PLANNING & ZONING COMMISSION

ZONING CASE FINAL REPORT



DATE: August 8, 2023

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Eric Hill, AICP, Assistant Director of Planning acting as Secretary of the Planning & Zoning

Commission

Christina D. Day, AICP, Director of Planning

SUBJECT: Results of Planning & Zoning Commission Meeting of August 7, 2023

AGENDA ITEM NO. 2 - ZONING CASE 2023-009 PETITIONER: SHENG HOLDINGS, LLC

Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on one lot on 0.1 acre located on the east side of Parker Road, 195 feet south of Premier Drive. Zoned Corridor Commercial. Project #ZC2023-009.

APPROVED : 8-0

Speaker Card(s) Received Support: Oppose: Neutral: 0 Letters Received Within 200' Notice Area: Support: 0 Oppose: 0 Neutral: Petition Signatures Received: Support: 0 Oppose: 0 Neutral: 0 Other Responses: Support: 29 Oppose: 0 Neutral:

RESULTS:

The Commission recommended the item for approval subject to the following stipulations:

Approval subject to the City Council reducing the 1,000-foot distance requirement to a 617-foot requirement if it is determined that issuance of the Specific Use Permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

To view the hearing, please click on the provided link: https://planotx.new.swagit.com/videos/268562?ts=4703

PM/kob

cc: Eric Hill, Assistant Director of Planning

Christina Sebastian, Land Records Planning Manager

Melissa Kleineck, Lead Planner Justin Cozart, GIS Technician

Jeanna Scott, Building Inspections Manager

Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

Google Link

PLANNING & ZONING COMMISSION

STAFF PRELIMINARY REPORT: AUGUST 7, 2023



AGENDA ITEM NO. 2

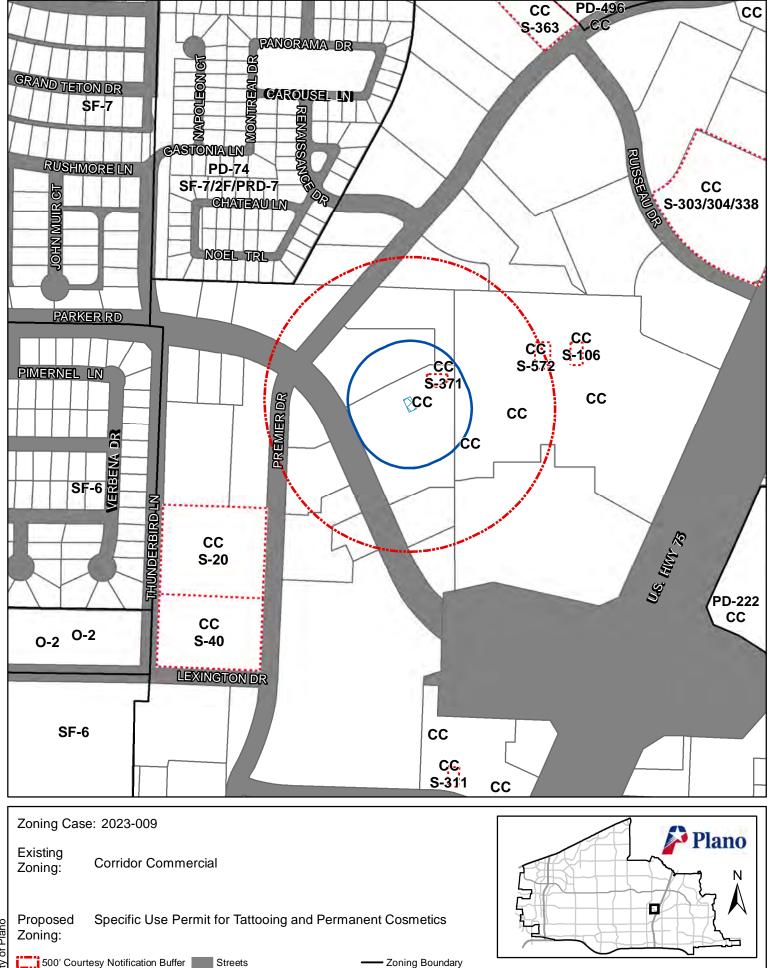
PUBLIC HEARING: Zoning Case 2023-009

PETITIONER: Sheng Holdings, LLC

DESCRIPTION: Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on 0.1 acre located on the east side of Parker Road, 195 feet south of Premier Drive. Zoned Corridor Commercial. Project #ZC2023-009.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics in an existing shopping center. The site is generally consistent with policies within the Comprehensive Plan. The subject property is separated from the adjacent neighborhoods by existing development and thoroughfares and will further diversify the mix of commercial uses within the general area. Therefore, staff supports the request subject to the City Council granting a reduction of the distance requirement from residential districts.



Specific Use Permit

530

Feet

1,060

Source: City of Plano

200' Notification Buffer

Subject Property

Municipal Boundaries

Zoning Boundary Change/SUP



STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

The applicant is requesting a Specific Use Permit (SUP) for Tattooing and Permanent Cosmetics. The Zoning Ordinance defines tattooing and permanent cosmetics as the practice of producing an indelible mark or figure on the human body by scarring or inserting pigment under the skin using needles, scalpels, or other related equipment. The applicant is proposing a tattoo studio within a 1,428-square-foot lease space in an existing shopping center.

The existing zoning is Corridor Commercial (CC) with Specific Use Permit No. 371 for Automobile Leasing and Renting. The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. This district's regulations and standards reflect the high traffic volumes and high visibility of these regional highways.

An SUP authorizes and regulates a use not normally permitted in a district, which could benefit the general welfare in a particular case, provided that adequate development standards and safeguards are established. Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

"The Planning & Zoning Commission, in considering and determining its recommendations to the City Council on any request for a specific use permit, may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions."

Surrounding Land Use and Zoning

North	The properties are zoned CC and developed with restaurants (within the same multi-tenant building), retail, and bank uses.
East	The property is zoned CC and developed with a shopping center.
South	The property is zoned CC and developed with a restaurant with drive-through.
West	Across Parker Road, the properties are zoned CC and developed with a shopping center.

July 19, 2023

Findings Required

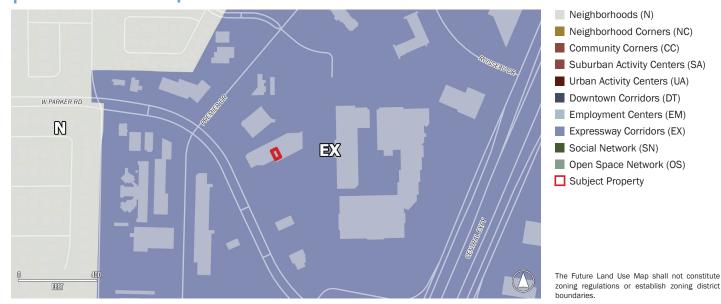
Findings Not Require

✓ Findings Not Required

1 | Future Land Use Map

City of Plano

COMPREHENSIVE PLAN 2021



VISION: "Plano is a global leader, excelling in exceptional education, abounding with world class businesses and vibrant neighborhoods" GUIDING PRINCIPLES: Plano Today. Plano 2050. Plano Together.

Expressway Corridors (EX)

The Expressway Corridors future land use category applies to development along the major expressways serving regional and interstate commerce. Development in these corridors is expected to include a mix of retail, service, office, restaurant, medical, hotel, and technology-based uses. Uses should be served by parking structures to reduce surface parking and encourage efficient use of land.

Residential Uses & Environmental Health - Due to noise and health impacts of expressways, residential development should be considered in limited circumstances where needed to revitalize declining commercial centers. Use of the Expressway Corridor Environmental Health Map is crucial to ensure that buildings are adequately designed to protect sensitive land uses, such as schools, housing, and day cares.

US 75 Corridor Redevelopment - As the oldest of the expressways in Plano, the US 75 (Central Expressway) was developed with auto-centric and service-oriented uses geared towards highway commuters. Revitalization and redevelopment is desired to provide additional employment opportunities and improve general aesthetics along the corridor.

PRIORITIES

- 1. Redevelopment of the US 75 Corridor
- Protecting sensitive uses in Environmental Health Areas
- Limiting residential uses to redevelopment of underperforming commercial centers

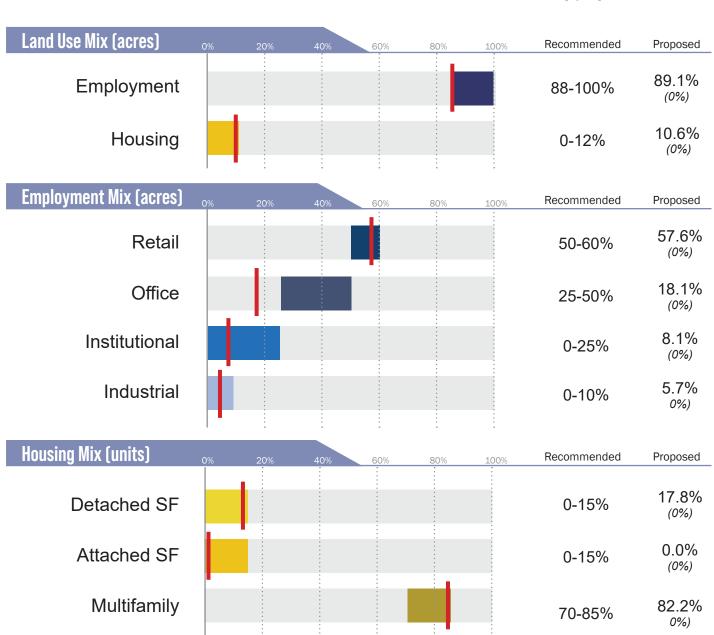


2 | Mix of Uses



If approved, the request would result in the following Mix of Uses:





3 | Desirable Character Defining Elements



DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 20 stories	No change proposed to existing 2 story building.
Density	SF: 10 to 40 DUA MF: 20 to 75 DUA	N/A
Intensity	Moderate to High (50 to 75% Lot Coverage)	No change proposed to existing site.
Open Space	10% to 20% Passive Open Space	No change proposed to existing site.
Parking Orientation	Structured parking preferable to surface lots	No change proposed to existing surface parking lot.
Block Pattern & Streetscape	Wide Blocks Corporate Commercial Streets	No change proposed to the existing site.
Multimodal Access		
1. Automobiles	HIGH: Direct access from frontage roads/major streets	GH: The property has direct access from Parker Road and Premiere Driv
2. Transit	LOW: Served by bus at major intersections	LOW: DART Bus Route #234 is located adjacent to the site on Parker Road.
3. Micromobility	MEDIUM: Connected to trails and bike routes	MEDIUM: On-street Bike Route #75 is located approximately 300 feet site along Premier Drive.
4. Pedestrians	LOW: Mostly served by perimeter sidewalks	LOW: The site is mostly served by perimeter sidewalks.

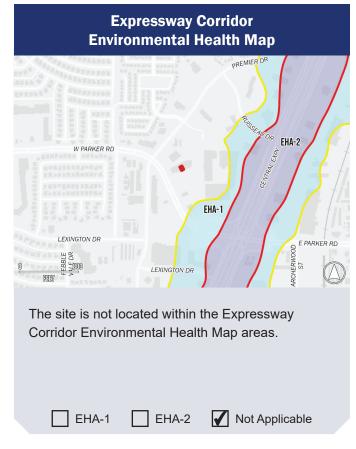
4 | Other Comprehensive Plan Maps

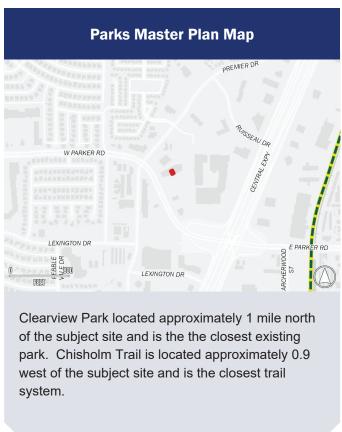


The property is located near the intersection of Parker Road (a Type C Major Thoroughfare) and Premiere Drive (a Type E Secondary Thoroughfare). No street improvements are required as a part of this request.

Bicycle Transportation Plan Map **Report Plan Map

On Street Bike Route #75 is located approximately 300 feet west of the subject site along Premier Drive.





5 | Comprehensive Plan Policies & Actions

CORE POLICIES: The following policies are applicable to all zoning cases. No specific analysis of these policies are provided in the staff report as these serve as the fundamental basis for all staff recommendations.



Land Use: Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.



Redevelopment & Growth Management: Plano will protect and preserve the well-established built environment of Plano and prevent overcrowding by requiring new growth and redevelopment to respect the unique development patterns, suburban character, housing needs, infrastructure capacity considerations, and fiscal constraints of our community.

	and fiscal constraints of our community.	arador, flouding floods, filliada addire dapadi	ty deficite rations,
location, and ge		applicable on a case-by-case basis dependi aff report for analysis of these policies with t	
	Redevelopment of Regional Transpore reinvestment and redevelopment of iden create cohesive developments that incorporate housing opportunities, where those uses are Use Map and other related Comprehensive	ntified regional transportation corridors to brate well-designed commercial, retail, and be appropriate according to the Future Land	Applicable Not Applicable
	Revitalization of Retail Shopping Ce revitalization, and redevelopment of under accommodate a viable combination of lo uses. Where appropriate transitions can be opportunities to introduce residential uses a	performing neighborhood retail corners to cal commercial, retail, and entertainment e maintained, redevelopment may present	Applicable Not Applicable
	Special Housing Needs: Plano will supplincluding seniors, people with disabilities, through inclusive regulations and program in the Consolidated Plan. Proposed locat afforded the same health and safety considerations.	and low- to moderate-income households as and actions furthering the goals stated tions for special housing needs should be	Applicable Not Applicable
	Transit-Oriented Development: Pland within walking distance of existing and plan mix of uses including residential, employment		Applicable Not Applicable
	Undeveloped Land: Plano will reserve quality development with distinctive characteristic employment. New housing in these areas it is consistent with the Future Land Use M standards.	cter, prioritizing businesses offering skilled will only be considered appropriate where	Applicable Not Applicable
OTHER POLIC	ES/DOCUMENTS: Additional policies may a	apply where applicable:	
		Envision Oak Point (2018)	(22.12)
No additional p	plicies are applicable to this request	Downtown Vision & Strategy Update	,

Heritage Preservation Plan (Preservation Plano 150)

Gr	owth Management (RGM) Policy are applicable to requests for mixed-use developments:		·
R	GM5: Ensure that any rezoning requests for multiuse development include:		Applicable
A)	No more than 50% square footage for residential uses. Requests should also conform with other identifying elements (density, building heights, etc.) in the applicable Dashboard descriptions.	\checkmark	Not Applicable
B)	Phasing requirements that prevent the disproportionate completion of residential uses prior to nonresidential uses within the development. Nonresidential square footage must constitue a minimum of 33% of all square footage approved for occupancy during development (e.g., every 2 square feet of residential development requires at least 1 square foot of nonresidential development; and		
C)	Key design features provided prior to, or concurrent with, the construction of any residential uses. These include elements of the development supporting the long-term value to the overall community, and specificially any new residents, such as open/green space, amenities, street enhancements, and trails.		
co sh ori	GM8: Limit new residential development to areas that are appropriate based on individual site insiderations and consistency with the Future Land Use Map and Dashboards. Multifamily developments ould also meet a housing diversification or economic development need of the city, including transitented development, special housing needs (as defined by the city's Considered Plan), or be constructed part of a high-rise 10 stories or greater.	□	Applicable Not Applicable
••••			•••••••••••
6	Findings Policy		
R	GM1: Mix of Uses, Density, & Building Height		
no	accordance with the Redevelopment and Growth Management (RGM) Policy Action 1, zoning change t conform to the mix of uses, density, and building heights as described in the Dashboards are disfav at do not conform to these criteria may be occasionally allowed when found:		
	Consistent with the Guiding Principles of the Comprehensive Plan; and		
	Substantially beneficial to the immediate neighbors, surrounding community, and general public i	ntere	st.
R	GM5: Mixed-Use Developments		
mi	addition, the Redevelopment and Growth Management (RGM) Policy Action 2 requires findings we xed-use development that exceeds 50% square footage for residential uses and/or does not conform to ements (density, height, etc.) in the applicable Dashboard.		• •
	Are Findings Required?		
	Yes, because the request does not comply with the Mix of Uses of the associated Dashboard. Yes, because the request does not comply with the Building Heights of the associated Dashboard. Yes, because the request does not comply with the Maximum Density of the associated Dashboard. Yes, because the request dis inconsistent with Action RGM5 (for mixed-use developments). No, findings are not required.	I.	

FOR RESIDENTIAL AND MIXED-USE DEVELOPMENTS ONLY: The following actions from the Redevelopment &

STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below, but the Comprehensive Plan Fact Sheet has more specific details about the request.

<u>Guiding Principles</u> – This set of Guiding Principles to the Comprehensive Plan establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Planning & Zoning Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Future Land Use Map Category & Dashboard

<u>Future Land Use Category</u> – The subject property is located in the <u>Expressway Corridors (EX)</u> category of the Future Land Use Map (FLUM). The EX category supports retail and service uses. Staff finds the proposed use consistent with the Expressway Corridors category.

FLUM – EX Description and Priorities		
Description		Meets
Priorities	Redevelopment of U.S. 75 Corridor	Neutral
	Protecting sensitive land uses in Environmental Health Areas	N/A
	Limiting residential uses to redevelopment of underperforming	N/A
	commercial areas	

<u>Mix of Uses</u> – The subject property, as part of the larger shopping center site, is currently classified as *Retail Types* as defined by the Comprehensive Plan. Approval of the request for Tattooing and Permanent Cosmetics would result in no changes to the Land Use Mix or Employment Mix for the area, which is already within the recommended ranges for these categories.

FLUM – EX Mix of Uses	
Land Use Mix	Meets
Employment Mix	Meets
Housing Mix	N/A

<u>Desirable Character Defining Elements</u> – The proposed use is located within an existing multi-tenant building, and no significant changes are proposed to the existing site. Therefore, the Desirable Character Defining Elements section of the EX Dashboard is not applicable to this request.

FLUM – EX Desirable Character Defining Elements	
Not Applicable	

Other Comprehensive Plan Maps

The scope of the request would not require improvements applicable to the Thoroughfare Plan Map, Bicycle Transportation Plan Map, Parks Master Plan Map, or Expressway Corridor Environmental Health Map.

Other Comprehensive Plan Maps		
Thoroughfare Plan Map	N/A	
Bicycle Transportation Plan Map	N/A	
Parks Master Plan Map	N/A	
Expressway Corridor Environmental Health Map	N/A	

Policies & Actions of the Comprehensive Plan and Other Studies

Redevelopment of Regional Transportation Corridors Policy – The SUP request for Tattooing and Permanent Cosmetics neither contributes nor detracts from the policy's goal of encouraging reinvestment and redevelopment of the U.S. Highway 75 Corridor. Staff finds the request as neutral to this policy. To qualify as reinvestment or redevelopment, the request would need to include physical changes to the site toward the land use goals of the policy.

<u>Revitalization of Retail Shopping Centers Policy</u> – The request does not detract from the policy's goal of encouraging reinvestment, revitalization, and redevelopment of underperforming retail centers and does fulfill suite space that could otherwise be vacant. Staff finds the request as neutral to this policy. Similar to the policy above, no physical site changes are being proposed as part of the request.

Comprehensive Plan Summary

The site is generally consistent with the Future Land Use Map and neutral to other maps and policies. Considering that the site is an existing multi-tenant shopping center and is currently classified as *Retail Types*, staff finds the proposed use of Tattoo Studio as generally consistent with the Comprehensive Plan.

Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards	
Description & Priorities	Meets
Mix of Uses	Meets
Character Defining Elements	N/A
Thoroughfare Plan Map	N/A
Bicycle Transportation Plan Map	N/A
Parks Master Plan Map	N/A
Expressway Corridor Environmental Health Map	N/A
Redevelopment of Regional Transportation Corridors Policy	Neutral
Revitalization of Retail Shopping Centers Policy	Neutral

Tattooing and Permanent Cosmetics Use

The subject property is a lease space on the second floor within a 40,745 square foot shopping center which currently has retail, restaurant, office, dance studio, and photographer studio uses. The proposed use will further diversify the commercial uses within the subject property.

Section 15.1500 (Tattooing, Permanent Cosmetics, and Body Piercing) of Article 15 (Use-specific Regulations) of the Zoning Ordinance states that an SUP for Tattooing and Permanent Cosmetics may be granted in the CC zoning district if the following requirement is met:

- A. A facility offering these services shall be prohibited within 1,000 feet of any religious facility, residentially-zoned district, or public or parochial school.
 - i. The distance shall be measured in a straight line from the facility's front door to the nearest property line of the religious facility, public or parochial school, or to the closest residential district boundary line.
 - ii. The 1,000-foot distance requirement may be reduced to 300 feet if City Council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

There are two residentially zoned districts within 1,000 feet of the front door of the subject property:

- The Ruisseau Place neighborhood, to the west of Premier Drive, is zoned Planned Development-74-Single-Family Residence-7/Two-Family Residence (Duplex)/Planned Residential Development-7 (PD-74-SF-7/2F/PRD-7 is located 617 feet northwest of the subject property; and
- 2. The Thunderbird Estates neighborhood, on the west side of Thunderbird Lane, is zoned Single-Family Residence-6 (SF-6), the zoning district is located 936 feet west from the subject property to the center line of Thunderbird Lane.

These distances are shown in the adjacent image.

There are existing commercial properties, major or secondary thoroughfares, and masonry screening walls separating the proposed SUP lease space and the residential districts. These physical improvements create significant buffers from the subject property and allow for separation from the proposed use.

Overall, the request will further diversify the uses within the existing shopping center and will be complementary to the uses in the surrounding area. Due to the existing development conditions separating the use from the residential



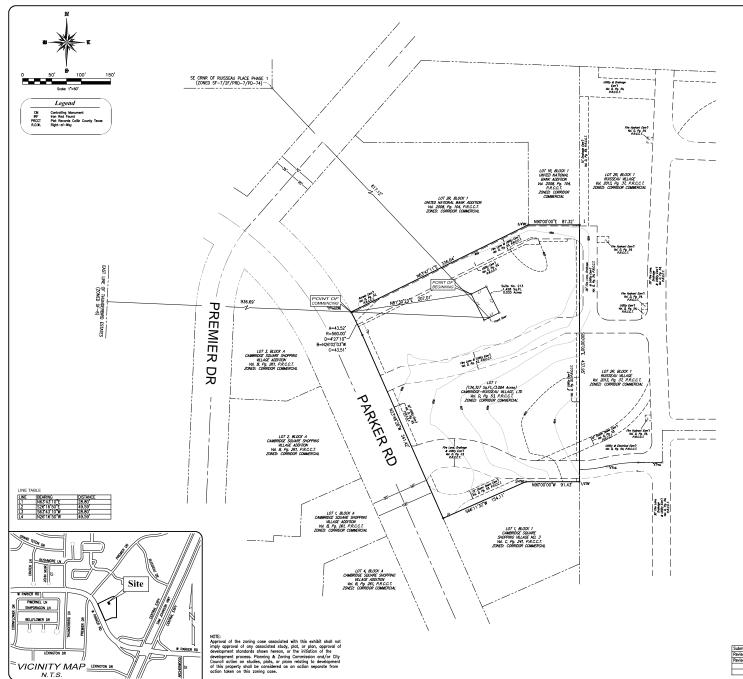
neighborhoods, staff recommends the City Council find that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood and grant the reduction of the distance separation.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics in an existing shopping center. The site is generally consistent with policies within the Comprehensive Plan. The subject property is separated from the adjacent neighborhoods by existing development and thoroughfares and will further diversify the mix of commercial uses within the general area. Therefore, staff supports the request subject to City Council granting a reduction of the distance requirement from residential districts.

RECOMMENDATION:

Recommended for approval subject to the City Council reducing the 1,000-foot distance requirement to a 617-foot requirement if it is determined that issuance of the Specific Use Permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.



PROPERTY DESCRIPTION

WHEREAS Sheng Holdings LLC is the owner of Lot 1 of Combridge-Ruisseau Village, LTD, as recorded in Cabinet D, Page 53 of the Plot Records of Collin County, Texas, shuded in the State of Texas, County of Collin, City of Plano, being part of the Daniel Rowlett Survey, Abstract No. 738, and more particularly described as follows:

COMMENCING at an "X" found in the east right-of-way line of W. Parker Road (100' right-of-way), marking the southwest corner of Lot 2R, Block 1 of United National Bank Addition as recorded in Volume 2008, Page 104 of the Plat Records of Colin County, Texas, and the northwest corner of Lot 1 of said Cambridge-Ruisseau Village LTD;

THENCE crossing through Lot 1 of sold addition, North 81'30'23' East, 207.01 feet, to the POINT OF BEDANING, some being the northwest corner of the herein described premises;
THENCE crossing through Lot 1, North 63'43'10' East, 28.80 feet to a point marking the northeast corner of sold premises;

THENCE crossing through Lot 1, South 26°16′50″ East, 49.59 feet to a point marking the southeast corner of said premises;

THENCE crossing through Lot 1, South 63°43'10" West, 28.80 feet to a point marking the southwest corner of said premises;

THENCE continuing to cross through Lot 1, North 26'16'50" West, 49.59 feet to the place of beginning and containing 1.428 square feet or 0.033 acres of land.

Project # ZC2023-009
Zoning Exhibit
1,428 Sq.Ft. / 0.033 Acres
Specific Use Permit for
Tattooing and Permanent Cosmetics
Part of Cambridge-Ruisseau Village, LTD.
Recorded in Cab. D, Pg. 53, P.R.C.C.T.
Daniel Rowlett Survey, Abstract No. 738
City of Plano, Collin County, Texas
June 2023

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City of Plano - Request for Specific Use Permit for a Family Tattoo Studio

Dear City Council Members,

I have been a resident of Plano's Los Rios neighborhood for the past 17 years, and I am writing to express my deep appreciation for our vibrant city and its thriving economy. With over 40 years of experience in the real estate business and an active Corporate Real Estate Brokers Licensed in the state of Texas, I have had the privilege of witnessing Plano's growth firsthand.

As I approach the next phase of my life, I have set my sights on retiring from the real estate industry and focusing on my family's tattoo business. I firmly believe that there is room for another tattoo shop in Plano, considering the current presence of only three or 4 active studios.

Therefore, I kindly request your approval for a Specific Use Permit (SUP) for our venture, 2Groovy Studios, a tattoo studio located at 301 W. Parker Rd #213, Plano, Texas 75023.

At 2Groovy Studios, we prioritize providing a safe and professional environment for the residents of Plano and surrounding DFW area. With our experienced team of tattoo artists, we are dedicated to delivering high-quality tattoo services while adhering to strict standards of cleanliness and hygiene. Our artists are required to obtain certification in blood-borne pathogens through an online course, ensuring their commitment to safety.

The proposed location for 2Groovy Studios is a 1428 sq ft retail space situated at the NW corner of Hwy 75 and Parker, near the Ruisseau Village Shopping Center. This location falls within the Corridor Commercial Zoning, which is suitable in Plano for obtaining an SUP for a tattoo studio.

We have taken all necessary precautions to create a secure environment for both our staff and clients. Our studio will be equipped with state-of-the-art sterilization equipment, locked sharps containers, and one-time, single-use needles. Additionally, we have designated separate areas for staff and clients to maintain proper hand hygiene.

As responsible business owners, we value our partnership with the City of Plano and are committed to being good neighbors. We are open to addressing any concerns or questions you may have about 2Groovy Studios and will work closely with the City and State to ensure compliance with all regulations and guidelines. We firmly believe that our business will bring creativity, experience, and a valuable service to the city of Plano, and we eagerly anticipate the opportunity to serve the community for many years to come.

In conclusion, we humbly request your approval and vote in favor of granting a Specific Use Permit for 2Groovy Studios. Thank you for your time and consideration, and we eagerly await your positive response.

Sincerely, Roy Dawson