

# *memorandum*

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TO: Mayor & City Council  
John Godwin, City Manager

FROM: Alan Efrussy, AICP, City Planning Manager

**SUBJECT: CHANGE FROM COMMERCIAL (C) TO LIGHT INDUSTRIAL (LI) WITH A SPECIFIC USE PERMIT (SUP) FOR A FLEA MARKET LOCATED AT 222, 232, AND 254 EAST HICKORY STREET**

DATE: October 3, 2017

**BACKGROUND:** This request is to conduct a public hearing and take action regarding the petition of Lisa Walker on behalf of HW Commercial Warehouse Inc. & Harper WW for a change in zoning from a Commercial District (C) to a Light Industrial (LI) District with a Specific Use Permit (SUP) for a Flea Market, on Lots 1–7, City Block 274 and Lots 5–12, Block 10 of the Fairway Addition, being located at 222, 232 and 254 East Hickory Street. At the October 3, 2017 public hearing, five individuals spoke in favor of this rezoning request and no one spoke in opposition. The commission voted 6–0 in favor of recommending approval to the city council.

**STATUS OF ISSUE:** The city staff has determined the following: (A) Existing Land Use: Since 1930, this property has been used as a heavy construction material and uses site by HWH. Presently this site contains assorted used construction material, including a vacant building, some vehicles and some portable office buildings. The property is comprised of approximately nine acres. (B) Proposed Land Use: The applicant intends to develop a flea market on this site. (C) Existing Zoning: Current zoning is Commercial. (D) The Major Thoroughfare Plan: The MTP recommends that Hickory Street be established as a Collector Roadway. (E) The Parks, Recreation, and Open Space Master Plan: A portion of 1<sup>st</sup> N.E. and Hickory Streets are indicated as a Safe Route to School. This subject property is located within the existing Community Park two-mile service radius. The Future Parks Map does not change the existing Community Park radius and does not add other park elements affecting this subject property. (F) The Future Land Use Plan within the Comprehensive Plan: The FLUP recommends that this property be developed with the Commercial land use. (G) Additional Considerations Regarding the Staff Recommendation: Because of the different factors involved, the staff is providing options for the commission and council to consider.

I. Recommend approval: Pros: (1) This would be a new use in Paris, which could serve as an additional recreation and commercial site, and a potential destination site for the city and surrounding region. (2) Could provide additional employment. (3) Could generate additional tax revenue for the city. (4) The SUP requirement will allow the staff, commission, and/or the council to provide conditions that could further protect the integrity of the adjacent single-family zone beyond the existing potential protections currently provided by the existing C District. (5) Staff believes the benefits to the city outweigh the deficits of this project.

Cons: (1) The Light Industrial use is not consistent with the Future Land Use Plan (FLUP) recommendation of Commercial. (2) The area surrounding this subject property is also recommended for C land use in the FLUP. To change to LI could possibly undermine a very large integrated C project for this area. (3) If the approved flea market is not developed, or ceases to function after it is developed, the LI zoning classification will remain, and therefore any permitted LI use could be legally established on this subject property. (NOTE: Approval of an SUP does not change the underlying zoning district).

II. Recommend Denial: Pros: The FLUP recommended land use can be developed as indicated. Cons: The potential benefits of approving this proposal (as mentioned above) would not be realized.

(H) Staff comments from the Development Review Committee (DRC): The fire marshal has no concerns regarding zoning, since fire lanes and fire access were addressed at the pre-development meeting. The city engineer stated that for street/thoroughfare right-of-way a 5 foot dedication is required along both Hickory Street and 1<sup>st</sup> Street N.E. The city engineer also stated that there is floodplain at the far northeast corner of the subject property, but that it should not affect the development; however, said flood plain area will be noted on the plan and no fill will be allowed in this area. There appears to be no other natural and/or man-made environmental constraints on this subject property. She further stated that improvements are needed to 3<sup>rd</sup> N.E. Street from the site entrance to Hickory Street. The public works director stated that the 5 foot R.O.W. mentioned above along Hickory, and along 1<sup>st</sup>-3<sup>rd</sup> Streets are needed for utility R.O.W.

(I) Site Plan Requirement regarding the SUP: Enclosed is the Site Plan submitted by the applicant, and a letter from the proposed tenant describing the flea market he wishes to develop. The staff recommends that this submitted Site Plan be approved.

RECOMMENDATION: Approve a change in zoning from Commercial to Light Industrial with an SUP for a flea market at 222, 232, and 254 East Hickory Street be approved, and also approve the submitted Site Plan, and the SUP conditions as stated therein in the adopting ordinance.



Prop ID# 0

50 W HICKORY  
Prop ID# 18009

1365 N MAIN  
Prop ID# 18003

1145 N MAIN  
Prop ID# 17996

Prop ID# 11300

Prop ID# 18389

Prop ID# 124732

Prop ID# 124733

1150 N MAIN TO THE EAST  
Prop ID# 110807

Prop ID# 101595

FAIRGROUNDS  
Prop ID# 22210

FAIRGROUNDS  
Prop ID# 22210

FAIRGROUNDS

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My name is Johnnie Lee I am 55 years old, I am married to Cambra Lee and we have been married for 16 years we have 4 children ranging from 21 to 27 years old and we have 5 fantastic grandchildren. We have lived in Paris for almost 17 years. My whole family was born and raised in Lamar county and my Father attended PISD. My family owns the Old Deport City Lake and property surrounding it along with another Ranch down the street called The LLL Ranch. I am employed by Paris Coca Cola and have been with the company for 28 years and I am a Market Development Manager, My wife has worked with Dr. Calabria for 10 years up until about 6 months ago when she was forced to take time away due to an illness.

I am interested in making Paris Texas the treasure hunter, shopper, picker, browser destination. I want families to load up in their cars and come from all around to "The Hickory Street Emporium" just like they go to Canton Trade Days and Mckinney. I would like to open a clean air conditioned, family oriented emporium complete with a food truck court and eating area, 12,572 square foot of air conditioned retail shopping booths with plenty of seating areas for that comfortable leisurely experience. We will have up to 78,400 square foot of individual sellers in our open air area that will feature the food truck court, weekly miscellaneous sellers, small animal area, small engine area and plenty of parking. We will be open Thursday through Sunday with business closing before dark each night.

The reason I have chosen the place on Hickory street is really kind of unique, I was actually looking at another location on Lamar for my idea but due to safety concerns with parking it just was not going to work. So I left there that day and I can not tell you why or how I ended up on Hickory street but I did. I drove by the site and I saw the lease signs on the front of the buildings and lo and behold it was as if this was built for me. I knew now why I went that way that day. It was because as always in my life my path was guided by God. He took me here and he has brought me to you. This idea is something I have dreamed and thought about for many, many years. It started in 1990 with the birth of my first son. I started collecting Hot Wheels, baseball cards and such for him. That same year I started at Coca Cola and then the Coca Cola collecting began. That also led to many other collectibles and attending auctions, garage sales, flea markets and such. During this time I have developed the knowledge, passion, and ambition in this realm of business to become very successful in the business.

I want this emporium to be the nicest place you can come to, so that families would be comfortable spending the day. I would like Community Organizations to be a part of it, as well as we will have a section in the main building where a different Community Organization can set up on a rotating schedule free of charge to do their fund raising.

We want to have up to 6 different variety's of food trucks and have a place to sit and enjoy your meals and are looking at maybe opening this section up at lunch during the week so everyone will have a safe and secure area for these vendors and not a busy parking lot.

The south corners of the open air shopping is where the animals and small engines, lawn mowers, etc. will be located. We plan to do this to keep the noise and smells away from the rest of our shoppers.

There is a concrete pad located in the middle of the open air shopping and we will allow a concession stand to be set up in that area by an interested party that will sell can/bottled soft drinks, candy bars, chips and other prepackaged items for snacking while browsing.

We will have 2 port a potties located at the back of the open air shopping. We will have 1 centrally located dumpster on site along with multiple metal trash barrels for trash.

We will have numerous spaces for vendors to come and sell from their vehicles Thursday-Sunday. These sellers will be expected to completely clear and clean their selling area on Sunday. There will be no tents, walls, containers or permanent structures left after close of business Sunday.

We will operate year round closing the back open area during inclement weather leaving all enclosed buildings open for business.

I have met with Rita Haynes who runs the Fair Grounds and explained my ideas to her with a very positive result. Rita has opened up the 19 RV sites to be used as needed by out of town sellers or guest. She has said she will not have any more garage sales at the Fair Grounds that she would like to move them to our location and she would eventually like to move Christmas in Fair Park to us as well. She also offered the Fair Grounds for overflow parking if needed.

I will be happy to attend any meeting and answer any questions anyone may have.

In closing I just simply want to give Paris something we can enjoy and be proud of. My long term goal is to have Paris Texas and Hickory Street Emporium to be a family destination for many years to come.

Sincerely,  
Johnnie Lee  
1205 Mockingbird Ln  
Paris, Texas 75462  
903-517-9209

**Parking Calculations**

**Reference: City of Paris, TX Code of Ordinances, Section 10, Off-Street Parking and Loading Regulations**

The new development and addition must meet the requirements of Section 10 (listed above)

The existing development includes commercial offices that will become retail stores and existing storage that will become future retail. A portion of the exterior yard will be used as a flea market, with the balance of the yard used for parking.

**Parking spaces required per Section 10 of the City Ordinance:**

Use type: Retail Store / One parking space for every 200 square feet of floor area

Use type: Future Retail Store / One parking space for every 200 square feet of floor area

Use type: Flea Market / One parking space for every 200 square feet of floor area

Therefore, all parking required shall be 1 space per 200 sf

**Building Floor Areas**

Existing Building 1 (Retail)	5,096	sf
Existing Building 2 (Future Retail)	1,390	sf
Existing Building 3 (Future Retail)	1,890	sf
Existing Building 4 (Future Retail)	5,637	sf
Existing Building 5 (Future Retail)	672	sf
Existing Building 6 (Retail)	4,292	sf
Existing Building 7 (Retail)	1,428	sf
<hr/> Total Building Area	<hr/> 20,405	<hr/> sf
 New Flea Market Areas (No Permanent Structures)	 78,600	 sf
<hr/> Total area including addition	<hr/> 99,005	<hr/> sf

Existing floor areas are based on the Lamar County Assessor's data and field dimensions.  
 New floor areas are based on the construction documents.

**Calculation of Required Parking**

99,005 sf / 200 sf = 495 *total parking spaces required*  
 (Round down the nearest 1/2 space per Section 10)

Per the City Engineer, all parking for permanent buildings shall be paved.  
 20,405 sf / 200 sf = 102 *total paved parking spaces required*  
 (Round down the nearest 1/2 space per Section 10)

ADA Parking Required: 2 van spaces, 7 accesible spaces: 9 total. 10 are provided.

**The new parking layout for the project will include 495 parking spaces, with 2 van accessible spaces and 7 accessible spaces.**

**Therefore, this project will be in compliance with the City of Paris Ordinance for off-street parking for this new development.**

**References:**

City of Paris, TX Code of Ordinances, Section 10, Off-Street Parking and Loading Regulations  
 Lamar CAD eSearch: 222 E Hickory Street Paris, TX

**MEETING NOTES**

**September 13, 2016**

Project Name: Hickory Street Emporium  
Purpose: Predevelopment Meeting with City of Paris  
Location: Paris City Hall Annex  
Attendees: Carla Easton, City of Paris, City Engineer  
Alan Efrussy, City of Paris, City Planner  
Clyde Crews, City of Paris, Fire Marshal  
Jerry McDaniel, City of Paris, Public Works Director  
Christina Watson, HWH, Project Manager  
Lisa Walker, HWH, Owner Agent  
Johnnie Lee, Tenant

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The purpose of this meeting is to meet with the City of Paris staff to review the proposed zoning change at the 222, 232 and 254 East Hickory Street properties owned by HWH. The current zoning is commercial, and the proposed zoning is Light Industrial. The intended use is for a Special Use Permit to allow Johnnie Lee to operate a flea market on this property following re-zoning. The following are notes from the meeting:

- Holland Harper submitted an application for the property to be zoned as Light Industrial, but was not able to attend the meeting because of travel.
- HWH and Johnnie Lee will attend the Planning and Zoning meeting on the 1<sup>st</sup> Monday in October – 10/2 @ 5:30pm. Rita Haynes from the Red River Valley Fair Association will also attend to demonstrate support for the project.
- HWH will submit a site plan for the project NLT noon Friday 9/15.
- The site will include the following:
  - o Retail in the existing buildings. No temporary power or heating will be allowed in these spaces (no extension cords or propane heaters, etc.)
  - o Parking will be provided to accommodate the development in accordance with the Code of Ordinances (see attached). Carla Easton said that all parking for the buildings will need to be paved. Paving shall be chip seal with proper density tests for subgrade, and existing concrete.
  - o A fire lane serving all permanent buildings on site. Clyde Crews said that a chip seal paving fire lane with proper density tests for subgrade is acceptable. Approaches off of city streets need to be designed so that fire truck can get into the site.
  - o 78,400 square feet of flea market booths. The tenant intends to operate Thursday-Sunday, with no permanent structures in this area.

- Food truck area on west side by the Fire Department.
- A picnic table area will be located near the food trucks.
  
- The Flood Zone is located on a portion of the northeast side of the site. No permanent structures or land improvements will be placed in this area. Parking will be located in this area with no improvements.
  
- This property will need to be platted as all one property.
  
- The 9-1-1 addresses will need to be updated for this project.
  
- Clyde Crews suggested that Johnnie Lee speaks to the church that is adjacent to the property to make sure that they are aware of the project and to coordinate parking.
  
- The flea market will be called Hickory Street Emporium.
  
- The flea market will be operated until 1 hour prior to dark and closed during inclement weather.
  
- No additional site lighting is planned. Any future site lighting will be subject to City Staff review and approval.
  
- The existing buildings do not have sprinklers. HWH to check on requirements for sprinklers.
  
- The existing chain-link fence around the property will remain.
  
- A new 6-yard dumpster will be located on site.
  
- No above ground or underground storage tanks have been on site. HWH will check our records to make sure that there weren't any.
  
- All existing items on the property will be relocated to a legally appropriate zoned site.

Prepared by: Christina Watson, HWH





**GENERAL LEGEND:**

	BUILDING OUTLINE		FIRE HYDRANT
	PROPERTY FENCE LINE		POWER POLE
	FENCE LINE (OTHER)		LIGHT POLE
	ROAD OUTLINE		ELECTRICAL METER
	GRAVEL OUTLINE		
	PARKING AREA		
	BOOTH AREA		

**HARRISON  
WALKER  
HARPER 1867**  
 ENGINEERS - ARCHITECTS  
 2415 S. COOPER AVE  
 SUITE 1000  
 DALLAS, TX 75219  
 (214) 742-1234

**HICKORY STREET EMPORIUM**  
 222, 232, 254 E. HICKORY STREET  
 PARIS, TX 75460

DATE: 01/15/17	PROJECT: HICKORY STREET EMPORIUM	SCALE: N.T.S.
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: 01/15/17
<b>SK-0</b>		
N.T.S.		



**GENERAL LEGEND:**

	BUILDING OUTLINE		FIRE HYDRANT
	PROPERTY FENCE LINE		POWER POLE
	FENCE LINE (OTHER)		LIGHT POLE
	ROAD OUTLINE		ELECTRICAL METER
	GRAVEL OUTLINE		
	PARKING AREA		
	BOOTH AREA		

NOTES:  
OVERFLOW PARKING AT THE FAIRGROUNDS BY PARKING AT THE FAIRGROUNDS

**HARRISON WALKER & HARPER 1887**  
BUILDERS - ENGINEERS  
2110 S. CLAYTON DRIVE  
DALLAS, TEXAS 75210  
202.491.1887  
WWW.HARRISONWALKERANDHARPER.COM

**HICKORY STREET EMPORIUM**  
222, 232, 254 E. HICKORY STREET  
PARIS, TX 75460

DATE PLO	2011/07	SCALE	
DATE PLAN	2011/07	SCALE	
DATE	2011/07	SCALE	
DATE		SCALE	

**SK-1**  
N.T.S.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS, AMENDING ZONING ORDINANCE NO. 1710 OF THE CITY OF PARIS, TEXAS, AS HERETOFORE AMENDED, SO AS TO REZONE LOTS 1-7, CITY BLOCK 274 AND LOTS 5-12, BLOCK 10 OF THE FAIRWAY ADDITION, BEING LOCATED AT 222, 232 AND 254 EAST HICKORY STREET, IN THE CITY OF PARIS, LAMAR COUNTY, TEXAS, FROM A COMMERCIAL DISTRICT (C) TO A LIGHT INDUSTRIAL DISTRICT (LI) WITH A SPECIFIC USE PERMIT (SUP) FOR A FLEA MARKET; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission received a request for an amendment to the Zoning Ordinance of the City of Paris to rezone Lots 1-7, City Block 274 and Lots 5-12, Block 10 of the Fairway Addition, being located at 222, 232 and 254 East Hickory Street, in the City of Paris, Lamar County, Texas, from a Commercial District (C) to a Light Industrial District (LI) with a Specific Use Permit (SUP) for a Flea Market; and,

**WHEREAS**, on October 2, 2017, following notice and publication as required by law, the Planning and Zoning Commission conducted a public hearing on the proposed amendment to the City Zoning Ordinance and, following said hearing, made formal recommendation to the City Council to approve the requested zoning; and,

**WHEREAS**, on October 9, 2017, following notice and publication as required by law, the City Council of the City of Paris conducted a public hearing on the proposed amendment to the City Zoning Ordinance, and having considered the recommendations of the Planning and Zoning Commission and the testimony and evidence introduced at said public hearing, found and determined that approving the aforesaid zoning change would be consistent with the Comprehensive Future Land Use Plan of the City of Paris, consistent with the City Zoning Ordinance, and in the best interests of the public health, safety, and welfare of the citizens of the City of Paris by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS:**

**Section 1.** That the findings set out in the preamble to this ordinance are hereby in all things approved.

**Section 2.** That the Official Zoning Map of the City of Paris, Texas and Zoning Ordinance No. 1710 of the City of Paris as heretofore amended is hereby further amended to rezone Lots 1-7, City Block 274 and Lots 5-12, Block 10 of the Fairway Addition, being located at 222, 232 and 254 East Hickory Street, in the City of Paris, Lamar County, Texas,

from a Commercial District (C) to a Light Industrial District (LI) with a Specific Use Permit (SUP) for a Flea Market, with the following required conditions:

1. This subject flea market shall be entitled "The Hickory Street Emporium".
2. Said Hickory Street Emporium shall be open all year long, from Thursdays through Sundays, with said business closing one (1) hour before dark each night.
3. There shall be placed on the subject site two (2) portable external lavatories.
4. The back open area shall be closed during inclement weather while leaving all enclosed buildings open for business.
5. The Flood Zone is located on a portion of the northeast side of the site. No permanent structures or land improvements shall be placed in this area. Parking will be located in this area.
6. The 9-1-1 addresses shall be updated for this project.
7. No additional site lighting is planned. Any future site lighting shall subject to City Staff review and approval.
8. The existing buildings do not have sprinklers. HWH shall check regarding requirements for sprinklers through the City of Paris Fire Marshal.
9. The existing chain-link fence around the property shall remain.
10. A new 6-yard dumpster shall be located on site.
11. No above or underground storage tanks have been on site as determined by HWH personnel. HWH shall check their records to make sure that there were not any on site.
12. All existing items on the property shall be relocated to a legally appropriate zoned site.
13. That said enclosed required Site Plan (Sheet No. SK-1, dated 9-15-17) as per Zoning Ordinance No. 1710 is a condition of approval and has been reviewed and recommended for approval by the City of Paris staff and recommended for approval by the City of Paris Planning and Zoning Commission, and shall serve as a governing document regarding the development and continuing functioning of said Hickory Street Emporium.

**Section 3.** That the Chief Building Official of the City of Paris be, and he is hereby,

directed to change the Official Zoning Map of the City of Paris, Texas to reflect the changes set forth in this ordinance.

**Section 4.** That all provisions of the ordinances of the City of Paris, Texas in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Paris not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5.** That the repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this ordinance.

**Section 6.** That it is the intention of the City Council of the City of Paris that this ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause, or provisions of this ordinance shall not affect the validity of any other portion of this ordinance.

**Section 7.** That any person violating any provision of this ordinance shall be guilty of a Misdemeanor, and upon conviction, shall be subject to a fine in accordance with provisions of Sec. 1-6 of Chapter One of the City of Paris Code of Ordinances, and each and every day's continuance of any violation of the above-enumerated sections shall constitute and be deemed a separate offense.

**Section 8.** This ordinance shall become effective from and after its passage and publication as required by law.

**PASSED AND ADOPTED** on this 9<sup>th</sup> day of October, 2017, by the City Council of the City of Paris, in regular session, following notice and publication as required by law.

\_\_\_\_\_  
Steven J. Clifford, M.D., Mayor

**ATTEST:**

\_\_\_\_\_  
Janice Ellis, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephanie H. Harris, City Attorney