



# Wylie City Council

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## AGENDA REPORT

Department: Planning  
Prepared By: Jasen Haskins, AICP

Account Code: \_\_\_\_\_

### Subject

Hold a Public Hearing, consider, and act upon, 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).

### Recommendation

Motion to deny a request 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).

### Discussion

**OWNER: Asif Anwar**

**APPLICANT: Asif Anwar**

The applicant is requesting a Special Use Permit (SUP) on 1.814 acres to allow for a Vape Shop use at 456 Country Club Road, Suite #126. The existing retail suite measures 1,363 sq. ft. The current zoning is Neighborhood Services (NS) and the requested SUP is to allow for Smoke Shop use.

The SUP conditions contain exemptions to the Zoning Ordinance by allowing a smoke shop use within the Neighborhood Services District and allowing for the use to be exempt from the following provisions found in Section 5.2.F.26:

- No smoke shop shall be established within 1,500 feet of another smoke shop.
- Shall not be closer than 300 feet to a public or private school measured in direct line from property line to property line, and in direct lines across intersections, due to Primrose Daycare.

The property to the north is developed with a multi-tenant retail building which contains a smoke shop which was in place before the ordinance amendment requiring SUPs for Smoke Shops. The adjacent property to the south is developed with a convenience store. The property to the east is developed with a daycare center. The property to the west is developed with a community college. The subject property lies within the Local Commercial sector of the Comprehensive Land Use Plan. The proposed zoning is compatible with the Plan.

Notices were sent to six property owners within 200 feet as required by state law. At the time of posting, one response was received in favor and two in opposition.

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

### **P&Z Recommendation**

After some discussion regarding the proximity to an existing vape shop and a beer and wine store that also sells tobacco items, and the need to not provide exemptions to a recently passed ordinance, the Commission voted 7-0 to recommend denial. In light of the recommendation, a supermajority vote of Council would be required to approve the request.