



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: Planning & Zoning Department **DATE:** April 15, 2021
SUBJECT: SUP 2021-02 Public hearing and consideration of a request from Mary Ann Izzarelli for a special use permit for a cigarette and cigar shop at 5121 Davis Boulevard, being 0.75 acres described as Lot FR, Block 14, Richland Terrace Addition.
PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

On behalf of Orange Valley Properties LLC, Mary Ann Izzarelli is requesting a special use permit for a cigarette and cigar shop on 0.75 acres located at 5121 Davis Boulevard.

GENERAL DESCRIPTION:

The site is located at the northwest corner of Davis Boulevard and Commercial Drive. The property is currently developed as a multi-use shopping center. The applicant proposes to renovate and remodel a 1,537-square foot lease space at the southern endcap of the building for a new tenant, The Plug CBD and Tobacco.

A letter from the applicant is attached, which describes the proposed business operation. The letter also includes a conceptual floor plan of the space.

The proposed business is a cigarette and cigar shop. In 2014, the zoning ordinance was amended to create new land use types for cigarette and cigar shops and non-traditional smoking businesses. Both land uses require approval of a special use permit in the C-2 (Commercial) zoning district.

The zoning ordinance provides that special use permits may establish reasonable conditions of approval on the operation and location of the use to minimize adverse effects on adjacent or surrounding properties. A special use permit provides an added level of review to evaluate land uses that might conflict with surrounding uses. It also provides a means to determine if the use complements or is compatible with the character of the general area at its proposed location.

The proposed conditions of approval for this special use permit are attached. These conditions are based on the applicant's proposed development of the property and Development Review Committee recommendations, and include the items described in detail below.



These conditions may be modified by the Planning and Zoning Commission. Any other conditions recommended by the Commission will be included in the proposed ordinance considered by City Council.

As part of special use permit (SUP) requests, the DRC commonly recommends property improvements as a condition of SUP approval. This is intended to address nonconforming features of properties and provide suggested enhancements that would help bring the property closer to compliance with current development standards. The following list of recommended property improvements was provided to the applicant.

1. Building lighting. The wall pack and flood light fixtures on the building must be replaced with conforming fixtures that comply with Section 118-728 of the zoning ordinance.
2. Pole sign. The unused pole sign on the property must be removed.
3. Parking lot. The parking space and fire lane striping must be repainted.
4. Landscaping. Landscaping improvements must be installed in the area between the parking lot and Davis Boulevard. The general standard for Davis Boulevard includes landscape beds that complement the drought-resistant landscape theme further on the roadway. Examples can be found on the property south of the site as well as at the intersection of Davis Boulevard and Standley Street. This includes the use of the following materials:

ORNAMENTAL TREES	Desert willow Mexican buckeye Yaupon holly Vitex
SHRUBS	Texas sage Dwarf crape myrtle Butterfly bush Abelia 'rose creek'
LOW GROUND COVER	Dwarf Mexican petunia
MEDIUM GROUND COVER	Autumn sage Weeping lovegrass Trailing lantana
TALL GROUND COVER	Muhly 'regal mist'
OTHER	Decomposed granite and/or river rock

DRC RECOMMENDATION. The current development policy in North Richland Hills is to monitor closely land uses in the city in order to establish an optimal mix of residential, commercial, restaurant, retail, and office establishments that best serve the varied needs of residents and consumers. To implement this policy, all cigarette and cigar store uses are subject to approval of a special use permit or other zoning action.

The Development Review Committee's (DRC) recommendation for denial of the special use permit application is based on the following.

1. The use does not fill a service gap or demand in the community.
2. The use may result in a perceived negative impact to the community.
3. The use may not achieve City goals to improve and upgrade commercial centers.

LAND USE PLAN: This area is designated on the Land Use Plan as Retail Commercial. This designation provides sites for community and regional shopping centers, commercial



establishments, and employment centers. These sites are typically located on highways and major thoroughfares at key intersections.

In accordance with the Vision 2030 Land Use Plan approved by the North Richland Hills City Council on July 22, 2019, the City aims to foster a commercial climate that reflects its identity and community values. The NRH community desires uses that provide needed goods and services, convenience, and add to the overall quality of life. The City should encourage existing commercial vacancies to be occupied by uses that serve and benefit the overall community.

CURRENT ZONING: The property is zoned C-2 Commercial. This district is intended to provide for the development of retail and general business uses primarily to serve the community and region. Uses include a wide variety of business activities and may involve limited outside storage, service, or display. The C-2 district should be located away from low and medium density residential development and should be used as a buffer between retail and industrial uses. The district is also appropriate along business corridors as indicated on the land use plan.

SURROUNDING ZONING | LAND USE:

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	C-2 (Commercial)	Retail Commercial	Retail and service uses
WEST	C-2 (Commercial)	Retail Commercial	Commercial uses
SOUTH	C-2 (Commercial)	Retail Commercial	Retail and service uses
EAST	C-2 (Commercial)	Retail Commercial	Vacant property

PLAT STATUS: The property is platted as Lot FR, Block 14, Richland Terrace Addition.

CITY COUNCIL: The City Council will consider this request at the April 26, 2021, meeting following a recommendation by the Planning and Zoning Commission.

RECOMMENDATION:

Deny SUP 2021-02.