



**PLANNING AND ZONING COMMISSION PRE-MEETING
CITY COUNCIL CONFERENCE ROOM**

**757 North Galloway Avenue
May 13, 2019 - 6:30 P.M.**

To discuss the items on the regular agenda.

**PLANNING AND ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS**

**757 North Galloway Avenue
May 13, 2019 - 7:00 P.M.**

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.

AGENDA

I. APPROVAL OF THE MINUTES OF THE APRIL 22, 2019 MEETING

II. ZONING CASE

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.

- A. Conduct a public hearing and consider Application No. Z0918-0066 submitted by Alex Ayagh for a Conditional Use Permit to allow the sale of used tires in a Commercial zoning district on a property described as Big Town Estates 3, Block 3, Part of Lot 10, City of Mesquite, Dallas County, TX, located at 2532 US Highway 80 East.
- B. Conduct a public hearing and consider Application No. Z0419-0090 submitted by Mike Tolleson for a Conditional Use Permit to allow the expansion of a Coin-Operated Amusement Game Room in a General Retail zoning district on a property described as Mesquite Highlands Rep, Block 10, Lot 2, City of Mesquite, Dallas County, TX, located at 1200 East Davis Street, Suite 122. **(This item will be rescheduled and re-noticed for the May 28, 2019, Planning and Zoning Commission meeting. No action will be taken.)**

III. DIRECTOR'S REPORT

- A. Director's Report on recent City Council action on zoning items at their meetings on May 6, 2019.

At the conclusion of business, the Chairman 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 según el Subcapítulo 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-

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.

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 May 13, 2019, was posted on the bulletin boards at the Municipal Center and City Hall by May 10, 2019, 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., APRIL 22, 2019, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Ronald Abraham, Vice-Chair Sherry Williams, Jennifer Vidler, Debbie Anderson David Gustof, Yolanda Shepard, Sheila Lynn, Alternate Jerome Geisler, Alternate Claude McBride

Absent:

Staff: Director of Planning & Development Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Principle Planner Johnna Matthews, Planner Ben Callahan, City Attorney David Paschall, Assistant City Attorney Cynthia Steiner, Senior Administrative Secretary Devanee Winn

Chairman Abraham called the meeting to order and declared a quorum present.

I. APPROVAL OF THE MINUTES OF THE APRIL 8, 2019 MEETING

Ms. Vidler made a motion to accept the minutes with no corrections. Ms. Shepard seconded. The motion passed unanimously.

II. ZONING CASE

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.

A. Conduct a public hearing and consider Application No. Z0319-0089 submitted by Abdul R. Awan for a Zoning Change from SS, Service Station to PD-SS, Planned Development – Service Station to allow retail uses in addition to other uses allowed in the Service Station zoning district on a property described as Skyline Village No. 37, Phase 3, Lot 2G, City of Mesquite, Dallas County, TX, located at 1015 Gross Road.

Principle Planner Johnna Matthews briefed the Commission. Staff recommended denial to use Planned Development-Service Station for the zoning change. Staff's recommendation is to amend the Service Station district to allow additional retail uses. There were no questions for Staff. The applicant was not in attendance. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Ms. Vidler to deny the zoning change request. Ms. Shepard seconded. The motion passed unanimously.

III. DIRECTOR'S REPORT

A. Director's Report on recent City Council action on zoning items at their meetings on April 15, 2019.

Discussed City Council action to extend the moratorium on multifamily developments until June 14, 2019.

There being no further items before the Commission, the Chairman Abraham adjourned the meeting at 7:11 PM

Chairman Ron Abraham

FILE NO.: Z0918-0066

P&Z HEARING DATE: May 13, 2019

COUNCIL DATE: June 3, 2019

GENERAL INFORMATION

APPLICANT: Alex Ayagh, Alex Auto Repair & Tire Service
REQUESTED ACTION: Conditional Use Permit to allow the sale of used tires.
LOCATION: 2532 E. US Highway 80

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The subject property is an approximately 21,762 square foot lot located on E. U.S. Highway 80 frontage and is zoned “C”, Commercial.

SURROUNDING LAND USE AND ZONING (see attached map):

	Zoning	Existing Land Use
North	U.S. Highway 80	Highway
South	“R-3” – Single-Family	Single-Family Homes
West	“C” Commercial	Wheel and Tire Shop
East	“C” Commercial	Dental and auto insurance office

ZONING HISTORY

1951: Annexed and zoned Residential
 1959: Rezoned to Local Retail
 1964: Rezoned to Commercial by Comprehensive Zoning Ordinance #560
 1973: Rezoned to Service Station with adoption of Comprehensive Zoning Ordinance #1135
 1983: Zoning change request for Commercial was approved; however, Ordinance was never prepared.
 1985: Rezoned to Commercial

PLATTING: Big Town Estates 3, Block 3, PT Lot 20

GENERAL: The applicant is requesting a Conditional Use Permit (CUP) to allow for the sale of used tires at Alex Auto Repair and Tire Services. The main operation of the business will continue to be oil changes, air conditioning services, minor automotive repair, and state automobile inspections. The applicant currently sells new tires along with the repair business. The applicant plans to store approximately 50 used tires within the screened storage space behind the auto shop, with no display of tires outside the building. According to Mr. Ayagh, his business will assist travelers along Highway 80 that experience flat tires. His shop will offer used tires as new ones can at times be too expensive for the untimely inconvenience. The applicant owns the subject property as well as the automotive business and has been in operation for seven years.

STAFF COMMENTS

Mesquite Comprehensive Plan

The Mesquite Comprehensive Plan designates the subject property as Corridor Business. The Plan describes the intent of the Corridor Business designations in the Development Areas as follows:

This Corridor Business designation incorporates the frontages along the freeways and highway corridors which provide the highest levels of regional accessibility and thereby provide appropriate locations for a variety of business and commercial uses serving both regional and community customers, as well as highway related uses serving travelers through the area. This area may accommodate light industrial uses. Small-scale storage yards of an incidental, secondary nature which are effectively screened from public view may be accommodated, as they are necessary for many of the business and contractor services which might locate in the corridors.

Mesquite Zoning Ordinance Sec. 5-303: Review Criteria for Conditional Use Permits (Staff comments are provided below each criteria.)

1. Existing Uses

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

The subject property is located within “C” commercial zoning district and adjacent to another tire business. The surrounding nonresidential uses include a dental office and an auto insurance office to the east. To the south is a single-family subdivision. The proposed use is compatible with surrounding nonresidential uses. The proposed use also conforms to the Commercial zoning of the subject property as well as to the Comprehensive Plan. Staff does not anticipate that the sale of used tires with stipulations would adversely impact the surrounding area.

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 does not expect this proposed use to 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.

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

ZONING RECLASSIFICATION

FILE NO.: Z0918-0066

Page 3

4. Parking

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

The parking lot contains sufficient parking spaces to accommodate the current operating business.

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 disturbance to neighboring properties will result.

Staff anticipates no disturbances to neighboring properties as a result of the proposed use.

Analysis

Conditional Use Permit to allow for the sale of used tires is consistent with the future land use designation of the Comprehensive Plan as well as the existing zoning district. The proposed use is an additional amenity to an existing light automotive repair and service business. Screened storage of all tires will allow for minimal visual impact on the property and surrounding area. Staff does not anticipate any adverse impacts from the proposed use on the surrounding uses or properties.

RECOMMENDATIONS

Staff recommends approval of the request to allow the sale of used tires with the following stipulation:

1. Any outdoor display of tires shall be prohibited.

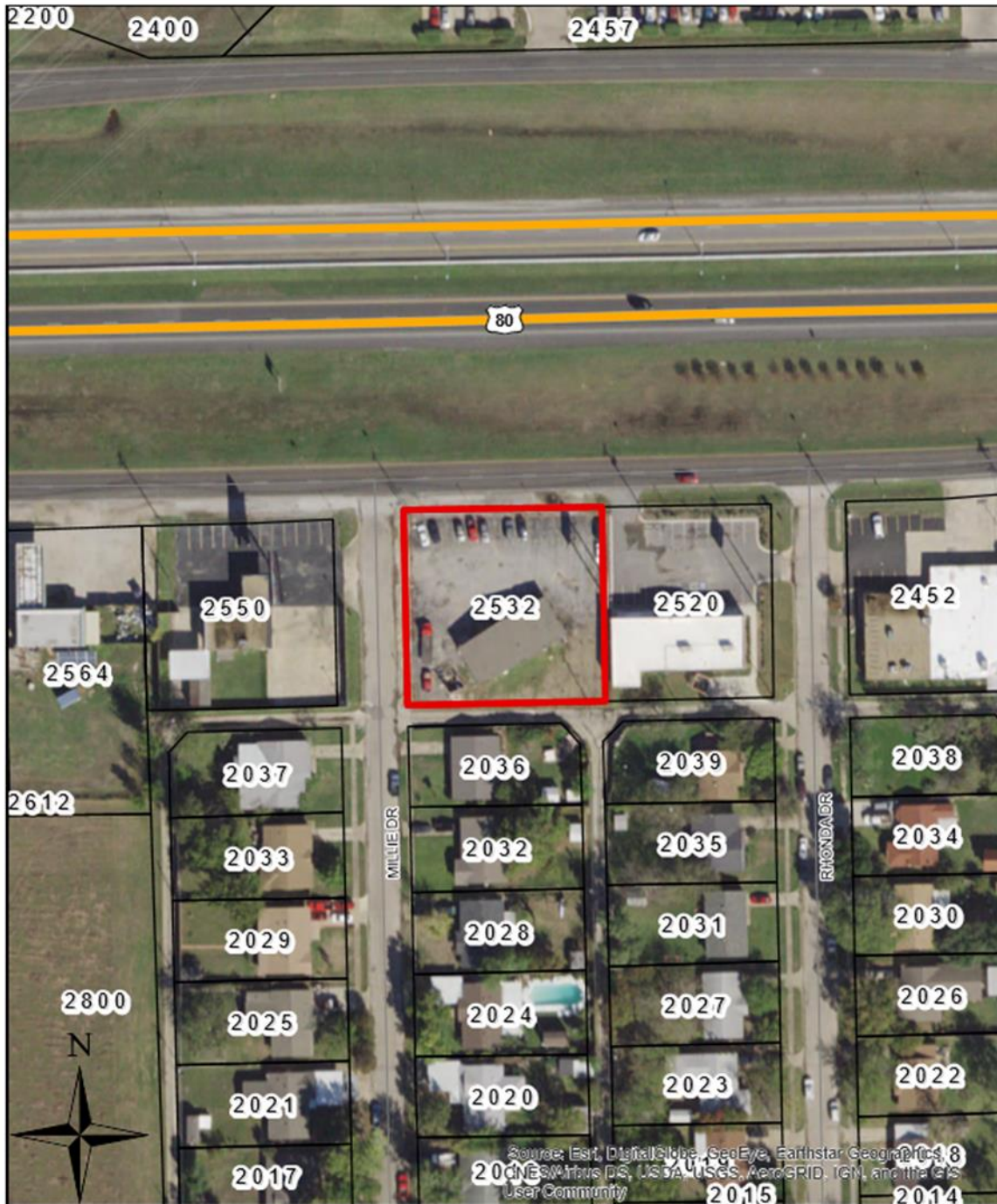
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices from property owners within 200 feet of the subject property.

ATTACHMENTS

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Site Pictures

ATTACHMENT 1 – AERIAL MAP



Request: Conditional Use Permit to allow for the sale of used tires.

Applicant: Alex Ayash

Location: 2532 US HWY 80 E.

Legend

 Subject Property

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





Request: Conditional Use Permit to allow for the sale of used tires.

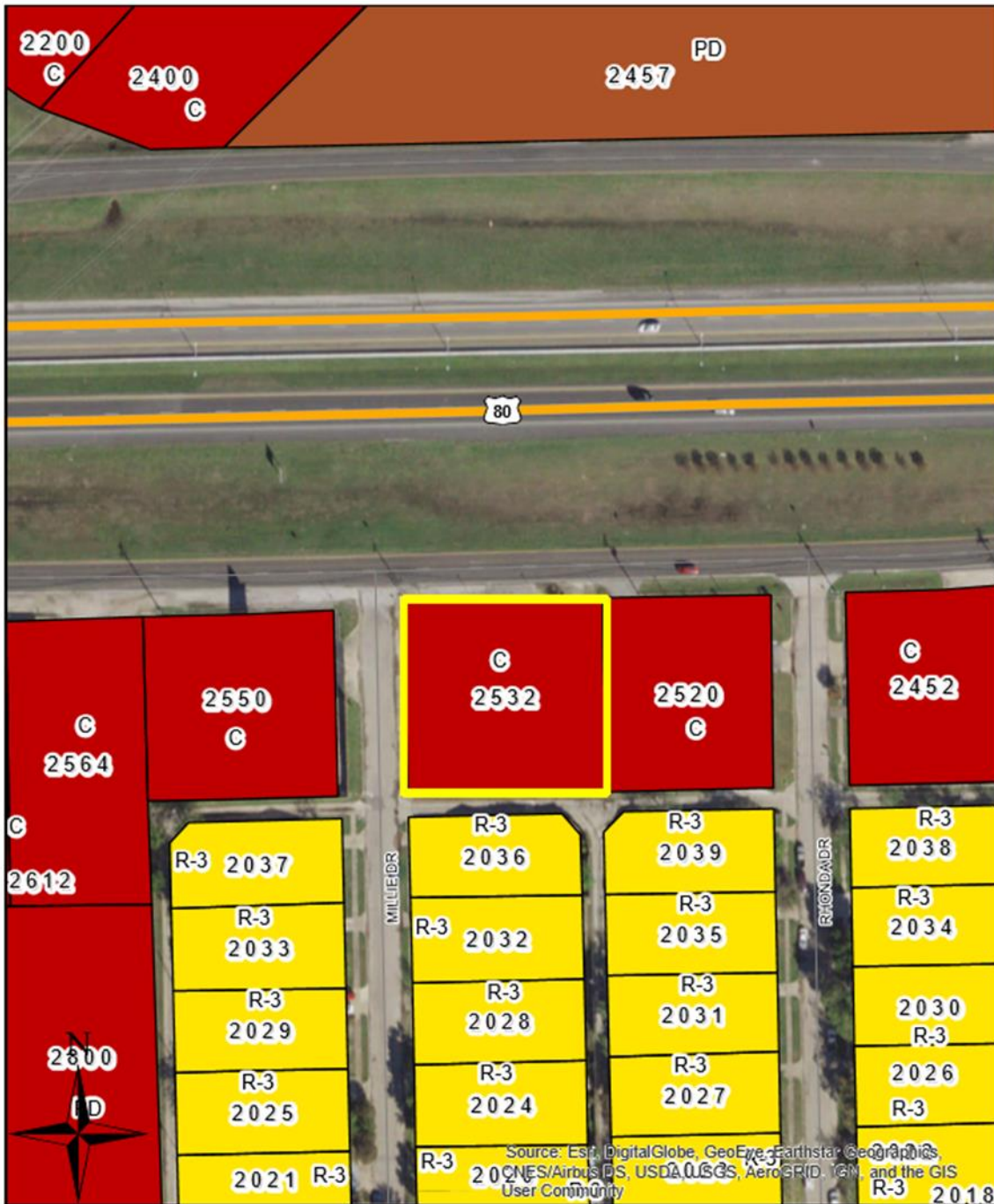
Applicant: Alex Ayagh

Location: 2532 US HWY 80 E.

Legend

-  Subject Property
-  Notified Properties

ATTACHMENT 3 – ZONING MAP



Request: Conditional Use Permit to allow for the sale of used tires.

Applicant: Alex Ayash

Location: 2532 E. U.S. HWY 80

Legend

 Subject Property

ZONING RECLASSIFICATION

FILE NO.: Zog18-0066

Page 7

ATTACHMENT 4 – APPLICATION

CITY OF MESQUITE ZONING APPLICATION	Receipt No. _____	Date Stamp: 9-10-18
	Fee: _____	
	Case Manager: _____	2018-0006

REQUESTED ACTION:

Change District Classification to: _____	Conditional Use Permit for: <u>Used Tires</u>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <u>we do want to sale used Tires because some time customer dont have money to pay for new tires</u>		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: _____ Site Size: _____ (Acres or Square Feet) Address (if available): _____ General Location Description: _____	Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: Abstract: _____ Tract: _____
---	---

APPLICANT INFORMATION:

Contact: <u>Alex Ayash</u>	Phone: <u>(972) 216-0800</u>
Company: <u>Alex Auto Repair & Tire Services</u>	Fax: _____
Address: <u>2532 US Highway 80 E Mesquite TX 75149</u>	E-mail: <u>Alexauto80@yahoo.com</u> <small>(Required)</small>
Signature: <u>Alex</u>	Owner <input checked="" type="checkbox"/> Representative <input type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:

1. I hereby certify that I am the owner or duly authorized agent of the owner, of the subject property for the purposes of this application.

2. I hereby designate the person named above as applicant, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite in the processing of this application.

3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of 1) Erecting, maintaining, or removing "Change of Zoning" signs, which indicate that a zoning amendment is under consideration and which indicate how further information may be obtained, and 2) Taking photographs documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in the erecting, maintaining, or removal of said signs or the taking of said photographs.

Owner: <u>Alex Ayash</u>	Phone: <u>(972) 216-0800</u>
Address: <u>2532 US Highway 80 E mesquite TX 75149</u>	Fax: _____
Signature: <u>Alex</u>	E-mail: <u>Alexauto 80@yahoo.com</u>

Alex Auto Repair
2535 US Highway 80E

Mesquite Tx 75149

(972)-216-0800

Alex Auto Repair Been on Business Since 2011 . we do our best to taken care of our customer and we will like to sale used tires to help our customer who cannot afford the new tires.

Alex Auto repair what we do

we do light mechanic

Brake & rotor Oil change New tires tune ups , A/c Service State inspection and other light mechanic And, we will Like to sale a used tires As well

The reason sometimes customers cannot afford the new ones. Their for we like to sale them we do have the place where to storage the new tires and used ones in the container

Thank you

Alex Ayagh

(972)216-0800

Alexauto80@yahoo.com

ATTACHMENT 5 – SITE PICTURES



Front view of the subject property from U.S. 80 Frontage Road



Rear view of the property showing screened area for storage.