



## Legislation Details (With Text)

**File #:** 18-204      **Version:** 1

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

**File created:** 7/24/2018      **In control:** City Council

**On agenda:** 8/21/2018      **Final action:**

**Title:** PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit (SUP) for MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', in an approximately 3,658 square-foot building, located on a 0.521-acre tract of land on the southeast corner of Keller Parkway (FM 1709) and Page Street, being Lot 1R, Block 1, Mays and Sweet Addition, at 310 Keller Parkway (FM 1709), and zoned R (Retail). Rali Zali LLC, owner. MJ Wright and Associates, applicant/engineer/architect.

**Attachments:** 1. 082118\_MD Firstwatch\_Ordinance 1897, 2. 082118\_MD Firstwatch\_Staff Attachment, 3. 082118\_MD Firstwatch\_Exhibit A, 4. 082118\_MD Firstwatch\_Support Petition, 5. 082118\_MD Firstwatch\_Maps, 6. 082118\_Staff Attachment\_Dr. Ali Concern Letter, 7. Presentation

Date	Ver.	Action By	Action	Result
8/21/2018	1	City Council		
8/21/2018	1	City Council		

**To:** Mark R. Hafner, City Manager

**From:** Katasha Smithers, Planner I

### Subject:

PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit (SUP) for MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', in an approximately 3,658 square-foot building, located on a 0.521-acre tract of land on the southeast corner of Keller Parkway (FM 1709) and Page Street, being Lot 1R, Block 1, Mays and Sweet Addition, at 310 Keller Parkway (FM 1709), and zoned R (Retail). Rali Zali LLC, owner. MJ Wright and Associates, applicant/engineer/architect.

### Action Requested:

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) to allow MD Firstwatch Urgent Care to operate a 'Minor medical emergency clinic', in an approximately 3,658 square-foot building.

### Property Description:

Located on a 0.521-acre tract of land, being Lot 1R, Block I, Mays and Sweet Addition, at 310 Keller Parkway (FM 1709).

### Owner:

Rali Zali LLC

### Applicant/Architect:

MJ Wright and Associates

### Current Zoning:

## R (Retail)

### **Background:**

A Site Plan for a proposed 4,577 square foot medical office building was approved by City Council on February 2, 2016 per Resolution Number 3718.

A Site Plan Amendment was approved by staff on March 15, 2017.

A building permit was issued on October 18, 2017; the building is currently still under construction.

The applicant applied for sign permits on June 8, 2018 and staff denied the permits based on the sign stating it was an Urgent Care facility in lieu of the medical office.

### **Analysis:**

The purpose of this Specific Use Permit request is to open a 3,658 square foot 'Minor medical emergency clinic' in an R (Retail) zoning district that requires an SUP for this use.

### **Operation Schedule:**

The applicant has stated that the hours of operation be Monday-Saturday 7:00 a.m. to 8:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m.

Also, the applicant has stated that hours can be extended in the winter months of November through February from 6:00 a.m. to 9:00 p.m.

### **Parking:**

There is a gross building area of 3,658 square feet that is divided between a 3,547 square foot office space and 111 square feet for porch area. The total office building of 3,547 square feet requires 18 parking spaces which the applicant did provide per the approved Site Plan.

### **Existing Roadway Access:**

Page Street, a two lane residential street to the west.

Keller Parkway (FM 1709), a six lane divided arterial to the north.

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

North: Vacant parcel, zoned R

South: Residential Duplex, zoned SF-8.4

East: Kathy's Florist and Event Planning, zoned R and KISD Administrative Building, zoned SF-8.4

West: Keller Auto Repair, zoned R

### **Citizen Input:**

On July 13, 2018, as required by State law, the City mailed out seventeen (17) letters of notifications for a Public Hearing, to all property owners within three hundred feet (300') of the subject site. A sign was also posted on the site.

The applicant supplied staff with a support petition, which is included in the agenda packet, from the adjacent property owners.

### **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 Opinion:**

Staff does not have a clear recommendation of this request for an SUP, to allow 'Minor medical emergency clinic'.

Staff forwards this Specific Use Permit application for City Council consideration with the following conditions:

1. The Specific Use Permit for MD Firstwatch Urgent Care to occupy approximately 3,658 square feet for the use of 'Minor medical emergency clinic' shall be considered.

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

**Board Opinion:**

On July 23, 2018, the Planning and Zoning Commission voted to recommend approval of this request by a vote of (5-2).

Ayes: Stansell, Reid, Apke, Osgood, Ponder

Nays: Page, Sagar

**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