



## Legislation Details (With Text)

**File #:** 18-247      **Version:** 2

**Type:** New Business      **Status:** Approved

**File created:** 9/6/2018      **In control:** City Council

**On agenda:** 9/18/2018      **Final action:** 9/18/2018

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a spa to include cosmetologist services such as (hair, nails and face), in addition to massage therapists licensed in TX, for Terrace Retreat Spa, located in an approximately 1,250 square foot lease space, contained in the 10,000 square foot multi-tenant building, on an approximately .84-acre property, located on the south side of Keller Parkway, approximately 170 feet south west of the intersection of Keller Parkway and Cindy Street North, being Lot 1R, Block A, The Shops at Cindy Addition, zoned R (Retail), located at 460 Keller Parkway, Suite B. Bass Commercial Investments, LLC, owner. Anne Adams, applicant. (SUP-18-0020)

**Attachments:** 1. 091818\_TerraceRetreat(SUP-18-0020)\_Ord. 1902, 2. 091818\_TerraceRetreat(SUP-18-0020)\_ExhibitA\_ApplicationAndPictures, 3. 091818\_TerraceRetreat(SUP-18-0020)\_ExhibitA\_NarrativeAndFloorPlan, 4. 091818\_TerraceRetreat(SUP-18-0020)\_ExhibitA\_PetitionsForSupport, 5. 091818\_TerraceRetreat(SUP-18-0020)\_Maps, 6. 091818\_TerraceRetreat(SUP-18-0020)\_StaffAttachment\_MassageOrdinance, 7. 091818\_TerraceRetreat(SUP-18-0020)\_StaffAttachment\_SitePlan, 8. 091818\_TerraceRetreat(SUP-18-0020)\_StaffAttachment\_SpaMap, 9. 091818\_TerraceRetreat(SUP-18-0020)\_StaffAttachment\_ConcernLetter, 10. H-2 Presentation

Date	Ver.	Action By	Action	Result
9/18/2018	1	City Council	close the public hearing	
9/18/2018	1	City Council	approve	

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

**From:** JP Ducay, Planner I

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) to allow the use of a spa to include cosmetologist services such as (hair, nails and face), in addition to massage therapists licensed in TX, for Terrace Retreat Spa, located in an approximately 1,250 square foot lease space, contained in the 10,000 square foot multi-tenant building, on an approximately .84-acre property, located on the south side of Keller Parkway, approximately 170 feet south west of the intersection of Keller Parkway and Cindy Street North, being Lot 1R, Block A, The Shops at Cindy Addition, zoned R (Retail), located at 460 Keller Parkway, Suite B. Bass Commercial Investments, LLC, owner. Anne Adams, applicant. (SUP-18-0020)

### Action Requested:

Consider an ordinance approving a Specific Use Permit (SUP) to allow a salon and spa use to include Cosmetologists (Hair, Nails, Face) and Massage Therapists licensed in TX to provide massage therapy services within a 1,250 square-foot lease space.

### Property Description:

Located in a 1,250 square foot lease space, within a 10,000 square foot multi-tenant building, on an approximately .84-acre property, being Lot 1R, Block A, The Shops at Cindy Addition, at 460 Keller

Parkway, Suite B.

**Owner:**

Bass Commercial Investment, LLC

**Applicant:**

Anne Adams

**Zoning:**

R (Retail)

**Background:**

The property was first platted in 2008 as Lot 1R, Block A of The Shops At Cindy Addition, approved by the Planning and Zoning Commission on September 8, 2008.

The Site Plan for this development was approved on March 3, 2009 by City Council per Resolution No: 2800.

According to Tarrant County Appraisal District, the building was constructed in 2009.

**Analysis:**

The purpose of this SUP is to allow the use of a Spa to include Cosmetologist services such as (Hair, Nails and Face), and Massage Therapists Licensed in TX, Located in an approximately 1,250 square foot lease space, within a 10,000 square foot multi-tenant building.

**Operation Schedule:**

The applicant has proposed that the hours of operation would be Sunday-Monday 10:00 a.m. to 6:00 p.m., Tuesday-Wednesday 9:00 a.m. to 7 p.m., Thursday 9 a.m. to 8 p.m. and Friday-Saturday 9 a.m. to 6 p.m.

**License Requirements:**

The use of massage therapy services is required to be licensed by the Texas Department of State Health Services. The City of Keller Code of Ordinances also requires licensing through the Police Department.

The operation of a massage parlor is also regulated by the City Code of Ordinances. The Code of Ordinances sets the City licensing requirements, license fees, hours of operation, sanitary requirements, inspections, and required documentation. The hours of operation restricted by the City of Keller Code of Ordinances are from 8:00 a.m. to 9:00 p.m. It also defines a "massage parlor" as "any building, house, room, or place where massage is practiced upon the human body by any person other than a duly licensed medical doctor, doctor of osteopathy or chiropractor." A copy of Chapter 8, Article II. - Massage Parlors and Massage Establishments has been included in the "Staff Attachments."

**Building Exterior:**

No exterior improvements are proposed. The approximately 1,250 square foot lease space is contained within the 10,000 square foot multi-tenant building located at 460 Keller Parkway. The

exterior of this building consist primarily of brick and stone.

**Existing Roadway Access:**

Keller Parkway (1709), a six lane street.

**Surrounding Zoning & Land Uses:**

North, West, East: Various retail uses zoned R (Retail)

South: Single Family Residential - 8,400 S.F. Lots (SF-8.4)

On August 17, 2018, as required by State law, the City mailed out thirty one (31) 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 petitions of support signed by adjacent property owners, submitted as an "Exhibit A"

As of August 24, 2018 Staff has received one (1) letter of concern from the public regarding this SUP application.

**Citizen Input:**

**Summary:**

The applicant has met the requirements of the UDC for this Specific Use Permit application.

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:**

There has been discussion regarding potential oversaturation of spa uses throughout the City of Keller, however, from a technical standpoint staff remains in **support** of this SUP request to allow the use of a spa to include cosmetologist services such as (hair, nails and face), in addition to massage therapists licensed in TX, for Terrace Retreat Spa.

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

1. The Specific Use Permit for Terrace Retreat Spa to operate a Spa to include Cosmetologist services such as (Hair, Nails and Face), and Massage Therapists Licensed in TX, shall be

considered.

*This condition for this SUP is specific to this business. Any new similar type business (spa to include cosmetologists (hair, nails, face) and massage therapists licensed in TX) would require a new SUP application.*

**Planning and Zoning Recommendation:**

A motion to recommend approval of this item carried (6-1) at their August 27, 2018 meeting.

Ayes: Stansell, Apke, McCrea, Sagar, Page, Ponder

Nays: Reid

**Alternatives:**

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

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