

DATE: November 21, 2023

TO: Honorable Mayor & City Council

FROM: Planning & Zoning Commission

VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission *MB*
Christina D. Day, AICP, Director of Planning *CD*

SUBJECT: Results of Planning & Zoning Commission Meeting of November 20, 2023

AGENDA ITEM NO. 2 - ZONING CASE 2023-025

PETITIONERS: WENTWOODS RETAIL CENTER INCORPORATED AND REMARKABLE INK STUDIO

Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on 0.1 acre located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road. Zoned Corridor Commercial. Project #ZC2023-025.

APPROVED: 8-0

Speaker Card(s) Received:	Support:	<u>2</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Letters Received Within 200' Notice Area:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Petition Signatures Received:	Support:	<u>0</u>	Oppose:	<u>0</u>	Neutral:	<u>0</u>
Other Responses:	Support:	<u>0</u>	Oppose:	<u>2</u>	Neutral:	<u>0</u>

RESULTS:

The Commission recommended the item for approval as submitted.

To view the hearing, please click on the provided link:

<https://planotx.new.swagit.com/videos/281566>

JK/kob

cc: Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

[Google Link](#)

AGENDA ITEM NO. 2

PUBLIC HEARING: Zoning Case 2023-025

PETITIONERS: Wentwoods Retail Center Incorporated and Remarkable Ink Studio

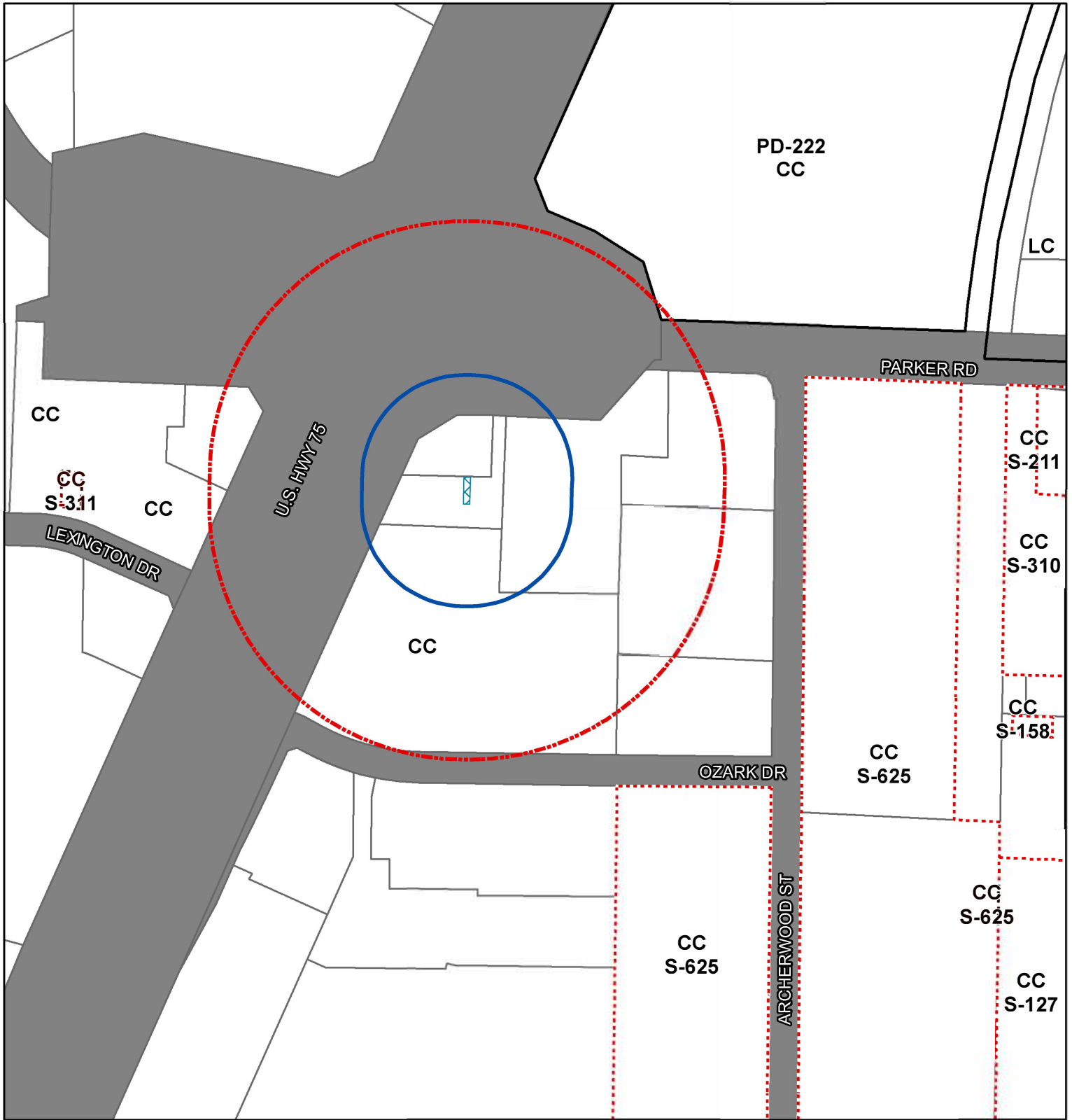
DESCRIPTION: Request for a Specific Use Permit for Tattooing and Permanent Cosmetics on 0.1 acre located 125 feet east of U.S. Highway 75 and 125 feet south of Parker Road. Zoned Corridor Commercial. Project #ZC2023-025.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics in an existing shopping center. Major topics of consideration in this request include:

- Conformance to the Comprehensive Plan – The subject property is located within the Downtown Corridors (DT) category of the Future Land Use Map.
- Separation Requirements – Tattooing and Permanent Cosmetics are required to be located 1,000 feet or more from a religious facility, residentially-zoned district, or public or parochial school.
- Concentration of Uses Specializing in Highly Regulated Activities – The subject property is located in an existing strip retail center that includes retail uses, specifically a liquor store and a smoking, vaping, and cannabis store. While these uses present no significant concerns individually, a concentration of stores specializing in highly regulated activities may be detrimental to community character and perception of this location.

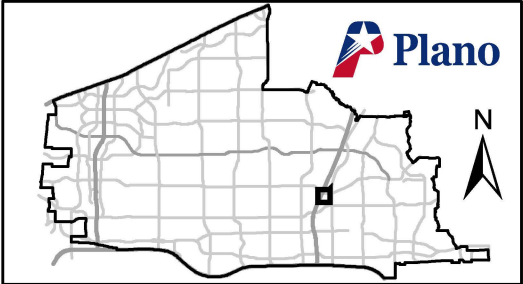
The site is generally consistent with policies within the Comprehensive Plan and complies with separation requirements. For these reasons, staff supports the request for a Specific Use Permit for Tattooing and Permanent Cosmetics.



Zoning Case: 2023-025

Existing Zoning: Corridor Commercial

Proposed Zoning: Specific Use Permit for Tattooing and Permanent Cosmetics



- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Municipal Boundaries | Specific Use Permit |
| Subject Property | Zoning Boundary Change/SUP | |



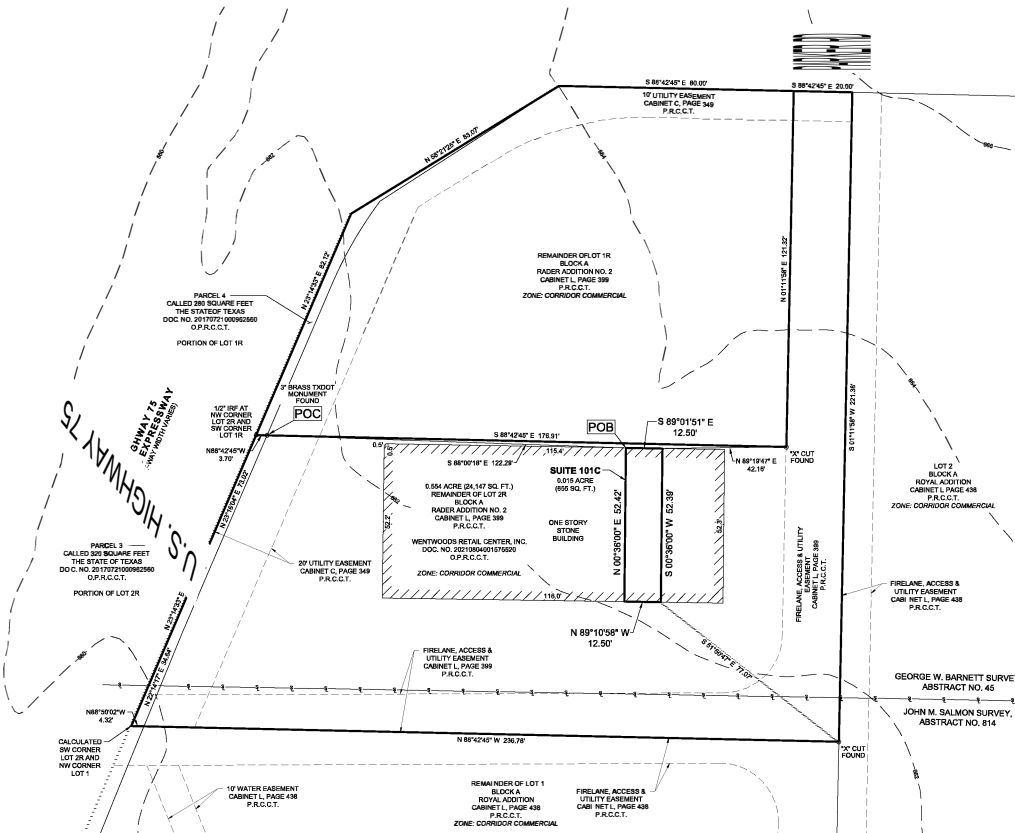
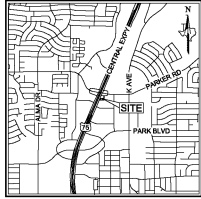


Zoning Case 2023-025



Area of Request

VICINITY MAP NOT TO SCALE



LEGAL DESCRIPTION

Being a 0.05 acre tract of land out of the George W. Barnett Survey, Abstract No. 45, situated in the City of Plano, Collin County, Texas, being a portion of Lot 2R, Block A of Rader Addition No. 2, a subdivision of record in Cabinet L, Page 399 of the Plat Records of Collin County, Texas, said Lot 2R having been conveyed to Wentwoods Retail Center Incorporated by deed of record in Document Number 2021080400157520 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 3 inch brass TxDOT monument found in the East right-of-way line of U.S. Highway 75, being the Northeast corner of a called Parcel 3 and the Southeast corner of a called Parcel 4 conveyed to The State of Texas by deed of record in Document Number 2017072100082560 of said Official Public Records, being in the Northline of said Lot 2R and the South line of Lot 1R, Block A of said Rader Addition No. 2;

THENCE, S88°00'18"E, leaving the East right-of-way line of U.S. Highway 75 over and across said Lot 2R, a distance of 122.29 feet to the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE, continuing over and across said Lot 2R, the following four (4) courses and distances:

1. S89°01'51"E, distance of 12.50 feet to the Northeast corner hereof, from which an "X" cut found at the Southeast corner of said Lot 1R and an interior at corner said Lot 2R bears N89°19'47"E, distance of 42.16 feet;
2. S 00°36'00"W, distance of 52.39 feet to the Southeast corner hereof, from which an "X" cut found at the Southeast corner of said Lot 2R bears S51°50'47"E, a distance of 7707 feet;
3. N89°10'58"W, a distance of 12.50 feet to the Southwest corner hereof;
4. N00°36'00"E, a distance of 52.42 feet to the **POINT OF BEGINNING**, and containing an area of 0.015 acres (655 square feet) of land, more or less.

Bearings are based on GPS observations utilizing the AITerra RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

GENERAL NOTES

1. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.
2. Zoning data shown on this exhibit per City of Plano Zoning GIS Map.
3. Topographic contour data shown on this exhibit per Collin County GIS Map.
4. Bearings are based on GPS observations utilizing the AITerra RTK Network, North American Datum of 1983 (Adjustment Realization 2011).

ZONING EXHIBIT

Rader Addition No. 2, Lot 2R, Block A
Zoning Case # ZC2023-025

Specific Use Permit

0.015 Acres (655 Square Feet)

City of Plano, Collin County, Texas
George W. Barnett Survey, Abstract Number 45

October 2023

LEGEND

POB
POC
D.P.C.C.T.
P.R.C.C.T.
DOC NO
D.C.C.T.
APPROXIMATE LOCATION

JOB NUMBER
1912.041-04
DATE
10/09/2023
REVISION
10/19/2023
DRAWN BY
HSB/CHM



Eagle Surveying, LLC
222 South Elm Street
Suite: 200
Denton, TX 76201
940.222.3009
www.eaglesurveying.com
TX Firm # 10194177

OWNER:
Wentwoods Retail Center Inc.
Contact: Rohan Shrestha
6640 Wilderness Way Drive
Grand Prairie, TX 75044
+1 (310) 310-4429

PREPARER:
Eagle Surveying, LLC
Contact: Greg Lacey
222 South Elm Street, Suite: 200
Denton, TX 76201
(940) 222-3009

STAFF PRELIMINARY REPORT - INTRODUCTORY REMARKS

The applicant is requesting a Specific Use Permit (SUP) for Tattooing and Permanent Cosmetics within a 655-square-foot lease space in an existing shopping center currently zoned Corridor Commercial (CC).

Specific Use Permits – Section 6.100 (Specific Use Permits) of the Zoning Ordinance states:

The purpose of an SUP is to authorize and regulate a use not normally permitted in a district, which could benefit, in a particular case, the general welfare, provided that adequate development standards and safeguards are established.

Additionally, 6.100 (Specific Use Permits) 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.

Proposed Use – The Zoning Ordinance defines Tattooing and Permanent (or Intradermal) Cosmetics as follows:

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.

Zoning – The subject property is currently zoned Corridor Commercial (CC). Section 10.600.1 of the Zoning Ordinance states:

The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways.

Surrounding Land Use and Zoning

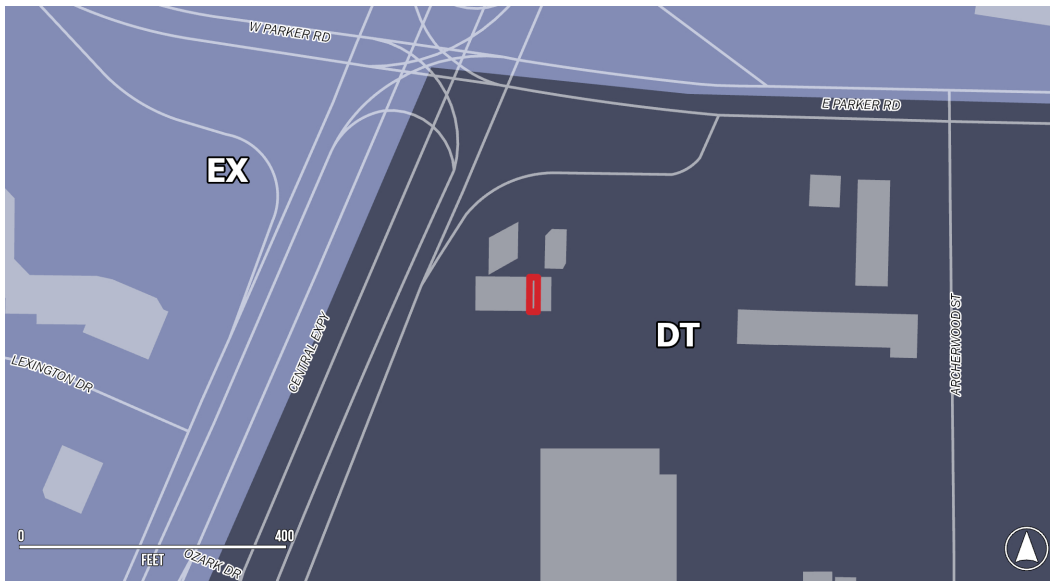
The subject property is located in an existing retail shopping center zoned Corridor Commercial (CC).

North	A convenience store with vehicle fueling station zoned CC
East	An undeveloped property zoned CC
South	A retail store zoned CC
West	Across U.S. Highway 75 is a shopping center zoned CC



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.*

1 | Future Land Use Map



- Neighborhoods (N)
- Neighborhood Corners (NC)
- Community Corners (CC)
- Suburban Activity Centers (SA)
- Urban Activity Centers (UA)
- Downtown Corridors (DT)
- Employment Centers (EM)
- Expressway Corridors (EX)
- Social Network (SN)
- Open Space Network (OS)
- Subject Property

The Future Land Use Map shall not constitute zoning regulations or establish zoning district boundaries.

Downtown Corridors (DT)

The Downtown Corridors future land use category applies to historic Downtown Plano and the K Avenue and 14th Street corridors. Located along former State Highway 5, FM 544, and the Houston & Texas Central and Cotton Belt Railroads (now the DART Red/Orange and Silver Line), these areas have long served as major gateways to Downtown for both car and rail. The Downtown Corridors category is intended to create attractive gateways and support the continued transformation of historic Downtown Plano into the civic and cultural heart of the city.

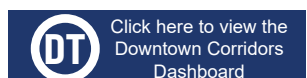
PRIORITIES

1. Enhancing bicycle and pedestrian connections
2. Improving mobility connections between Downtown and Collin Creek area
3. Focusing density in Downtown core and within 1/4 mile walking distance of rail stations

Transit-Oriented Development (TOD) Areas - The principles of transit-oriented development will be used at planned stations along both rail lines, with residential, employment, retail, and civic uses located within one-quarter mile of a rail transit stop. Development elsewhere in the corridors should be oriented towards the rail as secondary frontage, especially where elevated, to improve aesthetics and create welcoming gateways into the community.

Corridor Revitalization & Redevelopment - As some of the oldest parts of the city, development along the K Avenue and 14th Street corridors reflects many decades of growth, infill, and transition, resulting in an eclectic mix of warehouses, commercial centers, and neighborhoods. These corridors will redevelop to serve as gateways to Downtown Plano and transit nodes with street, bike, trail, and sidewalk improvements emphasized to create a more accessible, walkable, and unified corridor. Parking structures should be provided to reduce surface parking and encourage efficient use of land.

Historic Preservation - Development projects should respect the historic character of Downtown and surrounding neighborhoods. Creative opportunities should be supported which both allow Plano's heritage resources to remain in active and productive use and protect them from the pressures of growth and redevelopment.

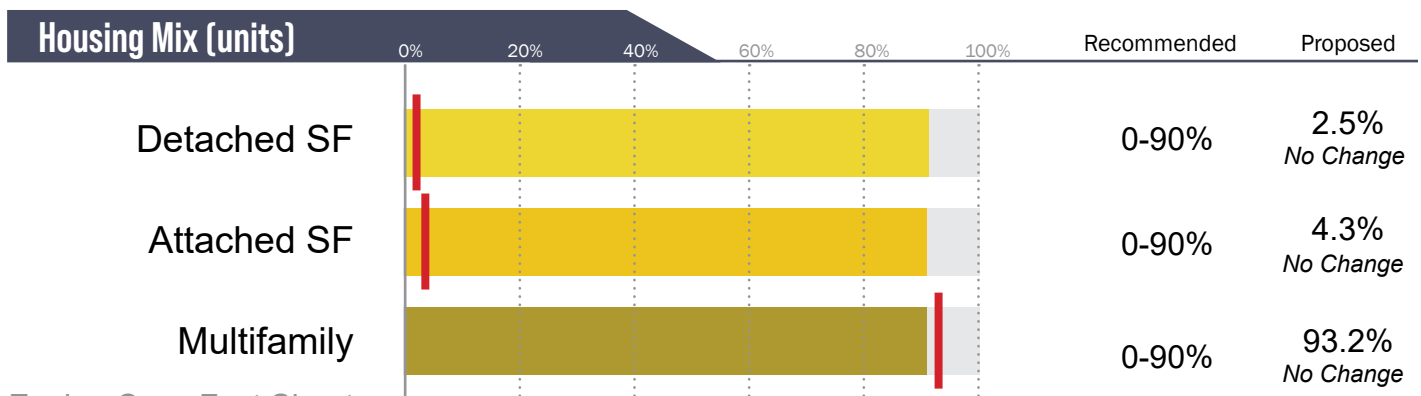
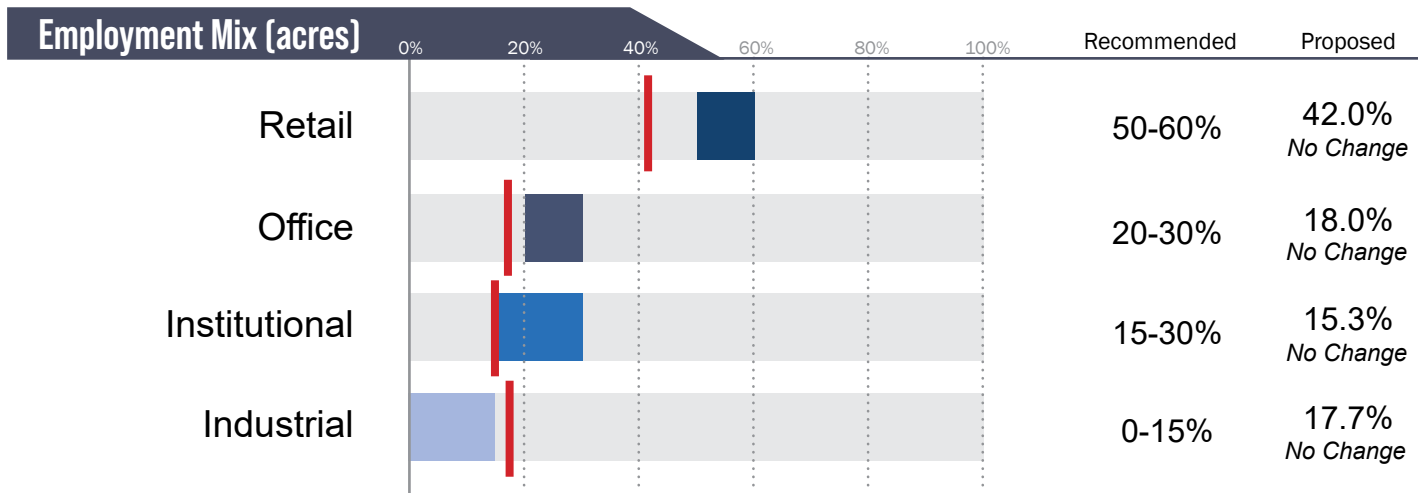
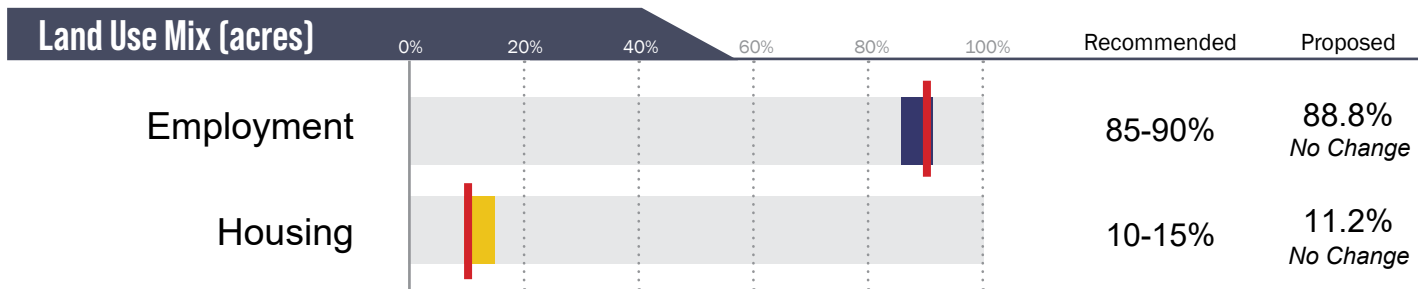
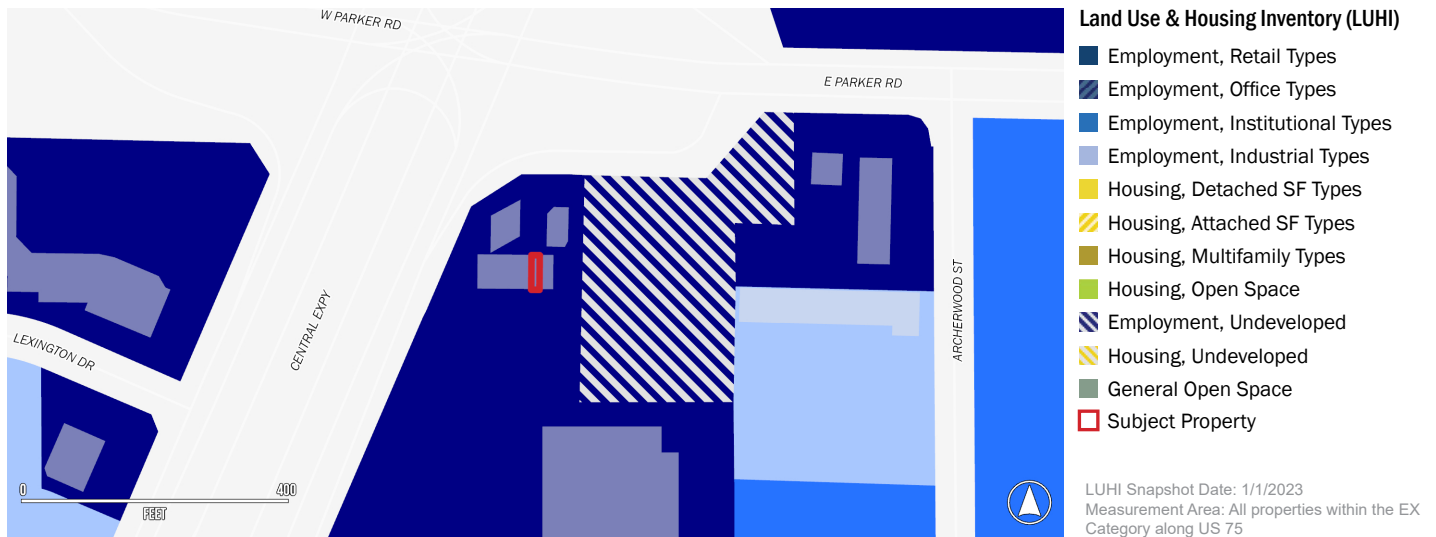


2 | Mix of Uses



Click here for
"How to Read
The Dashboards"

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



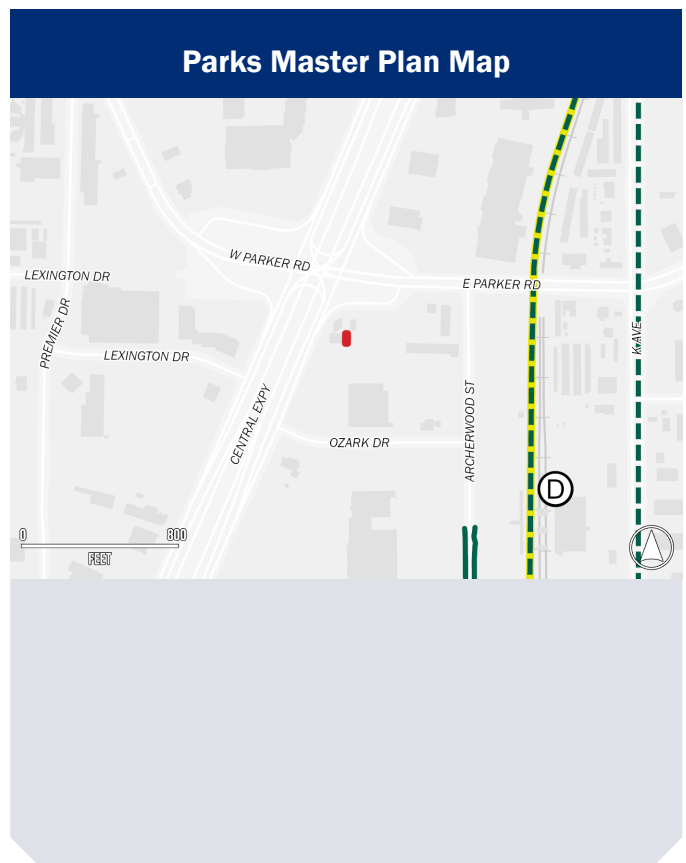
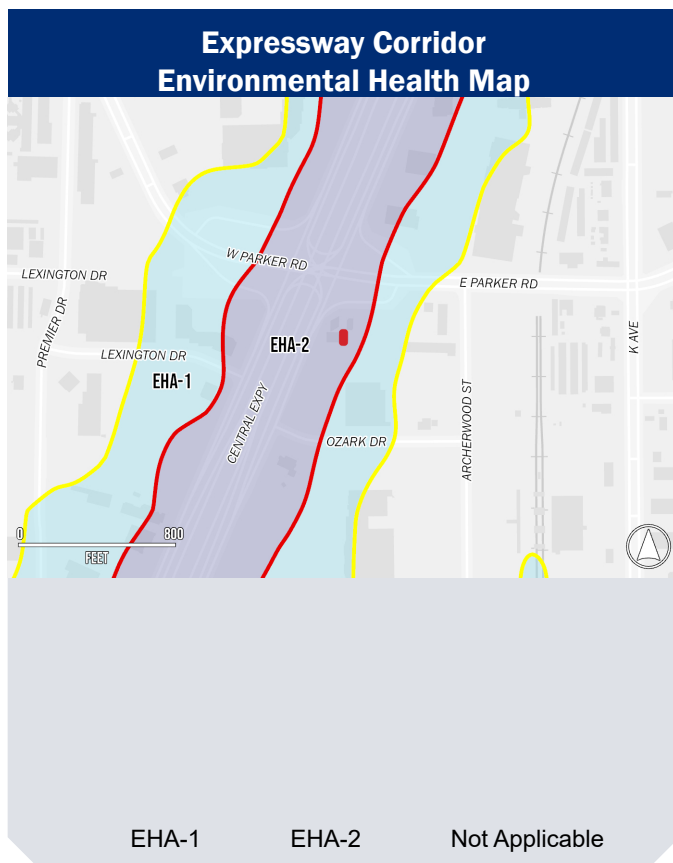
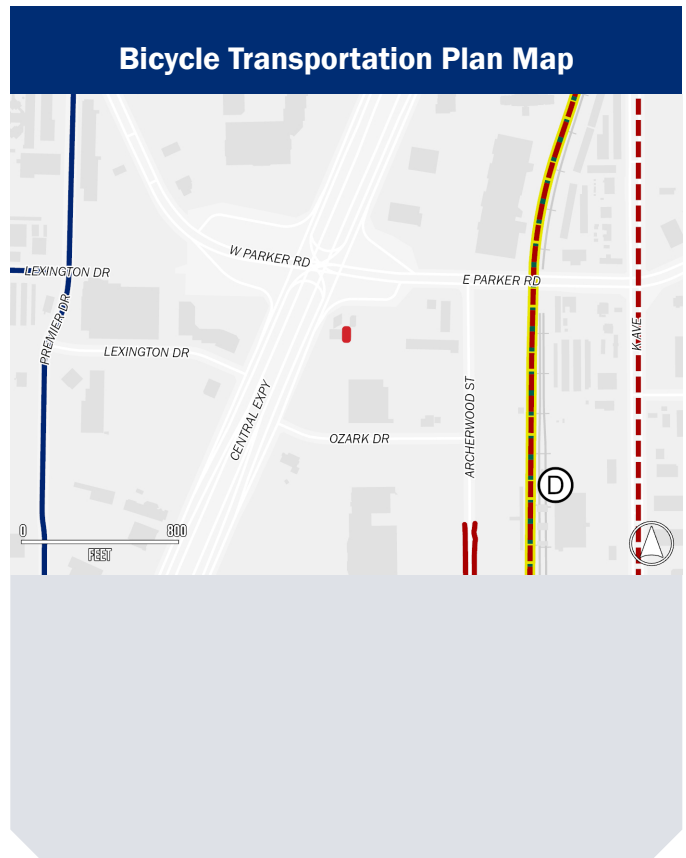
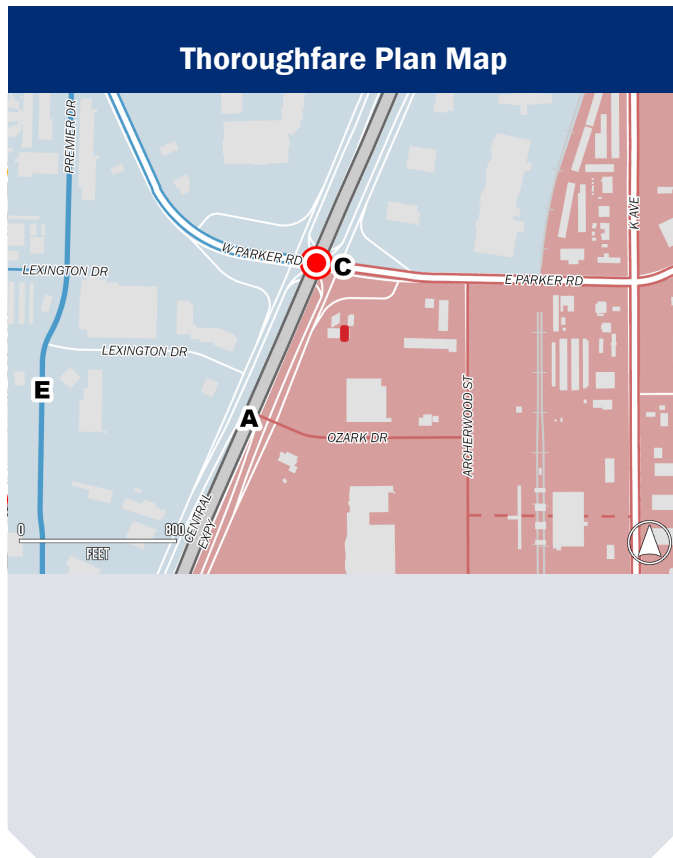
3 | Desirable Character Defining Elements



Click here for
"How to Read
The Dashboards"

DESIRABLE CHARACTER DEFINING ELEMENT	RECOMMENDED BY COMPREHENSIVE PLAN	APPLICANT PROPOSAL
Building Heights	1 to 5 stories	
Density	Non-TOD Areas - SF: 4 to 22 DUA MF: 10 to 50 DUA TOD Areas - SF: 4 to 40 DUA MF: 10 to 100 DUA	
Intensity	Moderate (50 to 75% Lot Coverage)	
Open Space	TOD Areas: 5 to 10% Other: 10 to 20% Active Open Space	
Parking Orientation	Mix of garages, structured on-street, surface lots, and valet	
Block Pattern & Streetscape	Short block grid Urban Streets	
Multimodal Access		
1. Automobiles	MEDIUM: May require short walk to destination	
2. Transit	HIGH: Served by rail and bus stations	
3. Micromobility	HIGH: Connected to trails and bike routes	

4 | Other Comprehensive Plan Maps



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.

LAND USE-RELATED POLICIES: The following policies are applicable on a case-by-case basis depending upon the type, location, and general nature of the request. Refer to the staff report for analysis of these policies with the respect to the proposed zoning change, where applicable.



Redevelopment of Regional Transportation Corridors: Plano will encourage reinvestment and redevelopment of identified regional transportation corridors to create cohesive developments that incorporate well-designed commercial, retail, and housing opportunities, where those uses are appropriate according to the Future Land Use Map and other related Comprehensive Plan standards.

Applicable
Not Applicable



Revitalization of Retail Shopping Centers: Plano will encourage reinvestment, revitalization, and redevelopment of underperforming neighborhood retail corners to accommodate a viable combination of local commercial, retail, and entertainment uses. Where appropriate transitions can be maintained, redevelopment may present opportunities to introduce residential uses and improve access.

Applicable
Not Applicable



Special Housing Needs: Plano will support the special housing needs of residents including seniors, people with disabilities, and low- to moderate-income households through inclusive regulations and programs and actions furthering the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.

Applicable
Not Applicable



Transit-Oriented Development: Plano will proactively encourage development within walking distance of existing and planned transit stations to create an integrated mix of uses including residential, employment, retail, and civic spaces.

Applicable
Not Applicable



Undeveloped Land: Plano will reserve its remaining undeveloped land for high quality development with distinctive character, prioritizing businesses offering skilled employment. New housing in these areas will only be considered appropriate where it is consistent with the Future Land Use Map and other related Comprehensive Plan standards.

Applicable
Not Applicable

OTHER POLICIES/DOCUMENTS: Additional policies may apply where applicable:

Envision Oak Point (2018)
Downtown Vision & Strategy Update (2019)
Spring Creekwalk Master Plan (1990)

FOR RESIDENTIAL AND MIXED-USE DEVELOPMENTS ONLY: The following actions from the Redevelopment & Growth Management (RGM) Policy are applicable to requests for mixed-use developments:

RGM5: 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.	Not Applicable
B) Phasing requirements that prevent the disproportionate completion of residential uses prior to nonresidential uses within the development. Nonresidential square footage must constitute 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 specifically any new residents, such as open/green space, amenities, street enhancements, and trails.	
RGM8: Limit new residential development to areas that are appropriate based on individual site considerations and consistency with the Future Land Use Map and Dashboards. Multifamily developments should also meet a housing diversification or economic development need of the city, including transit-oriented development, special housing needs (as defined by the city's Consolated Plan), or be constructed as part of a high-rise 10 stories or greater.	Applicable
	Not Applicable

6 | Findings Policy

RGM1: Mix of Uses, Density, & Building Height

In accordance with the Redevelopment and Growth Management (RGM) Policy Action 1, zoning change requests that do not conform to the mix of uses, density, and building heights as described in the Dashboards are **disfavored**. Requests that 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 interest.

RGM5: Mixed-Use Developments

In addition, the Redevelopment and Growth Management (RGM) Policy Action 2 requires findings when approving a mixed-use development that exceeds 50% square footage for residential uses and/or does not conform to other identifying elements (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 is inconsistent with Action RGM5 (for mixed-use developments).	
No, findings are not required.	

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.

Guiding Principles – 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 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

Future Land Use Category – The subject property is located in the [Downtown Corridors \(DT\)](#) category of the Future Land Use Map (FLUM). The DT future land use category supports retail and service uses. The proposed use is consistent with the Downtown Corridors category.

FLUM – DT Description and Priorities		
Description		Meets
Priorities	Enhancing bicycle and pedestrian connections	N/A
	Improving mobility connections between Downtown and Collin Creek area	N/A
	Focusing density in Downtown core and within 1/4 mile walking distance of rail stations	N/A

Mix of Uses – The subject property is currently classified as *Retail Types*, as defined by the Comprehensive Plan. Approval of the request to allow for Tattooing and Permanent Cosmetics would result in no changes to the Mix of Uses.

FLUM – DT Mix of Uses
No Change

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

FLUM – DT 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

Not Applicable

Policies & Actions of the Comprehensive Plan and Other Studies

Redevelopment of Regional Transportation Corridors (RRTC) Policy – The SUP request for Tattooing and Permanent Cosmetics neither contributes nor detracts from the policy's goals 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.

Comprehensive Plan Summary

As the request is generally consistent with the description of the Downtown Corridors (DT) future land use category, staff finds the proposed use of a tattoo studio consistent with the Comprehensive Plan.

Comprehensive Plan Policy Summary

Policy or Study	Analysis
Future Land Use Map and Dashboards: - Description & Priorities - Mix of Uses - Character Defining Elements	Meets N/A 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

STAFF PRELIMINARY REPORT - ANALYSIS & RECOMMENDATION

Tattooing and Permanent Cosmetics Use

The subject property is a lease space within a 6,087-square-foot shopping center. 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 no religious facilities, residentially-zoned district, or public or parochial school within 1,000 feet of the front door of the subject property, and the existing uses in the surrounding area are largely retail and shopping centers.

Concentration of Uses

The subject property is located in an existing 6,087-square-foot shopping center. There are other existing retail uses in this shopping center that sell highly regulated products, including a liquor store and a smoking/vaping/cannabis store. While these uses are permitted in the CC district and present no significant concerns individually, a concentration of stores specializing in highly regulated activities may be detrimental to the community's character and perception of this location. Absent explicit policies or standards discouraging such concentrations, staff is not opposed in this instance but recommends considering adoption of such guidance in the upcoming comprehensive update to the Zoning Ordinance.

SUMMARY:

The applicant is requesting a Specific Use Permit for Tattooing and Permanent Cosmetics in an existing shopping center. The request is generally consistent with policies within the Comprehensive Plan and complies with separation requirements for this use. There are other highly regulated retail uses in the shopping center, including a liquor store and a smoking/vaping/cannabis store, that may raise concerns about community character and the perception of this area; however, there are no policies or standards explicitly discouraging concentration of such uses. For these reasons, staff supports the request for a Specific Use Permit for Tattooing and Permanent Cosmetics.

RECOMMENDATION:

Recommended for approval as submitted.