

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: July 2, 2024	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action on a Special Use Permit application for a paramedical and fine-line tattooing business located at 14375 Liberty Street Suite 105, Montgomery, Texas 77356 (*tabled 6/4/24*).

Recommendation

Staff recommends the Commission study the request and information and be prepared to form a recommendation to City Council on the request at the meeting.

Discussion

This item was tabled at the last meeting by the Commission with direction to determine whether an alternative word can be used in place of "tattooing". In short, no. The TDLR license is for tattooing and the city zoning Table of Uses specifically provides for tattoo as a use that requires a Special Use Permit. In other words, the fundamental component of the application and required action of the Commission is predicated on tattooing and the recommendation should reflect that.

Issue:

Ms. Shea Sykora is the owner of Little House of Brows located in the historic downtown. As part of a relocation to another suite in the same building, Ms. Sykora contacted the city. She has a letter from the City dated 2021 confirming she had an SUP for microblading/cosmetic tattooing, though staff does not find record of an SUP being approved. It appears the letter was provided to her in error, and she needs to obtain an SUP to comply with zoning regulations.

Ms. Sykora is requesting an SUP for paramedical tattooing (covering scars and post-surgery marks, etc.) and fine-line artistic tattooing (done with a single needle and includes wording/script, small shapes, etc., but not filling in with color). The P&Z Commission's role in the process is to study the request and provide a study and recommendation to City Council, who after a public hearing, will consider the request.

Rules:

Sec. 98-88(a) - Table of Permitted Uses and Special Uses.

[The Table of Permitted Uses – omitted here for brevity – provides various land uses that are allowed by right in each zoning district. The State of Texas includes microblading and fine-line tattooing in the same category as traditional tattooing for license purposes. Tattoo parlor is found within the Table of Permitted Uses, and also requires City Council approval through an SUP].

Sec. 98-88(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit (see section 98-27, special use permits).

Sec. 98-27. - Special Use Permits.

- (a) The city council, by an affirmative four-fifths vote, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the table of permitted uses in section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to

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protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted. **Before authorization of any of such special uses, the request therefor shall be referred to the Planning and Zoning Commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.**

A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

- (b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

Analysis:

The Commission is charged with two separate areas of focus for the study and report:

1. Effect of the proposed use on the Comprehensive Plan. The full plan is omitted from the packet for brevity since it was provided in March. The Commission's scope is to determine whether the proposed business would have an effect on the orderly development of the city and pursuit of the plan goals. Staff finds no negative effects.

2. Effect on the character and development of the neighborhood. This owner/operator, by-appointment-only business occupies a roughly 400-square feet suite located in a professional office building along Liberty Street. Given the limited footprint and operations of the business, no negative effects on the neighborhood are apparent. Bringing more visitors downtown and providing a professional service are both positive. Small businesses with an artistic or design-related element are common in the historic downtown.

Conclusion:

Staff finds no reason not to recommend approval of the SUP request that limits operations to paramedical and fine-line tattooing. City Council recently approved the renewal of a similar SUP for microblading. As part of the renewal, City Council several staff-recommended provisions from the SUP:

- No limitation to number of employees
- No requirement to be bonded or insured
- No special inspections of the property
- No 5-year expiration date of SUP

As such, staff does not recommend including these provisions in this SUP. The only staff-recommended condition of the permit is that is limits activities to paramedical and fine-line tattooing done with a single needle.

Approved By

Director Planning & Development

Dave McCorquodale

Date: 06/28/2024