

FILE NUMBER: Z1019-0118
REQUEST FOR: “PD – I,” Planned Development Industrial
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission (Tabled): Monday, November 25, 2019
Planning and Zoning Commission: Monday, December 9, 2019
City Council: Monday, January 6, 2020

GENERAL INFORMATION

Applicant: David Martin, Winstead PC
Requested Action: Rezone from “R-1”, Single Family Residential; “R-3”, Single Family Residential; “PD-C”, Planned Development Commercial; and “PD-LC”, Planned Development Light Commercial to “PD-I”, Planned Development Industrial with restrictions on manufacturing uses.
Location: 500 Block of the east side of SH 352

PLANNING AND ZONING ACTION

Decision: The Planning and Zoning Commission voted unanimously to recommend approval of the rezoning to Planned Development – Industrial with the following stipulations:

Conditions:

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit B (Attachment 5). The orientation and location of structures, driveways, and parking areas shown on Exhibit “B” may be modified to avoid conflict with utilities, floodplain, and/or wetlands 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 Industrial District are allowed on the Property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Industrial District are subject to the same requirements applicable to the uses in the Industrial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Industrial District only by conditional use permit (“CUP”) is permitted in this district only by CUP.

- a. The following uses are prohibited on the Property:

SIC Code 32a: Concrete Batch Plants
SIC Code 40: Railroad Passenger Terminal
SIC Code 61: Alternative Financial Institutions
SIC Code 593: Used Merchandise
SIC Code 593a: Pawnshops
SIC Code 5993: Tobacco Stores
SIC Code 7299a: Massage Parlors, Turkish & Steam Baths

- b. The following uses are allowed only by conditional use permit (CUP) in this district:

SIC Code 20-3999: Manufacturing Uses

3. Primary outdoor storage yard, including heavy load vehicles and unmounted trailers, as defined in Section 3-600 of the Mesquite Zoning Ordinance shall be prohibited.
4. The overnight parking of heavy load vehicles and/or unmounted trailers is permitted as defined in Section 3-600 of the Mesquite Zoning Ordinance in areas designated on the concept plan, if it is associated with tenant(s) or owner(s) of the property.
5. The truck court (including heavy load vehicle parking, overhead doors, or loading docks) shall not face a public right-of-way without screening. Where not screened by a building, the truck court shall be screened with an eight-foot masonry wall or a living screen pursuant to Section 1A-303.D. Wood or chain link screening is prohibited. Said screening shall be provided prior to the issuance of a Certificate of Occupancy.
6. All fire apparatus access roads shall meet the minimum distance separation requirements as approved by the Fire Marshall.
7. All applicable flood and wetland studies shall be completed as identified in the Engineering Design Manual.
8. No Certificate of Occupancy shall be issued for any use requiring heavy load vehicles on the subject property until the following improvements are completed in compliance with all applicable city standards:

- a. McLead Drive shall be reconstructed to the standards identified in the City of Mesquite Engineering Design Manual and the City of Mesquite Thoroughfare Plan, as amended.
 - b. Long Creek Road shall be reconstructed to the standards identified in the City of Mesquite Engineering Design Manual and City of Mesquite Thoroughfare Plan, as amended.
9. Alternative screening may be utilized as provided in Section 1A-303.A.3 in the Mesquite Zoning Ordinance.

SITE BACKGROUND

Platting:	Thomas Scott Survey, Abstract No. 1353 and Harris Industrial Park Section 2, Block B, Lots 1 and 2
Size:	+/- 80.334 acres (consist of nine parcels)
Zoning:	"R-1" – Single Family Residential; "R-3" – Single Family Residential; "PD-C" – Planned Development Commercial; and "PD-LC" – Planned Development Light Commercial
Land Use:	Undeveloped
Zoning History:	1963 – Portion annexed into City of Mesquite & zoned Single Family 1972 – Portion annexed into City of Mesquite & zoned "R-1" – Single Family Residential 1984 – 500 E. Main Street rezoned from Single Family to "PD-LC" – Planned Development Light Commercial (Ord. No. 2075) 1985 – 300 E. Main Street rezoned from Single Family to "PD-LC" – Planned Development Light Commercial (Ord. No. 2176) 1994 – 300 E. Main Street rezoned from "PD-LC" – Planned Development Light Commercial to "PD-C" – Planned Development Commercial (Ord. No. 2963)

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>LAND USE</u>
NORTH:	R-3, Single Family Residential	Light Industrial
SOUTH:	I - Industrial	Light Industrial
EAST:	City Limit Boundary	Light Industrial
WEST:	R-3, Single Family Residential and I – Industrial	Light Industrial

CASE SUMMARY

The applicant is requesting to rezone nine tracts consisting of 80.334 +/- acres located on the east side of the 500 block of SH 352. The request is to rezone the subject properties to PD-I – Planned Development Industrial to allow a warehouse and distribution development. The subject properties consist of a variety of zoning districts including R-1 – Single Family Residential, R-3 – Single Family Residential, PD-LC – Planned Development Light Commercial, and PD-C - Planned Development Commercial. The subject properties are currently undeveloped except for two existing single family homes, located at 270 Long Creek Road and 340 SH 352. According to the applicant's statement of intent and concept plan, his proposal is to develop warehouse and distribution related uses while prohibiting more intense industrial uses such as concrete batch plants and manufacturing uses.

To initiate a rezoning request, the applicant must obtain owner authorization for all subject properties. The applicant submitted all owner authorizations with the approximate 80-acre rezoning request except for an 8-acre parcel located within the 80-acre area. The property owner for the 8-acre tract was not able to be located. Per Section 5-301.A.3 of the Mesquite Zoning Ordinance, the applicant petitioned the Planning & Zoning Commission to initiate the rezoning request without owner authorization. At the November 11, 2019 Planning & Zoning Commission meeting, the applicant's petition was granted, allowing the applicant to move forward with the rezoning request.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property within a Light Industrial area. The Light Industrial land use designation includes a variety of manufacturing and storage uses that have a wide range of appearance and intensities. Land use types supported under Light Industrial include refining or manufacturing facilities, indoor warehouse/storage facilities, and industrial business parks.

STAFF COMMENTS:

It is staff's opinion that the proposed Planned Development (PD) will meet the intent of the *Mesquite Comprehensive Plan*. The Mesquite Zoning Ordinance does not currently have a light industrial zoning district and a "PD-I" – Planned Development Industrial district with limitations on manufacturing uses will allow the property to be developed as Light Industrial.

CONCLUSIONS

ANALYSIS

It is staff's opinion that the proposed PD will allow the development of the subject property as Light Industrial as intended in the *Mesquite Comprehensive Plan*. The applicant's proposed development will provide office, warehouse, and distribution space. The request may be a single or multi-tenant development. The PD includes stipulations, which limit the number of permitted uses, ensure adequate screening, and regulate truck/trailer parking. All standards that are not mentioned in the PD will revert to the standards within the Mesquite Zoning Ordinance that apply to Industrial zoned properties.

RECOMMENDATIONS

Staff recommends approving the request to rezone the subject property to PD – Industrial 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 B (Attachment 5). The orientation and location of structures, driveways, and parking areas shown on Exhibit "B" may be modified to avoid conflict with utilities, floodplain, and/or wetlands 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 Industrial District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Industrial District are subject to the same requirements applicable to the uses in the Industrial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Industrial District only by conditional use permit ("CUP") is permitted in this district only by CUP.
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 - b. The following uses are allowed only by conditional use permit (CUP) in this district:
 - SIC Code 20-3999: Manufacturing Uses
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 - b. Long Creek Road shall be reconstructed to the standards identified in the City of Mesquite Engineering Design Manual and City of Mesquite Thoroughfare Plan, as amended.
9. Alternative screening may be utilized as provided in Section 1A-303.A.3 in the Mesquite Zoning Ordinance.

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 seven returned notices in favor of the request and one returned notice in opposition to the request.

ATTACHMENTS

1. Aerial Map
2. Property Owner Notification Map
3. Zoning Map
4. Site Photos
5. Concept Plan
6. Statement of Intent and Purpose
7. Returned Property Owner Notifications

ATTACHMENT 1 – AERIAL MAP

Aerial Map



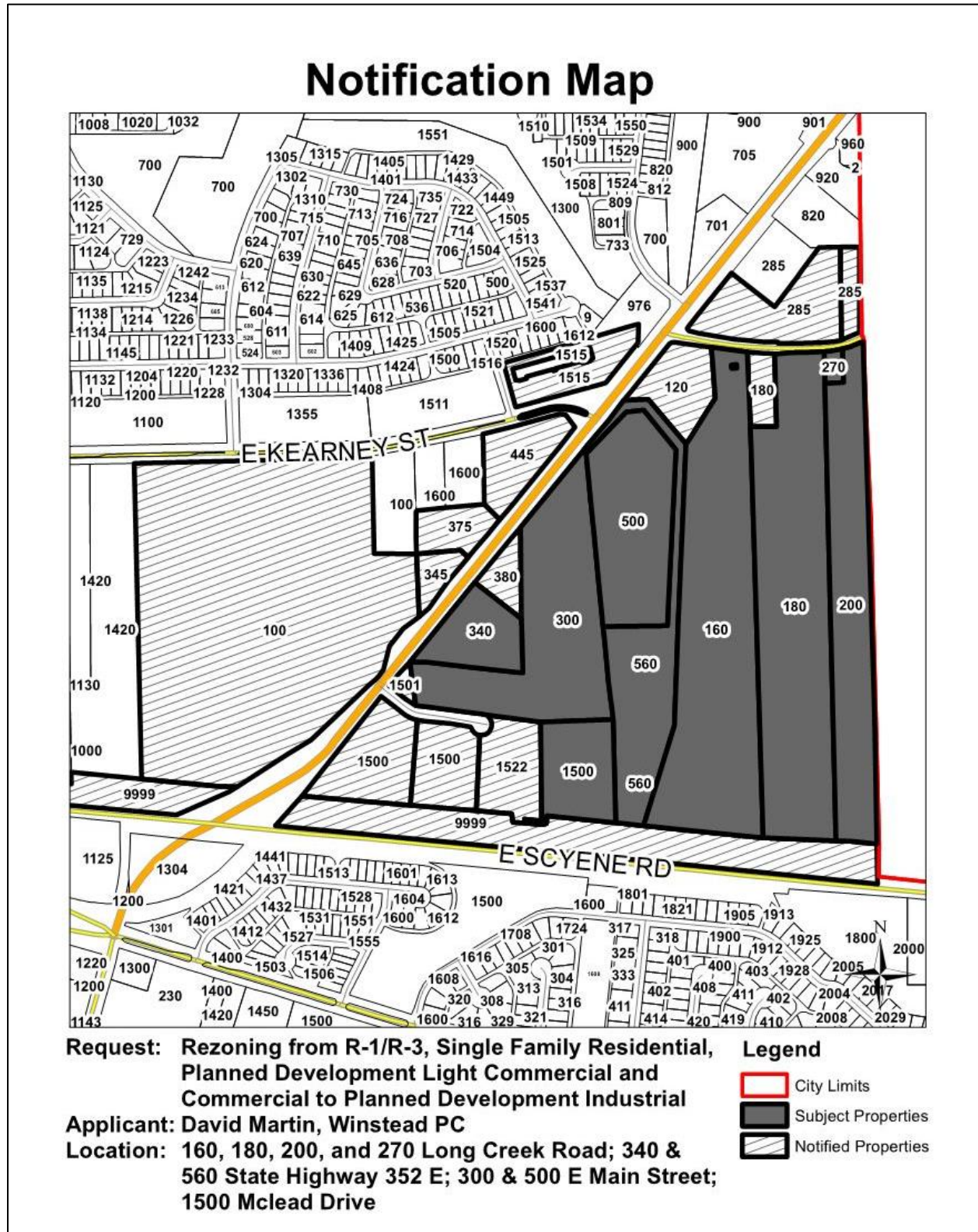
Legend

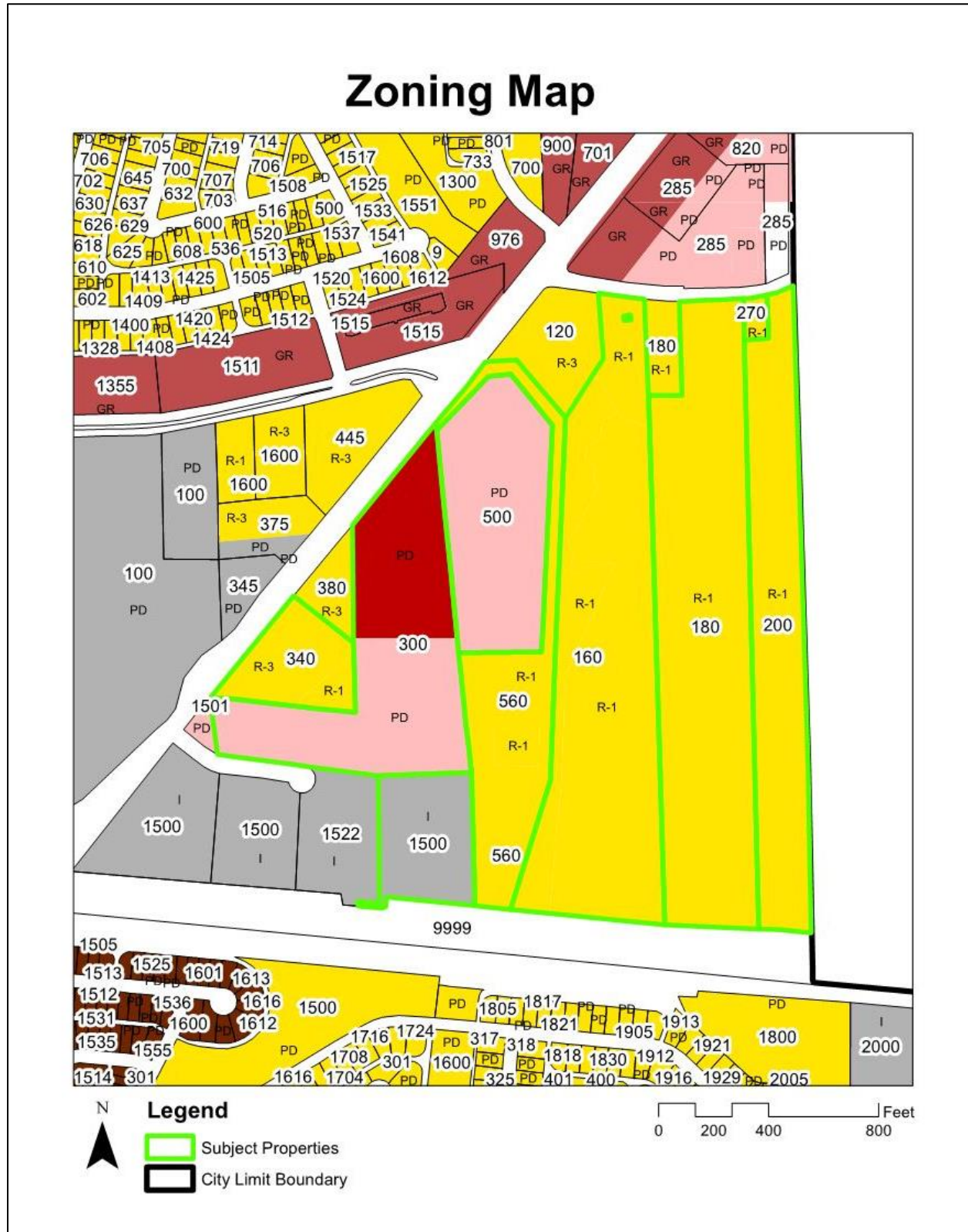


Subject Properties

0 190 380 760 1,140 Feet

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





ATTACHMENT 4 – SITE PICTURES



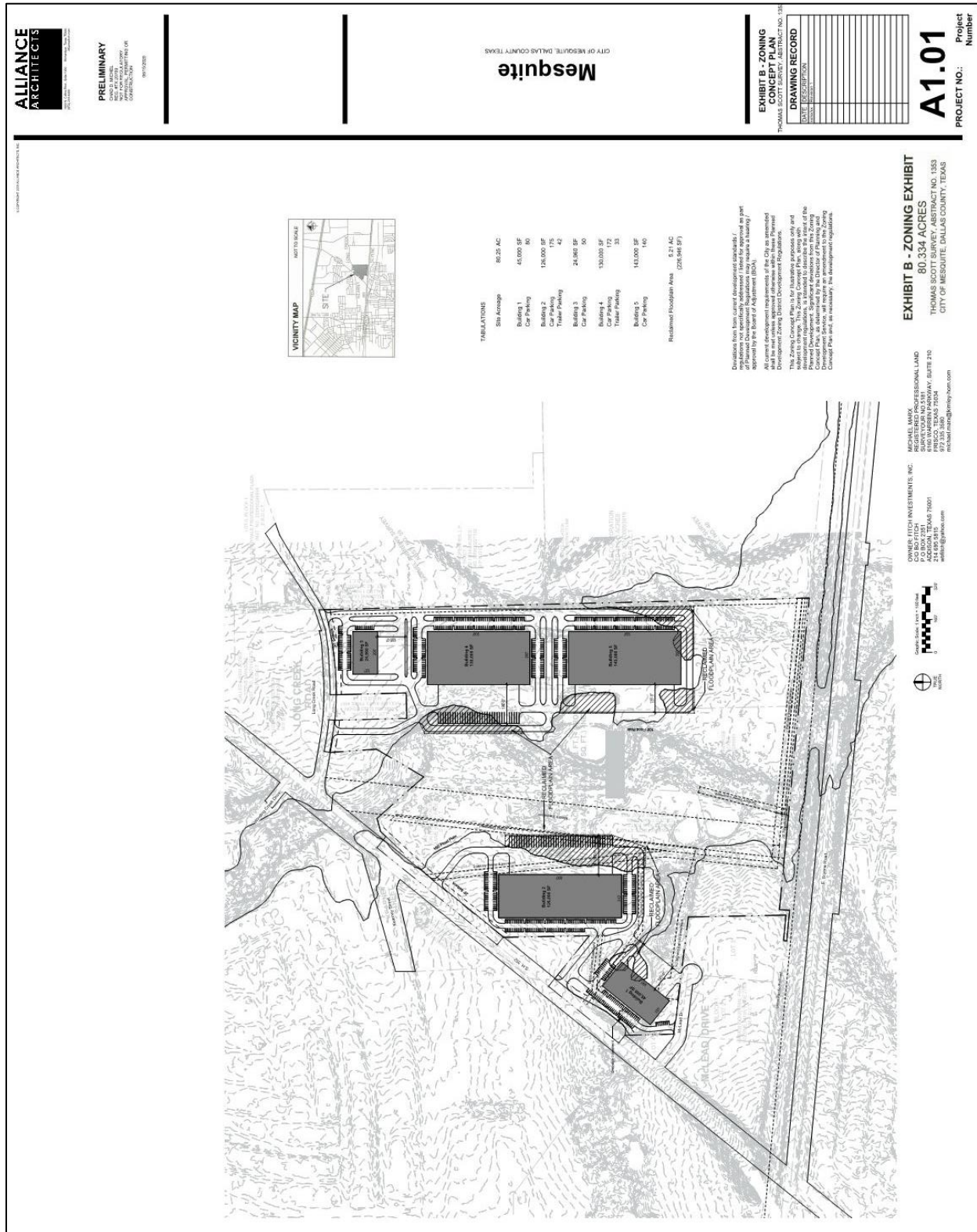
Site Photo along SH 352, looking southeast



Site Photo along E. Scyene Road, looking northwest



Site Photo at SH 352 and McLead Drive, looking northeast



ATTACHMENT 6 – STATEMENT OF INTENT AND PURPOSE

Statement of Intent and Purpose

This +/- 80.334-acre request is to rezone property located north of E. Scyene Rd., east of Highway 352, and south of Long Creek Road (the "Property") to a planned development district (the "PD") to allow warehouse and distribution uses. The proposed PD prohibits various uses such as batch plants and manufacturing. Portions of the Property are currently zoned R-1, R-3, C, and PD-LC. The majority of the Property is vacant with the exception of a few single-family homes.

This request complies with the City's 2019 Comprehensive Plan which calls for industrial uses for the Property. It is worth noting that this request includes an approximately 8-acre tract of land located at 500 E. Main Street (the "8-Acres"). The applicant has attempted to locate the owner of the 8-Acres but has been unsuccessful despite inquiries to the Texas Secretary of State, the City, and local sources. Applicant has concurrently petitioned the Planning and Zoning Commission to authorize a hearing to rezone the 8-Acres consistent with this request (the "Petition"). This request is contingent upon the City's grant of the Petition and subsequent rezoning of the 8-Acres.

ATTACHMENT 7 – RETURNED PROPERTY OWNER NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 160, 180, 200, and 270 Long Creek Road; 340 and 560 State Highway 352 E; 300 and 500 East Main Street; 1500 McLead Drive
(See attached map for reference)

FILE NUMBER: Z1019-0118

APPLICANT: David Martin, Winstead PC

REQUEST: From: R-1, Single Family Residential, R-3, Single Family Residential, Planned Development – Light Commercial, and Planned Development – Commercial
To: Planned Development – Industrial

The requested Zoning Change would allow a warehouse and distribution industrial development; in addition to other uses allowed in the Industrial zoning district with restrictions on manufacturing uses. 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

64.46 +/- acres in the Thomas Scott Survey, Abstract No. 1353, City of Mesquite, Dallas County, Texas and 15.87 +/- acres in the Harris Industrial Park Section 2, Block B, Lots 1 and 2, City of Mesquite, Dallas County, Texas

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **November 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, **December 16, 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) 216-6346 or lfrohberg@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 **November 21st** to be included in the Planning and Zoning Commission packet and by 5 pm on **December 5th** 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: Z1019-0118

I am in favor of this request YES

I am opposed to this request _____

Name:(required)

Address of

Noticed Property:

Owner Signature:

KENNETH F. DENNIS

445 HWY 352 MESQ, TX 75149

Kenneth F. Dennis

Date: 11/16/19

Reasons (optional): _____

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

RECEIVED

NOV 18 2019

PLANNING AND ZONING

ATTACHMENT 7 – RETURNED PROPERTY OWNER NOTICES



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Zoning Case: Z1019-0118

I am in favor of this request YES

I am opposed to this request _____

Name:(required) KENNETH F. DENNIS
Address of 4445 HWY 352 MESQ TEXAS 75149
Noticed Property:
Owner Signature: Kenneth F. Dennis Date: 11/16/19

Reasons (optional): _____

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

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NOV 18 2019
PLANNING AND ZONING

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PLANNING AND ZONING

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Zoning Case: Z1019-0118

I am in favor of this request ☒

I am opposed to this request ☐

Name:(required)

Address of

Noticed Property:

Owner Signature:

LAURENCE H. McSpadden

300 E Main & 1500 McLead Dr.

[Signature]

Date: 11/19/2019

Reasons (optional):

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

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I am in favor of this request ☒

I am opposed to this request ☐

Name:(required)

Address of

Noticed Property:

Owner Signature:

Nathan Ray Totty

560 State Hwy 352 E.

Nathan Ray Totty Date: 11/18/2019

Reasons (optional):

RECEIVED

NOV 21 2019

PLANNING AND ZONING

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Lesley Frohberg
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I am in favor of this request

I am opposed to this request

Name:(required)

Address of

Noticed Property:

Owner Signature:

Nathan Ray Totty
560 State Hwy 352 E.
Nathan Ray Totty Date: 11/18/2019

Reasons (optional):

RECEIVED

NOV 21 2019

Please respond by returning to: PLANNING DIVISION
Lesley Frohberg
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MESQUITE TX 75185-0137

PLANNING AND ZONING

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PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **November 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, **December 16, 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) 216-6346 or lfrohberg@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 **November 21st** to be included in the Planning and Zoning Commission packet and by 5 pm on **December 5th** 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: Z1019-0118

I am in favor of this request ☒

I am opposed to this request ☐

Name: (required)

Address of

Noticed Property:

Owner Signature:

L.M. WALTERS, Inc.

340 S.H. 352, MESQUITE, TX

Lee Blein

Date: 11-21-19

Reasons (optional):

RECEIVED

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

NOV 21 2019

PLANNING AND ZONING

ATTACHMENT 7 – RETURNED PROPERTY OWNER NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 160, 180, 200, and 270 Long Creek Road; 340 and 560 State Highway 352 E; 300 and 500 East Main Street; 1500 McLead Drive
(See attached map for reference)

FILE NUMBER: Z1019-0118

APPLICANT: David Martin, Winstead PC

REQUEST: From: R-1, Single Family Residential, R-3, Single Family Residential, Planned Development – Light Commercial, and Planned Development – Commercial
To: Planned Development – Industrial

The requested Zoning Change would allow a warehouse and distribution industrial development; in addition to other uses allowed in the Industrial zoning district with restrictions on manufacturing uses. 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

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(Complete and return)

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Zoning Case: Z1019-0118

I am in favor of this request ☒

I am opposed to this request ☐

Name:(required) Jackie Amburn

Address of

Noticed Property:

Owner Signature: Jackie Amburn

Date: 11-21-19

Reasons (optional):

RECEIVED

NOV 22 2019

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

PLANNING AND ZONING

ATTACHMENT 7 – RETURNED PROPERTY OWNER NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

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(Complete and return) *Cheyenne Medical Lodge*

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Zoning Case: Z1019-0118

I am in favor of this request

I am opposed to this request

Name: (required)

Address of

Noticed Property:

Owner Signature:

Date: *11/19/19*

Reasons (optional):

RECEIVED

NOV 25 2019

PLANNING AND ZONING

Please respond by returning to:

PLANNING DIVISION
Lesley Frohberg
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

more housing options - currently many of our employees look for housing in Forney, etc.