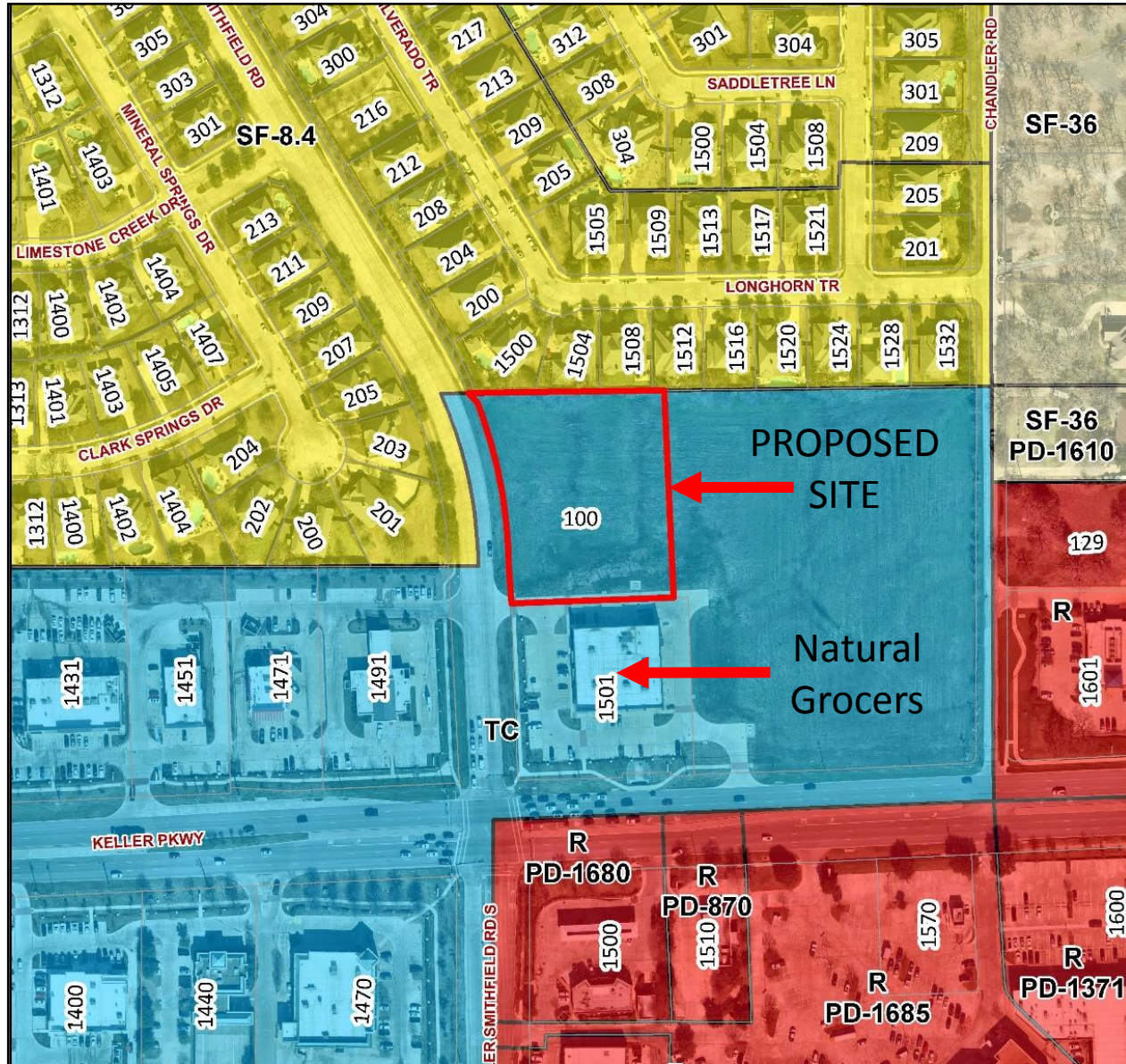


Item F-1

PUBLIC HEARING: Consider a recommendation and to approve an ordinance for a Specific Use Permit (SUP) for a single-story liquor store (10,000 SF or greater), located on approximately 1.712-acre property, located on the east side of Keller Smithfield Rd, approximately 425-feet northeast of the intersection of Keller Parkway and Keller Smithfield Road, being a portion of Tract 3A12, Abstract 424, Dunham, J A Survey, zoned Town Center (TC), and addressed as 100 Chandler Road (Account#:03853381). John McClure, McClure Partners, Applicant; Greenway-Keller, L.P., Owner. (SUP-20-0010)

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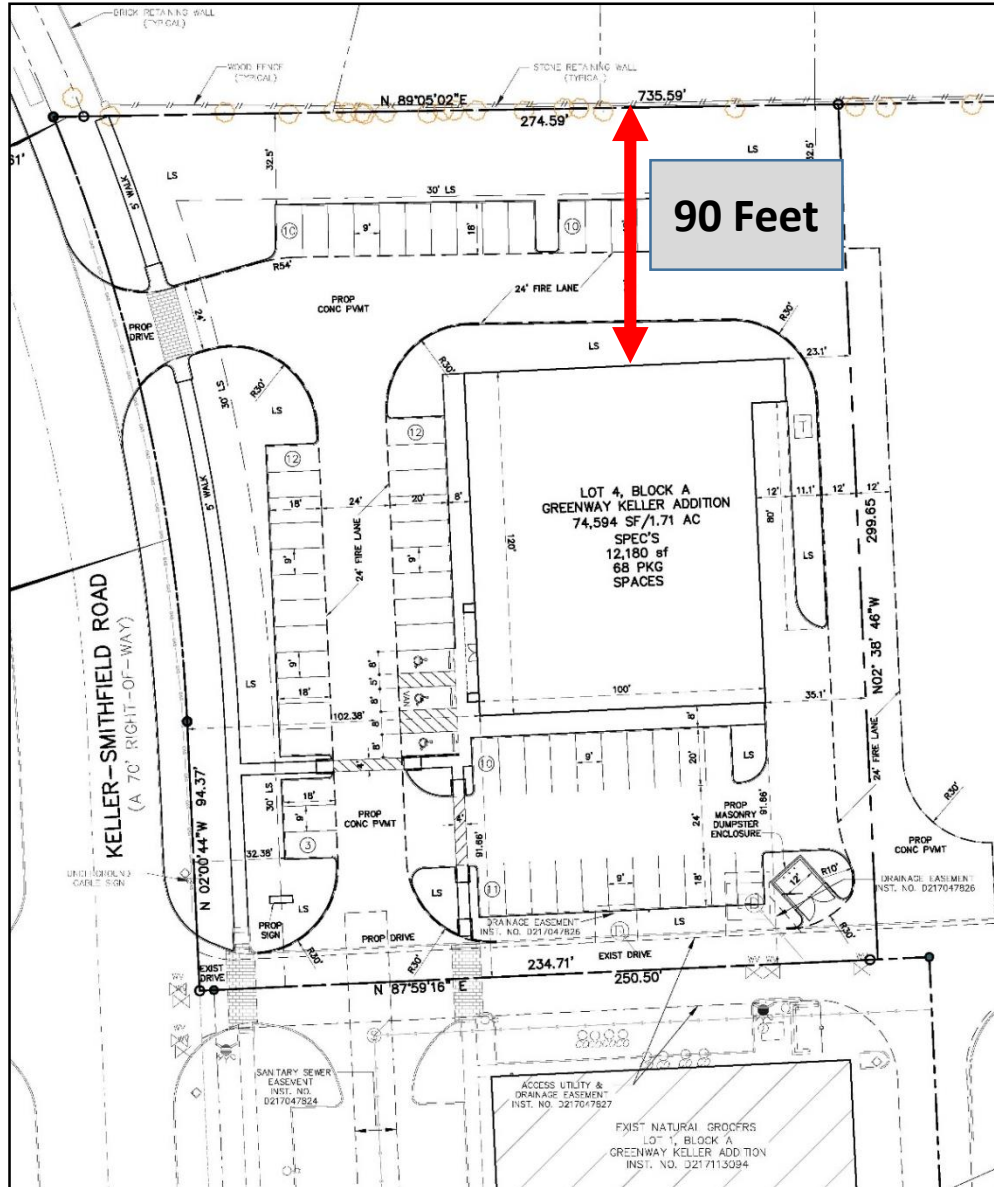
Zoned: Town Center (TC)

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Two Specific Use Permit (SUP) Requests:

1. Construct a single-story structure in the Town Center (TC) zoning district.
 - UDC Section 8.03 (P)(4)(b)(1) states, “Single-story building heights and three (3) to five (5) story building heights may be approved by a Specific Use Permit.”
2. Permit a liquor store to be constructed in the Town Center (TC) zoning district.
 - UDC Sections 8.03 (P)(2) only permits liquor stores 10,000 square-feet or greater in the Town Center Zoning District and only then with the approval of a SUP.

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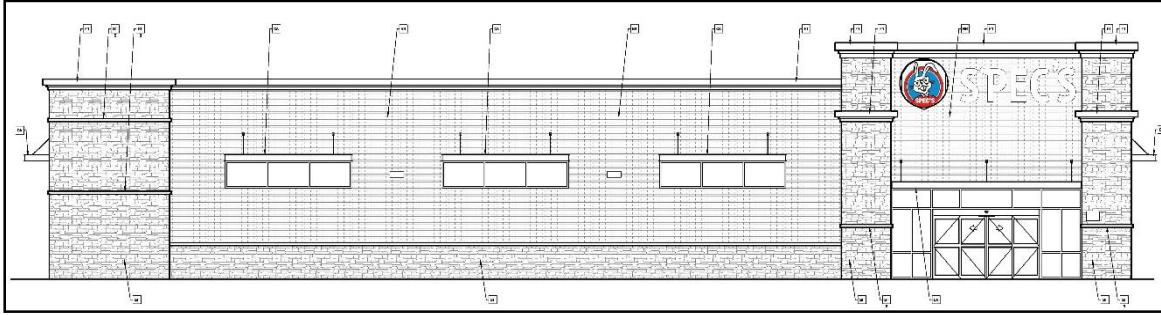
Proposed Spec's Hours of Operation:

- Monday-Saturday 10am – 9pm
- Sunday: Closed

Proposed Site Plan meets UDC for:

- Parking
- Cross-connection access
- Landscape buffer
- The building setback is an additional 30-feet further south from the adjacent neighborhood (UDC requires 60 feet from residential neighborhoods; Spec's is proposing 90 feet)

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The Applicant proposes to construct the entire 12,180-square-foot single-story building with brick and stone, exceeding Town Center (TC) guidelines of 75% brick, stone, or cast stone.



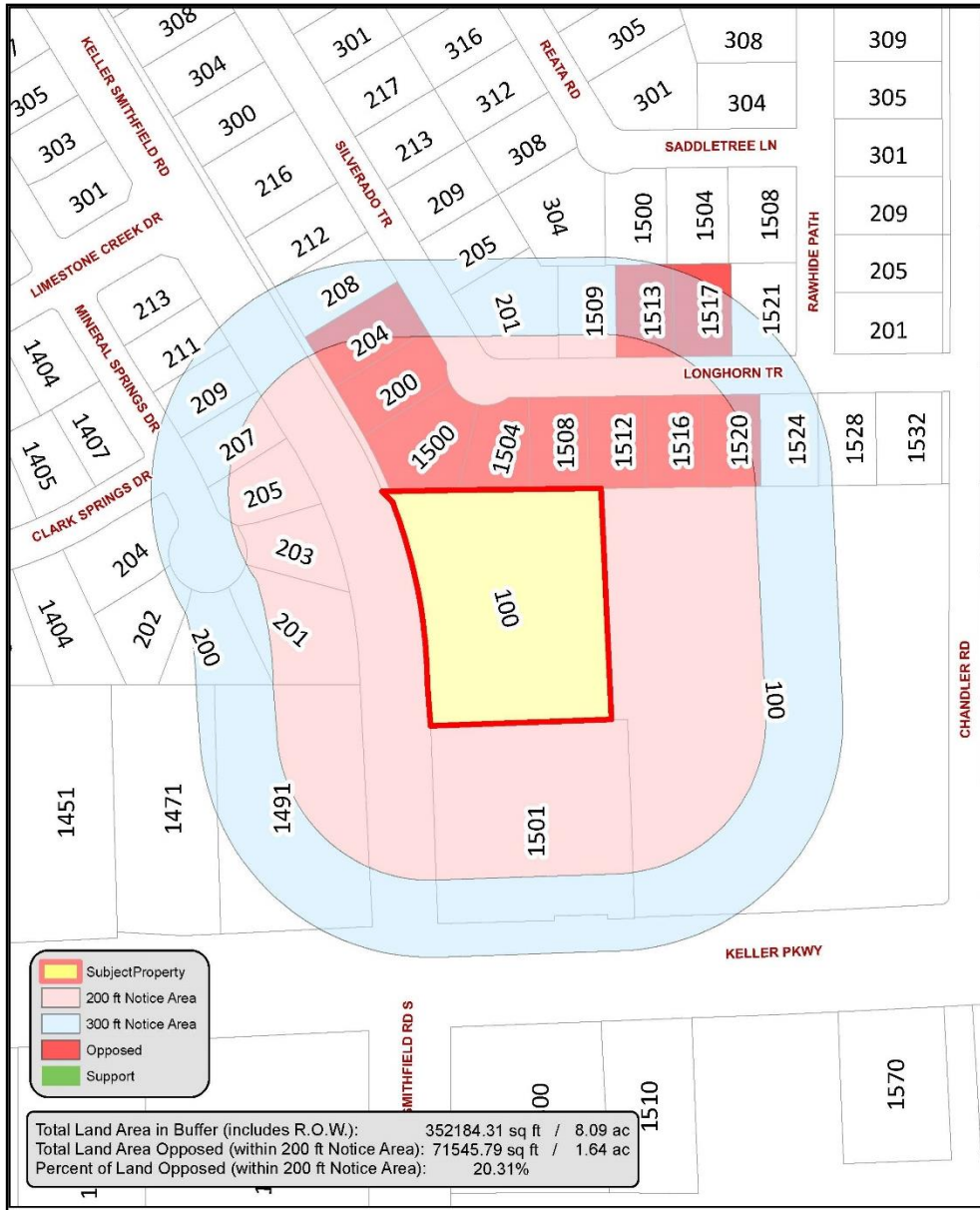
Item F-1

- The applicant met with the HOA representative for Saddlebrook Estates and Newton Ranch in February.
- On March 29, 2020, the City advertised the public hearing notice 15 days prior to the scheduled City Council meeting date.
- On March 30, 2020, the City mailed out 33 letters and posted a sign on-site.

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As of April 14, 2020, at noon, Staff has received:

- 10 letters in general opposition to liquor stores. Some of these letters of opposition also expressed concerns about removing trees to build the screening wall.
- Approximately six phone calls inquiring about site and building details – no opposition or support.
- 2 emails in support of the SUP request.



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The UDC requires the construction of an 8-foot masonry wall along the property line between the subdivision and the proposed commercial development. In order to do this, the developer will need to remove the hackberry trees along and near this property line. The hackberry trees (non-protected under the Tree Ordinance) include mature trees and range from 6 to 23 caliper-inches DBH (measured diameter at breast height – 4’).



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One neighbor requested the developer relocate the 8' screening wall south to the interior of the Developer's lot to save the trees. Staff and the developer both have concerns with this proposal, because it would create maintenance, access, and security issues between the wall and the homes to the north. Also, if the wall is not on the actual property line, the design could potentially create future adverse possession claims (because the screening wall arguably also acts as a perimeter fence delineating property lines).

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Section 8.04 (B)(2)(a) of the UDC states that when considering SUP requests, the Planning and Zoning Commission and City Council shall consider the following factors:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable and appropriate in the immediate area;
4. Any negative impact on the surrounding area has been mitigated; and
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

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The **Planning and Zoning Commission** has the following options when considering a Specific Use Permit:

- Recommend approval as submitted
- Recommend approval with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Recommend denial

The **City Council** has the following options when considering a Specific Use Permit:

- Approve as submitted
- Approve with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny

Item F-1

FOR CONSIDERATION:

1. Construct a single-story structure in the Town Center (TC) zoning district.
2. Permit a liquor store to be constructed in the Town Center (TC) zoning district.



Questions?

Katasha Smithers, Planner I

Julie Smith, Community Development Director

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