

**FILE NUMBER:** Z1219-0125  
**REQUEST FOR:** Conditional Use Permit to allow an arcade using coin-operated amusement devices  
**CASE MANAGER:** Lesley Frohberg

### **PUBLIC HEARINGS**

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Planning and Zoning Commission: Monday, January 27, 2020  
City Council: Monday, February 17, 2020

### **GENERAL INFORMATION**

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**Applicant:** Armando Garcia, Cortland Morgan Architect  
**Requested Action:** Conditional Use Permit to allow an arcade with more than four (4) coin-operated amusement devices for Kiddleton Kid's Playground and Arcade.  
**Location:** 2063 Town East Mall, Suite #2034

### **PLANNING AND ZONING ACTION**

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**Decision:** On January 27, 2020, the Planning and Zoning Commission voted unanimously to recommend approval of the Conditional Use Permit to allow an arcade, subject to the following stipulations:  
**Conditions:**  
1. The number of coin-operated amusement devices shall be limited to fifty-five (55).  
2. The CUP shall apply to Kiddleton, Inc. and cannot be reassigned or transferred.

### **SITE BACKGROUND**

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**Platting:** Town East Mall Phase 2 Replat, Block A, Lot 2R  
**Size:** 19.43 Acres  
**Zoning:** C – Commercial with Town East Restaurant and Retail Area Overlay District (TERRA)  
**Future Land Use:** Town East Special Planning Area  
**Zoning History:** 1954: Annexed into City of Mesquite, Zoned Residential  
1966: Rezoned to C – Commercial  
1996: Rezoned to C – Commercial with TERRA Overlay

Surrounding Zoning and Land Uses (see attachment 3):

	<u><b>ZONING</b></u>	<u><b>LAND USE</b></u>
<b>NORTH:</b>	C – Commercial with TERRA Overlay	Commercial Businesses
<b>SOUTH:</b>	C – Commercial with TERRA Overlay	Commercial Businesses
<b>EAST:</b>	C – Commercial with TERRA Overlay	Commercial Businesses & Duplex Residential
<b>WEST:</b>	R-2, Single Family Residential with TERRA Overlay	Commercial Businesses & North Mesquite High School

### **CASE SUMMARY**

The applicant is requesting a Conditional Use Permit (CUP) to allow fifty-three (53) coin-operated amusement devices in conjunction with an indoor playground and event room primarily used for children’s birthday parties and other celebrations. The indoor playground and event space is permitted by right in the C – Commercial with Town East Restaurant and Retail Area (TERRA) zoning district, but a CUP is required for any property with more than four (4) coin-operated amusement devices. The proposed use will be located within Suite #2034 of Town East Mall. The project proposes to use a 9,265 square-foot lease space that is currently vacant.

### **MESQUITE COMPREHENSIVE PLAN**

The Mesquite Comprehensive Plan designates the subject property within the Town East Special Planning Area. The purpose of the Town East Special Planning Area designation is to create a thriving regional retail and entertainment area that meets the changing needs and desires of the community. Town East Mall shall serve as an anchor, offering primarily retail shopping and additional uses to support retail businesses with complementary retail, office, and hotels in the area.

#### **STAFF COMMENTS:**

The Conditional Use Permit to allow an arcade using coin-operated amusement devices in connection with an indoor playground and event space is consistent with the Mesquite Comprehensive Plan designation within the Town East Special Planning Area. The proposed use would provide an entertainment opportunity within Town East Mall to support surrounding retail businesses.

## MESQUITE ZONING ORDINANCE

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### SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS

#### 1. Existing uses

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

##### **STAFF COMMENTS:**

The proposed use will be located within Suite #2034 in Town East Mall to provide an arcade in conjunction with an indoor playground and event space. The project proposed to use a 9,265 square-foot lease space that is currently vacant. The Conditional Use Permit will not be injurious to the use and enjoyment of other businesses within or surrounding Town East Mall or negatively impact development or redevelopment.

#### 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 COMMENTS:**

Staff does not anticipate the request to negatively 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.

##### **STAFF COMMENTS:**

Adequate utilities, access roads, and drainage facilities exist for the site and are sufficient for accommodating the demands associated with the request for the 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.

##### **STAFF COMMENTS:**

The existing parking lot will provide sufficient parking spaces for the proposed use within Town East Mall.

#### 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 disturbances to neighboring properties will result.

### **STAFF COMMENTS:**

Staff does not anticipate disturbances to neighboring businesses or residences as a result of the request.

## **CONCLUSIONS**

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### **ANALYSIS**

The proposed Conditional Use Permit to allow an arcade using coin-operated amusement devices in conjunction with an indoor playground and event room is not anticipated to have a negative impact on Town East Mall. The proposed use will provide a form of entertainment for families with children while visiting the mall.

### **RECOMMENDATIONS**

Staff recommends approval of the Conditional Use Permit to allow an arcade using coin-operated amusement devices with the following stipulations:

1. The number of coin-operated amusement devices shall be limited to fifty-five (55).
2. The CUP shall apply to Kiddleton, Inc. and cannot be reassigned or transferred.

## **PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices for the request.

## **CODE CHECK**

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Staff conducted a site visit to the subject property and did not find any visible code issues or possible violations as of the date of this writing.

## **ATTACHMENTS**

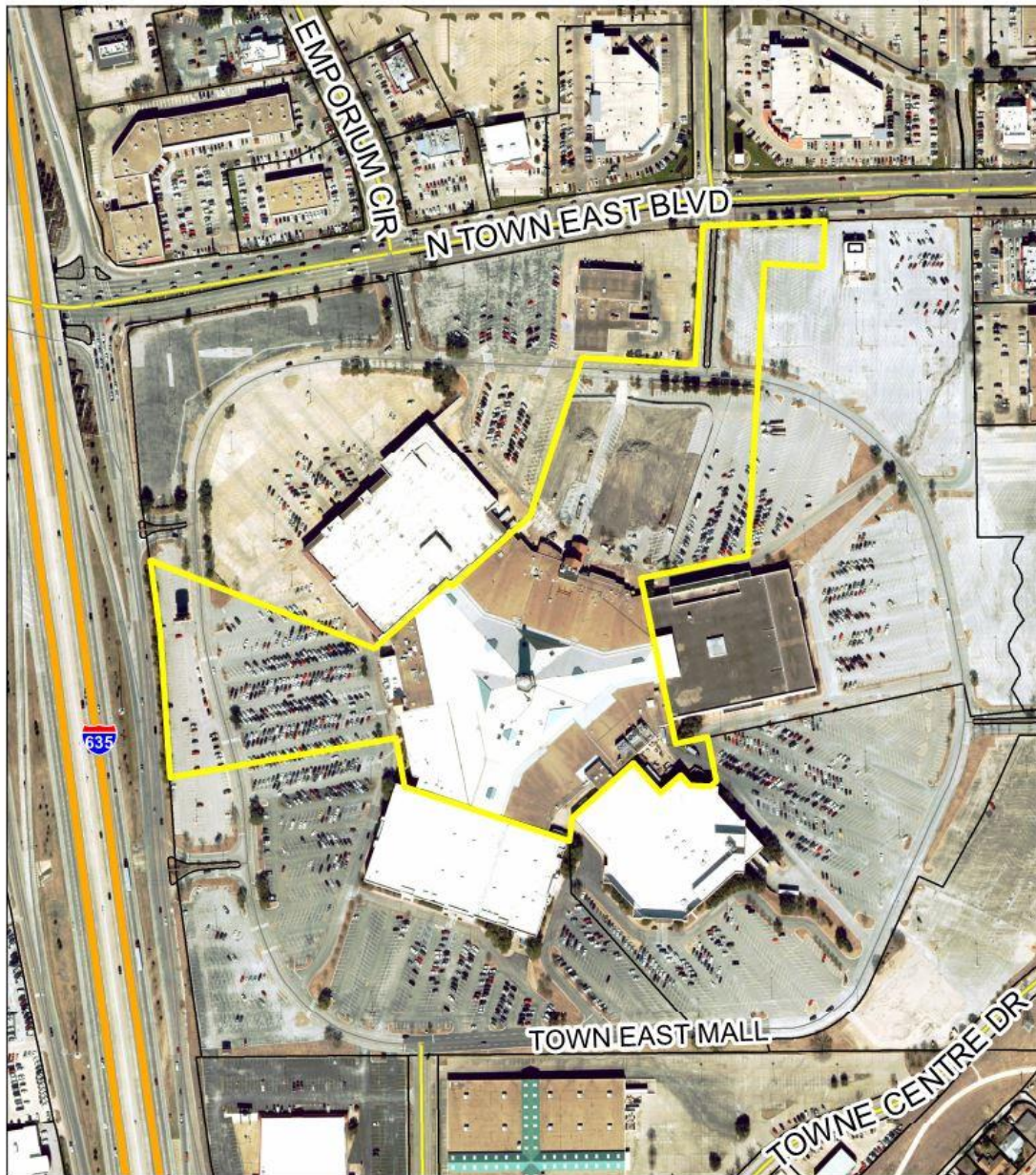
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1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Site Pictures
5. Application Materials
6. Concept Plan



ATTACHMENT 1 – AERIAL MAP

## Aerial Map



0 150 300 600 900 Feet

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





**Legend**

Subject Property

0 200 400 800 Feet

**ATTACHMENT 4 – SITE PICTURES**



*Kiddleton is proposed to be located in Town East Mall in the suite highlighted in red.*



ATTACHMENT 5 – APPLICATION MATERIALS

<b>CITY OF MESQUITE ZONING APPLICATION</b>	Receipt No.		Date Stamp:
	Fee:		
	Case Manager:		

REQUESTED ACTION:		
Change District Classification to: _____	Conditional Use Permit for: <b>Arcade games</b>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: <b>Request conditional use permit review for tenant improvement of an arcade inside a existing mall unit.</b>		

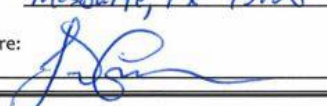
  

SITE INFORMATION/GENERAL LOCATION:	LOCATION/LEGAL DESCRIPTION:
Current Zoning Classification: <b>Commercial</b>	Complete one of the following:
Site Size: <b>19.435 Acres</b> (Acres or Square Feet)	1. Platted Property
Address (if available): <b>Town East Mall #2034</b>	Addition: _____
General Location Description: _____	Block: <b>A</b> Lot: <b>2R</b>
<b>Existing Mall</b>	2. Unplatted Property:
_____	Abstract: _____ Tract: _____

APPLICANT INFORMATION:	
Contact: <b>Armando Garcia</b>	Phone: ( <b>214</b> ) <b>766</b> - <b>5905</b>
Company: <b>Cortland Morgan, Architect</b>	Fax: ( <b>817</b> ) <b>635</b> - <b>5699</b>
Address: <b>711 N. Fielder Rd.</b>	E-mail: <b>armando@cmaia.net</b> <small>(Required)</small>
<b>Arlington, TX 76012</b>	
Signature: _____	Owner <input type="checkbox"/> Representative <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Buyer <input type="checkbox"/>

OWNER AUTHORIZATION AND ACKNOWLEDGEMENTS:	
<p>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.</p> <p>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.</p> <p>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.</p>	
Owner: <b>Town East Mall, LLC</b>	Phone: ( <b>972</b> ) <b>591</b> - <b>2086</b>
Address: <b>2063 Town East Mall</b>	Fax: ( ) -
<b>Mesquite, TX 75150</b>	E-mail: <b>Jack.Love@brookfieldpropertiesrealtor.com</b>
Signature: 	<b>JACK D. LOVE, SR. GM</b>

## ATTACHMENT 5 – APPLICATION MATERIALS

### STATEMENT OF INTENT AND PURPOSE

**Applicant:**

Kiddleton, Inc. (US)

15455 Dallas Pkwy, Ste 600

Addison, TX 75001

**Project Description**

Project site is located inside Town East Mall Space #2036, Mesquite, Texas. Said project proposes a 9,265 square feet gross lease area of tenant improvement for Kiddleton Kid's Playground and Arcade. The Arcade game area will be roughly 5,802 square feet and features a 723 square feet Event Room that will allow customers to use primarily for children's birthday party and other celebration. There will be (+/-) 53 arcade gaming stations in the Arcade game area, and there will not be any gaming stations inside the event room.

**Zoning Compliance – Mesquite Comprehensive Plan**

Proposed tenant improvement project is complied with the Mesquite Comprehensive Plan 2019. Furthermore, the new Kid's playground and arcade will fulfil the needs for more entertainment facility in Mesquite, as mentioned in the Mesquite Comprehensive Plan 2019, illustrated by the number reflected on the infographic.

**Zoning Compliance – Mesquite Zoning Ordinance 5-303**

1. Existing Uses: Project is a tenant improvement for a unit inside Town East Mall, Mesquite. The conditional use will not be injurious to the use and enjoyment of other units inside the mall for purposes already permitted, nor substantially diminish and impair surrounding properties' values within the immediate vicinity.
2. Vacant Properties: The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.
3. Service: That adequate utilities, access roads, drainage, and other necessary facilities have been provided.
4. Parking: The adequate measure of parking are provided by the Town East Mall.
5. Performance Standards: That 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

