

**MEETING DATE:** July 23, 2024

**PREPARED BY:** Otis T. Spriggs, AICP, Director of Development Services

**AGENDA CONTENT:** Conduct a public hearing, discussion, and take possible action on an Ordinance No. 20240723-012 approving a Specific Use Permit (SUP) for a Tattoo Studio at 740 E. Henderson Rd., on property legally described as A0380 J DE J VALDERAS TRACT 110A7 (1Acre) (ANGLETON), Brazoria County, Texas.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

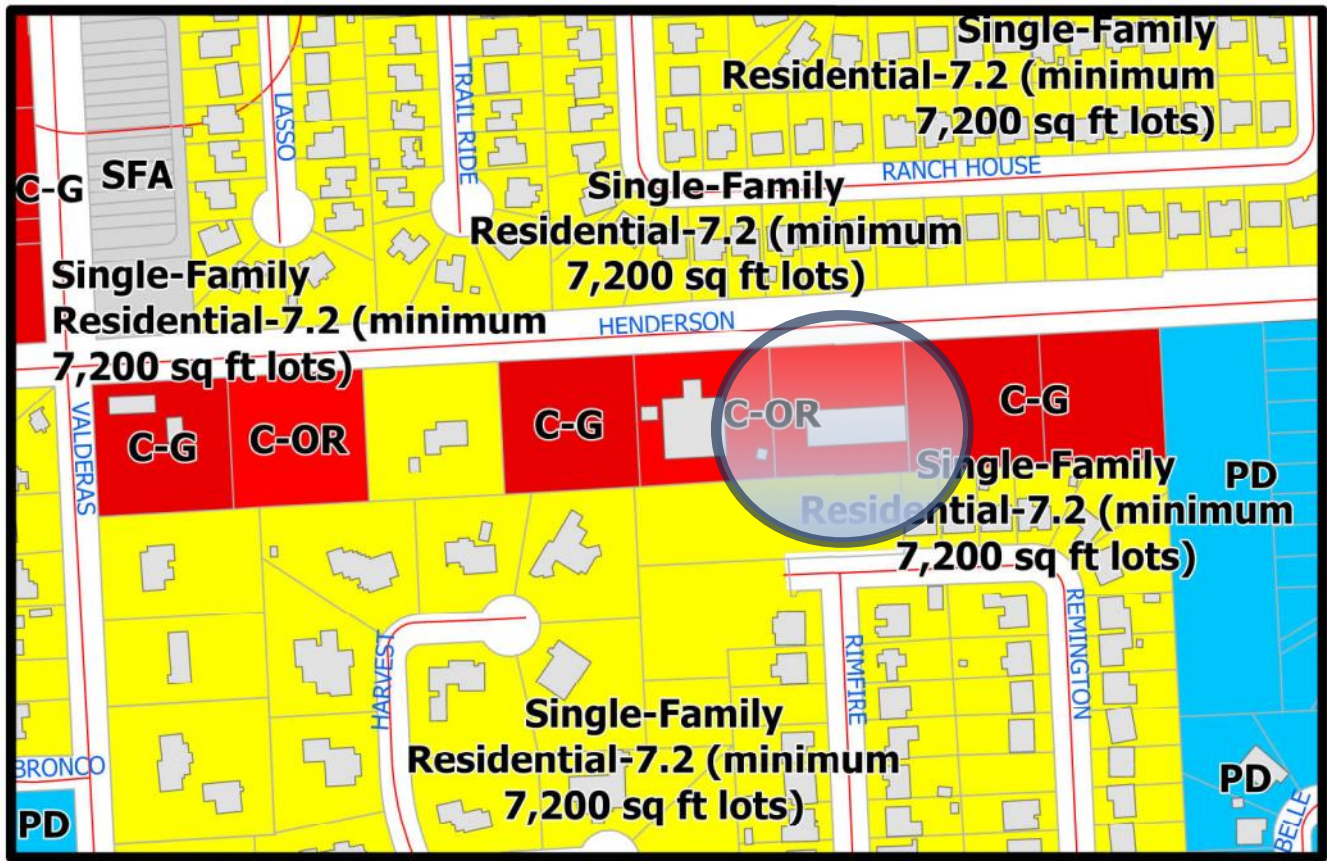
In accordance with the Code of Ordinances, Use Regulation Chart, Section 28-81, Jose Munoz, applicant/agent for the owner-

Jonel Wilcox of Joray One, LLC is requesting a Specific Use Permit for a Tattoo Studio to be located at the Angleton North Shopping Center as part of the pending application for the "C-G", General Commercial Zoning District. Note that this request is contingent upon successful rezoning of the previous petition for rezoning.

The application will become a tenant of the space at 740 E. Henderson within the shopping center.



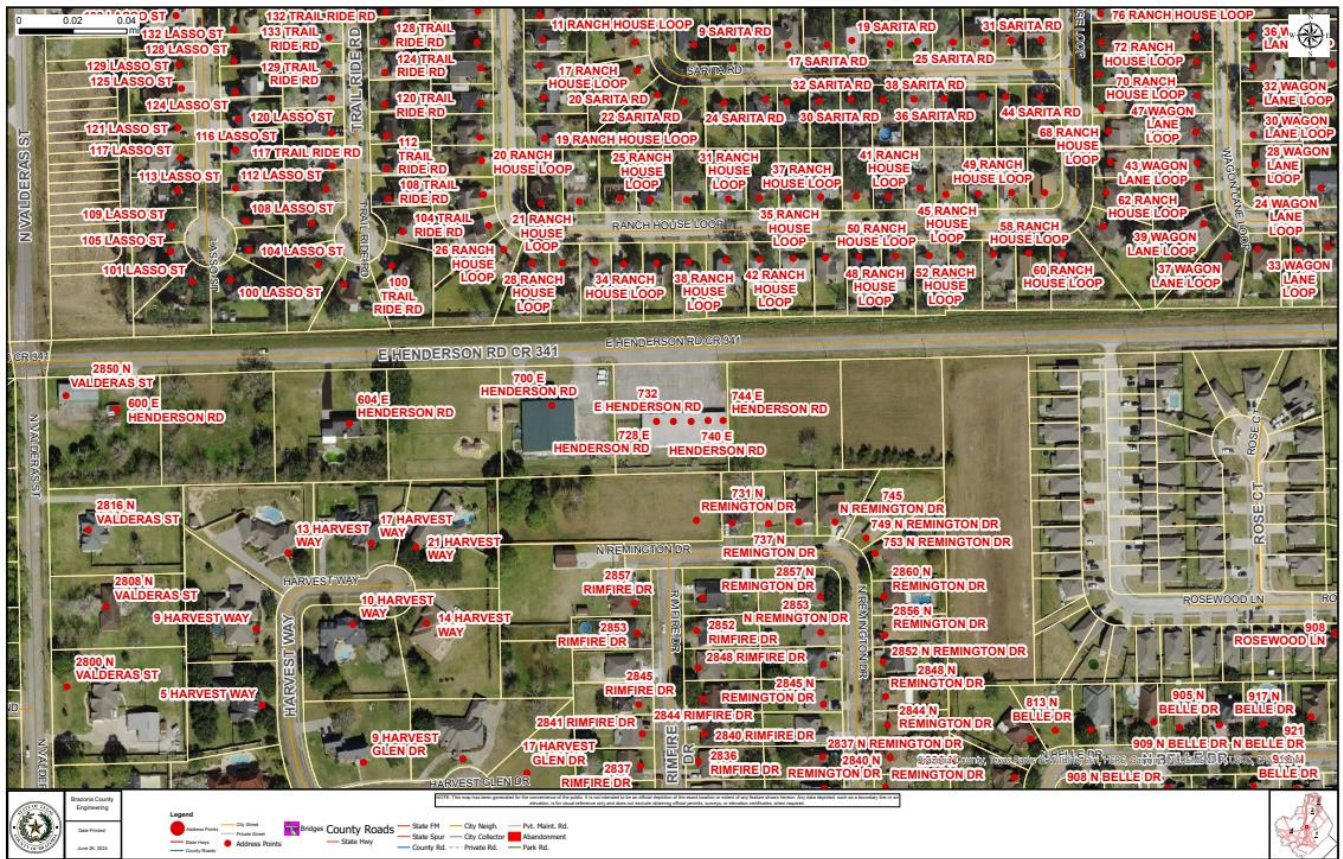
*Rezoning Exhibit Map from the 2005 Case*



N

0 90 180 360 Feet

Zoning Map



## Aerial Map

### Staff Analysis

Notice was sent to property owners within a 200-foot radius from the subject property in accordance with the provisions of the City Code of Ordinances and State Code. Property owner names and addresses were located using the Brazoria County Appraisal District information.

### Licensing: General Tattoo Studio Requirements

Texas Department of State Health Services (DSHS) requires any business in the practice of producing an indelible mark or figure on the human body by scarring or inserting pigments under the skin using needles, scalpels or other related equipment to license with the Department of State Health Services. This includes studios that perform traditional tattooing, permanent cosmetics and scarification. An artist may not tattoo a person younger than 18 without meeting the requirements of 25 Texas Administrative Code, §229.406(c), whose parent or guardian determines it to be in the best interest of the minor child to cover an existing tattoo.

The Drugs and Medical Devices Group is responsible for conducting on-site inspections of tattoo studios. During these inspections, the department ensures the studios comply with state and local laws and regulations.

Texas Department of State Health Services **DSHS** ensures:

- The building is well maintained and clean.
- The artist practices universal precautions to prevent the spread of infection, such as:
- Washes hands with a germicidal soap.
- Wears clean clothing and single-use gloves.
- Uses personal protective equipment.
- Uses instruments that are either disposable or are routinely sterilized.
- Follows proper handling and disposal of waste.
- There are sterilization records showing routine sterilization practices.
- The artist prohibits the tattooing or body piercing of minors (unless above mentioned conditions are met).
- The artist prohibits the tattooing or body piercing of people under the influence of drugs or alcohol.
- The tattooist maintains records for each person receiving a tattoo or body piercing.
- The tattooist reports any infection or adverse reaction to the Texas Department of State Health Services.
- Zoning Code: Current Related Regulations

The current adopted Zoning Code under Sec. 28-112. – Definitions, defines **Studio, tattoo or body piercing** as “a building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.”

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and factors for consideration:

When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; **(Staff concurs comprehensive plan and land use appropriateness is achieved; the adjacent land use along the throughfare is commercial in nature)**
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; **(Staff concurs appropriateness with zoning district is achieved; the project site and the adjacent land along the throughfare is zoned commercial in nature.)**
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter; **No issues.**
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to: **(Staff concurs**

appropriateness is achieved; the project site and the adjacent land along the throughfare is primarily commercial in nature.)

- Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; **Access is existing; No issues.**
  - Off-street parking and loading areas; **Parking area is existing; No issues.**
  - Refuse and service areas; **Refuse and service areas are existing; No issues.**
  - Utilities with reference to location, availability, and compatibility; **Utilities are existing; No issues.**
  - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses; **Development is existing; adjacent property along the throughfare does not require screening, Visual impact is screened and minimized with residential property rear line fencing north of thoroughfare road is abutted to residential subdivision rear lot fencing and south abutting a vacant residential rear lot line and fencing; No issues.**
  - Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; **No issues.**
  - Required yards and open space; **N/A**
  - Height and bulk of structures; **No issues.**
  - Hours of operation; **Compatible with the permitted land uses in given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhoods can be mitigated through imposition of certain standards and conditions.**
  - Exterior construction material and building design; **No issues.** and
  - Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. **N/A**
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. **No issues.**

Staff has taken the above criteria into consideration when reviewing the application for the tattoo studio within the C-G, Commercial General District.

#### **RECOMMENDATION:**

The planning and zoning commission should conduct the public hearing on the SUP application and related site plan in order to formulate its recommendations to the city council. The commission shall then recommend to the city council that the SUP application and related site plan be approved, approved subject to certain conditions, or denied. If the Planning and Zoning

Commission recommends denial of the site plan, it shall provide reasons to the applicant for the denial, if requested by the applicant.

### Opposition to or Support of Proposed Request

To-date, Staff received no notices of opposition to the proposed SUP request.

### Proposal:

The requester wishes to become a Tattoo Studio tenant of the space at 740 E. Henderson within the shopping center.



**Future Land Use Map**

The adopted Future Land Use/Comprehensive Plan designates the subject property requested to be rezoned as Office/Retail.

### Office/Retail Category (Coral):

*This district is designed to reserve the most desirable retail areas for office and retail uses, such as sites along and near business SH 288. Office/Retail areas capture many of the locations in Angleton offering the high visibility needed for retail activity. In several instances, such as along SH 288, SH 288 and Business 288, the Office/Retail also serves as a buffer between arterial traffic and low density*

*residential areas.*

**Existing Land Use and Zoning**

**North:** Residential Subdivision, zoned Single-Family Residential-7.2 (SF-7.2), Rancho Isabella

**West:** Land zoned Commercial-Office/Retail (C-OR), Greenhouse Childcare

**South:** Residential Subdivision, zoned Single-Family Residential-7.2 (SF-7.2), Greenridge

**East:** Land zoned Commercial-General (C-G), vacant

**SITE PHOTOS**



**View looking from Henderson Rd. looking Southwest toward Site**



**View from Henderson Rd. looking Southwest toward Site**



**View from Henderson Rd. looking Southwest toward Site**





View from Henderson Rd. looking Southwest toward Site

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## ***Record of Proceedings***

### ***Planning and Zoning Commission Meeting held July 2, 2024***

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**Staff:** DS Director Otis Spriggs presented this item informing that this SUP request is at the same location, as a tenant space in the shopping center, addressed as 740 E. Henderson Rd. The applicant is requesting a SUP, Specific Use Permit approval by ordinance, within “C-G”, Commercial General District. The applicant, Mr. Munoz, hopes to move this tattoo shop into the city limits.

In the staff summary we have provided information from the Texas Department of Human Services, which monitors and issues licenses for this type of business. Note that the process for tattooing has changed and evolved over time, in terms of cleanliness. Staff provides that consistency is achieved within the area and there should be no issues or negative impacts. We also listed a number of conditions that are customary for this type of specific use permit, and informed the applicant that sometimes hours of operation, for the specific uses come into play depending on where they're located in proximity to residential zones. Mr. Munoz is requesting that the original quoted hours of operation be modified as 7:00 AM to 9:00 PM, *seven days a week*.

The other conditions cover the maintenance of their state licensing. Staff also recommended consideration of a condition of expiration on the SUP. That means they would be required to come back in one year for a re-evaluation. He concluded that staff recommends approval with the noted conditions as stated in the draft ordinance.

## Public Hearing:

A motion was made by Commission Member Bieri, seconded by Commission Member Spoor to open the public hearing. The motion carried unanimously with all ayes. The public hearing was opened.

Mr. Munoz appeared before the Commission and explained the difference with cosmetic tattooing (lips/eyebrows). He has no experience doing cosmetic tattoos. He explained his hours of operation and that he has been tattooing for 12 years. Has been located in Freeport. This is a private studio by private appointments, with no walk-in tattoos or applications.

A motion was made by Commission Member Heston, seconded by Commission Member Spoor to close the public hearing. The motion carried unanimously with all ayes. The public hearing was closed.

Commission Member Heston asked for an explanation of the appointments from the requested time asked. Mr. Munoz explained that he is *by appointment only (1- person at a time, 3 clients daily, at the most)*. With walk-ins they leave a deposit, and an appointment is scheduled, which allows time to do the requested design.

## Commission Action:

A motion was made by Commission Member Clark to approve the SUP for tattoo studio with the amended hours and recommended conditions and forward it to Council for final action. Motion was seconded by Commission Member Bieri.

**Roll Call Vote:** Commission Member Deborah Spoor- Aye; Commission Member Will Clark- Aye; Commission Member Regina Bieri- Aye; Commission Member Andrew Heston- Aye; and Chair Bill Garwood- Aye. **(5-0) Approved.**

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## RECOMMENDATION:

The Planning and Zoning Commission adopts this as its final report and recommends approval of the ordinance approving a Specific Use Permit (SUP) for a Tattoo Studio located on 1 acre of land within the Commercial General District at 740 E. Henderson Rd., subject to the following conditions:

- 1.) *Hours of Operation for the Tattoo Studio shall be from 7:00 AM to 9:00 PM, seven days a week.*
- 2.) *Revocation of the Specific Use Permit may occur at any time if one or more of the conditions set forth in this Ordinance have not been met or are violated.*
- 3.) *Specific Use Permit is conditioned upon a valid lease -hold interest being held by the business granted the Specific Use Permit; and*
- 4.) *The term of the granting of this SUP shall be temporary, expiring one year from date of the approval of this SUP being granted, to allow the applicant, Tattoos by Munoz, to demonstrate*

*compliance with the above cited terms and conditions of the SUP and all City Codes of Ordinances. Upon its one- year review, the Council may extend the approval of the SUP for an additional temporary term, or may revoke the approval of the SUP immediately.*

*5.) Commencement of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.*