



Legislation Details (With Text)

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File created: 7/12/2017 **In control:** City Council

On agenda: 8/1/2017 **Final action:**

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, being Lot 2, Block A, Bear Creek Plaza Addition and zoned C (Commercial). BC/Tibex L.P., owner. Quine & Associates, Agent. Michael Postlethwait, applicant. (SUP-17-0012)

Attachments: 1. 080117_EvergreenMassage_Ordinance No. 1855, 2. 0801017_EvergreenMassage_P&ZMinutes, 3. 080117_EvergreenMassage_ExhibitA_LetterfromApplicant, 4. 080117_EvergreenMassage_ExhibitA_Photos, 5. 080117_EvergreenMassage_Maps

Date	Ver.	Action By	Action	Result
8/1/2017	1	City Council		
8/1/2017	1	City Council		

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX, for Evergreen Massage, a proposed massage therapy business in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, being Lot 2, Block A, Bear Creek Plaza Addition and zoned C (Commercial). BC/Tibex L.P., owner. Quine & Associates, Agent. Michael Postlethwait, applicant. (SUP-17-0012)

Action Requested:

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) to allow a 'Spa to Include Cosmetologists (Hair, Nails Face) & Massage Therapist' use in the C (Commercial) zoning district.

Zoning:

C (Commercial)

Future Land Use Plan:

O (Office)

Background:

The subject property was zoned C (Commercial) as part of the 1992 City-wide rezoning effort.

The site plan for Bear Creek Plaza multi-tenant retail building was approved by City Council on February 3, 2004 by Resolution No. 2124.

Analysis:

The purpose of this Specific Use Permit request is to allow a massage Therapy business to operate within a 950 square foot lease space in the Bear Creek Plaza multi-tenant retail building. The Unified Development Code allows 'Spa to Include Cosmetologists (Hair, Nails Face) & Massage Therapist' uses in the C (Commercial) zoning district by a Specific Use Permit.

Site Design:

The building is existing. No exterior changes to the site are proposed.

Elevations:

The building is existing. No exterior changes to the existing building are proposed.

Tree Preservation:

The building is existing. No changes to existing trees are proposed.

Drainage & Utilities:

The building is existing. Drainage and utility infrastructure are existing and no changes are proposed.

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Hours of Operation:

Hours of operation would be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 12:00p.m. to 9:00p.m. Sundays. These hours comply with the City's codes regulating massage establishments.

Parking:

There are eighty-two (82) parking spaces and four (4) handicapped parking spaces for the building creating a general parking ratio of one (1) space per two hundred (200) square feet for the overall building. The required parking ratio for this use and all retail and personal services is one (1) space per two-hundred (200) square feet. Staff does not anticipate any parking issues with the proposed use.

Existing Roadway Access:

South Main Street, a six-lane arterial to the east.

Surrounding Zoning & Land Uses:

North: Additional Bear Creek Plaza Developments, zoned C (Commercial)

South: Additional Bear Creek Plaza Developments, zoned C (Commercial)

East: Undeveloped land, zoned C (Commercial)

West: Chisholm Oaks Business Park, zoned C (Commercial)

Request:

The request is to allow a massage establishment within an existing lease space. There are no variances requested at this time. The applicant proposes to re-occupy an existing lease space.

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;

The use is surrounded by retail, restaurant, and services within the shopping center. This use should be compatible with surrounding uses.

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

“Spa to Include Cosmetologists (Hair, Nails Face) & Massage Therapist” are permitted by Specific Use Permit in the C (Commercial) zoning district. Per Section 4.03 (F.3) “Specific Use Permits (SUP) are approved to allow uses that with special conditions and development restrictions may be considered compatible in a district in which they are not allowed by right.”

Section 8.03 (S.1) states, “The C, Commercial District is intended predominately for certain retail, and light intensity wholesale and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with typical office, other retail, shopping and residential environments.” Massage is generally considered a service use, though it is one which many cities prefer having additional oversight. In addition to the SUP requirement, all massage uses require a license from the Keller Police Department prior to being issued a Certificate of Occupancy.

- 3) The nature of the use is reasonable and appropriate in the immediate area;

The proposed use is reasonable in the immediate area and will be surrounded by service, retail, and restaurant uses

- 4) Any negative impact on the surrounding area has been mitigated; and

No negative impacts in terms of traffic, noise or light are anticipated. Based on the scale of the proposed use, staff does not anticipate parking issues.

- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

No additional conditions are proposed.

Citizen Input:

On June 30, 2017, as required by State law, the City mailed out ten (10) letters of Notifications for a Public Hearing to property owners within three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property. A public hearing notice was also posted in the Fort Worth Star-Telegram fifteen (15) days prior to this meeting.

As of July 25, 2017, City staff has received no responses from the public.

Written Opposition:

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ($\frac{3}{4}$) vote (super majority is 6 out of 7) is required by City Council for approval of this SUP request. **This request will not require a three-fourth ($\frac{3}{4}$) super majority vote by City Council for approval.**

Professional Opinion:

It is the professional opinion of staff to **support** this request. Staff forwards this Specific Use Permit request for City Council consideration as presented with the following condition:

1. Allow a Specific Use Permit for Evergreen massage to operate a 'Spa to Include Cosmetologists (Hair, Nails Face) & Massage Therapist' use in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, within the C (Commercial) zoning district.

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

Board Review:

At their July 10, 2017 regular meeting, the Planning and Zoning voted unanimously (7-0) to approve this request with the following condition:

1. The Specific Use Permit for Evergreen massage to operate a 'Spa to Include Cosmetologists (Hair, Nails Face) & Massage Therapist' use in an existing multi-tenant building of approximately 16,380 square feet, on an approximately 2.01-acres, located on the west side of South Main Street (US HWY 377), approximately 500 feet north of Wall-Price Keller Road, at 900 South Main Street, within the C (Commercial) zoning district shall be allowed.

Alternatives:

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

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