

**MESQUITE**

T E X A S

Real. Texas. Service.

# Planning and Zoning Commission Meeting

**October 12, 2020**

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**Please be seated, the regular meeting will begin  
no earlier than 7:00 pm.**

# COMMISSION BUSINESS

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1. Roll Call
2. Instructions – City staff shall give verbal instructions for participation in the meeting

# PUBLIC COMMENTS

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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

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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

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## 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.

# AERIAL MAP

- Generally located north of E. US Highway 80 and east of Bahamas Drive.
- Subject property includes approximately 2.66 acres of land.
- Platting: Town East Estates, Tract 3.5

## Aerial Map



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

**Applicant:** Ghader Mirak

**Location:** 3935 E US Highway 80

**Legend**

 Subject Property

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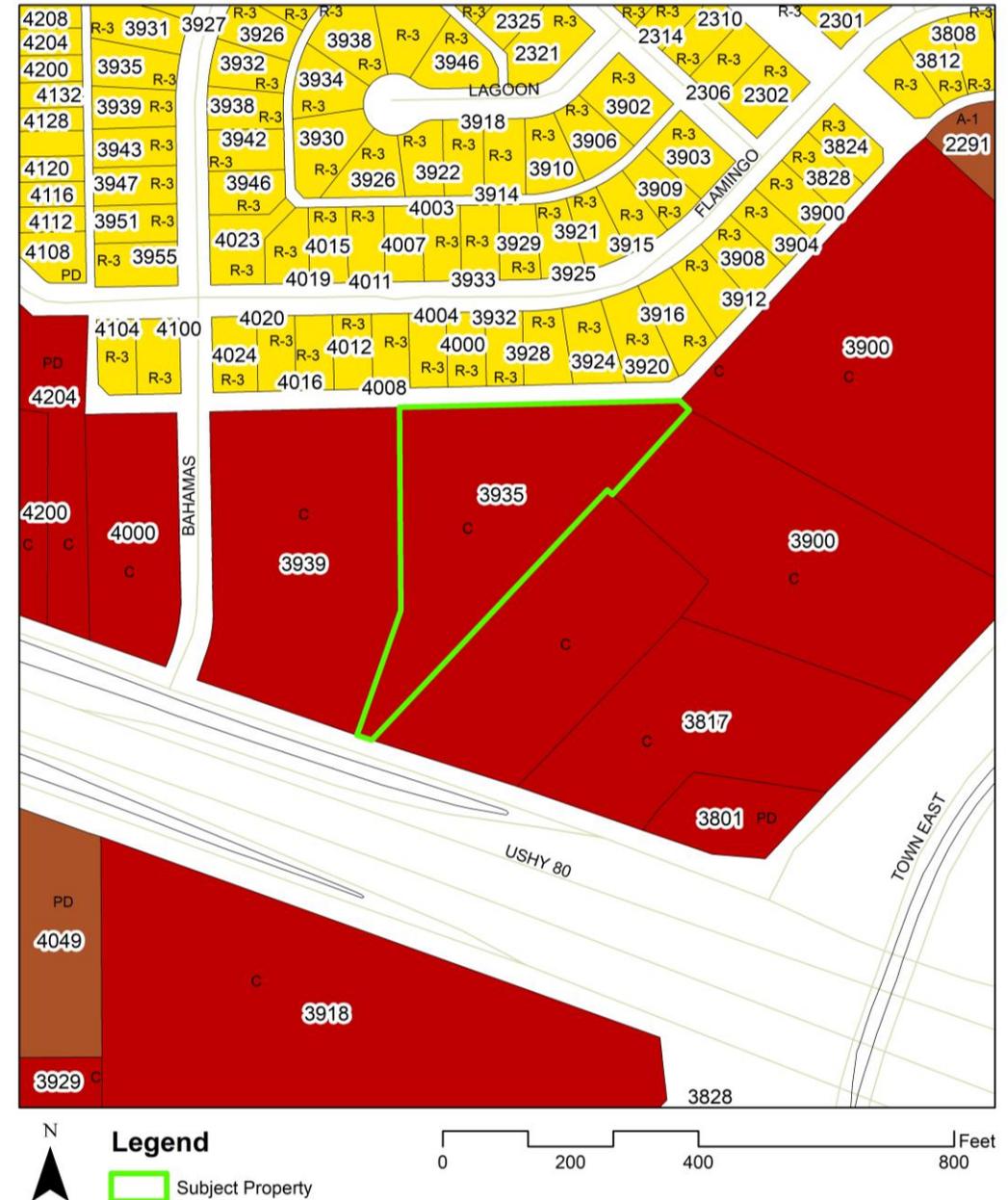
 Miles  
0 0.01 0.02 0.04

# ZONING MAP

- Subject property is Zoned C - Commercial
- Rezoned to C in 1960 (Ord. 318)

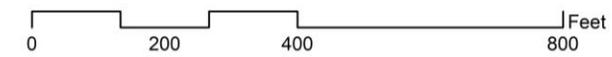
Surrounding Zoning and Land Uses (See Attachment 3):		
	ZONING	EXISTING LAND USE
NORTH:	R-3, Single Family Residential	Single Family Residences
SOUTH:	C, Commercial with Skyline Logistics Hub Overlay & CUP (Ord. No. 1482)	US Highway 80 & Warehouse/Distribution
EAST:	C, Commercial	Hotel (Budget Inn) & Vacant Property
WEST:	C, Commercial	Office Building

## Zoning Map



**Legend**

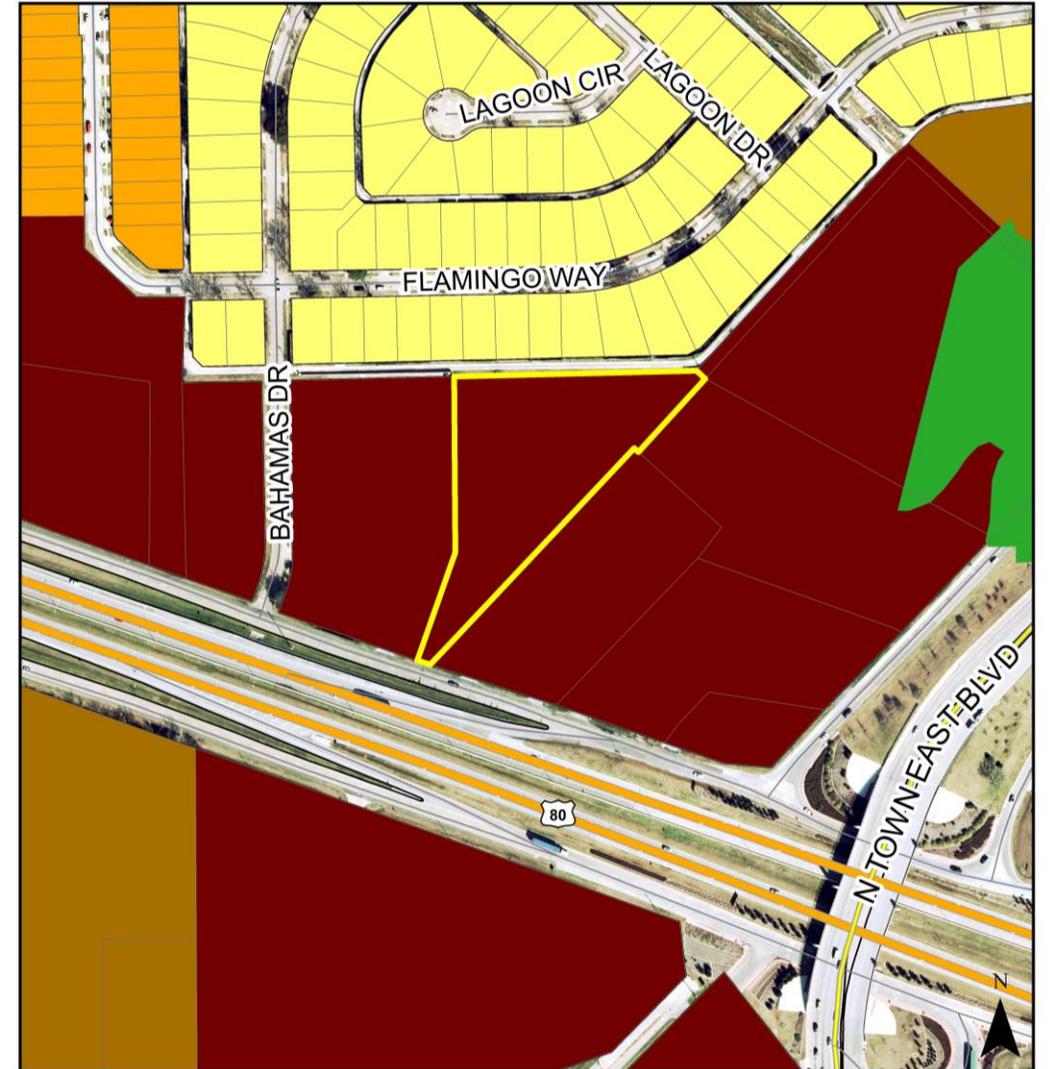
■ Subject Property



# COMPREHENSIVE PLAN

- Commercial
  - Represents board range of goods and services for a community or region. Developments are larger and more intense than neighborhood Retail.
- Corridor Development
  - Represents commercial development located along a major corridor, This development should cater to highway traffic and have enhanced aesthetics, like landscaping.
- Land uses include retail, hotels, restaurants, big box retailers, personal services, & entertainment.

## Future Land Use Map



# MAJOR RECEPTION FACILITY

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- The Mesquite Zoning Ordinance (MZO) requires a CUP for major reception facilities (SIC 791.b) 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.

# SECTION 3-508

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- Hours of operation.
  - Unless authorized by a conditional use permit, hours of operation for a major or minor reception facility shall be limited to 8:00 a.m. to 10:00 p.m. Monday through Thursday and 8:00 a.m. to midnight Friday through Sunday.
- Security.
  - The major or minor reception facility shall provide security at every event where alcoholic beverages are provided or consumed or where a D.J. or live music is provided for age groups 13-21. Security shall be provided by a qualified person(s) authorized to provide private security pursuant to Chapter 1702 of the Texas Occupations Code or by a licensed peace officer. A minimum of one (1) security officer is required for up to twenty-five (25) individuals in attendance. One additional security officer shall be required for every additional one hundred (100) individuals in attendance, or fraction thereof, for said event where:
    - a. alcoholic beverages are provided or consumed; or
    - b. where a D.J. or live music is provided for age groups 13-21.

# SECTION 3-508

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- Outside activities.
  - Outside activities, if any, shall be confined within a legally fenced-in area with a solid fence or wall at least six feet in height and in compliance with Chapter 5, Article V of the Mesquite City Code. All activities conducted within or outside the major or minor reception facility shall conform to the hours of operation in this section and comply with the noise restrictions of Mesquite City Code Section 10- 66, et seq.
- Premises condition.
  - The owner or operator of the major or minor reception facility shall clean, or have cleaned, the premises of all litter, debris or rubbish immediately following an event. In addition to other applicable codes and ordinances of the City, the premises shall be maintained in compliance with the International Property Maintenance Code and operated to conform to maximum occupancy load limitations at all times.
- Owner representative.
  - For all events at a major or minor reception facility, the owner or the owner's agent shall be present at the facility for the duration of the event.

# SECTION 3-508

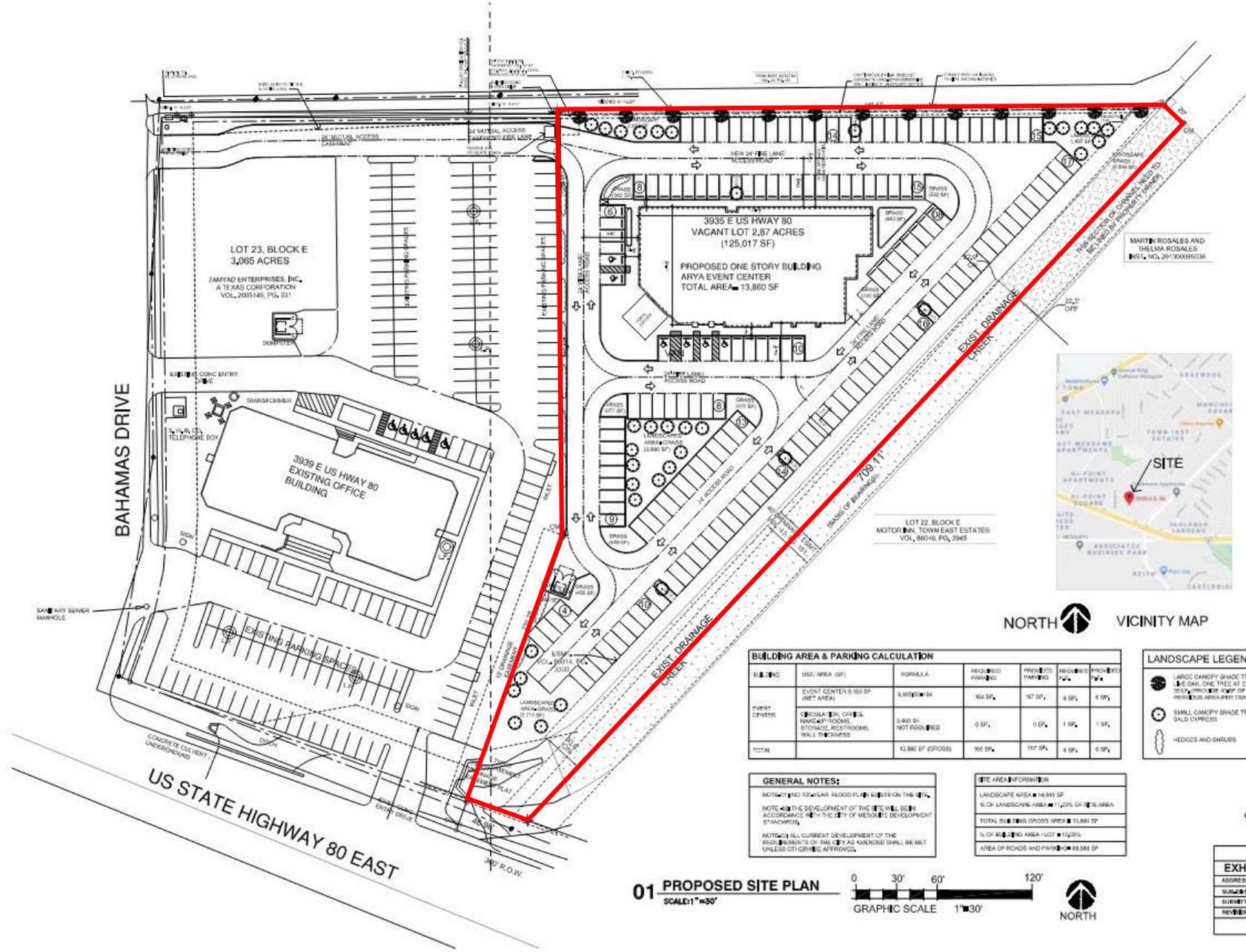
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- Compliance with applicable laws and additional provisions.
  - Alcoholic beverages may not be sold on the premises without strict compliance with the Texas Alcoholic Beverage Code and the use regulations of the Mesquite Zoning Ordinance. A person or a person affiliated, related, associated with or acting in concert with the person, serving alcohol may not use the major or minor reception facility more than twice per month. The definition of the term “person” provided in Section 1-2, “Rules of Construction,” of this code, applies. “Affiliate” means any entity owned or controlled, wholly or in part, by a person.

# SECTION 3-508

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- Surveillance Cameras.
  - The operator of the major or minor reception facility shall provide, maintain, and operate color digital high-resolution surveillance cameras at all entrances, exits, and parking areas in compliance with the following:
    - a. The cameras shall have a minimum of 1080 lines of resolution.
    - b. The entrance and exit area camera(s) shall be placed to provide a clear and identifiable full frame of the filmed individual's face entering and leaving the facility.
    - c. All cameras shall accurately display the correct date and time of the recording.
    - d. The cameras shall be functional, activated, and provide views, unobstructed by matter, 24-hours a day, including hours when the reception facility is not open for business.
    - e. The operator shall maintain on a digital storage device a library of the recorded digital images for not less than 10-days.
    - f. Any passwords, user identification, or other information necessary to access the digital storage device to recover recorded digital images shall be maintained and accessible at the location of the reception facility.
    - g. The reception facility shall have posted at all public exits and entrances signs or decals indicating the surveillance cameras are in use.





**ARCHITECT :**  
**ADB Inc.**  
 Architects  
 Planning  
 Design

ARIES DESIGN BUILD Inc.  
 PHOENIX (480) 824-5630  
 Email: gmk@ariestbd.com

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**INCOMPLETE CONSTRUCTION DOCUMENTS**

THIS DOCUMENT IS INCOMPLETE AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION.

SHADER AFSHAR, ARCHITECT, TEXAS LICENSE # 16618



NORTH  VICINITY MAP

BUILDING AREA & PARKING CALCULATION						
USE	AREA (SF)	FORMULA	REQUIRED PARKING	PROVIDED PARKING	REQUIRED PAVEMENT	PROVIDED PAVEMENT
CLIENT CENTER	8,165 SF (NET AREA)	1 SP/100 SF	82 SP	8 SP	8 SP	8 SP
RECEPTION CENTER	3,485 SF (NET AREA)	1 SP/100 SF	35 SP	0 SP	1 SP	1 SP
TOTAL	11,650 SF (GROSS)		117 SP	8 SP	9 SP	9 SP

LANDSCAPE LEGEND	
	LARGE CANOPY SHADE TREE (1.0 OAK, ONE TREE AT EVERY 500 SF OF PAVED AREA PER TREE)
	SMALL CANOPY SHADE TREE (SALD CYPRESS)
	HEDGES AND SHRUBS

**GENERAL NOTES:**

NOTE: ALL DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN UNLESS OTHERWISE NOTED.

NOTE: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MESQUITE DEVELOPMENT STANDARDS.

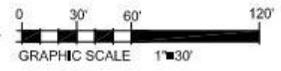
NOTE: ALL CURRENT DEVELOPMENT OF THE SITE SHALL BE MAINTAINED UNLESS OTHERWISE APPROVED.

SITE AREA INFORMATION	
LANDSCAPE AREA	14,814 SF
% OF LANDSCAPE AREA	11.25% OF TOTAL AREA
TOTAL BUILDING GROSS AREA	11,650 SF
% OF TOTAL GROSS AREA	10.0%
AREA OF ROADS AND PARKING	89,568 SF

OWNER / APPLICANT: M/M, M/OE HAJIB  
 3939 US HIGHWAY 80, MESQUITE, TEXAS, 75150  
 4697744925

ARYA EVENT CENTER	
<b>EXHIBIT #B ZONING CONCEPT PLAN</b>	
ADDRESS: 3935 US HIGHWAY 80 EAST, MESQUITE, TEXAS, 75150	
SUBMITTER: TOWN EAST ESTATES	PROPOSED ZONING: CLP
SUBMIT DATE: 05/20/20	CURRENT ZONING: LC
REVISION DATE: 10/15/20	

**01 PROPOSED SITE PLAN**  
 SCALE: 1"=30'



# Parking:

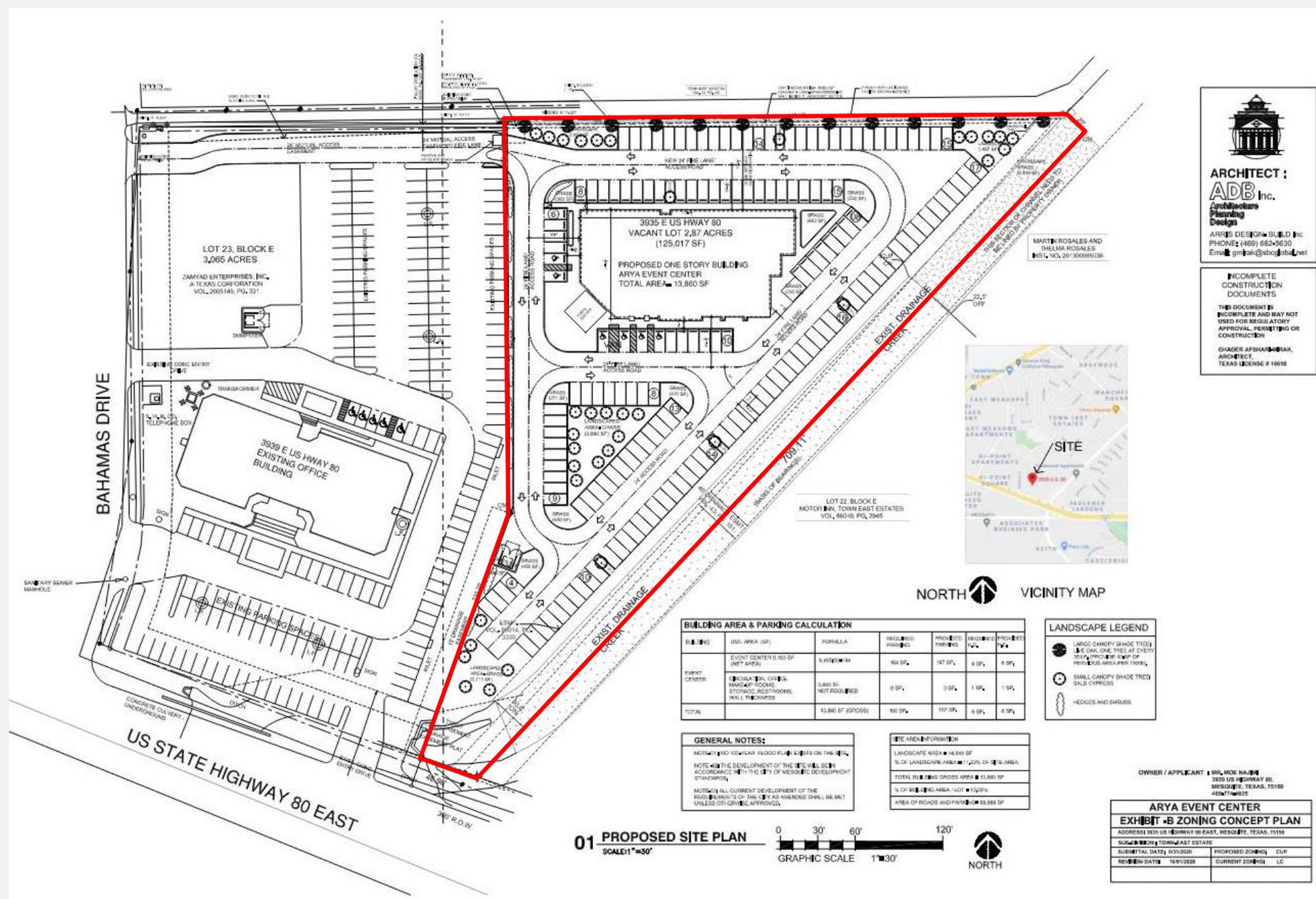
Parking Standards are proposed to be met, including 1 space per 50 feet of assembly area.

Proposed Parking:

- 161 Parking Spaces
- 7 Handicap Accessible

# Screening:

8 Foot long-span, precast concrete decorative screening wall & buffer tree line along north property line.



# REVIEW CRITERIA FOR CONDITIONAL USE PERMIT

**Existing Uses** The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

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**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.

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

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**Parking** Adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

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**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 disturbance to neighboring properties will result.

# REVIEW CRITERIA FOR CONDITIONAL USE PERMIT

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# CUP REVIEW CRITERIA

- Existing Uses:
  - The proposed major reception facility is within close proximity to an existing single-family subdivision. Staff is concerned that the request may negatively affect residents in the area.
- Services:
  - The subject property cannot be accessed from the E. US Hwy 80 Frontage Rd due to TXDOT improvements, therefore all traffic will be directed along a cross access easement along the north property lines of 3939 & 3935 E. US Hwy 80.
- Performance Standards:
  - Staff anticipates noise and traffic disturbances to neighboring residence due to close proximity.



# SITE PHOTOS



Street View of Subject Property from US Hwy 80

# SITE PHOTOS



Street View of Subject Property from Bahamas Dr.

# NOTIFICATION MAP

Written Responses to  
Owner Notices

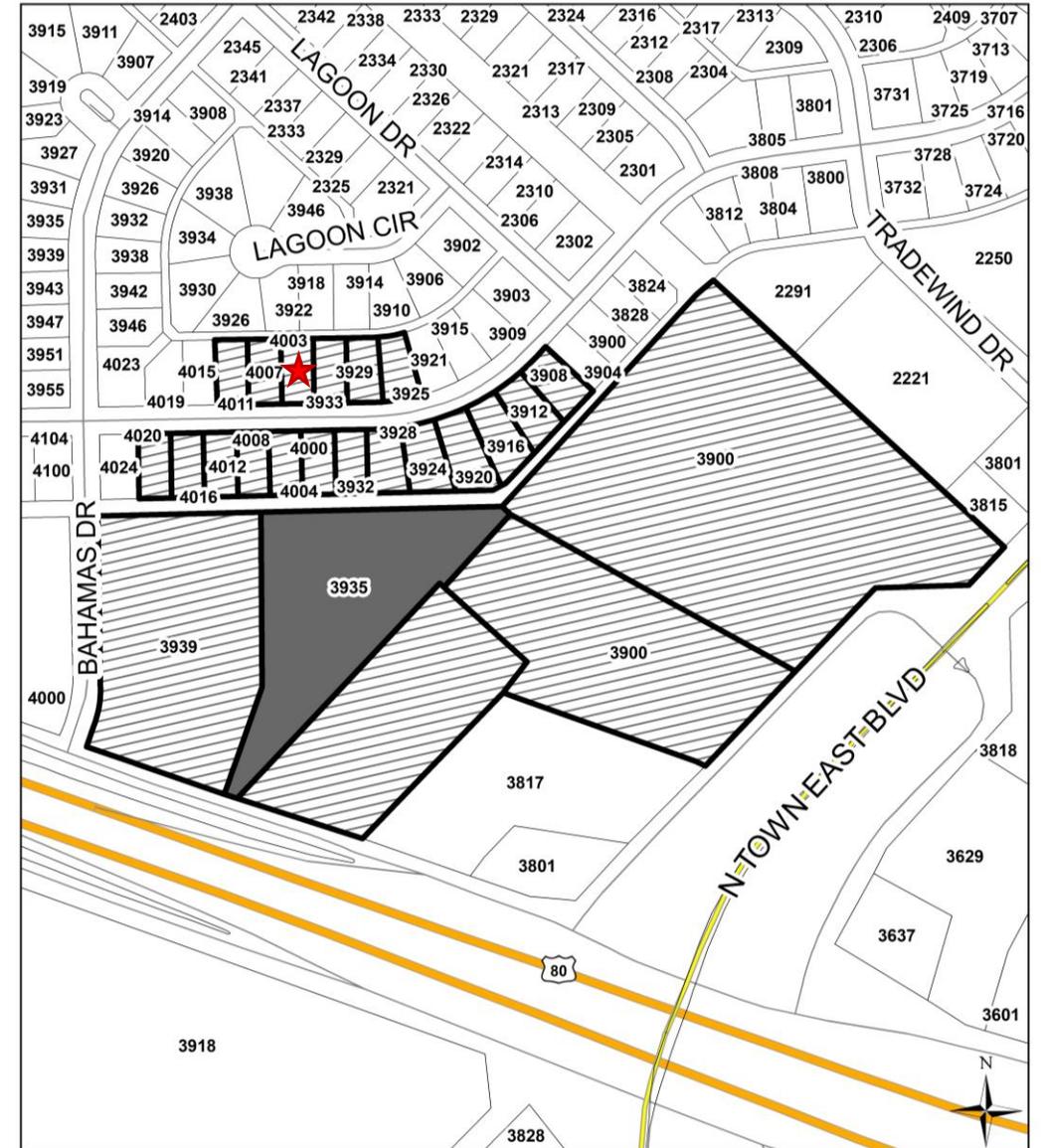
Total: 1

In Favor: 0 ★

In Opposition: 1 ★

Z0920-0148

## Notification Map



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

**Applicant:** Ghader Mirak

**Location:** 3935 E US Highway 80

### Legend

-  Notified Properties
-  Subject Property

# RECOMMENDATION

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 HEARINGS

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## 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.

# ESTABLISHED NEIGHBORHOOD OVERLAY PURPOSE

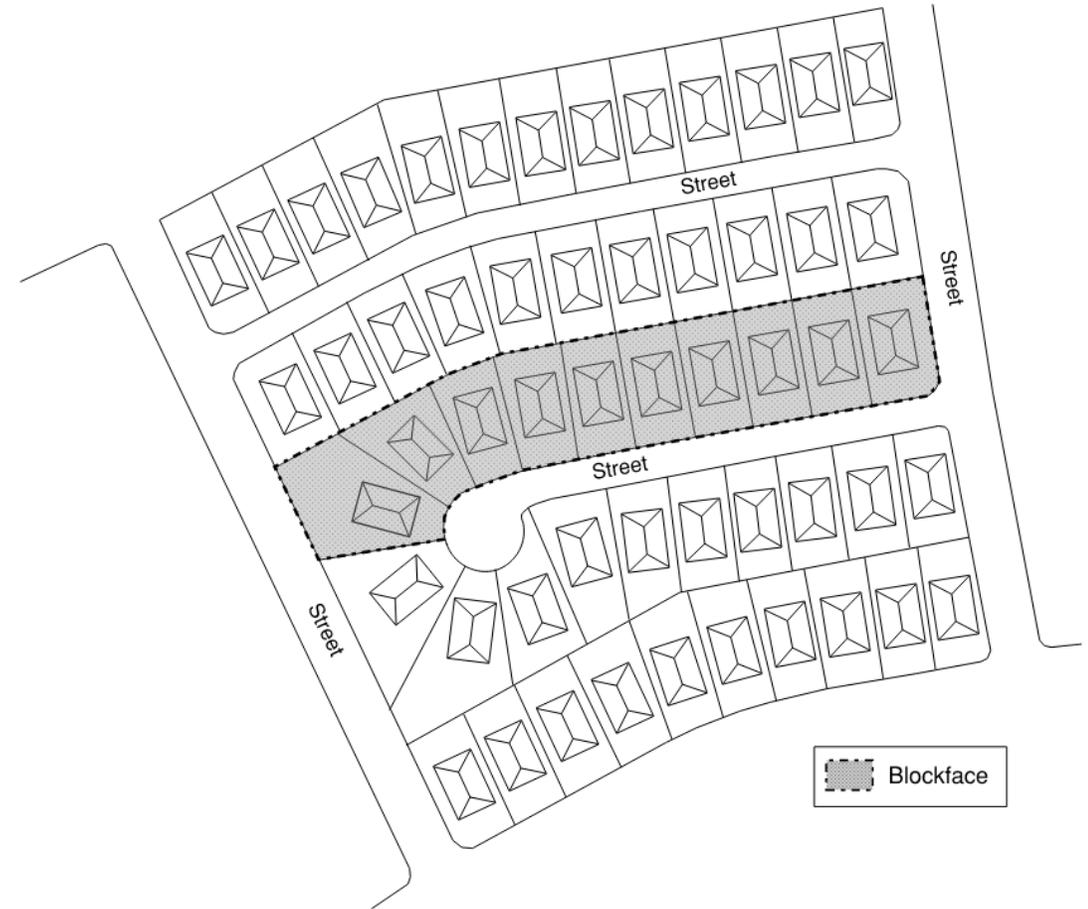
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The purpose of the Established Neighborhood Overlay (ENO) zoning district is to provide additional requirements to single-family neighborhoods to prevent infill development that may be detrimental to the character and stability of an area. An ENO will 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.

# SECTION 6-102: DEFINITIONS

- *Blockface*

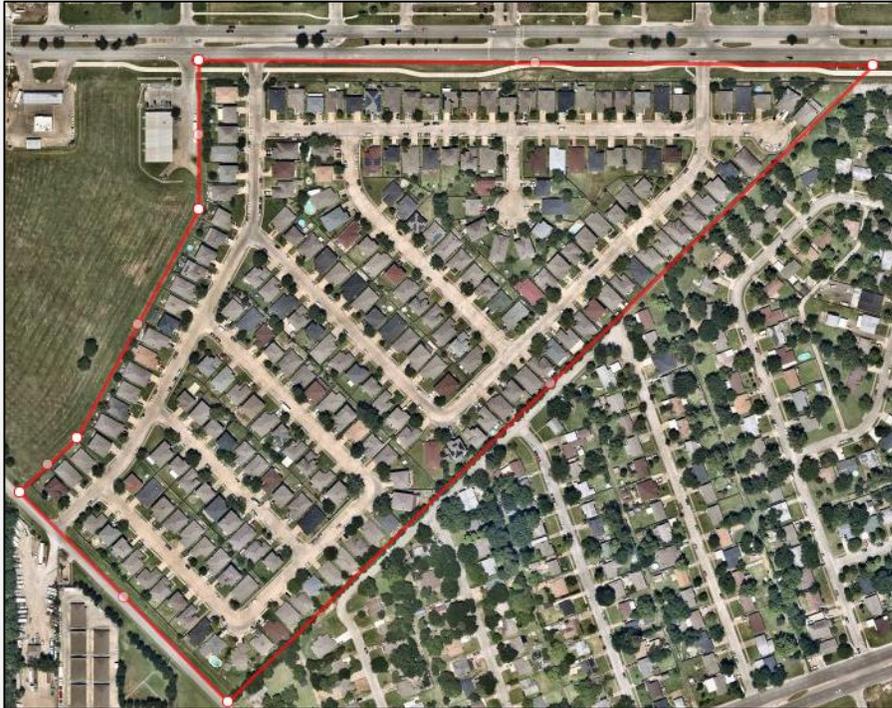
The portion of a block or tract of land facing the same side of a single street and lying between the two nearest intersecting streets. If a street dead-ends or ends in a cul-de-sac, the terminus of the dead-end street or cul-de-sac will be treated as an intersecting street.



# ENO DISTRICT BOUNDARY LINES

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PROPER BOUNDARY



SPLIT BLOCK BOUNDARY



# DIRECTOR'S REPORT

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7. 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.]