



Legislation Details (With Text)

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Title: PUBLIC HEARING: Consider an ordinance for a Specific Use Permit (SUP) to allow Comic Warriors to operate a 1,018 square foot retail and "Sales of Used Goods and Merchandise" in a vacant suite, existing within a 19,120 square foot retail building, located on a 2.17-acre lot on the south side of Keller Parkway (FM1709), approximately 572 feet east of Keller Parkway (FM1709), and Keller Smithfield South intersection, being Lot 7R-1, Block A, Keller Crossing Addition, at 1540 Keller Parkway (FM1709), Suite 110, and zoned R (Retail). Jahco Keller Crossing, LLC, owner; Thomas and Neysha Kurilenki, applicants. (SUP-18-0028)

Attachments: 1. 101618_ComicWarriorsSUP_Ordinance 1909, 2. 101618_ComicWarriorsSUP_ExhibitA_RenditionofProposedBusiness, 3. 101618_ComicWarriorsSUP_ExhibitA_Application, 4. 101618_ComicWarriorsSUP_Staff Attachment_SubmittalLetterandSupport Letter, 5. 101618_ComicWarriorsSUP_Staff Attachment_SitePlan, 6. 101618_ComicWarriorsSUP_Maps, 7. H-2 Presentation

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 10/16/2018, 1, City Council, approve

To: Mark R. Hafner, City Manager

From: Scott Bradburn, Planner I

Subject: PUBLIC HEARING: Consider an ordinance for a Specific Use Permit (SUP) to allow Comic Warriors to operate a 1,018 square foot retail and "Sales of Used Goods and Merchandise" in a vacant suite, existing within a 19,120 square foot retail building, located on a 2.17-acre lot on the south side of Keller Parkway (FM1709), approximately 572 feet east of Keller Parkway (FM1709), and Keller Smithfield South intersection, being Lot 7R-1, Block A, Keller Crossing Addition, at 1540 Keller Parkway (FM1709), Suite 110, and zoned R (Retail). Jahco Keller Crossing, LLC, owner; Thomas and Neysha Kurilenki, applicants. (SUP-18-0028)

Background: The existing building's site plan was approved in 1997. Prior to this date, the lot was vacant.

The business previously occupying 1540 Keller Parkway, Suite 110, was an Allstate Insurance office and the Certificate of Occupancy was issued in May 2007.

The applicant has retired from his first career and has relocated to Texas, proposing to start his new business in Keller.

Proposed Use: The proposed use of retail and "Sales of Used Goods and Merchandise" requires approval of a SUP. The applicant reached out to staff inquiring what needed to be done in order to move forward with the process. Applicant will sell new and vintage comics, and other memorabilia associated with the

theme of the store. The hours of operation have not yet been finalized, however staff will be notified once a decision has been made.

Parking:

UDC Section 8.07 (G) requires one (1) parking space per two hundred (200) square feet of gross floor space. The building itself is 19,120 square-feet and currently provides one hundred and one (101) parking spaces. The proposed retail store has 1,018 square-feet of space and is required to have five (5) parking spaces. The site meets the UDC parking requirements.

Citizen Input:

On August 17, 2018, as required by State law, the City mailed out ten (32) letters of Notifications for a Public Hearing to property owners within two hundred feet (200') and, per the City of Keller UDC requirements, three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property.

As of October 10, 2018, City staff has received no written responses from the public.

Summary:

Section 8.04 (B.2.a) of the UDC states that when considering a Specific Use Permit request, the Planning and Zoning Commission and the 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.

Professional Analysis and Opinion:

Staff's professional opinion is to support this request for a Specific Use Permit to operate a retail and "Sales of used goods and merchandise" in a Retail (R) zoning district.

The applicant is independent, embarking on his second career in retail services, focused on specializing in comics and comic memorabilia. His first career was in law enforcement, where he retired as a sergeant with the NYPD.

All uses in this area are retail and service based. Examples include: Dry cleaners, pet groomers, hardware sales and services, flooring sales and services, and restaurants.

Staff has considered all factors associated with a Specific Use Permit. Staff has also taken into consideration; how the business can sustain and even grow, and similar uses within the area.

Staff forwards this Specific Use Permit request for City Council consideration as presented with the following condition:

1. Allow a specific use permit for Comic Warrior to operate a retail and “Sales of Used Good and Merchandise” in a 1,018 square-foot suite within an existing 19,120 square-foot building located at 1540 Keller Parkway.

This condition for this SUP is specific for this business. Any new similar type business would require a new SUP application.

Board Opinion:

On September 24, 2018, Planning and Zoning Commission voted to recommend approval 7-0.

Alternatives:

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

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