

City of Sachse, Texas
Planning and Zoning Commission

Minutes of the Regular Meeting of October 27, 2008
Time: 7:00 PM Place: Sachse City Hall

Members Present:

Wally Sparks
Scott Everett
Robert Corbin
Jeanie Martin
David Zukosky
David Hock

Members Absent:

Staff Present:

Barry Shelton, Community Development Director
Michael Spencer, Building Official
Charlotte Youngblood, Secretary

Others Present:

Michael Bernstein, Applicant

Chairperson David Zukosky opened the regular meeting of the Planning and Zoning Commission at 7:00 P.M. and a quorum was declared.

Consent Agenda

1. Consider approval of the minutes for the September 22, 2008 regular meeting.

Jeanie Martin made a motion to approve the minutes as amended to reflect the “no” vote by David Hock changed to an abstention because there was a financial interest. David Hock seconded the motion with all voting in favor the item passed unanimously.

Regular Agenda

1. Conduct a Public Hearing and consider the application of Monster Ink Inc., requesting approval of a Special Use Permit for a Tattooing / Body Piercing Establishment on property zoned Commercial 2 (C-2) District on the northeast corner of State Highway 78 and Hooper Road.

Barry Shelton, Community Development Director, introduced the item. He stated that the applicant, Michael Bernstein, Monster Ink Inc., wanted to develop 2,000 square feet lease space at the Sachse Retail Center. The applicant indicated that he would like to open a tattoo / body piercing establishment which is allowed only by Special Use Permit. A land use designated as a “special use” in a particular zoning district is one that –because of its inherent nature, extent, and external effects, generally is not appropriate in the district but might be if subject to special standards and review that will ensure it is located, designed, and operated in a manner that does not affect neighboring development. In authorizing the location of any special use permits the governing body may impose development standards and safeguards to protect adjacent property. It is permissible for the Planning and Zoning Commission to make these recommendations to City Council. Staff is recommending denial of the SUP without prejudice to allow for a future

submittal for a special use permit in an Industrial 1 or Industrial 2 District without repayment of fees.

Michael Bernstein, applicant, stated that he has been with his current company in Mesquite for 15 years and it had been his experience that it has operated with great respect toward surrounding businesses. It would be to no benefit to him to have obnoxious people hanging around his business either. He stated that he had approximately 300 people in his business in the month and that the majority of these customers are not residents of the city but from the surrounding areas and they come and do bring business to surrounding establishments. The applicant referred to his business plan and said he was doing a more upscale tattoo shop with an art gallery up front for local artists and private tattooing rooms. He also stated that the word tattoo would not be reflected in any signage.

David Zukosky opened the public hearing at 7:25 p.m.

Jackie Eichelberger, 7121 Bailey Road, said she don't have an opinion on the tattoo shop. Her concern is with its location. She feels that what we put on Highway 78 is what people think of Sachse. She also noted that this area is surrounded by many homes.

Jim Campbell, 4126 Merritt Road, stated he agrees with staff except he thinks it should be denied with prejudice. He stated that it was not allowed in the original zoning because of the negative connotations. He stated that is the reason why the City of Garland would not allow it and Firewheel Mall won't lease to the applicant and he wonders what would come next.

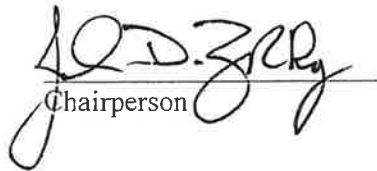
There being no more public comments Scott Everett made a motion to close the Public Hearing. Jeanie Martin seconded the motion. With all voting in favor the public hearing was closed at 7:31 p.m.

Wally Sparks stated his son used to work at a Fine Line Tattoo Shop and he was thinking that there is bound to be people here in Sachse that would like to get a tattoo. He asked that if the business goes in as an SUP would it not take to many instances before the SUP could be withdrawn if there was trouble. He asked what provisions could be put into the SUP. Barry Shelton commented that the provision that could be tied to the special use permit could be hours of operations, signage requirements, and private rooms. He stated that if there are violations the business could be fined up to \$500 a day. Scott Everett asked if there was anything else that the city could regulate. Mr. Shelton said that the city could only regulate things related to zoning such as hours, signage and would need to stay away from anything that is a law enforcement issue. David Zukosky asked how the city can penalize the applicant because he is locating next to a business that has had problems in the past. Wally Sparks stated that tattoo businesses have negative connotations. However, he works with professional people every day that have tattoos. He felt that today tattoos are more of an art form than they were even twenty years ago. He thought what the applicant wanted to do sounds more upscale than what you normally think about when you think of tattoo shops. Scott Everett stated he understood the imagine the applicant is trying to overcome but the imagine is still there. The applicant stated that this is something he is addressing in his business plan. He wants to take his business to a different level. People who would be tattooed would be over 18 years of age and pick a tattoo from a touch screen computer if they were not doing custom work and there would be no flash art on the walls. He does not tattoo faces either. He stated that lots of his clients bring children into his shop and that there would not be any offensive material displayed. Scott Everett was concerned about the type of clientele that would frequent his business especially with the restaurant next door and wanted Sachse to have a positive imagine. More discussion followed.

Jeanie Martin made a motion to approve the Special Use Permit for a Tattoo/ Body Piercing Establishment with considerations being placed on the hours of operation, signage and private room requirements. The motion was seconded by Robert Corbin. The motion passes 5-1 with Scott Everett voting no.

There being no further business, Jeanie Martin made a motion to adjourn. Wally Sparks seconded the motion. The motion passed with all voting in favor.

The meeting is adjourned at 8:04 p.m.


Chairperson


Secretary