



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: The Office of the City Manager **DATE:** September 15, 2016

SUBJECT: SUP 2016-03 Public Hearing and consideration of a request from Billy McDaniel for a Special Use Permit for a Secondhand Dealer business located at 7520 NE Loop 820.

PRESENTER: Clayton Comstock, Planning Manager

SUMMARY:

Billy McDaniel is requesting a Special Use Permit (SUP) for a secondhand dealer business to accommodate a proposed antique market in the North Hills Village Shopping Center. The applicant proposes to lease and renovate a former retail space for the business in a portion of the building near the intersection of NE Loop 820 and City Point Drive. The overall shopping center encompasses 15.2 acres at the southwest corner of Boulevard 26 and NE Loop 820.

GENERAL DESCRIPTION:

The applicant proposes to open King B Antique Market, a 40,000-square foot antique mall in the space formerly occupied by the Rooms to Go outlet store. The space would include vendor booths, inventory storage, and a centralized cashier area. Information provided by the application states that tenants would sell antiques and vintage items, with the vendor booths divided by moveable non-permanent items such as furniture. The tenant and property owner do not propose any modifications to the building façade. Attached is information about the business, including a floor plan, proposed signage, and a landscape concept plan.

The zoning use *secondhand dealer* is a use type that includes any person or entity that engages in buying, selling, trading, or handling any kinds of used or secondhand goods, wares, or merchandise. This general use would include antique malls or stores, resale stores, or other stores that sell primarily used merchandise. This use requires approval of an SUP in all zoning districts. The zoning ordinance was amended to include the definition and land use in March 2012.

The property owner has indicated that landscaping improvements will be made to the site, and has included a concept landscape plan with the application. The concept plan indicates the installation of landscaped islands in the parking lot and improvements to the landscape setback along the NE Loop 820 frontage road. Irrigation would also be



installed. A formal landscape plan would be submitted for review by the Development Review Committee following final action on the SUP application.

In addition to the proposed landscaping improvements, the Development Review Committee (DRC) recommends modifications to the exterior building lighting. There are 10 nonconforming wall pack fixtures on the rear of the building, which faces City Point Drive. As a condition of approval, the DRC recommends the wall packs be replaced with conforming fixtures that use a full-cutoff or fully-shielded design. These fixtures are located within 100 feet of single-family residential property and should be mounted no taller than 20 feet above ground level.

SUP CONDITIONS. The zoning ordinance provides that special use permits may establish reasonable conditions of approval on the operation and location of the use to reduce its effect on adjacent or surrounding properties. Some of the operational characteristics described by the applicant are included in these conditions. The following are the proposed conditions of approval for this SUP application.

1. *Permitted use.* A special use permit is authorized for a secondhand dealer. The floor area of the use shall not exceed 40,000 square feet.
2. *Building and operational standards.* The following criteria shall apply to the building space and use.
 - a. The floor plan of the space must comply with the plan as shown in Exhibit "B", attached hereto and incorporated for all purposes.
3. *Landscaping improvements.* The property owner shall submit a landscape plan that conforms to the concept plan as shown in Exhibit "C", attached hereto and incorporated for all purposes. The landscape plan shall demonstrate compliance with Chapter 114 Vegetation, Article III, Landscaping and Buffering Regulations, of the Code of Ordinances.
4. *Building lighting.* All wall pack fixtures on the west and south rear walls of the building associated with the lease space shall be replaced with conforming fixtures. The use of neon or LED strip lighting is prohibited on all parts of the building.

COMPREHENSIVE PLAN: This area is designated on the Comprehensive Land Use Plan as "Retail." This designation is intended to permit a variety of retail trade, personal and business services establishments, and offices.

CURRENT ZONING: The property is currently zoned C-2 Commercial. This district is intended to provide for development of retail service and general business uses principally serving community and regional needs. Uses include a wide variety of business activities and may involve limited outside storage, service, or display. The C-2 district should not be located adjacent to low and medium density residential development, and it can be used as a buffer between retail and industrial uses. The C-2



district is also appropriate along business corridors as indicated on the comprehensive plan.

PROPOSED ZONING: The applicant is requesting a Special Use Permit to allow the event center use on the property.

SURROUNDING ZONING | LAND USE:

North: C-2 Commercial | Retail
West: C-2 Commercial | Retail
South: C-2 Commercial | Retail
East: C-2 Commercial | Retail

PLAT STATUS: The property is currently platted as Lot 1, Block 5A, North Hills Village.

CITY COUNCIL: The City Council will consider this request at the October 10, 2016, meeting following a recommendation by the Planning and Zoning Commission.

RECOMMENDATION:

Approve SUP 2016-03, subject to the SUP conditions identified in staff's report.