



Legislation Details (With Text)

File #: 19-018 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 1/22/2019 **In control:** City Council

On agenda: 2/5/2019 **Final action:**

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for That Dang Salon, a proposed 'spa' use to include facial, nail, eyelash, and hair services, to occupy a 1,100 square-foot lease space within a 19,120 square-foot retail building, located on a 2.17-acre lot on the south side of Keller Parkway (FM1709), approximately 680 feet south east of the Keller Parkway (FM1709), and Keller Smithfield South intersection, being Lot 7R-1, Block A, Keller Crossing Addition, at 1540 Keller Parkway (FM1709), Suite 102, and zoned R (Retail). Jahco Keller Crossing, LLC, owner; (David) Vu Dang, applicant. (SUP-18-0039).

Attachments: 1. 02052019_ThatDangSalon_Ordinance, 2. 02052019_ThatDangSalon_ExhibitA, 3. 02052019_ThatDangSalon_ExhibitA(2), 4. 02052019_ThatDangSalon_Maps, 5. 02052019_ThatDangSalon_StaffAttachment, 6. 02052019_ThatDangSalon_Staff Attachment(2), 7. H-2 Presentation

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	close the public hearing	
2/5/2019	1	City Council	approve	

To: Mark R. Hafner, City Manager

From: Scott Bradburn, Planner I

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for That Dang Salon, a proposed 'spa' use to include facial, nail, eyelash, and hair services, to occupy a 1,100 square-foot lease space within a 19,120 square-foot retail building, located on a 2.17-acre lot on the south side of Keller Parkway (FM1709), approximately 680 feet south east of the Keller Parkway (FM1709), and Keller Smithfield South intersection, being Lot 7R-1, Block A, Keller Crossing Addition, at 1540 Keller Parkway (FM1709), Suite 102, and zoned R (Retail). Jahco Keller Crossing, LLC, owner; (David) Vu Dang, applicant. (SUP-18-0039).

Background:

The existing building's site plan was approved in 1997. Prior to this date, the lot was vacant.

The business previously occupying 1540 Keller Parkway, Suite 102, was Solace Nails, and prior to that the name was the only thing changed, (NB Nails). The Certificate of Occupancy for the name change from NB Nails to Solace Nails was issued in July 2017. NB Nails was issued a Certificate of Occupancy on May 17, 2005. NB Nails had gone through ownership changes, but the name remained the same until July 10, 2017.

The applicant currently runs a salon (Spa) business in Southlake, which has been in operation the past 15 years. Due to customer volume increases and a large existing clientele base, the applicant had been seeking an alternative location to expand his business for the past six months. The City of Keller meets the applicant's needs.

Proposed Use:

The proposed use of a “Spa, to include Cosmetologists (Hair, Nails, and Face) & Massage Therapists licensed in Texas”, requires approval of a Specific Use Permit (SUP).

The applicant initially submitted an application for a Certificate of Occupancy for the proposed business at 1540 Keller Parkway, Suite 102. Staff contacted the applicant and informed him because of the use in that zoning district, a Specific Use Permit (SUP) would be required.

The applicant will offer products and services such as eyelash extensions, volume increasing, tinting, and lash lifting. In addition, a wide variety of nail product and services and skin care to include facials and body waxing.

Hair product and services will also be offered, which include cuts, colors, shampoo, conditioning, curling, styling and hair relaxers.

Parking:

UDC Section 8.07 (G) requires one (1) parking space per two hundred (200) square feet of gross floor space. The building itself is 19,120 square-feet and currently provides one hundred and one (101) parking spaces. The proposed retail site has 1,100 square-feet of space and is required to have five (5) parking spaces. The site meets the UDC for parking requirements.

Business Hours:

The proposed hours of Operation for “That Dang Salon” is Monday-Saturday (10am-7pm).

Citizen Input:

On January 4, 2019, as required by State law, the City mailed out thirty-two (32) 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. As of January 31, 2019, City staff has received no written responses from the public.

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.

Professional Analysis and Opinion:

From a technical standpoint, staff's professional analysis and opinion **supports** this request for a SUP. The previous tenants at this specific location have all been “Spa” use, and as the background

indicates, a “Spa” business since 2005. UDC allows this use with approval of an SUP application.

Staff is aware of the saturation of current “Spa” uses within the City of Keller. As shown in the aerial map in the presentation, there are three other “Spa” uses within a short distance from the proposed business.

In addition, staff has knowledge that the amount of “Spa” uses within the incorporated city limits of Keller is approximately 50.

The current Keller Shopping and Dining Guide lists approximately thirty-nine (39) businesses for “Spa” use including nails, face, eyebrow, skin and lash. The amount is approximately 50 when it incorporates massage and tanning, which is also categorized in this use.

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

- Allow a Specific Use Permit request for That Dang Salon to operate a “Spa” use, which includes Cosmetologists (hair, nails, and face) & Massage Therapists licensed in Texas, in a 1,100 square-foot suite within an existing 19,120 square-foot building located at 1540 Keller Parkway.
- This condition for this SUP is specific for this business. Any new similar type business would require a new SUP application.

Board Action:

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

Alternatives:

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

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