



MEETING MINUTES

Planning and Zoning Commission

Thursday, August 26, 2014

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

Members Present: Emanuel Albarado, Lynn Monden, Lynette Scruggs and Bill Williams
Members Absent: Nathan Dempsey and William Koontz
Staff Present: Linda Ames and Julie Smith
Visitors Present: Cynthia Adam, David W. Adam and Sam Ingle
Chair: Bill Williams

Item 1 - Declaration of Quorum

With a quorum present, Chair Williams called the meeting to order at 4:16 pm.

Item 2 - Approval of Minutes for August 12, 2014

Commissioner Monden moved to approve the minutes from the August 12, 2014, meeting as presented by staff, and Commissioner Scruggs seconded the motion. All present voted AYE. Motion carried unanimously.

Item 3 – Work Session: Discuss potential zoning districts for tattoo and permanent make-up salons in the City of Gainesville

Chair Williams read the work session item into the record and requested staff present their report.

Community Services Director Julie Smith addressed the questions posed by the Commissioners at their June 10, 2014, Planning and Zoning meeting. Specifically, the Commission asked whether there was any way to differentiate between tattoos and permanent make-up and also how other communities were zoning tattoo and permanent make-up studios. CSD Smith began her presentation with some pictures of some existing tattoo parlors in other communities. She credited Mr. Sam Ingle (in the audience) with providing her the photographs. She then noted that the State of Texas does not differentiate between tattoos and permanent make-up by definition. However, some Texas cities have used different definitions. CSD Smith provided an example from Canyon, Texas, as follows:

The term, "Permanent Cosmetics," is added as follows:

Permanent Cosmetics. A cosmetic technique which employs permanent pigmentation of the skin to resemble makeup, such as eyeliner, eyebrows and other permanent enhancing colors to the face, lips, and eyelids.

The term, Tattoo, is amended by deleting the last sentence so that the definition reads as follows: Tattoo. The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

The term, "Personal Services (Custom)," is hereby amended to include permanent cosmetics as follows:

Personal Services (Custom). Establishments engaged in providing personal services on a custom basis, such as a tailor, shop repair, barber, beauty shop, **permanent cosmetics**, health studio, or travel consultant.

CSD Smith explained that the City of Canyon, Texas, only permitted tattoos (as defined above) in Industrial areas as Special Use Permits (SUPs). She went on to explain that almost all of the communities she had researched required SUPs for tattoo parlors though some communities did permit them in zoning districts designated for personal services such as salons and not just in Industrial zones. She also shared that cities preferred to differentiate between tattoos and permanent make-up but also struggled with constructing an adequate definition for each.

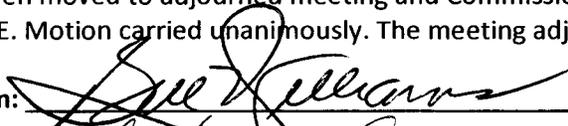
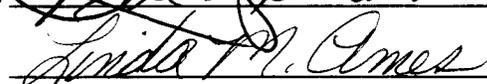
Commissioner Albarado expressed concern about the possible challenges of maintaining a family-friendly environment downtown if tattoo parlors were permitted. For example, he would be uncomfortable with a tattoo parlor on the square that had examples of tattoo artwork that would not be appropriate for a child to see. Mr. Ingle referred the Commissioner to the pictures shown earlier explaining that the studios were higher class and would not have such images. He also stressed that these establishments did not keep late hours and so were not available for late-night customers. Commissioner Albarado recognized that it might be advantageous to have tattoo parlors near downtown (if not on the square) as Gainesville continued to try and develop an evening entertainment venue with restaurants and the like. He acknowledged that there is a demand for tattoos and that such a use may fit in within such a venue if further removed from the square. CSD Smith suggested that if a SUP was required for a tattoo parlor, some of these concerns could be addressed through the SUP. SUPs permit consideration of neighborhood character, public health, and general welfare, ingress/egress design, hours of operation, and "other reasonable conditions necessary to protect the public interest." Expiration of SUPs can be prescribed by City Council, at anytime conditions change, or upon staff recommendation.

The Commissioners generally were uncomfortable with the idea of a tattoo parlor in the downtown area whereas they had fewer concerns with allowing permanent make-up uses downtown. Commissioner Monden stated she would not oppose existing beauty shops who wanted to offer permanent make-up. However, like her colleagues, she does not want a tattoo parlor in the historical downtown area. Chair Williams agreed and added he would also like to prohibit e-cigarette shops in the downtown area, too; neither use seemed appropriate with respect to the historic downtown. However, the Commission thought they would be willing to consider tattoo parlors – with SUPs – in the General Commercial, Outside Commercial, and Industrial Zones. Given that the Commission is currently in the process of reviewing the historic downtown (Central Area District) and the commercial corridors in the City, they chose to postpone deciding exactly what zones would be appropriate for tattoo parlors (with SUPs) until they finalized the zoning in these corridors.

With respect to permanent make-up, the Commission was willing to entertain a recommendation to place it in the same zones as beauty salons use (Central Area District (CA), Restricted Commercial District (C1), and General Commercial District (C2)). This approach would necessitate using a separate definition from "tattoos" for "permanent make-up" like Canyon City did. The Commission instructed staff to bring back such a proposal for consideration and recommendation to City Council at a later meeting. [This item is currently scheduled for the October 14th Planning and Zoning Meeting.]

Item 6 – Adjourn

Commissioner Monden moved to adjourn meeting and Commissioner Scruggs seconded the motion. All present voted AYE. Motion carried unanimously. The meeting adjourned at 5:15 pm.

Signature of Chairman:  Date: 9/23/2014
Signature of Secretary:  Date: 9-23-2014