



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: Planning & Zoning Department **DATE:** October 5, 2023
SUBJECT: ZC23-0061 Public hearing and consideration of a request from Pharaoh Inc. for a special use permit for a non-traditional smoking business at 7653 Boulevard 26, being 2.8 acres described as Lot 6, Block 1, North Hills Village.
PRESENTER: Clayton Comstock, Planning Director

SUMMARY:

Pharaoh Inc. is requesting a special use permit for a non-traditional smoking business on 2.8 acres located at 7653 Boulevard 26.

GENERAL DESCRIPTION:

The property under consideration is located generally at the southwest corner of Boulevard 26 and NE Loop 820. The site is developed as a multi-use shopping center. The applicant proposes to lease and renovate a corner space in a building located adjacent to Boulevard 26 at the intersection of Rodger Line Drive for a nontraditional smoking business. The space was previously occupied by a T-Mobile phone store.

The property is zoned C-2 (Commercial). In 2014, the zoning ordinance was amended to create new land use types for cigarette and cigar shops and nontraditional smoking businesses. Both land uses require approval of a special use permit in the C-2 (Commercial) zoning district. A nontraditional smoking related business is defined as a retail establishment whose principal business is the offering of a service relating to, or the selling of, renting or exhibiting of products or devices known as water pipes, hookahs, electronic cigarettes or electronic vaping devices, steam stones, hookah pens, or any comparable devices.

The applicant proposes to open a 1,707-square foot retail store that would sell vaping, CBD, and tobacco products; smoking accessories such as water pipes and hookahs; and miscellaneous retail products and phone repair services. Information about the business and a floor plan of the space are attached. The special use permit is for the use, not a particular company requesting the use. Information about the company, however, is available online at [Pharaoh vape shop](#). The company has 14 stores in Alabama.

The proposed conditions of approval for this special use permit are attached. Applications for special use permits provide an opportunity to address modifications to specific site development and building design standards for the site. These conditions are based on the applicant's proposed development of the property. These conditions may be modified



throughout the public hearing process, but they are subject to final approval by City Council. The SUP standards address land use, site improvements, and operational standards for the business.

As part of special use permit requests, the Development Review Committee commonly recommends property improvements as a condition of 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 recommended property improvements are included in the attached conditions of approval.

1. Building and site lighting. Any nonconforming wall pack and flood light fixtures on the building must be replaced with conforming fixtures. The fixtures must comply with the standards contained in Section 118-728 of the zoning ordinance.
2. Refuse container enclosures. Enclosures must be constructed for all refuse containers on the lot. The enclosures must comply with the standards contained in Section 118-874 of the zoning ordinance. These standards generally include a masonry enclosure, pedestrian access gates, and opaque metal gates.

LAND USE PLAN: This area is designated on the Land Use Plan as Retail Commercial. The Retail Commercial land use category 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	Restaurant uses
WEST	C-2 (Commercial)	Retail Commercial	Retail and service uses
SOUTH	C-2 (Commercial)	Retail Commercial	Convenience store with fuel sales



DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
EAST	PD (Planned Development)	Urban Village	Vacant (City Point)

PLAT STATUS: The property is platted as Lot 6, Block 1, North Hills Village.

DRC RECOMMENDATION. The current development policy in North Richland Hills is to closely monitor 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 nontraditional smoking related business 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.

CITY COUNCIL: The City Council will consider this request at the October 9, 2023, meeting following a recommendation by the Planning and Zoning Commission.

RECOMMENDATION:

Deny ZC23-0061.