

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A BODY ART STUDIO IN THE CENTRAL BUSINESS DISTRICT ON LOT 18 BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 117 E. MAIN ST; TO BE KNOWN AS THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the authority of Texas Local Government Code Chapter 211, the City of Pflugerville adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, Subchapter 5 of Chapter 157 Unified Development Code allows a Body Art Studio to be considered in the Central Business District Overlay through a Specific Use Permit; and

WHEREAS, an application was made for a Specific Use Permit in accordance with Subchapter 3 Procedures of Chapter 157 Unified Development Code; and

WHEREAS, the Planning and Zoning Commission held a public hearing on December 3, 2012 and recommended approval to the City Council a Specific Use Permit for a Body Art Studio on property depicted in Exhibit A with condition that the existing Specific Use Permit established through Ordinance No. 1068-11-02-08 be rescinded; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and

WHEREAS the City Council finds that the zoning amendment is in accordance with the City's Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and is in accordance with the following purposes 1) lessen congestion in the street; 2) secure safety from fire, panic and other dangers; 3) promote the general health and welfare; 4) provide adequate air and light; 5) prevent undue overcrowding of land; 6) avoid undue concentration of population 7) facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1: That the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1015-09-09-08 as amended, shall apply the Specific Use Permit for a Body Art Studio in combination with the existing zoning districts of General Business 1 (GB1) and Central Business District (CBD) Overlay District to the property depicted in Exhibit A as Lot 18, Block 1 of the Pflugerville Subdivision. The property depicted in Exhibit A may be used as a Body Art Studio in accordance with all applicable ordinances of the City of Pflugerville, Texas.

Section 2. That the site plan, written requirements of the Specific Use Permit and the applicant, owner and grantee's acceptance of the terms thereof, all of which are required by Chapter 157, subchapter 3. D.2.b., of the Unified Development Code, are attached hereto and incorporated by reference as Exhibit "B".

Section 2. That this ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF PFLUGERVILLE, TEXAS

by:

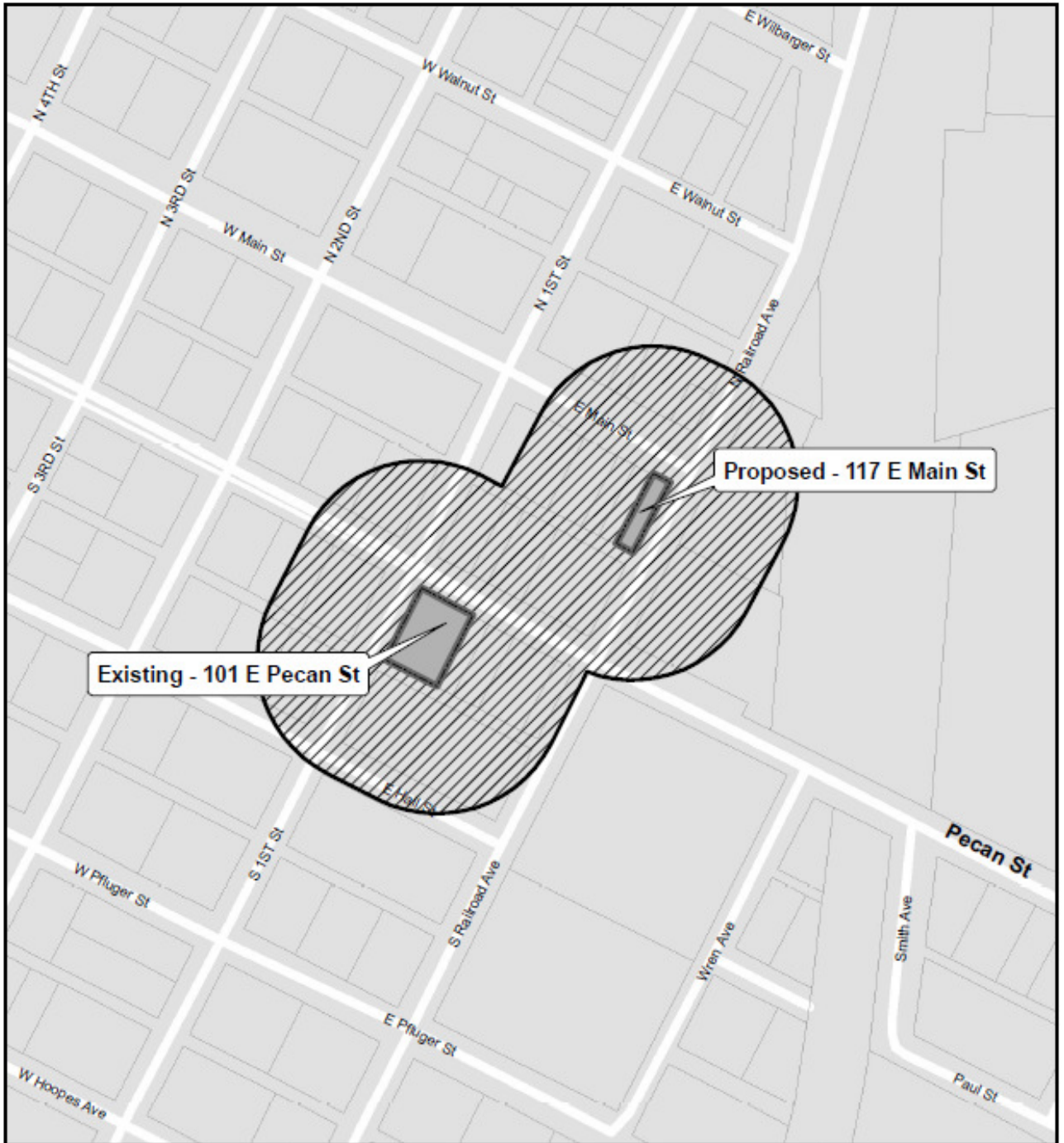
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA & BERNAL, P.C.






**Freedom Machine Tattoo
Rezoning (GB-1 - SUP)**

Case #
SUP1210-01

10/24/2012

Legend

-  Specific Use Permit
-  Notification Area
-  City Limits

0 125 250 Feet

N

When required the City of Pflugerville complies with Texas Local Government Code for public notification. All notification addresses are derived from tax role information that is certified annually.

PFLUGERVILLE
TEXAS

where quality meets life



EXHIBIT "B"

Case# _____ - _____

Specific Use Permit Criteria

Answer the questions on the following pages, as evidence that the Specific Use Permit request complies with the conditions required for approval (extra pages and supplemental illustrations or photographs may be requested by staff)

Requested Specific Use Permit:

1. The proposed use is harmonious and compatible with its surrounding existing uses or proposed uses, because...

Pflugerville's historical district is home to many entertainment based businesses. Currently located at 105 e Pecan st, Freedom Machine Tattoos has thrived harmoniously with Old Town Pflugerville's businesses for the past two years.

2. Please demonstrate how the proposed activities are normally associated with the requested use.

Freedom Machine Tattoos keeps similar hours and caters to the clientele of the surrounding businesses. The various restaurants, venues and retail give the patron a wide verity of entertainment to choose from.

3. The nature of the proposed use is reasonable, because...

Old Town Pflugerville is quickly becoming the entertainment hub of our city. Having so much diversity in one city block is great for the consumer and businesses alike.

4. Please state what measures will be taken in order to mitigate the impact on the surrounding area

There will be no structural or esthetic changes to the building

Additional Requirements if site is located in a Corridor (CL3, CL4, CL5) Zoning District:

In a typed response, please demonstrate how this project meets the criteria for approval.

1. Conformance with the 4 *Guiding Principles of the "SH 45 & SH 130 Corridor Study" and zoning regulations.
 - a. *Create a series of unique places to shop, work, and live.
 - b. *Establish a diversified and leak-free tax base.
 - c. *Establish an enhanced, long-term market capture.
 - d. *Utilize smart, healthy and sensible design concepts.
 - e. Lessen congestion in the streets.
 - f. Secure safety from fire, panic and other dangers.
 - g. Insure adequate light and air.
 - h. Prevent the overcrowding of land to avoid undue concentration of population.
 - i. Facilitate the adequate provision of transportation, water, sewerage, parks, open spaces, and other public requirements.
 - j. Maintain property values and encouraging the most appropriate use of land throughout the Corridor consistent with the Comprehensive Plan and the Corridor Plan.
2. Retail activity located at the following major intersections:
 - a. SH 130 and SH 45; SH 130 and Pecan Street; SH 45 and Heatherwilde Blvd; SH 130 and Pflugerville PKWY; and FM 685 and Pflugerville PKWY
3. Structures should orient to public streets and designated trails as noted on the Future Trails Map referenced in the Comprehensive Plan.
4. The extent of connectivity among proposed and existing ROW is demonstrated.
5. Clustering of free standing pad sites at focal points or key features within the development. (i.e. retention ponds, greenways, dedicated hike/bike facilities, or plazas, parks or other features)
6. Exhibits compatibility of the design with surrounding properties and development patterns.
7. Exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
8. Exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

Case# _____



Consent of Owner

Project Name: Freedom Machine Tattoo

Property Owner Name: Dori Coy

Address: 117 E. Main St

City: Pflugerville State: TX Zip Code: 78660

Phone: 512-658-0498 Fax: _____

Email: doricoy@gmail.com

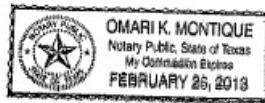
Signature: *Dori Coy*

By signing this form, the owner of the property authorizes the City of Pflugerville to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application and that although City staff may make certain recommendations regarding this application; the City Council may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

THE STATE OF Texas :
COUNTY OF Travis : KNOW ALL MEN BY THESE PRESENTS

Before me, OMARI K. MONTIQUE, on this day personally appeared DORI COY known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 23 day of October, 2012.



[Signature]
Notary Public's Signature

My Commission Expires: February 26, 2013

Applicant's Affidavit

Project Name: Freedom Machine Tattoo

I, Ryan Dodson, certify that I have read this form thoroughly and the information included in this supplemental application form is a true representation of the permit applications submitted to date that are associated with the current application or this application is not one in a series of permits as defined by Chapter 245 of the Texas Local Government Code.

Address: 1607 oldtract RD

City: Pflugerville State: TX Zip Code: 78660

Phone: 626-482-0952 Fax: _____

Signature: _____

THE STATE OF TX
COUNTY OF Tarrant

KNOW ALL MEN BY THESE PRESENTS

Before me, D.M. Goswami, on this day personally appeared Ryan Dodson known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 24th day of October, 2012



D. Goswami
Notary Public's Signature
My Commission Expires: May 8 2015

17 EAST MAIN STREET
1ST FLOOR LAYOUT

