

Planning & Zoning Commission



March 16, 2021

Regular Business Meeting

Wylie Planning and Zoning Commission

Regular Meeting

March 16, 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 March 2, 2021 Regular Meeting.
- B. Consider, and act upon a recommendation to City Council regarding a Final Plat of Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon a recommendation to City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N State Highway 78 (ZC 2021-02).
- 2. Hold a Public Hearing, consider, and act upon a recommendation to City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W FM 544 (ZC 2021-03).

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 March 12, 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

March 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 Brian Ortiz, Commissioner Charla Riner and Commissioner Dan Norris. Commissioner Taylor Newsom arrived after Invocation and Pledge of Allegiance.

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 Riner 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 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.

Commission Action

A motion was made by Vice Chair Rogers, seconded by Commissioner Riner, 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 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.**

Staff Discussion

Mr. Molina stated that the Final Plat for The Waters Addition has unique circumstances. The plat will develop four irregular lots on 19.273 acres located outside the city limits within the extraterritorial jurisdiction (ETJ).

The applicant has stated that the irregular configuration of the lots is 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. If a development exceeds 5,000 gallons of wastewater per day, Texas Commission Environmental Quality would require a license from the developer.

Staff has concerns 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.

Board Discussion

Chair Plunk questioned the intention of the 5,000 gallons of wastewater. Staff responded that the developer is taking a tract of land and subdividing into four separate lots so that he will stay within County requirements and not be regulated by Texas Commission Environmental Quality.

The applicant, Marshall Warren, 536 Oakridge Trail, Copper Canyon, Texas, gave a short presentation of the use of the property. He stated that no lots will be sold, only leased, with concrete roads and gated community. Currently, 3.73 acres is developed with 30 sites for RV Park with one drip aerobic system. Each of the four lots in the submitted plat will have aerobic drip systems. Collin County has approved 100 gallons per day Septic for a Tiny Home lot.

Chair Plunk questioned what does the development entail if plat is denied. Mr. Warren responded that the State could approve the exact same system if there was one lot, and no one would know the property was subdivided.

Board Action

A motion was made by Commissioner Newsom, seconded by Vice Chair Rogers to recommend approval 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. A vote was taken and the vote carried 5-1, with Chair Plunk voting in opposition.

- 2. 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).**

Staff Presentation

Mr. Haskins stated that in response to a work session held in February, to discuss bringing Massage Establishments in line with State regulations, which defines a Massage Establishment as a health care service. The amendment is to Article 5, Sections 5.2.E.9 and 5.2.F.19 of the Zoning Ordinance by moving Massage Establishments use category from a Sexually Oriented Business to a Personal Service use.

The change eases restrictions on the legitimate Massage Establishment uses, requiring a state license and to allow advertising as massage therapy.

Public Comments

Chair Plunk opened the public hearing on Item 2 asking anyone present wishing to address the Commissioners to come forward. With no one coming forward, Chair Plunk closed the public hearing.

Board Action

A motion was made by Commissioner Newsom, seconded by Commissioner Norris to recommend approval to the 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). A vote was taken and motion carried 6-0.

- 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).**

Staff Presentation

Mr. Haskins stated that in response to a work session held in February, and the result of the work session, the Commission directed Staff to amend the Zoning Ordinance by requiring Special Use Permits for some uses currently allowed by right. Those amendments are summarized below, and a reason why. The Mission of the City of Wylie is to protect the health, safety and welfare of citizens of Wylie, beside the use is how the Mission of the City of Wylie is addressed.

- 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.

Public Comments

Chair Plunk opened the public hearing on Item 3 asking anyone present wishing to address the Commissioners to come forward. With no one coming forward, Chair Plunk closed the public hearing.

Board Action

A motion was made by Commissioner Newsom, seconded by Vice Chair Rogers to recommend approval to the 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**). A vote was taken and motion carried 6-0.

- 4. Hold a Public Hearing to consider, and act upon, a recommendation to City Council, regarding 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 Parks and Farmers Markets (ZC 2021-06)**

Staff Presentation

Mr. Haskins stated that last year, in response to a work session held last year, the general idea is to expand and allow certain conditions and requirements for Food Truck Parks and Farmer's

Markets. Currently the Ordinance allows Farmer's Markets with a Temporary Use Permit. The proposed amendment to Article 5, Section 5.2.F Listed Uses allows Food Truck Parks and Farmer's Markets with the following definitions: Special Use Permit for permanent stand alone Food Truck Parks and Farmer's Markets; add food vendors / farmers market style sales to the Accessory Outside Sales; amending the Seasonal Sales Stand definition to allow Food Trucks and Farmer's Markets; and amending the Temporary Uses to adjust for the addition of Food Trucks and Farmer's Markets.

These amendments will allow for Food Trucks and Farmer's Markets in the City on a more permanent basis.

Public Comments

Chair Plunk opened the public hearing on Item 4 asking anyone present wishing to address the Commissioners to come forward. With no one coming forward, Chair Plunk closed the public hearing.

Board Discussion

Chair Plunk expressed concern of the definition for Food Truck Park/Farmers Markets, Section 29.B.2. Staff will revise the statement for permanent Food Truck Parks to define utilities as water and electrical use on the site.

Board Action

A motion was made by Vice Chair Rogers, seconded by Commissioner Riner to recommend approval to the 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**), with revision of 29.b.2 for water and electric utility use. A vote was taken and motion carried 6-0.

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

ADJOURNMENT

A motion was made by Commissioner Newsom, and seconded by Commissioner Norris, to adjourn the meeting at 7:03 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 16, 2021	Item:	B
Department:	Planning		
Prepared By:	Kevin Molina	Subdivision:	Schreiber Addition
Date Prepared:	March 01, 2021	Zoning District:	ETJ
		Exhibits:	Final Plat

Subject

Consider, and act upon a recommendation to City Council regarding a Final Plat of Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.

Recommendation

Motion to recommend **approval** to the City Council regarding a Final Plat of Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.

Discussion

OWNER: Paul D. Schreiber

APPLICANT: A.J Bedford Group, INC

The applicant has submitted a Final Plat for Schreiber Addition. The property is located outside of the city limits within the ETJ. Being with the ETJ, the city has subdivision (i.e. platting) authority, but no development authority.

The plat consists of one residential lot that measures 6.885 acres. The purpose of the plat is to combine two tracts of land owned by the same property owner.

Vinson Road is listed as a Secondary Thoroughfare in the Thoroughfare Plan and is planned to be 100' in width. The applicant has dedicated 20' of R.O.W for the future widening of the road. The remaining 20' is to be dedicated by the fronting property owner on the opposite adjacent side of the right of way.

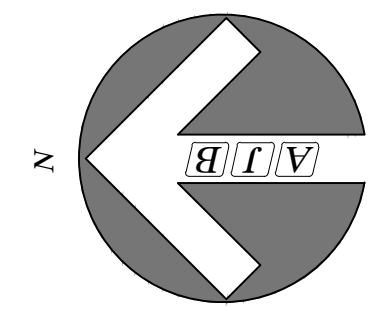
The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

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 April 13, 2021

Approved By

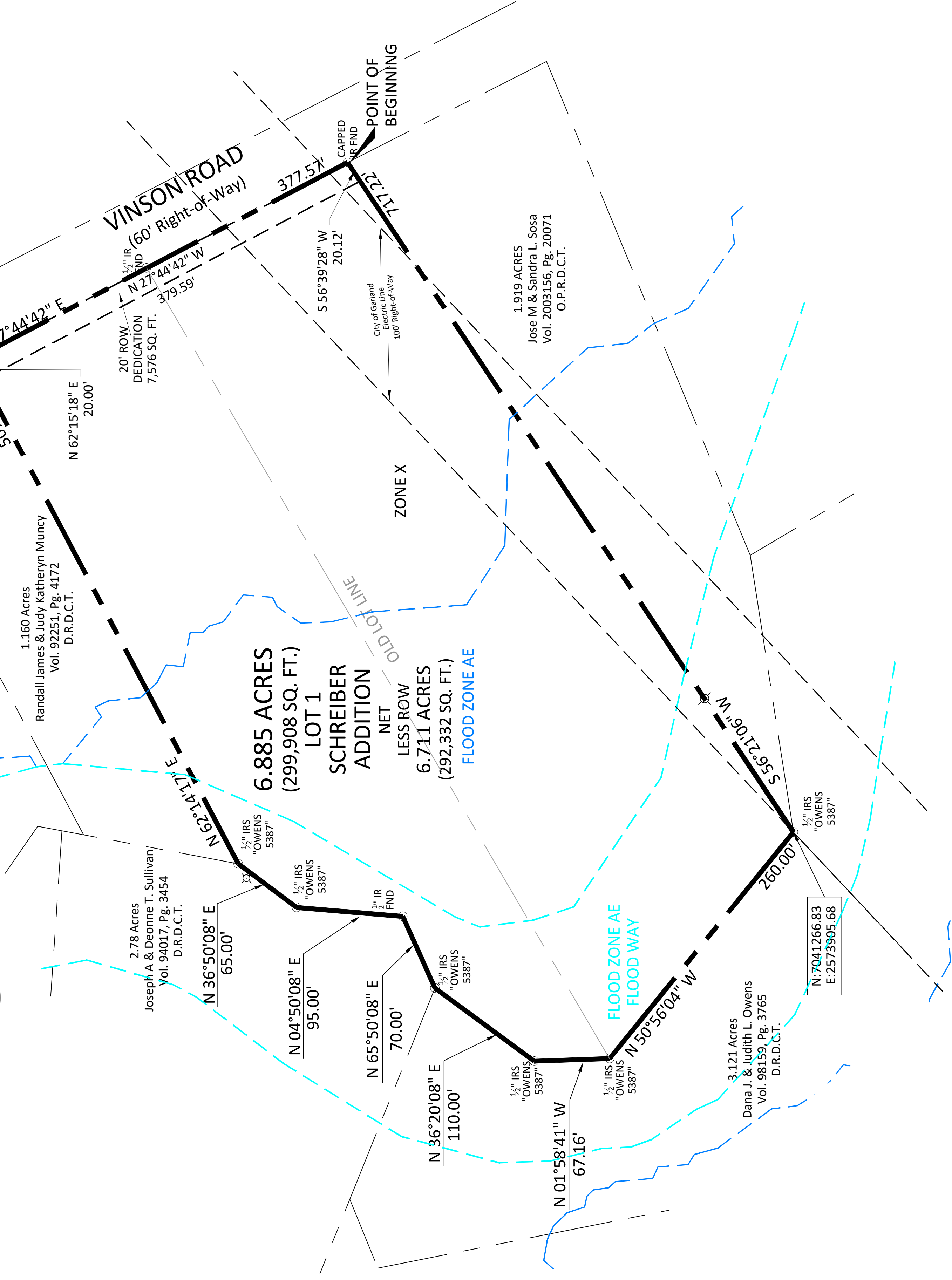
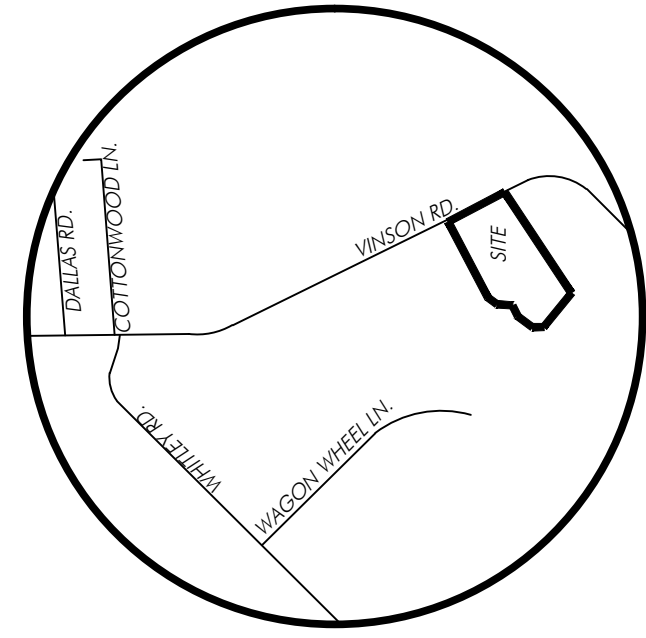
	<i>Initial</i>	<i>Date</i>
Department Director	JH	March 10, 2021



Scale: 1" = 40'

Vicinity Map

Not to Scale



NOTES:

- All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and requirements of the Subdivision Ordinance.
- Basis of Bearings: Bearings are based on the Deeds recorded in 200900187447, 200900187445, Official Public Records, Dallas County, Texas.
- FLOOD STATEMENT:
According to Community Panel No. 48085C04201, dated June 02, 2009 of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "AE", which is the area of 100-year flood with base flood elevations and flood hazard factors determined and this property is within Flood Zone "X", which is not a special flood hazard area. If the site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon are free from flooding or flood damage. On rare occasions, property and/or structures may be damaged by flooding or flood damage caused by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.
- Bench Mark: City of Wylie Monument CM5 located at the Rush Creek Lift Station. Located north of the northeast intersection of Troy Road and County Road 732. (Beaver Creek) POSTED ELEVATION = 434.28
- Bench Mark: City of Wylie Monument CM2 located at the Old City Park. Located north of State Highway No. 78 and west of South Ballard Street near the southeast corner of the building located at 104 South Ballard Street. POSTED ELEVATION = 550.24

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.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **PAUL D. SCHREIBER and ELLEN J. SCHREIBER**, do hereby adopt this plat designating the herein above described property as **SCHREIBER ADDITION, LOT 1**, an addition to the Dallas County, 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, shown on this plat are hereby dedicated to 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 their times have the full right of ingress and egress to and from their respective easements for the purpose of installing, maintaining, repairing, or improving any public utility system, including 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.

BY:

PAUL D. SCHREIBER and ELLEN J. SCHREIBER

Paul D. Schreiber

Ellen J. Schreiber

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 Paul D. Schreiber and Ellen J. Schreiber, known to me to be the person(s) 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 _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires On:

"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 SCHREIBER subdivision or addition to Dallas County 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 this name as hereinabove subscribed.

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

City Secretary
City of Wylie, Texas

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, **PAUL D. SCHREIBER and ELLEN J. SCHREIBER** are the Owners of a **6.885** Acre tract of land situated in the A. Clements Survey, Abstract No. 255, City of Wylie, Dallas County, Texas and being all of lots 3 & 4, Cottonwood Creek Estates (unrecorded) and being also all of 2.945 acre tract of land per Special Warranty Deed with Vendor's Lien recorded in Inst. No. 200900187445, Official Public Records, Dallas County, Texas and also all of a 3.940 acre tract of land per General Warranty Deed recorded in Inst. No. 200900187447, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a capped iron rod found for the southeast corner of said 6.885 acre tract of land and being located in the southwesterly line of Vinson Road (60' Right-of-Way);

THENCE departing the southwesterly line of said Vinson Road and along the common line of said 6.885 acre tract and a 1.919 acre tract of land to Jose M & Sandra L. Sosa, recorded in Vol. 2003156, Pg. 20071, Deed Records, Dallas County, Texas, **SOUTH 56°21'06" WEST** a distance of **717.22** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner and being located in the northeast line of a 3.121 acre tract of land to Dana J. & Judith L. Owens, recorded in Vol. 98159, Pg. 3765, Deed Records, Dallas County, Texas;

THENCE along the common line of said 6.885 acre tract and said 3.121 acre tract as follows:

NORTH 50°56'04" WEST a distance of **260.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 01°58'41" WEST a distance of **67.16** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 36°20'08" EAST a distance of **110.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

THENCE along a common line of said 6.885 acre tract and a 2.78 acre tract of land to Joseph A. & Deonnie T. Sullivan, recorded in Vol. 94017, Pg. 3454, Deed Records, Dallas County, Texas as follows:

NORTH 65°50'08" EAST a distance of **70.00** feet to a ½ inch iron rod found or corner;

NORTH 04°50'08" EAST a distance of **95.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 36°50'08" EAST a distance of **65.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

THENCE along a common line of said 6.885 acre tract and a 1.160 acre tract of land to Randall James & Judy Kathryn Muncy, recorded in Vol. 92251, Pg. 4172, Deed Records, Dallas County, Texas, **NORTH 62°14'17" EAST** a distance of **507.94** feet to a ½ inch iron rod found for corner located in the southwesterly line of said Vinson Road;

THENCE along the southwesterly line of said Vinson Road, **SOUTH 27°44'42" EAST** a distance of **377.52** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **6.885** Acres or 299,908 square feet of land more or less.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, FRANK R. OWENS, 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.

"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"

Frank R. Owens
Registered Professional Land Surveyor No. 5387
AJ Bedford Group, Inc.
301 N. Alamo Road
Rockwall, Texas 75087

FINAL PLAT SCHREIBER ADDITION Lot 1 6.885 ACRES

BEING ONE (1) LOT CONSISTING OF 6.885 ACRES
LOCATED IN A. CLEMENTS SURVEY, ABSTRACT NO. 255
DALLAS COUNTY, TEXAS

OWNER: PAUL D. & ELLEN J. SCHREIBER
2875 VINSON ROAD
WYLIE, TEXAS 75098

Scale: 1" = 40'
Date: February 4, 2021
Checked By: F. R. Owens
P.C.: Coyer/Spradling
File: 2875 VINSON
Technician: Spradling/Bedford
Job. No. 735-001
Drawn By: Spradling/Bedford
GF No. N/A

301 N. Alamo Rd. * Rockwall, Texas 75087
(972) 722-0225 * www.ajbedfordgroup.com

AJ Bedford Group, Inc.
Registered Professional Land Surveyors

Sheet: 1
Of: 1

TBPLS REG#10118200



Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	<u>March 16, 2021</u>	Item:	<u>1</u>
Department:	<u>Planning</u>		
Prepared By:	<u>Kevin Molina</u>	Subdivision:	<u>Railroad</u>
Date Prepared:	<u>March 02, 2021</u>	Zoning District:	<u>Commercial Corridor (CC)</u>
		Exhibits:	<u>Zoning Exhibits</u>

Subject

Hold a Public Hearing, consider, and act upon a recommendation to City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N State Highway 78 (ZC 2021-02).

Recommendation

Motion to recommend (**approval, approval with conditions or disapproval**) to City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N State Highway 78 (ZC 2021-02).

Discussion

OWNER: Cheung Pun LLC

APPLICANT: Andrew Deetz

The owner of property 620 N State Highway 78 is requesting a Special Use Permit (SUP) for an existing tenant to be allowed to offer alternative loan services.

The Zoning Ordinance requires all alternative loan services, as defined in the Texas Finance Code, to be granted a Special Use Permit and be subject to additional provisions regarding the use and location of the service.

The Zoning Ordinance contains six provisions and the applicant is requesting a waiver for three of the six, all relating to distance requirements:

- To allow the use within 1,000 feet from any lot containing another alternative financial institution. Zoning requires 1,000 feet between properties containing the use, however there are two existing alternative financial institutions currently within 1,000 feet. One is located on the same lot, the other approximately 700' to the southwest (see exhibit).
- To allow the use within 500 feet of the rights-of-way of any four lane divided or greater thoroughfare. Zoning requires a minimum of 500 feet and the property for the use is adjacent to State Highway 78, a greater than four lane thoroughfare.
- To allow the use within 300 feet from any zoned or used for residential purposes, property line to property line. Zoning requires 300 feet minimum and the property is adjacent to a residential use to the south.

The four remaining provisions that the applicant is abiding by are:

- The hours of operations shall be established by the City Council. Proposed hours of operation are included in the conditions of the SUP.
- There shall be no outside queuing.
- The use shall have an indoor waiting area large enough to accommodate all customers.

Lastly, the SUP conditions require the zoning to revert to the CC district should the Liberty Tax Service cease to occupy the property.

The property to the north, east, and west are zoned commercial. The property to the south is zoned multi family.

Notifications/Responses: fifteen (15) notifications were mailed; with no responses received in favor or in opposition of the request.

Council consideration on April 13, 2021

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	JH	March 10, 2021

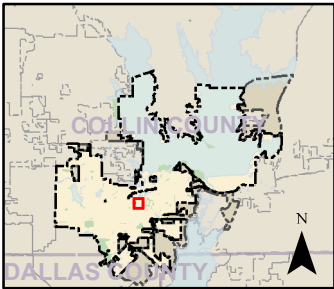
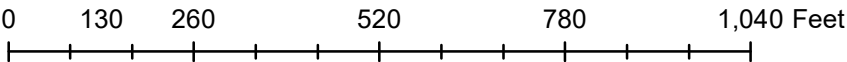
Locator Map



RAILROAD (CWY), BLK 12, LOT 1A-2A-3A-1B-2C



Subject Property



Liberty Tax Service

EXHIBIT "B"

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for an Alternative Financial Institution, as defined within the State of Texas Finance Code, with the following General and Special Conditions.

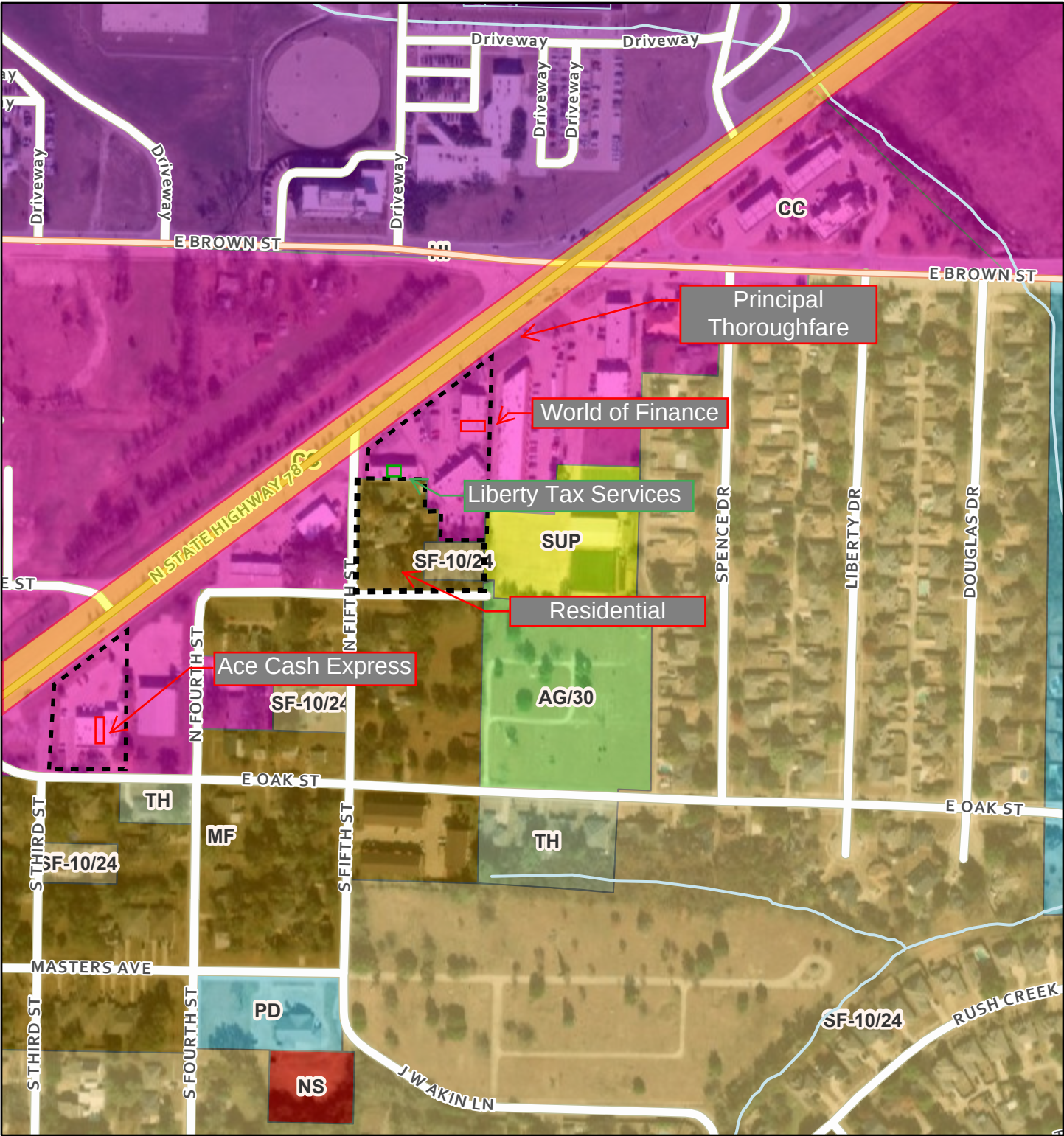
II. GENERAL CONDITIONS:

1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance or Code of Ordinances, current or as amended, except as specifically provided herein.
2. Hours of Operation, as required by Section 5.1.D.3.b(1) shall be: Monday to Friday 9 am to 6 pm. Saturday 12 Noon to 5pm.
3. Sections 5.1.D.3.b (4), (5), and (6) are amended as follows:
 - a. A lot containing an alternative financial institution **shall be allowed to locate within** 1,000 feet from any lot containing another alternative financial institution, as measured in a straight line between the nearest point from one property line to the other property line.
 - b. A lot containing an alternative financial institution **shall be allowed** to operate within 500 feet of the right-of-way for any 4 lane divided or greater thoroughfare as indicated on the most current Thoroughfare plan
 - c. A lot containing an alternative financial institution **shall be allowed** to be located within 300 feet from any zoned or used for residential purposes.

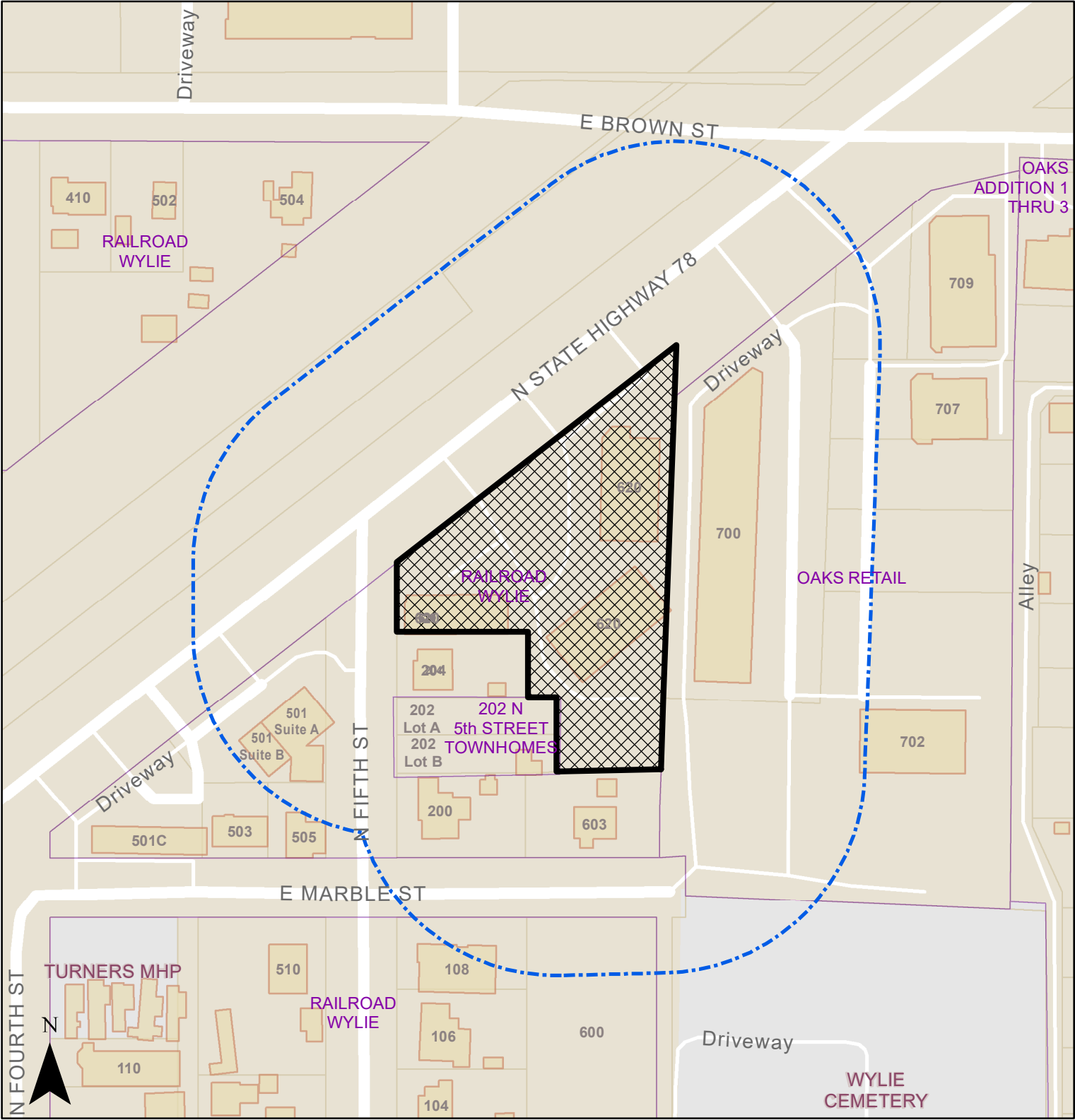
III. SPECIAL CONDITIONS:

1. This SUP grants only the use of kiosks for loan processing as an accessory use within the existing Liberty Tax Service business located within Suite 615 of 620 N State Highway 78..
2. All General and Special Conditions of this Special Use Permit shall remain in effect while Liberty Tax Service occupies the subject property. At such time that Liberty Tax Service and the current ownership as listed on the Certificate of Occupancy on the effective date of this ordinance cease from occupying 620 N State Highway 78 Suite 615, the zoning shall revert to the baseline Commercial Corridor zoning and all development standards shall apply.

Liberty Tax Services SUP



Notification Map



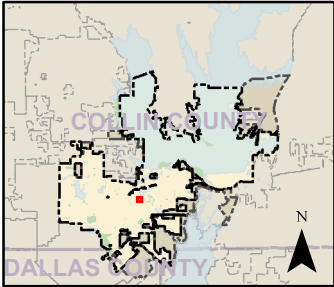
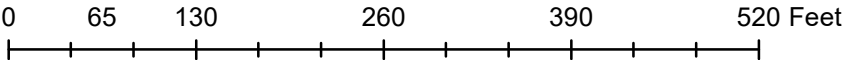
RAILROAD (CWY), BLK 12, LOT 1A-2A-3A-1B-2C



200 Foot Notification Buffer



Subject Property



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Planning & Zoning Commission

AGENDA REPORT

Meeting Date:	<u>March 16, 2021</u>	Item:	<u>2</u>
Department:	<u>Planning</u>		
Prepared By:	<u>Kevin Molina</u>	Subdivision:	<u>Wylie Shopping Center</u>
Date Prepared:	<u>March 02, 2021</u>	Zoning District:	<u>Commercial Corridor (CC)</u>
		Exhibits:	<u>Zoning Exhibits</u>

Subject

Hold a Public Hearing, consider, and act upon a recommendation to City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.34 acres, generally northwest from the intersection of E FM 544 and Springwell Pkwy. (ZC2021-03)

Recommendation

Motion to recommend (**approval, approval with conditions or disapproval**) to the City Council regarding a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.34 acres, generally northwest from the intersection of E FM 544 and Springwell Pkwy. (ZC2021-03)

Discussion

OWNER: Burk-Robertson Family Ltd Ps

APPLICANT: Matthew Baulier

The owner of property 2901 E FM 544 is requesting a Special Use Permit (SUP) for a tenant to be allowed to offer alternative loan services.

The Zoning Ordinance requires all alternative loan services, as defined in the Texas Finance Code, to be granted a Special Use Permit and be subject to additional provisions regarding the use and location of the service.

The Zoning Ordinance contains six provisions and the applicant is requesting a waiver for two of the six, relating to distance requirements:

- To allow the use within 500 feet of the rights-of-way of any four lane divided or greater thoroughfare. Zoning requires a minimum of 500 feet and the property for the use is adjacent to FM 544, a greater than four lane thoroughfare. .
- To allow the use within 300 feet from any zoned or used for residential purposes, property line to property line. Zoning requires 300 feet minimum and the property is 100' from a residential use to the north, separated by the rail line.

The four remaining provisions that the applicant is abiding by are:

- The hours of operations shall be established by the City Council. Proposed hours of operation are included in the conditions of the SUP.
- There shall be no outside queuing.

- The use shall have an indoor waiting area large enough to accommodate all customers.
- The use is at least 1,000 feet from another alternative financial institution.

Lastly, the SUP conditions require the zoning to revert to the CC district should the Wallace Management service cease to occupy the property.

The property to the east, south and west are zoned commercial. The property to the north is zoned within the Lakeside Estates residential Planned Development

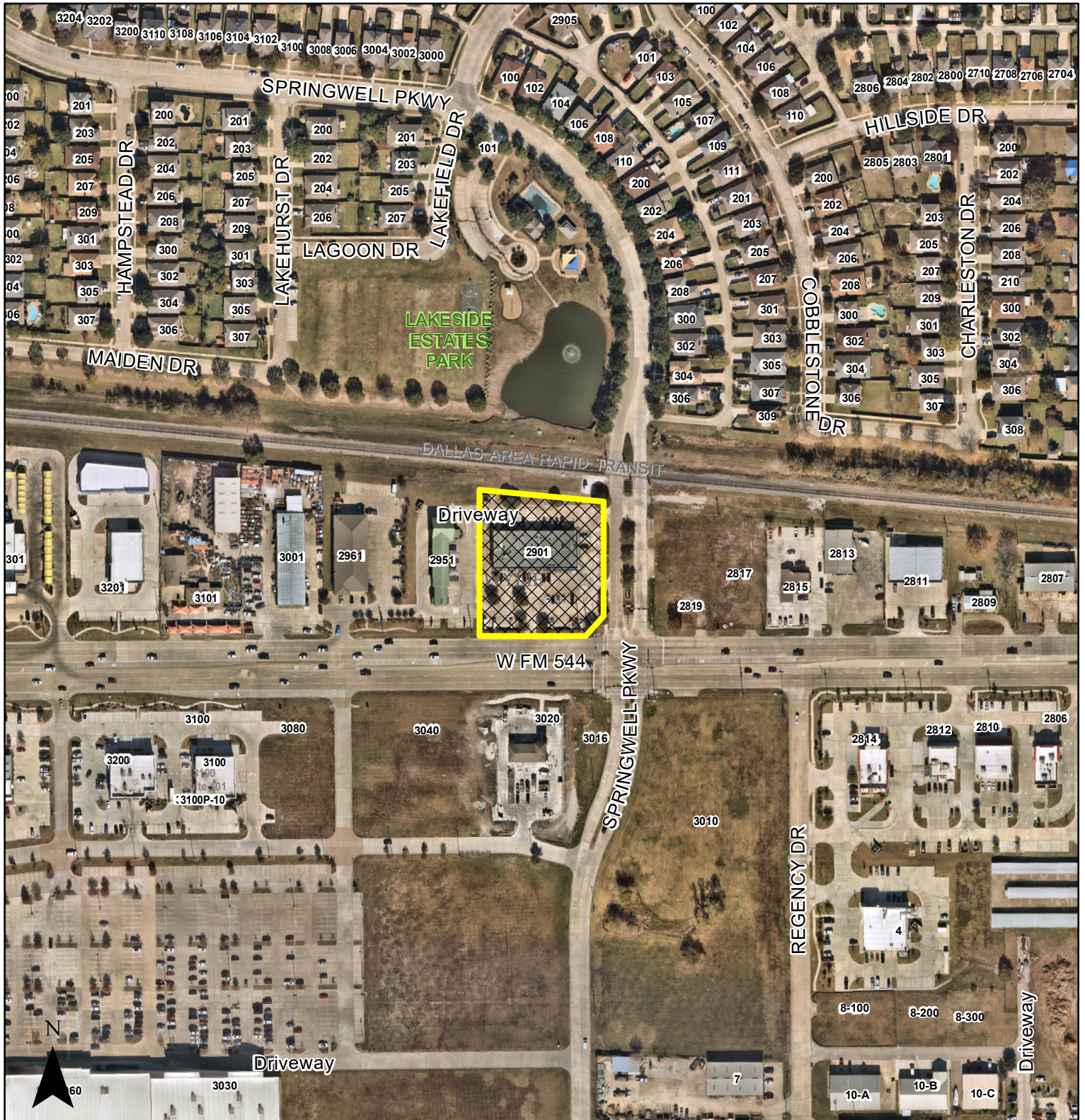
Notifications/Responses: seventeen (17) notifications were mailed; with no responses received in favor or in opposition of the request.

Council consideration on April 13, 2021

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	JH	March 10, 2021

Locator Map

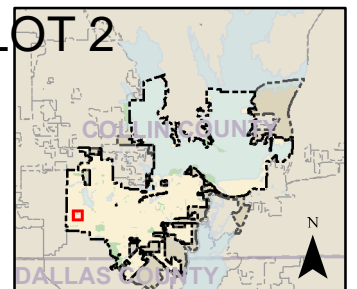


FM 544 / SPRINGWELL ADDITION (CMR), BLK A, LOT 2



Subject Property

0 120 240 480 720 960 Feet



Wallace Management

EXHIBIT "B"

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for an alternative Financial Institution with the following General and Special Conditions.

II. GENERAL CONDITIONS:

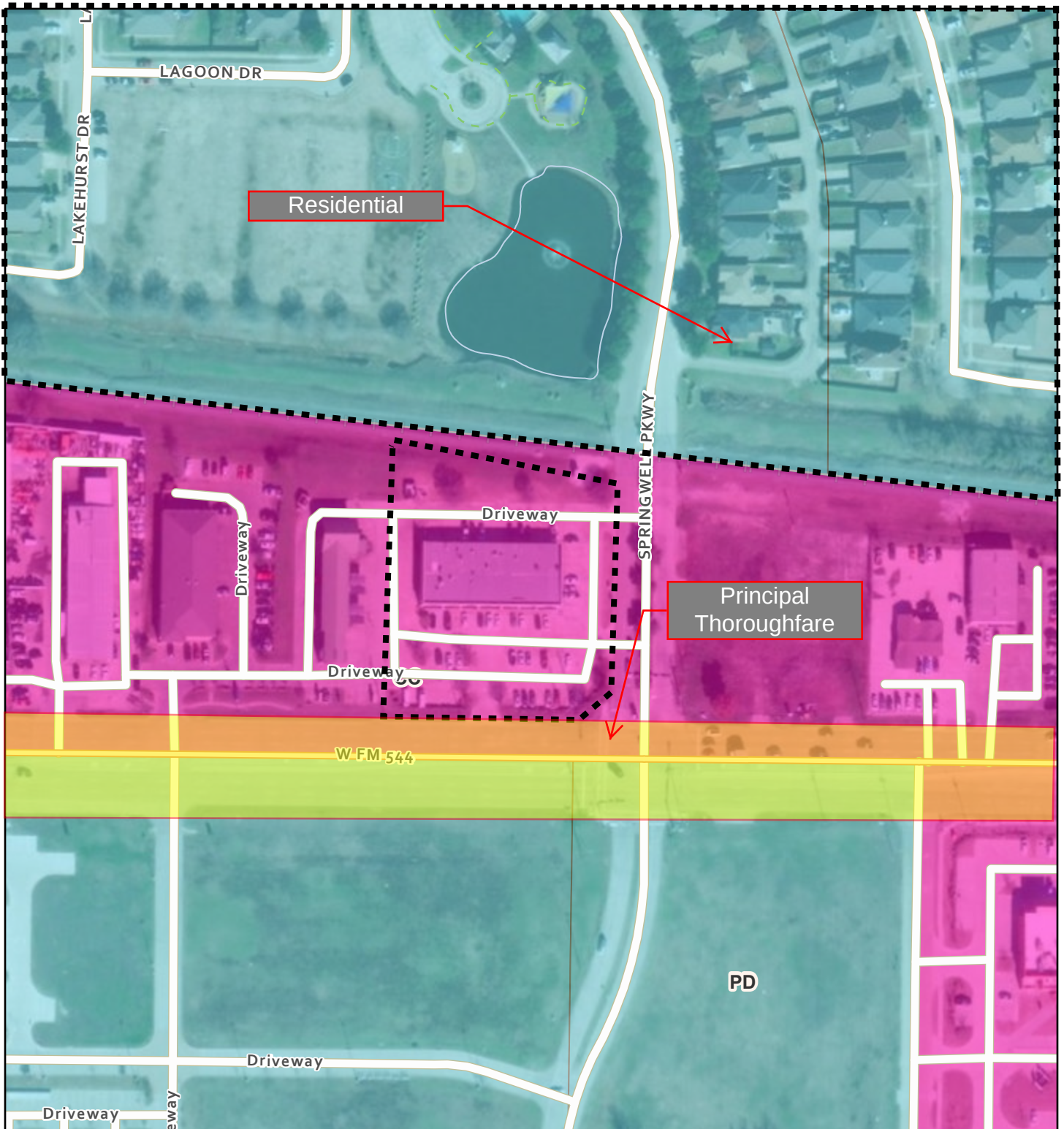
1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance or Code of Ordinances, current or as amended, except as specifically provided herein.
2. Hours of Operation, as required by Section 5.1.D.3.b(1) shall be: Monday to Friday 9 am to 6 pm. Saturday 10am to 2pm.
3. Sections 5.1.D.3.b (5) and (6) are amended as follows:
 - a. A lot containing an alternative financial institution **shall be allowed** to operate within 500 feet of the right-of-way for any 4 lane divided or greater thoroughfare as indicated on the most current Thoroughfare plan
 - b. A lot containing an alternative financial institution **shall be allowed** to be located within 300 feet from any zoned or used for residential purposes.

III. SPECIAL CONDITIONS:

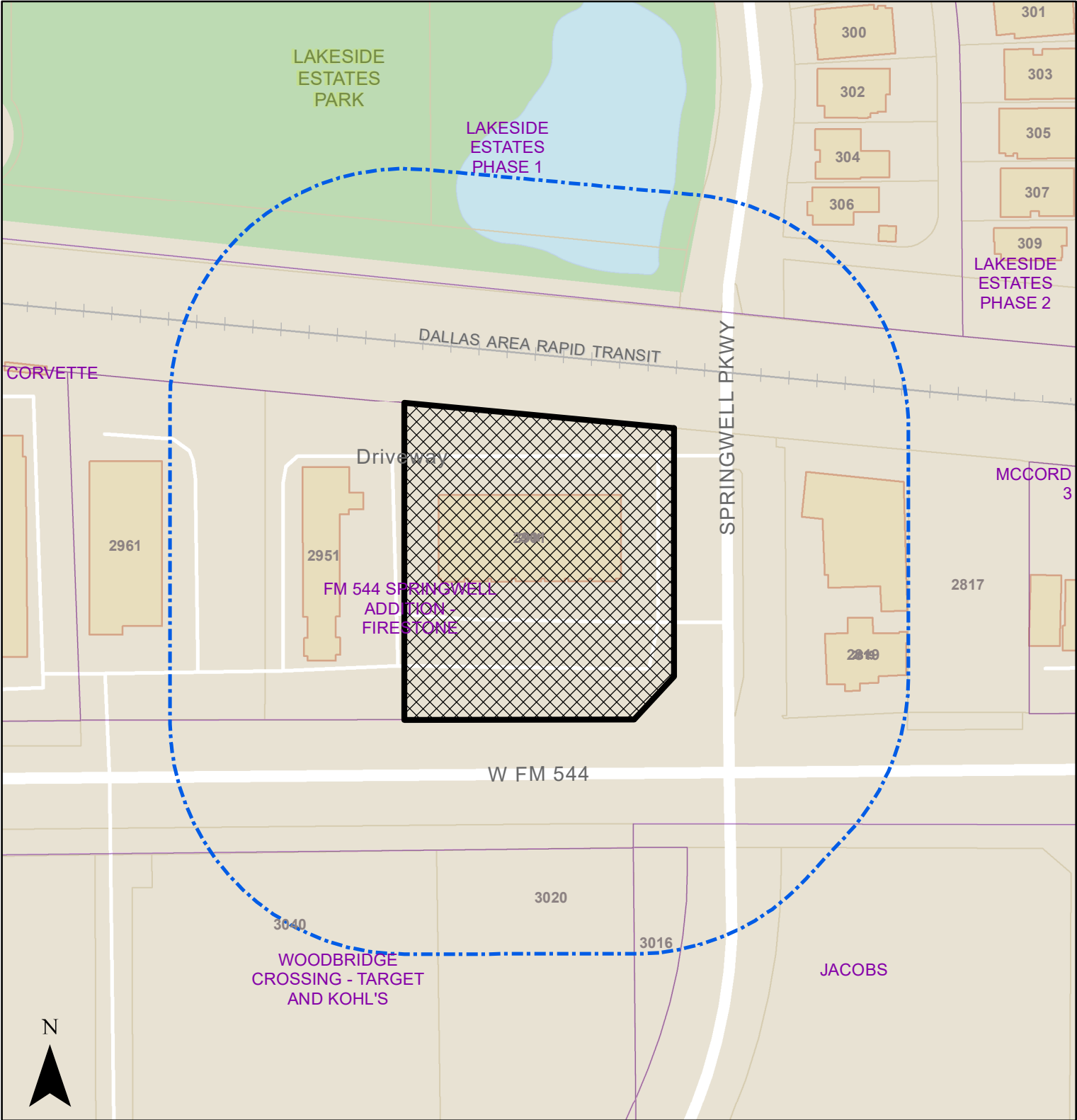
1. This SUP grants only the use within the business described as Wallace Management dba Empire Financial located within Suite 170 at 2901 West FM 544.
2. All General and Special Conditions of this Special Use Permit shall remain in effect while Wallace Management dba Empire Financial occupies the

subject property. At such time that Wallace Management dba Empire Financial and the current ownership as listed on the Certificate of Occupancy on the effective date of this ordinance cease from occupying 2901 West FM 544 Suite 170, the zoning shall revert to the baseline Commercial Corridor zoning and all development standards shall apply.

Wallace Management SUP



Notification Map



FM 544 / SPRINGWELL ADDITION (CMR), BLK A, LOT 2

 200 Foot Notification Buffer  Subject Property

