

Planning and Zoning:	12/3/2012	Staff Contact:	Jeremy Frazzell
City Council:	12/11/2012	E-mail:	jeremyf@pflugervilletx.gov
City Council:	1/8/2013	Phone:	512-990-6300

SUBJECT: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS; AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A BODY ART STUDIO IN THE CENTRAL BUSINESS DISTRICT ON LOT 18 BLOCK 1 OF THE PFLUGERVILLE SUBDIVISION, LOCALLY ADDRESSED AS 117 E. MAIN ST; TO BE KNOWN AS THE FREEDOM MACHINE TATTOO SPECIFIC USE PERMIT (SUP1210-01), AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND:

In November 2010, the City Council approved a text amendment through Ordinance No. 1061-10-11-23 to allow a Body Art Studio to be considered through the Specific Use Permit (SUP) process. Prior to the amendment, Body Art Studios were not permitted in the Central Business District and were only allowed in the General Business 1 and 2 districts with a condition that they must be setback 1,000 feet from any other Body Art Studio, Residential Zoning District, Place of Worship, Public, Private, or Parochial School and Daycare.

The text amendment did not revise the definition of a Body Art Studio and it remains defined in the Unified Development Code as *“an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin or any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition does not include, for the purposes of this Chapter, ear piercing.”*

Following the text amendment, Freedom Machine Tattoo was approved for a Body Art Studio at 101 E. Pecan St. (Ordinance No. 1068-11-02-08) and has occupied the 450 square foot space since.

PROJECT DESCRIPTION:

Freedom Machine Tattoo is an existing Body Art Studio operating in a portion of the multi-tenant building at 101 E. Pecan St. Following successes at the current site, the applicant is proposing to relocate to 117 E. Main Street, the previous Old Prague Market site at the southwest corner of Railroad Ave. and Main St. The proposed location is the first floor of the building and encompasses approximately 935 square feet of space. Operational characteristics for the Body Art Studio remain unchanged and the proposed SUP is necessary to address the relocation.

Land Use: As a Body Art Studio, Freedom Machine Tattoo will continue to offer clients with body art in the form of tattoos at the proposed location between the hours of 12:00 pm and 9:00 pm, 7 days a week, with an extension of time as needed to finalize a project. While not prohibited, body art piercings are not currently offered or proposed at this time. The tattoo use is regulated by the Texas Administrative Code within Chapter 229, Subchapter V and will be required to meet and obtain all applicable health requirements and permits. As a condition of approval, the applicant has requested the existing Specific Use Permit at 101 E. Pecan St. to be removed. If the proposed request is approved and the existing Specific Use Permit is not removed, another Body Art Studio can locate at the site without further review. The proposed condition will require any future Body Art Studio to be considered through the Specific Use Permit process.

Parking and Site Lighting: Parking for the Body Art Studio is based on the Central Business District (CBD) requirement of 1 space per 300 square feet, or 3 spaces for the use at the proposed location. Parking is provided through right-of-way parking along Main St. and no additional spaces can be constructed on-site. Minor architectural lighting is being considered to light the entry and proposed sign.

Structural Modifications and Landscaping: No external structural modifications are proposed to the existing building. No landscaping is proposed at this time.

Signage: The existing Old Prague Market sign will be replaced with a sign that is in conformance with the signage requirements, including a maximum surface area of less than 9 square feet for a projecting sign. Signage will be approved through a separate permit.

LAND USE COMPATIBILITY:

Service commercial uses within the Central Business District surround the proposed site and consist of retail, restaurant, bar, daycare and office uses, all with the base zoning of General Business 1 (GB1). The proposed service use is compatible with the surrounding area. Support for the use at the proposed location has been received from the owner of the Ireland's Kingdom daycare (enclosed). Non-residential uses along Main St. currently share existing right-of-way parking and the proposed use requires fewer spaces than the previous retail establishment. The proposed use is not anticipated to create significant traffic or congestion to the area.

OLD TOWN VISION REPORT:

The use is currently established in Old Town and approving the request will allow a relocation of an existing small business to a new location along Main St. As a proposed condition of approval, removing the existing entitlement at 101 E. Pecan St will ensure the use does not proliferate in Old Town. By allowing consideration through the Specific Use Permit process, the community is able to evaluate if the desired values and characteristics established in the Old Town Vision Report are being upheld.

CRITERIA FOR APPROVAL OF A SPECIAL DISTRICT:

The Commission and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

- (a) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
- (b) Whether the activities requested by the applicant are normally associated with the requested use;
- (c) Whether the nature of the use is reasonable; and
- (d) Whether any impact on the surrounding area has been mitigated.

In granting a Specific Use Permit, the City Council may impose written conditions that the owner or grantee must comply with before a Certificate of Occupancy for the use can be issued.

STAFF RECOMMENDATION:

The surrounding service commercial uses are consistent and harmonious with the proposed land use and existing zoning. If the Specific Use Permit is approved, it will enable a small Pflugerville business an opportunity to grow and continue to be successful in Old Town. There are no other body art studios within the city limits at this time and removing the existing entitlement as a condition of approval will require public review if a future body art studio is proposed. No modifications are proposed to the existing structure or site, no noise will be generated through the use, adequate parking for the proposed use is provided along Main St, and additional traffic is anticipated to be minimal. As proposed, the body art studio may continue to achieve many of the desired values and characteristics as identified in the Vision Report for Old Town. Based on review of these conditions, Staff recommends approval of the Specific Use Permit request for a Body Art Studio at 117 E. Main St. with the condition that the existing Specific Use Permit be removed from 101 E. Pecan St. If the proposed request is not approved, Staff recommends retaining the existing Specific Use Permit at 101 E. Pecan St.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On December 3, 2012, the Planning and Zoning Commission conducted a public hearing and unanimously recommended approval with the condition that the existing Specific Use Permit established through Ordinance No. 1068-11-02-08 be rescinded.

NOTIFICATION:

Notification letters were sent to the existing site, property owners within 200-ft., the Pflugerville Council of Neighborhood Associations, and the Old Town Neighborhood Association. A sign was placed on the proposed and existing properties on November 20, 2012 and a public notice appeared in the newspaper on November 21, 2012. One letter of support was received.

ATTACHMENTS:

- Site Photos

- Notification Map
- Plat
- Proposed Location Floor Plan
- Application
- Letter of Support

PHOTOS:



Existing Site





Proposed Site



North of Site



West of Site



East of Site

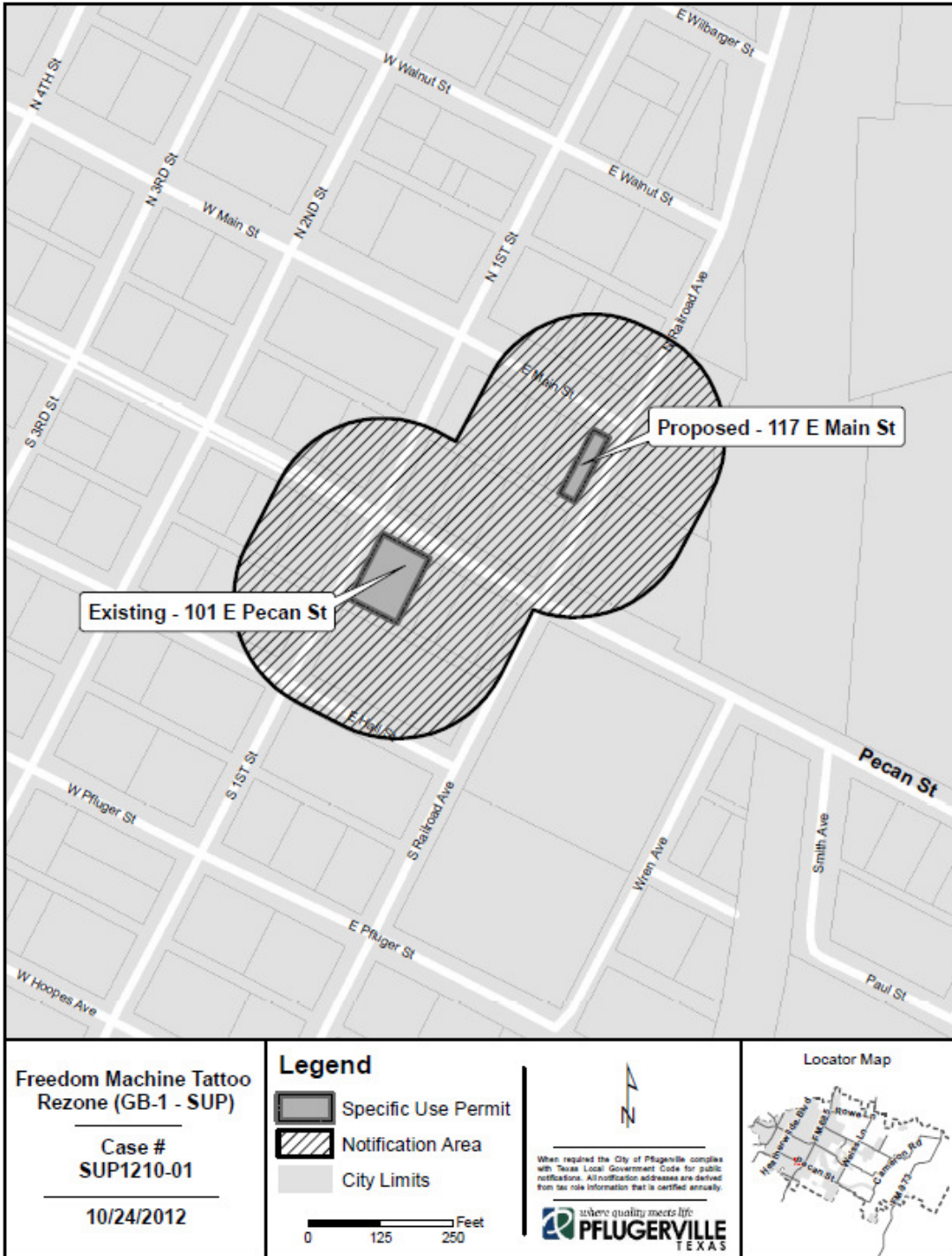


Northeast of Site

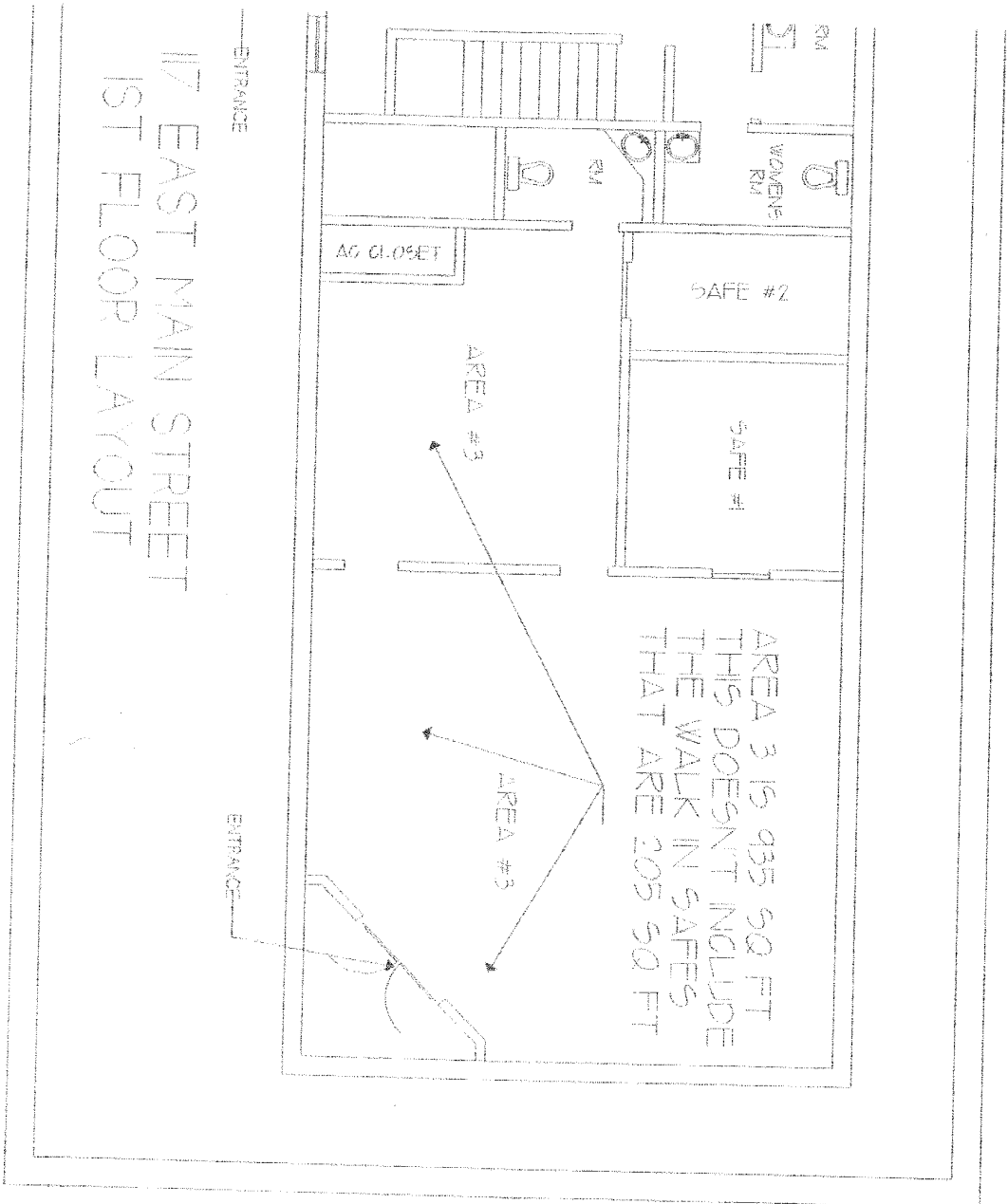


South of Site

NOTIFICATION MAP:



PROPOSED LOCATION FLOOR PLAN:



APPLICATION:

Case# _____ - _____

Specific Use Permit Criteria

Answer the questions on the following pages, as evidence that the Specific Use Permit request complies with the conditions required for approval (extra pages and supplemental illustrations or photographs may be requested by staff)

Requested Specific Use Permit:

1. The proposed use is harmonious and compatible with its surrounding existing uses or proposed uses, because...

Pflugerville's historical district is home to many entertainment based businesses. Currently located at 105 e Pecan st, Freedom Machine Tattoos has thrived harmoniously with Old Town Pflugerville's businesses for the past two years.

2. Please demonstrate how the proposed activities are normally associated with the requested use.

(noon - nine)
Freedom Machine Tattoos keeps similar hours and caters to the clientele of the surrounding businesses. The various restaurants, venues and retail give the patron a wide variety of entertainment to choose from.

3. The nature of the proposed use is reasonable, because...

Old Town Pflugerville is quickly becoming the entertainment hub of our city. Having so much diversity in one city block is great for the consumer and businesses alike.



where quality meets life

PFLUGERVILLE
TEXAS

CITY COUNCIL
FINAL REPORT

Case# _____ - _____

4. Please state what measures will be taken in order to mitigate the impact on the surrounding area

There will be no structural or esthetic changes to the building

Additional Requirements if site is located in a Corridor (CL3, CL4, CL5) Zoning District:

In a typed response, please demonstrate how this project meets the criteria for approval.

1. Conformance with the 4 *Guiding Principles of the "SH 45 & SH 130 Corridor Study" and zoning regulations.
 - a. *Create a series of unique places to shop, work, and live.
 - b. *Establish a diversified and leak-free tax base.
 - c. *Establish an enhanced, long-term market capture.
 - d. *Utilize smart, healthy and sensible design concepts.
 - e. Lessen congestion in the streets.
 - f. Secure safety from fire, panic and other dangers.
 - g. Insure adequate light and air.
 - h. Prevent the overcrowding of land to avoid undue concentration of population.
 - i. Facilitate the adequate provision of transportation, water, sewerage, parks, open spaces, and other public requirements.
 - j. Maintain property values and encouraging the most appropriate use of land throughout the Corridor consistent with the Comprehensive Plan and the Corridor Plan.
2. Retail activity located at the following major intersections:
 - a. SH 130 and SH 45; SH 130 and Pecan Street; SH 45 and Heatherwilde Blvd; SH 130 and Pflugerville PKWY; and FM 685 and Pflugerville PKWY
3. Structures should orient to public streets and designated trails as noted on the Future Trails Map referenced in the Comprehensive Plan.
4. The extent of connectivity among proposed and existing ROW is demonstrated.
5. Clustering of free standing pad sites at focal points or key features within the development. (i.e. retention ponds, greenways, dedicated hike/bike facilities, or plazas, parks or other features)
6. Exhibits compatibility of the design with surrounding properties and development patterns.
7. Exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
8. Exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

Jeremy Frazzell

From: Ryan Dodson [REDACTED]
Sent: Wednesday, October 31, 2012 11:42 AM
To: Jeremy Frazzell
Subject: Permit

I Ryan Dodson, the proprietor of Freedom Machine Tattoo is requesting that my current SUP permit for 105 e pecan st be terminated under the condition that I obtain a new SUP permit for 117 e Main st.

Ryan Dodson
512-251-3484
www.freedommachinetattoo.com

LETTER OF SUPPORT:

Jeremy Frazzell

From: Terry Hatcher [REDACTED]
Sent: Tuesday, November 20, 2012 8:07 PM
To: Jeremy Frazzell
Subject: Tadoo space

To whom it may concern,

My name is Terry Hatcher, I own 113 e. Main st and I rent 115 E. Main, both adjacent to the new Tadoo space. I'm excited to have them as neighbors I think they will fit in with the downtown core. I've known Ryan Dodson for several years now and I trust that he will conform to all the rules and regulations.

Lastly, because of the limited space for parking I believe that his business will succeed without congesting the street.

sincerely,

--

Terry Hatcher
Owner & Director of Ireland's Kingdom Preschool
Telephone: 512-484-2554

Fax: 888-958-0305