



# Wylie City Council

## AGENDA REPORT

Department: Planning  
Prepared By: Jasen Haskins, AICP

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

### Subject

**Tabled from 12-14-2021**

*Remove from table and consider*

Hold a Public Hearing to consider, and act upon, a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through service on 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)

### Recommendation

Motion to approve Item as presented.

### Discussion

**OWNER: Wylie EDC and Wylie Industrial Court LTD**

**APPLICANT: Patrick Filson**

At the December 14, 2021 City Council meeting the applicant requested a Special Use Permit (SUP) for a drive-thru restaurant on 1.03 acres generally located at the northwest corner of State Highway 78 and Birmingham Street. After some discussion regarding the proposal, the applicant requested, and Council granted, the item be tabled so the proposal could be amended to address some Council concerns. The amendments are outlined below:

- The maximum size of the structure has been reduced from 11,100 square feet to 10,000 square feet.
- Total maximum restaurant space was reduced from 7,800 square feet to 4,800 square feet.
- Restaurant size was further designated as drive-thru, without drive-thru, and without drive-thru (limited seating). Limited seating is usage designated for generally carry-out restaurants such as pizza, smoothies, or sandwiches.
- The zoning exhibit was amended to reduce parking on the curve on Industrial Court.
- Total parking was reduced from 57 to 55.
- On-street parking was reduced from 19 to 15.
- 25 spaces were increased to a minimum 10'x20', the zoning ordinance standard.
- Parking was amended to be per use by the zoning ordinance and not at a fixed 1:250 ratio.

The Zoning Ordinance requires all restaurants with drive-throughs to obtain a Special Use Permit.

The proposal includes a new 11,100 square foot structure to include a maximum 1,800 square feet dedicated to the drive-thru restaurant on the southwest end of the structure. The SUP conditions allow for up to 6,000 of the remaining square feet to be a restaurant use (without drive thru). The remaining square footage is proposed to include unspecified uses that would be allowed by right.

The proposed SUP conditions and the zoning exhibit include several exceptions to typical Zoning Ordinance and Design Manual standards:

- SUP conditions allow for parking at one space per 250 square feet of structure while allowing for potentially 7,800 square feet of restaurant space which the zoning ordinance requires to be parked at 1:125.
- Required parking is a minimum of 80 spaces; the zoning exhibit provides 38 on-site parking spaces. Proposed off-site, on-street parking provides 19 spaces for a possible total of 57 parking spaces.
- Off-site parking includes utilizing public ROW.
- Off-site parking requires backing into the public ROW.
- On-site parking spaces are 9'x18'; off-site 9'x20'.
- One-way drive aisles are 14' instead of 20'.

Elevations were not provided and are not included in the SUP conditions or Zoning Exhibit.

The surrounding properties are zoned Commercial Corridor and have existing commercial uses such as general office, daycare, bank, general retail, and restaurants. There are currently 10 other drive-thru restaurants within ¼ mile, all occupied. The site is located in the General Urban Sector of the land use map and the proposed use is consistent with the existing surrounding development and land use classification of the comprehensive plan.

Approval of this SUP shall require an amendment to the City Code of Ordinances, Chapter 110, Article VI, Section 110.173(a)(10)(i) that prohibits parking on the south side of Industrial.

The property currently consists of multiple lots. Review and approval of a separate site plan, landscape plan, elevations, and plat shall be required should this Special Use Permit be approved.

Notifications/Responses: 12 notifications were mailed; with no responses returned in favor or in opposition to the request.

#### **P&Z Commission Discussion**

After some discussion regarding the limited parking and the request for off-site parking using the public ROW, the Commission voted 5-2 to recommend approval, with the dissenting Commissioners siting the off-site parking's, safety concerns backing into the ROW, and general size of the structure relative to the size of the property.

#### **Financial Summary/Strategic Goals**

Planning Management