



## Legislation Details (With Text)

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**File created:** 1/21/2019      **In control:** City Council

**On agenda:** 2/5/2019      **Final action:**

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) allowing the use of a Private School, located in multiple buildings totaling approximately 10,630 square feet, consisting of approximately 0.912-acres of property, located on the north side of Pecan Street, approximately 250 feet north east of the intersection of South Main Street (US 377) and Pecan Street, being Lot 7R and Lot 9, Block 7, Keller, City Addition, zoned OTK (Old Town Keller), located at 133 and 121 Pecan Street. Zadok International Ministries Church, Inc., owner. Trinity Preparatory Academy, applicant. (SUP-18-0040)

**Attachments:** 1. 020519\_TrinityPrepSUP-18-0040\_Ordinance, 2. 020519\_TrinityPrepSUP-18-0040\_Maps, 3. 020519\_TrinityPrepSUP-18-0040\_ExhibitA(1of5), 4. 020519\_TrinityPrepSUP-18-0040\_ExhibitA(2of5), 5. 020519\_TrinityPrepSUP-18-0040\_ExhibitA(3of5), 6. 020519\_TrinityPrepSUP-18-0040\_ExhibitA(4of5), 7. 020519\_TrinityPrepSUP-18-0040\_ExhibitA(5of5), 8. 020519\_TrinityPrepSUP-18-0040\_StaffAttachment(1of4), 9. 020519\_TrinityPrepSUP-18-0040\_StaffAttachment(2of4), 10. 020519\_TrinityPrepSUP-18-0040\_StaffAttachment(3of4), 11. 020519\_TrinityPrepSUP-18-0040\_StaffAttachment(4of4), 12. H-1 Presentation CC

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	table	

**To:** Mark Hafner, City Manger

**From:** JP Ducay, Planner 1

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) allowing the use of a Private School, located in multiple buildings totaling approximately 10,630 square feet, consisting of approximately 0.912-acres of property, located on the north side of Pecan Street, approximately 250 feet north east of the intersection of South Main Street (US 377) and Pecan Street, being Lot 7R and Lot 9, Block 7, Keller, City Addition, zoned OTK (Old Town Keller), located at 133 and 121 Pecan Street. Zadok International Ministries Church, Inc., owner. Trinity Preparatory Academy, applicant. (SUP-18-0040)

### Property Description:

Trinity Preparatory Academy operates from both 121 and 133 Pecan Street out of multiple buildings. All of these buildings together total approximately 10,630 square feet, contained within roughly 0.912-acres of property, being Lot 7R and Lot9, Block 7, Keller, City Addition.

### Background:

The property of 133 Pecan was platted in 2004 as Lot 7R, Block 7 of the Original Town of Keller addition, and was approved by the Planning and Zoning Commission. According to Tarrant County, 121 Pecan is described as Lot 9, Block 7 of the Original Town of Keller addition, however, no plats have been found on record.

According to Tarrant County Appraisal District the original building located on 121 Pecan was constructed in 1950 and the buildings on 133 Pecan were constructed in 1960. There is no site plan on record for 133 Pecan, however, a site plan for 121 Pecan was approved by the Community Development Department on November 14, 2005 for the addition of a new concrete sidewalk, handicap access ramp, and asphalt patching. All of the other site amenities were existing.

Trinity Prep was established in 2008 as an alternative option to full-time schooling or full-time homeschooling for kindergarten to 12th grade. After outgrowing their original building Trinity Prep moved to Keller, occupying a building on The Mount campus. This building was eventually out grown as well and Trinity Prep moved to the current location on Pecan Street in 2014 as an accessory use to the Zodak International Church.

Zodak International Church, as Trinity Prep's landlord, occupied a part of the main building for minimal weekly use outside of school hours. Since the first use was the church, with the addition of a school the zoning was classified as Church Assembly and School, however, Trinity Prep has been the primary tenant and primary operational use since 2014. The church congregation has since ceased operation and Trinity Prep is proposing to purchase 133 Pecan and continue the current use triggering a zoning change from Church Assembly and School to strictly Private School which requires a SUP in the OTK zoning district. 121 Pecan is already owned by Trinity Prep.

#### **Operation Schedule:**

Trinity Prep employs a "College-Style" scheduling where the students from kindergarten all the way to 12th grade attend classes two days a week and only pay for the classes they wish to attend. This includes either a Monday-Wednesday program or the Tuesday-Thursday program. Classes begin at 8:45 a.m. and end no later than 3:10 p.m.

#### **Trip Generation:**

The trip generation report assumes 157 students and 11,000 SF structure. The current use and size does not warrant a full traffic impact analysis study (462<2000 trips per day). A revised trip generation report will be required in the future if the size of the structure is increased or if additional structures are constructed on the property.

#### **Existing Roadway Access:**

Pecan Street

#### **Surrounding Zoning & Land Uses:**

Surrounded by various commercial establishments zoned OTK

#### **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.

**Citizen Input:**

On January 3, 2019, as required by State law, the City mailed out thirty (30) letters of notifications for a Public Hearing, to all property owners within three hundred feet (300') of the subject site.

The applicant supplied staff with 12 signatures of support, however, most appeared to be signed by tenants rather than property owners. These were submitted as an "Exhibit A"

As of February 5, 2019 staff has received nine (9) letters of opposition from the public regarding this SUP application. Of the nine (9) letters of opposition five (6) of which were provided by property owners and three (3) by business owners within 200' of the subject property. After running a calculation the total land area of opposition makes up 21.65% of the total land. This requires a supermajority vote as the threshold of 20% has been met.

**Professional Opinion:**

Staff is **Not** in support of this SUP request to allow the sole use of a Private School for Trinity Preparatory Academy. Staff recognizes that Trinity Prep has been occupying and operating from this location for approximately 5 years and is now seeking to purchase the property as the sole use, however, staff has reservations regarding the potential growth and overall impact the school could have on the surrounding area. Since 2013 the program has grown from 190 students to 260 students in K-12<sup>th</sup> grade. Though the scheduling is staggered and not all 260 students are on the campus on any given day the surrounding area can be impacted by this use. In particular, school drop-off, recess, and school pick-up are all times of the day the immediate area is affected. Furthermore, future development will be required to accommodate the growing school. The design and vision of Old Town Keller is that of a retail and entertainment oriented district.

Staff forwards this Specific Use Permit application for City Council consideration with the following conditions:

1. The Specific Use Permit for Trinity Preparatory Academy to operate a Private School, shall be allowed.

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

**Planning and Zoning Recommendation:**

On January 14, 2019 the Planning and Zoning Commission recommended denial of this SUP request by a unanimous vote of (7-0)

**Alternatives:**

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

- Approval as submitted

- Approval with modified or additional condition(s)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Denial