



## Legislation Text

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**File #:** 20-119, **Version:** 1

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**To:** City Manager Mark Hafner

**From:** Julie Smith, Community Development Director

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for Cosmetology (Nail Salon), for Majestic Nail Salon, located in an approximately 4,340 square-foot space, on an approximately 1.63-acre property, located on the south side of Keller Parkway, approximately 800 feet southeast of the intersection of Keller Parkway and Rufe Snow, being Lot 1R, Block B, Keller, Keller Town Center, zoned Town Center (TC), located at 101 Town Center Lane, Suite 103 (Account #07874057). Danh Nguyen, owner/applicant. (SUP-20-0004)

**Action Requested:**

Consider a request for a Specific Use Permit (SUP) to allow “Majestic Nail Salon” to operate in Town Center.

**Property Description:**

An approximately 4,340 square-foot space at 101 Town Center Lane, Keller Town Center.

**Current Zoning:**

Town Center (TC)

**Background:**

In 2018, House of Nails requested a Specific Use Permit and was denied due to perceived market saturation. At that time there were nine spa/salon uses within Town Center. There are still ten businesses classified as spa/salon uses, but only three are nail salons.

During the Planning and Zoning meeting on Feb. 25, 2020, the property management company representative stepped forward and stated that Keller Nails (located in the same development at 121 Rufe Snow) will not be renewing their lease which ends on April 30th.

**Operation Schedule:**

The applicant proposes to operate from Sunday 11:00 a.m. to 6:00 p.m., Monday-Friday 9:30 a.m. to 7:30 p.m., and Saturday 9:00 a.m. to 6:00 p.m.

**Citizen Input:**

On February 14, 2020, as required by State law, the City mailed out eleven (11) letters of notification 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 March 6, 2020, Staff has not received any letters from the public regarding this SUP application.

**Summary:**

Section 8.04 (B.2.a) of the UDC states that when considering a Specific Use Permit request, the Planning and Zoning Commission and the 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.

**Planning and Zoning Action:**

The Planning and Zoning Commission recommended approval by a vote of 7-0. The Commission favored allowing market demand to determine saturation and noted that “spa” uses covered more salon services than nails.

**City Council Actions:**

The City Council has the following options when considering an SUP application:

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