

AGENDA
CITY OF THE COLONY, TEXAS
BOARD OF ADJUSTMENT
Wednesday, January 20, 2016

After determining that a quorum is present, the Board of Adjustment of the City of The Colony, Texas will convene into Regular Session which will be held on Wednesday, January 20, 2016, at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

1.0	CALL REGULAR SESSION TO ORDER
2.0	ITEM FOR CONSIDERATION
2.1	Consider approval of the minutes of the regular session of the September 16, 2015 Board of Adjustment meeting.
3.0	PUBLIC HEARING ITEM
3.1	<i>BOA15-0005 – Renew Resale Thrift Store</i> Conduct a public hearing, discuss, and consider a request for variance to “Section 10-2500: Thrift Stores, requiring a thrift store must be located a minimum 2 miles from another thrift store” for a proposed new thrift store to be located at 6700 Main Street, Suite 130.

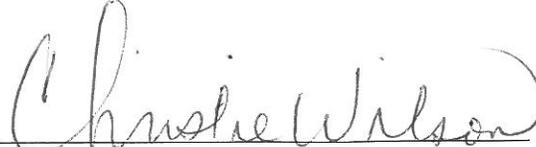
“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 PM on the 15th day of January 2016.




Christie Wilson, City Secretary

**MINUTES
CITY OF THE COLONY
BOARD OF ADJUSTMENT
Wednesday, September 16, 2015**

After determining that a quorum was present, the Board of Adjustment of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, September 16, 2015 at 6:39 p.m. in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Charles Tredo, Constance Yahwak, Joel Ortega and Casey Truskunas.

Board Members Absent: Gerald Odum

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, AICP, Senior Planner, Gordon Scruggs, P.E. Director of Development Services.

1.0	CALL REGULAR SESSION TO ORDER
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Chairman Tredo called the meeting to order at 6:39 p.m.

2.0	ITEM FOR CONSIDERATION
2.1	Consider approval of the minutes of the regular session of the July 15, 2015 Board of Adjustment meeting.

Board Member Truskunas moved to approve the minutes, seconded by Board Member Yahwak. The motion carried (4-0).

3.0	PUBLIC HEARING ITEM
3.1	<i>BOA15-0003 – Luxury Dog Resort Variance</i> Conduct a public hearing, discuss, and consider a Variance to “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district”. The subject property is located at 5600 N Colony Blvd next to St. Sofia Church.

Chairman Tredo read public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Chairman Tredo opened the public hearing.

Applicant Vickie Gill approached the Board and spoke regarding the request.

Board members asked Ms. Gill if she had looked into other properties or locations.

Ms. Gill stated she had found this location suitable for the purpose and The Colony has a need for this service.

Chairman Tredo closed the public hearing.

Board Member Truskunas moved to deny item 3.1, seconded by Board Member Ortega. The motion carried (4-0).

3.2	<i>BOA15-0004 – Residence at 7533 Westshore Drive Exterior Material Variance</i> Conduct a public hearing, discuss, and consider a Variance to Section 17-106 to allow an alternate exterior finish, cement siding, in lieu of the required brick, stone or EIFS on a proposed single family residential building to be located on 7533 Westshore Drive.
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Chairman Tredo read public hearing item 3.2 into record.

Ms. Sen presented the staff report.

Chairman Tredo opened the public hearing.

Applicant Mr. Louis Rios spoke regarding the request.

Chairman Tredo closed the public hearing.

Board Member Ortega moved to approve the item 3.2, seconded by Board Member Yahwak. The motion carried (4-0).

Being no further discussion, Chairman Tredo adjourned the meeting at 7:24 p.m.

Charles Tredo, Chairman

Surupa Sen, AICP, Senior Planner

BOARD OF ADJUSTMENT STAFF REPORT

AGENDA DATE: January 20, 2016
DEPARTMENT: Engineering/Development Services Department
PLANNER: J. Michael Joyce, AICP, Planning Director, 972-624-3162

SUBJECT: SUBJECT: BOA15-0005 – Renew Resale Thrift Store

Conduct a public hearing, discuss, and consider a request for variance to “Section 10-2500: Thrift Stores, requiring a thrift store must be located a minimum 2 miles from another thrift store” for a proposed new thrift store to be located at 6700 Main Street, Suite 130.

APPLICANT/OWNER:

Carol Whites – Applicant
TY Commercial Inc. – Property Owner

The Colony, Texas
Dallas, Texas

BACKGROUND:

The applicant is proposing a “Resale Boutique” which will sell used clothing, shoes, purses, jewelry and small household goods. The proposed location is 6700 Main Street, Suite 130, which is also known as The North Colony Shopping Center.

On December 16, 2014, the City Council passed Ordinance 2014-2109 adding the land use, “Thrift Store,” as a separate retail entity within the Zoning Ordinance Schedule of Uses in order to differentiate a thrift store use from any other retail use and to require a Specific Use Permit (SUP) for this land use within some or all commercial zoning districts.

A new definition of a thrift store was also revised in Section 10-300, Definitions and Explanations Applicable to the Schedule of Uses which is as follows:

“117. Thrift Store. A retail store that primarily sells second-hand or used merchandise, furniture and other goods to the general public.”

Additionally, Section 10-2500 was added to the Zoning Ordinance providing regulations for thrift stores:

“Section 10-2500. Thrift Stores. The following regulations shall apply to thrift stores:

- (1) A thrift store must be located a minimum of two (2) miles from another thrift store, measured from door to door;
- (2) A thrift store shall not be the anchor store in a shopping center; it shall be a minimum of twenty-five percent (25%) smaller in size than the major tenant; and
- (3) Drop off points shall be screened with solid screening walls or shrubs that will grow to a minimum of six (6) feet at maturity, shall be located a minimum of 200 feet from any residential use and shall remove any donated items and/or accumulated debris on a daily basis so that no items are left outside overnight.”

The proposed Renew Resale Thrift Store is located at 6700 Main Street which is located within the 2 mile distance requirement between thrift stores. The existing Christian Community Action (CCA) Thrift Store is located at 5000 Main Street and is only 0.847-mile or 4,642.89 feet separation between the proposed Renew Resale Thrift Store.

FINDINGS:

According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a Variance if the following exist:

- 1. The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size, shape, area, topography, conditions and location of the parcel that is the subject of the variance request;**

The proposed Renew Resale Thrift Store is located in an established shopping center located at 6700 Main Street. This existing shopping center is not affected by any special conditions concerning the size, shape, area, topography, conditions and location of the parcel. However, the proposed location of the thrift store is only 0.847-mile from an existing thrift store located at 5000 Main Street.

- 2. The granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City;**

It is Staff's opinion that the granting of this variance will adversely affect the land use pattern in the vicinity since the minimum distance between thrift stores is 2 miles measured from door to door.

- 3. The granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.**

It is Staff's opinion that the granting of the variance will be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding single family properties.

NOTIFICATION

Board of Adjustment public hearings require newspaper notification a minimum of ten (10) days prior to the meeting date. A legal notice was published in the *NeighborsGo* on January 8, 2016. No comments either for or against this request were received as of the printing of this packet.

OPTIONS

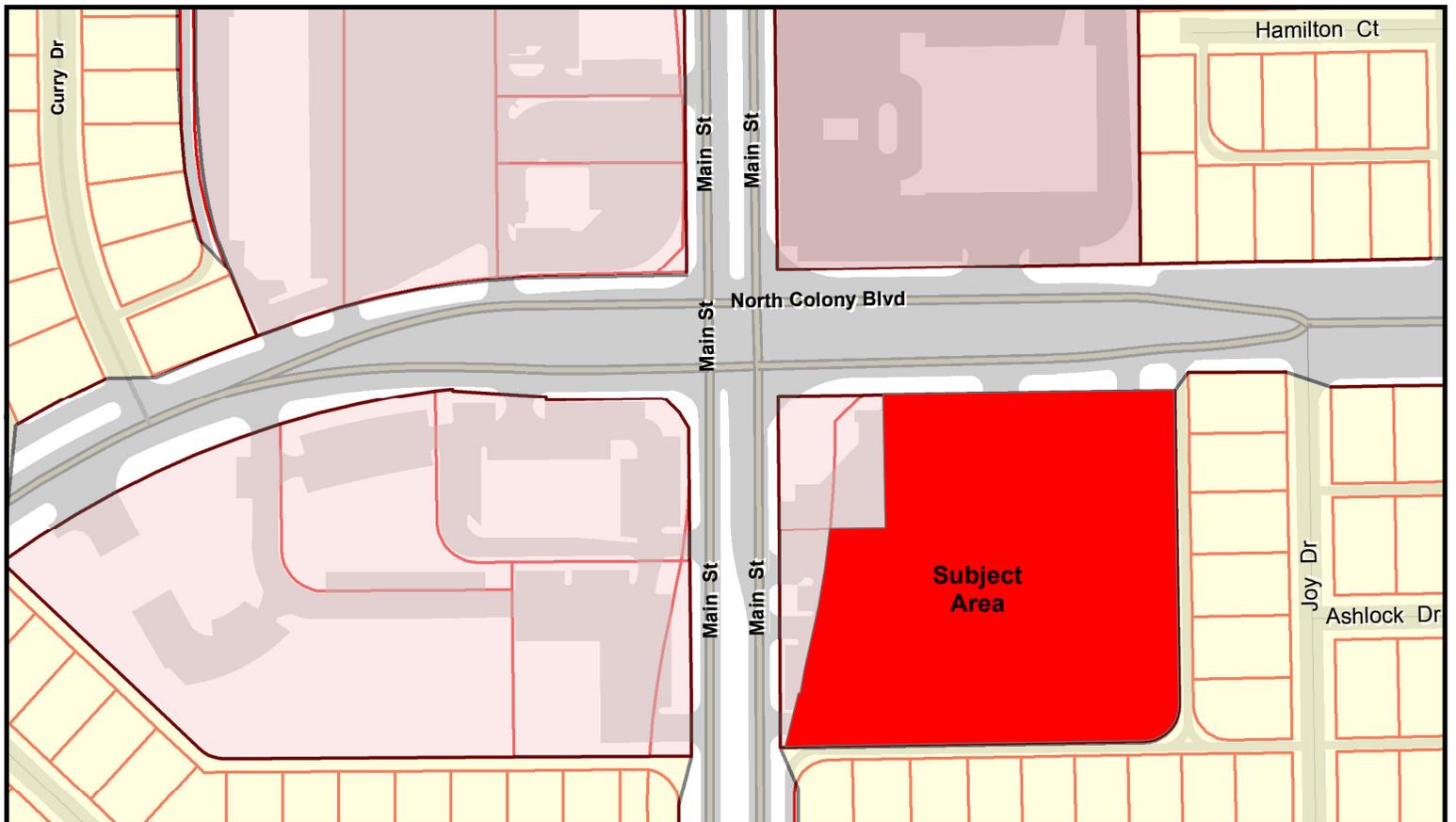
1. Approve as requested
2. Deny
3. Postpone consideration
4. Table item

RECOMMENDATION

Since the proposed Renew Resale Thrift Store is to be located closer than the two (2) mile minimum distance between another thrift store (Christian Community Action (CCA) Thrift Store) located at 5000 Main Street, the staff recommends denial of a variance for the Renew Resale Thrift Store proposed to be located at 6700 Main Street.

ATTACHMENTS

1. Location Map
2. Thrift Store buffer map



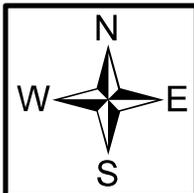
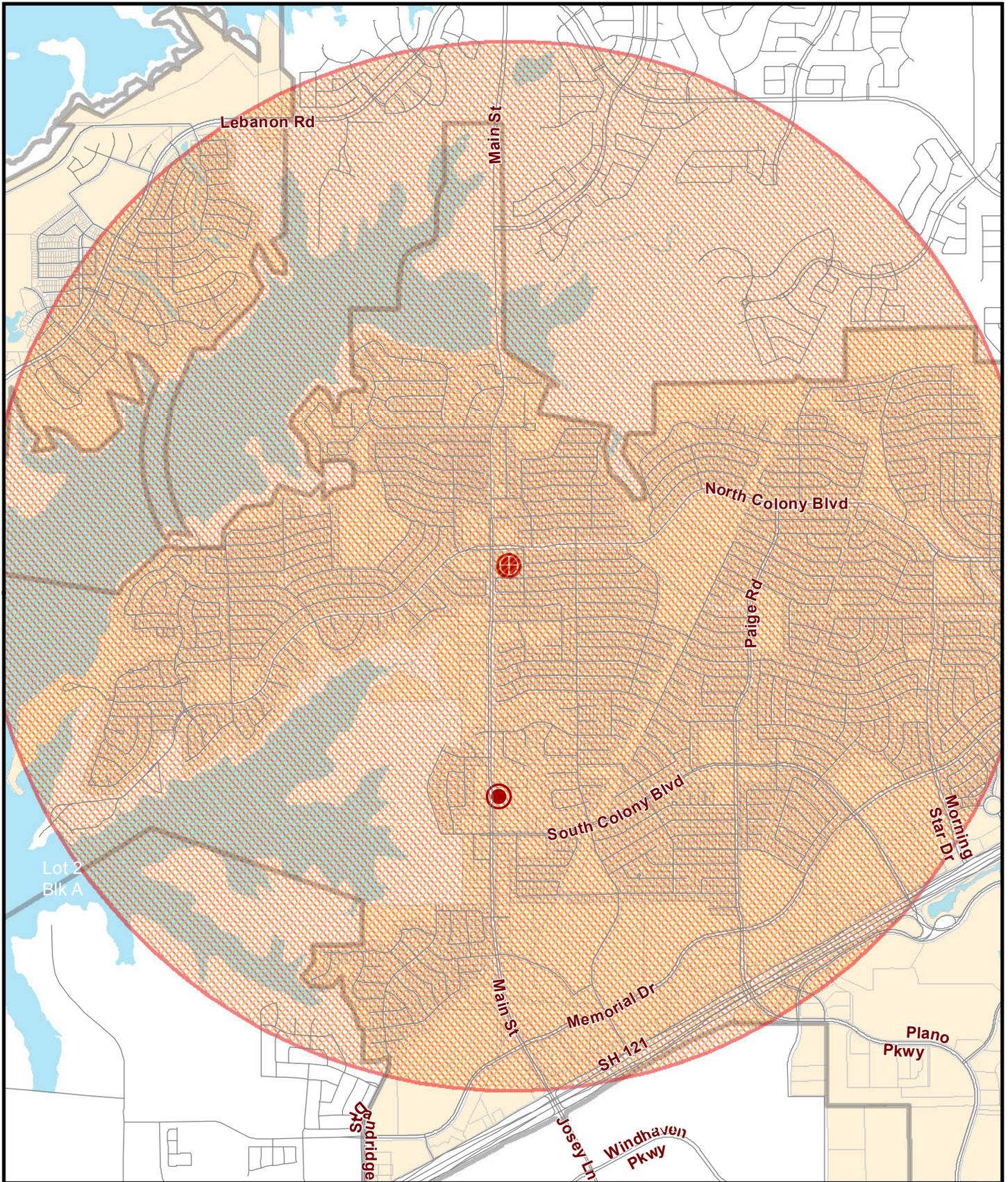
Project No. BOA15-0005 - Project Name: Renew Resale Thrift Store



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|---------------------------|--------------------------|------------------|----------------------|------------------------|
| Renew Resale Thrift Store | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





Proposed Thrift Store 2 Mile Buffer

● Existing Thrift Shop
 ▨ 2 Mile Buffer
 ⊕ Proposed Thrift Shop

0 1,500 3,000 6,000 Feet

Date: 12/9/2015 4:43:35 PM
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DISCLAIMER:
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