

# *memorandum*

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TO: Mayor & City Council  
John Godwin, City Manager

FROM: Alan Efrussy, AICP, Planning Manager

**SUBJECT: ZONING CHANGE FROM A GENERAL RETAIL DISTRICT (GR) TO A GENERAL RETAIL DISTRICT WITH A SPECIFIC USE PERMIT (SUP) FOR A TATTOO SHOP LOCATED AT 3605 N.E. LOOP 286, SUITE 400A.**

DATE: August 2, 2016

BACKGROUND: This application is for a public hearing to consider the petition of Blake Thomas on behalf of Chad Brown for a change in zoning from a General Retail District (GR) to a General Retail District with a Specific Use Permit (SUP) for a Tattoo Shop, on the City of Paris Block 315, Lot part of 1-A, being located at 3605 N.E. Loop 286, Suite 400A. At the August 1, 2016 Planning and Zoning Commission meeting, the commission unanimously recommended approval of this zoning request, conditioned upon adherence to Chapter 146 of the Texas Health and Safety Code. Mr. Blake Thomas spoke in favor of this request, and no other person spoke in favor; and no persons spoke in opposition to this zoning change.

STATUS OF ISSUE: The city staff has determined the following:

(A) Existing Land Use: This subject property is located within the Eastgate shopping center. This subject suite is presently vacant, although there was a previous business located within this suite. This shopping center is one story and off the frontage road of N.E. Loop 286. Business uses exist adjacent to the north, south, and southeast of this subject suite. A mobile home park exists to the northeast.

(B) Existing Zoning of the Subject Property: The subject property is currently zoned General Retail District (GR).

(C) Proposed Land Use for the Subject Property: The applicant is proposing to develop the subject property for a tattoo shop.

(D) Proposed Zoning of the Subject Property:

- I. The proposed zoning is to change from the General Retail District to a General Retail District with a Specific Use Permit (SUP) for a tattoo shop.
- II. Through Resolution No. 2015–031, approved by the city council on July 13, 2015, a tattoo shop and body piercing shop use is to be permissible in Commercial, Light Industrial and Heavy Industrial Zoning Districts; and said use in the General Retail, Central Area and the Planned Development Zoning Districts is allowed through approval of a Specific Use Permit (SUP).
- III. After recommendation of the city staff, and the Planning and Zoning Commission, on March 14, 2016 the City Council approved amending the Paris Zoning Ordinance so that site plan submission became mandatory for Specific Use Permit zoning approval requests. The major purpose for the site plan is to provide more precise data to the city staff, Planning and Zoning Commission, and the City Council regarding any SUP proposed project, particularly because such zoning request is site and location specific. Further, and typically, most SUP requests are for development on vacant, nearly vacated, or proposed to be vacant land; a site plan therefore would indicate future structures, parking, access, and other required or requested elements of the project design and/or development. However, since this subject proposed tattoo shop is presently located within a developed shopping center with existing parking and access, city staff believes it is unnecessary to require a site plan. At the August 1, 2016 meeting, the commission supported staff’s opinion. In addition to the locational graphics submitted with zoning memoranda, staff has included a replat of the subject property (1983) to provide additional physical data regarding this rezoning request.

(E) The Major Thoroughfare Plan (MTP) within the Comprehensive Plan: Direct access is provided to this site from the NE Loop 286 frontage road. Of course, NE Loop 286 serves as a high-speed ring road encircling the City of Paris.

(F) The Future Land Use Plan (FLUP) within the Comprehensive Plan: The Future Land Use Plan recommends Retail (R) for all of the Eastgate shopping center. Retail use is recommended for the land that is adjacent to this subject property to the north, south, and southeast; Manufactured Housing (MH) is the land use recommended for the land area northeast of this subject property.

(G) Additional Considerations Regarding the Staff Recommendation:

- I. The city engineer, director of public works, and fire marshal have stated that they do not have issues with this rezoning request.

II. The Texas Local Government Code (TLGC, 2016 edition) does not address tattoo parlors. However, licenses, registration, and regulations regarding tattoo and certain body piercing establishments are addressed in the Texas Health and Safety Code, Chapter 146. As part of the SUP procedure regarding this zoning request, the staff is recommending as a condition that all of said Chapter 146 become part of the approval requirement for this proposed tattoo use. Beyond that, the city planning staff does not have issues with this request; there is apparently a market for this use within Paris and the surrounding region. Again, that use will add to the tax base and employment opportunity, relatively small as it may be. Further, as an indication of this market, in March of this year, city staff and the Planning and Zoning Commission recommended approval of a tattoo shop in a GR zone on Lamar Avenue, and the City Council approved that request.

RECOMMENDATION: Approve a change in zoning from a General Retail District (GR) to a General Retail District with a Specific Use Permit (SUP) for a Tattoo Shop, on the City of Paris Block 315, Lot part of 1-A, being located at 3605 N.E. Loop 286, Suite 400A, conditioned upon adherence to the requirements of the Texas Health And Safety Code, Chapter 146: Tattoo and Certain Body Piercing Studios.





3561

3561 NE LOOP 286  
Prop ID# 110818

3563 NE LOOP 286  
Prop ID# 18736

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3565 NE LOOP 286  
Prop ID# 18737

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3740 PINE MILL RD  
Prop ID# 50989

3575

NE LOOP 286  
Prop ID# 18735

GR

3577

3605 NE LOOP 286  
Prop ID# 22711

3605 STE 100   3605 STE 400A   3605 STE 900   3605 STE 1200   3605 STE 1000  
3605 STE 200   3605 STE 800   3605 STE 2000

GR

3855 LAMAR  
Prop ID# 51005

©

3755

3755 NE LOOP 286  
Prop ID# 18734

GR

3805 NE LOOP 286  
Prop ID# 40579

3805

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3719  
3717  
3715  
3707  
3703

3737 STE 700  
3737 STE 400  
3737 STE 300  
3737 STE 200

3600 & 3700 LAMAR AVE  
Prop ID# 50925

3743  
3745  
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ArkTe 2607  
BKF



3561 NE LOOP 286  
Prop ID# 110818

3563

3565 NE LOOP 286  
Prop ID# 18737

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3740 PINE MILL RD  
Prop ID# 50989

MH

3575

NE LOOP 286  
Prop ID# 18735

3577

3605 STE 100   3605 STE 400A   3605 STE 900   3605 STE 1200   3605 STE 1000  
3605 STE 200   3605 STE 800   3605 STE 2000

3605 NE LOOP 286  
Prop ID# 22711

R

3855 LAMAR AVE  
Prop ID#

733

NE LOOP 286

NE LOOP 286

3755

3755 NE LOOP 286  
Prop ID# 18734

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3737 STE 700

3737 STE 400

3737 STE 300

3737 STE 200

3600 & 3700 LAMAR AVE  
Prop ID# 50925

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3605 NE LOOP 286  
Prop ID# 403170

3805

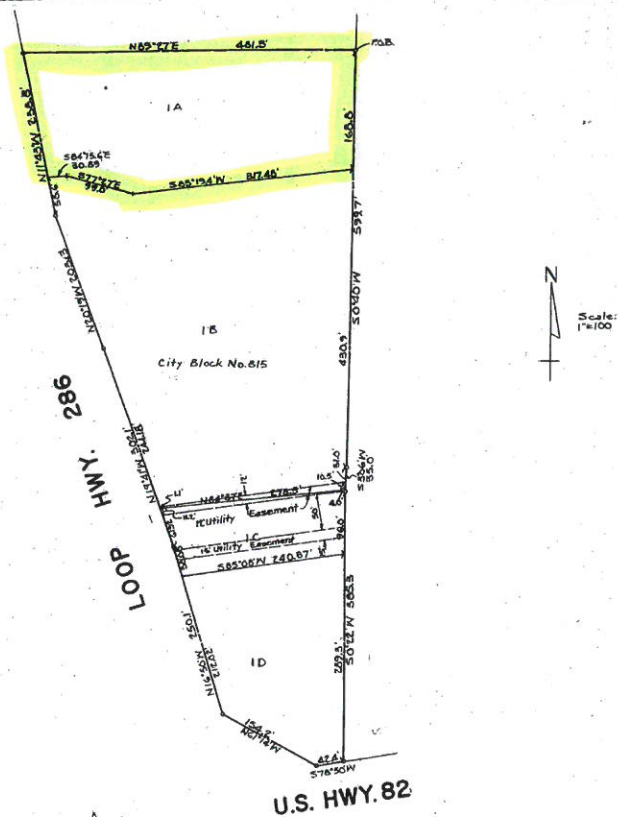
3625 ArkTex 3015  
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3755 LAMAR AVE  
Prop ID# 100805

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Approved: [Signature] Date 3/16/83  
 Chairman Planning and Zoning  
 Accepted: [Signature] Date 3/16/83  
 Mayor, City of Paris, Paris, Texas

The undersigned, the City Council of the City of Paris, Paris, Texas certifies that the foregoing Re-Plat of Lot 1 Block 315 City of Paris, Texas was submitted to the City Council on the 14th day of February 1983, and the Council by formal action then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines as shown and set forth in and upon said Re-Plat and said Council further authorizes the Mayor to note acceptance thereof by signing his name as herein above subscribed.  
 WITNESS MY HAND THIS 17th day of March A.D. 1983.

STATE OF TEXAS  
 COUNTY OF LAMAR  
 BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared H. C. Greene and [Signature] known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17th day of March A.D. 1983.  
[Signature]  
 NOTARY PUBLIC, STATE OF TEXAS

FIELD NOTES

Situated within the Corporate Limits of the City of Paris, County of Lamar and State of Texas, being about 2 miles East of the Court House and a part of the Joseph Leach Survey, and being the same land described in a Deed from Coy Williams and wife to Charles McClure, Jr. and being recorded in Volume 417, Page 351 of the Deed Records of said County and State and being further described as follows:  
 Beginning at an iron pipe found for corner at the Northeast corner of the above mentioned tract of land;  
 Thence South 0 Degree 40 Minutes West a distance of 599.7 feet to an iron pin;  
 Thence South 3 Degree 06 Minutes West a distance of 35.0 feet to an iron pin;  
 Thence South 0 Degree 22 Minutes West a distance of 385.3 feet to an iron pin for corner in the North Boundary Line of U.S. Highway 82;  
 Thence South 78 Degree 50 Minutes West a distance of 42.4 feet a cross on concrete for corner;  
 Thence North 61 Degree 14 Minutes West a distance of 154.2 feet to a concrete marker for corner in the East Boundary Line of Loop Hwy. 286;  
 Thence along the East Boundary Line of Loop Hwy. 286 with the following bearings and distances:  
 North 16 Degree 50 Minutes West a distance of 250.1 feet to an iron pin;  
 North 19 Degree 41 Minutes West a distance of 302.10 feet to an iron pin;  
 North 20 Degree 19 Minutes West a distance of 203.3 feet to an iron pin;  
 North 11 Degree 43 Minutes West a distance of 238.8 feet to an iron pin, the Northwest corner of the above mentioned tract of land;  
 Thence North 85 Degree 27 Minutes East a distance of 481.3 feet to the place of beginning and containing 7.546 acres of land, more or less.

I, R. Brandon Chaney, R.P.S. No. 4057, State of Texas certify that the above Re-Plat and Field Notes depict and represent an actual Survey made on the ground by me and finished January 18, 1983, and that all the necessary survey monuments are correctly shown and exist upon the ground.

[Signature]  
 R. Brandon Chaney, R.P.S. No. 4057

STATE OF TEXAS  
 COUNTY OF LAMAR  
 BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared R. Brandon Chaney known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18th day of January A.D. 1983.  
[Signature]  
 NOTARY PUBLIC, STATE OF TEXAS  
 We, D. WAYNE BROWN, KAY BROWN, G. EUGENE BROWN, JAMES W. FARRIS and TRUSHKIN ENTERPRISES, INC., by its President,

Owners of the herein above described tract of land do hereby certify that we have caused same to be Re-platted as shown, hereby adopt such plan of Subdivision and do hereby dedicate to the public the streets and easements as shown thereon and that the sale of all lots shall be in accordance with the Re-Plat:  
[Signature] OWNER  
[Signature] OWNER  
[Signature] OWNER  
[Signature] TRUSHKIN ENTERPRISES, INC.  
[Signature] OWNER  
[Signature] OWNER  
[Signature] OWNER - President

STATE OF TEXAS  
 COUNTY OF LAMAR  
 BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared D. WAYNE BROWN, KAY BROWN, G. EUGENE BROWN and JAMES W. FARRIS and TRUSHKIN ENTERPRISES, INC., known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purpose and consideration therein expressed.  
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of January A.D. 1983.  
[Signature]  
 NOTARY PUBLIC, STATE OF TEXAS

REPLAT OF LOT 1 CITY BLOCK NO. 315

251-D

FILED FOR RECORD  
 LAMAR COUNTY, TEX.  
 MARGARET DORR  
 COUNTY CLERK  
 93 MAR 22 P. 3:17

DRAFT

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS, AMENDING ZONING ORDINANCE NO. 1710 OF THE CITY OF PARIS, TEXAS, AS HERETOFORE AMENDED, SO AS TO REZONE LOT PART OF 1-A, CITY BLOCK 315, BEING LOCATED AT 3605 N.E. LOOP 286, SUITE 400A, IN THE CITY OF PARIS, LAMAR COUNTY, TEXAS, FROM A GENERAL RETAIL DISTRICT (GR) TO A GENERAL RETAIL DISTRICT (GR) WITH A SPECIFIC USE PERMIT (SUP) FOR A TATTOO SHOP ON THE EXISTING PROPERTY; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission received a request for an amendment to the Zoning Ordinance of the City of Paris to rezone Lot part of 1-A, City Block 315, being located at 3605 N.E. Loop 286, Suite 400A, in the City of Paris, Lamar County, Texas, from a General Retail District (GR) to a General Retail District (GR) with a Specific Use Permit for a Tattoo Shop; and

**WHEREAS**, on August 1, 2016, following notice and publication as required by law, the Planning and Zoning Commission conducted a public hearing on the proposed amendment to the City Zoning Ordinance and, following said hearing, made formal recommendation to the City Council to approve the requested zoning; and,

**WHEREAS**, on August 8, 2016, following notice and publication as required by law, the City Council of the City of Paris conducted a public hearing on the proposed amendment to the City Zoning Ordinance, and having considered the recommendations of the Planning and Zoning Commission and the testimony and evidence introduced at said public hearing, found and determined that approving the aforesaid zoning change would be consistent with the City Zoning Ordinance, and in the best interests of the public health, safety, and welfare of the citizens of the City of Paris by a vote of \_\_\_ ayes and \_\_\_ nays.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS:**

**Section 1.** That the findings set out in the preamble to this ordinance are hereby in all things approved.

**Section 2.** That the Official Zoning Map of the City of Paris, Texas and Zoning Ordinance No. 1710 of the City of Paris as heretofore amended is hereby further amended to rezone Lot part of 1-A, City Block 315, being located at 3605 N.E. Loop 286, Suite 400A, in the City of Paris, Lamar County, Texas, from a General Retail District (GR) to a General Retail District (GR) with a Specific Use Permit for a Tattoo Shop, with the following

condition: There shall be adherence to the requirements of the Texas Health and Safety Code, Chapter 146: Tattoo and Certain Body Piercing Studios.

**Section 3.** That the Chief Building Official of the City of Paris be, and he is hereby, directed to change the Official Zoning Map of the City of Paris, Texas to reflect the changes set forth in this ordinance.

**Section 4.** That all provisions of the ordinances of the City of Paris, Texas in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Paris not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5.** That the repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this ordinance.

**Section 6.** That it is the intention of the City Council of the City of Paris that this ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause, or provisions of this ordinance shall not affect the validity of any other portion of this ordinance.

**Section 7.** That any person violating any provision of this ordinance shall be guilty of a Misdemeanor, and upon conviction, shall be subject to a fine in accordance with provisions of Sec. 1-6 of Chapter One of the City of Paris Code of Ordinances, and each and every day's continuance of any violation of the above-enumerated sections shall constitute and be deemed a separate offense.

**Section 8.** This ordinance shall become effective from and after its passage and publication as required by law.

**PASSED AND ADOPTED** on this 8<sup>th</sup> day of August, 2016, by the City Council of the City of Paris, in regular session, following notice and publication as required by law.

\_\_\_\_\_  
A.J. Hashmi, M.D., Mayor

**ATTEST:**

\_\_\_\_\_  
Janice Ellis, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stephanie H. Harris, City Attorney