

FILE NO.: Z0218-0023

P&Z HEARING DATE: March 12, 2018

COUNCIL DATE: April 2, 2018

GENERAL INFORMATION

APPLICANT: Game X Change

REQUESTED ACTION: Conditional Use Permit to allow the sale of used video games, game consoles, movies, and handheld electronics.

LOCATION: 1220 N. Town East Blvd., Suite 100

SITE BACKGROUND

EXISTING LAND USE AND SIZE: This is an approximately 1,690-square foot lease space located in the Independence Plaza Shopping Center that is zoned General Retail and is currently vacant.

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 north 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 is requesting a Conditional Use Permit (CUP) to allow the sale of used merchandise at a retail store called Game X Change. According to the applicant's letter of intent, Game X Change purchases, trades, and sells new and used video games, game consoles, movies, and handheld electronics. The applicant indicated that up to 90% of their merchandise is previously owned. The lease space is located in the Independence Plaza Shopping Center among multiple tenant occupancies of varying retail uses. The suite space is located on the north end of the building that is situated on the west side of the subject property. The suite space is next to Jenny Craig Health Store.

STAFF COMMENTS

According to the Mesquite Comprehensive Plan, the subject property is located in one of Mesquite's High Intensity Development Areas. The Plan describes development in these areas as "concentrations of diversified, high intensity activities located in specified areas. The development areas are characterized by the highest levels of accessibility to transportation facilities within the city and provide adequate locations for more intense uses to preclude the necessity of locating such uses in lower density communities. Development Areas consist of the *Regional Retail and Entertainment Corridor, Business Corridors, Central Mesquite, and Industrial/Business Parks.*" The Comprehensive Plan further 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.

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

1. Existing Uses

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

The subject property is surrounded by nonresidential uses. The surrounding nonresidential uses include offices, restaurants, general retail stores, medial, personal services, and grocery stores. The proposed use is consistent and compatible with surrounding nonresidential uses. The proposed use also conforms to the General Retail zoning of the subject property as well as to the Comprehensive Plan.

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 including vacant suites.

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 as a result of the proposed use.

Analysis

The proposed Conditional Use Permit to allow the sale of used merchandise is consistent with the future land use designation of the Comprehensive Plan as well as the existing zoning district. The proposed business will be adjacent to multiple nonresidential uses and zoning districts and will be located within an existing strip center. Staff does not anticipate adverse impacts from the proposed use on the surrounding uses or properties.

RECOMMENDATIONS

Staff recommends approval of the request to allow the sale of used merchandise in a lease space located at 1220 Town East Blvd., Suite 100, with the following stipulations:

1. The used merchandise shall be limited to DVDs, CDs, iPods, mobile phones, video games, video game consoles, and handheld electronics. It shall not include the sale of any other used merchandise.
2. Merchandise display shall be orderly and similar in style and organization to typical displays at general merchandise and department stores.
3. No display of used merchandise shall be permitted outside the establishment.
4. All display merchandise shall be clean and operational. The display of severely damaged items is prohibited.
5. No signage advertising the sale of used merchandise shall be visible from outside the establishment.
6. All used merchandise shall be in its original packaging and shrink-wrapped. Handwritten labels shall not be used or permitted.
7. Previously owned merchandise shall be marked as “pre-owned” or “pre-played.”
8. The Conditional Use Permit is granted specifically to Hultquist Enterprises, Inc. and/or Game X Change.
9. The Conditional Use Permit cannot be subject to assignment, transfer or alienation.

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 Picture Example
- 6 – Site Pictures

Attachment 1 – Aerial Map



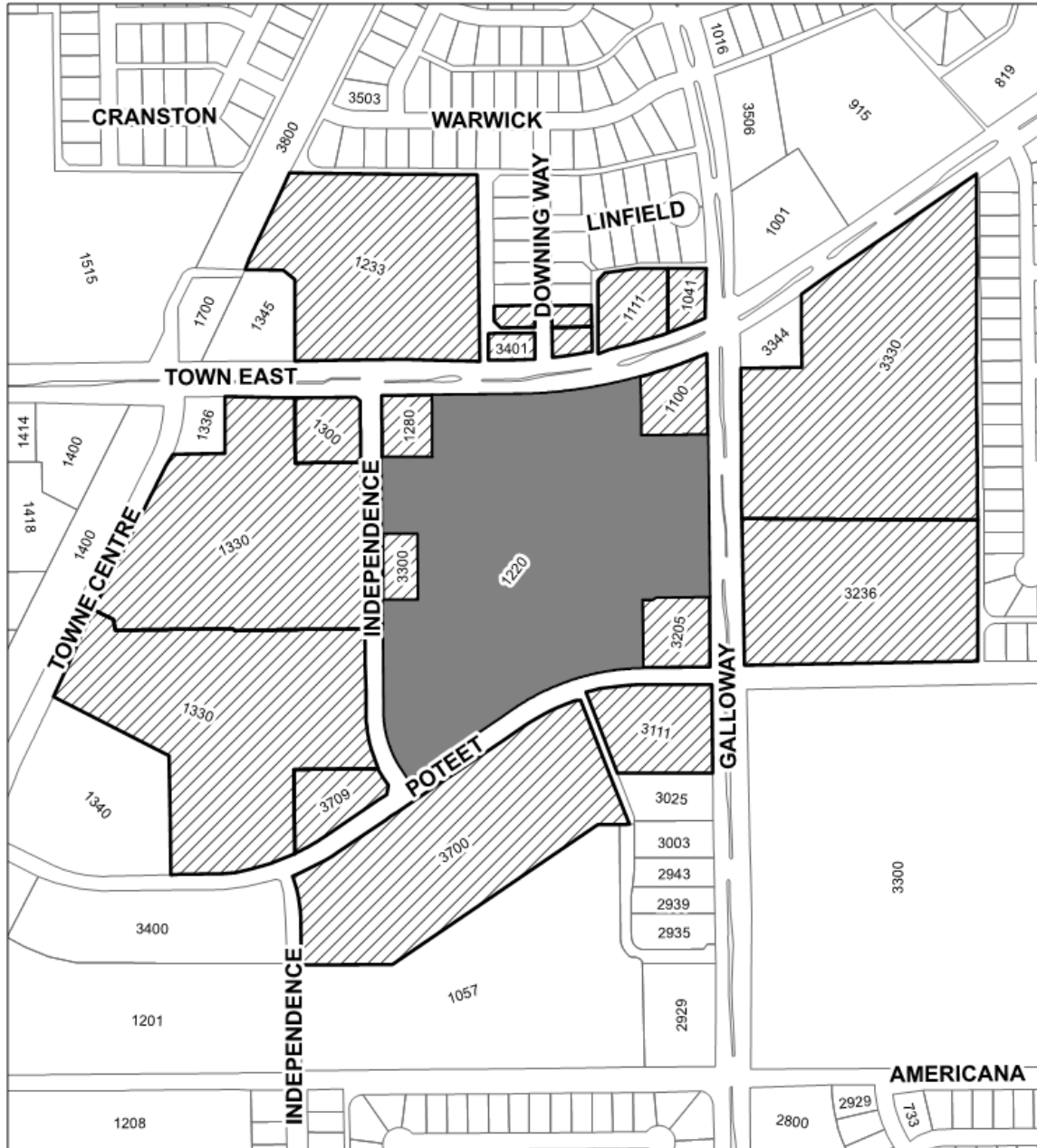
Request: Conditional Use Permit to allow
used merchandise sales.
Applicant: Game X Change
Location: 1220 N. Town East Blvd.
Suite 100

Legend

☐ Subject Property



Attachment 2 – Public Notification Map

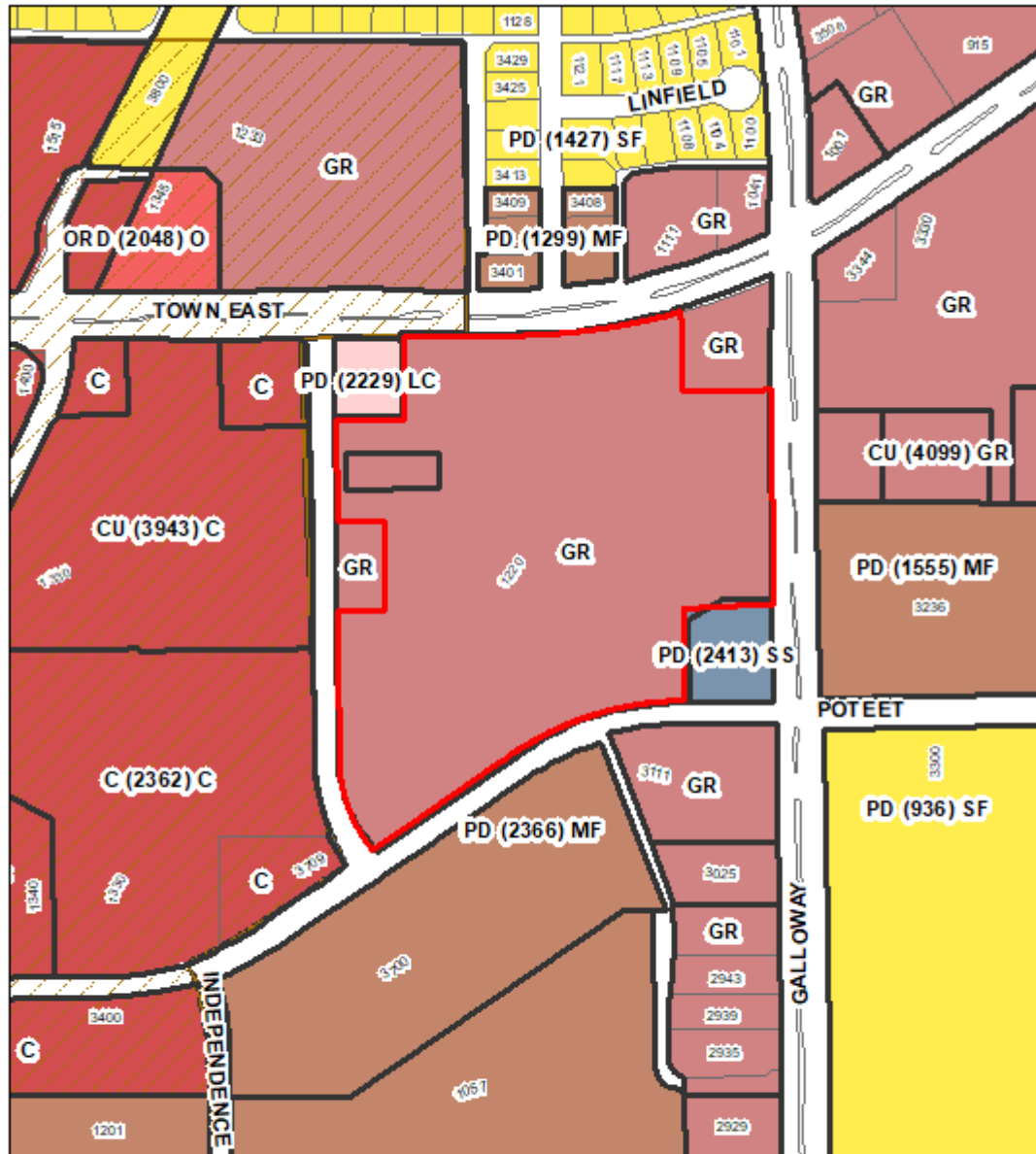


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Suite 100

Legend
■ Subject Property
▨ Noticed Properties



Attachment 3 – Zoning Map



Request: Conditional Use Permit to allow
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Legend

Subject Property
zone_borders



ATTACHMENT 4 – Letter of Intent

Hultquist Enterprises, INC, DBA Game X Change
7201 Shadow Valley Rd,
Rogers, AR 72758

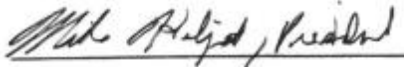
To Whom It May Concern:

Game X Change buy, sells, and trades videogames, DVD movies, Blu-ray, and small handheld electronics. We offer cash or trade for every item in our stores. We offer a 90 warranty on everything we buy-in. Our biggest competitor is Game stop of which there are 5 locations in the Mesquite area. I own 45 of my own stores and a company with almost 100 stores. My closest stores to Mesquite, TX are McKinney, Denton, Sherman, Fort Worth, and Burleson, TX. The majority of our product is pre-owned. You can go to www.gogamexchange.com to get more information about our company. I have included a few pictures of what a store looks like as well.

We pride ourselves in offering exceptional customer service, store cleanliness, and product presentation.

Sincerely,

Mike Hultquist, President

A handwritten signature in black ink, appearing to read "Mike Hultquist, President", written over a horizontal line.

ATTACHMENT 5 – Store Interior Appearance



Attachment 10 – Site Pictures

