

FILE NO.: Z0518-0039

P&Z HEARING DATE: July 9, 2018

COUNCIL DATE: August 6, 2018

GENERAL INFORMATION

APPLICANT: Veronica Becerra on behalf of Kids Empire Dallas Mesquite, LLC.

REQUESTED ACTION: Rezone from General Retail to Planned Development – General Retail with a Conditional Use Permit to allow an indoor recreational facility (indoor children’s playground).

LOCATION: 3600 Gus Thomasson Road, Suite 125

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The Conditional Use Permit is for an approximately 15,457 +/- square-foot lease space located in the Towne Crossing Shopping Center which is zoned General Retail and is currently unoccupied.

SURROUNDING LAND USE AND ZONING (see attached map):

North:	Apartments zoned PD-Multifamily #1872.
East:	Apartments zoned PD-Multifamily #1872
South:	Retail and restaurant uses zoned Commercial.
West:	Retail, financial services, automotive services zoned Commercial.

ZONING HISTORY:

1954:	Annexed and zoned Residential
1967:	Rezoned to Multifamily
1974:	Rezoned to General Retail

PLATTING: Towne Crossing Addition, Block C, Lot 1

GENERAL: The applicant initially requested a rezoning to Light Commercial (LC) with a Conditional Use Permit (CUP) to allow an indoor recreational facility (indoor playground). However, instead of rezoning to LC, the applicant was agreeable to staff’s suggestion that the request should be for a Planned Development (PD) with the base zoning of GR. The request includes a rezoning to PD-GR as indoor recreation is not permitted in the General Retail (GR) zoning district with/without a CUP. Rezoning to PD-GR would allow approval of the CUP for indoor recreation without having to allow those uses that are permitted by right in the LC zoning district.

In addition to requiring a CUP, the Mesquite Zoning Ordinance does not permit the issuance of a Conditional Use Permit for indoor recreation within a building that is within 100 feet of any residential zoning district including a multifamily zoning district. While the property is within 100 feet of multifamily zoning, it is not within 100-feet of any single family home or single family zoning. The closest single family home is more than 1,200 feet from the subject property. Rezoning to a PD would allow granting the CUP in this situation.

According to the applicant's letter of intent, the "Indoor Children's Play Ground is a Fitness Center for children ages 2 - 12 years of age. The facility includes floor to ceiling climbing bars, slides, a running course, imagination areas, smaller play rooms for toddlers, a children's disco room and a seating area. The concept is to allow children to interact and be social while enjoying physical activity. The facility will have a pantry that will provide drinks and prepacked snacks. No food is prepared on site." The business will be open 7 days per week. Hours are expected to be from 10:00 am to 8:00 pm Monday through Thursday and 10:00 am to 10:00 pm Friday through Sunday. The facility will also be available for birthday parties and special events.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within the Town East Retail and Restaurant Area (TERRA) as designated in the Mesquite Comprehensive Plan. The Plan states the following for TERRA:

TERRA is the major retail district for eastern Dallas County and the counties to the east, providing a concentration of retail, service and entertainment uses oriented primarily toward family services...

In order to regulate and restrict those uses which were considered problematic to the area's regional retail and entertainment role, a zoning overlay district was adopted in 1996. Uses which were targeted in the overlay include uses generating truck traffic or otherwise adding to area congestion; uses with visual or aesthetic characteristics not normally present in a retail-type area; and uses with characteristics disruptive to family- and customer-oriented retail and entertainment uses.

Staff expects that indoor recreation will be consistent with TERRA's role as a major retail district. No increase in truck traffic, visual intrusion, or adverse impacts on adjacent properties/uses are anticipated.

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 to the west and to the south. To the north and to the east are apartments. The nonresidential uses include gas stations, offices, restaurants, retail and personal services. In staff's opinion, the proposed indoor recreational use is compatible with surrounding 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 16 acre property consists of four retail buildings and includes retail, restaurant and personal service uses. The subject property is surrounded by retail and commercial uses. There are multifamily developments to the north and east of the subject property. 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.

Rezoning to a PD – GR will 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. Rezoning to a PD would also allow the CUP to be permitted within 100 feet of a residential zoning district.

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 and such use may be permitted within 100 feet of a residential district.

ZONING RECLASSIFICATION

FILE NO.: Z0518-0039

Page 4

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 125, a 15,457 +/- square-foot building.
 - b. The Conditional Use Permit is granted specifically to Kids Empire Dallas Mesquite, LLC, doing business as Kids Empire 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 – Site Pictures

Attachment 1 – Aerial Map



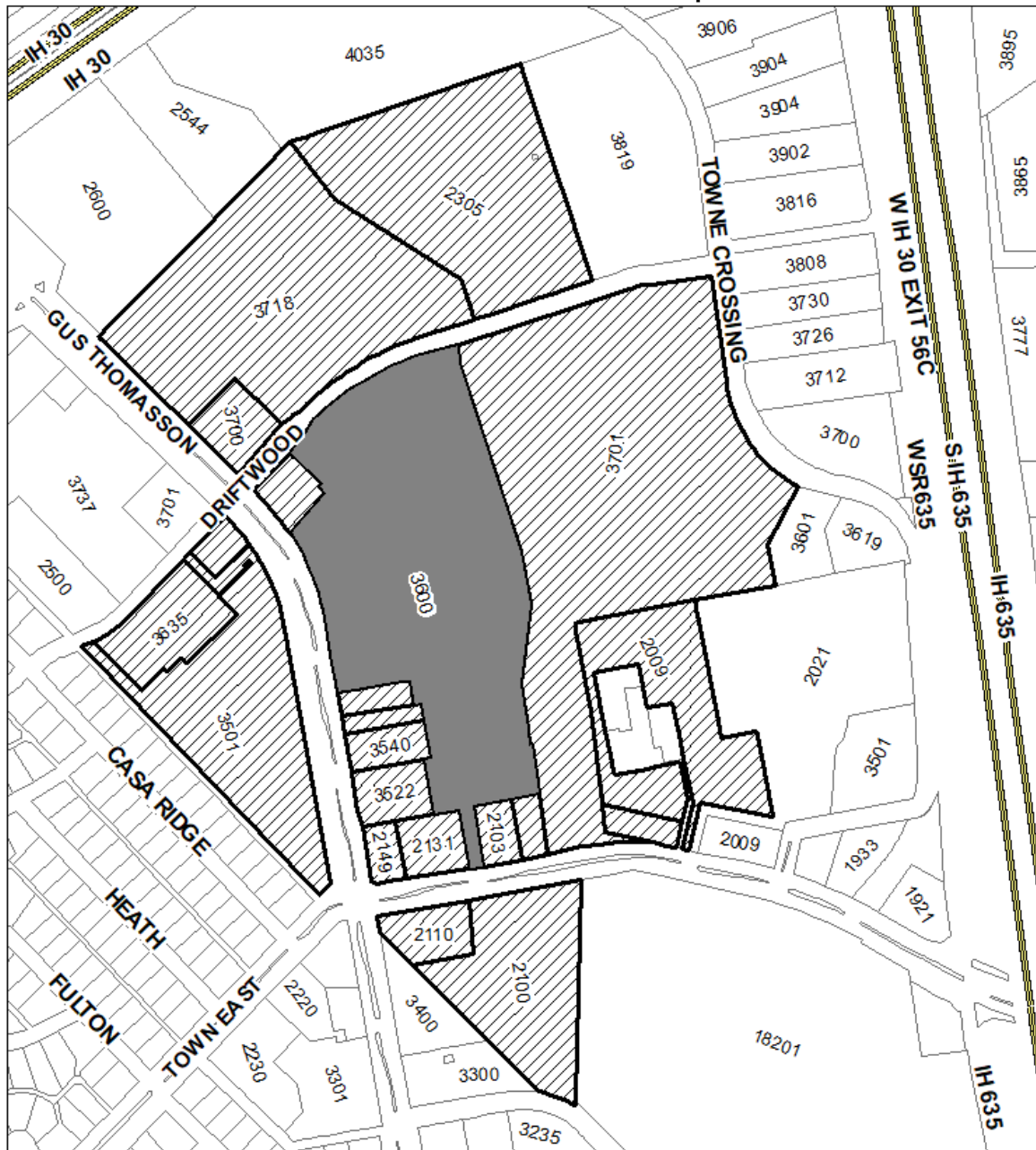
Request: Rezone to Planned Development -
General Retail with a Conditionl Use Permit
to allow indoor recreation.
Applicant: Veronica Becerra on behalf of Kids Empire Dallas
Mesquite, LLC.
Location: 3600 Gus Thomasson Road, Suite 125

Legend

 Subject Property



Attachment 2 – Notification Map



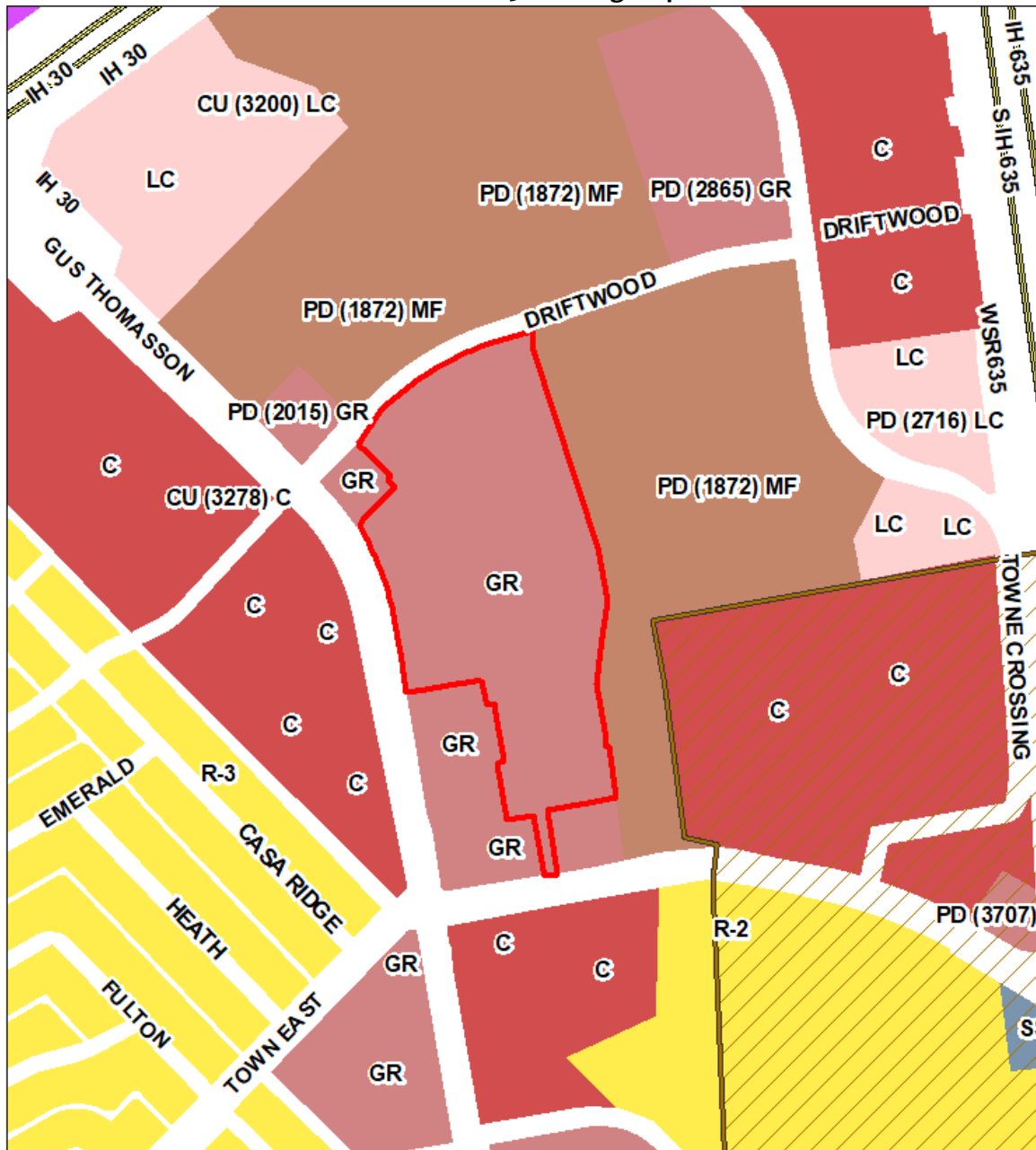
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Legend

- Subject Property
- Noticed Properties



Attachment 3 – Zoning Map



Request: Rezone to Planned Development -
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Location: 3600 Gus Thomasson Road, Suite 125

Legend

Subject Property



ATTACHMENT 4 – Letter of Intent

Exhibit A

Applicant Kids Empire Phoenix LLC and Haim Elbaz

direction@royakids.us (424) 527-1039

Representative Veronica Becerra, and Rabuild Commercial Services LLC

449 West Foothill Blvd., #157, Glendora, CA 91741

213 272-4784

vbcommercial@outlook.com

May 30, 2018

The applicant is seeking the following discretionary approvals:

The applicant is requesting approval of a Conditional Use Permit to establish an Indoor Children's Playground "Kids Empire", within a free-standing building in the Shopping Center located at 3600 Gus Thomasson Rd. Mesquite, TX

Total square footage to be occupied by Kids Empire is approximately 15,000 square feet.

Description:

The Indoor Children's Play Ground is a Fitness Center for children ages 2 - 12 years of age. The facility includes floor to ceiling climbing bars, slides, a running course, imagination areas, smaller play rooms for toddlers, a children's disco room and a seating area. The concept is to allow children to interact and be social while enjoying physical activity. The facility will have a pantry that will provide drinks and prepacked snacks. No food is prepared on site.

The site is available for birthday parties and special events. Food is allowed to be purchased off site and brought into the premises. It is encouraged that visitors use local establishments if purchasing food for a group.

Kids Empire also offers party packages for birthdays and other celebrations. Typical party size is 8 to 10 children in attendance per party.

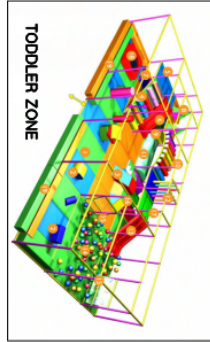
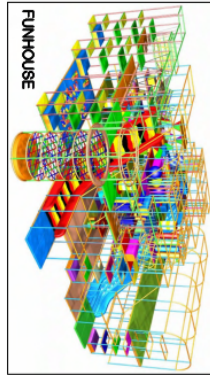
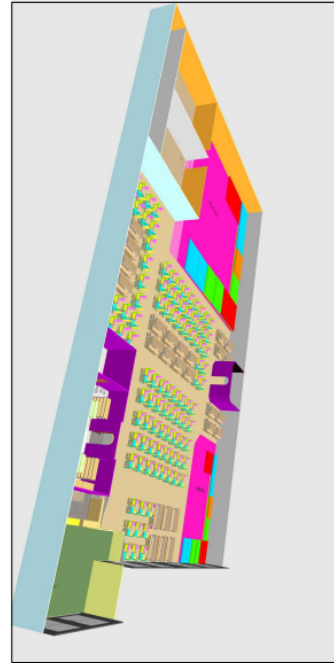
There will be 3 to 8 employees per shift, depending on day and time.

Operating hours are from 10:00 am to 8:00 pm Monday through Thursday and 10:00 am to 10:00 pm Friday through Sunday.

Entry fee is \$15.00 per child for a full day pass (in and out is allowed) and free for adults accompanied by a child. Children are allowed to leave and return without additional charge.

Weekday participation is approximately 20% capacity. Peak hours are weekends between the hours of 2:00 pm – 6:00 pm.

INTERIOR PERSPECTIVE RENDERING



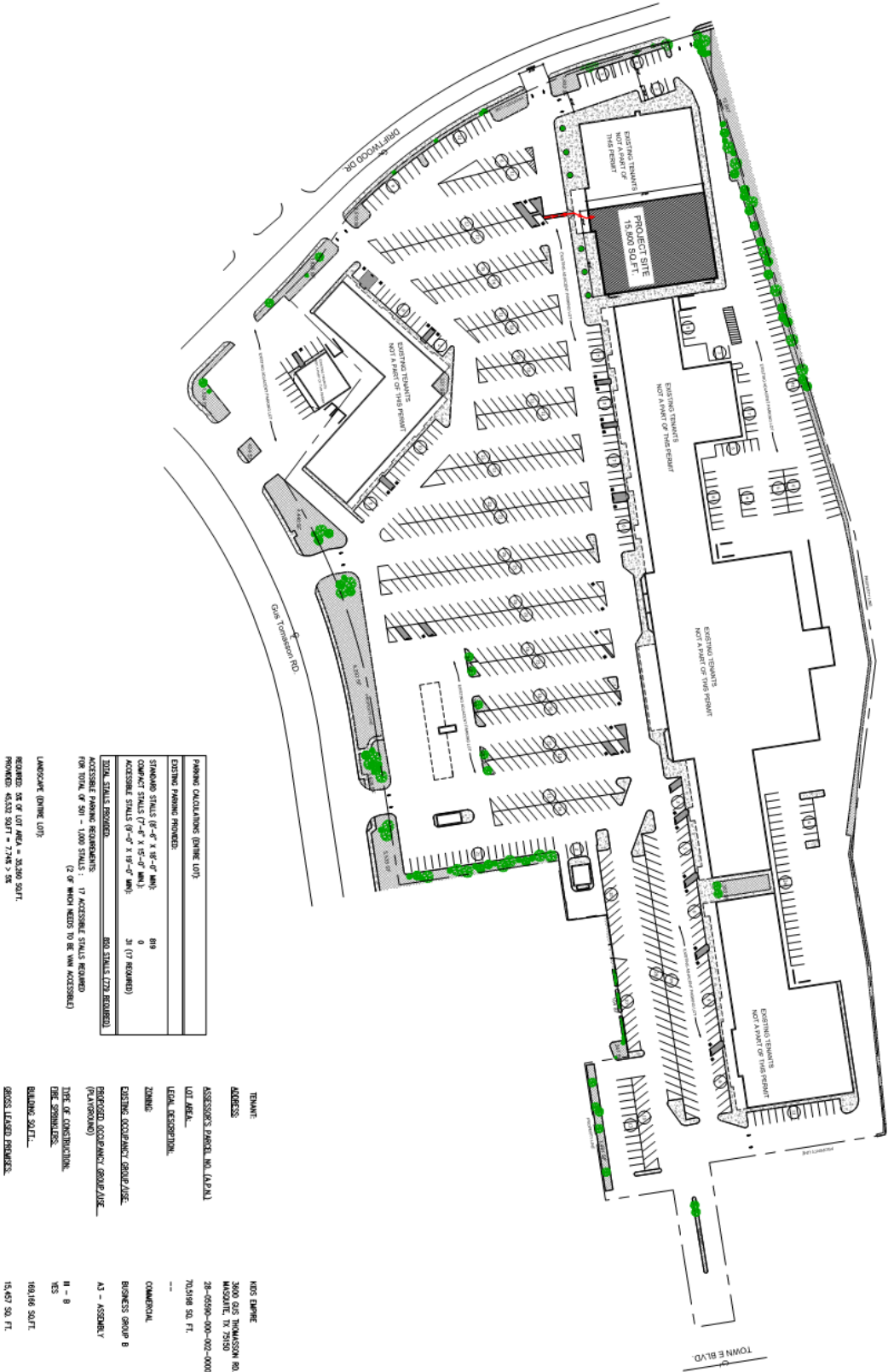
THREAT OCCUPANCY: AL ASSEMBLY									
THREAT AREA: 10,650 SQ. FT.									
THREAT NUMBER OF ENTS: 10,650									
NUMBER NUMBER OF ENTS: 10,650									
NUMBER OF ENTS PROVIDED: 3									
ROOM / SPACE	AREA	OCCUPANCY	PERSON	OCCUPANCY	PERSON	ROOM / SPACE	AREA	OCCUPANCY	PERSON
PLAY AREAS	4,415 SF	10000	10000	10000	10000	PLAY AREAS	4,415 SF	10000	10000
CLUBS	1,775 SF	97	97	97	97	CLUBS	1,775 SF	97	97
RESTAURANTS	1,775 SF	97	97	97	97	RESTAURANTS	1,775 SF	97	97
DISCOTHEQUE	1,775 SF	97	97	97	97	DISCOTHEQUE	1,775 SF	97	97
STORAGE	445 SF	STORAGE	1 / 200	1	1	STORAGE	445 SF	STORAGE	1 / 200
TOTAL	10,650 SF (10,650 SQ. FT.)					TOTAL	10,650 SF (10,650 SQ. FT.)		471

ENTS: PERS. BLD. (1000'S) OF CAPACITY				
ENT ELEMENT	WCH	CAPACITY	ROOM CAPACITY	NOTES
ENT 1	30 PERSONS	30 PERSONS	30 PERSONS	
ENT 2	72	30 PERSONS	30 PERSONS	
ENT 3	72	30 PERSONS	30 PERSONS	
ENT 4	72	30 PERSONS	30 PERSONS	
ENT 5	72	30 PERSONS	30 PERSONS	
ENT 6	72	30 PERSONS	30 PERSONS	
ENT 7	72	30 PERSONS	30 PERSONS	
ENT 8	72	30 PERSONS	30 PERSONS	
ENT 9	72	30 PERSONS	30 PERSONS	
ENT 10	72	30 PERSONS	30 PERSONS	
ENT 11	72	30 PERSONS	30 PERSONS	
ENT 12	72	30 PERSONS	30 PERSONS	
ENT 13	72	30 PERSONS	30 PERSONS	
ENT 14	72	30 PERSONS	30 PERSONS	
ENT 15	72	30 PERSONS	30 PERSONS	
ENT 16	72	30 PERSONS	30 PERSONS	
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ENT 18	72	30 PERSONS	30 PERSONS	
ENT 19	72	30 PERSONS	30 PERSONS	
ENT 20	72	30 PERSONS	30 PERSONS	
ENT 21	72	30 PERSONS	30 PERSONS	
ENT 22	72	30 PERSONS	30 PERSONS	
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ENT 95	72	30 PERSONS	30 PERSONS	
ENT 96	72	30 PERSONS	30 PERSONS	
ENT 97	72	30 PERSONS	30 PERSONS	
ENT 98	72	30 PERSONS	30 PERSONS	
ENT 99	72	30 PERSONS	30 PERSONS	
ENT 100	72	30 PERSONS	30 PERSONS	

+ 12 ENTS PER OCCUPANCY: MINUS PERSONS (100'S)											
TYPE	ENTER COUNT	PER BLD. (100'S)	TYPE	ENTER COUNT	PER BLD. (100'S)	TYPE	ENTER COUNT	PER BLD. (100'S)	TYPE	ENTER COUNT	PER BLD. (100'S)
WCH	3	3	CLUBS	1	1	CLUBS	1	1	CLUBS	1	1
RESTAURANTS	1	1	RESTAURANTS	1	1	RESTAURANTS	1	1	RESTAURANTS	1	1
DISCOTHEQUE	1	1	DISCOTHEQUE	1	1	DISCOTHEQUE	1	1	DISCOTHEQUE	1	1
STORAGE	1	1	STORAGE	1	1	STORAGE	1	1	STORAGE	1	1
TOTAL	6	6	TOTAL	4	4	TOTAL	4	4	TOTAL	4	4

ENT 1006 - 471 = 21 ENTS / 700 ENTS									
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Attachment 6 – Site Plan



Attachment 7 – Site Pictures



ZONING RECLASSIFICATION

FILE NO.: Z0518-0039

Page 12

