

PLANNING AND ZONING COMMISSION  
STAFF REPORT



August 1, 2013

**Conditional Use Permit case no. CU13-07: Arsenal Tattoo**

**CASE DESCRIPTION:** request for approval of a Conditional Use Permit to allow a tattoo studio on property in the Downtown – South District (DT-S) zoning district

**LOCATION:** 307 West 26<sup>th</sup> Street at the southeast corner of West 26<sup>th</sup> Street and Sims Avenue

**LEGAL DESCRIPTION:** Lots 3 thru 5 and part of an abandoned alley in in Block 139 of the Bryan Original Townsite

**EXISTING LAND USE:** vacant commercial building

**APPLICANT(S):** Cliff and Stacy Collard

**STAFF CONTACT:** Randy Haynes, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this request, **subject to certain conditions**. Please refer to page six of this report for a more detailed description of staff’s recommendation.





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**BACKGROUND:**

The subject property occupies three lots located at the southeast corner of the intersection of West 26<sup>th</sup> Street and South Sims Avenue and is zoned Downtown South District (DT-S). Land to the north, east and south is also zoned DT-S District. Property to the west, across Sims Avenue is zoned Commercial District (C-3). The nearest property zoned for residential use (RD-5) lies over 400 feet to the west. Four single-family detached residences are located adjacent to and across West 26<sup>th</sup> Street from the subject property. Existing single-family detached residences are considered legally nonconforming land uses in the DT-S zoning district, as the district does not allow this land use.

Earlier this year, the applicants, Cliff and Stacy Collard, purchased the subject property with the intent of renovating the 3,100 square-foot building and moving their tattoo studio to this location from College Station. After checking with the planning staff they discovered that tattoo studios were not a permitted use in the DT-S zoning district in which the subject property is located. At the request of the Collards, the City Council amended the Zoning Ordinance to potentially allow tattoo studios in the DT-S zoning district, with prior approval of a Conditional Use Permit from the Planning and Zoning Commission (Ordinance no. 2004). The Zoning Ordinance amendment took effect on July 29, 2013. The applicants are now requesting approval of a Conditional Use Permit to allow the operation of a tattoo studio on the subject property. They propose to limit business hours from Noon to 9p.m. on Tuesdays through Saturdays and to not perform body piercing services or other forms of body modification (branding, scarring or implanting). The sale of smoking supplies and smoking paraphernalia is also proposed to be prohibited.

The original portion of the building, built as a Texaco gas station, first appeared on Sanborn insurance maps of Bryan in 1925. The 1935 Bryan City Directory lists the business located at that address as the Serv-U-Service Station. According to a Texas Department of Transportation report, A Field Guide to Gas Stations in Texas, during the 1920’s, Texaco was one of the first national brands to employ distinctive building design to establish a brand identity. One tactic was to build neighborhood service stations near established urban communities. Neighborhood stations were often built of materials and forms similar to a residence, with special deference to nearby neighborhoods. This was the case with the original building on the subject property.

**RELATION TO BRYAN’S COMPREHENSIVE PLAN:**

The City of Bryan adopted a Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission should consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

5.5. Land Use Policies

Use-Specific Land Use Policies  
Redevelopment and Infill Policies

Policy statements:

The City of Bryan will encourage and promote compatible infill and redevelopment in areas

where these activities will benefit the city as a whole and the area specifically.

Land Use Goal #1:

Achieve a balance of land uses within the city.

Land Use Goal #1, Objective A:

Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

**ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**If approved, the tattoo studio use at this location will conform to all applicable regulations and standards established by the Zoning Ordinance. The Bryan City Council recently approved the following use-specific standards that now apply to tattoo studio uses city-wide:**

1. All structures housing a tattoo studio use shall be located at least 5,280 feet from another structure housing a tattoo studio use.
2. All structures housing a tattoo studio use shall have a minimum of 3,000 square feet of floor area and a maximum of 5,000 square feet of floor area.
3. Consumption of alcoholic beverages shall be prohibited in the tattoo studio (in accordance with 25 Texas Administrative Code, Chapter 229, Subchapter V, "Minimum Standards for Licensure of Tattoo and Certain Body Piercing Studios", Rule 229.404 (h), as may be amended from time to time).

**The proposed tattoo studio use on the subject property conforms to all of these requirements. The closest structure housing a tattoo studio use is located more than 2.5 miles to the southeast, near the intersection of Texas Avenue and Villa Maria Road. The building on the subject property has 3,100 square feet of floor area. No variations from applicable development standards are being requested.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**As per the attached site plan and illustrative drawings, the applicants propose no structural changes to the building on the site and propose only the renovation of the building in a manner that meets the needs of their business. No changes to the footprint or height of the existing building, which has occupied this property since the 1920's, are proposed as part of this Conditional Use Permit request. An interior floor plan is attached to this staff report. Part of the existing pavement on the north side of the building is proposed to be reserved for off-street parking. The attached site plan shows the addition of 6 new proposed off-street parking spaces with adjacent maneuvering area south of the existing building. Staff contends that these**

**features are compatible with existing and potentially permitted uses on abutting sites. A dentist office on an adjacent property to the east has an off-street parking area that is comparable to the one that the applicants are proposing on the subject property.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff does not believe that the proposed use of the subject property for a tattoo studio creates greater unfavorable impacts on existing or permitted uses on abutting sites than, for example, a nightclub, a hotel/motel, a restaurant, a dry-cleaner/laundry pick-up station, a laundromat or a health club, which are all uses that are permitted by right in the DT-S zoning district, without prior Conditional Use Permit approval. The revival of the downtown Bryan area as a local arts and social center and the regional interest that such a pattern of use has engendered, coupled with the movement of the practice of tattooing into the social and cultural mainstream, have created conditions previously unforeseen. Staff contends that given the downtown development pattern observed over the past several years, a tattoo studio use may complement and provide variety to other arts-oriented uses in the downtown area, especially when the conditions proposed by the applicants are established as part of the Conditional Use Permit approval to help ensure compatibility with surrounding land uses.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Although properties in the downtown zoning districts are not required to provide a minimum number of off-street parking spaces, the applicants are proposing to provide 8 spaces for employees and customers on the subject property. The new parking area on the southern portion of the property is proposed to be screened from abutting residential uses with a 6-foot tall wooden privacy fence. Staff contends that a tattoo studio use on the subject property will not change the safety level of vehicular or pedestrian traffic in the area.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**No additional impact concerning erosion, flood or water damage, noise, glare, fire and other hazards are expected with the proposed use of this subject property as tattoo studio. The new off-street parking area will be screened from the abutting residential uses and must meet all applicable development standards.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**An approximately 20-foot tall freestanding sign is proposed to be located at the northwest corner of the property, near the intersection of West 26<sup>th</sup> Street and Sims Avenue. The sign structure is actually an antique Texaco sign similar to the one which would have been at this location and is proposed to be installed on an old sign base that has remained in the ground here. Staff believes that the proposed sign is appropriate in scale for the DT-S District and can be expected to have no impact on traffic control and adjacent properties.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**As mentioned above, although properties in the downtown zoning districts are not required to provide a minimum number of off-street parking spaces, the applicants are proposing to provide 8 spaces for employees and customers on the subject property. These parking areas should also provide sufficient space for occasional loading/unloading as may be required.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**The stated purpose of the DT-S zoning district is “to promote new development in an area which traditionally provided for various types of general retail, office, business and service uses” and Bryan’s Comprehensive Plan suggests that the City should “encourage and promote compatible infill and redevelopment”. Staff believes that a tattoo studio use at this location, subject to the recommended conditions appears to conform to these objectives.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Staff believes that even a very successful tattoo studio use at this location will have no greater unfavorable impacts on properties or improvements in the vicinity than those that may reasonably result from land uses permitted by right in the DT-S District. The recommended conditions will help ensure compatibility with surrounding land uses.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**Staff believes that the 3,100 square-foot building that has occupied this property for almost 90 years and the adjoining land are suitable for the proposed conditional use, so long as the recommended conditions are established, which include proposed site improvements shown on the attached site plan.**

#### **RECOMMENDATION:**

Staff recommends **approving** a Conditional Use Permit to allow a tattoo studio at this location, **subject to the following conditions:**

- **That business hours shall be Tuesdays through Saturdays from Noon until 9p.m. only.**
- **That no body piercing or other form of body modification (e.g., branding, scarring or implanting) shall be offered or performed.**
- **That the sale of smoking supplies and smoking paraphernalia shall be prohibited.**
- **That off-street parking areas, privacy fencing, and freestanding signage be installed in accordance with the site plan.**

A tattoo studio use at this location, subject to the recommended conditions, appears to conform to these objectives of the DT-S zoning district and Bryan’s Comprehensive Plan.