



**PLANNING AND ZONING COMMISSION MEETING
TRAINING ROOMS A & B
757 North Galloway Avenue
Mesquite, Texas
September 28, 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 related to the Coronavirus (COVID-19) pandemic, and further guidance issued on the suspensions by the Attorney General’s Office, Commission members and all other persons may participate in the meeting as follows:

1. A quorum of the Planning and Zoning Commission may be achieved by Commission members being physically present at the meeting location, by telephone conference, or by any combination thereof.
2. All persons may participate in the meeting by either being physically present at the meeting location or by telephone conference.
3. All persons choosing to be physically present at the meeting location must wear some form of face covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants. **NOTE:** Seating capacity shall be *limited* at the meeting location to adhere to social distancing protocols.
4. Instructions for participation by telephone conference are described below:

Telephone Conference Number: 214-396-6338

When your call is answered you will hear:

“Welcome to Turbo Bridge. Please enter your Conference ID and press the pound (#) key.”

Conference ID (Participation Code): 177-6111 #

Additional Instructions:

- Persons may INCREASE their listening volume by pressing *88.
 - Persons may DECREASE their listening volume by pressing *89.
 - 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.
5. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
 6. Verbal comments may be made during the meeting upon a request to speak and recognition by the Chairperson during the appropriate times identified on the Agenda.
 7. Written comments may be made in writing before 3:00 p.m., on the afternoon of the meeting, 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).
 9. A copy of staff presentation will be made available online at <https://www.cityofmesquite.com/1585/Meeting-Packets-Presentations>.

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 September 14, 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. Z0420-0139

Conduct a public hearing and consider Zoning Application No. Z0420-0139 submitted by Mazidji Group Engineering on behalf of SAM 77, Inc., for a Comprehensive Plan Amendment from Low Density Residential to Neighborhood Services and a Zoning Change from Agricultural and General Retail to General Retail with a Conditional Use Permit with a modification to allow a convenience store and limited fuel sales within 500 feet of a residential district, generally located at the east corner of Pioneer Road and McKenzie Road (400 McKenzie Road and 3100 McKenzie Road).

6. ZONING TEXT AMENDMENT 2020-09

Conduct a public hearing and consider amending Mesquite Zoning Ordinance by revising Section 2-202, Garage Conversions; Section 2-203, Schedule of Permitted Uses; and Section 2-401, Number and Location of Spaces, all pertaining to off-street parking requirements in residential zoning districts.

DIRECTOR’S REPORT

7. DIRECTOR’S REPORT.

Director’s Report on recent City Council action taken on zoning items at their meetings on September 8, and 21, 2020.

[NOTE: Commission action, *if any*, shall not be taken regarding the Director’s Report until Public Comments have been received.]

PUBLIC COMMENTS

8. 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.

****City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting.****
To make arrangements, call the City Secretary’s office at (972) 216-6244 or 1-800-735-2989

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 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 September 28, 2020, was posted on the bulletin boards at the Municipal Center and City Hall by September 25, 2020, 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
City of Mesquite, Texas

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., SEPTEMBER 14, 2020, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairwoman Yolanda Shepard, Ronald Abraham, Claude McBride, Sherry Williams, Debbie Anderson, Sheila Lynn, Alternate Mildred Arnold, Alternate Dorothy Patterson

Absent:

Staff: Director of Planning & Development Services Jeff Armstrong, Manager of Planning & Zoning Garrett Langford, Principal Planner Johnna Matthews, Planner John Chapman, City Attorney David Paschall, Planning & Development Services Administrative Aide 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 and video conferencing to support social distancing. Commissioners and City Staff attended the meeting who were present in Training Rooms A & B and practiced social distancing. Ms. Arnold was present by telephone conference.

COMMISSION BUSINESS

1. ROLL CALL

Manager of Planning & Zoning Garrett Langford called on each Commissioner for the record. Chairwoman Shepard called the meeting to order and declared a quorum present. Ms. Arnold participated as a voting member.

2. INSTRUCTIONS

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

3. PUBLIC COMMENTS.

There were no public comments.

CONSENT AGENDA

1. MINUTES.

Discuss and consider approval of the minutes for August 24, 2020, Planning and Zoning Commission.

2. PD SITE PLAN APPLICATION NO. SP0120-0140

Consider a PD Site Plan submitted by Pat Atkins, Tack Team Investments, LLC, for Caldwell Farms, a single family subdivision with 28 lots located at 6401 Shannon Rd.

A motion was made by Ms. Williams to approve the consent agenda as presented. Ms. Lynn seconded. The motion passed 7-0.

PUBLIC HEARINGS

1. ZONING APPLICATION NO. Z0720-0143

Conduct a public hearing and consider Zoning Application No. Z0720-0143 submitted by Masterplan on behalf of Infinity 2020 Partners, LLC., for a Zoning

Change from General Retail to General Retail with a Conditional Use Permit to allow a car wash with a modification to allow a car wash within 100 feet of a residential district, located at 1200 Pioneer Road. Postpone from the August 24, 2020, Planning and Zoning Commission meeting.

Planner John Chapman briefed the Commissioners. Representing the Applicant, Mr. Karl Crawley came up to give a presentation. Chairwoman Shepard asked Mr. Crawley if there will be employees hand drying the cars. Mr. Crawley answered, no. Ms. Williams had concerns about the trash that collects between the Dollar General and the proposed car wash site. Ms. Williams wanted to know who is responsible for cleaning trash up. Mr. Crowley answered that the car wash would be responsible for the trash that is located on their property, and Dollar General is responsible for their trash; however, they will be willing to work with the Dollar General to make sure the area is kept trash-free as much as possible. There were no other questions for the Applicant. Chairwoman Shepard opened the public hearing. No one came up to speak. Chairwoman Shepard closed the public hearing. Mr. Abraham asked if they received any objections from the neighborhood meeting the Applicant had. Mr. Crawley answered, no. Before the motion was made, City Attorney David Paschall explained that should the Commission wish to approve the request that their motion should include Exhibit C – Development Standards. A motion was made by Ms. Williams to approve, including Exhibit C – Development Standards. Mr. Abraham seconded. The motion passed 7-0.

2. ZONING APPLICATION NO. Z0220-0129

Conduct a public hearing and consider Zoning Application No. Z0220-0129 submitted by Huffines Land Holding Partners, L.P. for a Zoning Change from Planned Development Ordinance No. 3538 and Agricultural to Planned Development to allow a master-planned community that would provide development standards and allow mixed-use, residential and commercial uses on a property described as being 1,424 (+/-) acres of land in the J. Anderson Survey, Abstract No. 1, generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas Sr., Boulevard

Manager of Planning and Zoning Garrett Langford gave a presentation for the Commissioners. Manager of Traffic Engineering Eric Gallt gave a presentation on the Traffic Impact Analysis Study. Chairwoman Shepard would like to see the results of the Traffic Impact Analysis. Mr. McBride asked if Faithon P Lucas Rd. will be the main artery for Phase 1 to enter the development and what is the timeline for completion. Mr. Gallt answered that the City staff recognizes that Faithon P Lucas Rd is will need to be addressed in the early phases of this project. Once funding is secure, it may take up to 18 months for designs and 24 months for construction. Phillip Huffines came up and gave a presentation to the Commissioners. Mr. Thomas Muerer of LJA Engineering gave a presentation. Chairwoman Shepard commented that she likes that the Applicant reached out to the community. Mr. McBride asked what will be done about the drainage near the creek that runs through there. The Applicant answered they are doing a flood study, and they will need to increase the valley storage near the creek. Most of the drainage improvements will occur after Phase 1. Chairwoman Shepard opened the public hearing. Mr. Fred Brewster, 1008 Cole Spring Court, came up to speak his concerns with the development connecting to Creekside Drive. Mr. Brewster stated this connection to Creekside Drive would increase traffic in his neighborhood by providing the proposed development a connection to Pioneer Road. Mr. Gallt stated that Traffic Engineering reviews the Traffic Impact Analysis and supplies comments regarding the study. Mr. Gallt indicated that they expect most of the increased traffic to come from IH-20 up to

Belt-Line Road to Faithon P Lucas or from Cartwright Rd. While there will be some increased traffic due to interconnectivity, the traffic generators, such as schools, will pull most of the increased traffic directly from Cartwright Rd or Faithon P Lucas and not from Pioneer Rd. Mr. Tom Briscoe, 1977 McKenzie Rd, came up to speak. Mr. Briscoe is excited about the development. Mr. Briscoe is very concerned about the traffic the development will do to McKenzie Road. Mr. Mike Henny, 4171 Lawson Rd, stated concerns about the increased traffic and danger it will cause on Lawson Rd. Mr. Henny is concerned when development starts, all the wildlife will be pushed to the community and tear up citizens' property. Regarding Lawson Rd., Mr. Gallt answered that the City is working on future improvements on Lawson Rd. Ms. Melinda Blair, 3800 Faithon P. Lucas, stated concerns about the proposed lot and house sizes are too small. Ms. Blair said she wants the houses in the development to be move-up and build executive housing. Ms. Blair wants a new Traffic Impact Analysis done near the new high school. Ms. Blair asked why there is no proposed development behind the Hills of Tealwood. The applicant answered that behind Tealwood is a floodplain that cannot be developed. Chairwoman Shepard asked what the price ranges of the homes are. Mr. Huffines answered the houses will start at \$250,000.00 and can go up to \$600,000.00. Ms. Norma Henny, 4171 Lawson Road, came up to speak. Ms. Henny wants an animal conservation study done. Ms. Henny is very concerned about the wildlife being pushed into the community and destroying property. Ms. Henny has seen bobcats, mountain lions, and exotic animals, such as baboons. The staff answered no animal study had been done. Warren Lynch, 4100 Lawson Road, stated that he is very worried about the traffic safety on Lawson Rd. Mr. Lynch is not opposed to the development, but he does not think the City is prepared for the issues that the increased traffic will cause on Lawson Road. Mr. Lynch is also concerned about the runoff and water being pushed onto his property. Mr. Lynch said the wildlife is also a huge concern. Ms. Williams suggested that Mr. Lynch contact the City Manager and the Mayor about all the concerns of exotic animals. Mike Foytik, address 1721 Mesquite Valley Rd., came up to speak. Mr. Foytik wants to know if there will be a cut-through street going from Mesquite Valley to Cartwright Rd. The Applicant answered yes, and that will be Phase 2. There were no other public comments. Chairwoman closed the public hearing. Ms. Arnold, via conference call, asked when Phase 1 will be completed. Mr. Huffines answered sometime in 2022. Ms. Anderson also commented that she is a resident by the proposed development, and she is excited about the development but that the City will need to address Lawson Road. There were no other comments. Ms. Williams made a motion to approve. Ms. Lynn seconded. The motion passed 7-0.

3. ZONING APPLICATION NO. Z0420-0139

Conduct a public hearing and consider Zoning Application No. Z0420-0139 submitted by Mazidji Group Engineering on behalf of SAM 77, Inc., for a Zoning Change from General Retail and Agricultural to Planned Development – General Retail to allow a convenience store with limited fuel sales, generally located at at the southeast corner of Pioneer Road and McKenzie Road (400 McKenize Road and 3100 McKenzie Road). (*APPLICATION HAS BEEN WITHDRAWN BY THE APPLICANT.*)

Chairwoman Shepard called the meeting adjourned at 9:08 P.M.

Chairwoman Yolanda Shepard



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0420-0139
REQUEST FOR: Comprehensive Plan Amendment to Neighborhood Retail, Zone Change to GR, General Retail and a Conditional Use Permit to allow a Convenience Store and Limited Fuel Sales within 500 feet of a residential district and/or school.
CASE MANAGER: Johnna Matthews

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 28, 2020
 City Council: Monday, October 19, 2020

GENERAL INFORMATION

Applicant: Mazidji Group Engineering
Requested Action: Comprehensive Plan Amendment from Low Density Residential to Neighborhood Retail, rezoning from “AG,” Agricultural and General Retail District to “GR,” General Retail District, with a Conditional Use Permit (CUP) to allow a Convenience Store and Limited Fuel Sales within 500 feet of a residential district and/or school.
Location: 400 and 3100 McKenzie Rd. Generally located at the southeast corner of Pioneer Rd. and McKenzie Rd.

SITE BACKGROUND

Platting: Property will require platting
Size: 7.39 acres
Zoning: General Retail and “AG,” Agricultural
Future Land Use: Low Density Residential
Zoning History: 1984: Annexed and zoned AG, Agricultural
 1986: Portion rezoned to General Retail

Surrounding Zoning and Land Uses (See Attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	AG, Agricultural	Church and single-family home
SOUTH:	AG, Agricultural and PD-SF, Planned Development – Single Family	Single-family subdivisions
EAST:	AG, Agricultural and PD-SF, Planned Development – Single Family	Single-family
WEST:	City of Balch Springs, TX	Undeveloped

CASE SUMMARY

The applicant is requesting rezoning of approximately 7.39 acres of land from “AG,” Agricultural and “GR,” General Retail to “GR,” General Retail, with a Conditional Use Permit to allow for the development of a multi-tenant retail strip center, including a convenience store, with limited fuel sales. Limited fuel sales is limited to servicing no more than eight vehicles at a time; one pump island with four pumps or two related pump islands with two pumps each. According to the applicant’s letter of intent, if the zone change is approved, the property will be subdivided into two lots. According to the proposed Concept Plan, the northern-most lot will include approximately 2.36 acres, which will be developed with a 12,000 square-foot retail strip center with seven 1,715 square-foot suites and a four-bay gas station, associated parking spaces, and 18.8% landscaped area. The Concept Plan illustrates two means of ingress/egress; one on Pioneer Road and one on McKenzie Road. The southern-most lot would be developed at a later time and will include approximately 5.03 acres of land. All regulations of the GR, General Retail zoning district, will be followed for both proposed lots.

The subject property is bordered by the City of Balch Springs to the west. In 2013, the City of Mesquite and the City of Balch Springs adopted an agreement to adjust the mutual boundary on McKenzie Road between Pioneer Road and Faithon P. Lucas Sr. Blvd. in order to establish clear lines of demarcation. In the agreement, the City of Balch Springs granted the City of Mesquite unlimited right to install and maintain utilities in the right-of-way (easements) of McKenzie Road; however, the right-of-way is owned and maintained by the City of Balch Springs. Any driveways or access onto McKenzie Road will require approval from the City of Balch Springs.

MESQUITE COMPREHENSIVE PLAN

The Future Land Use designation for the subject property is Low Density Residential, which represents a traditional single-family detached neighborhood where each dwelling unit is located on an individual lot. Densities may vary from one neighborhood to the next as well as within the same subdivision to encourage diverse housing options. Within the aforementioned future land use designation, the Comprehensive Plan recommends supporting uses such as parks, recreation facilities, elementary schools and neighborhood clubhouses. The Comprehensive Plan recommends Low density subdivisions only directly access local streets and buffering from major commercial areas by medium density residential, office or neighborhood retail.

STAFF COMMENTS:

The proposed request also includes a Comprehensive Plan Amendment from Low Density Residential to Neighborhood Retail, as the proposed change in zoning and development do not conform to the existing Low Density Residential future land use designation of the

Comprehensive Plan. The Neighborhood Retail designation allows for a variety of retail and personal service businesses that meet the daily needs of residents. Developments in Neighborhood Retail typically include small or medium scale developments ranging from 1,500 square feet to 45,000 square feet and one to two stories in height. The Comprehensive Plan recommends land uses such as retail, restaurants, personal services, and supporting uses such as offices. The Comprehensive Plan recommends Neighborhood Retail-type uses to be located on arterial roadways and collectors, serving as a buffer from roadways for residential areas. The proposed zoning of General Retail conforms to the proposed Future Land Use designation of Neighborhood Retail and the existing roadway designations. Pursuant to Section 3-301 of the Mesquite Zoning Ordinance, the General Retail Zoning district is established to accommodate the sale of convenience goods and personal services primarily for persons residing in surrounding neighborhoods.

According to the Thoroughfare Plan, Pioneer Road is a secondary arterial (minor arterial). Secondary arterials are anticipated to carry between 12,000 and 18,000 vehicles/day. McKenzie Road is owned and maintained by the City of Balch Springs, and is classified as a Collector Street, according to their Thoroughfare Plan. The roadway classifications are consistent with the proposed use and Comprehensive Plan Amendment to Neighborhood Retail. However, the roadway classifications are not consistent with the existing Future Land Use designation of Low Density Residential, as the Engineering Design Manual and the Comprehensive Plan require residential subdivisions to have direct access onto local streets. It is possible; however, that a cul-de-sac could be extended into the parcel and homes built around it for residential use with local street access.

MESQUITE ZONING ORDINANCE

SECTION 1A-400 TREE PRESERVATION

In all zoning districts, the preservation and protection of trees shall be required. Removal of protected trees shall be prohibited except in accordance with the procedures outlined in the Ordinance.

STAFF COMMENTS

The City of Mesquite recognizes that trees provide a valuable amenity to the urban environment in the maintenance of public health and welfare, in the conservation of vital energy resources and in the preservation of the City's historical heritage. Because trees which have survived generations of inhabitants can be replaced only after future generations, the preservation and protection of trees are essential to the health and general welfare of the City's residents. Therefore, the City of Mesquite adopted rules and regulations that govern the protection of trees within the City of Mesquite, encouraging the preservation and protection of significant trees while providing for replacement and replanting of trees that are necessarily removed during construction, development, and redevelopment.

For the reasons listed above, the City of Mesquite requires permits and approval of permits and/or applications for the removal of any protected tree. Pursuant to Section 1A-403 of the Mesquite Zoning Ordinance, “no person, corporation, or governmental agency shall remove or cause the removal of any protected tree without first submitting appropriate application and securing approval...”

The proposed Lot A, which has direct frontage on Pioneer Road was cleared of all trees without a permit or approval from the City of Mesquite. The applicant has provided a Tree Mitigation Plan, which includes replacement trees and/or payment in lieu of replanting. The Tree Mitigation Plan will need to be executed before the approval of the Site Plan.

SECTION 3-203 SCHEDULE OF PERMITTED USES

SIC 549(a) Convenience Stores

SIC 554(a) Limited Fuel Sales

Requires approval of a CUP within the GR Zoning District. Requires a CUP when the building is within 500 feet of a residential district or a public or private school.

STAFF COMMENTS

A CUP is required for the proposed uses above and because the proposed building will be within 500 feet of a residential district. According to the applicant’s letter of intent, if approved, the northern Lot A will be developed with a retail mall that includes 7 store suites and a 4-bay gas station for Limited Fuel Sales, with the suite closest to McKenzie Road to be used for refueling pump control and as a Convenience Store. The proposed building will be approximately 107 feet from the northern residential property line, 463 feet from the southern residential property line, and 363 feet from the eastern-most residential property line.

SECTION 5-303 (B): REVIEW CRITERIA FOR ZONING CHANGE AND CONDITIONAL USE PERMIT

- 1. EXISTING USES:** That 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.

STAFF COMMENTS:

It is not anticipated that the Conditional Use will 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. However, there are concerns about the intersection of Pioneer Road and McKenzie Road, and improvements are needed. A TIA is required and will help to assess the adequacy of the infrastructure to accommodate additional

trips generated by the proposed development and will provide recommendations on how to improve.

- 2. VACANT PROPERTIES:** That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.

STAFF COMMENTS:

It is not anticipated that the Conditional Use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. However, there are concerns about the intersection of Pioneer Road and McKenzie Road, and improvements are needed. A TIA is required and will help to assess the adequacy of the infrastructure to accommodate additional trips generated by the proposed development and will provide recommendations on how to improve.

- 3. SERVICES:** That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Conditional uses in residential districts shall generally require direct access to an arterial street.

STAFF COMMENTS:

Through the development review process, Staff will ensure that adequate utilities, access roads, drainage and other necessary facilities will be provided. However, the pavement condition of McKenzie Road is not adequate for commercial traffic. In addition, intersection capacity improvements will likely be required. A TIA is required for the development and will help to define required improvements.

- 4. PARKING:** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

STAFF COMMENTS:

At the time of Site Plan review, Staff will ensure that sufficient parking is providing, based on proposed uses.

- 5. PERFORMANCE STANDARDS:** That 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 COMMENTS:

Adequate measures will be taken to prevent or control offensive odor, fumes, dust, noise, vibration to prevent a nuisance and to control light in such a manner that no disturbance to neighboring properties will result. Measures include adequate screening where adjacent to residential zoning districts. The property will adjoin an undeveloped portion of the General Retail Zoning to the south and is directly adjacent to a residential zoning district to the east. The proposed Convenience Store and Gas Station will be located close to McKenzie Road.

The proposed building will be approximately 107 feet from the northern residential property line; 463 feet from the southern residential property line and 363 feet from the eastern-most residential property line.

CONCLUSIONS

ANALYSIS

1. The existing Future Land Use Designation of Low Density Residential does not conform to the existing roadway designations. The Engineering Design Manual requires that residential subdivisions only directly access local streets.
2. The majority of the property is currently zoned GR, which is not consistent with the Low Density Residential Future Land Use designation.
3. The proposed General Retail Zoning was established to accommodate the sale of convenience goods and personal services for persons residing in surrounding neighborhoods. The General Retail Zoning District allows for many uses that could support surrounding neighborhoods including retail uses, restaurants, office uses and services such as laundry facilities. Other uses may be approved with a CUP, such as Convenience Stores and Limited Fuel Sales.
4. The applicant has provided a Tree Mitigation Plan, which includes replacement trees and/or payment in lieu of replanting.
5. A TIA is required for the development and will help to define the required improvements. Staff will work with the applicant as well as the City of Balch Springs to ensure that needed improvements are accommodated.

RECOMMENDATIONS

Staff recommends the following:

1. Approval of the Comprehensive Plan Amendment from Low Density Residential to Neighborhood Retail;
2. Approval of the Zone Change from "AG" Agricultural to General Retail; and
3. Postponement of the CUP until such time that a TIA has been submitted by the applicant and reviewed by Staff. Discussions with the City of Balch Springs, TX will also be had.

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.

CODE CHECK

N/A

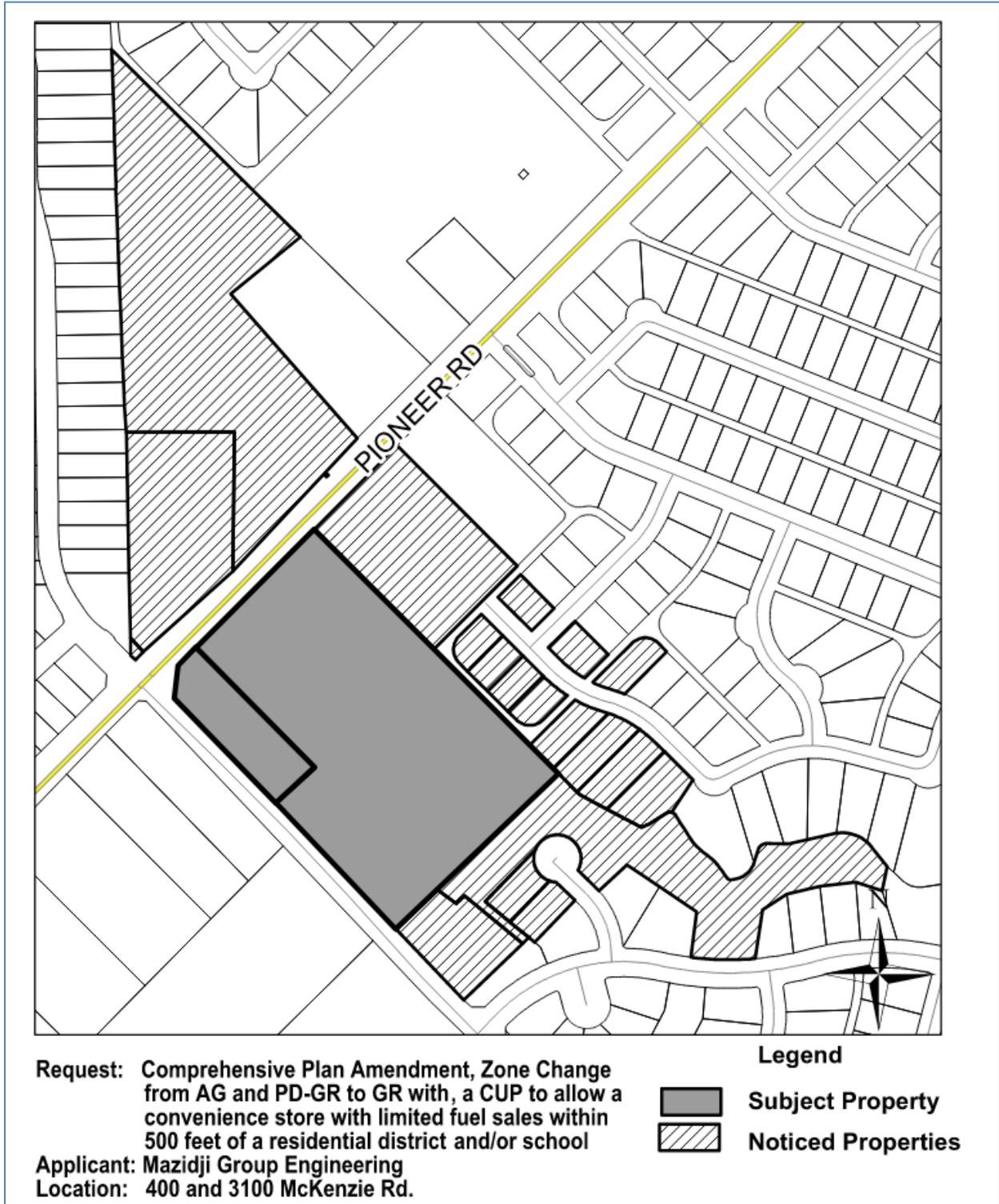
ATTACHMENTS

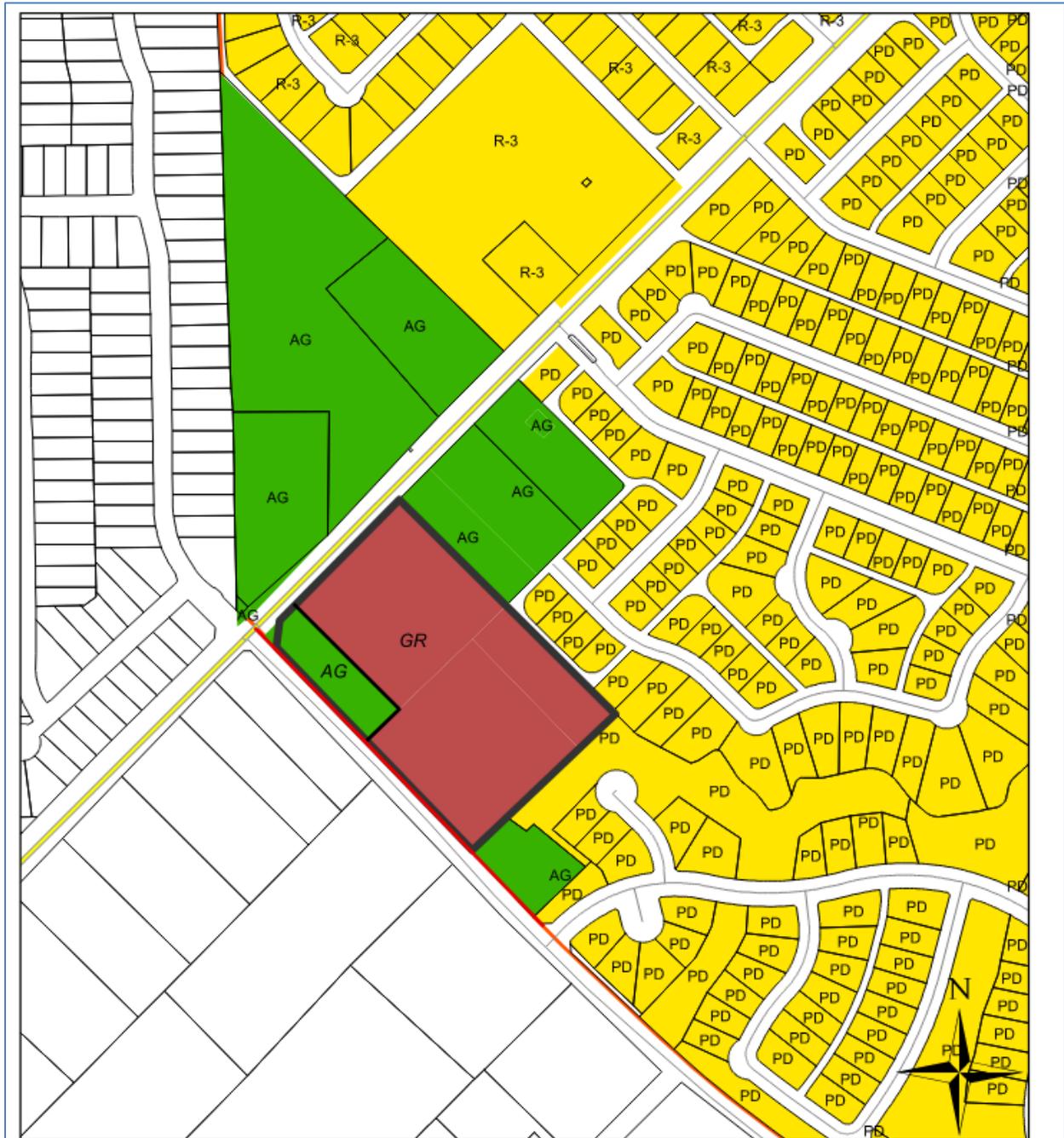
1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Concept Plan

ATTACHMENT 1 – AERIAL MAP



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



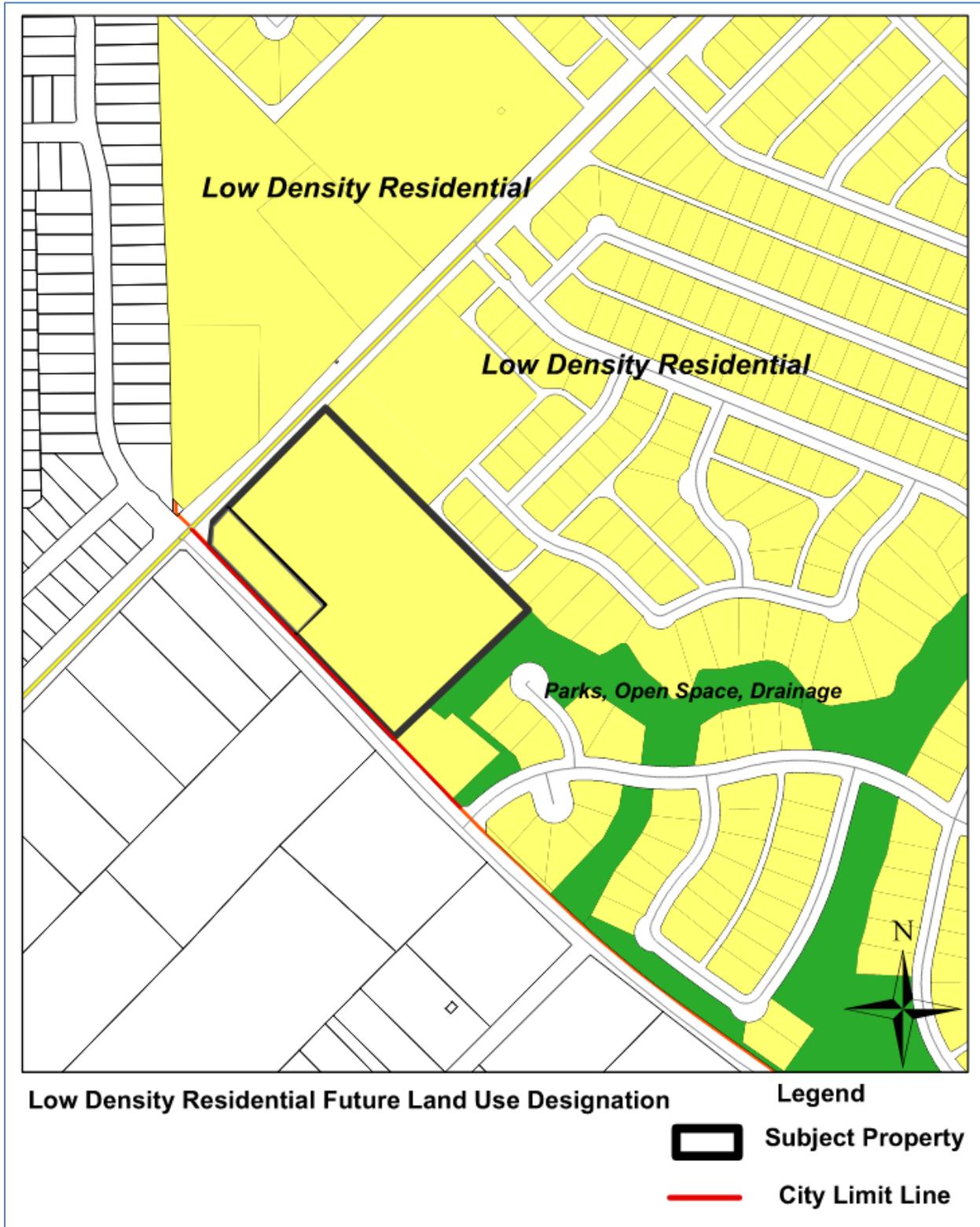


Request: Comprehensive Plan Amendment, Zoning Change from AG and PD-GR to GR with a CUP to allow a convenience store with limited fuel sales, with modifications

Applicant: Mazidji Group Engineering
Location: 400 and 3100 McKenzie Rd.

Legend

-  Subject Property
-  City Limit Line



ATTACHMENT 5 – SITE PHOTOS



Photo taken on Pioneer Road looking south at the site.



Photo taken on McKenzie Road looking east at the site.

ATTACHMENT 6 – APPLICATION MATERIALS

Mazidji Group Environmental and Civil Engineering Professionals

11105 Fernald Avenue, Dallas, Texas 75218 ♦ mazidjigroup.com ♦ Ph. 214.663.1068 ♦ Fax. 214.278.0707

September 14, 2020

City Planner
City of Mesquite
1515 N. Galloway Avenue
Mesquite, TX 75149

RE: Letter of Intent – Rezoning Application
Pioneer Plaza, 7.39 Acre Tract
Southeast Quadrant of Pioneer Road and McKenzie Road.
Mesquite, Dallas County, TX
Project No. MG298

Dear Sir:

Mazidji Group Engineering, on behalf of our client SAM 77, Inc., is submitting the present Letter of Intent to get the above referenced tract to be zoned as General Retail District with a CUP to allow for limited fuel cells use along with a convenience store with a modification of Ordinance 4771 ZTA No. 2020-02 so as to allow the pump island to be located within the residential separation of 500 FT from a residential district and to allow the convenience store to be located within 500 ft of a residential district. The intent, following rezoning, is to plat the overall tract into 2 lots. The Northern lot (Lot A) will be developed into a retail mall that includes 7 store suites and a 4-bay gas station for limited fuel sales use with the suite closest to McKenzie Road to be used for refueling pump control and as a convenience store. The Southern lot (Lot B) would be developed at a later phase.

The store suites would be used to conduct businesses with permitted uses in the **General Retail District**. This includes the Retail Trade category including, but not limited to, Building Materials, Hardware, Garden Supplies Stores, Food Stores, Auto and Home Supply Stores, Apparel Accessory Stores, Furniture, Home Furnishings, Eating, Drinking Places, and Miscellaneous Retail. Businesses in these suites will also be conducted as permitted in the Finance, Insurance, Real Estate categories as well as in the Services and Agriculture Service categories (Household Pet Grooming and Landscape Counselling and Planning).

The proposed area to be rezoned consists of 2 tracts. Tract 1 has an area of 6.656 acres. It is located on the Southeast quadrant of Pioneer Road and McKenzie Road intersection, approximately 115 feet East of the intersection. The tract is currently zoned "GR" – General Retail District. Tract 2 has an area of 0.738 acres. It is located on the Southeast corner of Pioneer Road and McKenzie Road intersection and is currently zoned "A" – Agricultural District. The application we are submitting herewith is to rezone both tracts as a General Retail District.

The reason for requesting the zoning change is to allow for the use of the tract with the purpose of providing retail services that would be needed by the residential community in the Pioneer-McKenzie area. Such an addition would help provide integrated services to the community and therefore increase the desirability of living in this area.

We thank you for considering our application to rezone the Pioneer Plaza Tract. Please feel free to contact me at 214-663-1068 if you have any questions or if you need clarifications regarding the present communication.

Sincerely,
Mazidji Group

Costa Mazidji
Costa Mazidji, PhD, PE
Principal



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Jeff Armstrong, AICP, Director of Planning & Development Services

DATE: September 23, 2020

SUBJECT: Parking Regulations (ZTA2020-09)

The citizens of Mesquite have expressed concerns about the large number of vehicles parking on local residential streets. In an effort to alleviate some of this problem, staff has proposed several changes to various ordinances related to on-street parking and residential parking. Many of the changes are in the City Code, but not part of the Zoning Ordinance. However, there are two changes proposed to the Zoning Ordinance to assist in addressing the issue.

- The off-street parking requirement for Residential Care Facilities is proposed to be increased to account for staff, visitors, vans, etc that are necessary for these facilities.
- Currently, the Zoning Ordinance requires covered off-street parking, but also allows garage conversions without addressing the loss of covered off-street parking. Staff proposes an amendment that would require lost parking due to a garage conversion to be relocated on the property.

Staff recommends approval.

A handwritten signature in black ink that reads "Jeff Armstrong".

Jeff Armstrong, AICP
Director of Planning & Development Services

Mesquite Zoning Ordinance

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PART 2. – RESIDENTIAL DISTRICTS

* * *

2-200 – USE REGULATIONS.

* * *

2-202 – General conditions.

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E. GARAGE CONVERSIONS

Garage conversions shall require relocation of the converted parking spaces, that once existed behind the building line on the lot, such that the total off-street parking spaces on the lot is not reduced from what existed prior to the garage conversion. For lots platted on or after October 1, 1984, the relocated parking spaces shall be covered.

~~The requirements of this ordinance regarding covered parking, parking behind the building line, and minimum masonry exterior shall not be interpreted to prevent the conversion of an attached garage to living area, provided that 2 approved, off-street parking spaces remain available on the lot. Building permits are required for garage conversions.~~

* * *

2-203. – Schedule of Permitted Uses.

* * *						
B. NONRESIDENTIAL USES						
* * *						
	AG	R	D	TNMR	A	Special Conditions
* * *						
14. RESIDENTIAL CARE FACILITIES						
a. Personal Care Home	P	P	P	P	P	See generally, Section 2-800 #14: Ord.4210/4-16-2012
b. Community Home (6 or fewer persons)	P	P	P	P	P	SIC 836; Requires State licensing; Permits only homes complying with the Community Homes for Disabled Persons Location Act; Classify all others as Group Homes. <u>Establishment of a Community Home shall require compliance with Section 2-401.</u>
c. Group Home (7 to 15 persons)	C	C	C	P	P	SIC 836; Requires State licensing; Classify facilities for delinquents and offenders as SIC 9223; See 3-203. <u>Establishment of a Group Home shall require a minimum of four off-street parking spaces, located behind the front building line.</u>
d. Residential Care Institution (16 or more persons)					P	SIC 836 <u>Establishment of a Residential Care Institution shall require a minimum of one off-street parking space, located behind the front building line, for every four residents.</u>
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