

Zoning Board of Adjustments



July 20, 2015

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, July 20, 2015 – 6:30 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building #100

Linda Jourdan Board Member
Jason Potts Board Member
Robert Holcomb Board Member
William Hiney Board Member
Kevin Finnell Board Member
Karyn McGinnis Alternate Board Member
Andres Gonzalez Alternate Board Member

Renae' Ollie Planning Director
Jasen Haskins Sr. Planner
Mary Bradley Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

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.

CALL TO ORDER

Announce the presence of a Quorum.

ELECTION OF CHAIR AND VICE CHAIR

1. A motion to nominate Vice Chair.
2. A motion to nominate Chair.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes of the May 18, 2015 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to Consider and act upon, a request from **Jennifer Dominici** for a Variance to Ordinance 2014-44, Section 22-447.1.c.1 Wall Signs, requiring wall signs within 100 feet of a street to be less than two feet in height, property located at 2031 SH 78 North, being Lot 4A Block A of the Wylie Retail Office Park Addition. **ZBA 2015-11**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 17th day of July, 2015 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Carole Ehrlich, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, May 18, 2015 – 6:30 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building 100

CALL TO ORDER

Chair Linda Jourdan called the meeting to order at 6:35 p.m. and stated that a quorum was present. Board Members present were; Vice Chair Jason Potts, Board Member Andres Gonzales, and Board Member Bill Hiney.

Staff members present were: Renae' Ollie, Planning Director, Jasen Haskins, Sr. Planner and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the March 16, 2015 Meeting.

A motion was made by Board Member Holcomb and seconded by Board Member Hiney, to approve the Minutes with changes noted to reflect results from vote. Motion carried 5 – 0.

PUBLIC HEARINGS

Item 1 – ZBA 2015-05

Continue a Public Hearing to consider and act upon, a request from **Caliber Collision** for a variance to Ordinance 2014-44, Section 22-447.a.c.1, regulation for maximum area for an attached wall sign. Property located at 451 Westgate Way being Lot 1, Block A in the Caliber Collision Addition. **ZBA 2015-05.**

Board Action

A motion was made by Board Member Hiney, and seconded by Vice-Chair Potts to remove ZBA 2015-05 Caliber Collision from the table. Motion carried 4 – 0.

Staff Comments

Mr. Haskins stated that the applicant desires to have a wall sign on the south side of the building, which would face FM 544. The proposed sign is approximately 38 inches high and 24 inches in length. Currently, the Ordinance allows signs to be a maximum of 2' in height when mounted to a building that is within 100' of a street. The address is off Westgate, and the building is approximately 70' from Westgate. The applicant desires to obtain visibility from FM 544.

The item was presented to the Board Members in April, and staff requested the item to be tabled. The applicant has not filed the Final Plat, and staff desired to give them additional time to file the plat.

Ms. Ollie stated that the representative came into the office prior to the meeting, and they are in the process of submitting the mylar and black lines of the plat to the City for signatures. If it is the Board Members desire to Grant the variance, staff ask that a stipulation be made that the plat be filed within a certain number of days, 10 or 15 business days.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Robert McDonald, Cree Industrial Arts, 4701 W William Cannon Drive, Austin, Texas, representative for the subject property, presented his case before the Board Members.

- The property is not visible from FM 544 when going east on FM 544.
- The monument sign in front of the building is only visible for those traveling immediately in front of the property.
- The proposed sign would allow patrons to easily identify the property.
- The proposed sign would allow the business to be successful.
- Two signs are allowed by ordinance, but the requirements from the Ordinance would not allow enough visibility from FM 544.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Vice Chair Potts, and seconded by Board Member Hiney, to Grant the variance as submitted, with stipulation that the Plat be filed with the County within ten days. Motion carried 4 – 0.

Item 2 ZBA 2015-10

Hold a public hearing to consider and act upon a request from **Glen Perkins** for a variance to Ordinance 2014-44, Section 22-450(3)c Promotional Signage requiring promotional signs to be displayed for no more than 2-2 week periods, property located at 2300 W FM 544 being Lot 1 Block A of the Medical Plaza Addition. **ZBA 2015-10.**

Staff Comments

Mr. Haskins stated that the applicant is Medical Plaza located at 2300 W FM 544, and the property is approximately 3.3 acres and is zoned Planned Development Ordinance 2012-03.

The applicant is requesting extension to the time frame allowed for temporary promotional signs. Currently, the Ordinance allows promotional signs for two weeks twice a year. The applicant has submitted a letter outlining the purpose of the extension, which was provided in the Board Members packet.

The building is constructed, but not fully leased out. One of the tenants is the Lake Pointe Emergency Facility, and the other is the Liberty Dialysis. It is the applicant's belief that the promotional signs will attract patrons to the existing tenants, as well as attract new tenants.

Public Comment Forms were mailed to five property owners within the 200 feet of this request, no response forms were received in favor or in opposition.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Chad Suitonu, PMRG, 2828 Routh Street, Suite 700, Dallas, Texas, stated that PMRG is the developer and current owner of the subject property. The building is 75 percent full, with a couple large tenants.

- the free standing emergency room Lake Pointe Emergency Facility,
- Liberty Diaylsis and
- Lake Pointe Imaging Center.

The promotional banners will:

- Increase the awareness of the citizens
- Increase the number of visits to the website
- Increase the Tenants due to increase of citizens
- Provide Medical Services to the Citizens of Wylie

The tenants will pay for their own signage to be placed on the building.

The promotional sign request is for six times for two weeks a year, once every two months.

Board Members questioned the uniqueness of the request. Mr. Haskins stated that instead of free standing promotional sign 4 x 8, the applicant is requesting to have promotional sign attached to the building longer than two weeks in one year.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Jourdan, and seconded by Vice Chair Potts, to Grant the variance for six times for two weeks a year for time period of June 1, 2015 to June 1, 2016. Motion carried 4 – 0.

ADJOURNMENT

A motion was made by Board Member Hiney, and seconded by Board Member Gonzales to adjourn the meeting. All Board Members were in consensus, and the meeting adjourned at 7:20p.m.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 20, 2015</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2015-11</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>2031 SH 78 N.</u>
Date Prepared:	<u>July 14, 2015</u>	Subdivision Name:	<u>Wylie Retail Office Park</u>
		Exhibits:	<u>Location Map, Applicant Statement, Building Elevation, Notification List and Map with Responses</u>

Subject

Hold a public hearing to Consider and act upon, a request from **Jennifer Dominici** for a Variance to Ordinance 2014-44, Section 22-447.1.c.1 Wall Signs, requiring wall signs within 100 feet of a street to be less than two feet in height, property located at 2031 SH 78 North, being Lot 4A Block A of the Wylie Retail Office Park Addition. **ZBA 2015-11**

Discussion

Applicant: Jennifer Dominici dba Anchor Signs

Owner: Dollar Tree

The subject property is located at 2031 SH 78 North. The property is 1.257 acres currently zoned Commercial Corridor (CC).

The applicant is proposing to add an attached lighted wall sign to the main structure. The proposed sign consists of two channels, each approximately 36" in height. Currently, the Ordinance only allows for signs to be a maximum of 2' in height when mounted to a building that is within 100' of a street. Dollar Tree is approximately 90' from State Highway 78.

The intent of the Ordinance is to reduce distraction for motorists and pedestrians and reduce visual clutter.

Because the requested signs exceed the allowed height by one foot per channel, the applicant is requesting a variance to Section 22-447.1.c.1 of Ordinance 2014-44.

The applicant has included a statement and elevations regarding the reason for the request.

Public comment forms were mailed to 10 property owners within 200 feet of this request, as required by State Law. No responses were received at the time of this posting.

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or

- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

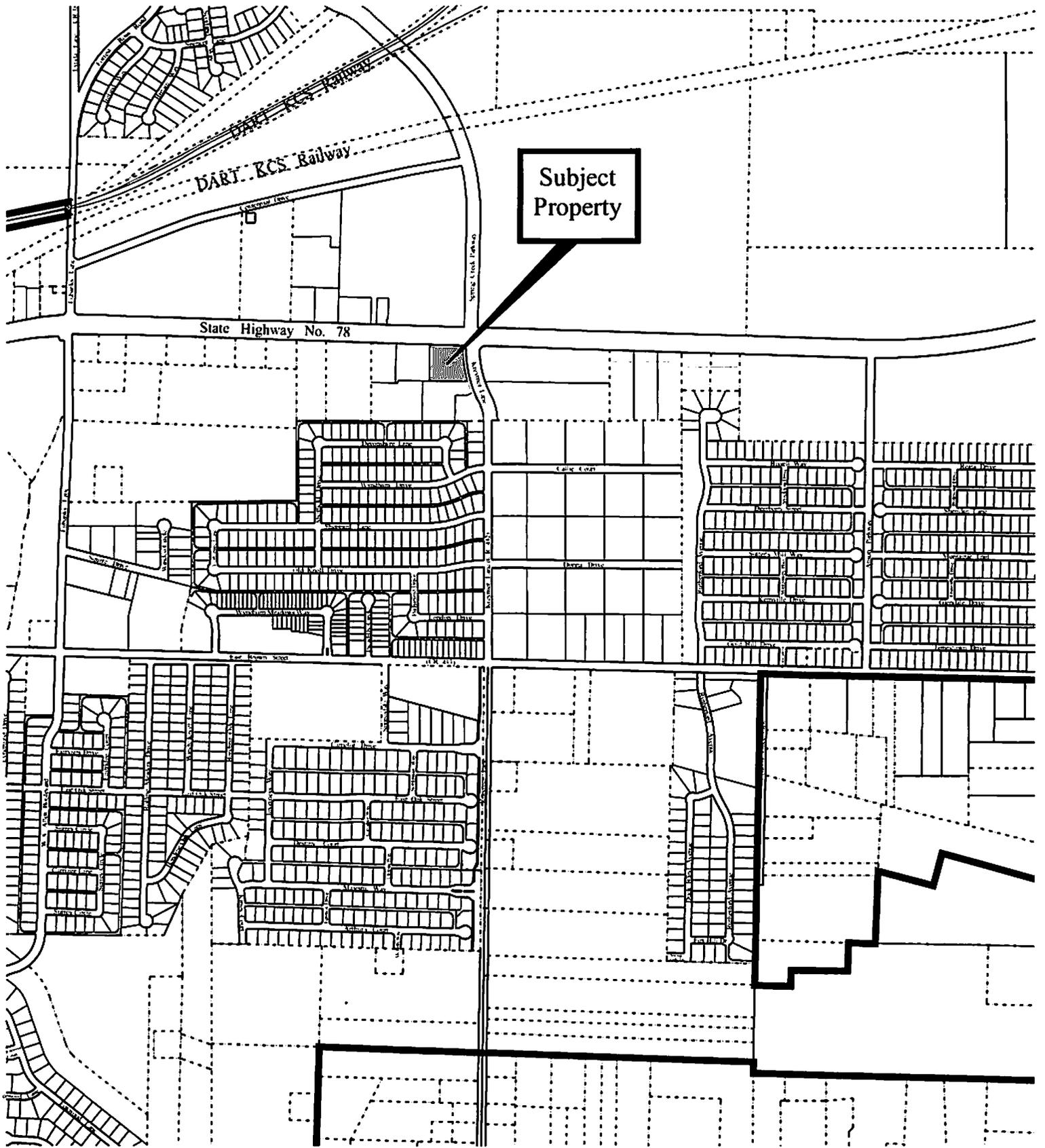
Approved By

Department Director

Initial
RO

Date

7-16-2015



LOCATION MAP
ZBA CASE #2015-11



June 22, 2015

City of Wylie
300 Country Club Road
Wylie, TX 75098

To Whom It May Concern,

On behalf of Dollar Tree we are requesting a sign variance for the property at 2031 Highway 78N. The wall sign we are proposing is a thirty six inch channel letter sign, where 24" letters are what is allowed by code. These letters do not exceed the allowable square footage for wall signs in this zoning district.

The variance request is based on how far the building front is set back from Highway 78. The variance request is based on the visibility of the store front area and is the minimum relief from the code. Literal interpretation of the zoning ordinance would deprive Dollar Tree from a sign that is reasonably visible. The location of the building and orientation to the traffic is not dictated by Dollar Tree. If approved, the variance would allow reasonable visibility which is not contrary to similar properties.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

Thomas A. Carr
National Account Manager



843.576.3259 direct
800.213.3331 main
843.576.3259 fax
www.anchorstgn.com

1.800.213.3331
www.AnchorSign.com

Atlanta Baltimore Charleston Clearwater Dallas Flint Indianapolis Los Angeles Pearl

Woodlake Village
② Lot IR-6

Victoria
Place
① Lot 1

State Highway No. 78

2029

4B

Wylie Retail
Park Addition

4A

Wylie Retail Office Park

Kreymmer Lane

Wylie
Ranch
East
Commercial
Lot 1

2035
178 North

2041
S4178 North

2

2051
S4178 North

3

Wylie
Ranch
East
Lot 1
600

OWNER NOTIFICATION MAP
ZBA CASE #2015-11

NOTIFICATION REPORT

APPLICATION FILE 2015-11

APPLICANT: Jennifer Dominici
2200 Discher Avenue Charleston, SC 29405

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Jennifer Dominici	2200 Discher Avenue Charleston, SC 29405
2	Blk A	Wylie Retail Office Pk Lot 1	R-9326-00A-0010-1	78/Kreymer, Ltd.	PO Box 601647 Dallas, Texas 75360
3	Blk A	Wylie Retail Office Pk Lot 2	R-9326-00A-0020-1	78/Kreymer, Ltd.	PO Box 601647 Dallas, Texas 75360
4	Blk A	Wylie Retail Office Pk Lot 3	R-9326-00A-0030-1	78/Kreymer, Ltd.	PO Box 601647 Dallas, Texas 75360
5	Blk A	Wylie Retail Office Pk Lot 4A	R-9326-00A-004A-1	No Information Available	
6	Blk A	Wylie Retail Office Pk Lot 4B	R-9326-00A-004B-1	78/Kreymer, Ltd.	PO Box 601647 Dallas, Texas 75360
7	---	Wylie Ranch East Commercial Lot 1	R-1182-000-0010-1	KPM Ventures, Ltd.	PO Box 941428 Plano, Texas 75094
8	---	Wylie Ranch East Lot 1	R-1181-000-0010-1	Alejandro Darquea	310 Callie Court Wylie, Texas 75098
9	Blk A	Victoria Place Lot 1	R-9326-00A-0010-1	Kansas City Southern Railway Company	PO Box 219335 Kansas City, MO 64121
10	Blk C	Woodlake Village Lot 1R-6	R-2381-00C-01R6-1	Walmart Real Estate Business	PO Box 8050 Bentonville, AR 75712
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