



# City of Keller

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## Legislation Text

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**File #:** 19-352, **Version:** 1

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**To:** Planning and Zoning Commission

**From:** Scott Bradburn, Planner I

**Subject:**

PUBLIC HEARING: Consider a recommendation for a Specific Use Permit (SUP) to allow the "rental of tools and machinery," the use of "outside storage", and to allow a "high risk or hazardous industrial use", specifically an above-ground storage tank on a 4.77-acre-lot on the east side of South Main Street, approximately 400 feet south from the intersection of South Main Street and Calverly Place, being Steelwright Addition, Lot 1A, Block 1, at 1675 South Main Street (Account # 06427324) zoned Light Industrial (LI), Roy Holdeman, applicant; Johnson-Keller, LLC, owner. (SUP-19-0015)

**Action Requested:**

The original plat was approved by the Planning and Zoning Commission on July 23, 1990. On March 2, 2000, O'Brien Concrete Pumping Company was issued a Certificate of Occupancy to operate their business on the property. On December 4, 2007, AUI Contractors applied for a Specific Use Permit (SUP) to operate a "contracting yard" on the property. City Council unanimously approved the request. There are three buildings located on this site. The renter for the north building and the central building recently moved out. This allowed the applicant to try and establish a location for the business at 1675 S. Main Street. The large building located on the south end of the property has been left vacant for more than 5 years. AUI Contractors was the last tenant to occupy this building.

The Applicant, also known as Equipmentsshare.com, is wanting to relocate to 1675 and occupy all three of the buildings and in addition is requesting an SUP to allow the use of "rental of tools and machinery", the use of "outside storage", and to allow a "high risk or hazardous industrial use" on the property. The outside storage is predominately for large equipment rental but also for use of an above-ground fuel tank to fuel the equipment. The fuel tank would be inspected by the Fire Department to meet specific standards required by the Fire Code.

**Analysis:**

The base zoning district is Light Industrial and designed for light manufacturing, assembling, fabrication, warehousing, wholesaling and service operations not relying on frequent customer visits. Current adjacent uses are also light industrial, commercial and to the east is single-family residences. The proposed hours of operation for the Keller location are Monday through Friday (9AM-5PM). The equipment yard is secured by an 8-foot Iron Gate and a heavy gauge steel chain fortified with a heavy-duty padlock. The gate for the fencing is set up with an automatic gate opener which is shut off after hours. The yard is under CCTV surveillance set for recording in real-time.

If the SUP request is granted, the applicant proposes to make updates to the existing three structures on the property; this includes adding a fire lane, moving a fire hydrant closer to the central building and adding pavement to allow a fire truck complete access around the perimeter of the central

building, which also grants access to the other two buildings. The Applicant has already begun clean-up efforts to make the property more aesthetically appealing.

**Citizen Input:**

On June 28, 2019, as required by State law, the City mailed out (22) letters of notifications for a Public Hearing to all property owners within three-hundred feet (300') of the subject property. Staff also posted a public hearing notice sign on the subject property.

As of July 2, 2019, Staff has not received any letters either in opposition or support from the public regarding this SUP application. However, the applicant supplied staff with a petition of support signed by five adjacent property owners. (See Attachment C).

**Summary:**

Section 8.02 (F.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.

**Recommended**

**Actions:**

The Planning and Zoning Commission has the following options when considering a Specific Use Permit:

- Recommend approval as submitted.
- Recommend approval with modifications or additional conditions.
- 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 request will be scheduled for City Council action on July 16, 2019.

**Supporting Documents:**

- Attachment A: Aerial Photo
- Attachment B: Elevated Tank Documents with Specifications
- Attachment C: Petition of Support

