

991284

**(Quasi-Judicial) Petition 19PDA-00 PB, Patrice Boyes, Esq., agent for the Denney Family Limited Partnership. A planned development amendment to amend regulations related to Pod G of the Magnolia Parke PD. Zoned PD (planned development district). Located at 4620 Northwest 39th Avenue. Related to Petition 29PDV-00PB. (B)**

*Chair Paula M. DeLaney recognized Senior Planner Kathy Winburn, Attorney for the Petitioner Patrice Boyes and Community Development Director Tom Saunders who gave presentations.*

**AMENDMENTS:**

- 1. The original motion which was approval of staff conditions and the 5 ft. buffer and including staff recommendations as read into the record.*
- 2. Any expansion of the building envelope of Pod C, along the eastern boundary, adjacent to Pod G, shall not reduce the square footage permitted in Pod C.*
- 3. One additional drive-through shall be permitted on Pod "G" or "I" as identified on the PD Layout Plan and only used as an accessory use to a financial institution or a restaurant in conformance with TCEA standards.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 19PDA-00 PB, with staff conditions. Plan Board vote 5-0*

*Staff to Plan Board - Planning Division staff recommends approval of Petition 19PDA-00PB, with staff conditions.*

---

Kurt M. Lannon, Clerk of the Commission

Verbatims 991284 & 991285

Kathy Winburn: Summarizing staff's recommendations is to limit the total number of drive-throughs to two, with the one additional for a financial institution to be permitted either on Pod I or Pod G and that the drive-through meet the standards of the TCEA.

PH: Well if we were interested in adopting with staff conditions, what would we have to do to the motion on the Floor.

PD Amend it.

Kurt Lannon

I've been asking this question all day, but I believe so. You have a motion on the floor to hear an amendment from the amendment, C/ Hanrahan made the original motion and C/Jennings seconded, or you could work backwards propose amendments and vote on them separately.

OK, so I have a question, the one that's on the floor is the plan board to the City Commission, City Commission approve Petition # with staff conditions, but you said we made..... What was the amendment?

KL: you made one amendment regarding the 5 ft. buffer.

PH: It had been 9 ft. and there was a request to make it 5 ft.

PD: OK, OK, so we've already done that, so we can, since it's still on the floor here, we can just amend it to include the staff recommendations on the items that had not been previously to the Plan Board as well. Alright, C/Hanrahan you were the original maker of the motion.

PH: Yeah, and I would be happy if my original motion were to include the staff recommendations as read into the record.

CJ: Second

Patrice Boyes: We're happy to inform you that we can agree with the one drive-through, but we would ask that you would allow us to use it for a financial institution or a restaurant, keeping in mind that you have before you a development plan approval on POD I 4 a restaurant, so it would seem consistent to allow both uses. And in addition, we wanted to clarify, we do appreciate the flexibility with expanding the pod line, there is a comment by staff in their letter of April 27<sup>th</sup> that the amount of square footage in pod C as identified in table 1 of the current PD report will remain unchanged, and we hope that means the \_\_\_\_ of square footage for POD C would be unaffected, if we have a pod G encroaching over that line.

PD We need a comment in the record

KL: You need to change your amendment if you're going to change you're amendment.

Patrice: .....

PH: So it would need to read in what way.

BD: I think you can simply add that statement to your already existing amendment.

PH: There would be no reduction in square footage for POD C as a result of any use in POD G going over that POD Line.

PD: And here's what I would like to do.....

PH: I'll include that as a amendment to the amended motion, that there would be no reduction in square footage in POD C as a result of POD G going over the encroachment.

PD: The staff is comfortable with that and what I'm going to ask when we finish this is that all of that in writing be handed to the clerk, for us to, if we're going to vote on this..

TS: Just to confirm it sounds like that discussion should be that the total of square footage in POD C and G would not go up, between the two pods, in other words if part of the POD C building could encroach onto G, but, that wouldn't affect the already approved allowance on C.

PH: Can someone provide what Mayor DeLaney just said?

2 documents

Yellow Sheet  
Conditions 13

PH: I'll be happy to include as an amendment that there be flexibility in the number of drive-throughs be no more than two,

PD What we need is that language. (White sheet Condition 13)

KL: I'm going to read to you what I'm going to put as the motion:

1. The original motion which was approval of all of the conditions and the 5 ft. buffer, 2
2. we're adding new staff recommendation read into the record by the Planner and the amendment to that recommendation based on what Patrice Boyes read into the record about the PODs
3. And this additional information that's on the overhead as the ~~former~~ amendment.

-FINAL

2. Any expansion of the building envelope of POD C, along the eastern boundary, adjacent to Pod G, shall not reduce the square footage permitted in POD.

## Amendment 2

Any expansion of the building envelope of Pod C, along the eastern boundary, adjacent to Pod G, shall not reduce the square footage permitted in Pod C.

### CONDITION 13

Only one drive-through shall be permitted in Pod "A" or "B" as identified on the PD Layout Plan and only used as an accessory use to a financial institution or an eating place.

One additional drive-through shall be permitted on Pod "G" or "I" as identified on the PD Layout Plan and only used as an accessory use to a financial

institution. <sup>or a restaurant.</sup> If a drive-through is located on Pod "I", it shall be developed in conformance with the design and layout standards of the TCEA for drive-throughs until such time that it is included in the TCEA. If a drive-through is located on Pod "G", it shall adhere to the design and layout standards of the TCEA for drive-throughs. Direct access to the drive-through is not

*OR a restaurant.*