



City of Azle
Regular Agenda
Planning and Zoning Commission

505 W. Main Street
Azle, Texas 76020

October 3, 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 September 19, 2024.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. 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 an amendment to the Permitted Use Schedule to allow Tattoo Parlors in the Central Business District (CBD) by Specific Use Permit (SUP).

David Hawkins, Director of Planning and Development

DISCUSSION ITEMS

3. Development Project Updates

David Hawkins, Director of Planning and Development

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on September 27, 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.

Malinda Howell

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

September 19, 2024

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Chairman Leonard Wheeler called the meeting to order at 6:00 p.m.

Members Present:

Chairman Leonard Wheeler
Commissioner Jared Arneson
Commissioner Rick Simmons
Commissioner Laurel Mosier
Commissioner Curt Lampkin

Members Absent:

Vice Chairman Jim Carlson
Commissioner Cynthia Barrios

Staff Present:

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

INVOCATION

Commissioner Jared Arneson led the invocation.

PLEDGE OF ALLEGIANCE

Chairman Wheeler led the pledge.

PUBLIC PARTICIPATION

None

CONSENT AGENDA

1. Consider approval of the minutes of the Planning and Zoning Commission meeting held August 15, 2024.

Commissioner Laurel Mosier moved to approve the minutes of the Planning and Zoning Commission meeting held August 15, 2024 as presented. Commissioner Simmons seconded the motion. Motion carried.

Yes:	(5)	Jared Arneson, Rick Simmons, Laurel Mosier, Leonard Wheeler, Curt Lampkin
Absent:	(2)	Jim Carlson, Cynthia Barrios

PUBLIC HEARING

2. **Conduct a public hearing and make a recommendation to City Council regarding a proposed zoning change request from Single-Family Four District (SF-4) to Heavy Commercial (HC) District for approximately 0.657 acres of land, being described as a tract of land in the Jacob Wilcox Survey, Section 44, Abstract Number 1727, City of Azle, Tarrant County, Texas and being a portion of Lot 71, Castle Hills Estates, an addition to the City of Azle, Tarrant County, Texas as shown on plat recorded in Volume 388-E, Pg. 15, Plat Records, Tarrant County, Texas (P.R.T.C.T.), and being a portion of Lot 22, Castle Hills Estates, an addition to the City of Azle, Tarrant County, Texas as shown on plat recorded in Volume 388-C, Page 124, P.R.T.C.T., and being a portion of Lot 72, Castle Hills Estates, an addition to the City of Azle, Tarrant County, Texas as shown on plat recorded in Volume 388-E, Page 15, P.R.T.C.T., and being a portion of a tract of land as described by deed to SOF Holdings, LLC as recorded in Document Number D222209760, Deed Records, Tarrant County, Texas. The property is generally located on the west side of Southeast Parkway, between Avondale Avenue and Brookshire Avenue. Z2024-03**

Chairman Wheeler announced that the applicant withdrew this item and no public hearing was held.

ACTION ITEMS

3. **Consider and take appropriate action on a Replat for Lot 20R, Castle Hills Estates, being a Replat of a portion of Lot 20 & all of Lot 21, Castle Hills Estates, Vol. 1865, Pg. 288, P.R.T.C.T, a portion of Lot 22, Castle Hills Estates, Vol. 388-C, Pg. 124, P.R.T.C.T, and a portion of Lots 71 & 72, Castle Hills Estates, Vol. 388-E, Pg. 15, P.R.T.C.T, an addition in the City of Azle, Tarrant County. The property is generally located on the west side of Southeast Parkway, between Avondale Avenue and Brookshire Avenue. RP2024-03**

Director of Planning and Development David Hawkins presented this item. Mr. Hawkins stated that there is no issue with platting this as one single lot and there is also no issue with it having split zoning. The plat meets all requirements of the Subdivision Ordinance and no variances are being requested.

Commissioner Jared Arneson moved to approve the Replat for Lot 20R, Castle Hills Estates as presented. Commissioner Curt Lampkin seconded the motion. Motion carried.

Yes: (5) Jared Arneson, Rick Simmons, Laurel Mosier, Leonard Wheeler, Curt Lampkin
Absent: (2) Jim Carlson, Cynthia Barrios

DISCUSSION ITEMS

4. Development Project Updates

Director of Planning and Development David Hawkins presented this update. Mr. Hawkins stated that Dutch Bros Coffee officially opened on September 18th and they have been busy. Mr. Hawkins also mentioned the recent Comprehensive Plan public meeting was held on Thursday, September 12th, 2024 and had over 20 people in attendance to review and comment on the proposed plan. Staff will be scheduling a joint public hearing and meeting of the City Council and Planning and Zoning Commission on October 29th at 6:00 p.m. for consideration and adoption of the Comprehensive Plan.

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 6:09 p.m.

Presented and approved on _____

Leonard Wheeler, Chairman

Attest:

David Hawkins, AICP
Director of Planning and Development



Presenter: David Hawkins, Director of Planning and Development

Agenda Item: 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 an amendment to the Permitted Use Schedule to allow Tattoo Parlors in the Central Business District (CBD) by Specific Use Permit (SUP).

Background and Explanation:

At the City Council meeting on September 3, 2024, there was a discussion about a possible business venture consisting of a tattoo parlor and art studio to be located within the Azle Downtown area. The purpose of this agenda item is to amend the Permitted Use Schedule to allow Tattoo Parlors in the Central Business District (CBD) by a Specific Use Permit (SUP). Specific Use Permits require a public hearing and approval by the P & Z Commission and City Council before opening that type of business and can be considered on a case-by-case basis.

Current Text Language:

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Service Uses	O	CBD	INS	C	HC	IND
Tattoo parlor				S	S	S

S = Specific Use Permit

Proposed Text Amendment:

At the Sept. 3, 2024 meeting, City Council directed staff to proceed with this specific change to the Permitted Use Schedule. Below is an updated use chart which includes the Council's recommended changes in red text. The recent updated Permitted Use Schedule (Ord. No. 2024-11) is attached to the end of this staff report.

Service Uses	O	CBD	INS	C	HC	IND
Tattoo parlor		S		S	S	S

S = Specific Use Permit

Board/Commission/Committee Recommendation:

After the conclusion of the public hearing, the P & Z Commission may make a recommendation on the proposed amendments to the Zoning Ordinance pertaining to the Permitted Use Schedule. Any recommendation will be forwarded to the City Council for final action.

Staff Recommendation:

Staff forwards this proposed code amendment for P & Z Commission consideration.

Attachments:

1. ORD - 2024-11 - City Council Signed

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

L5 - Building mounted wind generators may not extend higher than 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

S Specific Use Permit Required

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.

L Permitted Use with designated limitations

L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.

L1 - Live are stock permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances

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[.]

L2- HUD- Code manufactur ed homes

L3 Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres.

L4 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. Accessory

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.

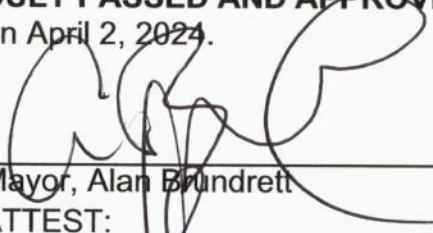
All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, 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.



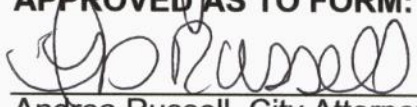
Mayor, Alan Brundrett

ATTEST:



Yael Forgey, City Secretary

APPROVED AS TO FORM:



Andrea Russell, City Attorney



Presenter: David Hawkins, Director of Planning and Development
Agenda Item: Development Project Updates

Background and Explanation:

Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

None