



# SUMMARY MEMORANDUM

TO: Mayor and City Council

FROM: Gary D. Greer  
City Manager

DATE: October 6, 2014

SUBJECT: Zoning Amendment for 2702 Valwood (Beer-wine Sales Overlay District)  
Ordinance No. 3310

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**Overview:**

With the local election held May 10, 2014, approximately 72% of the citizens of Farmers Branch voted to allow the sale of packaged beer and wine for off-premise consumption within the City. In June of 2014, the City passed Ordinance 3283 to allow beer and wine sales by right in nine (9) overlay districts throughout the City. City Administration reviewed all areas of the City that allow retail sales, as well as proximity to schools, neighborhoods and other land use activities to determine these overlay locations.

Originally, there were eleven (11) overlay districts proposed. The Valwood Shopping Center, as well as the Valero convenience store was included in one of these initial eleven districts. Based upon consideration by the Planning and Zoning Commission and the City Council, this overlay area was eliminated because of proximity concerns. The applicant seeks to amend the Comprehensive Zoning Ordinance to add their site as an overlay area to allow the sale of beer and wine.

**Existing Conditions:**

The subject property is currently a gasoline fueling station and convenience store. The site is located on the southeast corner of Valwood Parkway and Josey Lane. There is a one-story existing building with associated pumps and a car wash, on the approximate one acre site. The existing building contains approximately 1,847 square feet.

To the east of the site is the Valwood Plaza shopping center. To the west of the site are residential homes. To the north of the site is the Valwood Park Baptist Church. To the south of the site are more retail buildings, including the Kelly Moore Paint building. The subject property is zoned Local Retail 2 (LR-2) and allows for a variety of retail oriented land uses.

**Site Design:**

The applicant is not planning any major modifications to the site plan (including no building expansion) for this zoning amendment request. However, the applicant is proposing to restripe the existing parking lot, as well as making additional landscape improvements.

The applicant proposes to trim and repair the existing shrubbery on site, located in the planter bed on the northwest corner of the property, fronting Valwood Parkway. The applicant will improve the appearance of the existing planter bed by installing additional shrubs and greenery including a combination of Yaupon Holly, Skullcap or Rosemary, and Crepe Myrtles. The applicant also plans to add landscaping along the northern property boundary, along Valwood Parkway. The new landscaping will also include a combination of Yaupon Holly, Skullcap or Rosemary, and Crepe Myrtles. (See Landscape Plan).

The hours of the sale of beer and wine are subject to the Texas Alcohol Beverage Commission requirements and shall be the following; **Monday – Friday 7:00 am-midnight, Saturday 7:00am-1:00am (Sunday morning) and Sunday noon to midnight.**

Prior to the issuance of any City license for the sale of beer and wine, the applicant must complete all of the improvements noted above.

**Comprehensive Plan:**

The 2012 Central Area Plan identified specific areas for retail land uses, this property falls within the retail land uses.

**Thoroughfare Plan:**

The property is bordered by Valwood Parkway to the north and Josey Lane to the west. Valwood nor Josey Lane does not have any plans for expansion or improvements at this time.

**Public Response:**

Fourteen (14) zoning notification letters were mailed to the surrounding property owners on August 27, 2014. Several zoning notification signs were also placed on the site on August 28. As of September 29, two letters of opposition had been received.

**Super Majority Requirement:**

Two letters have been received in opposition to this case. One letter of opposition was submitted by Valwood Plaza Limited, the owner of the strip shopping center east of the subject site. Another letter of opposition was received from Valwood Baptist Church, north

of the site. **These letters of opposition compose more than 20% of the geographic area (200 feet radius) surrounding the subject tract.** Article 24, Section 101 (e) of the Comprehensive Zoning Ordinance states that when more than 20% of the owners have submitted written opposition to a requested zoning amendment, a favorable vote of three fourths (3/4) of all the members of the city council is required for approval. Therefore this zoning amendment **will require at least 4 votes** in favor of the amendment.

**Possible Council Action:**

- 1) I move to adopt Ordinance No. 3310 amending the Comprehensive Zoning Ordinance, including but not limited to, amending Article 8 by establishing a new zoning overlay district (District 10) to allow for the sale of beer and wine for off-premise consumption located at 2702 Valwood Parkway.
- 2) I move to adopt Ordinance No. 3310 amending the Comprehensive Zoning Ordinance, including but not limited to, amending Article 8 by establishing a new zoning overlay district (District 10) to allow for the sale of beer and wine for off-premise consumption located at 2702 Valwood Parkway with modifications.
- 3) I move to table the issue for further study or take no action.