

Wylie Planning and Zoning Commission Regular Meeting

February 18, 2025 – 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 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 February 4, 2025 Planning and Zoning Commission Meeting.
- B. Consider, and act upon a recommendation to City Council regarding a Final Plat being a Replat of Lots 1-5 & 7, Block A of 544 Gateway Addition, creating six commercial lots on 9.216 acres, generally located east of the intersection of Business Way and Commerce Drive.

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 Downtown Historic District (DTH) to Downtown Historic District - Special Use Permit (DTH-SUP) on 0.23 acres to allow for a Smoking Establishment. Property located at 308 N Ballard Avenue (ZC 2025-02).

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 14, 2025 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 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 February 4, 2025 Planning and Zoning Commission meeting.

Recommendation

Motion to approve Item as presented.

Discussion

The minutes from the February 4, 2025 Planning and Zoning Commission meeting are attached for your consideration.

Wylie Planning and Zoning Commission Regular Meeting

February 04, 2025 – 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, Vice-Chair Rod Gouge, Commissioner Joe Chandler, and Commissioner Zeb Black. Staff present were: Community Services Director Jasen Haskins, Senior Planner Kevin Molina, Development Engineering Manager Than Nguyen and Administrative Assistant Gabby Fernandez. Absent was Commissioner Franklin McMurrian, Commissioner Zewge Kagnev and Commissioner Keith Scruggs.

INVOCATION & PLEDGE OF ALLEGIANCE

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

COMMENTS ON NON-AGENDA ITEMS

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A member of the public approached the Commission and spoke on zoning signage.

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 December 17, 2024 Planning and Zoning Commission meeting.**

BOARD ACTION

A motion was made by Vice-Chair Gouge, seconded by Commissioner Black, to approve the Consent Agenda as presented. A vote was taken and the motion passed 4 – 0.

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 Planned Development 2022-06 (PD 22-06) to Commercial Corridor and Commercial Corridor - Special Use Permit (CC & CC-SUP) on 5.43 acres to allow for a drive-through restaurant use and Commercial uses. Property located at 2310 W FM 544 and 2320 W FM. (ZC 2024-12).**

PUBLIC HEARING

Chair Butler opened the Public Hearing at 6:07 PM. Members of the public approached the Commission to speak on Regular Agenda Item 1. Chair Butler closed the Public Hearing at 6:10 PM.

BOARD ACTION

A motion was made by Commissioner Chandler, seconded by Vice-Chair Gouge to recommend approval of Regular Agenda Item 1 as presented. A vote was taken and passed 4-0.

2. **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 Single Family - 10 District (SF-10/24) to Townhouse District (TH) on 5.52 acres to allow for single-family attached development. Property located on the northwest corner of West Brown Street and Sanden Boulevard (ZC2024-13).**

PUBLIC HEARING

Chair Butler opened the Public Hearing at 6:14 PM. A member from the public approached the Commission. Chair Butler closed the Public Hearing at 6:18 PM.

BOARD ACTION

A motion was made by Vice-Chair Gouge, seconded by Commissioner Black to recommend approval of Regular Agenda Item 2 as presented. A vote was taken and passed 4-0.

3. **Hold a Public Hearing to consider, and act upon, a recommendation to City Council regarding the writing of an ordinance for a change in zoning from Agricultural District (AG/30) to Single Family - 10 District (SF 10/24) on 59.755 acres to allow for a single-family detached development. Property generally located at 1755 FM 1378 and 1813 & 2241 McMillen Road (ZC 2024-14).**

PUBLIC HEARING

Chair Butler opened the Public Hearing at 6:35 PM. Members of the Public approached the Commission to speak on Regular Agenda Item 3. Chair Butler closed the Public Hearing at 7:12 PM.

BOARD ACTION

A motion was made by Vice-Chair Gouge, seconded by Commissioner Chandler to recommend approval of Regular Agenda Item 3 as presented. A vote was taken and passed 3-1 with Commissioner Black 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 Light Industrial (LI) to Light Industrial - Special Use Permit (LI-SUP) on 1.2 acres to allow for an Automobile Repair Major use. Property located at 2751 Capital St. (ZC 2024-15).**

PUBLIC HEARING

Chair Butler opened the Public Hearing at 7:34 PM. A member of the Public approached the Commission to speak on Regular Agenda Item 4. Chair Butler closed the Public Hearing at 7:35 PM.

BOARD ACTION

A motion was made by Commissioner Black, seconded by Commissioner Chandler to recommend approval of Regular Agenda Item 4 as presented. A vote was taken and passed 4-0.

ADJOURNMENT

A motion was made by Vice-Chair Gouge, and seconded by Chair Butler, to adjourn the meeting at 7:38 PM. A vote was taken and carried 4 – 0.

Joshua Butler, Chair

ATTEST

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 Final Plat being a Replat of Lots 1-5 & 7, Block A of 544 Gateway Addition, creating six commercial lots on 9.216 acres, generally located east of the intersection of Business Way and Commerce Drive.

Recommendation

Motion to recommend **approval** as presented.

Discussion

OWNER: Wylie Economic Development Corporation

APPLICANT: Roome Land Surveying

The applicant has submitted a Replat to create Lots 1-5 & 7 Block A of 544 Gateway Addition on 12.234 acres. The property is located east of the intersection of Business Way and Commerce Drive.

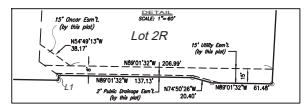
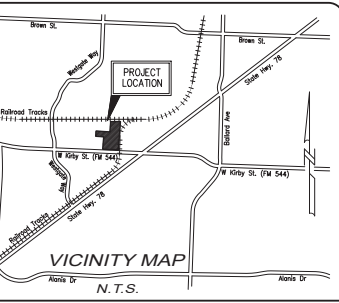
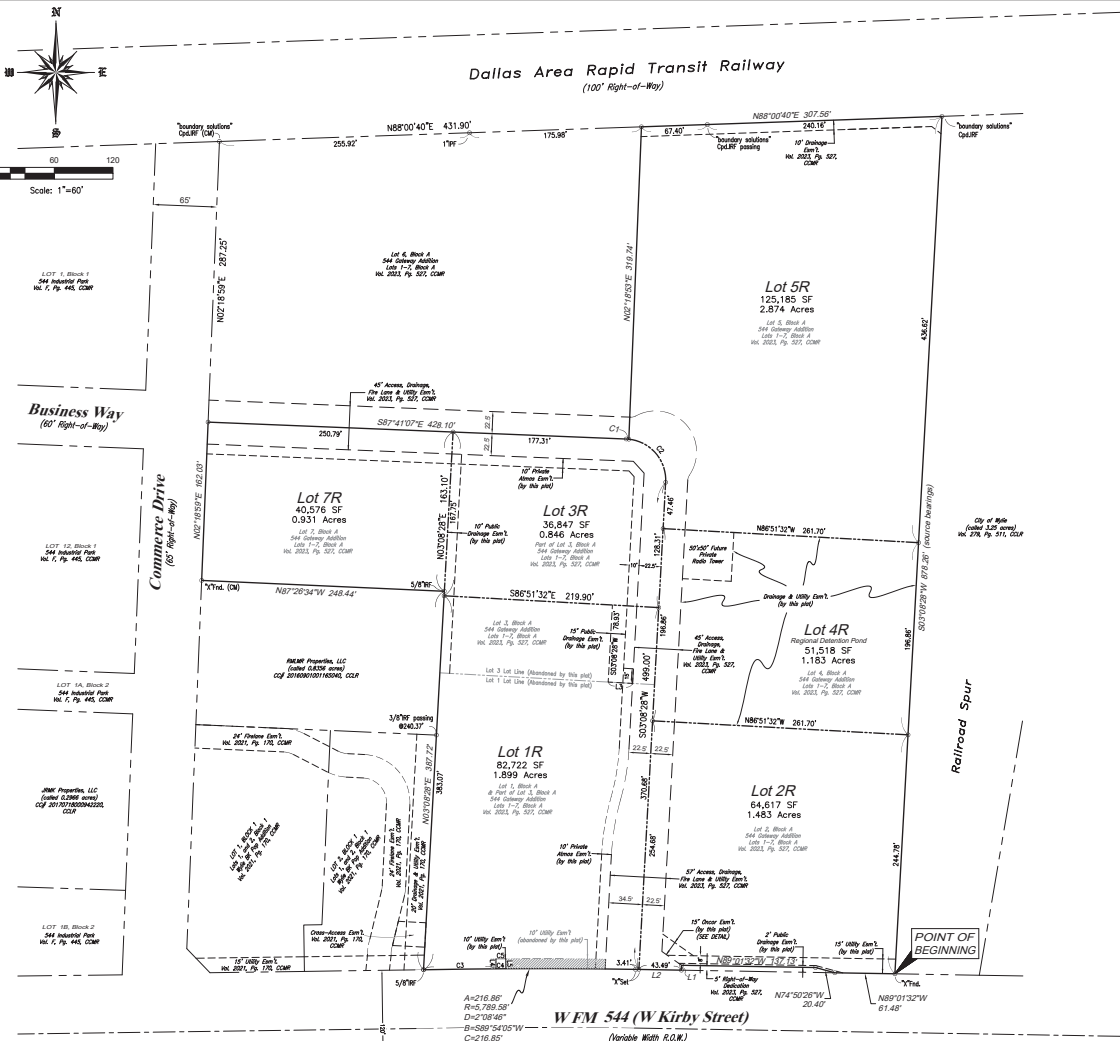
The purpose of the Replat is to create and abandon easements as well as revise the property lines in between Lot 1 and 3. The original plat was approved by the City Council in February of 2023 for the creation of commercial lots within the 544 Gateway project.

This plat is dedicating access, fire and utility easements for the six lot development. An access drive is provided from Commerce Drive that connects to State Highway 78. The plat also includes a regional detention pond on Lot 4R.

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.

Dallas Area Rapid Transit Railway
(100' Right-of-Way)



Curve Table with columns for CURVE, LENS, TANGENT, RADIUS, DELTA ANGLE, CHORD, and BEARING.

Line Table with columns for LINE, BEARING, DISTANCE, and POINTS.

THE PURPOSE OF THIS REPLAT IS TO CREATE & ABANDON EASEMENTS AS WELL AS REVISE THE LINE BETWEEN LOT 1 & 3... NOTE: Private property owners are responsible for the maintenance of all easement areas.

Notes: 1) CM is a controlling monument; 2) Bearings based on 544 Gateway Addition as recorded in Volume 2023, Page 527 of the Collin County Map Records...

Legend: COLLIR Copied Iron Rod Found, RCRS Room Copied Iron Rod Set, COAR Collin County Map Records, COLR Collin County Land Records, COAR Containing, WDC Wylie Economic Development Corporation

Engineer: Krimmer-Horn, 250 E. Dowe St, Suite 100, McKinney, TX 75069

Owner: Wylie Economic Development Corporation, 250 South Hwy. 78, Wylie, Texas 75098

Surveyor: Roome Land Surveying, 3000 Avenue G, Suite 810, Plano, TX 75074

Roome Land Surveying logo and contact information, including phone and fax numbers.

OWNER'S DEDICATION & ACKNOWLEDGMENT

STATE OF TEXAS § COUNTY OF COLLIN § NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS: That, Wylie Economic Development Corporation, owner, does hereby adopt this plat designating the herein described property as Replat of Gateway Addition Lots 1R-5R & 7R, Block A...

The City of Wylie and public utilities entities shall have the right to remove and keep removed all or parts of any building, 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...

WITNESS MY HAND, this the ___ day of ___, 2025. Wylie Economic Development Corporation

NAME: TITLE: STATE OF TEXAS § COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared... the persons whose names are subscribed to the foregoing instrument and acknowledged to me that each executed the same for the purpose and considerations therein expressed.

Notary Public in and for the State of Texas

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 Replat of Gateway Addition Lots 1R-5R & 7R, Block A, a subdivision or addition to the City of Wylie was submitted to the City Council on the ___ day of ___, 2024, 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 herein above subscribed.

Witness my hand this ___ day of ___, A.D., 2025. City Secretary City of Wylie, Texas

OWNER'S CERTIFICATE

STATE OF TEXAS § COUNTY OF COLLIN § WHEREAS, Wylie Economic Development Corporation, is the owner of 6 tracts of land situated in the State of Texas, County of Collin and City of Wylie, being part of the E.C. Davidson Survey, Abstract No. 266, being all of Lots 1, 2, 3, 4, 5 and 7 of 544 Gateway Addition as recorded in Volume 2023, Page 527 of the Collin County Map Records...

THENCE with the north right-of-way line of W FM 544 and the south line of Lot 2 as follows: North 89°11'27" West, 61.48 feet to a point for angle break; North 74°50'28" West, 20.40 feet to a point for angle break; North 89°11'32" West, 137.13 feet to a point for angle break; South 0°28'28" West, 5.00 feet to a point for angle break; North 89°11'32" West, passing at 43.49 feet the southwest corner of Lot 2 and the southwest corner of Lot 1 of said 544 Gateway Addition, and continuing for a total distance of 46.89 feet to a point marking the beginning of a curve, southeasterly along said curve to the left having a central angle of 02°08'46", for an arc distance of 216.86 feet, with a radius of 5,789.58 feet (chord = South 89°54'05" West, 216.85 feet) to a 5/8" iron rod found marking the southwest corner of Lot 2, Block 1 of Wylie BK Pop Addition as recorded in Volume 2021, Page 170 of the Collin County Map Records...

THENCE with the east line of Lot 2 of said Wylie BK Pop Addition, and the west line of Lots 1 and 3 of said 544 Gateway Addition, North 03°08'28" East, passing at 240.37 feet a 3/8" iron rod found marking the northeast corner of Lot 2 of said Wylie BK Pop Addition, and the southeast of a called 0.8356 acre tract as recorded under County Clerk No. 20160901001165040 of the Collin County Land Records, passing at 304.13 feet the northeast corner of Lot 1 and the southwest corner of Lot 3 and continuing for a total distance of 387.72 feet to a 5/8" iron rod found in the west line of Lot 3, marking the northeast corner of said 0.8356 acre tract, the southeast corner of Lot 7 of said 544 Gateway Addition, and being an interior all corner of said premises;

THENCE with the north line of said 0.8356 acre tract and the south line of Lot 7, North 87°26'34" West, 248.44 feet to an "X" found in concrete in the east right-of-way line of Commerce Drive, marking the northeast corner of said 0.8356 acre tract, the southwest corner of Lot 7 and the most westerly southwest corner of said premises;

THENCE with the east right-of-way line of Commerce Drive and the west line of Lot 7, North 02°18'59" East, 182.03 feet to a point marking the southwest corner of Lot 6 of said 544 Gateway Addition, the northwest corner of Lot 7 and the westerly most northwest corner of said premises;

THENCE with the north line of Lot 7, the north line of Lot 3, and the south line of Lot 6 as follows: South 87°41'07" East, 428.10 feet to a point marking the beginning of a curve to the right; southeasterly along said curve to the right having a central angle of 03°31'52", for an arc distance of 2.59 feet, with a radius of 42.00 feet (chord = South 85°55'11" East, 2.59 feet) to a point in the west line of Lot 5 of said 544 Gateway Addition, marking the southwest corner of Lot 6 and an interior corner of said premises;

THENCE with the east line of Lot 6 and the west line of Lot 5, North 02°18'53" East, 319.74 feet to a point in the south right-of-way line of a Dallas Area Rapid Transit Railway (100' Right-of-Way), marking the northeast corner of Lot 6, the northeast corner of Lot 5 and the northerly most northwest corner of said premises;

THENCE with the north line of said 0.8356 acre tract and the south line of Lot 5, North 88°00'40" East, passing at 87.40 feet a "Boundary Solutions" capped iron rod found marking the northeast corner of said 0.8356 acre tract, the southeast corner of Lot 5 and said premises;

THENCE with the west line of said 3.25 acre tract, the east line of Lot 5, the east line of Lot 4 and the east line of Lot 2, South 03°08'28" West, 878.26 feet to the place of beginning and containing 9.216 acres of land.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS § COUNTY OF COLLIN § I, F. E. Bemenderfer, Jr., do hereby certify that I prepared this final plat and the field notes made a part thereof from an actual and accurate survey of land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of the City of Wylie, Texas.

Dated this ___ day of ___, 2025.



NOT FOR RECORDING F. E. Bemenderfer, Jr., Registered Professional Land Surveyor No. 4051

ACKNOWLEDGMENT

STATE OF TEXAS § COUNTY OF COLLIN § BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared F. E. Bemenderfer, Jr., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___ day of ___, 2025.

Notary Public in and for the State of Texas

Replat 544 Gateway Addition Lots 1R-5R & 7R, Block A 9.216 Acres being a replat of Lots 1-5 & Lot 7, Block A of 544 Gateway Addition 6 Commercial Lots E.C. Davidson Survey, Abstract No. 266 City of Wylie, Collin County, Texas May 2024

Revised: January 10, 2025 P:\CV\202104\ACB83538.DWG





Wylie Planning & Zoning Commission

AGENDA REPORT

Department: Planning Item Number: 1
Prepared By: Kevin Molina

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 Downtown Historic District (DTH) to Downtown Historic District - Special Use Permit (DTH-SUP) on 0.23 acres to allow for a Smoking Establishment. Property located at 308 N Ballard Avenue (**ZC 2025-02**).

Recommendation

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

Discussion

OWNER: Vidita Patel

APPLICANT: Jose Hernandez

The applicant is requesting a Special Use Permit (SUP) on 0.23 acres to allow for a Cigar Lounge use at 308 N Ballard Avenue. The floor area of the existing structure measures 1,250 sq.ft. The current zoning is Downtown Historic District (DTH).

The SUP conditions allow for the Cigar Lounge as a Smoking Establishment use. The SUP shall be null and void should the property not be owned by Faustino Cigars, LLC. The SUP conditions document requires for there to be five onsite parking spaces. The establishment is limited to cigars only and is not permitted for any other style of smoking or vaping products.

The proposed development contains a lounge area, a humidor, and will offer charcuterie style food. Additionally, the development is proposing to allow for customers to bring in their own alcoholic beverages City Staff has confirmed with the Texas Alcoholic Beverage Commission (TABC) that there are no statewide bring-your-own-beverage (BYOB) laws in Texas.

The property to the north is developed with a single family residence that operates as short term rental. The property to the west is developed as an office for the Wylie Chamber of Commerce. The property to the south is developed with a coffee shop. The property to the east is developed with a church.

The subject property lies within the Downtown sector of the Comprehensive Land Use Plan. Development within this sector's main purpose is to build upon the existing Downtown development pattern by encouraging appropriate infill and redevelopment of similar uses. The secondary purpose is to preserve and promote Downtown as the cultural center and key economic driver for Wylie.

Notices were sent to four-teen property owners within 200 feet as required by state law. At the time of posting, one response was received in favor and none in opposition of the request.

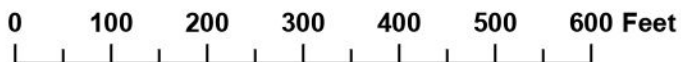
If zoning is approved, a finish out permit for the retail suite and Certificate of Occupancy shall be required prior to the business opening.

Locator Map



ZONING CASE:
ZC 2025-02

 SUBJECT property



Date: 1/22/2025





308 N Ballard St

Faustino’s Cigars and Lounge

EXHIBIT “B”

Conditions For Special Use Permit

I. PURPOSE:

- 1. The purpose of this Special Use Permit is to allow for a cigar lounge use within the Downtown Historic District.

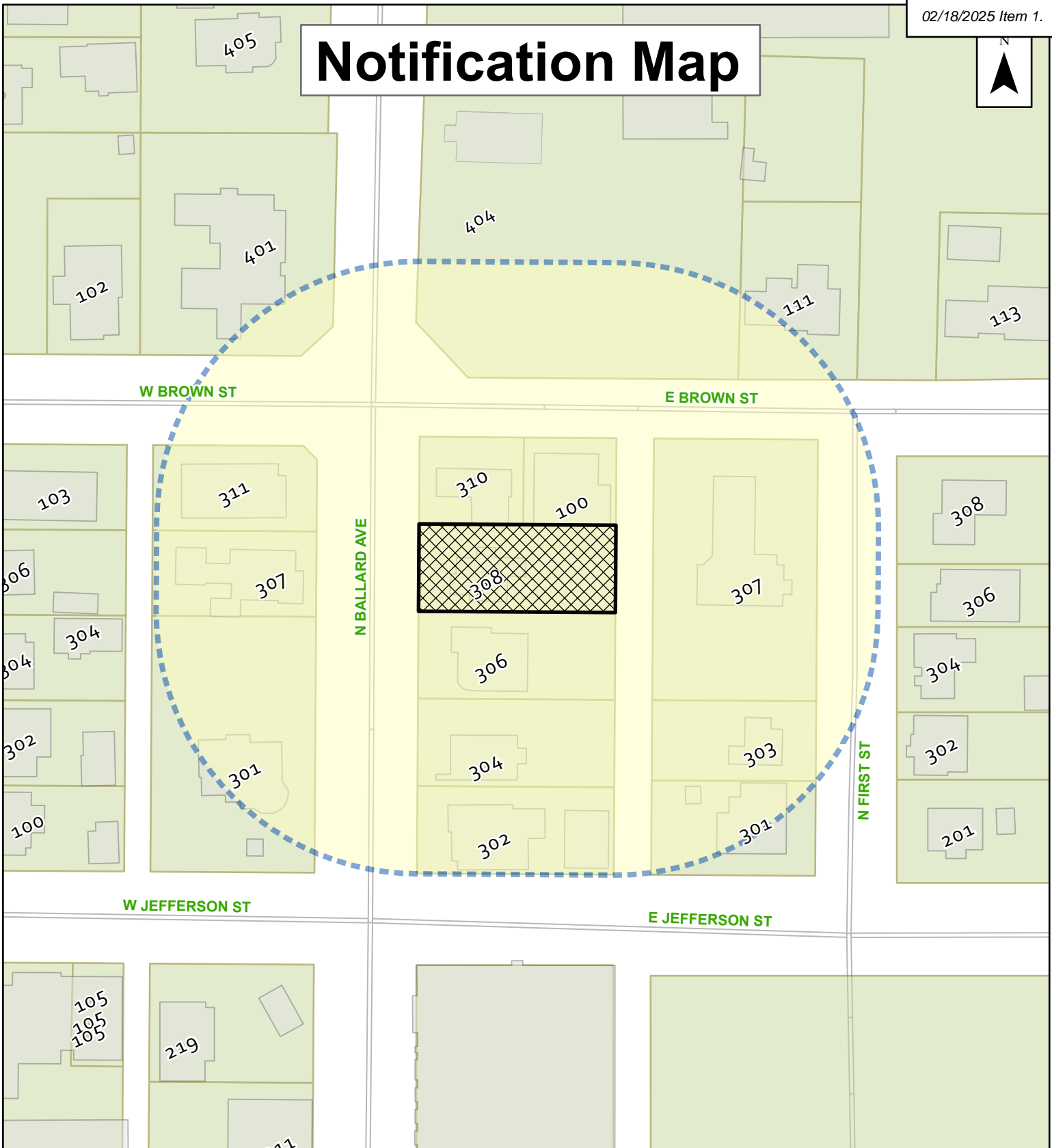
II. GENERAL CONDITIONS:

- 1. This Special Use Permit shall not affect any regulations of the Downtown Historic District (DTH) set forth in Article 6, Section 6.3 of the Comprehensive Zoning Ordinance (adopted as of June 2023), except as specifically provided herein.
- 2. The design and development of the Faustino’s Cigars and Lounge development shall be in accordance with Section III below and the Zoning Exhibit (Exhibit C).

III. SPECIAL CONDITIONS:

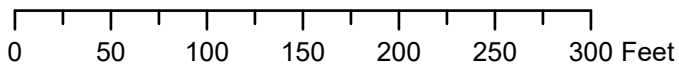
- 1. This Special Use Permit shall allow for a Smoking Establishment use within the Downtown Historic zoning district.
- 2. A minimum of five on-site parking spaces shall be provided.
- 3. All on-site smoking shall be conducted inside the establishment.
- 4. The Smoking Establishment use is further limited to the manufacture, selling, and smoking of cigar products only, as generally defined.
- 5. The Special Use Permit is intended for a Smoking Establishment owned and operated by Faustino Cigars, LLC. Under any other use or ownership, the SUP shall expire and zoning reverted to the base DTH district.

Notification Map



ZONING CASE:
ZC 2025-02

 SUBJECT property
  200 foot Notification Buffer



Date: 1/22/2025





Public Comment Form

First Name *

Ashish

Middle Name

Last Name *

Patel

Address *

Street Address

1916 Fair Parke Lane

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2025-02 308 N Ballard Ave.

Response *

- I am FOR the requested zoning as explained on the public notice
- I am AGAINST the requested zoning as explained on the public

Comments

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature *



Date of Signature

2/7/2025