

FILE NUMBER: Z0920-0148
REQUEST FOR: Conditional Use Permit to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district.
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, October 12, 2020
City Council: Monday, November 2, 2020

GENERAL INFORMATION

Applicant: Ghader Mirak
Requested Action: Rezone from “C”, Commercial to “C”, Commercial with a Conditional Use Permit to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district.
Location: 3935 E. US Highway 80

PLANNING AND ZONING ACTION

Decision: On October 12, 2020, the Planning and Zoning Commission unanimously recommended denial of the Conditional Use Permit to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district.

SITE BACKGROUND

Platting: Town East Estates, Tract 3.5
Size: 2.66 Acres
Zoning: C - Commercial
Future Land Use: Commercial
Zoning History: 1954: Annexed into City of Mesquite, Zoned Residential
1960: Rezoned to C – Commercial (Ord. No. 318)

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	R-3, Single Family Residential	Single Family Residences
SOUTH:	C – Commercial with Skyline Logistics Hub Overlay and CUP (Ord. No. 1482)	US Hwy 80 & Warehouse/Distribution
EAST:	C - Commercial	Hotel
WEST:	C - Commercial	Office

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district on an undeveloped, Commercial lot at 3935 E. US Highway 80. The facility is intended to be used for events including birthdays, weddings, special events, and neighborhood gatherings. The applicant is proposing a 13,860 square-foot building containing multi-purpose halls, lobby, office, makeup area, food preparation area, restrooms, and an indoor storage area. The food preparation area will not operate as a catering kitchen. The food preparation will consist of warming and serving food to reception attendees. Equipment in this area will include a food warmer, refrigerator, freezer, table, sink, and hand-wash station.

The Concept Plan (Attachment 7) proposes 167 parking spaces, with 6 parking spaces being designated as handicap accessible. The proposed landscaping includes approximately 11.23% of the site to be open space, including grass, shrubs, and trees. Additionally, a buffer tree line and an 8-foot tall long-span, precast concrete decorative screening wall are required to be installed along the northern property line.

The Mesquite Zoning Ordinance (MZO) requires a CUP for major reception facilities in the Commercial zoning district. A major reception facility includes all reception facilities with more than 6,000 square feet of enclosed space. In addition to the CUP, the MZO requires the reception facility to be at least 500 feet from any residential district. The proposed major reception facility abuts a single-family residential subdivision to the north and is separated by an 18-foot alley right-of-way. The applicant is seeking a modification to the condition to allow the facility within the 500-foot buffer. The proposed building would be approximately 150 feet from the single-family homes to the north.

All regulations for reception facilities, found in Section 3-508 of the Mesquite Zoning Ordinance, will apply for the proposed use.

MESQUITE COMPREHENSIVE PLAN

The Mesquite Comprehensive Plan designates the future land use of the subject property as Commercial and Corridor Development. The Commercial land use designation represents a broad range of goods and services for a community or region. Developments in this category are larger and more intense than those in the Neighborhood Retail category. The Corridor Development designation represents commercial development that is located along a major corridor. Developments within these corridors are highly visible and enhanced landscaping and public art is encouraged in this area. Compatible land use types for this area include retail, hotels, restaurants, big box retailers, entertainment, and personal services.

STAFF COMMENTS:

The Conditional Use Permit to allow a major reception facility is consistent with the Mesquite Comprehensive Plan designation as Commercial. The proposed use would be along a major highway, US Highway 80, and serve as a regional entertainment destination.

MESQUITE ZONING ORDINANCE

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 major reception facility would be located within a proposed 13,860 square foot building. The subject property, located at 3935 E. US Highway 80, is currently undeveloped. The subject property cannot be accessed from the E. US Highway 80 frontage road due to proposed improvements by TXDOT; therefore, a cross access easement will be required from Bahamas Drive. This access easement will direct all traffic along the northern property lines of 3939 and 3935 E. US Highway 80, as shown on the concept plan. Due to the close proximity to the existing single-family subdivision and the location of the proposed access to the site, Staff is concerned that the proposed CUP may negatively affect the residents in 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 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 and drainage facilities exist or will be installed with the development of the site and are sufficient for accommodating the demands associated with the request for the CUP. The property owner will be required to improve the remainder of the drainage channel along the northwest corner of the site. The subject property cannot be accessed from the E. US Highway 80 frontage road due to proposed improvements by TXDOT; therefore, a cross access easement will be required from Bahamas Drive. This access easement will direct all traffic along the northern property lines of 3939 and 3935 E. US Highway 80, which may result in disturbances to adjacent residents.

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 proposed parking lot will provide sufficient parking spaces for the major reception facility by meeting all parking requirements of the Mesquite Zoning Ordinance. Section 3-405 of the Mesquite Zoning Ordinance requires 1 space for each 50 square feet of assembly area for uses classified as Public Assembly without Fixed Seating.

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:

The applicant has indicated that no outdoor activity or outdoor seating areas will be on the property; however, Staff anticipates that noise and traffic disturbances to neighboring residences may be possible as the result of this request due to its close proximity to single-family homes and the location of the proposed cross access easement.

CONCLUSIONS

ANALYSIS

The proposed CUP to allow a major reception facility is consistent with the Mesquite Comprehensive Plan to provide an opportunity for entertainment. However, it is Staff's opinion that the proposed major reception facility would negatively impact the area, specifically the single-family residential neighborhood to the north of the subject property.

RECOMMENDATIONS

Staff recommends denial of the Conditional Use Permit to allow a major reception facility, located at 3935 E. US Highway 80. Should the Planning & Zoning Commission recommend approval of the CUP, Staff suggests the following stipulations:

1. There shall be no outside activity related to the reception facility on the property.
2. The tenant space shall be properly sealed to prevent sound from impacting adjacent properties. The tenant space is properly sealed only if an engineered design is submitted to the Building Official, bearing the seal of a registered professional engineer or architect, and showing that all openings in the premise, as applicable, are gasketed and weather-tight.
3. Construct an 8-foot tall long-span, precast concrete decorative screening wall with buffer tree line along the entire length of the cross access easement from Bahamas Drive to the subject property.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has received three returned notices in opposition and one in favor to the request.

CODE CHECK

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

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Concept Plan
8. Returned Property Owner Notices

ATTACHMENT 1 – AERIAL MAP

Aerial Map




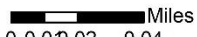
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Applicant: Ghader Mirak

Location: 3935 E US Highway 80

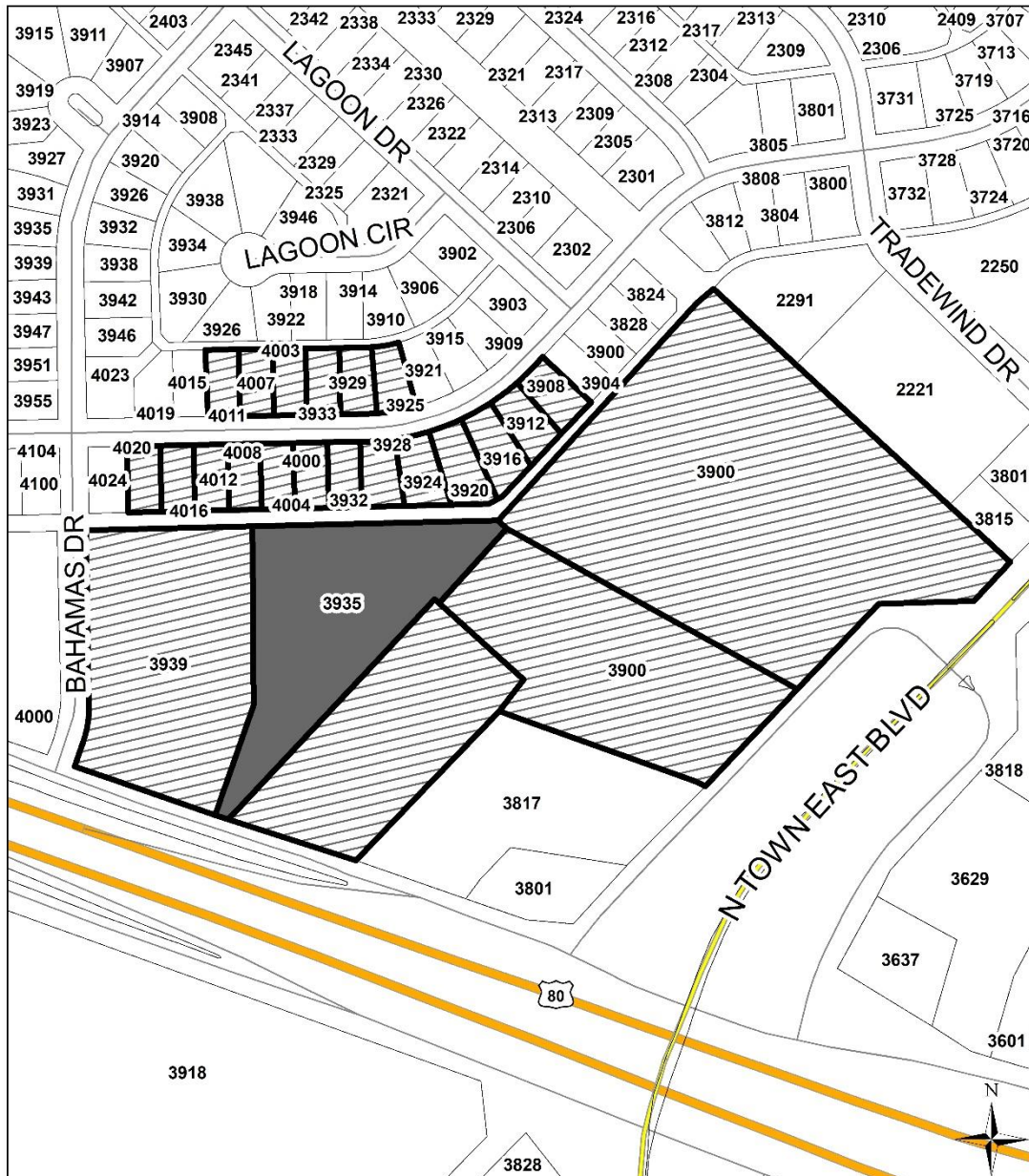
Legend

 Subject Property


 Miles
0 0.01 0.02 0.04



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map

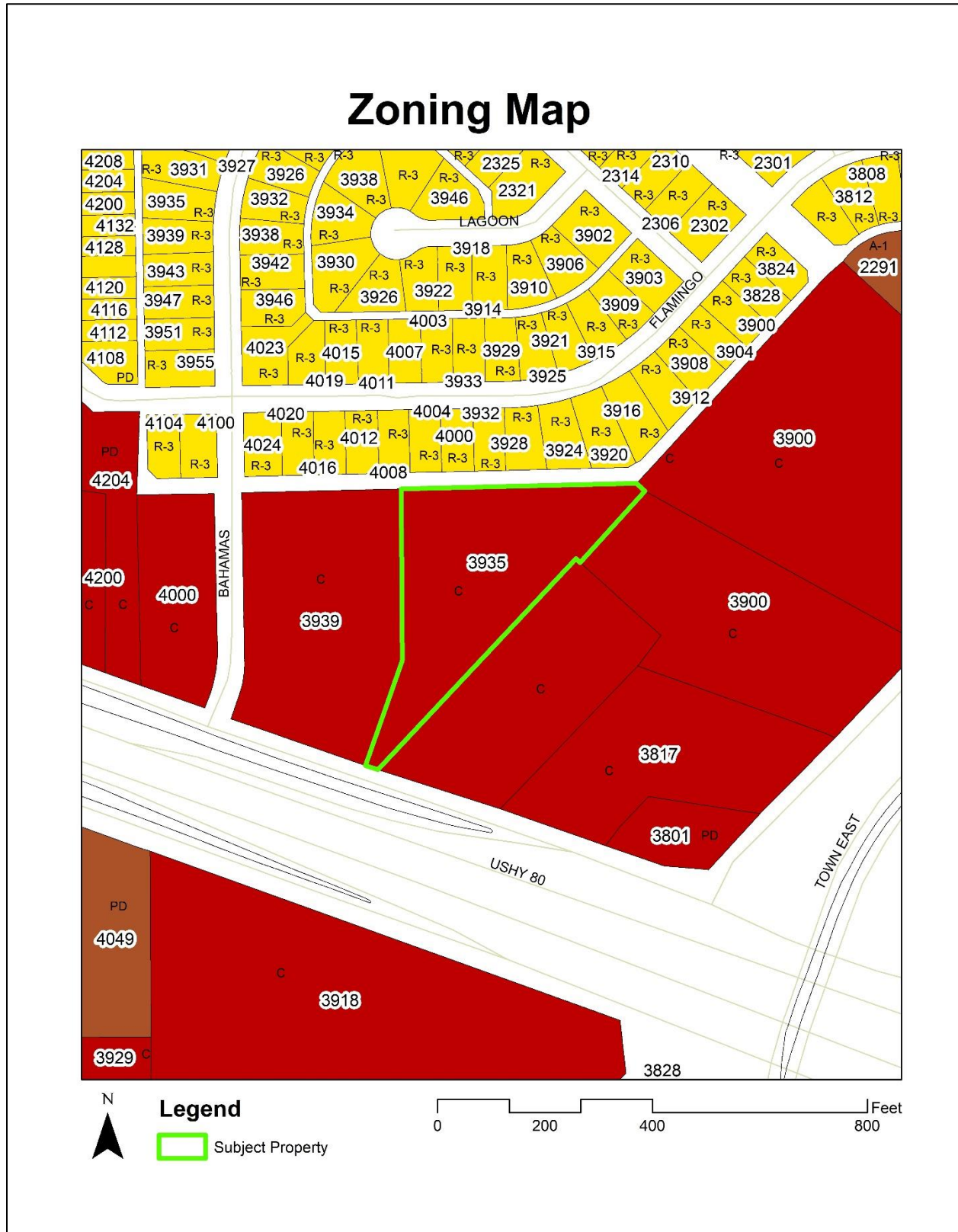


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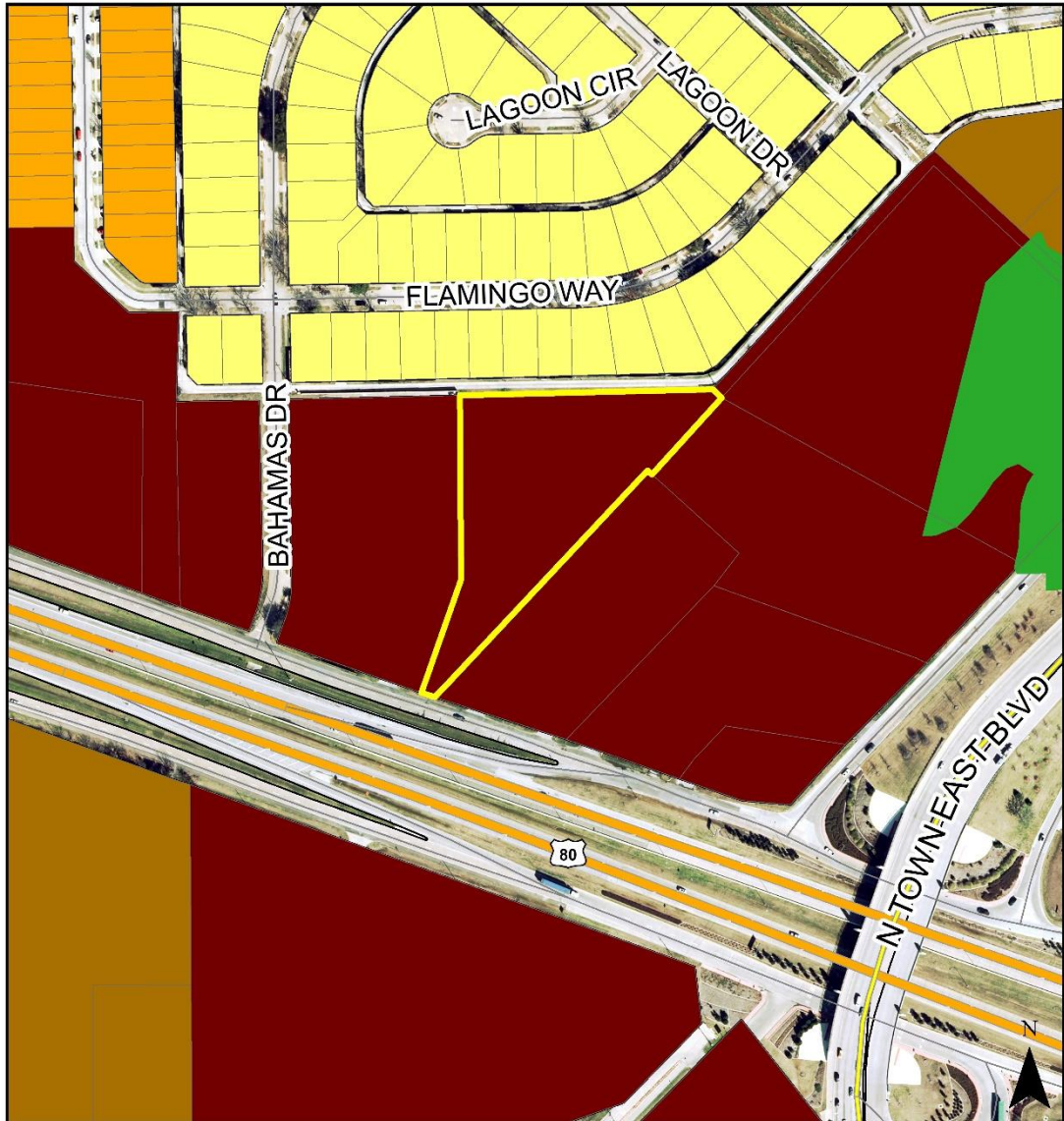
-  Notified Properties
-  Subject Property

ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – FUTURE LAND USE MAP

Future Land Use Map



Future Land Use Plan

Land Use

Low Density Residential

Medium Density Residential

High Density Residential

Commercial

Parks, Open Space, Drainage

Subject Property

0 100 200 400 600 Feet

ATTACHMENT 5 – SITE PHOTOS



Subject property facing north from US Highway 80.



Subject property facing north from US Highway 80.

ATTACHMENT 5 – SITE PHOTOS




Proposed location of cross access easement facing east from Bahamas Drive.

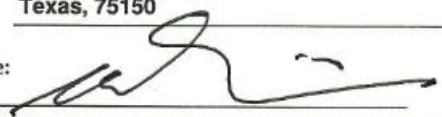
ATTACHMENT 6 – APPLICATION MATERIALS

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

REQUESTED ACTION:		
Change District Classification to: _____	Conditional Use Permit for: <u>Allowing Event Center Use</u>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action: The proposed project is an Event Center in a 2.87 Acre vacant lot. Since there is a proximity to a residential sub-division, the Owner is requesting a CUP.		

SITE INFORMATION/GENERAL LOCATION:	LOCATION/LEGAL DESCRIPTION:
Current Zoning Classification: Commercial (CL) Site Size: 2.87 Acres (Acres or Square Feet) Address (if available): 3935 E US Highway 80, Mesquite, TX, 75150 General Location Description: The Site is located at East Highway 80, Service Road and East of Bahamas Drive, South of Town East Estates	Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: Abstract: _____ Tract: _____

APPLICANT INFORMATION:	
Contact: M. Najimi	Phone: (469) 774 - 4025
Company: Avesta Enterprises Inc.	Fax: () -
Address: 3939 E US Highway 80, Mesquite, Texas, 75150	E-mail: aryai2000@yahoo.com <small>(Required)</small>
Signature: 	Owner <input checked="" type="checkbox"/> Representative <input 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: M. Najimi	Phone: (469) 774 - 4025
Address: 3939 E US Highway 80, Mesquite, Texas, 75150	Fax: () -
Signature: 	E-mail: aryai2000@yahoo.com

ATTACHMENT 6 – APPLICATION MATERIALS

3935 Highway East 80, Arya Event Center CUP

Statement of Intent and Purpose

Arris Design-Build Inc

Architecture, Interior, Planning

ARYA EVENT CENTER PROJECT

3935 EAST HIGHWAY 80, MESQUITE, TX, 75150

STATEMENT OF INTENT AND PURPOSE

Print Date: 8/31/2020



Description of the Project

The project is a proposed Event Center located at vacant land with address of 3935 East Highway 80, Mesquite, Texas with a Total area of building would 124,900 SF (2.87 Acres). The project design will comply City Planning and zoning requirements. The project is designed for events such as birthdays, weddings, special events and neighborhood gatherings. The building will include Multi-purpose Halls, Entrance Canopy, Reception, Lobby, Manager Office, Makeup area, Food Preparation (Prep) Area, Restrooms, and Storages. The Owners and managers will have rules and regulations about what type of events to be allowed.

The Prep Area does not function. Food will be catered to the facility from outside, then warmed and served to attendees. Equipment such as warmers, refrigerator, Freezers, table and 3- compartment sink and hand-wash sink will be housed in Prep Area.

Address How the Requested Rezone Complies with City Comprehensive Plan

Generally, the property is zoned Commercial and the Zoning allows for this type of Use in this property in the Comprehensive Plan. Because of proximity to residential sub-division, the Owner is requesting CUP to allow proximity to residential subdivision.

APPROVAL CRITERIA SECTION 5-303 OF ZONING ORDINANCE

1. Existing Uses

There are no existing uses in the property and the property is a vacant land. To the West of the property, there is an existing 54,000 SF Office Building built located at 3939 East Highway 80. At the the North of the property, there is a residential sub-division. On the East of the property there is an existing Hotel, and Commercial area.

2. Vacant Properties

The Condition Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses pre-dominant in the area. The property is not located in Residential District.

ATTACHMENT 6 – APPLICATION MATERIALS

3935 Highway East 80, Arya Event Center CUP

Arris Design-Build Inc

Statement of Intent and Propose

Architecture, Interior, Planning

3. Services

- a. **Utilities:** All Utilities such as Water, Gas and Electric are available near the Site. An eight (8)-inch-water line is available at Bahamas Drive. The City requires that the Waterline to the property to have a loop of water service, therefore, water lines need to be maintained from both Bahamas and Service Road of the Highway 80.
Access to City's Sewer line could be maintained from existing Sewer line through Bahamas Drive on the West.
- b. **Access Road, and Direct Access:** The main Access Road to the property will be through existing Mutual Access Easement at the North of existing Office Property at West of Subject Property. This Access is a direct Access from Bahamas Drive to the property and is not through the Residential neighborhood.
- c. **Drainage:** Drainage of the property will be forwarded to the existing Creek on the East of the property. The Creek has been maintained to receive surface run-off water by the surrounding properties. The Civil Engineer of the team will design drainage system through underground Concrete RCP.

4. Parking

Adequate off-street parking spaces are provided based on City's off-street parking requirements. Required number of parking spaces are designated to the Handicap accessible. Each parking space size is nine (9) feet by eighteen and half (18.5) feet. Per City requirement, these is one Landscape island for every 20 parking spaces.

The width of fire lanes and access roads is twenty-four (24) feet. The turning radius for the fire lanes are twenty (20) feet minimum. Per City's off-street parking standards, for every 50 square feet of Assembly space, one parking space is required and has been provided. No parking is required for spaces such as restrooms, storages. No compact car parking spaces are provided.

5. Performance Standards

The intention of the owner is to control attendees so the building users would not disturb residential subdivision at the North of property. Adequate measures are taken to prevent and control offensive odors, fumes, dust, noise, vibration, and other types of disturbances not to annoy residential neighborhood on the North of the property. The design team are using design concepts such as use of dense trees and shrubs to block transfer of noise. Also, a masonry screen wall be used on the North edge of property line to keep potential noise at the property.

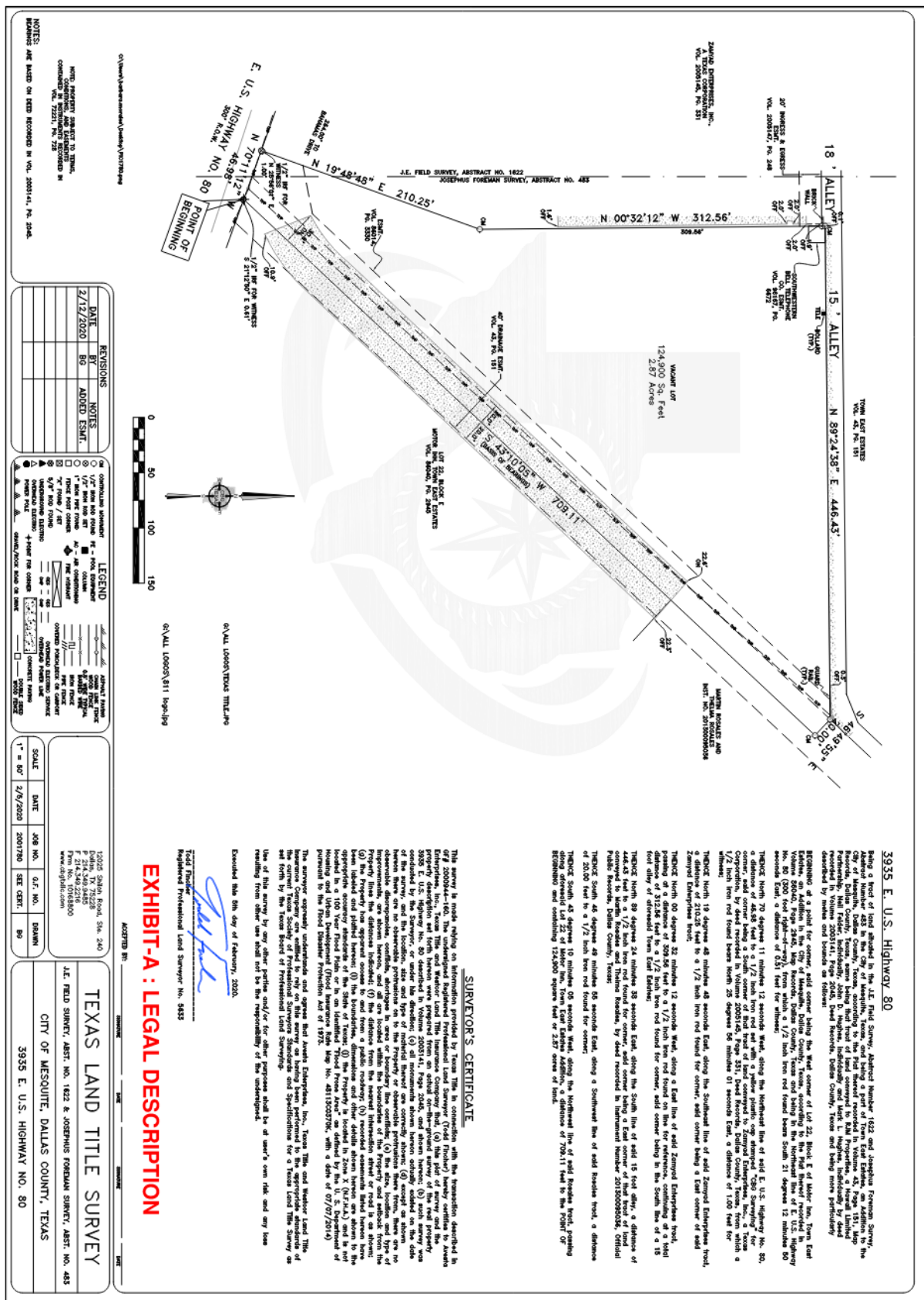
No outdoor activities and seating areas will be designed in the Project.

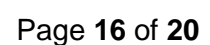
< END OF 2-PAGE DOCUMENT >

Prepared by :

Ghader A Mirak, Architect, NCARB, LEED AP
Arris- Design Build Inc

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ATTACHMENT 8 – RETURNED PROPERTY OWNER NOTICE



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

RECEIVED

OCT 06 2020

PLANNING AND ZONING

LOCATION: 3935 E US Highway 80
(See attached map for reference)
CASE NUMBER: Z0920-0148
APPLICANT: Ghader Mirak
REQUEST: From: "C" – Commercial
To: "C" – Commercial with a Conditional Use Permit to allow for a major reception facility with a modification to the residential separation requirement.

The requested Conditional Use Permit would allow a major reception facility as a permitted use on the subject property with a modification to the Special Conditions requiring a 500-foot separation from any residential district. 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

Town East Estates, Tract 3.5

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, **October 12, 2020**, at 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, **November 2, 2020**, 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) 216-6346 or lfrohberg@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 5:00 pm on **October 6th** to be included in the Planning and Zoning Commission packet and by 5:00 pm on **October 14th** to be included in the City Council packet. All notices received after the listed dates will still be accepted and presented to Commission/Council, but will not be included in meeting packets.

(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.

Case Number: Z0920-0148

I am in favor of this request

I am opposed to this request

Reasons (optional):

Name: (required)

Address of

Noticed Property:

Owner Signature:

Larry J. Bidgle

4003 FLAMINGO WAY, MESQUITE TX 75150

Larry J. Bidgle

Date: 10-6-2020

NO NEED FOR THIS BUSINESS!
ALREADY TOO MUCH TRAFFIC ON FLAMINGO WAY, BIG TRUCKS,
18 wheelers, and CARS with loud music, this would increase
traffic, cause congestion, and create a nuisance

Please respond by returning to:

PLANNING DIVISION
Lesley Frohberg
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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NOTICE OF PUBLIC HEARING

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Case Number: Z0920-0148
I am in favor of this request ☒ **Name:**(required) Mary Christian
I am opposed to this request ☐ **Address of** 3932 Blamingo Way Mesquite, Tex 75150
Noticed Property: Mary Christian
Owner Signature: Mary Christian **Date:** 10-12-20

Reasons (optional):

RECEIVED

OCT 12 2020

PLANNING AND ZONING

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Lesley Frohberg
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

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I am in favor of this request

I am opposed to this request

Name: (required)

Address of

Noticed Property:

Owner Signature:

Date: 10-12-2020

Reasons (optional):

RECEIVED

OCT 12 2020

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Case Number: Z0920-0148 Name:(required) _____
I am in favor of this request Address of _____
Noticed Property: _____
I am opposed to this request ☒ Owner Signature: Elvira Constantino Date: 10/12/2020
Address: 4020 Flamingo Way

Reasons (optional): More vehicles will be using the access road, privacy and security in the area is challenged, noise and cleanliness in the surroundings will be a problem.

RECEIVED

OCT 12 2020

PLANNING AND ZONING

Please respond by returning to: PLANNING DIVISION
Lesley Frohberg
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