

**FILE NUMBER:** Z0921-0218  
**REQUEST FOR:** Conditional Use Permit  
**CASE MANAGER:** Ellen Soward, Planner

### **PUBLIC HEARING**

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Planning and Zoning Commission: Monday, October 11, 2021  
City Council Monday, November 1, 2021

### **GENERAL INFORMATION**

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Applicant: Adeel Shibli  
Requested Action: Zoning change from "THN", Truman Heights Neighborhood to "THN", Truman Heights Neighborhood with a Conditional Use Permit to allow a medical clinic.  
Property Owner: USRazola LLC  
Location: 802 E US Hwy 80

### **PLANNING AND ZONING ACTION**

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On October 11, 2021, the Planning and Zoning Commission unanimously recommended approval of a Conditional Use Permit to allow a medical clinic with the following stipulations:

1. A minimum of nine (9) parking spaces are required.
2. A clinic primarily with outpatient services on a first-come basis with no appointments is not permitted.

### **SITE BACKGROUND**

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Legal Description: Truman Heights, Block 1, Lot 11R  
Size: 0.597 acres  
Zoning: "THN", Truman Heights Neighborhood  
Existing Land Use: Office building  
Future Land Use: Truman Heights Special Planning Area  
Zoning History: 1951 – Annexed and zoned Residential  
1981 – Partially zoned to Commercial (Ord. 1710)  
1996 – Remainder of property zoned to Commercial (Ord. 3120)  
2007 – Zoned to "THN", Truman Heights Neighborhood (Ord. 3911)

Surrounding Zoning and Existing Land Uses:

	<u><b>ZONING</b></u>	<u><b>EXISTING LAND USE</b></u>
<b>NORTH:</b>	N / A	US Hwy 80
<b>SOUTH:</b>	"THN", Truman Heights Neighborhood	Single Family House
<b>EAST:</b>	"THN", Truman Heights Neighborhood	Temple Electric Supply of Mesquite
<b>WEST:</b>	"THN", Truman Heights Neighborhood	Galloway Avenue Baptist Church / Open Space

## **CASE SUMMARY**

The applicant, Dr. Adeel Shibli, is seeking to open the Shibli Family Medicine and Obesity Clinic at 802 E US Hwy 80. In most nonresidential zoning districts, medical clinics and offices are permitted by right, without any required zoning approval. However, in the Truman Heights Neighborhood zoning district, medical clinics require approval of a Conditional Use Permit.

The applicant's company, USRazola LLC, is the property owner. The clinic would be headed by the applicant's wife, Dr. Urooj Shibli, who is board certified in family medicine and obesity medicine. The clinic would also employ a nurse and an office manager. Dr. Urooj Shibli has more than 15 years of clinical experience and has been practicing medicine in Mesquite for ten years. The clinic would provide outpatient care and partner with the nearby Dallas Regional Medical Center for surgical needs. Hours of operation would be Monday through Friday, 8 a.m. to 5 p.m.

Until recently, the existing building served as the offices of Blakely-Witt. The proposed project would include an interior remodel (see Attachment 7) to add exam rooms and a break room. (The Fire Marshal has reviewed the project and determined that a fire sprinkler system is not required.) There are no proposed changes to the exterior of the building, except for adding new landscaping by the building entrance and a sign. A masonry screening wall separates the subject property and the neighboring single-family house.

## **MESQUITE COMPREHENSIVE PLAN**

The subject property is within the Truman Heights Special Planning Area, as described in the *Mesquite Comprehensive Plan*. The vision for this area is to maintain the existing character of the neighborhood while still allowing for new development to occur. Aging commercial development should undergo improvements to ensure a high-quality standard.

Additionally, this property falls within the Corridor Development designation. Properties along major corridors such as US Highway 80 are highly visible and should incorporate aesthetically pleasing design. Land uses should include restaurants, retail, and entertainment, along with offices and public facilities as supporting uses.

### **STAFF COMMENTS:**

*A low-impact medical clinic run by a physician with strong community roots would be a good addition to the Truman Heights Neighborhood. A successful, well-run clinic would ensure that this property is occupied and maintained – all while serving the medical needs of the community. While this property is along the US Highway 80 corridor, it is more oriented toward*

*the residential neighborhood. An office-type use, such as an appointment-only medical clinic, is more appropriate than more high-traffic uses that may be common along major corridors.*

## **MESQUITE ZONING ORDINANCE**

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### **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:**

*The proposed use would be within an existing office building, with no proposed changes to the building footprint. As proposed, the clinic would not involve heavy traffic that would be injurious to the surrounding neighborhood.*

- 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:**

*The church property to the west has some open space that may be developed in the future. Staff foresees no impediment to this development.*

- 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 have been provided for this development. Per the Fire Marshal, the space does not have to have a fire sprinkling system. It will be required to meet Fire and Building Codes before issuance of a Certificate of Occupancy (CO). The site currently uses residential trash pick-up. This may be adequate, as the location's minor procedures will not produce large amounts of medical waste. All needles / sharps will be disposed separately by a contracted medical sharp disposal company. If it is found that a commercial dumpster is required, this will need to be resolved before the issuance of a CO.*

- 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:**

*Per the Truman Heights Revitalization Code, the number of required parking spaces for civic uses (such as medical clinics) is to be determined by warrant, or administratively. In most other zoning districts, the standard for medical offices (with appointment-based visits) is 1 space for each 300 square feet of floor area. Staff believes this to be a good standard to use for the proposed use, as the clinic would see patients by appointment only.*

*Based on the proposed use, there is adequate parking on the premises. (See Table 1 for Staff's analysis.) However, some parking spaces may be removed if a commercial dumpster is required. Even so, there should be enough parking to meet the minimum requirements.*

Business	Area	Parking Standard	Required Parking
Medical Office / Clinic	2,782 SF	Office – 1 space for each 300 square feet of floor area	9 spaces
		<b>Total existing</b>	<b>14 spaces</b>

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:**

*No nuisances are expected from this proposed business. All signage will be required to comply with the Sign Ordinance and to receive the appropriate sign permits.*

## CONCLUSIONS

### ANALYSIS

Staff finds that the request meets the criteria for approval of a CUP. In case there are any changes to the parking lot, such as if Public Works determines that a commercial dumpster pad site is required, Staff recommends adding a stipulation concerning the number of parking spaces to be maintained. This total would include required accessible spaces.

The Shibli Family Medicine and Obesity Clinic would see patients by appointment only. However, other types of medical clinics provide services on a walk-in, first-come basis. As currently developed, this site is not appropriate for these types of clinics, as there is insufficient off-street parking. Staff proposes restricting the CUP to allow appointment-based clinics only.

### RECOMMENDATIONS

Staff recommends approval of the CUP to allow a medical clinic with the following stipulations:

1. A minimum of nine (9) parking spaces are required.
2. A clinic primarily with outpatient services on a first-come basis with no appointments is not permitted.

## 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**

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

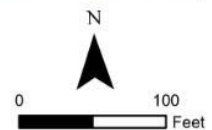


ATTACHMENT 1 – AERIAL MAP

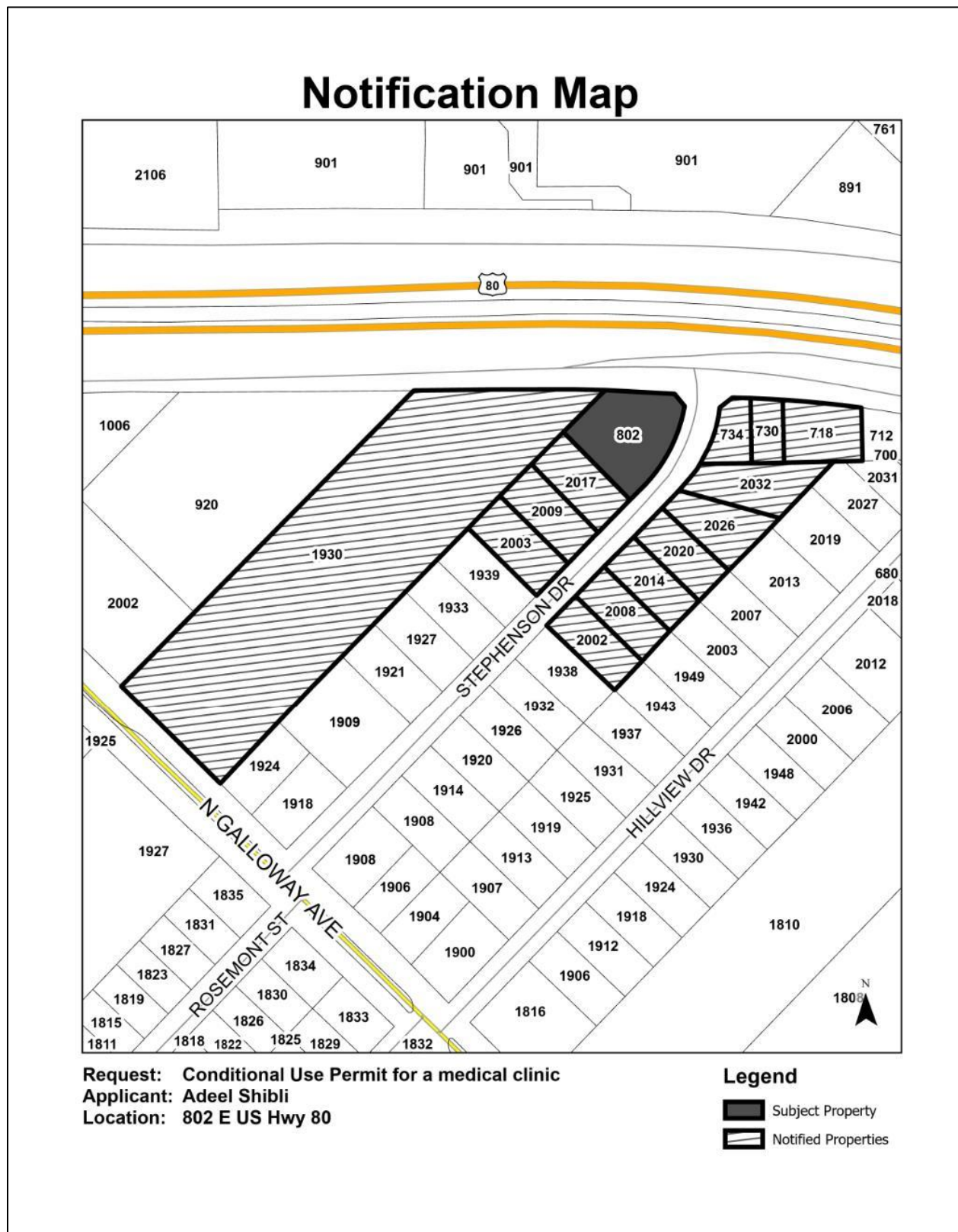
## Aerial Map



 Subject Property

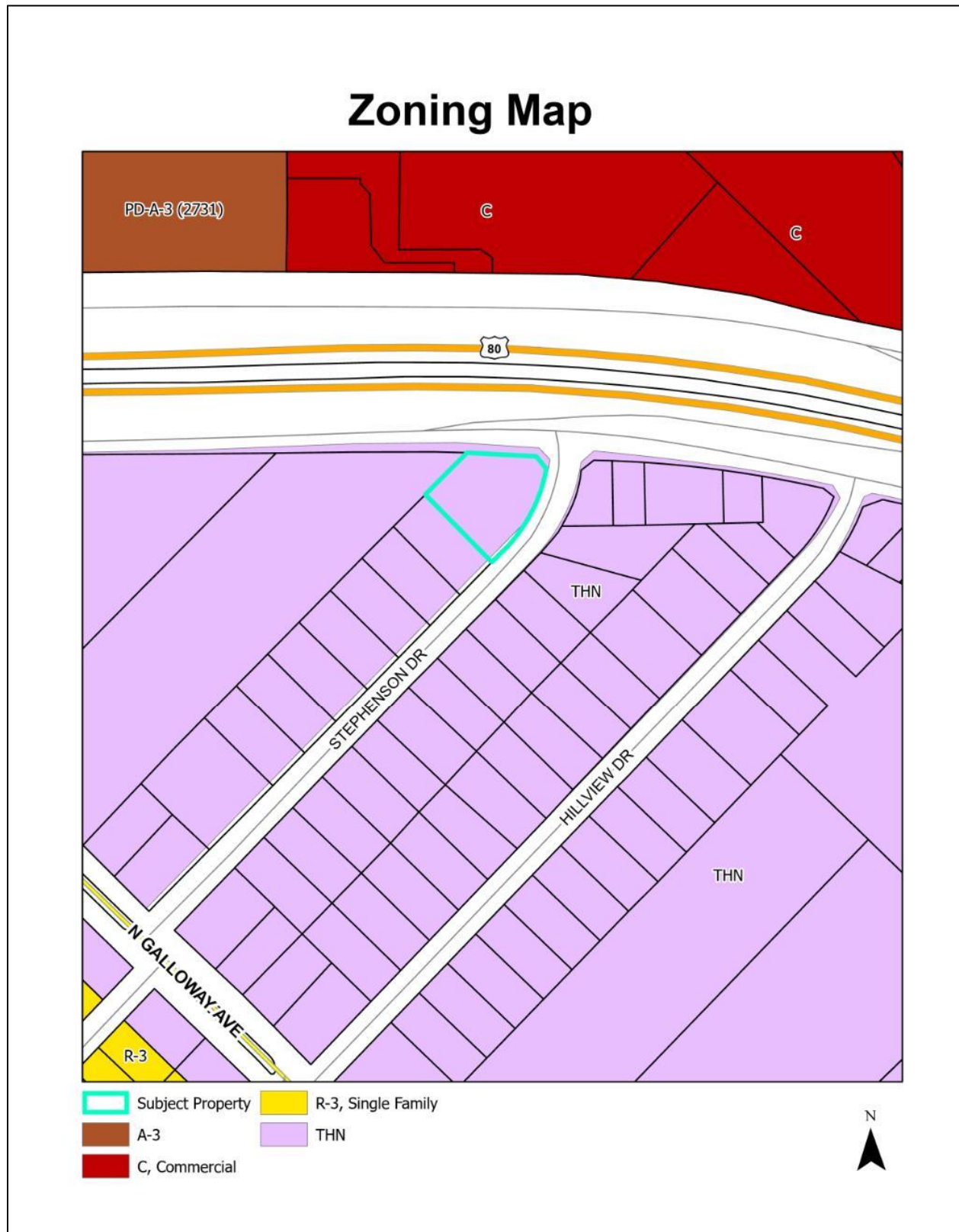


## ATTACHMENT 2 – PUBLIC NOTIFICATION MAP





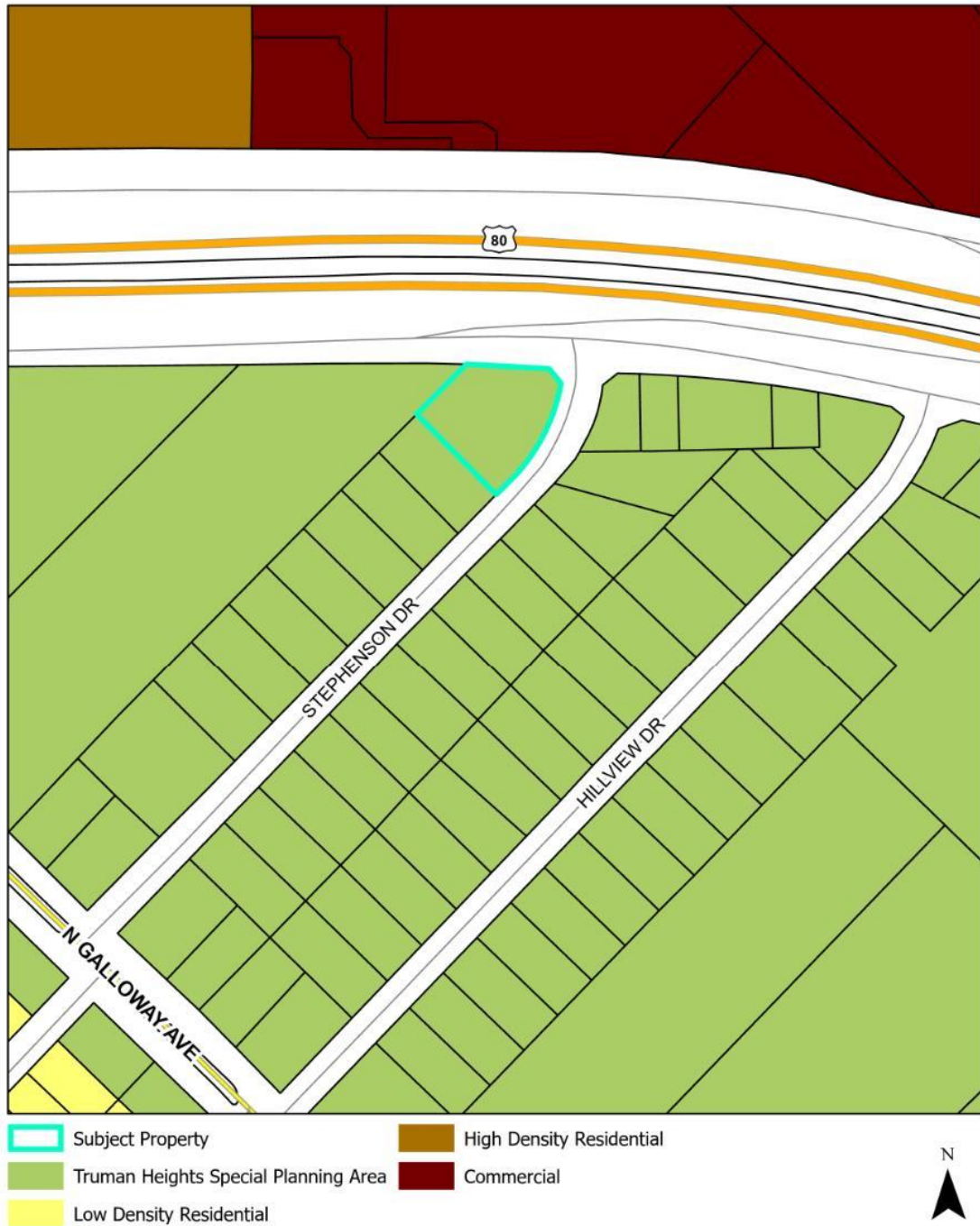
ATTACHMENT 3 – ZONING MAP





ATTACHMENT 4 – FUTURE LAND USE MAP

## Future Land Use Map



**ATTACHMENT 5 – SITE PHOTOS**



**Front entrance**



**Screening along property line adjacent to residential property**



**ATTACHMENT 5 – SITE PHOTOS**



**Inside front door**



**Space to be converted to exam rooms**

**ATTACHMENT 5 – SITE PHOTOS**



**Space to be converted to staff breakroom**



**Space to be converted to exam rooms**



## ATTACHMENT 6 – APPLICATION MATERIALS

### Letter Of Intent

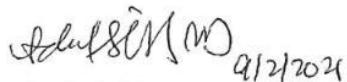
To whom it may concern:

We are planning to open "Shibli family medicine and obesity clinic" at 802 East Hwy. 80 Mesquite, TX 75149. This clinic will provide only out-patient care and will serve the community of Mesquite and surrounding areas. This clinic will provide much-needed family medicine and obesity medicine care to our community by Dr. Urooj Shibli, MD.

Dr Shibli is board certified in family medicine and obesity medicine. Dr. Shibli has more than 15 years of clinical experience. Dr. Shibli has been practicing medicine in Mesquite area for 10 years. Dr. Shibli is partnering with Dallas Regional Medical Center at Mesquite TX for surgical needs of our bariatric/obesity patients which makes this location perfect for the purpose. Hours of operation will be 8-5, Monday through Friday.

Please do not hesitate to contact us if you need any further information.

Thank you,




Adeel Shibli, MD

Urooj Shibli, MD

## ATTACHMENT 6 – APPLICATION MATERIALS

### OWNER AUTHORIZATION PAGE

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 application for which I am applying.

Property Owner: ADEEL SHIBLI Phone Number: 412-3781577  
Address: 802 E. HWY. 80  
Mesquite Tx 75149 Email Address: adeel\_basit@hotmail.com  
Signature: 

ATTACHMENT 7 – FLOOR PLAN

