

Planned Development First Legacy Shopping Center (ZONE-25-0004)

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)

Proposal

Purpose:

- Construct a convenience store with gas pumps and other commercial buildings on an intersection of a major and minor thoroughfare.

Background:

- Planned Development-14 allows for convenience stores with gas pumps by right.
- The Town's Zoning Ordinance requires convenience stores with gas pumps to be located on the intersection of major thoroughfares.
 - Per the Master Thoroughfare Plan, First Street is considered a minor thoroughfare.
- Proposal would allow for a convenience store on the intersection of Legacy Drive and First Street.

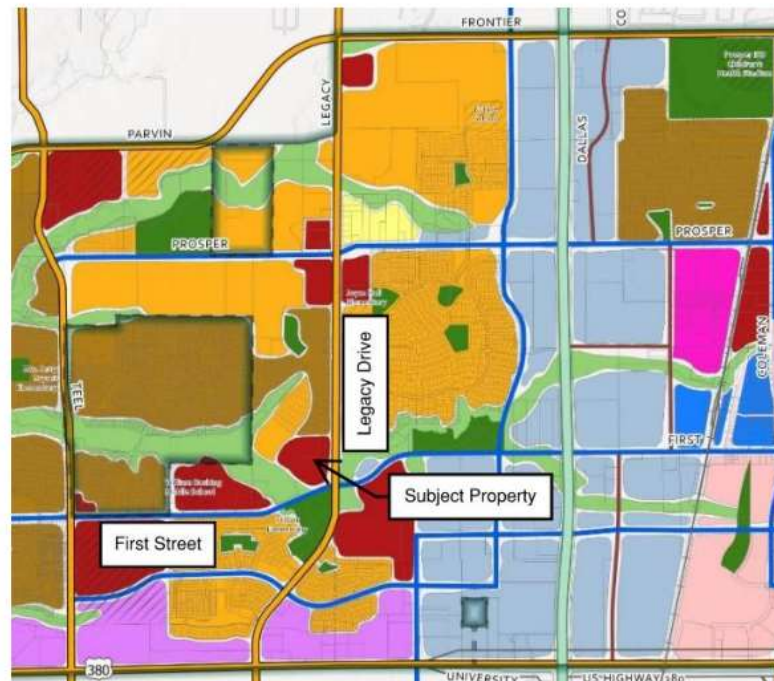


Future Land Use Plan

Retail & Neighborhood Services:

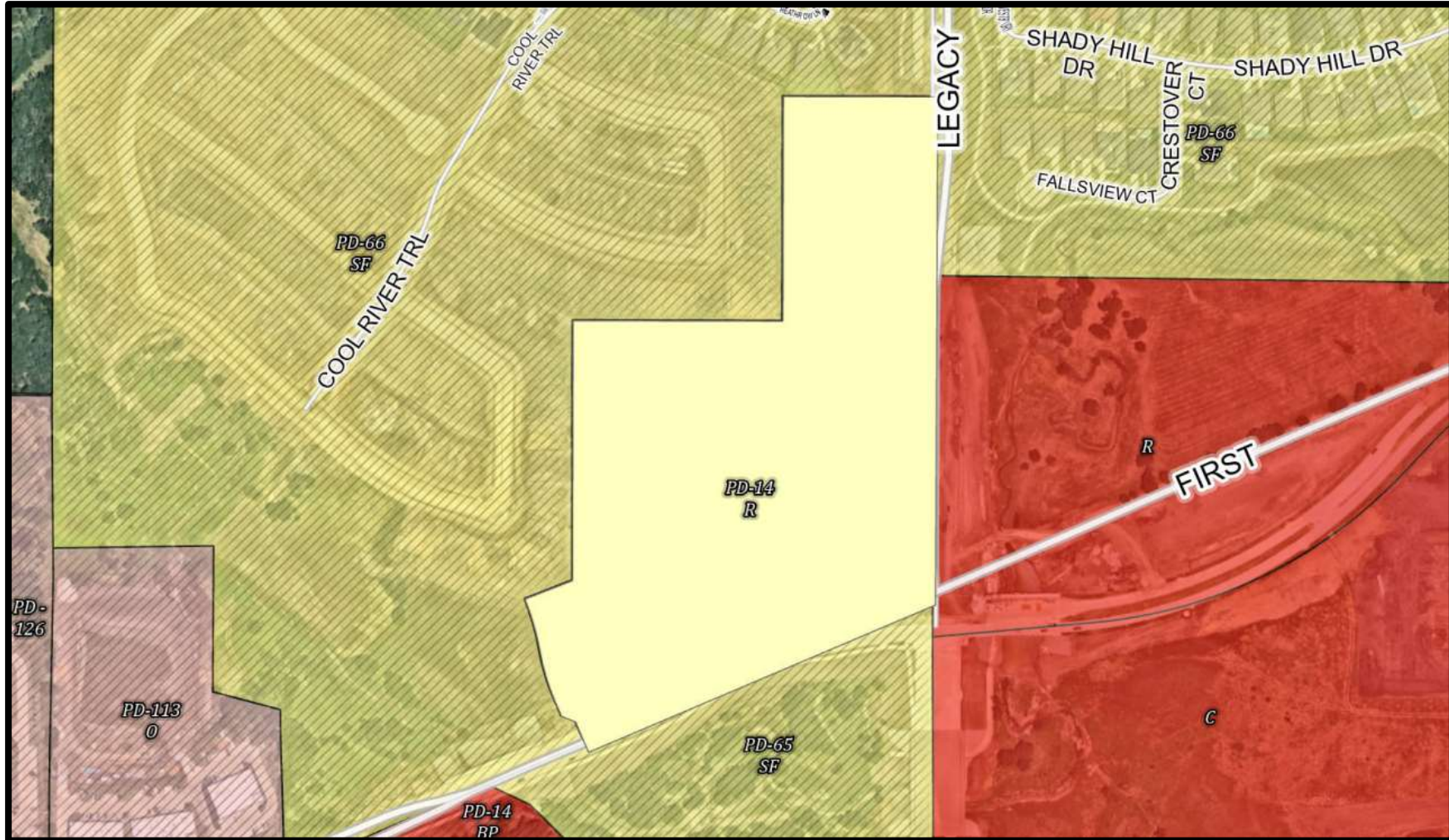
- Recommends retail establishments that provide merchandise for retail sales, banks, neighborhood offices, and small medical offices.

Future Land Use Exhibit



Zoning

	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

	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

Permitted Uses

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

Permitted Uses Cont.

By Right:

- 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

Permitted Uses Cont.

By Right:

- Public School
- Restaurant C
- Retail Stores and Shops
- Swim School
- Tanning Salon
- Veterinarian Clinic and/or Kennel, Indoor
- Wine Bar

Permitted Uses Cont.

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 per 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)

Uses That Would Be Eliminated Cont.

- 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

Uses That Would Be Eliminated Cont.

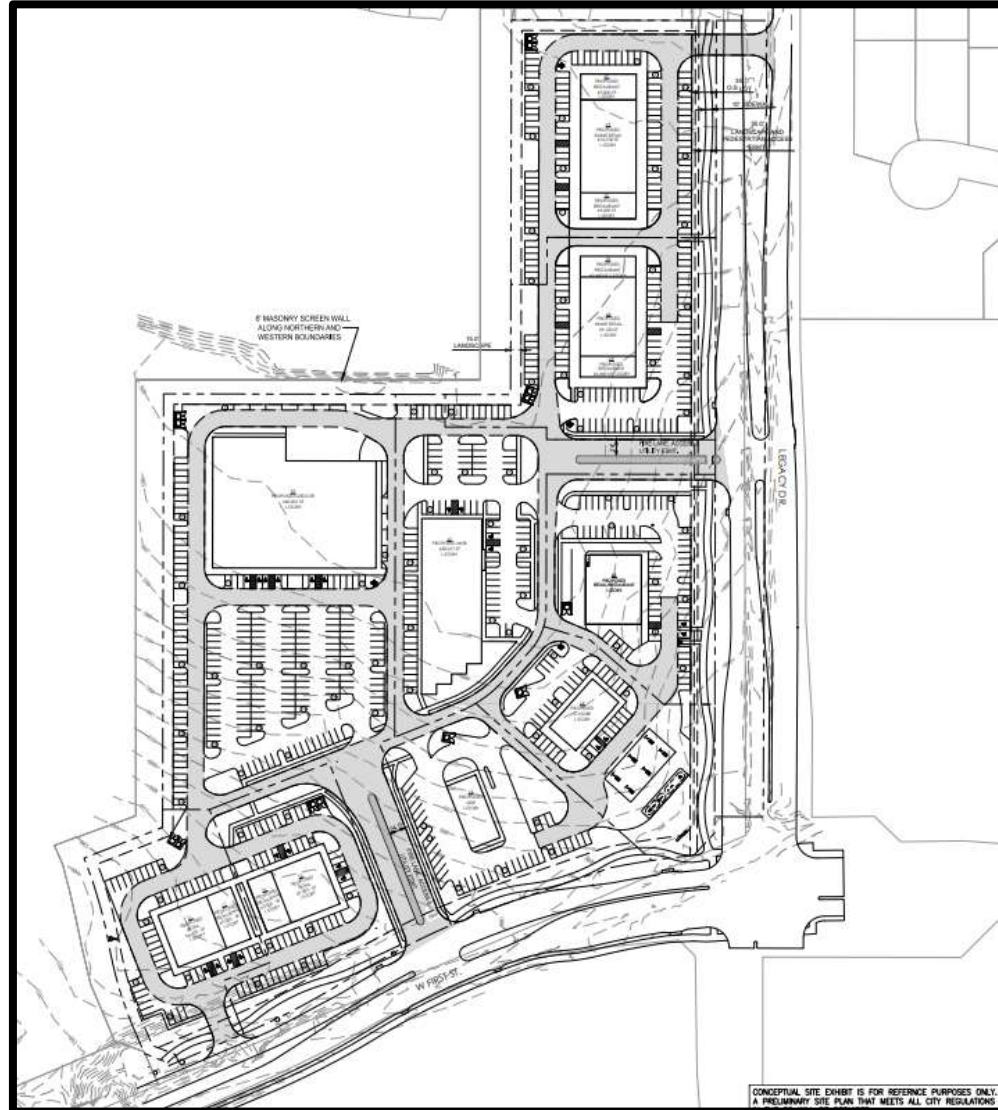
- Indoor Storage Facilities
- Marketing Center
- Mass Commuter/Transit Stations
- Meat Markets (No Slaughterhouses or Packing Plants)
- Municipal Buildings and Facilities
- Museums, Libraries, Art Schools and Art Galleries
- Nursing Homes
- Parks, Playgrounds, Recreational Facilities and Community Centers
- Post Office Facilities
- Private Club Facilities

Uses That Would Be Eliminated Cont.

- 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)

Uses That Would Be Eliminated Cont.

- 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



Architectural Standards

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



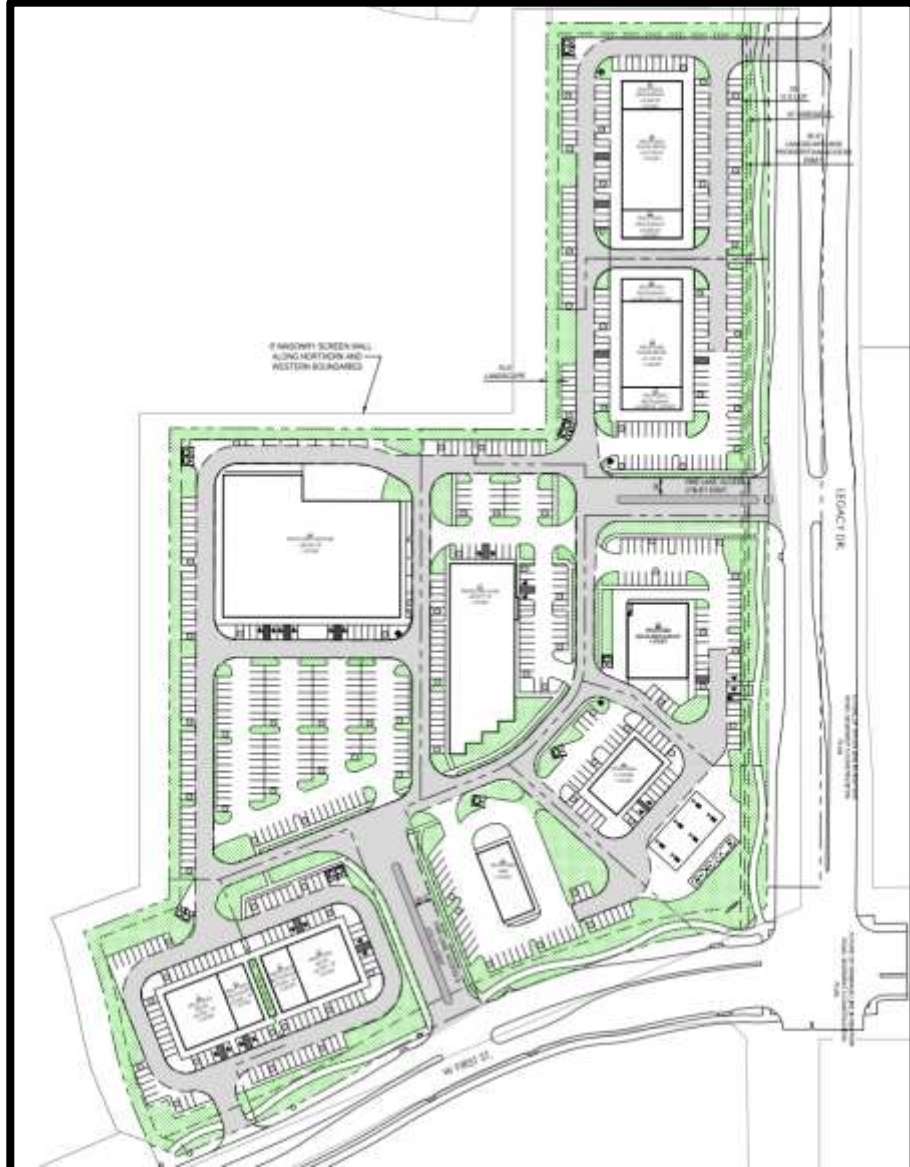
Landscaping

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

Screening

Residential Adjacency:

- Six-foot (6') masonry wall required adjacent to residential development.



Noticing

Notices:

- Friday, July 25th

Citizen Response:

- None

Staff Recommendation

Recommendation:

- Approval
 - Elimination of many undesirable uses by right.
 - Requirement of some uses previously allowed by right to be by Specific Use Permit.
 - Development Agreement that ensures building materials.

P&Z Recommendation

Motion:

- Approval (7-0) subject to the following conditions:
 - “Farmer’s Market” use permitted by Specific Use Permit rather than by right.
 - A minimum of ten percent (10%) of the entire development to be usable open space.
 - A minimum of three of the five listed amenities to 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

Amend the recommendations made by the Planning & Zoning Commission regarding the following items:

- Recommendation: A minimum of ten percent (10%) of the entire development to be usable open space.
 - Request: Each individual lot to have a minimum of seven to ten percent (7% – 10%) of open space.
- Recommendation: A minimum of three of the five listed amenities to be provided in the development.
 - Request: Each individual lot to provide one of the listed amenities.