

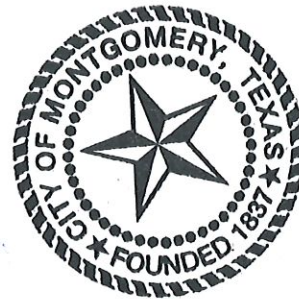
MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
PUBLIC HEARING AND SPECIAL MEETING OF
MONDAY, MAY 13, 2019, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS

1. CALL TO ORDER
2. Public Hearing regarding a Special Use Permit for Candace Welsh for microblading Business located at 401 College Street, Suite 101-B
3. Consideration and possible action regarding Special Use Permit request for Candace Welsh for microblading business located 401 College Street, Suite 110-B
3. Adjournment.



Jack Yates, City Administrator

Posted May 10, 2019 at 3:55 p.m. This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations



Montgomery City Council
AGENDA REPORT

Meeting Date: May 13, 2019	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: E-mail of a request, Special Use Application, Procedure for special use permits, Proposed special use permit ordinance
Date Prepared: May 7, 2019	

Subject

This is the public hearing regarding the request from Candace Welsh for a Microblading (placing a tattoo on the eyebrows or on the eyelid) at 401 College Street, Suite 100-B.

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Description

This is the public hearing—an opportunity for the public to comment on the request. The Commissioners should make little or no comment.

Recommendation

Listen to and consider any public comment.

Approved By

City Administrator	Jack Yates	Date: May 6, 2019
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4/3/2019

The City of Montgomery Mail - Special use permit



Yates, Jack <jyates@cl.montgomery.tx.us>

Special use permit

1 message

Cory Welsh <cory.welsh27@yahoo.com>

Fri, Mar 29, 2019 at 1:03 PM

To: jyates@cl.montgomery.tx.us

Hello my name is Candace Welsh. I am starting up a new business called Studio C Brows. I would like to apply for a special use permit so that I may do Microblading in Montgomery. Microblading is a semi permanent technique used to enhance the eyebrows.

The location I would like to have my business is in the Westmont Building

Address

14375 Liberty St.

I plan to open my business May 1st. I would like to request to be put on the agenda. Please let me know if you have any questions.

Thank you,
Candace Welsh

Sent from my iPhone

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CITY OF MONTGOMERY
P.O. BOX 708
MONTGOMERY, TX 77356
PHONE: 936-597-6434 FAX: 936-597-6437

SPECIAL PERMIT APPLICATION

Name: Candace Welsh
Address: 20060 Big Oak
Montgomery TX 77356
Phone #: 713 817. 8037

Class of permit: (check one)

Temporary Structure _____
Width _____ height _____

Special Use _____

Misc. _____

Burn _____

Length of time requested? 1 yr.

Full description of merchandise to be sold:

Semi-permanent cosmetic makeup
microblading / shading

Signature of Applicant Candace Welsh
Date of Application 4/3/2019
Approved/City Employee _____

Procedure for Special Use Permit Application:

1. **Application** – Written application is submitted by the property owner stating the description of the property use along with the request for a Special Use Permit. The applicant will pay \$500 permit fee to determine property ownership for notice and legal cost for preparation of associated documents.

2. **Procedure for Special Use Permit:**

- Request from property owner is submitted to City Council for review, and if determined appropriate, forwarded to the Planning and Zoning Commission.

- Planning and Zoning Commission schedules a Public Hearing to be held after legal notice and notice by mail:

- § Legal Notice in the City's official newspaper (Conroe Courier), published one time at least 15 days prior to the public hearing; and

- § Legal Notice by mail to all property owners within 200 feet of the property, as indicated by the most recently approved municipal tax roll, requesting the Special Use Permit at least 10 days prior to the public hearing. The property owner will provide information detailing the property owners within the 200 feet.

This information regarding the surrounding property owners will be obtained and provided by the applicant. To obtain this information, please contact the Montgomery County Tax Office at 400 N. San Jacinto Street, Conroe, TX 77301 and (936) 539-7897. <http://www.mctx.org>.

- The Planning and Zoning Commission will conduct the Public Hearing and prepare the Final Report for submittal to City Council.

- The City Council will conduct a Public Hearing after receiving the required Final Report from the Planning and Zoning Commission, and legal notice and notice by mail as follows:

- § Legal Notice in the City's official newspaper (Conroe Courier), published one time at least 15 days prior to the public hearing; and

- § Legal Notice by mail to all property owners within 200 feet of the property, as indicated by the most recently approved municipal tax roll, requesting the Special Use Permit at least 10 days prior to the .

- City Council will then take official action on the Special Use Permit. The amendment, supplement or change shall not become effective except by a three-fourths vote by City Council. The City Attorney will prepare the ordinance for consideration and adoption by City Council.

- If approved, City Council will adopt an Ordinance stating the specific information regarding the Special Use Permit.

- The Special Use Permit can be revoked by the City for noncompliance with the specific requirements of the permit.

- The Special Use Permit can also have an expiration and/or renewal as provided by City Council.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO CANDACE WELSH FOR USE OF A PORTION OF THE PROPERTY LOCATED AT 401 COLLEGE STREET, SUITE 110-B, MONTGOMERY, TEXAS 77356, FOR A MICROPIGMENTATION TATTOO BUSINESS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Candace Welsh for a special use permit pursuant to Section 98-33 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the use of a portion of the herein below referenced real property as a micropigmentation tattoo business; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice, did consider and conduct a Public Hearing held on May 13, 2019 and make a final report on the request for the special use permit, as provided by Section 98-33 (a) of the Code of Ordinances; and

WHEREAS, the City Secretary caused to be issued and published the notice of public hearing required by the City of Montgomery Zoning Ordinance and laws of the State of Texas applicable thereto; and

WHEREAS, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed special use permit, on the 14th day of May, 2019; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearing have been met, is of the opinion and finds that the requested special use of the property described herein is authorized by Section 98-33 of the Code of Ordinances; and

WHEREAS, the City Council further finds that the granting of a special use permit to Candace Welsh will not have an adverse effect on the City's comprehensive zoning plan or on the character and development of the neighborhood in which the property is situated, so long as the City imposes appropriate conditions and safeguards;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:

SECTION 1. Grant of Permit. A special use permit is hereby granted to Candace Welsh to use that portion of the property located at 401 College Street, Suite 110-B, Montgomery, Texas 77356 (the "Premises"), for micropigmentation tattoo business for eyebrows and eye shade, as an accessory use of an otherwise approved and permitted use. The

special use permit is granted upon and subject to the terms, provisions and limitations specified in Section 2.

SECTION 2. Terms, Provisions and Limitations. The special use permit herein granted is expressly subject to the following terms, provisions and limitations, each of which is hereby deemed to be a condition precedent to the grant and continued effectiveness of the permit:

- (a) All the services shall be conducted on the Premises.
- (b) Micropigmentation tattoo business on the Premises shall only be conducted during the term of the permit.
- (c) The Premises shall be kept clean and attractive, and shall not create a nuisance in any regard.
- (d) Candace Welsh has previously submitted, and shall continuously maintain a detailed letter at the City detailing the safety standards that will be adhered to regarding her micropigmentation tattoo business on the Premises. A copy of the safety standards letter is attached hereto and incorporated herein by reference as Exhibit "A." Candace Welsh shall adhere to and comply with all the standards set forth in this letter.
- (e) No more than one additional person, other than residents residing on the Premises, shall be employed or engaged in the micropigmentation tattoo business of eyebrows and eyeshades.
- (f) The permit is limited to only eyebrows and eye shade micropigmentation tattoo business.
- (g) No equipment or process shall be used in connection with the micropigmentation business which creates noise, vibrations, glare, fumes, odors or electrical interference detectable to the normal senses outside of the Premises. No equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the Premises.
- (h) No articles or materials used in connection with the micropigmentation business shall be stored outside of the Premises.
- (i) Candace Welsh shall be bonded and insured, and shall maintain general liability insurance in an amount of \$1,000,000 as required by the City during the entire term of the permit. A certificate of such insurance shall be provided to the City.
- (j) The City shall have the authority to inspect the Property from time to time to confirm Candace Welsh's compliance with the terms and conditions of this special use permit.
- (k) This special use permit does not waive, amend, abrogate or affect any law,

rule or regulation, including any ordinance of the City of Montgomery. Candace Welsh shall comply with all ordinances of the City of Montgomery.

- (l) This permit shall expire five (5) years from the date of its issuance, subject to the City Council's right to renew the permit upon request by Candace Welsh. In the event of a violation by Candace Welsh of the terms and provisions of this special use permit, and the continuation of such violation after ten (10) days written notice from the City to Candace Welsh, at the option of City Council, this permit shall be revoked and shall be of no further force or effect. Such revocation will be effective and final, immediately upon action by City Council.

- (m) This permit is issued only to Candace Welsh and is not assignable without City Council permission.

SECTION 3. Any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in the Montgomery Code of Ordinances, as amended, by a fine not to exceed two thousand dollars (\$2,000.00); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

SECTION 4. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this 14th day of May, 2019.

CITY OF MONTGOMERY, TEXAS

By: _____
Sara Countryman, Mayor

ATTEST:

By: _____
Susan Hensley, City Secretary

APPROVED AS TO FORM:

By: _____
Larry Foerster, City Attorney

Montgomery City Council
AGENDA REPORT

Meeting Date: May 13, 2019	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: May 7, 2019	

Subject

This is to consider the request from Candace Welsh for a Microblading (placing a tattoo on the eyebrows or on the eyelid) at 401 College Street, Suite ~~101~~-B.

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Description

This is the same type of special use permit granted in May 2016.

Recommendation

Motion to recommend to the city Council approval of the Special Use Permit Ordinance as presented to Candace Welsh for a microblading business at 401 College St., Suite ~~101~~-B.

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Approved By

City Administrator	Jack Yates	Date: May 7, 2019
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