

Planning & Zoning Commission



March 2, 2021

Regular Business Meeting

Wylie Planning and Zoning Commission

Regular Meeting

March 2, 2021 - 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address the Commission regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. The Commission requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, the Commission is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider and act upon approval of the Minutes from the February 2, 2021 Regular Meeting.
- B. Consider, and act upon a recommendation to the City Council regarding a Preliminary Plat for Kreymer at the Park Addition, being 49 residential lots and two open space lots on 16.48 acres. Property located at 2605 E Stone Rd.
- C. Consider, and act upon a recommendation to City Council regarding a Final Plat for Emerald Vista Phase 1, to establish 91 residential lots, seven open space lots, and one Government Business lot on 27.369 acres, located on South Ballard Road at Elm Road.

REGULAR AGENDA

- 1. Consider, and act upon, a recommendation to City Council regarding a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for an RV Park development. Property generally located on CR 546 3700' west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction.
- 2. Hold a Public Hearing to consider, and act upon, a recommendation to City Council, amending Zoning Ordinance (2010-19) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments **(ZC 2021-07)**.
- 3. Hold a Public Hearing to consider, and act upon, a recommendation to City Council amending Zoning Ordinance (2018-03), Article 5, Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right **(ZC 2021-05)**.
- 4. Hold a Public Hearing to consider, and act upon, a recommendation to City Council, amending Zoning Ordinance (2018-03), Article 5, Section 5.2.F Listed Uses, as they relate to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets **(ZC 2021-06)**.

WORK SESSION

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on February 26, 2021 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

Stephanie Storm, City Secretary

Date Notice Removed

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-516-6020. Hearing impaired devices are available from the City Secretary prior to each meeting.

If during the course of the meeting covered by this notice, the Planning and Zoning Commission should determine that a closed or executive meeting or session of the Commission or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the Planning and Zoning Commission at the date, hour and place given in this notice as the Planning and Zoning Commission may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with an attorney for the City.

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Planning & Zoning Commission

Minutes

Regular Meeting

February 2, 2021 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Chair Cory Plunk called the regular meeting to order at 6:00PM. The following P&Z Commissioners were present: Vice Chair Bryan Rogers, Commissioner Taylor Newsom, Commissioner Brian Ortiz, Commissioner Charla Riner and Commissioner Mike McCrossin. Commissioner Dan Norris was absent.

Staff present: Mr. Jasen Haskins, Planning Manager, Kevin Molina, Senior Planner, and Mary Bradley, Administrative Assistant.

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Ortiz gave the invocation and Commissioner Taylor led the Pledge of Allegiance.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Commissioners regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Commissioners requests that comments be limited to three (3) minutes. In addition, Commissioners not allowed to converse, deliberate or take action on any matter presented during citizen participation

No one approached the Commissioners.

CONSENT AGENDA

- A. Consider and act upon approval of the Minutes from the January 5, 2021 Regular Meeting.
- B. Consider, and act upon, a recommendation to City Council regarding a Final Plat, being a Replat of Lot 2, Block A of the Holiday Inn Express Wylie Addition, establishing two commercial lots on 2.988 acres, generally located on the southwest corner of FM 544 and Sanden Boulevard.

Commission Action

A motion was made by Vice Chair Rogers, seconded by Commissioner McCrossin, to approve the Consent Agenda as presented. A vote was taken and the vote carried 6-0.

REGULAR AGENDA

- 1. Consider, and act upon, a Site Plan for a Restaurant with Drive-In or Drive-through Service (Fuzzy's Taco Shop), on 0.6180 acres. Property located at 910 W FM 544.**

Staff Discussion

Mr. Molina stated that the applicant is proposing to redevelop an existing restaurant site located at 910 W FM 544. A site plan was approved for the site in 2008, but the building has been unoccupied since 2015.

The applicant is proposing to increase landscaping, provide outside seating, remove the drive-thru menu board and reduce the length of the drive thru aisle. Revisions to the elevations include modifying the exterior colors, adding roll-up doors for access to the patio, and installing a patio structure for outside eating.

Prior to the issuance of a Certificate of Occupancy a Final Plat will be required to be filed with the county and will create a joint access drive with adjacent property that is not developed.

Board Discussion

The Commissioners questioned the purpose of removing the order menu from the drive-thru. Staff responded that this will allow for pick-up delivery service by online ordering or using a mobile app.

Board Action

A motion was made by Vice Chair Rogers, seconded by Commissioner McCrossin to approve a Site Plan for a Restaurant with Drive-In or Drive-through Service (Fuzzy's Taco Shop), on 0.6180 acres. Property located at 910 W FM 544. A vote was taken and the vote carried 6-0.

- 2. Hold a Public Hearing, consider, and act upon a recommendation to City Council regarding a change of zoning from Agricultural District (AG/30) to Townhouse District (TH), to allow for single family attached residential development on 1.83 acres, generally located at the southwest corner of Brown Street and WA Allen Boulevard. (ZC 2021-01).**

Staff Presentation

Mr. Molina stated that the applicant is requesting to change the zoning from Agricultural to Townhouse on 1.83 acres, to allow townhouse units on individually platted lots. The proposed zoning and use is compatible with the Comprehensive Land Use Plan.

Although the request is straight zoning, the applicant has provided a concept zoning exhibit to demonstrate the feasibility of developing the property under the Townhouse District zoning category. The concept zoning exhibit may change in design and layout, but will meet the current or amended Zoning Ordinance, Building Code, Fire Code, and any other relevant codes or ordinances at time of preliminary plat. The conceptual zoning exhibit complies with parking requirements, setbacks and minimum lot design with the exception of engineering drawings.

Notifications were mailed to 23 surrounding property owners, with three responses in opposition and no responses in favor of the request.

Public Comments

Chair Plunk opened the public hearing on Item 2 at 6:13 p.m. asking anyone present wishing to address the Commissioners to come forward.

Sam Mayfield, Kyle Johnson, Brett Blair, and Kenneth Carr addressed the Commission with concerns which included the type of clientele that will be leasing the townhomes, possible increase of crime, drainage issues, screening from adjacent residential homes, landscaping on the property and lights shining into adjacent property yards and homes.

Chair Plunk closed the public hearing at 6:26 p.m.

Applicant Comments

Ahmed Helaluzzaman, 545 Coventry Drive, Grapevine, applicant for the subject property addressed the Commission stating that they desire to be good neighbors and develop a nice and quiet neighborhood. The townhomes will be two-story with garages and propose to plant trees as living screens adjacent to existing residential development. Naim Khan, 2105 Canyon Creek, Garland, stated that a civil engineering firm will design the drainage by putting an inlet in the back of the property.

Board Discussion

The Commissioners discussed the concerns of landscaping and that townhomes do not make sense at the proposed location. Staff responded that the Zoning Ordinance requires each residential unit provide landscaping and one tree in the front for each lot, and a 10 foot landscaping buffer along street frontage and a six foot masonry wall in the front, no requirement for screening in the back. The Commissioners desired a Planned Development, to allow control measures for screening, lighting, trees and parking. Commissioner Taylor stated the development did not make sense for the location.

Board Action

A motion was made by Commissioner Newsom, seconded by Commissioner McCrossin to recommend disapproval to the City Council, regarding a request for a change of zoning change of from Agricultural District (AG/30) to Townhouse District (TH), to allow for single family attached residential development on 1.83 acres, generally located at the southwest corner of Brown Street and WA Allen Boulevard (ZC2021-01). A vote was taken and motion carried 6-0.

WORK SESSION

- a. Hold a work session to discuss potential amendments to the Zoning Ordinance regarding the requirement for Special Use Permits on various uses, the distance requirements for alcohol sales from daycares, and aligning local and state law as they relate to massage establishments.**

Mr. Haskins stated that the purpose of the work session is to receive direction from the Commission on text amendments to Article 5 in the Zoning Ordinance.

The law defines daycares as having the same rules as public schools. Therefore no changes will need to be made as far as the distance requirements for alcohol sales from daycares. A facility that wanted to sell alcohol sales can not be located 300 feet from a daycare. Chair Plunk stated the rule should go both directions, a daycare can not develop close to an existing facility that sells alcohol.

At the conclusion of a recent joint work session with the Commission and City Council, staff was directed to make recommendations for requiring Special Use Permits on some uses that are currently allowed by right. These uses are: Commercial Greenhouse/Nursery; Theater; Dry Cleaning (on-site); Motor Vehicle Fueling Station in CR zoning; Restaurant with Drive Thru; Vehicle Sales; and Contractor's Maintenance Yard. These uses may disrupt adjacent properties, have unique development characteristics, or are difficult to redevelop due to the nature of the site or structure. Commissioners desired the definition of Restaurant with Drive Thru be modernized.

The City of Wylie ordinances classify all Massage Establishments as sexual oriented businesses (SOB). Staff is asking for direction on defining massage establishments and the provisions required for operation. State Law allows Massage Establishments that are licensed.

Board Discussion

Commissioners directed staff to move forward with modernizing the definition of the uses listed above. As well as aligning the definition for Massage Establishments with State Law requiring licensed.

- b. Hold a work session to discuss options for joint work sessions with other boards, commissions, and councils.**

Mr. Haskins stated that staff does realize the importance of having joint work sessions, and the importance of the Commission's time to attend the joint sessions. However the joint work sessions are public meetings, and subject to quorum requirements and fall under the Open

Meetings Act. Staff also encouraged the Commissioner's to contact Council Members through email (obeying quorum rules) to address any concerns on how joint work sessions are conducted.

Ms. Bradley the next Planning and Zoning Meeting is scheduled for February 16, 2021.

ADJOURNMENT

A motion was made by Vice Chair Rogers, and seconded by Commissioner McCrossin, to adjourn the meeting at 7:30 PM. A vote was taken and carried 6-0.

Cory Plunk, Chair

ATTEST:

Mary Bradley

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Planning & Zoning Commission

AGENDA REPORT

Meeting Date: March 02, 2021
Department: Planning
Prepared By: Kevin Molina
Date Prepared: February 15, 2021

Item: B
Subdivision: Kreymer At The Park
Zoning District: SF 10/24
Exhibits: Preliminary Plat

Subject

Consider, and act upon a recommendation to the City Council regarding a Preliminary Plat for Kreymer at the Park Addition, being 49 residential lots and two open space lots on 16.48 acres. Property located at 2605 E Stone Rd.

Recommendation

Motion to recommend **approval** to the City Council regarding a Preliminary Plat for Kreymer at the Park Addition, being 49 residential lots and two open space lots on 16.48 acres. Property located at 2605 E Stone Rd.

Discussion

OWNER: Westmere Capital, LLC & Rober & Phyllis Kreymer **APPLICANT:** O'neal Surveying

The applicant has submitted a Preliminary Plat for the Kreymer at the Park Addition. The plat consists of 49 residential lots and two open space lots on 16.48 acres zoned within the SF 10/24 district. The property was zoned SF 10/24 in 2019 and the single family residential use is allowed by-right.

The plat dedicates the necessary rights-of-way and utility easements. All open space lots are to be dedicated to and maintained by the H.O.A.

The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

The Planning and Zoning Commission must provide a written statement of the reasons for conditional approval or disapproval to the applicant in accordance with Article 212, Section 212.0091 of the Texas Local Government Code.

Council consideration on March 23, 2021

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	<u>JH</u>	<u>February 22, 2021</u>

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, GRANITE INDUSTRIES, LLC BEING THE OWNER OF A TRACT OF LAND SITUATED IN THE FRANCISCO DE LA PINA SURVEY, ABSTRACT NO. 688, IN THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, BEING ALL OF THAT SAME TRACT OF LAND CONVEYED TO ROBERT KREYMER BY DEED RECORDED IN VOLUME 2967, PAGE 275 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT, A 3/8 INCH IRON ROD FOUND FOR CORNER IN THE APPROXIMATE CENTERLINE OF E. STONE ROAD, SAID POINT BEING THE NORTHEAST CORNER OF GRAYHAWK PARK AN ADDITION TO THE CITY OF WYLIE, COLLIN COUNTY, TEXAS BY PLAT THEREOF RECORDED VOLUME 2017, PAGE 760, (ORPORT) OF THE OFFICIAL PLAT RECORDS OF COLLIN COUNTY, TEXAS, SAME BEING THE SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE, NORTH 88 DEGREES 38 MINUTES 14 SECONDS WEST, DEPARTING THE APPROXIMATE CENTERLINE OF SAID E. STONE ROAD AND ALONG THE NORTH LINE OF SAID GRAYHAWK PARK, A DISTANCE OF 1339.04 FEET TO A POINT FOR CORNER, SAID POINT BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO GARNER KOCH BY DEED RECORD IN VOLUME 5733, PAGE 2432 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS SAME BEING THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE, NORTH 01 DEGREES 18 MINUTES 23 SECONDS EAST, ALONG THE EAST LINE OF SAID KOCH TRACT, A DISTANCE 534.31 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO FARMERS ELECTRIC COOPERATIVE, INC. BY DEED RECORDED IN FILE NO. 97-0011471 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, SAME BEING THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT;

THENCE, SOUTH 75 DEGREES 05 MINUTES 49 SECONDS EAST, ALONG THE SOUTH LINE OF SAID FARMERS ELECTRIC COOPERATIVE, INC. TRACT, A DISTANCE OF 418.93 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAID POINT BEING AN INTERIOR ELL CORNER OF HEREIN DESCRIBED TRACT;

THENCE, NORTH 15 DEGREES 04 MINUTES 09 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID FARMERS ELECTRIC COOPERATIVE, INC. TRACT, A DISTANCE OF 235.03 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAID POINT BEING AN INTERIOR ELL CORNER OF SAID FARMERS ELECTRIC COOPERATIVE, INC. TRACT;

THENCE, SOUTH 75 DEGREES 05 MINUTES 28 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID FARMERS ELECTRIC COOPERATIVE, INC. TRACT, A DISTANCE OF 900.76 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID E. STONE ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF SAID FARMERS ELECTRIC COOPERATIVE, INC. SAME BEING THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT;

THENCE SOUTH 01 DEGREES 15 MINUTES 03 SECONDS WEST, ALONG THE APPROXIMATE CENTERLINE OF SAID E. STONE ROAD, A DISTANCE OF 453.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 717.935 SQUARE FEET OR 16.48 ACRES OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, GRANITE INDUSTRIES, LLC acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as KREYMER AT THE PARK, an addition to the City of Wylie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Wylie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Wylie's use thereof.

The City of Wylie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Wylie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Wylie, Texas.

WITNESS, my hand, this the ____ day of _____, 2021.

FOR: GRANITE INDUSTRIES, LLC (Owner)

By: _____
Michael G. Todd, Director

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this date personally appeared Michael G. Todd, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2021.

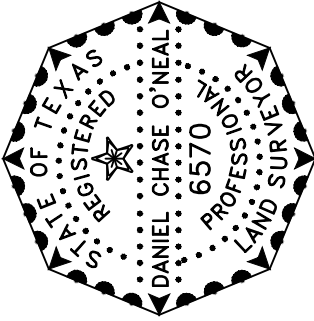
NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Daniel Chase O'Neal, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Wylie.



DANIEL CHASE O'NEAL
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6570

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this date personally appeared Daniel Chase O'Neal, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2021.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

"RECOMMENDED FOR APPROVAL"

Chairman, Planning & Zoning Commission
City of Wylie, Texas

Date

"APPROVED FOR CONSTRUCTION"

Mayor, City of Wylie, Texas

Date

"ACCEPTED"

Mayor, City of Wylie, Texas

Date

"APPROVED AND ACCEPTED"

This plat is hereby approved in accordance with Section 2.11.B of the City of Wylie Subdivision Regulations (Ordinance No. 2003-03).

The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing plat of KREYMER AT THE PARK, an addition to the City of Wylie was submitted to the City Council on the ____ day of _____, 2021 and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this ____ day of _____, A.D., 2021.

City Secretary
City of Wylie, Texas

49 RESIDENTIAL LOTS
2 COMMON AREA LOT

OWNER
GRANITE INDUSTRIES, LLC
161 W. 3RD STREET #110
PROSPER, TX 75078
(310) 962-3931

LAND SURVEYOR
O'NEAL SURVEYING COMPANY
201 WINDCO CIRCLE SUITE 200 DALLAS TEXAS 75098
TEL: 972-941-0400 FAX: 972-941-0401
daniel.oneal@onealsurveying.com
(903) 804-2891

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

PRELIMINARY PLAT
KREYMER AT THE PARK
BEING

16.48 ACRES
SITUATED IN THE
FRANCISCO DE LA PINA SURVEY, ABST. NO. 688
CITY OF WYLIE, COLLIN COUNTY, TEXAS
ENGINEERING CONCEPTS & DESIGN, L.P.
TEXAS FIRM REG. NO. 001146
201 WINDCO CIRCLE SUITE 200 DALLAS TEXAS 75098
(972) 941-0400 FAX (972) 941-0401

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Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	March 02, 2021	Item:	C
Department:	Planning		
Prepared By:	Kevin Molina	Subdivision:	Emerald Vista
			Planned Development (PD
Date Prepared:	February 15, 2021	Zoning District:	2018-23)
		Exhibits:	Final Plat

Subject

Consider, and act upon a recommendation to City Council regarding a Final Plat for Emerald Vista Phase 1, to establish 91 residential lots, seven open space lots, and one Government Business lot on 27.369 acres, located on South Ballard Road at Elm Road.

Recommendation

Motion to recommend **approval** to the City Council regarding a Final Plat for Emerald Phase 1, to establish 91 residential lots, seven open space lots, and one Government Business lot on 27.369 acres, located on South Ballard Road at Elm Road.

Discussion

OWNER: Bloomfield Homes, LP

APPLICANT: R.C Myers Surveying, LLC

The applicant has submitted a Final Plat for Phase 1 of the Emerald Vista Planned Development, ordinance 2018-23. This final plat is a portion of the Emerald Vista preliminary plat approved in July 2019.

The plat consists of 91 residential lots, seven open space lots and one Government Business lot.

The Planned Development allows for a maximum of 175 single family residential lots; leaving a remaining of 84 residential lots that can be developed in future phases, in line with the Preliminary Plat.

Emerald Vista Blvd., per the requirements of the planned development, will be allowed to be 21' in pavement curb to curb with parking allowed on one side of the street. All parking areas on Emerald Vista Blvd. will be required to be striped with the striping being maintained by the HOA.

The Government Business lot is planned for the development of a future fire station for the City of Wylie. The tract will be deeded at time of Final Plat filing in lieu of Park fees. An amended plat will be required to include fire lane and access easements for the fire station site once a site plan is applied for by the City.

The plat dedicates the necessary rights-of-way and utility easements. All open space lots are to be dedicated to and maintained by the H.O.A.

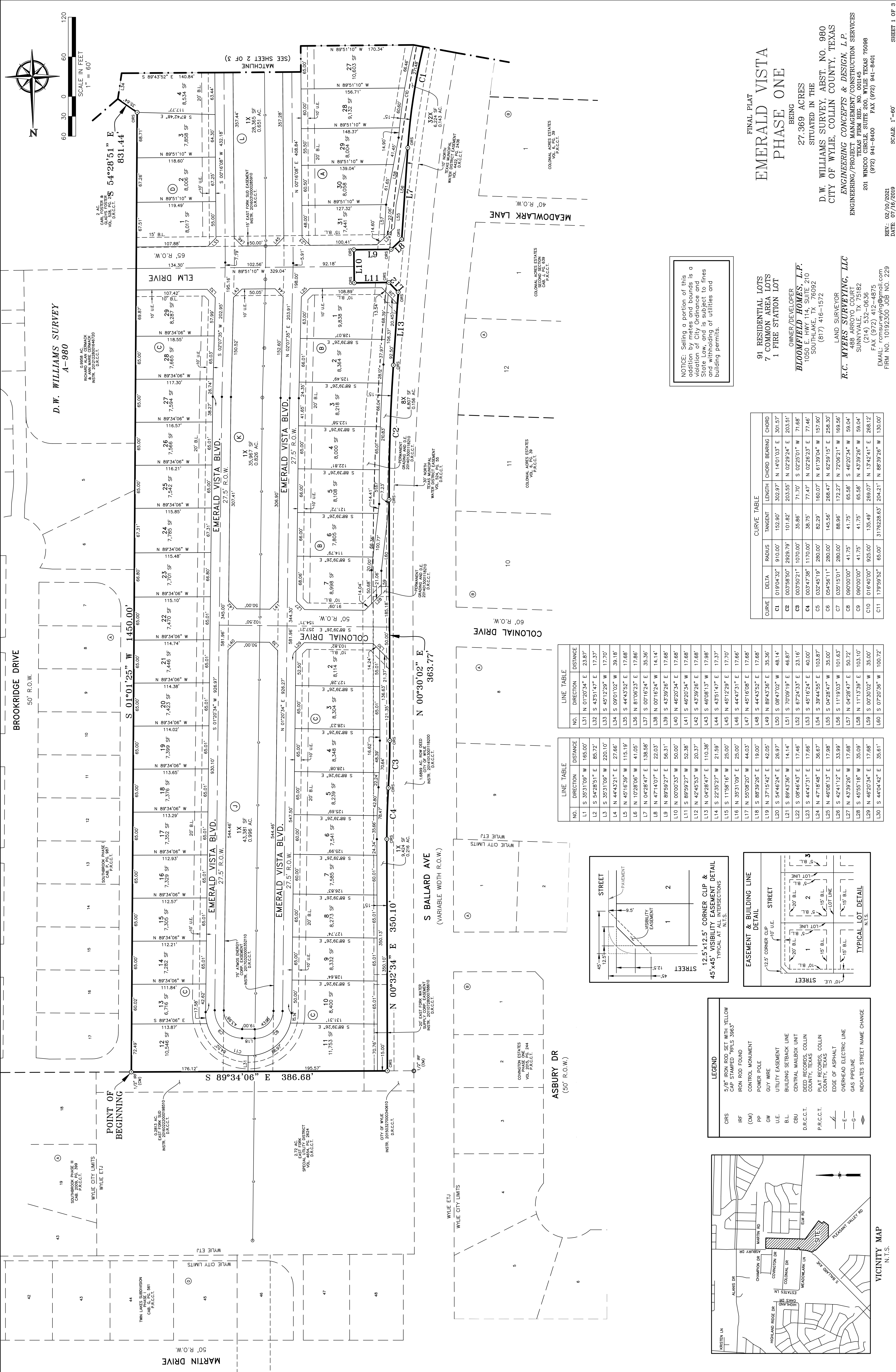
The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

The Planning and Zoning Commission must provide a written statement of the reasons for conditional approval or disapproval to the applicant in accordance with Article 212, Section 212.0091 of the Texas Local Government Code.

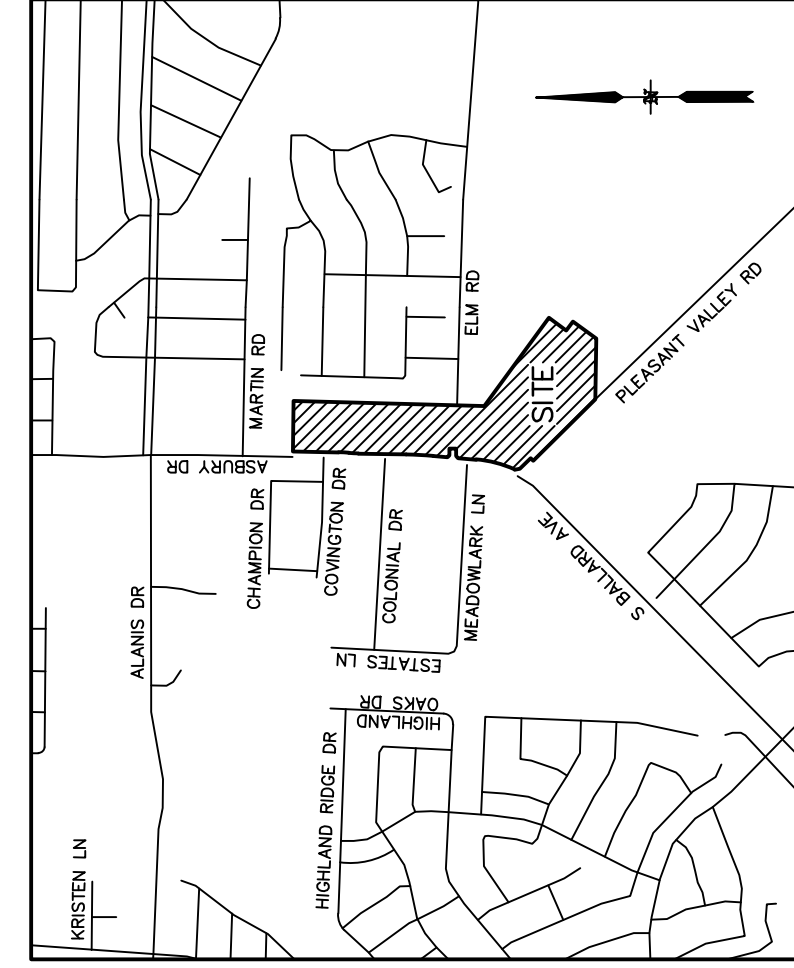
Council consideration on March 23, 2021

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	JH	February 23, 2021



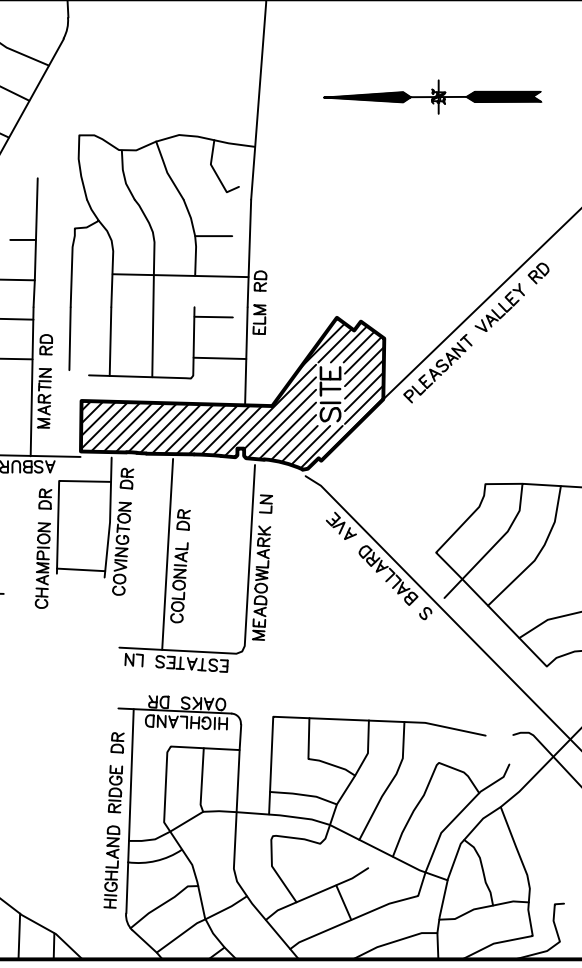
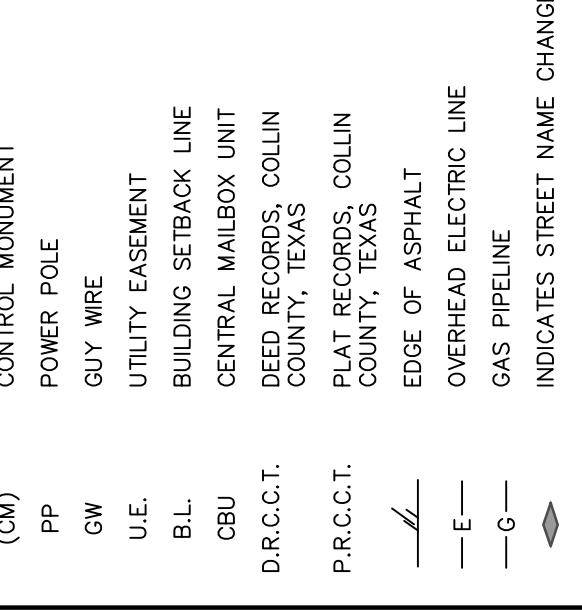
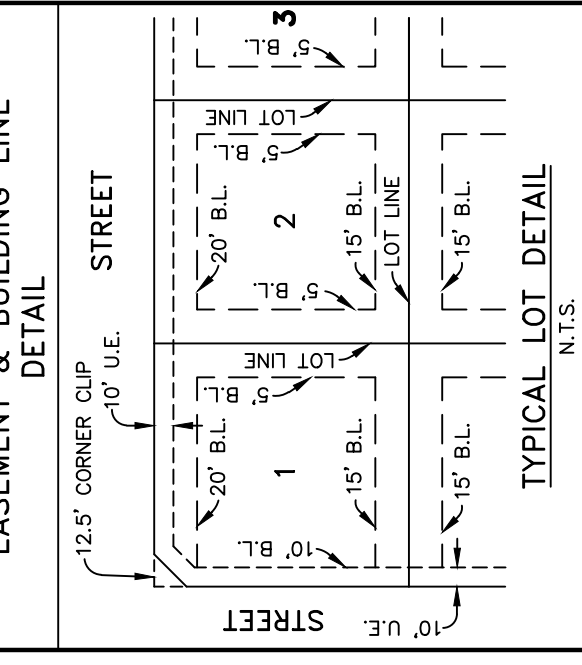
LEGEND	
CRS	5/8" IRON ROD SET WITH YELLOW CAP STAMPED "RPLS 3863"
IRF	IRON ROD FOUND
(CM)	CONTROL MONUMENT
PP	POWER POLE
GW	GUY WIRE
U.E.	UTILITY EASEMENT
B.L.	BUILDING SETBACK LINE
CBU	CENTRAL MAILBOX UNIT
D.R.C.T.	DEED RECORDS, COLLIN COUNTY, TEXAS
P.R.C.T.	PLAT RECORDS, COLLIN COUNTY, TEXAS
—	EDGE OF ASPHALT
—	OVERHEAD ELECTRIC LINE
—	GAS PIPELINE
—	INDICATES STREET NAME CHANGE

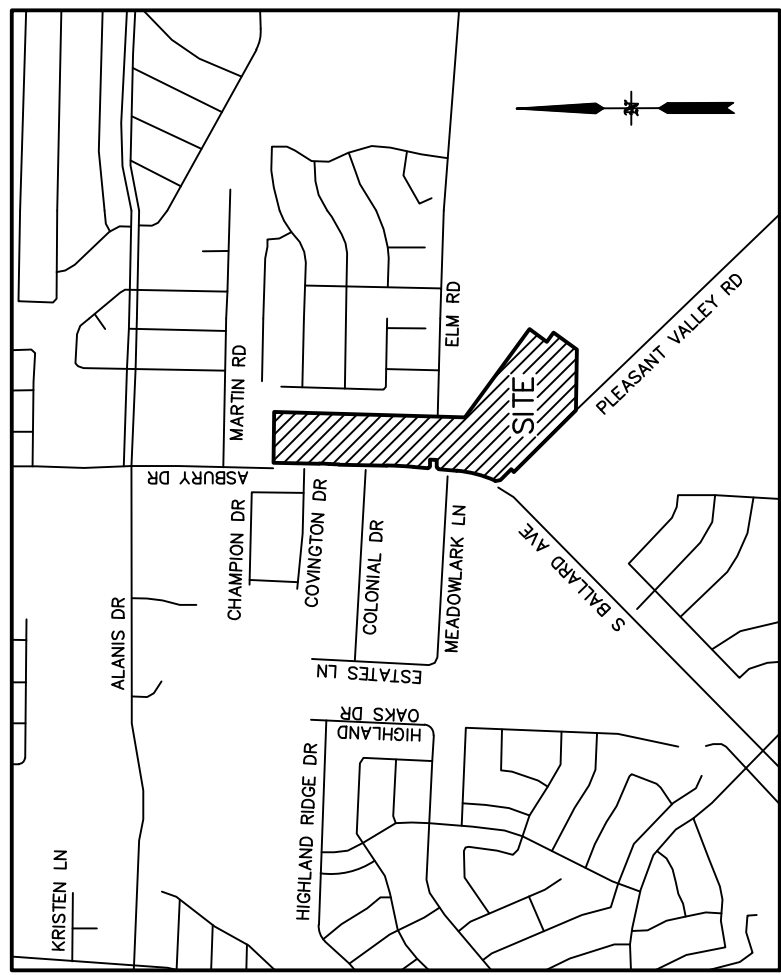
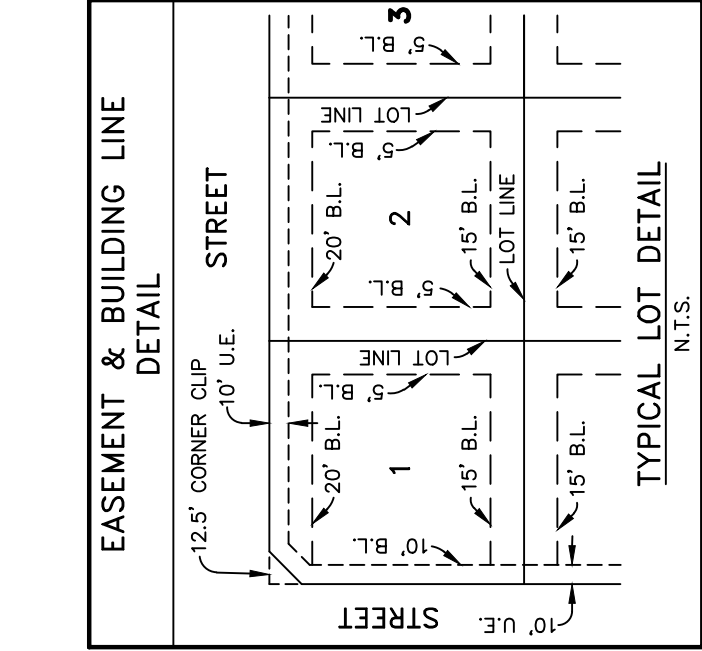
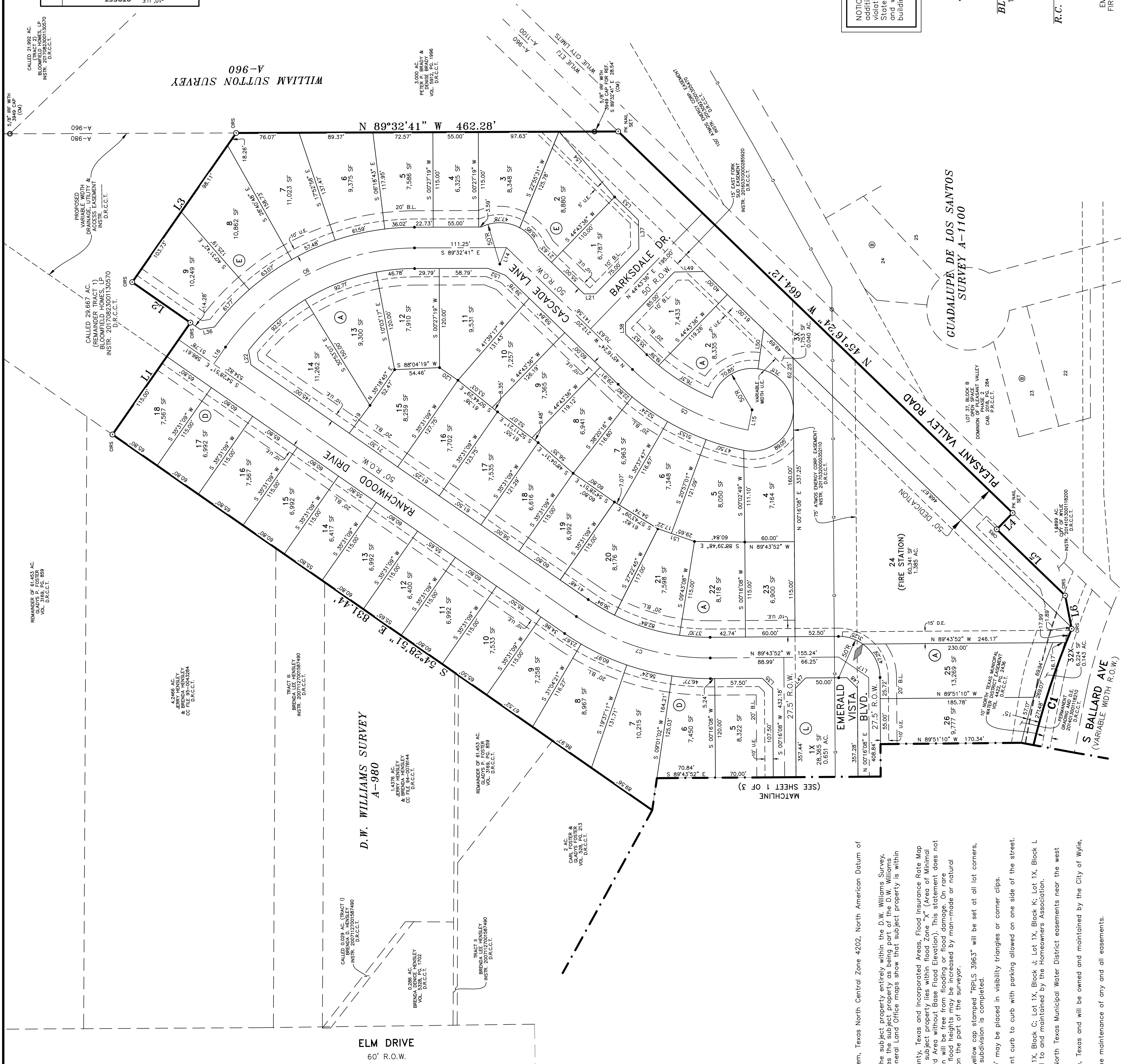
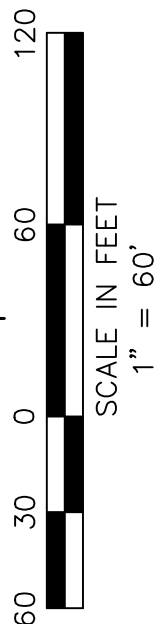


NOTICE: Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

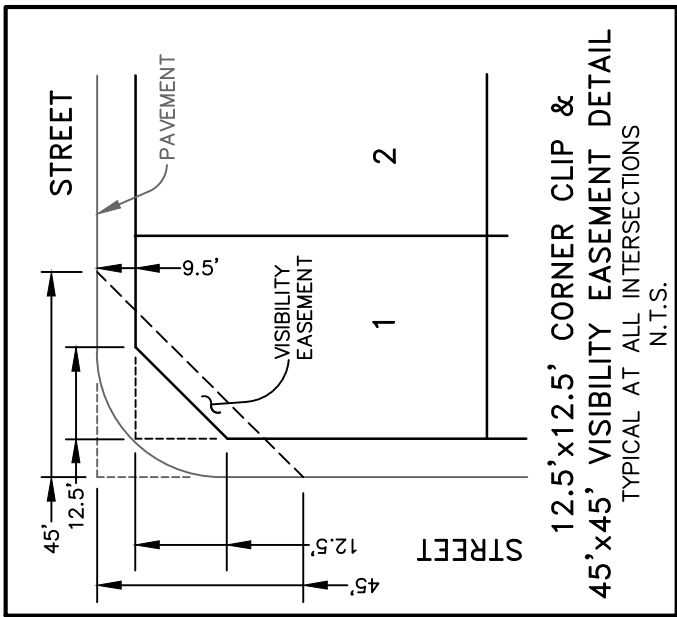
CURVE TABLE				
CURVE	DELTA	RADIUS	TANGENT	CHORD BEARING CHORD
C1	019°04'32"	910.00'	152.90'	302.97' N 14°01'03" E 301.57'
C2	003°58'50"	2929.79'	101.82'	203.55' N 02°29'24" E 203.51'
C3	003°50'21"	1070.00'	35.86'	71.70' S 02°25'01" W 71.68'
C4	003°47'38"	1170.00'	38.75'	77.47' N 02°26'23" E 77.46'
C5	032°45'19"	280.00'	82.23'	160.07' N 61°39'04" W 157.90'
C6	05°45'11"	280.00'	145.56'	268.47' N 02°59'15" E 258.30'
C7	03°15'01"	280.00'	88.96'	172.27' N 72°06'21" W 169.95'
C8	09°00'00"	41.75'	41.75'	65.58' S 46°20'24" W 59.04'
C9	09°00'00"	41.75'	41.75'	65.58' N 43°39'26" W 59.04'
C10	016°40'00"	925.00'	135.49'	269.07' N 13°42'41" E 268.12'
C11	17°59'52"	65.00'	317.6228' E	204.21' N 88°39'26" W 130.00'

LINE TABLE	
NO.	DIRECTION
L1	S 35°31'09" W 165.00'
L2	S 54°28'51" E 85.72'
L3	S 35°31'09" W 220.10'
L4	N 44°43'21" E 27.66'
L5	N 45°16'39" W 115.19'
L6	N 10°28'06" W 41.05'
L7	N 04°28'47" E 138.58'
L8	N 47°14'07" E 22.03'
L9	N 89°59'27" E 56.31'
L10	N 00°00'33" W 50.00'
L11	S 89°59'27" W 52.36'
L12	N 42°45'53" W 20.37'
L13	N 04°28'47" E 110.38'
L14	S 22°35'27" W 21.59'
L15	S 11°58'16" W 25.00'
L16	N 35°31'09" E 25.00'
L17	N 55°08'20" W 44.03'
L18	S 88°39'26" E 19.00'
L19	N 37°15'42" E 42.05'
L20	S 54°46'24" E 26.97'
L21	S 89°43'36" W 14.14'
L22	S 08°46'43" E 17.46'
L23	S 44°47'31" E 17.66'
L24	N 47°18'48" E 36.67'
L25	N 46°08'13" E 17.88'
L26	S 42°41'12" E 33.99'
L27	N 43°39'26" W 17.68'
L28	S 45°55'18" W 35.09'
L29	N 46°20'34" E 17.68'
L30	S 44°04'42" E 35.61'





LEGEND	
GRS	5/8" IRON ROD SET WITH YELLOW PAINT STAKES AND RAILS 3963
IRF	IRON ROD FOUND
(CM)	CONTROL MONUMENT
PP	POWER POLE
GW	GUY WIRE
U.E.	UTILITY EASEMENT
B.L.	BUILDING SETBACK LINE
CBU	CENTRAL MAILBOX UNIT
D.R.C.C.T.	DEED RECORDS, COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS, COLLIN COUNTY, TEXAS
	EDGE OF ASPHALT
-E-	OVERHEAD ELECTRIC LINE
-G-	GAS PIPELINE
	INDICATES STREET NAME CHANGE



1. Basis of Bearings = State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment Realization (CORS 2011).
2. The Collin Central Appraisal District maps show the subject property entirely within the D.W. Williams Survey, Historic Rockwell Road and the subject property as being part of the Williams Survey. The Williams Survey, Abstract No. 900, Block A, shows the subject property as being part of the Williams Survey. The Collin Central Appraisal District maps show that the subject property is within the Williams Survey, Abstract No. 900, Block A.
3. According to my interpretations of the Collin County, Texas and Incorporated Areas, Flood Insurance Rate Map Number 448085C0355A, dated June 2, 2009, the subject property lies within flood zone "X" (Area of Minimal Flood Hazard) and Zone A1 (Special Flood Hazard Area without Base Flood Elevation). This statement does not imply that the property and/or structures thereon are to be removed from flooding or flood damage. On rare occasions, flood insurance coverage may be required by a lender or other third party. Flood insurance is not a natural cause. This statement shall not create liability on the part of the surveyor.
4. Unless otherwise noted, a 5/8" iron rod with a yellow cap stamped "RPLS 3963" will be set at all lot corners, whenever possible, after all construction for this subdivision is completed.
5. No apportionment between the height of 2' and 9' may be placed in visibility triangles or corner clips.
6. Street D will be allowed to be 21 feet in pavement curb to curb with parking allowed on one side of the street. Parking areas are to be striped.
7. Lots 1Y and 29X, Block A; Lot 1Y, Block B; Lot 1X, Block C; Lot 1X, Block D; Lot 1Y, Block E; Lot 1Y, Block F; Lot 1Y, Block G; Lot 1Y, Block H; Lot 1Y, Block I; Lot 1Y, Block J; Lot 1Y, Block K; Lot 1Y, Block L will be common space lots that will be dedicated to and maintained by the Homeowners Association.
8. Residential Lots will not be permitted upon the North Texas Municipal Water District easements near the west boundary line of this subdivision.
9. Lot 24, Block A is dedicated to the City of Wylie, Texas and will be owned and maintained by the City of Wylie, Texas.
10. The Homeowners Association is responsible for the maintenance of any and all easements.

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

GUADALUPE DE LOS SANTOS
SURVEY A-1100

OWNER/DEVELOPER
BLOOMFIELD HOMES, L.P.
1050 E. HWY 114, SUITE 210
SOUTHLAKE, TX 76092
(817) 416-1572

R.C. MYERS SURVEYING, LLC
LAND SURVEYOR
488 ARROYO COURT
SUNNYVALE, TX 75182
(214) 532-0636
FAX (972) 412-4875
EMAIL: rcmsurveying@gmail.com
FIRM NO. 10192300 JOB NO. 229

FIRM NO. 10192300 JOB NO. 229

REV.: 06/10/2021
DATE: 07/16/2019
SCALE: 1"=60'
Z:\PROJECTS\08816 - Howrey Tract Altura\dwg\Plats\8816 Final Plat Ph 1.dwg
SHEET 2 OF 3

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Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	March 02, 2021	Item:	1
Department:	Planning		
Prepared By:	Kevin Molina	Subdivision:	Waters Addition
Date Prepared:	February 15, 2021	Zoning District:	ETJ
		Exhibits:	Final Plat

Subject

Consider, and act upon a recommendation to City Council regarding a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for an RV Park development. Property generally located on CR 546 3700' west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction.

Recommendation

Motion to recommend (**approval, approval with conditions, disapproval**) to the City Council regarding a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for an RV Park development. Property generally located on CR 546 3700' west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction.

Discussion

OWNER: Marshall Warren

APPLICANT: Carroll Consulting Group, Inc

The applicant has submitted a Final Plat for the Waters Addition. The plat consists of four irregular lots on 19.273 acres located outside of the city limits within the extraterritorial jurisdiction (ETJ).

The irregular configuration of the lots is a planned layout to accommodate the wastewater services for an RV Park. As presented, each lot consists of a fixed number of RV spaces that connect to a small onsite sewage facility (OSFF) that will treat less than 5,000 gallons of wastewater per day. Limiting that daily wastewater capacity allows Collin County authority to review and approve the OSFFs.

One OSSF facility could be used if the RV Park was platted as one lot. However, the capacity would exceed 5,000 gallons of wastewater per day. That would require a review and Domestic Wastewater permit from TCEQ. The applicant has requested for the allowance of the four irregular lots with four separate OSFFs due to TCEQ's requirements and review process being more involved than Collin County's.

Staff has concerns over the allowance of the irregular lots due to the possibility of the site being sold at a future date. The irregular lots do not leave future property owners with many other options for development and has the possibility of creating access issues, particularly for the western portions of lots 1, 2, and 4.

Section 3.6.C of the Subdivision Regulations grants the City the authority to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended. In general, triangular, severely elongated or tapered , “flag” or “panhandle” lots shall be avoided.

Approval is subject to additions and alterations as required by the City Engineering Department.

The Planning and Zoning Commission must provide a written statement of the reasons for conditional approval or disapproval to the applicant in accordance with Article 212, Section 212.0091 of the Texas Local Government Code.

Council consideration on March 23, 2021

Approved By		
Department Director	<i>Initial</i> JH	<i>Date</i> February 24, 2021

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, RV at the Lake, LLC, is the owner of a tract of land situated in the D. Anglin Survey, Abstract No. 3, Collin County, Texas, and being all of Lots and 2, Block A of Copeville R.V. Park, an addition to Collin County, Texas, according to the plat thereof, recorded in Cabinet N, Page 760, Map Records, Collin County, Texas, and being the same tract of land as described in the plat thereof, and the same tract of land as conveyed to RV at the Lake, LLC, by deed recorded in Instrument No. 2019060400638460, Official Public Records, Collin County, Texas, and being more particularly described as follows:

Beginning at a 5/8¹ iron pin found on the south right-of-way line of County Road No. 546 and on the west line of a 0.34 acre tract of land conveyed to Jerry Sissom by deed recorded in County Clerk's File Number 95-0056762, Deed Records, Collin County, Texas and the northeast corner of said Lot 2;

Thence, South 05°20'07" West, along the east line of said Lot 2, the west line of said 0.34 acre tract and the west line of a 16.48 acre tract of land conveyed to Samuel Hinson and Ravonda Hinson by deed recorded in Volume 3430, Page 7466, Deed Records, Collin County, Texas, a distance of 652.44 feet to a 1/2" iron pin found for the southeast corner of said Lot 1 and the northeast corner of a 14.89 acre tract of land conveyed to Jim W. Laxton and Elizabeth C. Laxton by deed recorded i Volume 5128, Page 4098, Deed Records, Collin County, Texas;

Thence, South 88°59'30" West, along the south line of said Lot 1 and the north line of said 14.89 acre tract, a distance of 717.16 feet to a 1/2" iron pin found on the east line of a 12.81 acre tract of land conveyed to Katherine Beck by deed recorded in Instrument No. 2013060400763490, Official Public Records, Collin County, Texas and for the southwest corner of said Lot 1 and the northwest corner of said 14.89 acre tract;

Thence, North 01°45'11" East, along the west line of said Lot 1 and the east line of said 12.81 acre tract, a distance of 151.19 feet to a 1/2" iron pin found for the northeast corner of said 12.81 acre tract and the southeast corner of said 4.89 acre tract;

Thence, North 88°50'43" West, along the south line of said 4.89 acre tract and the north line of said 12.81 acre tract, a distance of 410.64 feet to a 5/8¹ iron pin found with red cap stamped "BOUNDARY SOLUTIONS" for the southwest corner of said 4.89 acre tract and the southeast line of a 6.00 acre tract of land conveyed to Charles M. Carter by deed recorded in Instrument No. 201410360001186960, Official Public Records, Collin County, Texas;

Thence, North 01°09'17" East, along the west line of said 4.89 acre tract and the east line of said 6.00 acre tract, a distance of 513.16 feet to a 5/8¹ iron pin found with red cap stamped "BOUNDARY SOLUTIONS" on the south line of a 2.42 acre tract of land conveyed to Charles Doney and Shoyra Levine by deed recorded in Instrument No. 20171010001353400, Official Public Records, Collin County, Texas and for the northwest corner of said 4.89 acre tract and the northeast corner of said 6.00 acre tract;

Thence, South 88°57'05" East, along the north line of said 4.89 acre tract and the south line of said 2.42 acre tract, a distance of 416.00 feet to a 3/8¹ iron pin found on the west line of said 1.266 acre tract and for the northeast corner of said 4.89 acre tract and the southeast corner of said 2.42 acre tract;

Thence, North 01°45'11" East, along the west line of said 1.266 acre tract and the east line of said 2.42 acre tract, a distance of 193.18 feet to a 5/8¹ iron pin found for the northwest corner of said 1.266 acre tract, and being on the south right-of-way line of County Road No. 546;

Thence, South 89°00'04" East, along the north line of said 1.266 acre tract and the south right-of-way line of County Road No. 546, a distance of 209.30 feet to a 5/8¹ iron pin found for the northeast corner of said 1.266 acre tract;

Thence, South 02°36'25" West, along the east line of said 1.266 acre tract, a distance of 2.62 feet to a 5/8¹ iron pin found for the northwest corner of said Lot 1 and on the south right-of-way line of County Road No. 546;

Thence, North 89°00'33" East, along the north line of said Lots 1 and 2 and the south right-of-way line of County Road No. 546, a distance of 560.99 feet to the Point of Beginning and containing 843,843 square feet or 13,372 acres of land.

NOW, THEREFOR KNOW ALL MEN BY THESE PRESENTS:

That, RV at the Lake, LLC, does hereby adopt this plat as THE WATERS ADDITION, an Addition to Collin County, Texas and does hereby dedicate to the public use forever the roads and easements shown herein (if any) for the mutual use and accommodation of any public utility desiring to use or using same for the purpose of construction, maintaining, adding to or removing any or all of their respective systems and traffic control signs located therein.

WITNESS my hand this the ____ day of _____, 2021.

RV at the Lake, LLC, Owner
By:_____

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this date personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2021.

Notary Public for the State of Texas
My Commission expires _____

KNOW ALL MEN BY THESE PRESENTS:

I, James Bart Carroll, do hereby certify that I have prepared this plat from an actual on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

James Bart Carroll
Texas Registered Professional Land Surveyor No. 5129

NOTARY CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared James Bart Carroll, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in the capacity therein stated.

Given under my hand and seal of office, this ____ day of _____, 2021.

Notary Public in and for the State of Texas.
My commission expires: _____

NOTES:

1. Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
2. The existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by individual owners of the lot or lots that are traversed by or adjacent to the drainage course along or across said lots.
3. Collin County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion in said drainage ways.
4. Collin County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
5. Collin County permits are required for building construction, on-site sewage facilities and driveway culverts.
6. All private driveway tie-ins to a county maintained roadway must be even with the existing driving surface.
7. All surface drainage easements shall be kept clear of fences, buildings, foundations and plantings, and other obstructions to the operation and maintenance of the drainage facility.
8. All lots must utilize alternative type On-Site Sewage Facilities.
9. Must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds/etc. (Per State regulations).
10. Lots adjacent to the lots containing ponds will be subject to setback from OSSF components to the ponds.
11. Tree removal and/or grading for OSSF may be required on individual lots.
12. There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.
13. Each lot is limited to a maximum of 5,000 gallons of treated/disposed sewage each day.
14. Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.
15. Bearings based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.
16. Mail boxes shall meet USPS specifications.
17. Collin County will only maintain street signs and poles with current county materials.
18. Collin County does not, and will not accept street lights for maintenance or operation.
19. Detention Ponds shall be maintained by the individual lot owners.

RECOMMENDED FOR APPROVAL	
Chairman, Planning & Zoning Commission City of Wylie, Texas	Date _____
APPROVED FOR CONSTRUCTION	
Mayor, City of Wylie, Texas	Date _____
ACCEPTED	
Mayor, City of Wylie, Texas	Date _____

The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing final plat of the subdivision or addition to the City of Wylie was submitted to the City Council on the ____ day of _____, 20____, and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easement, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this ____ day of _____, A.D., 20____.

City Secretary
City of Wylie, Texas

Health Department Certificate:

I hereby certify that the on-site sewage facilities described on this plat conform to applicable health laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the areas in which on-site sewage facilities are planned to be used.

Registered Sanitarian/Designated Representative
Collin County Development Services

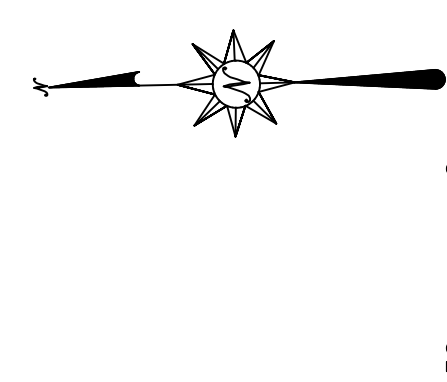
FINAL PLAT

THE WATERS ADDITION

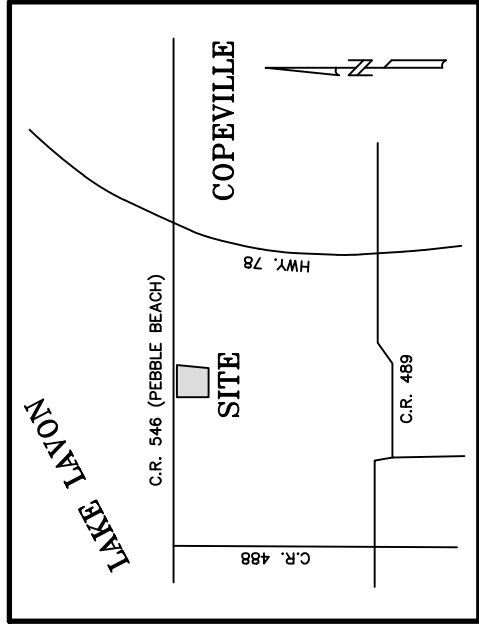
BEING A REPLAT OF LOTS 1 & 2
BLOCK A, OF COPEVILLE R.V. PARK
19.372 ACRES OF LAND
D. ANGLIN SURVEY, ABSTRACT NO. 3
COLLIN COUNTY, TEXAS

PAGE 2 OF 2			
CARROLL CONSULTING GROUP, INC.			
P.O. BOX 11			
LAVON, TEXAS 75166			
TEXAS FIRM REGISTRATION NO.: 10007200			
JOB No.	SCALE:	DATE PREPARED:	DRAWN BY:
2776-21	1"=60'	FEBRUARY 23, 2021	CP

OWNER:
RV AT THE LAKE, LLC
8560 ARDRECE TRAIL
COOPER CANYON, TEXAS 75077



Scale 1" = 50'



VICINITY MAP
NTS

BEFORE YOU DIG CALL:
1-800-245-4545



TEXAS ONE CALL SYSTEM

NOTES:

1. BOUNDARY & TOPO SURVEY PROVIDED BY:
HICKMAN CONSULTING GROUP, INC.
PO BOX 11
LAVON, TX 75166

NOTE:
CONTRACTOR TO VERIFY HORIZONTAL & VERTICAL
LOCATION OF ALL EXISTING UTILITIES PRIOR
TO BEGINNING ANY CONSTRUCTION/EXCAVATION
AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES
EXISTING UTILITIES SHOWN ON THESE PLANS
ARE BASED ON THE RESULTS OF FIELD SURVEY
& CITY RECORD DRAWINGS

CHARLES DOXEY & SHAYNA LEVINE
INST.# 2013060400013534000
O.P.R.C.C.T.

*SEE SEPTIC DESIGN
REPORT FOR DETAILS

*SYSTEM 6

*SYSTEM 5

*SYSTEM 4

*SYSTEM 3

*SYSTEM 2

*SYSTEM 1

*SYSTEM 0

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Planning & Zoning Commission

AGENDA REPORT

Meeting Date: March 2, 2021

Item: 2

Department: Planning

Date Prepared: February 23, 2021

Zoning Case: 2021-07

Exhibits: Draft Ordinance

Subject

Hold a Public Hearing to consider, and act upon, a recommendation to City Council, regarding amending Zoning Ordinance (2010-19) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).

Recommendation

Motion to recommend **approval** to City Council, regarding amending Zoning Ordinance (2010-19) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).

Discussion

The Planning and Zoning Commission and Staff held a work session in February 2020 to discuss recommended changes to the Zoning Ordinance related to massage establishments.

After a presentation from staff and there was discussion, the Commission directed staff to draft a Zoning Ordinance amendment. Those amendments are summarized below. The full text amendments are attached as Exhibit A.

The recommended changes for massage establishments moves the use category from a sexually oriented business to a personal service use. The definition is more in line with the State, which defines a massage establishment as a health care service.

This use includes sports therapy massage and mixed use facilities, such as a day-spa, as long as the appropriate state licences are held.

The change eases restrictions on the legitimate massage establishment uses, i.e. staffed exclusively by those who have a state license and are allowed to advertise as massage therapy, while eliminating potential for non-licensed facilities.

Council consideration on March 23, 2021

Approved By

Department Director

Initial

JH

Date

February 23, 2021

8. Sexually-Oriented Business

- a. **Definition:** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, ~~or nude model studio.~~
~~or massage establishment~~
- b. **Additional Provisions:** This use shall meet all requirements of the Chapter 26 “Businesses” of the City of Wylie Code, ~~Article III Massage Establishments and Article IV Sexually Oriented Businesses.~~

19. Personal Service Use

Definition: Personal service use means a facility for the sale of personal services. Personal service uses include, but are not limited to a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photographic studio, a handcrafted art work studio, a travel bureau, ~~and~~ duplicating shop, ~~and~~ Massage Establishments.

~~b.~~**Additional Provisions:** ~~This use~~ Massage Establishments shall meet all requirements of the Chapter 26 “Businesses” of the City of Wylie Code of Ordinances, Article III Massage Establishments.



Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	March 2, 2021	Item:	3
Department:	Planning		
Date Prepared:	February 24, 2021	Zoning Case:	2021-05
		Exhibits:	Draft Ordinance

Subject

Hold a Public Hearing to consider, and act upon, a recommendation to City Council amending Zoning Ordinance (2018-03), Article 5, Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (**ZC 2021-05**).

Recommendation

Motion to recommend **approval** to City Council, amending Zoning Ordinance (2018-03), Article 5, Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (**ZC 2021-05**).

Discussion

Planning Staff and the Planning and Zoning Commission held a work session in February 2020 to discuss recommended changes to the Zoning Ordinance related to requiring Special Use Permits (SUPs) for some uses currently allowed by right.

After a staff presentation and some discussion, the Commission directed staff to draft a Zoning Ordinance amendment. Those amendments are summarized below. The full text amendments are attached as Exhibit A.

The recommended changes are as follows:

- Commercial Greenhouse / Nursery - Remove as an allowed use in Neighborhood Services (NS) and require a SUP in Community Retail (CR) due to effects of noise and odor near residential development.
- Theater - Require an SUP in all allowed zoning districts due to noise, traffic, and redevelopment difficulties.
- Dry Cleaning (on-site) - Require SUP in NS, CR, CC and remove as allowed use in DTH due to environmental concerns.
- Motor Vehicle Fueling Station - Require SUP in CR and CC due to environmental concerns, public safety, and redevelopment difficulties.
- Restaurant with Drive in - Require SUP in CR and CC and remove from LI due to traffic volatility, pedestrian safety, air quality concerns, and redevelopment difficulty.
- Vehicle Sales - Require SUP in CC and LI due to environmental concerns and redevelopment difficulties.
- Contractor's Maintenance Yard - Remove use from the retail chart (F.8) as the use is duplicated in the wholesale chart (I.2) and require SUP in CC due to noise, odor, and environmental concerns.

These changes allow city staff, the Planning and Zoning Commission, and City Council the opportunity to thoroughly review each use and recommend site specific requirements on a case by case basis. In addition, as

SUPs are zoning cases which require notifications and public hearings, citizens most affected by the proposed use will have a better opportunity to provide their input.

Council consideration on March 23, 2021

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	JH	February 24, 2021

Permitted Uses	Residential Districts							Non-Residential Districts							Parking	
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
A. Agricultural & Animal Related	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Animal Boarding Kennel with Outside Pens	S									S			P			1 per 325 sq ft of main structure
2. Animal Boarding/ Kennel without Outside Pens	S							S	S	P*		P*	P*			1 per 325 sq ft
3. Animal Production	P*															Per approved Site Plan
4. Commercial Greenhouse or Nursery	P*							P*	S*	S			P			1 per 300 sq ft of main structure
5. Crop Production	P*	P*														none
6. Stable (Commercial)	S*												P*			1 per 3 stalls

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
E. Recreational, Entertainment & Amusement Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	LI	HI	DTH	SBO	
6. Golf Driving Range	S	S	S	S	S	S		S	S	S		S				1.25 per tee (L)
7. Health Club						P*	P*	P*	P	P		P	P			1 per 200 sq ft
8. Neighborhood Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Per approved site plan (L)
9. Sexually Oriented Business													P*			1 per 150 sq ft (L)
10. Shooting Range, Indoor										S			P*			1 per 400 sq ft (L)
11. Theater									SP	SP		SS		SP	SP	1 per 200 sq ft

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Animal Clinic or Hospital	S							S	P	P						1 per 400 sq ft (L)
2. Automobile Rental								S	P*	P		P*	P			1 per 400 sq ft (L)
3. Automobile Repair, Major										S		S	P			1 per 400 sq ft (L)
4. Automobile Repair, Minor								S	S	S		P	P			1 per 300 sq ft (L)
5. Body Art Studio												P*	P*			1 per 150 sq ft (L)
6. Car Wash								S	S	S						Per approved SUP (L)
7. Club or Lodge (Non-profit)								P	P	P				P	P	1 per 200 sq ft (L)
8. Contractor's Maintenance Yard	.	.	.	.	.	.	.	.	.	.	.	S	P	.	.	1 per 500 sq ft main structure (L)
9. Dry Cleaning or Laundry, Drop-Off or Self Service								S* P	S* P	S* P		P	P	P*		1 per 350 sq ft
10. Cleaners (Commercial)										S		P*	P*			1 per 1000 sq ft (L)
11. Equipment Rental								S	S	S		P	P			1 per 500 sq ft

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
12. Food Processing								S	P*	P		P				1 per 1000 sq ft
13. General Merchandise Store								P	P	P	P*	P		P	P	1 per 400 sq ft (L)
14. Grocery Store								S	P	P				P	P	1 per 300 sq ft (L)
15. Home Improvement Center, Lumber, Brick, or Building Materials										P		P	P			1 per 400 sq ft (L)
16. Household Equipment & Appliance Repair								P	P	P		P	P			1 per 500 sq ft (L)
17.Motor Vehicle Fueling Station								S	SP	SP		P	P			Per site plan (L)
18.Pawn Shop												P				1 per 250 sq ft (L)
19. Personal Service Use								P	P	P		P		P	P	1 per 250 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DT H	SB O	
20. Restaurant with Drive-in or Drive-through Service									S* P*	S* P*		P*				1 per 150 sq ft (L)
21. Restaurant without Drive-in or Drive-through Service								P*	P*	P*	P*	P*	P*	P*	P*	1 per 100 sq ft (L)
22. Truck, Machinery & Heavy Equipment Sales, Service or Repair												S	P			1 per 600 sq ft of main structure (L)
23. Vehicle Display, Sales or Service										SP		SP				1 per 500 sq ft (L)
24. Beer & Wine Package Sales								P*	P*	P*		P*	P*	P*	P*	1 per 250 sq ft (L)
25. Antique Shop (Inside Sales)								S	P*	P*				P*	P*	1 per 250 sq ft (L)
26. Secondhand Goods								S		P*						1 per 250 sq ft (L)
27. Used Merchandise Resale/ Consignment or Thrift Shop								S		P*				P*	P*	1 per 250 sq ft (L)
28. Permanent Cosmetic Establishment								P*	P*	P*				P*	P*	1 per 250 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
I. Wholesale, Distribution & Storage	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Auto Auction													S			Per approved site plan (L)
2. Contractor's Maintenance Yard										S* P*		P	P			Per approved site plan (L)
3. Freight Terminal													P			Per approved site plan (L)
4. Landfill													S			Per approved SUP
5. Livestock Auction Pens or Sheds													S			Per approved SUP (L)
6. Mini-Warehouse (Self-Storage)												S	S			1 per 20 units
7. Office Showroom / Warehouse									S	P		P	P*		P	1 per 750 sq ft (L)
8. Outside Storage												P	P			Per approved site plan (L)
9. Recycling Collection Center									S	S		S	P			Per approved site plan (L)
10. Warehouse/ Distribution Center												S	P			1 per 1500 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

5.2.A.4

4. Commercial Greenhouse or Nursery

- a. **Definition:** Commercial greenhouse & nursery means a facility for the cultivation of plants within a protected environment on a commercial basis.
- b. **Additional Provisions:**

AG District: Limited retail sales are permitted on-site subject to the following conditions:

- (1) Retail sales are permitted at all times as part of the commercial greenhouse and nursery use when the retail sales do not exceed 10 percent of the total greenhouse floor area.
- (2) Up to 100 percent of the total greenhouse floor area may be devoted to retail sales activities during an occasional greenhouse sale. No more than 4 occasional greenhouse sales may be conducted during any 12 month period. Each occasional greenhouse sale shall be limited in duration to no more than 3 consecutive calendar days.

~~NS & CR Districts:~~

- (1) Use shall be limited to 5,000 square feet of land area.
- (2) Inside retail sales permitted.
- (3) All outside storage shall be screened from adjacent properties and streets.

5.2.F.8

~~8. Contractor's Maintenance Yard~~

~~**Definition:** Contractor's maintenance yard means a facility for the storage and maintenance of contractor's supplies and operational equipment.~~

5.2.F.9

9. Dry Cleaning or Laundry, Drop-Off or Self Service

- a. **Definition:** Dry cleaning, laundry store means a facility for the cleaning of garments, principally for individuals. This use may be either:
 - (1) a facility where patrons do their own cleaning; or
 - (2) a facility where the cleaning is done by employees of the establishment.
- b. **Additional Provisions:**
 - (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be 100-feet, and 40-feet thereafter, for any other stops.
 - (2) ~~DTH: No drive through window service.~~

5.2.F.17

17. Motor Vehicle Fueling Station

- a. **Definition:** Motor Vehicle Fueling Station means a building or covered premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade, together with automatic car wash facilities.
- b. **Additional Provisions:**
NS, CR, CC Districts:
- (1) SUP required and the additional conditions in 2 through 5 below.
 - (2) All commercial activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - (a) The dispensing of petroleum products, water and air from pump islands.
 - (b) The sale of items via vending machines which shall be located next to the main structure.
 - (3) Pump islands shall be located a minimum of 45 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 35 feet from the street right-of-way line.
 - (4) One off-street stacking space is required for each pump and water/air dispenser.
 - (5) No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.
 - (6) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

5.2.F.20

20. Restaurant with Drive-in or Drive-through Service

- a. **Definition:** Restaurant with drive-in or drive through service means
- (1) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.
 - (2) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premises consumption. **This use applies for the pick-up of delivery service and / or customer pre-orders of food for off-premises consumption.**
- b. **Additional Provisions:**
- (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be **a minimum of 100-feet**, and **a minimum of 40-feet** thereafter, for any other stops.

- (2) CR District: Drive through and stacking area shall not be located adjacent to residential uses.
- (3) The “Additional Provisions” listed in paragraph 21, subpart e., below, for “Restaurants without Drive-in or Drive-through Service” shall apply to Restaurants with Drive-in or Drive-through Service that sell alcohol.

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Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	March 2, 2021	Item:	4
Department:	Planning		
Prepared By:	Staff	Subdivision:	N/A
Date Prepared:	January 18, 2021	Zoning District:	N/A
		Exhibits:	Draft Ordinance, Draft Use Chart, Examples

Subject

Hold a Public Hearing to consider, and act upon, a recommendation to the City Council regarding amending Zoning Ordinance (2001-48) Article 5, Section 5.2.F Listed Uses, as they relate to permanent, accessory and temporary uses for Food Truck Parks and Farmers Markets (ZC 2021-06).

Recommendation

Hold a Public Hearing to consider, and act upon, a recommendation to the City Council regarding amending Zoning Ordinance (2001-48) Article 5, Section 5.2.F Listed Uses, as they relate to permanent, accessory and temporary uses for Food Truck Parks and Farmers Markets (ZC 2021-06).

Discussion

Locally sourced foods and mobile prepared food vendors have gained in both popularity and acceptance. A survey conducted during the updating of the Parks Master Plan identified that there is interest from the community in allowing Food Truck Parks and Farmers Markets as both permanent and longer duration temporary uses.

Currently, the Wylie Zoning Ordinance does not allow these uses on a permanent basis. The uses have been allowed on a temporary basis using Temporary Use Permits (TUPs). TUPs are limited to 90 days per calendar year for each approved site.

Staff held a worksession with the Planning and Zoning Commission on November 10th of 2020. Based on the comments received from the Commission, staff recommendations to the Zoning Ordinance amendment are:

- Allow permanent, stand alone food truck parks and farmer's markets with the approval of a Special Use Permit in most commercial areas. Due to the nature of the use and site design, the SUP will allow for each site to be evaluated on a case per case basis. Allowed zoning districts and additional provisions are listed in the exhibit.
- Add food vendors / farmers market style sales to the Accessory Outside Sales use to allow these uses to be added to existing commercial facilities on a permanent basis and add designated food court / garage sales areas to HOA owned property in residential districts. Changes also recommend several additions or amended provisions and are listed in the exhibit.
- Amending and updating the 'Seasonal Sales Stand' temporary use to specify and allow Food Trucks and Farmers Markets in addition to adjusting the setback requirements.
- Amending and updating Section 5.5 Temporary Uses to adjust for the addition of Food Trucks and Farmers Markets and clarify and amend the number of allowed days per calendar year per use.

In total, these amendments will allow for food trucks and farmers markets in the City on a more permanent basis. An example of possible results of permanent uses are included in the exhibits. In addition, the amendments will allow more freedom for existing business owners to appropriately add these uses to their business or coordinate with an operator to allow the use on their property. Lastly, the amendments amend and clarify Temporary Uses to increase understanding of temp uses.

Council Consideration on March 23, 2021.

Approved By**Department Director***Initial*

JH

Date

February 25, 2021

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DT H	SB O	
20. Restaurant with Drive-in or Drive-through Service									P*	P*		P *				1 per 150 sq ft (L)
21. Restaurant without Drive-in or Drive-through Service								P*	P*	P*	P*	P*	P*	P*	P*	1 per 100 sq ft (L)
23. Truck, Machinery & Heavy Equipment Sales, Service or Repair												S	P			1 per 600 sq ft of main structure (L)
24. Vehicle Display, Sales or Service										P		P				1 per 500 sq ft (L)
25. Beer & Wine Package Sales								P*	P*	P*		P*	P*	P*	P*	1 per 250 sq ft (L)
26. Antique Shop (Inside Sales)								S	P*	P*				P*	P*	1 per 250 sq ft (L)
27. Secondhand Goods								S		P*						1 per 250 sq ft (L)
28. Permanent Cosmetic Establishment								P*	P*	P*				P*	P*	1 per 250 sq ft (L)
29. Food Truck Park / Farmer’s Market									S	S	S	S		S	S	Per approved site plan

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
J. Accessory Uses	AG/ 30	SF- ED	SF- 20/ 26	SF- 10/ 24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Accessory Agricultural Buildings	P*	S														None
2. Accessory Community Center (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*			1 per 300 sq ft
3. Accessory Game Court (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	S		P*	P*			None / Per approved site plan
4. Accessory Outside Display of Merchandise								P*	P*	P*		P*		P*	P*	None
5. Accessory Outside Sales			P*	P*	P*	P*	P*		P*	P*	P*	P*		P*	P*	1 per 500 sq ft
6. Accessory Outside Storage									S			P*	P*			None
7. Amateur Communication Tower	P*	P*	S	S	S	P*	P*	P*	P*	P*		P*	P*			None
8. Caretakers Quarters/ Domestic or Security Unit	S					P	P	P	P	P		P	P	P	P	1 per 1000 sq ft
9. Home Occupation	P*	P*	P*	P*	P*	P*									P*	None
10. Private Stable	P*	P*														None
11. Swimming Pool (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	S	S	None

29. Food Truck Park / Farmers Market

a. **Definition:** A park or market of a permanent nature allowing for mobile food units, cart food vendors, and for the sale of locally sourced foodstuffs and arts and craft products. Additional uses, such as entertainment or amusement, may be allowed only when included in Special Use Permit development conditions.

b. **Additional Provisions:**

- (1) All access/egress points, food truck and vendor stalls, and fire lanes (if necessary) shall be located on an impervious concrete surface. Drive aisles, on-site parking, and pedestrian walkways shall be located on an impervious concrete surface or a durable semi-impervious surface approved by the City Engineer.
- (2) As a permanent use, with or without permanent structures, the site shall provide all utilities consistent with a commercial use.
- (3) If a Food Truck Parks/Farmers Market is located within 500 feet of a residential or mixed-use district, the hours of operation shall be made a part of the SUP.
- (4) Applicable food and sales tax permits shall be required for all vendors.
- (5) Sale of alcohol shall abide by the same regulations as restaurants or beer/wine sales establishments as appropriate.
- (6) At least one permanent enclosed restroom shall be provided within 500 feet of any market stall or food vendor. An alternative restroom provider may be included if, as part of the SUP:
 - A. The lot containing the use is less than one acre or has another limiting factor for the installation of permanent bathrooms, and;
 - B. Permanent bathrooms, open to the public, are located within 500 feet of all market stalls and food vendors.
- (7) Each mobile food unit and/or vendor stall must provide a trash receptacle that is accessible to customers.
- (8) All mobile food units and vendors shall provide fire prevention tools as required by the City of Wylie Fire department.
- (9) All mobile food units and vendors must provide a food or health permit as required at the time of operation.

Article 5.J Accessory Sales

Currently allowed in CR and CC

5. Accessory Outside Sales

a. Definition: Accessory outside sales means the area of an existing site for the generally permanent outside sale of food or merchandise. Accessory uses may include, but not be limited to, year-round rotated seasonal merchandise and food truck and cart vendors.

b. Additional Provisions: Accessory outside sales shall meet the following standards:

(1) Accessory outside sales are permitted only in areas designated on the site plan filed with the City. The City Planner shall have the authority to approve or disapprove the addition of Accessory Outside Sales exhibits when presented as an amendment to an approved site plan of the primary use. The City Planner may waive this authority and require consideration of the amendment by the Planning and Zoning Commission.

(2) In residential districts this use shall only be allowed on property owned and maintained by the subdivision's Homeowners Association (HOA). Operation of the use shall be specified in the HOA's Covenants, Conditions, and Restrictions (CCRs).

(3) Outdoor sales areas may not exceed five percent of the adjacent building floor area, (Building area is defined as the entirely enclosed portion of the primary use structure-building-) or 50% of the common lot area in a residential district.

(4) Accessory outside sales shall have required parking based on the accessory use and the square footage of the entirety of the use, including such areas as seating and queuing, as determined by a rectangle that encompasses said area.

(5) Outdoor sales may occupy up to thirty percent of a covered sidewalk that is located within twenty feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five foot passable distance shall be maintained. Outside sales and displays shall only occupy the sidewalk during normal business hours.

(6) Any outside sales areas not located on a covered sidewalk must be located, in its entirety, on an improved concrete surface within 100 feet of the primary structure with safe pedestrian route(s) to the primary structure.

(7) Any outside sales located within 25 feet of the property line, and not on a sidewalk, shall be screened shall be screened from view of adjacent roadways, public areas, and adjacent properties. Such screening shall must:

(a) Be a minimum of eight feet high or one foot taller than any and all the, merchandise, materials being displayed, or vendor vehicles, whichever is greater.

(b) Include a minimum of twenty percent solid screening matching the material of the primary building, -ff

(c) The remainder may be solid evergreen planting, or wrought iron, or dark vinylcoated chain link or similar materials.

- ~~(5) Any outside sales areas not located on a covered sidewalk must be located immediately adjacent to or connected to the primary structure.~~
- (86) No outdoor sales may be located in any portion of a parking lot required by all other existing on-site uses.

Article 5.K.3 Seasonal Sales Stand

Currently allowed in AG, CR, CC, DTH, SBO

3. ~~Seasonal Sales Stand~~ Seasonal Farmers Market / Food Truck Park

a. **Definition:** ~~Seasonal sales stand means a~~ A site or facility for the sale of agricultural products or prepared foods that are seasonal or temporary in nature.

b. **Additional Provisions:**

- (1) No product, food cart, truck, or stall may be placed for sale or display and no structures ~~used for a temporary seasonal sales stand~~ closer than 5010 feet to the public right-of-way or sidewalk, whichever is greater. EXCEPTION: The placement distance may be reduced adjacent to rights-of-way with no more than two total lanes of motorized vehicle traffic and a speed limit of 30 miles per hour or less
- (2) No temporary site or facility ~~temporary seasonal sales stand may~~ shall be larger than one acre nor have more than 50% of the total area of the property occupied by vendor stalls, carts, or trucks. ~~3,500 square feet of floor area.~~
- (3) Upon completion of the temporary use, the site shall be ~~restored-cleaned~~, all evidence of its use removed.
- (4) Off-street parking requirements for this use may be satisfied by using existing parking spaces ~~for other uses~~ located within 500 feet of the use (not the property line) ~~Seasonal Sales Stand~~, or by providing temporary parking spaces that do not strictly comply with the City's off-street parking construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off-street parking space:
 - (a) Adequately accommodate the parking needs of the use; and
 - (b) Will not adversely affect surrounding uses; ~~And~~
 - (c) Is used with written permission of the property owner, manager, or duly appointed representative.

SECTION 5.5 TEMPORARY USES

A. Purpose

~~Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses operating for less than 90 days within a one-year time period~~ shall obtain a Temporary Use Permit from the Building Official. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare. TUPs may be approved for up to a maximum of 90 consecutive days, unless otherwise limited by additional provisions as listed in the Land Use charts or in Section 5.5.B, below

B. Temporary Use Defined

~~Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis.~~ Temporary uses are identified in Section 5.1 Land Use Charts and 5.2 Listed Uses. In addition, the following uses and activities shall be considered temporary uses:

1. Fundraising Activities by Not-for-Profit Agencies. Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours, ~~but less than 14 days.~~
2. Special and Seasonal Sales Events. Significant commercial activities lasting not longer than ~~930~~ days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, ~~farmer's markets, Christmas tree lot sales,~~ product demonstrations or parking lot sales of ~~food,~~ art work or other goods.
3. Entertainment or Amusement Events. Short-term cultural and entertainment events including public or private events lasting not longer than ~~3090~~ days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.