



PLANNING

To: Planning & Zoning Commission

From: Dakari Hill, Senior Planner

Through: David Hoover, AICP, Director of Development Services

Cc: Suzanne Porter, AICP, Planning Manager

Re: Planned Development for First Legacy Shopping Center

Meeting: July 15, 2025

Item No. 6

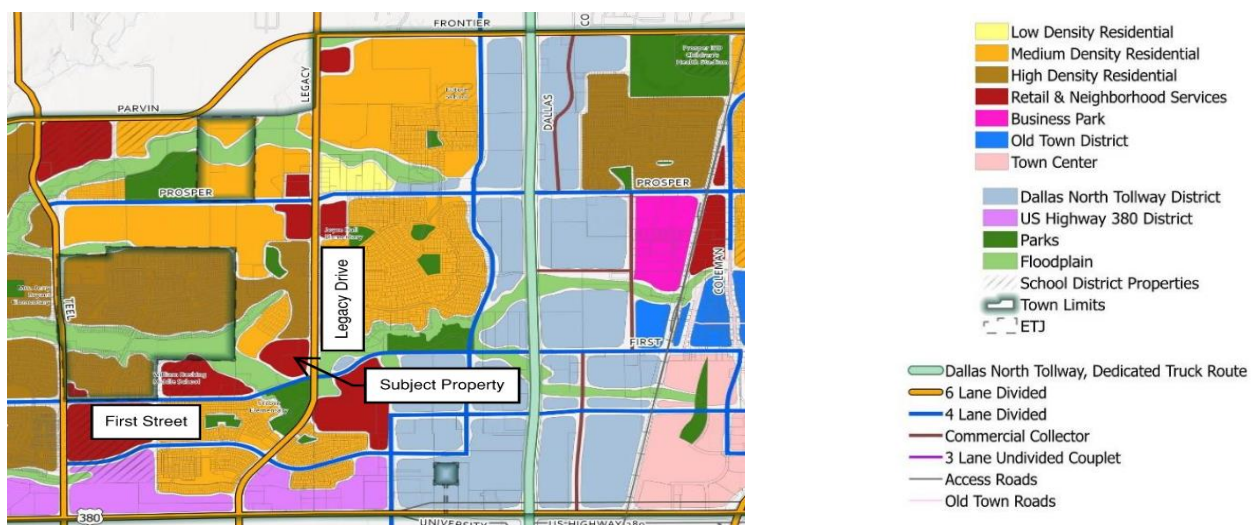
Agenda Item:

Conduct a Public Hearing and consider and act upon a request to rezone 18.7± acres from Planned Development-14 (Retail) to Planned Development-Retail on Netherly Survey, Abstract 962, Tract 7, located on the northwest corner of Legacy Drive and First Street. (ZONE-25-0004)

Future Land Use Plan:

The Future Land Use Plan recommends Retail & Neighborhood Services.

- The Retail & Neighborhood Services District recommends retail establishments that provide merchandise for retail sales, banks, neighborhood offices, and small medical offices.



Zoning:

The property is zoned Planned Development-14.

Thoroughfare Plan:

This property has direct access to Legacy Drive and First Street.

Parks Master Plan:

The Parks Master Plan does not indicate that a park is needed on the subject property.

Hike & Bike Trail:

The Hike & Bike Trail Master Plan recommends a ten-foot hike and bike trail along Legacy Drive.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and state law. Staff has not received any response to the proposed zoning request to date.

Attached Documents:

1. Aerial & Zoning Maps
2. Future Land Use Exhibit
3. Exhibit A-1 – Written Metes and Bounds
4. Exhibit A-2 – Boundary Exhibit
5. Exhibit B – Letter of Intent
6. Exhibit C – Development Standards
7. Exhibit D – Conceptual Plan
8. Exhibit E – Development Schedule
9. Exhibit F – Elevations
10. Exhibit G – Landscape Plan
11. Draft Development Agreement

Description of Agenda Item:

The purpose of this request is to rezone the property from Planned Development-14 to a Planned Development with a base zoning of Retail, specifically to allow for a convenience store with gas pumps on the intersection of a major and minor thoroughfare. The Town's Zoning Ordinance only allows for this use on the intersection of two major thoroughfares. Per the Town's Thoroughfare Plan, First Street is classified as a minor thoroughfare. Consequently, this classification of First Street as a minor thoroughfare makes a convenience store with gas pumps non permissible at this location even though it is listed as a permitted use in Planned Development-14. The applicant is requesting to rezone the property into a new Planned Development that allows for a convenience store with gas pumps to be located on an intersection of a major and minor thoroughfare. The proposed zoning request eliminates a multitude of undesirable uses from an outdated Planned Development, adds the stipulation of a Specific Use Permit for multiple uses that were previously permitted by right, and allows for a development agreement that ensures the building materials that will be used to construct the proposed development.

Compatibility:

Planned Development-14, approved in 2004, designated this hard corner of Legacy Drive and First Street for commercial use. Additionally, the Future Land Use Plan, updated in 2023, recommends Retail & Neighborhood Services for this area. The property's current zoning and Future Land Use indication demonstrate a desire for this hard corner of Legacy Drive and First Street to have commercial uses.

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development-14 (Retail)	Vacant	Retail & Neighborhood Services
North	Planned Development-66 (Single Family-10)	Single-Family Residential (Star Trail)	High Density Residential
East	Planned Development-66 (Single Family-10)	Single-Family Residential (Star Trail)	Medium Density Residential
South	Planned Development-65 (Single-Family)	Vacant	Parks
West	Planned Development-66 (Single Family-10)	Single-Family Residential (Star Trail)	Medium Density Residential

District Regulations:

The district regulations within the Planned Development compared to the regulations in the previously approved Planned Development (PD-14) are shown below.

	Previous Regulations (Planned Development-14)	Proposed Regulations (Development Standards)
Size of Yards	Front: 25' Side: 0' 12' (Vehicular Access Req.) 24' (Fire Lane Access Req.) 50' (Adj. to Residential) Rear: 0' 12' (Vehicular Access Req.) 24' (Fire Lane Access Req.) 50' (Adj. to Residential)	Front: 30' Side: 15' 30' (One-Story Adj. to Res.) 60' (Two-Story Adj. to Res.) Rear: 15' 30' (One-Story Adj. to Res.) 60' (Two-Story Adj. to Res.)
Size of Lots	Minimum Area: 10,000 SF Minimum Lot Width: 50' Minimum Lot Depth: 90'	Minimum Area: 10,000 SF Minimum Lot Width: 50' Minimum Lot Depth: 100'
Maximum Height	Stories: Two Stories or 40'	Stories: Two Stories or 40'

Maximum Lot Coverage	Lot Coverage: 40 Percent	Lot Coverage: 40 Percent
Floor Area Ratio	Maximum: 0.4:1	Ratio: 0.4:1

Uses:

The list of permitted uses within this Planned Development is shown below.

- By Right:
 - Administrative/Medical and Professional Office
 - Antique Shop and Used Furniture
 - Art and Music Studio
 - Artisan's Workshop
 - Bank/Savings and Loan/Credit Union
 - Beauty Salon/Barber Shop
 - Commercial Amusement, Indoor
 - Diagnostic Lab or Urgent Care Center
 - Dry Cleaning, Minor
 - Farmer's Market
 - Fraternal Organization/Lodge/Civic Club/Fraternity or Sorority
 - Full-Service Hotel **C**
 - Furniture Store
 - Gymnastics/Dance Studio
 - Health/Fitness Center
 - Home Furnishings and Appliance Store
 - House of Worship
 - Nursery, Minor
 - Pet Day Care **C**
 - Print Shop, Minor
 - Public School
 - Restaurant **C**
 - Retail Stores and Shops
 - Swim School
 - Tanning Salon
 - Veterinarian Clinic and/or Kennel, Indoor
 - Wine Bar
- By Specific Use Permit:
 - Child Care Center, Licensed
 - Convenience Store w/ Gas Pumps (On Intersecting Major and Minor Thoroughfares)
 - Meeting/Banquet/Reception Facility
 - Private or Parochial School
 - Restaurant, Drive-In
 - Restaurant, Drive Through

- Uses That Would Be Eliminated:
 - Accessory Buildings
 - Assisted Living Facilities
 - Auto Laundries/Car Wash Facilities (Incidental to Primary Business Use)
 - Auto Parts Sales – No Outdoor Storage/Display
 - Automobile Parking Lots and Parking Garages
 - Automobile Repairs – Excluding Paint and Body Work
 - Bed and Breakfast
 - Civic Convention Center
 - Concrete Batching Plants (Temporary and Incidental to On-Site Construction)
 - Construction and Field Offices (Temporary)
 - Convalescence Homes
 - Dinner Theatres
 - Equipment and Machinery Sales and Rental, Minor
 - Frozen Food Lockers (Incidental to Primary Business Use)
 - Golf Course and/or Country Club
 - Governmental and Utility Agencies, Offices, Facilities and Service Yards
 - Guard and Patrol Services
 - Homebuilder
 - Hospital
 - Independent Living Facilities
 - Indoor Storage Facilities
 - Marketing Center
 - Mass Commuter/Transit Stations
 - Meat Markets (No Slaughterhouses or Packing Plants)
 - Municipal Buildings and Facilities
 - Museums, Libraries, Art Schools and Art Galleries
 - Nursing Homes
 - Parks, Playgrounds, Recreational Facilities and Community Centers
 - Post Office Facilities
 - Private Club Facilities
 - Radio and Television Microwave Antennae/Towers (Incidental to Primary Use)
 - Radio and Television Studios and Broadcasting Facilities
 - Recycling Collection Centers
 - Single Family Residential
 - Small Engine Repairs (Under Roof and Enclosed)
 - Telephone Exchange
 - Temporary Buildings (Incidental to Primary Business Use)
 - Theaters – Indoors
 - Theatrical Centers
 - Tire Dealers (No Outdoor Storage)
 - Tool and Equipment Rental Stores (No Outdoor Storage Unless Screened)
 - Utility Distribution Systems and Facilities
 - Warehousing Facilities (Incidental to Primary Business Use)
 - Water Treatment Facilities

Landscaping:

The landscaping regulations within the Planned Development compared to the regulations in the previously approved Planned Development (PD-14) are shown below.

	Previous Regulations (Planned Development-14)	Proposed Regulations (Development Standards)
Adjacent to Thoroughfares	Easement: 30' (Legacy Drive) 25' (First Street) Plantings: One large tree, three-inch caliper minimum, every 30 linear feet. Fifteen shrubs, five-gallon minimum, every 30 linear feet.	Easement: 30' (Legacy Drive) 25' (First Street) Plantings: One large tree, three-inch caliper minimum, every 30 linear feet. Fifteen shrubs, five-gallon minimum, every 30 linear feet.
Adjacent to Commercial Development	Buffer: 5' Plantings: One small tree every 15 linear feet. One shrub, five-gallon minimum, every 15 linear feet.	Buffer: 5' Plantings: One small tree every 15 linear feet. One shrub, five-gallon minimum, every 15 linear feet.
Adjacent to Residential Development	Buffer: 15' Plantings: One large tree, three-inch caliper minimum, every 30 linear feet.	Buffer: 15' Plantings: One large tree, three-inch caliper minimum, every 30 linear feet.

Architectural Standards:

The architectural standards within this Planned Development are shown below.

- Permitted Building Materials:
 - Clay Fired Brick
 - Granite
 - Marble
 - Stone (Natural, Precast, or Manufactured)
 - Stucco (Three-Coat)
 - Non-Masonry Materials (Max. of 20%)
 - Other Materials as Approved by Director of Development Services

Screening and Fencing:

The screening and fencing standards within this Planned Development require a six-foot masonry wall to be installed adjacent to residential development.

Town Staff Recommendation:

The proposed zoning request is compliant with the Future Land Use Plan designation of this area as Retail & Neighborhood Services. Additionally, the proposed zoning request eliminates a multitude of undesirable uses from an outdated Planned Development, adds the stipulation of a Specific Use Permit for multiple uses that were previously permitted by right, and allows for a development agreement that ensures the building materials that will be used to construct the proposed development. For these reasons, Town Staff recommends approval of the request to rezone 18.7± acres Planned Development-14 (Retail) to Planned Development-Retail on Netherly Survey, Abstract 962, Tract 7, located on the northwest corner of Legacy Drive and First Street.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on August 12, 2025.