

FILE NO.: Z1118-0078

P&Z HEARING DATE:

December 10, 2018

COUNCIL DATE:

January 7, 2019

GENERAL INFORMATION

APPLICANT: Lance H. "Luke" Beshara on behalf of Tejas Motel, L.L.C.

REQUESTED ACTION: Rezoning from Commercial within the Skyline Logistic Hub Overlay District to Commercial within the Skyline Logistic Hub Overlay District with a Conditional Use Permit to allow the continuing operation of Tejas Motel as a Limited Service Motel.

LOCATION: 4405 U.S. Highway 80 E

SITE BACKGROUND

EXISTING LAND USE AND SIZE: The subject property includes approximately 2 acres of land and is currently used as a nonconforming motel.

SURROUNDING LAND USE AND ZONING (see attached map): The subject property and surrounding property are located within the Skyline Logistics Hub Overlay District. The property to the east, is zoned Commercial and is developed with an automotive body shop. South of the property is U.S. Highway 80 E. and to the west is a property zoned Commercial with a legal-nonconforming apartment building. To the north, is a property zoned Commercial that is not in use. To the northeast is an undeveloped tract zoned Traditional Neighborhood Mixed Residential.

ZONING HISTORY:

1954: Annexed and zoned "R" Single Family Residential

1958: Zone change to "SP" Special Permit to allow a motel

1964: Zone change to R-3, Single Family (rezoned to residential with the adoption of 1964 Zoning Map)

1974: Zone change to "C" with a CUP to allow a private club with dancing

2015: Zone change to "C" Commercial within the Skyline Logistic Hub Overlay District

PLATTING: The request includes two unplatted lots within the W.O. Abbot Survey, Abstract No. 34.

GENERAL: The applicant is requesting a Conditional Use Permit (CUP) to allow the continuing operation of the Tejas Motel as a "Limited Service Motel" within the "C," Commercial Zoning District within the Skyline Logistic Hub Overlay District. The existing motel includes an approximately 1,635

REQUEST FOR ZONING RECLASSIFICATION

square-foot free-standing building and an 11,915 square-foot building containing 36 guest rooms.

Originally built in 1958, the Tejas Motel became a legal nonconforming use in 1997 when the City amended the Mesquite Zoning Ordinance regarding Limited Service Hotels/Motels and General Service Hotels. The current zoning ordinance stipulates that a "General Service Hotel" is permitted by right in the "C" Zoning District when it meets the following design standards for "General Service Hotels" in Section 3-506 of the Mesquite Zoning Ordinance:

- Internal hallways;
- Meeting room and business center;
- Recreational facility;
- Restaurant; and
- All elevations are considered primary facades for the purposes of the Community Appearance Manual.

The Mesquite Zoning Ordinance defines a hotel or motel that does not meet the minimum requirements for a "General Service Hotel" as referenced above as a "Limited Service Hotel" which requires a CUP when located within the "C" Zoning District.

On June 4, 2018, by Resolution No. 32-2018, the Mesquite City Council requested that the Board of Adjustment consider establishing a compliance date for the nonconforming motel use located at 4405 East U.S. Highway 80. On July 26, 2018, the City provided undisputed evidence, and, by and through its legal counsel, the property owner of Tejas Motel stipulated on the record, that continued operation of the motel use will have an adverse effect on nearby properties. The Board found that continued operation of the nonconforming use will have an adverse effect on nearby properties and granted the City's request to establish a compliance date. By and through their legal counsel, the City and the Property Owner stipulated on the record that the owner's actual investment in the use before the use became nonconforming could be amortized by May 1, 2019. The Board ordered that the motel must cease operations and the certificate of occupancy for this use shall be revoked on May 1, 2019, unless the motel becomes a conforming use in accordance with the Mesquite Zoning Ordinance. The applicant is requesting a CUP to become a conforming use.

The applicant has indicated Tejas Motel has a potential buyer for the property. However, the potential buyer will not proceed forward with purchasing and renovating the property without obtaining a CUP. The proposed buyer has indicated an intention to make the following

REQUEST FOR ZONING RECLASSIFICATION

improvements: (1) stucco the exterior of the building; (2) replace all windows; (3) replace the doors and equip with electronic locks; (4) pour a new asphalt parking lot with LED lights; and (5) install new flooring, furniture, bedding, and paint in the rooms.

STAFF COMMENTS

Mesquite Comprehensive Plan

The subject property is located within an area designated in the *Mesquite Comprehensive Plan* as the Big Town Gateway. The *Plan* describes the importance of Gateways and how its appearance can impact the wider community as follows:

Major entryways or gateways to a community provide first and often lasting impressions of a community's character, quality of life, and economic viability to name a few. These impressions can impact the decisions that individuals, families and businesses make regarding relocating to a community; stopping in or returning to a community to visit, shop, dine, or tour attractions; and what they will tell other people about that community. It is important for Mesquite to guide development and the revitalization of its significant gateways to project a progressive image and the spirit of renewal that drives the community

The Plan states following with regard to Big Town Gateway:

Although Big Town Shopping Center was the first enclosed shopping mall in the region, changing conditions eroded its retail role. The mall has been demolished, and the site awaits redevelopment. In addition, there are some vacant tracts to the west that have never been developed. With good highway access, the area is an excellent location for destination-type uses. Due to the concentration of industrial and commercial uses in this general area, residential use is not considered appropriate. To create a remarkable impression and reinvigorate the area, any future use must regenerate the high-volume of visitors and patrons that once typified the Big Town Mall. Regardless of the type of use, it must be developed with the highest standards of appearance and give special attention to greening-up an otherwise drab entrance into Mesquite.

Mesquite Zoning Ordinance Sec. 5-303- Review Criteria for a Conditional Use Permit

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.

REQUEST FOR ZONING RECLASSIFICATION

The continuing use of Tejas Motel as a limited service hotel will be injurious to the use and enjoyment of other property in the immediate area for uses already permitted, and will substantially diminish and impair property values within the immediate area of the subject property. The Board of Adjustment ordered the amortization of the Tejas Motel as a nonconforming use based on the fact the motel has had and will continue to have an adverse impact on the surrounding properties. The owner of the hotel, through their legal representative, agreed to this determination before the Board of Adjustment. The CUP application for the continuing use of the motel does not include any significant proposed improvements or changes in the operation of the Tejas Motel that would change the determination made by the Board.

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.

The Conditional Use will impede the normal and orderly development and improvement of surrounding vacant property in the surrounding area. The property is zoned for commercial uses as is adjacent to properties along US Highway 80 E. Continuing a land use that has been determined to have an adverse impact on adjacent properties may impede the investment needed for the development or redevelopment of adjacent properties.

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 or will be provided as part of the development of the site. Staff will ensure that services are sufficient for accommodating the demands associated with the proposed use.

4. Parking

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

Parking for a hotel is based on a ratio of 1 parking space for each sleeping unit, plus specified requirements for restaurants, meeting rooms and related facilities. Based on 36 guest rooms, 36 parking spaces are required and are available on site. The motel does not include a meeting room or a restaurant.

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

REQUEST FOR ZONING RECLASSIFICATION

and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Planning staff is unaware of the motel producing offensive odor, fumes, dust, noise and vibration that constitutes a nuisance to neighboring properties.

Analysis

According to the Mesquite Comprehensive Plan, the future land use designation for the property is Big Town Gateway. The Gateway designation was established to provide for future improvements to the area, mainly to create a positive impression on the people occupying the high volume of vehicles that pass through the I-30/Highway 80 split each day.

A limited service hotel is not a destination land use that would drive traffic to the area. While a limited service hotel could be a complimentary land use to a destination use, the continuation of Tejas Motel in its present form does not meet the intent of the Gateway designation. The applicant indicated that a buyer is willing to make some improvements to the property; however, it will still not meet the current landscaping requirements or the City's architectural requirements outlined in the Community Appearance Manual.

As stated previously in the section above, the Board of Adjustment on July 26, 2018, made the determination based on the testimony of the property owner's representative that Tejas Motel has an adverse impact on the surrounding properties. In staff's opinion, a change in ownership or minor improvements to the site does not alter the assessment made by the Board of Adjustment.

In conclusion, the application for a CUP to allow the continuation of Tejas Motel as a limited service hotel does not meet the intent of the Mesquite Comprehensive Plan and does not meet the criteria for a CUP. Therefore, staff recommends denial of the request.

RECOMMENDATION

Staff recommends denial of the CUP to allow a Limited Service Motel at 4405 U.S. Highway 80 E.

PUBLIC NOTICE

Staff mailed notices to property owners within 200 feet of the subject property. As of the date of this writing, one notice was returned in opposition and one returned in favor of the request. The owner of the subject property returned two in favor.

ATTACHMENTS

**REQUEST FOR ZONING
RECLASSIFICATION**

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Zoning Map
- 4 – Application
- 5 – Board of Adjustment Record of Decision of Tejas Motel
- 6 – Site Photos
- 7 – Public Notice Responses

**REQUEST FOR ZONING
RECLASSIFICATION**



ATTACHMENT 1: AERIAL MAP



Request: Rezoning from C, Commercial within the Skyline Logistic Hub Overlay District to C, Commercial within the Skyline Logistic Hub Overlay District with a Conditional Use Permit to allow a limited service motel.

Applicant: Lance H. "Luke" Beshara on behalf of Tejas Motel, L.L.C.

Location: 4405 E. US Highway 80



 Subject Property

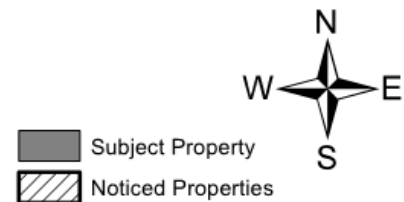
REQUEST FOR ZONING RECLASSIFICATION



ATTACHMENT 2: NOTIFICATION MAP



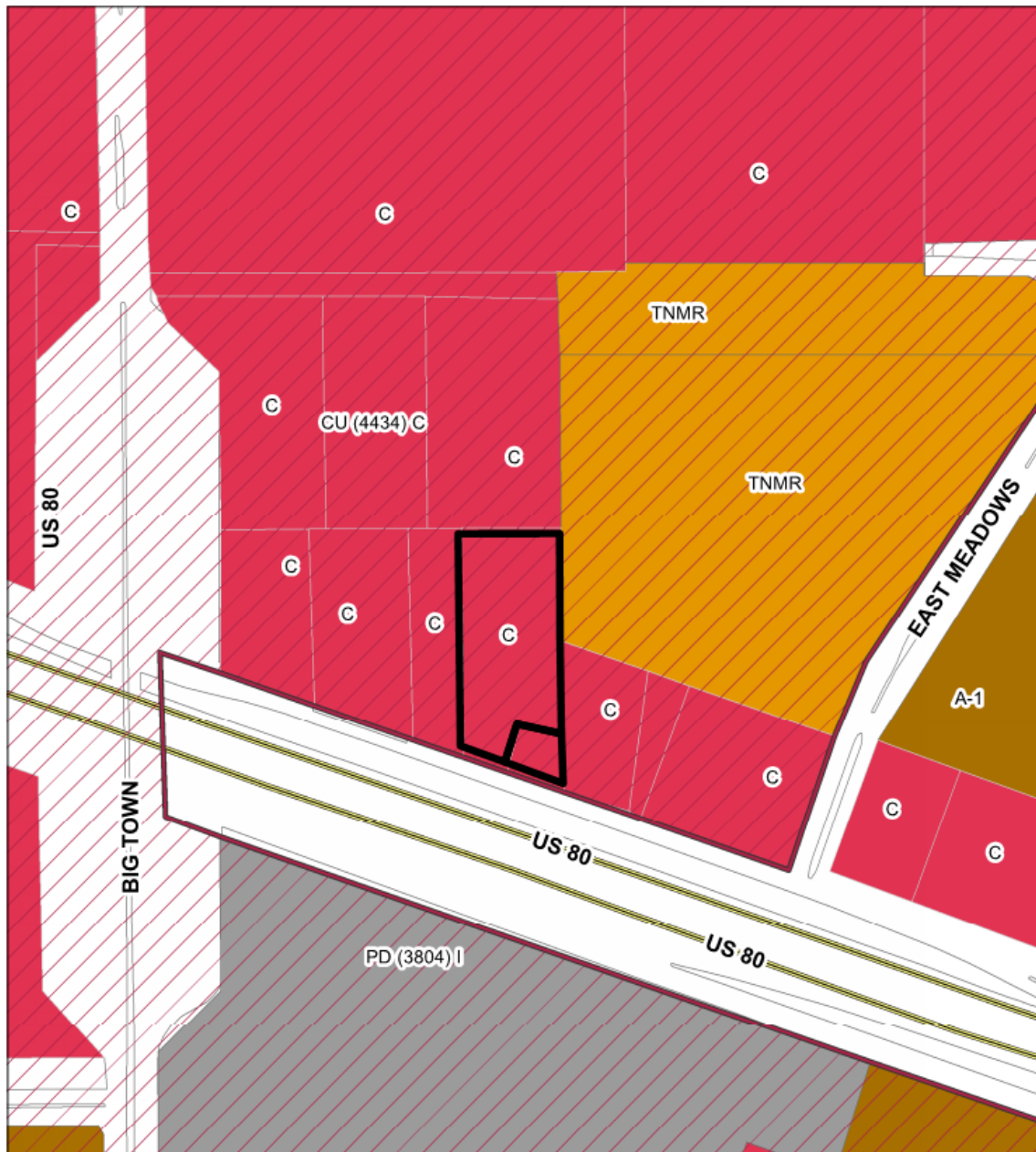
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**REQUEST FOR ZONING
RECLASSIFICATION**



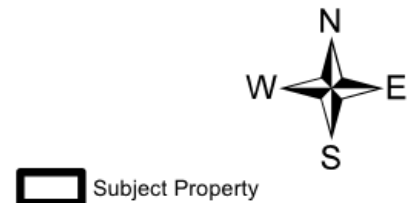
ATTACHMENT 3: ZONING MAP



Request: Rezoning from C, Commercial within the Skyline Logistic Hub Overlay District to C, Commercial within the Skyline Logistic Hub Overlay District with a Conditional Use Permit to allow a limited service motel.

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Location: 4405 E. US Highway 80



**REQUEST FOR ZONING
RECLASSIFICATION**



ATTACHMENT 4: APPLICATION

CITY OF MESQUITE ZONING APPLICATION	Receipt No.		Date Stamp:
	Fee:		
	Case Manager:		

REQUESTED ACTION:


Change District Classification to: _____	Conditional Use Permit for: Limited Service Motel	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: The "Tejas Motel" is currently characterized as a limited service motel under the City's ordinance. Therefore, the application seeks a conditional use permit to specifically authorize the continued operation of the "Tejas Motel" at this location.		

SITE INFORMATION/GENERAL LOCATION:

LOCATION/LEGAL DESCRIPTION:

Current Zoning Classification: <u>Commercial</u>	Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: W.O. Abbott Survey, Abstract: Abstract 34 Tract: <u>6 & 19</u>
Site Size: <u>~1.66 acres</u> (Acres or Square Feet)	
Address (if available): <u>4405 E. US Hwy. 80</u>	
General Location Description: _____ <u>U.S. Hwy. 80 frontage road between Big</u> <u>-Town Boulevard and East Meadows</u> <u>Boulevard</u>	

APPLICANT INFORMATION:

Contact: <u>Lance H. "Luke" Beshara</u>	Phone: (<u>817</u>) <u>394</u> <u>4844</u>
Company: <u>Patel Gaines, PLLC</u>	Fax: (<u>817</u>) <u>394</u> <u>4344</u>
Address: <u>221 West Exchange Avenue, Suite 206A</u>	E-mail: <u>L.Beshara@patelgaines.com</u> <small>(Required)</small>
<u>Fort Worth, Texas 76164</u>	
Signature: 	Owner <input type="checkbox"/> Representative <input checked="" 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: <u>Tejas Motel, L.L.C.</u>	Phone: (<u>972</u>) <u>679</u> <u>0641</u>
Address: <u>2223 North Clearspring Drive</u>	Fax: () -
<u>Irving, Texas 75063</u>	E-mail: <u>rvp1947@yahoo.com</u>
Signature: <u>Ramona V Patel, AS MANAGER</u>	

DECISION AND ORDER
CITY OF MESQUITE BOARD OF ADJUSTMENT

BOA 0718-0079

Amortization of a Nonconforming Motel Use

Tejas Motel, 4405 East U.S. Highway 80

Property Owner: Ramanlal V. Patel, Tejas Motel, LLC and Sun and Sea, Inc.

On June 4, 2018, by Resolution No. 32-2018, the Mesquite City Council requested that the Board of Adjustment consider establishing a compliance date for the above-referenced nonconforming motel use located at 4405 East U.S. Highway 80.

In compliance with City of Mesquite Ordinance No. 4553, on July 26, 2018, the Board of Adjustment conducted a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. By and through its legal counsel, the City provided undisputed evidence, and, by and through its legal counsel, the Property Owner stipulated on the record, that continued operation of the motel use located at 4405 East U.S. Highway 80, commonly known as the Tejas Motel, will have an adverse effect on nearby properties. No speakers appeared other than the representative for the City and the Property Owner. Based upon evaluation of the property, the evidence presented, and on stipulations and agreement of the City and the Property Owner, the Board found that continued operation of the nonconforming use will have an adverse effect on nearby properties and GRANTED the request to establish a compliance date.

In compliance with City of Mesquite Ordinance No. 4553, on July 26, 2018, the Board of Adjustment proceeded to conduct a public hearing to determine a reasonable compliance date. By and through their legal counsel, the City and the Property Owner stipulated on the record that the owner's actual investment in the use before the use became nonconforming could be amortized by May 1, 2019. No speakers appeared other than the representatives for the City and the Property Owner. Based upon evaluation of the property, the evidence presented, and on stipulations and agreement of the City and the Property Owner, the Board found that May 1, 2019, is a reasonable compliance date. Accordingly, the use must cease operations and the certificate of occupancy for this use shall be revoked on May 1, 2019 unless the use becomes a conforming use in accordance with the Mesquite Zoning Ordinance.


Dated: 7-31-18


Chris Jasper,
Chair, Mesquite Board of Adjustment

Filed in Board Office: 7-31-18


Garrett Langford
Administrator, Board of Adjustment

APPROVED:


Cody McCullar
Attorney for the City of Mesquite
Bar Card No. 24042657

/s/ Brandon Smith
Brandon Smith
Attorney for Ramanlal V. Patel, Tejas Motel LLC
and Sun and Sea, Inc.
Bar Card No. 24075919



**REQUEST FOR ZONING
RECLASSIFICATION**



ATTACHMENT 7: PUBLIC RESPONSES

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

LOCATION: 4405 E. U.S. Highway 80
(See attached map for reference)

FILE NUMBER: Z1118-0078

APPLICANT: Lance H. "Luke" Beshara on behalf of Tejas Motel, L.L.C.

REQUEST: From: C, Commercial within the Skyline Logistic Hub Overlay District
To: C, Commercial within the Skyline Logistic Hub Overlay District with a Conditional Use Permit

The requested Zoning Change would allow the continued operation of a motel as a limited service motel. A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1250/Zoning-Ordinance. Please note that the City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) be nonresidential when the one requested is for a residential use or vice versa.

LEGAL DESCRIPTION

Being Tracts 6 and 19 in the W.O. Abbot Survey, Abstract No. 34, City of Mesquite, Dallas County, Texas.

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, December 10, 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, January 7, 2019, in the City Council Chambers located at 757 N. Galloway Ave.

Questions pertaining to this case may be directed to the Planning Division at (972) 216-6343 or glangford@cityofmesquite.com

REPLY FORM

State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice. As a property owner within 200 feet of the property, you are urged to give your opinion on the request by attending the public hearing or by completing the form below or both. 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. The form should be returned to the Planning Division by 5 pm on December 5th to be included in the Planning and Zoning Commission packet and by 5 pm on December 28th to be included in the City Council packet.

(Complete and return)

Do not write on the reverse side of this form.

By signing the form, I declare I am the owner or authorized agent of the property at the address written below.

Zoning Case: Z1118-0078 Name (required) WINTERGREEN HS PARTNERS, LTD
I am in favor of this request Address (required) 4311 W. Lovers Lane, Suite 200, Dallas, TX 75209
I am opposed to this request Owner Signature: [Signature] Date: 12/5/18

Reasons (optional):

SEE EXHIBIT "A" ATTACHED HERETO

Please respond by returning to: PLANNING DIVISION
Garrett Langford
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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DEC 05 2018
PLANNING AND ZONING

EXHIBIT "A"

We own properties located at 2400, 2500 & 2600 East Meadows and 4200 & 4204 E. US Hwy 80, in Mesquite, and are strongly opposed to this request.

Poorly maintained, outdated and physically obsolete properties such as the Tejas Motel, do not reflect well on the City of Mesquite and discourage both new businesses and investors from relocating and investing in this area. If Mesquite wishes to compete with other DFW suburbs for new investment and development, it must eliminate these types of properties.

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**REQUEST FOR ZONING
RECLASSIFICATION**

ATTACHMENT 7: PUBLIC RESPONSES



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

LOCATION: 4405 E. U.S. Highway 80
(See attached map for reference)

FILE NUMBER: Z1118-0078

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(Complete and return)

Do not write on the reverse side of this form.

By signing the form, I declare I am the owner or authorized agent of the property at the address written below.

Zoning Case: Z1118-0078

I am in favor of this request ✓

Name (required)

Address (required)

I am opposed to this request

Owner Signature:

Date: 12-3-18

Reasons (optional):

Please respond by returning to:

PLANNING DIVISION
Garrett Langford
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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DEC 06 2018
PLANNING AND ZONING

4337 E US HWY 80

**REQUEST FOR ZONING
RECLASSIFICATION**

ATTACHMENT 7: PUBLIC RESPONSES



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Zoning Case: Z1118-0078
I am in favor of this request X
I am opposed to this request _____
Name (required): DIPAK PATEL
Address (required): 4405 E HWY 80 MESQUITE TX TRACT 6
Owner Signature: [Signature] Date: 12/05/18

Reasons (optional): _____

Please respond by returning to: PLANNING DIVISION
Garrett Langford
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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PLANNING AND ZONING

**REQUEST FOR ZONING
RECLASSIFICATION**

ATTACHMENT 7: PUBLIC RESPONSES



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Reasons (optional): _____

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