



## Legislation Details (With Text)

**File #:** 21-226      **Version:** 1

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

**File created:** 4/16/2021      **In control:** City Council

**On agenda:** 5/4/2021      **Final action:** 5/4/2021

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a temporary vendor business (snow cones), located on an approximately 0.64-acre lot, on the south side of Keller Parkway, approximately 600 feet east of Keller Smithfield Road South, being Lot 9R2, Block A, Keller Crossing Addition, at 1570 Keller Parkway, and zoned Planned Development-Retail (PD-R). JAHCO Keller Kiosk LLC, Owner. Cathy Smith, Applicant. (SUP-21-0005)

**Attachments:** 1. 050421\_TikiHut SUP\_Proposed Ordinance, 2. 050421\_TikiHut SUP\_Maps.pdf, 3. 050421\_TikiHut SUP\_Staff attachment - Application and information.pdf, 4. Item H-2 Tiki Hut Presentation

Date	Ver.	Action By	Action	Result
5/4/2021	1	City Council	close the public hearing	Pass
5/4/2021	1	City Council	approve	Pass

**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development Director

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for The Tiki Hut of Keller to operate a temporary vendor business (snow cones), located on an approximately 0.64-acre lot, on the south side of Keller Parkway, approximately 600 feet east of Keller Smithfield Road South, being Lot 9R2, Block A, Keller Crossing Addition, at 1570 Keller Parkway, and zoned Planned Development-Retail (PD-R). JAHCO Keller Kiosk LLC, Owner. Cathy Smith, Applicant. (SUP-21-0005)

### Background:

The Tiki Hut has been operating at this location since 2009 and at Mr. Jim's Pizza location since 2003.

Historically, the Applicant received multiple approvals by Council for the requisite SUP. The breakdown is as follows:

The first SUP was approved in May 2009 for two seasons.

The second SUP was approved in October 2010 for four seasons.

The third SUP was approved in March 2015 for one season.

The fourth SUP was approved in April 2016 for four seasons.

Today, the Applicant is requesting a renewal period to run for four consecutive seasons, beginning May 2021 and expiring September 1, 2024.

### Site Design:

The Applicant proposes to place a 100 square-foot temporary building with attached string lights,

picnic tables, and a three-foot picket-style fence designed to fit neatly within four parking spaces. The site has adequate parking even without these four spaces.

**Hours of Operation:**

Open seven days a week from 3 p.m. to 9 p.m.

**Employees:**

The Applicant proposes to have a total of 10-15 employees (high school/college students) and no more than two at any given time inside the snow cone stand.

**Conditions:**

1. The Specific Use Permit shall be valid for four months per year beginning May 1st and ending September 1st for four seasons. If approved, this Specific Use Permit shall expire on September 1, 2024.
2. Allow the use of Christmas or string lights on the kiosk.
3. The temporary kiosk and all related equipment shall be removed from the property by the permit holder at the end of each permitted year/season of operation and no later than September 15<sup>th</sup> of each year.
4. Allow the use of a temporary picket-style fence of approximately three feet (3') in height around the kiosk and outdoor seating area.

**Citizen Input:**

On March 31, 2021, the City mailed out five Letters of Notification 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 today, Staff has not received any comments either in support or opposition from the public.

**Planning and Zoning Commission Recommendation:**

On April 13, 2021, the Planning and Zoning Commission voted unanimously to approve the item as presented.

**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.

**City Council Action:**

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

Approve as recommended by the Planning and Zoning Commission.

Approve with modified or additional condition(s).

Table the agenda item to a specific date with clarification of intent and purpose.

Deny.