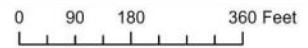


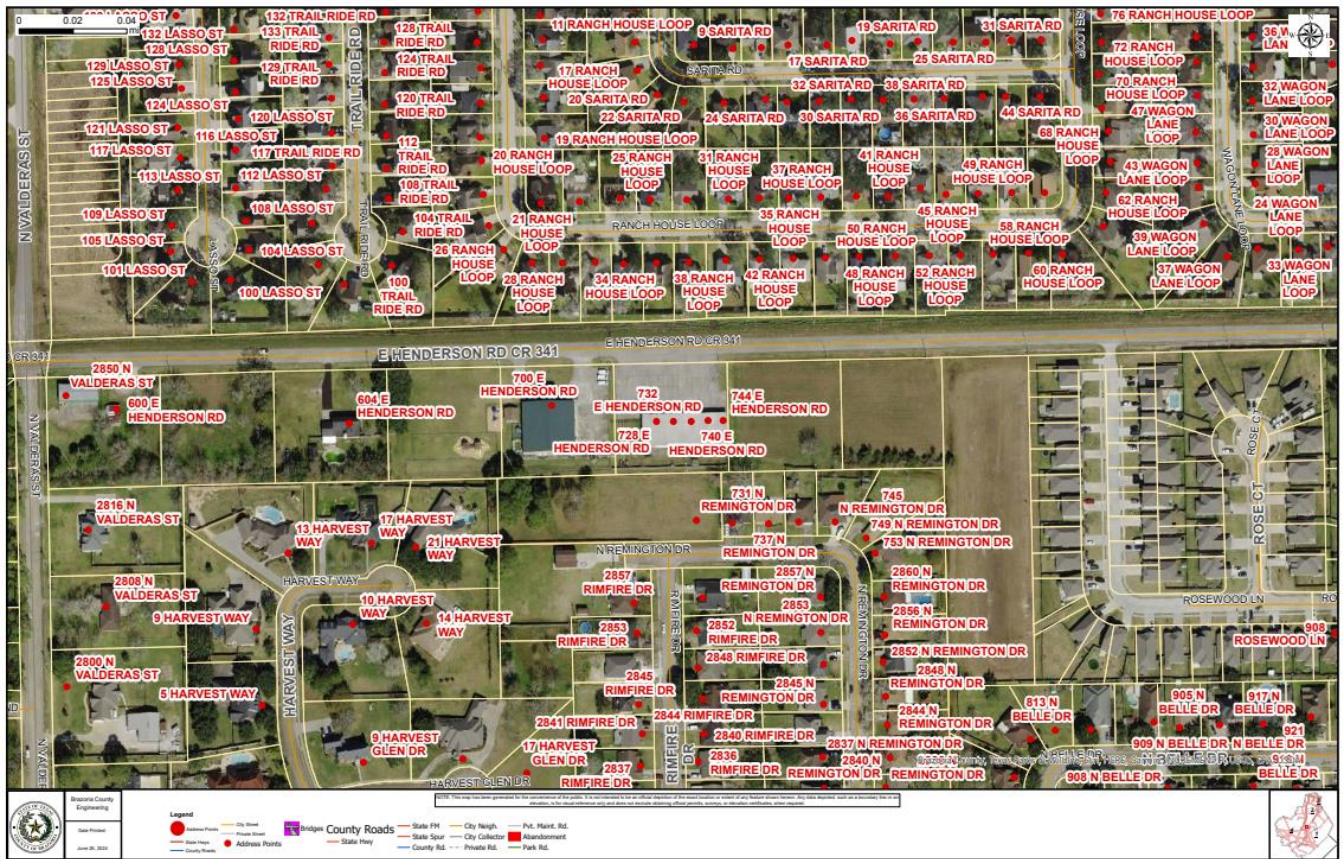


Rezoning Exhibit Map from the 2005 Case



Zoning Map

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

RECOMMENDATION:

The Planning and Zoning Commission should adopt this as its final report and recommend approval of the ordinance to City Council for the 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 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 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.