



# Wylie Planning & Zoning Commission

## AGENDA REPORT

Department: Planning  
Prepared By: Kevin Molina

Item Number: 3

### 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 0.083 acres to allow for a Smoking Establishment. Property located at 100 N Ballard Avenue (**ZC 2024-06**).

### Recommendation

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

### Discussion

**OWNER: Taylor and Son Properties**

**APPLICANT: Jose Hernandez**

The applicant is requesting a Special Use Permit (SUP) on 0.083 acres to allow for a Cigar Lounge use at 100 N Ballard Avenue. The floor area of the existing structure measures 1,725 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 proposed development contains a lounge area, a humidor, and will offer charcuterie style food. Additionally, the development is proposing to conduct alcohol sales and shall be required to meet all of TABC requirements for permitting. With TABC permitting, the sale of alcohol is allowed by right as all city requirements are met and are not conditions within the SUP. The development is more than 300' away from The Cross Church located at 100 N. First Street. The measurement is calculated from the front door of the business to the church's front door and is a distance of more than 380 feet.

The property to the north is developed with a general merchandise store. The property to the west is developed with a winery. The property to the south is developed with a gym. The property to the east is in the process of being redeveloped for a personal service use for a hair salon.

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 twenty-seven property owners within 200 feet as required by state law. At the time of posting, two responses were received in favor and three in opposition of the request. Outside of the notification area, one was received in favor and one 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.