



## Legislation Details (With Text)

**File #:** ORD-3701      **Version:** 2

**Type:** Ordinance      **Status:** Public Hearing

**File created:** 8/24/2021      **In control:** City Council

**On agenda:** 9/21/2021      **Final action:**

**Title:** Conduct a public hearing and consider adopting Ordinance No. 3701 amending the Comprehensive Zoning Ordinance including but not limited to amending: Article 5.5 Beer and Wine Sales Overlay District and Article 5.6 Alcoholic Beverage (On-Premise) Overlay District to include into both overlay districts approximately 67.6 acres generally bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast; and take appropriate action.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Aerial Map, 2. Location Map, 3. Information Memorandum, 4. Ordinance No. 3701, 5. August 23, 2021 Planning & Zoning Commission Minutes (excerpt - item D.2), 6. Staff Presentation (Draft)

Date	Ver.	Action By	Action	Result
9/21/2021	1	City Council		

**Conduct a public hearing and consider adopting Ordinance No. 3701 amending the Comprehensive Zoning Ordinance including but not limited to amending: Article 5.5 Beer and Wine Sales Overlay District and Article 5.6 Alcoholic Beverage (On-Premise) Overlay District to include into both overlay districts approximately 67.6 acres generally bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast; and take appropriate action.**

### BACKGROUND:

This is a city-initiated zoning amendment. At their joint meeting with the Planning and Zoning Commission on July 12, 2021, City Council directed staff to initiate a zoning amendment to expand the Beer and Wine Sales Overlay and Alcoholic Beverage (On-Premise) Overlay zoning districts to be applied to approximately 67.6 acres bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast. The subject property is primarily zoned Planned Development No. 81 (PD-81) except for the full-service hotel at the southwest corner of IH-635/LBJ Freeway and Luna Road which is zoned Planned Development No. 60 (PD-60); the subject property is also commonly referred to as the "peninsula tract."

This zoning amendment is a response to a request received by City Council to allow for alcoholic beverage sales to hotel guests for on-premise consumption at the recently developed Hampton Inn, located at the southwest corner of Mira Lago Boulevard and Lago Vista East. PD-81 allows for qualifying restaurants or facilities to sell alcoholic beverages, subject to approval of a specific use permit (SUP). However, due to the hotel not having a restaurant, the property would likely not qualify with state law and city requirements related to minimum food sales and maximum alcoholic beverage sales requirements associated with the mixed beverage permit and food and beverage certificate required from the Texas Alcoholic Beverage Commission (TABC).

The city currently has two alcohol sales related zoning overlay districts, the Beer and Wine Sales Overlay District and Alcoholic Beverage (On-Premise) Overlay District, which allow for alcohol sales for off-premise and on-premise consumption, respectively. Staff believes it is appropriate to review the overlay districts, as provided for in the Comprehensive Zoning Ordinance (CZO), to determine if the districts should be expanded to include properties and/or businesses that may benefit from provisions within the districts.

**RECOMMENDATION:**

On August 23, 2021, the Planning & Zoning Commission considered this request and recommended approval (4-3) of the Zoning amendment, as presented in Ordinance No. 3701.

**ACTIONS:**

1. Motion to adopt Ordinance No. 3701.
2. Motion to adopt Ordinance No. 3701 with the following modifications...
3. Motion to deny Ordinance No. 3701.
4. Motion to continue discussion at the next meeting.

**ATTACHMENTS:**

1. Aerial Map
2. Location Map
3. Information Memorandum
4. Ordinance No. 3701
5. August 23, 2021 Planning & Zoning Commission meeting minutes (excerpt - item D.2)
6. Staff Presentation (Draft)