



City of Keller

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Legislation Text

File #: 19-021, **Version:** 1

To: Mark R. Hafner, City Manager

From: Katasha Smithers, Planner I

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for RapidCare, a proposed 'Minor medical emergency clinic' to occupy a 3,278 square-foot lease space within a 38,975 square-foot multi-tenant building, located on a 3.595-acre tract of land, located on the east side of South Main Street (U.S. HWY 377), approximately 525 feet north from the intersection of Bear Creek Parkway and South Main Street (U.S. HWY 377), being Lot 1, Block A, Baylor Medical Plaza Addition, at 601 South Main Street (U.S. HWY 377), suite 110, and zoned OTK (Old Town Keller). (SUP-18-0038)

Background:

On September 3, 2002, the OTK (Old Town Keller) overlay zoning district was established by Ordinance No. 1115.

On February 28, 2005, City Staff approved the final plat for Baylor Medical Plaza Addition.

On March 1, 2005, City Council approved the Site Plan for Baylor Medical Plaza, a proposed 38,975 square foot medical office building to be constructed by Resolution No. 3327.

On June 14, 2005, City Staff issued a building permit and the Certificate of Occupancy was approved and closed on May 5, 2006.

On November 29, 2010, City Staff approved a Site Plan Amendment for the applicant to install a chiller pad and screening wall.

The OTK (Old Town Keller) overlay zoning district was converted into a straight zoning district with a detailed use chart on July 7, 2015 by Ordinance No. 1761 and did not permit medical offices or professional offices.

On August 16, 2016 by Ordinance No. 1805 City Council amended the OTK Zoning District to permit 'Medical Offices' by Specific Use Permit (SUP).

On September 18, 2018, City Council approved an SUP for MedSmith, a medical use facility located in Old Town Keller per Ordinance number 1901.

A sign permit was submitted by MedSmith, however, used the name RapidCare. Upon this realization, staff determined the use was not as the applicant originally proposed. Subsequently, the

sign permit was placed on hold while an SUP is required for 'Minor medical emergency clinic.'

Hours of Operation:

The hours of operation are proposed to be Monday-Friday 7:00 a.m. to 6:00 p.m.

Summary:

Section 8.04 (B.2.a) of the UDC states that when considering a Specific Use Permit request, the Planning and Zoning Commission and 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.

Citizen Input:

On January 4, 2019, as required by State law, the City mailed out thirteen (13) letters of notifications for a Public Hearing, to all property owners within three hundred feet (300') of the subject site. A sign was also posted on the site.

As of January 29, 2018, City staff has received no opposition letters from the public on this Specific Use Permit application.

Board Opinion:

On January 14, 2019, Planning and Zoning Commission recommended approval by a vote of 7-0.

Professional Analysis and Opinion:

Staff's Analysis and Opinion is **not supportive** of this request as it does not meet code criteria. In 2015, the UDC was updated to require an SUP for 'Minor Medical Emergency Clinic' to limit the number of facilities and hours of operation. There has been discussion regarding potential saturation of 'Minor Medical Emergency Clinics' in the vicinity.

- 1) The Specific Use Permit for RapidCare to occupy 3,278 square-foot lease space for the use of a 'Minor medical emergency clinic' shall be allowed.

This condition for this SUP is specific to this business. Any new similar type business would require a new SUP application.

Recommended Actions:

The City Council has the following options when considering a SUP application:

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