

FILE NUMBER: Z0719-0101
REQUEST FOR: Conditional Use Permit for the sale of used merchandise
CASE MANAGER: Lesley Frohberg

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, August 26, 2019
City Council: Monday, September 16, 2019

GENERAL INFORMATION

Applicant: Christopher Salazar
Requested Action: Conditional Use Permit to allow the sale of used merchandise per Section 3-202.E of the Mesquite Zoning Ordinance.
Location: 1830 Range Drive, Suite 115

PLANNING AND ZONING ACTION

Decision: The Planning and Zoning Commission recommends approval of the request for a Conditional Use Permit to allow the sale of used appliances at 1830 Range Drive with conditions 1-6:

Conditions:

1. There shall be no outdoor display or storage permitted on the premises.
2. Deliveries of merchandise, inventory or appliances shall not be delivered or dropped off to the store outside of regular business hours.
3. Deliveries or drop off of merchandise, inventory or appliances must be located in the rear of the business.
4. Delivery or drop off merchandise, inventory or appliances shall be prohibited unless an employee is present to receive delivery.
5. Disposal of merchandise at the rear of the property or in the Range Plaza refuse containers is prohibited.
6. If approved and because the use is consistent with current uses in the area and on adjoining property but anticipated future changes in the area would cause the requested use to become incompatible after a period of time, this CUP will expire three years from the date of issuance of the certificate of occupancy. The user may apply for a new CUP upon expiration, subject to the procedural requirements of a zoning change.

SITE BACKGROUND

Platting: Belt Line Range, Block B, Lot 3
Size: 1.72 Acres
Zoning: C - Commercial
Land Use: Commercial
Zoning History: 1951: Annexed into City of Mesquite
1955: Zoning Ordinance established R, Single Family Zoning
1973: Rezoned from R-3, Single Family District to C, Commercial

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>LAND USE</u>
NORTH:	C - Commercial	Arby's Restaurant
SOUTH:	C - Commercial	Vacant
EAST:	C - Commercial	Wal-Mart Shopping Center & Convenience Store with Fuel Sales
WEST:	SS - Service Station & C - Commercial	City Hospital Emergency Care Center

CASE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to allow the sale of used appliances in an approximately 928 square foot suite located at 1830 Range Drive within the Range Plaza shopping center. The Mesquite Zoning Ordinance requires a Conditional Use Permit in the Commercial District for used merchandise retailers.

The applicant is proposing a used appliance store named De La Rosa Appliances. The store is anticipated to be open 7 days a week from 10:00 A.M. to 6:00 P.M. and be operated by one (1) employee. Used appliances, including refrigerators, washers, dryers, ovens, and microwaves, will be repaired and sold at this location. A majority of the suite is anticipated to be used as a showroom for appliances and some additional space for minor repairs. On average, the applicant plans to have three sets of washer and dryers, three refrigerators, and three ovens in their showroom.

The used appliances will be acquired from a network of clientele that will sell old or used appliances to De La Rosa Appliances for resale or from other sources like Offer-Up and eBay. The applicant has indicated that employees will pick up used merchandise, and it may also be dropped off at the rear of their business at 1830 Range Drive. The applicant has a truck with an automatic lift on the truck bed for loading and unloading of appliances.

De La Rosa Appliances will be required to meet all requirements from the Fire Department and Building Inspections before their operation can begin.

MESQUITE COMPREHENSIVE PLAN

The Mesquite Comprehensive Plan designates the subject property within a General Business area. The Plan describes the intent of the General Business designation in the Community Areas as follows:

STAFF COMMENTS:

In the Community Areas, the General Business designation accommodates a wide variety of nonresidential uses serving the surrounding communities. The scale of projects and the scope of goods offered generally will be less than in the regionally-oriented areas. In addition to retail, personal service and office uses, the general business areas accommodate light commercial-type uses including business, commercial and automotive services and trade contractors where no outdoor storage is involved. The general business areas are generally not appropriate for highway related uses, entertainment/recreational uses, uses with outdoor storage, and outdoor sales and display lots.

MESQUITE ZONING ORDINANCE

SECTION 5-303: REVIEW CRITERIA FOR CONDITIONAL USE PERMIT

1. 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.

STAFF COMMENTS:

The range plaza shopping center has 19 suites, and three are vacant. One suite is proposed to be occupied by De La Rosa appliances. Uses in this shopping center include a hair salon, dog grooming, bakery, cell phone repair, imported food store, nail salon, tobacco store, tax office, catering, place of worship, snow cone shop, embroidery services, and barbershop. Retail uses are permitted by right within the commercial district. At this time, the applicant has not proposed any alterations to the existing building.

The applicant has indicated that previously identified clientele may drop off used appliances for resale approximately once (1) a month. Clients will be instructed to drop off the appliances at the rear entrance to reduce disturbance to neighboring tenants. An employee of De La Rosa appliances will accept the delivery to be moved inside immediately.

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 expect the proposed use to 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, access roads, and drainage facilities exist for the site and are sufficient for accommodating the demands associated with the request for a conditional use permit to allow the proposed use. The property has access on range drive.

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 is currently shared between 19 suites and contains sufficient spaces to accommodate all existing and proposed businesses.

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 disturbance to neighboring properties will result.

STAFF COMMENTS:

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

CONCLUSIONS

ANALYSIS

As a retail use, the proposed business would be consistent with the existing business in the Range Plaza shopping center, as most tenants are retail or service-based businesses. The sale of appliances would align with the intended land use designation in the Comprehensive Plan of General Business. It is also consistent with the existing zoning of Commercial. The proposed location will provide enough parking spaces to serve the needs of the shopping center. De La Rosa Appliances is proposed to be a small scale business having, on average, twelve appliances in their inventory. The lack of delivery and loading area is a concern for Staff; however, the applicant has indicated that clientele will drop-off used appliances for resale approximately once a month, during business hours, and the merchandise will be moved inside immediately.

This will be the only location of De La Rosa Appliances. The applicant has not operated a used appliance store previously.

RECOMMENDATIONS

Staff recommends approval of the request for a Conditional Use Permit to allow the sale of used appliances at 1830 Range Drive with conditions of approval 1 – 6:

1. There shall be no outdoor display or storage permitted on the premises.
2. Deliveries of merchandise, inventory or appliances shall not be delivered or dropped off to the store outside of regular business hours.
3. Deliveries or drop off of merchandise, inventory or appliances must be located in the rear of the business.
4. Delivery or drop off merchandise, inventory or appliances shall be prohibited unless an employee is present to receive delivery.
5. Disposal of merchandise at the rear of the property or in the Range Plaza refuse containers is prohibited.

6. If approved and because the use is consistent with current uses in the area and on adjoining property but anticipated future changes in the area would cause the requested use to become incompatible after a period of time, this CUP will expire three years from the date of issuance of the certificate of occupancy. The user may apply for a new CUP upon expiration, subject to the procedural requirements of a zoning change.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices from property owners within 200 feet of the subject property.

CODE CHECK

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

1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Application Materials
5. Site Photos

ATTACHMENT 1 – AERIAL MAP





ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

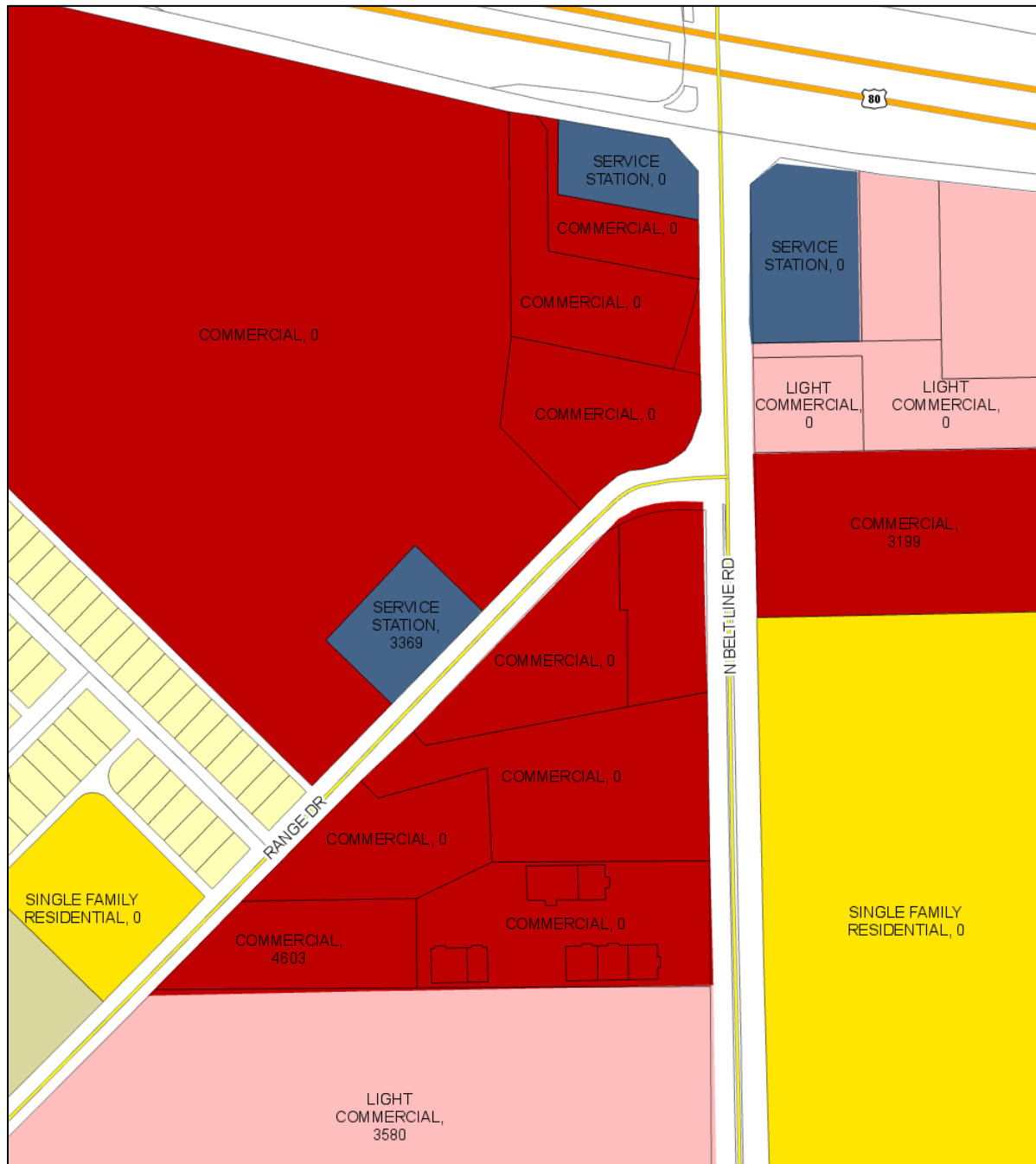


Request: Conditional Use Permit to allow a retail store to sell used appliances.
Applicant: Christopher Salazar
Location: 1830 Range Drive

Legend

-  Notified Properties
-  Subject Property

ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – APPLICATION MATERIALS

Dear city council of Mesquite,

We at De la Rosa Appliances are looking forward to making Mesquite the home of our business. Here at De la Rosa Appliances, we plan to sell used appliances from a small office space we are leasing of about 928 square feet. We are family run, the owner being Christopher Salazar and Rosa Soto the manger of the store. We are reaching out to the council in order to receive approval of a Conditional Permit.

We have just about everything ready to go, however, despite our enthusiasm, we recognize there is a procedure to adhere to. We are willing to do whatever it takes to successfully launch our new business. We look forward to the evaluation of our business.

Sincerely,

De la Rosa Appliances

De La Rosa: Plan of Operations

De La Rosa, located at 1830 Range Drive, Suite 115, will be a showroom for used appliances such as refrigerators, washers, dryers, etc. We at De La Rosa are buying used appliances from a network of clients exclusive to us at De La Rosa. We will then sell appliances back to these clients or new customers. All purchases of used appliances for De La Rosa to sell will be from such clients, and we will make other purchases from various sources like Offer-Up and eBay for example.

Rose, who is the manager of De La Rosa, has previously worked under a different business of the same nature, repairing and selling used appliances from a warehouse for 5 yrs. We plan on using her expertise, and the network of clients and friends she has made to operate this new business. We will have, on average, three sets of washers and dryers, three sets of refrigerators, and three sets of ovens at one time in the show room. All will be arranged in a safe and organized manner inside building for display.

When a purchase is made and the appliance needs to be brought to the building Rose will use her truck, which has a lift in the back of the bed, in order to pick-up the items from the clients, and bring them to De La Rosa. In some cases, where the client is able, we may ask that they drop off the appliance at De La Rosa. All pickups and drop offs will be done either by us, or the client. All drop offs to the show room will be done at the back of the building. There will be an employee at the showroom to receive all drop offs in order to bring them through the back door immediately. Communication will be made between clients and us, to properly prepare to receive an appliance in order to avoid leaving anything outside at the back. To fit some items into the building, we may disassemble, then reassemble the appliances once it is inside. If an appliance needs to be repaired, we will make repairs inside building. Such repairs may include thermostats in refrigerators or compressors, replacing burners and resistors in electric stoves, and various other common problems in appliances. We will not fix washers or dryers. We will buy washers and dryers ready to sell. Any replaced parts will be disposed of properly by us, or we will make a call to have scrap picked up to the junk/scrap yard. We will not dump parts, metal, or scrap in the dumpsters.

Thank you,

De La Rosa

ATTACHMENT 5 – SITE PHOTOS



Range Plaza shopping center; facing southeast



Proposed suite for used appliances on right; facing southeast



Proposed Suite #115 for De La Rosa Appliances; facing south



Rear loading area; facing west



Rear entrance for Suite #115



Range Plaza parking lot; facing north



Truck with a lift that will be used with business