

FILE NO.: Z0318-0028

P&Z HEARING DATE: April 9, 2018

COUNCIL DATE: May 7, 2018

#### GENERAL INFORMATION

**APPLICANT:** Les Pritchett, Urban Air Mesquite

**REQUESTED ACTION:** Rezone from General Retail to Light Commercial with a Conditional Use Permit to allow an indoor recreational facility (trampoline park).

**LOCATION:** 1220 N. Town East Blvd., Suite 650

#### SITE BACKGROUND

**EXISTING LAND USE AND SIZE:** The Conditional Use Permit is for an approximately 36,000 +/- square-foot lease space located in the Independence Plaza Shopping Center which is zoned General Retail and is currently occupied by Babies R Us.

**SURROUNDING LAND USE AND ZONING (see attached map):** The property is surrounded by General Retail and Commercial uses, with some residential uses across North Town East Boulevard to the northwest of the site.

**ZONING HISTORY:** 1954: Annexed and zoned Residential  
1979: Rezoned to General Retail

**PLATTING:** Mall East Addition Phase II, Block 1, Lot 3R1

**GENERAL:** The applicant initially submitted a rezoning request for Suite 620 located between Harbor Freight and Gold Beauty Supply on the south side of the Independence Plaza shopping center. The Planning and Zoning Commission recommended approval of the initial request at their meeting on March 12, 2018. However after that meeting, the landlord and the applicant decided to move the proposed use from Suite 620 to Suite 650. Suite 650 is the 36,000 square-foot standalone building which will soon be vacated by Babies R Us. This building is located at south side of the shopping center as shown on Attachment 6 – Site Plan. The applicant and the property owner felt that Suite 650 would be a better fit for the proposed indoor recreational use. The applicant withdrew the initial request and submitted a new rezoning application for Suite 650.

The applicant is requesting a rezoning to Light Commercial (LC) with a Conditional Use Permit (CUP) to allow an indoor recreational facility (trampoline park). The request includes a rezoning to Light Commercial as indoor recreation is not permitted in the General Retail (GR) zoning district with/without a CUP. It should be noted that the requested Zoning Change would allow the property to be used for any uses allowed by right in the LC zoning district. (See Mesquite Zoning Ordinance Section 3-203: “Schedule of Permitted Uses” ([online](#)) for a list of use permitted in the LC district.”) In summary, the LC zoning district would

allow those uses allowed in the GR zoning district plus accommodate business activities of moderate intensity in community business areas and to provide for restricted commercial development in proximity to the freeways.

According to the applicant's letter of intent, the use will consist of attractions, party rooms, party tables, concessions/café area (no alcohol), front desk/receiving area, restrooms, etc. The business will be open 7 days per week. During school, Monday-Thursday 3pm – 8 pm, Friday 3pm – 11 pm, Saturday 10 am- 11 pm and Sunday noon – 8 pm. During summer or holidays, they may have extended weekday hours normally opening at 10 am. During normal hours, the park will be available for open jump as well as parties. It will also be available for private parties. The attractions will most likely consist of a trampoline dodge ball court, climbing walls, ninja warrior course, ropes course, laser tag and other similar type attractions.

## STAFF COMMENTS

### **Mesquite Comprehensive Plan**

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

*The General Business designation is utilized in both the Community Areas and the Development Areas to designate areas primarily providing services to residents of the surrounding sectors of the City. In the Development Areas, this designation is used to indicate locations where business use is appropriate, but where the relationship to neighborhoods warrants a more limited business scope. The designation is generally assigned along the fringe of the Development Areas, indicating that goods and services should be oriented to the surrounding community, although some regional services may be included. The community orientation means that certain types of uses acceptable in other parts of the Development Areas will not be appropriate in these locations. Uses which are generally not appropriate in these locations include entertainment/recreation, highway related uses, outdoor display lots and outdoor storage yards.*

### **Zoning Ordinance Sec. 3-101: Nonresidential Districts Established and Purpose**

The Mesquite Zoning Ordinance describes the purpose of the Light Commercial Zoning District:

*The LC district is established to accommodate business activities of moderate intensity in community business areas and to provide for restricted commercial development in proximity to the freeways.*

### **Analysis (Rezoning to Light Commercial)**

Rezoning the subject property to the LC zoning district will increase the number uses permitted right by 32 and would add an additional 20 uses (including indoor recreation) subject CUP approval. Attachment 7 includes a list of additional uses that would be permitted right and

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Attachment 8 shows the uses that would be permitted by Conditional Use Permit, if the rezoning to LC is approved. Rezoning to the LC zoning district does not preclude any uses that are permitted by right in the GR zoning district. Rezoning to LC will also change the maximum building coverage from 30% to 50% and increase the allowable building height from 35 feet to 75 feet (attachment 9 shows development standards).

The 18 acre property consist of one free standing restaurant and four retail buildings that consist of retail, restaurant and personal service uses. The subject property is surrounded by retail and commercial uses. There are single family homes to the northwest of the subject property across N. Town East Blvd. To the south and to the east are multifamily developments. The subject property is not immediately adjacent to single family residential.

There are some uses that are allowed in the LC zoning district that would be inappropriate for a shopping center such as the specialty contractors. Instead of rezoning to LC, staff suggests that it be rezoned to Planned Development (PD) with the base zoning of GR. Rezoning to a PD – GR could allow the subject property to have indoor recreational uses subject to CUP approval without having to permit all the additional uses that are allowed by right in the LC zoning district.

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

**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 surrounded by nonresidential uses. This includes gas stations, offices, restaurants, retail and personal services. The proposed indoor recreational use is compatible with surrounding nonresidential uses. The proposed use also conforms to the Comprehensive Plan designation for the 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 for the site and are sufficient for accommodating the demands associated with the request for a Conditional Use Permit.**

**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 spaces to accommodate all currently operating businesses and vacant suites. The subject property has over 800 parking spaces.**

**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 businesses a result of the proposed use.**

**Conclusion**

The proposed CUP to allow an indoor recreational facility is consistent with the future land use designation of the Comprehensive Plan and will be compatible with the surrounding uses. The proposed use would also provide an adaptive reuse of an existing big box retail building.

**RECOMMENDATIONS**

Staff recommends rezoning the subject property from General Retail to Planned Development – General Retail with the following stipulations:

1. The uses permitted shall be limited to those uses permitted by right in the General Retail zoning district provided that a Conditional Use Permit may be granted to allow indoor recreation facilities.
2. A Conditional Use Permit for indoor recreation is hereby approved with the following conditions:
  - a. This Conditional Use Permit shall be limited to Suite 650, a 36,515 +/- square-foot building.
  - b. The Conditional Use Permit is granted specifically to Mesquite Jump LLC., doing business as Urban Air Mesquite and is not assignable or transferrable.

**PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the property. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the subject properties.

**ATTACHMENTS**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Letter of Intent
- 5 – Interior Pictures from another location
- 6 – Site Plan
- 7 – Added Uses Permitted by Right by changing from GR to LC
- 8 – Added Uses Subject to CUP Approval by changing from GR to LC
- 9 – Development Standards for GR and LC
- 10 – Site Pictures

Attachment 1 – Aerial Map

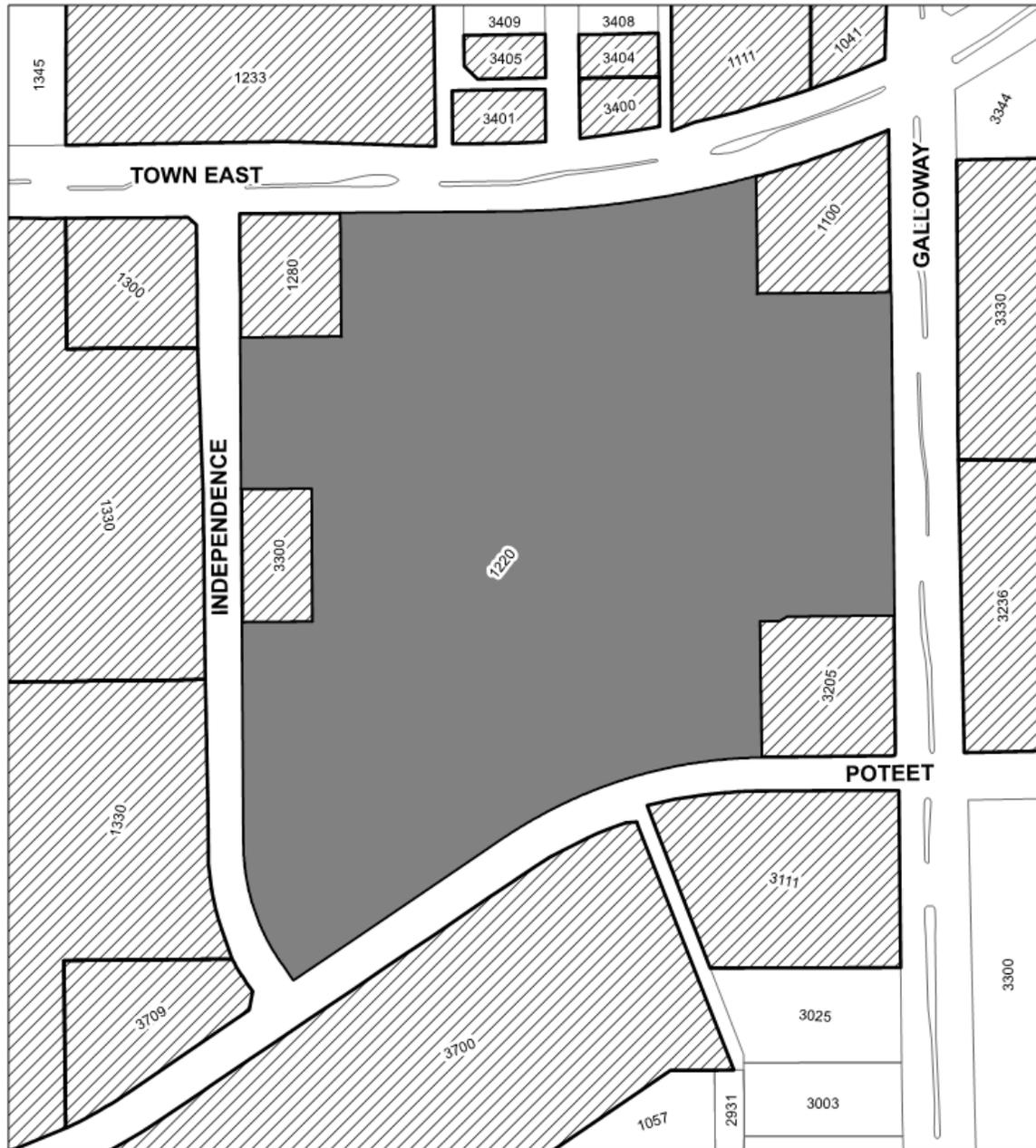


Request: Rezone to Light Commercial with a Conditional Use Permit to allow Indoor Recreation.  
Applicant: Urban Air Adventure Park  
Location: 1220 N. Town East Blvd.  
CUP is for Suite 650

**Legend**  
[Red Outline] Subject Property



Attachment 2 – Notification Map

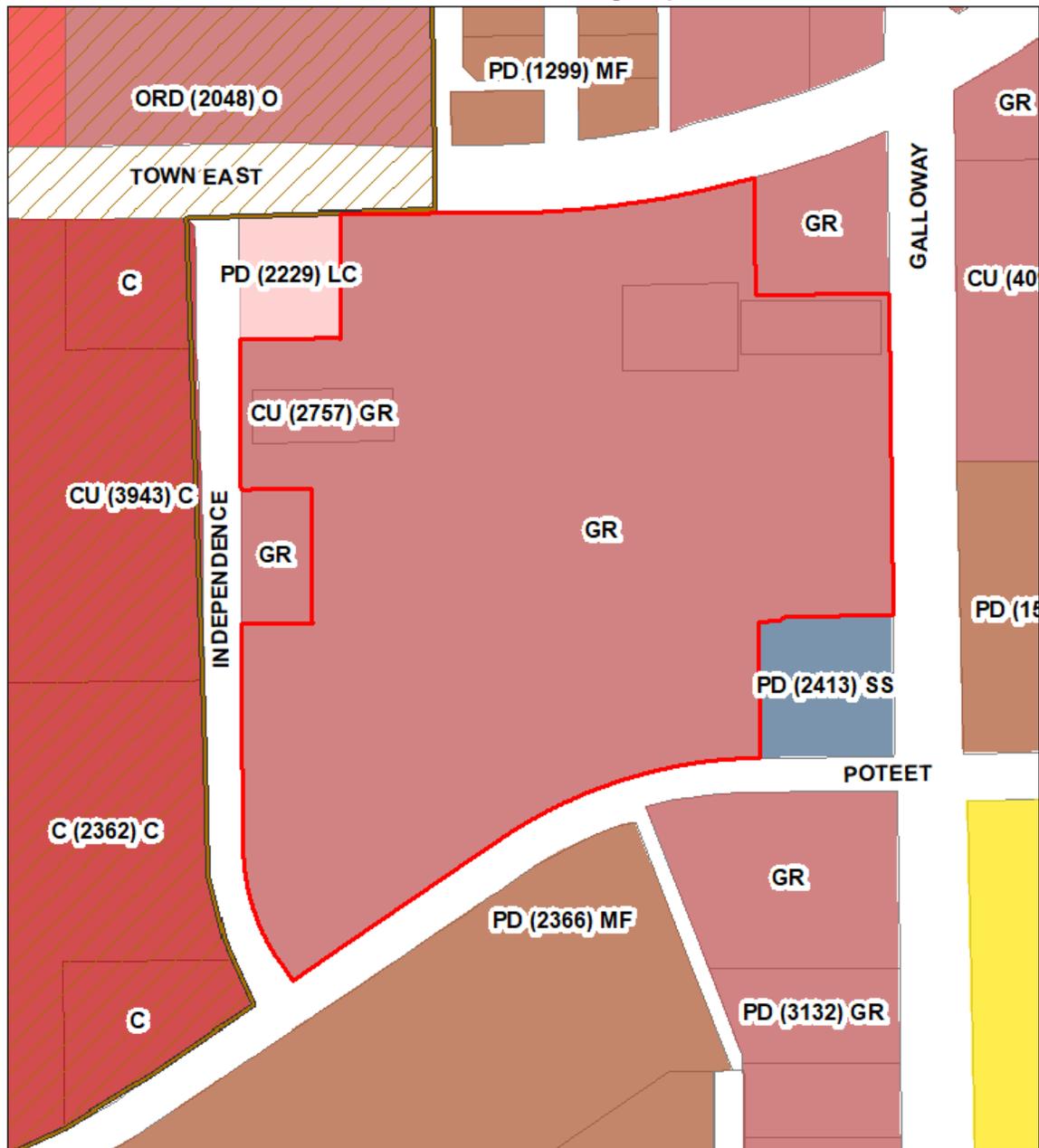


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**Legend**  
■ Subject Property  
▨ Noticed Properties



Attachment 3 – Zoning Map



Request: Rezone to Light Commercial with a Conditional Use Permit to allow Indoor Recreation.  
Applicant: Urban Air Adventure Park  
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CUP is for Suite 650

**Legend**  
[Red Outline] Subject Property



**ATTACHMENT 4 – Letter of Intent**

February 5, 2018

To: City of Mesquite Planning and Zoning Commission

From: Les Pritchett

Subj: Zoning Change and Conditional Use Permit for Urban Air Adventure Park Project

Description:

Urban Air Adventure Park ([www.urbanairtrampolinepark.com](http://www.urbanairtrampolinepark.com)) is a family oriented, indoor recreational activity center. Urban Air Adventure Park is a franchise business with currently over 40 parks opened across the United States with several in the DFW area. The corporate owners of the concept are based in Grapevine, TX.

I have recently opened a UA park in North Dallas (Beltline and Preston area) and have secured the franchise rights to Mesquite.

Our intent is to utilize the space of the existing building to build out the indoor park. Apart from signage and possible HVAC improvements, no other changes are expected for the outside of the building.

Inside, the park will consist of the attractions, party rooms, party tables, concessions/café area (no alcohol), front desk/receiving area, restrooms, etc.

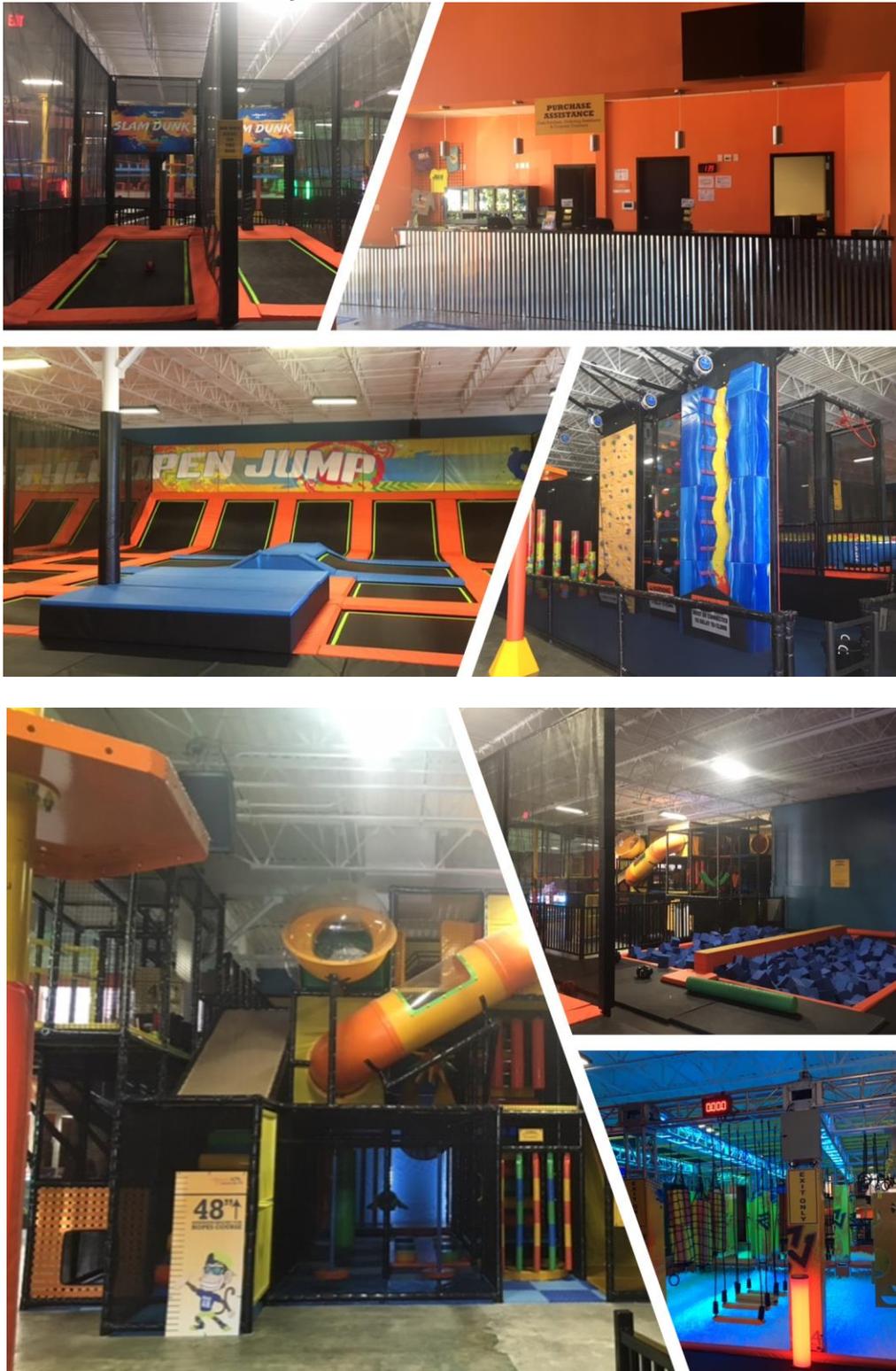
The park will be open 7 days per week. During school, Monday-Thursday 3pm – 8 pm, Friday 3pm – 11 pm, Saturday 10 am- 11 pm and Sunday noon – 8 pm. During summer or holidays, we will have extended weekday hours normally opening at 10 am.

During normal hours, the park will be available for open jump as well as parties. It will also be available for private parties depending on the timing.

The attractions will most likely consist of a trampoline dodge ball court, climbing walls, ninja warrior course, ropes course, laser tag and other similar type attractions. This will be further defined by architect if the use is approved. Attached is a fit study to show one possible layout. All attractions are built according to ASTM standards.

We will employ 50-60 part time employees. Safety and cleanliness are paramount. I am a Marine Veteran and grew up in Dallas. It has been very exciting for me to be able to open the North Dallas location providing a fun, safe, family-oriented venue and I hope to do the same for Mesquite.

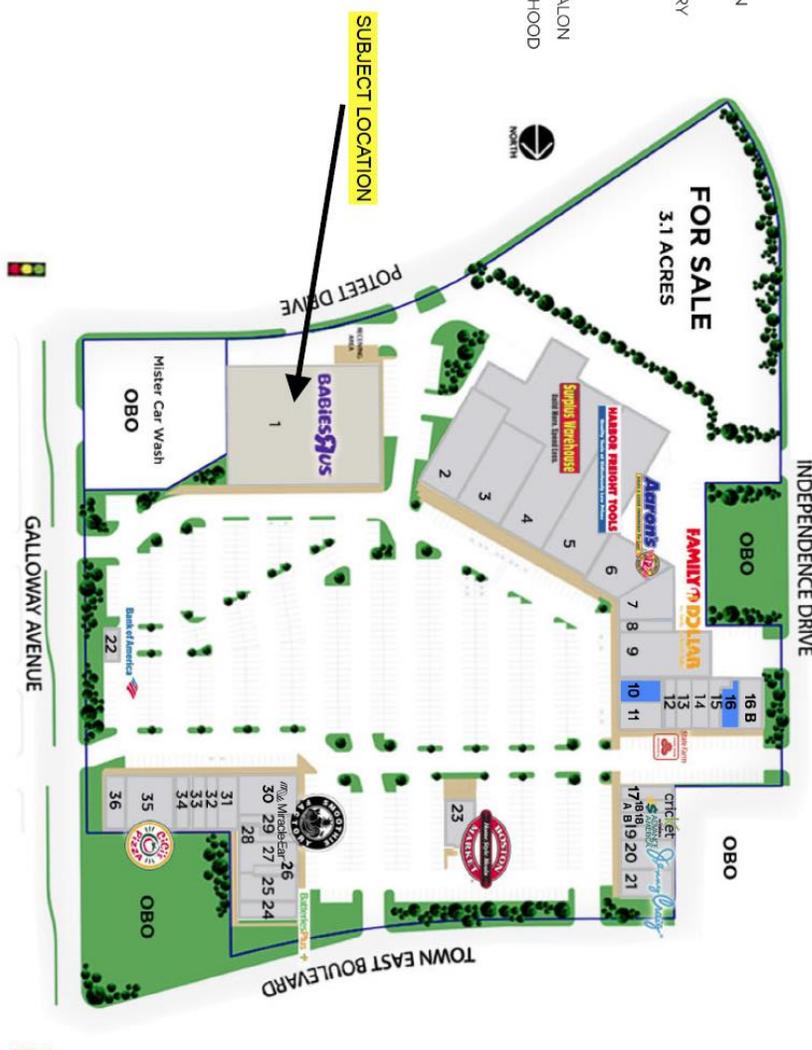
Attachment 5 – Interior Pictures from another location



Attachment 7 – Site Plan

SITE SUMMARY

- |                                     |                       |
|-------------------------------------|-----------------------|
| 1 BABIES R US                       | 27 THREADING SALON    |
| 2 CHINESE RESTAURANT                | 28 MIRACLE EAR        |
| 3 GOLD BEAUTY SUPPLY                | 29 SMOOTHIE FACTORY   |
| 4 SURPLUS WAREHOUSE                 | 30 VISION SOURCE      |
| 5 HARBOR FREIGHT TOOLS              | 31 SFS MMA            |
| 6 AARONS                            | 32 JIMMY'S NAILS      |
| 7 KING WASH & DRY                   | 33 AMANDAS HAIR SALON |
| 8 STYLE-N-CUTS                      | 34 PLANNED PARENTHOOD |
| 9 FAMILY DOLLAR                     | 35 CICI'S PIZZA       |
| 10 <b>AVAILABLE 2,991-SF</b> Leased | 36 CHIROPRACTOR       |
| 11 BOUTIQUE SHOP                    |                       |
| 12 STATE FARM                       |                       |
| 13 DENTAL OFFICE                    |                       |
| 14 EXPRESS EMPLOYMENT PROFESSIONALS |                       |
| 15 PREGNANCY RESOURCE CENTER        |                       |
| 16 <b>AVAILABLE 1,062 SF</b>        |                       |
| 17 COMPUTER GUYS OF DALLAS          |                       |
| 18A CREATE A CIG                    |                       |
| 188 CRICKET                         |                       |
| 19 ADVANCE AMERICA                  |                       |
| 20 CHAN LEE'S TAEKWONDO PEAK        |                       |
| 21 JENNY CRAIG                      |                       |
| 22 BANK OF AMERICA                  |                       |
| 23 BOSTON MARKET                    |                       |
| 24 BATTERIES PLUS                   |                       |
| 25 MAX TAN                          |                       |
| 26 IDC WIRELESS                     |                       |



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### ATTACHMENT 8 – Added Uses Permitted by Right by changing from GR to LC

#### Agricultural Services:

- SCI 074 and 075 Veterinary Services
- SIC 078 Landscape/Horticulture Services

#### Construction:

- SIC 171-174 Special Trade Contractors (HVAC, Painting, Electrical, Carpentering, Masonry)

#### Utilities:

- SIC 497 Irrigation systems

#### Retail:

- SIC 521 Lumber, Building Materials
- SIC 526 Retail Nurseries, Garden Supply
- SIC 5961 Catalog, Mail Order Houses
- SIC 5962 Automatic Machine Operators
- SIC 5963 Direct Selling Establishments
- SIC 5999a. Auction Room

#### Services:

- SIC 701a. General Service Hotel/Motel
- SIC 7335 Commercial Photography
- SIC 7336 Commercial Art, Graphics Design
- SIC 7342 Disinfecting, Exterminating Services
- SIC 7349 Building Maintenance Services
- SIC 7352 Medical Equipment Rental
- SIC 7381 Detective, Guard, Armored Car Services
- SIC 7382 Security Systems Services
- SIC 7389 News Syndicates
- SIC 7384 Photofinishing Laboratories
- SIC 7542 Car Washes
- SIC 7632 Refrigeration, Air Condition Repair
- SIC 7629 Electrical Repair
- SIC 764 Reupholstery, Furniture Repair
- SIC 781 Motion Pictures Production
- SIC 782 Motion Pictures Distribution
- SIC 7922 Theatrical Producers
- SIC 7929 Bands, Other Entertainment
- SIC 833 Job Training, Vocational Rehabilitation
- SIC 835 Child Day Care Services
- SIC 836 d. Residential Care Institution
- SIC 839 Social Services, Not Elsewhere Classified

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**ATTACHMENT 9 – Added Uses Subject to CUP Approval by changing from GR to LC**

**Manufacturing:**

1. SIC 27 Printing, Publishing and Allied Industries
2. 385 Ophthalmic Goods
3. 386 Photographic Equipment, Supplies
4. 387 Watches, Clocks
5. 391 Jewelry, Plated Ware
6. 393 Musical Instruments
7. 394 Toys, Sporting Goods
8. 395 Pencils, Artist's Materials
9. 396 Costume Jewelry, Notions

**Retail:**

1. SIC 551 Motor Vehicle Dealers (New and Used)
2. SIC 5812 b. Restaurant holding a Food & Beverage Certificate with Private Club
3. SIC 5813 a. Private Club in conjunction with full-service hotel (Ord. 3922 / 12-17-07)

**Services:**

1. SIC 701.b. Limited Service Hotels
2. SIC 7389 Business Services Not Elsewhere Classified
3. SIC 7389 c. Bail Bond Services (licensed under Texas Occupations Code)
4. SIC 793 Bowling Centers
5. SIC 7997 Membership Recreation Clubs
6. SIC 7999 Amusement, Recreation Services b. Indoor Facilities, Activities
7. SIC 864 Civic, Social, Fraternal Organizations a. If including commercial amusement and recreation

**Public Administration**

1. SIC 9223 Correctional Institutions

Attachment 10 – Development Standards

**3-301 LOT, SETBACK, AND HEIGHT REGULATIONS** Ord. 3959/5-19-2008; Ord. 2650/12-18-89

	<i>O / CV</i>	<i>GR</i>	<i>LC</i>	<i>MU</i>	<i>CB</i>	<i>SS</i>	<i>C</i>	<i>I</i>
<b>A. MAXIMUM LOT COVERAGE (%)</b>	30	30	50	--	50	30	50	75
<b>B. MINIMUM FRONT AND EXTERIOR SIDE YARDS (FEET)</b>	25	25	25	5	See 3-305	40	25	25
<b>C. MINIMUM INTERIOR SIDE AND REAR YARDS (FEET)</b>								
1. Adjacent to Nonresidential District	0	0	0	0	0	0	0	0
2. Adjacent to A District	15	15	15	15	15	15	15	15
3. Adjacent to AG, R, or D District	25 feet or 2 times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater.							
<b>D. MAXIMUM HEIGHT (FEET OR STORY)</b>								
1. With Setbacks Specified Above (Ft)	75	35	75	1 Story	75	35	75	75
2. Increase Height Permitted With Increased Setbacks (See 3-305)	Yes	No	Yes	Yes	Yes	No	Yes	Yes

Attachment 11 – Site Pictures



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