



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** October 10, 2016

SUBJECT: SUP 2016-03, Ordinance No. 3433, 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 50,000-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. The applicant cites [Montgomery Street Antique Mall](#) as an example and competitor to their business. 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 *secondhand dealer* use 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 the underlying C-2 Commercial zoning district on the property. The zoning ordinance was amended to include the definition and land use in March 2012.

The property owner has indicated that landscaping improvement 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. If approved, staff would also recommend that the landscape setback along City Point Drive also conform to current standards. A formal landscape plan would be submitted for review following final action on the SUP application.

If approved, the Development Review Committee (DRC) would also recommend modifications to all nonconforming outdoor lighting fixtures on site. This would primarily impact wall pack fixtures on the rear of the building, which faces City Point Drive. As a condition of approval, the DRC would recommend the wall packs be replaced with conforming fixtures that use a full cutoff or fully shielded design. Some of these fixtures are also located within 100 feet of single-family residential property and should be mounted no taller than 20 feet above ground level.

CASE CONSIDERATIONS: As noted below, the Planning & Zoning Commission recommended approval of the case by a 6-1 vote, with Chairman Shiflet voting in opposition and expressing his concern that this proposal is not consistent with the City's efforts to improve the entrance into North Richland Hills along the freeway frontage. Commissioner Benton commented that the proposed landscaping improvements help justify the use while Commissioner Schopper was pleased that someone would fill the vacant space.

Both staff and the Commission express concern that the proposed secondhand dealer use in a 50,000 square foot space would not be in keeping with City Council's goal for quality development and revitalization. If approved, the use would remain with the land and could change tenants in the future. While "King B Antique Market" is the current applicant and leasee, there is no guarantee that another operator—without the same quality expectations as "King B"—could not take over the use permit. Staff has tried to address these concerns by some possible "SUP Conditions" outlined in the next section, which include some basic operational standards and a Special Use Permit sunset provision.

The property owner has agreed to outdoor lighting and landscaping improvements that would have a visual impact on the property and bring it almost to full compliance with current landscape code. Irrigated parking lot landscape islands and freeway landscape setback trees would be provided. The leuders limestone corridor "bollards" would also be installed along the freeway frontage. Since the Planning & Zoning Commission discussion about the appearance of the rear of the property, staff would also recommend landscape compliance along City Point Drive frontage as well if approved.

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 50,000 square feet nor one tenant or Certificate of Occupancy.
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.
 - b. The premises shall be used solely for the purpose of selling goods used for furnishing the home, including, but not limited to items normally associated with antiques stores and design studios.
 - c. Booth spaces must be delineated by moveable, non-permanent structures such as doors with bracketed stands or large furniture items. Structures that permanently attach to existing walls, floors, or ceilings are prohibited.
 - d. The business operation must use a centralized cashier or payment area to collect payment for goods and services directly from customers.
 - e. The storage of crates, boxes, merchandise, or other items on the exterior of the building shall be prohibited.
 - f. The provisions of Section 118-717 of the City Code, Incidental Outdoor Display, shall not apply to the Secondhand Dealer use. Incidental Outdoor Display shall be prohibited for such use.
3. *Landscaping improvements.* The property owner shall submit a landscape plan and irrigation plan, prepared by a Registered Landscape Architect, which 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 as related to parking lot landscaping, landscape setbacks along IH Loop 820 frontage, and landscape setback materials along City Point Drive frontage. All landscaping and irrigation improvements shall be installed by March 31, 2017.
4. *Building lighting.* All outdoor lighting on the entire property listed as Lot 5A, Block 1, North Hills Village, shall be reviewed by staff for conformance to Section 118-728 of the City Code and replaced with conforming light fixtures as necessary prior to the issuance of a Certificate of Occupancy



for a Secondhand Dealer. The use of neon or LED strip lighting is prohibited on all parts of the building.

5. *Refuse container screening.* Any refuse container shall be screened in accordance to the standards described in Section 118-874 of the Zoning Ordinance.
6. *Expiration.* The Special Use Permit shall expire three (3) years from the effective date of this ordinance. If the secondhand dealer business is still in operation at the time of expiration, the business shall be considered a legal non-conforming use and may continue operation subject to the standards described in Section 118-153 of the Zoning Ordinance.

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 secondhand dealer 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 5A, Block 1, North Hills Village.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the September 15, 2016, meeting and voted 6-1 (Shiflet) to recommend approval, subject to adding a 3-year sunset clause (added) and dumpster screening if one were to be installed (added).

RECOMMENDATION:



Consider Ordinance No. 3433, the applicant's Special Use Permit request for a Secondhand Dealer.