

ITEM 2 HOLD PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING CASE NO. 12-11-CC TO AMEND PORTIONS OF CHAPTER 84 "UNIFIED DEVELOPMENT CODE" BY ADOPTING NEW DEFINITIONS, USES AND SPECIAL CONDITIONS BY USE TYPE FOR TOBACCO PRODUCTS STORES.

Receive public input and consider a recommendation for an Ordinance to amend Chapter 84 "Unified Development Code" by amending Article I, Section 84-7 by providing a definition for tobacco products stores; amending Article IV, Section 84-84 the permitted use table; and amending Article IV, Section 84-85 the special conditions by use type.

Chairman McNeese opened the public hearing.

Stephen Cook, Senior Planner, gave a brief description of the case. The City of Euless is requesting a modification to the Unified Development Code to provide specific definitions for tobacco products stores, establish locations for those uses to be permitted in and to identify conditions in which the uses must comply with in order to be permitted. The City has determined that a proliferation and clustering of these uses can have an unreasonable adverse effect on the citizens of Euless.

The definitions of the tobacco products stores will include any tobacco store, hookah cafes, cigar stores and similar operations. These include places where the predominate revenue from the business is the sales of tobacco products either for use on premises or off-premises. The definition excludes any businesses that sell tobacco products in which greater than fifty percent of its revenue is derived from food, beverage or gasoline fuel sales. This would exclude restaurants, drinking establishments and convenience stores from this definition.

The proposed ordinance would require all future tobacco products stores to be located within the industrial zoning districts through the approval of a Specific Use Permit.

As is the current ordinance requires, all tobacco products stores would not be allowed to sell any products as listed as novelty items which are typically used in the use of illegal drugs.

Additionally, tobacco products stores would be required to be setback five-hundred feet from the right-of-way of Airport Freeway, SH 121, Euless Boulevard, and Industrial Boulevard and setback five hundred feet from any residentially zoned property. Lastly, any tobacco products stores would be required to be setback one thousand feet from one another.

All existing tobacco products stores as defined in the ordinance, if they are not in compliance with the new ordinance, would become legally existing non-conforming uses. They would be required to register as non-conforming uses and would not be allowed to be issued a new Certificate of Occupancy through change of ownership or similar circumstances, unless the use is brought into conformance with the ordinance.

Staff recommends approval of the zoning change.

Chairman McNeese asked for any proponents/opponents to come forward for any comments. Seeing none, the public hearing was closed.

There were no comments or questions presented by the Commission.

Commissioner Zahn made a motion to recommend approval of Case #12-11-CC. Vice Chairman Mennis seconded the motion. The vote was as follows.

Ayes: Chairman McNeese, Vice Chairman Mennis, Commissioners Huffman, Portugal, Tompkins, and Zahn.

Nays: None

Abstention: Commissioner Brown

The motion carried (6-0-1)