

FILE NUMBER: Z0521-0198
REQUEST FOR: Conditional Use Permit
CASE MANAGER: Ellen Soward, Planner

PUBLIC HEARING

Planning and Zoning Commission: Monday, June 14, 2021
City Council Tuesday, July 6, 2021

GENERAL INFORMATION

Applicant: First United Methodist Church of Mesquite
Requested Action: Rezone from Central Business to Central Business with a Conditional Use Permit to allow a private elementary school.
Property Owner: First United Methodist Church of Mesquite
Location: 300 N. Galloway Ave.

PLANNING AND ZONING ACTION

Decision: On June 14, 2021, the Planning and Zoning Commission unanimously recommended approval to rezone from Central Business to Central Business with a Conditional Use Permit to allow a private elementary school.

SITE BACKGROUND

Legal Description: First United Methodist Church, Block 1, Lot 1
Size: 2.931 acres
Zoning: CB - Central Business
Existing Land Use: Church (First United Methodist Church), Child Day Care Services (Academy Kids)
Zoning History: 1951 – Annexed and zoned Residential
1964 – Zoning changed to CB, Central Business (Ord. 560, Comprehensive Zoning Ordinance)

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	GR - General Retail	Elliott's Hardware
SOUTH:	CB - Central Business	Vacant
EAST:	CB - Central Business	First Baptist Church of Mesquite
WEST:	GR - General Retail	Office, Retail, and Personal Services

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to operate a private elementary school, Faith Preparatory, on the second floor of the church's Family Life Center. A state-licensed daycare, Academy Kids, operates out of the first floor. The school will remain separate from the daycare.

Faith Preparatory was started in the 2020-2021 school year, offering kindergarten classes. The applicant seeks the CUP to expand the program to both private kindergarten and first-grade classes. Enrollment is not expected to exceed 33 students.

The applicant has no plans to remodel or expand the existing building and has been informed of the building and fire code requirements that will have to be met prior to the issuance of a Certificate of Occupancy (CO).

The Mesquite Zoning Ordinance (MZO) requires traffic analysis with all CUP applications for elementary and secondary schools, both public and private. The applicant submitted a Traffic Management Plan (TMP) per the requirements from the City's Traffic Engineering Division (Attachment 8). Staff found no issues with the TMP.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates this property as part of the Downtown Special Planning Area. The general vision for this area is a revitalized downtown square and commercial center that reflects Mesquite's history, promotes a pedestrian-friendly design, encourages economic development, and represents the community's character.

STAFF COMMENTS:

First United Methodist Church has been located at this site for over a century. Staff believes that a private elementary school associated with this historic institution will represent the community character and is compatible with the vision for the Downtown Special Planning Area.

MESQUITE ZONING ORDINANCE

SECTION 5-503.B: 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:

Staff believes that a small private school will not negatively affect the use, enjoyment, or value of nearby properties. The Traffic Management Plan (TMP) shows how drop-off/pick-up traffic will be managed in a manner that will not negatively affect the surrounding properties. The TMP was approved by the Traffic Engineering Division.

- 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:

There is a vacant lot to the south of the subject property, owned by First Baptist Church and zoned "CB," Central Business. Staff does not foresee any impediment to the development of this vacant lot.

- 3) *Services:* Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

STAFF COMMENTS:

Adequate services have been provided for this development.

- 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 property has received site plan approval for a monopole cell tower in the northeast corner. This proposed compound will remove six parking spaces. Even with this consideration, there is adequate parking on site for the existing and proposed uses (see Table 1). The variations in parking demand by day of the week also help ensure there will be enough parking.

Business	Peak Time	Parking Standard	Amount	Required Parking
First United Methodist Church	Sunday	Church – 1 space for each 5 seats in the sanctuary	477 seats	95 spaces
Academy Kids	Weekdays	Day care centers – 1 space for each 500 SF of floor area	11,000 SF	22 spaces
Faith Preparatory	Weekdays	Schools (elementary) – 2 spaces for each classroom	5 classrooms	10 spaces
			Total required	127 spaces
			Total provided*	128 spaces

**Calculated by staff (existing minus 6 spaces to be removed for proposed cell tower).*

Table 1. Parking Calculations

- 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 properties as a result of this request.

CONCLUSIONS

ANALYSIS

Staff believes this is an appropriate location for a small private elementary school and that the main concern for a new school – traffic – will be addressed through the implementation of the Traffic Management Plan approved by Staff. If the CUP is approved, the school will have to comply with all building and fire codes before receiving a Certificate of Occupancy (CO).

RECOMMENDATIONS

Staff recommends approval of the CUP for a private elementary school.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

CODE CHECK

At the time of this writing, there are no outstanding code violations.

ATTACHMENTS

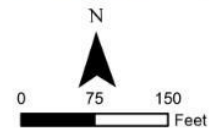
1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Photos
6. Application Materials
7. Concept Plan
8. Traffic Management Plan

ATTACHMENT 1 – AERIAL MAP

Aerial Map



 Subject Property



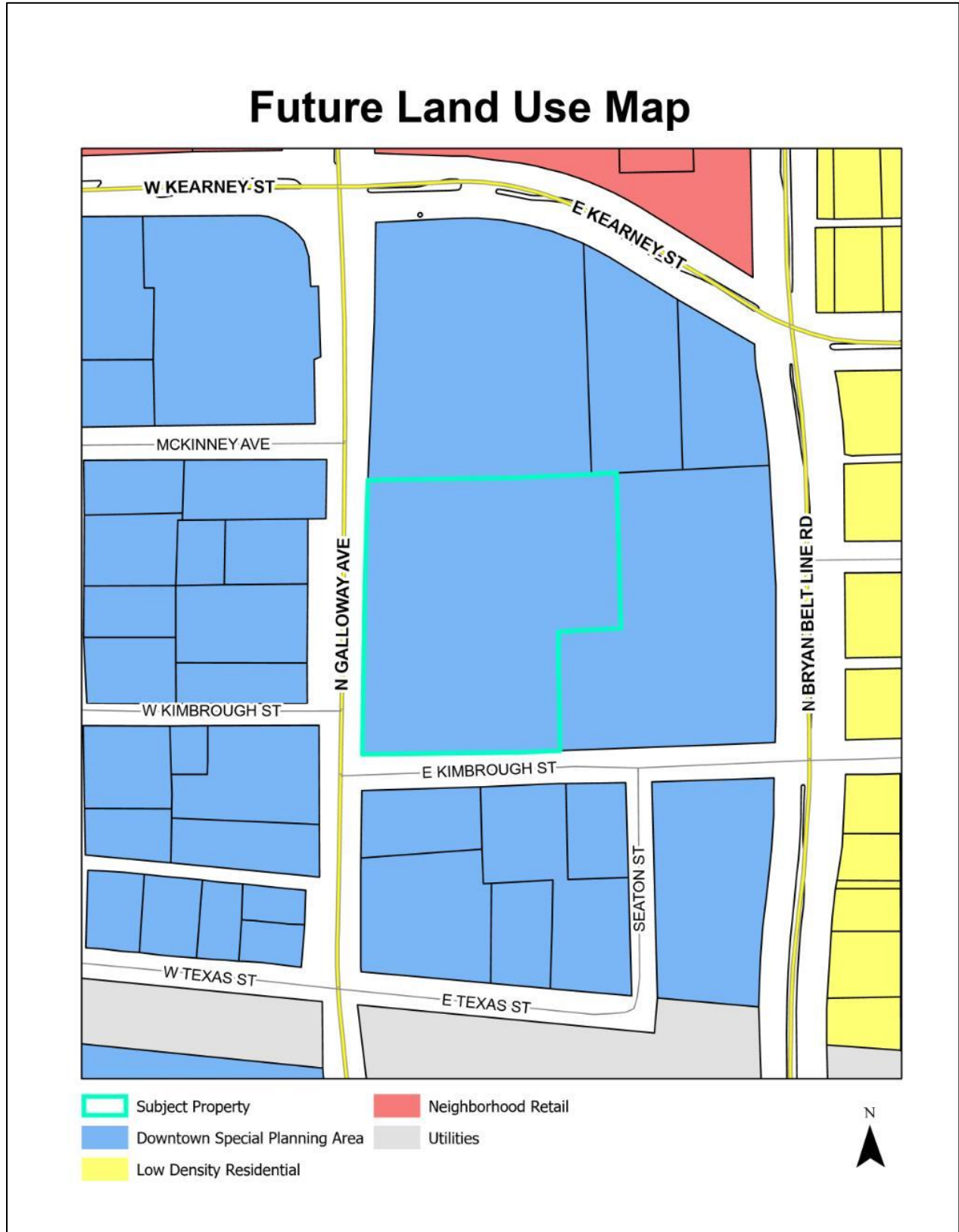
ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – FUTURE LAND USE MAP



ATTACHMENT 5 – SITE PHOTOS



Front view of Family Life Center



View of drop-off / pick-up line entrance off N Galloway Ave

ATTACHMENT 5 – SITE PHOTOS



Rear view of Family Life Center, with drop-off / pick-up spot on lower left



View of drop-off / pick-up line exit onto N Galloway Ave

ATTACHMENT 5 – SITE PHOTOS



Stairs to Faith Preparatory, located on second floor



View inside Faith Preparatory Classroom

ATTACHMENT 5 – SITE PHOTOS



View inside Indoor Recess space



View of outdoor playground

ATTACHMENT 6 – APPLICATION MATERIALS



City of Mesquite Conditional Use Permit Packet

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/17383/Conditional-Use-Permit-Application>

Application Checklist

- ☐ Completed Application ☐ Statement of Intent and Purpose ☐ Zoning Exhibits A & B
☐ Owner Authorization (page 6) ☐ Application Fee*

**Fee will be assessed at time of application submittal (\$800/\$1,000).*

Property Information

General Location: First United Methodist Church
Physical Address: 300 N. Galloway, Suite B, 2nd Floor City, State: Mesquite, Texas
Zip Code: 75149
Platted: ☒ Yes ☐ No (If yes, fill in information below)
Subdivision: First United Methodist Church Addition Block: 1 Lot: 1

Applicant Information – The person filling out the application

First Name: Tom Last Name: Palmer
Phone Number: 9722855456 Email Address: pastortom@firstmesquiteumc.org
Company Name: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)
First Name: _____ Last Name: _____
Phone Number: _____ Email Address: _____
Mailing Address: _____ City, State: _____
(If different from physical address)
Zip Code: _____

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ATTACHMENT 6 – APPLICATION MATERIALS

Requested Action

Existing district classification: (Select all that apply)

Residential Zoning Districts

- ☐ AG – Agricultural ☐ R-1 – Single Family ☐ R-1A – Single Family ☐ R-2 – Single Family
☐ R-2A – Single Family ☐ R-3 – Single Family ☐ D – Duplex ☐ Multifamily (less than 25 units)
☐ Traditional Neighborhood Mixed Residential (TNMR)
☐ Other: _____

Non-Residential Zoning Districts

- ☐ O – Office ☐ GR – General Retail ☐ LC – Light Commercial ☐ MU – Mixed Use
☒ CB – Central Business ☐ SS – Service Station ☐ C – Commercial ☐ I – Industrial
☐ CV – Civic
☐ Other: _____

Describe the proposed Conditional Use Permit and the purpose of the request using the space below. You may use a separate sheet if necessary. The following should be included:

1. Description of project uses.
2. If the property is currently developed, list all active businesses on the property with a brief description of each.
3. Address how the requested conditional use permit complies with the Mesquite Comprehensive Plan.

Private school, kindergarten and first grade, on the 2nd floor of the Family Life Center building. The building currently houses a State licensed private daycare on the first floor and a private kindergarten with 5 students on the 2nd floor. We wish to expand the operation on the 2nd floor only to include more

Private school for Kindergarten & 1st grade on the 2nd floor of the Family Life Center building. Academy Kids currently operates on the 1st floor & is a State licensed operation. Faith Prep. currently operates on the 2nd floor with 5 children, 1 teacher & 1 director. Plan is to increase enrollment and utilize more of the classrooms on the 2nd floor.

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1. **Existing Uses:** That 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.
2. **Vacant Properties:** That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.
3. **Services:** That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Conditional uses in residential districts shall generally require direct access to an arterial street.
4. **Parking:** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.
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.


1. The CUP will not be injurious to any of the existing uses on the property.
2. None of the property is undeveloped or vacant.
3. All services are adequate to service the CUP request and will not be impacted.
4. Parking that exists is more than adequate to service the CUP.
5. There will be no impact on adjacent properties from the CUP request.

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ATTACHMENT 6 – APPLICATION MATERIALS

OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
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 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 taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Conditional Use Permit Application.

Property Owner: Thomas E. Palmer Phone Number: 9722855456
Address: 300 N. Galloway
Mesquite, TX 75149 Email Address: pastortom@firstmesquiteumc.org
Signature: 

Each property owner must complete a separate authorization form

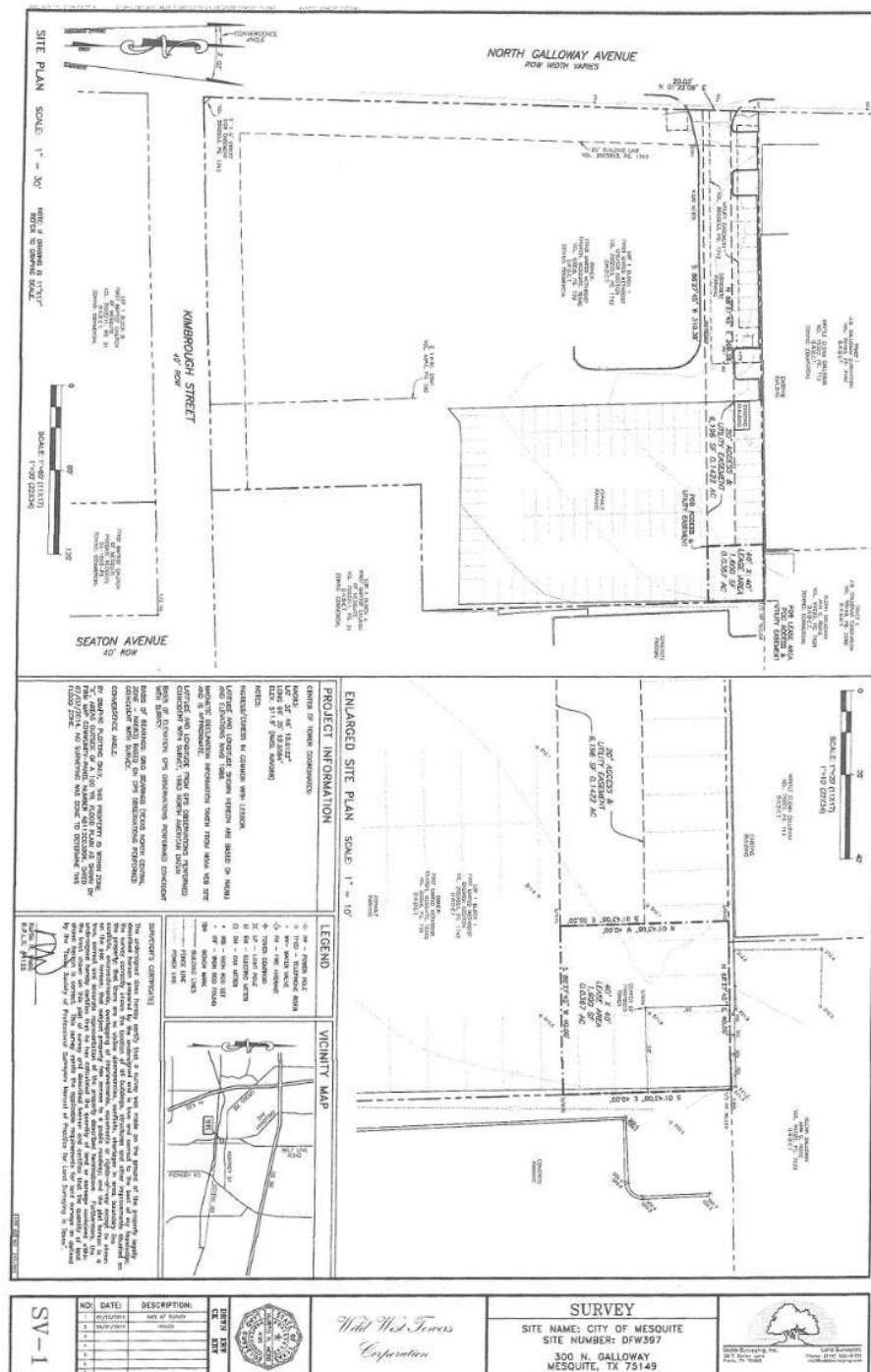
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ATTACHMENT 6 – APPLICATION MATERIALS



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**STATEMENT OF INTENT FOR CONDITIONAL USE PERMIT
FIRST UNITED METHODIST CHURCH
300 N. GALLOWAY
MESQUITE, TX 75149**

First Church has long had a pre-school program called Academy Kids that has operated on the first floor of The Family Life Center. This program is State licensed and has grown to become an important service to the community providing Christian daycare and education to children from newborns to pre-kindergarten.

In response to the success of the Academy Kids program, First Church began a private kindergarten on the second floor of the Family Life Center building for the 2020-2021 school year called Faith Preparatory. The program is separate and distinct from the Academy Kids located downstairs and is not licensed by the State but operates as a private school within a religious organization. It has operated with an enrollment of five children and the City of Mesquite Planning and Zoning Department, and the Fire Department have provided substantial assistance as we have made plans to expand the program to both private kindergarten and first grade classes.

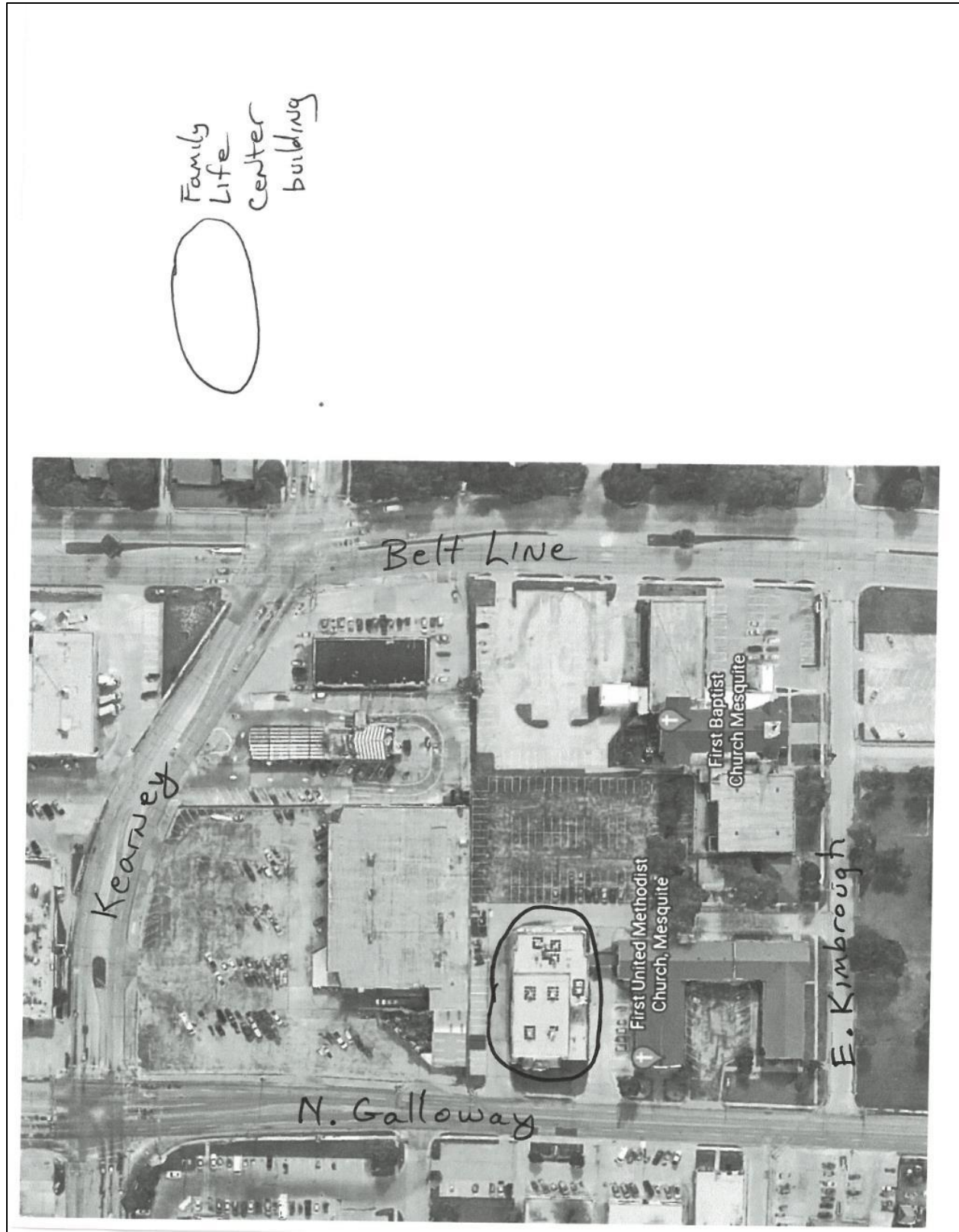
The CUP request is to allow the program to grow to occupy the entire space on the second floor of the Family Life Center building. The current operation consists of a classroom, the director's office, a lunchroom, a multi-purpose room, a teacher's breakroom that is shared with the teachers of Academy Kids, and two restrooms. The expanded program will add two classrooms that currently are unused on the second floor. The objective is for Faith Preparatory to have a faith based educational program with small class enrollments and we do not expect to have more than 33 students at full enrollment.

The hours of operation for Faith Preparatory are from 8:00 a.m. to 3:00 p.m. Students are dropped off and picked up outside the building between the Family Life Center and the Sanctuary building. Current policy is to not allow any parent inside the building for pick up or drop off and the flow of traffic provides for any potential stacking required to be contained solely within the existing parking lot of First Church. The lot has ample space for any stacking during peak hours and for teacher and staff parking.

There will be no modifications made to the existing space within the Family Life Center except for cosmetic improvements of painting and possible floor covering replacement. A floor plan of the second floor is enclosed with the CUP application noting the existing rooms utilized and the request for additional space.

Thank you for your consideration of this important program of First Church as we seek to fulfill our mission of *Love God. Love Your Neighbor. Serve the Community.*

ATTACHMENT 6 – APPLICATION MATERIALS



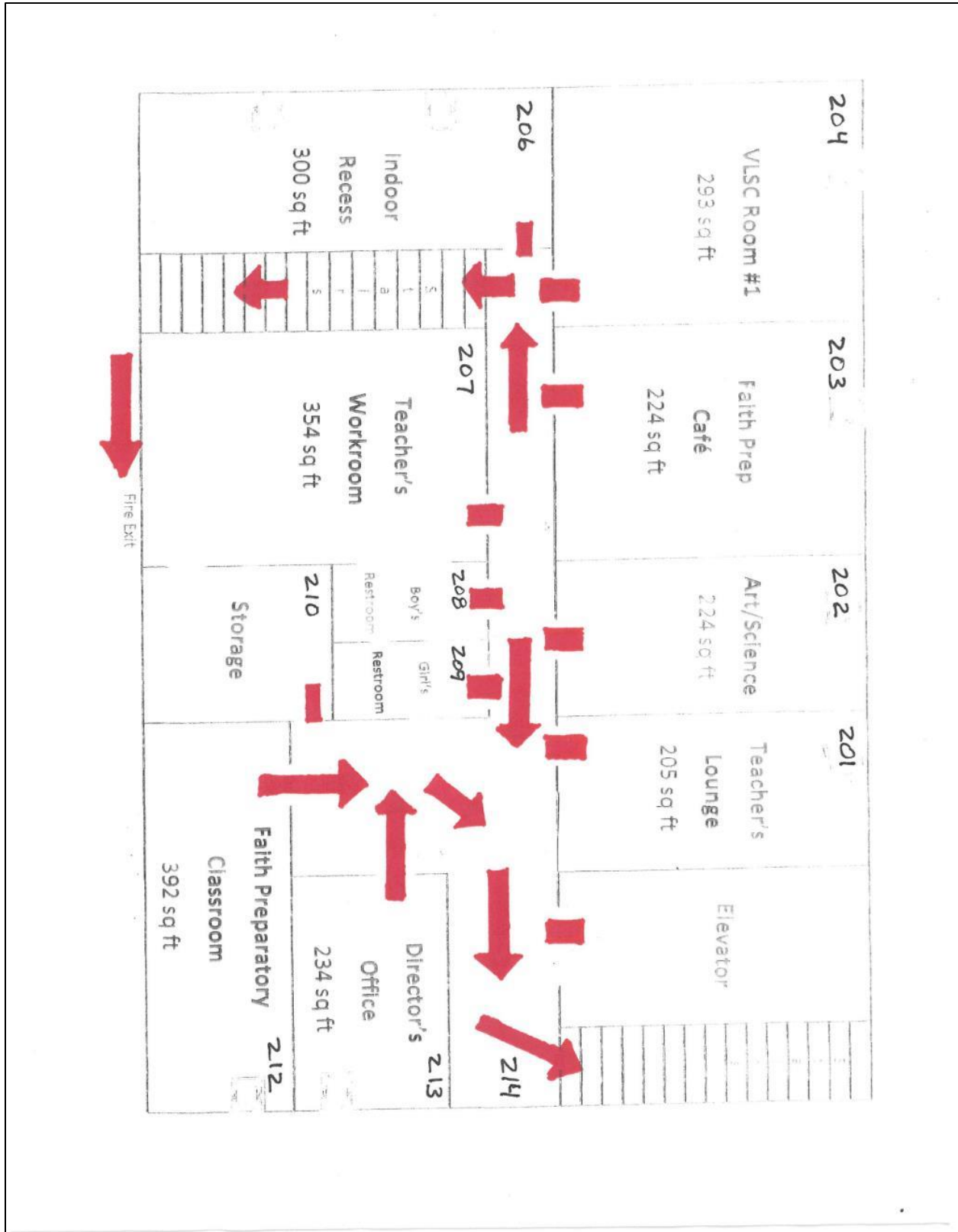
ATTACHMENT 7 – CONCEPT PLAN

FAITH PREPARATORY ROOM INVENTORY

MAY 12, 2021

<u>Room #</u>	<u>Current Use</u>	<u>Proposed Use after CUP</u>	<u>Approx. Size (SF)</u>
201	Teacher's Lounge	Teacher's Lounge	205
202	Arts & Science Room	Arts & Science Room	224
203	Lunch/Multipurpose Room	Lunch/Multipurpose Room	224
204	Not in Use	Classroom	293
206	Indoor Recess Room	Indoor Recess Room	300
207	Teacher's Workroom	Teacher's Workroom	354
208	Boys Restroom	Boys Restroom	NA
209	Girls Restroom	Girls Restroom	NA
210	Storage/Roof Access	Storage/Roof Access	NA
212	Classroom	Classroom	392
213	Directors Office	Directors Office	234
214	Read Play Talk Area	Read Play Talk Area	NA

ATTACHMENT 7 – CONCEPT PLAN



ATTACHMENT 8 – TRAFFIC MANAGEMENT PLAN

**TRAFFIC MANAGEMENT PLAN
FOR
FIRST UNITED METHODIST CHURCH
300 N. GALLOWAY**

CONDITIONAL USE PERMIT APPLICATION FOR FAITH PREPARATORY

May 17, 2021

Mr. Eric Gallt, Traffic Engineering Manager, has requested the following information for the traffic management plan:

- 1. Site plan showing drop-off locations, along with dimensions of the stacking lanes:**
 - The existing parking lot spaces are approximately 9 feet by 18 feet and there are 45 spaces available in the center of the parking lot, excluding those on the perimeter of the asphalt lot, those adjacent to the buildings or those taken by staff. This area provides ample room for vehicles to stack during the morning and afternoon drop off and pick up times.
 - The site plan shows 5 areas for stacking with a combined distance of approximately 880 feet.
 - The flow of traffic is communicated to the parents and restricted to that shown on the aerial. The drop off/pickup area is under the porta cache between the Family Life Center and the Sanctuary buildings.
 - Access into the site from N. Galloway Ave. is from the northern drive adjacent to Elliott's Hardware or the drive between the Sanctuary building and the Education building. Access into the site is also available from the drive from E. Kimbrough Street.
- 2. Memo that states the number of students:**
 - The CUP application is for a maximum number of students to be 33 in Faith Preparatory.
- 3. Anticipated number of trips:**
 - Morning trips around 8:00 a.m. should be no more than 33 and afternoon trips around 3:00 p.m. should also not exceed 33. Some of the students may remain in the care of First Church past the 3:00 p.m. pickup time but that number has not yet been determined.
 - It is anticipated that the 3 members of staff would arrive and leave before and after the drop off and pick up times.

ATTACHMENT 8 – TRAFFIC MANAGEMENT PLAN

