



T E X A S
Real. Texas. Service.

PLANNING AND ZONING DIVISION

FILE NUMBER: Z0821-0211
REQUEST FOR: Conditional Use Permit
CASE MANAGER: Lesley Frohberg, AICP, Senior Planner

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, September 13, 2021
City Council: Monday, October 4, 2021

GENERAL INFORMATION

Applicant: Iresha Hayes, Little Texans
Requested Action: Rezone from "GR," General Retail to "GR," General Retail with a Conditional Use Permit to allow child day care services.
Location: 1515 E. Kearney Street, Suite #500 (Attachment 1)

PLANNING AND ZONING ACTION

Decision: On September 13, 2021, the Planning and Zoning Commission unanimously recommended approval of the Conditional Use Permit to allow child day care services at 1515 E. Kearney Street, Suite #500.

SITE BACKGROUND

Platting: Meadow Creek Retail Phase 1 Replat, Block 1, Lot 1
Size: 2.91 Acres
Zoning: GR - General Retail
Future Land Use: Neighborhood Retail
Zoning History: 1972: Annexed into City of Mesquite, Zoned Residential
1972: Rezoned to Planned Development - Townhomes
1980: Rezoned to GR, General Retail
2021: CUP to allow Child Day Care Services in Suite #402 (Ord. 4855)

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	PD-SF – Planned Development Single Family (Ord. No. 1926)	Single Family Residences
SOUTH:	R-3, Single Family Residential	Single Family Residence
EAST:	R-3, Single Family Residential	Single Family Residence
WEST:	GR – General Retail	Vacant / Undeveloped

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow Little Texans Child Care Center to operate a child day care at 1515 E. Kearney Street, Suite #500. The business previously was approved for a Conditional Use Permit in April 2021 (Ordinance No. 4855) to operate a day care facility in Suite #402. Since then, the adjacent Suite #500 has become available and Little Texans Child Care Center would like to expand.

Little Texans Child Care Center is a private day care center that offers programs for children ages six-weeks through 12 years old. The hours of operation are 6:00 AM to 6:30 PM, Monday through Friday. The applicant proposes using Suite #500 for the after-school programs and as the location for the all-day virtual learning classroom(s). There will be no kitchen or food preparation in Suite #500. The applicant is not proposing to make any major changes to the interior or exterior of the structure.

The Mesquite Zoning Ordinance (MZO) requires a CUP to operate a day care center in General Retail zoning. The business will meet all required Building Code and Fire Code requirements.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates this area as Neighborhood Retail on the Future Land Use Map (see attachment 4). "Neighborhood Retail establishments include a variety of retail and personal service businesses that meet the daily needs of the residents. This development type generally includes small or medium scale development ranging from 1,500 square feet to 45,000 square feet and one to two stories in height."

STAFF COMMENTS:

The CUP to allow a day care center is consistent with the *Mesquite Comprehensive Plan's* Neighborhood Retail designation. The proposed CUP will provide "convenience services in proximity to the large housing stock within a one-mile radius of the property."

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:

City staff does not believe the proposed CUP will be injurious to existing uses. The business is located in a multi-tenant building with ten (10) other businesses, including a convenience store, restaurant, church, medical offices, dance studio, and a hair salon.

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:

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

3. Services

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

STAFF COMMENTS:

Adequate utilities and drainage facilities exist or will be installed with the development of 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 will provide sufficient parking spaces for the day care center.

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:

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

CONCLUSIONS

ANALYSIS

The proposed CUP to allow a day care center is consistent with the *Mesquite Comprehensive Plan* to provide neighborhood services. The proposed CUP is unlikely to negatively impact the area, specifically the single-family residential neighborhood, to the north of the subject property.

RECOMMENDATIONS

City staff recommends approval of the CUP to allow a day care center located at 1515 E. Kearney Street, Suite #500.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 7, 2021, Staff has not received any returned property owner notices for the request.

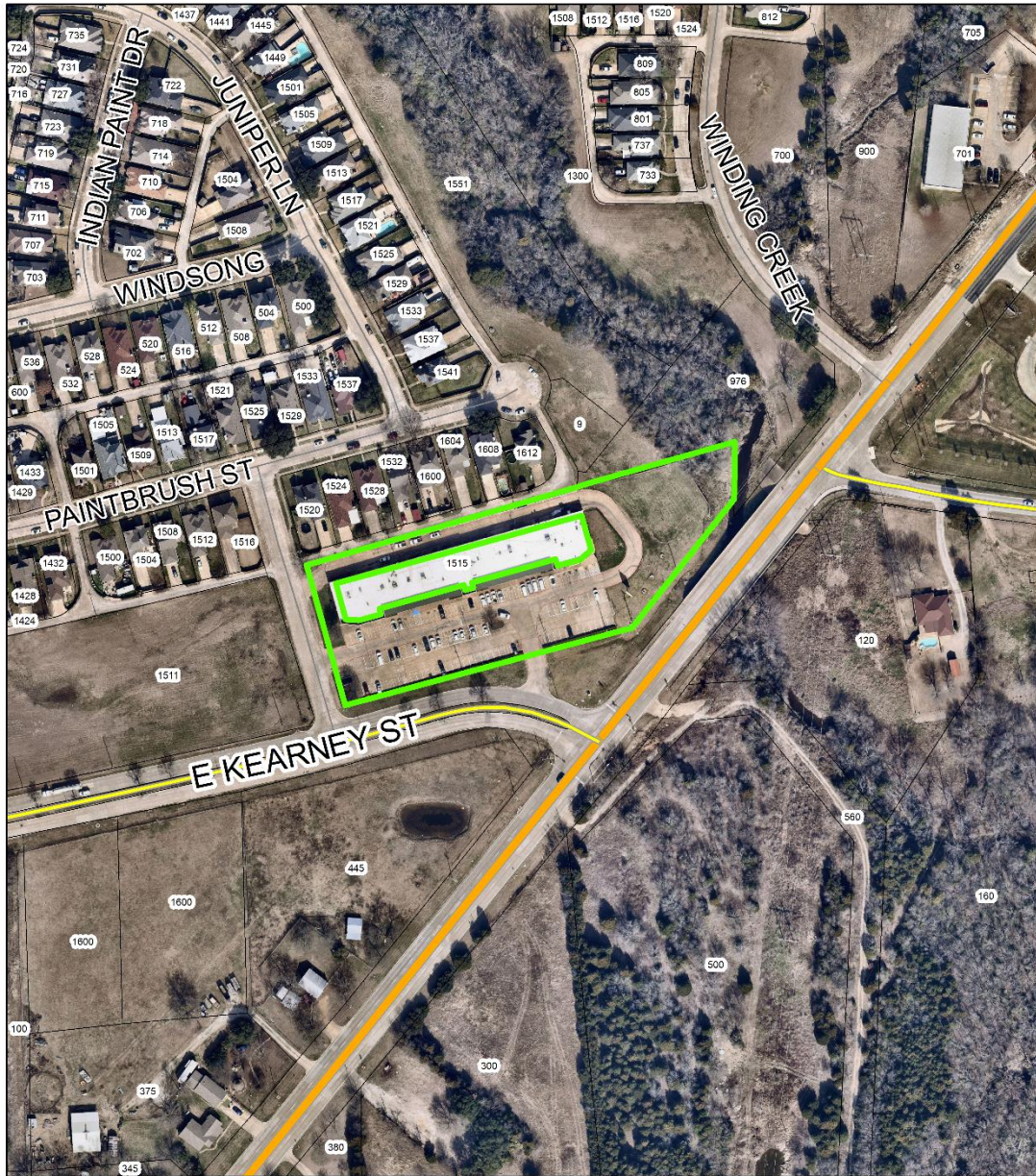
CODE CHECK

Staff conducted a site visit to the subject property and did not find any visible code issues or possible violations as of the date of this writing.

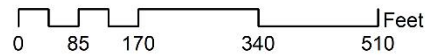
ATTACHMENTS

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

Aerial Map

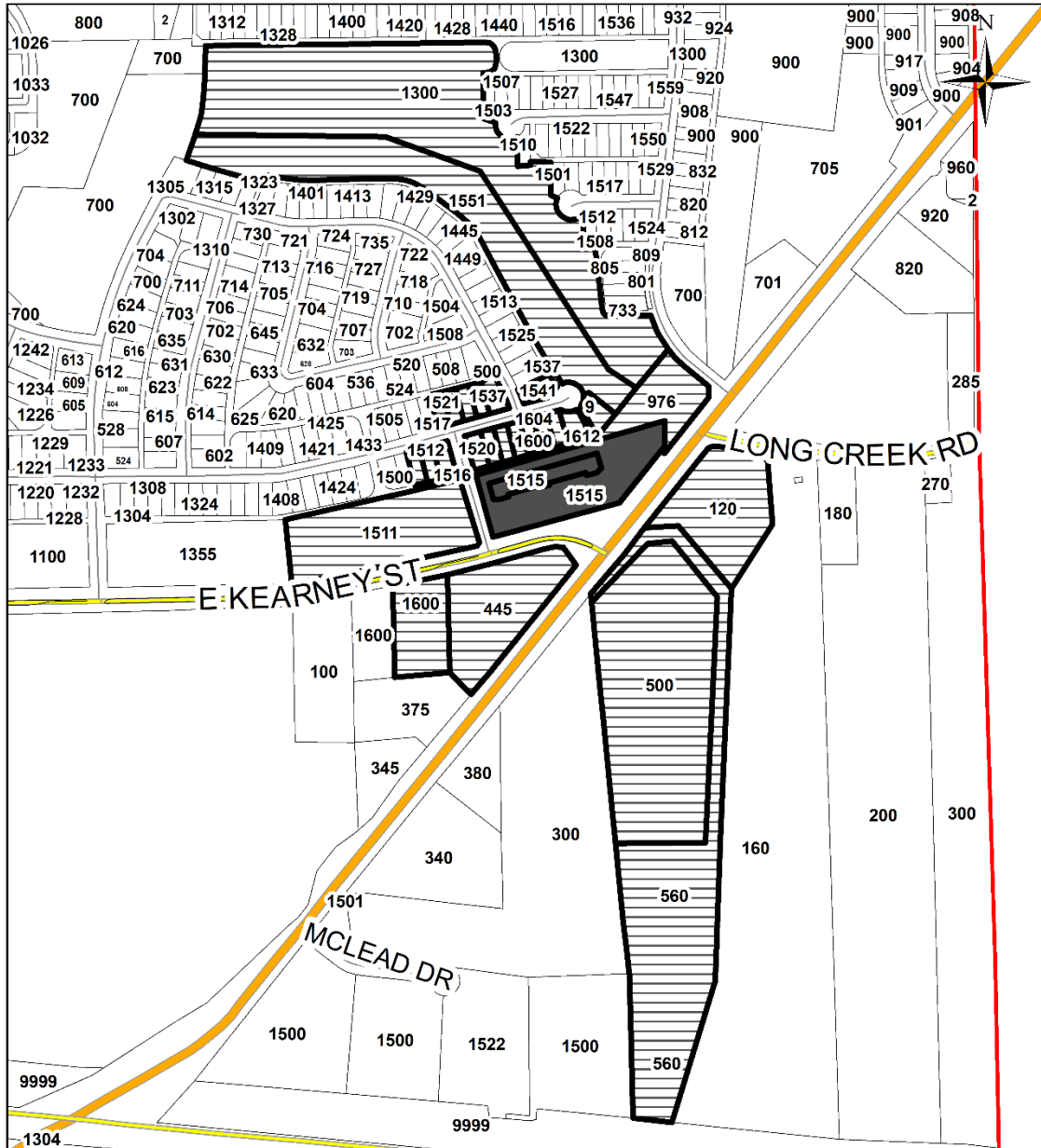


N
▲
Legend
□ Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map





Request: Conditional Use Permit to allow child day care services.

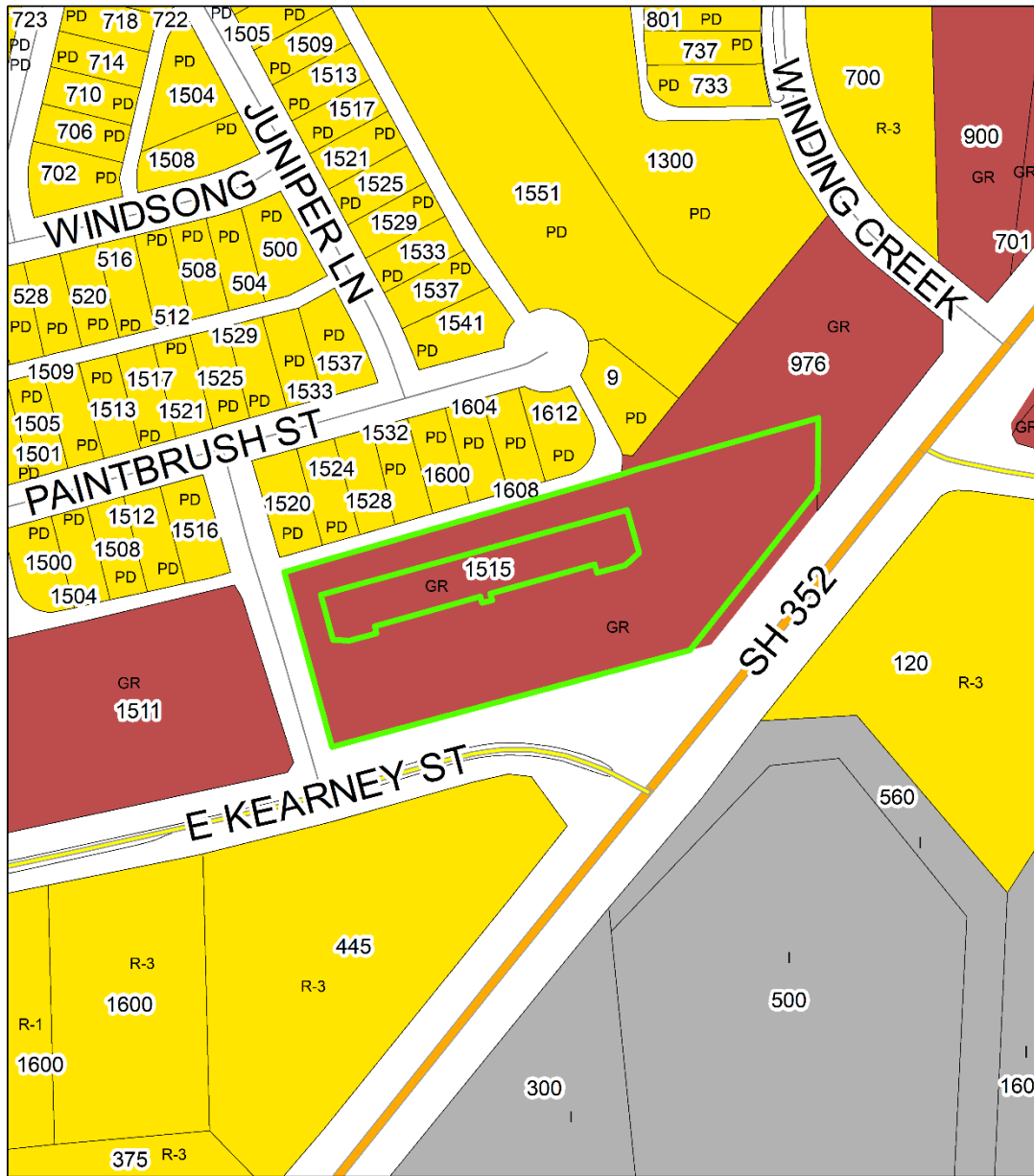
Applicant: Iresha Hayes, Little Texans

Location: 1515 E. Kearney Street

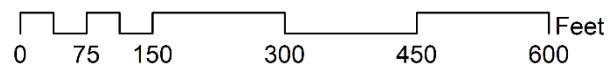
Legend

-  Notified Properties
-  Subject Property
-  City Limit Boundary

Zoning Map

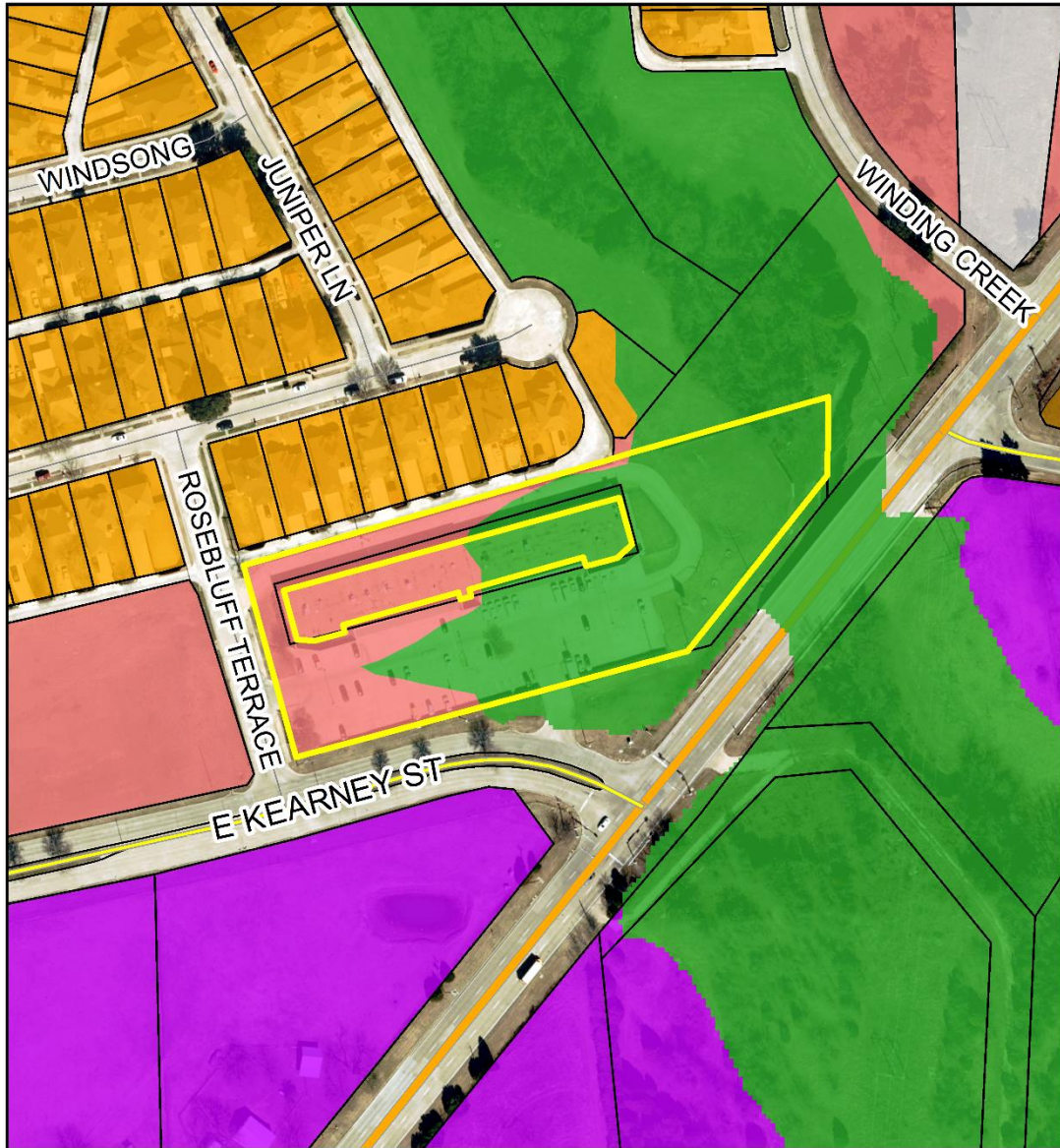


N
Legend
Subject Property



ATTACHMENT 4 – FUTURE LAND USE MAP

Future Land Use Map



ATTACHMENT 5 – SITE PHOTOS



Existing child day care business in Suite 402, facing northwest.



Proposed child day care business in Suite #500, facing northwest.

ATTACHMENT 5 – SITE PHOTOS



Outdoor play area for existing child day care on east side of shopping center, facing north.



Transportation vehicles associated with existing child day care.



City of Mesquite
Conditional Use Permit
Packet

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/17383/Conditional-Use-Permit-Application>

Application Checklist

- Completed Application Statement of Intent and Purpose Zoning Exhibits A & B
 Owner Authorization (page 6) Application Fee*

*Fee will be assessed at time of application submittal (\$800/\$1,000).

Property Information

General Location: 1515 E. Kearney Street, Suite 500
Physical Address: 1515 E. Kearney St. ⁵⁰⁰ City, State: Mesquite, Texas
Zip Code: 75149
Platted: Yes No (If yes, fill in information below)
Subdivision: Meadow Creek Retail Block: 1 Lot: 1

Applicant Information – The person filling out the application

First Name: Iresha Last Name: Hayes
Phone Number: 214 326 - 2288 Email Address: littleTexans110@gmail.com
Company Name: Little Texans

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

Same as Applicant: Yes No (If no, fill in information below)
First Name: Thurman Last Name: Alexander
Phone Number: 214 597 7598 Email Address: ta1218@aol.com
Mailing Address: 4910 Dublin Creek Lane City, State: Parker, TX
(If different from physical address)
Zip Code: 75002

ATTACHMENT 6 – APPLICATION MATERIALS

Requested Action

Existing district classification: (Select all that apply)

Residential Zoning Districts

- AG – Agricultural
- R-1 – Single Family
- R-1A – Single Family
- R-2 – Single Family
- R-2A – Single Family
- R-3 – Single Family
- D – Duplex
- Multifamily (less than 25 units)
- Traditional Neighborhood Mixed Residential (TNMR)

Other: N/A

Non-Residential Zoning Districts

- O – Office
- GR – General Retail
- LC – Light Commercial
- MU – Mixed Use
- CB – Central Business
- SS – Service Station
- C – Commercial
- I – Industrial
- CV – Civic

Other: _____

Describe the proposed Conditional Use Permit and the purpose of the request using the space below. You may use a separate sheet if necessary. The following should be included:

1. Description of project uses.
2. If the property is currently developed, list all active businesses on the property with a brief description of each.
3. Address how the requested conditional use permit complies with the Mesquite Comprehensive Plan.

We plan on expanding the existing daycare that is located in suite 402 to extend next door to suite 500. We will not do any exterior work only do interior. Ex: tables, chairs, decor. The current active businesses are: myself (daycare), Corner stone, water company, maid company, empty suite (500), barbershop, massage palace, hendersons chicken, dentist office.
This permit complies with the mesquite comprehensive plan because it meets all required compliances and was discussed during the pre-application meeting.

ATTACHMENT 6 – APPLICATION MATERIALS

Address how the request meets the approval criteria in Section 5-303 of the Mesquite Zoning Ordinance, outlined below.

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.
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.
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.
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.
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.

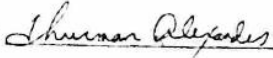
You may use a separate sheet if necessary.

1. I am currently already a licensed center next door so by expanding to suite 500 it will be injurious to the use & enjoyment of others.
2. The now vacant property used to be a restaurant so expanding the childcare center to the vacant property helps boost engagement for surrounding businesses.
3. No access roads, etc will be blocked. There will be no changes.
4. Parking will remain the same because the children cant drive and drop off/ pick up times are 6am-9am and 5:30p-6:30p.
5. There will be no orders and noise will be monitored and easier because the kids are older.

ATTACHMENT 6 – APPLICATION MATERIALS

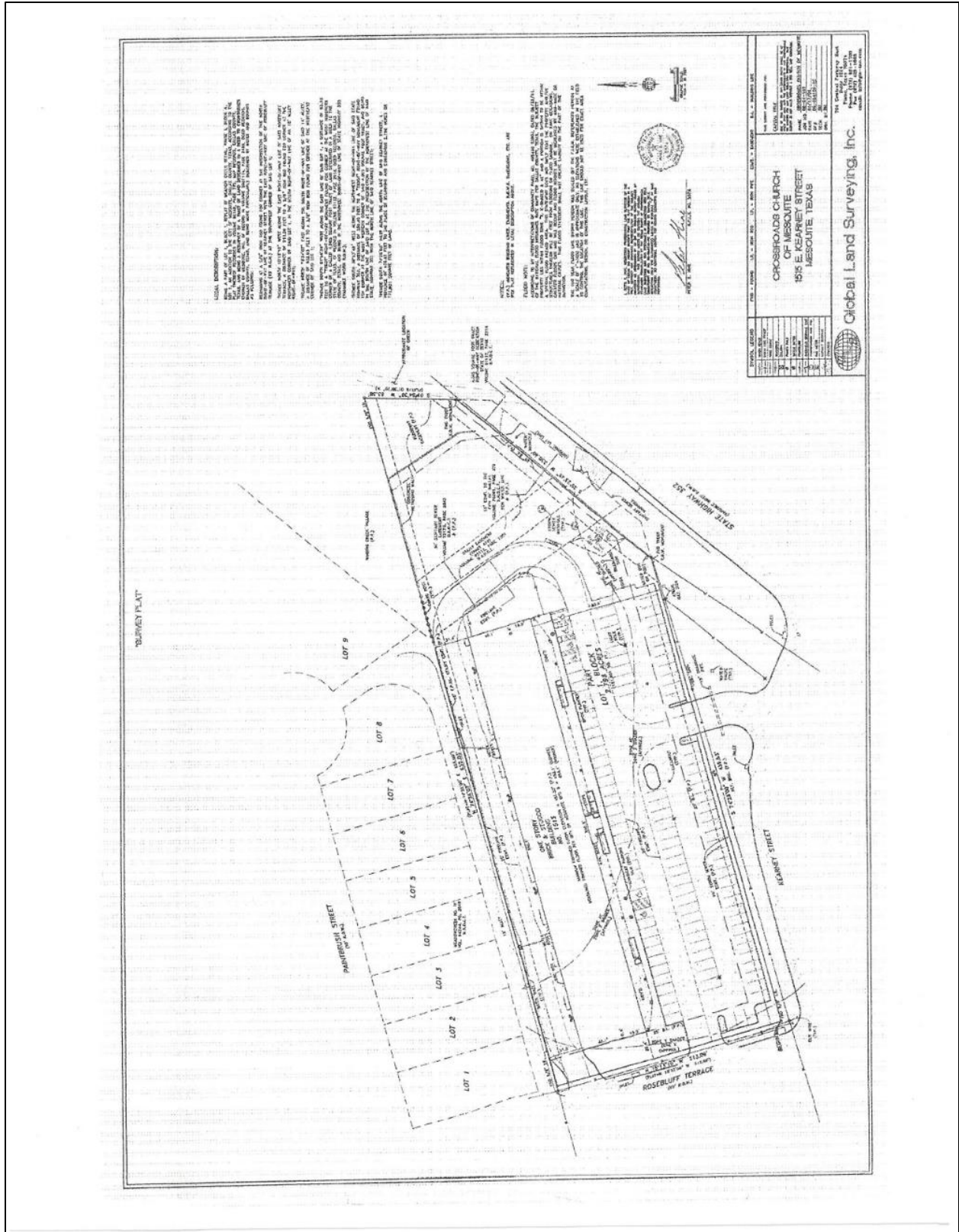
OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Conditional Use Permit Application

Property Owner: Ola Alexander LP Phone Number: 214/597-7598
Address: 4910 Dublin Creek Lane
Parker, TX 75002 Email Address: TA1218@aol.com
Signature: 

Each property owner must complete a separate authorization form

ATTACHMENT 6 – APPLICATION MATERIALS



ATTACHMENT 6 – APPLICATION MATERIALS

LEGAL DESCRIPTION

BEING A PART OF LOT 1, BLOCK 1, REPLAT OF MEADOW CREEK RETAIL, PHASE 1, BLOCK A, LOT 1, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 86148, PAGE 775, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING A RESURVEY OF A TRACT OF LAND DESCRIBED IN A DEED TO CROSSROADS CHURCH OF MESQUITE, INC. OF RECORD IN VOLUME 2001174, PAGE 2489, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND FOR CORNER AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF KEARNEY STREET WITH THE EAST RIGHT-OF-WAY OF ROSEBLUFF TERRACE (60' R.O.W.) AT THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 15°13'10" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ROSEBLUFF TERRACE, A DISTANCE OF 213.09 FEET TO A 5/8" ROD FOUND FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT 1, IN THE SOUTH RIGHT-OF-WAY LINE OF AN 18' ALLEY RIGHT-OF-WAY;

THENCE NORTH 74°34'07" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID 18' ALLEY, A DISTANCE OF 652.03 FEET TO A 3/8" IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 01°54'39" WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 83.38 FEET TO A "TXDOT" RIGHT-OF-WAY MONUMENT FOUND FOR CORNER AT THE MOST NORTHERN CORNER OF A CALLED 4,065 SQUARE FOOT TRACT OF LAND DESCRIBED IN A DEED TO THE STATE OF TEXAS, OF RECORD IN VOLUME 91132, PAGE 2916, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING IN THE NORTHWEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 352 (VARIABLE WIDTH R.O.W.);

THENCE SOUTH 39°23'49" WEST ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 352, A DISTANCE OF 230.40 FEET TO A "TXDOT" RIGHT-OF-WAY MONUMENT FOUND FOR CORNER AT THE MOST WESTERN CORNER OF SAID 4,065 SQUARE FOOT TRACT, AND BEING IN THE SOUTH LINE OF SAID LOT 1, AT THE INTERSECTION OF THE NORTHWEST LINE OF SAID STATE HIGHWAY 352 WITH THE NORTH LINE OF SAID KEARNEY STREET'

THENCE SOUTH 74°;28'00" WEST ALONG THE NORTH LINE OF SAID KEARNEY STREET, A DISTANCE OF 439.63 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.798 ACRES OR 121,901 SQUARE FEET OF LAND.

ATTACHMENT 6 – APPLICATION MATERIALS

Continued from page 2

Description of Project Uses:

1. The current and zoned use of the facility is a tutoring center and before and after school care for children ages 5-12 years, as well as an all-day virtual learning classroom.

The projected use would be to add a preschool program to the current program in place, which would entail adding children ages 6 weeks through four years. The current program is in operation 6:00 am – 6:30 pm. The capacity and hours of operation would not change.

Adding a preschool program would be a benefit to the community. The preschool would take pride in being a positive place for little ones to call their home away from home. The children would get hot, nutritious meals while in our care. They would also participate in learning activities from a state-approved, developmentally accredited curriculum to ensure a brighter start for Kindergarten.

2. The property is currently developed. The plaza we are located in has ten other occupants as follows: 1) Charlie's Grocery (convenience store), 2) Bae's Country Cookin' (restaurant), 3) Texas Water Department (office), 4) Peoples Church (church), 5) Karen Wilde DDS (dental office), 6) Ebenezer Home Health (office), 7) Dare 2 Dance (Dance school for children), 8) Henderson Chicken (restaurant), 9) Merry Maids (office), and 10) Styles & Cuts (hair salon).
3. The conditional use permit complies with the Mesquite Comprehensive Plan. Having a quality preschool program will coincide with the vision to enhance our city. Building a firm foundation and pouring into the lives of our children is a win-win. The children are our future!

Page 3

1. Existing Uses: The facility is already in place and is only requesting to add a younger age group to the operation at hand.
2. Vacant Properties: The area around us is developed.
3. Services: There are adequate utilities in place, as well as roads and adequate drainage. We are not adding capacity to our existing operation, just a different age range of children.
4. Parking: There is ample parking. We are currently having no problem with parking. We would not be adding extra capacity.
5. Performance Standards: There is no additional odors, noise, etc by adding a younger age of children to our program.