

**FILE NO.:** Z0918-0065

**P&Z HEARING DATE:**  
**COUNCIL DATE:**

November 12, 2018  
December 3, 2018

#### **GENERAL INFORMATION**

**APPLICANT:** AQM Rahman, Design Associates and Consultants

**REQUESTED ACTION:** A Zoning Change from GR, General Retail to Planned Development-General Retail, PD-GR to allow a minor reception facility.

**LOCATION:** 4361 N. Belt Line Rd., Suites 1100, 1200 and 1300 (suite numbers subject to change)

#### **SITE BACKGROUND**

**EXISTING LAND USE AND SIZE:** The subject property is developed with two multi-tenant buildings; 4361 and 4321 N. Belt Line Rd. The building addressed as 4361 N. Belt Line Rd. was constructed in 2017 and received final inspection in February, 2018. It is currently unoccupied; however, Certificates of Occupancy are under review for a church and a retail boutique. The building addressed as 4321 N. Belt Line Rd. includes a host of different uses including medical offices and beauty salons. The subject property includes approximately 1.94 acres of land.

**SURROUNDING LAND USE AND ZONING (see attached map):** North: Unoccupied commercial building zoned GR, General Retail  
South: Gas station/carwash zoned GR, General Retail  
East: Town of Sunnyvale  
West: Telecommunications service provider zoned GR, General Retail

**ZONING HISTORY:** 1971: Annexed and zoned AG, Agriculture

**PLATTING:** The subject property is platted as North Mesquite Commercial, Block A, Lot 2

**GENERAL:** The applicant is requesting a change in zoning from GR, General Retail to PD-GR, Planned Development-General Retail to allow for the operation of a "Minor Reception Facility." According to the applicant's letter of intent, the facility will accommodate church lectures and baptisms, birthday celebrations, graduations, wedding receptions, etc.

On February 19, 2018 the Mesquite City Council approved a text amendment to the Mesquite Zoning Ordinance to establish new and revised regulations for ballrooms, event centers, reception halls, etc., as all were classified a ballroom, which required a Conditional Use Permit in the LC, Light Commercial, CB, Central

**ZONING RECLASSIFICATION**  
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Business, C, Commercial and I, Industrial districts provided that the building was 500 feet from any residential district. The text amendment included definitions for reception facilities, both minor and major; Section 3-508 was added; and the use table was amended to add the aforementioned uses.

The Mesquite Zoning Ordinance defines a reception facility as an establishment that is made available for private use, principally for parties, dances, receptions, banquets or similar social events. The term does not include, and a separate certificate of occupancy is required for the following uses if permitted by the applicable zoning regulations: restaurant; drinking place with private club; hotel; country club; theater; civic, social, fraternal organization; or commercial amusement. A minor reception facility includes 6,000 square feet of enclosed space or less and requires compliance with Section 3-508 (Attachment 6) of the Mesquite Zoning Ordinance, which includes regulations regarding hours of operation, security, outside activities, premises condition, owner representative, compliance with applicable laws and additional provisions regarding alcoholic beverages.

The below use table illustrates zoning districts in which the proposed use is allowed:

SIC CODE	USE DESCRIPTION	O	GR	LC	THIN KIN NGTC I	CV	MU	CB	SS	C	I	PENG STND	SPECIAL CONDITIONS
79	AMUSEMENT & RECREATION SERVICES												
791	Dance Studios, Schools (except)		P	P			P	P		P	P	1	
a.	Minor Reception Facility						P	P		P	P	11	Requires compliance with 3-508.
b.	Major Reception Facility							C		C	C	11	Requires buildings to be located at least 500 feet from any residential district. Requires compliance with 3-508.

Planned developments are intended to achieve higher standards of development than what is typical of conventional zoning, while allowing for site design and use flexibility. The applicant proposes the following site improvements and/or amenities:

1. The addition of two stone panels on the east side of building with its side fronting on N. Belt Line Rd., addressed as 4321 N. Belt Line Rd. The current building material is concrete;
2. Enhanced landscaping, with the addition of shrubs along parking areas fronting Barnes Bridge Rd.;
3. The addition of two benches and pavement in the landscaped areas fronting Barnes Bridge Rd.;
4. Enhanced landscaping along the parking area in front of 4321 N. Belt Line Rd., behind the existing gas station/car wash to the south;
5. The addition of a water fountain in front of the building addressed as 4361 N. Belt Line Rd.

**STAFF COMMENTS**

**Mesquite Comprehensive Plan**

The subject property is located within the *N-Neighborhood Retail Limitation* future land use designation, which typically includes small sites which are in close proximity to adjoining

residences. The intention is that these sites be limited both in the size and in the uses which are accommodated so that the impact on adjacent residences is minimized. Rather than offering a full range of business services, the aforementioned designation is intended to only offer those goods which are used most frequently as a convenience to surrounding residents. Sites are at an intersection of a major street with a collector street.

**Staff Comment**

Similar to the *Neighborhood Retail Limitation* future land use designation, the existing zoning district, General Retail was established to accommodate the sale of convenience goods and personal services primarily for persons residing in surrounding neighborhoods. The 2018 amendment to address reception facilities prohibited the use in the existing zoning district. The use proposed through the Planned Development does not conform to the future land use designation of the Comprehensive Plan, nor to the purpose and intent of the General Retail zoning district.

**RECOMMENDATION**

Staff recommends denial of the request to rezone the subject property from GR, General Retail to Planned Development-General Retail, PD-GR to allow a minor reception facility.

**PUBLIC NOTICE**

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff received one notice in favor of the request.

**ATTACHMENTS**


- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application Materials and Supporting Documentation
- 5 – Site Photos
- 6 – Section 3-502, Mesquite Zoning Ordinance
- 7 – Returned Notices



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,  
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User  
Community

**Request:** Zone change from GR to PD-GR to allow a  
reception facility  
**Applicant:** Matiur Rahman  
Design Associates and Consultants  
**Location:** 4361 N. Belt Line Rd.

**Legend**

 Subject Property



**Request:** Zone change from GR to PD-GR to allow a reception facility

**Applicant: Matur Rahman**  
**Design Associates and Consultants**

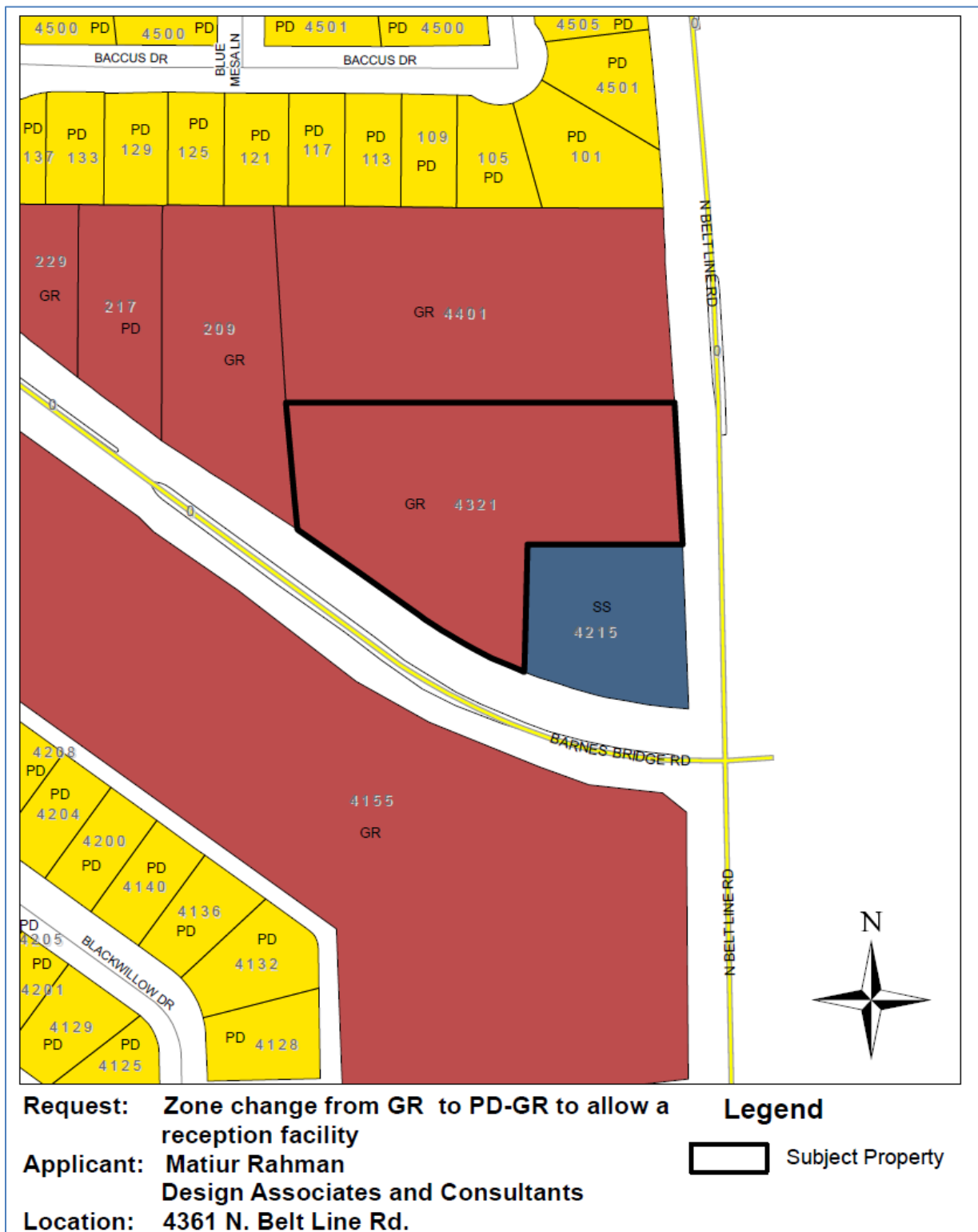
**Location:** 4361 N. Belt Line Rd.

### Legend

 Subject Property

 Noticed Properties





1

**Sabu Joseph**  
614 St. James alley  
Sunnyvale, Texas-75182  
214-289-2177  
E-mail: sljoseph@gmail.com

8-Sep-18

City of Mesquite,  
Planning and Zoning  
Mesquite, Texas

Dear Mr./Madam,  
We are planning to have a minor reception facility at 4361 N. Belt line road, Suite #200 to accommodate minor reception, lecture for church, some birthday celebration, baptism, etc to take place in this facility.  
As per zoning it is under general retail.

There are no other facility nearby to take this kind of activities for the community. This will help the community to have a minor reception facility for their graduation, wedding reception, birthday celebration etc. We can assure you that we will fully cooperate with the city of Mesquite regulation for this type of facility and the nearest residential buildings are more than 200' away from the building.

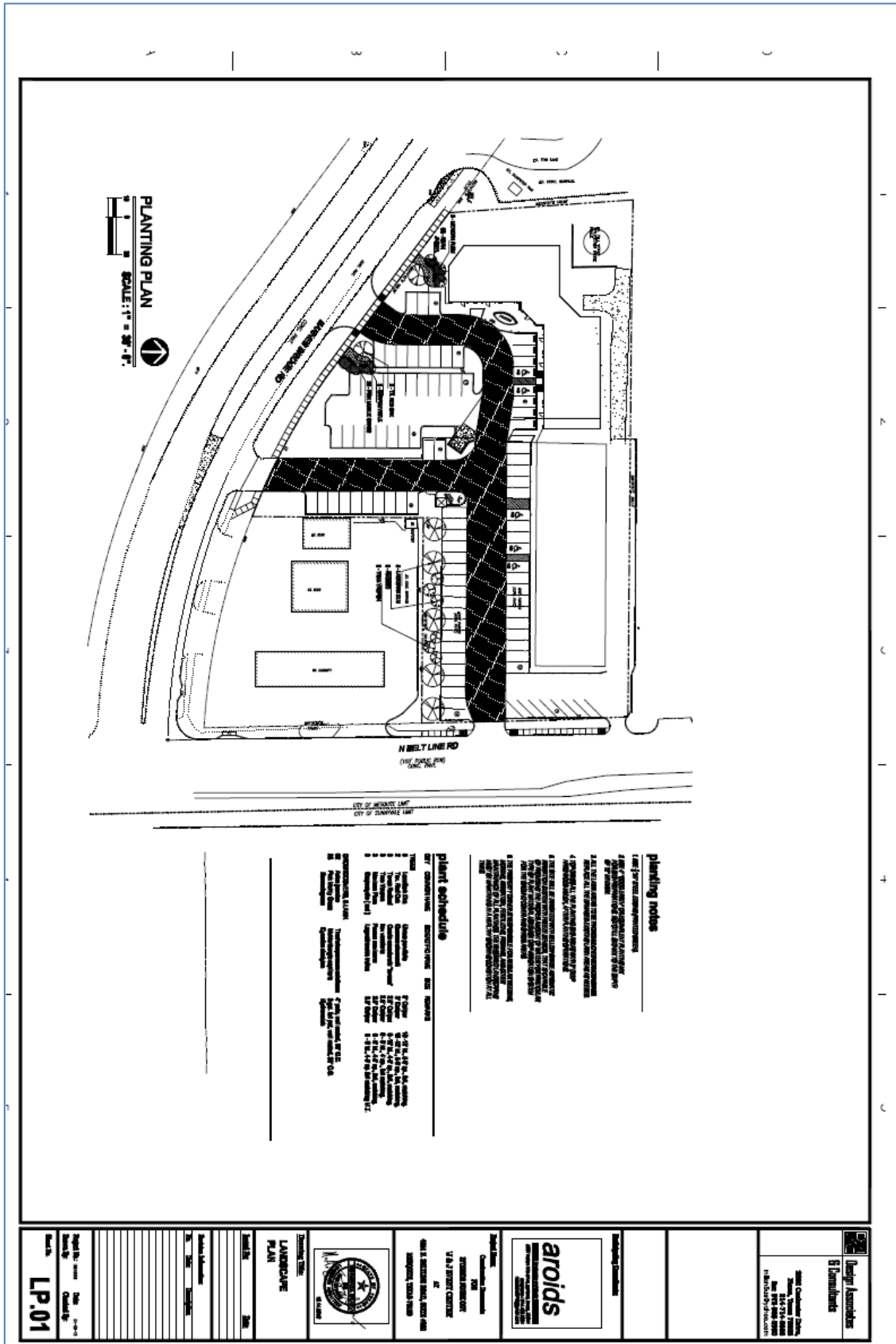
So we are applying for a zoning change from General Retail to Planned Development, General Retail which will allow us to use the suite as a minor reception facility.

Thank you for your kind consideration and co-operation in this regard.

Sincerely,

Sabu Joseph  
Pastor/Owner

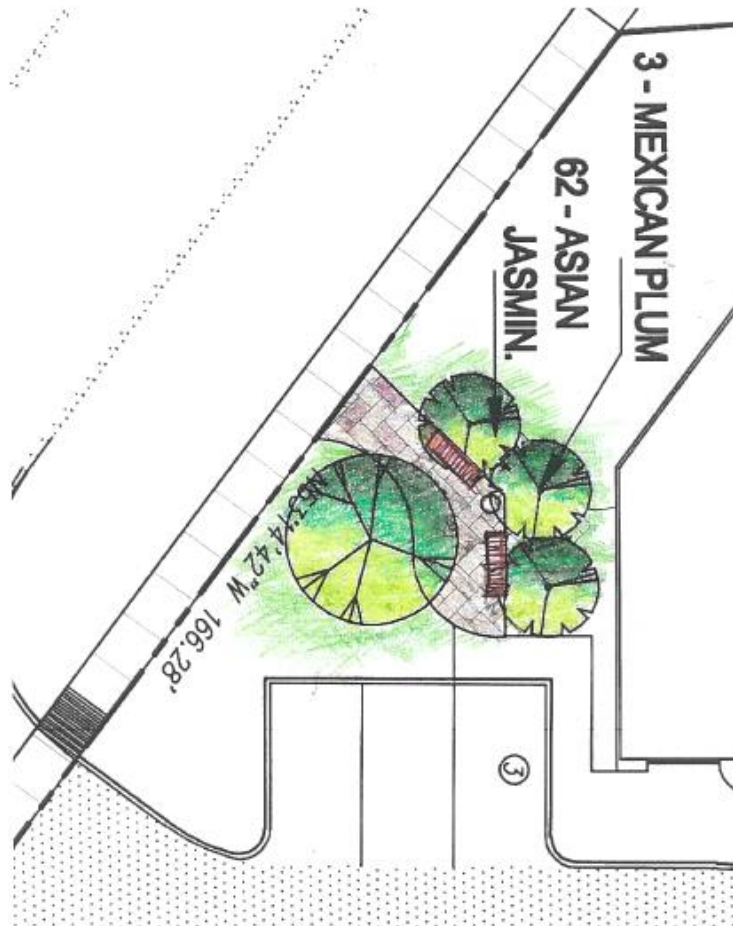
Building at 4361 N. Belt line road,  
Mesquite, Texas-75150











PLAN NO. Z0918-0065  
ENHANCED LANDSCAPING  
BENCH WITH PAVEMENT  
AT  
4301 N. BELTLINE ROAD  
MESQUITE, TX 75150





**Photo taken near Barnes Bridge Rd. looking north at the subject property  
(4361 N. Belt Line Rd.)**



**Photo taken on subject property looking at 4321 N. Belt Line Rd.**



**Photo taken along N. Belt Line Rd., looking west at the east side of the building addressed as 4321 N. Belt Line Rd.**



**Photo taken in parking lot of subject property looking west at 4361 N. Belt Line Rd.**



**3-508 RECEPTION FACILITIES**

**Ord. 4541 / 02-19-2018**

In addition to the requirements of Section 3-203, all reception facilities approved by conditional use permit shall comply with the following regulations:

- A. *Hours of operation.* Unless authorized by a conditional use permit, hours of operation for a reception facility shall be limited to 8:00 a.m. to 10:00 p.m. Monday through Thursday and 8:00 a.m. to midnight Friday through Sunday.
- B. *Security.* The reception facility shall provide security at every event where alcoholic beverages are provided or consumed or where a D.J. or live music is provided for age groups 13-21. Security shall be provided by a qualified person(s) authorized to provide private security pursuant to Chapter 1702 of the Texas Occupations Code or by a licensed peace officer.
- C. *Outside activities.* Outside activities, if any, shall be confined within a legally fenced-in area with a solid fence or wall at least six feet in height and in compliance with Chapter 5, Article V of the Code of the City of Mesquite, Texas. All activities conducted within or outside the reception facility shall conform to the hours of operation in this section and comply with the noise restrictions of City Code Section 10-66, et seq.
- D. *Premises condition.* The owner or operator of the reception facility shall clean, or have cleaned, the premises of all litter, debris or rubbish immediately following an event. In addition to other applicable codes and ordinances of the City, the premises shall be maintained in compliance with the International Property Maintenance Code and operated to conform to maximum occupancy load limitations at all times.
- E. *Owner representative.* For all events at a reception facility, the owner or the owner's agent shall be present at the facility for the duration of the event.
- F. *Compliance with applicable laws and additional provisions.* Alcoholic beverages may not be sold on the premises without strict compliance with the Texas Alcoholic Beverage Code and the use regulations of the Mesquite Zoning Ordinance. A person or a person affiliated, related, associated with or acting in concert with the person, serving alcohol may not use the facility more than twice per month. The definition of the term "person" provided in Section 1-2, "Rules of Construction," of this code, applies. "Affiliate" means any entity owned or controlled, wholly or in part, by a person.





**CITY OF MESQUITE  
PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING**

**LOCATION:** 4361 N. Belt Line Rd.  
(A map is attached for reference)

**FILE NUMBER:** Z0918-0065

**APPLICANT:** AQM Rahman, Design Associates and Consultants

**REQUEST:** From: GR, General Retail  
To: Planned Development – General Retail (PD-GR). The purpose of the change in zoning is to allow the subject property to be used as a "Reception Facility."

**LEGAL DESCRIPTION**

North Mesquite Commercial, Block A, Lot 2

**PUBLIC HEARINGS**

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, November 12, 2018 in the City Council Chambers of City Hall, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, December 3, 2018 in the City Council Chambers of City Hall, located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 329-8523 or jmatthews@cityofmesquite.com.

**REPLY FORM**

As a property owner within 200 feet of the property, you are urged to attend the public hearing to give your opinion on the zoning request. Any owner of property subject to a proposed rezoning or affected by the proposed rezoning may protest the rezoning by filing a written protest with Planning and Development Services. The protest must be received by 5 pm on Wednesday, November 7, 2018 to be included in the Planning and Zoning Commission packet and by 5 pm on Wednesday, November 28, 2018 to be included in the City Council packet. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. Your written reply is important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. This form should be returned to the Planning Division.

(Complete and return)  
Do not write on the reverse side of this form.

Zoning Case: Z0918-0065	Name: (required) <u>KAREN CROWNOVER</u>
I am <u>in favor</u> of this request <input checked="" type="checkbox"/>	Address: (required) <u>350 N. JOHNSON RD. SUNNYVALE</u>
I am <u>opposed</u> to this request <input type="checkbox"/>	<u>OWNER OF 4401 N. BELTLINE RD.</u>
Reasons (optional):	

**RECEIVED  
NOV 07 2018  
PLANNING AND ZONING**

Please respond by returning to: PLANNING DIVISION  
Johnna Matthews  
CITY OF MESQUITE  
PO BOX 850137  
MESQUITE, TX 75185-0137