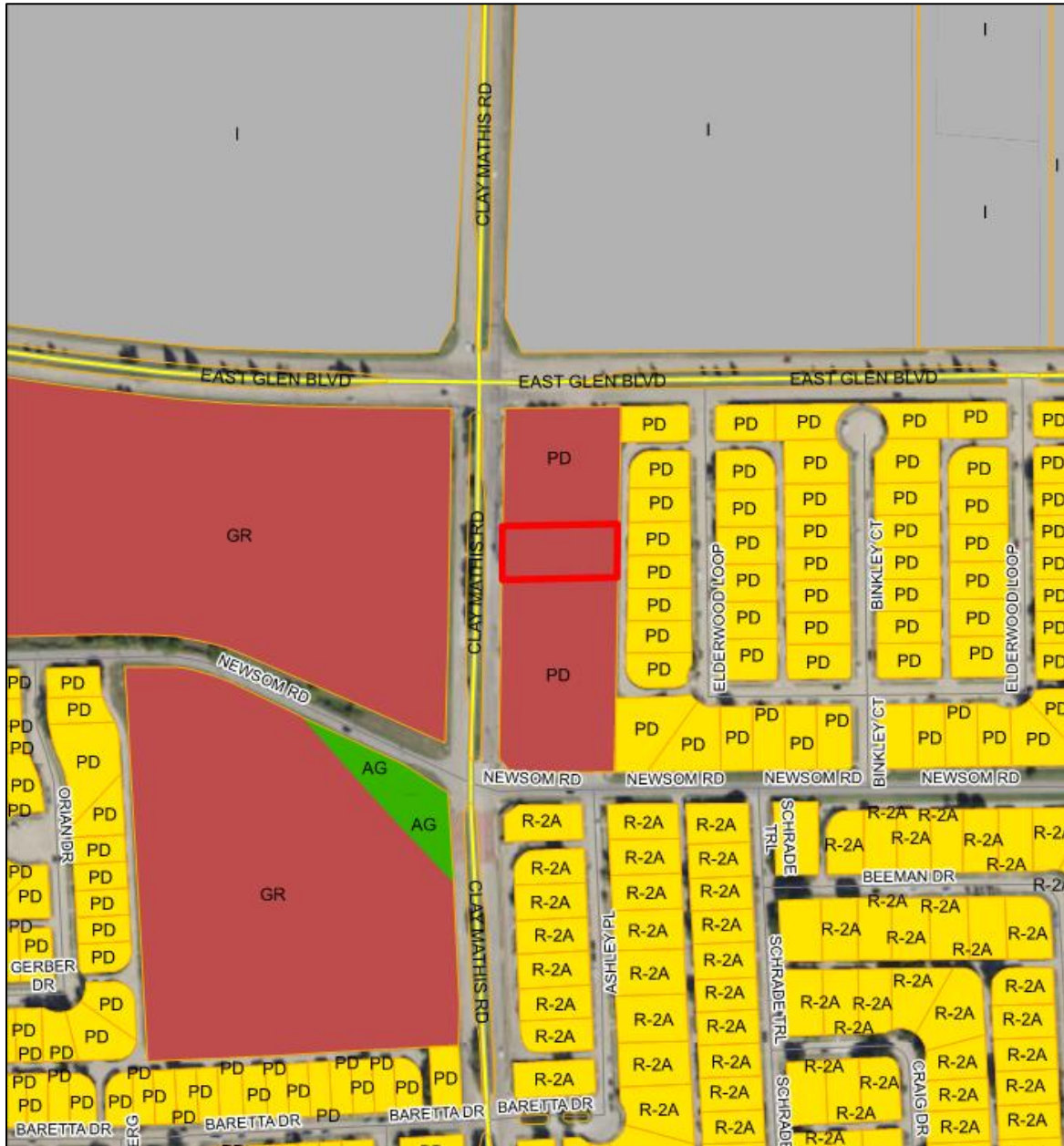
ATTACHMENT 1 – AERIAL MAP



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – SITE PICTURES



Front view of the subject property from Clay Mathis Road



Rear view of the subject property



Rear view of the property showing screening from residential alley.

ZONING RECLASSIFICATION

FILE NO.: Z0519-0094

Page 9

ATTACHMENT 5 – RETURNED NOTICES**CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING****RECEIVED**
JUN 25 2019
PLANNING AND ZONING

LOCATION: 520 Clay Mathis Road
(See attached map for reference)

FILE NUMBER: Z0519-0094

APPLICANT: Ahmad Khatib

REQUEST: From: "PD-GR", Planned Development-General Retail
To: "PD-GR", Planned Development-General Retail, with a Conditional Use Permit to allow for the sale of used tires

The requested Zoning Change would allow for an existing automobile repair shop to conduct the sale of used tires. 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

Glenway Estates Retail, Block A, Lot 2R, City of Mesquite, Dallas County, TX

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **June 24, 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, **July 15, 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) 216-6344 or bcallahan@cityofmesquite.com

REPLY FORM

State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice. As a property owner within 200 feet of the property, you are urged to give your opinion on the request by attending the public hearing or by completing the form below or both. 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. The form should be returned to the Planning Division by 5 pm on **June 19th** to be included in the Planning and Zoning Commission packet and by 5 pm on **July 10th** to be included in the City Council packet. All notices received after the listed dates will still be accepted and presented to Commission/Council, but will not be included in meeting packets.

(Complete and return)

Do not write on the reverse side of this form.

By signing the form, I declare I am the owner or authorized agent of the property at the address written below.

Zoning Case: Z0519-0094

I am in favor of this requestI am opposed to this request

Reasons (optional):

Name (required)

Address of

Noticed Property:

Owner Signature:

Date: 6-17-19

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

Have enough business & and it
will lower the property! let me to
much voice.