



## Legislation Details (With Text)

**File #:** 16-395 **Version:** 1

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

**File created:** 7/12/2017 **In control:** City Council

**On agenda:** 8/1/2017 **Final action:**

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). Hudson Station Property LP, owner. Alice Ward-Johnson, applicant. (SUP-17-0013)

**Attachments:** 1. 080117\_Best Brains\_Ordinance No. 1854, 2. 080117\_BestBrains\_P&ZMinutes, 3. 080117\_BestBrains\_ExhibitA, 4. 080117\_BestBrains\_StaffAttachment, 5. 080117\_BestBrains\_Maps

Date	Ver.	Action By	Action	Result
8/1/2017	1	City Council		
8/1/2017	1	City Council		

**To:** Mark Hafner, City Manager

**From:** David Hawkins, Planning Manager

### Subject:

**PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of 'School, Private', for Best Brains Learning Center, a proposed business in an existing 1,084 lease space, on approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, being Lot 1, Block 1, Hudson Station Addition and zoned OTK (Old Town Keller). Hudson Station Property LP, owner. Alice Ward-Johnson, applicant. (SUP-17-0013)**

### Action Requested:

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) to allow a 'School, Private', for Best Brains Learning Center in the OTK (Old Town Keller) zoning district.

### Zoning:

OTK (Old Town Keller)

### Future Land Use Plan:

R (Retail)

### Background:

The zoning for this property was established as part of a City-wide rezoning effort on December 15, 1992. The Old Town Keller Overlay District was added to this property back in September 3, 2002 by Ordinance No. 1115. The Overlay Zoning District was converted to the "Old Town Keller" zoning district in 2015.

Per the Tarrant County Appraisal District website, this property was developed in 1985 and has approximately 7,609 square feet of building area. There are no site plans on record for this building.

**Analysis:**

The purpose of this Specific Use Permit request is to allow a Best Brains Learning Center, a proposed private school in a 1,084 square-foot lease space in a multi-tenant retail building. The Unified Development Code allows 'School, Private' uses in the OTK (Old Town Keller) zoning district by a Specific Use Permit.

Staff found the 'School, Private' use category to best fit the proposed tutoring center. The center is not a traditional school, but one that supplements regular school hours and curriculum. Per the applicant's description:

"Best Brains learning center is a tutoring center that provides education and enrichment to students approximately ages 3-14. Students attend classes weekly and work with certified teachers in the following subjects: Math, English, Abacus and General Knowledge. Typical hours of operation are 3:30pm to 7:30pm Mon-Fri and 8am-1:00pm Saturdays. Students are typically dropped off by their parents for one hour of tutoring services, once or twice a week. The maximum number of students in the center may range anywhere from 5-10 students during a one-hour tutoring session."

**Site Design:**

The building is existing. No exterior changes to the site are proposed.

**Elevations:**

The building is existing. No exterior changes to the existing building are proposed.

**Tree Preservation:**

The building is existing. No changes to existing trees are proposed.

**Drainage & Utilities:**

The building is existing. Drainage and utility infrastructure are existing and no changes are proposed.

**Parking:**

The applicant expects five to ten (5 to 10) children during one-hour tutoring sessions.

From an aerial image count, there are thirty-eight (38) parking spaces for the building creating an approximate parking ratio of one (1) space per two hundred (200) square feet for the overall building. The required parking ratio for an elementary school is one (1) parking space per each five (5) students design capacity and the required parking ratio for a middle school is one (1) parking space for each ten (10) students design capacity. The applicant has stated there would be a maximum of ten (10) students on site for a one-hour tutoring session. Staff does not anticipate any parking issues with the proposed use.

**Existing Roadway Access:**

North Main Street, a four-lane with a continuous center turn lane arterial to the west.

**Surrounding Zoning & Land Uses:**

North: Judge Beans, zoned OTK (Old Town Keller)

South: Mike's Keys and Truth Renewed Ministries, zoned OTK (Old Town Keller)  
East: Vacant Commercial Building, zoned OTK (Old Town Keller)  
West: Dollar General and Bearly Used retail center, zoned OTK (Old Town Keller)

**Request:**

The request is to operate a "School, Private" in the Old Town Keller Zoning District. No variances are requested. The applicant proposes to re-occupy an existing lease space.

**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;

***The use is surrounded by retail, office and service uses within the shopping center. This use should be compatible with surrounding uses.***

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

***"School, Private" uses are permitted by Specific Use Permit in the OTK (Old Town Keller) zoning district. Per Section 4.03 (F.3) "Specific Use Permits (SUP) are approved to allow uses that with special conditions and development restrictions may be considered compatible in a district in which they are not allowed by right."***

***Section 8.03 (Q.1) states, "The OTK District is designed to transform the area into a historic focal point of the City with the character of a small Texas town of the early to middle 1900's". A small tutoring center is not incompatible with this goal.***

- 3) The nature of the use is reasonable and appropriate in the immediate area;

***The proposed use is reasonable in the immediate area and will be surrounded by service, retail, and office uses.***

- 4) Any negative impact on the surrounding area has been mitigated; and

***No negative impacts in terms of traffic, noise or light are anticipated. Based on the scale of the proposed use, staff does not anticipate parking issues.***

- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

***No additional conditions are proposed.***

**Citizen Input:**

On June 30, 2017, as required by State law, the City mailed out twenty-seven (27) letters of Notifications for a Public Hearing to property owners within three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property. A public hearing notice sign was posted on the site. Notice was published in the Fort Worth Star-Telegram on July 16,

2017.

As of July 25, 2017, City staff has received no responses from the public.

**Written Opposition:**

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ( $\frac{3}{4}$ ) vote (super majority is 6 out of 7) is required by City Council for approval of this SUP request. **This request will not require a three-fourth ( $\frac{3}{4}$ ) super majority vote by City Council for approval.**

**Professional Opinion:**

It is the professional opinion of staff to **support** this request. Staff forwards this Specific Use Permit request for City Council consideration as presented with the following condition:

1. Allow a Specific Use Permit for Best Brains Learning Center to operate a 'School, Private' use in an existing 1,084 lease space, on an approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, within the OTK (Old Town Keller) zoning district.

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

**Board Review:**

At their July 10, 2017 regular meeting, the Planning and Zoning voted unanimously (7-0) to approve this request as presented with the following condition:

1. The Specific Use Permit for Best Brains Learning Center to operate a 'School, Private' use in an existing 1,084 lease space, on an approximately 0.5-acres, located on the northeast corner of the North Main Street (US HWY 377) and Lorine Street intersection, at 310 North Main Street, within the OTK (Old Town Keller) zoning district shall be allowed.

**Alternatives:**

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

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