

**CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – MARCH 21, 2023**

The Richardson City Plan Commission met on March 21, 2023, at 7:00 p.m. in the School Board Meeting Room at the Richardson ISD Administration Building, 400 S. Greenville Avenue, Richardson, Texas 75081.

MEMBERS PRESENT: Bryan Marsh, Chairman
Kenneth Southard, Commissioner
Michael Keller, Commissioner
Joe Costantino, Commissioner
Nate Roberts, Commissioner

MEMBERS ABSENT: Gwen Walraven, Commissioner
Gary Beach, Commissioner

CITY STAFF PRESENT: Sam Chavez, Director – Development Services
Chris Shacklett, Asst. Director of Development Svcs. – Planning
Derica Peters, Senior Planner
Connie Ellwood, Executive Secretary
Danika Endevoets, Administrative Secretary

BRIEFING SESSION

Prior to the start of the regular business meeting, the City Plan Commission met with staff regarding staff reports and agenda items. No action was taken.

REGULAR BUSINESS MEETING

1. Approval of Minutes of the regular business meeting of March 7, 2023.

Motion: Chairman Marsh made a motion to approve the minutes as presented; Seconded by Commissioner Roberts. Motion passed 5-0.

PUBLIC HEARINGS

- 1. Zoning File 23-04 – Planned Development & Special Permit – K9 Resorts:** Consider and act on a request to rezone a 2.5-acre lot located at 2100 Alamo Road, on the east side of Alamo Road, north of Campbell Road, from LR-M(2) Local Retail to PD Planned Development for the LR-M(2) Local Retail District with amended development standards and for approval of a Special Permit for a dog daycare and boarding kennel within an existing building with an outdoor play area. *Property Owner: Keith Koop, Bravo Central, LLC. Staff: Chris Shacklett.*

Mr. Shacklett began by stating Zoning File 23-04 was a request to rezone 2.5 acres at 2100 Alamo Road from LR-M(2) Local Retail to PD Planned Development and for approval of a Special Permit for a dog daycare and boarding kennel with an existing building and the addition of an outdoor play area. The subject property was located between Central Expressway and

Alamo Road on the north side of Campbell Road. Surrounding properties were zoned Local Retail, Commercial and PD and developed with various retail, restaurant and office uses. The applicant was requesting PD zoning so they could add the boarding kennel use as an allowed use by a Special Permit in a Local Retail district since the Comprehensive Zoning Ordinance (CZO) allowed Special Permit requests for that use in the C-M Commercial and Industrial Districts only. Additionally, the applicant requested a Special Permit for the dog daycare use which was an unlisted use in the CZO and could be approved by approval of a Special Permit in any zoning district. This was similar to other requests that were approved recently including Dogtopia at The Shire and The Velvet Snout at Arapaho Road and Hampshire Lane.

Mr. Shacklett presented the proposed concept plan. He described the subject 9,000-square foot lease space located at the northern end of the building. This was previously a space that included a 3,000-square foot restaurant and 6,000-square foot office space. There was an outdoor covered patio on the north side of the building which would be removed to provide an outdoor dog run and play area. The proposed facility for K9 Resorts would be open from 7:00 a.m. to 7:00 p.m. and up to 120 dogs could be accommodated. Check-in for the dog daycare use would be from 7:00 a.m. to 9:00 a.m. with check-out from 5:30 p.m. to 7:00 p.m. Times in between were check-in and check-out times for the boarding kennel customers.

The play area would be fenced with an 8-foot-tall fence constructed of a vinyl material and molded to provide the look of a masonry wall. These walls were engineered to provide noise reduction. The existing concrete patio would be removed and replaced with turf on top of a drainable aggregate surface that would allow for staff to provide wash down maintenance of that area. Only a small number of dogs would be in the outdoor area at a given time and only with trained staff.

As part of the Special Permit request, the applicant requested to utilize a parking ratio of one (1) parking for every 500 square feet. A standard parking ratio for the use does not exist. This was the same parking ratio that was approved for The Velvet Snout on Hampshire Lane. It was stated the maximum anticipated demand at a given time would be fourteen (14) parking spaces. They stated customers were only on-site for a few minutes. Based on the proposed ratio and existing parking ratios the remaining lease space on the property, 100 spaces overall were required for the site; 141 would be provided. This was a significant decrease from fifty-four (54) parking spaces required for the previous office and restaurant uses in the 9,000-square foot space. Mr. Shacklett presented pictures of the north and east sides of the building where the use would be located.

Mr. Shacklett presented a summary of the request, including retaining the minimum 4% landscape requirement. He also presented the conditions related to the Special Permit, including a limitation of the use to K9 Resorts and the proposed parking ratio. Mr. Shacklett concluded his presentation stating there had not been any correspondence received related to the request, then made himself available for questions.

Chairman Marsh asked for clarification on Mr. Shacklett's statement from the work session about allowing additional uses.

Mr. Shacklett stated he was referring to the C-M Commercial zoning which allows more uses than LR-M(2) Local Retail and that within a C-M district, a boarding kennel Special Permit could be requested. In the proposed request, the uses would be limited to LR-M(2) Local Retail uses along with the use of the dog daycare and boarding kennel facility by Special Permit only.

Commissioner Keller asked if the similar cases of dog daycare or kennel facilities had outdoor dog play areas similar to the applicant's request.

Mr. Shacklett confirmed that Dogtopia and The Velvet Snout did have outdoor play areas. He stated Fuzzy Tails did not and were already existing as a grooming facility and added daycare. He stated The Velvet Snout added a larger outdoor area covering the entire rear yard of their property. He stated Dogtopia was previously a childcare center, and they repurposed the existing outdoor play area by changing the fencing and making it more appropriate for dogs.

With no further questions for staff, Chairman Marsh asked the applicant to come forward on behalf of the request.

Mr. John Fuess, 4217 Reaumur Drive, Dallas, Texas, came forward to introduce the request and turned the presentation over to Mr. Kevin Tennant.

Mr. Kevin Tennant, 70 Parker Street, Freehold, New Jersey, Vice President of Operations for K9 Resorts, came forward to present the request. He provided a brief history of the company, stating the first location was opened in 2005 and that the company now had twenty-four (24) resorts nationally in different stages of development in nineteen (19) states. He stated the purpose of K9 Resorts was to provide a home away from home for dogs. He stated they did not provide grooming, vaccinations or any retail services.

Mr. Tennant continued describing the three (3) different types of boarding rooms and discussed the types of food and bedding provided. All dogs at the facility for boarding can be part of the dog daycare activities. He stated dogs would not be in the same compartment unless they are family dogs. Mr. Tennant described the outdoor play area and that it was required at all locations. He discussed that the daycare rooms were separated by size of the dog. He stated the dogs were never left unsupervised during group play. He stated that only dogs that were customers of the boarding kennel would receive a bath. They did not provide bathing services to the public.

Mr. Tennant explained the building and site modifications including upgrades to the HVAC system, interior building materials, outdoor yard fence, outdoor turf and drainage system and interior acoustics improvements.

Mr. Tennant discussed the training program for K9 Resort staff members and management. He provided examples of the checklists and operations manuals that are used daily. He explained the facility's reservation and registration system. He provided detail on the cleaning and disinfecting procedures used by the facility. He discussed the safety and security measures including sprinkler systems, 24-hour security system, pest control and cameras throughout the

facility. Mr. Tennant concluded his presentation by providing information about the check-in process, staffing levels and hours of operation, then made himself available for questions.

Chairman Marsh asked if the property owner was present.

Mr. Shacklett stated the property owner was present.

Mr. Keith Koop, 14953 Oaks North Drive, Dallas, Texas, came forward representing the property ownership to answer questions.

Chairman Marsh asked if Mr. Koop was in favor of this request.

Mr. Koop responded he thought K9 Resorts would be an excellent addition to the North Richardson area.

Chairman Marsh clarified that Mr. Fuess was the franchisee and would be running the facility.

Mr. Fuess confirmed he and his brother were the franchisees and that they would be hiring full-time managers.

Commissioner Southard asked if K9 Resorts was only for dogs.

Mr. Tennant confirmed K9 Resorts was only for dogs.

Chairman Marsh asked how often the dirt and sub-surface in the outdoor play area would have to be replaced.

Mr. Tennant responded the turf had a 10-year warranty and was part of the 10-year remodel requirements if the franchisee decided to renew the franchise agreement. At that time, the turf would be required to be replaced. He continued by stating they had not experienced issues with having to replace any of the material beneath the turf because of their cleaning practices.

With no further questions of the applicant, Chairman Marsh made a motion to open the public hearing.

He asked if there was anyone that would like to speak in favor or opposition to the request.

Seeing none, Chairman Marsh made a motion to close the public hearing, seconded by Commissioner Southard. Motion passed 5-0.

Chairman Marsh asked for further deliberation or a recommendation from the Commission.

Motion: Commissioner Roberts stated he utilized dog daycare and that this use was well planned. He made a motion to recommend approval of Zoning File 23-04 – Planned Development & Special Permit – K9 Resorts as presented. Seconded by Commissioner Costantino. Motion Passed 5-0.

2. **Zoning File 23-05 – Special Permit – China Spa Massage Establishment:** Consider and act on a request for approval of a Special Permit for a massage establishment located within an existing building on a 0.83-acre lot currently zoned Main Street/Central Expressway PD Planned Development (Centennial Green Sub-District), located at 210 E. Spring Valley Road, on the south side of Spring Valley Road, west of Greenville Avenue. *Property Owner: Yuanli Tang, Kuro Uma LLC. Staff: Derica Peters.*

Ms. Peters began by stating Zoning File 23-05 was a request for a Special Permit for a massage establishment at 210 E. Spring Valley Road. The subject site was a 0.83-acre lot located south of Spring Valley Road and north of Centennial Boulevard. It was developed with a 10,500-square foot multi-tenant retail building and was zoned as part of the Main Street Central Expressway Planned Development (PD) in the Centennial Green Sub-district. The properties surrounding it to the east, south and west were also in the same zoning district. To the north was property zoned as PD Planned Development for multi-family and single-family residences. Within the building, there were various retail and restaurant uses. To the east, there was a gas station and convenience store. The applicant proposed to occupy a 700-square foot suite in the southwest corner of the building. The entrance to the suite was on the west side of the building facing the parking lot. The site provided fifty-five (55) parking spaces. This PD would require thirty-five (35) parking spaces for a new building of this size; however, no additional parking was required, regardless of use, for the existing building.

Ms. Peters provided background information concerning the site, stating in 2016 the Comprehensive Zoning Ordinance (CZO) was amended to establish a definition for a massage establishment and to require approval of a Special Permit for a massage establishment. There had been another massage establishment at this location which operated as a legal non-conforming use and vacated in June of 2022. In January of 2023, the certificate of occupancy (C.O.) was officially revoked because the previous establishment failed to operate a lawful massage therapy business. Since the establishment was vacated for a period of more than six (6) months, the non-conforming rights were considered abandoned and no longer available. The applicant was coming in as a new tenant with a new business, requesting a Special Permit at the location. She stated she was a professional, licensed massage therapist. The hours of operation would be Monday through Saturday from 10:00 a.m. to 8:00 p.m. The applicant would be the only masseuse on staff.

Ms. Peters concluded her presentation providing a summary of the request. If approved, the Special Permit would be limited to the applicant and would be limited to the lease space shown on the Concept Plan. It would expire in accordance with the CZO, and the hours of operation would be limited to 10:00 a.m. to 8:00 p.m., Monday through Saturday. She stated no correspondence had been received regarding the request, then made herself available for questions.

With no further questions for staff, Chairman Marsh asked the applicant to come forward on behalf of the request.

The following individuals came forward to present and speak on behalf of the request:

- Ms. Chun Lin, 1811 North Crest Drive, Carrollton, Texas (Applicant)
- Ms. Sissy Tong, 6802 Hyacinth Lane, Dallas, Texas (Translator / Realtor)
- Ms. Yuanli Tang, 6304 Villa Road, Dallas, Texas (Property Owner / Landlord)

Ms. Lin stated she purchased the previous business, Sunny Massage. She did not know the prior owner and after purchasing the business, she discovered two (2) problems. First, the previous spa owner said they were operating the spa legally, which she later found was not true. Second, they told the applicant that she did not need a new C.O. After Ms. Lin purchased the spa, she found that customers coming to the business were acting inappropriately which concerned her. She described an incident where she had to file a police report. She also posted signs stating, "Any form of sexual harassment will end the session immediately with no refund." in multiple locations at the business. She also provided handouts illustrating that customer ratings had increased since taking ownership of the business. She stated she had been a professional massage therapist for thirteen (13) years and her main skill was sports injury therapy. Her goal was to help people with pain management. In summary, the applicant was hoping to obtain the Special Permit to make sure her business was up to legal standards. She stated she had a lack of experience and did not know how to properly go through the permitting process.

Ms. Tong and Ms. Tang stated they were supportive of Ms. Lin and that they utilize her massage services.

Chairman Marsh asked for the applicant to clarify when the business was purchased.

Ms. Lin stated she bought the business on November 15th, 2022.

Chairman Marsh asked the applicant to clarify if she was working at the spa prior to November 15th, 2022.

Ms. Lin responded no.

Chairman Marsh asked if the harassment incident happened after the purchase of the business.

Ms. Lin responded it occurred in January 2023.

Chairman Marsh commented the incident happened after the business and some of the prior clientele that came in after the purchase were accustomed to the prior owners.

Ms. Tong confirmed this timeline then stated how the applicant said she would be the only massage therapist working there because she did not want to be responsible for other therapists' business ethics.

Chairman Marsh asked staff for confirmation that the prior tenant vacated in June of 2022.

Ms. Peters confirmed yes.

Chairman Marsh asked if the business reopened in November of 2022 after being purchased by the applicant.

Mr. Shacklett responded it was unclear because it was not until the pre-determination hearing that the City was informed that prior owners, Yellow Crystal Health, vacated and sold their interest in the business to the applicant on July 1, 2022. Staff was not clear on the date of when the applicant started operating since no C.O. or new permit was issued for the new business. He stated that although the previous C.O. was revoked for unlawful operation, a C.O. for a new tenant could have been issued.

Commissioner Costantino asked staff to verify the police reports of the illegal activity that were recorded corresponded with the testimony and timeline stated this evening.

Mr. Shacklett confirmed the incidents took place in Spring of 2022.

Commissioner Roberts asked staff if they had any information concerning the recent police report by the applicant.

Mr. Shacklett responded no.

Commissioner Roberts asked the applicant her name and how many massage rooms were in the 700-square foot establishment.

Ms. Lin responded her name was Chun Lin and there were two (2) rooms.

Commissioner Roberts asked the applicant if her intent was to hire another masseuse.

Ms. Lin responded no.

Commissioner Roberts asked where she advertised for the business.

Ms. Lin stated she had not advertised, but the previous owners advertised on Google.

Commissioner Roberts asked if the applicant would rely on word of mouth for advertising.

Ms. Lin responded she would continue to rely on word of mouth because Google advertising was already established for the business and prior clients would schedule appointments. They often become return customers and provide referrals.

Commissioner Costantino clarified if there was a location set up with Google business, it would remain in the system and when a search was done, the business would appear as an option.

Chairman Marsh asked for clarification on the supplemental handouts provided to the Commission. He asked about names mentioned in the reviews, such as "Sarah" and "Sabrina".

Ms. Lin stated "Sabrina" was her English name because it was easier than Chun Lin.

Commissioner Southard wanted to verify that in the short time she had been operating with more appropriate customers, did the applicant feel as though she had enough clientele to proceed.

Ms. Lin responded she had strong confidence because in China she had a spa for ten (10) years with continuous clients based on word of mouth only and no advertising.

With no further questions for the applicant, Chairman Marsh opened the public hearing and asked if there was anyone wishing to speak in favor or opposition of the request.

The following individual spoke in opposition to the request:

- Rebecca Daniels, 221 E. Spring Valley Road, Richardson, Texas

Ms. Tong stated Ms. Tang purchased the shopping center eighteen (18) months ago and could not speak to the resident's comment regarding the last three (3) years. She stated she went to each establishment to renew the contracts. She stated she asked Ms. Lin if she felt safe at the establishment, and she stated Ms. Lin responded yes. She stated she did not witness loitering around the businesses.

Ms. Tang, the property owner, commented she had installed new lights on the outside of the shopping center to brighten up the area at night and fixed the parking lot.

Ms. Tong stated the tenants had been there for many years.

With no further questions of the applicant, Chairman Marsh made a motion to close the public hearing, seconded by Commissioner Southard. Motion passed 5-0.

Chairman Marsh asked for further deliberation or a recommendation from the Commission.

Chairman Marsh commented that although massage establishments have gotten a bad reputation, they also serve a worthy purpose, particularly for those in pain. He stated he did not want to prohibit the applicant from operating a legal establishment because of the actions of the previous owner. He sympathized with the neighbors' concerns about the activities and characteristics of the neighborhood. He did not feel this request impacted those concerns, and the reputation might be difficult to overcome. He felt the applicant was sincere in her desire to run a legal business. It was a difficult case with the issues in the neighborhood and with what ideally should be planned in the area.

Commissioner Roberts asked staff if they had an awareness of the public comment referencing homelessness in the area.

Mr. Shacklett responded the issues being discussed would be a code compliance or police issue. He further commented it may be an issue in the subject area and other areas, but it would not be something that would be part of the purview of the Commission's discussion.

Commissioner Costantino commented he believed a good, earnest business in the area would be a benefit and would provide protection against some of the stated concerns. He stated there was an opportunity for change if there was an applicant who was aware of the issues and prepared to make a change.

Commissioner Southard stated he encouraged the applicant to ensure that an alarm button was installed that potentially rang to another business in the shopping center. He clarified that this would not be part of the Commission's recommendation.

Chairman Marsh commented it was important to note that it was the applicant that reported the inappropriate behavior to the police. That was an indication of their intent and commitment to run a legal establishment. Also, the fact that she would be the only massage therapist working there was a positive.

Motion: Commissioner Costantino made a motion to recommend approval of Zoning File 23-05 – Special Permit – China Spa Massage Establishment as presented. Seconded by Commissioner Keller. Motion Passed 5-0.

ADJOURN

With no further business before the Commission, Chairman Marsh adjourned the regular business meeting at 8:17 p.m.

Bryan Marsh, Chairman