



## Legislation Details (With Text)

<b>File #:</b>	18-250	<b>Version:</b>	1
<b>Type:</b>	New Business	<b>Status:</b>	Approved
<b>File created:</b>	9/11/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	9/18/2018	<b>Final action:</b>	9/18/2018
<b>Title:</b>	PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit (SUP) to allow Alexa Pharmacy DBA SV LLC, to operate a 1,700 square foot "Pharmacy or Drug Store" in a vacant suite, existing within a 9,870 square-foot retail building, located on a 1.47-acre lot on the north side of Keller Parkway (FM1709), approximately 380 feet west of the Rufe Snow Drive and Keller Parkway (FM1709) intersection, being Lot 3R-1R6, Block 8, Bluebonnet Trails Addition, at 967 Keller Parkway (FM1709), and zoned TC (Town Center). KWLee Properties, LP, owner; Sarithakumari Keesari, applicant; Terry Frey, NuVision Designs, designer. (SUP-18-0021).		
<b>Attachments:</b>	1. 091919_AlexaPharmacy_Ord 1903, 2. 091818_AlexaPharmacy_Exhibit A, 3. 091818_AlexaPharmacy_Maps, 4. 091818_AlexaPharmacy_Staff Attachments_Pharmacy Maps, 5. 091818_AlexaPharmacy_Staff Attachment_AppSitePlan, 6. H-3 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:** Trina Zais, Director of Public Services and Economic Development

### Subject:

PUBLIC HEARING: Consider an ordinance to approve a Specific Use Permit (SUP) to allow Alexa Pharmacy DBA SV LLC, to operate a 1,700 square foot "Pharmacy or Drug Store" in a vacant suite, existing within a 9,870 square-foot retail building, located on a 1.47-acre lot on the north side of Keller Parkway (FM1709), approximately 380 feet west of the Rufe Snow Drive and Keller Parkway (FM1709) intersection, being Lot 3R-1R6, Block 8, Bluebonnet Trails Addition, at 967 Keller Parkway (FM1709), and zoned TC (Town Center). KWLee Properties, LP, owner; Sarithakumari Keesari, applicant; Terry Frey, NuVision Designs, designer. (SUP-18-0021).

### Action Requested:

Conduct a public hearing and consider an ordinance to approve a Specific Use Permit (SUP) to allow Alexa Pharmacy DBA SV LLC, to operate a "Pharmacy or Drug Store" in a vacant suite, within an existing retail building in Town Center (TC).

### Zoning:

TC (Town Center)

### Background:

The subject property was originally platted as Lot 3, Block 8 of the Bluebonnet Trails Addition in 1984. This property was rezoned to TC (Town Center) as part of the citywide rezoning in 1992. In March 2012, the property was re-platted to Lot 3R-1 and again in June 2012 to the current lot designation of Lot 3R1-1R1, Block 8. On February 7, 2017, a site plan for the 9,870 square foot retail building was approved by City Council.

**Analysis:**

The purpose of this Specific Use Permit is to approve an ordinance to allow a "Pharmacy or Drug Store" use within a 1,700 square-foot retail space, existing in a 9,870 square foot building on a 1.47-acre lot in the Town Center zoning district.

The applicant is an independent community pharmacy offering services such as blister packs, compounding medications, and a pick-up and delivery service of prescription medication.

The proposed use, "Pharmacy or Drug Store" in the TC (Town Center) zoning district requires the approval of a Specific Use Permit.

**Site Design:**

The building is existing. The applicant does not intend to make any exterior changes or modifications to the building. Any tenant finish out of the interior will be reviewed by the Building Services Department, should the SUP be approved.

**Hours of Operation:**

Monday-Friday (9 AM-9PM); Saturday-Sunday (12 PM-9PM).

**Existing Roadway Access:**

All access to this site is provided along shared access easements.

Keller Parkway, a six-lane divided arterial to the south (accessed through a proposed access easement).

Rufe Snow Drive, a four-lane undivided collector to the east (accessed through the access drive at the rear of the property).

Pate Orr Drive, a four-lane undivided collector to the west (accessed through the access drive at the rear of the property).

**Parking:**

UDC Section 8.07 (G) requires one (1) parking space per three hundred and fifty (350) square feet of gross floor space. The building itself is 9,870 square-feet and currently provides sixty-five (65) parking spaces. The proposed pharmacy has 1,700 square-feet of space and is required to have five (5) parking spaces. Three (3) handicap parking spaces are included with the overall sixty-five (65) parking spaces. The parking is shared by all tenants leasing spaces in the building. Staff does not anticipate any parking issues with the proposed use.

**Surrounding Zoning & Land Uses:**

North: Vacant lot with an existing detention pond, zoned TC.

South: Kroger's Shopping Center, zoned TC.

East: American National Bank, zoned TC.

West: Cane's Chicken, zoned TC.

**Saturation:**

There are currently five (5) pharmacies in (TC) zoning. Kroger, Tom Thumb, CVS, Walgreens, and Keller Pharmacy. The total number of pharmacies in the City of Keller is eleven (11). Currently in Keller, there are only three (3) pharmacies not affiliated with a grocery/retail franchises, or franchised drug stores. These three are Keller Pharmacy, Bear Creek Pharmacy and Healthcare Pharmacy.

**Request:**

No variances requested at this time.

**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.

**Other Items for Consideration:**

The applicant has reached out to business tenants in surrounding suites and has three letters of support. The applicant displays an eagerness to grow the business by offering services of a compounding pharmacy, delivery service and “blister packs.” All existing franchised pharmacies and independently owned pharmacies within the city are still operating with no business closures.

**Citizen Input:**

On August 17, 2018, as required by State law, the City mailed out ten (10) 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 August 24th, 2018, City staff has received no written responses from the public.

**Board Review:**

The Planning and Zoning Commission reviewed this application at their meeting on August 27, 2018 and voted 7-0 to recommend approval of the SUP.

**Professional Opinion:**

Staff has considered all factors associated with a Specific Use Permit. In addition, staff has taken into consideration saturation, surrounding business support, potential for business growth within the city, and business turnover.

Staff **supports** this request for a Specific Use Permit to operate a “pharmacy or drug store” in Town Center (TC) zoning. The market in Keller has shown the pharmaceutical industry has little to no

turnover. The surrounding businesses in close proximity of the proposed pharmacy show their support. Mapping shows there is not a saturation of pharmacies within Keller, and the potential for independent pharmacies to grow is high, specifically with customized blister packs, delivery service, compounding, and the potential to market their services with the enthusiasm.

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

1. Allow an ordinance for a specific use permit for Alexa Pharmacy to operate "A pharmacy or drug store" in a 1,700 square-foot suite within an existing 9,870 square-foot retail building located at 967 Keller Parkway to be considered.

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

**Alternatives:**

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

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