



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins

Account Code: _____

Subject

Hold a Public Hearing, consider, and act upon, 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 approve the Item 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 establishment is limited to cigars only and is not permitted for any other style of smoking or vaping products.

The proposed development contains a lounge area, a humidor, and will offer charcuterie style food. Additionally, the use plan includes the sale of alcohol. The location meets all distance requirements. The closest property that offers a requirement is located at 100 N. First Street and is over the 300' minimum (measured front door to front door). 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 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.

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

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

favor and 10 in opposition of the request. Due to the 20% rule being met in accordance with Texas LGC Sec 211.006(d)(2), a vote of three-fourths of all the council members will be required to approve the requested zoning change.

P&Z Recommendation

The Commission discussed excluding vape and other smoking products from the use, limiting the odor to inside the establishment, and limiting the time frame of the SUP. After some citizen comments regarding the use not being conducive to the family friendly nature of downtown, the Commission voted 4-1 to recommend approval with the condition that the smoking establishment be limited to cigars.