



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0820-0147
REQUEST FOR: Rezoning to amend Planned Development to allow a proposed building expansion
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, November 9, 2020
City Council: Monday, December 7, 2020

GENERAL INFORMATION

Applicant: Roberto Nunez, Alchemi Development Partners
Requested Action: Rezoning to amend the existing Planned Development, Ordinance No. 2888, to allow a proposed building expansion.
Location: 1320 Gross Road

PLANNING AND ZONING ACTION

Decision: On November 9, 2020, the Planning and Zoning Commission unanimously recommended approval of the amendment to Planned Development, Ordinance No. 2888 to allow a proposed building expansion with Staff's recommended stipulations.

SITE BACKGROUND

Platting: Oakbrook, Block A, Lot 1
Size: 0.86 Acres / 37,422 Square Feet
Zoning: PD-SS – Planned Development Service Station Ord. No. 2888
Land Use: Commercial
Zoning History: 1954: Annexed and zoned Residential
1969: Zoning changed to Commercial (Ord. No. 828)
1993: Zoning changed to Planned Development – Service Station (Ord. No. 2888)

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>LAND USE</u>
NORTH:	LC - Light Commercial	Restaurant
SOUTH:	PD-SS – Planned Development Service Station & GR – General Retail	Convenience Store with Fuel Sales & Vacant / Undeveloped
EAST:	LC - Light Commercial	Vacant / Undeveloped
WEST:	LC - Light Commercial	Restaurant

CASE SUMMARY

The subject property is a 0.86-acre parcel located north of the Gross Road and Interstate-635 intersection. The property is currently operating as a convenience store with fuel sales per Planned Development-Service Station, Ordinance No. 2888, which was approved in 1993. PD #2888 placed conditions on the property including prohibiting diesel fuel sales, requiring six-foot-tall dumpster screening, and requiring landscaping and irrigation.

The requested Planned Development amendment is necessary due to proposed alterations and additions to the subject property and to amend the development standards for the site. The applicant's concept plan is proposing a 975 square-foot addition to the northwest side of the existing 2,831 square foot structure. The proposed addition will meet the setback requirements of the Service Station zoning district. The addition will allow the expansion and renovation of the existing convenience store, restaurant, and fueling station. The applicant is not proposing an expansion to the existing fuel sales, which currently includes 12 fueling positions.

The Planned Development amendment is also establishing the exterior side yard setback at fifteen feet, which is a twenty-five-foot reduction of the required forty-foot setback for the existing structure. The Mesquite Zoning Ordinance requires the exterior side yard setback for Service Station zoning districts to be forty feet. The existing structure was approved administratively with a fifteen-foot exterior side yard setback with the Planned Development Site Plan in 1993; however, the variation was not identified in PD #2888. The subject property is approximately 615 feet from the nearest residential district. Unless specified in the Planned Development, all other requirements of the Mesquite Zoning Ordinance and City Code will be met.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property within a Regional Retail land use designation with the Corridor Development overlay. Regional Retail represents development intended to serve the retail needs of the greater regional area. Developments are large scale with the ability to serve a large amount of people. Compatible land use types include department stores, major retailers, commercial, restaurants, and entertainment. The Corridor Development designation represents commercial development that is located along a major corridor. Developments within these corridors are highly visible and enhanced landscaping and public art is encouraged in these areas. Compatible land use types for this area include retail, hotels, restaurants, big box retailers, entertainment, and personal services.

STAFF COMMENTS:

It is Staff's opinion that the proposed PD amendment will meet the intent of the *Mesquite Comprehensive Plan* by complying with the concept plan (Exhibit C) and serve as a complementary use to the surrounding commercial businesses and Interstate 635 Corridor.

CONCLUSIONS

ANALYSIS

It is Staff's opinion that the proposed PD will allow the use of the subject property as Commercial as intended in the *Mesquite Comprehensive Plan*. The proposed addition would allow updated facilities, landscaping, and expansion of the existing restaurant. All standards that are not mentioned in the amended PD will revert to the standards within Planned Development Ordinance #2888 and the Mesquite Zoning Ordinance standards for Service Station zoning districts, in that order.

RECOMMENDATIONS

Staff recommends approval to amend Planned Development Ordinance #2888 with the following new stipulations:

1. Diesel fuel sales shall be limited to passenger vehicles only.
2. Development of the site shall conform generally to the development standards, attached hereto as "Exhibit B," and the concept plan, attached hereto as "Exhibit C," as determined by the Director of Planning and Development Services.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of November 5, 2020, Staff has not received any returned notices for the request.

CODE CHECK

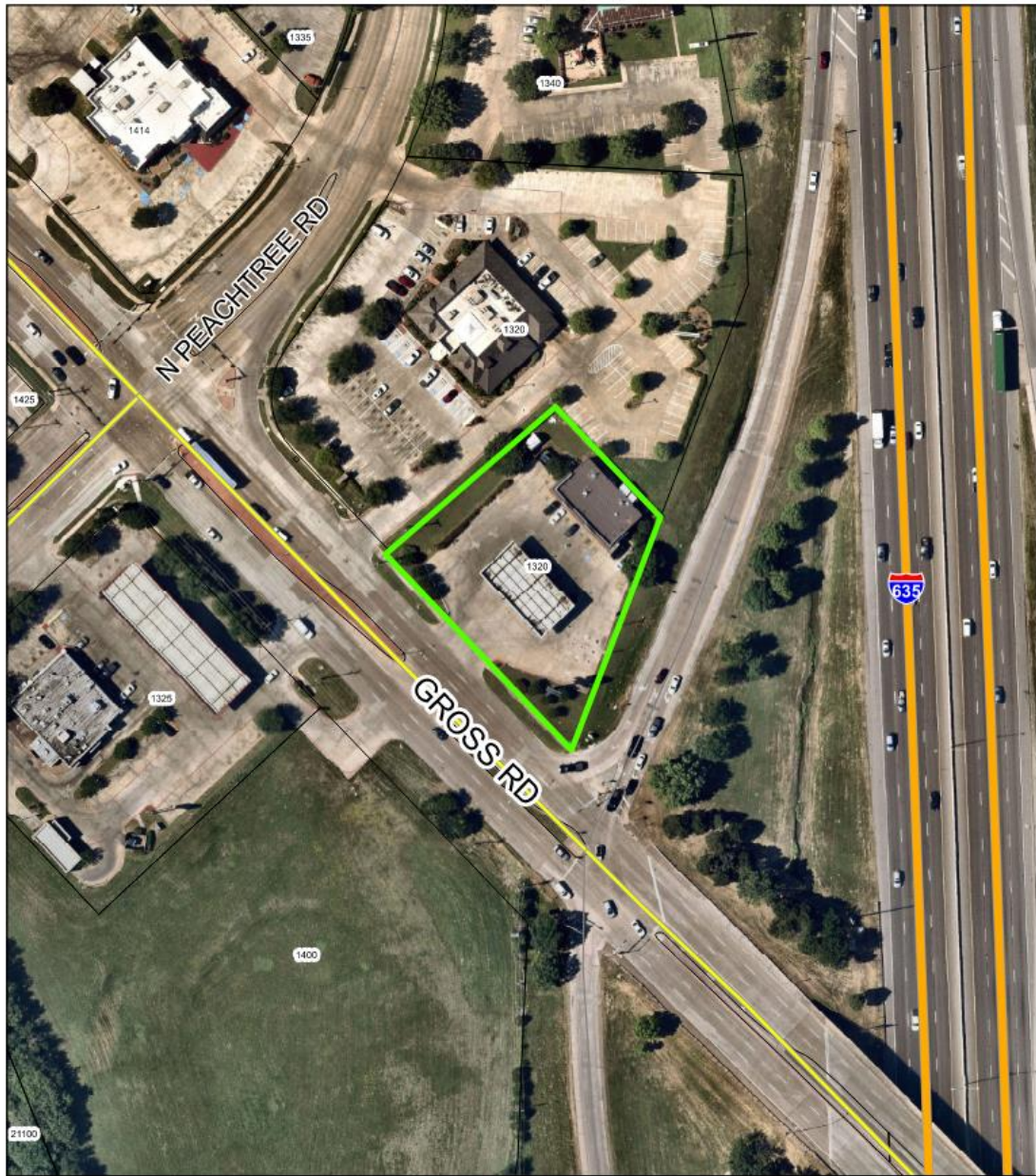
Staff conducted a site visit to the subject property and did not find any visible code issues or possible violations as of the date of this writing.

ATTACHMENTS


1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Application Materials
6. Development Standards (Exhibit B)
7. Concept Plan (Exhibit C)
8. Site Photos

ATTACHMENT 1 – AERIAL MAP

Aerial Map



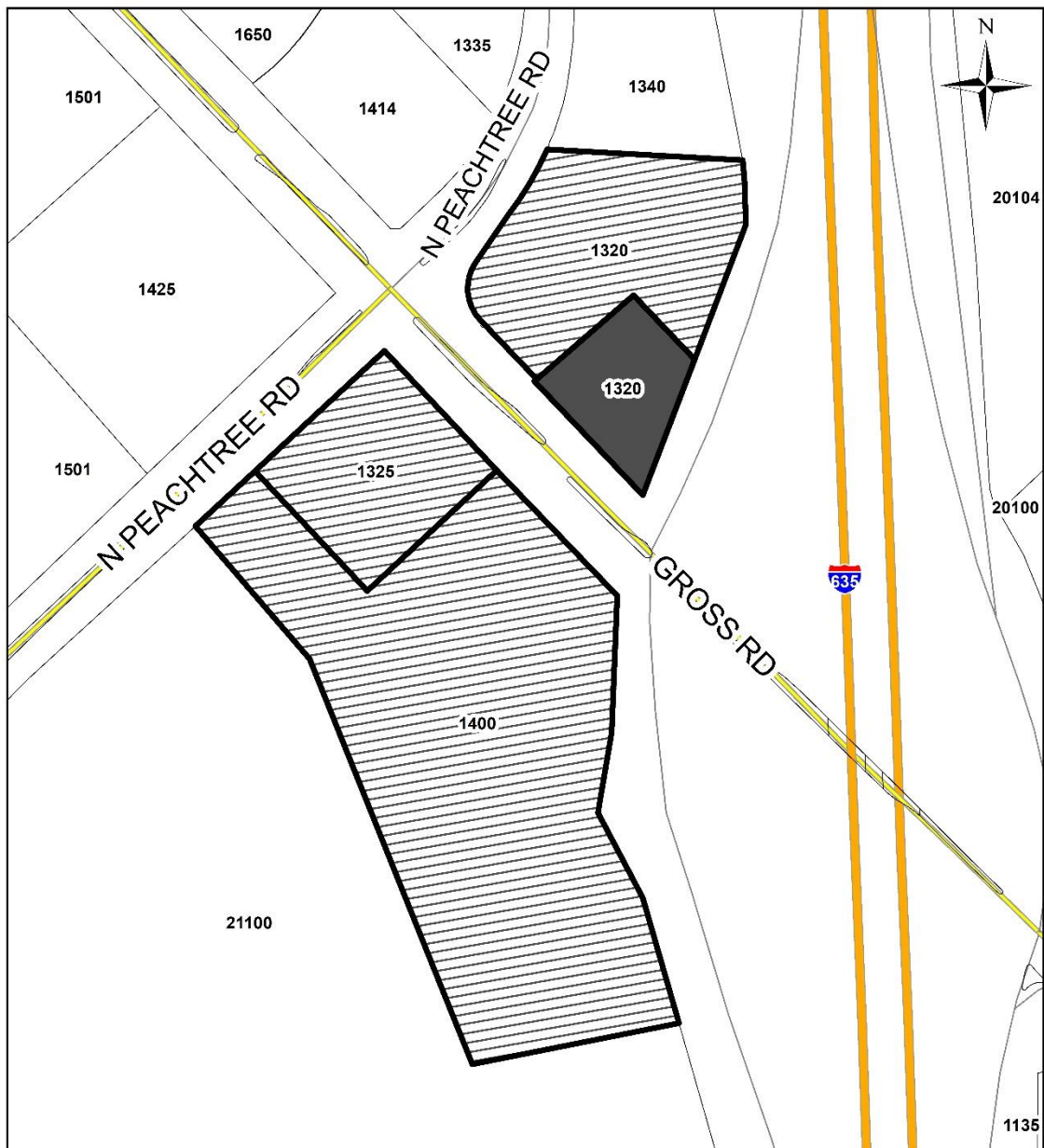
Legend

 Subject Property

0 50 100 200 300 Feet

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map





Request: Amend Planned Development (Ordinance No. 2888)
for proposed building addition.

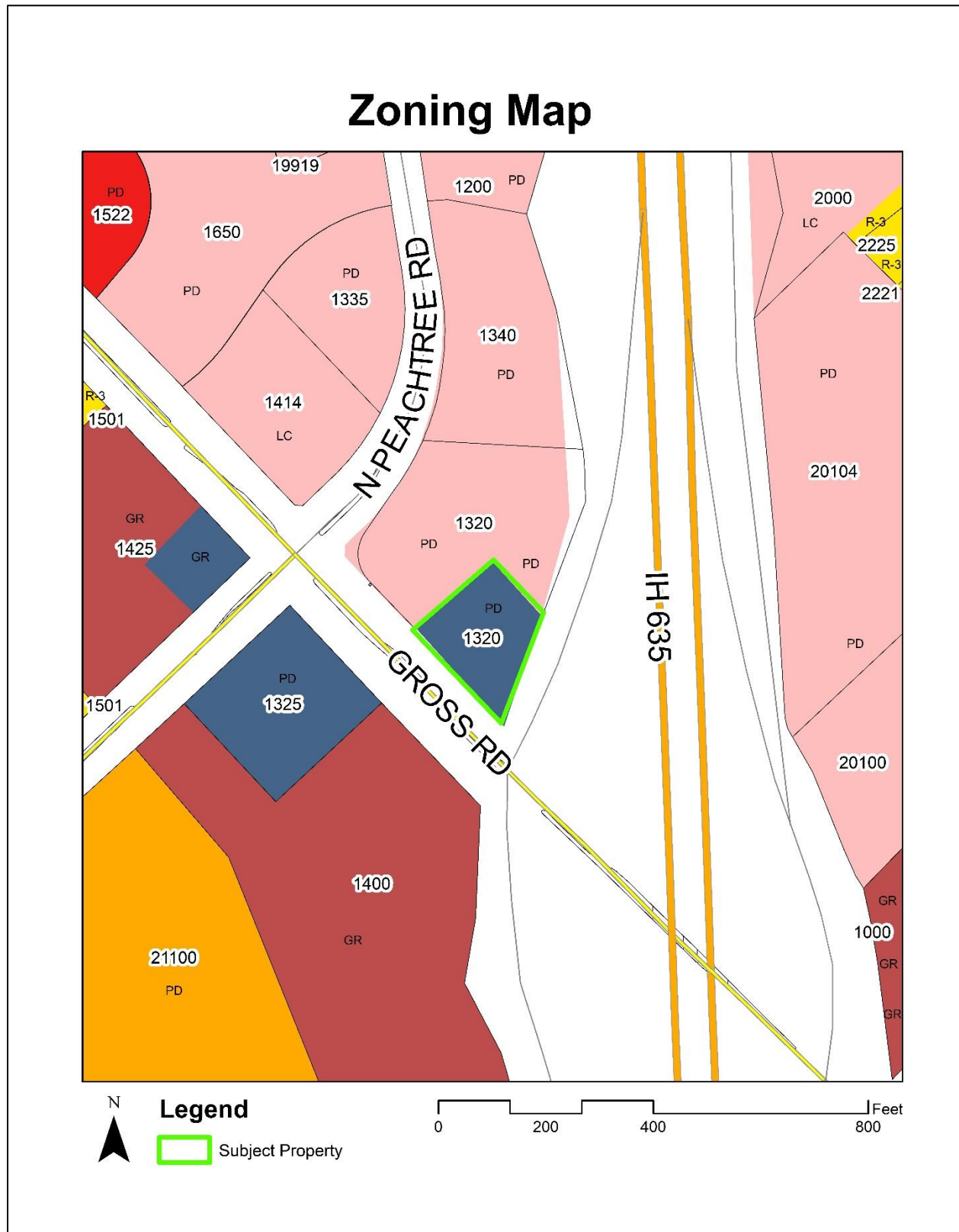
Applicant: Roberto Nunez, Alchemi Development Partners

Location: 1320 Gross Road

Legend

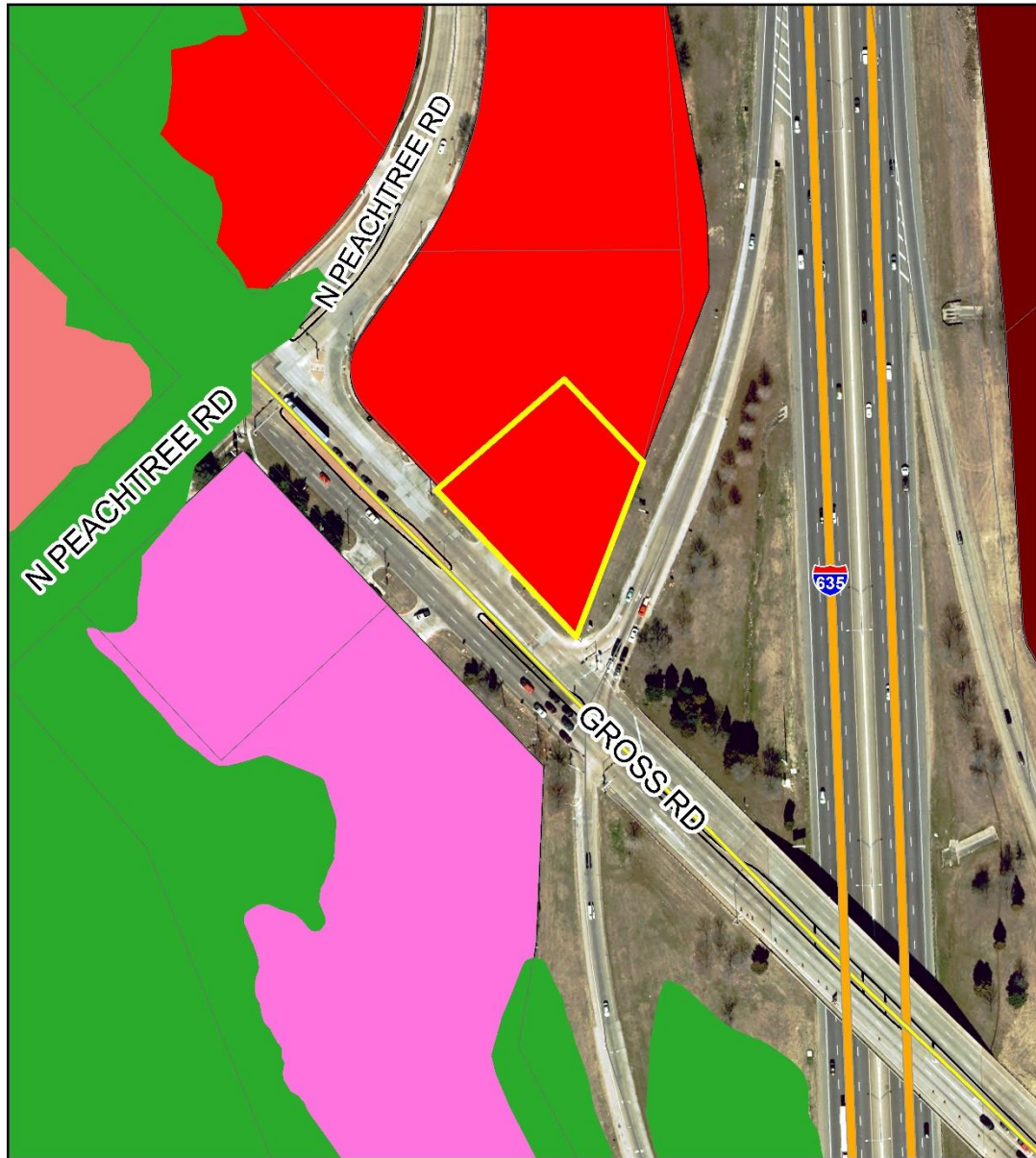
-  Notified Properties
-  Subject Property

ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – FUTURE LAND USE MAP

Future Land Use Map



ATTACHMENT 5 – APPLICATION MATERIALS



Alchemi Development Partners, LLC
Dallas – Ft Worth

August 25, 2020

To: John Chapman
Planner – City of Mesquite

RE: Proposed Planned Development Amendment

Project: 1320 Gross St. (Proposing a convenience store/gas station and on-premise food consumption taco shop)

Dear John Chapman

We are applying for a Planned Development Amendment, the existing use is for a convenience store, gas station, and interior Restaurant. The proposed land use is the existing land use, our proposal is only to amend the planned development because the property was built under previous construction standards and setbacks. Our proposal pertains to a future addition we proposed. Under this proposed addition "site plan review" it was determined that the building setback is currently 15 feet, the new Planned Development – Service Station, the setback is 40 feet.

The existing zoning is Planned Development – Service Station, we are not proposing a zoning change.

The property is currently developed and operating, the businesses operating include Food Mart Convenience store and a full-service Subway.
Our request to change the zoning, only to amend the Planned Development to show the existing setback and new addition proposal.

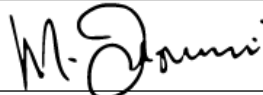
Signed by Roberto Nunez

A handwritten signature in black ink, appearing to be 'R Nunez', with a stylized 'R' and a horizontal line extending to the right.

ATTACHMENT 5 – 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: Mansoor Dhanani Phone Number: 281924 5654
Address: 18 Berenger PL
Sugar Land TX 77479 Email Address: Mikedhamami@yahoo.com
Signature: 



ATTACHMENT 6 – DEVELOPMENT STANDARDS (EXHIBIT B)

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS Z0820-0147 Page 1 of 2

This Planned Development Service Station (PD-SS) must adhere to all conditions of the Mesquite Code of Ordinances, as amended, and adopt base district standards corresponding with the Concept Plan attached hereto and incorporated herein as **Exhibit C** and as identified below. The following regulations apply to this PD-SS District. Where these regulations conflict with or overlap another ordinance, easement, covenant or deed restrictions, the more stringent restriction will prevail and apply.

A. **Permitted Land Uses.** Uses in the PD-SS are limited to those permitted in the SS – Service Station zoning district as amended and subject to the following:

1. Any land use requiring a Conditional Use Permit (CUP) in the SS zoning district shall require a CUP in the PD-SS.
2. Any land use prohibited in the SS zoning district is also prohibited in the PD-SS.
3. The following uses are permitted by right in the PD-SS:
 - i. SIC 549.a – Convenience Store
 1. Only in conjunction with self-service gasoline sales.
 - ii. SIC 554 – Fuel Sales (12 fueling positions)

B. **Development Standards.** In addition to the requirements of the SS base zoning district, the Planned Development is subject to the following.

1. Open space, as defined by the Zoning Ordinance, must be a minimum 20% of the lot.
2. The primary structure shall conform to the following setbacks:

Minimum Front and Exterior Side Yards	10 Feet
Minimum Interior Side and Rear Yards	
1. Adjacent to Nonresidential District	0 Feet
2. Adjacent to A District	15 Feet
3. Adjacent to AG, R, and D District	25 feet or two times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater.

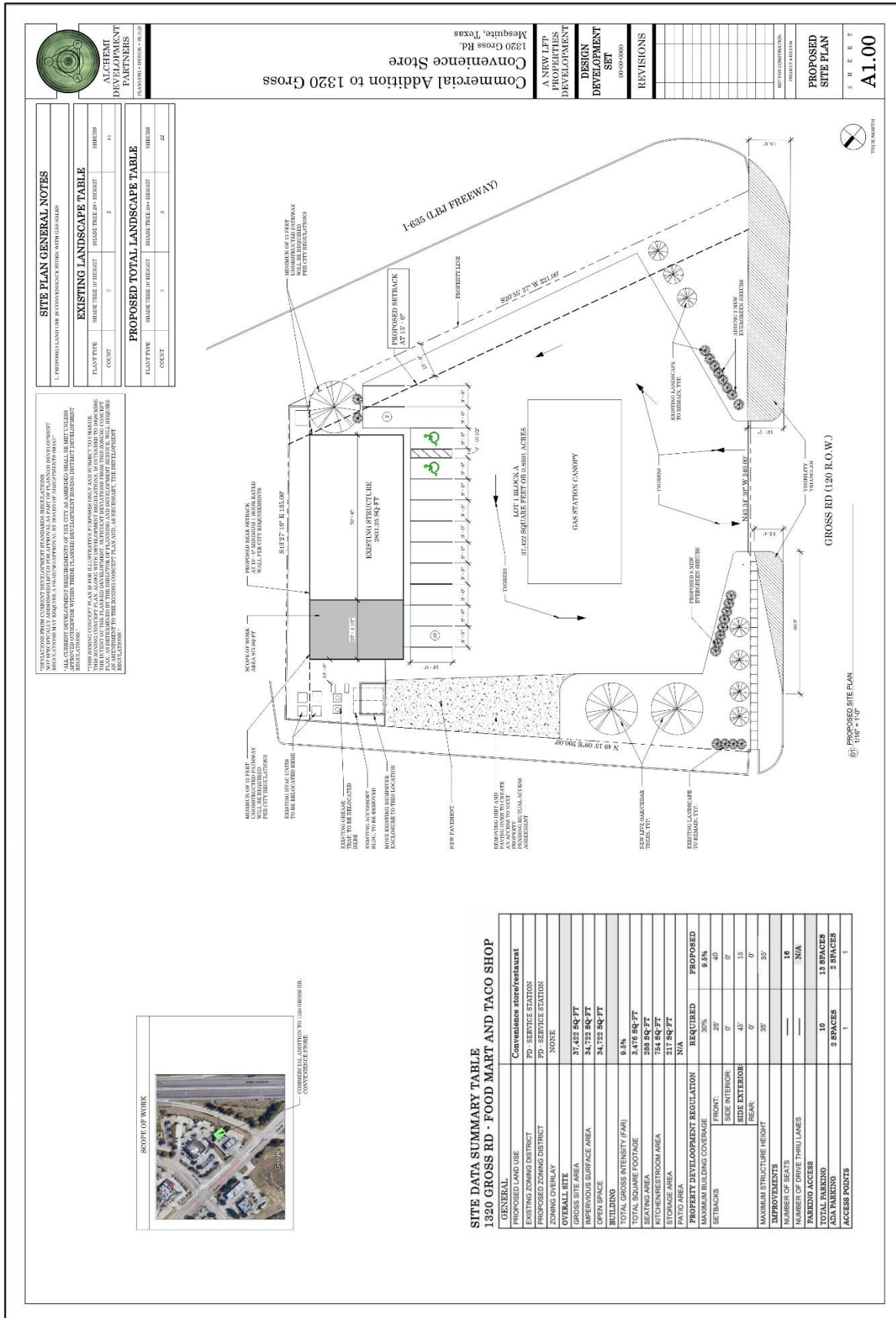
ATTACHMENT 6 – DEVELOPMENT STANDARDS (EXHIBIT B)

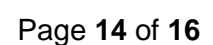
EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

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3. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan attached hereto as **Exhibit C** and to these Planned Development Standards.

ATTACHMENT 7 – CONCEPT PLAN (EXHIBIT C)





ATTACHMENT 8 – SITE PHOTOS



Subject property facing northeast



Subject property facing southeast from adjacent property

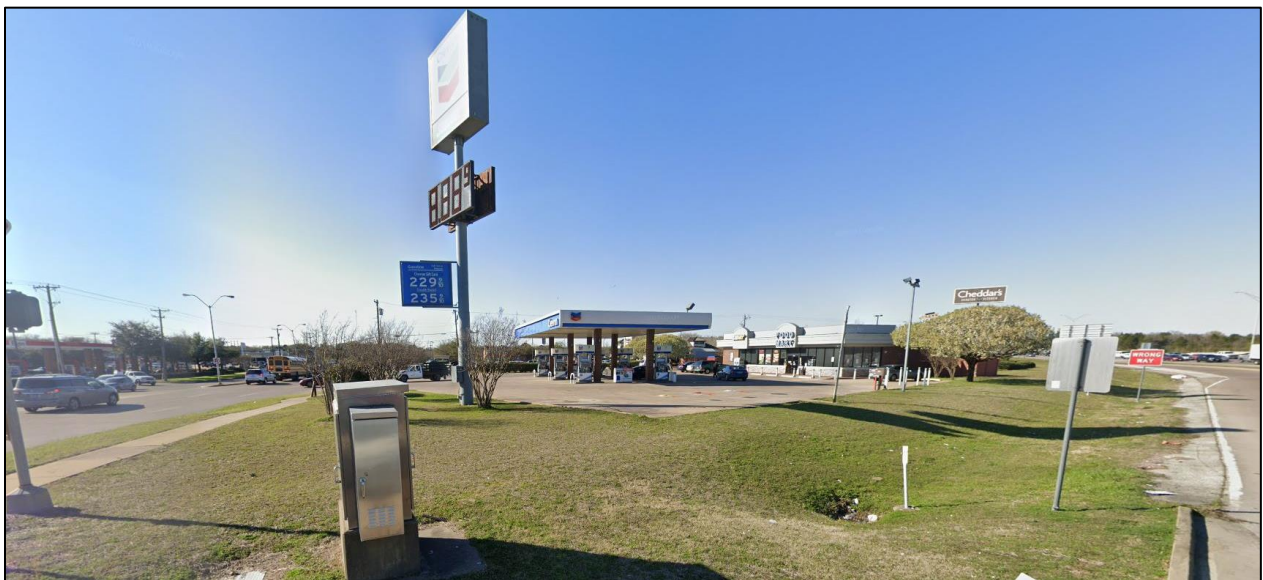


Subject property facing southwest from I-635 Frontage Road

ATTACHMENT 8 – SITE PHOTOS



Subject property facing north from Gross Road



Subject property facing northwest from I-635 Frontage Road