



## Legislation Details (With Text)

<b>File #:</b>	17-2175	<b>Version:</b>	3	<b>Name:</b>	Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from an Existing Planned Development and C-2, Community Business District to a New Planned Development for Retail, Restaurant and Other Commercial Uses and to Provide a Variance
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed		
<b>File created:</b>	1/31/2017	<b>In control:</b>	City Council		
<b>On agenda:</b>	3/6/2017	<b>Final action:</b>	3/6/2017		
<b>Title:</b>	Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from an Existing Planned Development and C-2, Community Business District to a New Planned Development for Retail, Restaurant and Other Commercial Uses and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code, on Approximately 19.3 Acres Generally Located at the NW corner of E. Broad Street and Cannon Drive; Leon Capital Group (ZC#16-023)				
<b>Sponsors:</b>	Joe Smolinski, Felix Wong				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ordinance, 2. Maps & Supporting Info., 3. Variance Requests, 4. Exhibit A, 5. Exhibits B-S				

Date	Ver.	Action By	Action	Result
3/6/2017	3	City Council	Approved on Third And Final Reading	Pass
2/27/2017	2	City Council	Approved on Second Reading	Pass
2/13/2017	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from an Existing Planned Development and C-2, Community Business District to a New Planned Development for Retail, Restaurant and Other Commercial Uses and to Provide a Variance to the Alcoholic Beverage Sale Regulations Enacted Under Section 109.33 of the Texas Alcoholic Beverage Code, on Approximately 19.3 Acres Generally Located at the NW corner of E. Broad Street and Cannon Drive; Leon Capital Group (ZC#16-023)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on January 17, 2017, and voted 5-0 to recommend approval with the condition that the required screening wall be provided along the north and west property lines. Commissioners Hudson and Mills were absent.

### First Reading

The proposed PD is for a retail center including a high-end grocery store anchor, restaurants and a convenience store/gas station.

Retail Building A will be occupied by Market Street. Retail Buildings B, C and D will be restaurant/retail uses. Along E. Broad Street, Raising Cane's is slated for Lot 4, Zoey's Kitchen and Wells Fargo will share Lot 5, and Lot 6 will be a C-store/gas station associated with Market Street. No specific users have been named for Lots 2 and 3. Staff recommends that future site plan approval by City Council should be required for Lots 2 and 3.

Deviations from the C-2 regulations have been requested for: the fast food restaurants landscape buffer and

parking, masonry screening wall along the north side, building articulations and construction design for the grocery store and nearby retail buildings (see attached variance requests). Additionally, the applicant is seeking a variance to the alcoholic beverage sale regulations to allow on- and off-premise sale of alcoholic beverages within 300 feet of the high school.

### **Second Reading**

The developer has revised the PD regulations and development plans to:

- eliminate permitted use as specified in the last motion
- eliminate restaurant examples as specified in the last motion
- show more details on the open space areas between buildings
- limit fast food restaurants with drive-through facilities to no more than two
- provide better graphics to depict the Market Street storefront
- provide a note that future approval of site plan is required except for Buildings A, B, C, D and C-store

Felix Wong, Director of Planning  
817-276-4228