



**PLANNING AND ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
Mesquite, Texas
June 8, 2020 - 7:00 P.M.
MEETING PARTICIPATION INSTRUCTIONS**

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his state disaster authority, and guidance issued on the suspension by the Attorney General's Office:

1. A quorum of the Planning and Zoning Commission will participate in the meeting by telephone or by being physically present at the meeting location.
2. Applicants having matters on the agenda and interested parties may participate by telephone or by appearing at the meeting location.
3. All persons present at the meeting location must wear some form of covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants.
4. Members of the public may participate by telephone.
5. Applicants and/or member of the public desiring to participate in the meeting by telephone conference may do so by dialing the following local number on Monday, June 8, 2020, before, at or after 7:00 p.m. central time.

Telephone Conference Number: 214-396-6338
Participation Code (Meeting Id): 177-6111

Persons may INCREASE their listening volume by pressing *86.
Persons may DECREASE their listening volume by pressing *87.

Repeat as necessary to incrementally increase or decrease the listening volume.

Persons may press *5 to be recognized to speak during the public comment or public hearing portion of the meeting.

6. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
7. Comments may be made during the meeting upon recognition by the Chairperson or may be made in writing before 3:00 p.m. on June 8, 2020, to the following email address: glangford@cityofmesquite.com.
8. An electronic copy of the agenda packet will be posted online at the City of Mesquite's website (www.cityofmesquite.com).

The meeting will be recorded and made available to the public.

AGENDA

Pursuant to Section 551.071 of the *Texas Government Code*, the Planning and Zoning Commission may meet in a closed executive session to consult with the City Attorney regarding matters authorized by Section 551.071, including matters posted on this agenda.

COMMISSION BUSINESS

1. ROLL CALL.
2. INSTRUCTIONS.
City staff shall give verbal instructions for participation in the meeting.

PUBLIC COMMENTS

3. Any individual desiring to address the Planning and Zoning Commission regarding an item on the CONSENT 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 motion of the Planning and Zoning Commission.

4. MINUTES.
Discuss and consider approval of the minutes for May 26, 2020, 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.

5. ZONING APPLICATION No. Z0520-0140.
Conduct a public hearing and consider Zoning Application No. Z0520-0140 submitted by DBS Construction Support on behalf of Tram Hoang for a Zoning Change from Commercial to Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment, located at 4340 IH 30.

DIRECTOR'S REPORT

6. DIRECTOR'S REPORT.
Director's Report on recent City Council action taken on zoning items at their meeting on June 3, 2020.
[NOTE: Commission action, *if any*, shall not be taken regarding the Director's Report until Public Comments have been received.]

PUBLIC COMMENTS

7. Any individual desiring to address the Planning and Zoning Commission regarding the

DIRECTOR'S REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

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

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 segun el Sub- capitulo H, Capitulo 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 segun el Sub- capitulo H, Capitulo 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 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 June 8, 2020, was posted on the bulletin boards at the Municipal Center and City Hall by June 5, 2020, before 6:00 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
City of Mesquite, Texas

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., MAY 26, 2020, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairwoman Yolanda Shepard, Vice-Chair David Gustof, Sherry Williams, Debbie Anderson, Sheila Lynn, Claude McBride

Absent: Ronald Abraham and Mildred Arnold

Staff: Director of Planning & Development Services Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Planner John Chapman, Planner Lesley Frohberg, City Attorney David Paschall, City Manager Cliff Keheley, Senior Assistant City Attorney Karen Strand, City Engineer Wes McClure, Senior Administrative Secretary Devanee Winn

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, this meeting was held by telephone conferencing to support social distancing. Commissioners and City staff attended the meeting via telephone conference with the exception of Mr. Armstrong, Mr. Langford, Mr. Paschall, Mr. Keheley, Mr. McClure, and Mr. Gustof who were present in the City Council Chamber and practiced social distancing.

COMMISSION BUSINESS

1. ROLL CALL

Manager of Planning & Zoning Garrett Langford called on each Commissioner for the record. Each Commissioner answered yes if they were present by conference call. Vice-Chair David Gustof called the meeting to order and declared a quorum present.

2. INSTRUCTIONS

Mr. Langford gave verbal instructions for participation in the meeting.

CONSENT AGENDA

3. PUBLIC COMMENTS.

Mr. Langford opened for any public comments. There were no public comments.

4. MINUTES.

Discuss and consider approval of the minutes for May 11, 2020, Planning and Zoning Commission.

A motion was made by Ms. Lynn to approve the minutes as presented. Ms. Williams seconded. The motion passed 5-0.

Note: Chairwoman Yolanda Shepard was not present to vote due to technical difficulties through the conference call.

PUBLIC HEARINGS

5. ZONING APPLICATION No. Z0420-0134.

Conduct a public hearing and consider Zoning Application No. Z0420-0134 submitted by BGE, Inc. on behalf of Wynn/Jackson, Inc. for a Zoning Change from AG, Agriculture to Planned Development – Industrial to allow an industrial

business park on an approximately 284-acre property generally located at the southwestern corner of FM 2932 and Interstate Highway 20 frontage road.

Mr. Langford briefed the Commissioners. Ms. Williams asked if the applicant had any other industrial developments in the DFW area. The applicant, Christopher Jackson, answered that Wynn/Jackson, Inc. has several other developments. Wynn/Jackson, Inc. has developed student housing, subdivisions, and retail centers, but has not developed any industrial business parks. This will be their first industrial business park development. There were no other questions for Staff or the applicant. Mr. Langford opened the public hearing. There were no comments or questions from the public. Mr. Langford closed the public hearing. A motion was made by Ms. Williams to approve with Staff's recommendations. Ms. Lynn seconded. The motion passed 5-0.

Note: Chairwomen Yolanda Shepard was not present to vote due to technical difficulties through the conference call.

6. ZONING APPLICATION No. Z0420-0137.

Conduct a public hearing and consider Zoning Application No. Z0420-0137 submitted by JM Civil Engineering on behalf of Taun Dai for a Zoning Change from C, Commercial to Planned Development – General Retail to allow a convenience store and fueling station, located 2110 N. Town East Blvd.

Planner John Chapman briefed the Commissioners. There were no questions for Staff. Representing the applicant, Jerry Westmore, informed the Commissioners that they would meet the façade transparency requirements as recommended by Staff. Mr. Westmore stated he spoke with Councilman Robert Miklos and was given favorable remarks about the development. Mr. Westmore stated that all security requirements will also be met according to Chapter 8 of the City Code and all employees are required to attend security classes annually. Mr. Westmore stressed that they take security very seriously. Chairwoman Shepard asked if they will have cameras in the parking lot. Mr. Westmore answered, yes. Mr. Langford opened the public hearing. There were no public comments. Mr. Langford closed the public hearing. A motion was made by Ms. Williams to approve with Staff's recommendations, as stated in the Staff report. Ms. Lynn seconded. The motion passed 6-0.

Note: Chairwoman Shepard was available to vote after clearing up the technical difficulties.

7. ZONING APPLICATION No. Z0420-0138.

Conduct a public hearing and consider Zoning Application No. Z0420-0138 submitted by Marvin Cooksy to amend Conditional Use Permit, Ordinance No. 4714, regarding a screening wall for a primary outdoor storage yard, located 2533 Westwood Drive.

Mr. Chapman briefed the Commissioners. Ms. Williams asked why the applicant was asking for the same approval at the August 2019, Commission meeting. Ms. Williams stated that the Planning & Zoning Commission has already approved the board on board fencing and when it was sent to City Council, they required the applicant to put up a masonry wall. Mr. Chapman answered that the applicant is requesting a modification to the masonry wall requirement due to its high cost and that a recently approved primary outdoor storage yard located nearby at 2511 Edinburgh Street did not include the masonry screening requirement. Ms. Shepard asked if the new fence is higher than the newly constructed fence at 2541 Westwood Avenue. Mr. Chapman answered they will be the same height. The applicant, Brown Cooksey, spoke to the Commission. Mr. Cooksey stated that the masonry wall would be way too expensive for him and all the

other neighbors around him have a board on board fence and that he should not be the only one required to construct a masonry wall.

Mr. Langford opened the public hearing. There were no public comments. Mr. Langford closed the public hearing. A motion was made by Mr. Gustof to approve the request with Staff's recommendations, as stated in the Staff report. Ms. Lynn seconded. The motion passed 6-0.

8. ZONING TEXT AMENDMENT No. 2020-01.

Conduct a public hearing and consider zoning text amendments to Mesquite Zoning Ordinance, Section 1-600, Temporary Uses and Structures; Section 6-102, Permitted temporary uses and structures; Subsection (C) currently titled "Temporary Batch Plant" to be retitled "Temporary Batch Plants and Temporary Material Stockpile Sites" all pertaining to new and revised regulations for temporary batch plants and temporary material stockpile sites.

Planner Lesley Frohberg briefed the Commissioners. Mr. Gustof asked if the amendments only apply to private development or will it apply to road construction as well. Ms. Frohberg answered yes, it would apply to anything that will require a batch plant or material stockpile. Ms. Williams asked if the City Engineers will be monitoring to make sure the requirements are being met. Ms. Frohberg answered yes, the Engineering Division would be doing inspections. Mr. McBride asked if the permit is going to be revoked, will they have time to comply with the requirements or will the construction have to start all over. Assistant City Attorney Karen Strand explained that there is a process and steps that will be taken before revocations. They could go through an appeal process first. After that process is done and depending on that outcome, they may have to start the process from the beginning. Director of Planning & Development Services Jeff Armstrong also stated staff would take steps to bring the situation into compliance before revoking a permit. Mr. Langford opened the public hearing. There were no public comments. Ms. Williams made a motion to approve the text amendments. Ms. Anderson seconded. The motion passed 6-0.

9. ZONING TEXT AMENDMENT No. 2020-03.

Conduct a public hearing and consider zoning text amendments to Mesquite Zoning Ordinance, Section 5-200, currently titled "Appeal, Variance, and Special Exception Procedures" to be retitled "Special Exceptions, Variances, and Appeals of Administrative Decisions"; all pertaining to new and revised regulations and procedures for special exceptions, variances, and appeals of administrative decisions.

Director of Planning & Development Services Jeff Armstrong briefed the Commissioners. Ms. Williams asked if Mr. Armstrong could explain the fee schedule. Ms. Williams wanted to know if the fee schedule already exists and if the fee schedule is for the public. Mr. Armstrong explained how the Board of Adjustment and the fees are processed. Mr. Langford opened the public hearing. There were no public comments. A motion was made by Mr. Gustof to approve. Ms. Lynn seconded. The motion passed 6-0.

DIRECTOR'S REPORT

10. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning items at their meeting on May 20, 2020.

Mr. Armstrong stated the only zoning action taken by City Council at their meeting was the annexation 364.65 acres in the City's extraterritorial jurisdiction located southwest of

FM 2932 and southeast of Griffin Lane, Kaufman County, Texas. City Council approved by **Ordinance No. 4782**.

PUBLIC COMMENTS

- 11. Any individual desiring to address the Planning and Zoning Commission regarding the DIRECTOR'S REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.**

There were no public comments.

Vice-Chair David Gustof called the meeting adjourned at 8:54 P.M.

Chairwoman Yolanda Shepard



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0520-0140
REQUEST FOR: Conditional Use Permit to allow the sale and outdoor display of used farm equipment.
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, June 8, 2020
 City Council: Monday, July 6, 2020

GENERAL INFORMATION

Applicant: Daniel Santos, DBS Construction Support, LLC
Requested Action: Rezone from “C”, Commercial to “C”, Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment.
Location: 4340 Interstate Highway 30

SITE BACKGROUND

Platting: Action Commercial, Block A, Lot 1
Size: 6.55 Acres
Zoning: C – Commercial with Skyline Logistics Hub Overlay and CUP, Ordinance No.’s 3691 & 3866
Future Land Use: Commercial with Corridor Development Overlay
Zoning History: 1954: Annexed into City of Mesquite, Zoned Residential
 1968: Rezoned to C – Commercial
 1998: CUP for outdoor display of model homes
 2004: CUP for outdoor display and storage
 2004: CUP for outdoor display and sales of tractors
 2007: CUP to amend fence requirements

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	Interstate Hwy 30 & C - Commercial	Interstate Hwy 30
SOUTH:	C – Commercial with Skyline Logistics Hub Overlay	Vacant / Undeveloped
EAST:	C – Commercial with CUP (Ord. No. 3752) & Skyline Logistics Hub Overlay	RV Dealer & Display Lot and Barnett Signs
WEST:	C – Commercial with Skyline Logistics Hub Overlay	Pepsi Bottling Plant

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow the sale and outdoor display of used farm equipment, such as tractors and related equipment, on the property located at 4340 Interstate Highway 30. The subject property has two existing CUPs, which were approved in 2004 and 2007 to allow the outdoor sale, display, and storage of new farm equipment. The requested CUP will not remove the existing CUPs authorizing the sale and outdoor display of new tractors and equipment.

At this time, the applicant is not proposing any changes to the existing facility. The existing business is located within the existing facilities that include an approximately 3,100 square-foot office, 13,600 square-foot assembly and manufacturing building, 4,250 square-foot covered display area, and 22,000 square-foot paved outdoor storage area. There is also an approximately 1,400 square-foot building on the site, which the business owner has stated has been decommissioned and is not intended to be used.

The subject property was first granted a CUP under Ordinance No. 3630 for Vina Tractor Company in January 2004 to allow outdoor display and storage for tractors with an approved concept plan. A subsequent CUP was approved in November 2004, Ordinance No. 3691, to revise the previously approved concept plan, with certain stipulations for the sale, storage, and display of tractors and related equipment. A third CUP was approved in 2007 for VN Tractors, Inc., Ordinance No. 3866, which amended the fence requirements for the subject property. None of the previous CUPs authorize the sale of used tractors or equipment. A copy of the existing CUPs is available in Attachment 9.

The business, VN Tractors, Inc., has been operating under an existing Certificate of Occupancy since 2006. The business assembles, repairs, and sells new, used, and refurbished heavy machinery, including tractors and other related equipment. The business acquires refurbished machinery from Vietnam. It is then transported, assembled, and sold in Mesquite. VN Tractors, Inc. has sold used and refurbished equipment since at least 2013. Staff discovered that the subject property required a CUP for the sale of used merchandise, as required by Section 3-203 of the Mesquite Zoning Ordinance, after the business applied for a new Certificate of Occupancy due to a name change to Farmer Equipment, LLC.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the future land use of the subject property as Commercial and Corridor Development. The Commercial land use designation represents a broad range of goods and services for a community or region. Developments in this category are larger and more intense than those in the Neighborhood Retail category. The Corridor Development designation represents commercial development that is located along a major corridor. Developments within these corridors are highly visible and enhanced landscaping and public art is encouraged in this area. Compatible land use types for this area include retail, hotels, restaurants, big box retailers, entertainment, and personal services.

STAFF COMMENTS:

The CUP to allow the sale and outdoor display of used farm equipment is consistent with the *Mesquite Comprehensive Plan's* Commercial land use designation. The proposed use would be along a major highway, Interstate 30, and serve as a regional retailer for tractors and other related equipment. To meet the expectations of the Corridor Development area, Staff is recommending improvements to the signage, the existing fence, and the refuse container enclosure.

MESQUITE ZONING ORDINANCE

SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS

1. Existing uses

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

STAFF COMMENTS:

The request to allow the sale and display of used equipment will be located within an existing building and on an existing paved area, located at 4340 IH 30. This site has been operating as an equipment dealership since approximately 2004. Prior to 2004, this site was the site of a mobile home dealership. The requested CUP will not be injurious to the use and enjoyment of other businesses within or surrounding the subject property or negatively impact development or redevelopment in the immediate vicinity. The existing dealership abuts an RV dealership to the northeast and the Pepsi Bottling Plant to the southwest, which similarly have outdoor display and storage.

2. Vacant Properties

The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

STAFF COMMENTS:

Staff does not anticipate the request to negatively impact the development or redevelopment of any nearby property.

3. Services

Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

STAFF COMMENTS:

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

4. Parking

Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

STAFF COMMENTS:

The existing parking lot provides 19 parking spaces at the entrance of the property for customers. Section 3-405 of the Mesquite Zoning Ordinance requires 1 space for each 300 square feet of office/display area and 1 space for each 1,000 square feet of storage/plant area. Based on this requirement, 40 parking spaces are required (See Table 1).

Type of Use	Area	Parking Ration	Required Parking
Office	3,100 sq. ft.	1 per 300 sq. ft.	10 spaces
Display	4,250 sq. ft.	1 per 300 sq. ft.	14 spaces
Manufacturing/Warehousing	13,600 sq. ft.	1 per 1,000 sq. ft.	14 spaces
Outdoor Storage	22,000 sq. ft.	1 per 10,000 sq. ft.	2 spaces
Total Parking Spaces Required			40

Table 1: Parking Requirements

The site does not provide the required number of parking spaces; however, Staff believes there is adequate parking on the site to support the existing business. The applicant will be required to resolve the nonconforming parking through a Special Exception or Site Plan approval prior to the issuance of the new Certificate of Occupancy.

5. Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.

STAFF COMMENTS:

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

CONCLUSIONS

ANALYSIS

Staff does not anticipate the proposed CUP to sell and display used farm equipment to negatively impact the surrounding area, given that there other businesses that have outdoor display and storage in the immediate vicinity. The subject property has been operating as a dealership for new tractors and other related equipment with outdoor display since approximately 2004 per Ordinance No. 3691. As a retail use, selling used tractors does not differ from selling new tractors concerning parking needs, traffic congestion, etc. Adding used tractors sales to the property is not expected to change the operation of the property.

RECOMMENDATIONS

Staff recommends consideration of the CUP to allow the sale and display of used farm equipment, located at 4340 IH 30. Should the Commission recommend approval of the applicant's request, then Staff suggests including the following stipulations:

File No.: Z0520-0140
Conditional Use Permit

1. All customer parking spaces, as shown on the concept plan, shall be restriped prior to issuance of a Certificate of Occupancy.
2. The existing pole sign face, located in the northeast corner of the property, must be replaced within 6 months of approval of this CUP.
3. All screening and security fencing on the site shall be maintained in a like-new manner, meaning, any portion of fencing showing signs of deterioration, broken or missing panels, or creates a safety hazard, shall be replaced.
4. All code issues and violations must be resolved prior to the issuance of a Certificate of Occupancy, including the parking requirement.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has received one returned property owner notice in favor of the request.

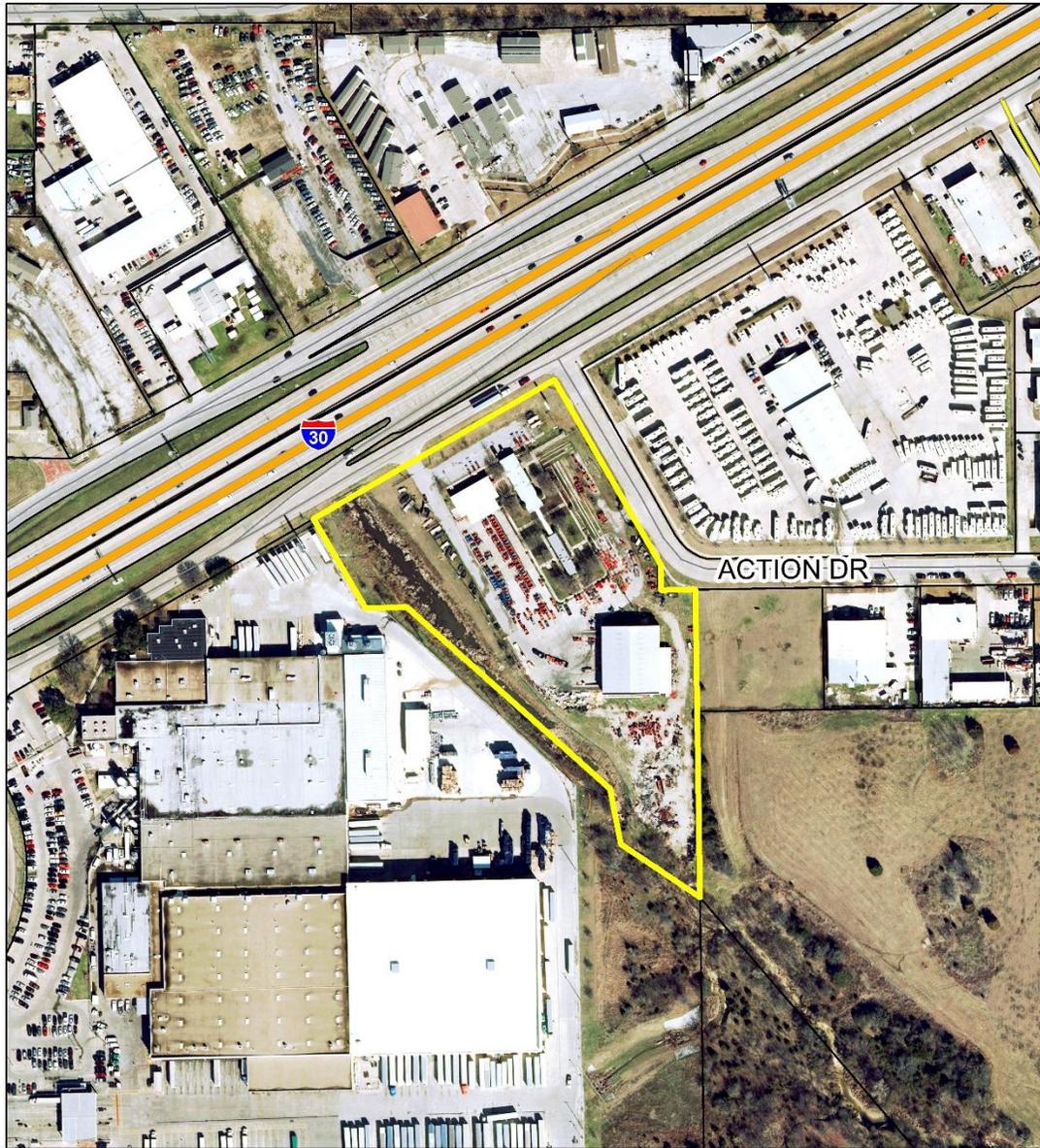
CODE CHECK

Staff conducted a site visit to the subject property and found multiple potential code issues and possible violations. Prior to the issuance of a new Certificate of Occupancy, all code issues and violations must be resolved.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Concept Plan
8. Returned Property Owner Notices
9. Existing CUP Ordinances

Aerial Map



**Request: Conditional Use Permit to allow
the sale of used merchandise.**
Applicant: Daniel Santos
Location: 4340 Interstate Highway 30

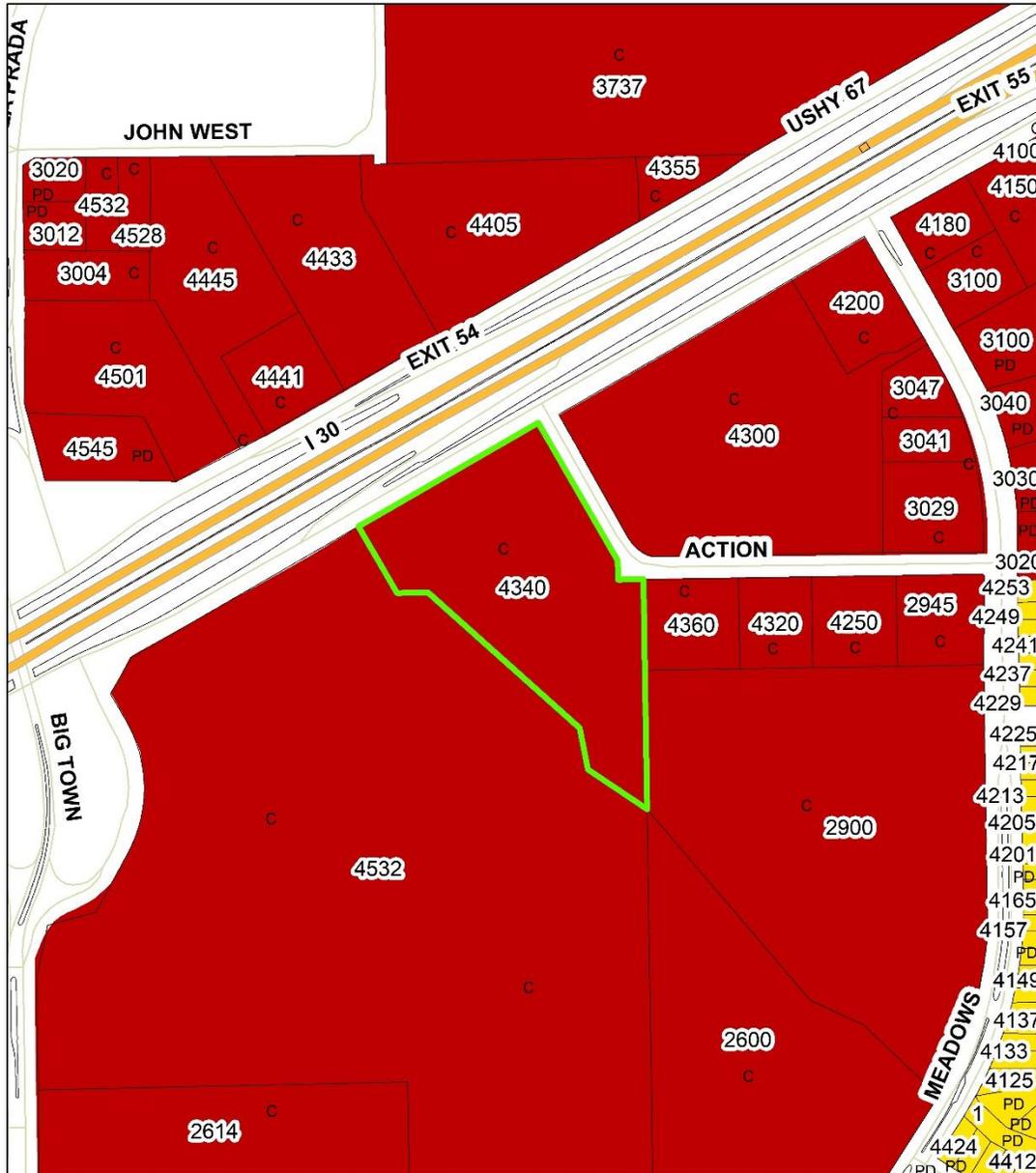
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 Subject Property



 Miles
0 0.00.02 0.04

Zoning Map



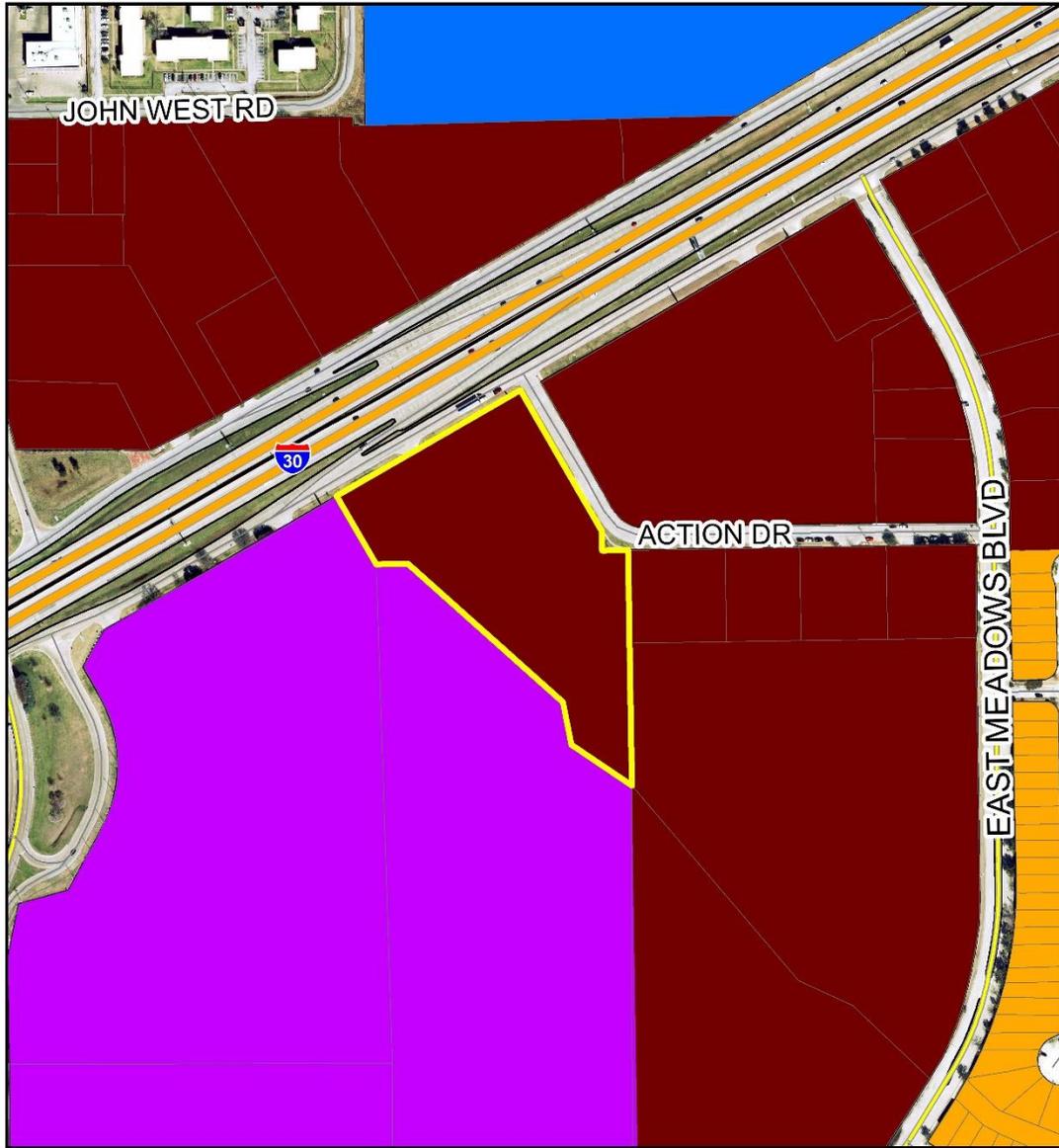
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 Subject Property

0 200 400 800 Feet

ATTACHMENT 4 – FUTURE LAND USE MAP

Future Land Use Map



Land Use

Commercial	Public/Semi-Public
Medium Density Residential	Light Industrial
Subject Property	

0 160 320 640 960 Feet



ATTACHMENT 5 – SITE PHOTOS



Subject property facing southeast, from IH-30 Frontage Road.



Subject property facing northeast, in the front parking lot.

ATTACHMENT 5 – SITE PHOTOS



Subject property facing southeast, in the front parking lot



Refuse container enclosure and property entrance, facing southwest.

ATTACHMENT 5 – SITE PHOTOS



Display area and entrance into storage area, facing south.



Display area and storage area, facing southeast.

ATTACHMENT 5 – SITE PHOTOS

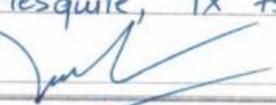


Rear storage area from Action Drive, facing south.



Front of business from Action Drive, facing southwest.

ATTACHMENT 6 – APPLICATION MATERIALS

CITY OF MESQUITE ZONING APPLICATION	Receipt No.: _____ Fee: _____ Case Manager: _____	Date Stamp: _____
REQUESTED ACTION:		
Change District Classification to: <u>No Change</u>	Conditional Use Permit for: <u>Farmer Equipment</u>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <u>Add a Sale of refurbished and used equipment</u>		
SITE INFORMATION/GENERAL LOCATION:		LOCATION/LEGAL DESCRIPTION:
Current Zoning Classification: _____ Site Size: <u>6.551</u> (Acres or Square Feet) Address (if available): <u>4340 IH 30</u> General Location Description: <u>Commercial</u>	Complete one of the following: 1. Platted Property Addition: <u>East Meadows Addition</u> Block: <u>A</u> Lot: <u>13</u> 2. Unplatted Property: Abstract: <u>34</u> Tract: _____	
APPLICANT INFORMATION:		
Contact: <u>Daniel Santos</u> Company: <u>DES Construction Support</u> Address: <u>2426 Fruitland Ave</u> <u>F.B TX 75234</u> Signature: 	Phone: <u>(214) 869-1864</u> Fax: () _____ E-mail: _____ <small>(Required)</small> Owner <input type="checkbox"/> Representative <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>	
OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:		
1. I hereby certify that I am the owner or duly authorized agent of the owner, of the subject property for the purposes of this application. 2. I hereby designate the person named above as applicant, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite in the processing of this application. 3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of 1) Erecting, maintaining, or removing "Change of Zoning" signs, which indicate that a zoning amendment is under consideration and which indicate how further information may be obtained, and 2) Taking photographs documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in the erecting, maintaining, or removal of said signs or the taking of said photographs.		
Owner:  <u>TRAM HOANG</u> Address: <u>4340 I-30</u> <u>Mesquite, TX 75150</u> Signature: 	Phone: <u>(214) 418-0209</u> Fax: () _____ E-mail: <u>LILITH@FARMEREQUIPMENTLLC.COM</u>	

ATTACHMENT 6 – APPLICATION MATERIALS

FARMER EQUIPMENT

4340 IH 30 Mesquite, TX 75150

5/11/2020

To whom it may concern:

Statement of intent and purpose

-Description of project uses,

Farmer Equipment is a company dedicated to the sale of rebuilt, new, used heavy machinery and parts to repair it.

Farmer Equipment is committed to not damaging the property nor will it impede the development and order of the merchants around.

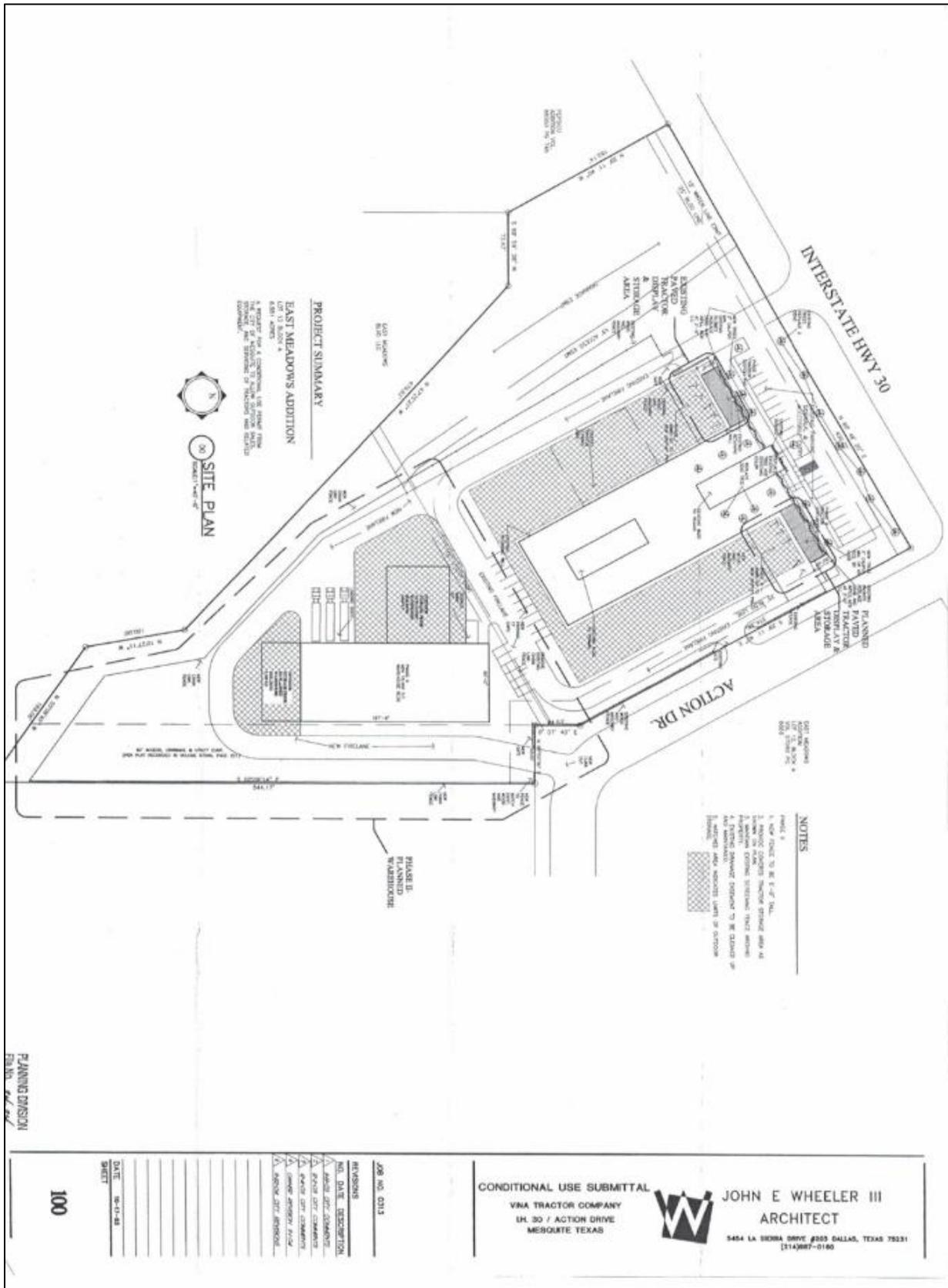
All our utilities (drains, access roads and others) have been planned, reviewed and are working correctly.

Our business offers our clients a suitable and safe parking for their visits and equipment load.

Farmer Equipment it's free of contaminants, noise, smoke or dust that can damage the zone.

If you have any question or concern please contact Daniel Santos (214) 869 1864

ATTACHMENT 7 – CONCEPT PLAN



ATTACHMENT 8 – RETURNED PROPERTY OWNER NOTICE



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

LOCATION: 4340 Interstate Highway 30
(See attached map for reference)
CASE NUMBER: Z0520-0140
APPLICANT: Daniel Santos, DBS Construction Support, LLC
REQUEST: From: "C" – Commercial with Conditional Use Permits, Ordinance No.'s 3691 & 3866, to allow for outdoor sales, display, and storage of new tractors.
To: "C" – Commercial with a Conditional Use Permit to allow for outdoor sales, display, and storage of used farm equipment.

The requested Conditional Use Permit would allow the sale, display, and storage of used farm equipment as a permitted use on the subject property. A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1250/Zoning-Ordinance. Please note that the City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) be nonresidential when the one requested is for a residential use or vice versa.

LEGAL DESCRIPTION

Action Commercial, Block A, Lot 1

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **June 8, 2020**, in the City Council Chambers of City Hall located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, **July 6, 2020**, at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6346 or lfrohberg@cityofmesquite.com

REPLY FORM

State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice. As a property owner within 200 feet of the property, you are urged to give your opinion on the request by attending the public hearing or by completing the form below or both. Your written reply is important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5:00 pm on **June 4th** to be included in the Planning and Zoning Commission packet and by 5:00 pm on **June 18th** to be included in the City Council packet. All notices received after the listed dates will still be accepted and presented to Commission/Council, but will not be included in meeting packets.

(Complete and return)

Do not write on the reverse side of this form.

By signing the form, I declare I am the owner or authorized agent of the property at the address written below.

Case Number: Z0520-0140
I am in favor of this request X
I am opposed to this request _____
Name (required): Barnett Signs, Inc.
Address of Noticed Property: 4340 Action Drive, Mesquite 75150
Owner Signature: [Signature] Date: 06/02/2020

Reasons (optional):

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

ATTACHMENT 9 – EXISTING CUP ORDINANCES

ORDINANCE NO. 3691
File No. 34-34

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL THEREBY ALLOWING OUTDOOR SALES, DISPLAY AND STORAGE OF TRACTORS SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a conditional use permit on property zoned Commercial thereby allowing outdoor sales, display and storage of tractors subject to the following stipulations:

1. Traffic circulation, parking, screening, landscaping and display and outdoor storage areas shall be in conformance with the approved concept plan (the "Plan"), including a detailed landscaping and screening plan submitted with the conditional use application and attached hereto as Exhibit "A." Screening and landscaping shall comply with the Mesquite Zoning Ordinance.
2. Outdoor display shall be limited to 18 tractors on two display pads shown on the Plan.
3. Outdoor storage shall be limited to the areas designated as such on the Plan.
4. Prior to outdoor storage of tractors and related equipment on the site, a screening fence (wood with masonry columns) must be installed as indicated on the Plan.

ATTACHMENT 9 – EXISTING CUP ORDINANCES

Zoning/File No. 34-34/November 15, 2004
Page 2 of 3

5. Outdoor storage shall not include storage of parts or disassembled tractors.
6. All tractors and equipment placed outside shall be on an approved paved surface, as described in the Mesquite Zoning Ordinance, Section 3-600.
7. All repair, assembly and servicing of tractors and related equipment shall be conducted inside an enclosed structure.
8. All structures shall meet all applicable City codes.
9. No caretakers or personnel may live on site for any period of time.
10. A preliminary plat must be approved prior to obtaining a building permit. A final plat must be recorded with Dallas County prior to obtaining a Certificate of Occupancy.

That the subject property is located at 4340 Interstate Highway 30 further described as a 10.75-acre tract being Tract 17, Page 245 of Abstract 34, and is more fully described in the approved field notes in Exhibit "B" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

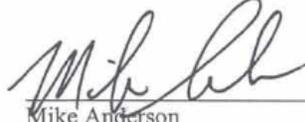
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

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ATTACHMENT 9 – EXISTING CUP ORDINANCES

Zoning/File No. 34-34/November 15, 2004
Page 3 of 3

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 15th day of November, 2004.



Mike Anderson
Mayor

ATTEST:

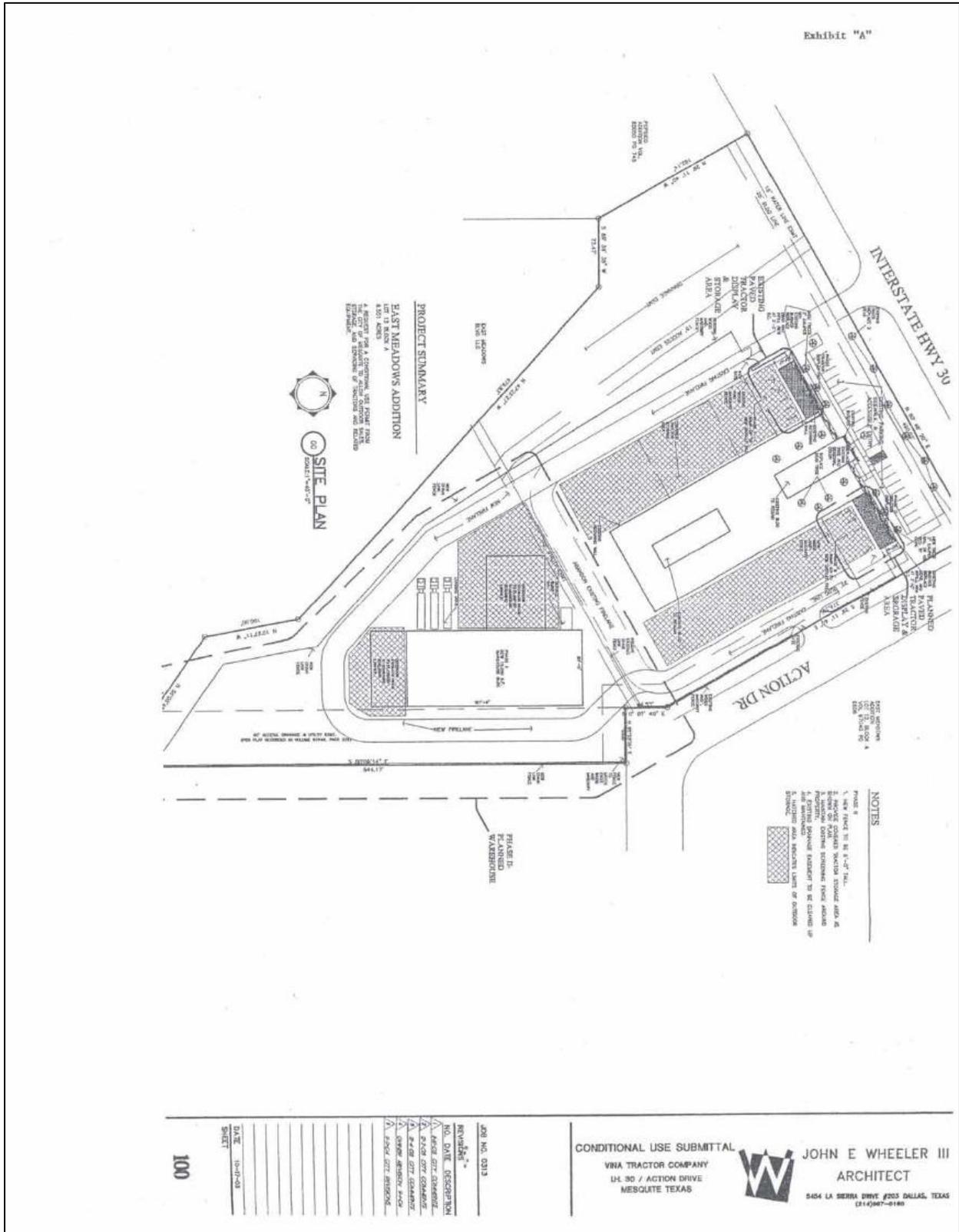
APPROVED:



Judy Womack
City Secretary

B. F. Smith
City Attorney

ATTACHMENT 9 – EXISTING CUP ORDINANCES



ATTACHMENT 9 – EXISTING CUP ORDINANCES

ORDINANCE NO. 3866

File No. 34-41

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING THE CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NO. 3691 BY AMENDING THE FENCING REQUIREMENTS WITH CERTAIN STIPULATIONS ON PROPERTY LOCATED AT 4340 INTERSTATE HIGHWAY 30; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Conditional Use Permit approved by Ordinance No. 3691 by amending the fencing requirements subject to the following stipulations on the property located at 4340 Interstate Highway 30:

1. The existing wood and wrought iron fence currently located in the front of the property be repaired to good condition.
2. The proposed fence is erected at a height no higher than five feet.
3. The proposed fence must be of wrought iron material (no chain link fencing).

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

ATTACHMENT 9 – EXISTING CUP ORDINANCES

Zoning Ordinance/File No. 34-41/May 7, 2007
Page 2 of 2

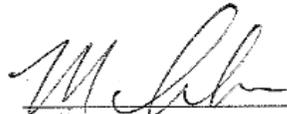
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

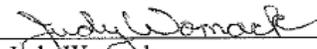
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of May, 2007.

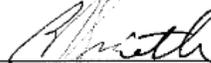


Mike Anderson
Mayor

ATTEST:


Judy Wornack
City Secretary

APPROVED:


B. J. Smith
City Attorney