



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Renae' Ollie

Account Code: _____

Subject

Consider, and act upon, the denial of a request to construct a residential structure on an existing lot for a new residential/retail office building, located at 308 N. Ballard within the Downtown Historic District.

Recommendation

Motion to approve the Item as presented.

Discussion

OWNER/APPLICANT: Ashish Patel

The applicant/owner desires to add a secondary detached structure for the purpose of retail office use. The lot area is 9,757 square feet and currently has a 1,250 square foot residential structure with general office use on the lot.

As presented, the new structure will be 1,456 square feet which includes a 160 square foot covered front porch, 2 bedrooms, 2 bathrooms, an office, dining room, living room, and a kitchen.

Required parking breakdown per submitted plans and in accordance with Article 5 Use Charts:

- Office space $1/400 = 1$ space
- Single Family residential (as shown on plans) = 2 spaces
- 6 parking spaces were poured in 2019 in the rear of the property with access from the alley. Those spaces do not appear on the subject plans, but the owner has verbally stated that the spaces will remain. The plans indicate new concrete in the front immediately adjacent to Ballard. City Ordinance restricts the design of any parking stall that allows any movement into or out of the stall upon public right-of-way.

In accordance with Article 5, Section 5.2.B.9 Single Family Dwelling, Detached means one dwelling unit located on a lot. Section 6.3.D.2 allows for residential and commercial uses within the same structure. It is staff's opinion that the existing structure along with the proposed structure does not meet the regulations of the Ordinance and is therefore not allowed.

D. Permitted Uses

1. The Downtown Historic District may contain any combination of uses shown in the Use Chart in Article 5, Section 5.1.

2. Within the Downtown Historic District there are both residential and nonresidential uses which may be located in either residential structures or commercial structures. To maintain the architectural and historic character of existing blocks where one type of structure predominates, the following regulations shall apply.

- a. Residential uses may be in residential structures or commercial structures. Residential uses in commercial structures are only allowed if they occupy less than 40 percent of the floor area of the building; and do not occupy the area adjacent to the street front.***
- b. Nonresidential uses may be in residential or commercial structures. Nonresidential uses in residential structures must be in those blocks where existing residential structures predominate.***

c. In block faces within the District that are currently developed with residential structures, new construction shall be of historic design. Either residential or nonresidential uses may be located in the residential structures.

d. In block faces within the Downtown Historic District that are currently developed with commercial structures, new construction shall be of historic design.

Additional parking requirements outlined in Article 6.3.E.4.c:

c. Parking for Nonresidential Uses

i. Onsite surface parking shall generally not be placed in the required front yard and shall generally be separated from public streets by the building which it serves.

Exceptions to this requirement include:

a. A lot that is used entirely for surface parking with no listed use in accordance with Section 5.2.

b. Surface parking on corner lots or lots with frontage on 2 or more public streets shall comply with the above parking requirements along at least one street frontage.

c. Where onsite surface parking is constructed to serve existing buildings or additions to existing buildings, the above parking requirements shall not apply.

The applicant could continue to operate the current structure as a commercial use or convert it to a single-family residential dwelling or a combination of both commercial and residential. However, as a single platted lot, a second structure on the property could only be an accessory structure as defined by the Ordinance or a second commercial use meeting all current codes, including but not limited to front, side, and rear setbacks, required parking and paving.

History of the property

In 2019, the owner/applicant presented a similar plan to the HRC for consideration. The 2019 plan included a 560 square foot prefabricated building for residential/office use. The submittal included several options to either renovate the existing garage or construct a new prefabricated building. The proposal was ultimately withdrawn by the applicant and did not move forward.

HRC Discussion

The Commission asked for clarification from the owner as his full intent of the property. The owner stated various options for the property including outdoor seating, parking, all office and/or retail. The Commissioners also discussed the size of the property and whether two separate structures would fit. The Commission agreed that the plans did not meet the regulations of the ordinance.

The Commission voted 5-0 to recommend denial.