



**PLANNING AND ZONING COMMISSION MEETING  
TRAINING ROOMS A & B  
757 North Galloway Avenue  
Mesquite, Texas  
October 12, 2020 - 7:00 P.M.**

**MEETING PARTICIPATION INSTRUCTIONS**

In accordance with the Governor’s suspension of various provisions of the Texas Open Meetings Act, issued pursuant to his state disaster authority related to the Coronavirus (COVID-19) pandemic, and further guidance issued on the suspensions by the Attorney General’s Office, Commission members and all other persons may participate in the meeting as follows:

1. A quorum of the Planning and Zoning Commission may be achieved by Commission members being physically present at the meeting location, by telephone conference, or by any combination thereof.
2. All persons may participate in the meeting by either being physically present at the meeting location or by telephone conference.
3. All persons choosing to be physically present at the meeting location must wear some form of face covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants. **NOTE:** Seating capacity shall be *limited* at the meeting location to adhere to social distancing protocols.
4. Instructions for participation by telephone conference are described below:

**Telephone Conference Number: 214-396-6338**

When your call is answered you will hear:

*“Welcome to Turbo Bridge. Please enter your Conference ID and press the pound (#) key.”*

**Conference ID (Participation Code): 177-6111 #**

Additional Instructions:

- Persons may INCREASE their listening volume by pressing \*88.
  - Persons may DECREASE their listening volume by pressing \*89.
  - Repeat as necessary to incrementally increase or decrease the listening volume.
  - Persons may press \*5 to be recognized to speak during the public comment or public hearing portion of the meeting.
5. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
  6. Verbal comments may be made during the meeting upon a request to speak and recognition by the Chairperson during the appropriate times identified on the Agenda.
  7. Written comments may be made in writing before 3:00 p.m., on the afternoon of the meeting, to the following email address: [glangford@cityofmesquite.com](mailto:glangford@cityofmesquite.com).
  8. An electronic copy of the agenda packet will be posted online at the City of Mesquite’s website ([www.cityofmesquite.com](http://www.cityofmesquite.com)).
  9. A copy of staff presentation will be made available online at <https://www.cityofmesquite.com/1585/Meeting-Packets-Presentations>.

The meeting will be recorded and made available to the public.

## **AGENDA**

Pursuant to Section 551.071 of the *Texas Government Code*, the Planning and Zoning Commission may meet in a closed executive session to consult with the City Attorney regarding matters authorized by Section 551.071, including matters posted on this Agenda.

### **COMMISSION BUSINESS**

1. ROLL CALL.

2. INSTRUCTIONS.

City staff shall give verbal instructions for participation in the meeting.

### **PUBLIC COMMENTS**

3. Any individual desiring to address the Planning and Zoning Commission regarding an item on the CONSENT AGENDA shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

### **CONSENT AGENDA**

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Planning and Zoning Commission or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Planning and Zoning Commission.

4. MINUTES.

Discuss and consider approval of the minutes for September 28, 2020, Planning and Zoning Commission.

5. PLAT APPLICATION No. PL0919-0143

Consider Application No. PL0420-0143 submitted by Westwood Professional Services, Inc., on behalf of Lennar Homes of Texas Land and Construction, LTD., for Trinity Crossing Phase 5, a 79-lot single-family subdivision in the Mesquite Extra-Territorial Jurisdiction, generally located at the northwest corner of FM 460 and US HWY 80.

### **PUBLIC HEARINGS**

The City Council may approve a different zoning district than the one requested, except that the different district will not: (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to solely nonresidential uses when the request is for solely residential uses or vice versa.

6. ZONING APPLICATION NO. Z0920-0148

Conduct a public hearing and consider Zoning Application No. Z0920-0148 submitted by Ghader Mirak for a Zoning Change 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, located at 3935 E. US Highway 80.

7. ZONING TEXT AMENDMENT 2020-06

Conduct a public hearing and consider amending Mesquite Zoning Ordinance by revising Section 4-102, “Overlay Zoning Districts”, adding new Section 4-500, “Established Neighborhood Overlay District (ENO) Regulations” and revising Section 6-102, “Definitions”, all pertaining to text amendments to the Zoning Ordinance thereby allowing for a new overlay district called an

“established neighborhood overlay district” (ENO) to be requested and created for certain established neighborhoods within the City.

**DIRECTOR’S REPORT**

8. DIRECTOR’S REPORT.

Director’s Report on recent City Council action taken on zoning items at their meetings on October 5, 2020.

[NOTE: Commission action, *if any*, shall not be taken regarding the Director’s Report until Public Comments have been received.]

**PUBLIC COMMENTS**

9. Any individual desiring to address the Planning and Zoning Commission regarding the DIRECTOR’S REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

At the conclusion of business, the Chair shall adjourn the meeting.

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\*\*\*\*City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting.\*\*\*\*  
To make arrangements, call the City Secretary’s office at (972) 216-6244 or 1-800-735-2989

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia segun el Sub- capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia segun el Sub- capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code any member of the public wishing to address the Planning and Zoning Commission through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno de Texas, cualquier miembro del público que desea dirigirse a la Comisión través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un traductor.

**CERTIFICATE**

I, Garrett Langford, Manager of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached Agenda for the Planning and Zoning Commission meeting to be held on October 12, 2020, was posted on the bulletin boards at the Municipal Center and City Hall by October 9, 2020, before 5:00 p.m. and remained so posted until after the meeting. This notice was likewise posted on the City’s website at [www.cityofmesquite.com](http://www.cityofmesquite.com) for a minimum of 72 hours prior to the meeting.



Garrett Langford, AICP  
Manager of Planning and Zoning  
City of Mesquite, Texas

**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, HELD AT 7:00 P.M., SEPTEMBER 28, 2020, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS**

**Present: Ronald Abraham, Claude McBride, Sherry Williams, Debbie Anderson, Sheila Lynn, Alternate Mildred Arnold, Alternate Dorothy Patterson**

**Absent: Chairwoman Yolanda Shepard**

**Staff: Manager of Planning & Zoning Garrett Langford, Principal Planner Johnna Matthews, Planner Lesley Frohberg, City Attorney David Paschall, Manager of Traffic Engineering Eric Gallt, Planning & Development Services Administrative Aide Devanee Winn**

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority and guidance issued on the suspension by the Attorney General's Office, this meeting was held by telephone conferencing to support social distancing. Commissioners and City Staff attended the meeting who were present in Training Rooms A & B and practiced social distancing.

**COMMISSION BUSINESS**

**1. ROLL CALL**

Mr. Abraham called the meeting to order and declared a quorum present. Manager of Planning & Zoning Garrett Langford called on each Commissioner for the record. Ms. Arnold and Ms. Patterson participated as voting members. Chairwoman Yolanda Shepard was not in attendance and the Commission currently does not have a Vice-Chair. Mr. Langford instructed the Commissioners for voting in a Pro-Temp Chair to preside over tonight's meeting. A motion was made by Ms. Anderson to nominate Mr. Abraham. Ms. Arnold seconded. The motion passed 7-0.

**2. INSTRUCTIONS**

Mr. Langford gave verbal instructions for participation in the meeting.

**3. PUBLIC COMMENTS.**

There were no public comments.

**CONSENT AGENDA**

**4. MINUTES.**

**Discuss and consider approval of the minutes for September 14, 2020, Planning and Zoning Commission.**

Ms. Williams made a motion to approve the minutes as presented. Ms. Lynn seconded. The motion passed 7-0.

**PUBLIC HEARINGS**

**5. ZONING APPLICATION NO. Z0420-0139**

**Conduct a public hearing and consider Zoning Application No. Z0420-0139 submitted by Mazidji Group Engineering on behalf of SAM 77, Inc., for a**

**Comprehensive Plan Amendment from Low Density Residential to Neighborhood Services and a Zoning Change from Agricultural and General Retail to General Retail with a Conditional Use Permit with a modification to allow a convenience store and limited fuel sales within 500 feet of a residential district, generally located at the east corner of Pioneer Road and McKenzie Road (400 McKenize Road and 3100 McKenzie Road).**

Principle Planner Johnna Matthews briefed the Commission. Commissioners expressed concerns about how the development might impact traffic and the surrounding neighborhood. Ms. Matthews explained there would be a Traffic Impact Analysis (TIA) done for the proposed development. Mr. McBride has concerns about all the trees that were removed by the Owner without permits. Representing the Applicant Mr. Mazidji with the Mazidji Engineering Group, came up to address the Commission. Mr. Mazidji explained that the Owner had paid the outstanding fines accrued by removing the trees without permits. They have also done a tree survey to determine the number of trees that need to be replanted and the tree mitigation fee. Mr. Mazidji said that they would do a TIA and comply with its recommendations. Mr. Mazidji also explained that the Owner wants to put in a retail strip with stores that will enhance the surrounding neighborhood. Ms. Williams asked what kind of stores they intend to put into the strip center. Mr. Mazidji answered whatever will best enhance the neighborhood. Chair Pro-Temp Abraham opened the public hearing. Ms. Nancy Riley, 800 Waterwood Lane, came up to speak. Ms. Riley expressed concerns about traffic, with it already being too dangerous without adding more. Ms. Riley is also concerned about more trash being thrown from cars, noise pollution from trucks coming and going to the proposed convenience stores and gas stations. Ms. Riley also has concerns about landscaping being maintained, more crime, quality of life, and property values. Ms. Margaret Comstock, 2604 Pioneer Bluff, Balch Springs, TX, came up to speak. Ms. Comstock is president of the Pioneer Bluff Homeowner's Association. Ms. Comstock stated that their main concern is increased traffic since traffic is already dangerous at the intersection of McKenzie and Pioneer. She is also concerned with young children crossing the busy road to get to the retail strip and gas station. Mr. Bill Kappes, 712 Waterwood Lane. Mr. Kappes does not want any kind of gas station. He feels the location is not properly set up for a gas station. Mr. Kappes thinks that any runoff from the gas station will contaminate the creek and the surrounding property. Mr. Kappes has major concerns about replacing trees with much smaller trees and increasing traffic. Ms. Jane Kappes, 712 Waterwood Lane, came up to speak. Her concerns are the drainage issues caused by development and how it will affect the floodplain and that traffic is too dangerous. Mr. Paul Lecortchek, 716 Waterwood Lane, expressed about the runoff from a gas station. The Owner has no regard for runoff because the Owner pushed the cut down trees into the creek. Mr. John Riley of 800 Waterwood Lane came up to speak. Mr. Riley's biggest concern is the tree removal and how the proposed use of convenience stores and gas stations will reduce the property value. Curt Shrum, 701 Bridgewater Lane, came up to speak. Mr. Shrum is concerned with the traffic and the racing of cars on Pioneer Road. He expressed the need for traffic lights and that Pioneer Rd is too dangerous. Ms. Habashy, daughter of the Owner, Afify Habashy, came up to speak. She assures that Mr. Habashy will take all measures to address all the issues everyone has. They want to help the neighborhood. No one else either in person, in the Council Chambers, or by conference call spoke. Chair Pro-Temp Abraham closed the public hearing. Ms. Williams wanted to know about the drainage issues and whether that will be addressed with the development. Ms. Matthews confirmed that the property owner would be required to complete a Flood Study and comply with the City's drainage requirements. Ms. Williams made a motion to approve

Comprehensive Plan Amendment from Low Density Residential to Neighborhood Service and to postpone Zoning Change from Agricultural and General Retail to General Retail with a Conditional Use Permit until the Traffic Impact Analysis and Drainage Analysis are done, as well as the discussion with Balch Springs about the traffic concerns are done. Ms. Lynn seconded. The motion passed 7-0.

**6. ZONING TEXT AMENDMENT 2020-09**

**Conduct a public hearing and consider amending Mesquite Zoning Ordinance by revising Section 2-202, Garage Conversions; Section 2-203, Schedule of Permitted Uses; and Section 2-401, Number and Location of Spaces, all pertaining to off-street parking requirements in residential zoning districts.**

Manager of Planning and Zoning Garrett Langford briefed the Commission. Ms. Williams asked if someone does a garage conversion but still has room for two car parking, do they still have to add the additional parking? Mr. Langford answered, yes. Chair Pro-Temp Abraham opened the public hearing. No one came up to speak. Chair Pro-Temp closed the public hearing. Ms. Anderson made a motion to approve the text amendment. Ms. Lynn seconded. The motion passed 7-0.

**DIRECTOR'S REPORT**

**7. DIRECTOR'S REPORT.**

**Director's Report on recent City Council action taken on zoning items at their meetings on September 8, and 21, 2020.**

Mr. Langford gave the Director's Report. Zoning actions taken by City Council are as follows:

1. Application No. Z0220-0129, a change of zoning to a Planned Development District to allow a master-planned community that would provide development standards and allows mixed uses, residential and commercial uses, located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas Sr., Boulevard was postponed until the October 5, 2020, City Council meeting.
2. Application No. Z0820-0144, a change of zoning to R-1 Single-Family Residential District to allow a single family home located at 1836 Wilkinson Road was approved by Ordinance No. 4812.
3. Text Amendments regarding game machines and special exceptions were not acted on and have been rescheduled for the October 19, 2020, City Council Meeting.

**PUBLIC COMMENTS**

- 8. Any individual desiring to address the Planning and Zoning Commission regarding the DIRECTOR'S REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.**

There were no public comments.

**Chair Pro-Temp Ronald Abraham called the meeting adjourned at 8:44 P.M.**

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**Chair Pro-Temp Ronald Abraham**



T E X A S

Real. Texas. Service.

PLANNING AND ZONING DIVISION

FILE NUMBER: PL0919-0143
REQUEST FOR: Plat
CASE MANAGER: Garrett Langford, Manager of Planning and Zoning

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, October 12, 2020

GENERAL INFORMATION

Applicant: Westwood Professional Services, Inc. on behalf of MM TR South II, LLC
Requested Action: Final Plat of Trinity Crossing Phase 5 (79 Residential Lots)
Location: Northwest of FM 460 and US HWY 80 in Mesquite Extra-Territorial Jurisdiction (ETJ)

SITE BACKGROUND

Size: 11.235 +/- acres
Zoning: Not applicable
Future Land Use: Not applicable
Zoning History: Not applicable

Table with 2 columns: ZONING and LAND USE. Rows include NORTH, SOUTH, EAST, and WEST with corresponding descriptions of zoning status and land use.

CASE SUMMARY

The applicant is seeking approval of the Final Plat for Trinity Crossing Phase 5, a 1-acre proposed single-family residential development with 79 lots located within Mesquite's ETJ. The property is not subject to the City's zoning requirements; however, it is subject to the Mesquite Subdivision Ordinance. The project received Preliminary Plat approval from the Planning and Zoning Commission on November 13, 2017. With construction underway, the developer is ready to move forward with Final Plat approval. The infrastructure within this development will not be dedicated or maintained by the City of Mesquite. Ownership and maintenance (streets and utilities) responsibility will be with Kaufman County Municipal Utility District No. 5.

## **CONCLUSIONS**

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### **ANALYSIS**

Chapter 212 of Texas Local Government Code states that the Planning and Zoning Commission shall approve a plat when it satisfies all applicable regulations, which includes the Mesquite Subdivision Ordinance. The proposed Plat complies with the City's subdivision ordinance.

### **RECOMMENDATIONS**

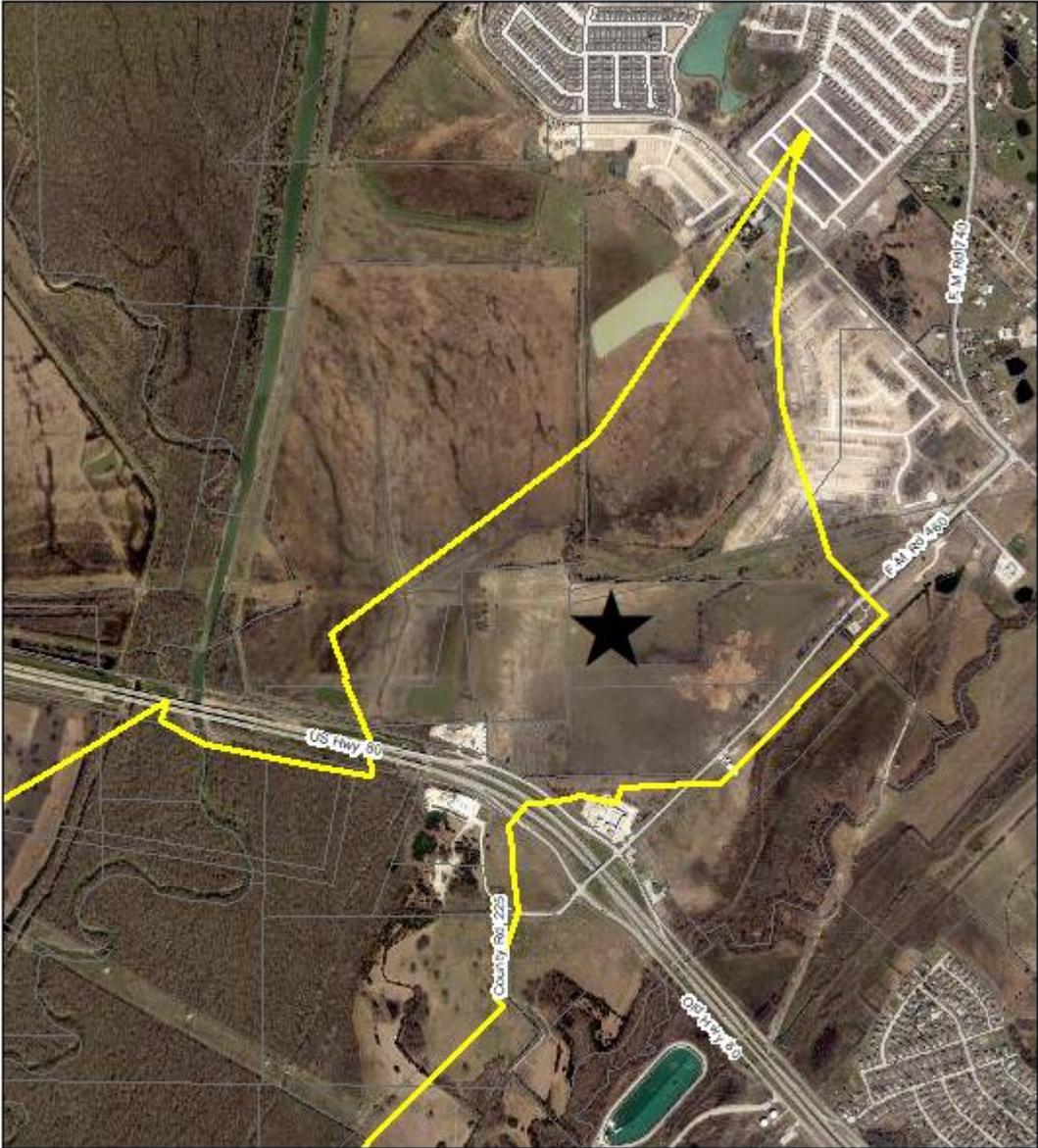
Staff recommends the Planning and Zoning Commission approve the Plat for Trinity Crossing Phase 5.

## **ATTACHMENTS**

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1. Aerial Map
2. Final Plat

ATTACHMENT 1 – AERIAL MAP



Trinity Crossing Phase 5



Lot #	Sq. Ft.	Acre
Lot 46 Block U	4,600	0.106
Lot 47 Block U	4,754	0.109
Lot 48 Block U	4,859	0.112
Lot 49 Block U	4,792	0.110
Lot 50 Block U	4,917	0.113
Lot 51 Block U	5,042	0.116
Lot 52 Block U	5,167	0.119
Lot 53 Block U	5,292	0.121
Lot 54 Block U	5,417	0.124
Lot 55 Block U	5,542	0.127
Lot 56 Block U	5,667	0.130

Lot #	Sq. Ft.	Acre
Lot 9 Block R	4,598	0.106
Lot 10 Block R	4,598	0.106
Lot 11 Block R	4,597	0.106
Lot 12 Block R	4,597	0.106
Lot 13 Block R	4,597	0.106
Lot 14 Block R	4,597	0.106
Lot 15 Block R	4,597	0.106
Lot 16 Block R	4,596	0.106
Lot 17 Block R	4,596	0.106
Lot 18 Block R	4,596	0.106

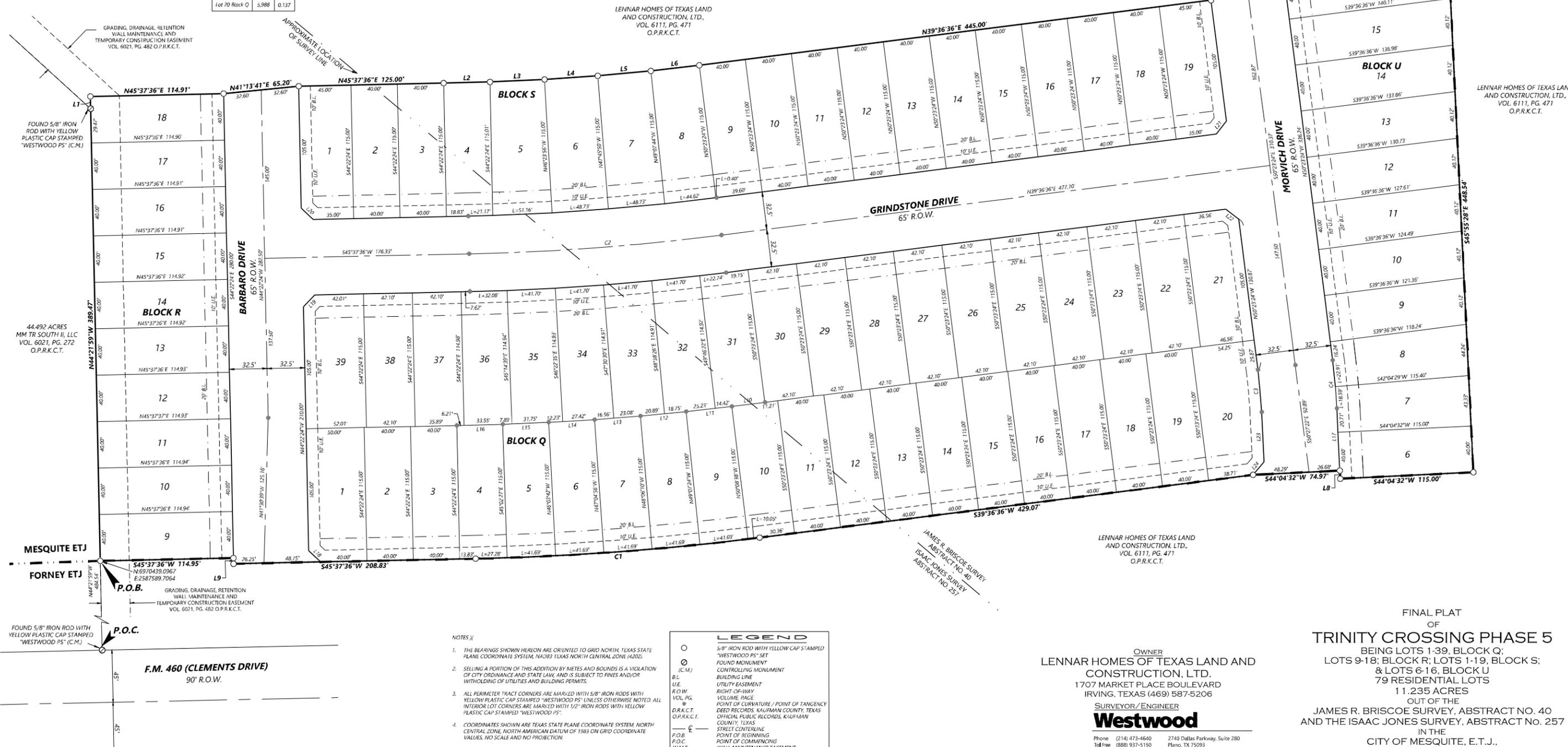
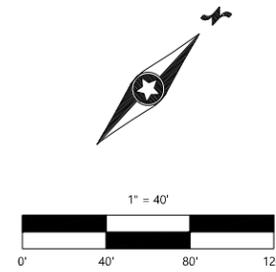
Lot #	Sq. Ft.	Acre
Lot 1 Block Q	5,700	0.131
Lot 2 Block Q	4,600	0.106
Lot 3 Block Q	4,600	0.106
Lot 4 Block Q	4,600	0.106
Lot 5 Block Q	4,679	0.107
Lot 6 Block Q	4,679	0.107
Lot 7 Block Q	4,679	0.107
Lot 8 Block Q	4,679	0.107
Lot 9 Block Q	4,679	0.107
Lot 10 Block Q	4,679	0.106
Lot 11 Block Q	4,600	0.106
Lot 12 Block Q	4,600	0.106
Lot 13 Block Q	4,600	0.106
Lot 14 Block Q	4,600	0.106
Lot 15 Block Q	4,600	0.106
Lot 16 Block Q	4,600	0.106
Lot 17 Block Q	4,600	0.106
Lot 18 Block Q	4,600	0.106
Lot 19 Block Q	4,600	0.106
Lot 20 Block Q	5,988	0.137

Lot #	Sq. Ft.	Acre
Lot 21 Block Q	5,304	0.122
Lot 22 Block Q	4,842	0.111
Lot 23 Block Q	4,842	0.111
Lot 24 Block Q	4,841	0.111
Lot 25 Block Q	4,842	0.111
Lot 26 Block Q	4,842	0.111
Lot 27 Block Q	4,842	0.111
Lot 28 Block Q	4,841	0.111
Lot 29 Block Q	4,842	0.111
Lot 30 Block Q	4,842	0.111
Lot 31 Block Q	4,887	0.112
Lot 32 Block Q	4,924	0.113
Lot 33 Block Q	4,924	0.113
Lot 34 Block Q	4,924	0.113
Lot 35 Block Q	4,924	0.113
Lot 36 Block Q	4,664	0.107
Lot 37 Block Q	4,841	0.111
Lot 38 Block Q	4,842	0.111
Lot 39 Block Q	5,932	0.136

Line #	Length	Direction
L1	10.53	N44°26'24"W
L2	40.00	N45°27'37"E
L3	47.09	N44°17'59"E
L4	45.99	N42°55'07"E
L5	45.99	N41°32'13"E
L6	42.09	N40°14'48"E
L7	15.37	N50°23'24"W
L8	7.03	N45°55'31"W
L9	5.00	N44°22'24"W
L10	28.71	N39°59'01"E
L11	39.64	N40°21'59"E
L12	39.64	N41°23'13"E

Line #	Length	Direction
L13	39.64	N42°24'27"E
L14	39.64	N43°25'41"E
L15	39.64	N44°26'56"E
L16	39.77	N45°28'35"E
L17	53.68	S45°53'28"E
L18	14.14	S89°22'24"E
L19	14.14	N00°37'36"E
L20	14.14	N89°22'24"W
L21	14.14	S05°23'24"E
L22	14.14	S84°38'36"W
L23	42.90	S45°53'28"E
L24	14.68	S03°09'26"E

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	245.79	2340.63	006°10'00"	S 42°37'06" W	245.68
C2	218.23	2078.13	006°10'00"	N 42°37'06" E	218.13
C3	36.43	467.50	004°27'55"	N 48°09'26" W	35.43
C4	41.50	532.50	004°27'55"	N 48°09'26" W	41.49



N:\001118.501 PROJECT DATA\DWG\SURVEY\PHASE 5\FINAL PLAT.DWG

- NOTES:
- THE BEARINGS SHOWN HEREON ARE ORIENTED TO GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 TEXAS NORTH CENTRAL ZONE (4202).
  - SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND/OR WITHDRAWING OF UTILITIES AND BUILDING PERMITS.
  - ALL PERIMETER TRACT CORNERS ARE MARKED WITH 5/8" IRON RODS WITH YELLOW PLASTIC CAP STAMPED "WESTWOOD PS" UNLESS OTHERWISE NOTED. ALL INTERIOR LOT CORNERS ARE MARKED WITH 1/2" IRON RODS WITH YELLOW PLASTIC CAP STAMPED "WESTWOOD PS".
  - COORDINATES SHOWN ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

LEGEND

○	5/8" IRON ROD WITH YELLOW CAP STAMPED "WESTWOOD PS" SET
(C.M.)	FOUND MONUMENT
—	CONTROLLING MONUMENT
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
R.O.W.	RIGHT-OF-WAY
VOL. PG.	VOLUME, PAGE
•	POINT OF CURVATURE / POINT OF TANGENCY
D.R.K.C.T.	DEED RECORDS, KAUFMAN COUNTY, TEXAS
O.P.R.K.C.T.	OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS
—	STREET CENTERLINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
W.M.E.	WALL MAINTENANCE EASEMENT

OWNER  
**LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.**  
 1707 MARKET PLACE BOULEVARD  
 IRVING, TEXAS (469) 587-5206

SURVEYOR/ENGINEER  
**Westwood**  
 Phone (214) 473-4640 2740 Dallas Parkway, Suite 280  
 Toll Free (888) 937-5150 Plano, TX 75093  
 Westwood Professional Services, Inc.  
 TBPE Firm Reg. No. 11756  
 TBPLS Firm Reg. No. 10074301

FINAL PLAT  
 OF  
**TRINITY CROSSING PHASE 5**  
 BEING LOTS 1-39, BLOCK Q;  
 LOTS 9-18; BLOCK R; LOTS 1-19, BLOCK S;  
 & LOTS 6-16, BLOCK U  
 79 RESIDENTIAL LOTS  
 11.235 ACRES  
 OUT OF THE  
**JAMES R. BRISCOE SURVEY, ABSTRACT NO. 40**  
 AND THE **ISAAC JONES SURVEY, ABSTRACT NO. 257**  
 IN THE  
**CITY OF MESQUITE, E.T.J., KAUFMAN COUNTY, TEXAS**  
 PL0919-0143

11.235 ACRES JUNE 23, 2020 JOB NO. 001118.50 TRINITY CROSSING PHASE 5

OWNER'S CERTIFICATE

STATE OF TEXAS § COUNTY OF KAUFMAN §

BEING a 11.235 acre tract of land situated in the Isaac Jones Survey, Abstract No. 257 and the James R. Briscoe Survey, Abstract No. 40, Kaufman County, Texas, and being part of an 81.896 acre tract of land conveyed to Lennar Homes of Texas Land and Construction, Ltd., by deed of record in Volume 611.1, Page 471, of the Official Public Records of Kaufman County, Texas; said 11.235 acre tract being more particularly described as follows:

COMMENCING at a found 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" in the northwest right-of-way line of F.M. 460 (Clements Drive) a 90-foot right-of-way, at the east corner of a 44.492 acre tract of land conveyed to MM TR South II, LLC, by deed of record in Volume 602.1, Page 272, of said Official Public Records; said point being the most southerly corner of said 81.896 acre tract;

THENCE North 44 degrees 21 minutes 59 seconds West, along a common line between said 44.492 acre tract and the said 81.896 acre tract, a distance of 484.54 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at the POINT OF BEGINNING;

THENCE North 44 degrees 21 minutes 59 seconds West, continuing along the said common line between the 44.492 acre tract and the 81.896 acre tract, a distance of 389.47 feet to a found 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at an angle point in the said 44.492 acre tract; and being a re-entrant corner of said 81.896 acre tract;

THENCE departing the said common line between the 44.492 acre tract and the 81.896 acre tract, over and across said 81.896 acre tract, the following courses and distances:

North 44 degrees 26 minutes 24 seconds West, a distance of 10.53 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 45 degrees 37 minutes 36 seconds East, a distance of 114.91 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 41 degrees 13 minutes 41 seconds East, a distance of 65.20 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 45 degrees 37 minutes 36 seconds East, a distance of 125.00 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 45 degrees 27 minutes 37 seconds East, a distance of 40.00 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 44 degrees 17 minutes 59 seconds East, a distance of 47.09 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 42 degrees 55 minutes 07 seconds East, a distance of 45.99 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 41 degrees 33 minutes 13 seconds East, a distance of 45.99 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 40 degrees 14 minutes 48 seconds East, a distance of 42.09 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 39 degrees 36 minutes 36 seconds East, a distance of 445.00 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 50 degrees 23 minutes 24 seconds West, a distance of 15.37 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 39 degrees 36 minutes 36 seconds East, a distance of 208.23 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

South 45 degrees 55 minutes 28 seconds East, a distance of 448.54 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

South 44 degrees 04 minutes 32 seconds West, a distance of 115.00 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 45 degrees 55 minutes 31 seconds West, a distance of 7.03 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

South 44 degrees 04 minutes 32 seconds West, a distance of 74.97 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

South 39 degrees 36 minutes 36 seconds West, a distance of 429.07 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at the beginning of a tangent curve to the right;

Along a curve to the right having a radius of 2,340.63 feet, and an arc length of 245.79 feet (chord bears South 42 degrees 37 minutes 06 seconds West, 245.68 feet) to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" at the end of said curve;

South 45 degrees 37 minutes 36 seconds West, a distance of 208.83 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

North 44 degrees 22 minutes 24 seconds West, a distance of 5.00 feet to a set 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" for corner;

South 45 degrees 37 minutes 36 seconds West, a distance of 114.95 feet to the POINT-OF-BEGINNING, containing 489,409 square feet or 11.235 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

I, Jason B Armstrong, Registered Professional Land Surveyor for Westwood, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made in July 2019, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the platting rules and regulations of the City of Mesquite, Texas.

Jason B. Armstrong Signature of Registered Public Land Surveyor Registration No. 5557

STATE OF TEXAS § COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jason B. Armstrong, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas

My Commission Expires On:

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., acting by and through its duly authorized agent, do hereby adopt this plat, designating the herein described property as TRINITY CROSSING PHASE 5, an addition to the County of Kaufman, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon to Kaufman County Municipal Utility District No. 5. The streets, alleys, and utility easements shall be open to the public, fire and police units, garbage and rubbish collection agencies. The maintenance of common areas and of paving on the streets is the responsibility of Kaufman County Municipal Utility District No. 5. The maintenance of paving on the utility easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. The easements shown shall be for Kaufman County Municipal Utility District No. 5's exclusive use, provided, however, that at the sole and exclusive discretion of the district and subject to its written approval, easements may also be used for the mutual use and accommodation of all public utilities desiring to use the same unless the easement limits the use to a particular utility or utilities, said use by other public utilities being subordinate to the district's use thereof. If approved by Kaufman County Municipal Utility District No. 5, public utilities shall place utilities only in designated easements shown thereon reserved for the purposes indicated. All and any public utilities given the right by Kaufman County Municipal Utility District No. 5 to use said easements shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems, additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Mesquite.

WITNESS, my hand, this the \_\_ day of \_\_\_\_\_, 2020.

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

NAME: JENNIFER ELLER ITS: DIVISION CONTROLLER

STATE OF TEXAS )( COUNTY OF KAUFMAN )(

Before me, the undersigned, a notary public in and for the State of Texas, on this day personally appeared Jennifer Eller, known to me to be the person whose name is subscribed for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_ DAY OF \_\_\_\_\_, 2020.

NOTARY PUBLIC, STATE OF TEXAS

CITY OF MESQUITE

To the County Clerk of Kaufman County: "This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Mesquite, Texas."

Under ordinance adopted by the City of Mesquite on September 3, 1973, the approval of this plat by the City of Mesquite is automatically terminated after the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and unless this plat is presented for filing on or before said date, it should not be accepted for filing.

By \_\_\_\_\_ Commission Officer

Attest \_\_\_\_\_ Secretary

OWNER LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. 1707 MARKET PLACE BOULEVARD IRVING, TEXAS (469) 587-5206 SURVEYOR/ENGINEER Westwood Phone (214) 473-6640 Toll Free (888) 937-5150 2740 Dallas Parkway, Suite 280 Plano, TX 75093 westwoods.com Westwood Professional Services, Inc. TBPE Firm Reg. No. 11756 TBPS Firm Reg. No. 10074301

FINAL PLAT OF TRINITY CROSSING PHASE 5 BEING LOTS 1-39, BLOCK Q; LOTS 9-18; BLOCK R; LOTS 1-19, BLOCK S; & LOTS 6-16, BLOCK U 79 RESIDENTIAL LOTS 11.235 ACRES OUT OF THE JAMES R. BRISCOE SURVEY, ABSTRACT NO. 40 AND THE ISAAC JONES SURVEY, ABSTRACT NO. 257 IN THE CITY OF MESQUITE, E.T.J., KAUFMAN COUNTY, TEXAS PLO919-0143



PLANNING AND ZONING DIVISION

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

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):

Table with 2 columns: ZONING and EXISTING LAND USE. Rows include NORTH, SOUTH, EAST, and WEST with corresponding zoning and land use descriptions.

## **CASE SUMMARY**

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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**

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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

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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 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**

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**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 suggest 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.

**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 received one returned notice in opposition to 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. Future Land Use Map
5. Site Pictures
6. Application Materials
7. Concept Plan
8. Returned Property Owner Notices

# Aerial Map



**Request:** Conditional Use Permit to allow a major reception facility.

**Applicant:** Ghader Mirak

**Location:** 3935 E US Highway 80

**Legend**

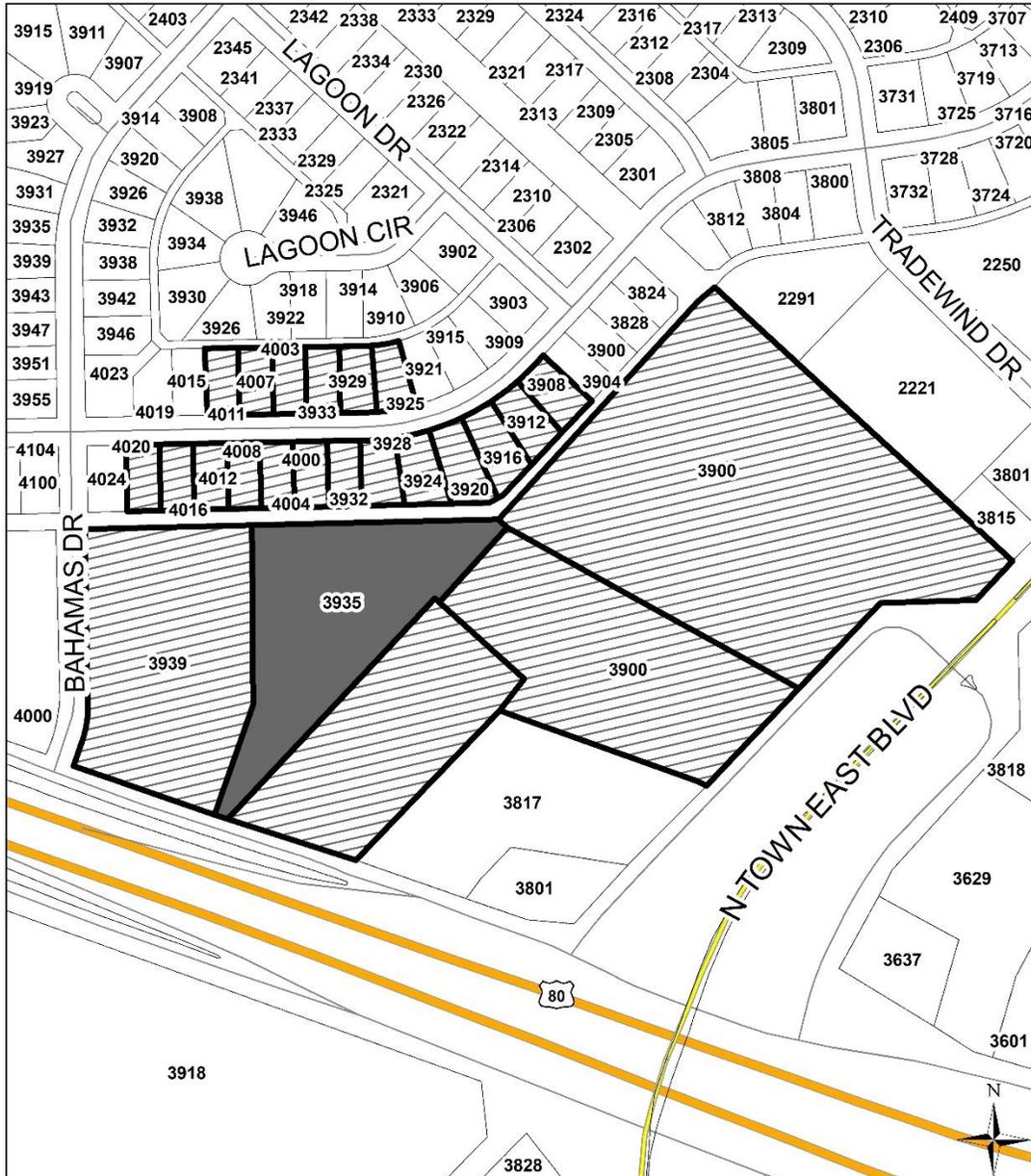
 Subject Property



 Miles  
0 0.01 0.02 0.04

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

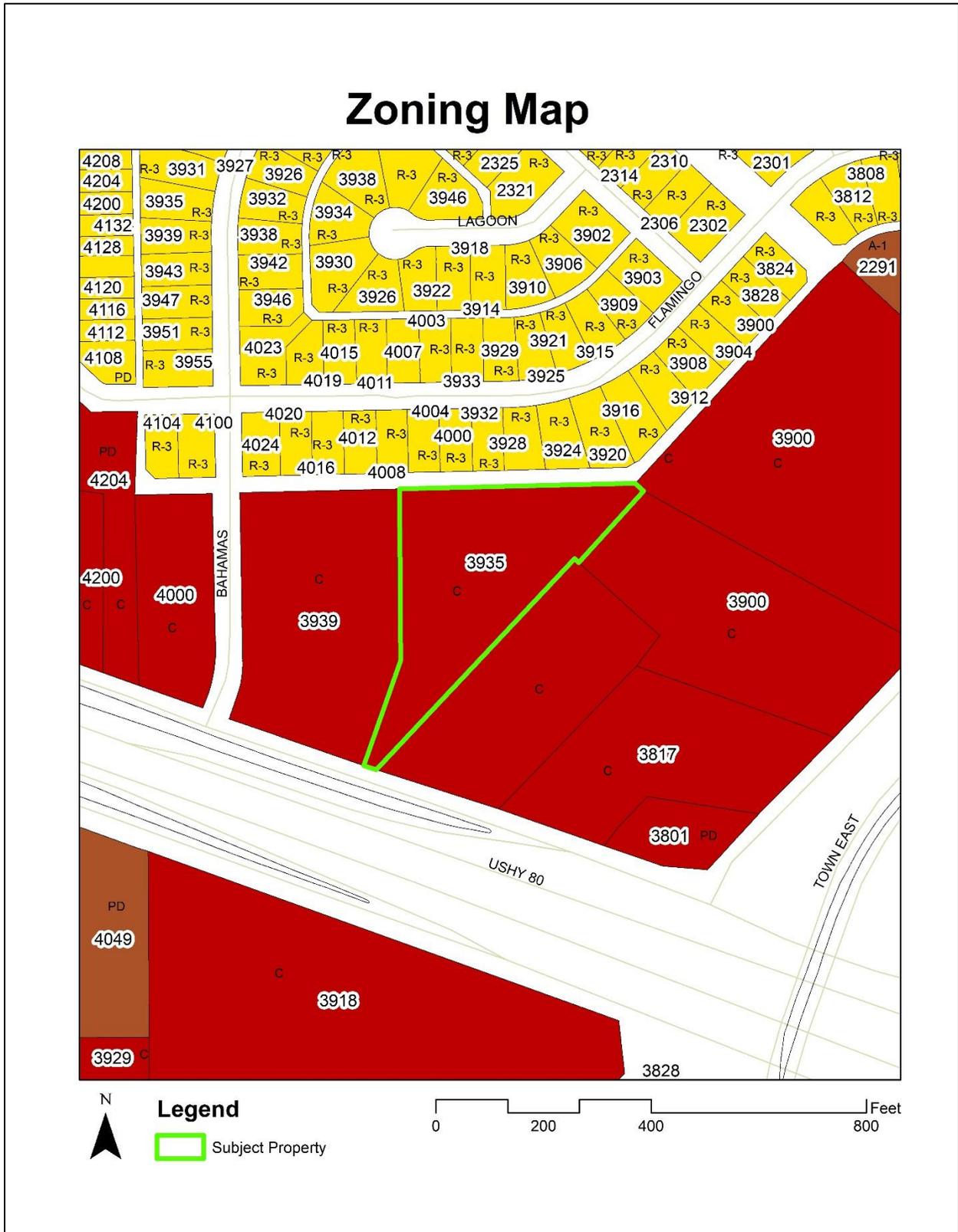
# Notification Map



**Request:** Conditional Use Permit to allow a major reception facility.  
**Applicant:** Ghader Mirak  
**Location:** 3935 E US Highway 80

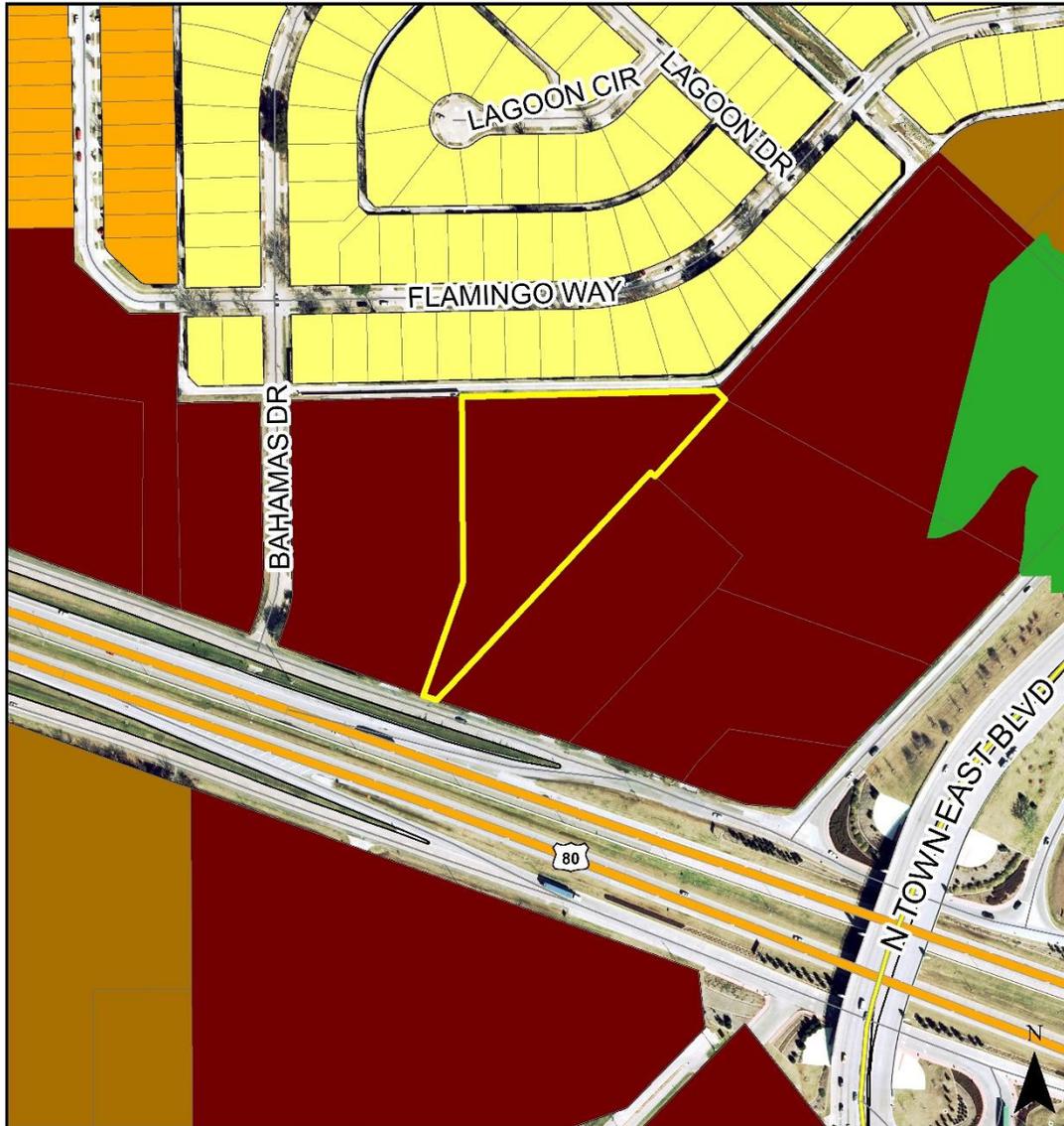
**Legend**  
[Diagonal lines symbol] Notified Properties  
[Solid black symbol] Subject Property

ATTACHMENT 3 – ZONING MAP

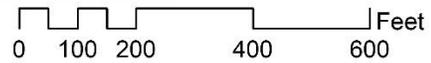


ATTACHMENT 4 – FUTURE LAND USE MAP

# Future Land Use Map



<b>Future Land Use Plan</b>	High Density Residential
<b>Land Use</b>	Commercial
Low Density Residential	Parks, Open Space, Drainage
Medium Density Residential	Subject Property



**ATTACHMENT 5 – SITE PHOTOS**



**Subject property facing north from US Highway 80.**



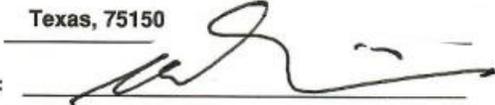
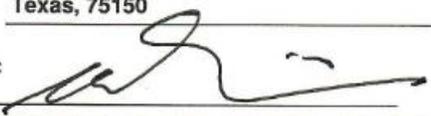
**Subject property facing north from US Highway 80.**

**ATTACHMENT 5 – SITE PHOTOS**



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

**ATTACHMENT 6 – APPLICATION MATERIALS**

<b>CITY OF MESQUITE                  ZONING APPLICATION</b>	Receipt No.: _____ Fee: _____ Case Manager: _____	Date Stamp: _____
REQUESTED ACTION:		
Change District Classification to: _____	Conditional Use Permit for: <b>Allowing Event Center Use</b>	Amend Special Conditions of Ordinance # _____ <small>(Explain Below)</small>
Additional explanation of requested action:		
<p><b>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.</b></p>		
SITE INFORMATION/GENERAL LOCATION:		LOCATION/LEGAL DESCRIPTION:
Current Zoning Classification: <b>Commercial (CL)</b> Site Size: <b>2.87 Acres</b> (Acres or Square Feet) Address (if available): <b>3935 E US Highway 80, Mesquite, TX, 75150</b> General Location Description: <b>The Site is located at East Highway 80, Service Road and East of Bahamas Drive, South of Town East Estates</b>	Complete one of the following: 1. Platted Property Addition: _____ Block: _____ Lot: _____ 2. Unplatted Property: Abstract: _____ Tract: _____	
APPLICANT INFORMATION:		
Contact: <b>M. Najimi</b> Company: <b>Avesta Enterprises Inc.</b> Address: <b>3939 E US Highway 80, Mesquite, Texas, 75150</b>	Phone: ( <b>469</b> ) <b>774 - 4025</b> Fax: ( ) _____	E-mail: <b>aryai2000@yahoo.com</b> <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:		
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. 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. 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.		
Owner: <b>M. Najimi</b> Address: <b>3939 E US Highway 80, Mesquite, Texas, 75150</b>	Phone: ( <b>469</b> ) <b>774 - 4025</b> Fax: ( ) _____	E-mail: <b>aryai2000@yahoo.com</b>
Signature: 		

## ATTACHMENT 6 – APPLICATION MATERIALS

3935 Highway East 80, Arya Event Center CUP

Statement of Intent and Prupose

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 Prupose

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.

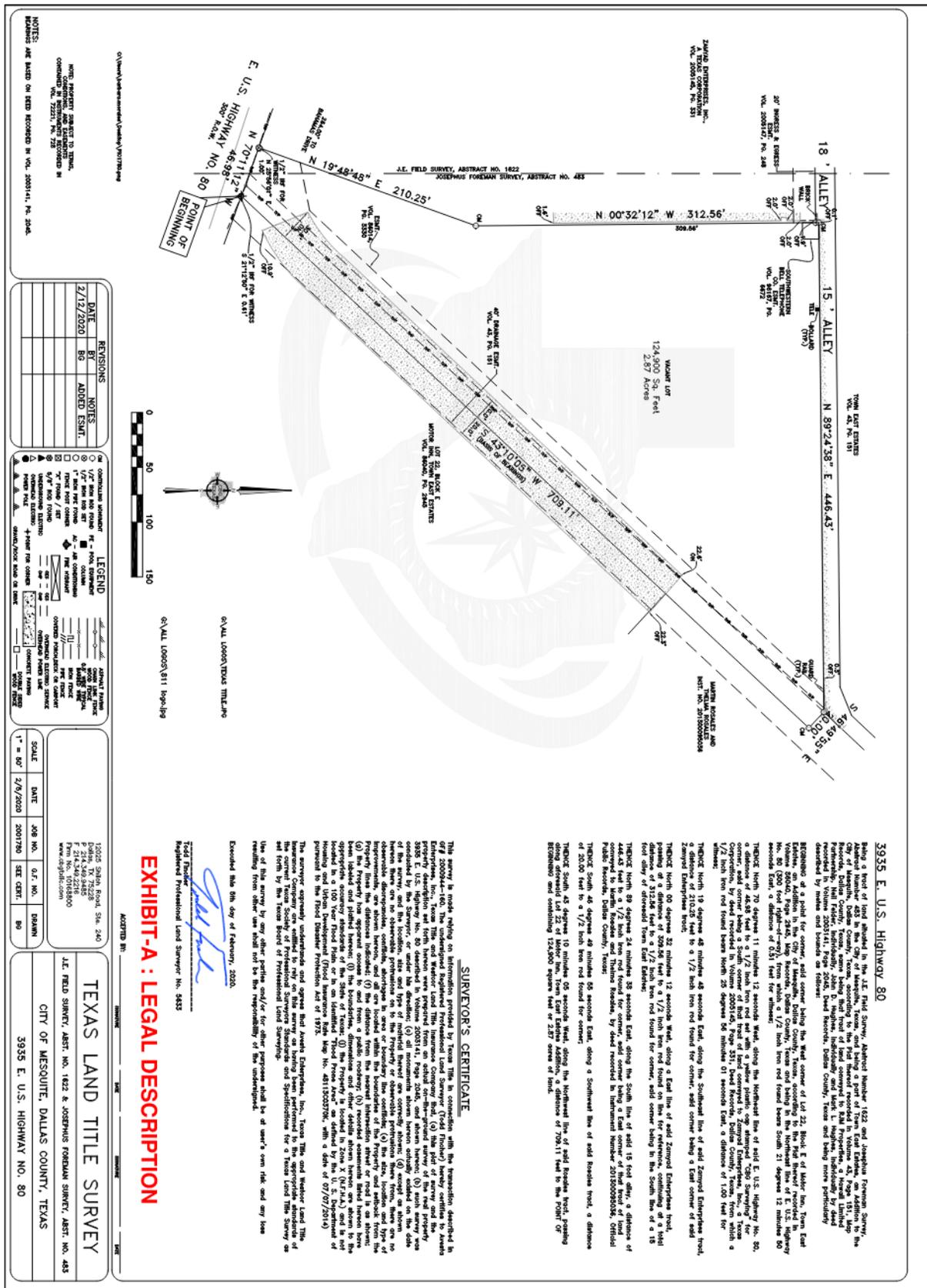
< END OF 2-PAGE DOCUMENT >

Prepared by :

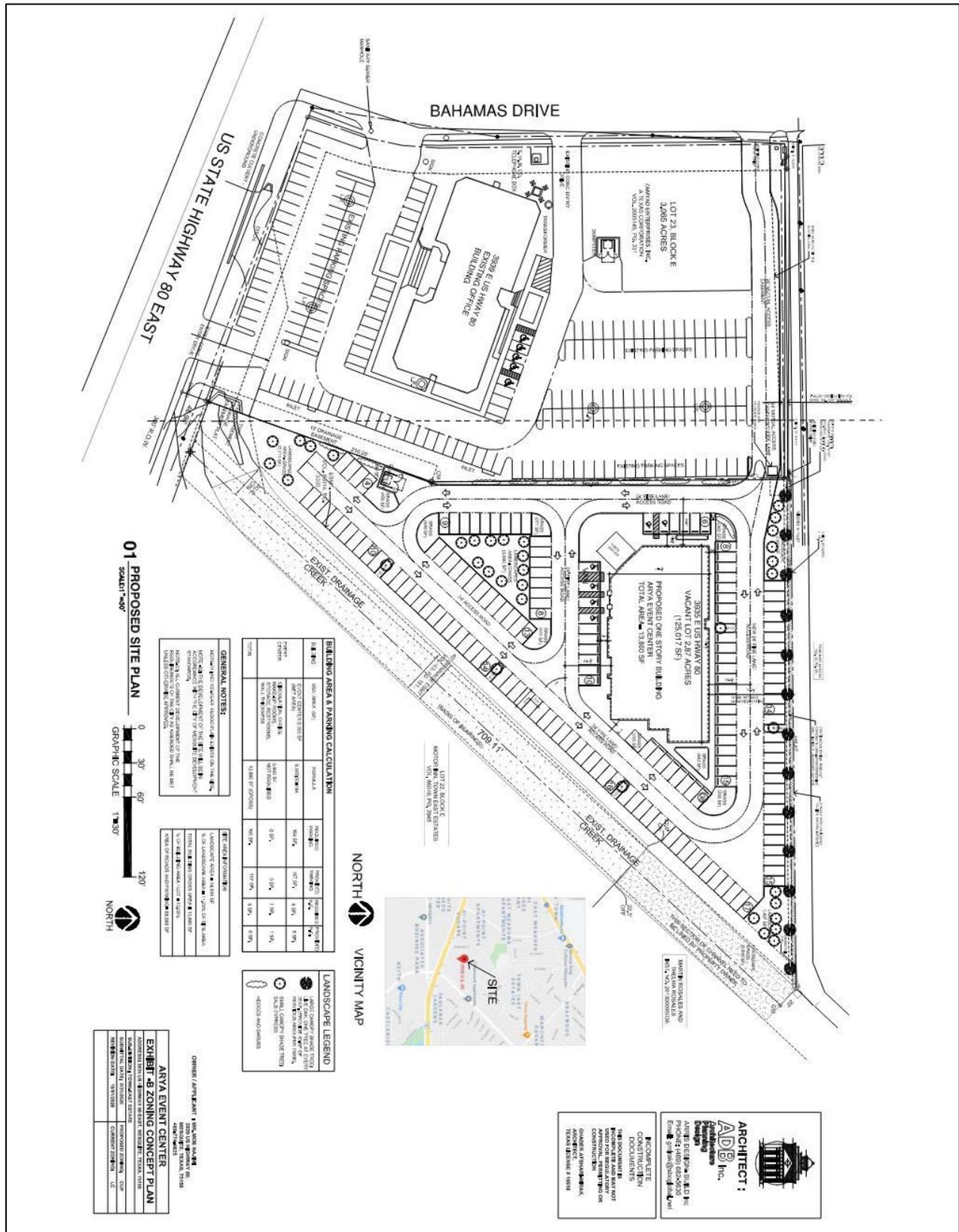
Ghader A Mirak, Architect, NCARB, LEED AP  
Arris- Design Build Inc

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ATTACHMENT 6 – APPLICATION MATERIALS



ATTACHMENT 7 – CONCEPT PLAN



**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](http://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](mailto: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 6<sup>th</sup>** to be included in the Planning and Zoning Commission packet and by 5:00 pm on **October 14<sup>th</sup>** 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** Name: (required) Larry J. Bidgle  
 I am in favor of this request Address of 4003 FLAMINGO WAY, MESQUITE TX 75150  
 I am opposed to this request Owner Signature: [Signature] Date: 10-6-2020

Reasons (optional): 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 Froberg  
 CITY OF MESQUITE  
 PO BOX 850137  
 MESQUITE TX 75185-0137



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## MEMORANDUM

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**TO:** Planning & Zoning Commission

**FROM:** Lesley Frohberg, Planner

**DATE:** October 8, 2020

**SUBJECT:** ZTA 2020-06 – Established Neighborhood Overlay (ENO)

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Staff proposes amending Section 4-102, Overlay zoning districts; Section 6-102, Definitions; and adding a new Section 4-500, to be titled “ENO – Established Neighborhood Overlay,” of the Mesquite Zoning Ordinance (MZO) pertaining to a new type of overlay zoning district.

The purpose of the Established Neighborhood Overlay (ENO) zoning district is to provide additional requirements to single-family neighborhoods to prevent infill development that may be detrimental to the character and stability of an area. An ENO will ensure that new single-family structures remain compatible with the existing physical attributes of the neighborhood by regulating design standards like lot size, building height, setbacks, and façade width. Each ENO application may request additional design standards to be regulated as deemed compatible within the proposed district boundary. ENO regulations will be supplemental to the regulations of the base zoning district. An ENO district cannot regulate building materials or architectural style.

For a neighborhood to qualify for an ENO district, the proposed district boundary must be zoned for single-family residential and developed with primarily residential structures, the originally platted subdivision must be at least thirty years old and must contain a minimum of fifty single-family lots or be an originally platted subdivision with less than 50 lots.

The process to create an ENO district will include a Pre-Petition Meeting, Neighborhood Meeting, and public hearings before the Planning & Zoning Commission and City Council. Each ENO district is established by ordinance approved by the City Council, resulting in a Mesquite Zoning Map and Mesquite Zoning Ordinance amendment.

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Memo to Planning & Zoning Commission  
October 9, 2020



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Lesley Frohberg  
Planner, Planning & Zoning Division

Enclosed:  
Exhibit A – Proposed Sections 4-102, 4-500, & 6-102  
Exhibit B – Proposed Section 12-117

## **MESQUITE ZONING ORDINANCE**

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### **PART 4. - PD AND OVERLAY DISTRICTS**

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#### **4-102 – Overlay zoning districts.**

\* \* \*

*[Editor's Note: Insert the following as new letter "D" and re-letter the remaining sub-sections accordingly.]*

**D. ENO – Established Neighborhood Overlay District.**

1. *Prefix designation.* The Established Neighborhood Overlay District prefix designation shall be ENO.
2. *Designation.* An ENO – Established Neighborhood Overlay District shall be designated by ordinance of the City Council.
3. *Regulations.* See Section 4-500 for ENO – Established Neighborhood Overlay District regulations.

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## **4-500 – Established Neighborhood Overlay District (ENO) Regulations**

- 4-501 – In General
- 4-502 – Established Neighborhood Overlay (ENO) Eligibility
- 4-503 – Application and Petition Process
- 4-504 – General Design Standards
- 4-505 – 4-519 – Reserved.
- 4-520 – Listing of Established Neighborhood Overlays

## **4-501 – In General.**

### **A. Purpose.**

Single-family infill development can be detrimental to the character and stability of a neighborhood. The established neighborhood overlay (ENO) is intended to provide a means of conserving an area's character. An ENO will ensure that new single-family structures remain compatible with the existing character of the neighborhood.

The ENO regulations are applied as supplemental regulations to the base zoning district. The ENO regulations may differ from neighborhood to neighborhood depending on the character of the area. The purpose of the ENO is to protect physical attributes of an existing neighborhood with additional restrictions. An ENO typically regulate(s) design standards including lot size, building height and setbacks. ENO's do not regulate architectural styles, building products or materials, or standards for a building product, material, or aesthetic method of a residential or commercial building in accordance with Mesquite City Code, Section 5-4.

### **B. Abbreviations, Acronyms, and Definitions.**

Abbreviations, acronyms, and definitions which may be used within this Zoning Ordinance or other City resource materials in association with established neighborhood overlays may be found in [Section 6-100](#).

## **4-502 – Established Neighborhood Overlay (ENO) Eligibility.**

### **A. In General.**

An established neighborhood overlay (ENO) may only be applied to areas zoned as single-family residential with primarily residential structures. An ENO may contain vacant parcels.

### **B. Neighborhood Qualifications.**

In order to be eligible for an ENO, the proposed district must meet the following characteristics:

1. The neighborhood must be zoned for single-family residential and primarily developed with residential structures;
2. The originally platted subdivision of the proposed neighborhood must be at least thirty (30) years old; and
3. The proposed ENO district boundary must be:
  - a. a minimum of fifty (50) single-family lots in a compact and continuous area; or
  - b. an original subdivision (if the subdivision contains fewer than 50 single-family lots).

### **C. Approval.**

1. *Initial designation of an ENO.* An established neighborhood overlay (ENO) shall be designated by ordinance approved by the City Council. Each ENO must be established by a separate ordinance whereby the Mesquite Zoning Map and the Mesquite Zoning Ordinance shall be amended.
2. *Existing ENOs may be expanded, amended, or repealed.* An established neighborhood overlay (ENO) may be expanded, amended, or repealed by ordinance approved by the City Council. Each expansion, amendment, or repeal to an existing ENO must be by an ordinance whereby the Mesquite Zoning Map and the Mesquite Zoning Ordinance may need to be amended.

## 4-503 – Application and Petition Process.

### A. Pre-Petition Conference.

1. *Pre-petition conference optional.* Prior to the submission of an established neighborhood overlay (ENO) application, applicants are encouraged to schedule and attend an optional pre-petition conference with Department City Staff to review the application requirements and process.
2. *Purpose of conference.* Pre-petition conferences with Department City Staff may be used to discuss, in general, procedures, standards, or regulations related to a proposed ENO district.
3. *Pre-petition conference request.* If a pre-petition conference is requested, Department City Staff may require the applicant to submit information in the form of a *Pre-Petition Conference Request Form* prior to the pre-petition conference to allow Department City Staff time to review the proposal.
4. *Pre-petition conference request is not an application or petition.* Any *Pre-Petition Conference Request Form* and materials submitted or discussed as a part of a pre-application conference shall not be considered an application or petition but will be considered an informal request for information prior to the actual application and petition submittal by an applicant.
5. *Scheduling pre-petition conference.* After receipt of a *Pre-Petition Conference Request Form*, the Department City Staff will schedule the pre-petition conference and inform the applicant in writing of the conference details such as date, time, and physical location (if applicable). The Department City Staff may also provide participation instructions to enable remote or virtual access to the conference via telephone or video-conference options.
6. *Record of pre-petition conference.* The City is not responsible for making or keeping a summary of the topics discussed at the pre-petition conference.

### B. Application Contents.

1. *Applicant.* Any person or group having a proprietary interest in a property, within the subject area, may submit an application.
2. *Application contents.* Applications shall be made in writing on a form suitable to the Director of Planning and Development Services, or his/her designees, with the items identified below and accompanied by payment of the appropriate fee(s). Applications will not be deemed complete unless all relevant items are submitted along with the applicable fee(s).
  - a. *Petition.*
    - (1) *Initial petition for creation of ENO.* A petition shall be submitted that includes the dated signatures of at least sixty percent (60%) of the property owners within the proposed district boundary in support of the proposed district. Signatures must be dated within the six (6) months prior to submittal.
    - (2) *Subsequent petition for expansion of existing ENO.* A subsequent petition shall be submitted that includes the dated signatures of at least sixty percent (60%) of the property owners within the entire new proposed district boundary in support of the proposed new district boundary. Signatures must be dated within the six (6) months prior to submittal.

**EXHIBIT A TO ORDINANCE NO. \_\_\_\_\_; ZTA NO. 2020-06.**

Sections 4-102, 4-500, and 6-102 – Amendments related to Established Neighborhood Overlay (ENO) Districts  
P&Z Meeting Date: October 12, 2020 | City Council Meeting Date: November 2, 2020

- (3) *Subsequent petition for amendment or repeal of ENO.* A subsequent petition shall be submitted that includes the dated signatures of at least sixty percent (60%) of the property owners within the existing district boundary in support of the proposed new amendment(s) or in support of the repeal of the district. Signatures must be dated within the six (6) months prior to submittal.
- b. *Regulations.* A list of the proposed regulations shall be provided.
  - c. *Map.*
    - (1) The applicant shall provide a map showing the boundary lines of the proposed district.
    - (2) The proposed boundary must comply with the requirements of Section 4-502(B).
    - (3) The proposed district boundary lines should include logical edges of the area or subdivision as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.
    - (4) District boundary lines should include full blockfaces and should avoid split blockfaces.
  - d. *Other.* The Director of Planning and Development Services may request other information as deemed necessary.
  - e. *Fee.* The fee for administering the application. See Appendix D of Mesquite City Code for applicable fees.

**Cross reference** – The Comprehensive Fee Schedule, Mesquite City Code, Appendix D, [Section 12-117](#).

**C. Neighborhood Meeting.**

1. *Purpose.* A public neighborhood meeting shall be held whereby members of the public and the residents, of the proposed ENO district or of an existing ENO district, are given an opportunity to make comments and ask questions of City staff prior to City Council consideration of initial designation of a proposed ENO or expansion, amendment, or repeal of an existing ENO.
  
2. *Requirements.*
  - a. The neighborhood meeting must be held at least thirty (30) days prior to the first scheduled public hearing.
  
  - b. Members of the public, property owners, and residents, of the proposed ENO district or of an existing ENO district, shall be given an opportunity to submit written comments to the Department City Staff in lieu of, or in addition to, attendance or participation in any public neighborhood meeting. Such comments may be delivered via e-mail, regular US mail, hand-delivery, or by any other means identified in the Notice.
  
  - c. When the Governor of Texas has issued a State of Disaster applicable to the City of Mesquite, Dallas County and/or Kaufman County, or if the Mayor, or other authorized local officials, have issued a Local State of Disaster applicable to the City of Mesquite, or as otherwise authorized by law, the neighborhood meeting is authorized to be conducted utilizing remote or virtual access, or may be conducted utilizing any combination of in-person, telephone, and/or video conference options, so long as said options are not in conflict with law.
  
3. *Notice.*
  - a. Department City Staff shall notify all property owners of record, within the proposed district, by mail at least ten (10) days prior to the neighborhood meeting.
  
  - b. *Contents of the Notice.*
    - (1) Details of the neighborhood meeting such as date, time, and physical location (if applicable).
  
    - (2) Detailed participation instructions if remote or virtual options for participation are authorized.
  
    - (3) Detailed participation instructions for submitting written comments in lieu of, or in addition to, attendance or participation in any public neighborhood meeting.
  
    - (4) Location/link to City web-page containing additional information and details.

**D. Review and Recommendation by the Planning & Zoning Commission.**

1. *Schedule Public Hearing.* Upon receiving a complete application, the matter shall be scheduled by Department City Staff for a public hearing at the Planning & Zoning Commission. The meeting shall be scheduled for a day at least thirty (30) days after the Neighborhood Meeting.
  
2. *Notice and Publication.* The matter shall proceed in the same manner as a request for a map amendment and text amendment to the Zoning Ordinance.
  
3. *Recommendation.* The Planning & Zoning Commission shall consider the criteria for designation specified in the Zoning Ordinance and forward its recommendation onto City Council.

**E. Decision by the City Council.**

1. *Schedule Public Hearing.* Upon receiving a recommendation by the Planning & Zoning Commission, the matter shall be scheduled by staff for the next practicable City Council meeting for a public hearing.
2. *Notice.* The matter shall proceed in the same manner as a request for a map amendment and text amendment to the Zoning Ordinance.
3. *Decision.* In the event the City Council approves an ENO district the following shall occur:
  - a. *Map Amendment to the Zoning Ordinance.* A map amendment shall be made to the official Zoning Map of the City of Mesquite, Texas, as periodically amended, depicting the property being designated "ENO" for an Established Neighborhood Overlay district.
  - b. *Text Amendment to the Zoning Ordinance.* The Zoning Ordinance shall be updated to reflect any specific design standards and regulations for individual designated ENOs.

**F. Consideration of Subsequent Applications.**

1. *Prohibited for one year.* Within one (1) year of the date of denial by the City Council to designate an ENO, or denial of a expansion, amendment, or repeal of an ENO, a subsequent application for substantially the same request will not be reviewed or heard unless extenuating circumstances exist such that changed conditions or facts will substantially alter the criteria for review of the application as determined by the Director of Planning and Development Services.
2. *Submitting the subsequent application prior to the expiration of the one-year wait requirement.* Any subsequent application submitted prior to the expiration of the one (1) year wait requirement shall be processed in the same manner as all other original applications, including the requirement to pay all applicable fees associated with an application.
3. *Decision regarding resubmittal of a subsequent application for consideration.*
  - a. The Director of Planning and Development Services shall make a determination as to whether the subsequent application is appropriate for resubmittal to the City Council prior to the expiration of the one (1) year wait requirement.
  - b. If the Director finds that there are no new grounds for consideration of the subsequent application prior to the expiration of the one (1) year wait requirement, he/she will summarily, and without hearing, deny the request for consideration of the subsequent application.
4. *Appeal of Director's decision.* Any person aggrieved by the Director of Planning and Development Services decision to either deny or approve a subsequent application to be considered by the City Council prior to the expiration of the one (1) year wait requirement may appeal in accordance with [Section 5-210](#) (Appeals of Administrative Decisions to Board of Adjustment).

**G. Expansion, Amendment, or Repeal of Existing ENO.**

Once adopted, an existing ENO may be expanded, amended, or repealed utilizing the same application, petition, and hearing process set forth for the initial designation of the district, including the requirement to pay all applicable fees associated with an application.

## 4-404 – General Design Standards.

### A. In General.

An established neighborhood overlay (ENO) district shall utilize the required design standards and may utilize the optional design standards identified in this section. The design standards selected for each ENO shall reflect the existing conditions of the neighborhood.

### B. Required ENO Design Standards.

1. *In General.* The required design standards below shall be specified in each ENO ordinance as deemed compatible within the district boundary area. The design standards are only applicable to single-family structures.
2. *Required Design Standards.*
  - a. *Lot Size.*
  - b. *Setbacks.*
    - (1) Determined by the average setbacks of the existing primary structures on blockface, plus or minus ten percent (10%).
    - (2) Reserved.
  - c. *Building Height.*
    - (1) Determined by the average height of the existing primary structures on blockface, plus or minus ten percent (10%).
    - (2) Reserved.
  - d. *Façade Width.*

**C. Optional ENO Design Standards.**

1. *In General.* The optional design standards below may be specified in each ENO ordinance as desired and deemed compatible within the district boundary. For a design standard to be deemed compatible, at least fifty-one percent (51%) of the properties within the proposed district boundary must comply with the ENO design standard(s) at the time of adoption.
2. *Optional Design Standards.*
  - a. *Garage Access.*
    - (1) Front entry;
    - (2) Side entry; or
    - (3) Rear entry.
  - b. *Garage Location.*
    - (1) In front of the single-family structure;
    - (2) To the side of the single-family structure; or
    - (3) In the rear of the single-family structure.
  - c. *Garage Connection.*
    - (1) Attached to the single-family structure; or
    - (2) Detached from the single-family structure.
  - d. *Driveway Approach Width.*
    - (1) Determined by range of existing driveway approach widths on blockface (See *Definitions*).
    - (2) Reserved.
  - e. *Lot Coverage.*
  - f. *Accessory Structures.*
  - g. *Density.*
  - h. *Fences & Screening Walls.*
  - i. *Off-Street Parking.*
  - j. *Porch Features.*
  - k. *Driveway Surfacing.*
  - l. *Common Neighborhood Features.*
  - m. *Natural Features.*

**D. Conflicts.**

In the event that there is a conflict between the text of this section and the text of an designated ENO ordinance, the text of the specific designated ENO ordinance controls.

**4-505 – 4-519 – Reserved.**

**4-520 – Listing of Designated Established Neighborhood Overlays (ENOs).**

All City Council approved and designated established neighborhood overlay districts (ENOs) shall be identified and listed in this section.

1. *Reserved.*

**4-521 – 4-550 – Reserved.**

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## PART 6. - DEFINITIONS

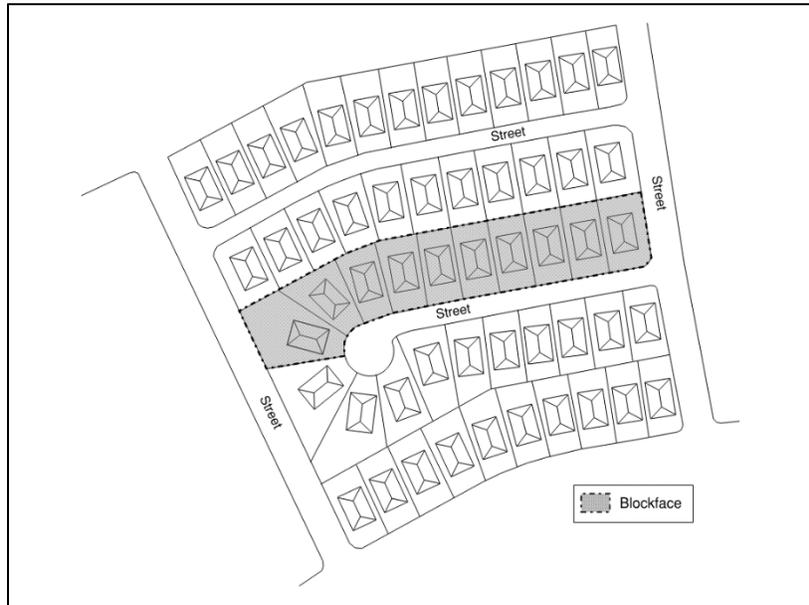
### 6-100 - DEFINITIONS AND INTERPRETATION OF TERMS

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#### 6-102 - Definitions.

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*Blockface*: The portion of a block or tract of land facing the same side of a single street and lying between the two nearest intersecting streets. If a street dead-ends or ends in a cul-de-sac, the terminus of the dead-end street or cul-de-sac will be treated as an intersecting street.



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**APPENDIX D**  
**COMPREHENSIVE FEE SCHEDULE**

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**ARTICLE XII. PLANNING AND DEVELOPMENT SERVICES**

\* \* \*

**Sec. 12-117. Planning and zoning fees.**

Annexation petition .....\$2,000.00

Change of zoning:

Change of zoning .....\$1,000.00

    Additional per acre fee above one (1) acre .....\$15.00

Change of zoning \_planned development (PD).....\$1,250.00

    Additional per acre fee above one (1) acre .....\$15.00

Mesquite Landmark (ML).....\$150.00

Historic Preservation Overlay District (H-POD) .....\$200.00

Additional per lot fee above one hundred (100) lots .....\$1.00

Established Neighborhood Overlay District (ENO) .....\$200.00

Additional per lot fee above one hundred (100) lots .....\$1.00

Conditional use permit ("CUP") .....\$1,000.00

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