



## Legislation Details (With Text)

**File #:** 19-433      **Version:** 1

**Type:** New Business      **Status:** Approved

**File created:** 8/21/2019      **In control:** Planning & Zoning Commission

**On agenda:** 9/9/2019      **Final action:** 9/9/2019

**Title:** PUBLIC HEARING: Consider a Specific Use Permit (SUP) for Palafox Roofing Systems, an existing "Contractor Shop," located on an approximately 1.402-acre tract of land, on the south side of Golden Triangle Boulevard and approximately 300 feet southwest of the intersection of Golden Triangle Boulevard and Sports Parkway, being Billingsley Jesse Survey, Abstract 70, Tract 7 & 7F2, at 133 Sports Parkway, Suite E, Account (#: 05686490), and zoned Commercial (C). David Palafox, Applicant. Tamara Thomas, Property Owner.

**Attachments:** 1. 082619\_PalafoxRoofingSUP-19-0019\_ProposedOrdinance, 2. 082619\_PalafoxRoofingSUP-19-0019\_Maps, 3. 082619\_PalafoxRoofingSUP-19-0019\_ExhibitA, 4. 082619\_PalafoxRoofingSUP-19-0019\_StaffAttachment(1of2), 5. 082619\_PalafoxRoofingSUP-19-0019\_StaffAttachmnet(2of2)

Date	Ver.	Action By	Action	Result
9/9/2019	1	Planning & Zoning Commission	close the public hearing	
9/9/2019	1	Planning & Zoning Commission	approve	

**To:** Planning and Zoning Commission

**From:** JP Ducay, Planner I

### Subject:

PUBLIC HEARING: Consider a Specific Use Permit (SUP) for Palafox Roofing Systems, an existing "Contractor Shop," located on an approximately 1.402-acre tract of land, on the south side of Golden Triangle Boulevard and approximately 300 feet southwest of the intersection of Golden Triangle Boulevard and Sports Parkway, being Billingsley Jesse Survey, Abstract 70, Tract 7 & 7F2, at 133 Sports Parkway, Suite E, Account (#: 05686490), and zoned Commercial (C). David Palafox, Applicant. Tamara Thomas, Property Owner.

### Action Requested:

Consider a Specific Use Permit (SUP) request allowing Palafox Roofing (Applicant) to continue operating a "Contractor Shop" at 133 Sports Parkway, Suite E.

### Zoning:

Commercial (C)

### Background:

Due to oversight by Staff over 5 years ago, Palafox Roofing has been operating in the City of Keller since 2013 without the required SUP or a Certificate of Occupancy.

First located at 110 Sports Parkway, Suite B, Palafox Roofing submitted a Certificate of Occupancy; however, the fire final failed and a re-inspection was never scheduled by the Applicants.

Later that year, Palafox Roofing moved to 133 Sports Parkway, Suite C. A Certificate of Occupancy

was submitted and the fire final was eventually passed. However, a Certificate of Occupancy was never issued, though the business continued to operate.

Palafox has since moved suites within the same complex, now located at 133 Sports Parkway, Suite E. In March of this year, the Code Compliance Department became aware that the business was operating at this location without a Certificate of Occupancy. Two warning letters were sent to the owners informing them that the property is in violation, and a Certificate of Occupancy is required in order to operate.

A Certificate of Occupancy was submitted in April 2019. During the review process, the Community Development Department determined the use was considered a "Contractor Shop," and a SUP would also be required in order to operate in the Commercial Zoning District.

In order to be issued a Certificate of Occupancy, the Applicant must not only be granted a SUP but also pass a fire final. According to the Fire Inspector, the fire final has been approved at this location. Should the Commission and Council approve the SUP, the Certificate of Occupancy may be issued.

#### **Citizen Input:**

On August 15, 2019, the City mailed out four (4) letters of notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site.

As of September 5, 2019, Staff has not received any letters from the public regarding this application.

#### **Summary:**

Section 8.02 (F.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.

#### **Alternatives:**

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

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

**City Council Action:**

If the Planning and Zoning Commission takes action and makes a recommendation to the City Council on this agenda item, then this Specific Use Permit application will be scheduled for City Council action on October 1, 2019.

**Supporting Documents:**

- Maps
- Exhibit A
  - o Application and Personal Narrative
- Staff Attachment
  - o Warning Letter
  - o SUP Letter