



City of Azle
Regular Agenda
Planning and Zoning Commission

505 W. Main Street
Azle, Texas 76020

July 18, 2024

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Commission may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the Planning and Zoning Commission on posted agenda items or non-agenda items. In order to address the Commission, please complete a Speaker's Request Form and submit to the Secretary prior to the start of the meeting. All comments must be directed to the Presiding Officer, rather than an individual commissioner or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. The Commission may not comment publicly on non-agenda items, but may direct the staff to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require Commission action, you may obtain a form from the Secretary and request the item be placed on a future agenda.

CONSENT AGENDA

1. Consider approval of the minutes of the Planning and Zoning Commission meeting held June 20, 2024.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing and make a recommendation to City Council regarding a proposed zoning change request from Industrial (IND) District to a Planned Development (PD) District for approximately 57 acres of land, being described as Lots 1-3, Block 1, RS3 Industrial Park and a 28.638-acre tract of land in the G.W. Robbins Survey, Abstract No. 1155, City of Azle, Parker County, Texas. The property is generally located on the east side of Ashwood Street and on the north side of Northwest Parkway (Hwy. 199).

David Hawkins, Director of Planning and Development

3. Conduct a public hearing and consider a recommendation to the City Council regarding a Specific Use Permit request to operate a tattoo parlor business for property located at 629 Profit Street and also known as Lot 2, Block 2, Azle Industrial Park Addition. The property is located on the south side of Profit Street approximately one hundred fifty feet (150') east of Commerce Street. The applicant is requesting a Specific Use Permit to operate a tattoo parlor business at this location.

David Hawkins, Director of Planning and Development

DISCUSSION ITEMS

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on July 12, 2024, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.



This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete Planning and Zoning Commission agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



MINUTES
Regular
Azle Planning and Zoning
Commission

505 W. Main Street
Azle, Texas 76020

June 20, 2024

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Chairman Leonard Wheeler called the meeting to order at 6:01 p.m.

Members Present:

Chair Leonard Wheeler
Commissioner Curt Lampkin
Commissioner Rick Simmons
Commissioner Laurel Mosier
Vice Chairman Jim Carlson
Commissioner Cynthia Barrios

Members Absent:

Commissioner Jared Arneson

Staff Present:

David Hawkins, AICP	Director of Planning and Development
Malinda Nowell	Sr. Administrative Assistant

INVOCATION

Vice Chairman Jim Carlson gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Cynthia Barrios led the pledge.

PUBLIC PARTICIPATION

None

CONSENT AGENDA

1. **Consider approval of the minutes of the Planning and Zoning Commission meeting held March 21, 2024.**

Commissioner Curt Lampkin moved to approve the minutes of the Planning and Zoning Commission meeting held March 21, 2024 as presented. Commissioner Rick Simmons seconded the motion.

Motion carried.

Yes: (6) Rick Simmons, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin,
Jim Carlson

No: (0)

Absent: (1) Jared Arneson

ACTION ITEMS

2. **Consider and take appropriate action on a Replat for a 2.37-acre tract of land out of the M.E.P.&P. R.R. CO. Survey, Abstract No. 1142, Tarrant County, Texas and Lot 1, Block B, Stone Eagle Addition to create Lots 1R1, 1R2, 1R3, and 1R4, Block B, David Place, an addition in the City of Azle, Tarrant County. The properties are located at 500 and 700 Kimbrough Road, which are located on the east and south sides of Kimbrough Road and west of Stribling Drive.**

Director of Planning and Development David Hawkins presented this item. Discussion was held on providing sewer service; driveway approach location and design.

Commissioner Rick Simmons moved to approve this replant as presented. Commissioner Curt Lampkin seconded the motion. Motion carried.

Yes: (6) Rick Simmons, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin,
Jim Carlson

No: (0)

Absent: (1) Jared Arneson

3. **Consider and take appropriate action on a Replat for Lot 25, Block 1, English Creek Estates to create Lots 25R-1 and 25R-2, Block 1, English Creek Estates, an addition within the ETJ of the City of Azle, Tarrant County. The property is located at 3309 English Creek Court, which is north of the City limits on FM 730 N, approximately 3,305 feet north of the intersection of Peden Road and Liberty School Road, off of English Creek Drive.**

Director of Planning and Development David Hawkins presented this item. Discussion was held on providing septic service to the vacant lot.

Commissioner Rick Simmons moved to approve this replant as presented. Commissioner Cynthia Barrios seconded the motion. Motion carried.

Yes: (6) Rick Simmons, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin,
Jim Carlson

No: (0)

Absent: (1) Jared Arneson

PUBLIC HEARING

4. **Conduct a public hearing and consider a recommendation to the City Council regarding text amendments to Chapter 14 "Zoning Ordinance" of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider adding parking maintenance requirements for commercial properties.**

Director of Planning and Development presented this item. Discussion included responsibility of parking lot maintenance falling to the property owner regardless of any agreement the property owner may have with his/her tenants. Discussion also included what would happen to existing parking lots in disrepair. Mr. Hawkins stated that all parking lots would be subject to this ordinance upon adoption; there is no grandfather clause.

Chairman Leonard Wheeler opened the public hearing at 6:17 p.m. As there were no speakers, Chairman Wheeler closed the hearing at 6:17 p.m.

Further discussion included the need for more tolerance in the depth of the grade when repairs are required, from one inch to 1.25 inches, that the depth of grade for repairs on city streets is probably larger than one inch, and that repair area may be repaired with like or better material.

Vice Chairman Jim Carlson moved to recommend approval of this text amendment to Chapter 14 "Zoning Ordinance", as presented, but with the following changes:

1. Amend Section C.1. to state "changes in surface grade of 1.25 inches or greater to the repaired area."
2. Amend Section C.2 to state "All repairs to the parking lot shall be permanent repairs and shall be equivalent to the original material in depth and material, or greater. All repairs are to be completed using the same type of material for parking lots, or greater, (i.e. asphalt for asphalt, or concrete for asphalt). Dissimilar materials shall only be allowed if improving surface with equal to or greater than type of material. All repairs have to be made so that the compacted repair is level with the surrounding surface."

Commissioner Rick Simmons seconded the motion.

Motion carried 6-0.

Yes: (6) Rick Simmons, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin, Jim Carlson

No: (0)

Absent: (1) Jared Arneson

DISCUSSION ITEMS

5. Development Project Updates

Director of Planning and Development David Hawkins presented a copy of the latest Development Activity Report that had been prepared for the Municipal Development District (MDD) Board. Mr. Hawkins mentioned the following projects: Dutch Bros., Hornets Plaza, Wing drone delivery partnership with Wal-Mart, Stingers Bar and Grill at the old Flames building, and plans for a new church building at 111 Gipson Road. Mr. Hawkins also stated that Council recently approved a facade grant for Azle Paint and Body, as well as a couple others for replacement of non-conforming signs. All certificates of occupancy have been issued for the 20 buildings in the Stafford Place Apartments. Additionally, Mr. Hawkins stated that some street repairs are needed for the Sandy Beach subdivision but once accepted, staff anticipate 80 residential building permits to be submitted initially .

Mr. Hawkins also mentioned that the Comprehensive Master Plan has been delayed a couple of months; staff anticipate a September/October adoption date after putting the plan up for public review in August.

6. APA Texas Chapter Midwest Section's Annual Elected and Appointed Officials Workshop

Mr. Hawkins mentioned that the one-day APA workshop will be held on July 26th in North Richland Hills. He stated that the city would pay the registration cost if anyone wanted to attend.

OTHER ITEMS

None

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 6:40 p.m.

Presented and approved on _____

Leonard Wheeler, Chairmain

Attest:

David Hawkins
Director of Planning and Development



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing and make a recommendation to City Council regarding a proposed zoning change request from Industrial (IND) District to a Planned Development (PD) District for approximately 57 acres of land, being described as Lots 1-3, Block 1, RS3 Industrial Park and a 28.638-acre tract of land in the G.W. Robbins Survey, Abstract No. 1155, City of Azle, Parker County, Texas. The property is generally located on the east side of Ashwood Street and on the north side of Northwest Parkway (Hwy. 199).

Background and Explanation:

The approximate 57-acre subject property is currently zoned as Industrial (IND) with zoning changes approved back in 2013 and 2023. A portion of the property is already developed with the Integrated Machinery Systems business located on the northeast corner of the property. This property has been slated to be developed as a new Industrial Park and the applicant is ready to proceed forward with their development plans for the entire 57 acres. On April 2, 2024, the City Council passed an ordinance (Ord. No. 2024-11) to amend the Permitted Use Schedule within the Zoning Ordinance which now requires a Specific Use Permit (SUP) to operate various light and heavy industrial-type businesses within the Industrial (IND) zoning district. Prior to this ordinance change, each business would only need to apply for a building permit for constructing each building and receive a Certificate of Occupancy to open the business located within the Industrial Park.

The purpose of this Planned Development (PD) zoning change is to modify the permitted uses that would be allowed for this 57-acre Industrial Park. If approved, this modified permitted use schedule would only apply to this 57-acre property.

Existing Condition of Property:

The 57-acre property is predominately undeveloped and is planned for a new Industrial Park. The property is generally located on the east side of Ashwood Street and north of Northwest Parkway (Hwy. 199).

Adjacent Zoning:

North: Outside of City Limits (Parker County)

South: Heavy Commercial (HC)

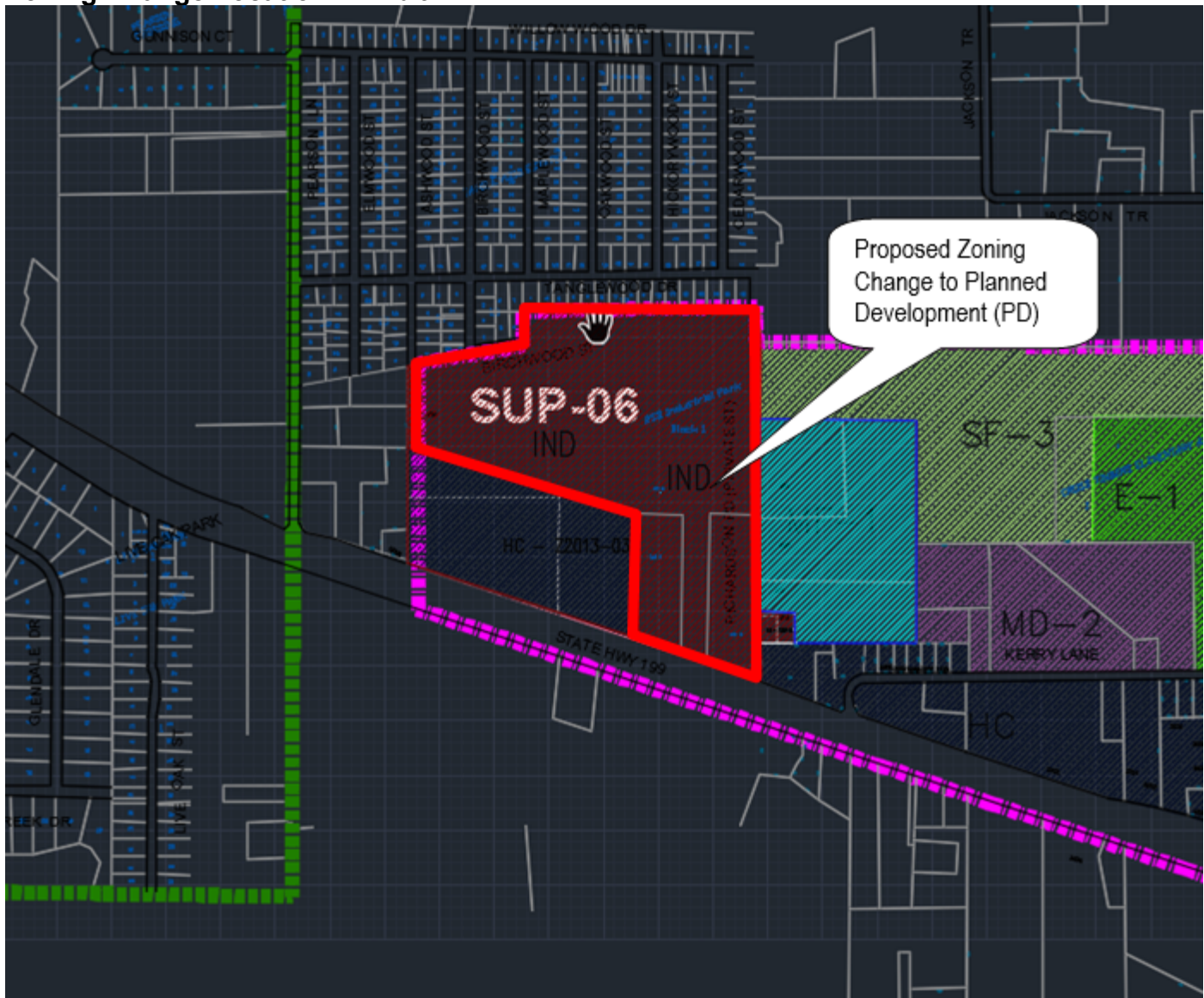
East: Heavy Commercial (HC), Industrial (IND), Multifamily One (MF-1), & Single-Family Three (SF-3)

West: Outside of City Limits (Parker County)

Current Zoning:

This zoning change request is a Planned Development (PD) District specific to this 57-acre property. There is no Concept Plan associated with this request as this will be provided at a later date when the Site Plan is submitted to the City.

Zoning Change Location Exhibit:



Comprehensive Plan Analysis:

The City of Azle's Comprehensive Master Plan designates this area as Industrial. This classification provides for the development of both heavy and light industrial use.

Heavy Industrial – are uses that manufacture finished or semi-finished products from raw materials that may result in loud noise, heavy truck traffic and visible open storage. This level of industrial use should be located near major access, removed from residential areas, and be near major water and sewer facilities.

Light Industrial – includes warehousing, industrial activities not requiring major open storage and those that may be part of a planned center consisting of several buildings. These uses can be attractive and associated loading areas can be screened with landscape elements resulting in a very pleasing atmosphere. This type of use may also incorporate office use.

The proposed Planned Development is in conformance with the goals, objectives and land use designation of the Comprehensive Plan.

Police Impact:

No impact on services

Fire Impact:

No impact on services

Utilities:

Water - Water is available to serve this property.

Sewer - Sewer is available to serve this property.

Storm Water – Storm water and drainage plans will be reviewed at the permitting phase should the zoning change be approved.

Zoning Change Notification Process:

Eight (8) letters were sent to surrounding property owners within the city limits (Parker County is adjacent to the north and west of the subject property and were not sent letters). As of July 12, 2024, staff has received no formal responses from the public and there were several emails received inquiring about this request.

Board/Commission/Committee Recommendation:

The proposed Planned Development is in conformance with the City of Azle's Comprehensive Master Plan.

Options for the Planning & Zoning Commission:

1. Recommend approval as submitted
2. Recommend denial as submitted
3. Table the case to a future meeting

Staff Recommendation:

Staff recommends approval of this Planned Development request as it will allow the Industrial Park to proceed forward and develop as originally intended.

Attachments:

1. Purpose of Zoning Change - 6-21-2024
2. Survey of 27.476 Acres - Price Surveying
3. Survey of 28.638 Acres - Price Surveying
4. Ordinance 2024-11 - Updated Permitted Use Schedule 4.2.2024

David Hawkins, AICP
Director of Planning and Development
City of Azle
505 W. Main Street
Azle, TX 76020
Office: 817-444-7084 Fax: 817-444-7149
dhawkins@cityofazle.org

RS3 Holdings, LLC
Stephen E. Bond Jr, PE
1500 Northwest Parkway
Azle, TX 76020
Tel: 817-659-2401
Fax: 888-316-0763

Subject: Zoning Change

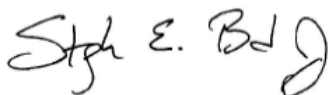
Mr. Hawkins,

Please accept this application for a change to the zoning of the 56 acres of RS3 Holdings land at 1500 Northwest Parkway. The acreage is currently zoned Industrial, and we would request it to be changed to a Planned Development for Industrial Use. Recent changes to the City's Permitted Use Schedule have impacted both our current operations at IMS and our long-planned industrial park development. We would request that the new zoning be applicable only to the 56 acres owned by RS3 Holdings and not to other parts of the City's jurisdiction. It is our intent under the Planned Development for Industrial Use zoning that we continue with our original goal of developing an industrial park for uses such as:

- Professional services and offices
- Industrial sales and service
- Distribution centers
- Light manufacturing (outdoor storage allowed)
- Heavy manufacturing (outdoor storage allowed)
- Wholesale storage and distribution

I would like to extend my gratitude to the City of Azle and thank all the City's personnel for their support and encouragement over the last 6 years. We are very excited to finally be moving forward with our long-planned industrial park development. Please let me know if there is any additional information needed or if I can further elaborate on our plans for the industrial park.

Thank you.

A handwritten signature in black ink that reads "Steph E. Bond Jr". The signature is written in a cursive, flowing style.

Stephen E. Bond Jr, P.E.

LEGAL DESCRIPTION

Of a 27.476 acres tract of land out of the G.W. Robbins Survey, Abstract No. 1155, Parker County, Texas; being part of a certain 56.113 acres tract described in Document No. 201316961 of the Official Records of Parker County, Texas; and being further described by metes and bounds as follows:

Beginning at a found 5/8" iron rod in the north right of way line of State Highway No. 199 and in the west line of Richardson Street (Private Road - Paved) and at the southeast corner of said 56.113 acres tract for the southeast and beginning corner of this tract. Whence the southwest corner of said G.W. Robbins Survey is called to bear S. 78 deg. 44 min. 25 sec. W. 2685.03 feet.

Thence N. 71 deg. 04 min. 43 sec. W. 635.62 feet along the north right of way line of said State Highway No. 199 to a found 1/2" iron rod with cap at the most southerly southwest corner of said 56.113 acres tract for the southwest corner of this tract.

Thence N. 00 deg. 29 min. 20 sec. E. 1918.64 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in the north line of said 56.113 acres tract for the northwest corner of this tract.

Thence N. 89 deg. 32 min. 18 sec. E. 580.15 feet to a found 1/2" iron rod in the west line of said Richardson Street for the northeast corner of this and said 56.113 acres tract.

Thence S. 00 deg. 08 min. 32 sec. E. 1944.66 feet along the west line of said Richardson Street to a found 1/2" iron rod for a corner of this and said 56.113 acres tract.

Thence S. 00 deg. 04 min. 22 sec. W. 184.71 feet along the west line of said Richardson Street to the place of beginning.

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this ____ day of _____, 2014

Signature _____

My Commission Expires On _____

CITY OF AZLE - PARKER COUNTY, TEXAS
PLANNING AND ZONING COMMISSION APPROVAL

Approved this ____ day of _____, 2014

_____, CHAIRMAN

_____, SECRETARY

OWNER'S CERTIFICATE

That I, _____, authorized agent for RS3, the owner of the land shown hereon do hereby adopt this plan for platting the same according to the lines, lots, streets and easements shown, and designate said plat as RS3 Industrial Addition to the City of Azle, Parker County, Texas, being a part of the G.W. Robbins Survey, Abstract No. 1155, Parker County, Texas. I, by the recordation of this plat, do hereby plat the property shown hereon, said lots to be hereafter known by the lot numbers as indicated hereon.

EXECUTED THIS THE _____ DAY OF _____, 2014

Signature _____

Printed _____

Title _____

LIEN HOLDER STATEMENT

Bank of Texas, as lien holder of this property, does hereby consent to the platting of this property as indicated hereon and for the purposes and consideration as stated.

(Signature) _____

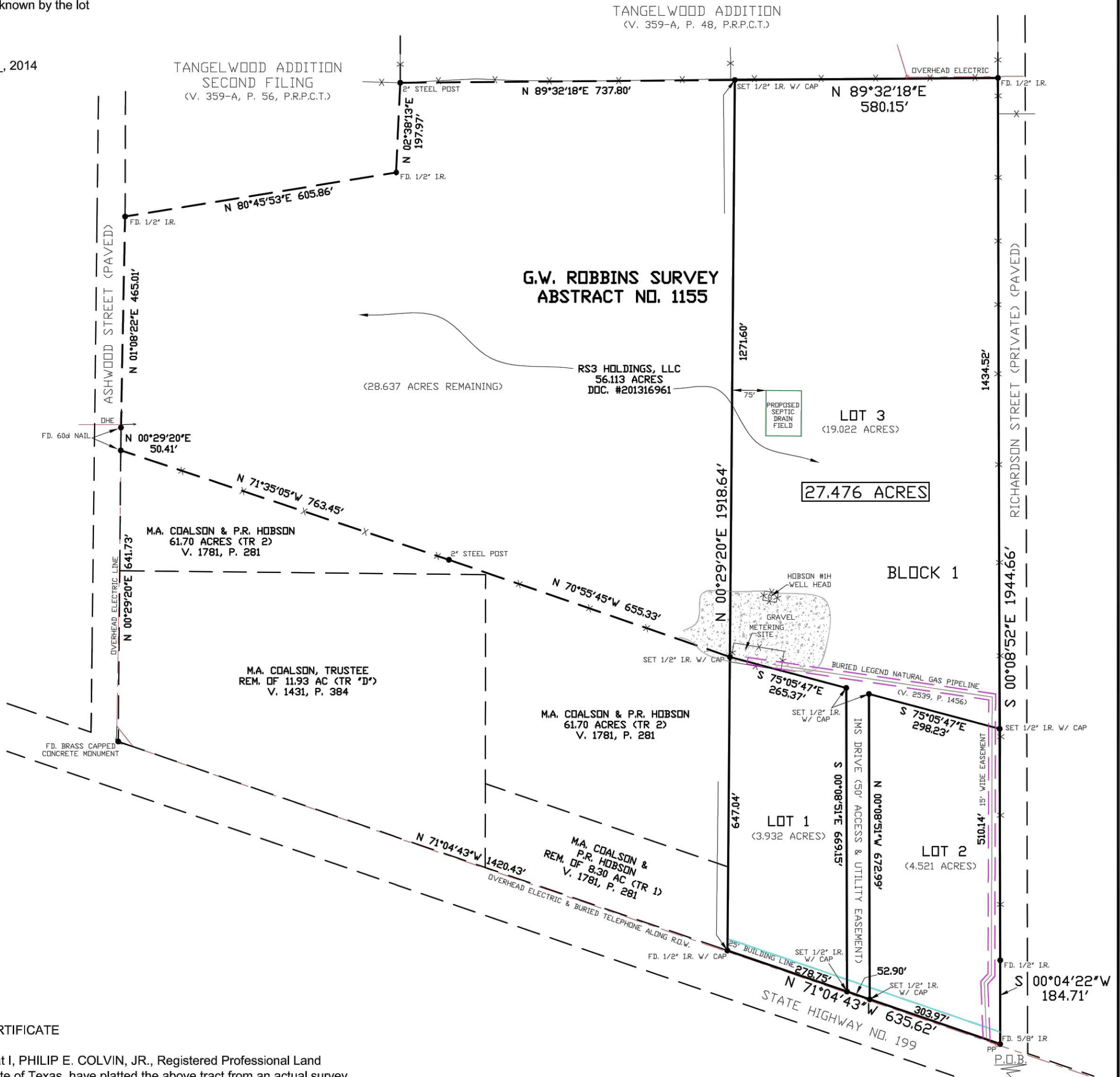
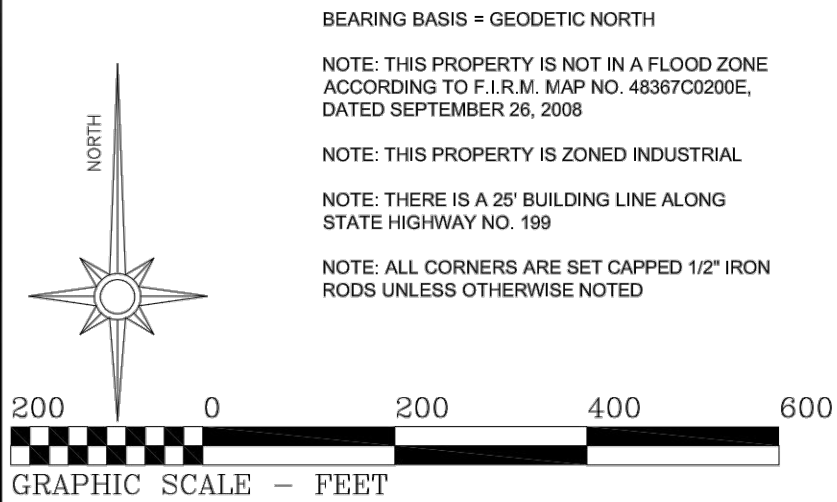
(Printed) _____

(Title) _____

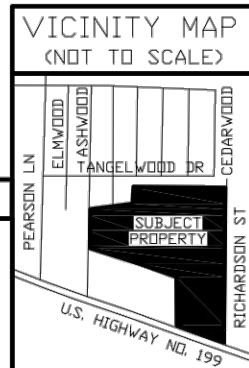
SURVEYOR'S CERTIFICATE

This is to certify that I, PHILIP E. COLVIN, JR., Registered Professional Land Surveyor of the State of Texas, have platting the above tract from an actual survey on the ground and that all lot corners, angle points, and points of curves are properly marked on the ground, and that this plat correctly represents that survey made by me or under my direct supervision on MAY 13, 2014.

PHILIP E. COLVIN, JR., R.P.L.S. No. 6258
JN13498 08054.crd FN131021



DEVELOPER	ENGINEER
RS3, LLC P.O. BOX 161637 FORT WORTH, TX 76161	HUFFMAN CONSULTING ENGINEERS P.O. BOX 3159 BURLESON, TX 76028 PHONE: (817) 357-5354 FAX: (817) 887-1940 EMAIL: JHUFFMAN@H-C-ENG



SURVEYOR	FINAL PLAT
PHILIP E. COLVIN, JR. PRICE SURVEYING 213 SOUTH OAK AVENUE MINERAL WELLS, TX 76067 940-325-4841	RS3 INDUSTRIAL PARK LOTS 1-3, BLOCK 1 BEING A SUBDIVISION OF 27.476 ACRES TRACT OUT OF THE G.W. ROBBINS SURVEY, ABSTRACT NO. 1155, PARKER COUNTY, TEXAS

PLAT OF SURVEY AND LEGAL DESCRIPTION

Of a 28.638 acres tract of land out of the G. W. Robbins Survey, Abstract No. 1155, Parker County, Texas; being part of a certain 56.113 acres tract described in Document No. 201316961 of the Official Public Records of Parker County, Texas; and being further described by metes and bounds as follows:

Beginning at a set 1/2" iron rod with cap (PRICE SURVEYING) at the northwest corner of Lot 1 and at the most westerly southwest corner of Lot 3, both in Block 1, RS3 Industrial Park, an addition to Parker County, Texas; according to the plat recorded in Cabinet D, Slide 450 of the Plat Records of Parker County, Texas, and at the northeast corner of a certain 10.000 acres tract (Tract 2) described in Document No. 202100314 of said Official Public Records for the southeast and beginning corner of this tract.

Thence N. 70 deg. 55 min. 45 sec. W. 655.33 feet to a 2" steel post at a corner of said 10.000 acres tract for a corner of this and said 56.113 acres tract.

Thence N. 71 deg. 35 min. 05 sec. W. 763.45 feet to a set 60D nail in the east right of way line of Ashwood Street (paved) and at the northwest corner of said 10.000 acres tract and at the most westerly southwest corner of said 56.113 acres tract for the southwest corner of this tract.

Thence N. 00 deg. 29 min. 20 sec. E. 50.41 feet to a set 60D nail in the east right of way line of said Ashwood Street for a corner of this and said 56.113 acres tract.

Thence N. 01 deg. 08 min. 22 sec. E. 465.01 feet to a found 1/2" iron rod in the east right of way line of said Ashwood Street and at the southwest corner of Lot 7, Block 14, Tanglewood Addition to the City of Azle, Parker County, Texas; according to the plat recorded in Volume 359-A, Page 56 of said Plat Records for the most westerly northwest corner of this and said 56.113 acres tract.

Thence N. 80 deg. 45 min. 53 sec. E. 605.86 feet to a found 1/2" iron rod for an ell corner of this and said 56.113 acres tract.

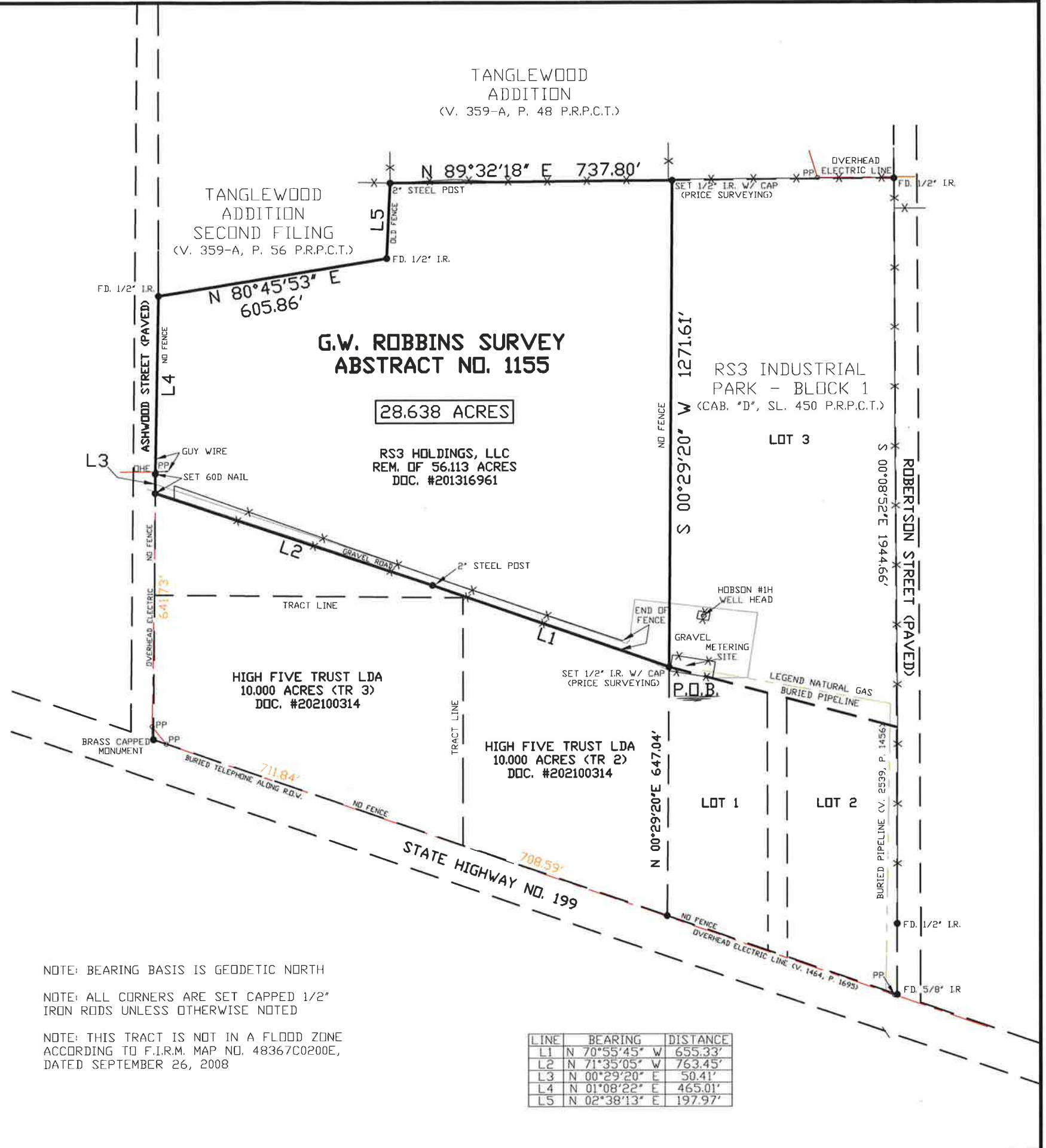
Thence N. 02 deg. 38 min. 13 sec. E. 197.97 feet to a 2" steel post for the most northerly northwest corner of this and said 56.113 acres tract.

Thence N. 89 deg. 32 min. 18 sec. E. 737.80 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in the north line of said 56.113 acres tract and at the northwest corner of said Lot 3, Block 1, RS3 Industrial Addition for the northeast corner of this tract.

Thence S. 00 deg. 29 min. 20 sec. W. 1271.61 feet to the place of beginning.

SURVEYED ON THE GROUND: JANUARY 24, 2013

MICHAEL PRICE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5492
PRICE SURVEYING, LP, FIRM #10034200, 213 S OAK AVE, MINERAL WELLS, TX 76067
940-325-4841 JN23707 08054.crd FN2306112



ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 3, "DEFINITIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING"; AND AMENDING SECTION 4, "ZONING DISTRICT REGULATIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO ADD NEW DEFINITIONS AND AMEND THE PERMITTED USE SCHEDULE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Azle is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on March 21, 2024, and the City Council of the City of Azle, Texas held a public hearing on April 2, 2024, with respect to the zoning ordinance and subdivision changes described herein; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

Section 3, "Definitions" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 3.2 to add a new definition to read as follows:

SMOKE SHOP AND TOBACCO STORE: Any retail establishment that is dedicated, in whole or in part, to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, electronic vaping devices or other similar substances; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only.

SECTION 2.

Section 4, "Zoning District Regulations" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 4.10 to read as follows:

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Commercial Uses	O	CBD	INS	C	HC	IND
Auto and RV sales					S	S
Bar		S		S	S	S
Bed and breakfast		S				
Broadcasting or production studio				P	P	P
Car wash				S	S	S
Commercial parking lots	S	S	S	S	S	S
Equestrian facilities						
Equipment rental						S
Food Truck Park	S	S	P	S	S	S
Free standing emergency medical care facility/urgent care	L10	L10	L10	L10	L10	L10
Hotel /motel	S	S	S	S	S	P
Indoor recreation		P	P	P	P	P
Laundry facilities				S	S	P
Major event entertainment				S	S	S
Medical laboratories	P	P	P	P	P	P
Movie theaters				P	P	P
Outdoor recreation				P	P	P
Private club		S		S	S	S
Professional services and offices	P	P	P	P	P	P

Quick vehicle servicing		S		P	P	P
Restaurant	P	P	P	P	P	P
Retail sales and service	S	P	P	P	P	P
RV camp ground/park				S	S	
Scientific research	P	P		P	P	P
Sexually oriented business						S
Smoke Shop and Tobacco Store					S	S
Temporary construction office	L8	L8	L8	L8	L8	L8
Vehicle repair					S	P
Industrial Uses	O	CBD	INS	C	HC	IND
Bakeries		P		P	P	P
Construction equipment sales/storage						P
Distribution center				S	S	S
Feed lots						
Food processing						S
Gas wells/oil wells	S	S	S	S	S	S
Junk yards and auto wrecking						S
Kennels				S, L9	S, L9	S, L9
Manufacturing, light		S, L7		S, L7	S, L7	
Manufacturing, heavy					S, L7	S, L7
Manufacturing of non-odoriferous foods						P
Motor freight terminal						S
Printing/publishing		P			P	P
Radio, tv or cellular towers	S	S	S	S	S	S
Recycling business					S	S
Sanitary landfills, commercial incinerators, transfer stations						S

Self-service storage					S	S
Temporary concrete batch plant	P	P	P	P	P	P
Veterinary clinics				P	P	P
Wholesale sales				S	P	P
Wholesale nurseries						
Wholesale storage and distribution					S	S
Wrecker services and impound lots	S	S	S	S	S	S
Service Uses	O	CBD	INS	C	HC	IND
Barber, beauty & nail salon	P	P		P	P	P
Dance studio	P	P		P	P	P
Fitness facility	P	P	P	P	P	P
Health studio	P	P	P	P	P	P
Tattoo parlor				S	S	S
Tanning Salon		P		P	P	P

P - Permitted Use	S Specific Use Permit Required	L Permitted Use with designated limitations	L1 - Live stock permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances	L2- HUD- Code manufactur ed homes	L3	L4
L5 - Building mounted wind generators may not extend <u>higher than</u> ten(10) feet above where the wind generator is mounted on the building. The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the	L6 - Lots where the proposed wind generator s will be located shall have a minimum lot area of two (2) acres. A maximum of one (1) wind generator is permitted by right.	L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.	L8 Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]	-	-	Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessor y

building to the highest point of the <u>wind</u> generator.	Wind generator s shall be located	Dwellings
L10 - A minimum separation of 300' shall be maintained to any adjacent residential use[.]	minimum of 150 feet from the property lines. Multiple wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP[.]	must be attached to the structure housing the primary use. Only 1 Accessory Dwelling is allowed per platted lot[.]
		L9 - A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of their ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

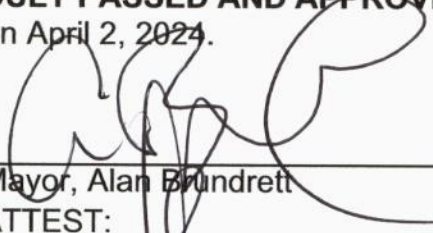
All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on April 2, 2024.



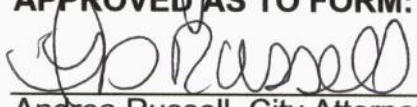
Mayor, Alan Brundrett

ATTEST:



Yael Forgey, City Secretary

APPROVED AS TO FORM:



Andrea Russell, City Attorney



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing and consider a recommendation to the City Council regarding a Specific Use Permit request to operate a tattoo parlor business for property located at 629 Profit Street and also known as Lot 2, Block 2, Azle Industrial Park Addition. The property is located on the south side of Profit Street approximately one hundred fifty feet (150') east of Commerce Street. The applicant is requesting a Specific Use Permit to operate a tattoo parlor business at this location.

Background and Explanation:

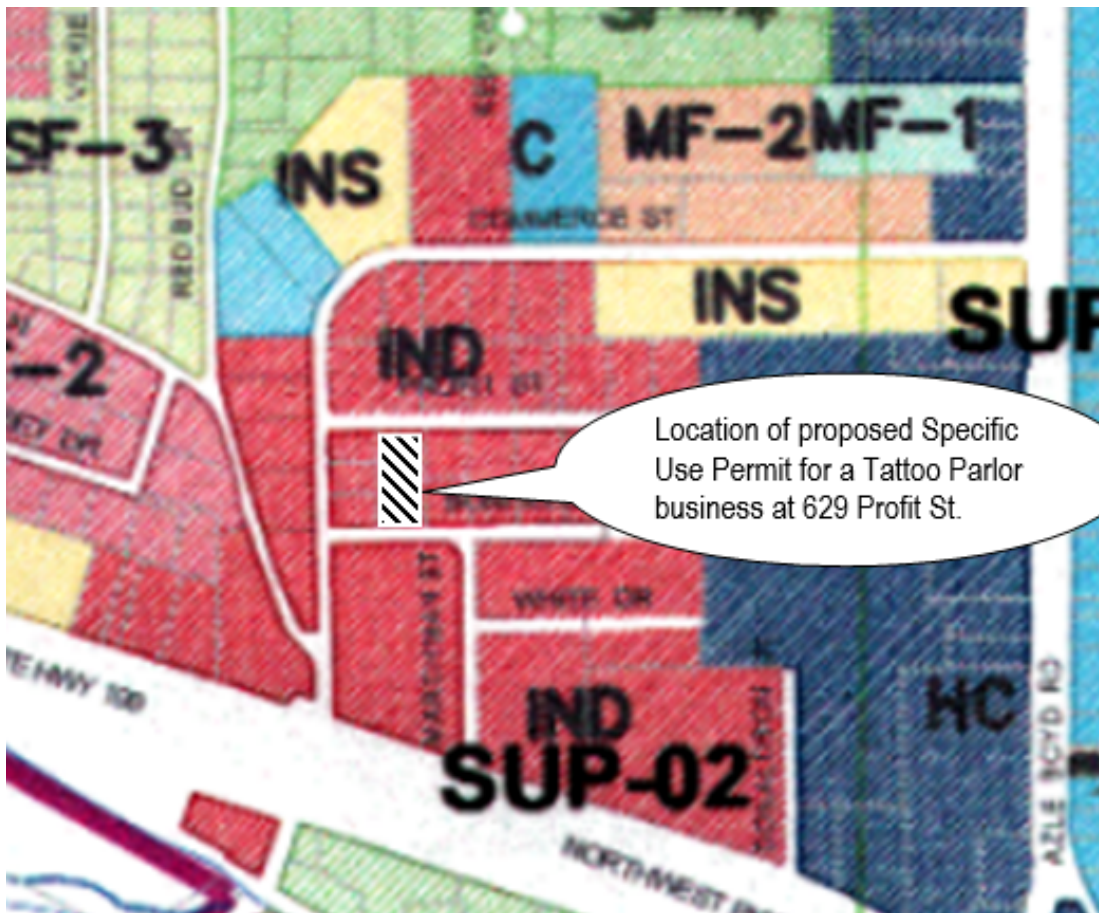
The property owner/applicant is requesting a Specific Use Permit (SUP) to operate a tattoo parlor business at 629 Profit St. On April 2, 2024, the City Council passed an ordinance (Ord. No. 2024-11) to amend the Permitted Use Schedule within the Zoning Ordinance which now requires a SUP to operate a tattoo parlor in the Industrial (IND) zoning district. Approval of this SUP request will allow the applicant to proceed forward with a building permit and Certificate of Occupancy to open the business at this location.

Existing Condition of Property:

The property is approximately 1.0 acre and was platted as part of the Azle Industrial Park Addition back in 1974. According to Parker County Appraisal District records, a commercial warehouse building was constructed in approximately 2001 and has held various businesses over the years.

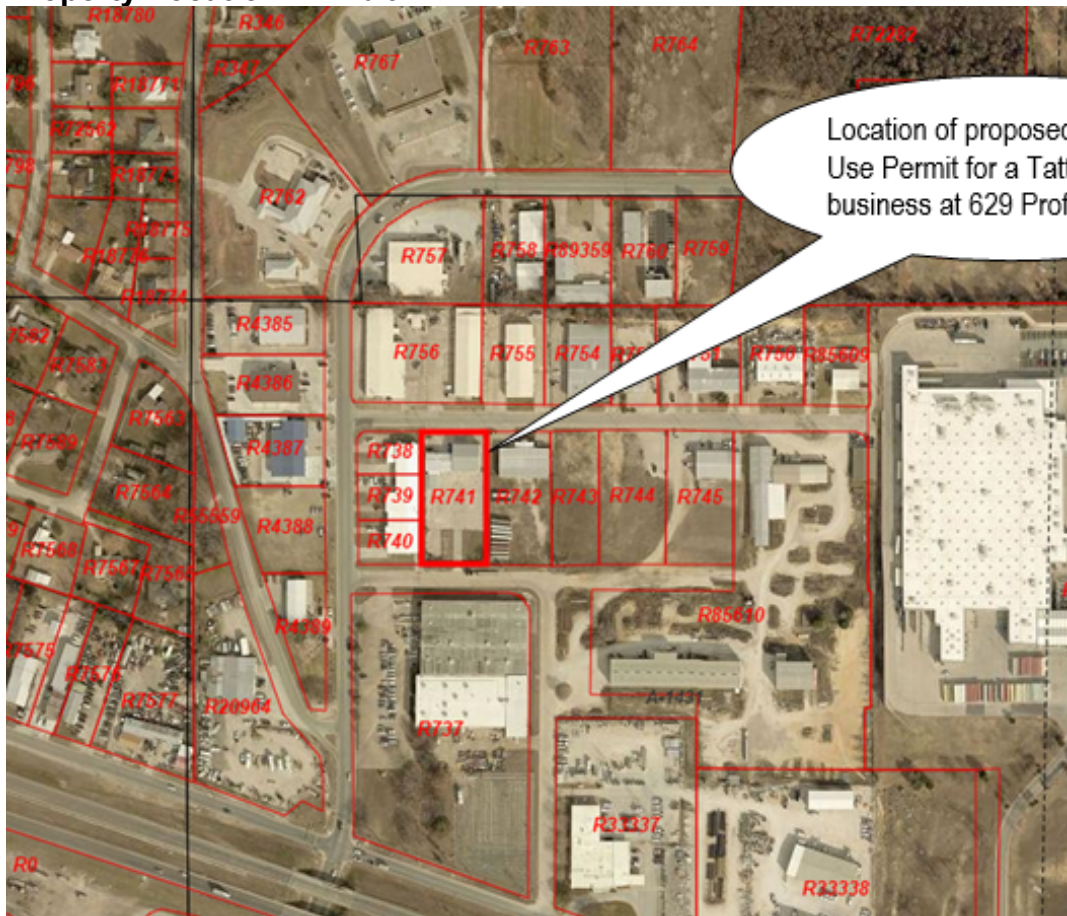
Adjacent Zoning:

North: Industrial (IND)
South: Industrial (IND)
East: Industrial (IND)
West: Industrial (IND)



Location of proposed Specific Use Permit for a Tattoo Parlor business at 629 Profit St.

Property Location Exhibit:



Location of proposed Specific Use Permit for a Tattoo Parlor business at 629 Profit St.

Utilities:

Water and sewer are available to serve this property.

Certificate of Occupancy/Licensing:

Prior to issuance of a Certificate of Occupancy, a copy of the required licensing from the State of Texas and passed inspections by the Fire Department will be required.

Specific Use Permit Notification Process:

Five (5) letters were sent to surrounding property owners within 200'. As of July 12, 2024, staff has received no formal responses from the public on this request.

Board/Commission/Committee Recommendation:

Section 32.7 of the Zoning Ordinance states that granting or denying an application for a specific use permit, the City Council shall take into consideration the following factors:

- A. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.*
- B. Safety from fire hazard and measures of fire control.*
- C. Protection of adjacent property from flood or water damage.*
- D. Noise producing elements and glare of vehicular and stationary lights and effects of such lights on established character of the neighborhood.*
- E. Location, lighting, type of signs, and relation of signs to traffic control and adverse effect on adjacent properties.*
- F. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site in the immediate neighborhood.*
- G. Adequacy of parking, as determined by requirements of this Section, for off-street parking facilities for similar uses, location of ingress and egress points for parking and off-street loading spaces, and protection of the public health by all weather surfacing on all parking areas to control dust.*
- H. Compatibility of the proposed use with surrounding and adjacent properties and whether such use will adversely affect the use and enjoyment of the surrounding and adjacent properties.*
- I. Such other measures as will secure and protect the public health, safety, morals, and general welfare.*

Options for the Planning & Zoning Commission:

- 1. Recommend approval as submitted
- 2. Recommend denial as submitted
- 3. Table the case to a future meeting

Staff Recommendation:

Staff forwards this Specific Use Permit request to the Commission for their consideration.

Attachments:

- 1. Special Use Permit Exhibit
- 2. Ordinance 2024-11 - Updated Permitted Use Schedule 4.2.2024

June 25th, 2024

Adam Page
9456 Tranquil Acres Rd
Fort Worth, TX 71679

David Hawkins, AICP
Director of Planning and Development
City of Azle
505 W. Main Street
Azle, TX 76020

To the Honorable Members of the Azle Planning and Zoning Commission:

I am writing to request a special use permit for a tattoo parlor at 629 Profit St, Bldg. A Azle, TX. When we purchased the property November 29th, 2024, we contacted the city to confirm a tattoo studio would be a permitted use at this location without special permitting. Since the purchase, we took possession on March 1st, 2024, and have worked on getting the property ready to meet the state requirements as a Tattoo Parlor, without any knowledge of a possible zoning change just one month later.

We have been informed of the recent change in zoning regulations occurring on 4/2/2024 requiring a special use permit for a tattoo parlor. We have reviewed the Zoning Schedule in Section 4.10 and the Zoning of the property is "Industrial" and meets the minimum zoning requirement for a Tattoo Parlor with Special Permitting approval.

Prior to 4/2/2024

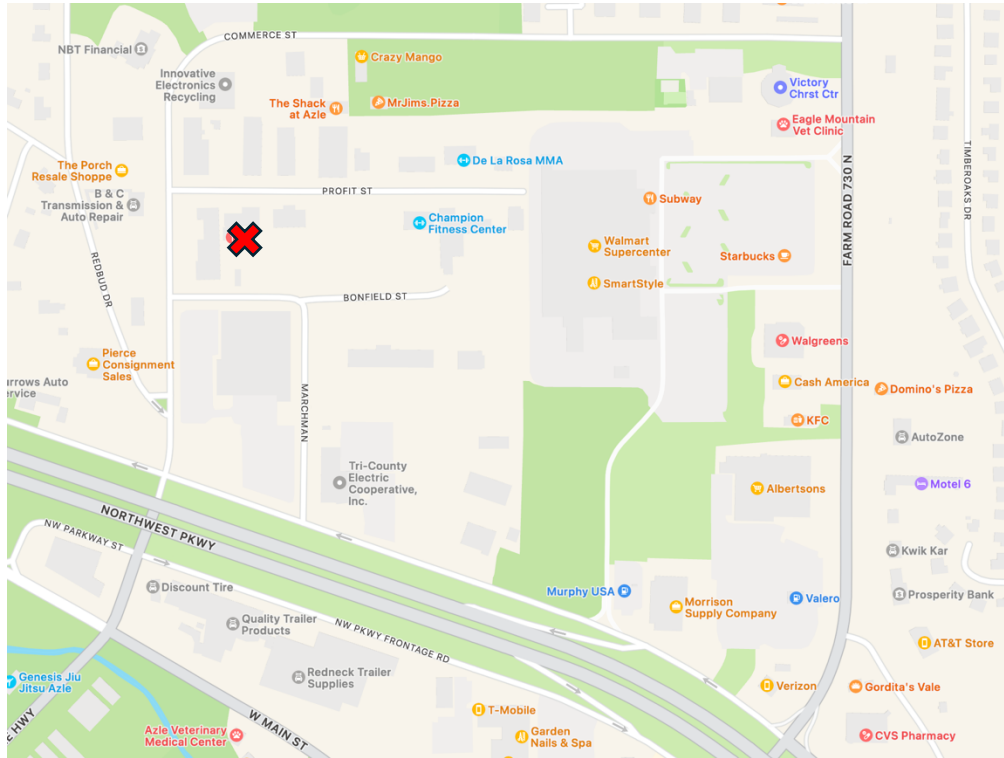
PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBC	INS	C	HC	IND
Service Uses																					
Barber, beauty & nailsalon																P	P		P	P	P
Dance studio																P	P		P	P	P
Fitness facility																P	P	P	P	P	P
Health studio																P	P	P	P	P	P
Tattoo parlor																			P	P	P
Tanning Salon																	P		P	P	P

Post 4/2/2024

PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBC	INS	C	HC	IND
Service Uses																					
Barber, beauty & nailsalon																P	P		P	P	P
Dance studio																P	P		P	P	P
Fitness facility																P	P	P	P	P	P
Health studio																P	P	P	P	P	P
Tattoo parlor																			S	S	S
Tanning Salon																	P		P	P	P

Subject Property

629 Profit Street, Building A, Azle TX 76020



We believe the proposed use still aligns with the spirit of the industrial zoning designation and meets all applicable zoning requirements. The business will be an

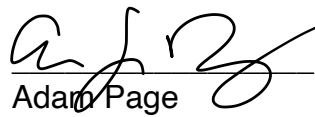
upscale Tattoo Parlor. There are no schools or churches nearby which would be negatively impacted.

The property at 629 Profit St, Building A is zoned industrial, and the proposed tattoo parlor will not require any external modifications or signage that would be inconsistent with the existing industrial character of the area. The studio will operate in a safe and professional manner meeting all Federal, State, and Local laws, with all necessary health and safety precautions in place.

We respectfully request the commission grant us a special use permit to allow a tattoo Parlor to operate at this location. We believe the business will be a positive addition to the community and will not negatively impact the surrounding area.

Thank you for considering our request.

Sincerely,


Adam Page

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 3, "DEFINITIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING"; AND AMENDING SECTION 4, "ZONING DISTRICT REGULATIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO ADD NEW DEFINITIONS AND AMEND THE PERMITTED USE SCHEDULE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Azle is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on March 21, 2024, and the City Council of the City of Azle, Texas held a public hearing on April 2, 2024, with respect to the zoning ordinance and subdivision changes described herein; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

Section 3, "Definitions" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 3.2 to add a new definition to read as follows:

SMOKE SHOP AND TOBACCO STORE: Any retail establishment that is dedicated, in whole or in part, to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, electronic vaping devices or other similar substances; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only.

SECTION 2.

Section 4, "Zoning District Regulations" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 4.10 to read as follows:

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Commercial Uses	O	CBD	INS	C	HC	IND
Auto and RV sales					S	S
Bar		S		S	S	S
Bed and breakfast		S				
Broadcasting or production studio				P	P	P
Car wash				S	S	S
Commercial parking lots	S	S	S	S	S	S
Equestrian facilities						
Equipment rental						S
Food Truck Park	S	S	P	S	S	S
Free standing emergency medical care facility/urgent care	L10	L10	L10	L10	L10	L10
Hotel /motel	S	S	S	S	S	P
Indoor recreation		P	P	P	P	P
Laundry facilities				S	S	P
Major event entertainment				S	S	S
Medical laboratories	P	P	P	P	P	P
Movie theaters				P	P	P
Outdoor recreation				P	P	P
Private club		S		S	S	S
Professional services and offices	P	P	P	P	P	P

Quick vehicle servicing		S		P	P	P
Restaurant	P	P	P	P	P	P
Retail sales and service	S	P	P	P	P	P
RV camp ground/park				S	S	
Scientific research	P	P		P	P	P
Sexually oriented business						S
Smoke Shop and Tobacco Store					S	S
Temporary construction office	L8	L8	L8	L8	L8	L8
Vehicle repair					S	P
Industrial Uses	O	CBD	INS	C	HC	IND
Bakeries		P		P	P	P
Construction equipment sales/storage						P
Distribution center				S	S	S
Feed lots						
Food processing						S
Gas wells/oil wells	S	S	S	S	S	S
Junk yards and auto wrecking						S
Kennels				S, L9	S, L9	S, L9
Manufacturing, light		S, L7		S, L7	S, L7	
Manufacturing, heavy					S, L7	S, L7
Manufacturing of non-odoriferous foods						P
Motor freight terminal						S
Printing/publishing		P			P	P
Radio, tv or cellular towers	S	S	S	S	S	S
Recycling business					S	S
Sanitary landfills, commercial incinerators, transfer stations						S

Self-service storage					S	S
Temporary concrete batch plant	P	P	P	P	P	P
Veterinary clinics				P	P	P
Wholesale sales				S	P	P
Wholesale nurseries						
Wholesale storage and distribution					S	S
Wrecker services and impound lots	S	S	S	S	S	S
Service Uses	O	CBD	INS	C	HC	IND
Barber, beauty & nail salon	P	P		P	P	P
Dance studio	P	P		P	P	P
Fitness facility	P	P	P	P	P	P
Health studio	P	P	P	P	P	P
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L5 - Building mounted wind generators may not extend <u>higher than</u> ten(10) feet above where the wind generator is mounted on the building.	L6 - Lots where the proposed wind generator s will be located shall have a minimum lot area of two (2) acres.	L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.	L8 Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]	-	-	-
The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the	A maximum of one (1) wind generator is permitted by right.				Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres.	Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessor y

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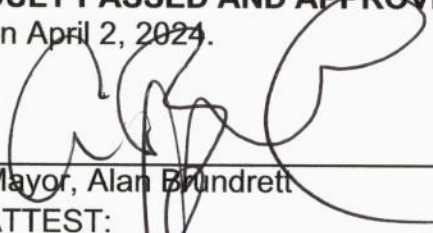
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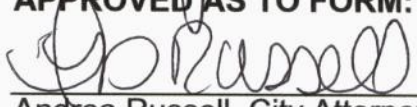
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