



Legislation Details (With Text)

File #: 20-218 **Version:** 1

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

File created: 5/6/2020 **In control:** Planning & Zoning Commission

On agenda: 5/12/2020 **Final action:**

Title: PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for Snowballs to operate a temporary vendor business (snow cones), located on an approximately 0.65-acre tract, on the west side of North Main Street (U.S. Hwy. 377), approximately 1,050 feet northwest of the intersection of North Main Street and West Keller Parkway, being Tract 1A3 out of the Samuel Needham Survey, Abstract No. 1171, at 301 North Main Street, and zoned Old Town Keller (OTK). Christ's Haven for Children, owner. Jodi Lane, applicant. (SUP-20-0006)

Attachments: 1. 051220_Snowballs_Maps.docx, 2. 051220_Snowballs_Exhibit A(1).docx, 3. 051220_Snowballs_Exhibit A (2).docx

Date	Ver.	Action By	Action	Result
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To: Planning and Zoning Commission

From: Matthew Cyr, Planner I

Subject:

PUBLIC HEARING: Consider a request for a Specific Use Permit (SUP) for Snowballs to operate a temporary vendor business (snow cones), located on an approximately 0.65-acre tract, on the west side of North Main Street (U.S. Hwy. 377), approximately 1,050 feet northwest of the intersection of North Main Street and West Keller Parkway, being Tract 1A3 out of the Samuel Needham Survey, Abstract No. 1171, at 301 North Main Street, and zoned Old Town Keller (OTK). Christ's Haven for Children, owner. Jodi Lane, applicant. (SUP-20-0006)

Background:

- Snowballs proposes to operate a snow cone stand in front of Christ's Haven for Children at 301 North Main Street. They applied earlier this year but, due to COVID-19 and the need to postpone/combine prior Planning and Zoning Commission and City Council meetings, the City permitted them to open while awaiting consideration of their SUP request. Given the history of prior approvals at this site (see below), temporary permission to operate pending P&Z and CC approval seemed appropriate.
- In 2013, this business was granted an SUP by a vote of 5-2 with the condition that the SUP would be valid for three years.
- In 2016, Snowballs was approved for an SUP by a vote of 7-0 with a condition that the SUP would expire on September 30, 2019.
- Should the Commission wish to approve, Staff recommends granting the SUP for five years with an expiration date of October 2, 2025.

Proposed Hours of Operation:

- April- August:
 - Monday - Thursday: 2 P.M. - 10:00 P.M.
 - Friday - Saturday: 2 P.M. - 10:30 P.M.
 - Sunday: 3:00 P.M. - 9:00 P.M.
- March, September, and October (Weekends Only)
 - Fridays: 5 P.M. - 10 P.M.
 - Saturdays: 12 P.M. - 10 P.M.
 - Sundays: 3 P.M. - 9 P.M.
- Holidays
 - Thanksgiving Weekend
 - Christmas Weekend
 - New Year's Day
 - Valentine's Day

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.

Citizen Input:

On May 1, 2020, the City mailed out 14 letters of Notifications 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.

As of May 6, 2020, Staff has not received any letters written in either support or in opposition from the public.

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).
- Table 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 on this agenda item, then this Specific Use Permit application will be scheduled for City Council action on June 2, 2020.

Supporting Documents:

- Zoning and Aerial Maps
- Exhibit A: Application and Narrative Letter