

Wylie Planning and Zoning Commission Regular Meeting

February 21, 2023 – 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, the approval of the February 07, 2023 Minutes.
- B. Consider, and act upon a recommendation to City Council regarding a Final Plat for Emerald Vista Phase 2, establishing 76 single family residential lots and three open space lots on 24.3 acres, generally located at the northeast corner of S Ballard Avenue and Pleasant Valley Road.

REGULAR AGENDA

WORK SESSION

- WS1. Hold a work session to discuss potential amendments to the Zoning Ordinance regarding uses for smoke shops, smoking establishments, breweries, wineries, distilleries and other related alcohol requirements.

RECONVENE INTO REGULAR SESSION

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on February 17, 2023 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.



Wylie Planning & Zoning Commission

AGENDA REPORT

Department: Planning
Prepared By: Lillian Baker

Item Number: A

Subject

Consider, and act upon, minutes from the February 07, 2023 Regular Meeting.

Recommendation

Motion to recommend approval as presented.

Discussion

The minutes are attached for your consideration.

Wylie Planning and Zoning Commission Regular Meeting

February 07, 2023 – 6:00 PM

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



CALL TO ORDER

Chair Bryan Rogers called the meeting to order at 6:00pm. Commissioners present: Chair Bryan Rogers, Vice Chair Joshua Butler, Commissioner Jacques Loraine III, Commissioner Jennifer Grieser, Commissioner Harold Gouge, Commissioner James Byrne and Commissioner Keith Scruggs. Staff present were: Community Services Director Jasen Haskins, Wylie Economic Development Director Jason Greiner, Administrative Assistant Lillian Baker and Administrative Assistant Mary Bradley.

INVOCATION & PLEDGE OF ALLEGIANCE

Vice Chair Butler gave the Invocation and Commissioner Byrne 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, the approval of the January 17, 2023 Minutes.
- B. Consider, and act upon a recommendation to City Council regarding a Preliminary Plat of Lots 1-7, Block A of 544 Gateway Addition, establishing seven commercial lots on 12.234 acres, generally located on east of the intersection of Business Way and Commerce Drive.
- C. Consider, and act upon a recommendation to City Council regarding a Final Plat of Lots 1-7, Block A of 544 Gateway Addition, creating seven lots on 12.234 acres, generally located on east of the intersection of Business Way and Commerce Drive.

Board Action

A motion was made by Commissioner Gouge, seconded by Commissioner Loraine, to approve the Consent Agenda as presented. A vote was taken and the motion passed 7 – 0.

ADJOURNMENT

A motion was made by Commissioner Gouge, and seconded by Commissioner Grieser to adjourn the meeting at 6:05PM. A vote was taken and carried 7 – 0.

Bryan Rogers, Chair

ATTEST

Lillian Baker, 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 for Emerald Vista Phase 2, establishing 76 single family residential lots and three open space lots on 24.3 acres, generally located at the northeast corner of S Ballard Avenue and Pleasant Valley Road.

Recommendation

Motion to recommend **approval** as presented.

Discussion

OWNER: Bloomfield Homes L.P

APPLICANT: R.C. Myers Surveying LLC

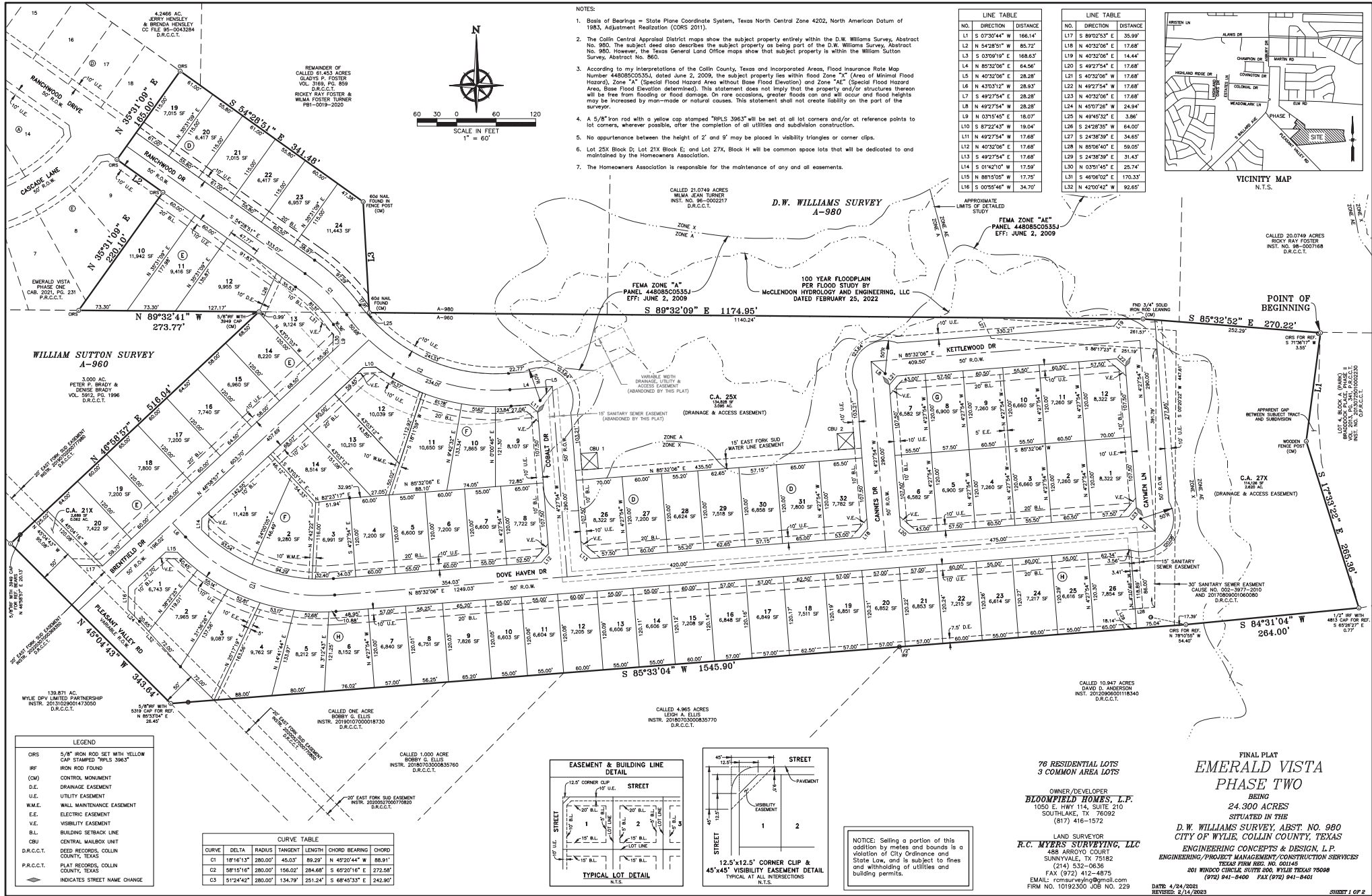
The applicant has submitted a Final Plat for Emerald Vista Phase 2. Zoning for the single family development was approved by the City Council in August, 2018 as Planned Development Ordinance 2018-23. The Preliminary Plat was approved in August, 2019.

The plat consists of 76 residential lots, and three open space lots. Within Phase 1 of Emerald Vista there are 91 residential lots. Phase 1 and 2 have a combined total of 167 residential lots. The proposed lot count is in compliance with the Planned Development as it allows for a maximum of 175 residential lots.

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

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

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



OWNER'S CERTIFICATE AND DEDICATION

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS BLOOMFIELD HOMES, LP, BEING THE OWNER of a 24,300 acre tract of land situated in the Willam Sutton Survey, Abstract No. 860 and the D.W. Williams Survey, Abstract No. 980, Collin County, Texas, and being part of that certain 28,677 acre tract of land (Tract 1) described in deed to Bloomfield Homes, LP, recorded in Instrument No. 20170823001150570, Deed Records, Collin County, Texas(DRCC1) and all of that certain 21,992 acre tract of land (Tract 2) described in deed to Bloomfield Homes, LP, recorded in instrument No. 20170823001150570, DRCC1, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in a 20-inch elm tree at the northeast corner of said Tract 2, from which a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for reference bears, South 71 degrees 36 minutes 17 seconds West, a distance of 3.55 feet;

THENCE South 07 degrees 30 minutes 44 seconds West, along the east line of said Tract 2, a distance of 166.14 feet to a wooden fence post found for corner at an angle point;

THENCE South 17 degrees 33 minutes 22 seconds East, continuing along the east line of said Tract 2 and with the remnants of an old fence line, a distance of 265.36 feet to a wooden fence post found for corner at the southeast corner thereof and being in the north line of a called 10.947 acre tract of land described in deed to David Anderson, recorded in Instrument No. 2012206001118340, DRCC1, from which a 1/2-inch iron rod with a cap stamped 4819 found at an exterior corner of Lot 4, Block A, of Braddock Place Phase II, recorded in instrument No. 20130725010002330, Plat Records, Collin County, Texas (PRCC1) bears South 65 degrees 26 minutes 27seconds East, a distance of 0.77 feet;

THENCE South 84 degrees 31 minutes 04 seconds West, along the common line of said Tract 2 and said 10.947 acre tract, a distance of 264.00 feet to a point for corner at an angle point, from which a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for reference bears, North 78 degrees 10 minutes 55 seconds West, a distance of 54.40 feet;

THENCE South 85 degrees 33 minutes 04 seconds West, continuing along the south line of said Tract 2, and along the north lines of said 10.947 acre tract, a called 4.965 acre tract, described in deed to Leigh A. Ellis, recorded in instrument No. 20180703000835770, DRCC1, a called 1,000 acre tract described in deed to Bobby G. Ellis, recorded in instrument No. 20180703000835760, a called One acre tract of land described in deed to Bobby G. Ellis, recorded in instrument No. 201801070000187330, DRCC1, respectively, passing at a distance of 435.13 feet, a 1/2-inch iron rod found at the northwest corner of said 10.947 acre tract, common to the northeast corner of said 4.965 acre tract, and continuing for a total distance of 1545.90 feet to a point for corner near the centerline of Pleasant Valley Road at the southwest corner of said Tract 2, common to the northwest corner of a sold One acre Ellis tract, from which a 5/8-inch iron rod with a cap stamped 5319 found for reference bears North 80 degrees 33 minutes 04 seconds East, a distance of 26.45 feet;

THENCE North 45 degrees 04 minutes 43 seconds West, along the centerline of said Pleasant Valley Road and the southwest line of said Tract 2, a distance of 343.64 feet to a point for corner at the most western corner thereof, common to the most southern corner of a called 3 acre tract of land described in deed to Peter Brady, Brady and Denise Brady, recorded in Volume 5912, Page 1998, DRCC1, from which a 5/8-inch iron rod with a cap stamped 3949 found for reference bears, North 46 degrees 58 minutes 57 seconds East, a distance of 20.13 feet;

THENCE North 46 degrees 58 minutes 57 seconds East, along the common line of said Tract 2 and said Brady tract, a distance of 516.04 feet to a 5/8-inch-iron rod with a cap stamped 3949 found in the south line of the above mentioned Tract 1 at the northwest corner of said Tract 2;

THENCE North 89 degrees 32 minutes 41 seconds West, along the common line of said Tract 1 and said Brady tract, a distance of 273.77 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for the southeast corner of Emerald Vista, Phase One, an addition to the City of Wylie, according to the Plat thereof recorded in Cabinet 2021, Page 231, Plat records of Collin County Texas;

THENCE Northerly, along the easterly lines of said Emerald Vista, Phase One, the following courses:

- North 35 degrees 31 minutes 09 seconds East, a distance of 220.10 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for corner;
- North 54 degrees 28 minutes 51 seconds West, a distance of 85.72 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for corner;
- North 35 degrees 31 minutes 09 seconds East, a distance of 165.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped RPLS 3963 set for corner in the common line of said Tract 1 and a called 4.2466 acre tract of land described in deed to Jerry Hensley and Brenda Hensley, recorded in County Clerk file 95-0043294, DRCC1;

THENCE South 54 degrees 28 minutes 51 seconds East, with the common boundary line of said Tract 1 and said 4.2466 acre tract and the remainder of a 61.453 acre tract described in a deed to Gladys P. Foster, recorded in Volume 3169, Page 859 of said Deed Records, a distance of 341.49 feet to a 60d Nail found for corner in a fence post at a common corner of said Tract 1 and 61.453 acre tract;

THENCE South 02 degrees 09 minutes 19 seconds East, continuing with the common line of said Tract 1 and Foster remainder tract, a distance of 168.63 feet to a 60d nail found for the south east corner of said Tract 1 and an exterior all corner of said Foster remainder tract, said corner being in the north boundary line of said Tract 2;

THENCE South 89 degrees 32 minutes 09, along the north line of said Tract 2, and along the south lines of said Foster remainder tract and a called 21.0749 acre tract described in deed to Wilma Jean Turner, recorded in County Clerk file 96-0002217, DRCC1, respectively, a distance of 1174.95 feet to a leaning 3/4-inch-iron rod found for corner at an angle point;

THENCE South 85 degrees 32 minutes 52 seconds East, continuing along the north line of said Tract 2, and along the south lines of said 21.0749 acre tract and a called 20.0749 acre tract of land described in deed to Ricky Ray Foster, recorded in County Clerk file. 98-0007168, DRCC1, a distance of 270.22 feet to THE POINT OF BEGINNING and containing 24,300 acres or 1,058,491 square feet of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, BLOOMFIELD HOMES, LP, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as EMERALD VISTA, PHASE TWO, an addition to the City of Wylie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, right-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 _____, 2023.

FOR: Bloomfield Homes, L.P.,
a Texas limited partnership
By: Bloomfield Properties, Inc.,
a Texas corporation, General Partner

By _____
Donald J. Dykstra, President

STATE OF TEXAS
COUNTY OF TARRANT

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

GIVEN MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2023.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert C. Myers, 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. This final plat is released on April 24, 2021 for review by the City of Wylie and other parties for comments and progression to an approved final plat.

ROBERT C. MYERS
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 3963

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2023.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

"RECOMMENDED FOR APPROVAL"

Chairman, Planning & Zoning Commission
City of Wylie, Texas

Date _____

"APPROVED FOR CONSTRUCTION"

Mayor, City of Wylie, Texas

Date _____

"ACCEPTED"

Mayor, City of Wylie, Texas

Date _____

"APPROVED AND ACCEPTED"

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

The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing plat of EMERALD VISTA, PHASE TWO, an addition to the City of Wylie was submitted to the City Council on the ____ day of _____, 2023 and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinafter subscribed.

Witness my hand this ____ day of _____, A.D. 2023.

City Secretary
City of Wylie, Texas

76 RESIDENTIAL LOTS
3 COMMON AREA LOTS

OWNER/DEVELOPER
BLOOMFIELD HOMES, L.P.
1050 E. HWY 114, SUITE 210
SOUTHLAKE, TX 76082
(817) 416-1572

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

FINAL PLAT
EMERALD VISTA
PHASE TWO

BEING

24,300 ACRES

SITUATED IN THE

D.W. WILLIAMS SURVEY, ABST. NO. 980
CITY OF WYLIE, COLLIN COUNTY, TEXAS

ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS FIRM REG. NO. 001145
201 WINDY CIRCLE, SUITE 200, WYLIE, TEXAS 75098
(972) 941-8400 FAX (972) 941-8401

DATE: 4/24/2021
REVISED: 8/14/2023

SHEET 2 OF 2
3 PROJECTS/DRAWINGS - HONEY TRACT ALTRIA/DRAWINGS FINAL PLAT PG 2240



Wylie Planning & Zoning Commission

AGENDA REPORT

Department: Planning
 Prepared By: Kevin Molina

Item Number: WS - a

Subject

Hold a work session to discuss potential amendments to the Zoning Ordinance regarding uses for smoke shops, smoking establishments, breweries, wineries, distilleries and any other related alcohol requirements.

Recommendation

Direction

Discussion

Smoke Shops and Smoking Establishments

Currently, the City of Wylie allows Smoke Shops under the General Merchandise Store use category and Smoking Establishments are permitted as a restaurant use with the requirement that food be sold.

The State Local Government Code permits Municipalities from establishing zoning regulations that promote the public health, safety, morals, or general welfare (Sec. 211.001). Staff believes that the City of Wylie is relatively unrestrictive in its allowances related to these uses.

Possible amendments to the Zoning Ordinance include:

- Creating a smoke shop use thereby separating the use from General Merchandise.
- Creating a smoking establishment use, separating it from the restaurant use.
- Proving for zoning categories where those new uses are allowed.
- Including additional provisions for the uses including, requiring the businesses in standalone structures, establishing distance requirements from schools, and requiring Special Use Permits.

Alcohol Uses

While Wylie does have distillery, brewery, and winery uses operating, there are no official uses within the Zoning Ordinance. Additionally, the alcohol regulations are spread out among the different uses within the Zoning Ordinance. Lastly, there is no set procedure for an operator of such an establishment to request exceptions as allowed by state law.

Possible Amendments include:

- Creating uses for distillery, brewery, and winery
- Allowing the uses either by-right, with an SUP, or a combination thereof
- If created, set requirements for the uses such as distance from other uses
- Create a new section of the Zoning Ordinance that deals with the standard requirements of alcohol related businesses.
- Create a formal procedure for the consideration of exceptions.