



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## Meeting Agenda

### Planning and Zoning Commission

Monday, October 7, 2024

6:00 PM

City Hall Council Chambers

1. **CALL TO ORDER**

2. **INVOCATION**

3. **PLEDGE OF ALLEGIANCE**

4. **TEXAS PLEDGE**

5. **APPROVAL OF MINUTES**

[24-6231](#)

Minutes - Approval of the September 16, 2024 Planning and Zoning Commission Meeting Minutes

**Attachments:** [9-16-24 DRAFT Minutes](#)

6. **CITIZENS COMMENTS**

*Citizens wishing to address the Commission on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes.*

*In order to be recognized during the "Citizens Comments" or during a public hearing (applicants included), please complete a blue "Appearance Card" located at the entry to the Chambers and present it to the Planning Secretary.*

7. **PUBLIC HEARINGS**

[24-6230](#)

Public Hearing to Consider an Ordinance Approving Proposed Amendments of Title XV of the Mansfield, Texas Code of Ordinances, Entitled "Land Usage", to Amend Section 155.012 To Add a New Definition For Package Stores; Amending Subsection 155.054(B), Table F, To Permit Package Stores Within a PD, Planned Development District; Amending Section 155.056 Related To Security Gates And Shutters; Amending Section 155.099 To Provide New Special Conditions For Package Stores.; Providing for a Severability Clause; Providing a Penalty of Fine Not to Exceed the Sum of Two Thousand Dollars (\$2,000.00) for Each Offense; and Providing for an Effective Date (OA#24-007)

**Attachments:** [Draft Ordinance](#)

8. **SUMMARY OF CITY COUNCIL ACTIONS**
9. **COMMISSION ANNOUNCEMENTS**
10. **STAFF ANNOUNCEMENTS**
11. **ADJOURNMENT OF MEETING**
12. **NEXT MEETING DATE: Monday, October 21, 2024**

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on October 2, 2024, prior to 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code.

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Clarissa Carrasco, Administrative Assistant II

\* This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817 473-0211 or TDD 1-800-RELAY TX,

\* In deciding a zoning change application, the Planning & Zoning Commission and City Council are required to determine the highest and best use of the property in question. The Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every District up to the intensity set forth in the zoning change application.



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## STAFF REPORT

File Number: 24-6231

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**Agenda Date:** 10/7/2024

**Version:** 1

**Status:** Approval of Minutes

**In Control:** Planning and Zoning Commission

**File Type:** Meeting Minutes

**Agenda Number:**

**Title**

Minutes - Approval of the September 16, 2024 Planning and Zoning Commission Meeting

Minutes



# CITY OF MANSFIELD

1200 E. Broad St.  
Mansfield, TX 76063  
mansfieldtexas.gov

## Meeting Minutes - Draft

### Planning and Zoning Commission

Monday, September 16, 2024

6:00 PM

City Hall Council Chambers

#### IMMEDIATELY FOLLOWING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MEETING

#### 1. CALL TO ORDER

*Chair Mainer called the meeting to order at 6:26 p.m. in the City Council Chambers of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving the date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code.*

*Staff present:*

*Raymond Coffman, Director of Engineering Services  
Trace Hilton, Assistant Director of Engineering Services  
Arty Wheaton-Rodriguez, Assistant Director of Planning  
Katasha Smithers, Planning Manager - Current Planning  
Clarissa Carrasco, Administrative Assistant II*

*Commissioners:*

**Present** 7 - Blake Axen; Jennifer Thompson; Brandon Shaw; David Goodwin; Michael Mainer; Michael Bennett and Patrick Moses

#### 2. INVOCATION

*Commissioner Shaw gave the invocation.*

#### 3. PLEDGE OF ALLEGIANCE

#### 4. TEXAS PLEDGE

#### 5. APPROVAL OF MINUTES

[24-6202](#)

Minutes - Approval of the August 19, 2024 Planning and Zoning Commission Meeting Minutes

**Commissioner Moses made a motion to approve the meeting minutes as presented. Commissioner Bennett seconded the motion which carried by the following vote:**

**Aye:** 5 - Blake Axen; Jennifer Thompson; Michael Mainer; Michael Bennett and Patrick Moses

**Nay:** 0

**Abstain:** 2 - Brandon Shaw and David Goodwin

**6. CITIZENS COMMENTS**

*There were no citizen comments.*

**7. PUBLIC HEARINGS**

[24-6203](#)

Public Hearing on a Change of Zoning From C2, Commercial Business District and SF-7.5/12, Single-Family District to D, Downtown District, D-3, Urban Center Zone on Approx. 1.489 Acres, Situated at Lot 3R, Block 20, City of Mansfield, Tarrant County, TX Generally Located South of E. Broad Street, and Approx. 175 Feet Southeast of the Intersection of N. Walnut Creek and E. Broad Street; City of Mansfield, Applicant (ZC#24-011)

*Ms. Smithers gave a presentation on the case and was available to answer any questions.*

*Chair Mainer opened the public hearing at 6:33 p.m. and called for anyone wishing to speak to come forward.*

*Seeing no one come forward to speak, Chair Mainer closed the public hearing at 6:33 p.m.*

**Vice Chair Axen made a motion to approve the zoning case as presented. Commissioner Shaw seconded the motion which carried by the following vote:**

**Aye:** 7 - Blake Axen; Jennifer Thompson; Brandon Shaw; David Goodwin; Michael Mainer; Michael Bennett and Patrick Moses

**Nay:** 0

**Abstain:** 0

**8. SUMMARY OF CITY COUNCIL ACTIONS**

*Mr. Wheaton-Rodriguez summarized the actions that took place at the previous city council meeting.*

**9. COMMISSION ANNOUNCEMENTS**

*There were no commission announcements.*

**10. STAFF ANNOUNCEMENTS**

*Mr. Wheaton-Rodriguez advised the commission of the next meeting date being Monday, October 7, 2024.*

**11. ADJOURNMENT OF MEETING**

**Commissioner Shaw made a motion to adjourn the meeting. Commissioner Goodwin seconded the motion, which carried by the following vote:**

**Aye:** 7 - Blake Axen; Jennifer Thompson; Brandon Shaw; David Goodwin; Michael Mainer; Michael Bennett and Patrick Moses

**Nay:** 0

**Abstain:** 0

With no further business, Chair Mainer adjourned the meeting at 6:43 p.m.

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Michael Mainer, Chair

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Clarissa Carrasco, Administrative Assistant II



# CITY OF MANSFIELD

1200 E. Broad St.  
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## STAFF REPORT

File Number: 24-6230

**Agenda Date:** 10/7/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** Planning and Zoning Commission

**File Type:** Ordinance  
Amendment

**Agenda Number:**

### Title

Public Hearing to Consider an Ordinance Approving Proposed Amendments of Title XV of the Mansfield, Texas Code of Ordinances, Entitled "Land Usage", to Amend Section 155.012 To Add a New Definition For Package Stores; Amending Subsection 155.054(B), Table F, To Permit Package Stores Within a PD, Planned Development District; Amending Section 155.056 Related To Security Gates And Shutters; Amending Section 155.099 To Provide New Special Conditions For Package Stores.; Providing for a Severability Clause; Providing a Penalty of Fine Not to Exceed the Sum of Two Thousand Dollars (\$2,000.00) for Each Offense; and Providing for an Effective Date (OA#24-007)

### Requested Action

To consider the draft text amendments

### Recommendation

The Department of Planning and Development Services recommends approval of the proposed text amendments as drafted.

### Description/History

This proposed amendment to the Mansfield Zoning Ordinance introduces a definition for "Package Store," a use that is not currently addressed in the Permitted Use Table (155.054(B), Table F). The amendment defines "Package Store" as follows:

“A retail establishment licensed by the Texas Alcoholic Beverage Commission and dedicated primarily to the sale of beer, liquor, wine and / or other alcoholic spirits in sealed containers for off-premise consumption only. For the purposes of this definition, the term “package store” shall also include liquor store, and shall exclude convenience goods stores, corner markets, and grocery stores in which beer, liquor, wine and / or alcoholic spirits may be sold as a minor part of the inventory.”

Chapter 22 of the Texas Local Government Code ("TLGC") allows municipal governing bodies to adopt zoning regulations that promote public health, safety, morals, or general welfare, and protect historical, cultural, or architectural resources. Cities can divide their boundaries into districts that suit these purposes.

In this instance, the proposed use falls under an age-restricted category monitored by the State of Texas. Therefore, the City of Mansfield will regulate "Package Stores" within its established PD, Planned Development District requirements, setting specific standards.

The standards include the following:

Section 155.099 Special Conditions (B)

- (41) Package store.
  - (a) All package stores shall be licensed by the Texas Alcoholic Beverage Commission.
  - (b) All package stores shall require the adoption of a PD, Planned Development.
  - (c) The minimum floor area for a package store shall be 25,000 square feet. Any request to deviate from the minimum floor area shall be subject to approval of the City Council as set forth in this Paragraph.
  - (d) In order to control the proliferation of grouped similar land uses and to prevent proximity to protected land uses, distance to existing surrounding land uses can be used to determine the appropriateness of a PD, Planned Development application for a "Package Store". Protected land uses shall be similar to those uses protected and outlined by the Texas Alcoholic Beverage Commission and Section 155.099 Special Conditions (21) of the Mansfield Code of Ordinances.
  - (e) No sale of beer, liquor, wine and / or other alcoholic spirits at a package store shall be permitted through a drive-through facility; a pick-up window; or a walk-up window. All sales of beer, liquor, wine and / or other alcoholic spirits shall occur within the interior of the package store.
  - (f) A package store shall have separate entrances for deliveries and customers. The entrance for deliveries shall be restricted to locations to the rear or the side of the establishment.
  - (g) The PD, Planned Development approved under this provision for a package store shall automatically expire upon: (i) the closure of the package store; or (ii) a change the ownership of the package store.

These criteria help regulate the placement and size of package stores, preventing over-concentration of this use while maintaining a balanced mix of business types. Similar standards exist for other age-restricted uses regulated by the State of Texas and the City of Mansfield, such as "Body Art and Piercing Studio" and "Tobacco Products Store."

The proposed amendment also modifies Section 155.056, "Community Design Standards," to require that security gates and shutters be fully concealed when not in use.

**Prepared By**

Arty Wheaton-Rodriguez



Assistant Director, Planning Department  
817-276-4245

**Attachments:**  
Draft Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, “ZONING,” OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, BY AMENDING SECTION 155.012 TO ADD A NEW DEFINITION FOR PACKAGE STORES; AMENDING SUBSECTION 155.054(B), TABLE F, TO PERMIT PACKAGE STORES WITHIN A PD, PLANNED DEVELOPMENT DISTRICT; AMENDING SECTION 155.056 RELATED TO SECURITY GATES AND SHUTTERS; AMENDING SECTION 155.099 TO PROVIDE NEW SPECIAL CONDITIONS FOR PACKAGE STORES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code (“TLGC”) authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, or general welfare and protect and preserve places of historical, cultural, or architectural importance and significance; and

**WHEREAS**, Section 211.005 of the TLGC authorizes the governing body of a municipality to divide the municipality into districts of a number, shape, and size that the governing body considers best for carrying out the provisions of Chapter 211, General Zoning Regulations, within which districts the governing body may regulate the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land; and

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 the Code of Ordinances of the City of Mansfield, Texas, “the Mansfield Zoning Ordinance”, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Code of Ordinances should be amended; and

**WHEREAS**, Section 155.065 of the Mansfield Zoning Ordinance provides General Provisions for Special Purpose Districts that establish sets of standards for uses or areas that deserve specific, independent considerations; and

**WHEREAS**, Section 155.066 of the Mansfield Zoning Ordinance provides for standards for creating and administering PD, Planned Development District Regulations; and

**WHEREAS**, the Mansfield Zoning Ordinances has outlined siting standards for age restricted retail in order to balance area business types and avoid the over proliferation of one use; and



for security gates and shutters in the OP, C-1, C-2, C-3, D, FR, PD, and S Districts, to read as follows:

**“(G) Security gates and shutters. Solid metal security gates and solid roll-down shutters shall not be permitted in the OP, C-1, C-2, C-3, D, FR, PD, and S Districts. Interior link or grill security devices may be permitted if they can be completely enclosed or hidden from view when not in use and shall be subject to review and approval by the Director of Planning.”**

## **SECTION 5.**

That Section 155.099(B) of the Mansfield Zoning Ordinance, “Special conditions by use”, is hereby amended by inserting a new Paragraph (41) with the following new standards for Package Stores to read as follows:

### **“(41) Package store.**

- (a) **All package stores shall be licensed by the Texas Alcoholic Beverage Commission.**
- (b) **All package stores shall require the adoption of a PD, Planned Development.**
- (c) **The minimum floor area for a package store shall be 25,000 square feet. Any request to deviate from the minimum floor area shall be subject to approval of the City Council as set forth in this Paragraph.**
- (d) **In order to control the proliferation of grouped similar land uses and to prevent proximity to protected land uses, distance to existing surrounding land uses can be used to determine the appropriateness of a PD, Planned Development application for a “Package Store”. Protected land uses shall be similar to those uses protected and outlined by the Texas Alcoholic Beverage Commission and Section 155.099 Special Conditions (B)(21) of the Mansfield Code of Ordinances.**
- (e) **No sale of beer, liquor, wine and / or other alcoholic spirits at a package store shall be permitted through a drive-through facility; a pick-up window; or a walk-up window. All sales of beer, liquor, wine and / or other alcoholic spirits shall occur within the interior of the package store.**
- (f) **A package store shall have separate entrances for deliveries and customers. The entrance for deliveries shall be restricted to locations to the rear or the side of the establishment.**
- (g) **The PD, Planned Development approved under this provision for a package store shall automatically expire upon: (i) the closure of the package store; or (ii) a change the ownership of the package store.”**

## **SECTION 6.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.**

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Zoning Ordinance as a whole.

**SECTION 8.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Mansfield Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.**

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

**SECTION 10.**

This ordinance shall take effect immediately from and after its passage upon reading and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** on the first and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Ashley Dierker**, City Attorney