

Wylie Planning and Zoning Commission Regular Meeting

October 03, 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. Meeting Minutes from September 19, 2023.
- B. Consider, and act upon a recommendation to City Council regarding a Final Plat of David Estate, Lot 1, Block A establishing one lot on 1.671 acres in the City of Wylie Extra Territorial Jurisdiction, property located at 2551 & 2553 Elm Grove Road
- C. Consider, and act upon a recommendation to City Council regarding a Final Plat of Beaver Creek Estates, Lot 1-10, Block A establishing 10 residential lots on 17.053 acres in the City of Wylie Extra Territorial Jurisdiction, property located at the southeast corner of Beaver Creek Road and Fox Hollow.

REGULAR AGENDA

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 29, 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.



Planning & Zoning Commission

AGENDA REPORT

Department: Planning

Item: A

Prepared By: Lillian Baker

Subject

Consider, and act upon, minutes from the September 19, 2023 Regular Meeting.

Recommendation

Motion to approve Item A as presented.

Discussion

The minutes are attached for your consideration.

Wylie Planning and Zoning Commission Regular Meeting

September 19, 2023 – 6:00 PM

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



CALL TO ORDER

Chair Butler called the meeting to order at 6:00 p.m. In attendance were Chair Joshua Butler, Vice-Chair Jacque Loraine, Commissioner Jennifer Grieser, Commissioner Rod Gouge, Commissioner James Byrne, Commissioner Keith Scruggs, Director of Community Services Jasen Haskins, Sr. Planner Kevin Molina, Engineering Development Manager Than Nguyen, and Secretary Lillian Baker. Commissioner Joe Chandler arrived at 6:03 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was led by Chair Butler and the Pledge of Allegiance was led by Commissioner Loraine.

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.

None approached the Commission.

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. Minutes from September 5, 2023 Regular Meeting

Board Action on Consent Agenda

A motion was made by Commissioner Gouge and seconded by Commissioner Loraine to approve the Consent Agenda as presented. A vote was taken and carried 6 – 0.

REGULAR AGENDA

1. Consider, and act upon, a Site Plan for Lot 2B Block A of Aldi Wylie Addition for the development of an indoor athletic facility on 1.162 acres. Property located north of 3463 W FM 544.

Staff Discussion on Regular Agenda Item 1

Sr. Planner Molina presented and provided an overview of the plan and complies with what was submitted earlier this year. Limited landscaping due to frontage on FM544. The site plan meeting design requirements.

Board Action on Regular Agenda Item 1

A motion was made by Vice Chair Loraine and seconded by Commissioner Grieser to approve as presented. A vote was taken and carried 7 – 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 Neighborhood Services (NS) to Neighborhood Services - Special Use Permit (NS-SUP) on 1.814 acres to allow for a Smoke Shop Use. Property located at 456 Country Club Road Suite 126 (ZC 2023-16).

Staff Discussion on Regular Agenda Item 2

Sr. Planner Molina presented and stated it is an existing structure and the applicant is requesting a variance to the existing ordinance for the distance requirement from a nearby smoke shop and school (Primrose Daycare). Six notices were mailed to property owners and received one in favor from the Primrose owner and one in opposition from the property south of the 7-Eleven. The board inquired on ventilation and was clarified that previous discussion on another property was not the same situation. The Board also asked for clarification on the property owner was the respondent from the Daycare. It was also clarified that by state law that daycares are classified as schools.

Chair Butler opened a public hearing at 6:09 p.m. Citizen David Dahl addressed the Commission. He stated that the ordinance was put in place to regulate these establishments and was too new to be making concessions (variances). Chair Butler closed the public hearing at 6:10 p.m.

Chair Butler agreed with Citizen Dahl and stated his support of the existing ordinance. Vice-Chair Loraine agreed with Chair Butler's comments and stated it was not the right time to be making variances. Commissioner Grieser requested verification on the type of shop, that was addressed by Director Haskins.

Board Action on Regular Agenda Item 2

A motion was made by Vice-Chair Loraine and seconded by Chair Butler to recommend denial to City Council. A vote was taken and carried 7 – 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 Agricultural (AG/30) to Single Family 10/24 (SF 10/24) on 15 acres, Townhouse District (TH) on 3.8 acres, Commercial Corridor (CC) on 4 acres. Property located near 605 Country Club Road (ZC 2023-15).

Staff Discussion on Regular Agenda Item 3

Sr. Planner Molina presented the zoning change for 25 acres with 15 acres being zoned single family, 3.8 acres for townhomes, and 4 acres zoned commercial corridor. The single-family zoning includes 46 lots and the commercial is three buildings. Development has access to Country Club and connects to Washington Place in Presidential Estates. Mailed out to 41 property owners and received 12 responses in opposition within the notification area and 19 oppositions outside the notification area. The development is also adding pickleball courts, a half basketball court and open space in front of the townhomes. Clarification was made on the fire lanes for the Board. Director Haskins stated there was a difference required for commercial and residential. Sr. Planner Molina stated it was also based on the height of the building.

Applicant Ahmed presented an overview of the development. He stated that sloped roofs would be added for privacy for the neighboring houses. He also discussed the traffic capacity of Country Club. He also noted the garage entries would not be visible and rear entry. Commissioner Grieser requested clarification that the homes were for purchase and not rentals, to which the applicant confirmed the homes were for purchase. The Commission also asked Engineering about the traffic capacity. Engineer Nguyen stated that Country Club is a high capacity road way, that based on analysis could handle the added traffic flow. The Commission also clarified that this plan was in the scope of the Future Development plan.

Chair Butler opened a Public Hearing 6:33 p.m.

Multiple citizens approached the Commission in opposition and raised concerns and requested clarification on the traffic, crime, property values, notification letters, thru to Washington, flooding, and keeping the area as farm land.

In support of the project others stated that the applicant is a citizen of Wylie and is concerned what is best for the city and the development. It was also noted that the plan did fall within the future master plan with minimal impact being a majority residential and keeping a farm land is not reasonable nor would it be profitable for a farmer or beneficial to the city. It was also noted that housing is in need in the city for those that wish to move here. It was also noted that residents were aware that the unfinished connection streets would be part of a master plan. Citizens felt that bringing in affordable housing in Wylie would be advantageous. Citizens also stated that an influx of physicians that would take advantage of the available retail space, would be beneficial to the community.

The public hearing was closed at 7:16 p.m.

Director Haskins addressed the notification letter. The notification area is determined by State Legislature that the requirement is 200ft and this is the reason not all residents in the general area would not have received the notice. It was also addressed that the college owns 100 acres that touches a portion of the development and in order to reach 20% rule of opposition, the college would have to be involved in that decision. In addition, he addressed the traffic analysis not being required because it is not over 100 units. This topic will address with Engineering to see what can be done. He also noted that if Planning and Zoning approves recommendation, in the end it is City Councils final decision. The access street through Washington is required by Fire Department, that there must be two entry point access by law. It was reiterated that this meeting was for the zoning and that the development would have to come back for a site plan and platting, assuming it is approved through P&Z and Council. Commission asked if a fire gate could be added and Director Haskins stated it was something that could be looked into. The Commission reminded citizens that several apartment developments were interested in building on the property in discussion. In addition, Country Club's classification deems it capable of handling the traffic impact. The Commission also pointed out that the development would have a retention pond that would be beneficial to flood control in the area.

Board Action on Agenda Item 3

A motion was made by Commissioner Gouge and seconded by Chair Butler to approve a recommendation to City Council with the suggestions that Washington Street be open to emergency response vehicles only, and that a traffic impact analysis be required before platting. A vote was taken and carried 6 – 1.

ADJOURNMENT

A motion was made by Commissioner Gouge and seconded by Vice-Chair Loraine to adjourn. A vote was taken and carried 7 – 0. Chair Butler adjourned the meeting at 7:29 p.m.

Joshua Butler, 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 of David Estate, Lot 1, Block A establishing one lot on 1.671 acres in the City of Wylie Extra Territorial Jurisdiction, property located at 2551 & 2553 Elm Grove Road

Recommendation

Motion to recommend approval as presented.

Discussion

OWNER: John David

APPLICANT: A&W Surveyors

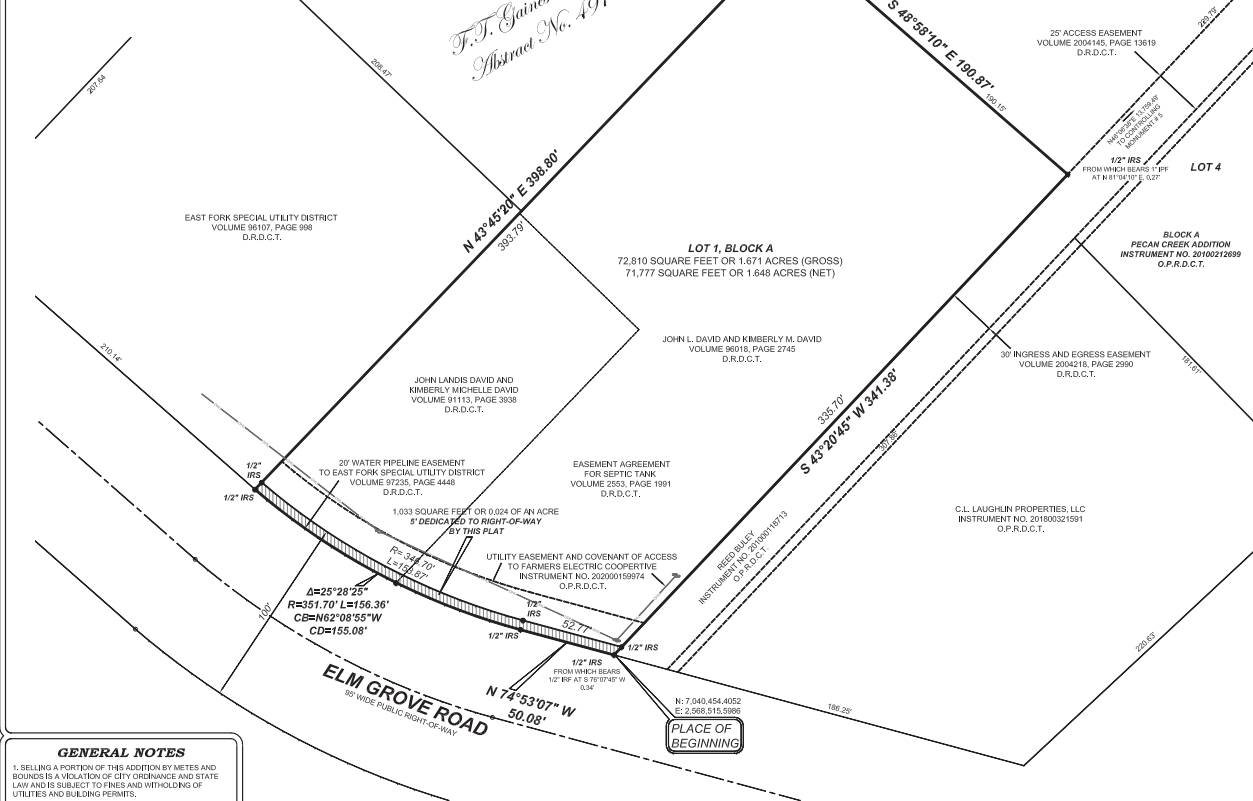
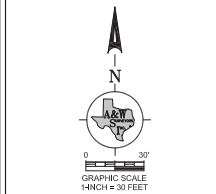
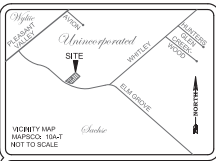
The applicant is proposing to create one lot measuring 1.671 acres located outside of the city limits within the City of Wylie Extra Territorial Jurisdiction at 2551 & 2553 Elm Grove Road.

The purpose of the plat is to create one lot from two unplatted parcels of land for tax and marketing purposes. There is an existing single family home, detached garage, and detached carport on site.

The plat shall dedicate 5' of Right of Way for Elm Grove Road.

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 Gov't Code.

**GENERAL NOTES**

1. 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.
2. ALL COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
3. ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).
4. ALL DIMENSIONS SHOWN HEREON ARE SURFACE.
5. ALL DOCUMENTS REFERENCED HEREON ARE RECORDED IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS UNLESS OTHERWISE NOTED.
6. THE PURPOSE OF THIS PLAT IS TO DEVELOP ONE (1) PLATTED LOT FROM TWO TRACTS OF LAND.
7. ALL IRON RODS SET HAVE A YELLOW PLASTIC CAP STAMPED "RPLS 5310" UNLESS OTHERWISE NOTED.

LEGEND

D.R.D.C.T. Deed Records, Dallas County, Texas
O.P.R.D.C.T. Official Public Records, Dallas County, Texas
IRF Iron rod found
IRS Iron rod set

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS John L. David and Kimberly M. David are the sole owners of a tract of land located in the F.T. GAINES SURVEY, Abstract No. 497, Dallas County, Texas, and being the same tracts of land described in Special Warranty Deed to John Landis David and Kimberly Michelle David, recorded in Volume No. 31113, Page 3058 and Warranty Deed to John L. David and Kimberly M. David, recorded in Volume 96018, Page 2745, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the Northeastly line of Elm Grove Road, a 95' wide public right-of-way, at the Southwest corner of Pecan Creek Addition, an addition in Dallas County, Texas, according to the plat thereof recorded in Instrument No. 201000212699, Official Public Records, Dallas County, Texas;

THENCE North 74°53'07" West, along said Northeastly line, a distance of 50.08' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the beginning of a curve to the right having a central angle of 25°28'25", a radius of 351.70' and a chord bearing and distance of North 62°09'55" West, 155.06';

THENCE Northwestly along said Northeastly line and said curve to the right, an arc distance of 156.36' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the South corner of a tract of land described in deed to East Fork Special Utility District, recorded in Volume 96107, Page 998, Deed Records, Dallas County, Texas;

THENCE North 43°45'20" East, a distance of 398.80' to a 1/2" iron rod found in the Southeast line of a tract of land described in deed to Jorge Alvarez, recorded in Instrument No. 20060043896, Official Public Records, Dallas County, Texas, at the West corner of Lot 1, Block A of said Pecan Creek Addition;

THENCE South 48°58'10" East, a distance of 190.87' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the South corner of said Lot 1;

THENCE South 43°20'45" West, a distance of 341.38' to the PLACE OF BEGINNING and containing 72,810 square feet or 1.671 acres of land.

SURVEYOR'S CERTIFICATE**KNOW ALL MEN BY THESE PRESENTS:**

That I, John S. Turner, 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.

Signature of Registered Public Land Surveyor
Registration No. 5310

Witness my hand at Mesquite, Texas,
This ____ day of _____, 20__

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared John S. Turner, R.P.L.S. NO. 5310, State of Texas, 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 purposes and considerations therein expressed and in the capacity therein stated.

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: _____

OWNER'S DEDICATION**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That John L. David and Kimberly M. David, do hereby adopt this plat designating the herein above described property as **DAVID ESTATE**, an addition to the County of Dallas, 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 alley, 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 planning ordinances, rules, regulations and resolutions of the City of Wylie, Texas.

WITNESS, my hand, this ____ day of _____, 20__

BY: John L. David
Authorized Signature of Owner

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared John L. David, 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: _____

WITNESS, my hand, this ____ day of _____, 20__

BY: Kimberly M. David
Authorized Signature of Owner

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kimberly M. David, 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: _____

CERTIFICATE OF APPROVAL

'RECOMMENDED FOR APPROVAL'

Chairman, Planning & Zoning Commission Date
City of Wylie, Texas

'APPROVED FOR CONSTRUCTION'

Mayor, City of Wylie, Texas Date

'ACCEPTED'

Mayor, City of Wylie, Texas Date

A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEYS.COM

~ PROPERTY ADDRESS: 2551 & 2553 Elm Grove Road ~
Owner: John L. David and Kimberly M. David
~ 2551 Elm Grove Road, Dallas County, TX ~
~ 972-412-5094 ~

Job No. 25-0087 Drawn by: SLS Date: 2-15-23 Revis: _____
"A professional company operating in your best interest"

**FINAL PLAT
LOT 1, BLOCK A
DAVID ESTATE**

72,810 SQUARE FEET OR 1.671 ACRES
OUT OF THE F.T. GAINES SURVEY, ABSTRACT NO. 497
AN ADDITION IN THE COUNTY OF DALLAS, TEXAS



Wylie Planning & Zoning Commission

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: C

Subject

Consider, and act upon a recommendation to City Council regarding a Final Plat of Beaver Creek Estates, Lot 1-10, Block A establishing 10 residential lots on 17.053 acres in the City of Wylie Extra Territorial Jurisdiction, property located at the southeast corner of Beaver Creek Road and Fox Hollow.

Recommendation

Motion to recommend approval as presented.

Discussion

OWNER: Beaver Creek 17 LLC

APPLICANT: TNP Surveyor

The applicant is proposing to create ten residential lots on 17.053 acres located outside of the city limits within the City of Wylie Extra Territorial Jurisdiction at the southeast corner of Beaver Creek Road and Fox Hollow.

The purpose of the plat is to create ten residential lots from an unplatted parcel of land for the development of single family homes. Collin County Engineering and Development staff have reviewed and are prepared to accept the plat.

The plat shall dedicate 30' of Right of Way for the future expansion of Beaver Creek Road and Fox Hollow Road.

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 Gov't Code.

