



# City of Keller

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## Legislation Text

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**File #:** 18-109, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Susan Kenney, Director of Community Development

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) to allow Randolph Brooks Federal Credit Union to operate a proposed “Bank, saving, loan, and credit unions, including automated teller”, located in an existing 8,049 square foot building, on 1.38-acres, located on the southeast corner of the Keller Parkway (FM1709) and South Main Street (HWY377) intersection, at 100 Keller Parkway (FM1709), being Lot 1, Block A, Hibernia-Keller Addition, and zoned OTK (Old Town Keller). Cross Development, owner/applicant. (SUP-18-0007)

**Action Requested:**

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) Randolph Brooks Federal Credit Union to operate a proposed “Bank, saving, loan, and credit unions, including automated teller” and to include the use of an existing drive- through window.

**Zoning:**

OTK (Old Town Keller)

**Background:**

The original site plan for the existing building was approved by City Council Resolution No. 2220 on September 7, 2004. The site plan was modified and approved by City Council by Resolution No. 3013 on November 16, 2010. At this time the use of a “bank, saving, loan, and credit unions, including automated teller” was permitted by right. The modifications included a variance allowing the use of irrigated potted landscaping in lieu of foundation planting (to address foundation remediation due to the shifting foundation). Capital One operated at this location until December 13, 2016. The building has since remained vacant.

On August 11, 2015 Capital One was cited due to dead landscaping in the pots surrounding the building. This was resolved on November 20, 2015 after an onsite inspection by staff.

On July 7, 2015 the OTK (Old Town Keller) zoning district was adopted and restricted the use of a “bank, saving, loan, and credit unions, including automated teller” to be approved by Specific Use Permit.

On November 27, 2017, Cross Development submitted case SUP-17-0025 before the Planning and Zoning Commission, considering a recommendation for Randolph Brooks Federal Credit Union to operate a “bank, saving, loan, and credit unions, including automated teller” at the same location. Planning and Zoning unanimously recommended approval of the SUP. On December 19, 2017, this SUP was presented before City Council for consideration of an ordinance approving Randolph

Brooks Federal Credit Union to operate a “bank, saving, loan, and credit unions, including automated teller.” City Council denied the approval of the SUP.

**Existing Roadway Access:**

Keller Parkway (FM1709), a six (6) lane divided arterial to the north.

South Main Street (HWY 377), a five (5) lane undivided arterial to the west.

Taylor Street, a two-lane local street to the south.

**Surrounding Zoning & Land Uses:**

North: Keller Veteran’s Memorial, a Pre-school, and a single family home, zoned OTK (Old Town Keller)

South: Office Buildings and a single family home, zoned OTK (Old Town Keller)

East: Office and an art studio, zoned OTK (Old Town Keller)

West: TCG Keller Multi-tenant retail building, zoned OTK (Old Town Keller)

**Request Variances:**

None at this time. The applicant proposes to re-occupy an existing structure. Variances approved by Resolutions No.2220 and No. 3013 would still apply to the existing building.

**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;

The use is surrounded by office, retail and service uses within Old Town Keller. This use is compatible with surrounding uses.

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

The general purpose of the OTK zoning district is defined as follows: The OTK District is designed to transform the area into a historic focal point of the City with the character of a small Texas town of the early to middle 1900’s.” The proposed use will occupy an existing building. No exterior changes are being proposed.

“Bank, saving, loan, and credit unions, including automated teller” and to include the use of an existing drive-through window are permitted by Specific Use Permit in the OTK zoning district. Per Section 4.03 (D.3) “Specific Use Permits (SUP) are approved to allow uses that with special conditions and development restrictions may be considered compatible in a district in which they are not allowed by right.”

The proposed use does not conform to the stated goals of the neighborhood, merchants, and City Council to establish OTK as an arts, entertainment, and retail district.

- 3) The nature of the use is reasonable and appropriate in the immediate area;

The use requested is reasonable and appropriate for the immediate area. A bank was in operation

in this building from 2005 until December 2016.

- 4) Any negative impact on the surrounding area has been mitigated; and

No negative impacts in terms of traffic, noise or light are anticipated.

- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

No additional conditions are proposed.

#### **Citizen Input:**

On March 29, 2018, as required by State law, the City mailed out twenty-two (22) letters of Notifications for a Public Hearing to property owners within two hundred feet (200') and, per the City of Keller UDC requirements, three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property.

As of April 09, 2017, City staff has received no written responses from the public.

#### **Board Review:**

Planning and Zoning Commission took action on the item on April 9, 2018 and voted unanimously (7-0) to recommend approval.

#### **Professional Opinion:**

It is the professional opinion of staff to not support this request as the requested use is not compatible with the stated goals of the neighborhood, merchants, and City Council to create an arts, entertainment, and retail district.

Staff forwards this Specific Use Permit request for City Council consideration as presented with the following condition:

1. Allow a Specific Use Permit for Randolph Brooks Federal Credit Union to operate a proposed "Bank, saving, loan, and credit unions, including automated teller" and to include the use of an existing drive-through window, located in an existing 8,049 square foot building at 100 Keller Parkway (FM 1709). This specific use permit is specific to Randolph Brooks Federal Credit Union. Any other "bank, saving, loan, and credit unions, including automated teller" will require a separate specific use permit.

#### **Alternatives:**

City Council 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