



## Legislation Details (With Text)

**File #:** 18-344      **Version:** 1  
**Type:** New Business      **Status:** Approved  
**File created:** 11/26/2018      **In control:** City Council  
**On agenda:** 12/4/2018      **Final action:** 12/4/2018

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) that allows the use of a spa to include massage therapists licensed in Texas, for Golden Foot Spa, located in an approximately 1,050 square foot lease space, contained in the 93,686 square foot multi-tenant building, on an approximately 3.477-acre property, located on the east side of Rufe Snow Drive, approximately 700 feet south east of the intersection of North Tarrant Parkway and Rufe Snow Drive, being Lot 5, Block A, Keller Place Addition, zoned R (Retail), located at 2041 Rufe Snow Drive, Suite 319. Whitestone Keller Place, LLC, owner. Xu Wenjing, applicant. (SUP-18-0035)

**Attachments:** 1. 120418\_GoldenFootSpaSUP-18-0035\_Ord. No. 1917, 2. 120418\_GoldenFootSpaSUP-18-0035\_Maps, 3. 120418\_GoldenFootSpaSUP-18-0035\_ExhibitA(1of3), 4. 120418\_GoldenFootSpaSUP-18-0035\_ExhibitA(2of3), 5. 120418\_GoldenFootSpaSUP-18-0035\_ExhibitA(3of3), 6. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(1of6), 7. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(2of6), 8. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(3of6), 9. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(4of6), 10. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(5of6), 11. 120418\_GoldenFootSpaSUP-18-0035\_StaffAttachment(6of6), 12. H-1 Presentation

Date	Ver.	Action By	Action	Result
12/4/2018	1	City Council	close the public hearing	
12/4/2018	1	City Council	approve	Pass

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

**From:** JP Ducay, Planner I

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) that allows the use of a spa to include massage therapists licensed in Texas, for Golden Foot Spa, located in an approximately 1,050 square foot lease space, contained in the 93,686 square foot multi-tenant building, on an approximately 3.477-acre property, located on the east side of Rufe Snow Drive, approximately 700 feet south east of the intersection of North Tarrant Parkway and Rufe Snow Drive, being Lot 5, Block A, Keller Place Addition, zoned R (Retail), located at 2041 Rufe Snow Drive, Suite 319. Whitestone Keller Place, LLC, owner. Xu Wenjing, applicant. (SUP-18-0035)

### Background:

The property was included in the original plat of the Keller Place Addition in 2001 as Lot 4, Block A which was approved by the Planning and Zoning Commission in April, 2001, however, was not identified in the description of the plat. The property was then identified in a replat in 2002 as Lot 4R, Block A of the Keller Place Addition, approved by the Planning and Zoning Commission in January of 2002. The property has since been replatted in 2003 as lot 5, Block A of the Keller Place Addition, which was approved in August of 2003.

The Site Plan for this development was approved in 2001 by City Council per Resolution No: 1598

and 1640.

According to Tarrant County Appraisal District, the building was constructed in 2001.

The subject development included a 61,911 square foot Kroger and 31,775 square feet of retail space as one cohesive multi-tenant retail center

**Operation Schedule:**

The applicant has proposed that the hours of operation would be 10:00 a.m. to 10:00 p.m. 7 days a week.

**License Requirements:**

The use of massage therapy services is required to be licensed by the Texas Department of State Health Services as well as the City code of Ordinances.

**Existing Roadway Access:**

Rufe Snow, a four lane street as well as North Tarrant Parkway, a six lane street.

**Surrounding Zoning & Land Uses:**

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

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

**Citizen Input:**

On November 1, 2018, as required by State law, the City mailed out twenty six (26) 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.

As of Nov. 27, 2018 staff has not received any letters of opposition from the public regarding this SUP application.

**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 massage therapists licensed in Texas, for Golden Foot Spa.

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

1. The Specific Use Permit for Golden Foot Spa to operate a Spa including Massage Therapists Licensed in Texas, shall be allowed.

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 Texas) would require a new SUP application.

**Planning and Zoning Recommendation:**

The Planning and Zoning Commission recommended approval of this SUP by a vote of 6-1.

**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