

**AGENDA**  
**CITY OF THE COLONY, TEXAS**  
**BOARD OF ADJUSTMENT**  
**Wednesday, February 17, 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, February 17, 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:

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the January 20, 2016 Board of Adjustment meeting.
<b>3.0</b>	<b>PUBLIC HEARING ITEM</b>
<b>3.1</b>	<b><i>BOA15-0005 – Renew Resale Thrift Store</i></b> 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 and drop off points shall be located a minimum of 200 feet from any residential use” for a proposed new thrift store to be located at 6700 Main Street, Suite 130.

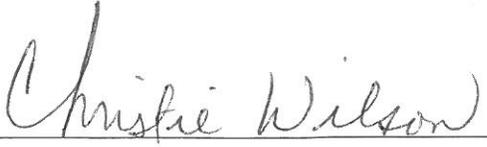
“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

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 12<sup>th</sup> day of February 2016.



  
Christie Wilson, City Secretary

**MINUTES  
CITY OF THE COLONY  
BOARD OF ADJUSTMENT  
Wednesday, January 20, 2016**

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, January 20, 2016 at 6:30 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, Gerald Odum and Casey Truskunas

Board Members Absent: Joel Ortega

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, AICP, Senior Planner, Gordon Scruggs, P.E. Director of Engineering and Development Services, Brian McNulty, Engineering Technician, and Jeff Moore, City Attorney

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

<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the September 16, 2015 Board of Adjustment meeting.

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

<b>3.0</b>	<b>PUBLIC HEARING ITEM</b>
<b>3.1</b>	<b><i>BOA15-0005 – Renew Resale Thrift Store</i></b> 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.

Chairman Tredo read public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Board Member Truskunas asked how approval of this variance will be detrimental to public health, safety and welfare.

Ms. Sen answered as the application does not meet the minimum distance requirement between thrift stores, the reason being that these uses do not proliferate within close proximity of each other, allowing this variance will be detrimental.

Board Member Odum enquired if the store is minimum 200 feet away from residential use as required by Ordinance.

Ms. Sen answered that the shopping center is less than 200 feet from residential subdivision. Mr. Joyce also confirmed via google maps that the distance between the shopping center and residential district is less than 200 feet.

Board Member Truskunas asked if by definition Thrift Store will also include antique stores as antique stores also sell used merchandise.

Ms. Sen stated that thrift stores do not include antique stores. City Attorney, Mr. Moore added that there is separate definition and listing of antique store within the Zoning Ordinance so the thrift stores do not mean antique stores.

Chairman Tredo opened the public hearing.

Applicant Mr. and Mrs. Whites spoke during the public hearing regarding their request to open the thrift store at 6700 Main Street location.

Board Member Mr. Odum requested if there were any drawings to show how this store will look like or operate.

Ms. Whites stated they do not have any pictures or drawings, but they can provide those if needed.

Mr. Joyce informed the Board that if this variance is approved the applicant will have to go through a Specific Use Permit (SUP) approval process to open this store.

Chairman Tredo closed the public hearing.

Chairman Tredo stated that pursuant to Local Government Code Section 551.071 the Board would like to go to Executive Session to receive legal advice at 7:08 p.m.

Board came out of Executive Session and started the regular open session at 7:25 p.m.

Board Member Odum informed the applicant that the Board would like to see some professional drawings of this store.

**Board Member Yahwak moved to table item 3.1, to next Board of Adjustment meeting on February 17, 2016 seconded by Board Member Truskunas. The motion carried (4-0).**

Being no further discussion, Chairman Tredo adjourned the meeting at 7:29 p.m.

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**Charles Tredo, Chairman**

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**Surupa Sen, AICP, Senior Planner**

## BOARD OF ADJUSTMENT STAFF REPORT

**AGENDA DATE:** February 17, 2016

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

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**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 and drop off points shall be located a minimum of 200 feet from any residential use” 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

**PRIOR ACTION/REVIEW**

January 20, 2016 – The Board of Adjustment reviewed this application at the January 20, 2016 meeting and tabled the item till February 17, 2016 meeting and advised applicant to provide professional drawings showing how this proposed store will look like and will operate.

**BACKGROUND:**

The applicant is proposing a thrift store which will sell used clothing, shoes, purses, jewelry and other merchandise. 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.

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 less than 2 miles away from the existing Christian Community Action (CCA) Thrift Store, located at 5000

Main Street. The distance between the two stores will be approximately 0.847-mile or 4,642.89 feet.

Also the proposed location, the shopping center building at 6700 Main Street is within 35 feet of the residential homes (fence line) abutting the property. As a result any drop off point on the building will be less than 200 feet away from residential use which is required by ordinance.

This variance request is from the two aforementioned Zoning Ordinance requirements, to allow them to locate within less than 2 miles away from an existing thrift store and to have drop off point within less than 200 feet from a residential use.

As suggested by the Board at the January 20, 2016 meeting, staff researched several other cities for thrift store requirements. The majority of those cities surveyed considered them the same as retail. In certain cases, cities require a Specific Use Permit, either throughout the city or in certain more restrictive zoning districts or overlay zones. In general, this was to discourage the thrift store use in areas in which increased development standards are required and/or the goal of redevelopment of certain areas would not be compatible with this land use.

<b>Thrift Stores/Used Furniture and Merchandise Stores</b>			
Allowed by right in retail/commercial zoning districts or by SUP			
City	Allowed in Retail	Allowed thru SUP	Details
Addison	✓		
Carrollton	✓		
Cedar Hill		✓	
Celina		✓	
Dallas	✓		
Flower Mound		✓	
Frisco	✓		
Garland	✓		
Keller		✓	
Little Elm	✓		
Plano	✓		
Prosper	✓		
Richardson	✓		Except in Spring Valley Redevelopment District
Wylie	✓		All districts except in NS-Neighborhood Service

The cities of Keller, Cedar Hill and Flower Mound require a Specific Use Permit for thrift stores and used merchandise establishments in all retail/commercial zoning districts. The applications for this land use are considered on a case-by-case basis using the criteria spelled out in their Zoning Ordinances for SUPs.

The City of Richardson uses different terminology for the approval process of thrift stores or used merchandise land uses. If the business is allowed, it is considered a “major change” to the Planned Development, which requires City Council approval. Staff refers to the adopted goals of this corridor overlay district and whether or not these businesses would add to or detract from the

aesthetics and the economic stability of the area. Thrift stores are allowed “by right” in all other retail and commercial zoning districts in Richardson.

The City of Wylie allows thrift stores and used merchandise stores in all retail and commercial zoning districts except NS – Neighborhood Services. An applicant may apply for a Specific Use Permit for the NS zoning district and approval is on a case-by-case basis.

The City of Celina requires a “conditional use permit” (which is similar in nature to The Colony’s SUP language) to determine if a thrift store or used merchandise store is compatible with the surrounding land uses.

**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 will be 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. And the drop off point location is less than 200 feet from residential use.

- 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 proposed store is less than the minimum distance between thrift stores which is 2 miles measured from door to door. And the drop off point location is less than 200 feet from residential use.

- 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. The proposed store is within 35 feet of the residential properties next to the shopping center.

**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 *Denton Record Chronicle* on February 5, 2016. No comments either for or against this request were received as of the printing of this packet.

**OPTIONS**

1. Approve as requested

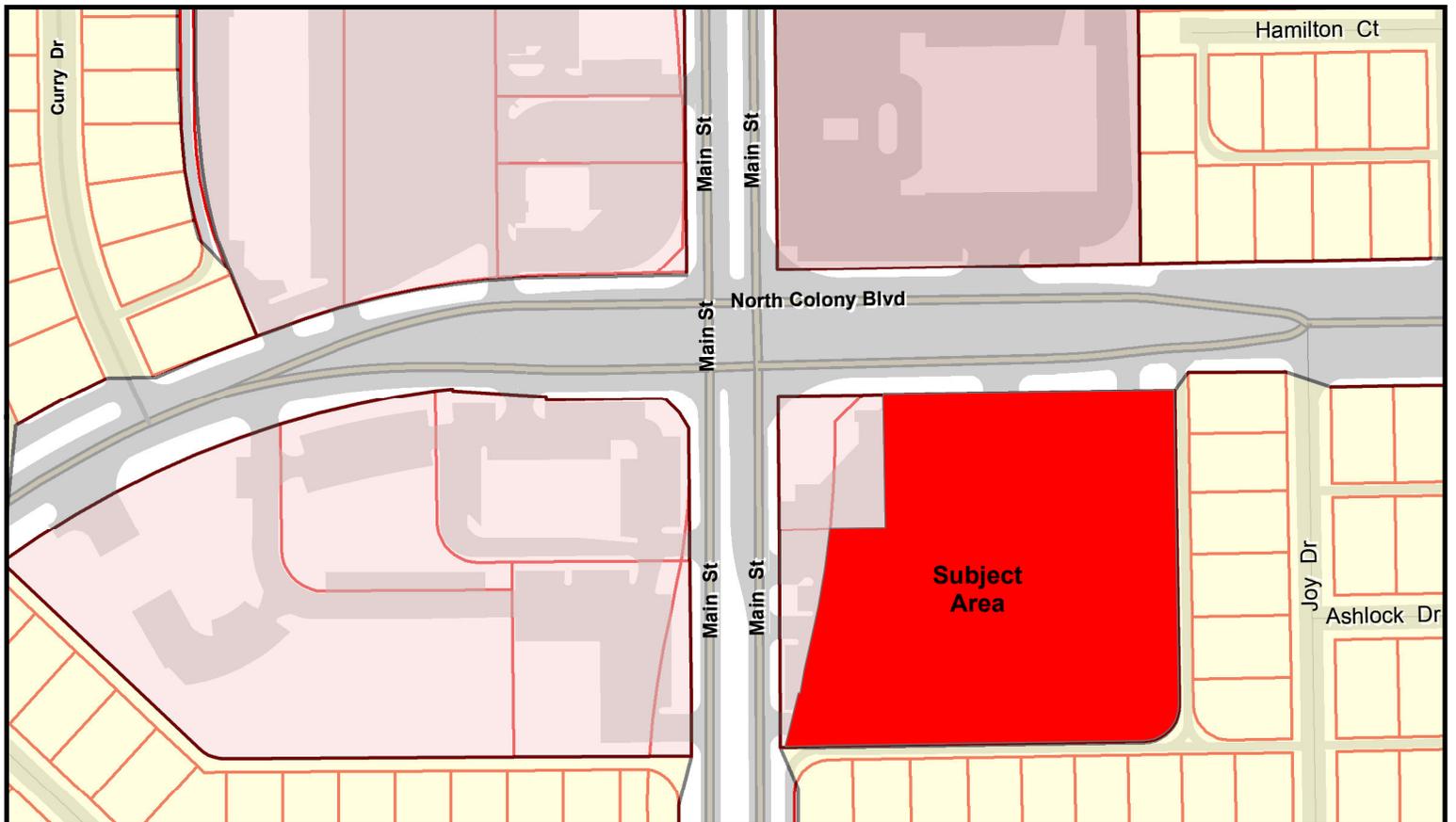
2. Deny
3. Postpone consideration
4. Table item

**RECOMMENDATION**

Staff recommends denial of the variance request for the Renew Resale Thrift Store as it does not meet Zoning Ordinance requirements of being 2 miles away from an existing thrift store and drop off point being 200 feet away from residential use.

**ATTACHMENTS**

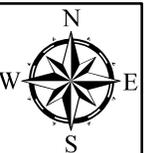
1. Location Map
2. Thrift Store buffer map



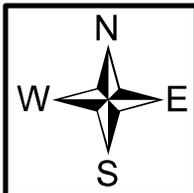
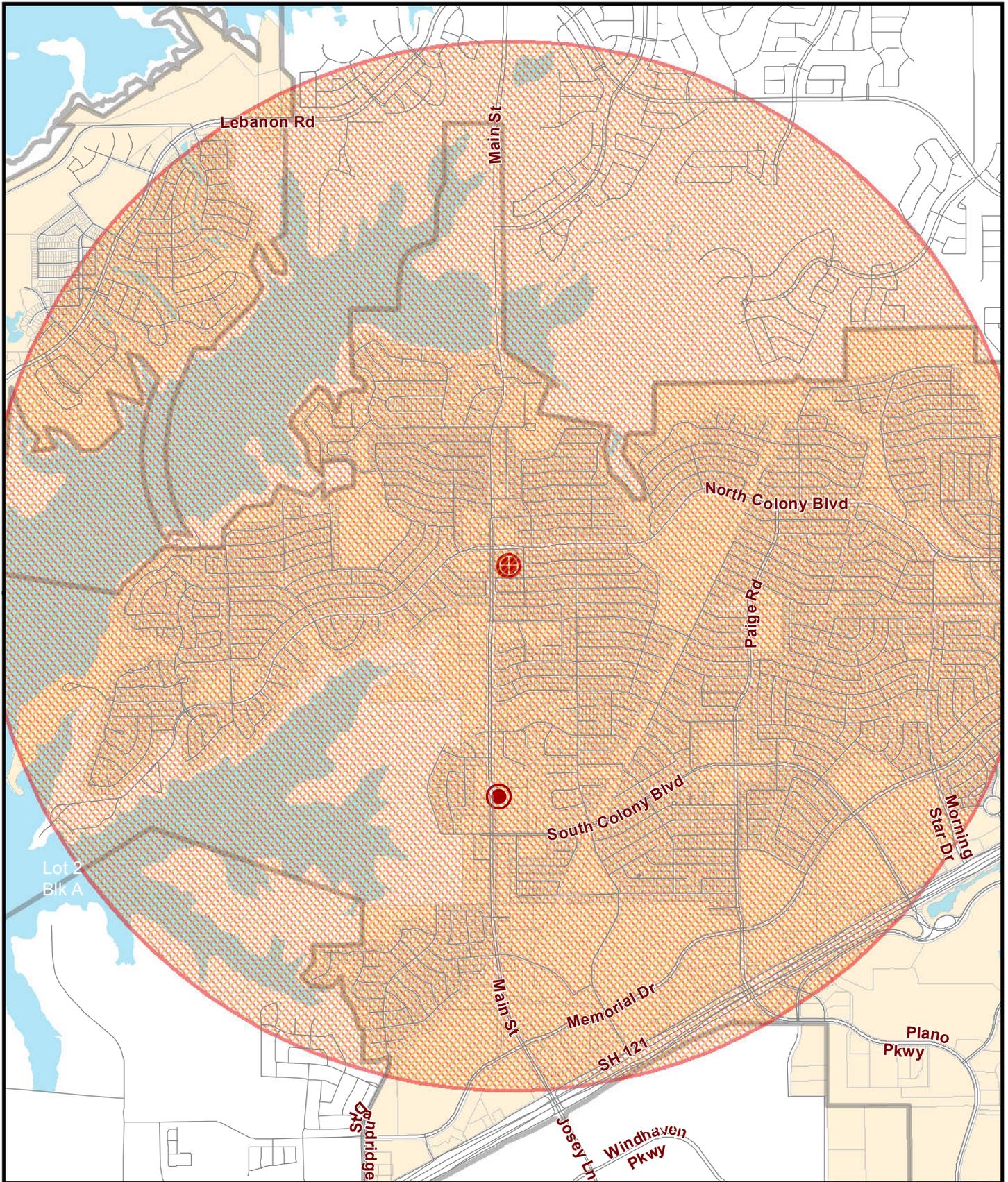
**Project No. BOA15-0005 - Project Name: Renew Resale Thrift Store**



- |                           |                          |                   |                        |                     |
|---------------------------|--------------------------|-------------------|------------------------|---------------------|
| 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           | 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

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DISCLAIMER:  
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Denton	Collin
<b>The Colony</b>	
★	
Tarrant	Dallas