



DATE: January 12, 2021

TO: Chairman and Members of the Planning and Zoning Commission

FROM: Rick Trice, P.E., Director of Public Works

SUBJECT: PUBLIC HEARING - Consideration and Action Regarding a Request for a Specific Use Permit to allow the operation of a Massage Therapy and Permanent Makeup/Tattoo Use on property located at 900 N. Blue Mound Road. (Ordinance No. 2020-22)

Owner Information: Basswood Village Group, LLC
17776 Preston Road, #100
Dallas, Texas 75252

Existing Zoning: Community Commercial

The applicant is requesting that a Massage Therapy and Permanent Makeup/Tattoo use be allowed at 900 N. Blue Mound Road. The property is zoned Community Commercial (CC). The City Zoning Ordinance requires that a "Massage Therapy" may be allowed with a Specific Use Permit (SUP).

The definition of a "Massage Therapy"

Massage therapy establishment. An establishment, unrelated to a sexually oriented business, whose primary purpose is to provide massage therapy to the general public and is licensed in accordance with V.T.C.A., Occupations Code, Ch. 455. Any person engaging in massage therapy services shall be licensed in accordance with chapter 455.

Chapter 455 of the Occupations Code outlines a robust criteria for licensing, education, and enforcement for "Massage Establishment" and "Massage Therapists. I have attached the entire Chapter in your packet for reference.

A "Tattoo Parlor/Body Piercing Studio" is not allowed in any zoning district within the City. A "Cosmetic Tattoo Establishment" use is permitted by right in Community Commercial. Definitions for "Tattoo Parlor/Body Piercing Studio" and "Cosmetic Tattoo Establishment" are provided below:

Cosmetic Tattoo Establishment. An establishment where trained personnel apply microinjections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

Tattoo Parlor/Body Piercing Studio. An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tattooing, Intradermal Cosmetics and Body Piercing all require licensing with the Texas Department of State Health Services. There does not appear to be special education or certifications required as a pre-requisite to the license. The applicant must only attest that the use is permissible under local zoning codes.

Inspections fall under the The Drugs and Medical Devices Group who is responsible for conducting on-site inspections of tattoo and body piercing studios. The inspections ensure that the studios comply with state and local laws and regulations. Some cities in Texas have local ordinances that are more stringent or ban tattooing and body piercing altogether.

The inspection determines whether:

- The building is well maintained and clean
- The artist practices universal precautions to prevent the spread of infection, such as
 - Washes hands with a germicidal soap
 - Wears clean clothing and single use gloves
 - Uses personal protective equipment
 - Uses instruments that are either disposable or that are routinely sterilized
 - Follows proper handling and disposal of waste
- There are sterilization records showing routine sterilization practices
- The artist prohibits the tattooing or body piercing of minors (unless above mentioned conditions are met)
- The artist prohibits the tattooing or body piercing of persons under the influence of drugs or alcohol
- The tattooist maintains records for each person receiving a tattoo or body piercing
- The tattooist reports any infection or adverse reaction to the Department of State Health Services

If there are any questions, please let me know.

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE H. PROFESSIONS RELATED TO CERTAIN TYPES OF THERAPY

CHAPTER 455. MASSAGE THERAPY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 455.001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Texas Commission of Licensing and Regulation.
- (1-a) "Department" means the Texas Department of Licensing and Regulation.
- (2) "Executive director" means the executive director of the department.
- (3) "Instructor" means a person who instructs a student in any section of the course of instruction required for a massage therapist license.
- (4) "Internship program" means a program supervised by a massage therapy instructor in which a student provides massage therapy to the public.
- (5) "Massage establishment" means a place of business that advertises or offers massage therapy or other massage services. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services."
- (6) "Massage school" means an entity that:
 - (A) teaches at a minimum the course of instruction required for a massage therapist license; and
 - (B) has at least two instructors.
- (7) "Massage therapist" means a person who practices or administers massage therapy or other massage services to a client for compensation. The term includes a licensed massage therapist, therapeutic massage practitioner, massage technician, masseur, masseuse, myotherapist, body massager, body rubber, or any derivation of those titles.
- (8) "Massage therapy" means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes,

and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."

(9) "Massage therapy instructor" means a licensed massage therapist who provides to one or more students instruction approved by the department in massage therapy.

(10) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code, unless another meaning applies under local law.

(11) "Other massage services" include any services offered or performed for compensation at a massage establishment that involve physical contact with a client, and may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, jacuzzi, sauna, steam, or cabinet bath.

(12) "Advisory board" means the Massage Therapy Advisory Board.

(13) "Peace officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 1, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.239, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.001, eff. September 1, 2017.

Sec. 455.002. MASSAGE THERAPY AS HEALTH CARE SERVICE. (a) Massage therapy constitutes a health care service if the massage therapy is for therapeutic purposes. Massage therapy does not constitute the practice of chiropractic.

(b) In this chapter, therapy or therapeutic procedures do not include:

- (1) the diagnosis or treatment of illness or disease; or
- (2) a service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 455.003. PRACTICES INCLUDED IN MASSAGE THERAPY. Massage therapy includes the use of oil, salt glows, heat lamps, hot and cold packs, and

tub, shower, or cabinet baths.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 455.004. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) a person licensed in this state as a physician, chiropractor, occupational therapist, physical therapist, nurse, cosmetologist, or athletic trainer or as a member of a similar profession subject to state licensing while the person is practicing within the scope of the license;

(2) a school approved by the Texas Education Agency or otherwise approved by the state; or

(3) an instructor otherwise approved by the state to teach in an area of study included in the required course of instruction for issuance of a massage therapist license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 2, eff. September 1, 2005.

Sec. 455.005. EFFECT ON LOCAL LAW. (a) Except as provided by Subsection (b), this chapter supersedes any regulation adopted by a political subdivision of this state relating to the licensing or regulation of massage therapists.

(b) This chapter does not affect a local regulation that:

(1) relates to zoning requirements or other similar regulations for massage establishments;

(2) authorizes or requires an investigation into the background of an owner or operator of, or an investor in, a massage establishment; or

(3) does not relate directly to the practice of massage therapy as performed by a licensed massage therapist, including a regulation related to a license holder listed in Section 455.004, while the therapist:

(A) performs under the applicable licensing law; and

(B) works with a licensed massage therapist.

(c) Except as provided by Chapter 243, Local Government Code, a political subdivision may not adopt a regulation of the type described by Subsection (b) that is more restrictive for massage therapists or massage establishments than for other health care professionals or establishments.

(d) This chapter may not be construed to limit a municipality's authority to regulate establishments that offer bathing or showering

services.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 3, eff. September 1, 2005.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 455.0511. GENERAL POWERS AND DUTIES. (a) The executive director shall administer and enforce this chapter.

(b) The department shall:

(1) investigate a person who may be engaging in or offering to engage in a practice that violates this chapter;

(2) regulate the number of school hours and the content of the coursework provided by a massage school or a massage therapy instructor; and

(3) prepare, recognize, administer, or arrange for the administration of an examination under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.002, eff. September 1, 2017.

Sec. 455.052. RULES REGARDING MASSAGE ESTABLISHMENTS. Rules adopted under this chapter relating to a massage establishment must contain minimum standards for:

(1) the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;

(2) the qualifications of professional personnel;

(3) the supervision of professional personnel;

(4) the equipment essential to the health and safety of massage establishment personnel and the public;

(5) the sanitary and hygienic conditions of a massage establishment;

(6) the provision of massage therapy or other massage services by a massage establishment;

(7) the records kept by a massage establishment;

(8) the organizational structure of a massage establishment, including the lines of authority and the delegation of responsibility;

(9) fire prevention and safety in a massage establishment;

(10) the inspection of a massage establishment; and

(11) any other aspect of the operation of a massage establishment necessary to protect massage establishment personnel or the public.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 4, eff. September 1, 2005.

Sec. 455.053. RULES REGARDING MASSAGE SCHOOLS. Rules adopted under this chapter relating to a massage school must contain minimum standards for:

- (1) the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;
- (2) the qualifications of professional personnel;
- (3) the supervision of professional personnel;
- (4) the equipment essential to the education, health, and safety of students, massage school personnel, and the public;
- (5) the sanitary and hygienic conditions of a massage school;
- (6) the provision of massage therapy or other massage services by a massage school or student;
- (7) the maximum number of hours a student may accumulate in a massage school's internship program before the student is required to be licensed under this chapter;
- (8) the educational and clinical records kept by a massage school;
- (9) the organizational structure of a massage school, including the lines of authority and the delegation of responsibility;
- (10) fire prevention and safety in a massage school;
- (11) the massage school's curriculum and educational material;
- (12) massage school inspections; and
- (13) any other aspect of the operation of a massage school that the commission considers necessary to protect students, massage school personnel, or the public.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 4, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.241, eff. September 1, 2017.

Sec. 455.054. RULES REGARDING MASSAGE THERAPISTS. Rules adopted under this chapter relating to a massage therapist must contain minimum standards for:

- (1) the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;
- (2) the qualifications of a massage therapist;
- (3) the sanitary and hygienic conditions of the physical environment in which a massage therapist practices massage therapy;
- (4) the records kept by a massage therapist;
- (5) the inspection of the records, equipment, and sanitary and hygienic conditions of the physical environment used by a massage therapist in practicing massage therapy; and
- (6) any other aspect of the practice of a massage therapist necessary to protect the public.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 4, eff. September 1, 2005.

Sec. 455.055. RULES REGARDING MASSAGE THERAPY INSTRUCTORS. Rules adopted under this chapter relating to a massage therapy instructor must contain minimum standards for:

- (1) the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;
- (2) the qualifications of a massage therapy instructor;
- (3) the supervision of a student by a massage therapy instructor;
- (4) the maximum number of hours a student may accumulate in an internship program under the supervision of a massage therapy instructor before the student is required to be licensed under this chapter;
- (5) the equipment essential to the education, health, and safety of students and the public;
- (6) the sanitary and hygienic conditions of the physical environment in which a massage therapy instructor teaches;
- (7) the provision of massage therapy or other massage services by a student or a massage therapy instructor;
- (8) the educational and clinical records kept by a massage therapy instructor;
- (9) the curriculum taught and educational material used by a massage therapy instructor;

(10) the inspection of the records, equipment, and physical environment of a massage therapy instructor; and

(11) any other aspect of a massage therapy instructor's instruction or operation of any portion of the course of instruction required for a massage therapist license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 4, eff. September 1, 2005.

Sec. 455.0571. CONTINUING EDUCATION. (a) The commission by rule shall establish the minimum number of hours of continuing education required for a person licensed under this chapter to renew the person's license.

(b) The commission by rule shall provide for the recognition, preparation, or administration of continuing education programs for persons licensed under this chapter.

(c) The department may develop and establish processes to:

(1) evaluate and approve continuing education providers and programs; and

(2) assess a license holder's participation in continuing education programs.

Added by Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.003, eff. September 1, 2017.

Sec. 455.059. INSPECTIONS; INVESTIGATIONS. The department, the department's authorized representative, or a peace officer may enter the premises of a massage establishment or massage school at:

(1) reasonable times to conduct an inspection incidental to the issuance of a license; and

(2) other times that the department, the department's authorized representative, or a peace officer considers necessary to ensure compliance with this chapter and the rules adopted under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.004, eff. September 1, 2017.

SUBCHAPTER C. MASSAGE THERAPY ADVISORY BOARD

Sec. 455.101. ADVISORY BOARD MEMBERSHIP. (a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:

- (1) two members who are licensed massage therapists;
- (2) two members who represent licensed massage schools;
- (3) two members who represent licensed massage establishments;
- (4) one member who is a peace officer with expertise in the enforcement of Chapter 20A, Penal Code, and Subchapter A, Chapter 43, Penal Code; and
- (5) two members of the public.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.243, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.005, eff. September 1, 2017.

Sec. 455.102. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.005, eff. September 1, 2017.

Sec. 455.103. TERMS; VACANCIES. (a) Members of the advisory board are appointed for staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year.

(b) If a vacancy occurs on the advisory board during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 5, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.079, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.244, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.005, eff. September 1, 2017.

Sec. 455.104. PRESIDING OFFICER. (a) The presiding officer of the commission shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a term of one year.

(b) The presiding officer of the advisory board may vote on any matter before the advisory board.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 6, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1399 (H.B. 2644), Sec. 1, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.005, eff. September 1, 2017.

Sec. 455.105. MEETINGS. The advisory board shall meet at the call of the executive director or the presiding officer of the commission.

Added by Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 7, eff. September 1, 2005.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.005, eff. September 1, 2017.

SUBCHAPTER D. LICENSING

Sec. 455.151. LICENSE REQUIRED. (a) Unless the person is exempt from the licensing requirement, a person may not act as a massage therapist, massage school, massage therapy instructor, or massage establishment unless the person holds an appropriate license issued under this chapter.

(b) Unless the person is exempt from the licensing requirement, a person may not represent that the person is a massage therapist, massage

school, massage therapy instructor, or massage establishment unless the person holds an appropriate license under this chapter.

(c) A person may not for compensation perform or offer to perform any service with a purported health benefit that involves physical contact with a client unless the person:

- (1) holds an appropriate license issued under this chapter; or
- (2) is licensed or authorized under other law to perform the service.

(d) The department may issue one or more types of licenses not otherwise provided for by this chapter that authorize the license holder to perform a service described by Subsection (c). The commission may adopt rules governing a license issued under this subsection.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 9, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1399 (H.B. 2644), Sec. 2, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.080, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.245, eff. September 1, 2017.

Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code, or another sexual offense.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 9, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.006, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 787 (H.B. 1865), Sec. 1, eff. September 1, 2019.

Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) The department shall require an applicant for a license to submit a complete and legible set of fingerprints, on a form prescribed by the department, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

(e) For purposes of this section, if the applicant for a license is an entity, the applicant must submit fingerprints as required by Subsection (a) for each individual who:

(1) personally or constructively holds, including as the beneficiary of a trust:

(A) at least 10 percent of the entity's outstanding stock; or

(B) more than \$25,000 of the fair market value of the entity;

(2) has the controlling interest in the entity;

(3) has a direct or indirect participating interest through shares, stock, or otherwise, regardless of whether voting rights are included, of more than 10 percent of the profits, proceeds, or capital gains of the entity;

(4) is a member of the board of directors or other governing body of the entity; or

(5) serves as:

(A) an elected officer of the entity; or

(B) a general manager of the entity.

Added by Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 10, eff. September 1, 2005.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.007, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 787 (H.B. 1865), Sec. 2, eff. September 1, 2019.

Sec. 455.153. APPLICATION FOR LICENSE. An applicant for a license under this chapter must:

- (1) submit an application in the manner and on a form prescribed by the executive director;
- (2) pass any required examination; and
- (3) include with the application the application fee set by the commission by rule.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 11, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.081, eff. April 2, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.008, eff. September 1, 2017.

Sec. 455.154. GENERAL PROVISIONS RELATING TO LICENSES. (a) The holder of a license may exercise all professional rights, honors, and privileges relating to the practice of massage therapy.

(b) A license is the property of the department and must be surrendered on demand.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 11, eff. September 1, 2005.

Sec. 455.155. LICENSE EXEMPTION. (a) Section 455.151 does not apply to an establishment or person that:

- (1) holds a license, permit, certificate, or other credential issued by this state under another law; and

(2) offers or performs massage therapy under the scope of that credential.

(b) A licensed massage therapist who practices as a solo practitioner is not required to hold a license as a massage establishment.

(c) A place of business is not required to hold a license under this chapter if:

(1) the place of business is owned by the federal government, the state, or a political subdivision of the state;

(2) at the place of business, a licensed massage therapist practices as a solo practitioner and:

(A) does not use a business name or assumed name; or

(B) uses a business name or an assumed name and provides the massage therapist's full legal name or license number in each advertisement and each time the business name or assumed name appears in writing;

(3) at the place of business, an acupuncturist, athletic trainer, chiropractor, cosmetologist, midwife, nurse, occupational therapist, perfusionist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner, or surgical assistant licensed or certified in this state employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice; or

(4) at the place of business, a person offers to perform or performs massage therapy:

(A) for not more than 72 hours in any six-month period; and

(B) as part of a public or charity event, the primary purpose of which is not to provide massage therapy.

(d) A sexually oriented business may not:

(1) hold a license under this chapter; or

(2) operate as a massage establishment under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 11, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1399 (H.B. 2644), Sec. 3, eff. September 1, 2007.

Sec. 455.156. LICENSE REQUIREMENTS FOR MASSAGE THERAPIST. (a) The department shall issue a license to each qualified applicant who applies for a massage therapist license.

(b) An applicant for a license under this section must be an individual and:

(1) present evidence satisfactory to the department that the person has satisfactorily completed massage therapy studies in a 500-hour minimum, supervised course of instruction provided by a massage therapy instructor at a massage school, a licensed massage school, a state-approved educational institution, or any combination of instructors or schools, in which at least:

(A) 200 hours are taught by a licensed massage therapy instructor and dedicated to the study of massage therapy techniques and theory and the practice of manipulation of soft tissue, with at least 125 hours dedicated to the study of Swedish massage therapy techniques;

(B) 50 hours are dedicated to the study of anatomy;

(C) 25 hours are dedicated to the study of physiology;

(D) 50 hours are dedicated to the study of kinesiology;

(E) 40 hours are dedicated to the study of pathology;

(F) 20 hours are dedicated to the study of hydrotherapy;

(G) 45 hours are dedicated to the study of massage therapy laws and rules, business practices, and professional ethics standards;

(H) 20 hours are dedicated to the study of health, hygiene, first aid, universal precautions, and cardiopulmonary resuscitation (CPR); and

(I) 50 hours are spent in an internship program;

(2) pass the required examinations; and

(3) be at least 18 years of age.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.220(a), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 11, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1399 (H.B. 2644), Sec. 4, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 1105 (H.B. 4007), Sec. 6.009, eff. September 1, 2017.

Sec. 455.159. STUDENT INTERNSHIP PROGRAM. (a) An internship program must:

(1) meet the qualifications established by the department;

(2) provide a student with a minimum of 40 hours of hands-on massage therapy experience; and

(3) be conducted on the school grounds or in a clinic or classroom setting provided by the massage school or massage therapy instructor.

(b) A student must complete the first 250 hours of required training at a massage school or with a massage therapy instructor before the student is eligible to enter an internship program.

(c) A student who is participating in an internship program must be under the supervision and direction of a massage therapy instructor during the hours that the student is working in the program.

(d) A student who is participating in an internship program may:

(1) make an appointment with a client;

(2) interview a client;

(3) provide massage therapy, including providing massage therapy for compensation in an amount set by the massage school or massage therapy instructor and paid to the school or instructor;

(4) collect and review a client evaluation with the student's supervisor; and

(5) perform other tasks necessary to the business of providing massage therapy to the public.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 14, eff. September 1, 2005.

Sec. 455.160. LICENSE TERM AND RENEWAL. (a) A license issued under this chapter is valid for two years. A license holder must renew the license biennially.

(b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(d) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(e) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(g) Repealed by Acts 2015, 84th Leg., R.S., Ch. 838 , Sec. 1.298(7), eff. September 1, 2017.

(h) On receipt of a request for a renewal of a license issued under this chapter, the department shall conduct a criminal background check under Section 455.1525.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.222(a), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 15, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.084, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.248, eff. September 1, 2017.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.249, eff. September 1, 2017.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.298(7), eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 787 (H.B. 1865), Sec. 3, eff. September 1, 2019.

Sec. 455.161. STUDENT PERMIT; ELIGIBILITY. (a) The department shall require a student enrolled in a massage school in this state to hold a permit stating the student's name and the name of the school. The permit must be displayed in a reasonable manner at the school.

(b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by any required fee.

(c) An applicant for a student permit described by this section shall:

(1) submit an enrollment application to the department in a form and manner prescribed by the department; and

(2) satisfy other requirements specified by the department.

Added by Acts 2019, 86th Leg., R.S., Ch. 787 (H.B. 1865), Sec. 4, eff. September 1, 2019.

SUBCHAPTER E. PRACTICE BY LICENSE HOLDERS

Sec. 455.201. REFERRAL FROM PHYSICIAN. A person issued a license may receive referrals from a physician to administer massage therapy.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 17, eff. September 1, 2005.

Sec. 455.202. PRACTICE BY MASSAGE ESTABLISHMENT. (a) A massage establishment may employ only licensed massage therapists to perform massage therapy or other massage services.

(b) A massage establishment may not:

(1) employ an individual who is not a United States citizen or a legal permanent resident with a valid work permit;

(2) employ a minor unless the minor's parent or legal guardian authorizes in writing the minor's employment by the establishment;

(3) allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;

(4) allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment;

(5) allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual; or

(6) allow any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment.

(c) A massage establishment shall:

(1) properly maintain and secure for each client the initial consultation documents, all session notes, and related billing records; and

(2) make available to the department on request the information kept as provided by Subdivision (1).

(d) For purposes of this section:

(1) "Nude" means a person who is:

(A) entirely unclothed; or

(B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts or any portion of the genitals or buttocks.

(2) "Sexual contact" includes:

(A) any touching of any part of the genitalia or anus;

(B) any touching of the breasts of a female without the written consent of the female;

(C) any offer or agreement to engage in any activity described in Paragraph (A) or (B);

(D) kissing without the consent of both persons;

(E) deviate sexual intercourse, sexual contact, sexual intercourse, indecent exposure, sexual assault, prostitution, and promotions of prostitution as described in Chapters 21, 22, and 43, Penal Code, or any offer or agreement to engage in such activities;

(F) any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or

(G) inappropriate sexual comments about or to a client, including sexual comments about a person's body.

(e) Subsection (b) (6) does not apply to:

(1) a place of business exempted under Section 455.155(c) (2) from the requirement to hold a license as a massage establishment; or

(2) a licensed massage therapist who practices as a solo practitioner and who is exempted under Section 455.155(b) from the requirement to hold a license as a massage establishment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 17, eff. September 1, 2005.

Acts 2019, 86th Leg., R.S., Ch. 1136 (H.B. 2747), Sec. 1, eff. September 1, 2019.

Sec. 455.203. PRACTICE BY MASSAGE SCHOOL OR INSTRUCTOR AT SCHOOL.

(a) A massage school must meet the minimum standards of operation established by commission rule.

(b) An instructor must meet the minimum requirements established by commission rule.

(c) A massage school or massage therapy instructor licensed under this chapter shall give each prospective student a notice that clearly states the number of course hours that the student must successfully complete before the student is eligible to hold a massage therapist license under this chapter.

(d) The notice under Subsection (c) must be given to the prospective student at a time and in a manner that provides the student with a sufficient opportunity to read the notice and, if necessary for

understanding and clarity, discuss the notice with massage school officials or with the massage therapy instructor before:

(1) the student signs an enrollment contract; and

(2) the massage school or the massage therapy instructor accepts the student in a course of study.

(e) The course of instruction in massage therapy provided by a licensed massage school is a postsecondary education program.

(f) A massage school that provides instruction to persons beyond the age of compulsory education is authorized to operate educational programs in massage therapy at the postsecondary level.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 18, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.085, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 482 (H.B. 1049), Sec. 1, eff. June 16, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.250, eff. September 1, 2017.

Sec. 455.2035. REPORTS TO DEPARTMENT. (a) A massage school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of credit hours earned by each student during the previous month.

(b) On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

Added by Acts 2019, 86th Leg., R.S., Ch. 787 (H.B. 1865), Sec. 5, eff. July 1, 2020.

Sec. 455.204. DISPLAY OF LICENSE. (a) A person who holds a license shall publicly display the license as specified by the department.

(b) Each massage establishment must post in plain sight the license for each massage therapist who practices in the massage establishment.

(b-1) The license of a massage therapist that is posted under Subsection (b) must have attached to the front of the license a photograph

of the massage therapist.

(c) Each massage school, massage establishment, massage therapy instructor, or massage therapist shall present the person's license on the request of the department, an authorized representative of the department, or a peace officer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 19, eff. September 1, 2005.

Acts 2019, 86th Leg., R.S., Ch. 1136 (H.B. 2747), Sec. 2, eff. September 1, 2019.

Sec. 455.205. PROHIBITED PRACTICES. (a) A massage therapist may not perform massage therapy for compensation or without compensation at or for a sexually oriented business.

(b) A massage school or a massage therapy instructor may not require the successful completion of more course hours than the number of hours required for licensing as a massage therapist under this chapter.

(c) A person who is not licensed under this chapter may not use the word "massage" on any form of advertising unless the person is expressly exempt from the licensing requirements of this chapter.

(d) A sexually oriented business may not use the word "massage" or "bath" on a sign or any form of advertising.

(e) A person advertising massage therapy or other massage services is presumed to be engaging in conduct regulated by this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 20, eff. September 1, 2005.

Sec. 455.206. ESTABLISHMENT CHANGE OF LOCATION PROHIBITED. A massage establishment may not change the location of the establishment without obtaining a new massage establishment license under this chapter.

Added by Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 21, eff. September 1, 2005.

Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a) Each massage establishment and massage school shall display in the form and manner

prescribed by the commission a sign concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must:

(1) be in English, Spanish, Korean, Mandarin, and any other language required by commission rule;

(2) include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking; and

(3) be displayed in a conspicuous place clearly visible to the public.

(c) The commission by rule shall establish requirements regarding the posting of signs under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1136 (H.B. 2747), Sec. 3, eff. September 1, 2019.

SUBCHAPTER F. LICENSE DENIAL OR DISCIPLINARY PROCEDURES

Sec. 455.251. GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. (a) The commission or executive director may refuse to issue a license to a person and shall suspend, revoke, or refuse to renew the license of a person or shall reprimand a person licensed under this chapter if the person:

(1) obtains a license by fraud, misrepresentation, or concealment of material facts;

(2) sells, barter, or offers to sell or barter a license;

(3) violates a rule adopted by the commission under this chapter;

(4) engages in unprofessional conduct as defined by commission rule that endangers or is likely to endanger the health, welfare, or safety of the public;

(5) violates an order or ordinance adopted by a political subdivision under Chapter 243, Local Government Code; or

(6) violates this chapter.

(b) The commission or executive director shall revoke the license of a person licensed as a massage therapist or massage therapy instructor if:

(1) the person is convicted of, enters a plea of nolo contendere or guilty to, or receives deferred adjudication for an offense involving prostitution or another sexual offense; or

(2) the commission or executive director determines the person has practiced or administered massage therapy at or for a sexually oriented business.

(c) The commission or executive director shall revoke the license of a person licensed as a massage school or massage establishment if the commission or executive director determines that:

(1) the school or establishment is a sexually oriented business; or

(2) an offense involving prostitution or another sexual offense that resulted in a conviction for the offense, a plea of nolo contendere or guilty to the offense, or a grant of deferred adjudication for the offense occurred on the premises of the school or establishment.

Added by Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.222(c), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 23, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 5.086, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 838 (S.B. 202), Sec. 1.251, eff. September 1, 2017.

SUBCHAPTER H. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 455.351. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The attorney general, a district or county attorney, a municipal attorney, or the department may institute an action for injunctive relief to restrain a violation by a person who:

(1) appears to be in violation of or threatening to violate this chapter or a rule adopted under this chapter; or

(2) is the owner or operator of an establishment that offers massage therapy or other massage services regulated by this chapter and is not licensed under this chapter.

(b) The attorney general, a district or county attorney, a municipal attorney, or the department may institute an action to collect a civil penalty from a person who appears to be in violation of this chapter or a rule adopted under this chapter. The amount of a civil penalty shall be not less than \$1,000 or more than \$10,000 for each violation.

(c) Each day a violation occurs or continues to occur is a separate violation.

(d) An action filed under this section by the attorney general or the department must be filed in a district court in Travis County or the county

, in which the violation occurred.

(e) The attorney general, district and county attorney, municipal attorney, and the department may recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(f) A civil penalty recovered in an action by the attorney general or the department under this section shall be deposited in the state treasury.

(g) In an injunction issued under this section, a court may include reasonable requirements to prevent further violations of this chapter.

(h) Notwithstanding Section 22.004, Government Code:

(1) a person may not continue the enjoined activity pending appeal or trial on the merits of an injunctive order entered in a suit brought under this subchapter;

(2) not later than the 90th day after the date of the injunctive order, the appropriate court of appeals shall hear and decide an appeal taken by a party enjoined under this subchapter; and

(3) if an appeal is not taken by a party temporarily enjoined under this article, the parties are entitled to a full trial on the merits not later than the 90th day after the date of the temporary injunctive order.

(i) In this section:

(1) "Operator" means a person who is supervising a massage establishment or massage school at the time a violation occurs or the establishment or school is inspected. If no person is supervising, then any employee, contractor, or agent of the owner who is present at the establishment or school is the operator.

(2) "Owner" includes a person:

(A) in whose name a certificate of occupancy has been issued for a massage establishment or massage school and any person having control over that person; or

(B) who operates a massage establishment or massage school under a lease, operating agreement, or other arrangement.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 31, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1399 (H.B. 2644), Sec. 5, eff. September 1, 2007.

Sec. 455.352. CRIMINAL PENALTY. (a) A person commits an offense if the person is required to be licensed under this chapter and the person:

- (1) knowingly violates Section 455.151, 455.159, 455.202(b), 455.203(a) or (c), 455.204(b) or (c), or 455.205(b), (c), or (d); or
- (2) collects a fee or any other form of compensation for massage therapy without being licensed under this chapter.

(a-1) A person commits an offense if the person is required to be licensed under this chapter and the person knowingly violates Section 455.205(a). An offense under this subsection is a Class B misdemeanor, unless the actor has previously been convicted one or two times of an offense under this subsection, in which event it is a Class A misdemeanor. If the actor has previously been convicted three or more times of an offense under this subsection, the offense is a state jail felony.

(b) An owner or operator of a massage establishment commits an offense if the person knowingly violates Section 455.151(a), 455.155(d), 455.202(a), 455.204(b) or (c), or 455.205(d). An offense under this subsection is a Class B misdemeanor, unless the actor has previously been convicted one or two times of an offense under this subsection, in which event it is a Class A misdemeanor. If the actor has previously been convicted three or more times of an offense under this subsection, the offense is a state jail felony.

(c) An owner or operator of a massage school commits an offense if the person knowingly violates Section 455.151(a), 455.159, 455.203(a) or (c), 455.204(b) or (c), or 455.205(b), (c), or (d).

(d) Except as provided by Subsections (a-1), (b), and (e), an offense under this section is a Class C misdemeanor.

(e) If it is shown at the trial of an offense under this section that the defendant has been previously convicted of an offense under this section, the offense is a Class A misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 32, eff. September 1, 2005.

Sec. 455.353. ENFORCEMENT BY PEACE OFFICERS. A peace officer of this state, including a peace officer employed by a political subdivision of the state, may enforce this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2011-18**

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF SAGINAW, TEXAS; PROVIDING A DEFINITION FOR MASSAGE THERAPY ESTABLISHMENT; AMENDING THE PERMITTED USE TABLE TO PROVIDE THAT MASSAGE THERAPY ESTABLISHMENTS ARE PERMITTED IN THE COMMUNITY COMMERCIAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Saginaw heretofore adopted the Zoning Regulations of the City of Saginaw, which regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Saginaw deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on August 9, 2011, and the City Council of the City of Saginaw, Texas held a public hearing on August 16, 2011, with respect to the amendment described herein; and

WHEREAS, the City of Saginaw, Texas has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations.

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

SECTION 1.

That Appendix A of the Code of Ordinances, the Comprehensive Zoning Ordinance of the City of Saginaw, Texas, Section 5-1, "Permitted Use Table," is hereby amended by permitting the use "Massage Therapy Establishment" in the Community Commercial zoning district, as follows:

A G	SF 1	SF 2	SF 3	SF 4	SF A	D X	ZL L	M H	MF 1	MF 2	Land use Designation	O P	N C	C C	C F	L I	H I	Supplemental Conditions
COMMERCIAL, RETAIL, AND SERVICES USES																		
											Massage Therapy Establishment			S				

SECTION 2.

That Part B, "Land Use Definitions and Explanations," of Section 12-2 of Article 12 of the Zoning Regulations of the City is hereby amended to add the definition of "Massage Therapy Establishment," as follows:

“* * * *

Massage Therapy Establishment. An establishment, unrelated to a sexually oriented business, whose primary purpose is to provide massage therapy to the general public and is licensed in accordance with Texas Occupations Code, Chapter 455. Any person engaging in massage therapy services shall be licensed in accordance with Chapter 455.”

SECTION 3

That Part A, "Off-Street Parking and Loading Requirements," of Section 8-9 of Article 8 of the Zoning Regulations of the City is hereby amended to add the parking regulation of 1/250 square feet of floor area to the Parking Table.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code and Zoning Regulations as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of the Zoning Regulations of the City that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation,

both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Saginaw is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 9.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 10.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF AUGUST, 2011.


MAYOR

ATTEST:


CITY SECRETARY

EFFECTIVE: 8-26-2011

APPROVED AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN to all interested citizens in the City of North Richland Hills, that the City Council will hold a public hearing on the 2020-2021 amended budget on Monday, January 11, 2021, at 7:00 p.m. The public hearing will be held via video conference through the following video conference link: <https://bit.ly/3rgfCRX>. The North Richland Hills City Council will conduct this meeting via video conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). For more information regarding participation in this meeting, please visit www.nrh.tx.gov/Video or contact the Budget and Research Department at 817-427-6053.

NOTICE TO BIDDERS
Sealed bids received by the City of Arlington at the Office of the Purchasing Manager, 101 S. Mesquite, Suite 800, Arlington, Texas, 76010 until 2:00 p.m. on the 14th of January, 2021 for: BID NUMBER: 21-0042
Announcement to do work for Closed Circuit Television and Inspection of Sanitary Sewer Lines
Official bid or proposal document(s) are available to any supplier registered on the City's Procurement Portal at <https://arlington.tx.lnswave.net/Login.aspx> or by contacting the office of the Purchasing Manager, City Tower Business Office, 101 S. Mesquite Street, 8th Floor, Suite 800, P. Box 90231, Arlington, Texas, 76004-3231. The City of Arlington reserves the right to reject any or all bids and waive any and all informalities.
S/S Jeff Williams
Mayor
S/S Alex Busken
City Secretary

PUBLIC HEARING NOTICE
CITY OF SOUTHLAKE, TEXAS
Notice is hereby given to all interested persons that the City of Southlake, Texas will consider the following items in the Council Chambers at Town Hall, 1400 Main Street, Southlake, Texas or will hold a meeting via video conference for Zoning Board of Adjustment on Thursday, January 14, 2021 at 6:30 p.m. will hold a public hearing and consider:
28A20-0015, Special Exception Use per Ord. No. 480, as amended, Section 44.12(7), for an accessory building located forward of the principal building on the lot, on property described as Lot H, Block 1, Old Orchard Country Estates, an addition to the City of Southlake, Tarrant County, Texas, and located at 935 W. Dove Rd., Southlake, Texas. Current Zoning: "SF-1A" Single Family Residential District. All interested persons are urged to attend or participate. For more information regarding participation in this meeting, please visit <https://www.cityofsouthlake.com> or contact the City Secretary's office at (817) 748-8016.
City of Southlake
Amy Shelley, TRMC
City Secretary

PUBLIC HEARING NOTICE
In accordance with Order of the Office of the Governor issued March 16, 2020 and March 19, 2020, the Town of Westlake Planning and Zoning Commission and the Westlake Town Council will hold Public Hearings on Monday, January 11, 2021 at 5:00 p.m. and Monday, January 25, 2021 at 5:00 p.m. respectively by video conference in order to advance the public health

INVITATION TO BID
Mansfield Law Enforcement Center Fencing Project
CITY OF MANSFIELD
BID NUMBER - 2020-01-01-01
The City of Mansfield, Texas (Owner) will accept sealed bids for the Mansfield Law Enforcement Center Fencing Project, in accordance with the plans and specifications provided.
The Owner will receive sealed bids at City of Mansfield, City Secretary's Office, 1200 E. Broad St., Mansfield, Texas 76063, until Tuesday, January 19, 2021 at 2:00 pm at which time the bids will be publicly opened and read aloud. Late bids will not be accepted.
Plans and Contract Documents may be examined without charge at City of Mansfield, City Secretary's Office, 1200 E. Broad St., Mansfield, Texas 76063.
Advertisement and bid phase information for the Project can also be found at the following web site: <http://www.civcastus.com>
Plans and Contract Documents may be downloaded or viewed free of charge by registering at this web site. It is the downloader's responsibility to determine that a complete set of documents, as defined in the Instructions to Bidders are received. This web site will be updated with addenda, plan holders lists, bid tabulations, additional reports or other information relevant to bidding the Project. A REQUIRED Pre-Bid On-Site Walk Through will be held on Tuesday, January 12th at 10:00 am at 1601 Heritage Pkwy, Mansfield, TX.
A Cashier's Check or an acceptable Bidder's Bond, payable to the City of Mansfield, Texas, in the amount of not less than five percent (5%) of the bid amount, as well as a completed Conflict of Interest Questionnaire as required by state law, must accompany the bid.
The successful bidder will be required to provide performance, payment, and maintenance bonds and insurance as detailed in the Contract Documents.
Bid Proposal must be submitted on the forms bound within the bidding documents. No bid may be withdrawn until the expiration of forty five days (45) days from the date bids are opened. The right to accept any bid, or to reject any or all bids and to waive any or all informalities is hereby reserved by the Owner.
Questions regarding this invitation to bid should be directed to Wade McLaurin, Director of Building Services, (817) 276-4222 or wade.mclaurin@mansfieldtexas.gov
First Publication December 30, 2020 - Fort Worth Star Telegram
Second Publication January 6, 2021 - Fort Worth Star Telegram

Legal Notice
On January 21, 2021, the Texas Parks and Wildlife Commission will consider authorizing the grant of an access easement covering ~2 acres to relocate and replace an existing easement of approximately equal length and area at Fort Richardson State Park & Historic Site in Jack County. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting is at 9:30 a.m. at 4200 Smith School Rd in Austin. Public comment may be submitted to Ted Hollingsworth, Land Conservation, 4200 Smith School Rd, Austin, TX 78744, via email at ted.hollingsworth@tpwd.texas.gov or via the department's website at www.tpwd.texas.gov

legals & public notices
distance") to slow the spread of the Coronavirus (COVID-19). A recording of the meetings will be made and will be available to the public in accordance with the Open Meetings Act. The video-conference instructions will be available 72 hours prior to the meeting times noted above and will be included on the meeting agendas. The Public Hearings are to hear and make recommendation on or consider the approval of the following:
Proposed amendments to Planned Development Zoning District Number 3, Planning Area 3 (PD3-3) and Planned Development Zoning District Number 3, Planning Area 4 (PD3-4), generally located north of Dove Road and south of SH 114 between Davis Blvd. and Roanoke Road. Information concerning the above matters may be viewed at www.westlake-tx.org 72 hours prior to the meeting times as noted above. Any interested person will have an opportunity to speak at the virtual public hearing. Should you have any questions regarding these requests, please contact Ron Ruhlman, Planning and Development Director at rruhlman@westlake-tx.org, or (817)490-5739.

PUBLIC NOTICE *
CITY OF SAGINAW
The City of Saginaw Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on January 12, 2021 to consider a request for specific use permit to allow the operation of a smoke shop on property located at Lot 2RA, Block A (1453 N Saginaw Blvd Ste. 110) of the Saginaw Retail Center in Saginaw.
The Saginaw City Council will conduct a Public Hearing at 6:00 p.m. on January 19, 2021 to consider the above mentioned request for a specific use permit, contingent upon the receipt of a report regarding the specific use permit from the Planning and Zoning Commission.
Both meetings will be at the City of Saginaw City Hall located at 333 W McLeary Boulevard, Saginaw, Texas, 76179.
FINAL ACTION IS TAKEN BY CITY COUNCIL ON PUBLIC HEARING CASES.
Please direct any questions regarding this matter to Rick Trice, Public Works Director at 817-230-0449.

PUBLIC NOTICE *
CITY OF SAGINAW
The City of Saginaw Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on January 12, 2021 to consider a request for specific use permit to allow the operation of a massage therapy business on property located on Lot 1, Block 1 of Basswood Village (900 N Blue Mound Road, Suites 156, 168, 172) in Saginaw.
The Saginaw City Council will conduct a Public Hearing at 6:00 p.m. on January 19, 2021 to consider the above mentioned request for a specific use permit, contingent upon the receipt of a report regarding the specific use permit from the Planning and Zoning Commission.
Both meetings will be at the City of Saginaw City Hall located at 333 W McLeary Boulevard, Saginaw, Texas, 76179.
FINAL ACTION IS TAKEN BY CITY COUNCIL ON PUBLIC HEARING CASES.
Please direct any questions regarding this matter to Rick Trice, Public Works Director at 817-230-0449.

legals & public notices
Storage units to be sold pursuant to Chapter 59 of the Texas Property Code. The property is being sold to satisfy a landlord's lien on Wednesday January 13th 2021 Starting at 1:00 pm, at www.storagetreasure.com
Inventory of units to be sold: All Items in Unit
Mary Donohue
Oscar Flores
Oscar Flores
Samuels Jermaine
Cedric Davis
Gloria Argueta
Samuel Brown

merchandise
baby/children's items
Britax Baby Stroller black excellent used condition \$30 469-556-1324
barbells/super savers (\$100 or less)
CRAFTSMAN WOOD carving set brand new still in case \$45 469-556-1324
G6 Kirby Vacuum cleaner w/ all attachments in excellent cond \$95. 469-556-1324
LG FR wicker baskets, Rattan chairs, fighting rooster figurines. \$85+ 817-417-0693
Oak Display Hutch, English oak table, chairs, 40+ up & 817-417-0693

firearms
ORIGINAL
FORT WORTH
GUN SHOW
SINCE 1972!
Sat. Jan. 2nd, 9am-5pm
Sun. Jan. 3rd, 10am-4pm
Will Rogers Center
3401 Burnett Tandy
817-732-1194 FWWGunShow.com

lawn & garden supplies
WE POWDER COAT PATIO FURNITURE. Longhorn 817-759-2224
Wanted to buy
WANTED WATCHMAKER ITEMS PRIVATE COLLECTOR seeking watchmaker accumulations. Currently buying watches in any condition, watch parts, tools or anything related to the trade. Specializing in large collections. 30 Year member MAWCC. References, Please Call David 314-779-7380
WATCH TOOLS & parts wanted Watchmaker teaching nephew the trade. Looking for tools, parts, bench. 860-315-4653

misc. merchandise
HERE is a simple solution for where to put your mask when it's not on your face. only \$2.99 each. www.mymaskclip.org

animals
cats
Looking for families to adopt FREE KITTENS, 12 wks 682-558-1965
dogs
AKC Brittany- Shots, 6 Wks 12/23 Exo. Bloodline, Field Trial Stock. \$1200/Ea 817-776-1117

legals & public notices
distance") to slow the spread of the Coronavirus (COVID-19). A recording of the meetings will be made and will be available to the public in accordance with the Open Meetings Act. The video-conference instructions will be available 72 hours prior to the meeting times noted above and will be included on the meeting agendas. The Public Hearings are to hear and make recommendation on or consider the approval of the following:
Proposed amendments to Planned Development Zoning District Number 3, Planning Area 3 (PD3-3) and Planned Development Zoning District Number 3, Planning Area 4 (PD3-4), generally located north of Dove Road and south of SH 114 between Davis Blvd. and Roanoke Road. Information concerning the above matters may be viewed at www.westlake-tx.org 72 hours prior to the meeting times as noted above. Any interested person will have an opportunity to speak at the virtual public hearing. Should you have any questions regarding these requests, please contact Ron Ruhlman, Planning and Development Director at rruhlman@westlake-tx.org, or (817)490-5739.

PUBLIC NOTICE *
CITY OF SAGINAW
The City of Saginaw Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on January 12, 2021 to consider a request for specific use permit to allow the operation of a smoke shop on property located at Lot 2RA, Block A (1453 N Saginaw Blvd Ste. 110) of the Saginaw Retail Center in Saginaw.
The Saginaw City Council will conduct a Public Hearing at 6:00 p.m. on January 19, 2021 to consider the above mentioned request for a specific use permit, contingent upon the receipt of a report regarding the specific use permit from the Planning and Zoning Commission.
Both meetings will be at the City of Saginaw City Hall located at 333 W McLeary Boulevard, Saginaw, Texas, 76179.
FINAL ACTION IS TAKEN BY CITY COUNCIL ON PUBLIC HEARING CASES.
Please direct any questions regarding this matter to Rick Trice, Public Works Director at 817-230-0449.

PUBLIC NOTICE *
CITY OF SAGINAW
The City of Saginaw Planning and Zoning Commission will conduct a Public Hearing at 6:00 p.m. on January 12, 2021 to consider a request for specific use permit to allow the operation of a massage therapy business on property located on Lot 1, Block 1 of Basswood Village (900 N Blue Mound Road, Suites 156, 168, 172) in Saginaw.
The Saginaw City Council will conduct a Public Hearing at 6:00 p.m. on January 19, 2021 to consider the above mentioned request for a specific use permit, contingent upon the receipt of a report regarding the specific use permit from the Planning and Zoning Commission.
Both meetings will be at the City of Saginaw City Hall located at 333 W McLeary Boulevard, Saginaw, Texas, 76179.
FINAL ACTION IS TAKEN BY CITY COUNCIL ON PUBLIC HEARING CASES.
Please direct any questions regarding this matter to Rick Trice, Public Works Director at 817-230-0449.

▼ YORKIE BABIES ready for Christmas. \$900 817-343-8584

real estate
real estate for sale
EILEEN PETROSKI



BEST CASH OFFER FOR YOUR HOME
MORE MONEY FOR YOU!
* No Repairs * No Commission
* No Closing Cost * Fast Closing
* Buying Homes Since 1989
Call today 817-506-4259
www.househunters-texas.com

apartments/condos for rent



76010 BILLS PAID! \$100 Dep \$25 app fee, eff, 1,2 & 3 bedrooms. Call 817-640-1051 for availability

miscellaneous







STORAGE / CABIN / WORKSHOP
12X16 \$3,125.....12X24 \$4,260
14X24 \$5,765.....16X32 \$6,895
24X28 \$10,915.....30X40 \$18,680
(BUILT ON SITE) 817-505-6215

FORT WORTH STAR-TELEGRAM CLASSIFIEDS.
Hire, Sell



City of Saginaw

205 Brenda Lane
P. O. Box 79070
Saginaw, Texas 76179
817-230-0500
Fax 817-232-9868
www.ci.saginaw.tx.us

January 6, 2021

NOTICE OF PUBLIC HEARING

RE: Consideration of a request for a Specific Use Permit (SUP) to be allowed to operate a massage therapy establishment and Permanent Makeup/Tattoo Business at 900 N Blue Mound Rd Suite 156, 168 172 in Saginaw.

Dear Property Owner:

The Planning and Zoning Commission of the City of Saginaw will hold a Public Hearing on the 12th day of January 2021 at 6:00 p.m. and the City Council of the City of Saginaw, Texas, will hold a Public Hearing on the 19th day January 2021 at 6:00 p.m. at the Saginaw City Hall, 333 West McLeroy Boulevard, Saginaw, Texas, for the purpose of considering a request from **Lexie Truong** for a Specific Use Permit (SUP) to be allowed to operate a massage therapy establishment and Permanent Makeup/Tattoo Business at 900 N Blue Mound Rd, Suites 156, 168, 172 in Saginaw.

These hearings are open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. A reply form is provided for your convenience. Another person may also represent you.

The enclosed map shows the area of request. The circle around the area is that within which property owners are required by law to be notified. Only that area which is shaded or highlighted is the property to be considered.

If you have any questions you may call me at 817-230-0500 ext 2441 or Rick Trice, P.E., Director of Public Works at 817-230-0500 ext. 2449.

Sincerely,

Mary Ragle
Planning & Zoning Secretary

Enclosures: Map of requested property and reply form.

REPLY FORM

In order to be on record, this form may be filled out and mailed to the Planning & Zoning Secretary, City of Saginaw, Texas, P. O. Drawer 79070, Saginaw, Texas 76179

If you have questions concerning the request, you may call 817/230-0441.

REPLY

RE: Planning and Zoning Meeting on 01/12/2021 and City Council Meeting on 01/19/2021 to consider a request to approve a Specific Use Permit to be allowed to operate a Massage Therapy/Permanent Makeup Tattoo business at 900 N Blue Mound Road, Suites, 156, 168, 172 in Saginaw.

Name: _____

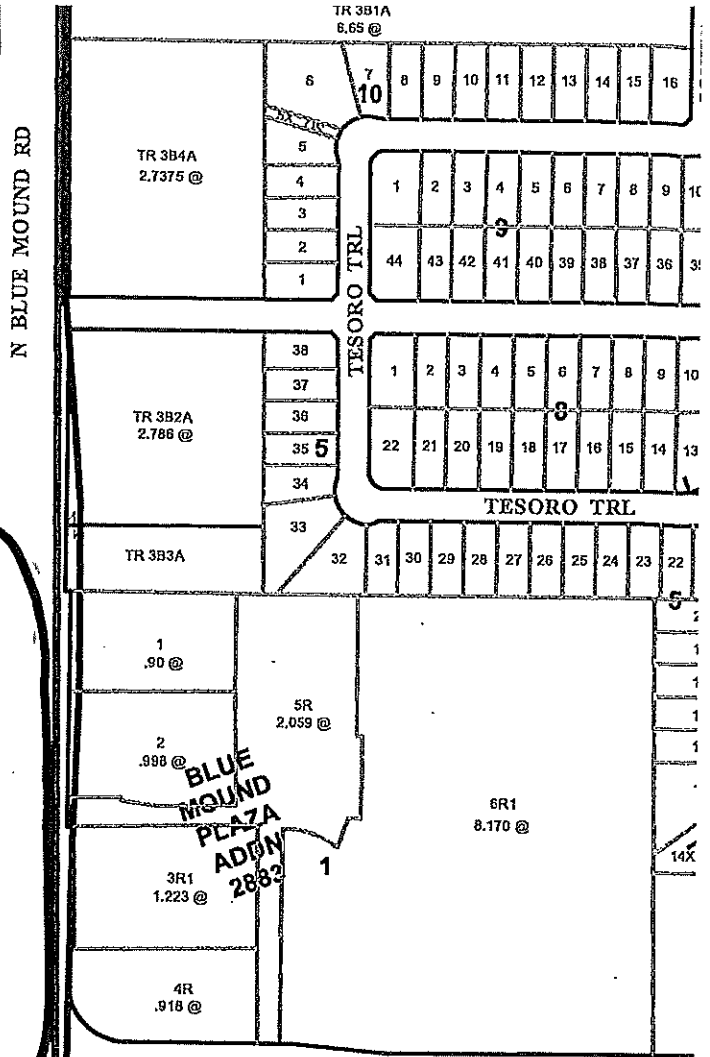
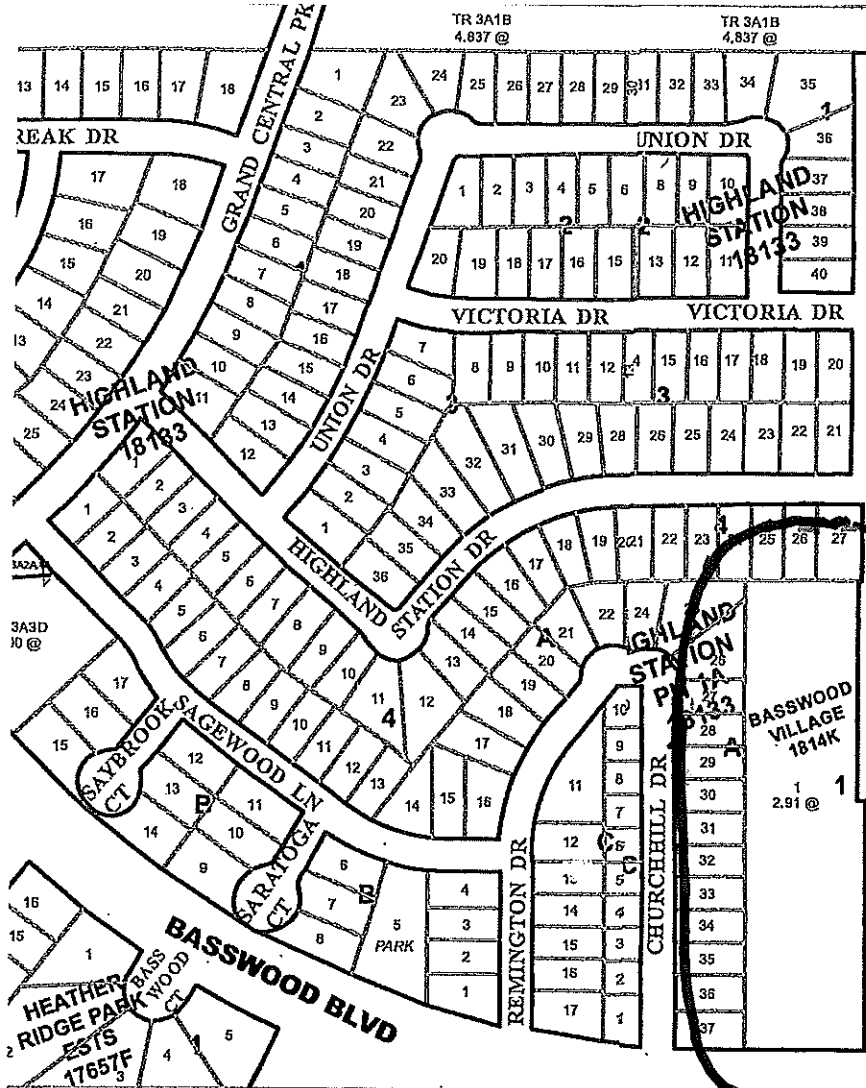
Address: _____

Phone Number: _____

() In Favor

() Opposed

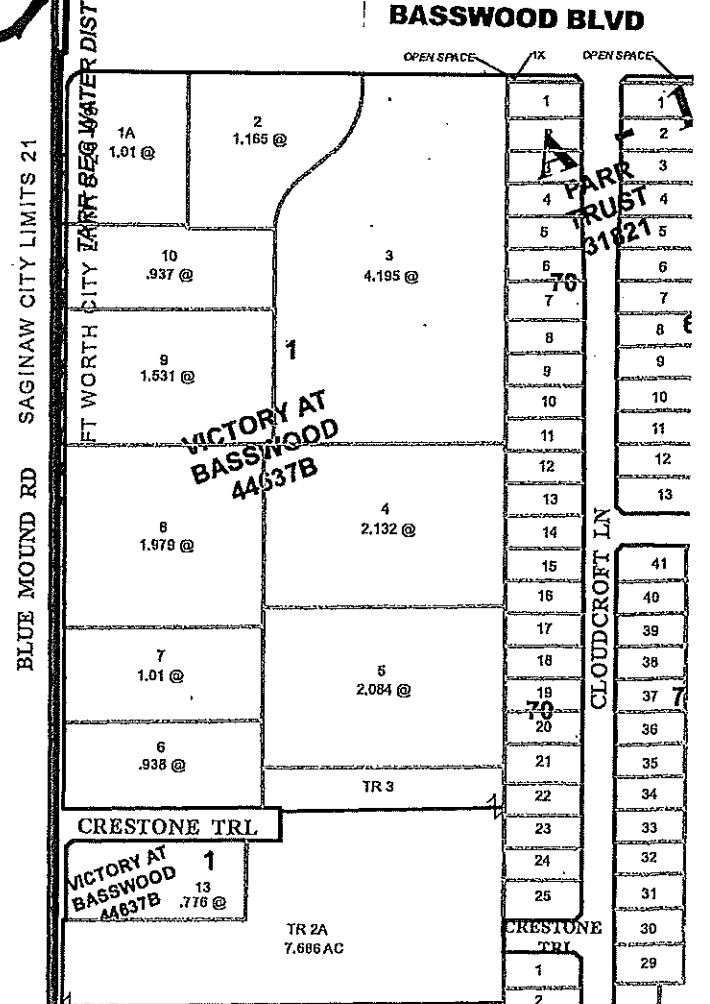
Reasons and/or Comments



**EAGLE MTN
SAGINAW
HIGH SCHOOL
ADDN
10486**

**SPECIFIC USE PERMIT
REQUEST FROM:**
Lexie Truong
900 N Blue Mound Rd #156
Saginaw, Tx 76131

CONSIDERATION OF A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A MASSAGE THERAPY AND PERMANENT MAKEUP/TATTOO BUSINESS ON PROPERTY LOCATED AT N BLUE MOUND RD, SUITE 156, 168, 172 IN SAGINAW, TEXAS. PUBLIC HEARING WILL BE HELD AT 6:00 P.M. ON JANUARY 12, 2021. BY THE PLANNING AND ZONING COMMISSION AND A PUBLIC HEARING WILL BE HELD ON JANUARY 19, 2021 BY THE CITY COUNCIL OF SAGINAW. THE MEETINGS WILL BE HELD AT THE CITY HALL LOCATED AT 333 WEST MCLEROY BOULEVARD, SAGINAW, TEXAS. IF YOU HAVE QUESTIONS PLEASE CALL 817-230-0441 AND ASK FOR THE PLANNING & ZONING SECRETARY.



PZ 012021 10486-1-1A
SAGINAW HIGH SCHOOL
1200 OLD DECATUR RD
FORT WORTH TX 76131

PZ 012021 18133-A-35
JESUS & ANACANI MACIAS
741 DARLINGTON TR.
SAGINAW TX 76131

PZ 012021 18133-A-32
QIANG GAN
5729 RIDGEHAVEN DR.
PLANO TX 75093

PZ 012021 18133-A-29
DENISE AGUIRRE & ANGELA AVILA
933 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-26
RODNEY LEE
945 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-4-23
JAMES AND MICHELLE MCCULLOUGH
1145 HIGHLAND STATION DR.
SAGINAW TX 76131

PZ 012021 18133-4-26
ROYCE D. AND GLORIA ABBOTT
1157 HIGHLAND STATION DR.
SAGINAW TX 76131

PZ 012021 18133-A-37
RICHARD & JEREMY GOMEZ
901 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-34
LAVERNE MAYBERRY
913 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-31
DEBORAH E RIPKOWSKI
925 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-28
HEATH LORD
937 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-25-70
ANDREW J. AND KIM L. FRITZ
1032 REMINGTON DR.
SAGINAW TX 76131

PZ 012021 18133-4-24
SEAN P. DAVIS
1149 HIGHLAND STATION DR.
SAGINAW TX 76131

PZ 012021 18133-4-27
TESTUDO RESIDENTIAL LLC
101 W. GLADE RD. STE 109
EULESS TX 76039

PZ 012021 18133-A-36
COREY STEINBURG
905 CHURCHHILL DR.
SAGINAW TX 76131

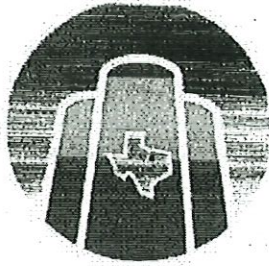
PZ 012021 18133-A-33
TREVA I NICHOLSON
917 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-30
CHARLES & SARAH COBB
929 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-27
CHRISTOPHER AND M A GASCA
941 CHURCHHILL DR.
SAGINAW TX 76131

PZ 012021 18133-A-24-70
DOUGLAS L. CARDWELL
1028 REMINGTON DR.
SAGINAW TX 76131

PZ 012021 18133-4-25
LARRY W. SAIM
1153 HIGHLAND STATION DR.
SAGINAW TX 76131



City of Saginaw

APPLICATION FOR SPECIFIC USE PERMIT

I. PROPERTY INFORMATION

LOCATION OF PROPERTY: 900 Blue Mound Road, Blc 172

LEGAL DESCRIPTION: Basswood Village Saginaw

LOT: 1 BLOCK: 1 ADDITION: _____

TRACT: _____ ABSTRACT: _____ SURVEY: _____

ZONING: Commercial

PRESENT USE AND IMPROVEMENTS ON PROPERTY:

Beauty Services

APPLICANT INFORMATION:

Lexie Truong 900 N Blue Mound Rd #156 +
APPLICANT NAME ADDRESS #168 TELEPHONE 214 707 5994

II. OWNER INFORMATION:

Basswood Village Group, LLC 10101 SW Freeway 972 738 0100
PROPERTY OWNER NAME ADDRESS #162 TELEPHONE
Melinda Mitchell Houston, TX 77074
(Property Owner Signature)

III. AGENT INFORMATION:

AGENT _____ ADDRESS _____ TELEPHONE _____
(Agent Signature)

HAS A PREVIOUS APPLICATION OR APPEAL BEEN FILED ON PROPERTY?

☒ NO ☐ YES, DATE _____

I CERTIFY THAT (I AM THE LEGAL OWNER OF RECORD) (I HAVE SECURED THE PROPERTY OWNER'S PERMISSION) AND HAVE FULL AUTHORITY TO MAKE THIS APPLICATION AND/OR APPEAL

Lexie Truong
APPLICANT SIGNATURE

January 9, 2021
DATE

IV. REQUESTED ACTION

SPECIFIC USE REQUESTED: (1) Massage Therapy
(2) Permanent makeup / tattoo

V. APPLICANT JUSTIFICATION FOR REQUEST

PLEASE ATTACH ADDITIONAL SHEET IF NECESSARY

Lexie's Beauty Room (#172), Elite Spa (#168)
and Browology (#156) meet a need
in the community.

VI. PROVIDE A SEPARATE MEMO ADDRESSING THE 13 CONDITIONS THAT MUST EXIST BEFORE THE PLANNING AND ZONING COMMISSION CAN RECOMMEND APPROVAL.

ZONING ORDINANCE, Article 5, Section 5-4, G, 1-13.

G. Conditions of permit approval. A specific use permit shall not be recommended for approval by the planning and zoning commission unless the commission finds that all of the following conditions have been found to exist:

1. The proposed use complies with all the requirements of the zoning district in which the property is located.
2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the city.
3. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.
5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
6. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.
7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.
8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.
9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.
10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties.
11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.
13. The proposed use is in accordance with the City of Saginaw Comprehensive Land Use Plan.

12-14-2020
DATE RECEIVED

Mary Ragle
APPLICATION TAKEN BY

\$750.
FEE RECEIVED

179412
RECEIPT NUMBER

1-12-2021
P&Z MEETING DATE

1-19-2021
CITY COUNCIL MEETING DATE

The following are answers provided by Lexie Truong, who owns Lexie's Beauty Room (Suite #172), Elite Spa (Suite #169) and Browology (including massage) (Suite #156). Together referred to as "Spa" below.

1. The proposed use complies with all the requirements of the zoning district in which the property is located.

Spa is within the limits described under Sec. 14-112 – Operation of Massage Establishments. Spa runs a professional massage practice out of Browology and intends to comply with all rules and guidelines as noted and intends to comply with any requests from the City.

2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City.

Spa's business plan includes providing therapeutic massage and other advanced modalities such as chair massage, table massage, physical therapy massage, medical massage, lymphatic massage and other stress-relieving related therapies. There is a demand for such services in our community and few providers providing this level of sophisticated massage. Therefore, we believe that we are fulfilling a need.

3. The benefits that the City gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.

Our licensed massage therapists are required to be licensed and insured. The typical insurance carried by a licensed massage therapist is approximately \$6,000,000 aggregate. Spa agrees that we will maintain liability insurance as long as we remain in operation.

4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.

Spa is conveniently located at the intersection of Basswood Blvd and N Blue Mound Road. There is adequate parking space and is well-lit at night. Spa is equipped with all the modern conveniences including restrooms, proper lighting, and heating and cooling.

5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

Traffic flows well in this strip mall and there is sufficient room to safely navigate vehicles and sidewalks for pedestrians. There are two turnaround points and two entrance/exits and adequate parking.

6. The issuance of the specific use permit does not impede the normal and orderly development and improvements of neighboring vacant property.

The issuance of this massage permit does not impede the normal course of business, the orderly development and improvements of any neighboring vacant property.

7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.

Spa's location is within the limits of this requirement. It is in the Basswood Village at the corner of N. Blue Mound Road and Basswood Boulevard.

8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impairs property values within the vicinity.

Spa is upgrading, renovating and expanding and such improvements will enhance the value of the property. Therefore enhancing the value.

9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.

Proper ventilation and air filters are used to prevent offensive odors, fumes, dust, noise, vibration or visual blight to anyone. A Vent-A-Hood

system is installed in the nail salon to help eliminate any smells or fumes from the air.

10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties.

Exterior lighting is provided at the storefront meets the City's criteria. Outdoor lighting is throughout the parking lot and provides adequate safety of patrons and employees. These lights provide adequate lighting, without being offensive.

11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.

Spa is located in Basswood Village at the corner of N. Blue Mound Road and Basswood Boulevard. The property has landscaping at the outer edges of the parking lot, separating it from adjacent properties.

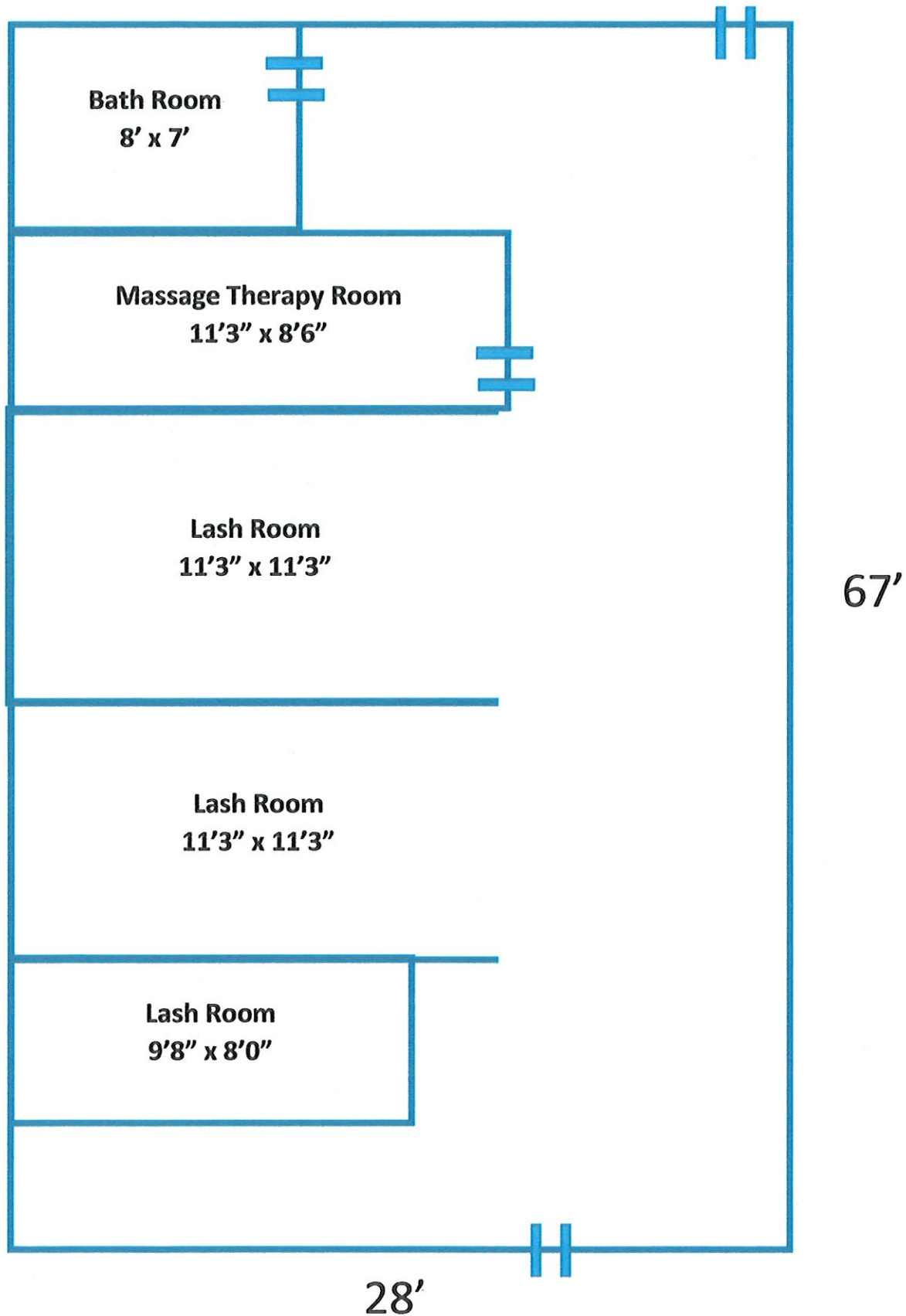
12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

Spa is expanding and its proposed operation and business is consistent with its submitted plans, master plans and projections. Spa serves a need to the community and is a valued business in the Basswood Village community.

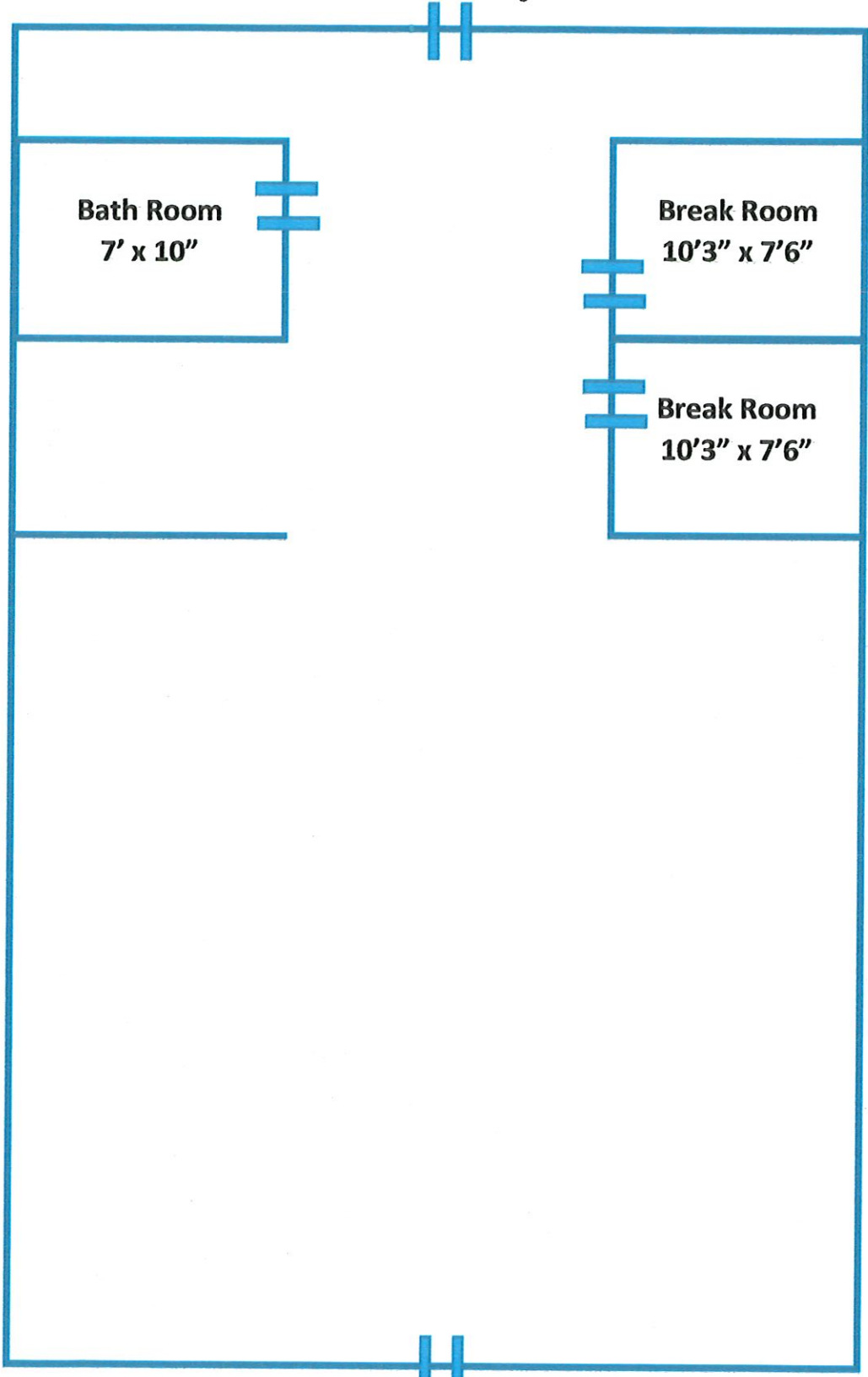
13. The proposed use is in accordance with the City of Saginaw Comprehensive Land Use Plan.

Yes. Spa's proposed plan is in accordance with the City of Saginaw Comprehensive Land Use Plan.

Lash Bar #156



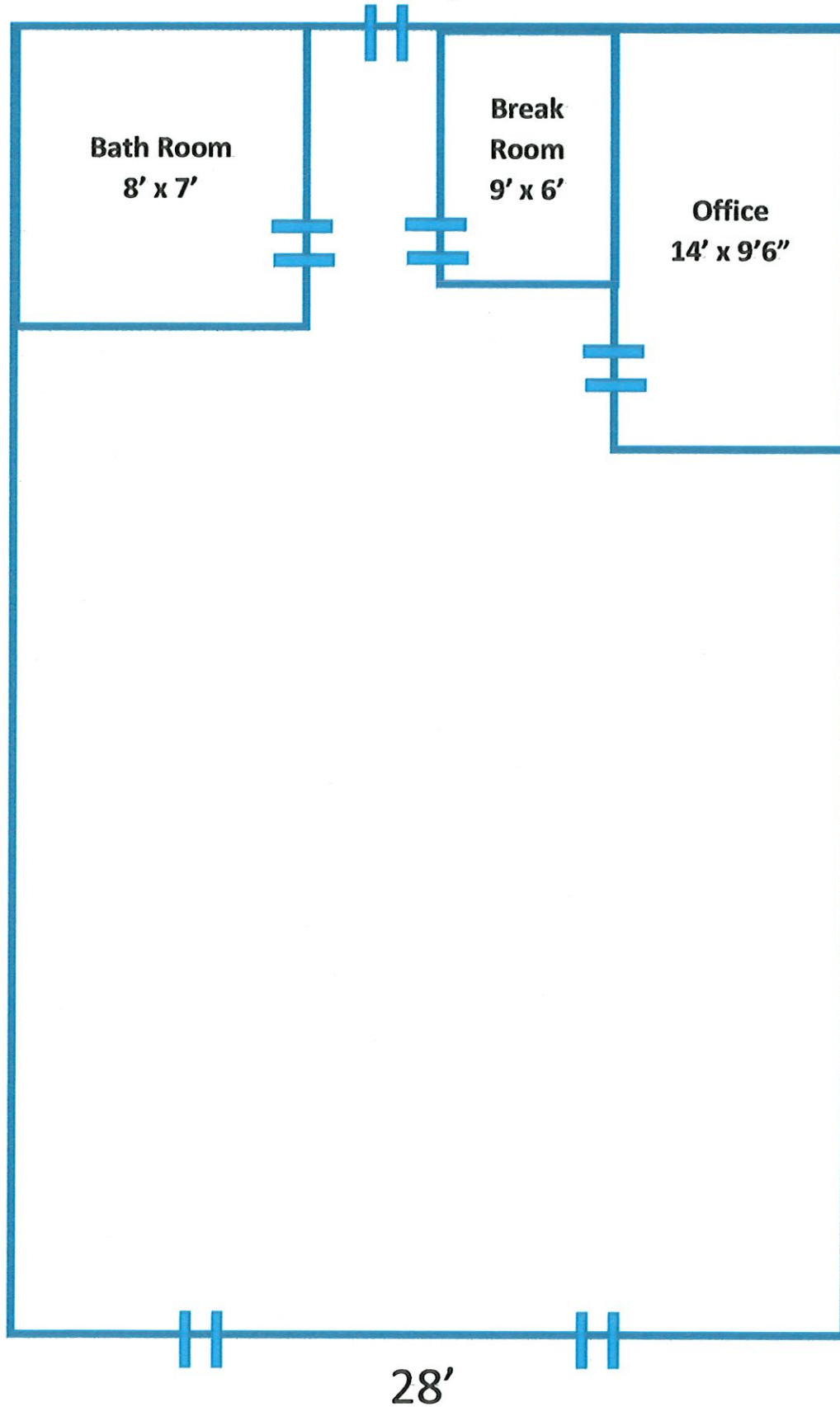
Elite Spa #168



67'

22'

Beauty Room #172

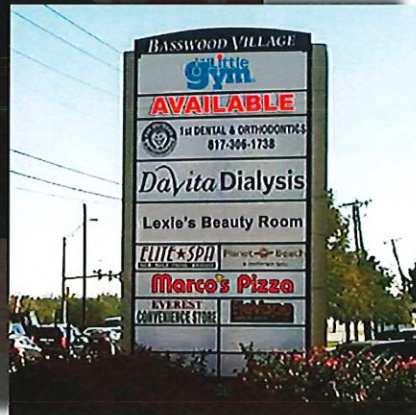




Basswood Village

NWC OF BLUE MOUND RD & BASSWOOD BLVD
900 N BLUE MOUND RD
SAGINAW, TX 76131

CALL FOR MORE INFORMATION



PROPERTY SNAPSHOT



94,303
2020 POPULATION
3 MILE RADIUS



50,737
2020 DAYTIME POPULATION
3 MILE RADIUS



\$87,116
2020 AVERAGE INCOME
3 MILE RADIUS



21,590 VPD
BLUE MOUND RD

FOR LEASE

\$22.00 - \$28.00 PSF NNN

*NNNS \$6.00 PSF

*(Estimate provided by Landlord and subject to change)

AVAILABLE SPACE

Inline Space

1,614 SF

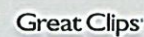
PROPERTY HIGHLIGHTS

- 29,860 SF Strip Center
- Signalized Intersection
- Great Visibility & Easy Access
- Across from the new Saginaw High School and Kroger
- Surrounded by residential developments in a growing high growth area

TRAFFIC COUNT

Blue Mound Rd: 21,590 VPD
(TXDOT 2019)

AREA TRAFFIC GENERATORS



Mai Nguyen
mnguyen@resolutre.com
214.367.6404

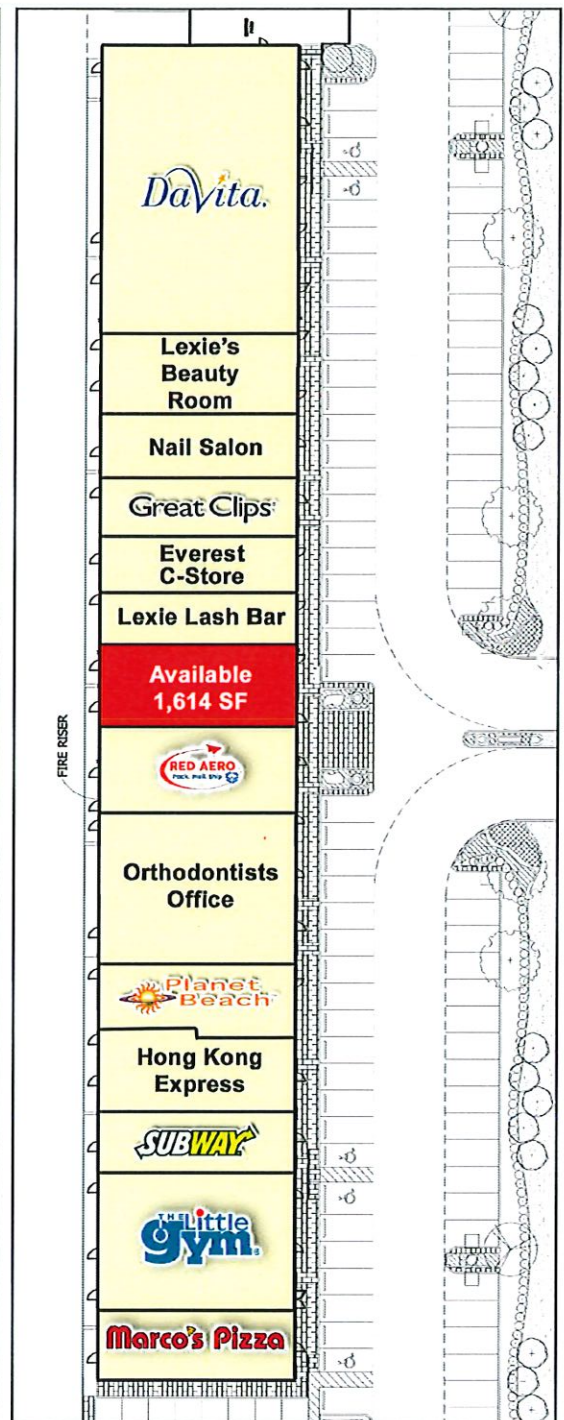
Colin Cannon
ccannon@resolutre.com
214.367.6404

www.resolutre.com

The information contained herein was obtained from sources deemed reliable; however, RESOLUT RE makes no guaranties, warranties or representations to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease; or withdrawal without notice. RESOLUT RE, which provides real estate brokerage services, is a division of Reliance Retail, LLC, a Texas Limited Liability Company.

Basswood Village

NWC OF BLUE MOUND RD & BASSWOOD BLVD
900 N BLUE MOUND RD
SAGINAW, TX 76131



Mai Nguyen
mnguyen@resolutre.com
214.367.6404

Colin Cannon
ccannon@resolutre.com
214.367.6404
www.resolutre.com

RESOLUT

RE

The information contained herein was obtained from sources deemed reliable; however, RESOLUT RE makes no guaranties, warranties or representations to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease; or withdrawal without notice. RESOLUT RE, which provides real estate brokerage services, is a division of Reliance Retail, LLC, a Texas Limited Liability Company.

Basswood Village

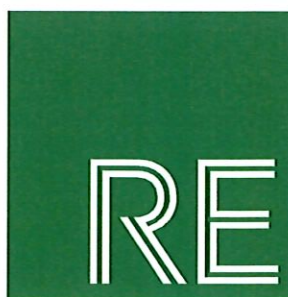
NWC OF BLUE MOUND RD & BASSWOOD BLVD
900 N BLUE MOUND RD
SAGINAW, TX 76131



Mai Nguyen
mnguyen@resolutre.com
214.367.6404

Colin Cannon
ccannon@resolutre.com
214.367.6404
www.resolutre.com

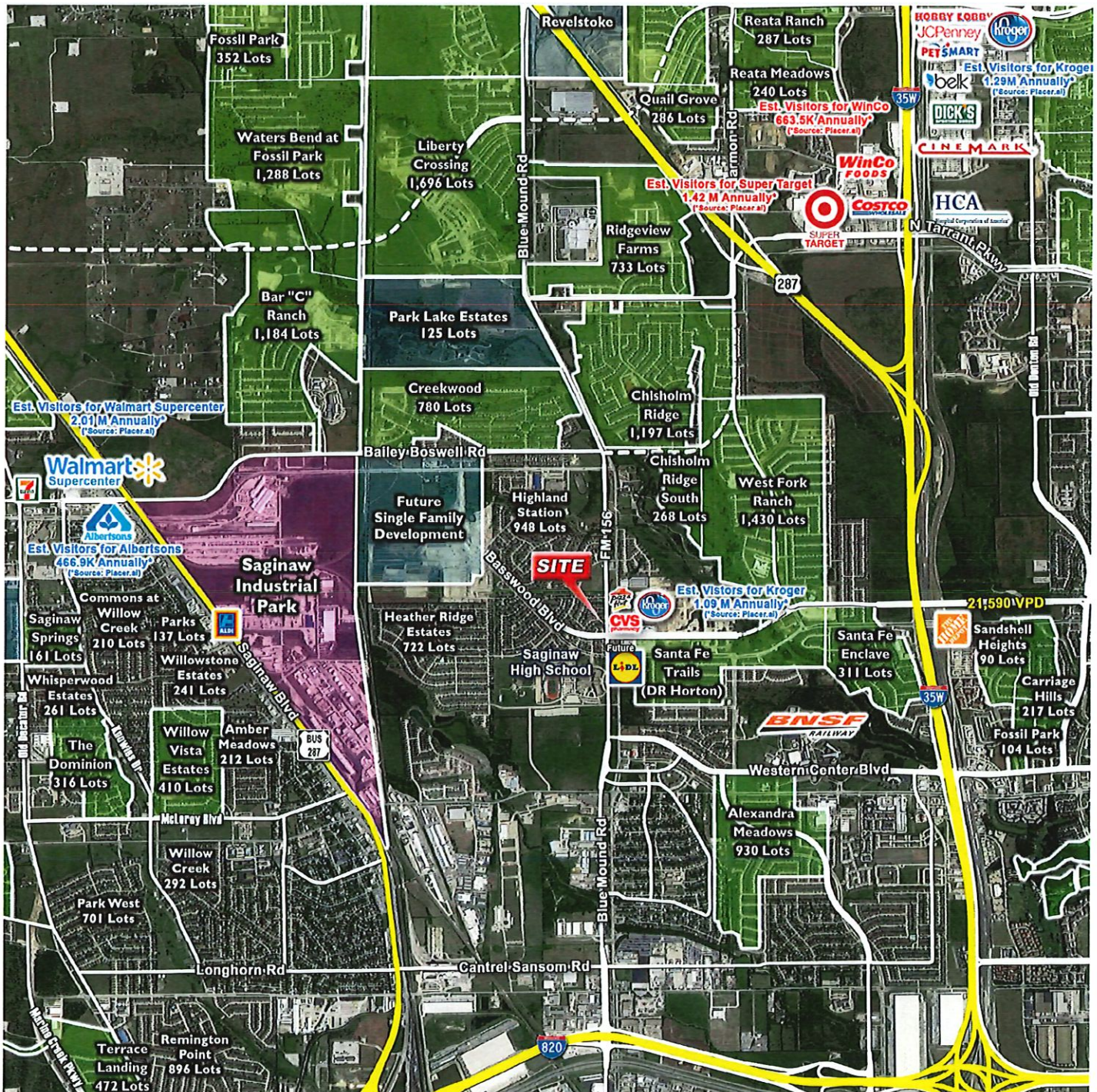
RESOLUT



The information contained herein was obtained from sources deemed reliable; however, RESOLUT RE makes no guaranties, warranties or representations to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease; or withdrawal without notice. RESOLUT RE, which provides real estate brokerage services, is a division of Reliance Retail, LLC, a Texas Limited Liability Company.

Basswood Village

NWC OF BLUE MOUND RD & BASSWOOD BLVD
900 N BLUE MOUND RD
SAGINAW, TX 76131



Mai Nguyen
mnguyen@resolutre.com
214.367.6404

Colin Cannon
ccannon@resolutre.com
214.367.6404
www.resolutre.com



The information contained herein was obtained from sources deemed reliable; however, RESOLUT RE makes no guaranties, warranties or representations to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease; or withdrawal without notice. RESOLUT RE, which provides real estate brokerage services, is a division of Reliance Retail, LLC, a Texas Limited Liability Company.



TARRANT COUNTY TAX OFFICE

100 E. Weatherford, Room 105 • Fort Worth, Texas 76196-0301 • 817-884-1100
taxoffice@tarrantcounty.com
In God We Trust

WENDY BURGESS
Tax Assessor-Collector

TAX CERTIFICATE FOR ACCOUNT : 00041037316
AD NUMBER: 1814K 1 1
CERTIFICATE NO : 82781170

COLLECTING AGENCY

WENDY BURGESS
PO BOX 961018
FORT WORTH TX 76161-0018

REQUESTED BY

BASSWOOD VILLAGE GROUP LLC

17776 PRESTON RD STE 100
DALLAS TX 75252

DATE : 12/11/2020
FEE : \$10.00

PAGE 1 OF 1

PROPERTY DESCRIPTION

BASSWOOD VILLAGE SAGINAW BLOCK
1 LOT 1

0000900 N BLUE MOUND RD
2.91 ACRES

PROPERTY OWNER

BASSWOOD VILLAGE GROUP LLC

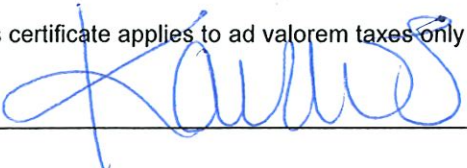
17776 PRESTON RD STE 100
DALLAS TX 75252

YEAR	TAX UNIT	AMOUNT DUE
2020	CITY OF SAGINAW	\$27,428.59
2020	Tarrant County	\$13,905.07
2020	JPS HEALTH NETWORK	\$13,336.33
2020	TARRANT COUNTY COLLEGE	\$7,735.14
2020	EAGLE MOUNTAIN/SAGINAW ISD	\$88,921.16
TOTAL		\$151,326.29

ISSUED TO : BASSWOOD VILLAGE GROUP LLC
ACCOUNT NUMBER: 00041037316
TOTAL CERTIFIED TAX: \$151,326.29

As Deputy Tax Assessor/Collector for Tarrant County, I do hereby certify pursuant to Texas Property Tax Code Section 31.08 that the delinquent taxes, penalties and attorney fees due for only the above described property are as listed below according to the current tax records. Additional taxes may become due on the described property, which are not reflected herein, if the said described property has or is receiving any special statutory valuations that may trigger tax rollback provisions and other changes to the appraisal roll made subsequent to the issuance of this certificate.

This certificate applies to ad valorem taxes only and does not apply to any special assessment levies.


Deputy

