



AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
WEDNESDAY, JULY 21, 2021
6:30 PM

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

REPORTS

PUBLIC COMMENT If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the Planning & Zoning Commission and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the Planning & Zoning Commission as soon as practicable. Such report to the Planning & Zoning Commission shall not constitute a meeting called by the Planning & Zoning Commission nor shall it constitute deliberation or formal action. Individual citizens addressing the Planning & Zoning Commission during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Planning & Zoning Commission and no formal Planning & Zoning Commission action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the Planning & Zoning Commission may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a Planning & Zoning Commission member and the citizen

will not count toward the time limit and Planning & Zoning Commission Members are encouraged not to speak until the citizen has first utilized their allocated time.

APPROVAL OF MINUTES

1. **Consider action to approve the meeting minutes of the June 9, 2021 Regular Meeting of the Planning & Zoning Commission**

Randy Richards, Building Official

Paul Hackleman, Director of Public Works

Andrea Gardner, City Manager

ACTION ITEMS

1. **Discuss and consider action on a preliminary report to complete text amendments to the City of Watauga Zoning Ordinance, Sec. 115-6. Permitted principal, accessory and specific use permit uses; Sec. 115-85. Permitted use table, and Chapter 4, Alcoholic Beverages regarding alcohol related uses**

Paul Hackleman, Director of Public Works

Randy Richards, Building Official

Andrea Gardner, City Manager

2. **Discuss and consider action to schedule a public hearing on the City of Watauga Planning & Zoning Commission's Preliminary Report to consider text amendments to the City's Zoning Ordinance**

Randy Richards, Building Official

Paul Hackleman, Director of Public Works

Andrea Gardner, City Manager

ADJOURNMENT

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625 FOR FURTHER INFORMATION.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, July 16, 2021, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: June 23, 2021

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Building Official
Paul Hackleman, Director of Public Works

SUBJECT: Consider action to approve the meeting minutes of the June 9, 2021 Regular Meeting of the Planning & Zoning Commission

BACKGROUND/INFORMATION:

This item contains draft meeting minutes from June 9, 2021 for Planning and Zoning review and approval.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommends the Planning and Zoning Commission review and approve the meeting minutes as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. JUNE 9, 2021 - Regular Meeting - DRAFT

REVIEWED BY:

Randy Richards, Building Official
Paul Hackleman, Director of Public Works
Karrie Marling, Legal
George Hyde, Legal
Andrea Gardner, City Manager
Raquel Guajardo, Deputy City Secretary

Approved - 7/14/2021
Approved - 7/14/2021
Approved - 7/14/2021
Approved - 7/16/2021
Approved - 7/16/2021
Final Approval - 7/16/2021

Approved as to form for inclusion on Agenda



“A GREAT PLACE TO LIVE”

**MINUTES
PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 9, 2021
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING & PUBLIC HEARING
6:30 P.M.**

CALL TO ORDER

Vice-Chairperson Cristy McCauley called the meeting to order at 6:35 p.m.

ROLL CALL

Vacant	Place 1, Member
Quincy Adams	Place 2, Member
Vacant	Place 3, Member
Laura Nedderman	Place 4, Member
Cristy McCauley	Place 5, Vice-Chairperson
Karen Isbell	Place 6, Secretary
Sharon Gehle	Place 7, Member

And

Randy Richards	Building Official
Jeannette Garcia	Planning and Zoning Coordinator
Mark Taylor	City Council Liaison
Arthur Miner	Mayor

ANNOUNCEMENTS

Mayor Miner reminded Planning and Zoning Commission members with expiring terms that if they intend to reapply for reappointment to a Commission or Board, the application must be submitted to the City Secretary's Office for consideration. He also reminded members of House Bill 3834 which was signed into law June 2019 and essentially requires all employees and board members with access to the City network complete a state approved Cyber Security Training Program on an annual basis. The Cyber Security Training course is made available online.

PUBLIC COMMENT

Vice-Chairperson McCauley called for Public Comment. Request to Speak forms were not received and there were no participants present to speak.

PUBLIC TESTIMONY

Vice-Chairperson Cristy McCauley called for Public Testimony. Request to Speak forms were not received and there were no participants requesting to speak.

APPROVAL OF MINUTES

1. Consider action to approve the meeting minutes of the December 16, 2020 Regular Planning and Zoning Meeting and March 29, 2021 Economic Development Joint Training held with the Watauga City Council and WEDC

Member Isbell made a motion to approve the minutes of the regular meeting of December 16, 2020 and March 29, 2021 Economic Development Joint Training held with the Watauga City Council and WEDC. Member Gehle seconded the motion. Vice-Chairperson McCauley called for discussion.

Member Gehle commented that during the Dec. 16, 2020 Video-conference regular meeting, she requested it be noted of the audio, video and lack of being recognized was due to technical difficulties.

With there being no other discussion, Vice-Chairperson McCauley called for a vote, with members present voting as follows:

AYES:	Adams, Nedderman, McCauley, Isbell, Gehle
NAYS:	None
ABSENT:	None
ABSTAIN:	None

The motion carried 5-0-0-0.

PUBLIC HEARING/ACTION

1. Conduct a Public Hearing and discuss and consider action on Planning and Zoning Case Z. 21-01: Request for a zoning change from Local Business (LB) to Commercial (C) to allow for a Dental and Medical Group Practice at 5744 Watauga Road, being Lot 29A, Block 34 of the Browning Heights North addition, located on the south side of Watauga Road east of Pine Street and west of Morris Blvd. Mark Massey, Owner/President of My Credit Union. Winnie Cung, Applicant/Agent

Vice-Chairperson McCauley opened the Public Hearing at 6:43 p.m.

Building Official Randy Richards advised the commission the applicant is wishing to request for a zoning change to allow for health service facility use. He stated the zoning is similar in the surrounding area and favorable to the comprehensive land use plan. Mr. Richards introduced applicant, Winnie Cung to the Commission.

Ms. Winnie Cung was asked by Member Gehle regarding the exterior lighting at the location. Ms. Cung advised they anticipate no exterior changes upon purchase of the property.

Vice-Chairperson McCauley asked if there were any other questions. With there being none, the public hearing was closed at 6:49 p.m. and the regular meeting reconvened. She then asked the pleasure of the Commission.

Member Isbell made a motion to approve Case Z. 21-01 to allow for a zoning change from Local Business (LB) to Commercial (C) to allow for a Dental and Medical Group Practice at 5744 Watauga Road, being Lot 29A, Block 34 of the Browning Heights North addition. Member Gehle seconded the motion. Vice-Chairperson McCauley called for discussion and hearing none, called for a vote. Members present voting as follows:

AYES: Adams, Nedderman, McCauley, Isbell, Gehle
NAYS: None
ABSENT: None
ABSTAIN: None

The motion carried 5-0-0-0. The recommendation for approval will next be brought before the Council.

ADJOURNMENT

With there being no further items to discuss, Vice-Chairperson McCauley adjourned the meeting at 6:52 p.m.

APPROVED: this the _____ day of _____, 2021.

SIGNED: this the _____ day of _____, 2021.

APPROVED: _____
Cristy McCauley, Interim Chairperson

ATTEST: _____
Karen Isbell, Secretary

NOTE: Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office.



AGENDA MEMORANDUM

DATE: July 16, 2021

TO: Planning and Zoning Commission Members

FROM: Paul Hackleman, Director of Public Works
Randy Richards, Building Official

SUBJECT: Discuss and consider action on a preliminary report to complete text amendments to the City of Watauga Zoning Ordinance, Sec. 115-6. Permitted principal, accessory and specific use permit uses; Sec. 115-85. Permitted use table, and Chapter 4, Alcoholic Beverages regarding alcohol related uses

BACKGROUND/INFORMATION:

City of Watauga Zoning Ordinance Section 11-35 (c)(3)(b) and Texas Local Government Code 211.007 (b) requires the Planning & Zoning Commission to complete a preliminary report for text amendments to the City's Zoning Ordinance. Upon completion of the Preliminary Report, a public hearing may be scheduled.

Text amendments to the City's Zoning Ordinance include:

Sec. 115-6. Permitted principal, accessory and specific use permit uses; Sec. 115-85. Permitted use table of the Zoning Ordinance regarding alcohol related uses. The revisions would add to the Code of Ordinance and Table of Uses, a designation for "Liquor Store".

Furthermore, should the Text Amendments be approved by the Commission and City Council after filing the preliminary report, scheduling and conducting the public hearing, providing notice as required of said and possible action and receiving and considering comments filed, the City will need to complete an amendment to Chapter 4, Alcoholic Beverages of the City of Watauga Code of Ordinance to be consistent.

Over the last year there has been increasing market interest in the City of Watauga for liquor establishments.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommend the Commission consider the proposed Text Amendments to the City's Zoning Ordinance, complete a preliminary report and file the report as required by state and local laws.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report - Liquor store - Rev

REVIEWED BY:

Randy Richards, Building Official
Paul Hackleman, Director of Public Works
George Hyde, Legal
Andrea Gardner, City Manager
Raquel Guajardo, Deputy City Secretary

Approved - 7/16/2021
Approved - 7/16/2021
Approved - 7/16/2021
Approved - 7/16/2021
Final Approval - 7/16/2021

Approved as to form for inclusion on Agenda

PRELIMINARY REPORT

DATE: July 19, 2021

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Building Official

SUBJECT: Recommendation to accept and file Zoning Ordinance Amendments to Section 115-6, Section 115-85 and Chapter 4 Alcoholic Beverages pertaining to alcohol retail sales establishments

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, this document serves as the preliminary report.

The (W.E.D.C.) Watauga Economic Development Corporation has received inquiries from various companies regarding the desire to operate retail liquor stores in Watauga. Additionally, last fall a group of petitioners filed the required affidavit and completed the required notice with the Fort Worth Star Telegram. The City Secretary's Office issued petition pages to the Petitioners, but the petition was never returned. Thus, a second group submitted a petitioner's affidavit, completed the required notice with the Fort Worth Star Telegram this calendar year. Petition pages were issued, and the completed petition pages were filed with the City Secretary's Office within the required 60-day timeframe. The petition is being verified by the City Secretary's Office and will be placed on the August 9, 2021, Council Agenda for action.

Due to the increasing market interest in the City of Watauga for liquor establishments and the City Council expressing an interest in limiting the locations where liquor stores can locate, the need exists to amend the City's zoning ordinance. Currently, the City's Zoning Ordinance does not differentiate between general Retail Sales and alcohol sales, meaning that liquor stores can locate in any commercial zoning district. Some commercially-zoned property is adjacent to or surrounded by other uses desired to be protected. Thus, staff is proposing an amendment to create a category for businesses that devote more than 50% of their retail floor area to the sale of alcohol and alcohol related products.

Staff proposes a zoning ordinance change to create the use category and establish locations in which the use is permitted:

- Permit liquor store establishments in the commercial zoning district with an SUP required.
- Permit liquor store establishments in the general business zoning district with an SUP required.

PRELIMINARY REPORT

During staff review, items considered include:

- Assessing whether local alcohol retail stores should follow and comply with the requirements to be contained in a specific use permit (SUP) in the community. SUPs regulate spacing between alcohol retail stores and proximity to “sensitive land uses” (e.g., public parks, public schools, and churches).
- Preventing alcohol retail stores from being located near youth-related venues (e.g., public schools and public parks) or over-concentrated in certain areas (e.g., low-income neighborhoods)
- Development of SUPs with clear criteria that alcohol retail stores must meet to continue operating in the community and monitor for compliance.
- The need to limit privatization of alcohol sales locations.

CURRENT ACTIVITY:

Proposed redline ordinances and a Table of Use Chart are attached for review along with staff recommendation of the specific zoning district “GB” General Business and “C” Commercial, to place the new business type.

Once the Preliminary Report is filed and the public hearing is conducted (August 18, 2021), a final report will be completed and submitted to the City Council by the P&Z through the City Secretary’s Office for action by the City Council (September 13, 2021).

The Commission should consider the following criteria for the amendment:

1. The consistency of the proposed amendment with the City’s Comprehensive Plan

On Page 6, a guiding principle for land use is “ensure that future development is orderly and efficient, compatible with existing land uses and enhances the overall quality of life.”

Page 23 states, “The retail along US Hwy. 377 that is located in the City limits of Watauga is an asset to the community, because it provides tax base, shopping and dining within close proximity.”

Page 26 states a guiding principle for economic development is to encourage the development of non-residential services to enhance the tax base and meet the needs of Watauga residents. Should the petition reach the ballot and be approved by the citizens of Watauga, the need would be established for such retail.

The proposed amendment will allow alcohol store establishments in the general business and commercial zoning districts, but along retail corridors only, and not within small pockets of the remaining commercial acres surrounded by residential neighborhoods, within 2,000 feet of a public school and 1,500 feet of public park.

PRELIMINARY REPORT

On Page 35, the proposed amendment appears to be supported by the survey results of the community. The results indicate 36.5% of respondents feel local retailers and specialty shops are very important and 54.8% feel they are important.

On Pages 36 and 46, increasing the tax base to support community desires was mentioned as a major opportunity for Watauga.

Page 49 discusses retail leakage, with food and beverage stores scoring high among those categories with high leakage.

2. The consistency of the proposed amendment with the intent and general regulations of the State Zoning laws.

The proposed amendment is consistent with the following purposes of Chapter 211 of the Texas Local Government Code: promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance or significance. In addition, the classification of the use proposed is consistent with the purpose of each impacted zoning district.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.

The proposed amendment adds clarification to the existing text by differentiating alcohol sales establishments from the general retail sales use category. The amendment also reflects a change in policy to limit alcohol sales establishments to locations along the two major business retail corridors within the city boundaries.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

Establishments that sell alcohol are licensed by the approval of the Texas Alcoholic Beverage Commission.

It is in the public interest to better align the City's zoning use restrictions with Watauga's expectations regarding the appropriate location for alcohol sales establishments.

The change to the code will provide for a sufficient area within the City in which an alcohol establishment can locate.

5. The extent to which the proposed amendment creates non-conformities.

The proposed amendment will not create a nonconformity as the City doesn't currently allow alcohol sales establishments.

6. The implications of the proposed amendment on all similarly zoned property in the City.

PRELIMINARY REPORT

Currently, liquor stores are not included as a permitted use, but the code could be interpreted to allow retail liquor stores in zoning districts that do allow retail sales. The proposed amendment will clearly establish specific zoning districts that such establishments will only be permitted along major retail corridors with the approval of an SUP.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the P&Z Commission provide input on the proposed amendments, file the preliminary report with the City Secretary and schedule a public hearing for August 18, 2021, at 6:30 p.m. to receive input on the Commission's Preliminary Report on proposed text amendments to the City's Zoning Ordinance.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

City of Watauga Code of Ordinances, Section 115-6 (Specific Use Permits Uses)

City of Watauga Code of Ordinances, Section 115-85 (Permitted Use Table)

City of Watauga Code of Ordinances, Chapter 4 (Alcoholic Beverages), Article IV

Buffer Zone Exhibit – Liquor Store Ordinance

PRELIMINARY REPORT

Sec. 115-6. Permitted principal accessory and specific-use permit uses – Liquor Store (Packaged)

Hobby shop. An establishment providing retail sales of items commonly associated with hobbies, including display area for hobbies.

Hobby studio, private. An accessory activity area, used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

Home occupation. An occupation conducted in a dwelling unit or accessory building, provided that it is clearly "transparent" to the neighborhood and meets all of the requirements as defined in section 115-85(b), Conditions and special regulations for listed uses.

Hotel, apartment. A multifamily dwelling which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Hotel/motel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services; "hotel" includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

Junkyard/vehicle salvage yard. Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, selling, trading, or other disposition of wrecked, scrapped, ruined, dismantled, or partially dismantled motor vehicles or motor vehicle parts, or any establishment or place of business maintained, used, or operated for the storing, keeping, buying, selling, trading, or other disposition of junk. The operation of junkyards shall be governed by the general rules and regulations applicable to junkyard and vehicle salvage yard operations within the city.

Kennel. Any lot or premises on which four or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming, or bathing for which remuneration is received.

Laboratory, medical and/or dental. A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

Laundry/cleaners, full-service. A retail establishment providing full-service laundry and dry cleaning services to the general public.

Laundry/cleaners, self-service. A retail establishment providing facilities for customers to launder or dry clean wearing apparel or other materials.

Laundry cleaning plant, commercial. A commercial laundry or cleaning plant doing cleaning or laundry for off-premises service outlets and retail establishments.

Library. Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

Liquor Store (Packaged) An establishment licensed by the State for the retail sale of liquor, malt, and vinous liquors for off-premise consumption.

Lithography or print shop. A large commercial printing shop with multiple presses and capabilities offering duplicating services including blueprinting and photostating.

Lodge, fraternity, sorority and clubs. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Lumber yard. An establishment for the sales, storage and distribution of pre-cut lumber and associated materials used in the building trade.

Machinery sales or repair (heavy). A facility for the storage, repair, outside sales or rental of heavy machinery or equipment.

PRELIMINARY REPORT

Sec. 115-85 – Permitted Use Table – Liquor Store (Packaged)

- b. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this Section.
 - c. If the actual authorized special exception use ceases for any reason, including storm, fire or other casualty, and such non-use continues for a period of six consecutive months, the special exception use shall automatically expire for non-use. Non-use, for the purpose of bed and breakfast facilities, shall be defined as two consecutive quarterly reports which indicate that no tax has been collected for two consecutive quarters on said bed and breakfast facility, or any other evidence which indicates that the bed and breakfast has not operated as a bed and breakfast for six consecutive months.
- (30) Zero lot line dwelling district shall require a two-car enclosed garage for each individual dwelling.
- (31) Zero lot line dwelling district shall require a minimum floor space of 1,500 square feet per residential unit.
- (32) Where a four-family dwelling zero lot line town home concept has four contiguous tracts/structures, access for purposes of landscape and maintenance to the rear yard of the two interior tracts/structures shall be by virtue of an access easement across the rear yard of each of the two exterior tracts/structures. Conveyance of interests in said zero lot line town home tracts/structures shall include access easements for purposes of landscape and maintenance in the conveyance instrument. The two exterior tracts/structures must provide for access to the rear yard of the tract/structure for landscape and maintenance purposes.
- (33) Zero lot line dwelling districts shall require dedication to the city of park property equivalent to one-tenth of the total square footage of the development.
- (34) May only be assembled on public school property or on city property for local, state, or national government purposes.
- (35) May not be located within 1,000 feet of any other payday loan business or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or an apartment building. The separation distances shall be measured from or to the outer wall of the payday loan business, and from or to the property line of the property containing the residential use.
- (36) Boarding or lodging houses shall require off-street parking at a rate of one space for each tenant and one space for the manager (on site).
- (37) Boarding or lodging houses shall meet all fire safety regulations including, but not limited to, fire alarm detection systems, fire suppression systems, egress illumination, commercial (Type 1) hood systems, emergency escape and rescue openings and a Knox box system.
- (38) Liquor Stores (Packaged) shall only be permitted upon approval of a local option election to legalize the sale of packaged liquor within the corporate jurisdiction.
- (39) Liquor Stores (Packaged) shall only be permitted along the Denton Highway and Rufe Snow Drive Corridors and shall be limited to no more than one (1) location on each corridor.
- (40) Separation.
- a. Liquor Stores (packaged) shall not be permitted within 2,000 feet of a Public School, and 1,500 feet of a Public Park as measured from the outer wall of the Liquor Store business, and from or to the property line of the Public Park or Public School.
 - b. Liquor Stores (packaged) shall not be permitted within 14,400 feet of another Liquor Store. Distance shall be measured between Liquor Stores from front door to front door and in a straight along the Denton Highway and Rufe Snow Drive Corridors. Distance shall not be measured from the Denton

PRELIMINARY REPORT

Highway to Rufe Snow Drive Corridor.

(41) Liquor Stores (Packaged) shall require a minimum floor area of 4,000 square feet.

(42) All Liquor Stores (Packaged) shall require a drive through lane.

Article IV Section 4-60 through 4-61 Liquor Store (Packaged) Ordinance

Secs. 4-51 - 4-59. – Reserved.

ARTICLE IV. – LIQUOR STORES (Packaged)

Sec. 4-60. – Definitions.

1. *Liquor Store (Packaged).* A Liquor store (Packaged) is a retail shop that predominantly sells prepackaged alcoholic beverages usually intended to be consumed off the store's premises.
2. *Off Premise.* Away from the property where alcoholic beverages are sold.
3. *State permit.* A permit issued by the (TABC) Texas Alcoholic Beverage Commission for the sale of alcohol.

Sec. 4-61. – Permit Required, Permit Fee, and Permit Renewal Fees.

- (a) *Permit required.* It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any alcoholic liquor beverages within the City unless such person has obtained a City permit from the office of the City Secretary.
- (b) *Initial permit fee.* After approval by all necessary City departments, the permit application shall be deemed approved, and the City Secretary shall issue a City permit upon payment by the applicant of the initial permit fee. The City initial permit fee shall be equal to one-half (½) of the state fee required by the Texas Alcoholic Beverage Commission of every person that may be issued any state permit or license for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any alcoholic beverage, unless a different fee is allowed or required by state law. No City permit may be issued unless the initial permit fee is received. Please refer to the Texas Alcoholic Beverage Commission Guide for Tax Assessor-Collectors for a list of State Fees Paid to TABC. For a full listing of the fees or information about which liquor code applies to a type of business, visit The TABC website.
- (c) *Renewal of permits.* All permits shall be renewed annually unless otherwise provided by state law. All permits shall terminate at midnight on the day before the anniversary date of their issuance and no permit shall be issued covering a term longer than one (1) year unless otherwise provided by state law.
- (d) *Annual permit renewal fee.* The City shall require payment of an annual permit renewal fee by all establishments selling alcoholic beverages within the City. The permit renewal fee shall be equal to one-half (½) of the state fee required by the Texas Alcoholic Beverage Commission of every person that may be issued any state permit or license for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any alcoholic beverage, unless a different fee is allowed or required by state law. Please refer to the Texas Alcoholic Beverage Commission Guide for Tax

PRELIMINARY REPORT

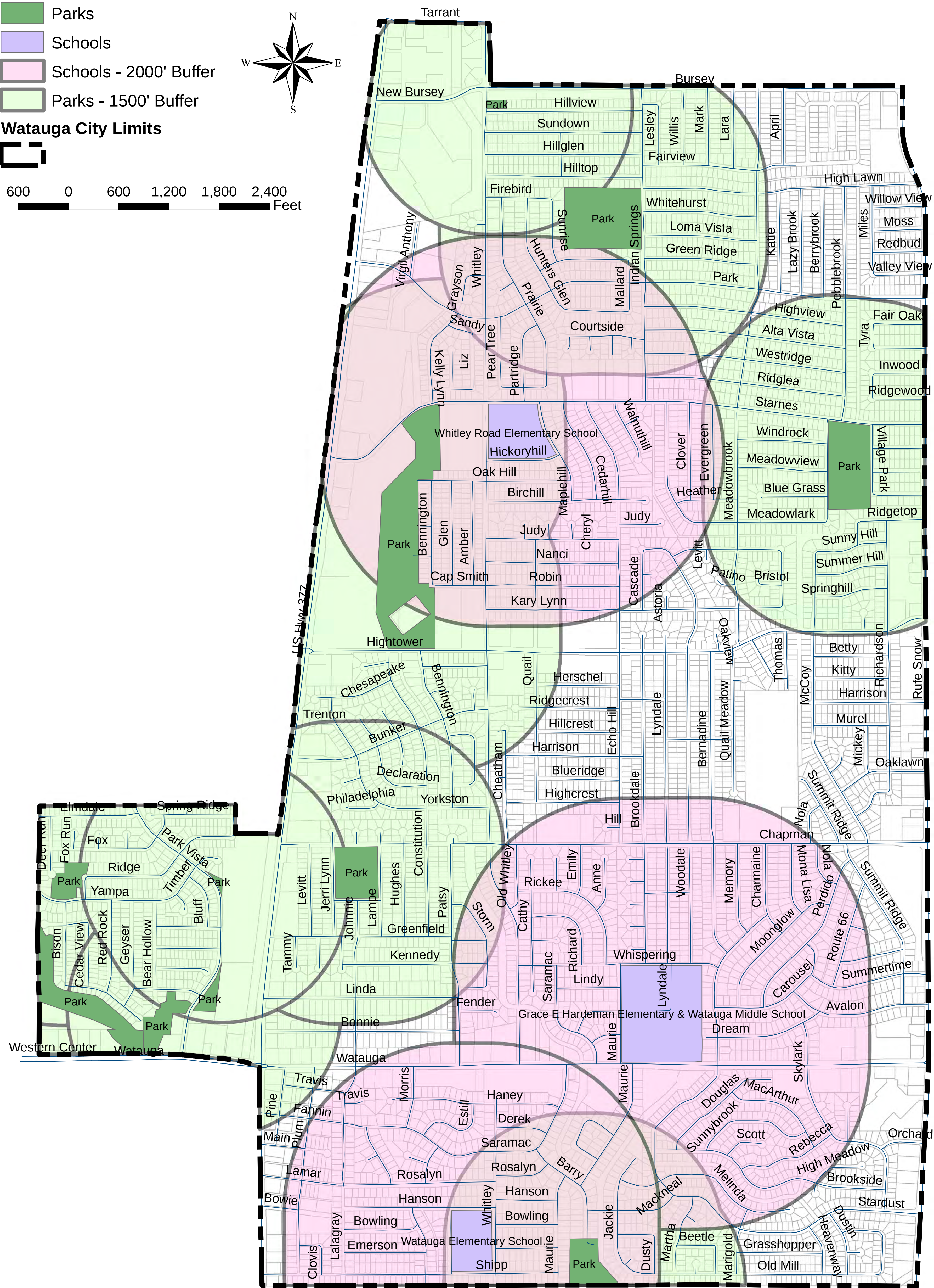
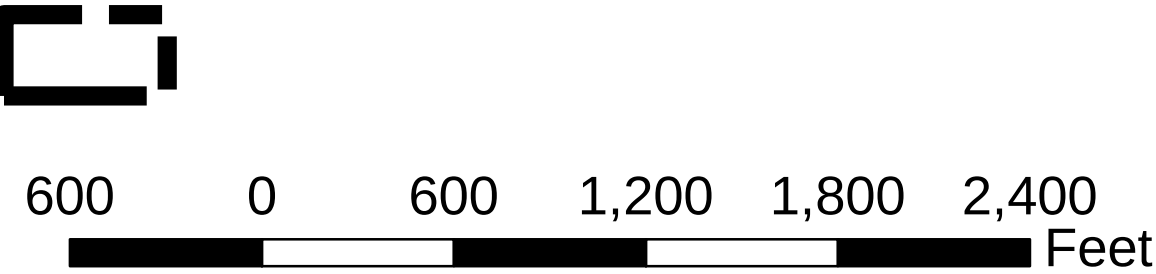
Assessor-Collectors for a list of State Fees Paid to TABC. For a full listing of the fees or information about which liquor code applies to a type of business, visit The TABC website.

- (e) *Cancellation of permit.* The City Secretary may cancel a permit if a permittee fails to pay the permit renewal fee. The City Secretary shall send notice of such cancellation to the address on file with the permit application.
- (f) *Permit application.* Permit applications shall be kept on file in the City Secretary's office. The City Secretary shall issue a receipt for the initial permit fee and keep a record of the same in the City Secretary's office.
- (g) *Penalty.* A permittee who sells an alcoholic beverage without first having paid the initial permit fee or permit renewal fee under this section commits a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), except as otherwise provided by law or ordinance.

Legend

- Parks
- Schools
- Schools - 2000' Buffer
- Parks - 1500' Buffer

Watauga City Limits



Liquor Store Ordinance Exhibit



BURGESS & NIPLE
Engineers ■ Planners

Date: 7/9/2021



AGENDA MEMORANDUM

DATE: July 16, 2021

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Building Official

SUBJECT: **Discuss and consider action to schedule a public hearing on the City of Watauga Planning & Zoning Commission's Preliminary Report to consider text amendments to the City's Zoning Ordinance**

BACKGROUND/INFORMATION:

Should the Commission approve and file a Preliminary Report of proposed text amendments to the City's Zoning Ordinance, a public hearing will be required as noted below.

Per City Code Section 115-35 (c)(3)(a) requires the following:

Every petition presented to the planning and zoning commission to amend, supplement, or change the regulations of this chapter or the boundaries of the zoning districts shall be prepared in the form and manner prescribed by this chapter, and be deposited with the commission for study. In connection with petitions presented to the planning and zoning commission, the commission shall schedule a public hearing on the proposed change as provided in subsection (c)(3)b of this section.

Texas Local Government Code 211.007(b) requires the following:

(b) The zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the governing body.

FINANCIAL IMPLICATIONS:

Public Notice advertisement expenses will be required and are available in the general fund FY 2021 Budget.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the P&Z Commission schedule a public hearing for August 18, 2021 at 6:30 p.m. to receive input on the Commission's Preliminary Report on proposed text amendments to the City's Zoning Ordinance.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Randy Richards, Building Official

Paul Hackleman, Director of Public Works

George Hyde, Legal

Approved as to form for inclusion on Agenda

Approved - 7/16/2021

Approved - 7/16/2021

Final Approval - 7/16/2021