



Legislation Details (With Text)

File #: 19-639 **Version:** 1

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

File created: 11/22/2019 **In control:** City Council

On agenda: 12/3/2019 **Final action:**

Title: PUBLIC HEARING: Consider an ordinance amending the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions for a “liquor” and “distillery” land use and modifying Article Three - Definitions and Article Eight - Zoning/Districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-19-0018)

Attachments: 1. 120319_Alcohol UDC Amend_ProposedOrdinance, 2. 120319_Alcohol UDC Amend_Exhibit A_Article3Definitions.pdf, 3. 120319_Alcohol UDC Amend_Exhibit B_Article8ZoningDistrictusetables.pdf, 4. 120319_StaffAttachment_The Economic and Fiscal Impact of Alcoholic Beverage Sales in Texas - Ray Perryman - 2008.pdf

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	close the public hearing	
12/3/2019	1	City Council	approve	

To: Mark Hafner, City Manager

From: Katasha Smithers, Planner I

Subject: PUBLIC HEARING: Consider an ordinance amending the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by providing provisions for a “liquor” and “distillery” land use and modifying Article Three - Definitions and Article Eight - Zoning/Districts; providing penalties; providing a severability clause; providing a conflicting of ordinances clause; authorizing publication; and establishing an effective date. City of Keller, applicant. (UDC-19-0018)

Background: The City of Keller held an election November 5, 2019, for the sale of liquor and alcoholic beverages. The City overwhelmingly elected to approve. The current UDC does not have any provisions for alcohol sales.

Analysis: The proposed amendments include adding a definition for “distillery” and updating Retail, Town Center, Old Town Keller, and Katy Road Zoning District use tables to reflect the addition of distillery and liquor stores. Please see ‘Proposed Amendments,’ below.

A 2008 study by The Perryman Group revealed the overall effects of the alcoholic beverage industry in the state of Texas. The survey found Texas reaped the benefits of “\$36.6 billion in total annual spending, \$19.2 billion in yearly output, and more than 301,400 jobs.” Additionally, “Tax receipts to the State total \$2.067 billion per year,”* while local governments receive more than half a billion in sales tax revenue.

Proposed Amendments:

Section 3.01 Definitions, adding: Distillery - a facility that manufactures, purifies, and refines distilled spirits.

Section 8.03 (O) Retail Zoning District. Providing Distillery with 1,500 square-foot tasting room by Permitted (P). Distillery by Specific Use Permit (SUP). Liquor Store (10,000 sf or greater) by Specific Use Permit (SUP).

-All uses listed in Retail Zoning District are also allowed in Commercial (C) and Light Industrial (LI) Zoning Districts.

Section 8.03 (P) Town Center Zoning District. Providing Distillery with 1,500 square-foot tasting room by Specific Use Permit (SUP). Liquor Store (10,000 sf or greater) by Specific Use Permit (SUP).

Section 8.03 (Q) Old Town Keller Zoning District. Providing Distillery with 1,500 square-foot tasting room by Specific Use Permit (SUP).

Section 8.03 (R) Katy Road Zoning District. Distillery by Specific Use Permit (SUP).

Citizen Input:

An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date and fifteen (15) days prior to the City Council Meeting Date. The notice for the City Council public hearing was published in the November 15, 2019 edition of the *Fort Worth Star-Telegram*.

Planning and Zoning Recommendation:

On November 25, 2019, the Planning and Zoning Commission held a public hearing. No one offered any comments either in support or opposition. The Commission recommended City Council approve the proposed amendment as presented by a unanimous vote of 5-0.

City Council Action:

The City Council has the following options when considering an amendment to the text of the UDC:

- Approve as submitted.
- Approve with modifications or additional amendments.
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

*The Perryman Group. (2008). *The Economic and Fiscal Impact of Alcoholic Beverage Sales in Texas: An Analysis with Emphasis on Various Representative Communities*.