



Legislation Details (With Text)

File #: 19-357 **Version:** 1

Type: New Business **Status:** Approved

File created: 7/3/2019 **In control:** City Council

On agenda: 7/16/2019 **Final action:** 7/16/2019

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a temporary vendor business (sno-cones), located on an approximately 0.5467-acre tract of land, on the east side of South Main Street (U.S. HWY 377), at the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 2RB1, Block 1, Bland Square Addition, at 705 South Main (U.S. HWY 377) accessory to Mr. Jim's Pizza (Account #: 05744830), and zoned C (Commercial). (SUP-19-0011) Cathy Smith, Applicant. Todd Hendricks, Property Owner.

Attachments: 1. 071619_TikiHut_SUP_Ordinance, 2. 071619_TikiHut_SUP_ExhibitA(ApplicationAndNarrative), 3. 071619_TikiHut_SUP_ExhibitA(Photos), 4. 071619_TikiHut_SUP_ExhibitA(Permits), 5. 071619_TikiHut_SUP_Maps, 6. Item H-4 Tiki Hut SUP Presentation

Date	Ver.	Action By	Action	Result
7/16/2019	1	City Council	close the public hearing	
7/16/2019	1	City Council	approve	

To: Mark Hafner, City Manager

From: JP Ducay, Planner I

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a temporary vendor business (sno-cones), located on an approximately 0.5467-acre tract of land, on the east side of South Main Street (U.S. HWY 377), at the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 2RB1, Block 1, Bland Square Addition, at 705 South Main (U.S. HWY 377) accessory to Mr. Jim's Pizza (Account #: 05744830), and zoned C (Commercial). (SUP-19-0011) Cathy Smith, Applicant. Todd Hendricks, Property Owner.

Action Requested:

Consider an ordinance approving a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a temporary vendor business (sno-cones) from April - September at 705 S. Main.

Background:

The Tiki Hut of Keller was founded in 2003 and has been operating seasonally in Mr. Jim's Pizza parking lot at 705 South Main since then. The kiosk and all related equipment have been permanently stationed year-round at this location.

The requirement for an SUP was overlooked for this location in past years. The Applicant believed the business to be a legal, non-conforming (grandfathered) use. However, the Tiki Hut is nonoperational for more than six months out of the year so cannot retain a legal, nonconforming status. Subsequently the applicant submitted an SUP request for approval for seasonal use on an annual basis to expire September 2023. The Applicant may apply to renew the SUP for an additional four years.

Request:

1. This Specific Use Permit shall be valid for six (6) months per year beginning April 1st and ending September 30th for four (4) years. This Specific Use Permit shall expire on September 30th, 2023.

Citizen Input:

On May 24, 2019, the City mailed out nine (9) letters of notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site.

As of July 9, 2019, staff has not received any letters from the public regarding this application.

Planning and Zoning Recommendation:

The Planning and Zoning Commission recommended approval by a vote of 7-0 on June 10, 2019.

Summary:

Section 8.04 (B.2.a) of the UDC states that when considering a SUP request, 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.

City Council Action:

The Planning and Zoning Commission has the following options when considering a Specific Use Permit:

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