



Zoning Staff Report

Date: November 14, 2023

Case Number: ZC-23-147

Council District: 4

Zoning Map Amendment & Site Plan

Case Manager: [Shad Rhoten](#)

Owner / Applicant: Woodcap Limited Partnership / Jack Terrell

Site Location: 5601 Basswood Boulevard

Acreage: 8.3 acres

Request

Proposed Use: Tattoo Parlor

Request: From: “E” Neighborhood Commercial

To: Add Conditional Use Permit (CUP) to allow a tattoo parlor in “E” Neighborhood Commercial; site plan included.

Recommendation

Land Use Compatibility: Requested change **is compatible**

Comprehensive Plan Consistency: Requested change **is not consistent**

Staff Recommendation: **Approval**

Zoning Commission Recommendation: **Approval by a vote of 8-0**

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Project Description and Background

The site contains an existing 36,000 square foot multi-tenant commercial. The property is situated at the northeast corner of the intersection of Park Hill Blvd and Basswood Blvd. The applicant is requesting to add a Conditional Use Permit (CUP) to allow a tattoo parlor within one of the existing tenant spaces. A site plan has been submitted as required with an application for a CUP; however, new construction is not proposed under this application.

Tattoo parlors are not permitted in the “E” Neighborhood Commercial zoning district as a by right use. They may be permitted within “E” zoning districts through the CUP process. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

The subject site and the east and west frontages of Parkwood Blvd adjacent to this building are zoned “E” and designated as Neighborhood Commercial on the future land use map (FLU). Basswood Blvd and Park Hill Blvd are classified as a principal and minor arterial respectively. The proposed tattoo parlor is not anticipated to generate additional demand upon the roadway network. There is existing One-Family residential developments to the west and south of the subject site; however, they are separated by these arterial roadways. Uses on the subject property consist of various retail, restaurant, package liquor sales and a retail smoke shop. A self-storage facility adjoins the property on the east side, followed by railroad and Hwy 377.

Through Ordinance 23609 effective March 29, 2019, the Conditional Use Permit allows for an unlimited time period for the operation of a use unless otherwise approved by the City Council. If a time limit is established for a Conditional Use Permit, the renewal of the CUP shall be considered through the public hearing process and approved by the City Council. A CUP shall expire if no permitting action is taken within six months of approval or cease of the use for six months. A CUP may be revoked through the public hearing process if necessary after convictions of one or more code violations.

Per Section 4.407 (a), the following general rules apply to all conditional uses:

- a) Approval of a conditional use permit shall authorize only the particular use or category of related uses for which the conditional use permit is issued.
- c) A conditional use shall not be enlarged, extended or otherwise modified unless approved by the City Council or approved administratively as applicable.
- d) The use of property for the purposes described in a conditional use permit shall not commence until a certificate of occupancy has been issued. A certificate of occupancy shall not be issued until all or approvals which may be required by the Codes and Ordinances of the City, including, but not limited to, a Building Permit, a Certificate of Occupancy and subdivision approval have been satisfied.

Section (d) provides the following Conditional Use Permit factors in consideration of appropriateness of a request:

- a) The proposed use is consistent with the Comprehensive Plan;
- b) The proposed use is compatible with the existing and adjacent uses.
- c) The proposed use meets all supplemental use standards specifically applicable to the use as set forth in Chapter 5;
- d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods;
- e) The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.

Surrounding Zoning and Land Uses

North “E” Neighborhood Commercial / undeveloped
East “PD/SU” Planned Development / mini-warehouse
South “A-5” One-Family / single-family residential
West “E” Neighborhood Commercial / daycare center

Recent Zoning History

- None

Public Notification

300-foot Legal Notifications were mailed on September 29, 2023.
The following organizations were emailed on September 29, 2023.

Organizations Notified	
Parkwood Hill Estates HOA*	Park Glen NA
Streams and Valleys Inc	Trinity Habitat for Humanity
Public Improvement District #6	Birdville ISD
Keller ISD	

**Located in the registered Neighborhood Association*

Development Impact Analysis

Land Use Compatibility

The applicant is proposing a zoning change to add a CUP to allow a tattoo parlor in the “E” zoning district. Surrounding land uses institutional uses along uses along Parkwood Hill Blvd, with low-density residential uses to the north, west and south of the site. The uses on the subject property consist of various retail and restaurant uses and this proposal appears to be compatible. The site functions as a commercial node to the surrounding residential uses, providing retail and services.

The proposed zoning request for the tattoo parlor **is compatible** with surrounding land uses. The tattoo parlor has no outdoor activity and is completely contained within the existing commercial building.

Comprehensive Plan Consistency – Far Northwest

The 2023 Comprehensive Plan currently designates the subject property as Neighborhood Commercial. This land use designation is intended to offer a mix of retail, services, offices and mixed uses serving daily needs for a local market area. A tattoo parlor provides a service, similar to a beauty or barbershop; however, the use is only permitted by right in the “FR” through “K” districts. The “FR” zoning district is more aligned with the General

Land Use designation as opposed to the current designation of Neighborhood Commercial. Refer to table below from the Comprehensive Plan:

FUTURE LAND USE AND ZONING CLASSIFICATIONS

FUTURE LAND USE	DEFINITION	ZONING
COMMERCIAL		
Neighborhood Commercial*	Retail, services, offices and mixed uses serving daily needs for a local market area	ER, E, MU-1
General Commercial*	Retail, services, offices and mixed uses serving occasional needs for a larger market area	All Commercial, MU-1, MU-2
Mixed-Use/ Mixed-Use Growth Center	Retail, services, offices, entertainment, mixed uses, and multifamily residential; Community Growth Centers are less intensive, and Regional Growth Centers are more intensive	AR, B, R1, R2, CR, C, D, UR, All Commercial, MU-1, MU-2, Form-Based Codes

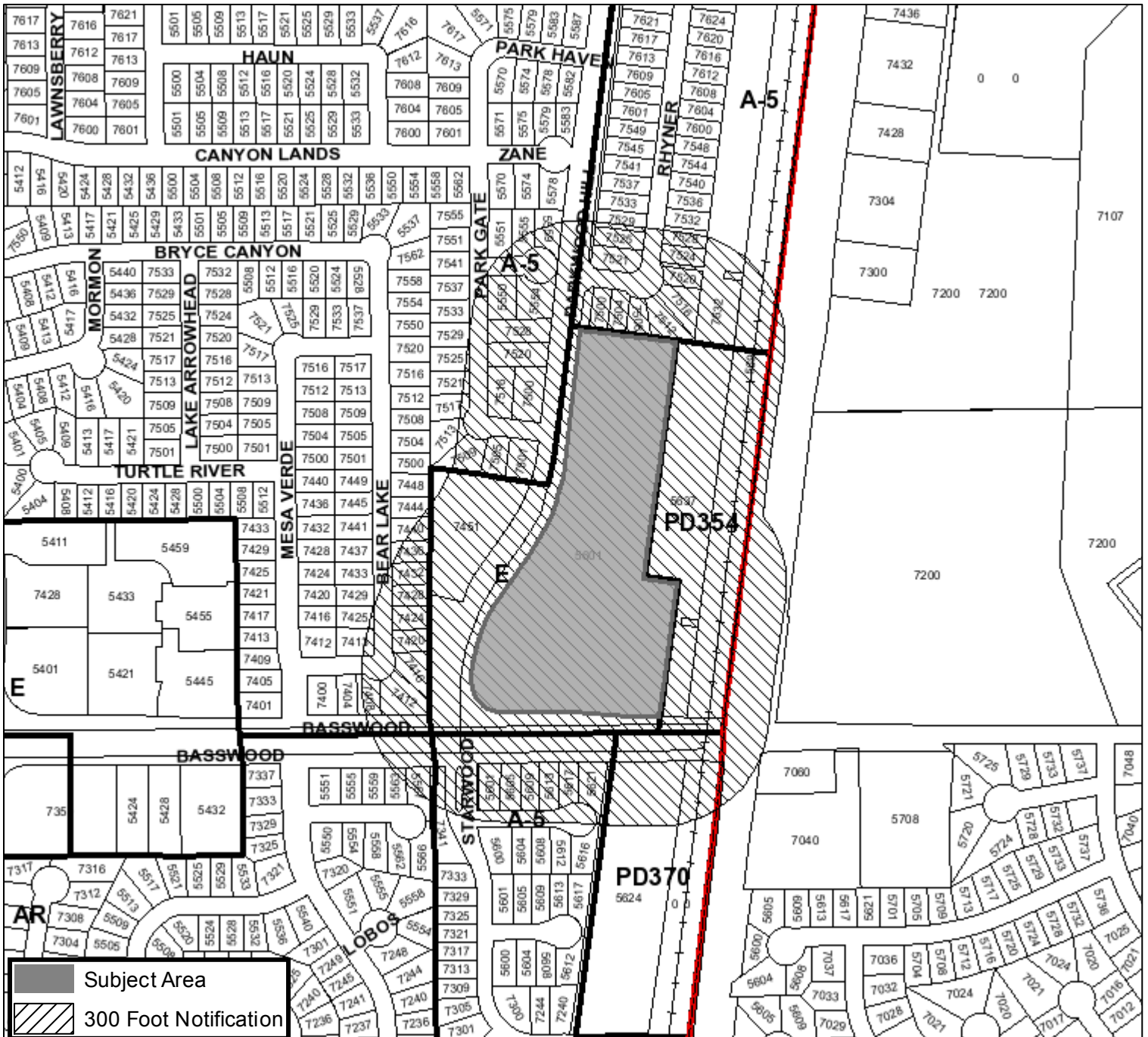
Based on a lack of conformance with the future land use map, the proposed zoning **is not consistent** with the FLU component of the Comprehensive Plan. However, this request does adhere to the following Comprehensive Plan policy:

Economic Development

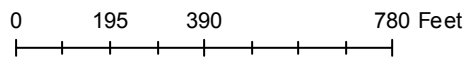
- Encourage renovation and reuse of existing commercial structures throughout commercial districts, where feasible.

Area Zoning Map

Applicant: Woodcrest Capitol/Jack Terrell
 Address: 5601 Basswood Boulevard
 Zoning From: E
 Zoning To: To add a conditional use permit to allow tattoo shop
 Acres: 8.47550426
 Mapsco: Text
 Sector/District: Far North
 Commission Date: 10/11/2023
 Contact: 817-392-7869



Subject Area
 300 Foot Notification



PARKWOOD HILL BOULEVARD

BASSWOOD BOULEVARD

FOR SALE:
4.6 Acres Land

 N
 NOT AVAILABLE THROUGH WOODCREST
 July 16, 2023 4:17 PM

BeYOUtiful Beginnings

105

Andy's Event Center

117

HABANERO'S
Real Estate Services

137

Spa & Health

141

Smoke Shop

145

Indian Grocery

149

LIQUOR DEPOT

161

Veterinarian

169

Tattoo

173

Sara's Secret

175

FARMERS INSURANCE

177

Nail Salon

185

Boba & Baguette

189

1,200 SF

193

Nepali Chulo Indian Cuisine

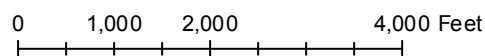
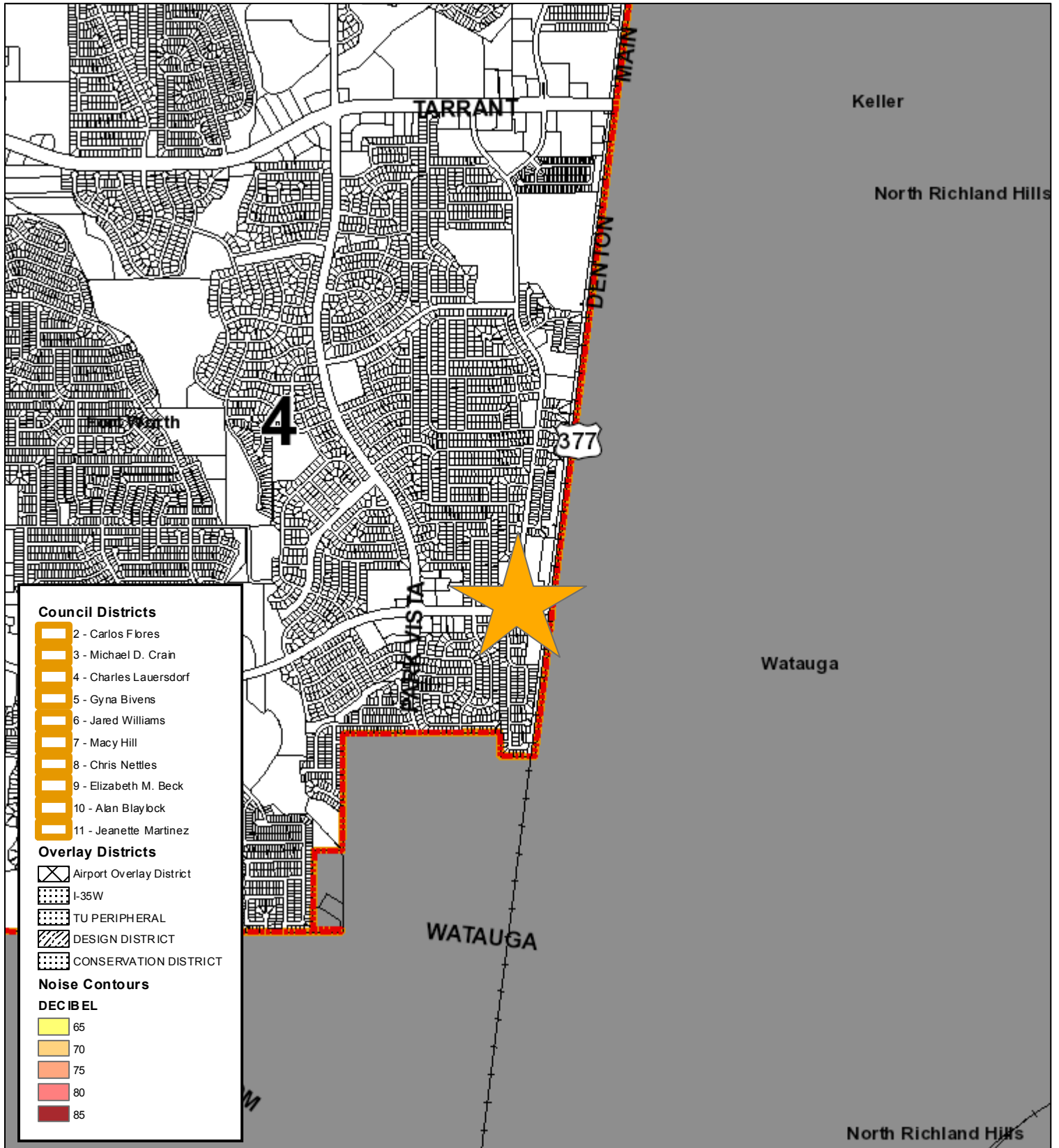
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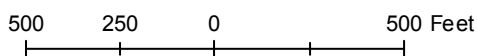
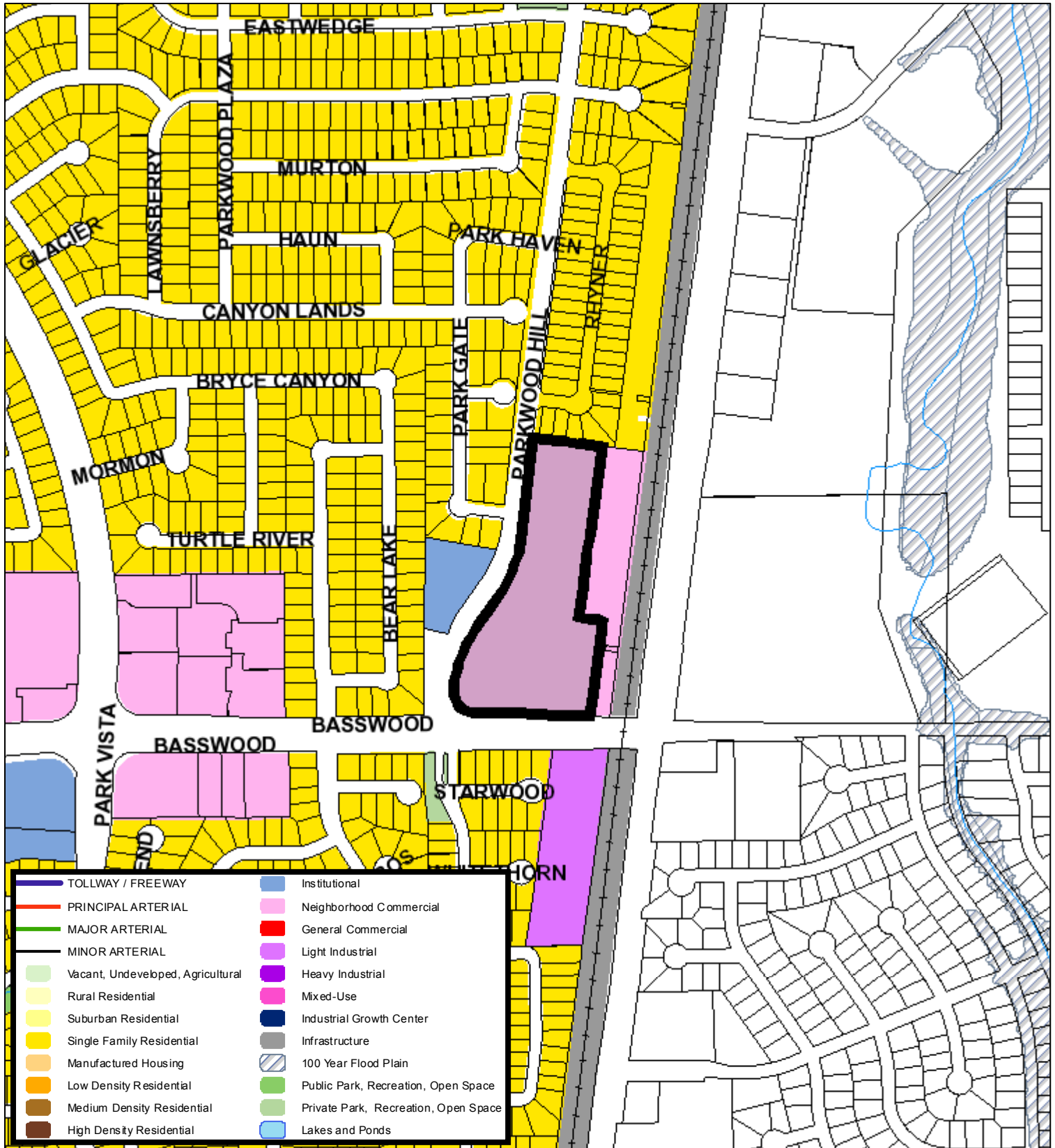
Patio

CUBESMART self storage

Area Map



Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



