



T E X A S
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PLANNING AND ZONING DIVISION

FILE NUMBER: Z0324-0355
REQUEST FOR: Conditional Use Permit
CASE MANAGER: Garrett Langford, Manager of Planning and Zoning

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, April 8, 2024
City Council: Monday, May 6, 2024

GENERAL INFORMATION

Applicant: Sharing Life
Requested Action: A Conditional Use Permit within the TERRA Overlay District to allow outdoor storage and modify the outdoor storage screening requirements by allowing a metal fence.
Location: 3795 W. Emporium Circle

PLANNING AND ZONING ACTION

Decision: On April 8, 2024, the Planning and Zoning Commission voted 6-0 to approve the Conditional Use Permit to allow outdoor storage with metal screening as shown on the Concept Plan (Attachment 7). Video of the Commission meeting is available [online](#) (item 6).

SITE BACKGROUND

Platting: Emporium, Block B, Lot 14
Size: 2.1839 acres
Zoning: C, Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District
Future Land Use: Town East Special Planning Area
Zoning History: 1951: Annexed into City, Zoned Residential
1967: Rezoned to Multi-Family
1984: Rezoned to Commercial
1996: Rezoned to Commercial and TERRA Overlay

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	C - Commercial	Indoor Entertainment Use
SOUTH:	C - Commercial	Restaurants
EAST:	C - Commercial	Retail Uses
WEST:	LC - Light Commercial	Restaurants

CASE SUMMARY

Sharing Life is requesting a Conditional Use Permit (CUP) to allow outdoor storage and modify the outdoor storage screening requirements by allowing a metal fence at their new location at 3795 W. Emporium Circle (Property). Sharing Life will use the outdoor storage area on the south side of their building to “accommodate short term storage of pallets used in daily operation inside of the facility.” A full description of the applicant’s request is shown in Attachment 6. The outdoor storage area, which is approximately 500 square feet, is screened by a solid metal fence, as shown in Attachment 5. The location of the outdoor storage area is shown on the site plan in Attachment 7.

Accessory outdoor storage is normally allowed by right in Commercial zoning; however, the Property is located within the TERRA Overlay district, which does not permit accessory or primary outdoor storage without a CUP. The Mesquite Zoning Ordinance (MZO) defines accessory outdoor storage as outdoor storage that takes up no more than 50% of the lot. Outdoor storage that takes up more than 50% of a lot is considered primary outdoor storage. In addition to the request to allow accessory outdoor storage, the applicant is requesting that it be screened with metal panels. The MZO requires outdoor storage to be screened from a public street, either with a solid wood fence or a masonry wall between 6 and 8 feet tall. The applicant’s contractor installed the 8-ft tall metal panel fence prior to obtaining the permit. The review of the fence permit resulted in a determination that a CUP would be required.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the subject property within the Town East Special Planning Area on the Future Land Use Map (see attachment 4). The vision of the Town East Special Planning Area is to be a thriving regional retail and entertainment area that meets the changing needs and desires of the community. Town East Mall shall continue to serve as an anchor with complementary retail, offices, and hotels in the surrounding area.

STAFF COMMENTS:

The CUP's allowing a social services organization to have a small accessory outdoor storage area with limited visibility from Emporium Circle is not detrimental to the *Mesquite Comprehensive Plan's* vision for the Town East Special Planning Area.

MESQUITE ZONING ORDINANCE

SECTION 5-503: REVIEW CRITERIA FOR CONDITIONAL USE PERMITS

1. Existing uses

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

STAFF COMMENTS:

The proposed outdoor storage area that will have limited visibility will not be injurious to the property or surrounding 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 normal and orderly development and improvement of any nearby vacant property.

3. Services

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

STAFF COMMENTS:

Existing utilities, access roads and drainage facilities to the site are currently available.

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 parking lot contains sufficient spaces to accommodate Sharing Life's operation. The removal of a few spaces for the outdoor area does not result in a non-conformity.

5. Performance Standards

Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.

STAFF COMMENTS:

Staff anticipates no disturbances to neighboring businesses as a result of the proposed use.

CONCLUSIONS

ANALYSIS

Outdoor storage within the TERRA Overlay requires a CUP to ensure that it does not affect the area's quality entertainment and retail uses within the overlay. It is staff's opinion that the proposed CUP to allow for a small outdoor storage area with limited visibility would not be detrimental to the surrounding area. The outdoor storage area is located on the south side of the building and is more than 350 feet from the Emporium Circle right-of-way.

MZO requires a solid wood fence or masonry wall. The applicant stated that the r-panel metal fence was used as it does not take up as much room as a masonry wall and would not interfere with the fire lane. The material is the same material used for the gate on the dumpster enclosure, and it is painted to match the building. Given the limited visibility of the outdoor storage area, staff believes that the material is appropriate in this circumstance.

RECOMMENDATIONS

Staff recommends approval of the CUP to allow accessory storage screened by a metal fence.

PUBLIC NOTICE

Notices were mailed to property owners within 200 feet of the property and courtesy notices were mailed within 400 feet of the property. As of April 4, 2024, Staff has received no responses.

CODE CHECK

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

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Pictures
6. Letter of Intent
7. Site Plan

Notification Map



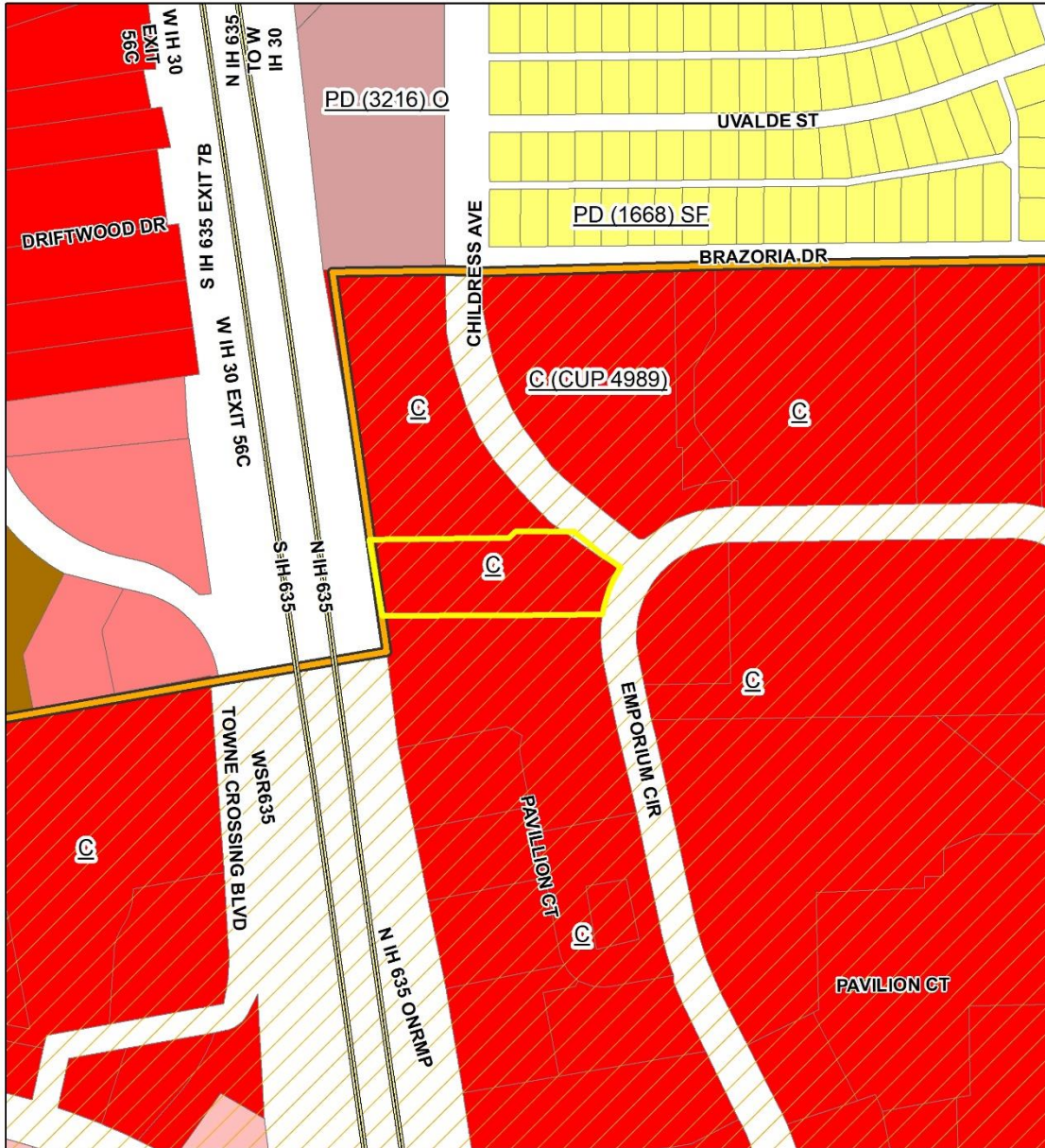
Request: Conditional Use Permit to allow outdoor storage with modified screening (metal fence).
Applicant: Sharing Life
Location: 3795 W. Emporium Circle

Legend

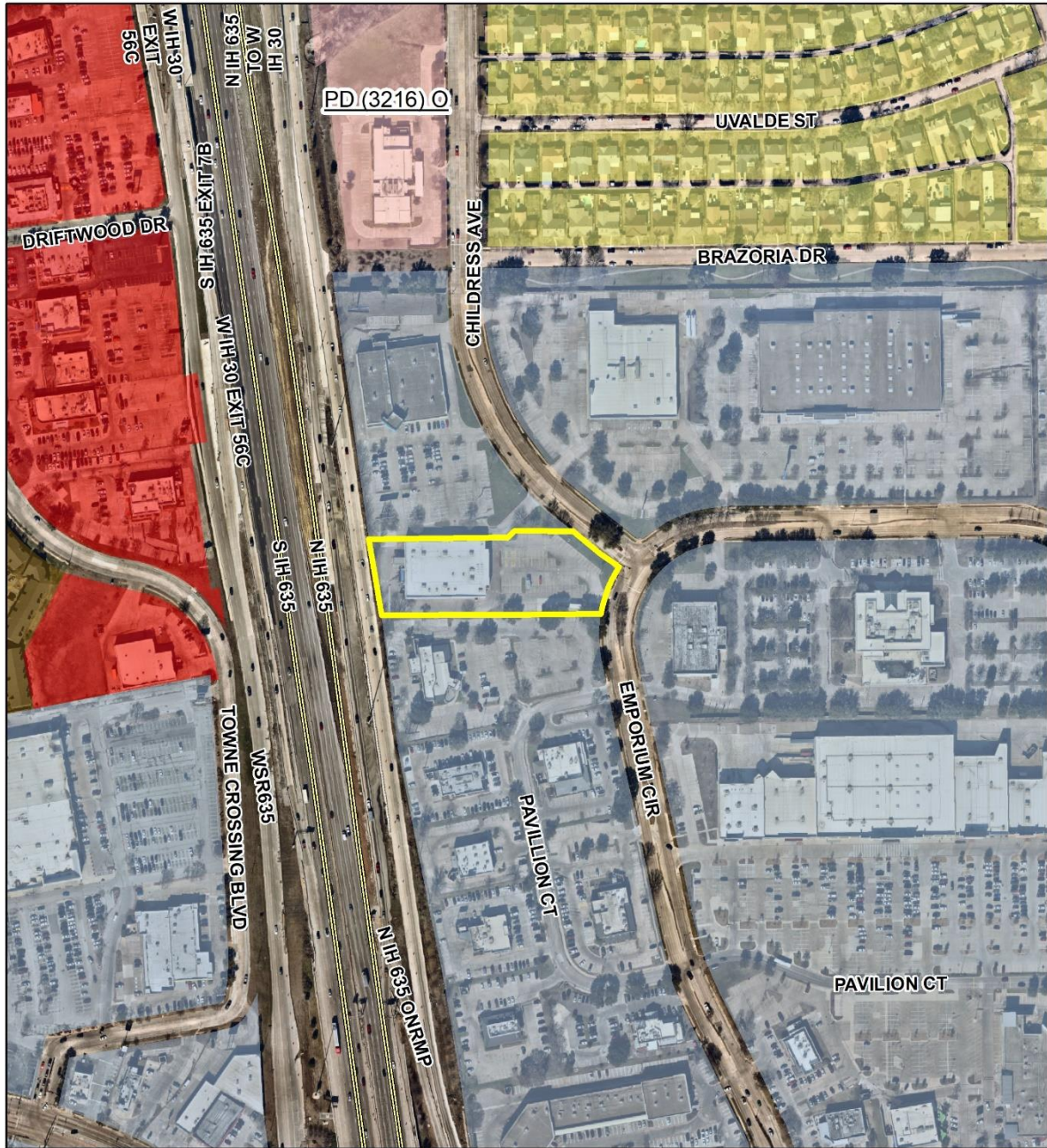
- Area of Request
- Notified Properties
- Courtesy Notices



Zoning Map



Future Land Use Map





View of the Property from W. Emporium Circle



View of the outdoor storage area with metal fence



View of the outdoor storage area with the metal fence.

Conditional Use Permit Letter of Intent

3795 W. Emporium Circle

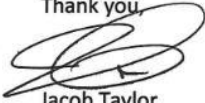
To whom it may concern,

Sharing Life Community Outreach is requesting a Conditional Use Permit to allow outdoor storage with a modification to allow the screening enclosure to be composed of metal panels. This enclosure will be 8' tall on welded posts and comprise 61 linear feet on the southwest corner of the site.

In November 2022, Sharing Life was tasked with creating a 12-month relocation strategy from their former location at 3544 E. Emporium Circle. Given the short timeline and difficulty in relocation such a large operation, purchasing the property at 3795 W. Emporium allowed for both an expedient remodel and for operations to remain in the same area, minimizing the negative impact to those in our community being served by Sharing Life. The former Office Depot, however, does not have adequate square footage to accommodate short term storage of pallets used in daily operation inside the facility.

Due to the width of the property, the material modification request is necessary. Using masonry, as opposed to the lower profile metal panels, would not allow adequate width in the storage area without encroaching into the fire lane. The panels will be painted light gray to match other building trim, such as exterior doors and awnings. These panels are also similar in construction to the dumpster enclosure gate material it will face at 3811 Pavillion Court. The area will be used exclusively to store 40"x48" wood pallets that are moved off-site on a weekly basis and will not exceed the 8' panel height.

Thank you,

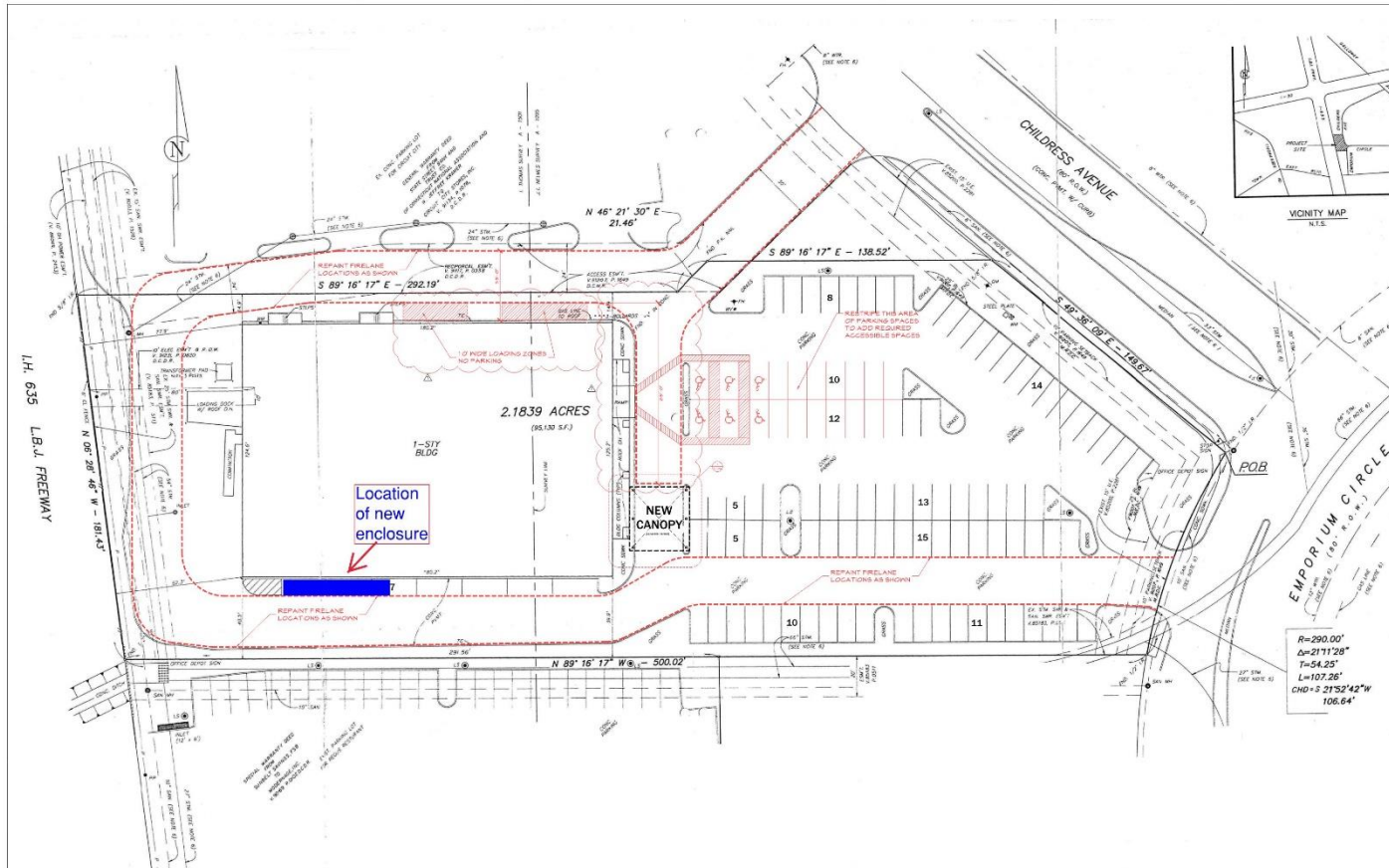


Jacob Taylor

Director of Operations



3795 W. Emporium Cir * 972-285-5819 * www.sharing.life



DATE: 01/01/2023
 DESIGN: RANDY KOPPLIN ARCHITECT
 PLAN LINES & LOCATIONS (LACED) 1/11/23

SHARING LIFE
 3795 EMPORIUM CIRCLE
 MESQUITE, TEXAS



SITE PLAN

ISSUED FOR CONSTRUCTION

A1.01

Parking Requirements		
Use	Area	Required
M-Mercantile - 1/1000 SF	5,276	6
S-1 Warehouse - 1/1000 SF	17,224	18
B-Business - 1/300 SF	7,908	27
E-Classroom - 1/110 SF	480	48
Total Required		99
Total Provided		110
Accessible Required		5
Accessible Provided		6

1 SITE PLAN
 Scale: 1" = 20'-0"