

CITY COUNCIL AGENDA SUMMARY/STAFF REPORT

MEETING DATE: December 13, 2022

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

AGENDA CONTENT: Discussion and 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 Jennifer Bell, **Beau Bazaar Salon**, to allow for a Specific Use Permit for a Microblading Studio for property located at 115 E. Mulberry Street, Angleton, TX.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY: Jennifer Bell, Beau Bazaar Salon is requesting consideration of a Specific Use Permit for a Microblading Studio for property located at 115 E. Mulberry Street, Angleton, TX., within the Central Business District (CBD).



View of 115 E. Mulberry St., Looking North showing location of Salon in rear



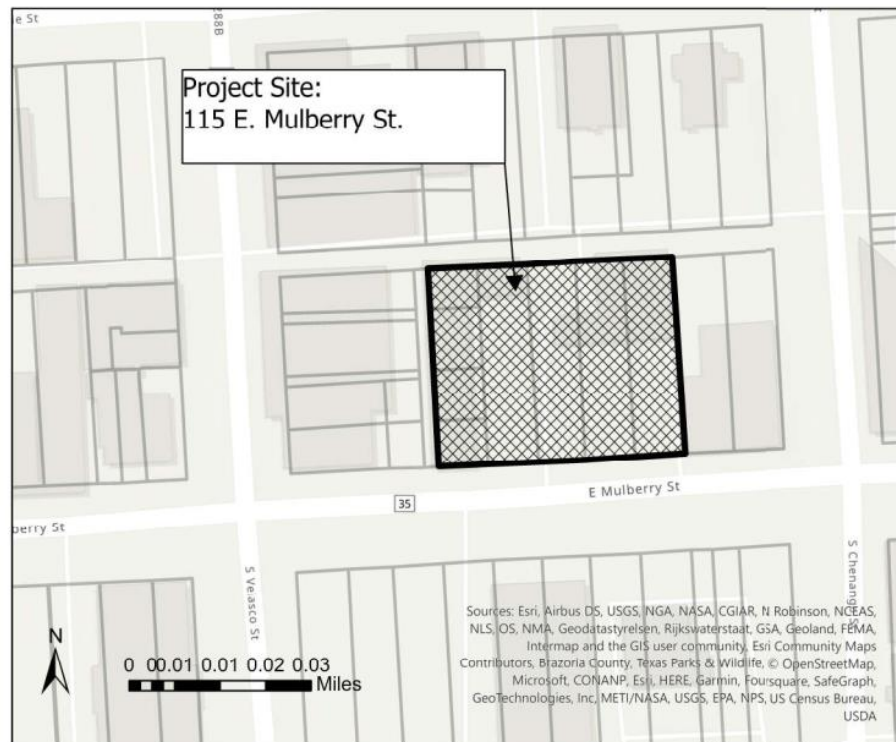
View of 115 E. Mulberry St., Looking North showing location of Salon in rear



View of 115 E. Mulberry St., Looking East, showing location frontage



View of rear alley of 115 E. Mulberry St., Looking South towards Mulberry St.



Vicinity Map

STAFF ANALYSIS:

Microblading is a beauty technique which deposits pigment into the superficial layers of skin. The process uses a super-fine pen which contains a bundle of needles to apply the pigment. The process has a typical lifespan between one to three years after initial touch-ups are completed. Microblading is regulated by the Texas Department State Health Services under tattooists which is why this process is categorized under "studio – tattoo or body piercing".

In the cosmetic industry, microblading has been referred to as permanent cosmetics utilizing muted pigmentations, which are unlike traditional tattoo inks known for vibrant colors, and deposits pigments under the skin's dermis, often using a digital rotary device. Any time pigmentation is placed into the skin with any device, the medical community, including TEFA, defines it as a "form of tattooing", however, it is different than traditional body art tattooing due to its intent and desired purpose. Permanent cosmetics helps those who desire to blend in with societal norms. In contrast, traditional body art tattooing seeks to stand out and express one's speech.

Intradermal cosmetic studios (sometimes referred to as permanent makeup studios) are becoming more and more common in Texas. The permanent makeup is generally applied to the eyebrows, eyelids and lips. Some studios use traditional tattoo equipment, while others use devices that work on the same principle but are smaller and look like pens. Generally, the components of the pen-type machine come pre-sterilized from the manufacturer and are disposable (one-time use) items.

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.

Staff has recommended that the microblading definition be added separately in the previous case, to provide clarity for applications that are consider "temporary" in nature. Therefore, Section 28-112 is being amended to reflect the new use.

Impact on Existing and Future Development:

This development will have minimal to no negative impact to the surrounding properties.

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 any notices in support or in opposition of the proposed SUP request.

P&Z Recommended Action:

The Planning and Zoning Commission adopts this as its Final Report, forwards the request to City Council with a positive recommendation (5-0 vote) of this Specific Use Permit (S.U.P.) application for a microblading studio in the Central Business District, (CBD), for approval consideration and appropriate action, subject to: 1. The successful adoption of the related Text Amendment Case for microblading studio uses; and, 2. The microblading studio operator shall acquire and maintain all required local and state certifications and permits to operate the use.

Staff Recommendation. City Council should hold discussion and approve the ordinance adopting this Specific Use Permit (S.U.P.) application at 115 E. Mulberry St., for a “microblading studio”, subject to the successful adoption of the related Text Amendment Case for microblading studio uses, noting that the temporary nature of the microblading process establishes clarity and there is factual finding of no negative impact to the surrounding properties.