

Appeal Letter to Planning and Zoning Decision for For Case # Z0920-0148

To: Ms. Sonja Land, City Secretary,
City of Mesquite, 1515 N Galloway Ave, Mesquite, TX 75149
Via Electronic Email: sland@cityofmesquite.com

From: Mr. MJ Najimi (Client/Owner)
3939 US Highway 80, Suite # 102, Mesquite, Texas, 75150
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CC: Ms. Lesley Frohberg, City of Mesquite Planning Department
Ghader Mirak, Architect, NCARB, LEED AP, Arris Design- Build Inc

Re: 3935 East Highway 80;
Request for Conditional Use Permit (CUP)- Appeal

Dear Ms. Sonja Land, City of Mesquite Secretary

Date: 10/20/2020

I am writing this Appeal letter as the Owner of the proposed "Reception Facility", because of the denial of the Conditional Use Permit (CUP) decision made by the Planning and Zoning Commission of the City of Mesquite on Monday, October 12, 2020. I understand that the findings of the Planning and Zoning Commission members were based on only four oppositions out of several dozen neighboring residences- stating that the Facility may generate excessive noise and disturbances to their neighborhood. In this appeal, I will explain how the noise issue will be addressed by my design team.

I stress that this is a not a Zoning change- the property has already been zoned as Light Commercial (LC).

Per Section 5-503 of Review Criteria for Conditional Use Permit of City of Mesquite, "a CUP shall not be injurious to the use and enjoyment of other properties in the immediate area for the purpose already permitted, nor substantially diminish and/or impair property values within the immediate vicinity". This letter will explain that this CUP does not violate Section 5-503.

The followings explain how the Owner and design team are approaching the various issues involved with the Facility design and operation:

- 1- The Owner and design team will follow the City planning staff recommendation that: "there shall be no outside activity related to the reception facility on the property".
- 2- The Owner and the design team will follow the City Planning Staff recommendation that: "Tenant spaces shall be properly sealed to prevent sounds from intruding into the adjacent properties or residences. The tenant's space are properly sealed only if and when an engineered design is submitted to the building official, bearing the seal of a registered professional engineer or architect, showing that all openings in this premise, as applicable are gasketed, weather proof and tight". This reception facility will have its especially designed sound suppressant multi layered windowless concrete wall at its North side that faces the

alley way, where the residential homes are located. However, All the reception hall's walls to the East, West and South that enclose the facility will be especially designed sound suppressant multi layered concrete walls as well, but with windows per design.

- 3- Additionally, we are also proposing a 10 to 12 Feet tall Precast Concrete wall that runs all along the North boundary of the reception facility that separates the entire property from the residential alley to the north. These types of walls are very effective sound barriers, and used in many residential subdivisions adjacent to the highways for this purpose. These are pre-manufactured wall panels that have sound insulation barriers sandwiched between two layers of concrete that are wall's exterior faces on either side. These walls will essentially prevent light's illumination intrusions, generated from the facility as well, whether the light's illuminations coming from the parking light poles or inside the reception hall. Numerous trees of different types including the boundary trees, shrubs and plants will be planted all along these border walls (these will also supplement and help these concrete walls with sound suppression and light's illumination intrusions) and elsewhere.
- 4- We are planning to build the same type of 10 to 12 feet tall precast concrete wall that would replace the existing brick wall that runs all the way from Bahamas Drive to the most North Eastern corner of the existing commercial office building's property line which belongs to the 'Edge Creek Plaza building' located at 3939 US Highway 80. These walls will also significantly reduce noise coming from Highway 80 as well as the reception facility.
- 5- When an event is held in the facility, Security guards and/or off duty Mesquite police officers will be hired to be present, pretty much at all the events to be in compliance per City's criteria and zoning ordinance. If necessary; security will warn guests against making any excessive or intruding noise during their walk from their cars to and from the facility as well as to control any misbehavior during the events if any case arises.
- 6- The main Façade of the building is designed to face against the residential sub-division to its North side, therefore; it will face Highway 80 to the South and Bahamas Drive to the West. As mentioned in paragraph 2; there will be no windows placed on the North wall of the reception hall. This will prevent any light or noise generated from inside the building to escape and possibly intrude into the residential neighborhood to the North.
- 7- There may be some relevant information here that may be worth mentioning that, the property Owner has an agreement per Eminent Domains to dedicate part of both properties by Highway 80 to TXDOT to redirect surface run-off water to the other side of Highway 80. This will ease the surface water run-off generated from the residential district via the existing creek.
- 8- There are 167 designated Parking Spaces for this facility. Per City of Mesquite's Traffic Department, this number of cars does not trigger a Traffic Impact Analysis study. Therefore the Traffic of proposed project does not impact the residential neighborhood.
- 9- Color digital high-resolution surveillance security cameras will be installed through out the facility, including, all entrances, exits and parking areas in compliance with the city of Mesquite, Texas zoning ordinance section 3-508- pertaining reception facilities.

Conclusion

In conclusion, I would like to point out that this facility would not pose any danger, disturbance, Noise intrusion, light illumination intrusion or any inconvenience to the neighboring residences. I have more than 25 years of experience in owning and managing businesses and properties. For the past sixteen years, I have been the Owner and acting manager of the existing 54,000 SF Four story Commercial

office Building 'Edge Creek Plaza Building' adjacent to the west of the this facility at 3939 Highway 80, which is within the same distance to the subject houses, in which, we have never had any complaints of any kind against the building.

This is worth mentioning that: Per Section 5-503 of Review Criteria for 'Conditional Use Permit' (CUP) of the City of Mesquite, neighbors who do not like a reception facility near them, or they think that it is an inconvenience for them, would not qualify for a CUP denial case, unless they potentially stand to suffer, damage and/or injury to their property which derogates them from their reasonable use and enjoyment. This project would not increase traffic, noise, pollution, and light trespass in their residential area. The property will not pose a potential for storm water increase issue, crime threats, and/or generalized claims that, their home values will diminish because of this reception facility. On the contrary; In our opinion there will be an increase in their house values, because of being near a brand new newly built and very nice modern reception hall facility.

Thank you very much

Mj Najimi

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