



# City of Keller

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## Legislation Text

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**File #:** 19-501, **Version:** 1

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**To:** Mark Hafner, City Manager

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

**Subject:**

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for Palafox Roofing Systems, an existing “Contractor Shop,” located on an approximately 1.402-acre tract of land, on the south side of Golden Triangle Boulevard and approximately 300 feet southeast of the intersection of Golden Triangle Boulevard and Sports Parkway, being Billingsley Jesse Survey, Abstract 70, Tract 7 & 7F2, at 133 Sports Parkway, Suite E, Account (#: 05686490), and zoned Commercial (C). David Palafox, Applicant. Tamara Thomas, Property Owner. (SUP-19-0019)

**Action Requested:**

Consider a Specific Use Permit (SUP) request allowing Palafox Roofing (Applicant) to continue operating a “Contractor Shop” at 133 Sports Parkway, Suite E.

**Zoning:**

Commercial (C)

**Background:**

Due to oversight by Staff over 5 years ago, Palafox Roofing has been operating in the City of Keller since 2013 without the required SUP or a Certificate of Occupancy.

First located at 110 Sports Parkway, Suite B, Palafox Roofing originally submitted a Certificate of Occupancy for this location. The final Fire inspection failed, a re-inspection was never scheduled by the Applicants, and the City apparently did not follow-up.

Later that year, Palafox Roofing moved to 133 Sports Parkway, Suite C. A Certificate of Occupancy was again submitted, and the fire final was eventually passed. However, for some reason, a Certificate of Occupancy was never issued though the business continued to operate.

Palafox has since moved suites within the same complex and is now located at 133 Sports Parkway, Suite E. In March of this year, the Code Compliance Department became aware that the business was operating at this location without a Certificate of Occupancy. Two warning letters were sent to the owners informing them that the property is in violation, and a Certificate of Occupancy would be required to operate.

A Certificate of Occupancy application was submitted in April 2019. During the review process, the Community Development Department determined the use was considered a “Contractor Shop,” and a SUP would be required in order to operate in the Commercial Zoning District.

In order to be issued a Certificate of Occupancy, the Applicant must not only be granted a SUP but also pass a fire final. According to the Fire Inspector, the fire final has now been approved at this location. Should the City Council approve the SUP, the Certificate of Occupancy may then be issued.

**Citizen Input:**

On August 15, 2019, the City mailed out four (4) letters of notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site.

As of September 24, 2019, Staff has not received any letters from the public regarding this application.

**Planning and Zoning Recommendation:**

The Planning and Zoning Commission recommended approval by a vote of 7-0 on September 9, 2019.

**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.

**Alternatives:**

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.
- Deny.

**Supporting Documents:**

- Maps
- Exhibit A
  - o Application and Personal Narrative
- Staff Attachment
  - o Warning Letter
  - o SUP Letter

