

# Wylie Planning and Zoning Commission Regular Meeting

September 17, 2024 – 6:00 PM

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



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## CALL TO ORDER

## INVOCATION & PLEDGE OF ALLEGIANCE

## COMMENTS ON NON-AGENDA ITEMS

*Any member of the public may address 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. Commission requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, 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 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 meeting minutes from the August 20, 2024 Planning and Zoning Commission meeting.
- B. Consider, and act upon a recommendation to City Council regarding a Preliminary Plat for College Park, creating 88 lots on 25.037 acres, generally located near 605 Country Club Road.

## REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, a recommendation to City Council regarding the writing of an ordinance for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 1.483 acres to allow for a drive-through restaurant use. Property located at 902 W FM 544. (ZC 2024-03).

## 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 September 13, 2024 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.

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*Stephanie Storm, City Secretary*

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*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 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 Commission at the date, hour and place given in this notice as the 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.



# Planning & Zoning Commission

## AGENDA REPORT

Department: Planning

Item: A

Prepared By: Gabby Fernandez

### Subject

Consider, and act upon, approval of the meeting minutes from the August 20, 2024 Planning and Zoning Commission meeting.

### Recommendation

Motion to approve Item as presented.

### Discussion

The minutes from the August 20, 2024 Planning and Zoning Commission meeting are attached for your consideration.

# Wylie Planning and Zoning Commission Regular Meeting

August 20, 2024 – 6:00 PM

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



## CALL TO ORDER

Chair Joshua Butler called the meeting to order at 6:00pm. In attendance were Chair Joshua Butler, Commissioner Joe Chandler, Vice-Chair Harold Gouge, Commissioner Keith Scruggs, and Commissioner Zewge Kagnev. Staff present were: Community Services Director Jasen Haskins, Senior Planner Kevin Molina, Development Engineering Manager Than Nguyen and Administrative Assistant Gabby Fernandez. Absent were Commissioner Franklin McMurrian and Commissioner Zeb Black.

## INVOCATION & PLEDGE OF ALLEGIANCE

Chair Butler gave the Invocation and Vice-Chair Gouge led the Pledge of Allegiance.

## COMMENTS ON NON-AGENDA ITEMS

*Any member of the public may address 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. Commission requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Commission is not allowed to converse, deliberate or take action on any matter presented during citizen participation.*

No one approached the Commissioners on Non-Agenda Items.

## CONSENT AGENDA

*All matters listed under the Consent Agenda are considered to be routine by the 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 meeting minutes from the July 16, 2024 Planning and Zoning Commission meeting.
- B. Consider, and act upon a recommendation to City Council regarding an Amending Plat of Lot 1, Block A of Hartman Elementary School, amending one lot on 7.963 acres. Property located at 510 Birmingham Street.

## BOARD ACTION

A motion was made by Vice-Chair Gouge, seconded by Commissioner Chandler, to approve the Consent Agenda as presented. A vote was taken and the motion passed 5 – 0.

## REGULAR AGENDA

1. Consider, and act upon, a Site Plan for Lot 1, Block A of Hartman Pre-K Center for the development of an early childhood center on 7.963 acres. Property located at 510 South Birmingham Street.

### **BOARD ACTION**

A motion was made by Commissioner Chandler, seconded by Commissioner Scruggs, to approve Item 1 as presented. A vote was taken and the motion passed 5 – 0.

2. Consider, and act upon, a Site Plan for an office/warehouse use on 0.58 acres, located at 707 Business Way, being Lot 4, Block 1 of 544 Industrial Park.

### **BOARD ACTION**

A motion was made by Vice-Chair Gouge, seconded by Chair Butler to approve Item 2 as presented. A vote was taken and the motion passed 5 – 0.

3. Hold a Public Hearing, consider, and act upon, a recommendation to City Council regarding the writing of an ordinance for a change in zoning from Downtown Historic District (DTH) to Downtown Historic District - Special Use Permit (DTH-SUP) on 0.083 acres to allow for a Smoking Establishment. Property located at 100 N Ballard Avenue. (ZC2024-06)

Chair Butler opened the Public Hearing at 6:29 PM. 4 members of the public addressed the Commission. Chair Butler closed the Public Hearing at 6:42 PM.

### **BOARD ACTION**

A motion was made by Vice-Chair Gouge, seconded by Chair Butler to approve Item 3 with the condition that cigars be the only smoking product that be sold. A vote was taken and the motion passed 4 – 1 with Commissioner Kagnew in opposition.

4. Hold a Public Hearing, consider, and act upon, a recommendation to City Council regarding the writing of an ordinance for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 18.754 acres to allow for drone delivery service for Walmart. Property located at 2050 N State Highway 78 (ZC2024-05).

Chair Butler opened the Public Hearing at 7:28 PM. No one approached the Commission. Chair Butler closed the Public Hearing at 7:28 PM.

### **BOARD ACTION**

A motion was made by Commissioner Chandler, seconded by Commissioner Scruggs to approve Item 4 as presented. A vote was taken and the motion passed 5 – 0.

## ADJOURNMENT

A motion was made by Vice-Chair Gouge, and seconded by Chair Butler, to adjourn the meeting at 7:30 PM. A vote was taken and carried 5 – 0.

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*Joshua Butler, Chair*

## ATTEST

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*Gabby Fernandez, Secretary*



# Wylie Planning & Zoning Commission

## AGENDA REPORT

**Department:** Planning  
**Prepared By:** Kevin Molina

**Item Number:** B

### Subject

Consider, and act upon a recommendation to City Council regarding a Preliminary Plat for College Park, creating 88 lots on 25.037 acres, generally located near 605 Country Club Road.

### Recommendation

Motion to recommend **approval** as presented.

### Discussion

**OWNER: Abdul Kan**

**APPLICANT: GeoNav Surveying**

The applicant has submitted a Preliminary Plat for College Park, a mixed use Planned Development containing 25.037 acres that was approved by City Council in April of 2024. (Ordinance 2024-10). The property is generally located near 605 Country Club road.

The preliminary plat contains 50 single family detached lots, 32 single family attached, two commercial lots and four HOA maintained lots.

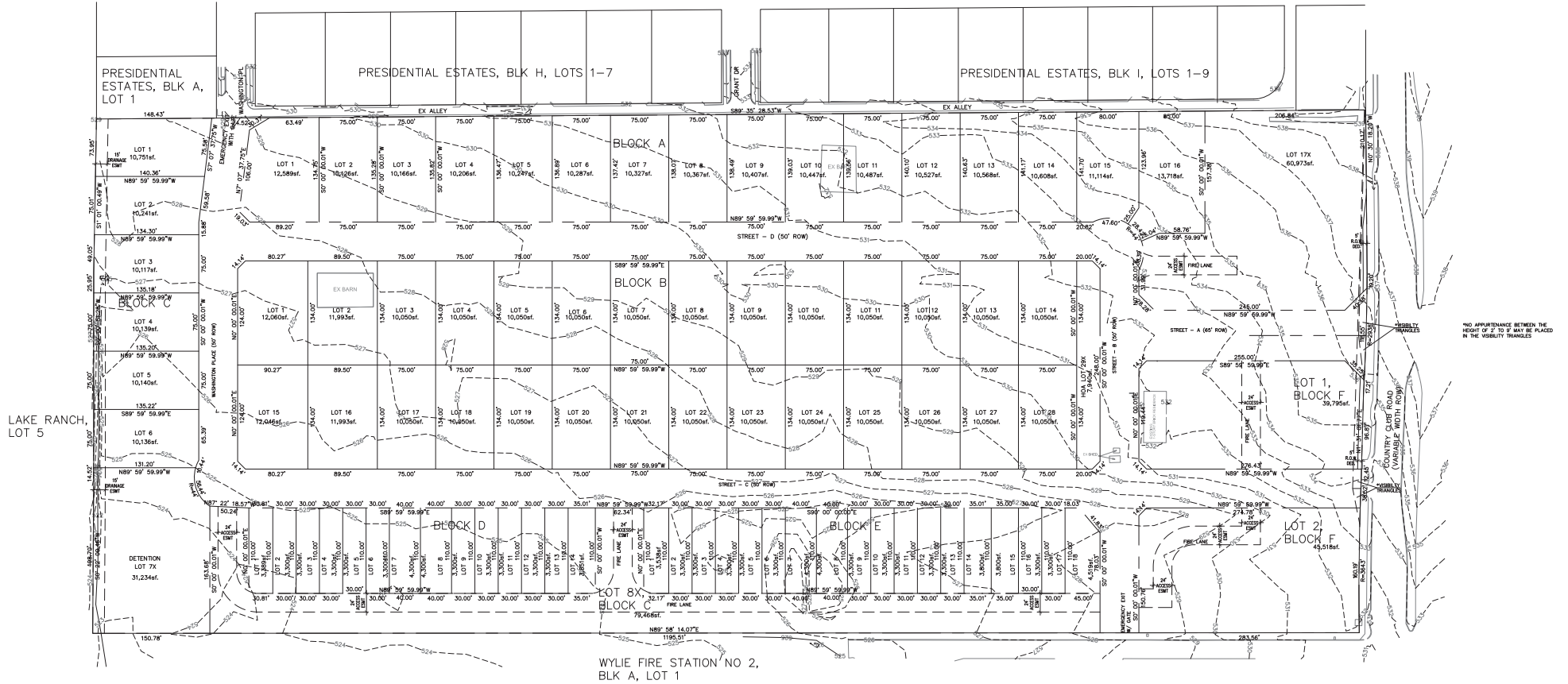
The preliminary plat shows the construction of four public streets and the extension of Washington Place. Access to Washington Place within the Presidential Estates Subdivision is restricted to emergency access and is enforced with a gate that will be provided with this development.

The plat dedicates the necessary rights-of-way and utility easements. Open space lots and easements including the alley for the detached homes located on Lot 8X, Block C is to be maintained by the Home Owners Association.

As presented the preliminary plat is in compliance with the Planned Development and is consistent with the approved Zoning Exhibit.

The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations and of Planned Development Ordinance 2024-10. 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.



LEGAL DESCRIPTION

BEING a 25.0372 acre tract situated in the George W. Gunnell Survey, Abstract No. 351, Collin County, Texas and being all of a tract of land described in a deed to Wylie Partners, LP as recorded in Instrument Number 2018053000065260 of the Official Public Records Collin County, Texas (O.P.R.C.C.T.), and all tract of land described in a deed to Abdul R. Khan and Abdul L. Khan, as recorded in Instrument Number 20150608000672830, (O.P.R.C.C.T.) and all of a tract of land described in a deed to Scott Residential, LLC as recorded in Instrument Number 20181105001376830, 20181106001376890 (O.P.R.C.C.T.) and all of a tract of land described in a deed to ALK Real Estate Investment, LLP, as recorded in Instrument Number 20170302000278350 (O.P.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod set at the northeast corner of said Wylie Partners, LP, and the southeast corner of Presidential Estates, an addition to the City of Wylie as recorded in Volume G, Page 174, Map Records of Collin County, Texas, and on the west right-of-way line of FM Highway No. 1378 (a variable width right-of-way), for a corner;

THENCE South 00 degrees 30 minutes 18 seconds East along the east line of said Wylie Partners, LP, and on the west right-of-way line of said FM Highway No. 1378, a distance of 210.17 feet to a 1/2-inch iron rod found at the southeast corner of said Wylie Partners, LP and the northeast corner of said Khan tract, and at the beginning of a curve to the right having a radius of 2937.97 feet and a chord bearing and distance of South 01 degrees 44 minutes 34 seconds West, 154.95 feet;

THENCE Along the east line of said Khan tract and the west right-of-way line of said FM Highway No. 1378, and along said curve to the right having a delta of 03 degrees 01 minutes 19 seconds and an arc length of 154.95 feet to a 1/2-inch iron rod set, for a corner

THENCE South 01 degrees 31 minutes 02 seconds West, along the east line of said Khan tract and the west right-of-way line of said FM Highway No. 1378, a distance of 109.32 feet to a 5/8-inch iron rod found with cap stamped "TXD07", at the southeast corner of said Khan tract and the northeast corner of said ALK Real Estate Investment, LLP, and the beginning of a curve to the left having a radius of 3643.48 feet and a chord bearing and distance of South 00 degrees 44 minutes 09 seconds West, 198.68 feet;

THENCE along the east line of said ALK Real Estate Investment, LLP, tract and on the west right-of-way line of said FM Highway No. 1378 and along said curve to the left having a delta of 03 degrees 07 minutes 29 seconds, and an arc length of 198.71 feet to a 1/2-inch iron rod set at the southeast corner of said ALK Real Estate Investment, LLP, tract and the north line of a tract of land described in a deed to City of Wylie, as recorded in Instrument Number 98-0038017, (O.P.R.C.C.T.), for a corner;

THENCE South 89 degrees 58 minutes 14 seconds West, along the south line of said ALK Real Estate Investment, LLP, tract, and on the north line of said City of Wylie tract a distance of 1629.84 feet to a 1/2-inch iron rod found at said ALK Real Estate Investment tract and the northwest corner of said City of Wylie tract, for a corner;

THENCE North 00 degrees 22 minutes 00 seconds East, along the west line of said ALK Real Estate Investment, LLP, tract, a distance of 198.70 feet to a 3/8-inch iron rod found at the northwest corner of said ALK Real Estate Investment, LLP, tract, and the southwest corner of said Wylie Partners, LP, tract, for a corner;

THENCE North 00 degrees 00 minutes 51 seconds East, along the west line of said Scott Residential, LLC tract, a distance of 265.48 feet to a 3/8-inch iron rod found at the northwest corner of said Scott Residential, LLC tract, and the southwest corner of said Wylie Partners, LP, tract, for a corner;

THENCE North 01 degrees 01 minutes 00 seconds East, along the west line of said Wylie Partners, LP tract, a distance of 198.02 feet to a 5/8-inch iron rod found at the northwest corner of said Wylie Partners, LP tract, and the southwest corner of said Presidential Estates, for a corner;

THENCE North 89 degrees 35 minutes 29 seconds East, along the north line of said Wylie Partners, LP tract and the south line of said Presidential Estates, a distance of 1633.31 feet to the POINT OF BEGINNING AND CONTAINING 1,090,616 square feet or 25.0372 acres of land, more or less.

**FLOODPLAIN NOTE:**  
Based upon graphical plotting the subject property is located within Zone "X" (unshaded), being defined as those areas determined to be outside the 0.2% annual chance floodplain, as delineated on Flood Insurance Rate Map, number 48050C04154, dated June 02, 2009.

**DETENTION POND NOTE:**  
Detention pond shall be maintained by the HOA.



LOCATION MAP  
(NOT TO SCALE)

Engineer:



5900 S Lake Forest Dr, Ste 300  
McKinney, TX 75070  
(972) 554-1100

PRELIMINARY  
NOT FOR  
CONSTRUCTION

JOHN H BEZNER  
PE # 98469

Surveyor:  
GeoNav Surveying  
3410 Midcourt Rd, Ste 110  
Carrollton, TX 75006  
(972) 243-2409  
TBPLS Firm No. 10194205

Developer:  
College Park, LLC  
5411 Kingston Dr  
Richardson, TX 75082  
(469) 870-6020  
Contact: Dr Abdul Lateef Khan

PRELIMINARY PLAT  
COLLEGE PARK

Block A, Lots 1-16, Lot 17X; Block B, Lots 1-28, 29X;  
Block C, Lots 1-6, 7X, 8X; Block D, Lots 1-14;  
Block E, Lots 1-18; Block F, Lots 1-2  
Being 25.037 Acres in the  
George W. Gunnell Survey, Abstract No. 351,  
in the City of Wylie, Collin County, Texas  
September 4, 2024  
Sheet 1 (of 2)



PROPERTY OWNER'S CERTIFICATE:

STATE OF TEXAS §  
COUNTY OF COLLIN §  
WHEREAS, College Park, LLC is the Owner of a tract of land situated in the George W. Gunnell Survey, Abstract No. 351, Collin County, Texas and being out of a 7.6700 acre tract conveyed to them by Wylie Partners, LP, and a 4.0030 acre tract conveyed to them by Scott Residential, LLC, and a 0.9820 acre tract conveyed to them by Scott Residential, LLC, and a 4.9720 acre tract conveyed to them by Khan Abdul R & Abdul I Khan, and a 7.4330 acre tract conveyed to them by Alk Wylie, LP, and being more particularly described as follows:

LEGAL DESCRIPTION

Being a 25.0372 acre tract situated in the George W. Gunnell Survey, Abstract No. 351, Collin County, Texas and being all of a tract of land described in a deed to Wylie Partners, LP as recorded in Instrument Number 20180530000658260 of the official public records Collin County, Texas (O.P.R.C.C.T.), and all tract of land described in a deed to Abdul R. Khan and Abdul L. Khan, as recorded in Instrument Number 20150608000672830, (O.P.R.C.C.T) and all of a tract of land described in a deed to Scott Residential, LLC as recorded in Instrument Number 20181105001376830, 20181106001376890 (O.P.R.C.C.T) and all of a tract of land described in a deed to ALK Real Estate Investment, LLP, as recorded in Instrument Number 20170302000278350 (O.P.R.C.C.T) and being more particularly described by metes and bounds as follows:

Beginning at a 1/2–inch iron rod set at the northeast corner of said Wylie Partners, LP, and the southeast corner of Presidential Estates, an addition to the City of Wylie as recorded in Volume G, page 174, Map Records of Collin County, Texas, and on the west right–of–way line of FM Highway No. 1378 (a variable width right–of–way), for a corner;

THENCE South 00 degrees 30 minutes 18 seconds east along the east line of said Wylie Partners, LP, and on the west right–of–way line of said FM Highway No. 1378, a distance of 210.17 feet to a 1/2–inch iron rod found at the southeast corner of said Wylie Partners, LP and the northeast corner of said Khan tract, and at the beginning of a curve to the right having a radius of 2937.97 feet and a chord bearing and distance of South 01 degrees 44 minutes 34 seconds West, 154.95 feet;

THENCE along the east line of said Khan tract and the west right–of–way line of said FM Highway No. 1378, and along said curve to the right having a delta of 03 degrees 01 minutes 19 seconds and an arc length of 154.95 feet to a 1/2–inch iron rod set, for a corner

THENCE South 01 degrees 31 minutes 02 seconds West, along the east line of said Khan tract and the west right–of–way line of said FM Highway No. 1378, a distance of 109.32 feet to a 5/8–inch iron rod found with cap stamped "TXDOT", at the southeast corner of said Khan tract and the northeast corner of said ALK Real Estate Investment, LLP, and the beginning of a curve to the left having a radius of 3643.48 feet and a chord bearing and distance of South 00 degrees 44 minutes 09 seconds West, 198.68 feet;

THENCE along the east line of said ALK Real Estate Investment, LLP, tract and on the west right–of–way line of said FM Highway No. 1378 and along said curve to the left having a delta of 03 degrees 07 minutes 29 seconds, and an arc length of 198.71 feet to a 1/2–inch iron rod set at the southeast corner of said ALK Real Estate Investment, LLP, tract and the north line of a tract of land described in a deed to City of Wylie, as recorded in Instrument Number 98–0038017, (O.P.R.C.C.T), for a corner;

THENCE South 89 degrees 58 minutes 14 seconds West, along the south line of said ALK Real Estate Investment, LLP tract, and on the north line of said City of Wylie tract a distance of 1629.84 feet to a 1/2–iron rod found at the southwest corner of said ALK Real Estate Investment tract and the northwest corner of said City of Wylie tract, for a corner;

THENCE North 00 degrees 22 minutes 00 seconds East, along the west line of said ALK Real Estate Investment tract, a distance of 198.70 feet to a 3/8–inch iron rod found at the northwest corner of said ALK Real Estate Investment tract, and the southwest corner of said Scott Residential, LLC, for a corner;

THENCE North 00 degrees 00 minutes 51 seconds East, along the west line of said Scott Residential, LLC tract, a distance of 265.48 feet to a 3/8–inch iron rod found at the northwest corner of said Scott Residential, LLC tract, and the southwest corner of said Wylie Partners, LP tract, for a corner;

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THENCE North 89 degrees 35 minutes 29 seconds East, along the north line of said Wylie Partners, LP tract and the south line of said Presidential Estates, a distance of 1633.31 feet to the point of beginning and containing 1,090,618 square feet or 25.0372 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_, acting herein by and through his (its) duly authorized officers, does hereby adopt this plat designating the herein above described property as \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_\_.

BY:

\_\_\_\_\_  
Authorized Signature of Owner

\_\_\_\_\_  
Printed Name and Title

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 \_\_\_\_\_, Owner, 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 considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires On:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, 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.

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 \_\_\_\_\_, Land Surveyor, 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 considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires On:

APPROVAL BLOCK

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

Engineer:



5900 S Lake Forest Dr, Ste 300  
McKinney, TX 75070  
(972) 554-1100

PRELIMINARY  
NOT FOR  
CONSTRUCTION

JOHN H BEZNER  
PE # 98469

Surveyor:  
GeoNav Surveying  
3410 Midcourt Rd, Ste 110  
Carrollton, TX 75006  
(972) 243-2409  
TBPLS Firm No. 10194205

Developer:  
College Park, LLC  
5411 Kingston Dr  
Richardson, TX 75082  
(469) 870-6020  
Contact: Dr Abdul Lateef Khan

PRELIMINARY PLAT  
COLLEGE PARK

Block A, Lots 1-16, Lot 17X; Block B, Lots 1-28, 29X;  
Block C, Lots 1-6, 7X, 8X; Block D, Lots 1-14;  
Block E, Lots 1-18; Block F, Lots 1-2  
Being 25.037 Acres in the  
George W. Gunnell Survey, Abstract No. 351,  
in the City of Wylie, Collin County, Texas  
September 4, 2024  
Sheet 2 (of 2)



LOCATION MAP  
(NOT TO SCALE)



# Wylie Planning & Zoning Commission

## AGENDA REPORT

Department: Planning  
Prepared By: Kevin Molina

Item Number: 1

### Subject

Hold a Public Hearing, consider, and act upon, a recommendation to City Council regarding the writing of an ordinance for a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 1.483 acres to allow for a drive-through restaurant use. Property located at 902 W FM 544. (ZC 2024-03).

### Recommendation

Motion to recommend (**approval, approval with conditions or disapproval**) as presented.

### Discussion

**OWNER: Wylie Economic Development Corporation**

**APPLICANT: JP Engineering**

The applicant is requesting a Special Use Permit (SUP) on 1.483 acres to allow for a drive-through restaurant use within a 10,002 sf multi-tenant retail structure. The property is located at 902 W FM 544. The current zoning is Commercial Corridor (CC).

The Special Use Permit (SUP) conditions document allows for the drive-through restaurant use and is requesting for the Zoning Exhibit to act as the site plan for the development. Approval of the SUP shall act as site approval.

The development is required to provide 53 parking spaces. The development is in compliance by providing 56 parking spaces with three being ADA accessible.

The development provides a 24' fire lane that loops around the entire structure with access to John Yeager Way, a named driveway. This named access drive allows for a connection to FM 544.

The landscaping percentage is at 19.1%, which is 0.9% under the 20% requirement. The initial plans contained 20% However due to the size of the structure staff required for a loading space to be added to the development. The developer prepared a revised plan that included the 20% landscaping, but this was at the cost of three parking spaces. Staff's recommendation is to allow for the 19.1% landscaped area to preserve the three parking spaces. The multi-tenant nature of this development warrants the need for parking over the 0.9% landscaped area.

The development is in compliance with the intent of the landscape requirements by providing a landscape buffer along FM 544 with tree plantings throughout the site. Sidewalks shall also be constructed along FM 544 and John Yeager way.

The building's exterior material consists of brick, stone veneer, and stucco with awnings along the tenant entrances.

As presented, this Zoning Exhibit is in compliance with the design requirements of the Zoning Ordinance. Approval of the site development is subject to additions and alterations as required by the City Engineering Department.

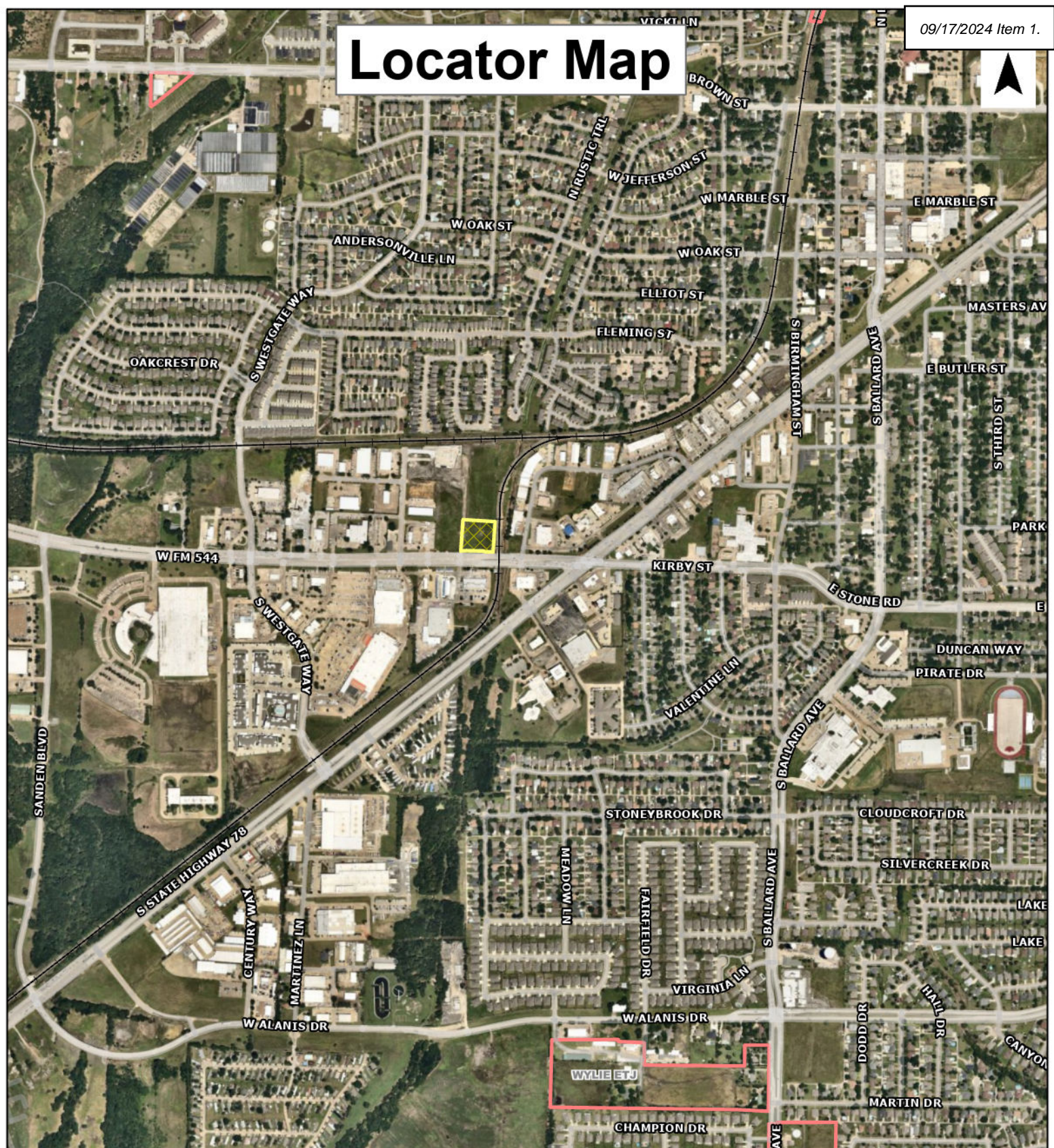
The surrounding property to the west and north is undeveloped and owned by the Wylie Economic Corporation, being the same property owner as the applicant of this SUP request. The property to the east contains a railroad. The property to the south contains a multi-tenant retail building. There are 14 completed drive-thru restaurants within ½ mile (Fuzzys Taco Shop, Burger King, Wendy's, Taco Bell, Arbys, Golden Chick, Chipotle, McDonalds, KFC, Taco Delite, Starbucks, Chick-

Fil-A, Whataburger, and Sonic ). The site is located in the Regional Commercial sector of the future land use map and is consistent with the existing surrounding development and land use classification of the comprehensive plan.

Notices were sent to 13 property owners within 200 feet as required by state law. At the time of posting, no responses were received in favor or in opposition of the request.

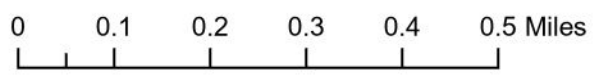


# Locator Map



ZONING BOARD OF ADJUSTMENT CASE:  
ZC 2024-03

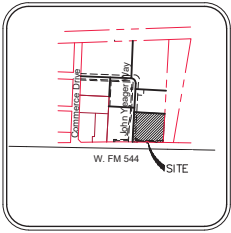
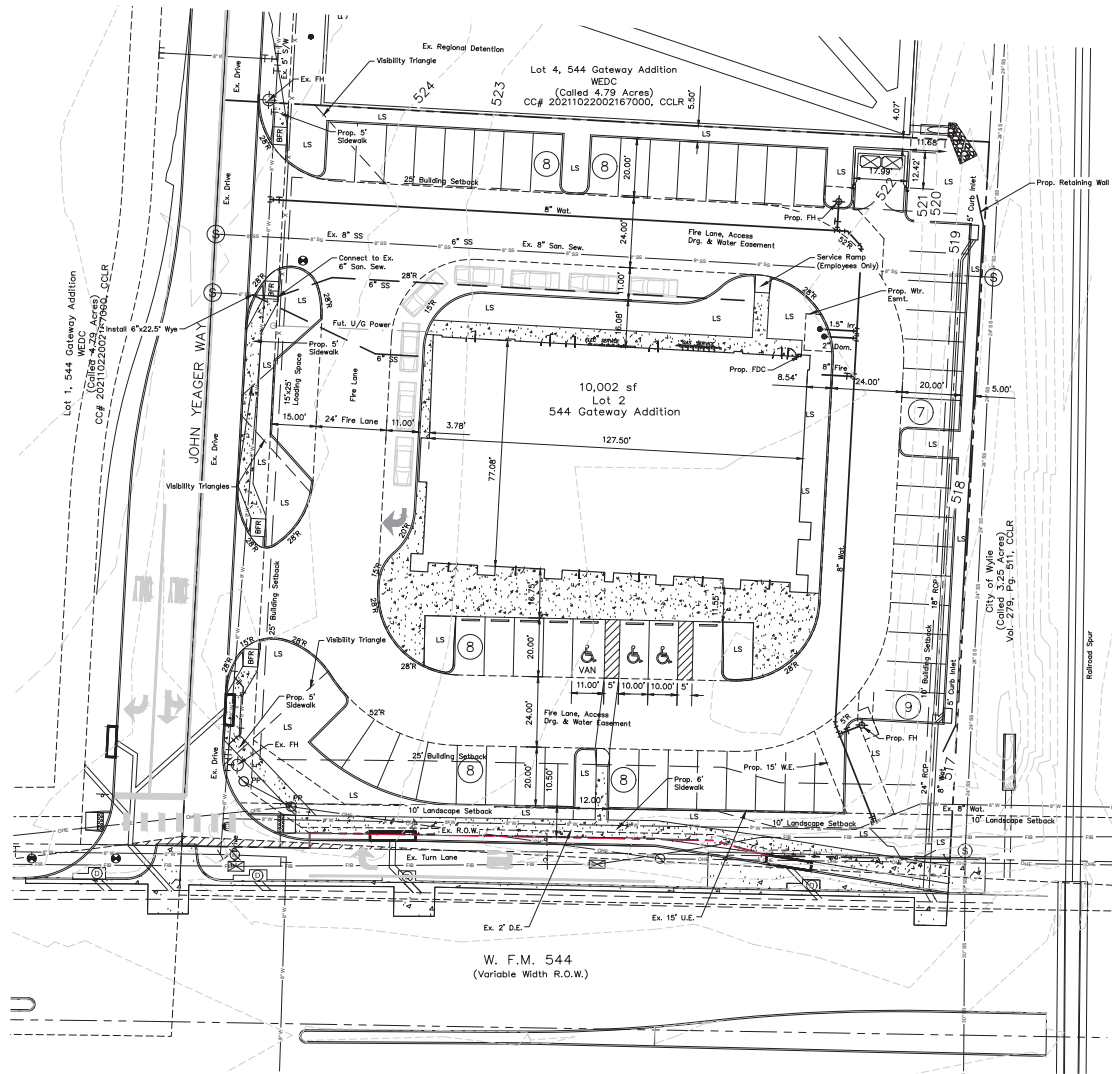
 SUBJECT property     Railroad



Date: 8/26/2024







Vicinity Map  
NTS

**SITE DATA**

Description:	Lot 2
Existing Zoning:	Lone Star Crossing Addition
Proposed Use:	PD
Lot Area:	Retail/Restaurant
Building Areas:	1,483 Acres (64,617 sf)
Floor Coverage:	10,002 sf
Required Parking:	15,485
Building Height:	0:15 : 1
Required Parking:	1-Story (26'-6" to Parapet, 24'-2" to Eave of gabled roof.)
	Restaurant 1 1:150 (2,000/150) = 14 Spcs.
	Retail 1 1:400 (1,200/400) = 3 Spcs.
	Restaurant 2 1:150 (3,000/150) = 20 Spcs.
	Retail 2 1:400 (3,800/400) = 10 Spcs.

Parking Required Total: 47 Spaces  
Parking Provided Total: 56 Parking Spaces (3 Accessible Spaces)

LS - Landscape Area

- Notes:
1. This Site Plan is to be used for Planning purposes only and is not a construction document.
  2. Site Plan is provided to show general location of improvements. Reference the Paving, Grading, Storm Sewer and Utility Plans for detailed information on site construction items.
  3. Survey information reflected provided by Wylie EDC, produced by Rooms Land Surveying, Inc. A new topographic and boundary survey is to be produced after construction of the infrastructure for the overall development.

**OWNER:**  
SCSD Fennell, Ltd.  
14114 Dallas Parkway, Suite 670  
Dallas, Texas 75234  
Phone (214) 483-0400  
Contact: Cory Albert

**ENGINEER:**  
JP Engineering  
4101 Hazelwood Drive  
Fort Worth, Texas 76107  
Phone (214) 226-9699  
Contact: David Jones, P.E.

**ARCHITECT:**  
10 Studio 4  
6201 Campus Circle Dr E  
Irving, Texas 75063  
Phone (972) 870-1288  
Contact: Todd Bonaszynski

**JP Engineering**  
700 S Central Expressway, Suite 400 Allen, Texas 75013 972-467-7605  
Texas P.E. Firm Number 14821

ALBERT RETAIL - WYLIE 4  
F.M. 544  
City of Wylie, Collin County, Texas  
**SITE PLAN**

No.	Date	Revision

Scale: 1" = 20'  
File Name: Site Plan  
Date: 5/06/2024  
Project No.: 24001

Sheet  
SP of



PLANT MATERIAL SCHEDULE					
SYM	KEY	QUAN.	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS
<b>TREES</b>					
	CE	6	CEDAR ELM	Ulmus crassifolia	65 gal. container, 3' cal., 8' tall
	LO	2	LINE OAK	Quercus virginiana	65 gal. container, 3' cal., 8' tall
	MWO	6	MEXICAN WHITE OAK	Quercus polymorpha	65 gal. container, 3' cal., 8' tall
	MS	4	MEXICAN SYCAMORE	Platanus mexicana	65 gal. container, 3' cal., 8' tall
<b>SHRUBS</b>					
⊗	DBH		DWARF BURFORD HOLLY	Ilex cornuta "Burford nano"	5 gallon, 36" on center.
⊗	DTS		DWARF TEXAS SAGE	Leucophyllum frutescens "Silverado"	5 gallon, 36" on center.
⊗	KAL		KALIDOSCOPE ABELIA	Abelia spp. "Kaldicoscope"	5 gallon, 36" on center.
⊗	RY		RED YUCCA	Hesperaloe parviflora	5 gallon, 42" on center.
<b>SPERMATOPHYTES, GRASSES, SCOTCH PINE AND PALMS</b>					
⊗	DPG		DWARF PAMPUS GRASS	Cortaderia pumila	5 gallon, 42" on center.
⊗	LMG		LUNDHEIMER'S MUHLY GRASS	Muhlenbergia lindheimeri	3 gallon, 36" on center.
⊗	HDFG		HAMELIN DWARF FOUNTAIN GRASS	Pennisetum alopecuroides	1 gallon, 24" on center.
⊗	LAN		LANTANA	Lantana spp.	2 gallon, 30" on center.
⊗	GL		GLADIOLUS	Lilium gligantes	1 gallon, 18" on center.
<b>TURNER GRASS</b>					
*	BG		BERNARDIA GRASS	Cynodon dactylon	solid sod

WASHED RIVER ROCK - 'WRR' - 1"-1 1/2" dia  
4" thick over weed barrier fabric.

01. ALL LANDSCAPE REQUIREMENTS AND UNDERGROUND IRRIGATION SYSTEM WILL CONFORM TO THE LOCAL CITY ORDINANCE AND DESIGN STANDARDS AND ANY REQUIREMENTS OF THE STATE, IF APPLICABLE.
02. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE LANDSCAPE IRRIGATION SYSTEM HAS BEEN INSTALLED AND IS OPERATING WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS.
03. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING SURE THAT ALL UNDERGROUND UTILITIES, PIPES, CABLES, STRUCTURES AND LINE RUNS.
04. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES BASED ON THE DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AS A CONVENIENCE ONLY TO THE OWNER(S) AND SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO ANY EXISTING UTILITIES OR STRUCTURES.
05. NOTIFY THE OWNER OF ANY DISCREPANCIES THAT ARISE DURING THE CONSTRUCTION PERIOD. FAILURE TO MAKE SUCH DISCREPANCIES KNOWN TO OWNER WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE TO REDD WORK AS NECESSARY TO ACHIEVE THE DESIGN INTENT.
06. PROTECT EXISTING VEGETATION, EQUIPMENT, STRUCTURES, UTILITIES, AND OTHER IMPROVEMENTS AT THE PROJECT SITE ON ADJACENT PROPERTIES. EXCESSIVE EROSION INDICATED BY THE CONTRACTOR SHALL BE STOPPED IMMEDIATELY. DEMOLITION AND CONSTRUCTION ACTIVITIES SHALL BE REPAIRED AND RESTORED TO MATCH THE EXISTING CONDITION INCLUDING: PAVEMENTS, LANDSCAPE AREAS, IRRIGATION AND LIGHTING.
07. PROVIDE MEASURES AS REQUIRED TO PREVENT EROSION AND DISCHARGE OF TURBID OR HEAVY RAIN RUNOFF TO ADJACENT AREAS. THE CONTRACTOR SHALL PROTECT ADJACENT PROPERTIES, SIDEWALKS, STREETS, AND OTHER PAVED SURFACES.
08. ALL PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION.
09. NOTIFY THE LANDSCAPE ARCHITECT IF LAYOUT OF TREES, BEDS AND/OR PLANTS REQUIRED ALTERATION FROM THE LANDSCAPE PLAN. NOTIFICATION WILL BE REQUIRED PRIOR TO ANY CONSTRUCTION.
10. TREES SHALL BE HANDLED BY ROOT BALLS ONLY. DO NOT DAMAGE BARK, TRUNK, OR LOOSEN TRUNK FROM BARK. TRUNKS ARE TO BE PLANTED STRAIGHT AND MUST BE REPAIRED BY THE CONTRACTOR. TREES SHALL BE PLANTED TO BE STAKED.
11. WHERE NEWLY PLANTED TREES ARE NOT ABLE TO STAND ON THEIR OWN, TREES SHALL BE STAKED WITH AN AT-GRADE ROOT BALL SECURING SYSTEM. THE SYSTEM SHALL SECURELY ANCHOR THE ROOT BALL, WHILE ALLOWING THE TRUNK TO MOVE DOWN TO NEW GROUND LEVEL. THE CONTRACTOR SHALL USE METHODS THAT PENETRATE OR DAMAGE THE ROOT BALL ABOVE GRADE. EXISTING STAKES SHALL BE REMOVED IMMEDIATELY. THE CONTRACTOR SHALL NOT WRES WHIPPED AROUND THE TREE TRUNK SHALL NOT BE ALLOWED UNLESS AUTHORIZED BY THE LANDSCAPE ARCHITECT.
12. TREES BE PLANTED WITH STAKES TO CONFORM TO ANCHORING CHARACTER AND BRANCHING STRUCTURE.
13. ALL TREE LOCATIONS SHALL BE APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
14. FINAL LOCATION OF PLANT MATERIAL IS SUBJECT FOR REVIEW AND APPROVAL BY OWNER PRIOR TO PLANTING.
15. PROVIDE POSITIVE DRAINAGE THROUGHOUT THE PROJECT AREA, NO PONING OR STANDING WATER IS ACCEPTABLE.
16. MINIMUM SLOPE SHALL BE 2% SLOPE AWAY FROM ALL BUILDING.
17. AT NO TIME WILL ANY PLANT MATERIAL BE ALLOWED TO SETTLE BEYOND THE TOP OF THE ROOT FLARE OR POTTED SOIL LINE. SHOULD PLANT MATERIAL BE ALLOWED TO SETTLE BEYOND THE TOP OF THE ROOT FLARE, IT MUST BE REPLACED IF NECESSARY AT THE CONTRACTOR'S COST.
18. ALL PROPOSED BED AREAS SHALL BE FILLED TO A DEPTH OF SIX INCHES (6"). FILLING AREAS SUCH AS TO COMPENSATE FOR EXISTING POOR HEIGHT AND/OR THE PROCESS, THE LEVEL OF THE BED AREAS SHOULD BE LEFT THREE INCHES (3") BELOW THE PROPOSED FINISHED GRADE TO ALLOW FOR COMPACTION AND SETTLEMENT.
19. ALL BED AREAS SHALL BE SEPARATED FROM TURF AREAS USING 1/2" X 4" EDGING. EDGING PARALLEL TO DRIVE SHALL BE 90 DEGREE CORNERS HAVE A RADIUS OR 45 DEGREE ANGLE TO ELIMINATE SHARP EDGES. HAND FILING BE REQUIRED TO ACHIEVE THE DESIGN INTENT.
20. TRIM STEEL EDGING AT A 45 DEGREE ANGLE WHEN EDGING INTERSECTS WITH A WALK OR CURB. DO NOT INSTALL EDGING ALONG CURBS OR WALKS.
21. ALL LANDSCAPE BEDS, NOT COVERED WITH AGGREGATE, SHALL RECEIVE A FOUR INCH (4") TOP DRESS LAYER OF SHREDED AGGREGATE MULCH. ALL OTHER TREES, WELLS, NOT COVERED WITH AGGREGATE, SHALL RECEIVE A THREE INCH (3") TOP DRESS LAYER OF SHREDED AGGREGATE MULCH. DO NOT COVER MULCH WITH SOIL.
22. TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
23. ALL MULCH SHALL BE CLEAN OF DEBRIS AND RAKED (GRADED) SMOOTH PRIOR TO HYDROMULCH OR SOO INSTALLATION. LANDSCAPE CONTRACTOR TO RECEIVE WITHIN APPROX. 1/10TH OF FINAL GRADE.
24. OWNER SHALL PROVIDE THE NECESSARY PERMITS AND COVERAGE FOR THE IRRIGATION SYSTEM, WHICH INCLUDES A HARDWARE OF 110 VOLTS AT MINIMUM FOR THE ENTIRE SYSTEM.
25. ALL LANDSCAPING LOCATED WITHIN THE VISIBILITY TRIANGLES SHALL COMPLY WITH THE VISIBILITY TRIANGLE REQUIREMENTS AS PER THE CITY STANDARDS.
26. ALL LIGHT POLES WILL NOT BE SHOWN ON THE PROJECT SITE OR ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LIGHT OR UTILITY POLE. THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT, TO DETERMINE OPTIONS, PRIOR TO PLANTING.
27. ALL PLANTS AND TREES TO BE PLANTED AND TO CONFORM TO ASSOCIATION OF NURSEMERIES AND TEXAS ASSOCIATION OF NURSEMERIES STANDARDS.
28. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY LANDSCAPE MATERIAL ON SITE.

ZONING: PD  
LOT AREA: 64,617 SF = 1.483 AC

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REQ'D U/S AREA = 20% = 12,924 SF  
PROVIDED U/S AREA: 19.1% = 12,354 SF

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LANDSCAPING PROVIDED IN FRONT,  
SIDE AND REAR YARDS.

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STREET FRONTAGE LANDSCAPING:  
50% OF FRONT YARD=10' BUFFER, W/  
TREES AT 30-40' SPACING REQ'D.

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262'/40' = 6.5 TREES REQ'D.  
7 - 3" TREES PROVIDED.

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PARKING LOT LANDSCAPING:  
50 SF OF U/S FOR 12+ SPACES.  
60 SP X 50 SF = 3,000 SF PROVIDED.  
4,312 SF = 71.8 SF PROVIDED.  
ALL SPACES WITHIN 60 FT. OF A TREE.

ALBERT RETAIL - WYLIE 4  
F.M. 544  
CITY OF WYLIE, COLLIN COUNTY, TEXAS  
LANDSCAPE PLAN

SHEET NO:		DATE		DESCRIPTION		BY	

**L1.0**

OF XL SHEETS



1



4



2.9



△


1	METAL CAP FLASHING; RE: 1/A3.1 & 4/A3.11
2	BLDG MTD. LIGHT FIXTURE, RE: ELECTRICAL
3	BUILDING SIGNAGE LOCATION, PROVIDE CONDUIT AND J-BOX AT BACK SIDE OF PANEL
4	OVERFLOW DRAIN; RE: SECTION 3/A3.2
5	LINE OF ROOF DECK BEYOND
6	ELECTRIC SERVICE LOCATION, RE: ELECTRICAL
7	FREEZE PROOF HOSE BIB, RE: PLUMBING
8	PRE-FINISHED METAL AWNINGS; VICTORY AWNINGS; DARK BROWN
9	KNOX BOX LOCATION. VERIFY LOCATION WITH FIRE MARSHALL PRIOR TO INSTALLATION.

TAG	ITEM
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F-1	EXPOSED CONCRETE (UNSEALED)
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EXT-1	TRIANGLE BRICK - SEELEY TOWN
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EXT-2	REGENT BUFF TRADITIONAL NATURAL STONE THIN VENEER
EXT-3	STUCCO - SW 7039 VIRTUAL TAUPE
P-1	PAINT SW IRON ORE #7069

R-1	STANDING SEAM METAL ROOFING - DARK BRONZE
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R-1	STANDING SEAM METAL ROOFING - DARK BRONZE
R-2	DUROLAST ROOFING
R-3	METAL COPING - ANODIZED ALUMINUM



## **EXHIBIT “B”**

### **Conditions For Special Use Permit Albert Retail 4 Lot 2 Block A of 544 Gateway Addition 2024-XX**

#### **I. PURPOSE:**

This Special Use Permit shall be established to provide Commercial use, including restaurant w/ drive thru to support the economic growth within the region.

#### **II. GENERAL CONDITIONS:**

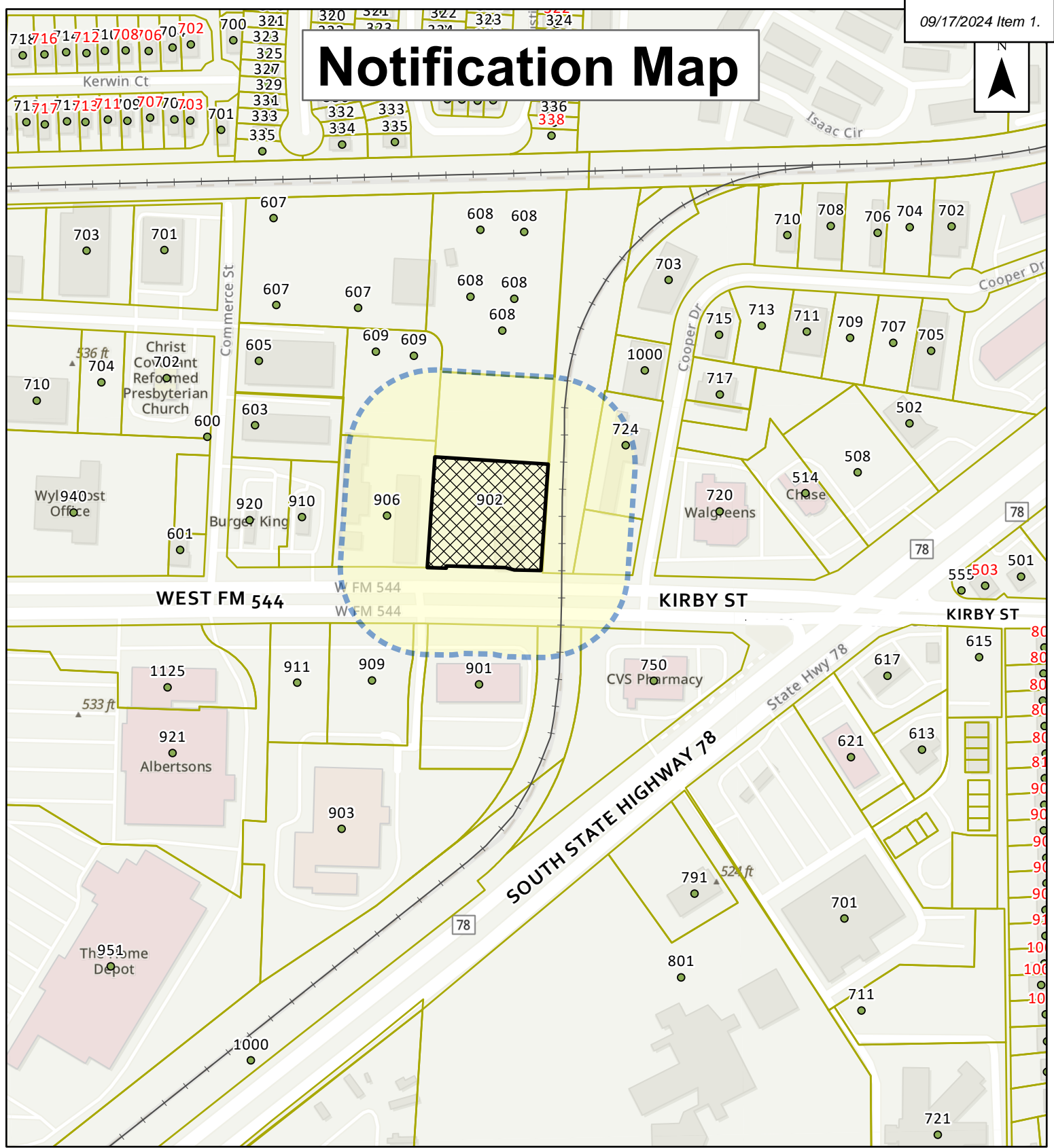
1. This Special Use Permit shall not affect any regulations within the Code of Ordinance except as specifically provided herein.
2. This Special Use Permit shall not affect any regulations of the Commercial Corridor District (CC) set forth in Article 4, Section 4.1 of the Comprehensive Zoning Ordinance (adopted as of June 2023)

#### **III. SPECIAL CONDITIONS:**

1. All allowed uses in the Commercial Corridor District (CC) set forth in Article 5 of the Comprehensive Zoning Ordinance (adopted as of June 2023), in addition to those listed in this paragraph shall be allowed by-right uses.
  - a. Restaurant with Drive in or Drive-Through Service.
2. The Zoning Exhibit (Exhibit C) shall serve as the Site Plan for the above uses. Approval of the SUP shall act as site plan approval
  - a. 19% percent landscaping shall be provided in lieu of 20%.




# Notification Map



ZONING BOARD OF ADJUSTMENT CASE:  
ZC 2024-03

 SUBJECT property     200 foot Notification Buffer

0 100 200 300 400 500 600 Feet



Date: 8/26/2024

