



## Legislation Text

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**File #:** 20-885, **Version:** 1

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** May 27, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Ordinances granting **(1)** a D-1 Liquor Control Overlay; **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; **(3)** a Specific Use Permit for a mini-warehouse use; and **(4)** a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR-D Community Retail District with D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road - Z189-221(CT) - Financing: No cost consideration to the City

### **BACKGROUND**

On February 12, 2020, City Council held a public hearing and approved an application for (1) a D-1 Liquor Control Overlay; (2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and (3) a Specific Use Permit for a mini-warehouse use subject to deed restrictions volunteered by the applicant at the public hearing. The ordinances and deed restrictions were to return on a future Council date.

The applicant proposes to develop the site with a one-story, approximately 8,150-square-foot multi-tenant building, a fueling station canopy, and approximately 14,800 square feet of mini-warehouse units. The purpose of the request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store greater than 3,500 square feet to occupy one of the lease spaces, and to allow the mini-warehouse use. Both requests required a Specific Use Permit.

At the February 12, 2020 Council hearing, the applicant volunteered deed restrictions in addition with the original requests. The deed restrictions volunteered by the applicant will prohibit the following retail and personal services uses:

1. Liquor store.
2. Massage establishment. [MASSAGE ESTABLISHMENT and MASSAGE means a massage establishment or massage as defined by Texas Occupations Code Chapter 455, as amended.]

3. Pawn shop.
4. Swap or buy shop.
5. Tattoo parlor. [TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, but does not include permanent makeup application or intradermal cosmetics as a component or service of a duly licensed beauty parlor or salon.]

On November 7, 2019, the City Plan Commission recommended approval of the original request, which did not include the deed restrictions volunteered by the applicant at the February 12, 2020, City Council hearing.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 7, 2019, the City Plan Commission recommended approval of the original request.

On January 8, 2020, City Council held a public hearing and moved to defer item Z20, an application for 1) a D-1 Liquor Control Overlay, 2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and, 3) a Specific Use Permit for a mini-warehouse use with the ordinance and deed restrictions to return on February 12, 2020 for community input.

On February 12, 2020, City Council held a public hearing and approved an application for (1) a D-1 Liquor Control Overlay; (2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and (3) a Specific Use Permit for a mini-warehouse use subject to deed restrictions volunteered by the applicant with the ordinances and deed restrictions to return on a future Council date.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **MAP**

Attached