



Legislation Details (With Text)

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Type: New Business **Status:** Agenda Ready

File created: 3/12/2019 **In control:** City Council

On agenda: 4/2/2019 **Final action:** 4/2/2019

Title: PUBLIC HEARING: Consider an ordinance for a Specific Use Permit (SUP) for Brett Vance Insurance, a proposed 'professional office' use, to include insurance, to occupy a 1,598 square-foot building, located on a 0.17-acre lot on the west side of South Main Street (US 377), approximately 52 feet north west of the South Main Street (US 377) and Olive Street intersection, being a portion of Lot 3 and 4, Block 5E, Keller City Addition, at 234 South Main Street (US377), and zoned OTK (Old Town Keller). Keller Main Street Depot, LLC, owner; Brett Vance, applicant. (SUP-19-0004).

Attachments: 1. 04022019_234SMainStSUP_Ordinance 1927, 2. 04022019_234SMainStSUP_Application_JustificationLTR_Survey_ExhibitA(1of2), 3. 04022019_234SMainStSUP_Photos_ExhibitA(2of2), 4. 04022019_234SMainStSUP_BufferMap_StaffAttachment, 5. 04022019_234SMainStSUP_Maps, 6. H-1 Presentation

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council	close the public hearing	
4/2/2019	1	City Council	approve	

To: Mark Hafner, City Manager

From: Scott Bradburn, Planner I

Subject: PUBLIC HEARING: Consider an ordinance for a Specific Use Permit (SUP) for Brett Vance Insurance, a proposed 'professional office' use, to include insurance, to occupy a 1,598 square-foot building, located on a 0.17-acre lot on the west side of South Main Street (US 377), approximately 52 feet north west of the South Main Street (US 377) and Olive Street intersection, being a portion of Lot 3 and 4, Block 5E, Keller City Addition, at 234 South Main Street (US377), and zoned OTK (Old Town Keller). Keller Main Street Depot, LLC, owner; Brett Vance, applicant. (SUP-19-0004).

Background: The current building site plan and use was approved on August 24, 2011. The building previously had been used as a residence.

The business previously occupying 234 South Main Street was a general contracting business (Hill Design) that obtained their Certificate of Occupancy on February 14, 2011.

The applicant is currently the majority owner of Keller Main Street Depot, LLC. Keller Main Street Depot, LLC, purchased the property approximately 18 months ago. During the time from 2011 through 2019, Hill Design was the current occupant and renter. Hill Design vacated the building in January 2019.

The applicant's staff is currently dispersed throughout their building at, 204 South Main Street. The floor plan layout with divided rooms, is not conducive to communication between staff.

The applicant wishes to move the insurance staff to the proposed building, so staff can be located in one central location within the building.

Proposed Use:

The proposed use of “administrative, professional, or corporate office”, requires approval of a Specific Use Permit (SUP). In accordance with Ordinance No. 1805 adopted August 16, 2016, an administrative, professional, or corporate office use requires an SUP if the use is on the first floor and occupies space greater than 1200 square feet.

The applicant initially submitted an application for a Certificate of Occupancy for the proposed business at 234 South Main Street. Staff contacted a representative from the insurance agency and informed her a SUP would be required. Subsequently, the applicant submitted this request for an SUP.

The applicant will offer insurance products such as auto, home, life, renters, business, motorcycle, recreational, and umbrella policies. Financial Planning is an additional product offered to their clients.

Parking:

UDC Section 8.07 (G) requires one (1) parking space per three-hundred thirty (330) square feet of gross floor space. The building itself is 1,598 square-feet and currently provides six parking spaces. The proposed business is required to have five parking spaces, and meets the UDC for parking requirements.

Business Hours:

The business will operate Monday through Friday (8:30 AM-6:00 PM) and Saturday (9:00 AM-1:00 PM).

Citizen Input:

On March 1, 2019, as required by State law, the City mailed out thirty-two (32) letters of Notifications for a Public Hearing to property owners within three hundred feet (300') of the subject property. As of March 27, 2019, City staff has not received any written or verbal responses from the public.

Summary:

Section 8.04 (B.2.a) of the UDC states that when considering a SUP request, 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.

Staff Analysis:

The previous tenant at this specific location was a “professional office use”; however, the Certificate of Occupancy was filed in 2011 and the City of Keller’s UDC was updated on July 07, 2015. Ordinance No. 1805, adopted on August 16, 2016, restricted the size particular uses and required that a SUP application be submitted for “professional, corporate, or administrative office” use on the first floor with a square footage greater than 1200 square feet. This same use of any size is permitted by right on the second floor or higher in a building in Old Town Keller zoning.

The proposed use of the building in Old Town Keller zoning does not have a negative impact on the surrounding area and no additional conditions are being requested. The applicant is looking to relocate his current business at 204 South Main Street, in Old Town Keller zoning, to 234 South Main Street, all within the same zoning district. The nature of the use is reasonable for the immediate area.

Staff is aware that Old Town Keller zoning has a historical atmosphere with characteristics of a small, Texas town. Revitalization and growth in this area is a community priority. Future growth targets restaurants, entertainment businesses, and store front retail shops.

Staff has no objections to the request for an SUP.

This SUP is specific for this business only and does not transfer to potential future tenants and owners.

Alternatives:

City Council has the following options when considering a SUP application

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

Board Action:

The Planning and Zoning Commission met on March 11, 2019 and made a recommendation to approve this agenda item by a vote of (7-0).