
MEETING DATE: February 15, 2023

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

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on an application for a **Special Use Permit (SUP)** pursuant to Sec. 28-63 of the Code of Ordinances to consider a request submitted by Seven Souls Tattoo Studio, to allow for a Specific Use Permit for a Tattoo and Body Piercing Studio at the property located at 117 West Myrtle Street, Angleton, TX.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY: Alejandro Daniel Cantu, Seven Souls Tattoo Studio is requesting consideration of a Specific Use Permit for a Tattoo Studio at the property located at 117 West Myrtle Street, Angleton, TX., within the Commercial General Zoning District (CG). ARTICLE IV. - USE REGULATIONS, Sec. 28-81.b. - Use regulations (Charts) permits the Studio, Tattoo and Body piercing use only by a Specific Permit approval within the Commercial General, C-G and or Light Industrial (LI) Districts.

(See map to the right of Aerial View of subject property).



View of 117 West
Myrtle Street,
Looking at Subject
property, and site

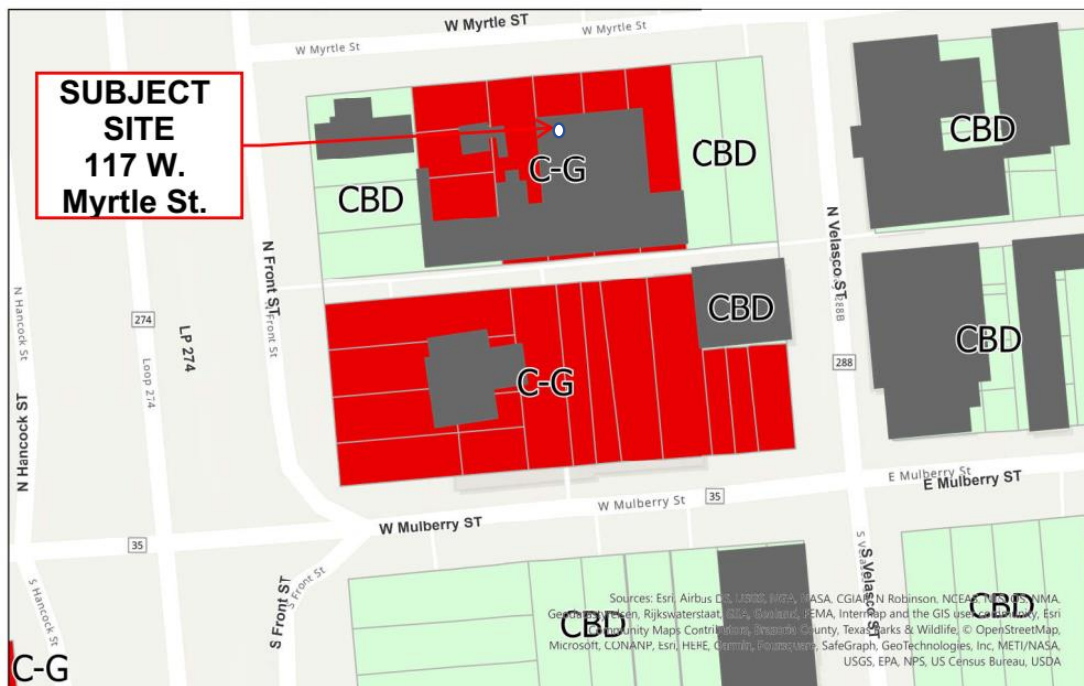


View of 117 West
Myrtle Street, Looking at
subject property, and
site





View of 117 West Myrtle Street on right



ZONING MAP- SEVEN SOULS TATTOO- SUP

STAFF ANALYSIS:

Licensing: General Tattoo and Body Piercing 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 and body piercing studios. During these inspections, the department ensures the studios comply with state and local laws and regulations.

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;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
- 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:
 - 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;
 - Off-street parking and loading areas;
 - Refuse and service areas;
 - Utilities with reference to location, availability, and compatibility;
 - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
 - 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;
 - Required yards and open space;
 - Height and bulk of structures;
 - Hours of operation;
 - Exterior construction material and building design; 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.
- 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.

Staff has taken the above criteria into consideration when reviewing the application for the tattoo and body piercing studio at 117 W. Myrtle Street within the C-G, Commercial General District. The studio owners will be converting the space with four stations within the 1,366 sq. ft. usable area.

Impact on Existing and Future Development:

This development will have minimal to no negative impact to the surrounding properties. The service-oriented retail should have minimum impact on the traffic, due to appointments of 4 patrons at a time. Parking should be more than sufficient onsite and offsite for the customers.

The State of Texas excludes certain services from taxation. These include professional services, such as those offered by physicians, attorneys, accountants, barbers and hairdressers, interior designers, and automobile repair services.

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.

Public Notification

Staff sent public notices to the local newspaper, and a vicinity map to the property owners within 200 feet of the subject property under consideration for the SUP application.

Opposition to or Support of Proposed Request

To-date, Staff has not received one notice in support of the proposed SUP request that was sent front Gerald Roznovsky, Mayor, for City of Lake Jackson.

Recommended Action:

The Planning and Zoning Commission should adopt this as its Final Report, forward to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a tattoo and body piercing studio in the Commercial-General (C-G), to the city council for approval consideration and appropriate action. This approval is subject to the following conditions:

- 1.) Hours of Operation for the Tattoo Studio and Body Piercing Studio shall be from 10:00 AM to 6:00 PM or till 8. PM during the week, and 10:00 AM to midnight during the weekends.
- 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 is granted, to allow the applicant, Seven Souls, to demonstrate compliance with of 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, or after the one- year original SUP term lapses.

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.

P&Z Recommendation. The planning and zoning commission forwards this Specific Use Permit (S.U.P.) application at 117 W. Myrtle St., for a tattoo and body piercing studio to the city council for approval consideration and appropriate action subject to the noted conditions as its final report.