

FILE NO.: Z0717-0010

P&Z HEARING DATE:

August 28, 2017

COUNCIL DATE:

September 18, 2017

GENERAL INFORMATION

APPLICANT: Shubham Pandey, Meadow Oaks Academy

REQUESTED ACTION: Conditional Use Permit to allow a high school

LOCATION: 3200 Oates Drive

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The approximately 6.38-acre site is being used as a charter school serving middle to high school students; grades 6 through 9.

SURROUNDING LAND USE AND ZONING (see attached map): Due to its configuration, the subject property surrounds 2 lots on their west, east and south sides. The lot on the western most side is currently undeveloped and is owned by the owner of the subject property. The lot on the eastern most side is developed with a gas station. Both properties are located within the North Gus Thomasson Corridor District (NGTC). On the north side of Oates Drive is an automobile repair shop and an auto parts retail store located within the NGTC District; west of the property is an undeveloped piece of property, also owned by the owner of the subject property and further west, an auto repair shop, both located within the NGTC District; southwest of the property is Casa View Heights 16, a single family subdivision located within the "R-3" Single Family Residential District; east of the property is a City of Mesquite drainage channel, and further east, an undeveloped piece of property and Walgreens, both located within the NGTC District; and south of the property is a church located within the NGTC District.

ZONING HISTORY: 1954: Annexed and zoned Commercial
1997: Planned Development – General Retail

2008: Zoned North Gus Thomasson Corridor (NGTC)

PLATTING:

Casa Ridge Heights 16, Block A, Lot 3

GENERAL: According to the applicant, Meadow Oaks Academy; a charter school, has been in operation since 1985 at 1412 S. Belt Line Road. In April of 2016, the applicant acquired the subject property to operate a charter school including elementary to middle school grade levels. However, the charter school currently serves middle through high school students, grades 6-9. According to the applicant, the school has operated a high school since the fall of 2016. Operation of a high school requires approval of a Conditional Use Permit (CUP) in the North Gus Thomasson Corridor District. During a Pre-application meeting held with the applicant and the Development Review Committee (DRC) in May of this year, to discuss the addition of a gymnasium, Staff learned of the operation of a high school and advised the applicant of the need to obtain approval of a CUP.

Prior to Meadow Oaks occupying the site, on April 13, 2016, a Pre-application meeting was held with the applicant and DRC to discuss the possibility of Meadow Oaks Academy operating an elementary and middle school at the subject property. Because the site had been unoccupied for more than three months, retrofitting of the site was required in order to conform with the requirements of the Gus Thomasson Corridor Revitalization Code, adopted in 2008 as one of the instruments for implementing the objectives of the adopted Casa View Heights Neighborhood Plan. Requirements of the Revitalization Code for the subject property include conformance with the Code's Infill Regulating Plan, which requires a 60-foot Commercial Street to be located east of the property to improve access and circulation to the interior of the property along with a 40-foot landscape corridor adjacent to the existing drainage channel. Additional requirements include architectural and landscape standards, and other special standards and requirements.

A transition plan may be approved by the Director of Planning and Development Services for the retrofitting of the premises that allows the property owner a period of 5 years to achieve compliance. In 2016, discussions were had with the applicant about a transition plan and a transition plan was underway, but was never formalized. In November 2016, a site plan for Phase 1 was approved by Staff to allow improvements to the existing building for the elementary and middle school. A temporary certificate of occupancy was issued August 2016 to allow the charter school to open and operate from portable classrooms on site while improvements

were being made to the existing building. The site plan illustrated existing buildings to be used for elementary and middle school aged students, including associated parking spaces; building elevations which illustrated modifications to existing buildings to be more in compliance with the Revitalization Code.

Based on a memo dated January 17, 2017 from the Director of Planning and Development Services to the applicant, future construction would be subject to a transition plan. Expansion of the school is proposed in the very near future. In year 2018, the school plans to serve 10th – 11th grade students; and in year 2019, 12th graders. Future improvements, including a 100-unit student housing complex for foreign exchange students, located on the adjacent lot to the west and a new gymnasium and 2 public promenades on the subject property are also proposed. A transition plan is currently under review by the Director of Planning and Development Services.

STAFF COMMENTS

Mesquite Comprehensive Plan

According to the Comprehensive Plan, the subject property is located within the Neighborhood Sustainability Zone (NSZ); a Low Density Community Area. These areas are intended primarily for housing, but may accommodate elementary schools and parks in internal locations, preferably fronting on collector streets. Other nonresidential uses which might be permitted, such as churches and neighborhood retail, should be located on the periphery of the neighborhood along an arterial street. The Neighborhood Standards section of the Comprehensive Plan incorporates enhanced design features and amenities in the NSZ that promotes pedestrian scaled density. The provision of pedestrian friendly environments and the enhancement of neighborhood livability through visual and recreational opportunities, within the Low density Community Area are two of the design features promoted in the area.

In keeping with the Comprehensive Plan, one of the main goals of the Revitalization Code is to create walkable, pedestrian oriented developments, with trails, enhanced sidewalks, and robust landscaping allowing residents to walk to various services in the area, with buildings closer to the street. Design is typically in favor of pedestrian movement and within walking distance of future public transportation.

Review Criteria – Mesquite Zoning Ordinance Sec. 5-303

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.

According to the applicant, the property has been operating as a high school since the fall of 2016. It is not anticipated that the school 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.

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.

With the exception of the vacant property to the east, which is separated from the subject property by an existing variable width drainage channel, ranging from approximately 80 feet to 100 feet wide; all other immediately adjacent vacant properties are owned by the owner of the subject property.

Services

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

A Traffic Management Plan was submitted by the applicant in 2016 for grades K-8, but did not address or include high school students. With the introduction of a high school, a Traffic Impact Analysis that includes 9th-12th grades will need to be reviewed and approved by the Traffic Engineering Department. A replat to add additional utility and drainage easements to the subject property is currently being reviewed by Staff. Through the platting process, Staff will ensure that adequate utilities and drainage facilities will be provided.

Parking

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

Parking requirements for schools subject to the Gus Thomasson Corridor Revitalization Code are determined by Warrant. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of the Revitalization Code, but that is justified by its intent. Warrants are granted administratively by the Director.

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Although the Revitalization Code supplants provisions of the Mesquite Zoning Ordinance as it pertains to regulations and land within the boundaries of the North Gus Thomasson Corridor District, for illustrative purposes, the below table indicates the number of parking spaces that would be required per the Mesquite Zoning Ordinance:

Use	Parking Spaces Required	Number of Classrooms	Parking Spaces Required
Middle School	4 spaces/classroom	17	68
High School	10 spaces/classroom	10	100
		Total Required:	168
		Total Provided:	156

There are approximately 156 existing parking spaces on site. As the school continues to grow and expand, additional parking spaces may be required. It is important to note that the owner of the subject property owns two directly adjacent undeveloped properties and a total of approximately 10 contiguous acres adjacent to and including the school site. Expansion of parking facilities is easily attainable on adjacent properties with common ownership.

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.

It is not anticipated that the operation of a high school at this location will constitute a nuisance of any kind.

Analysis

In 2016 Meadow Oaks Academy received approval to reuse an existing site that sat vacant for 18-20 years; for the operation of an elementary and middle school. Since that time, the school has been operating as a middle school and a high school by providing a learning environment for 9th graders. The school plans to expand in 2018 by providing a learning environment for 10th and 11th graders; and 12th graders in year 2019. Their expansion goals also include the addition of a new gymnasium and a 100-unit student housing complex for foreign exchange students and 2 public promenades. The current property owner owns approximately 10 contiguous acres along Oates Drive, including the school site, 2 adjacent undeveloped properties and an approximately 0.3 acre site which is currently being used as an auto repair and tire shop. A transition plan is currently under review by the Director of Planning and Development Services to retrofit the site to be more consistent with the requirements of the Gus Thomasson Corridor Revitalization Code, where possible. With the introduction of a high school to the site, additional

improvements may be required based on the results of a Traffic Impact Analysis, to ensure that traffic continues to operate both safely and efficiently.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit to allow for the operation of a high school, subject to the following conditions:

1. A Traffic Impact Analysis which includes all grades served by Meadow Oaks Academy, including 9th-12th grades, must be submitted to and approved by the City's Traffic Engineering Department, prior to the issuance of a Certificate of Occupancy.
2. Compliance with any recommendations, restrictions and/or modifications recommended by Traffic Engineering is also required, prior to the issuance of a Certificate of Occupancy.

PUBLIC NOTICE

Notices were mailed to property owners within 200 feet of the property. No notices have been returned.

ATTACHMENTS

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

ATTACHMENT 3: ZONING MAP



ATTACHMENT 4: APPLICATION

CITY OF MESQUITE ZONING APPLICATION	Receipt No.	3071176	Date Stamp: 8/17/2017
	Fee:	800.00	
	Case Manager:	JM	

REQUESTED ACTION:

Change District Classification to: NGTCW/CVP	Conditional Use Permit for: PTAA School High School	Amend Special Conditions of Ordinance # _____ (Explain Below)
Additional explanation of requested action: we need to apply a CUP for currently running middle & High School at 3250 Oates Dr.		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: NGTC	Complete one of the following:
Site Size: 9.60 (Acres or Square Feet)	1. Platted Property
Address (if available): 3250 Oates Drive	Addition: Casa Ridge Heights 16
General Location Description: 3250 Oates Dr. Mesquite TX 75150	Block: A Lot: 3
	2. Unplatted Property:
	Abstract: _____ Tract: _____

APPLICANT INFORMATION:

Contact: Shubham Pandey	Phone: (612) 207-6438
Company: Meadow Oaks Academy	Fax: () _____
Address: 1412 S Belt line Rd Mesquite TX 75149	E-mail: shubham@ptaschool.org (Required)
Signature:	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:	Phone: (612) 207-6438
Address: 1412 S Belt line Rd Mesquite TX	E-mail: shubham@ptaschool.org
Signature:	



ATTACHMENT 5: SITE PHOTOS



Entrance into the site.



Site interior looking towards existing buildings.



Rear yard of property looking at existing buildings.



Eastern most property line looking at existing wrought iron fence and tree line.