



PLANNING AND ZONING CASE SUMMARY

BACKGROUND

APPLICANT:	Heartland Retail, LP.
REQUESTED ACTION:	Rezone from AG, Agriculture, and GR, General Retail to Planned Development – General Retail to allow restaurant and retail uses with certain stipulations.
LOCATION:	6622 FM 741 (SEC of FM 741 and IH-20)
CASE NUMBER:	Z0519-0097
COMMUNITY RESPONSES:	No responses.

STAFF COMMENTS AND ANALYSIS

The applicant, Heartland Retail, LP, acquired the 25 +/- acres of the subject property from CADG Kaufman 146, LLC after it was annexed and rezoned to GR in 2018. The 25 acres is part of a Development Agreement (Resolution No. 20-2018) that was entered into by the City and the previous property owner. The applicant assembled the 25 acres with the 1.9 acres that fronts on FM 741 that includes the Heartland Subdivision office. The city annexed the 1.9 acres in 2010 and zoned it AG and is not part of the previously approved Development Agreement. The Development Agreement will need to be amended to include the 1.9 acres.

The proposed PD includes several stipulations limiting the number of permitted uses and addressing district screening, parking, and signage. The applicant is requesting modifications from the City's architectural requirements in the Community Appearance Manual. However, in light of recent legislation approved by the State of Texas that limits the City's ability to regulate building materials through zoning, the PD will not include architectural requirements. Instead, the architectural requirements will be incorporated into the Development Agreement. Amending the Development Agreement will be subject to approval by City Council.

RECOMMENDATION

At the July 8, 2019 meeting, the Planning and Zoning Commission voted unanimously (6-0) to recommend approval of the rezoning to Planned Development – General Retail with the following stipulations:

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit "1." Permissible Building Area ("PBA") sizes shown on Exhibit "1" may be modified provided that parking and other development standards are met.
2. All uses permitted in the General Retail District are allowed on the Property except as modified in Subsections "a," "b" and "c" of Paragraph 3. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the General Retail District, as set out in



the Mesquite Zoning Ordinance. For example, a use permitted in the General Retail District only by Conditional Use Permit (“CUP”) is permitted in this Planned Development only by CUP.

3. Uses permitted or prohibited.

a. The following uses are permitted on the Property:

- 526 Retail Nursery, Garden Supply
- 554 Limited Fuel Sales (no more than eight fueling positions) is only permitted as an accessory use to a grocery store
- 5812a Drive-in Restaurant
- 5812b Restaurant holding a Food and Beverage Certificate with Private Club
- 7215 Dry Cleaning (excluding Coin-Operated Laundries)
- 7334 Commercial Photography
- 7336 Commercial Art, Graphics Design

b. The following use may be permitted on the Property by CUP:

- 549a Convenience Store with Refueling Station and Self-Service Gasoline Sales by CUP.

c. The uses prohibited on the Property are defined/identified in the Development Agreement.

- 4. A cross access easement shall be provided on each lot at the time of development and shall be shown on the plat to be filed in Kaufman County.
- 5. A Traffic Impact Analysis (“TIA”) is required in accordance with the Mesquite Engineering Design Manual.
- 6. The minimum setback to an adjacent lot line of property in a residential zoning district shall be 70 feet from the residential lot line.
- 7. The minimum number of off-street parking spaces shall be provided as required by Section 3-400 of the Mesquite Zoning Ordinance except that one parking space per 250-square feet of gross floor area shall be provided for retail, restaurant and personal service uses. Reduction in this requirement may be provided as authorized by Section 3-403 of the Mesquite Zoning Ordinance.
- 8. Lot 11X identified on the Concept Plan is not required to have frontage on a public or private street, provided that the lot is accessible by an access easement that runs with Lot 11X, which is dedicated by plat filed in Kaufman County.
- 9. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. The landscaping shall comply with the requirements in Section 1A of the Mesquite Zoning Ordinance and be consistent with the landscaping shown on the Concept Plan.



10. District screening between the Planned Development and the adjacent residentially zoned property shall consist of a five-foot-high wrought iron fence along the southeast and northeast edge of paving as noted on the Concept Plan. Evergreen trees, selected from Section 1A-500, shall be installed adjacent to the fence on the interior next to the wrought iron fence to effectively create a visual screen. At the time of planting, the trees must, at a minimum, be the height of the wrought iron fence. The screening will be located at the edge of the paving.
11. Signage.
 - a. The design of all free-standing signs shall be consistent with the conceptual signage designs shown in the attached Exhibit "2" and shall not exceed the sizes shown for each sign type in Exhibit "2." The freestanding signs shall be located on the Property, as shown on Exhibit "1."
 - b. Multi-tenant signs may advertise any business located within the Planned Development, regardless of individual lot lines, without being considered off-premise (billboard) signage.
12. All buildings within the Planned Development shall comply with the architectural requirements in the Development Agreement.