



PLANNING AND ZONING CASE SUMMARY

BACKGROUND

APPLICANT: Patrick Roffino, Roffino Construction

REQUESTED ACTION: Amend the current Office-Planned Development (O-PD); Ordinance No. 2042, to allow for additional uses, including beauty salons, computer repair stores, retail (clothing, cell phones and eye glasses); and to allow the owner/tenant of a suite to live in a portion of the suite as a live/work unit.

LOCATION: 5115 N. Galloway Ave., Suites 202, 204, 301, 302 and 303

CASE NUMBER: Z0518-0034

STAFF COMMENTS AND ANALYSIS

The subject property was rezoned from “R-3” Single Family Residential to “O-PD” Office-Planned Development in 1984 to accommodate professional, management, research and other similar office uses. The property is developed with 2 multi-tenant buildings, with each tenant space (suite) owned separately in fee simple. The applicant is proposing an amendment to Ordinance No. 2042 in order to add additional uses as permitted uses, including beauty salons, computer repair stores, retail (clothing, cell phones and eye glasses) and live/work units. The proposed amendment will affect Suites 202, 204, 301, 302 and 303 only. Initially the applicant was also proposing that restaurants be permitted by right. However, due to the parking demands associated with a restaurant, Staff was unable to recommend approval of a restaurant at the site, and the Planning and Zoning Commission concurred. There are currently 49 existing, striped parking spaces on site. There is a paved area near the entrance onto Club Estates Place which could accommodate an additional 11 parking spaces as indicated on the site plan, and an opportunity for an additional 3 parking spaces in a grassy area near the south side of the property; for a total of 63 parking spaces. The site plan illustrated 79 parking spaces, when the Planned Development was originally approved in 1984. However, due to a taking by TxDot for the widening of IH-635, several parking spaces along Galloway Ave. no longer exist.

At the Planning and Zoning Commission meeting, discussion ensued regarding the definition of a live/work unit as, the Mesquite Zoning Ordinance does not provide a definition. Concerns were raised about renting dwellings when not associated with a business occupying a suite.



The Planning and Zoning Commission recommended that prior to the City Council meeting, Staff provide a definition of a “live/work” unit and that the definition is included within the proposed amendment.

Staff received a total of 7 returned notices from property owners within 200 feet of the site; 5 notices in favor of the request and 2 notices in opposition to the request. The 2 notices returned in opposition to the request are from a single property owner who owns 2 lots within 200 feet of the site. The returned notices in opposition raised concerns about maintenance of the property as the reason for the opposition.

RECOMMENDATION

At the July 23, 2018 meeting, the Planning and Zoning Commission voted unanimously (4-0) to recommend approval of the following uses and the following conditions:

1. In addition to uses permitted in the Office zoning district, the following uses shall be permitted.
 - a. Retail to include stores that provide clothing, cell phone and eyeglass sales only
 - b. Computer repair
 - c. Beauty salon
 - d. Live/work unit: Units shall be retrofitted to meet the requirements of a dwelling unit including living, sleeping, kitchen and bathroom facilities.
2. Site Plan review by the Development Review Committee for the parking lot expansion is required prior to the issuance of a Certificate of Occupancy (CO) for a new use, approved as part of the amendment.
3. All parking must be in place prior to the issuance of a CO for a new use approved as part of the amendment.
4. A live/work unit is defined as:
 - A single commercial unit consisting of a commercial and residential component.
 - The commercial and residential space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
 - The unit is intended to function predominately as work space with incidental residential accommodations that meet basic habitability requirements including living, kitchen and bathroom facilities.
 - The live/work unit shall be required to provide parking based on each specific use, in accordance with the Mesquite Zoning Ordinance.
 - The commercial function may be located anywhere in the unit, provided that there is internal access between the residential and commercial space.
 - A floor plan is required at the time of site plan review. The commercial and residential component as designated on the floor plan and approved as part of the site plan shall remain commercial or residential and cannot be converted unless a new site plan is approved.