



Legislation Details (With Text)

File #: 21-460 Version: 1
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File created: 7/21/2021 In control: City Council
On agenda: 8/3/2021 Final action: 8/3/2021

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), located at 455 Keller Parkway. Crista Hubbard, owner. Las Palapas Keller, applicant. (SUP-21-0022)

Attachments: 1. 080321\_Las Palapas SUP\_Ordinance.pdf, 2. 080321\_LasPalapas SUP\_Maps.pdf, 3. 080321\_Las Palapas SUP\_Staff Attachment A - Application and Information.pdf, 4. Item H-1 SUP Las Palapas

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows show actions on 8/3/2021 by City Council: 'close the public hearing' (Pass) and 'approve' (Pass).

To: Mark Hafner, City Manager
From: Julie Smith, Community Development Director

Subject: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Las Palapas to occupy a 4,065 square-foot restaurant with drive-thru, situated on a 1.16-acre tract of land, located on the north side of Keller Parkway (FM 1709), approximately 250 feet northwest of the intersection of Cindy Street and Keller Parkway, being Lot 1, Block A, Southwest LTC Addition, zoned Retail (R), located at 455 Keller Parkway. Crista Hubbard, owner. Las Palapas Keller, applicant. (SUP-21-0022)

Background:

- Las Palapas was approved on January 5, 2021, to occupy the site at 455 Keller Parkway due to the ownership change from Michael Twitchell, L.P. to Las Palapas Keller. The new Owner is requesting to amend an SUP to reflect the ownership change.

Hours of Operation:

Sunday through Thursday 6AM to 10PM
Friday through Saturday 6AM to 12AM

Employees:

The maximum number of employees per shift will average around 15.

Economic Impact:

Las Palapas applied for an Economic Development Incentive (Chapter 380 Agreement), so a more in-depth economic impact analysis was completed on the project in June 2021. The estimated annual revenue from property tax, sales tax, and mixed beverage tax is \$105,000. The incentive request was recommended for approval by the Keller Economic Development Board on June 21, 2021 and approved by City Council on July 6, 2021.

**Citizen Input:**

On June 24, 2021, the City mailed out 54 Letters of Notification for this Public Hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site on July 1, 2021.

As of July 26, 2021, Staff has not received any comments either in support or opposition from the public.

**Summary:**

Section 8.02 (F)(2) 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.

**Planning and Zoning Recommendation:**

On July 13, 2021, the Planning and Zoning Commission unanimously recommended approval of the item. No person spoke in favor or opposition. The applicant was not present due to a schedule conflict.

**Alternatives:**

The City Council has the following options when considering an SUP application:

- Approve as recommended by the Planning and Zoning Commission.
- Approve with modified or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.