

PLANNING

To: Mayor and Town Council

From: David Hoover, AICP, Director of Development Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager**

Re: Planned Development for First Legacy Shopping Center

Town Council Meeting – August 12, 2025

Strategic Visioning Priority: 3. Commercial Corridors are ready for Development

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.

Budget Impact:

There is no budgetary impact affiliated with this item.

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
12. Letter from Applicant
13. PowerPoint Slides

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:

This zoning change would not be out of character with the existing area due to compatibility with the surrounding properties. All surrounding properties have the same Future Land Use designation of Medium Density Residential. Additionally, the Future Land Use Plan recommends commercial uses on the hard corner of Legacy Drive and Frontier Parkway as proposed in the zoning request. 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
 - 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)
 - Farmer's Market
(*Changed from a use by right to a specific use permit in the Planning & Zoning Commission's motion*)
 - 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.

Planning & Zoning Recommendation:

The Planning & Zoning Commission unanimously recommended approval of this item by a vote of 7-0 at their meeting on July 15, 2025, subject to the following conditions:

- Requiring “Farmers Market” Use to be permitted by Specific Use Permit rather than by right.
- Requiring a minimum of ten percent (10%) of the entire development to be usable open space.
- Requiring a minimum of three of the five listed amenities be provided in the development.
 - Gazebos or Pergolas
 - Public Art Installations
 - Seating Areas with Shade Structures
 - Stone Terracing and Low Masonry Seating Walls
 - Water Features (Fountains or Naturalized Stream Banks)

Applicant Request:

The applicant is requesting that the Town Council amend the recommendation made by the Planning & Zoning Commission regarding the following items:

- Each individual lot having a minimum of seven to ten percent (7% - 10%) open space instead of ten percent (10%) of the entire development being usable open space.
- Each individual lot providing one of the listed amenities instead of a minimum of three being provided throughout the entire development.

Proposed Motion:

I move to approve/deny 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.