

Item Background: Generally, shopping centers are permitted to have a maximum of 25% of intense uses, including restaurants, coffee shops, nightclubs, and theatres, without additional parking being provided. Currently, 39.5% of the uses in this center are considered intense uses (including the Fuddrucker's lease space). In 1983 Brazos Square shopping center was given permission to open additional intense uses without additional parking. Because the intense uses were permitted to open, and the use in the old Fuddrucker's lease space has not been abandoned, an intense use, including another restaurant, is permitted to re-open in this lease space without the provision of additional parking. The parking deficiencies and the amount of intense use in the shopping center are grandfathered.

The property currently has 178 parking spaces on site. According to the Unified development Ordinance (UDO), the required number of spaces for a shopping center of this size, if developed today, would be 250 parking spaces. Additionally, approximately 45 parking spaces will be lost with the widening of Texas Avenue that is scheduled to commence early this summer.

In order to encourage cooperation of land owners during right-of-way acquisition, lessen the cost of such acquisition to the City and state, as well as the economic implications to property owners , the Section 9.5 of UDO states:

Any lot made nonconforming solely by means of area dedicated, condemned, sold or otherwise conveyed for public right-of-way shall be allowed to pursue any allowed use as if such area were part of the remaining lot, except that all applicable setbacks shall be adhered to.