



**PLANNING AND ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
Mesquite, Texas
September 23, 2024 - 7:00 P.M.**

AGENDA

The Commission reserves the right to adjourn into a closed meeting at any time during the course of this meeting to discuss any of the matters posted on this Agenda, when such closed session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney).

CALL TO ORDER

1. ROLL CALL.

PUBLIC COMMENTS

2. Any individual desiring to address the Planning and Zoning Commission regarding any item on the AGENDA (excluding public hearing items) or any matter not listed on the Agenda shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Planning and Zoning Commission or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a request from any Planning and Zoning Commission attending member or by request of any other individual in attendance.

3. MINUTES.

Consider approval of the minutes for September 9, 2024, Planning and Zoning Commission.

PUBLIC HEARINGS

The City Council may approve a different zoning district than the one requested, except that the different district will not: (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to solely nonresidential uses when the request is for solely residential uses or vice versa.

4. ZONING APPLICATION Z1123-0338.

Conduct a public hearing and consider approval of Zoning Application No. Z1123-0338 submitted by Jason Shaw, Serenity Senior Living II, LLC., for a comprehensive plan amendment to change the future land use designation from the Low Density Residential to Medium Density Residential and for a zoning change from Agricultural to Planned Development – Townhomes with modified development standards to allow an age-restricted townhome development with an assisted living facility located at 2795 Clay Mathis Road.

5. ZONING APPLICATION Z0724-0365.

Conduct a public hearing and consider approval of Zoning Application No. Z0724-0365 submitted by Jim Dewey of JDJR Engineers & Consultants, Inc., on behalf of 20100 LBJ FREEWAY, LLC., for a zoning change from Planned Development – Light Commercial Ordinance No. 2649 to Planned Development – Light Commercial with modified development standards to allow SIC Code 551 Motor Vehicle Dealers (New & Used) in addition to other uses allowed in the Light Commercial Zoning District located at 20100 and 20104 IH 635.

6. ZONING APPLICATION Z0824-0366.

Conduct a public hearing and consider approval of Zoning Application No. Z0824-0366 submitted by Bhadresh Trivedi, Dosti Mesquite, LLC., for a zoning change from Agricultural to Planned Development – Commercial to allow a flex office development with an outdoor storage yard in addition to other uses allowed in the Commercial Zoning District located at 5801 Shannon Road (southwest of Shannon Road and IH-20 service road).

7. ZONING APPLICATION Z0824-0368.

Conduct a public hearing and consider approval of Zoning Application No. Z0824-0368 submitted by Jonathan Kerby, Kimley-Horn and Associates, Inc., on behalf of NADG 10 Heartland LP and Candr LLC., for a zoning change from Agricultural and Planned Development – General Retail Ordinance No. 5048 to Planned Development – General Retail with modified development standards to allow a grocery store, fuel station, car wash, and other uses permitted in the General Retail Zoning District generally located south of IH-20 and west of FM 741 (0, 6611 and 6619 FM 741, Kaufman Tax Property ID Numbers 9680, 9686, 9687, and 182255).

DIRECTOR'S REPORT

8. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning related items at their meeting on September 16, 2024.

9. COMMISSIONER REAPPOINTMENT.

Discuss the reappointment process.

At the conclusion of business, the Chair shall adjourn the meeting.

The Commission reserves the right to adjourn into a closed meeting at any time during the course of this meeting to discuss any of the matters posted on this Agenda, when such closed session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney).

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub- capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub- capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code any member of the public wishing to address the Planning and Zoning Commission through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno de Texas, cualquier miembro del público que desea dirigirse a la Comisión a través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un

traductor.

CERTIFICATE

I, Garrett Langford, Manager of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached Agenda for the Planning and Zoning Commission meeting to be held on September 23, 2024, was posted on the bulletin boards at the Municipal Center and City Hall by September 20, 2024, before 5:00 p.m. and remained so posted until after the meeting. This notice was likewise posted on the City's website at www.cityofmesquite.com for a minimum of 72 hours prior to the meeting.



Garrett Langford, AICP
Manager of Planning and Zoning

MINUTES**SEPTEMBER 9, 2024****PLANNING & ZONING COMMISSION
CITY OF MESQUITE, TEXAS****City Hall
City Council Chambers
757 North Galloway Avenue
Mesquite, Texas****REGULAR MEETING****ATTENDANCE: COMMISSIONERS (REGULAR MEMBERS AND ALTERNATES)**

| POSITION NO. | REGULAR MEMBER NAME | ATTENDANCE |
|----------------------|----------------------------|--|
| Position No. 1 | Nellapalli Dharmarajan | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 2 | Millie Arnold | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 3 | Roger Melend | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 4 | Ronnie Chenault | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 5 | Rick Cumby | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 6 | Jeffrey Walker | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| Position No. 7 | Soira Teferi | <input checked="" type="checkbox"/> Present In-Person <input type="checkbox"/> Absent |
| ALTERNATE NO. | ALTERNATE NAME | ATTENDANCE |
| Alternate No. 1 | Wana Alwalee | <input type="checkbox"/> Present In-Person <input checked="" type="checkbox"/> Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes) |
| Alternate No. 2 | Vacant | <input type="checkbox"/> Present In-Person <input type="checkbox"/> Absent (* Attendance Required: <input type="checkbox"/> No <input type="checkbox"/> Yes) |

ATTENDANCE: STAFF

| | | | |
|------------------|---|---|--|
| Garrett Langford | Manager of Planning & Zoning | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| John Cervantes | Planner | <input type="checkbox"/> Present In-Person | <input checked="" type="checkbox"/> Absent |
| Jordan Gregory | Planner | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Ti'Ara Clark | Planner | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Millie Laird | Admin. Aide Planning & Development Services | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Karen Strand | Deputy City Attorney | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Kim Buttram | Director of Economic Development | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Cliff Keheley | City Manager | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |

CALL TO ORDER**1. ROLL CALL**

The meeting was called to order at 7:00 p.m. Admin. Aide Planning & Development Services Millie Laird took roll call and declared a quorum was present.

PUBLIC COMMENTS

2. Any individual desiring to address the Planning and Zoning Commission regarding any item on the AGENDA (excluding public hearing items) or any matter not listed on the Agenda shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

There were no comments.

CONSENT AGENDA**3. MINUTES.**

Consider approval of the minutes for July 22, 2024, Planning and Zoning Commission.

ACTION

Vice-Chair Arnold made a motion to approve as presented; Commissioner Chenault seconded; the motion carried 6-1 (Chairman Melend, Vice-Chair Arnold, Commissioners Chenault, Cumby, Walker, and Teferi all voted to approve; Commissioner Dharmarajan abstained due to absence from the July 22, 2024, meeting.)

PUBLIC HEARINGS**4. ZONING APPLICATION Z0624-0364.**

Conduct a public hearing and consider approval of Zoning Application No. Z0624-0364 submitted by Jackson Walker LLP on behalf of FRHP Lincolnshire LLC., for a comprehensive plan amendment to change the future land use designation from the Gus Thomasson Special Planning Area to Commercial and for a zoning change from Commercial and North Gus Thomasson Corridor (NGTC) to Planned Development – Commercial with modified development standards to allow an outdoor display lot selling recreational vehicles and trailers in addition to other uses permitted in the Commercial Zoning District located at 4201 Gus Thomasson Road, 2713 IH 30, 2749 IH 30, and 2779 IH 30.

PRESENTATION

Manager of Planning & Zoning Garrett Langford presented to the Commission.

DISCUSSION

There were discussions concerning the potential impact on the future development of the area, the parcel of land directly behind the planned project, the fencing along the service road and the future land use designation.

APPLICANT

Jonathan Vinson of Jackson Walker LLP presented to and answered questions from the Commission.

Following Mr. Vinson's presentation, Chairman Melend requested comments from the Director of Economic Development, Kim Buttram, on the potential future uses of the parcel of land directly behind the planned project. Ms. Buttram indicated that multifamily has been turned on the property and does not see a residential use going behind a dealership. It may appeal to a soft transitional, light industrial-type development that utilizes smaller trucks such as AllTrades.

PUBLIC HEARINGS

The Chair opened the public hearing. No one came to speak, and the public hearing was closed.

ACTION

Vice-Chair Arnold made a motion to approve as presented with the added stipulation that fencing along IH-30 and Gus Thomasson be limited to tubular metal fencing; Commissioner Cumby seconded; the motion with 6 approved (Chairman Melend, Vice-Chair Arnold, Commissioners Chenault, Cumby, Walker, and Teferi) and 1 opposed (Commissioner Dharmarajan).

5. ZONING APPLICATION Z0824-0367.

Conduct a public hearing and consider approval of Zoning Application No. Z824-0367 submitted by City of Mesquite for a zoning change to amend Planned Development – Industrial Ordinance No. 4785 to allow additional manufacturing and industrial uses in addition to other uses allowed in the Industrial Zoning District with modifications located at Trinity Pointe Industrial Park (284 acres generally located south of IH-20, southwest of FM 2932, and northwest of Griffin Lane) - 12955 FM 2932, 12905 FM 2932, 12995 FM 2932, 12935 FM 2932, and 12875 FM 2932.

PRESENTATION

Manager of Planning & Zoning Garrett Langford presented to the Commission.

DISCUSSION

There was a discussion concerning the potential environmental impact on adjacent residential areas and the ability to attract retail/small businesses into the area.

PUBLIC HEARINGS

The Chair opened the public hearing. Kim Buttram, Director of Economic Development, addressed the Commission concerning the economic impact associated with the proposed zoning change.

ACTION

Chairman Melend made a motion to approve as presented; Commissioner Walker seconded; the motion carried with 4 approved (Chairman Melend, Commissioners Cumby, Walker, and Dharmarajan) and 3 opposed (Vice-Chair Arnold, Commissioners Chenault, and Teferi).

DIRECTOR'S REPORT

6. Director's Report on recent City Council action taken on zoning related items at their meetings on August 5, 19 and September 3, 2024.

Manager of Planning & Zoning Garrett Langford discussed the following:

1. Zoning Application No. Z0324-0354, submitted by Naresh Patel, for a Comprehensive Plan amendment from Office to Light Industrial and a change of zoning from Planned Development - Light Commercial (Ordinance No. 2124) to Planned Development - Industrial to allow a flex office and warehouse development, located at 1202 Interstate Highway 30. **Approved on August 5th, 2024, by Ordinance 5119.**
2. Zoning Text Amendment No. 2024-04 (postponed from August 5th to August 19th), revising Appendix C – Zoning Ordinance, Parts 3 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for drone delivery services. **Approved on August 19th, 2024, by Ordinance 5130**
3. Zoning Text Amendment No. 2024-03 (postponed to a date uncertain), revising Appendix C – Zoning Ordinance, Parts 2, 3 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for accessory electric vehicle charging stations. **Postponed at August 5, City Council meeting without a date certain.**
4. Zoning Text Amendment No. 2024-01, revising Appendix C – Zoning Ordinance, Parts 2 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for residential care facilities. **Approved on August 5th, 2024, by Ordinance 5121.**

Chairman Melend adjourned the meeting at 8:46 PM.

Chairman Roger Melend



PLANNING AND ZONING DIVISION

FILE NUMBER: Z1123-0338
REQUEST FOR: Planned Development - Townhome & Comprehensive Plan Amendment
CASE MANAGER: Jordan Gregory

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 23, 2024
City Council: Monday, October 21, 2024

GENERAL INFORMATION

Applicant: Jason Shaw
Requested Action: Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential and a zoning change from AG – Agriculture to Planned Development – Townhomes to allow an age-restricted townhome development including 34 townhomes and an assisted living facility.
Location: 2795 Clay Mathis Road

SITE BACKGROUND

Platting: Not Platted
Size: 4.2940 Acres
Land Use: Vacant
Zoning: AG – Agriculture
Future Land Use: Low Density Residential
Zoning History: 1974: Annexed and zoned Agriculture

Surrounding Zoning and Land Uses (See Attachment 2):

| | <u>ZONING</u> | <u>LAND USE</u> |
|---------------|--|----------------------------|
| NORTH: | R-PD - Residential Planned Development (Ord. 2070) | Single Family Homes |
| SOUTH: | AG – Agricultural | Cornerstone Baptist Church |
| EAST: | R-PD - Residential Planned Development (Ord. 2070) | Single Family Homes |
| WEST: | AG – Agricultural | Single Family Home, Vacant |

CASE SUMMARY

The applicant is requesting a rezoning of the subject property from AG – Agricultural to Planned Development – Townhomes. A maximum of 34 townhome units are proposed, with a gross density of 7.9 dwelling units per acre. The 34 units will be provided in two duplex structures, six triplex structures, and three quadplex structures. The lot areas for each townhome will range from approximately 2,600 – 3,800 square feet, with an anticipated living area of 1,400 square feet. The subdivision is proposed to have no alleys and all townhomes will include a front entry one-car garage with a shared driveway between each unit. An additional 17 off-street visitor parking spaces are proposed in the commercial parking area for the assisted living facility.

The PD includes an additional permitted use for Lot 31: SIC Code 805 – Nursing and Personal Care Facilities. As part of the 55 and up age requirement, the development will also include an on-site assisted living facility, which will have a maximum of 48 beds.

Open space is proposed in two locations on the southwest portion of the parcel, near the cul-de-sac. The open space proposed on the Concept Plan (Attachment 8) equates to approximately 6% (5,556.7 square feet/2.06 acres) of the site. This is calculated using parcels on the site that do not have residential dwelling units. The PD does not stipulate any additional amenities to be included in the development.

Fencing will be provided throughout the development, including a 6-foot masonry wall along Clay Mathis Road, as well as a 6-foot wrought iron fence along the rear property line(s) of each of the townhome lots. An additional 6-foot wrought iron fence with a living screening will be constructed at the exterior of all open spaces/public areas that are adjacent to an external boundary.

As required by the Mesquite Zoning Ordinance (MZO), the PD restricts recreational vehicles, motorhomes, watercraft equipment, or other equipment greater than 6 feet in height when mounted on its transporting trailer to be parked or stored on any lot with a dwelling unit; and regardless of height, no such equipment shall be parked or stored on any street for longer than 24 hours.

A Homeowner's Association is required and will be responsible for the upkeep and maintenance of any common areas or community facilities.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the future land use of the subject property as Low Density Residential. The Low Density Residential land use designation represents a traditional single family detached neighborhood where each dwelling unit is located on an individual lot. This development type typically sees 3-5 units per acre, with supporting uses including parks, recreation facilities, schools, and neighborhood clubhouses.

STAFF COMMENTS:

The *Mesquite Comprehensive Plan* designates the future land use of the subject property as Low Density Residential, which does not align with a townhome development. In addition to the zoning request, the applicant has requested a Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential. Medium Density Residential represents single-family residential neighborhoods that have a density of 6-12 units per acre. Structure types may include single-family detached homes, townhomes, duplexes, and patio homes.

The proposed townhome development would have a gross density of 7.9 units per acre, which would align with the Medium Density Residential designation. It is Staff's opinion that the Comprehensive Plan Amendment will still allow the intent of the *Mesquite Comprehensive Plan* to be met by filling a gap in Mesquite's housing diversity. Additionally, the townhome development is proposed to provide screening and enhanced landscaping throughout.

MESQUITE ZONING ORDINANCE

SECTION 4-201(A) PROPOSED USES

"An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses, which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance."

STAFF COMMENTS:

The proposed PD is for a townhome development including 34 residential lots and an assisted living facility located on Lot 31.

SEC. 4-201(B) DEVELOPMENT REQUIREMENTS

"An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening, and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. The applicant or the City may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance."

STAFF COMMENTS:

As part of the PD request, the applicant is proposing deviations from the recommended City standards for townhomes. The tables below illustrate the requirements and specific deviations proposed by the applicant. Any regulations not listed in the PD must comply with applicable city ordinances.

Mesquite Zoning Ordinance and Proposed PD Comparison

| | Townhome Standards | Proposed PD Standards |
|-------------------------------|--|--|
| Min. Lot Size | 3,000 sq. ft. | 2,500 sq. ft. |
| Min. Lot Depth | 100 ft. | 100 ft. |
| Min. Lot Width | 25 ft. | 25 ft. |
| Min. Front Yard (front entry) | 20 ft. | 20 ft. |
| Min. Exterior Side Yard | 10 ft. | 10 ft. |
| Interior Side Yard | Per Fire Code | Per Fire Code |
| Min. Rear Yard (front entry) | 10 ft. | 10 ft. |
| Max. Height | 2 stories, but up to 35 ft. on interior lots | 2 stories, but up to 36 ft. on interior lots |
| Min. Living Area | 1,500 sq. ft. | 1,400 sq. ft. |
| Max. Density | 8 units per acre | 8 units per acre |
| Min. Building Separation | 26 ft. | 10 ft. |
| Max. # of Units per Building | 4 units | 4 units |
| Min. Open Space | 40% + 10,000 sq. ft. common space | ~6% with 5,556.67sq. ft. common space |
| Resident Parking | 2 covered off-street spaces per unit | 1 covered off-street space per unit |
| Visitor Parking | 1 space for every 2 units, in common areas | 1 space for every 2 units, in common areas (17 spots) |
| Recreational Facilities | None required, but encouraged. | None proposed. |
| Screening | 8-ft. long-span precast decorative wall at the perimeter | 6-ft. masonry wall along Clay Mathis Road. 6-ft. wrought iron fence along rear long lines of residential units + open space. |
| Homeowner's Association | Required | Required |

SEC. 4-201(C) CONCEPT PLAN

“An application for a PD District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features and to adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details.”

STAFF COMMENTS:

Attachment 8 includes the proposed Concept Plan, which illustrates the layout of the subdivision.

CONCLUSION

ANALYSIS

Staff has reviewed the proposed requirements in the PD. While the proposed standards in the PD differ from several typical City standards, it is Staff's opinion that the proposed PD will provide for a development with adequate infrastructure. Additionally, the Comprehensive Plan Amendment to Medium Density Residential will meet the intent of the Mesquite Comprehensive Plan as it provides a development that fills a gap in Mesquite's housing diversity. It is Staff's opinion that the proposed subdivision at this location is an appropriate use and is compatible with the surrounding developments; however, slight changes should be made to the overall design.

RECOMMENDATIONS

Staff recommends approval of the Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential and the zoning change from AG – Agriculture to Planned Development – Townhomes, to allow a townhome development including 34 townhomes and an assisted living facility with Exhibits A (Legal Description), B (Development Standards), and C (Concept Plan), and the following conditions:

- A 6-foot masonry wall or living screen shall be erected between the assisted living facility and the adjacent townhome and single family home.
- The property lines through the shared driveways shall be clearly delineated with a median or landscape bed to separate the parking spaces between the dwelling units. This change must be shown on the approved site plan and does not require a concept plan amendment.
- Five parking spaces (approximately 1/3 of the required visitor spaces) shall be placed on the southwest portion of the parcel near the cul-de-sac. This change must be shown on the approved site plan and does not require a concept plan amendment.
- The 17 off-street visitor parking spaces shall be constructed before the final inspection of any townhome constructed after 50% of the dwelling units have been completed.
- The percentage of open space provided after development shall not be less than what is listed on the concept plan.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property and mailed with a courtesy notice for properties within 400 feet. As of September 17, 2024, Staff has received one returned notice in opposition to the request.

CODE CHECK

The site has no open code cases.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map

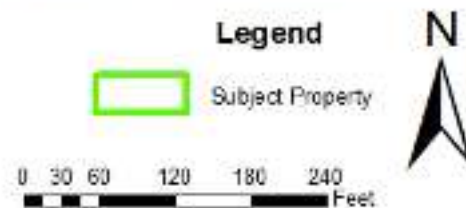
File No.: Z1123-0338
Zoning Change

5. Site Photos
6. Legal Description (Exhibit A)
7. Planned Development Standards (Exhibit B)
8. Concept Plan (Exhibit C)
9. Application Materials
10. Returned Notices

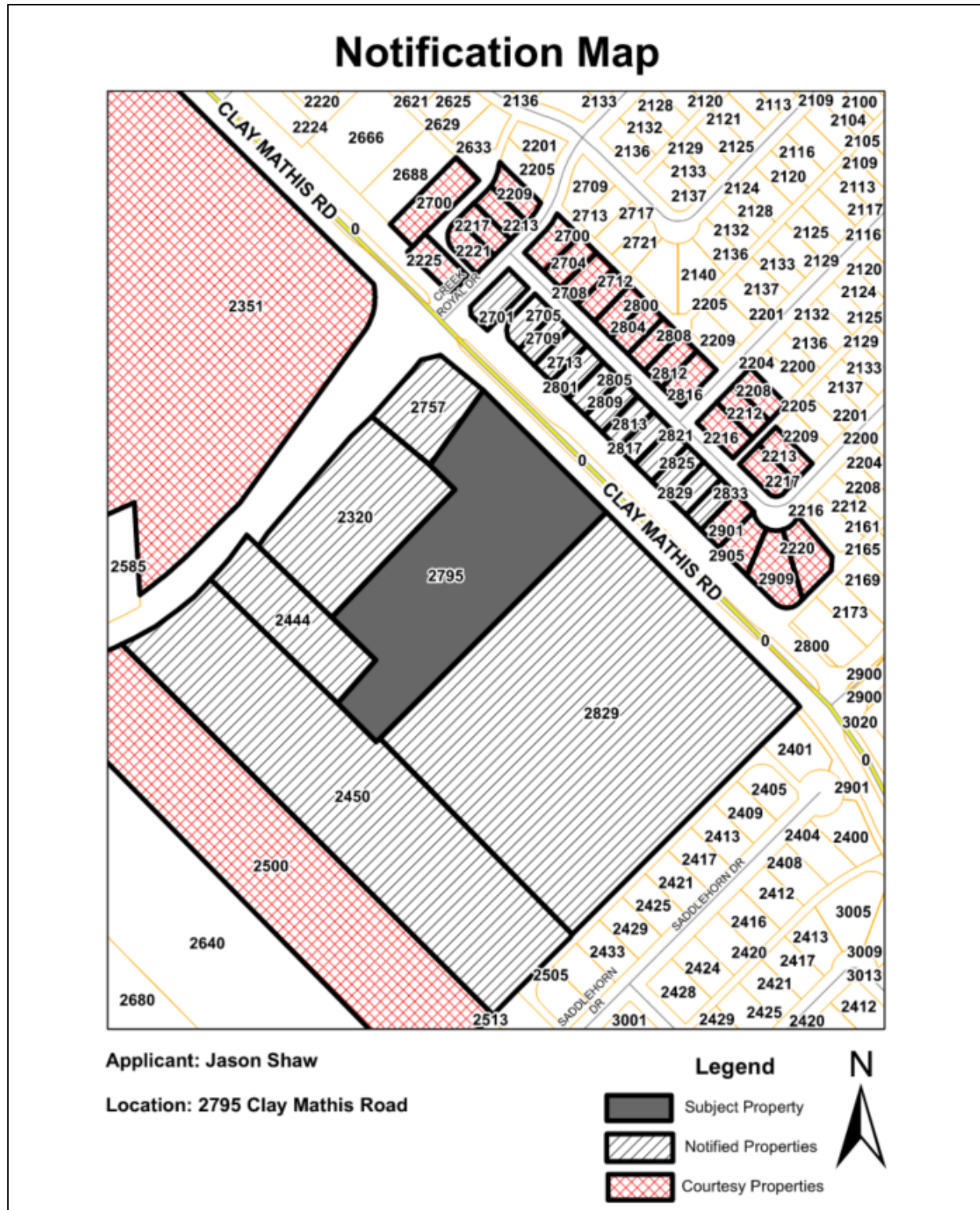
Aerial Map

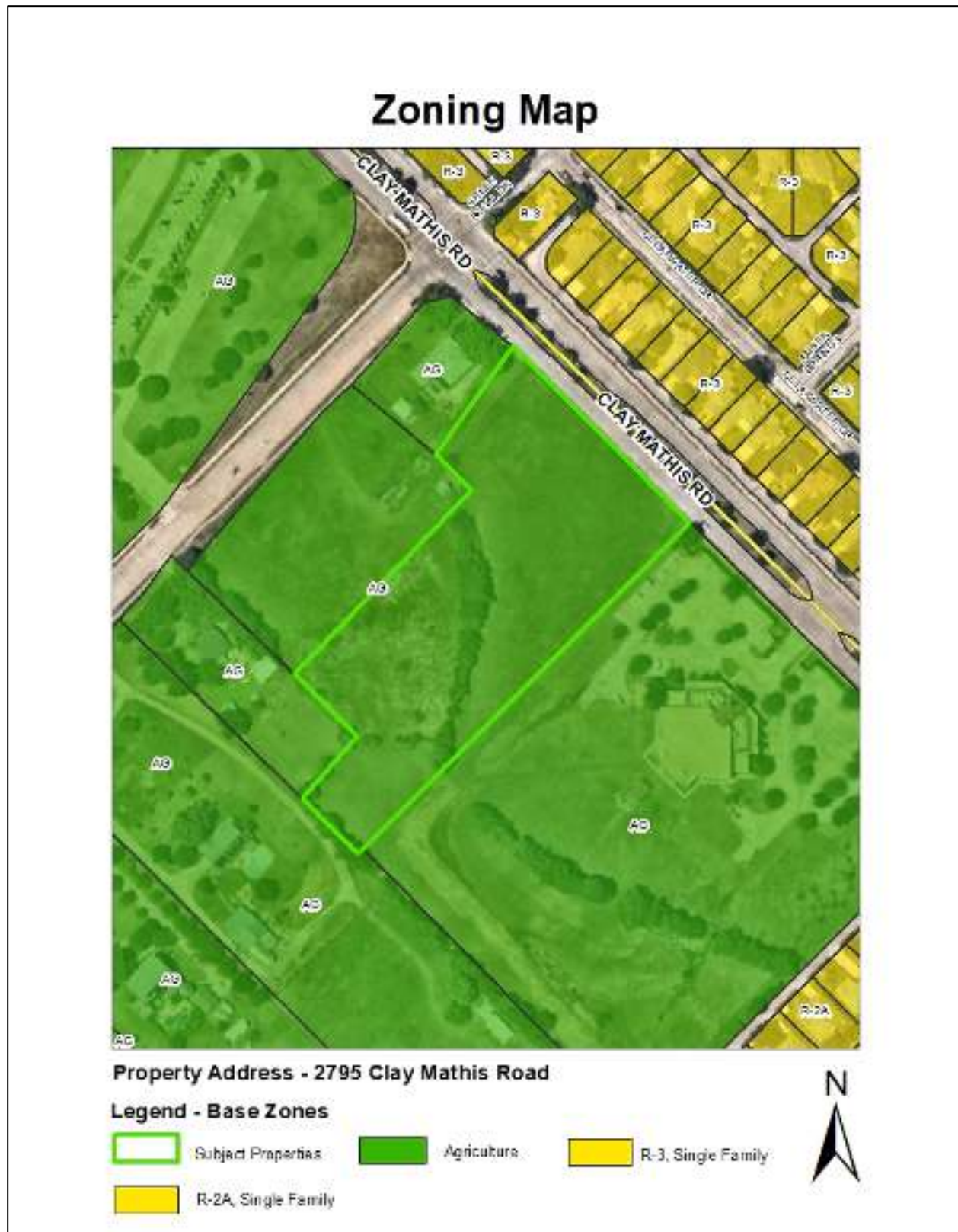


Applicant: Jason Shaw
Location: 2795 Clay Mathis Road



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





ATTACHMENT 4 – FUTURE LAND USE MAP



ATTACHMENT 5 – SITE PHOTOS



Subject property from Clay Mathis Road, facing southwest



Subject property from Clay Mathis Road, facing south

ATTACHMENT 5 – SITE PHOTOS



Subject property from the rear portion of the adjacent Church property, facing northeast



Subject property from Edwards Church Road, facing southeast



ATTACHMENT 7 – DEVELOPMENT STANDARDS (EXHIBIT B)

Exhibit "B"
21123-0339

Planned Development Standards

This Planned Development Townhome (PD TH) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts the Townhome zoning district as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD TH district. Where these regulations conflict with or overlap another ordinance, this PD ordinance will control.

General:

1. Development shall be in general conformance with the following exhibits:
 - a. Concept Plan as shown on Exhibit C;
2. Changes may be made to the concept plan during the formal site plan process per the Engineering Design Manual and International Fire Code requirements.
3. All uses permitted in the Townhome District are allowed on the Property except as modified in Subsections "a" of this paragraph. The uses permitted in the Townhome District are subject to the same requirements applicable to the uses in the Townhome District, as set out in the Mesquite Zoning Ordinance.
 - a. The following use is permitted by right on Lot 11:
 - i. SIC 930 – Nursing & Personal Care Facilities
4. Development on Lot 11 shall conform with the landscaping requirements found in the Mesquite Zoning Ordinance 1A-200.
5. Before issuance of building permits for a project containing and common areas or community facilities, it shall be necessary to assure the city that provisions have been made for adequate upkeep and maintenance of such area and facilities through the creation of a homeowners or maintenance association established to maintain and manage all such common areas and community facilities. Documents creating such association shall grant the City the right to collect maintenance fees and provide maintenance in the event that the association fails to do so.
6. The development shall have an ownership age restriction of 55 and older for all residential units. This restriction shall be implemented and governed by the HOA.
7. All common areas and community facilities noted in the concept plan shall be maintained by the HOA.
8. All green space/amenity areas noted in the concept plan on lots 1A and 1B shall be constructed prior to the issuance of building permits.
9. An entry fee/sign/amenity sign shall be erected and maintained along Clay Mathis Road.
10. The required one-car enclosed garage may not be converted into living space.
11. No recreation vehicle, motorhome, watercraft, or other equipment greater than six (6) feet in height, when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than twenty-four (24) hours.

ATTACHMENT 7 – DEVELOPMENT STANDARDS (EXHIBIT B)

Exhibit "B"
Z1123-0338

Lots and Homes:

1. Development Standards:

| | |
|--------------------------------------|---|
| Minimum Lot Area | 2,500 sq. ft. |
| Minimum Lot Depth | 100 ft. |
| Minimum Lot Width | 25 ft. |
| Minimum Front Yard Setback | 20 ft. |
| Minimum Exterior Side Yard Setback | 10 ft. |
| Minimum Interior Side Yard | Per Fire Code |
| Minimum Rear Yard | 10 ft. |
| Maximum Density | 2 stories, but up to 36 ft. on interior lots |
| Minimum Living Area | 1,400 sq. ft. |
| Maximum Height | 8 units per acre |
| Maximum Separation Between Buildings | 10 ft. |
| Maximum Number of Units per Building | 4 units |
| Minimum Open Space | 7.6% with 5,556.67 sq. ft. common space |
| Resident Parking Requirement | 1 covered off street space per unit |
| Visitor Parking Requirement | 1 space for every 2 units, in common areas (17 spots) |

2. Anti-Monotony:

- The developer will limit any one elevation design to be duplicated on a lot for a maximum of five times within the development. In addition, an elevation will not be permitted to be duplicated within two lots from one another.

Amenities:

1. Landscaping:

- All lots with dwelling units, and each five hundred (500) square feet of open space, including rights-of-way, shall be landscaped with turf grass, irrigated, and planted with trees in accordance with 14-209(a). Not less than twenty (20) percent of the required open space and pervious of each lot with a dwelling unit shall be improved with landscape beds.
- The developer shall provide a minimum of 1 tree per individual lot from the approved list of tree species in section 14-503.

2. Screening:

- A 6-foot masonry wall shall be provided and maintained along Clay Mathis Road.
- A 6-foot wrought iron fence shall be provided and maintained along the rear property line of all townhome lots, which are adjacent to the external boundary of the subdivision.
- A 6-foot wrought iron fence and living screen shall be provided and maintained at the exterior of all open space/public areas that are adjacent to an external property line.
- No screening or fencing shall be erected which obstruct vehicle visibility.



Consent Form

Project Name: Cornerstone Oaks Submittal Date: 11/20/23

Application Type (check all that apply)

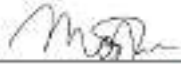
- | | | |
|---|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Residential Replat |
| <input checked="" type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Regulating Plan | <input type="checkbox"/> Short Form Final Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Special Exception |

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. I hereby give CONSENT to Jason Shaw, Eminence Realty Developers (type, stamp or print clearly full name of agent/representative) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the City of Mesquite, Texas, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent/representative will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit. I acknowledge that additional information may be required to process this application. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

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.

Current Property Owner Information

Name: Serenity Senior Living I, LLC Signature: 

Address: 1025 Cavern Dr. City, State, ZIP: Mesquite, Tx 75150

Agent/Representative Information

Name: Jason Shaw

Address: 3349 Interstate 30 City, State, ZIP: Mesquite, Tx 75150

ATTACHMENT 9 – APPLICATION MATERIALS



City of Mesquite and Comprehensive Plan Alignment

Located within the city of Mesquite directly on Clay March Rd, the neighborhood is easily accessible and will provide its homeowners with easy access to several local comforts such as:

Grocery Stores: Kroger (1919 Pathon P. Lucas Blvd.) - 5 minutes

Local Major thoroughfares - US Highway 89 - 10 minutes

Interstate Highway 635 - 12 minutes

The City of Mesquite's current comprehensive plan (Adopted in 2013 - section 1-6) states the 5th goal within its strategic framework plan is to provide a "community of quality neighborhoods." Cornerstone Oaks seeks to satisfy several of the objectives of this goal through its development. For example, the community will provide a shared open space which is in line with the city objective to provide "convenient and easy access to parks, trails, and amenities." Cornerstone Oaks also seeks to meet the city's objective to promote a "reputation as a family friendly community" by its community design elements that allow for easy social interaction among its homeowners.

Cornerstone Oaks - Community Design Proposal (11-11-2023) - 3 of 7



Cornerstone Oaks | 2829 Clay Mathis Rd.

Statement of Intent

Cornerstone Oaks is envisioned to be a unique active adult community where vibrant living meets the tranquility of age. A collection of classic style residences for the Mesquite community, Cornerstone Oaks desires to be a premier 55+ neighborhood dedicated to fostering a close-knit environment for active adults, providing a haven of comfort, social engagement, and tailored amenities. Created with traditional design elements such as large open windows, open porches, and modern finishes, each home is designed to have a unique style of its' own. The community vision is to create a unique neighborhood while embracing time trusted design principles.



Cornerstone Oaks

Community Layout & Design Features



Cornerstone Oaks – Community Design Proposal (11-11-2023)– 5 of 7

Community Intent and Purpose

Cornerstone Oaks is envisioned to be a unique active adult community where vibrant living meets the tranquility of age. A collection of classic style residences for the Mesquite community, Cornerstone Oaks desires to be a premier 55+ neighborhood dedicated to fostering a close-knit environment for active adults, providing a haven of comfort, social engagement, and tailored amenities. Created with traditional design elements such as large open windows, open porches, and modern finishes, each home is designed to have a unique style of its own. The community vision is to create a unique neighborhood while embracing time trusted design principles. These include amongst others a central street/cul de sac with a common entry point creating a shared network for all homeowners for a fostered sense of community, a shared community pocket park/open space element which will be easily accessible to every home in the neighborhood, buildings in the neighborhood being placed relatively close to the street to promote social interaction between home owners, open faced covered front porches which create well-defined outdoor spaces to promote healthy resident interaction, and having immediate access to neighborhood shops and amenities.



MESQUITE
T E X A S
Real Texas Service.

**CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

LOCATION: 2795 Clay Mathis Road
(See attached map for reference)

FILE NUMBER: Z1123-0338

APPLICANT: Jason Shaw

REQUEST: From: "AG" – Agricultural
To: "PD-TH" – Planned Development – Townhomes

Conduct a public hearing and consider a zoning change from AG – Agricultural to Planned Development – Townhomes to allow an age restricted townhome development with an assisted living facility at 2795 Clay Mathis Road. Additional information about the request is available online at www.cityofmesquite.com/zoningcases. 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
Approximately +/- 4.2940-acre tract in JP Anderson Abstract 1 PG 025

PUBLIC HEARINGS
The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, September 23, 2024, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, October 21, 2024, located at 757 N. Galloway Ave.

Questions may be directed to the Planning Division at (972) 329-8543 or jgregory@cityofmesquite.com.

REPLY FORM
State law requires that cities notify all property owners within 200 feet of any proposed zoning change. As a property owner within the notice area, you are invited to provide comments on the request by attending the public hearing or by completing the form below or both. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5 p.m. on September 18th, 2024, to be included in the Planning and Zoning Commission packet and by September 27th, 2024, 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: Z1123-0338 | Name (required): <u>LILIAN DONG</u> |
| I am in <u>favor</u> of this request | Address of <u>2811 Clearwater dr</u> |
| I am <u>opposed</u> to this request | Noted Property <u>178</u> |
| | Owner Signature: <u>[Signature]</u> Date: <u>9.16.2024</u> |

Reasons (optional): too many people, over crowded
more traffic & noise to community

Please respond by returning to: **PLANNING DIVISION
JORDAN GREGORY
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137**



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0724-0365
REQUEST FOR: Rezone to Planned Development – Light Commercial to allow a vehicle dealership (new and used) and an automotive repair shop
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 23, 2024
City Council: Monday, October 21, 2024

GENERAL INFORMATION

Applicant: Jim Dewey of JDJR Engineers & Consultants, Inc..
Requested Action: Zoning change from Planned Development, Light Commercial (Ord. 2649) to Planned Development, Light Commercial with modified development standards to allow SIC Code 551 & 552 Motor Vehicle Dealers (New & Used) and SIC Code 753 – Automotive Repair Shop
Location: 20100 & 20104 LBJ Freeway

SITE BACKGROUND

Platting: Not platted
Size: 6.06 Acres/ 263,956 square feet
Zoning: Planned Development - Light Commercial (Ord. 2649)
Land Use: Commercial
Zoning History: 1951: Partially annexed and zoned R-3, Single Family Residential
1954: Partially annexed and zoned R-3, Single Family Residential
1973: Rezoned to PD-Light Commercial (Ord. 2649)

Surrounding Zoning and Land Uses (see attachment 3):

| | <u>ZONING</u> | <u>LAND USE</u> |
|---------------|----------------------------------|-------------------------|
| NORTH: | PD - C, Commercial | Warehouses |
| SOUTH: | GR - General Retail | Vacant |
| EAST: | R-3, Single Family Residential | Low Density Residential |
| WEST: | Lyndon B Johnson Freeway/ IH 635 | Right of Way |

CASE SUMMARY

The applicant is requesting a zoning change to allow a new and used vehicle dealership with outdoor display and automotive repair services. The proposed use will be located within a one-story building, approximately 40,810 square feet in size. The building will have office space and associated vehicle service and repair. Access to the site will be provided from the service road and there are no plans to construct driveway access from the neighboring residential streets. The proposed use will also meet the parking requirements in the Mesquite Zoning Ordinance ("MZO"). Section 3-203 Schedule of Permitted Uses of the MZO identifies "Motor Vehicle Dealers (New and Used)" to require a Conditional Use Permit (CUP) within the Light Commercial and Commercial zoning districts. Instead of requesting a CUP, the applicant proposes allowing the use by right utilizing a Planned Development (PD) to modify development standards to require a landscape buffer and alter the permitted uses.

MESQUITE COMPREHENSIVE PLAN

The Mesquite Comprehensive Plan designates the subject property as Commercial. The Commercial future land use designation represents a broad range of goods and services and includes larger and more intense developments than neighborhood retail. Generally, uses such as hotels, restaurants, big box retailers, and personal services are encouraged. In some situations, office space may be appropriate. Commercial activity should be located on major arterials or highways buffered from low-density residential.

STAFF COMMENTS:

A new and used vehicle sales is consistent with the Mesquite Comprehensive Plan designation as Commercial. The proposed use would be along a major highway, Interstate 635, and serve as a regional retailer for automobile sales.

MESQUITE ZONING ORDINANCE

SECTION 4-201(A) PROPOSED USES

"An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses, which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance."

STAFF COMMENTS:

The proposed PD will incorporate the Light Commercial zoning district as its base zone with all applicable regulations and uses, as amended, from the Mesquite Zoning Ordinance. The PD proposes to allow SIC Code 551 & 552 Motor Vehicle Dealers (New & Used) and SIC Code 753 – Automotive Repair Shop in the PD by right, whereas they are not normally allowed at all in the LC, Light Commercial district. In addition, stipulations exist within the development standards that protect against the outdoor storage of disassembled vehicles and parts. There is also a requirement that outdoor inventory of used vehicles is limited to no more than 50% of

the total inventory. Minor, major, and collision repair services are prevented from operating without a valid Certificate of Occupancy in conjunction with a vehicle dealership on the property. Lastly, a number of uses are prohibited on the property, such as convenience stores, gift novelty, souvenir shops, tobacco stores, alternative financial institutions, and coin-operated laundries.

SEC. 4-201(B) DEVELOPMENT REQUIREMENTS

“An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. The applicant or the city may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance.”

STAFF COMMENTS:

Provided as Exhibit B (attachment 8), the proposed PD includes one change to the development requirements. Landscaping will be enhanced to ensure a 10-foot wide landscape buffer with large canopy trees planted 30 feet on-center between the proposed development and the existing neighboring residential properties along the northeast property line. All other requirements will be met.

SEC. 4-201(C) CONCEPT PLAN

“An application for a PD District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features and to adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details.”

STAFF COMMENTS:

The proposed PD requires that the sale and repair of vehicles shall be consistent with Exhibit C (attachment 8). Modifications to the concept plan may occur to comply with Building Codes and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards. Modifications can include building and driveway placement.

CONCLUSIONS

ANALYSIS

The proposed Planned Development to allow a new and used vehicle dealership with automotive repair services is not anticipated to harm the area. Access to the site will be limited to the frontage road to limit the disturbance of commercial activity on neighboring property

owners. A landscape buffer, a photometric plan, and a screening wall will be required to appropriately protect the residential district from dealership activities.

RECOMMENDATIONS

Staff recommends approval of the zoning change to Planned Development – Light Commercial to allow a new and used vehicle dealership with outdoor display and auto repair services with Exhibits A (Legal Description), B (Development Standards), and C (Concept Plan), located at 20100 and 20104 LBJ Fwy (as described in Exhibit A).

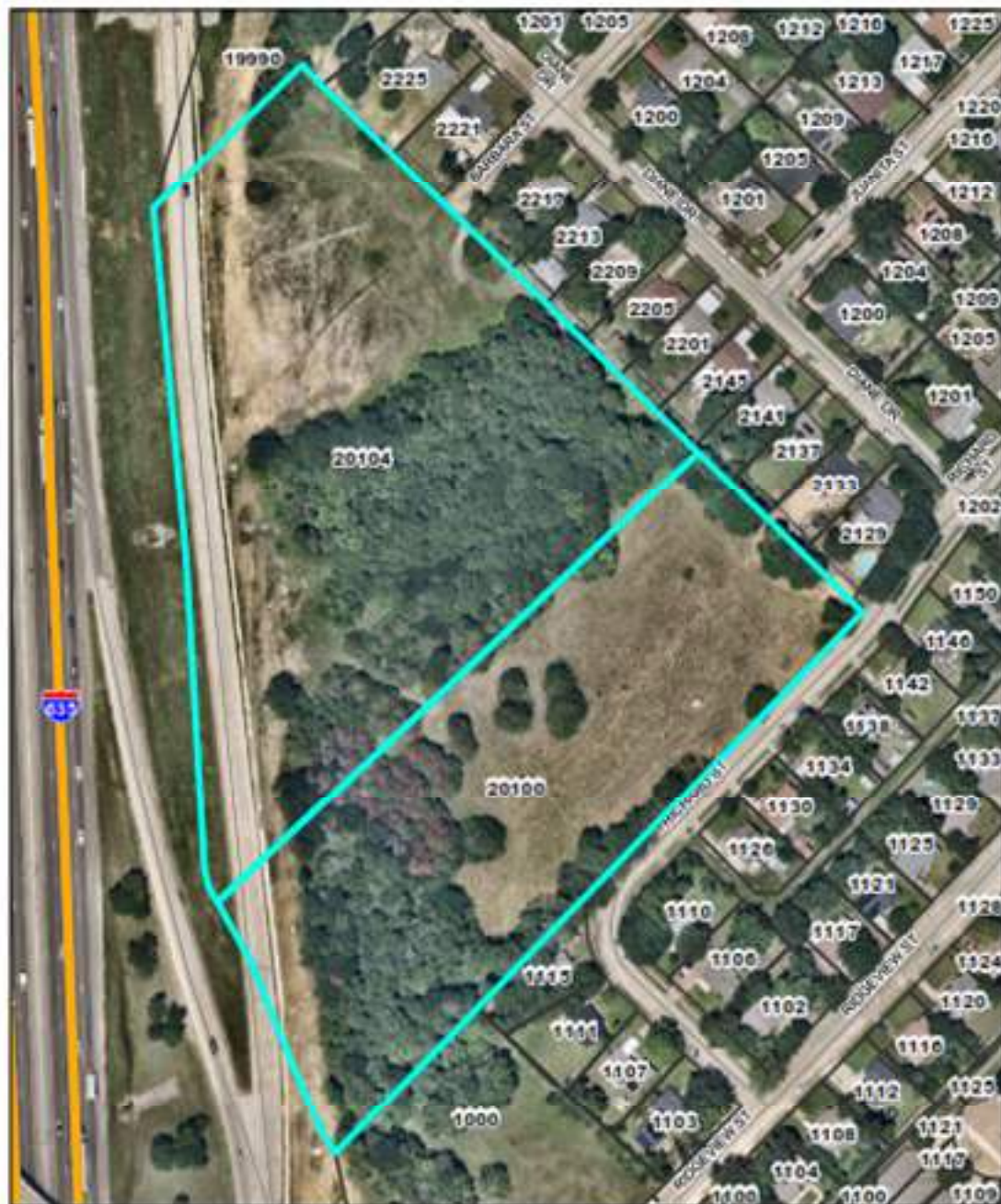
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property and mailed with a courtesy notice for properties within 400 feet. As of September 20, 2024, Staff has received four notices in opposition and one in favor.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Legal Description (Exhibit A)
8. Development Standards (Exhibit B)
9. Concept Plan (Exhibit C)
10. Returned Notice(s)

Aerial Map



Location: 20100 and 20104 LBJ Fwy

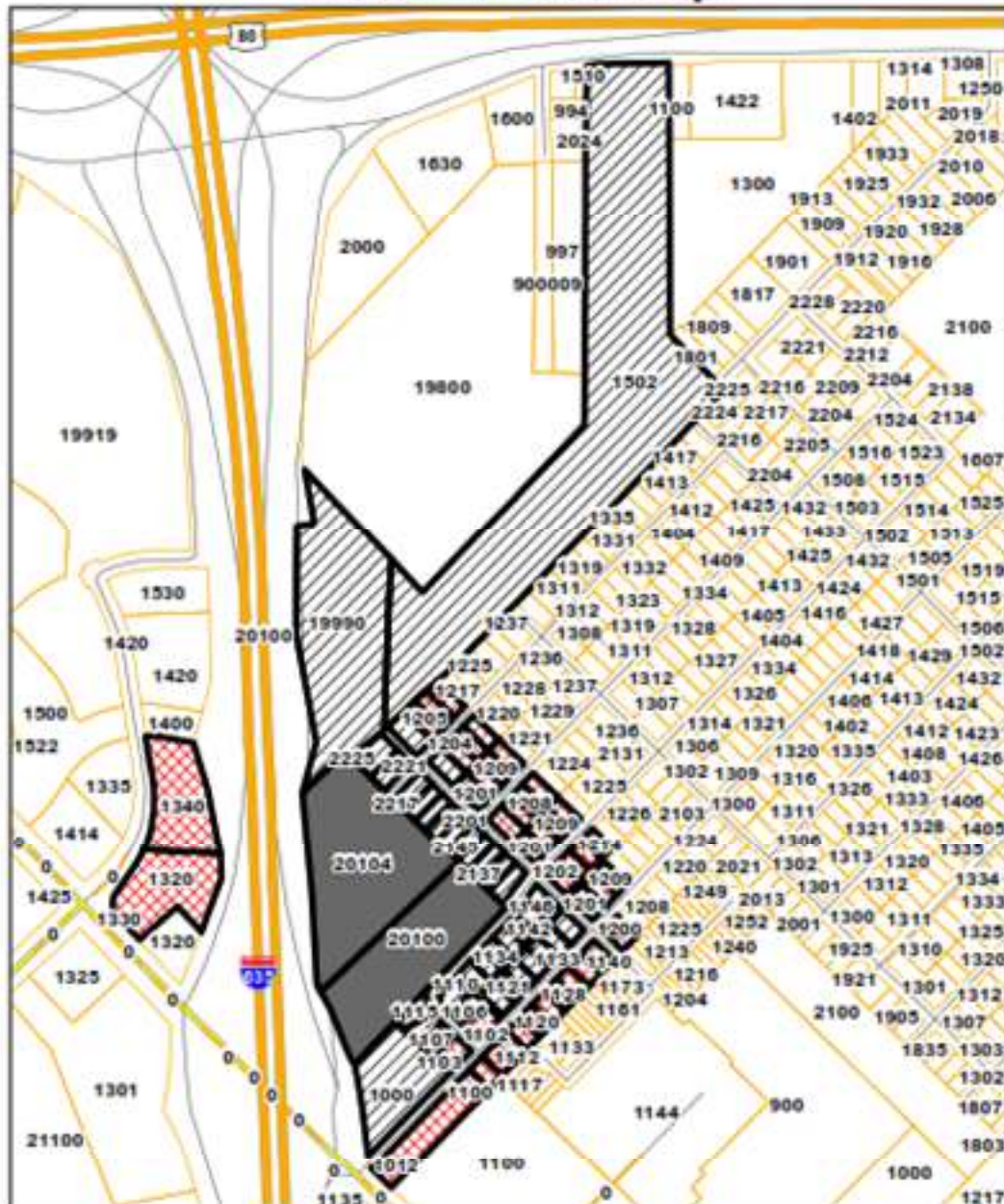
Legend



Subject Property



Notification Map



Applicant: Jim Dewey of JDJR Engineers & Consultants, LLC
Location: 20100 and 20104 LBJ Fwy



Legend



Subject Property



Notified Properties









Courtesy Notice Properties

Zoning Map



Property Address - 20100 and 20104 LBJ Fwy

Legend - Base Zones

| | | | | | |
|---|--------------------|---|----------------|--|----------------|
|  | Subject Properties |  | Commercial |  | SF Residential |
|  | Light Commercial |  | General Retail |  | Duplex |





ATTACHMENT 5 – SITE PHOTOS



Subject property facing southeast, from IH-635 Frontage Road.



Subject property facing northeast, from IH-635 Frontage Road.

ATTACHMENT 5 – SITE PHOTOS



Subject property facing northeast, from IH-635 Frontage Road.



Subject property facing northwest, from Richard Street.

Project Intent and Purpose Description

Proposed zoning: PD(LC) with new and used automobile dealership with minor & major auto repair services as an allowable use.

The proposed use: New and used automobile dealership with minor & major auto repair services.

The proposed use is in accordance to the future land use in the Mesquite Comprehensive Plan.

Existing Use: Vacant

Existing Zoning: LC

ATTACHMENT 6 – APPLICATION MATERIALS

OWNER AUTHORIZATION

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 City of Mesquite Planned Development Application.

Property Owner: 20100 LBJ FREEWAY LLC Phone Number: (214) 597-8697
Address: 1251 E Airport Freeway
Irving, Texas 75062-4804 Email Address: chase@comeseeclay.com
Signature: *Chase Cooley*

Each property owner must complete a separate authorization form

ATTACHMENT 7 – LEGAL DESCRIPTION (EXHIBIT A)

EXHIBIT "A" - LEGAL DESCRIPTION

BEING ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND SITUATED IN THE DANIEL TURNER SURVEY, ABSTRACT NUMBER 1462, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO 20100 LBJ FREEWAY LLC AS RECORDED UNDER INSTRUMENT NUMBER 202200310576, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AND BEING A PART OF THAT TRACT OF LAND DESCRIBED IN DEED TO 20100 LBJ FREEWAY LLC AS RECORDED UNDER INSTRUMENT NUMBER 202200310577, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW (BEARINGS ARE BASED ON STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (NAD '83)):

BEGINNING AT A 1/4" IRON ROD FOUND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED BY DEED TO 20100 LBJ FREEWAY LLC AS RECORDED UNDER INSTRUMENT NUMBER 202200310576 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, SAID POINT ALSO BEING IN THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY);

THENCE NORTH 48° 31' 02" EAST AND FOLLOWING ALONG THE NORTH LINE OF AFORESAID 20100 LBJ FREEWAY LLC TRACT FOR A DISTANCE OF 120.88 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER, SAME POINT BEING THE WESTERNMOST CORNER OF BLOCK 69 OF NORTHRIDGE ESTATES NO. 5, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED UNDER VOLUME 28, PAGE 197, MAP RECORDS, DALLAS COUNTY, TEXAS OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS;

THENCE SOUTH 45° 46' 34" EAST AND FOLLOWING ALONG THE SOUTHWEST LINE OF SAID NORTHRIDGE ESTATES NO. 5 AND WITH THE NORTHEAST LINES OF THE ABOVE MENTIONED 20100 LBJ FREEWAY LLC TRACTS FOR A DISTANCE OF 680.73 FEET A 1/4" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 44° 13' 26" WEST DEPARTING THE SAID SOUTHWEST LINE OF SAID NORTHRIDGE ESTATES NO. 5 FOR A DISTANCE OF 337.59 FEET TO A 1/2" IRON ROD SET FOR CORNER;

THENCE SOUTH 83° 32' 56" WEST FOR A DISTANCE OF 302.71 FEET TO A 1/4" IRON FOUND FOR CORNER IN THE EAST RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY);

THENCE NORTH 06° 27' 04" WEST ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 85.96 FEET TO A POINT FOR CORNER;

THENCE NORTH 00° 06' 00" WEST CONTINUING ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 125.77 FEET TO A POINT FOR CORNER;

THENCE NORTH 06° 27' 44" WEST CONTINUING ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 50.00 FEET TO A POINT FOR CORNER;

ATTACHMENT 7 – LEGAL DESCRIPTION (EXHIBIT A)

THENCE NORTH 10° 26' 43" WEST CONTINUING ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 174.54 FEET TO A POINT FOR CORNER;

THENCE NORTH 00° 38' 29" WEST CONTINUING ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 199.72 FEET TO A POINT FOR CORNER;

THENCE NORTH 10° 41' 08" EAST CONTINUING ALONG THE SAID EAST FOLLOWING THE SAID RIGHT-OF-WAY LINE OF OF INTERSTATE HIGHWAY NO. 635 (LYNDON B. JOHNSON FREEWAY) FOR A DISTANCE OF 39.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 263,956 SQUARE FEET OR 6.0596 ACRES OF LAND, MORE OR LESS.

ATTACHMENT 8 – DEVELOPMENT STANDARDS (EXHIBIT B)

EXHIBIT B for File No. Z0724-0365

PLANNED DEVELOPMENT STANDARDS

This Planned Development – Light Commercial (PD-LC) District must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts Light Commercial base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-LC district. Where these regulations conflict within this ordinance, the more stringent restriction will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the Light Commercial District classification (“LC”) as set out in the Mesquite Zoning Ordinance (MZO), and those permitted uses on the Property are subject to the same requirements as set out in the MZO.
 - a. The permitted uses requiring a conditional use permit (“CUP”) as set out in the Mesquite Zoning Ordinance (MZO), also require a CUP for the use to be permitted on the Property unless permitted in subsection 1.b below.
 - b. The following uses are permitted on the Property:
 - i. SIC Code 551 and 552 – Motor Vehicle Dealer (new & used) with outdoor display with the following stipulations:
 1. Used vehicles are only permitted in conjunction with new vehicle sales.
 2. Outdoor display of used inventory shall be limited to no more than 50% of the inventory on the Property.
 - ii. SIC Code 753 – Automotive Repair, including minor, major, and collision services are permitted with the following stipulations:
 1. No outdoor storage of inoperable vehicles with external or body damage shall be permitted.
 2. No outdoor storage of parts or disassembled vehicles.
 3. All repair, service, and assembly of vehicles shall be conducted in an enclosed structure.
 4. A minor, major, and collision repair services operation shall not operate without a new vehicle dealership operating with a valid Certificate of Occupancy on the Property.
2. **Prohibited Land Use.** The following uses are prohibited on the Property:

File No.: Z0724-0365
Zoning Change

- a. SIC Code 549a: Convenience Stores
 - b. SIC Code 5947: Gift Novelty, Souvenir Shops
 - c. SIC Code 5993: Tobacco Stores
 - d. SIC Code 61: Alternative Financial Institutions
 - e. SIC Code 7215: Coin-Operated Laundries
3. **Development Standards.** In addition to the requirements of the LC base zoning district, the Planned Development is subject to the following.
- a. **Site Plan.** A site plan for the sale and repair of vehicles on the Property shall be consistent with the Concept Plan in Exhibit C. The site plan may differ from the Concept Plan without requiring a PD amendment to comply with the adopted Building and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards. Modifications can include the following:
 - 1. Placement of the building may be adjusted if it meets the required setbacks.
 - 2. The number and placement of the driveways may be adjusted
 - b. **Landscaping.** A landscape buffer of a minimum width of 10 feet with large canopy trees (min. 3" caliper at the time of planting) shall be installed along the northeast line of the Property at 30' on center to center adjacent to the existing single-family neighborhood.



ATTACHMENT 10 – RETURNED NOTICE(S)



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

RECEIVED
SEP 18 2024
PLANNING AND ZONING

LOCATION: 20104 LBJ Fwy and 20100 LBJ Fwy
(See attached map for reference)
FILE NUMBER: Z0724-0365
APPLICANT: Jim Dewey of JDJR Engineers & Consultants, Inc.
REQUEST: From: Planned Development – Light Commercial (Ord. 2649)
To: Planned Development – Light Commercial

Conduct a public hearing and consider a zoning change from Planned Development, Light Commercial (Ord. 2649) to Planned Development, Light Commercial with modified development standards to allow SIC Code 551 Motor Vehicle Dealers (New & Used) at 20104 LBJ Fwy and a portion of 20100 LBJ Fwy (as described in Exhibit A of the request to be presented). Additional information about the request is available online at www.cityofmesquite.com/zoningcases.

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

Being 6.06 acres in the Daniel Tanner Survey, Abstract No. 1462, Page 623

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on **Monday, September 23, 2024**, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on **Monday, October 21, 2024**, located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6344 or jcervantes@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 p.m. on **September 19, 2024**, to be included in the Planning and Zoning Commission packet and, by **September 27, 2024**, 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.

Zoning Case: Z0724-0365

I am in favor of this request

I am opposed to this request

Name (required)

Address of

Notional Property

Owner Signature

PAUL WOLFE

1134 RICHARD

PAUL WOLFE

Date: 9/14/24

Reasons (optional):

When the trees are removed noise from 635 will come in. Can dealers will have to much light for a residential area.

Please respond by returning to:

PLANNING DIVISION
John Cervantes
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 10 – RETURNED NOTICE(S)



RECEIVED

SEP 17 2024

PLANNING AND ZONING

CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 20104 LBJ Fwy and 20100 LBJ Fwy
(See attached map for reference)
FILE NUMBER: Z0724-0365
APPLICANT: Jim Dewey of JDJR Engineers & Consultants, Inc.
REQUEST: From: Planned Development – Light Commercial (Ord. 2649)
To: Planned Development – Light Commercial

Conduct a public hearing and consider a zoning change from Planned Development, Light Commercial (Ord. 2649) to Planned Development, Light Commercial with modified development standards to allow SIC Code 551 Motor Vehicle Dealers (New & Used) at 20104 LBJ Fwy and a portion of 20100 LBJ Fwy (as described in Exhibit A of the request to be presented). Additional information about the request is available online at www.cityofmesquite.com/zoningcases.

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

Being 6.06 acres in the Daniel Tanner Survey, Abstract No. 1462, Page 623

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on **Monday, September 23, 2024**, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on **Monday, October 21, 2024**, located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6344 or jcervantes@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 p.m. on **September 19, 2024**, to be included in the Planning and Zoning Commission packet and, by **September 27, 2024**, 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.

Zoning Case: Z0724-0365

I am in favor of this request

I am opposed to this request

Name (required)

Address of

Notified Property

Owner Signature

Date

Reasons (optional):

Please respond by returning to:

PLANNING DIVISION
John Cervantes
CITY OF MESQUITE
PO BOX 890137
MESQUITE TX 75185-0137

ATTACHMENT 10 – RETURNED NOTICE(S)



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 20104 LBJ Fwy and 20100 LBJ Fwy
(See attached map for reference)
FILE NUMBER: Z0724-0365
APPLICANT: Jim Dewey of JDJR Engineers & Consultants, Inc.
REQUEST: From: Planned Development – Light Commercial (Ord. 2649)
To: Planned Development – Light Commercial

RECEIVED
SEP 19 2024
PLANNING AND ZONING

Conduct a public hearing and consider a zoning change from Planned Development, Light Commercial (Ord. 2649) to Planned Development, Light Commercial with modified development standards to allow SIC Code 551 Motor Vehicle Dealers (New & Used) at 20104 LBJ Fwy and a portion of 20100 LBJ Fwy (as described in Exhibit A of the request to be presented). Additional information about the request is available online at www.cityofmesquite.com/zoningcases.

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

Being 6.06 acres in the Daniel Tanner Survey, Abstract No. 1462, Page 623

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on **Monday, September 23, 2024**, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on **Monday, October 21, 2024**, located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6344 or jccervantes@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 p.m. on **September 19, 2024**, to be included in the Planning and Zoning Commission packet and, by **September 27, 2024**, 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.

Zoning Case: Z0724-0365

I am in favor of this request

I am opposed to this request

Name (required)

Address of

Noticed Property

Owner Signature

Maria D. Lazari

1110 Richard St.

Main Project

Date: 09-19-2024

Reasons (optional):

Please respond by returning to:

PLANNING DIVISION
John Cervantes
CITY OF MESQUITE
PO BOX 450137
MESQUITE TX 75185-0137

ATTACHMENT 10 – RETURNED NOTICE(S)

MESQUITE
T E X A S
Real. Trans. Service.

CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 20104 LBJ Fwy and 20100 LBJ Fwy
(See attached map for reference)

FILE NUMBER: Z0724-0365

APPLICANT: Jon Denney of JDR Engineers & Consultants, Inc.

REQUEST: From: Planned Development – Light Commercial (Ord. 2649)
To: Planned Development – Light Commercial

Conduct a public hearing and consider a zoning change from Planned Development, Light Commercial (Ord. 2649) to Planned Development, Light Commercial with modified development standards to allow SSC Code 551 Motor Vehicle Dealers (New & Used) at 20104 LBJ Fwy and a portion of 20100 LBJ Fwy (as described in Exhibit A of the request to be presented). Additional information about the request is available online at www.cityofmesquite.com/zoningcases.

A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1255/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
Being 0.06 acres in the Daniel Tanner Survey, Abstract No. 1462, Page 623

PUBLIC HEARINGS
The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on **Monday, September 23, 2024**, located at 757 N. Galloway Ave.
The City Council will hold a public hearing on this request at 7:00 p.m. on **Monday, October 21, 2024**, located at 757 N. Galloway Ave.
Questions pertaining to this case may be directed to the Planning Division at (972) 216-6344 or jpc@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 p.m. on **September 19, 2024**, to be included in the Planning and Zoning Commission packet and, by **September 27, 2024**, 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.

Zoning Case: Z0724-0365
I am in favor of this request ☒ I am opposed to this request ☐

Name (required): Sue Doherty-Quick
Address of: 1106 Richard St Mesquite, TX 75149
Nearest Property: Sue Doherty-Quick Date: 9-16-2024
Owner Signature:

Reasons (optional): A Cause too much noise, too crowded, too much traffic.
After speaking to John I'm neither for or against this
I will pray it
Will not be any of
the reasons I listed
on plus side maybe, it
Will keep homeless people away.

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

To: John Cervantes <jcervantes@cityofmesquite.com>

Subject: [External] 20100 LBJ & 20104 LBJ

John,

I sent you my form yesterday as a vote for neither for or against. After thinking and rethinking, I believe Clay Cooley will be a good option. Something is going to go in that location. I don't wish to see a hotel/motel, apartments, restaurant or the likes. That would just create too much traffic, noise, etc. A dealership might be a good alternative, not so much heavy traffic every since minute of every since day on the frontage road and you said no entrance from our residential streets and with 10 foot masonry/concrete wall with tree line. I like what I'm hearing so far since I know something is going to go there eventually. So I change to a yes vote.

Sue Coker-Quick

Sent from my iPhone

WARNING: This email is from an external source. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please use the Phish Alert Button to report suspicious messages. Forward to the Help Desk or call us at 972-216-6622 if you are unsure.

ATTACHMENT 10 – RETURNED NOTICE(S)

A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1200/Pages/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
Being 6.06 acres in the Daniel Tanner Survey, Abstract No. 1462, Page 621

PUBLIC HEARINGS
The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, September 23, 2024, located at 757 N. Galloway Ave.
The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, October 21, 2024, located at 757 N. Galloway Ave.
Questions pertaining to this case may be directed to the Planning Division at (972) 218-4344 or planning@cityofmesquite.com

REPLY FORM
State law requires that cities notify all property owners within 200 feet of any proposed zoning change. This courtesy notice is for property owners greater than 200 feet, up to 400 feet from the proposed zoning change. For this reason, we are sending you this courtesy notice. As a property owner within the courtesy notice area, you are invited to provide comments on the request by attending the public hearing or by completing the form below or both. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5 p.m. on September 18th, 2024, to be included in the Planning and Zoning Commission packet and by September 17th, 2024, to be included in the City Council packet. All notices received after the listed dates will still be accepted and presented to City Council but will not be included in meeting packets.

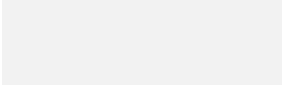
(Complete and return)
Do not write on the reverse side of this form.
By signing this form, I declare I am the owner or authorized agent of the property at the address written below.

Zoning Case: Z0724-0365
More information is available at: www.cityofmesquite.com/ZoningCases

Name (required): Craig Hastings
Address of: 1601 Richardson
Nearest Property: 1601 Richardson
Owner Signature: [Signature] Date: 9-17-24

Comments: Security Lights will be a problem
from Residential neighborhood.
Form received to have to mail

Please respond by returning to: PLANNING DIVISION
JOHN CERVANTES
CITY OF MESQUITE
PO BOX 88137
MESQUITE TX 75183-0137



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0824-0366
REQUEST FOR: A zoning change from Agricultural to Planned Development – Commercial
CASE MANAGER: Jordan Gregory

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 23, 2024
City Council: Monday, October 21, 2024

GENERAL INFORMATION

Applicant: Bohler Engineering (on behalf of Bhadresh Trivedi)
Requested Action: A zoning change from AG - Agricultural to Planned Development – Commercial to allow a flex office development with an outdoor storage yard.
Location: 5801 Shannon Road

SITE BACKGROUND

Platting: Not Platted
Size: 11.415 acres/497,237.40 square feet
Zoning: AG - Agricultural
Future Land Use: Commercial w/ Corridor Development
Land Use: Vacant
Zoning History: 1984: Annexed, zoned AG - Agricultural

Surrounding Zoning and Land Uses (see attachment 3):

| | <u>ZONING</u> | <u>LAND USE</u> |
|---------------|-------------------|---------------------|
| NORTH: | Not Applicable | IH-20 |
| SOUTH: | AG - Agricultural | Single Family House |
| EAST: | AG - Agricultural | Vacant |
| WEST: | AG - Agricultural | Vacant |

CASE SUMMARY

Bohler Engineering TX, LLC, acting on behalf of property owner Bhadresh Trivedi with Dosti Mesquitte, LLC, is seeking a zoning change to facilitate the development of four 14,400-square-foot flex office buildings and a 2.5-acre outdoor storage yard. The applicant is requesting a rezoning of the subject property from Agricultural to Planned Development (PD) – Commercial.

The property is approximately 11.5 acres, heavily wooded, with frontage along the IH-20 service road and Shannon Road. The proposed development is similar to other developments that have taken place in Mesquite, such as the All-Trades located at 2828 IH-30. In these types of development, individual suites will have their own office and warehouse space and are intended for small to mid-size businesses that do not primarily use heavy-load vehicles such as 18-wheelers. Potential tenants could include contractors, trades, or businesses with limited manufacturing or warehouse uses. Additionally, the flex office proposal is not to be confused with a standard office building.

The proposed PD allows an accessory outdoor storage yard to be developed on the property in addition to the flex office buildings (Exhibit C). Per the applicant, this outdoor storage yard will be owned and operated by the property owner and will accommodate leasable outdoor storage spaces. Tenants with an approved Certificate of Occupancy may also utilize the outdoor storage yard for business-related storage. The PD stipulates that the storage yard will be an accessory to the flex office buildings and cannot be constructed until 50% of the flex office portion of the development is completed. While the PD will allow an outdoor storage yard for self-storage use, the PD will not include any mini-warehouse-type buildings. The addition of these types of buildings would require an amendment to the concept plan.

The Planning and Zoning Commission and City Council have seen a previous proposal for the subject property submitted by the same applicant and property owner. The previous application submitted was for a multifamily rezoning and comprehensive plan amendment to high density residential. The Planning and Zoning Commission denied this in February 2024; the applicant then appealed, and the City Council denied the application in March 2024. Because this is a different request, the applicant and property owner are not subject to the one-year restriction for submitting another rezoning application after receiving a denial.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property as Commercial with Corridor Development. Commercial land uses generally include retail, hotels, restaurants, big box retailers, and personal services. This category supports office uses, with developments in this category being larger and more intense than those in the Neighborhood Retail category. Corridor Development focuses on developments that are highly visible, have a high quality, and cater to highway traffic. Land use types in this category include restaurants, retail, and entertainment.

STAFF COMMENTS:

The proposed development matches the future land use designation set forth by the Mesquite Comprehensive Plan. In February 2024, however, City Staff did indicate that the property at 5801 Shannon Road may not entirely be suited for commercial uses, as there is limited accessibility to the site. While this is still true, the proposed flex office development should not accommodate uses that require the frequent use of heavy load vehicles. While the development

does not include traditional retail or restaurants, it will provide a space for economic activity as the City continues to grow south.

MESQUITE ZONING ORDINANCE

SEC. 4-201(A): PROPOSED USES

"An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses, which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance."

STAFF COMMENTS:

The proposed PD will utilize the Commercial zoning district as its base zone to accommodate the flex office development. The PD Standards do not deviate away from the standards found in the Commercial zoning district, beyond the addition self-storage as a use by right with the outdoor storage yard. The addition of this use with additional landscaping and screening should not create a nuisance for the surrounding single-family homes.

SEC. 4-201(B) DEVELOPMENT REQUIREMENTS

"An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. The applicant or the city may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance."

STAFF COMMENTS:

Staff has reviewed the proposed development standards and finds them acceptable.

SEC. 4-201(C) CONCEPT PLAN

"An application for a pd district shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features and to adjacent properties and uses. the concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details."

STAFF COMMENTS:

Exhibit B (attachment 10) includes the concept plan.

CONCLUSIONS

ANALYSIS

It is Staff's opinion that the proposal is consistent with the Comprehensive Plan and is compatible with the surrounding existing developments with the required screening and buffering. By providing more landscaping (22% of the parcel) than typically required (10% of the parcel), the applicant is ensuring that the single-family homes (primarily to the south) will benefit from increased screening.

RECOMMENDATIONS

Staff recommends approval of the zoning change to PD-Commercial with Exhibit A (Legal Description), Exhibit B (Development Standards), and Exhibit C (Concept Plan).

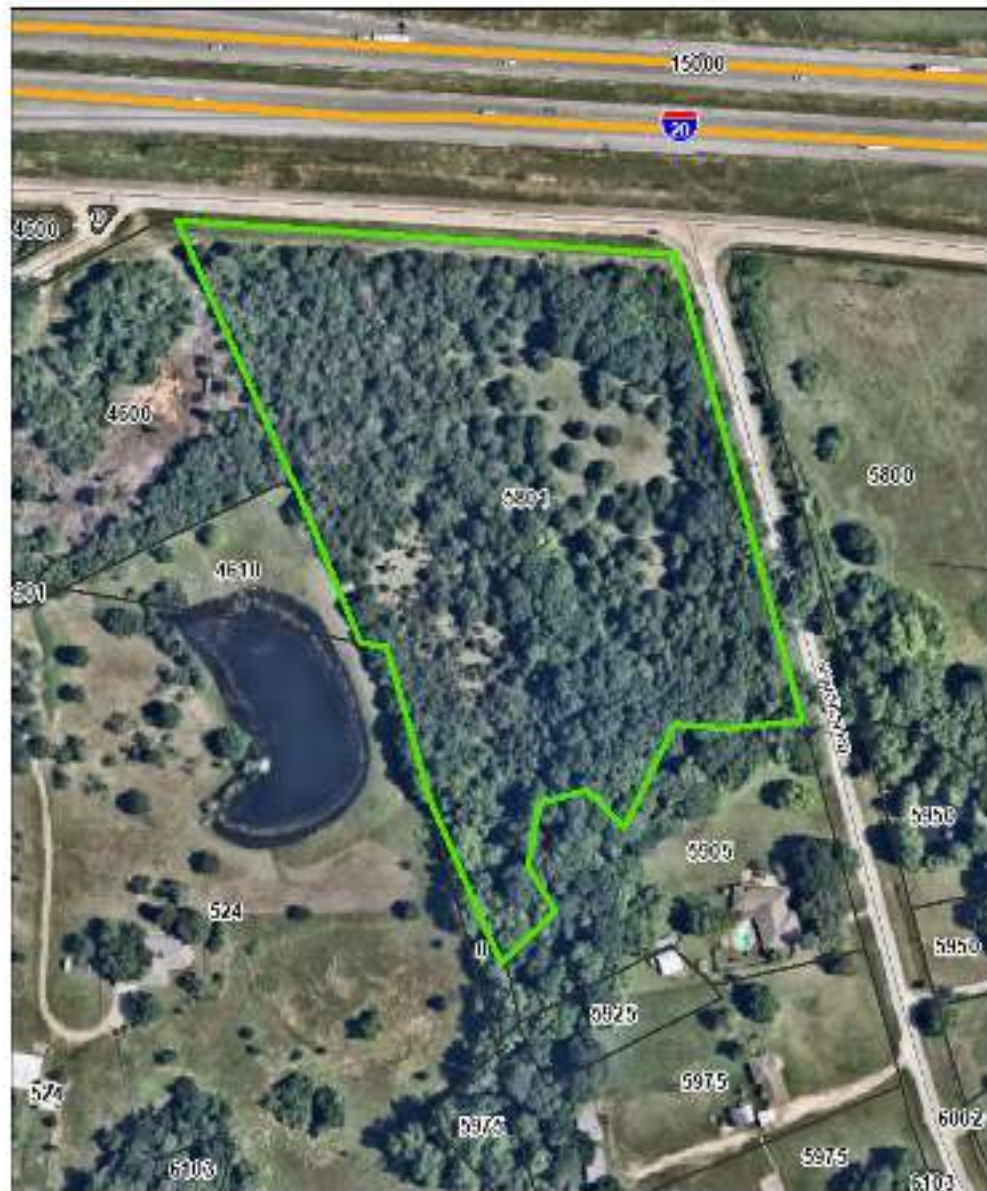
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property and mailed with a courtesy notice for properties within 400 feet. As of September 20, 2024, Staff has received one returned notice in favor of the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Owner Authorization Form
8. Exhibit A - Legal Description
9. Exhibit B - Planned Development Standards
10. Exhibit C - Concept Plan
11. Landscape Plan (Illustrative only)
12. Returned Notices

Aerial Map



Applicant: Bhadresh Trivedi
Location: 5801 Shannon Road

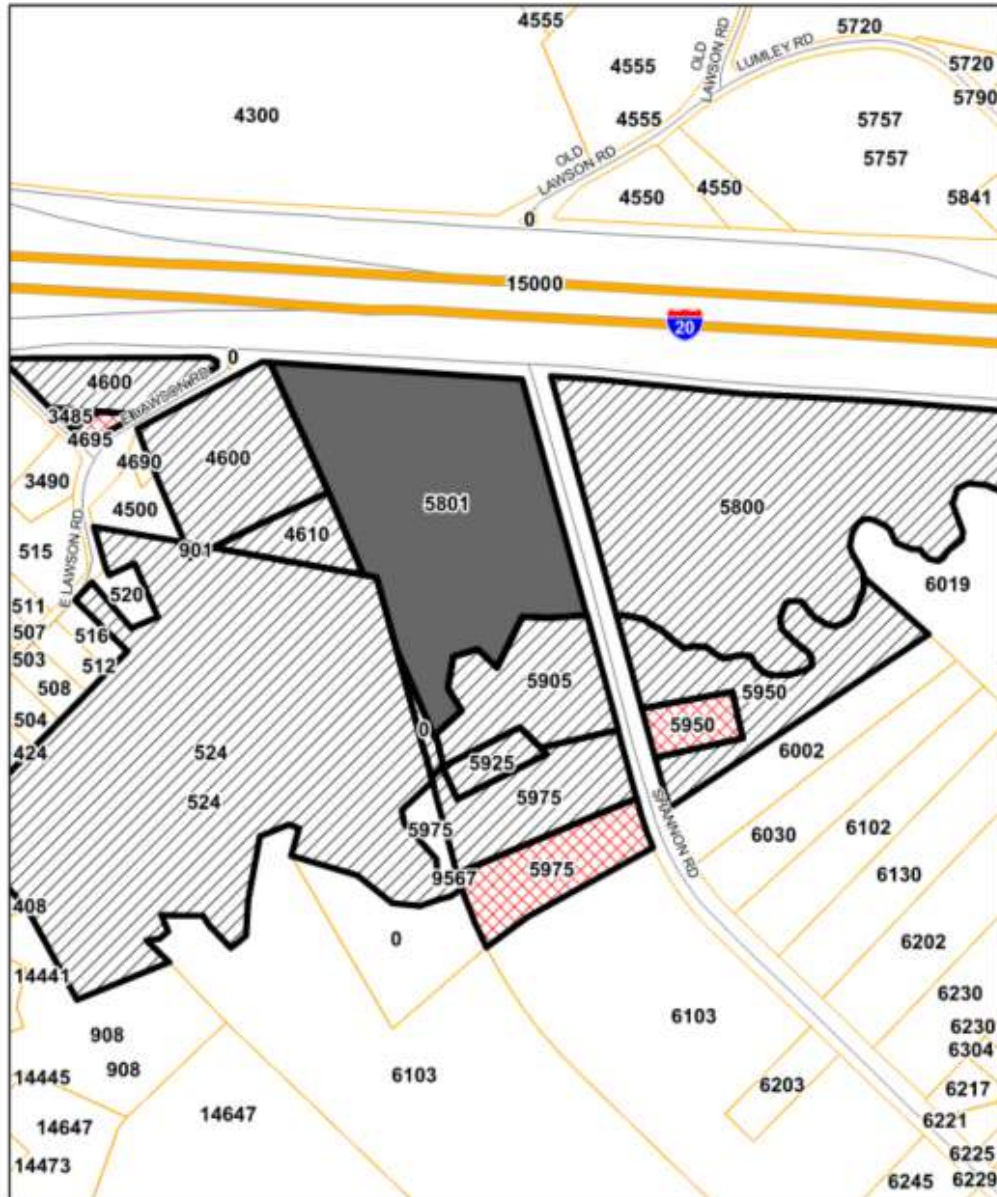
Legend



Subject Property



Notification Map



Applicant: Bhadresh Trivedi

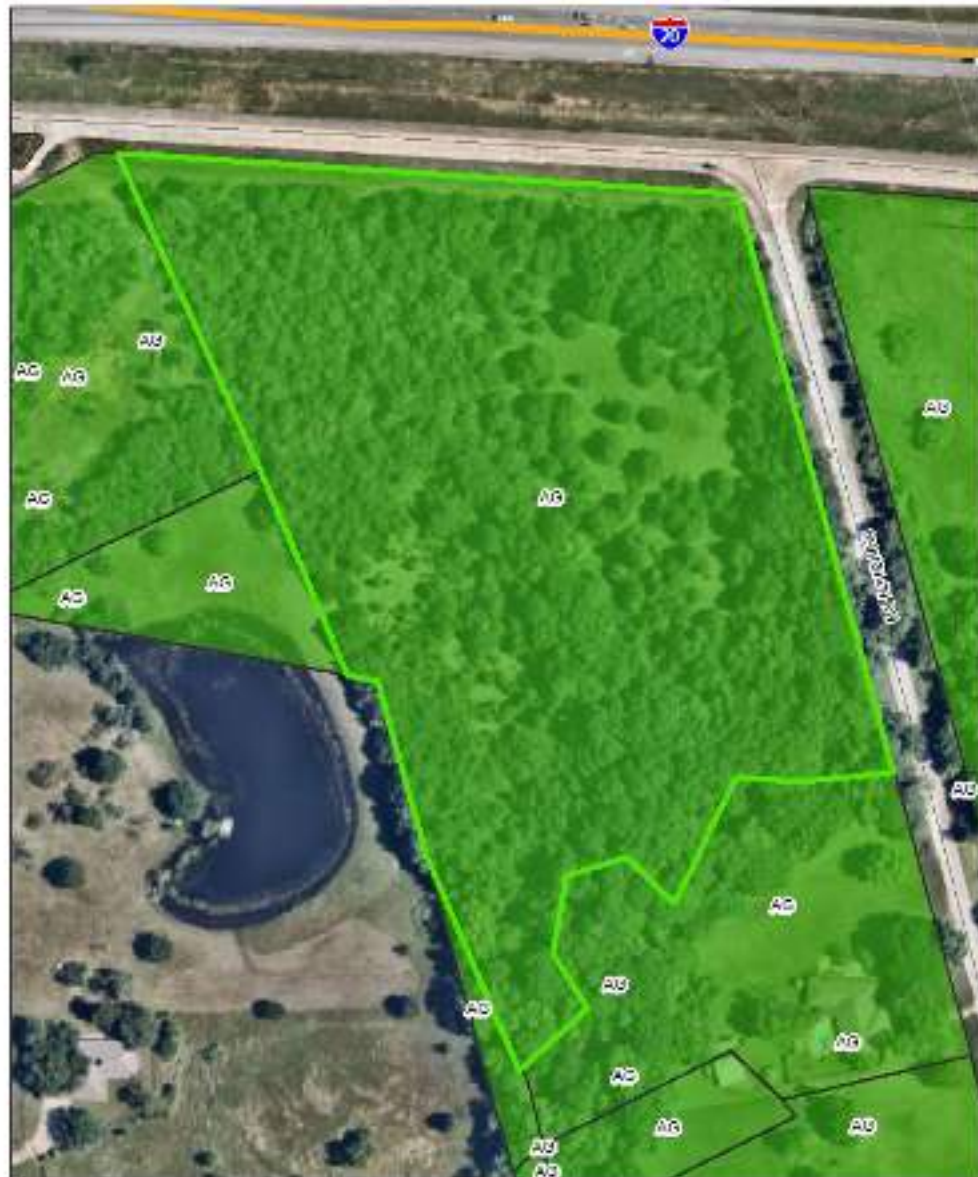
Location: 5801 Shannon Road

Legend

-  Subject Property
-  Notified Properties
-  Courtesy Properties





Zoning Map



Property Address - 5801 Shannon Road

Legend - Base Zones

 Subject Properties  Agriculture



Future Land Use Map



Address: 5801 Shannon Road



ATTACHMENT 5 – SITE PHOTOS



IH-20 frontage road view of the subject property facing south



Shannon Road view of the subject property facing north



Please print legibly. This application can also be completed online at [LINK](#)

Application Checklist

- ☒ Completed Application ☒ Statement of Intent and Purpose ☒ Zoning Exhibits A, B, & C
☒ Owner Authorization (page 6) ☒ Application Fee* (\$1,250 + \$15 per acre)

**An additional fee may apply if a change to the Comprehensive Plan is required.*

Property Information

General Location: SWC of I-20 and Shannon Road
Physical Address: 5800 Shannon Road City, State: Mesquite, Texas
Zip Code: 75181
Platted: ☒ Yes ☐ No (If yes, fill in the information below. If not platted, a metes and bounds description must be submitted)
Subdivision: SAMUEL A HAUGHT ABST 567 Block: _____ Lot: _____

Applicant Information – The person filling out the application

First Name: Bhadresh Last Name: Trivedi
Phone Number: 214-208-5078 Email Address: Bhadresh_Trivedi@yahoo.com
Company Name: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☐ Yes ☐ No (If no, fill in the information below)
First Name: Dosti Mesquite, LLC Last Name: _____
Phone Number: 214-208-5078 Email Address: Bhadresh_Trivedi@yahoo.com
Mailing Address: 2504 LOFTSMOOR LN City, State: Plano, TX
(If different from physical address)
Zip Code: 75025

Requested Action

April 2020

CONTINUE TO NEXT PAGE

Page 1 of 9

P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com



Dear Staff,

Bohler Engineering TX, LLC, on behalf of Dosti Mesquite, LLC, is pleased to submit this Statement of Intent and Purpose along with our application to the City of Mesquite (the "City") in support of a Planned Development application. This application, if approved, will allow for a flex-office and outdoor storage yard use on approximately 11.26± acres, located at the southwest corner at the intersection of Shannon Rd. and I-20 Frontage Rd.

The project parcel is currently zoned Agricultural (AG), with a future land use of Commercial (C). The proposed PD zoning would have a base zoning district of C - Commercial. All adjacent properties are zoned Agricultural (AG), so the proposed use will be compatible with the adjacent properties. The intent of this application is to include flex office and outdoor storage yards as a use permitted by right, in addition to the standards of the proposed PD.

The proposed planned development will have minimal impact on the City's planning, engineering, utilities, building inspection, tax, police, fire and traffic. The proposed development is situated in a great location, right off of the I-20 Frontage Rd., which will give local residents and customers direct access to the I-20 highway for their commute into Dallas. The subject parcel is approximately 6.00± miles from the Mesquite Fire Station within the Mesquite Fire Department Fire District 7. The subject parcel is approximately 5.50± miles from the Mesquite Police Department, MPD Reporting Area P913. The facility will allow for adequate safety coverage without overburdening the City's facilities. The facility is designed in a manner to have minimal traffic impact to the adjacent roadway facilities.

The soft contemporary design will incorporate technologies and building materials which will be aesthetically pleasing to the community. The City of Mesquite is growing and will continue to grow. Small business and storage needs are always needed for individuals as well as small businesses. This development will allow the residents of Mesquite to free up their homes and pursue their entrepreneurial aspirations. It is estimated that the construction of the facility will bring in several hundred construction jobs and national supplier vendors. This facility will promote job growth and be a critically useful development for Mesquite residents in the City for years to come.

The entire development team looks forward to working with the City to make this development vision for the parcel a reality. Our team respectfully requests approval of this Planned Development zoning request.

ATTACHMENT 7 – OWNER AUTHORIZATION

OWNER AUTHORIZATION

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 City of Mesquite Planned Development Application.

Property Owner: Bhadresh Trivedi, Manager Dosti Partners LLC

Phone Number: 214 208 5078

Address: 2504 Loftsmoor Ln

Plano TX 75025

Email Address: Bhadresh.Trivedi@
yahoo.com

Signature: 

Digitally signed by Bhadresh Trivedi
Date: 2023.11.27 13:54:07 -0500

Each property owner must complete a separate authorization form

April 2020

CONTINUE TO NEXT PAGE

Page 8 of 9

P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

LEGAL DESCRIPTION

BEING a 11.415 acres tract of land situated in the City of Mesquite, Dallas County, Texas, being a part of the Samuel A. Haught Survey, Abstract No. 567 described in the Deed to CSN Family Limited L.L.P., recorded in Instrument Number 201100233471, Official Public Records, Dallas County Texas (O.P.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a concrete monument found at the north east corner of said 11.415 acre tract, the south right-of-way line of Interstate 20 Frontage Road (a variable width right-of-way) and the west right-of-way line of Shannon Road (a variable width right-of-way) and the beginning of a non-tangent curve to the right;

THENCE along the east line of said 11.415 acre tract of land and the west right-of-way of Shannon Road the following bearings and distances;

In a southeasterly direction a distance of 263.62 feet, having a central angle of 02 degrees 39 minutes 17 seconds, a radius of 5,689.58 feet, a tangent of 131.84 feet, and whose chord bears South 16 degrees 56 minutes 24 seconds East a distance of 263.60 feet to a capped iron rod found;

South 15 degrees 07 minutes 22 seconds East, a distance of 213.41 to a capped iron rod found;

South 9 degrees 24 minutes 54 seconds East, a distance of 100.50 to a capped iron rod found stamped "NMD 2609";

South 15 degrees 07 minutes 32 seconds East, a distance of 112.91 to a capped iron rod set stamped "Bohler Eng" (herein after called "capped iron rod set") at the southeast corner of said 11.415 acre tract and the northeast corner of a called 2.89846 acre tract of land described in a General Warranty Deed to Johnny and Elizabeth Nozka recorded in Instrument Number 200302548376 O.P.R.D.C.T.;

THENCE along the south line of said 11.415 acre tract and in or near the centerline of a creek, the following bearings and distances;

South 89 degrees 37 minutes 36 seconds West, a distance of 125.63 feet to a point;

South 51 degrees 04 minutes 26 seconds West, a distance of 42.00 feet to a point;

South 10 degrees 52 minutes 26 seconds West, a distance of 33.00 feet to a point;

South 35 degrees 15 minutes 26 seconds West, a distance of 80.00 feet to a point;

South 63 degrees 36 minutes 26 seconds West, a distance of 20.00 feet to a point;

North 66 degrees 43 minutes 34 seconds West, a distance of 29.00 feet to a point;

North 43 degrees 53 minutes 34 seconds West, a distance of 47.00 feet to a point;

South 62 degrees 15 minutes 26 seconds West, a distance of 36.00 feet to a point;

South 27 degrees 07 minutes 26 seconds West, a distance of 71.94 feet to a point;

ATTACHMENT 8 – EXHIBIT A LEGAL DESCRIPTION

South 00 degrees 13 minutes 52 seconds East, a distance of 28.05 feet to a point;
South 29 degrees 52 minutes 34 seconds East, a distance of 70.00 feet to a point;
South 44 degrees 06 minutes 26 seconds West, a distance of 51.00 feet to a point;
South 00 degrees 15 minutes 34 seconds East, a distance of 28.00 feet to a point;
South 29 degrees 52 minutes 34 seconds East, a distance of 70.00 feet to a point;
South 44 degrees 06 minutes 26 seconds West, a distance of 51.00 feet to a point;
South 61 degrees 06 minutes 26 seconds West, a distance of 19.58 feet to a point;
North 23 degrees 25 minutes 21 seconds West, a distance of 89.99 feet to a point;

THENCE North 23 degrees 25 minutes 21 seconds West a distance of 1236.33 feet to a one-half inch capped iron rod found stamped "NDM 2609" found at the northwest corner of said 11.415 acre tract of land;

THENCE South 86 degrees 45 minutes 40 seconds East, along the south right-of-way line of said Interstate 20 Frontage Road a distance of 664.82 feet to the **POINT OF BEGINNING** containing 497,227 square feet or 11.415 acres.

Planned Development Standards

This Planned Development Commercial district (PD-C) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts the Commercial zoning district as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-C district. Where these regulations conflict with or overlap another ordinance, this PD ordinance will control.

1. All uses permitted in the Commercial District are allowed on the Property except as modified in Subsections "a", "b" and "c" of this paragraph. The uses permitted in the Planned Development Commercial District are subject to the same requirements applicable to the uses in the Commercial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Commercial District only by conditional use permit ("CUP") is permitted in this district only by CUP.
 - a. The following uses are permitted by right:
 - i. SIC Code 42a: Self-Storage (as an accessory use subject to the limitations in Section 3 below).
 - b. The following uses are permitted by a Conditional Use Permit:
 - i. SIC Code 753b: Major Auto Repair
 - ii. SIC Code 753c: Collision Services
 - c. The following uses are prohibited on the Property:
 - i. SIC Code 5947: Gift Novelty, Souvenir Shops
 - ii. SIC Code 5993: Tobacco Stores
 - iii. SIC Code 5999g: Paraphernalia Shop
 - iv. SIC Code 61: Alternative Financial Institutions
 - v. SIC Code 7215: Coin-Operated Laundries
 - vi. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath
 - vii. SIC Code 7549b: Towing/Wrecker Service
2. A site plan for the property shall be consistent with the Concept Plan in Exhibit C. The site plan may be altered without requiring an amendment to the Concept Plan to comply with the adopted Building and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards.
 - a. Modifications can include the following:
 - i. Placement of the buildings may be adjusted if they meet the required setbacks.
 - ii. The number and size of buildings may be reduced in height and square feet. Increases in the number or size of the buildings are not permitted without amending the Concept Plan Exhibit C.
 - iii. The number and placement of driveways may be adjusted.

3. Accessory Storage Yard:

- a. The storage yard shall be an accessory to the flex office buildings on the property.
- b. The accessory storage yard shall be constructed before the final inspection of any building is conducted, but after 50% of the buildings have been completed.
- c. The accessory storage yard shall only accommodate the following:
 - i. Commercial outdoor storage owned by tenants in suites with a Certificate of Occupancy
 - ii. Personal outdoor self-storage, such as recreational vehicles
- d. The accessory storage yard should not accommodate the development of any buildings or additional improvements beyond what is required for outdoor storage in the MZO.
- e. Setbacks:
 - i. The accessory storage yard must have a minimum 100-foot setback from any residential property line.

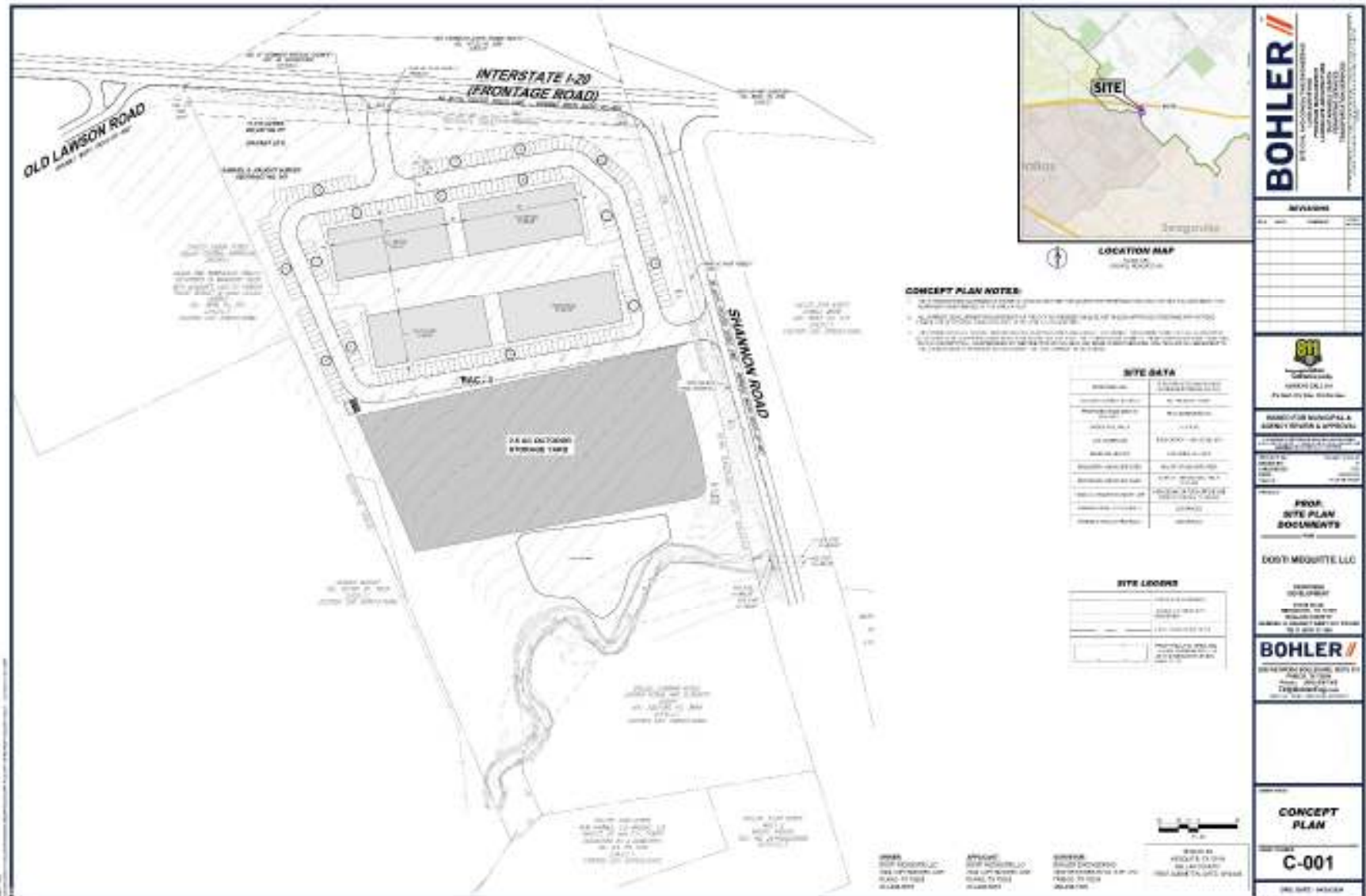
4. Screening:

- a. The Property shall be developed in accordance with the district (Section 1A-300) and outdoor storage (Section 3-600) screening and fencing requirements, subject to the following conditions:
 - i. The proposed fence and associated gates that wrap around the Property shall be allowed within the side, rear, and front yard building setbacks and the required landscape buffers.
 - ii. The maximum fence or wall height is 8 feet.
 - iii. Chain-link fencing is prohibited.
 - iv. Barbwire fencing is prohibited.

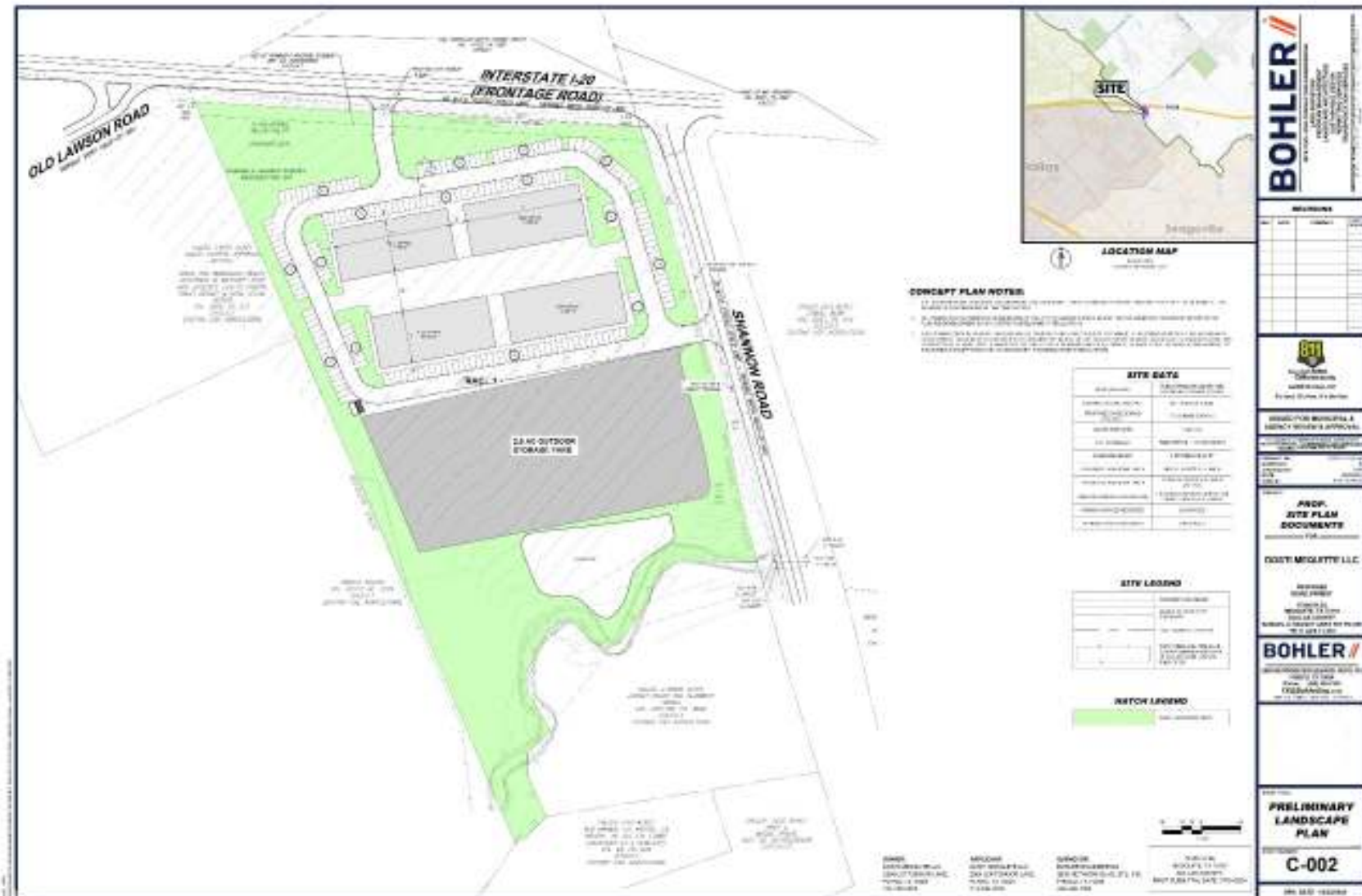
5. Tree Mitigation:


- a. The Property shall be developed in accordance with the MZO tree preservation section, subject to the following conditions:
 - i. Code required planting may count toward tree preservation mitigation, including plantings within required landscape buffer or required parking landscaping.
 - ii. Tree Mitigation shall equal to the total diameter of protected trees being removed, provided that the number of replacement trees shall not exceed one (1) tree for each 500 square feet of unpaved site area.

ATTACHMENT 10 – EXHIBIT C CONCEPT PLAN



ATTACHMENT 11 – LANDSCAPE PLAN



| | | |
|--|---|---|
|  MESQUITE T E X A S Real. Texas. Service. | | <div style="border: 1px solid black; padding: 5px; color: red; font-weight: bold;">RECEIVED</div> <div style="color: red; font-weight: bold;">SEP 20 2024</div> <div style="color: red; font-weight: bold;">PLANNING AND ZONING</div> |
| CITY OF MESQUITE PLANNING AND ZONING COMMISSION NOTICE OF PUBLIC HEARING | | |
| LOCATION: | 5801 Shannon Road (See attached map for reference) | |

| | |
|---------------------|--|
| FILE NUMBER: | Z0824-0366 |
| APPLICANT: | Bhadrachari Trivedi |
| REQUEST: | From: "AG" – Agricultural To: "PD-C" – Planned Development – Commercial |

Conduct a public hearing and consider a zoning change from AG – Agricultural to Planned Development – Commercial to allow a flex office development with an outdoor storage yard at 5801 Shannon Road. Additional information about the request is available online at www.cityofmesquite.com/compasses. 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
Approximately +/- 11.345-acre tract in Samuel A Hought Abstract 567, PG 698, TR 11

PUBLIC HEARINGS
The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, September 23, 2024, located at 757 N. Galloway Ave.
The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, October 21, 2024, located at 757 N. Galloway Ave.

Questions may be directed to the Planning Division at (972) 329-8543 or jgregory@cityofmesquite.com.

REPLY FORM
State law requires that cities notify all property owners within 200 feet of any proposed zoning change. As a property owner within the notice area, you are invited to provide comments on the request by attending the public hearing or by completing the form below or both. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5 p.m. on September 18th, 2024, to be included in the Planning and Zoning Commission packet and by September 27th, 2024, 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) | |
| <u>Do not write on the reverse side of this form.</u> | |
| By signing the form, I declare I am the owner or authorized agent of the property at the address written below. | |
| Zoning Case: Z0824-0366 | Name (required): <u>SERAFIN VARGAS</u> |
| I am <u>in favor</u> of this request | Address of Notified Property: <u>4600 Lawson Rd</u> |
| I am <u>opposed</u> to this request | Owner Signature: <u>[Signature]</u> Date: <u>09-17-24</u> |

Reasons (optional): _____

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



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0824-0368
REQUEST FOR: Zoning Change from AG, Agricultural and Planned Development – General Retail to Planned Development – General Retail
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 23, 2024
City Council: Monday, October 21, 2024

GENERAL INFORMATION

Applicant: Jonathan Kerby, Kimley-Horn and Associates, Inc.
Requested Action: Zoning change from Agricultural within the K-20 Floating Zone and Planned Development, General Retail (Ord. 5048) to Planned Development, General Retail with modified development standards to allow a grocery store, fuel station, car wash and other uses permitted in the General Retail district.
Location: 0 FM 741, 6611 FM 741, and 6619 FM 741 (Kaufman Tax Property ID Numbers 9680, 9686, 9687, and 182255)

SITE BACKGROUND

Platting: Not Platted
Size: 25.69 acres/1,118,733 sqft
Zoning: AG, Agricultural and Planned Development, General Retail (Ord.5048)
Future Land Use: Trinity Pointe Special Planning Area
Zoning History: 2010: Annexed and zoned AG
2023: Partially Rezoned Planned Development, General Retail (Ord.5048)

Surrounding Zoning and Land Uses (see attachment 3):

| | <u>ZONING</u> | <u>EXISTING LAND USE</u> |
|---------------|----------------------|---------------------------------|
| NORTH: | GR - General Retail | Undeveloped/Vacant |
| SOUTH: | AG - Agricultural | Undeveloped/Vacant |
| EAST: | GR - General Retail | Heartland Retail, LP. |
| WEST: | AG - Agricultural | Undeveloped/Vacant |

CASE SUMMARY

The proposed Planned Development (PD) would establish a multi-lot, multi-building retail and restaurant development west of Heartland Parkway and FM 741 and south of IH-20. The Concept Plan (Exhibit "C") shows a large retail building (which is anticipated to be a grocery store) facing toward IH-20 with a few out parcels that include smaller restaurant/retail buildings fronting along FM 741. At this time, tenants have not been determined. The PD would allow lot and building sizes shown in Exhibit "C" to be modified to reflect market demands provided that parking, landscaping, and other development standards are met.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property as part of the Trinity Pointe Special Planning Area, which "is envisioned as a thriving business corridor with a variety of residential opportunities and outdoor spaces that interconnect. It is envisioned to be a premier community with a distinct character, while setting itself apart as a destination for family-friendly entertainment, high-quality retail, and innovative business services." As the main retail area for the I-20 corridor, retail uses should include major retailers that will draw visitors from the surrounding area for their shopping needs. Other traditional commercial and office uses should be located along the highway frontage to take advantage of the visibility and to buffer residential uses from the highway.

STAFF COMMENTS:

The proposed rezoning to allow an expanded retail and restaurant development is consistent with the future land use designation of the Comprehensive Plan. The underlying zoning district of General Retail, is compatible with the existing future land use designation. General Retail zoning was established to accommodate the sale of convenience goods and personal services primarily for residents residing in surrounding neighborhoods. Rezoning the 26-acre property to allow a multi-lot commercial development would allow for retail, restaurant, and personal service uses to be brought to the area, which the area currently lacks.

MESQUITE ZONING ORDINANCE

SECTION 4-201(A) PROPOSED USES

"An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses, which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance."

STAFF COMMENTS:

The proposed PD will incorporate the General Retail zoning district as its base zone with all applicable regulations and uses, as amended, from the Mesquite Zoning Ordinance. Drive-

in restaurants are proposed as permitted by right. Fueling stations, with no more than 24 fueling positions, would be allowed under this PD district with a car wash as a permissible accessory use to a grocery store. Self-service car washes, heavy-load vehicle refueling, gift novelty, souvenir shops, tobacco stores, paraphernalia shops, alternative financial institutions, coin-operated laundries, massage parlors, and Turkish/steam baths are prohibited.

SEC. 4-201(B) DEVELOPMENT REQUIREMENTS

“An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. The applicant or the city may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance.”

STAFF COMMENTS:

Provided as Exhibit B (attachment 8), the proposed PD includes modified development standards for a grocery store by allowing a maximum building height of 45 feet instead of 35 feet and changing the residential setback from 2 times the building height to 50 feet. Secondly, stacking requirements for a drive-through are modified for grocery store use to allow a minimum of three stacked vehicles at each service window or ordering station. Thirdly, any fencing erected on site shall consist of ornamental metal and district screening requirements shall apply as depicted in Exhibit C. Landscaping shall be enhanced to provide additional foliage along FM 741, but landscaping is not required within easements. General Retail zoning does not allow storage or display and the applicant proposes both. An outdoor display of inventory is proposed adjacent to the front façade of the grocery store located on lot 1 and outdoor storage is proposed to be screened from public view and located behind the building. Transparency requirements for Lot 1 are proposed at a minimum of 10% for the front façade. Exterior lighting restrictions are increased to ensure no more than 0.25-foot candles of illumination off-site and improved light fixture shielding. Staff does not find these deviations to be impactful to the surrounding properties. All other development requirements will be met.

SEC. 4-201(C) CONCEPT PLAN

“An application for a PD District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space, and the relationship to existing natural features and to adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details.”

STAFF COMMENTS:

Exhibit C (attachment 9) includes the concept plan. The proposed PD allows the building sizes and the number of lots to change, provided that all development requirements in the PD and City ordinances are met.

CONCLUSIONS

ANALYSIS

It is staff's opinion that the proposed development in the PD is complementary to the adjacent residential uses located within and would achieve the City's desire to have high-quality retail development within the Trinity Pointe area. The proposed multi-lot retail development provides a place for much-needed restaurant, personal service, and retail uses.

RECOMMENDATIONS

Staff recommends approval of the zoning change to Planned Development – General Retail to allow restaurant and retail development with Exhibits A (Legal Description), B (Development Standards), and C (Concept Plan).

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 19, 2024, Staff has received no returned notices.

CODE CHECK

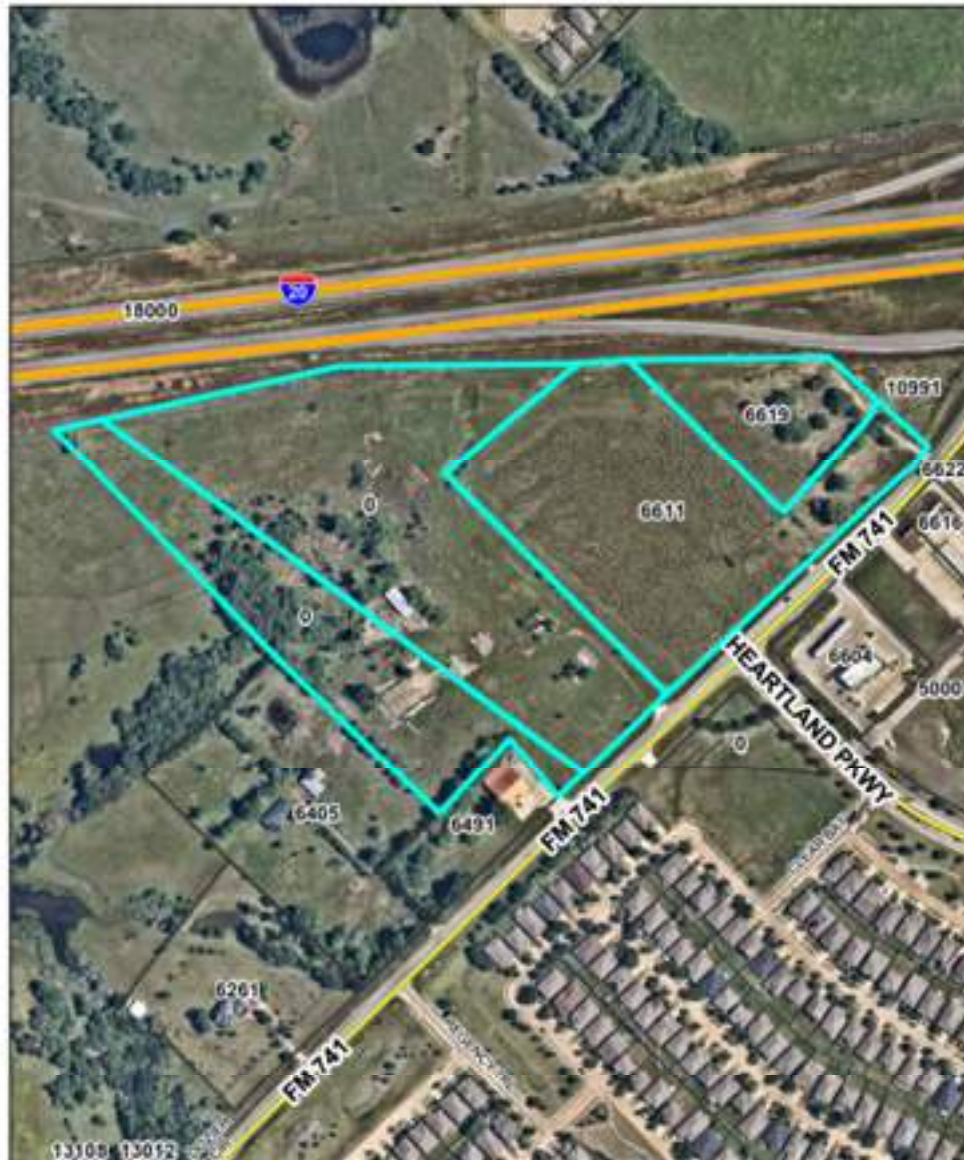
No record of violations.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Letter of Intent
7. Exhibit A – Legal Description
8. Exhibit B – Planned Development Standards
9. Exhibit C – Concept Plan

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Location: 0, 6611, and 6619 FM 741



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Jonathan Kerby, Kimley-Horn and Associates, Inc.
Location: 0, 6611, and 6619 FM 741

Legend

-  Subject Property
-  Notified Properties

Zoning Map



ATTACHMENT 4 – FUTURE LAND USE MAP

Future Land Use Map



Address: 0, 6611, and 6619 FM 741

Legend

-  Subject Properties
-  Trinity Pointe Special Planning Area



ATTACHMENT 5 – SITE PICTURES



View of the subject property from FM 741, facing northeast



View of the subject property from 7Eleven, facing northwest

ATTACHMENT 5 – SITE PICTURES



View of the subject property from FM 741, facing northwest



View of the subject property from FM 741, facing northeast

ATTACHMENT 6 – LETTER OF INTENT



August 30, 2024

City of Mesquite
1515 N. Galloway Ave.
Mesquite, TX 75149
(972) 216 6216

RE: *Zoning Change – Planned Development Letter of Intent
Russell's Dream
Southwest corner of Interstate 20 and FM 741*

To whom it may concern:

In accordance with the guidelines provided in the City of Mesquite Code of Ordinances, Kimley-Horn is submitting this Letter of Intent along with a Zoning Change – Planned Development Application on the property located at the southwest corner of the Interstate 20 and FM 741 in Mesquite, Texas. The proposed development will consist of a grocery store parcel with multiple retail and restaurant outparcels.

If there is additional information that you require, please contact me at (972) 770-1370.

Regards,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'J. Kerby'.

Jonathan Kerby, P.E.

kimley-horn.com

2600 North Central Expressway, Suite 400, Richardson, Texas 75080

214 617 0535

ATTACHMENT 7 – EXHIBIT A – LEGAL DESCRIPTION

| ZONING METES & BOUNDS DESCRIPTION | | | | | |
|--|-------------|----------|------------|-----------|--------------|
| <p>BEING a 25.6826 acre (1,118,733 square foot) tract of land situated in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, and being all of a tract of land described as Tract 1 and Tract 2 in the Special Warranty deed to NADG 10/Heartland, LP recorded in Instrument No. 2007-0026313, Official Public Records, Kaufman County, Texas, and being all of a called 10.463 acre tract of land described in Warranty Deed to CANDR, LLC recorded in Instrument No. 2012-0001025, said Official Public Records, and being all of a called 0.937 acre tract of land described in Warranty Deed to Jesse Foster recorded in Volume 1303, Page 36, Deed Records, Kaufman County, Texas, and being all of a called 3.00 acre tract of land described in Warranty Deed to Jesse R. Foster and Patricia A. Foster recorded in Volume 1248, Page 989, said Deed Records, and being all of a called 4.335 acre tract of land described in Warranty Deed to Jesse R. Foster and Patricia A. Foster recorded in Volume 1226, Page 396, said Deed Records, and being all of a called 1.054 acre tract of land described in Warranty Deed to Jesse R. Foster and Patricia A. Foster recorded in Volume 1189, Page 615, said Deed Records, and being more particularly described as follows:</p> <p>BEGINNING at an aluminum disk stamped "TXDOT" found in the south right-of-way line of Interstate Highway No. 20, a variable width right-of-way, and being at the northeast corner of a called 20.22 acre tract of land described as Tract Two in the Warranty Deed with Vendor's Lien to HighCountryForem LLC recorded in Instrument No. 2023-0032109, said Official Public Records;</p> <p>THENCE along the said south right-of-way line, the following three (3) calls:</p> <p>North 82°59'01" East, a distance of 650.48 feet to a point for corner, from which a 1/2-inch iron rod with cap stamped "WLSC RPLS 5331" found bears South 89°32'55" West, a distance of 3.47 feet;</p> <p>North 86°53'53" East, a distance of 1,052.88 feet to a concrete monument found for corner;</p> <p>North 82°55'56" East, a distance of 58.64 feet to a 3/8-inch iron rod found at the northeast corner of said Tract 2;</p> <p>THENCE South 45°00'27" East, departing the said south right-of-way line, and along the east line of said Tract 2, at a distance of 163.08 feet passing a bolt found at the easternmost northeast corner of said Tract 1, and continuing along the east line of said Tract 1, in all a total distance of 290.71 feet to a point for corner, being at the beginning of a non-tangent curve to the right with a radius of 909.93 feet, a central angle of 04°59'36", and a chord bearing and distance of South 43°47'24" West, 79.28 feet, and being in the north right-of-way line of FM Road 741, a variable width right-of-way;</p> <p>THENCE in a southwesterly direction, along the said north right-of-way line, with said non-tangent curve to the right, an arc distance of 79.30 feet to a concrete monument found for corner;</p> <p>THENCE South 46°17'12" West, continuing along the said north right-of-way line, a distance of 1,016.54 feet to an iron pipe found for corner, being at the east corner of a called 0.1644 acre tract of land described in the Deed to the State of Texas recorded in Instrument No. 2024-0000231, said Official Public Records;</p> <p>(CONTINUED ON SHEET 2)</p> | | | | | |
| <p>EXHIBIT A MARTHA MUSIC SURVEY ABSTRACT NO. 312 KAUFMAN COUNTY, TEXAS</p> | | | | | |
| <p>Kimley»Horn</p> | | | | | |
| <p>801 Cherry Street, Suite 111 • 1306 Fort Worth, Texas 76102 Phone: 817.334.4040 Fax: 817.334.4041 www.kimley-horn.com</p> | | | | | |
| Client | Project No. | Drawn by | Checked by | Date | Project File |
| NA | 040 | DAW | JDS | 8/20/2024 | 20240400 |
| | | | | | 1 of 4 |

CRUMBOLD, DAWSON 030224 1012 AM R317M SURVEY08022480 GROSS HEARTLAND08022480 GROSS HEARTLAND, EX 080224

ATTACHMENT 7 – EXHIBIT A – LEGAL DESCRIPTION

THENCE North 43°51'22" West, departing the said north right-of-way line, along the northeast line of the said called 0.1644 acre tract, at a distance of 16.25 feet passing a 5/8-inch iron rod with cap stamped "TXDOT" found for the north corner of the said called 0.1644 acre tract, and continuing in all a total distance of 162.66 feet to a 1/2-inch iron rod with cap stamped "RPLS 394" found for corner, being the north corner of a called 1.557 acre tract of land described in Warranty Deed with Vendor's Lien to P. McClain Enterprises, LLC recorded in Instrument No. 2010-0001717, said Official Public Records;

THENCE South 46°02'14" West, along the northwest line of the said called 1.557 acre tract, a distance of 242.09 feet to a 1/2-inch iron pipe found for corner, being at the east corner of a called 5.8 acre tract of land described in Warranty Deed with Vendor's Lien to PSH Associates, LLC recorded in Instrument No. 2008-00015167, said Official Public Records;

THENCE North 45°59'06" West, along the northeast line of the said called 5.8 acre tract, a distance of 524.68 feet to a 5/8-inch iron rod found for corner, being the easternmost corner of the aforementioned called 20.22 acre tract;

THENCE North 44°56'45" West, along the northeast line of the said called 20.22 acre tract, a distance of 717.46 feet to the **POINT OF BEGINNING** and containing 1,118,733 square feet or 25.8828 acres of land, more or less.

NOTES

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the zoning tract.



JOSHUA D. WARGO
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6391
801 CHERRY STREET,
UNIT 11 SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-335-6511
josh.wargo@kimley-horn.com



EXHIBIT A
MARTHA MUSIC SURVEY
ABSTRACT NO. 312
KAUFMAN COUNTY, TEXAS

Kimley»Horn

| | | | | | |
|--|-------------------|--------------------|-----------------|---|----------------------|
| 901 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FID# 4 817340401 | | | | Tel. No. (817) 325-8811 www.king-korn.com | |
| Owner N/A | Created By GMD | Checked By Jody | Date 8/10/02 | Printed On 8/10/02 7:50 | Printed By C-OF-4 |

[illegible]





ATTACHMENT 8 – EXHIBIT B – DEVELOPMENT STANDARDS

EXHIBIT B for File No. Z0824-0368

PLANNED DEVELOPMENT STANDARDS

This Planned Development – General Retail (PD-GR) District must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts General Retail base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-GR district. Where these regulations conflict within this ordinance, this ordinance will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the General Retail District classification (“GR”) as set out in the Mesquite Zoning Ordinance (MZO), and those permitted uses on the Property are subject to the same requirements as set out in the MZO.
 - a. The permitted uses requiring a conditional use permit (“CUP”) as set out in the Mesquite Zoning Ordinance (MZO), also require a CUP for the use to be permitted on the Property.
 - b. The following uses are permitted on the Property:
 - i. SIC Code 554 Refueling Stations with a Convenience Store is permitted as an accessory use to a grocery store with no more than 24 fueling positions. Any additional convenience stores(s) shall require approval of a Conditional Use Permit.
 - ii. Car washes are permitted as an accessory use to a refueling station and grocery store. Self-service car washes are prohibited (it does not preclude self-service vacuums provided with non-self-service carwashes).
 - iii. SIC Code 5812a Drive-In restaurants
2. **Prohibited Land Use.** The following uses are prohibited on the Property:
 - a. SIC Code 554c: Heavy load vehicle refueling
 - b. SIC Code 5947: Gift Novelty, Souvenir Shops
 - c. SIC Code 5993: Tobacco Stores
 - d. SIC Code 5999g: Paraphernalia Shop
 - e. SIC Code 61: Alternative Financial Institutions
 - f. SIC Code 7215: Coin-Operated Laundries
 - g. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath
3. **Development Standards.** In addition to the requirements of the GR base zoning district, the Planned Development is subject to the following.
 - a. **Site Plan.** The lot sizes and Permissible Building Area (“PBA”) sizes shown on Exhibit “C” may be modified, provided that parking, landscaping, and other

development standards are met. The site plan may be altered without requiring an amendment to the Concept Plan to comply with the adopted Building and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards. In the event of a conflict between the provisions of this Exhibit "B" and Exhibit "C", the provisions of this Exhibit "B" control.

- b. A cross access easement shall be provided on each lot at the time of development as appropriate with a reasonable standard. Cross access easements may be controlled through a reciprocal easement agreement and are not required to be platted.
- c. **Building Height and Setbacks.**
 - i. The setback for a grocery store (SIC 541) located on Lot 1 shall follow the setbacks as shown on the Concept Plan. The maximum allowed height for a grocery store is 45 feet.
- d. **Drive-Through Facilities.** Drive-through facilities shall follow the stacking requirements in Section 3-400 of the MZO. The stacking requirement for a drive-through associated with a grocery store use shall provide a minimum of three vehicles at each service window or ordering station.
- e. **Fencing.** Any fencing on the Property shall consist of an ornamental metal fence.
- f. **Landscaping and Screening.** Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought-tolerant shrubs and trees and shall include the following:
 - i. The Property shall adhere to the landscaping requirements for nonresidential uses in Section 1A-200 of the MZO.
 - ii. A landscape buffer along the ROW with a minimum depth of 15 feet shall be provided. Up to five feet of the landscape buffer may be in the right-of-way. The landscape buffer can be inclusive of easements.
 - iii. One large shade tree selected from the City's approved Tree Schedule (Section of 1A-500 of the MZO) shall be provided for each 35 linear feet along the ROW and shall be planted within the landscape buffer no more than 35 feet apart.
 - iv. Ten evergreen shrubs shall be provided for each 30 linear feet along the ROW and shall be planted in the 15-ft landscape buffer. If the required landscaping cannot be provided in the landscape buffer due to easements, the plantings can be provided elsewhere within the same lot.
 - v. District screening walls are only required, as shown in Exhibit C. A screening wall may be substituted with an ornamental metal fence with a living screen when there is a retaining wall greater than 6 feet in height at the property line.

- vi. One large shade tree selected from the City's approved Tree Schedule (Section of 1A-500 of the MZO) shall be provided for each 35 linear feet along the ROW and shall be planted within the landscape buffer no more than 35 feet apart.
- vii. Trees shall not be required to be planted within 200 feet of the front façade of the building on Lot 1. Islands adjacent to and within 200 feet of the front façade of the primary building shall be planted with shrubs at a ratio of 5:1 in lieu of terminus island trees.
- viii. Roof-mounted mechanical units shall not have a restriction on the location, size, or height, and can be screened individually or by a parapet wall. Roof-mounted mechanical units shall be screened from a viewpoint of 5.5 feet above the elevation of the adjacent right-of-way. The height of the screening element shall be sufficient to fully hide the mechanical unit from the viewpoint stated above.
- ix. Service Area Screening. Screening along the property line as shown in Exhibit C addresses all current and future screening requirements for back-of-house equipment and storage, including but not limited to loading docks, transformers, generators, and ground-mounted equipment.

g. Outdoor Display and Outdoor Storage.

- i. Outdoor displays shall be permitted for a grocery store located on Lot 1. Outdoor displays shall be limited to merchandise associated with a grocery store use.
- ii. Outdoor display shall be permitted adjacent to the building's front façade. Such display shall be located on a paved surface with a walkway at least five (5) feet in width remaining unobstructed if located on a sidewalk. No such display shall obstruct or eliminate any designated parking or loading space, access drive or fire lane, or occupy any street right-of-way.
- iii. Outdoor storage is permitted for a grocery store use located on Lot 1. Any outdoor storage (not including outdoor display) is restricted to behind the building and shall be screened from adjacent properties.

- h. **Lighting.** Exterior light shall not shine towards the residential district. In no case shall exterior lighting add more than 0.25 footcandle to the illumination levels at any point off-site. Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent properties.

- i. **Architecture.** Glazing or transparency for a grocery store on Lot 1 shall be required to have a minimum of 10% on the front façade.

j. Signage.

- i. Multi-tenant signs may advertise any business located within the Planned Development, regardless of individual lot lines, without being considered off-premise (billboard) signage.
- ii. Any signage plan and requirements in an approved Development Agreement for the Property will overrule the provisions in the Mesquite Sign Ordinance when there is a conflict. If there is no Development Agreement or it does not include provision for signage, the Mesquite Sign Ordinance (Chapter 13 of City Code) would apply unless modified by this ordinance.

ATTACHMENT 9 – EXHIBIT C –CONCEPT PLAN

