



# City of Keller

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## Legislation Text

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**File #:** 19-252, **Version:** 1

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**To:** Mark R. Hafner, City Manager

**From:** Scott Bradburn, Planner I

**Subject:**

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Empire Toys, for 'Sales of used goods and merchandise' to occupy an 800 square-foot lease space on the second floor, within a 7,318 square-foot commercial building, located on a 0.20-acre tract of land, located on the west side of South Main Street (U.S. HWY 377), at the intersection of West Hill Street and South Main Street (U.S. HWY 377), being Lot 3A and 3B, Block 2, City Addition - Keller, at 136 South Main Street (U.S. HWY 377), and zoned OTK (Old Town Keller). (SUP-19-0008).

**Background:**

The OTK (Old Town Keller) overlay zoning district was converted into a straight zoning district with a detailed use chart on July 7, 2015, and requires 'Sales of used goods and merchandise' to be brought forward by a Specific Use Permit (SUP). The owner currently operates Empire Toys and sells new toys. The SUP would allow the Owner to also sell vintage toys.

**Hours of Operation:**

The hours of operation are proposed to be Wednesday and Thursday, 12:00 p.m. to 7:00 p.m., Friday - 12:00 p.m. to 9:00 p.m., Saturday- 11:00 a.m. to 9:00 p.m. and Sunday- 11:00 a.m. to 6:00 p.m.

**Summary:**

Section 8.04 (B.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.

*Should City Council approve the request, the SUP would be specific to Empire Toys. Any new similar type business would have to seek a new SUP.*

**Citizen Input:**

On Friday, April 12, 2019, the City mailed out twenty-six letters of notifications for a 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. The applicant reached out to businesses within Old Town Keller and received 13 letters of support. Three of the letters were outside the 200 foot buffer and of the remaining 10 letters, 5 letters were signed by the store owners.

As of May 15, 2019, City staff has received no written opposition from the public on this SUP application.

**Board Action:**

The Planning and Zoning Commission held a public hearing and considered this item at their April 22, 2019 meeting. The Commission recommended approval by a unanimous vote.

**City Council Options:**

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

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