



## Legislation Details (With Text)

<b>File #:</b>	18-046	<b>Version:</b>	1
<b>Type:</b>	Old Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	2/14/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	2/20/2018	<b>Final action:</b>	2/20/2018
<b>Title:</b>	Consider an ordinance approving a Specific Use Permit (SUP) to allow Ying Wang Spa & Body Work, a proposed "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX", located in the existing Shops at Cindy, a 9,995 square-foot multitenant retail building, on a 0.84-acre lot on the southwest corner of the intersection of Keller Parkway (FM 1709) and Cindy Street, at 460 Keller Parkway (FM 1709), being Lot 1R, Block A, The Shops at Cindy Addition, and zoned R (Retail). Ying Shu Yu, applicant. Bass Commercial Investments, LLC, owner. (SUP-17-0026)		
<b>Attachments:</b>	1. 020618_Ying_Wang_SUP_ORD 1876, 2. 020618_Ying_Wang_SUP_Planning_and_Zoning_Meeting_Minutes_01082018, 3. 020618_Ying_Wang_SUP_Exhibit A, 4. 020618_Ying_Wang_SUP_Staff Attachment, 5. 020618_Ying_Wang_SUP_Maps, 6. G-1 Presentation (Salon SUP)		

Date	Ver.	Action By	Action	Result
2/20/2018	1	City Council		

**To:** Mark Hafner, City Manager

**From:** Trina Zais, Director of Public Services and Economic Development

### Subject:

Consider an ordinance approving a Specific Use Permit (SUP) to allow Ying Wang Spa & Body Work, a proposed "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX", located in the existing Shops at Cindy, a 9,995 square-foot multitenant retail building, on a 0.84-acre lot on the southwest corner of the intersection of Keller Parkway (FM 1709) and Cindy Street, at 460 Keller Parkway (FM 1709), being Lot 1R, Block A, The Shops at Cindy Addition, and zoned R (Retail). Ying Shu Yu, applicant. Bass Commercial Investments, LLC, owner. (SUP-17-0026)

### Action Requested:

Consider a recommendation of a Specific Use Permit (SUP) to allow Ying Wang Spa & Body Work, a proposed "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX" to occupy a lease space in the Shops at Cindy multi-tenant retail building.

### Background:

**This item was tabled at the February 6, 2018 City Council meeting.**

The Shops at Cindy multi-tenant retail building site plan was approved in 2008. The site plan was approved by City Council Resolutions No. 2668, No. 2721, and No. 2800, with variances to the landscape buffer widths.

### Analysis:

The purpose of the specific use permit is to allow a "Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX" to operate in a lease space in the Shops at Cindy multi-tenant retail building. Other business occupying space in the building include Palio's Pizza, ABC Family Dental, and Baylor Institute for Rehabilitation and Outpatient Services. The proposed use of a "Spa to

include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX” in the R (Retail) zoning district requires approval of a SUP.

Any individual offering a massage from this location will be required to obtain a license through the Police Department which include providing all applicable State licensing. Per City of Keller Code of Ordinances, Chapter 8, Article II, Massage establishment or services are limited to 8:00am to 9:00pm.

The building is existing and the applicant will operate out of a leased space. Any tenant finish out of the interior will be reviewed by the Building Services department, should the SUP be approved.

The Shops at Cindy provides forty-nine (49) parking spaces, meeting the retail services UDC parking minimums.

### **Existing Roadway Access:**

Keller Parkway (FM 1709), a six-lane divided arterial to the north.  
Cindy Street, a two-lane local street to the east.

### **Surrounding Zoning & Land Uses:**

North: Advanced Auto Parts Retail Building, zoned R (Retail)  
South: Single Family Homes, zoned SF-8.4 (Single Family Residential - 8,400 square foot minimum)  
East: Lion’s Club, zoned R (Retail)  
West: Office Building, zoned R (Retail)

### **Request:**

Allow a Specific Use Permit for Ying Wang Spa & Body Work, a proposed “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX”, located in an existing 9,995 square-foot multi-tenant retail building at 640 Keller Parkway (FM1709).

### **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.

### **Citizen Input:**

On December 29, 2017, as required by State law, the City mailed out thirty-six (36) 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. Staff also posted a

public hearing notice sign on the subject property.

As of January 25, 2018, City staff has received no written responses from the public.

**Professional Opinion:**

It is the professional opinion of staff to support this request, as it satisfies the criteria for approving an SUP as listed in UDC Section 8.02 (F.2.a) provided in the summary above. The requested use is compatible with the immediate area and is listed under the R (Retail) zoning district as permitted with the approval of a specific use permit.

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

1. This specific use permit for a proposed “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX” is specific to Ying Wang Spa & Body Work at the location in an existing 9,995 square-foot multi-tenant retail building at 640 Keller Parkway (FM1709). Any other “Spa to include Cosmetologists (Hair, Nails, Face) & Massage Therapists Licensed in TX” at this location will require a separate specific use permit. If Ying Wang Spa & Body Work relocates, it will require an amended SUP.

**Board Review:**

The Planning and Zoning Commission considered this specific use permit application on January 9, 2018 and recommended approval as submitted by a vote of 7-0.

**City Council Action:**

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

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