



## Legislation Text

---

**File #:** 17-2365, **Version:** 3

---

Ordinance - Third and Final Reading on an Ordinance Approving a Zoning Change from PD, Planned Development District to PD for Grocery Store, Office and Retail, on Approximately 11.01 Acres, Generally Located at 3000 E Broad Street, 1075 Feet East of Miller Road and South of E Broad Street, OSK Investments, LP (ZC#17-006)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on June 19, 2017, and voted by 6-0 (Commissioner Knight was absent) to recommend approval subject to the following: 1) place an exhibit number on the dumpster detail; 2) place the case number on Exhibit C; 3) require a 6-foot masonry wall along the west side of the site adjacent to the school; 4) allow screening of rooftop equipment, which will be screened by metal louvers rather than by raising the parapet wall one-foot above the tallest piece of equipment; 5) provide minimal landscaping adjacent to the Fire Station to allow for access for fire-fighting purposes; 6) work out details regarding fire department access through the water tower lot, and 7) add a note that the developer is responsible for maintenance and construction of the fire lane and turnaround.

### **First Reading**

The applicant is proposing a specialty grocery store in the northeast quadrant of the property. The remaining property is slated for retail, restaurants and office development as listed in the permitted uses on Exhibit C. Note that Eating Places without Drive-Through Service (sit down restaurants) is a permitted use, as well as Drive-thru Coffee or Donuts as a Primary Business. Except for the grocery store, the development standards require that a Detailed Site Plan must be approved by the City Council for other development on the property prior to the issuance of building permits.

The applicant is requesting deviations to the landscape/screening regulations by proposing a living screen adjacent to the school property at the southwest corner of the property and limited landscaping adjacent to the Fire Station, where typically masonry walls would be required. No landscaping is proposed from the northeast corner of the property running parallel to the rear of the building because of multiple utility easements in this area (along the Fire Station side). Deviations are also requested for signage, building articulation, and screening of rooftop equipment, which will be screened by metal louvers rather than by raising the parapet wall one foot above the tallest piece of equipment. The location of the equipment is over the truck docks at the southern end of the building. The applicant has complied with the Planning & Zoning Commissions requests. MISD has not reached a financial agreement with the developer for the use of the drive access on their property as of this time.

### **Second Reading**

The applicant changed the Exhibit C Development Plan and Exhibit D Landscape plan to address the necessary turn-around for the Fire Department on the water tower property and some of Council's questions about the living screen along the west side of the property adjacent to the school. Council received these large revised drawings in their packet. Staff advises that the motion should be subject to continued efforts to seek the relocation of utilities in order to provide a continuous extension of a 30-ft wide drive isle.

### **Third Reading**

The applicant is requesting to table the item and continue the public hearing until they can work out an access issue with the school. At Second Reading councilman Newsom asked that the applicant delete the following from the PD Documents list of uses: mortuary or funeral chapel, Vocational or trade school, nursing or assisted living facility, retail auto part sales, drive thru coffee or donuts. The applicant did not remove drive-thru coffee or donuts as a primary use or retail auto part sales. The applicant provided a detailed landscape plan for the living screen adjacent to the school.

### **Tabled Third Reading**

**The applicant is requesting to table the item and continue the public hearing until October 23, 2017.**

### **Tabled Third Reading**

**The applicant is requesting to table the item until December 11, 2017.**

### **Third Reading - December 11, 2017**

The applicant is proposing a specialty grocery store in the northeast quadrant of the property. The remaining property is slated for retail, restaurants and office development as listed in the permitted uses on Exhibit C. Note that Eating Places without Drive-Through Service (sit down restaurants) is a permitted use, as well as Drive-thru Coffee or Donuts as a Primary Business. Except for the grocery store, the development standards require that a Detailed Site Plan must be approved by the City Council for other development on the property prior to the issuance of building permits.

The applicant is requesting deviations to the landscape/screening regulations by proposing a living screen adjacent to the school property at the southwest corner of the property and limited landscaping adjacent to the Fire Station, where typically masonry walls would be required. No landscaping is proposed from the northeast corner of the property running parallel to the rear of the building because of multiple utility easements in this area (along the Fire Station side). Deviations are also requested for signage, building articulation, and screening of rooftop equipment, which will be screened by metal louvers rather than by raising the parapet wall one foot above the tallest piece of equipment. The location of the equipment is over the truck docks at the southern end of the building.

This project has been repeatedly tabled as the applicant tried to work out access through the school property to the west, that is no longer the plan. Two driveways, independent of the school drive are now proposed.

### **Third Reading - January 8, 2018**

-----

Lisa Sudbury, AICP  
Interim Director of Planning  
817-276-4227