

FILE NUMBER: Z1219-0123
REQUEST FOR: Conditional Use Permit with modification to allow outdoor storage in the front setback.
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, January 13, 2020
City Council: Monday, February 3, 2020

GENERAL INFORMATION

Applicant: Greg Auen
Requested Action: Rezone from "I", Industrial to "I", Industrial with a Conditional Use Permit with modification to allow outdoor storage in the front setback.
Location: 910 W. Kearney Street

PLANNING AND ZONING ACTION

Decision: The Planning and Zoning Commission voted unanimously to recommend approval of Conditional Use Permit with modification to allow outdoor storage in the front setback with the following stipulations:

Conditions:

1. The outdoor storage area shall be screened with a six-foot, board on board, stained cedar privacy fence. The fence shall be constructed and maintained in good working condition, including the replacement of any missing boards and/or damaged portions immediately, with re-staining occurring at least every three years and as needed. The fence shall be constructed along the entirety of the north property line of the property, except in visibility triangle areas and gate.
2. The CUP shall apply to Innovative Auto Storage and cannot be assigned or transferred.
3. A six-foot, board on board, cedar privacy fence shall be constructed and maintained along the west property line.

SITE BACKGROUND

Platting: Dalworth Industrial District, Block A, Lot 13
Size: 1.033 acres
Zoning: I - Industrial
Land Use: Light Industrial
Zoning History: 1951: Annexed into City of Mesquite as Industrial

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>LAND USE</u>
NORTH:	C - Commercial	Undeveloped
SOUTH:	I - Industrial	Light Industrial
EAST:	I - Industrial	Light Industrial
WEST:	I - Industrial	Light Industrial

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow a fence and outdoor storage in the front setback associated with outdoor storage of impounded vehicles. The applicant operates a towing service company at the subject property which the Mesquite Zoning Ordinances (MZO) permits in the Industrial zoning district provided that it complies with the outdoor storage regulations. The MZO permits outdoor storage in the Industrial zoning district as long it is screened from public view with a wood or masonry fence and is not located within the 25-ft front setback. The applicant obtained a permit to construct a 6-foot tall, board on board, wood fence along the perimeter of the existing parking lot to screen the impounded vehicles at the front property line instead at the 25-ft front setback. The wood fence replaced the previously existing 5-foot tall chain-link fence located at the front property line that did not provide screening. The surrounding area is used for low-intensity industrial uses of similar nature. Some of those industrial uses include outdoor storage. The layout of the subject property with the building located to the rear does place the outdoor storage area in front of the building as opposed to the side or in the rear of the building.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property within a Light Industrial area. The purpose of the Light Industrial designation is to provide a variety of manufacturing and storage uses that have a wide range of appearances and intensities like refining or manufacturing facilities, indoor warehousing and storage facilities, and industrial business parks.

STAFF COMMENTS:

The proposed CUP is consistent with the future land use designation of the *Mesquite Comprehensive Plan*. The current land use is also consistent with the existing zoning and surrounding properties.

MESQUITE ZONING ORDINANCE

SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS

1. Existing uses

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

STAFF COMMENTS:

The subject property is being used to store impounded vehicles. Outdoor storage is an appropriate use in an Industrial district. However, permitting outdoor storage up to front property line, in staff's view is not appropriate given the visibility of the subject property along W. Kearney Street.

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 COMMENTS:

Staff does not anticipate the request to negatively 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.

STAFF COMMENTS:

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

STAFF COMMENTS:

The existing parking lot will provide sufficient parking spaces for the proposed use.

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 disturbances to neighboring properties will result.

STAFF COMMENTS:

Staff does not anticipate disturbances to neighboring businesses or residences as a result of the request.

CONCLUSIONS

ANALYSIS

The operation of a towing business and storage of impounded vehicles are permitted in the Industrial zoning district. The question before the Planning and Zoning Commission and City Council is whether or not to allow outdoor storage in the 25-ft front setback. While outdoor storage is permitted in the Industrial zoning district, staff does not recommend allowing outdoor storage in the front setback.

RECOMMENDATIONS

Staff recommends denial of the Conditional Use Permit to allow outdoor storage in the front setback. Should the Planning and Zoning Commission recommend approval of the CUP, staff suggests the following conditions.

1. The outdoor storage area shall be screened with a six-ft, board on board, stained cedar privacy fence. The fence shall be constructed and maintained in good working condition, including the replacement of any missing boards and/or damaged portions immediately, with re-staining occurring as least every three years and as needed. The fence shall be constructed along the entirety of the north property line of the property, excepting visibility triangle areas and gate.
2. The CUP shall apply to Innovative Auto Storage and cannot be assigned or transferred.

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 two returned notices, one in favor and one opposed to 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.

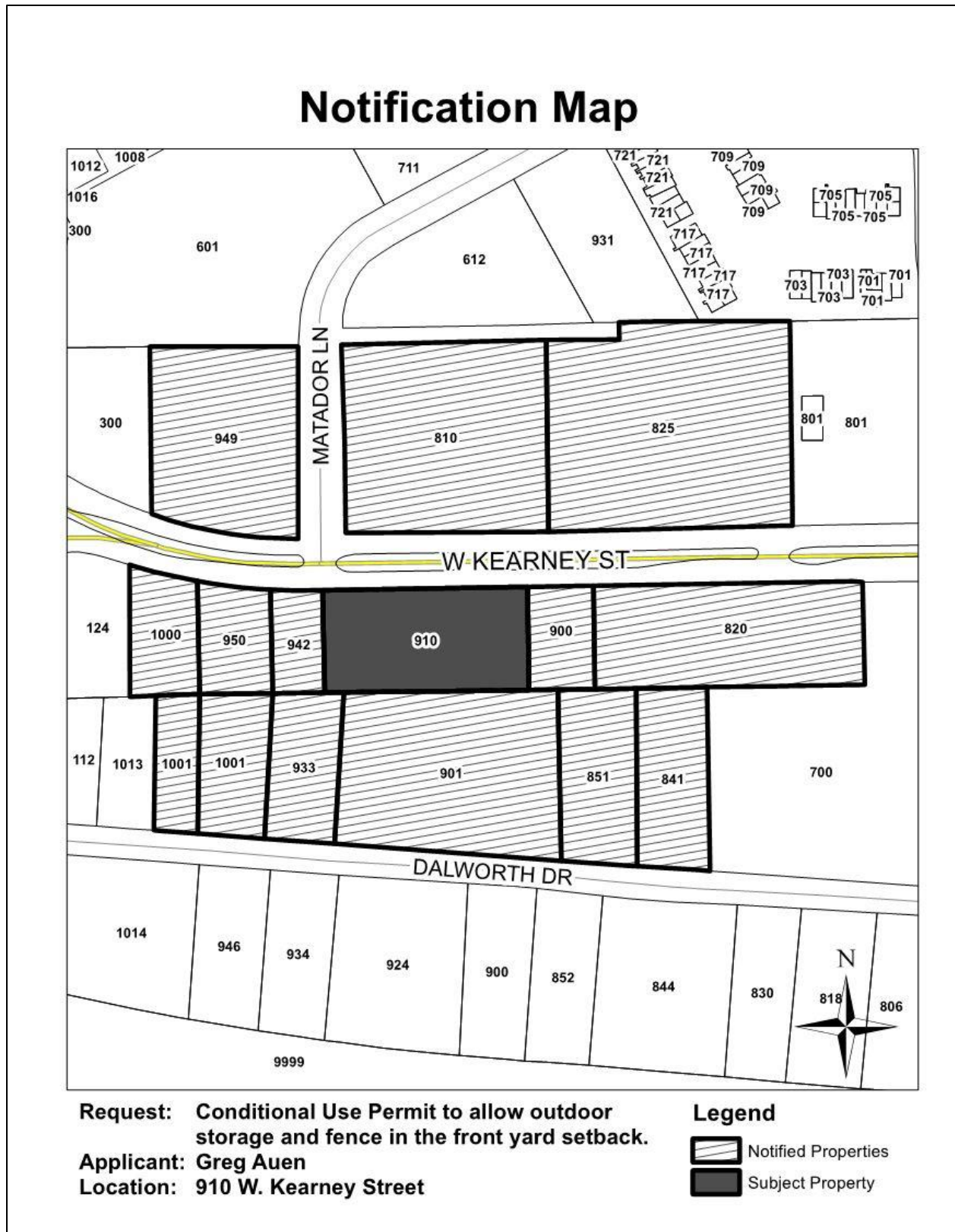
ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Application Materials
5. Site Photos
6. Returned Property Owner Notice

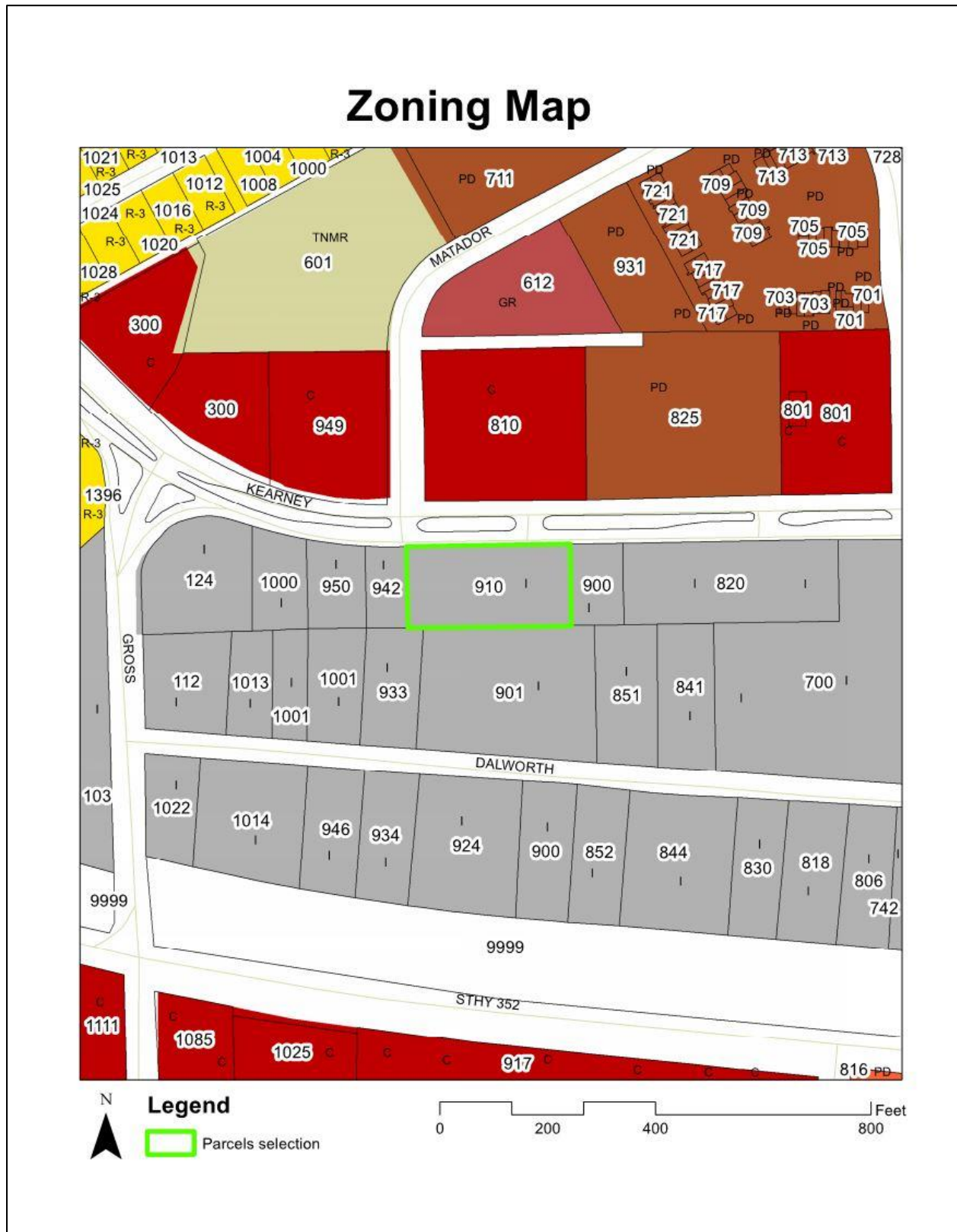
ATTACHMENT 1 – AERIAL MAP



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – APPLICATION MATERIALS

CITY OF MESQUITE ZONING APPLICATION	Receipt No.		Date Stamp:
	Fee:	—	12/4/2019
	Case Manager:	LF	

REQUESTED ACTION:

Change District Classification to:	Conditional Use Permit for: <u>Fence Outdoor Storage</u>	Amend Special Conditions of Ordinance # _____ (Explain Below)
Additional explanation of requested action: <u>Outdoor Storage for Impounded Vehicles</u>		

SITE INFORMATION/GENERAL LOCATION:	LOCATION/LEGAL DESCRIPTION:
Current Zoning Classification: <u>Industrial</u>	Complete one of the following:
Site Size: <u>1.06 Acres</u> (Acres or Square Feet)	1. Platted Property
Address (if available): <u>910 W Kearney</u>	Addition: <u>Dallworth Ind. Dist.</u>
General Location Description: _____	Block: <u>A</u> Lot: <u>13</u>
	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: <u>Greg Auen</u>	Phone: <u>(469) 315-3664</u>
Company: <u>Innovative Auto Storage</u>	Fax: () -
Address: <u>910 W Kearney St.</u> <u>Mesquite, TX</u>	E-mail: <u>gaue@aipatowing.com</u> (Required)
Signature: <u>[Signature]</u>	Owner <input checked="" type="checkbox"/> Representative <input 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>Greg L Auen</u>	Phone: <u>(469) 315-3664</u>
Address: <u>11030 S Pipeline Rd</u> <u>Euless TX 76040</u>	Fax: () -
Signature: <u>[Signature]</u>	E-mail: <u>gaue@aipatowing.com</u>

ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
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 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 taking of said photographs.
4. I have read and understand the information contained in the application for which I am applying.

Property Owner: Eldred J Watt JR Phone Number: 972 896 4088

Address: 910 W. Kearney St

Property address
Mesquite TX 75149

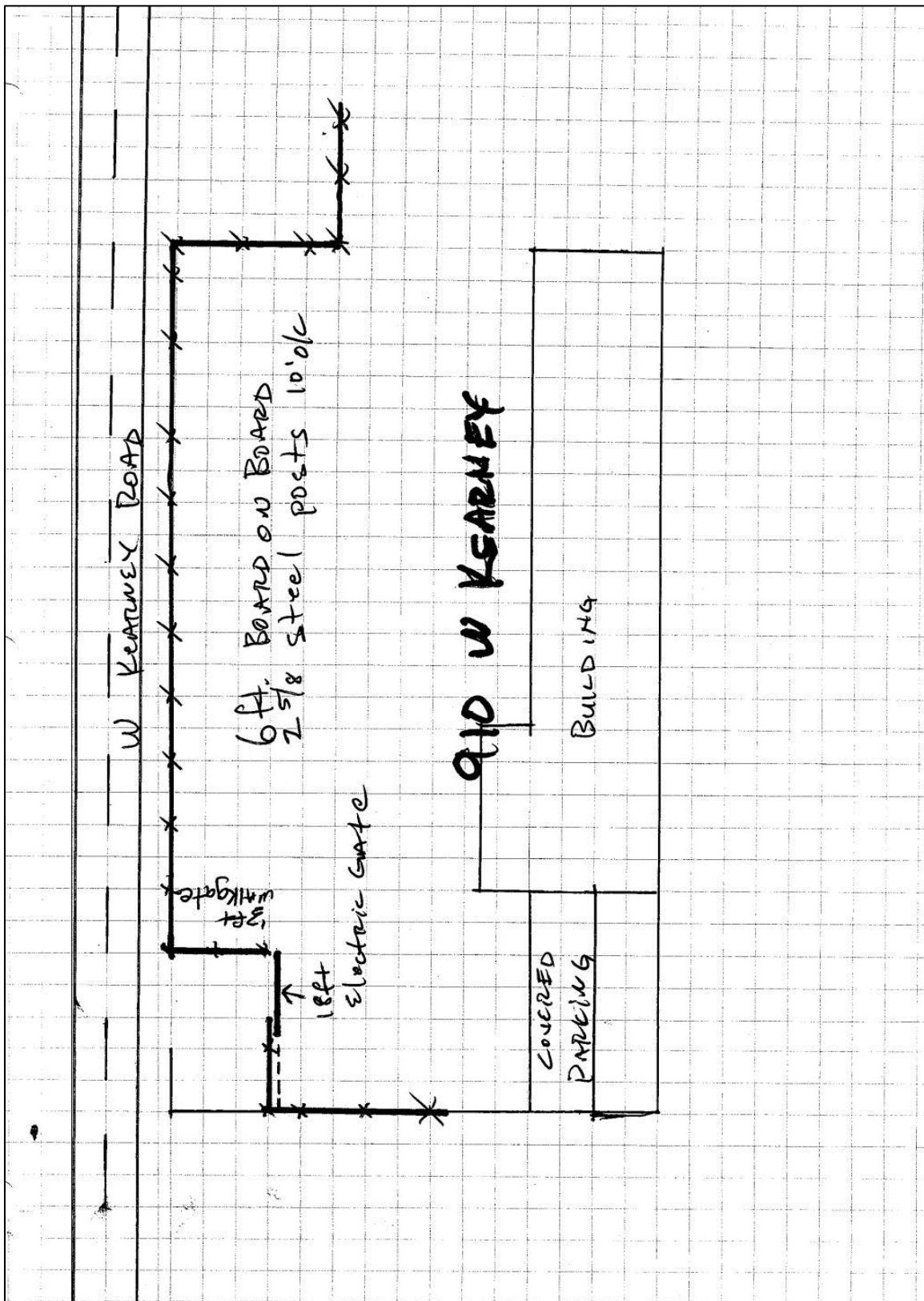
Email Address: modernrefreshments
@yahoo.com

Signature: Eldred J Watt Jr.

mailing address

2324 S. FM 148
Mesquite TX 75149

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – SITE PHOTOS



Subject property with existing fence facing southeast



Neighboring property with existing fence and outdoor storage

ATTACHMENT 5 – SITE PHOTOS



Neighboring property with existing fence and outdoor storage



Neighboring property with existing fence and outdoor storage

ATTACHMENT 5 – SITE PHOTOS



Neighboring property with existing fence and outdoor storage

ATTACHMENT 6 – RETURNED PROPERTY OWNER NOTICE



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 910 W. Kearney Street
(See attached map for reference)
CASE NUMBER: Z1219-0123
APPLICANT: Greg Auen
REQUEST: From: "T", Industrial
To: "T", Industrial, with a Conditional Use Permit (CUP) with modifications to allow outdoor storage in the front setback.

The requested Zoning Change would allow a Conditional Use Permit with modifications to allow outdoor storage within the front setback on the subject property. 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

Dalworth Industrial District, Block A, Lot 13

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **January 13, 2020**, 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, **February 3, 2020**, 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 5:00 pm on **January 6th** to be included in the Planning and Zoning Commission packet and by 5:00 pm on **January 15th** 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.

Case Number: Z1219-0123
I am in favor of this request ☒ Name:(required) Edward J. WAT
I am opposed to this request ☐ Address of Noticed Property: 910 W. Kearney
Owner Signature: Edward J. WAT Date: 1-12-20

Reasons (optional):

RECEIVED

JAN 13 2020

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

PLANNING AND ZONING

ATTACHMENT 6 – RETURNED PROPERTY OWNER NOTICE



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

*Not received
until 1-13-20
at Mesquite
P.O. ...*

LOCATION: 910 W. Kearney Street
(See attached map for reference)
CASE NUMBER: Z1219-0123
APPLICANT: Greg Auen
REQUEST: From: "T", Industrial
To: "T", Industrial, with a Conditional Use Permit (CUP) with modifications to allow outdoor storage in the front setback.

The requested Zoning Change would allow a Conditional Use Permit with modifications to allow outdoor storage within the front setback on the subject property. 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

Dalworth Industrial District, Block A, Lot 13

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **January 13, 2020**, 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, **February 3, 2020**, 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 5:00 pm on **January 6th** to be included in the Planning and Zoning Commission packet and by 5:00 pm on **January 15th** 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.

Case Number: Z1219-0123

I am in favor of this request

I am opposed to this request

Name:(required)

Address of

Noticed Property:

Owner Signature:

Michael HIGGINS
820 W. KEARNEY

[Signature]

Date: 1-13-20

Reasons (optional):

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

RECEIVED

JAN 15 2020

PLANNING AND ZONING