

**NOTICE OF REGULAR MEETING OF THE  
PLANNING & ZONING COMMISSION OF THE CITY OF LAMPASAS  
CITY COUNCIL CHAMBERS  
302 E THIRD STREET  
THURSDAY, JULY 2, 2020  
6:00 P.M.**

Notice is hereby given that a regular meeting of the Planning and Zoning Commission of the City of Lampasas, Texas will be held at 6:00 p.m. on Thursday, July 2, 2020 in the City Council Chambers, 302 E Third Street, Lampasas, Texas.

**REGULAR SESSION**

- I. Call to order
- II. Announcements
- III. Discussion and possible action regarding approval of the minutes dated June 4, 2020.

**PUBLIC HEARING**

- IV. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) a request to rezone property from Single Family Residential -20 "SF-20" to Single Family Residential-8 "SF-8". The property is described as 1 acre, ABST. 0419 of the LHW Johnson Survey; commonly known as 1205 S. Willis Street, Lampasas, Texas Lampasas County.

**REGULAR SESSION**

- V. Discussion and possible action regarding approval, denial, or approval with modification(s) a request to rezone property from Single Family Residential -20 "SF-20" to Single Family Residential-8 "SF-8". The property is described as 1 acre, ABST. 0419 of the LHW Johnson Survey; commonly known as 1205 S. Willis Street, Lampasas, Texas Lampasas County.

**PUBLIC HEARING**

- VI. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for *permanent makeup tattooing* in an area zoned Commercial "C", the property is described as 1.89 acres, ABST. 0419 LHW Johnson Survey; commonly known as 301 S Highway 281 Suite D (Lotus Beauty Spa & Salon), Lampasas, Texas, Lampasas County.

**REGULAR SESSION**

- VII. Discussion and possible action regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for *permanent makeup tattooing* in an area zoned Commercial "C", the property is described as 1.89 acres, ABST. 0419 LHW Johnson Survey; commonly known as 301 S Highway 281 Suite D (Lotus Beauty Spa & Salon), Lampasas, Texas, Lampasas County.

VIII. Adjourn

I, Becky Sims, Assistant City Secretary of the City of Lampasas, Texas, do hereby certify that this Notice of Meeting was posted on the bulletin board/front window of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 25<sup>th</sup> day of June, 2020 at 2:50pm

Becky Sims

Becky Sims, Zoning Administrator/Assistant City Secretary

**MINUTES OF MEETING OF THE  
PLANNING & ZONING COMMISSION OF THE CITY OF LAMPASAS  
CITY COUNCIL CHAMBERS  
302 E THIRD STREET  
THURSDAY JUNE 4, 2020  
6:00 P.M.**

The Planning and Zoning Commission of the City of Lampasas met in regular session on the above date with Commission Chairman Jackson presiding:

P&Z Members Present:  
Reese Vann  
Marisa Canales  
James Skinner  
Bob McCauley  
Jackie Baltrun

City Staff Present:  
Becky Sims, Assistant City Secretary/Zoning Administrator  
Finley deGraffenried, City Manager  
Rickie Roy, Public Works Director

P & Z Members Absent  
None

**REGULAR SESSION**

- I. **Call to order-** *Chairman Jackson called the meeting to order at 6:00 p.m.*
- II. **Announcements –** *There were no announcements at this meeting*
- III. **Discussion and possible action regarding approval of the minutes dated March 5, 2020.** *Board member Skinner motioned to approve the minutes, Board member Vann seconded the motion and with a unanimous vote the motion carried.*
- IV. **Discussion and possible action regarding application for board appointment to fill vacancy.** *Board member Canales motioned to approve the appointment of Dorothy Person to the Commission, Board member McCauley seconded the motion and with a unanimous vote the motion carried.*

**PUBLIC HEARING**

- V. Public hearing to receive citizen comments regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an *Open Storage, Display, or Work Area for Merchandise or Machinery* in an area zoned Retail “R” Lampasas County, Lampasas, Texas. The property is described as Block 3, L S C First Addition Lots 1, 2 and part of 3, commonly known as 108 South Key Avenue, Lampasas, Texas.

*Chair Jackson opened the public hearing for discussion.*

*Becky Sims, Zoning Administrator/Assistant City Secretary advised the Commission of the following:*

- *The property owner is asking the Commission to consider approving a Specific Use Permit to allow parking of tractors and mowers for advertisement. The building will remain vacant and there will be signage on who to contact for equipment.*
- *The property is zoned Retail, 25 notices were sent to property owners within a 200 ft radius; 1 letter in favor of the request was received and none in protest.*

*Chair Jackson questioned open storage and work area; advised that the purpose of this request is to display John Deere Equipment; there will be no work area. Open Storage, Display, or Work Area*

*for Merchandise or Machinery in an area zoned Retail "R" is defined in our Zoning Regulations as a permitted use with a Specific Use Permit. This is the use found to be closely related to the request of the applicant. The display is for advertisement only as outlined in the application request by the property owner.*

*There were no citizens comments and with no additional comments the Public Hearing was closed.*

<b>REGULAR SESSION</b>
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**VI.** Discussion and possible action regarding approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for an *Open Storage, Display, or Work Area for Merchandise or Machinery* in an area zoned Retail "R" Lampasas County, Lampasas, Texas. The property is described as Block 3, L S C First Addition Lots 1, 2 and part of 3, commonly known as 108 South Key Avenue, Lampasas, Texas.

*Board member Baltrun motioned to approve the request, Board member Vann seconded the motion and with a unanimous vote the motion carried.*

**VII.** Adjourn- The meeting was adjourned at 6:16 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Jeff Jackson, Chairman

ATTEST:

\_\_\_\_\_  
Becky Sims, Assistant City Secretary/Zoning Administrator

## NOTICE OF PUBLIC HEARINGS

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**HEARING DATES/TIMES:**  
**PLANNING AND ZONING COMMISSION: July 2, 2020 – 6:00 p.m.**

**CITY COUNCIL: July 13, 2020 - 6:00 p.m.**

**HEARING(S) LOCATION: CITY COUNCIL CHAMBERS  
302 E THIRD STREET, LAMPASAS, TEXAS**

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The Planning and Zoning Commission of the City of Lampasas, Texas will hold public hearings on the following item:

Fred and Connie Cummings, property owner, is asking the City of Lampasas Planning and Zoning Commission and City Council to consider approval, denial, or approval with modification(s) a request to rezone property from Single Family Residential -20 "SF-20" to Single Family Residential-8 "SF-8". The property is described as 1 acre, ABST. 0419 of the LHW Johnson Survey; commonly known as 1205 S. Willis Street, Lampasas, Texas Lampasas County.

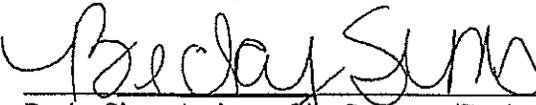
Mike and Sandy Irvin, property owner, and Marla Wimp Nier, business owner (Sassy Central Spa) is asking the City of Lampasas Planning & Zoning and City Council to consider approval, denial, or approval with modification(s) a request for a Specific Use Permit (SUP) to allow for *permanent makeup tattooing* in an area zoned Commercial "C", the property is described as 1.89 acres, ABST. 0419 LHW Johnson Survey; commonly known as 301 S Highway 281 Suite D (Lotus Beauty Spa & Salon), Lampasas, Texas, Lampasas County.

The purpose of the public hearings noted herein is to allow members of the public who may be affected by these items to voice their views to the Planning and Zoning Commission. The first public hearing will be held on July 2, 2020 at 6:00 P.M. in the City Council Chambers located at 302 E Third Street, Lampasas, Texas, before a recommendation is made to the City Council on the items listed above.

The City Council will hold a public hearing on the above-referenced items on July 13, 2020 at 6:00 P.M. in the City Council Chambers located at 302 E Third Street, Lampasas, Texas.

All persons interested in the above referenced items and potential actions are invited to attend the public hearings and to provide their comments at the times and places referenced above. Comments may also be submitted *in writing* to the Assistant City Secretary's office, no later than 12 Noon on the date of either public hearing referenced in this public notice, at the following address: 312 East Third Street, Lampasas, Texas 76550. For additional information, please contact Becky Sims, Assistant City Secretary/Zoning Administrator at (512) 556-6831 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

I, Becky Sims, Assistant City Secretary/Zoning Administrator of the City of Lampasas, Texas, do hereby certify this Notice of Public Hearings/Meetings was posted on the bulletin board of City Hall, 312 East Third Street, Lampasas, Texas, at a place readily accessible to the general public at all times, on the 24th day of June 2020 at 3:24 p.m.

  
\_\_\_\_\_  
Becky Sims, Assistant City Secretary/Zoning Administrator

CITY OF LAMPASAS

REC#: 01212226 5/26/2020 11:16 AM  
OPER: LC1 TERM: 069  
REF#: 7619

ZONING APPLICATION

TRAN: 210.0000 PERMITS & LICENSES  
FRED CUMMINGS  
PLANNING & ZONING F 250.00CR

City Council: July 13  
CONCURRENCE WITH CITY REPS & PLANNER (required): July 2

TENDERED: 250.00 CHECK  
APPLIED: 250.00-  
CHANGE: 0.00

(Party)  
Zoning Ordinance for special requirements and procedures  
Use permit (SUP) - see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project: \_\_\_\_\_

Physical Location of Property: 120.5 S. Willis  
[General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds description) 1 Ac. Abst 0419  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block] LHW Johnson

Acreage: 1 Existing Zoning: SF 20 Proposed Zoning: SF 8

Applicant / Owner's Name: Fred and Connie Cummings

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street/Mailing Address: P.O. Box 974 City: Lampasas State: TX Zip: 76550

Phone: 512 734 1988 Fax: \_\_\_\_\_ Email Address: conrebec@yahoo.com

Engineer / Representative's Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street/Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

Nature of Request/Proposed Use of the Property: To build a new home on the North portion of property

**SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE.** (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)  
**All applications must be COMPLETE before they will be scheduled for P&Z agenda.** It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.  
**All application materials (one copy) must be delivered to the City's Planner.** The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.  
**Notice of Public Records.** The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: Fred Cummings Title: OWNER Date: 5/8/2020  
Connie Cummings

Office Use Only: Date Rec'd \_\_\_\_\_ Fees Paid:\$ \_\_\_\_\_ Check #: \_\_\_\_\_ Accepted By: \_\_\_\_\_

City of Lampasas  
Planning and Zoning Board  
Staff Report  
(Cummings Rezone)

Subject Property	The property is described as 1 Acre, ABST 1419, LHW Johnson Survey, commonly known as 1205 S Willis Street, Lampasas, Texas
Request	The property owner is requesting to rezone the property from Single Family Residential-20 "SF-20" to Single Family Residential-8 "SF-8".
Current Zoning	The property is currently zoned Single Family Residential-20 "SF-20"
Notification	All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed eight (8) notices to property owners within 200 feet of the applicant's property, and to date have received one (1) letter in favor of the request and none in protest.
Consideration	In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors outlined in Section 10, City of Lampasas Zoning Regulations.
Recommendation	<p>If the Planning and Zoning Board and the City Council find the request in compliance with Section 10, City of Lampasas Zoning Regulations and, that there will be no adverse impact to the neighborhood; the zoning of the tract is currently unsuitable; the zoning change is reasonable and would have not have a negative impact on the surrounding neighborhood and that the change of zoning bears a relationship to public health, safety, morals or general welfare of the community, then a motion to approve the zoning request may be made.</p> <p>If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 10, City of Lampasas Zoning Regulations, then a motion to deny the request may be made.</p>

1205 S Willis

Legend  
📍 1205 S Willis St



∞

Google Earth

© 2020 Google

6.19 ft



**WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST**  
**(Cummings Rezone Request)**

I own 2 Chris James Ave., [address] in Lampasas, Texas.

At this time, I  (do) **or**  (do not) plan to attend the Public Hearing noted above.

**Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.**

As a property owner who may be affected by the requested change, I want the Board to know that I,  (protest) or  (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

**Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.**

My support/objection to the request is because:

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Mary P. McCullough Date June 19, 2020

Written Form Received by City Staff on: 6-22-20, 20   by BSP.

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

**AN ORDINANCE GRANTING A REQUEST TO REZONE PROPERTY, AND ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP, AS AMENDED, TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 1205 S WILLIS STREET SPECIFICALLY BEING 1 ACRE OF THE LHW JOHNSON SURVEY, ABST 0419 OF LAMPASAS, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LAMPASAS, FROM SINGLE FAMILY RESIDENTIAL-20 "SF-20" TO SINGLE FAMILY RESIDENTIAL-8 "SF-8" AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Fred and Connie Cummings, Owner/Applicant, submitted a request to rezone property legally described as being 1 acre of the LHW Johnson Survey, ABST 0419 of Lampasas, Texas, which is commonly known as 1205 S Willis Street, Lampasas, Texas, Lampasas County (the "Property") that is currently located in and zoned as Single Family Residential-20 "SF-20", and which Applicant seeks to have rezoned to Single Family Residential-8 "SF-"; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of rezoning request was provided to all property owners located within two hundred feet (200') of the Property; and

**WHEREAS**, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on July 2, 2020, by the Lampasas Planning & Zoning Commission, regarding this rezoning request by the Owner/Applicant; and

**WHEREAS**, upon due consideration, the Lampasas Planning & Zoning Commission recommended approval of the Applicant's request for rezoning of the Property from "SF-20" to "SF-6"; and

**WHEREAS**, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice was provided as required by law, and a public hearing was held on July 13, 2020, by the City Council, regarding the rezoning request by the Owner/Applicant and the Planning & Zoning Commission's recommended approval of same; and

**WHEREAS**, after consideration of the information presented, the City Council finds that it is in the public interest to approve the rezoning request of Applicant.

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

**Part 1:** The Property, legally described as being 1 acre of the LHW Johnson Survey, ABST 0419 of Lampasas, Texas, which is commonly known as 1205 S Willis Street, Lampasas, Texas, Lampasas County, shall be rezoned from the current designation of

Single Family Residential-20 “SF-20”, to become henceforth designated and zoned as Single Family Residential-8 “SF-8”.

**Part 2:** The City’s staff shall take actions necessary to reflect this revision related to the zoning designation of this Property in City documentation, including a change to the City’s Zoning map.

**Part 3:** This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, Code of Ordinances, and the laws of State of Texas.

**Passed and approved the first reading on the 13<sup>th</sup> day of July, 2020**

**Passed and adopted on the second reading on the 27<sup>th</sup> day of July, 2020.**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Misti Talbert, Mayor

\_\_\_\_\_  
Christina Marez, City Secretary

**APPROVED AS TO FORM:**

Jo-Christy Brown  
City Attorney’s Signature of Approval Attached on Separate Page.



CITY OF LAMPASAS  
 \*\*\*\*\* REPRINT RECEIPT\*\*\*\*\*  
 REC#: 01214346 6/08/2020 2:07 PM  
 OPER: PT1 TERM: 060  
 REF#: CC

ACCT #: XXXX-XXXX-XXXX-0332  
 AUTH #: 211303  
 TRAN #: 000000004116  
 TYPE: PURCHASE

TRAN: 210.0000 PERMITS & LICENSES  
 MARLA NIER 7-2-2020  
 PLANNING & ZONING F 250.00CR  
 TRAN: 245.0000 Court CC Proc Fees  
 CREDIT CARD PROCESS 5.00CR  
 TENDERED: 255.00 CREDIT CARD  
 APPLIED: 255.00-  
 CHANGE: 0.00

ANTICIPATED MEETING DATES: P&Z: July 2, 2020 City  
 DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER

**Application Type:**

- Initial Zoning (newly annexed property)
- Rezoning (property currently zoned)
- Planned Development (PD) - see Zoning Ordinance for special requirements and
- Specific Use Permit (SUIP) - see Zoning Ordinance for special requirements and

Name of Subdivision or Project: Lotus Beauty Spa &

Physical Location of Property: 301-D US Hwy 281  
 [General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds des.  
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 1.89 Existing Zoning: COMMERCIAL Prop:

Applicant / Owner's Name: Marla (Wimp) Nier

Contact Person: Marla (Wimp) Nier Title: Owner - APPLICANT

Company Name: Sassy Central Spa (located at Lotus Beauty Spa + Salon)

Street/Mailing Address: 709 Hutching St. City: Goldthwaite State: TX Zip: 76844

Phone: (361) 331-9987 Fax: \_\_\_\_\_ Email Address: MarlaWd1@yahoo.com

Engineer / Representative's Name: Brad SHAW

Contact Person: MIKE SPURIN Title: CONTRACTOR/OWNER

Company Name: HIGHLAND LAKES ENGINEERING

Street/Mailing Address: P.O. BOX 1164 City: Kingsland State: TX Zip: 78639

Phone: 325-388-3669 Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

Nature of Request/Proposed Use of the Property:

PERMANENT MAKEUP

**SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE.** (All zoning applications must be advised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)  
**All applications must be COMPLETE before they will be scheduled for P&Z agenda.** It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.  
**All application materials (one copy) must be delivered to the City's Planner.** The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the development application for a P&Z agenda. The City will invoice the applicant for all consulting fees (by City's Planner, Engineer, Attorney, etc.) incurred for City review of this project.  
**Notice of Public Records.** The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: OWNER Date: 6/8/2020

Office Use Only: Date Rec'd \_\_\_\_\_ Fees Paid: \$ \_\_\_\_\_ Check #: \_\_\_\_\_ Accepted By: \_\_\_\_\_



City of Lampasas  
Planning and Zoning Board  
Staff Report  
(Irvin/Nier SUP Request)

Subject Property	The property is described as 1.89 Acre, ABST 419, LHW Johnson Survey, commonly known as 301 S Highway 281, Lampasas, Texas
Request	<p>The property owner, Sandy Irvin and applicant, Marla Wimp Nier is asking the Commission to consider granting a request for a Specific Use Permit to allow for <b><i>Permanent Makeup Tattooing</i></b> inside Lotus Beauty Spa and Salon; located at 301 S Highway 281 Suite D, Lampasas, Texas.</p> <p><b>STUDIO, TATTOO OR BODY PIERCING</b> - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.</p> <p><b>COMMERCIAL “C”</b> Permitted in District with SUP</p> <ul style="list-style-type: none"><li>• SEASONAL USES (TEMPORARY)</li><li>• SMOKE/TOBACCO SHOP</li><li>• STABLE (COMMERCIAL)</li><li>• STORAGE OR WHOLESALE WAREHOUSE</li><li>• <b>STUDIO TATTOO OR BODY PIERCING</b></li><li>• SUPPLEMENTAL RESIDENTIAL ACCOMMODATIONS</li><li>• SUPPLEMENTAL RESIDENTIAL ACCOMMODATIONS</li><li>• TINSMITH/SHEET METAL SHOP</li><li>• TRAILER OR TRUCK RENTAL</li><li>• TWO-FAMILY DWELLING (DUPLEX)</li><li>• USED MERCHANDISE OR SECOND-HAND THRIFT STORE (NON-PROFIT)</li><li>• UTILITY SHOPS OR STORAGE YARDS OR BUILDINGS</li><li>• VETERINARIAN HOSPITAL (WITH OUTSIDE ANIMAL PENS)</li><li>• WELDING OR MACHINE SHOP</li></ul>
Character	The property is zoned Commercial. The business is located within a strip center where there are multiple businesses that service the community.
Current Zoning	The property is currently zoned Commercial, the area surrounding the property is both Commercial and Residential
Notification	All notifications and publications, as required by Ordinance and Statute, have been made. Staff mailed four (4) notices to property owners within 200 feet of the applicant’s property, and to date have received one (2) letters in favor of the request and none in protest.
Consideration	In making a determination for a change of Zoning the Planning and Zoning Board, and the City Council shall consider the factors outlined in Section 10, City of Lampasas Zoning Regulations.

Recommendation

If the Planning and Zoning Board and the City Council find the request in compliance with Section 10, City of Lampasas Zoning Regulations and, that there will be no adverse impact to the neighborhood; the zoning of the tract is currently unsuitable; the zoning change is reasonable and would not have a negative impact on the surrounding neighborhood and that the change of zoning bears a relationship to public health, safety, morals or general welfare of the community, then a motion to approve the zoning request may be made.

*In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.*

If the Planning and Zoning Board and the City Council find that the request is not in compliance with Section 10, City of Lampasas Zoning Regulations, then a motion to deny the request may be made.

## **Permanent Makeup – What is it?**

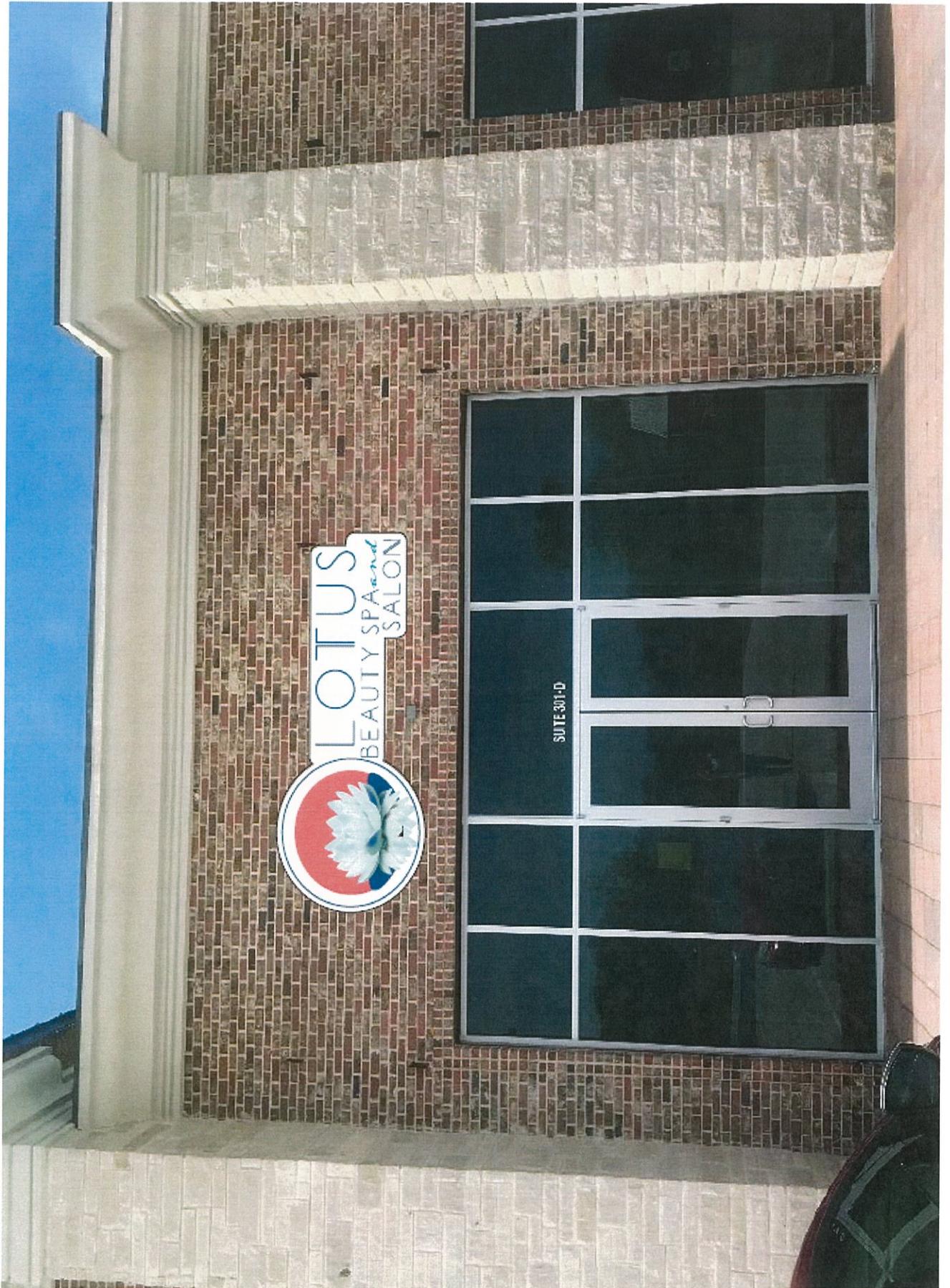
Permanent cosmetic makeup is cosmetic tattooing. The specialized techniques used for permanent cosmetics are often referred to as “micropigmentation”, “micropigment implantation” or “dermagraphics”. The cosmetic implantation technique deposits colored pigment into the upper reticular layer of the dermis.

## **How are Permanent Cosmetic Procedures Performed?**

Permanent cosmetics procedures are performed using various devices, including the traditional tattoo coil machines, the pen or rotary machine (includes the digital rotary machines) and the non-machine or hand device. The process includes a consultation, the application of pigment, and at least one or more follow up visits for evaluating the healed design work and color of the pigment.

## **Are Permanent Cosmetics Really Permanent?**

Permanent cosmetics procedures are considered permanent because pigment is tattooed into the upper reticular part of the dermal layer of the skin and cannot be washed off. However, as with any tattoo or colorant (pigment) in general, fading can and often does occur, requiring periodic maintenance referred to as color re-enhancement or color refreshing. The scientific structure of pigments and the requirement for periodic refreshing is identical to that of tinted hair color; faded material on furniture that may be located near a window and subject to sun exposure; house paint that is exposed to the sun and other environmental elements; pigment implanted in the skin may fade with time. This colorant periodic maintenance requirement is a good opportunity to reevaluate one's color and design preferences. While the concept of permanent, without any change, may seem like a perfectly good idea, think about how your tastes have changed over the years. From time to time likely you have made subtle or dramatic changes in your clothing preferences, your hair color and style, and if you wear topical makeup, those colors have changed as well. The fact that most people will require periodic color refreshing of their permanent cosmetics is the opportune time to work with your technician to reevaluate your overall appearance profile and determine if any changes are appropriate. Longevity varies from person to person depending on their life style (sun exposure), the color(s) used for the permanent cosmetic procedure, and are also thought to be affected by topical products applied to the skin.





**WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST**  
**(Irvin/Nier Specific Use Permit)**

I own 1003 + 1007 S. Broad, [address] in Lampasas, Texas.

At this time, I \_\_\_\_\_ (do) **or**  (do not) plan to attend the Public Hearing noted above.

**Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.**

As a property owner who may be affected by the requested change, I want the Board to know that I, \_\_\_\_\_ (protest) or  (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

**Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.**

My support/objection to the request is because:

(1) change not likely to affect my property

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(Further information may be written on back of this sheet, if additional space is needed.)

Signed Nicolas M. Nier Date 6-14, 2020

Written Form Received by City Staff on: 6-15-20, 20\_\_\_\_ by BSM.

**WRITTEN COMMENTS FOR A ZONING CHANGE REQUEST**  
**(Irvin/Nier Specific Use Permit)**

I own 306 S. Highway 281, [address] in Lampasas, Texas.

At this time, I  (do) or  (do not) plan to attend the Public Hearing noted above.

**Note, you are welcome to attend, even if you indicate on this form that you do not plan to do so.**

As a property owner who may be affected by the requested change, I want the Board to know that I,  (protest) or  (approve) the requested zoning change(s) that the Applicant has asked the Board to grant.

**Please place a check mark beside your choice above and/or note any reasons or concerns you want the Board to consider in the spaces below.**

My support/objection to the request is because:

(1) Approval only for the stated purpose of "makeup tattooing".

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(Further information may be written on back of this sheet, if additional space is needed.)

Signed *David Love* Date June 15, 2020

Written Form Received by City Staff on: 6.27.20, 20\_\_\_\_ by *BJSMS*.

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

**AN ORDINANCE GRANTING A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW PERMANENT MAKEUP TATTOOING IN AN AREA ZONED COMMERCIAL "C"; 1.89 ACRES LHW JOHNSON SURVEY, ABST 0419 COMMONLY KNOWN AS 301 S HIGHWAY 281 SUITE D LOTUS BEAUTY SPA AND SALON, LAMPASAS, TEXAS LAMPASAS COUNTY, DETAILING RESTRICTIONS RELATED THERETO; ORDERING A CHANGE TO ORDINANCE NO. 878 AND THE ACCOMPANYING CITY OF LAMPASAS' ZONING MAP REFLECTING SAME; AND PROVIDING AN EFFECTIVE DATE.**

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WHEREAS, Sandy Irvin, property owner, Marla Wimp Nier, applicant/business owner, filed a request for a Specific Use Permit to allow for *Permanent Makeup Tattooing* in an area zoned Commercial "C" Lampasas County, Lampasas, Texas. The property is described as 1.89 acres LHW Johnson Survey, ABST 0419, commonly known as 301 S Highway 281 Suite D, Lampasas, Texas.

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the Specific Use Permit request was given to all property owners located within two hundred feet (200') of the property; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on July 2, 2020, by the Planning & Zoning Commission regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, pursuant to Section 10 of the Zoning Ordinance of the City of Lampasas, Texas, public notice has been given, and a public hearing was held on July 13, 2020, by the City Council regarding the request for a Specific Use Permit by the Applicant; and

WHEREAS, the City Council finds that it is in the public interest to approve the requested Specific Use Permit for *Permanent Makeup Tattooing* in an area zoned Commercial "C"

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

Part 1: That the Specific Use Permit requested by Sandy Irvin, property owner, Marla Wimp Nier, applicant/business owner, for *Permanent Makeup Tattooing* in an area zoned Commercial "C" Lampasas County, Lampasas, Texas. The property is described as 1.89 acres, LHW Survey, ABST 0419, commonly known as 301 S Highway 281 Suite D, Lampasas, Texas.

Part 2: The City's staff shall take actions necessary to reflect this revision in City documentation, including a change to the City's Zoning map.

Part 3: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's

Charter, Code of Ordinances, and the laws of State of Texas.

**Passed and approved the First Reading on the 13<sup>th</sup> day of July, 2020.**

**Passed and Adopted on the Second Reading on the 27<sup>th</sup> day of July, 2020.**

APPROVED:

ATTEST:

\_\_\_\_\_  
Misti Talbert, Mayor

\_\_\_\_\_  
Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

[Signature of Attorney Provided on Separate Page, to be Attached]