

Site Location for a New Tattoo Parlor in Mesquite, Texas

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For GEOG 5520 – Intermediate GIS

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May 6, 2002

Finding a suitable location for any new business is not an easy task. A seemingly endless number of factors can play important roles in determining which sites will offer the best chance for a successful business. Also, cities follow strict zoning ordinances that will play decisive roles in the location of businesses. Depending on the type of business and the desired location, opening a new company can prove very difficult. More often than not, however, an ambitious businessperson can find an appropriate place to open a new establishment. An individual seeking to open a new car dealership will naturally look for highway frontage property; a movie rental business would best be located near residential districts or restaurants. Once a potential site is found, a prudent person will call the planning and zoning department of the appropriate city to find the zoning restrictions.

In most cases, the zoning of a given area will maximize the potential value of the property by allowing a variety of uses, while preventing uses that may damage the value and enjoyment of neighboring property. For instance, much of the property lining interior major arterials (i.e. major streets that flow generally perpendicular to a major highway) will be zoned for some type of general retail. This type of zone allows for a variety of low-impact uses such as barbershops and dry cleaners to be located near their potential market, thus maximizing the value of their location. A variety of setback and height restrictions will often accompany this zone, as well; for example, no two-story buildings are allowed in Mesquite's general retail zone. The protectionist role that zoning plays can best be seen at the usage level; specifically, a given use that is allowed in a particular zone will often be accompanied by a series of special restrictions. For example, in the city of Mesquite, car washes are allowed in the general retail zone only with the approval of a Conditional Use Permit (CU), which may or may not be granted after a ten to twelve week process and a \$500 fee; furthermore, any car wash must be located at least 1000 feet from any residential district or church. The bureaucratic filter and large buffer will protect

residential areas from high-impact uses, like car washes. At its heart, this is what zoning is all about: protecting homes.

This paper will explore the effectiveness and appropriateness of the City of Mesquite Zoning Ordinance as it applies to one type of use: tattoo parlors, known in the ordinance as body art/decoration establishments. An attempt will be made to choose the best possible location to open a new tattoo parlor in the city with respect to maximizing visibility and proximity to the potential market, and to the restrictions set out in the ordinance. Once a suitable site is found, the paper will discuss the sensitive subject of “punitive zoning,” and if it applies in this case. Punitive zoning refers to a city’s practice of establishing such strict requirements for a given business that the possibility of successfully operating such a business in said city become effectively zero. Cities employ punitive zoning to discourage unwanted uses, such as sexually oriented business, liquor stores, tattoo parlors, and even dance halls. The practice is illegal, difficult to prove, and common.

The data for this project comes almost entirely from the City of Mesquite Planning Division. Specifically, the zoning layers, city limit layer, and buffer layers were created by the author, who is employed in the Planning division. The street layer was obtained from the GIS department and corrected by the Planning Division. A few unsolvable obstacles were encountered with regard to processing capability, and will be addressed as they are encountered in the discussion. All maps are the product of the author.

The Mesquite Zoning Ordinance specifies that a tattoo parlor must be located in one of the following zones: (in ascending order with respect to the number of uses allowed) general retail, light commercial, mixed use, central business, commercial, and industrial. In every zone, a Conditional Use Permit must be obtained. Furthermore, the ordinance dictates the “use to be located a minimum of 1,000 feet from the nearest property line of the following uses: any residential district; any lot currently in residential use; any public or private school or day care center; any library, any park, playground, or other recreation facility, whether commercial, public, or non-profit; any church, temple, or other place of worship; any City owned property; and any other body art/decoration use. Requires State license.” One can see that the authors of the ordinance view this type of use as high-impact and detrimental to almost everything around it.

A person seeking to open a tattoo parlor in Mesquite probably won't know about these restrictions when he or she is looking for vacant property or a vacant building, but this paper will assume that the restrictions will be known prior to the choosing of a site; because there are so many restrictions, choosing a site from those available will be much easier after many have been eliminated by the restrictions set out in the ordinance. The first step is to familiar oneself with the layout of the city. Figure 1 below shows the street network and city limits. Mesquite is located along the southeast edge of the city of Dallas, and is traversed by IH-635, which runs north and south through the city, and U.S. Highway 80 and IH-30, which run east and west through the northern portion of the city. Several major thoroughfares run through the city, as well. Mesquite has 127,740 people and is almost 42 square miles in size.

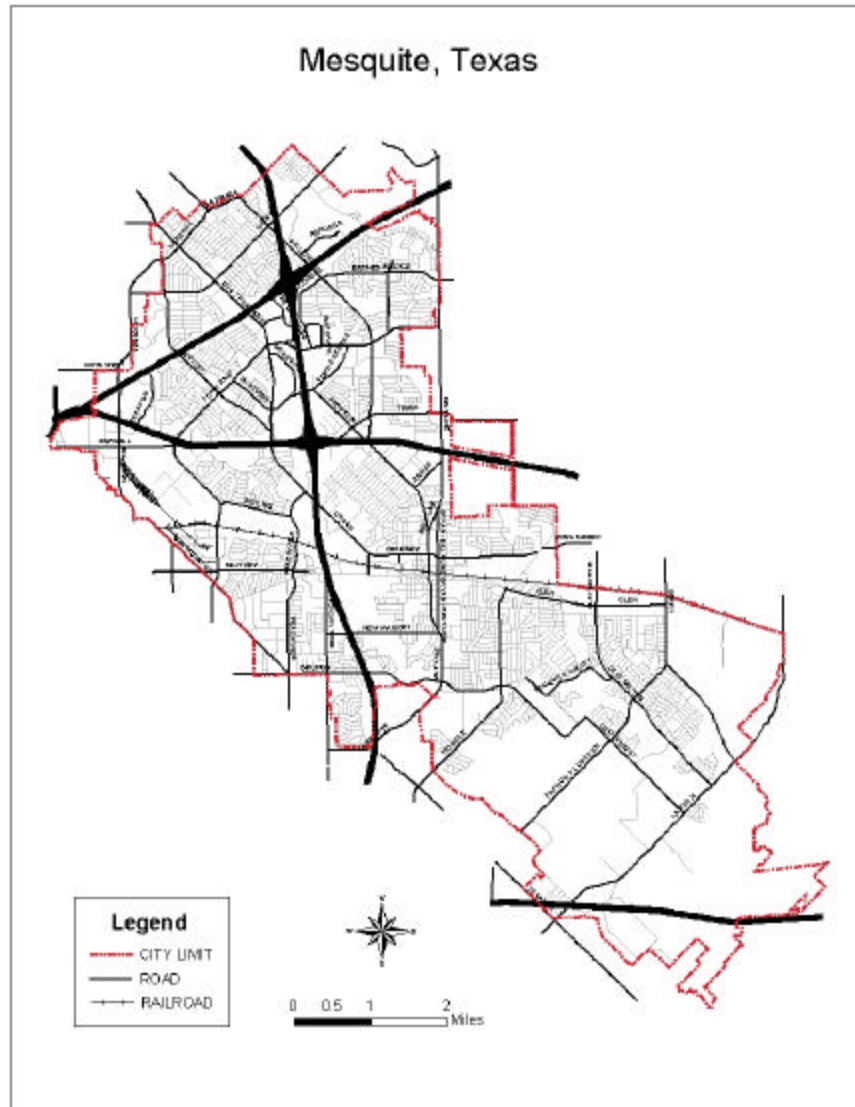


Figure 1: Road Network and City Limit;

The next step is to start identifying unsuitable areas, be they areas not zoned for tattoo parlors, or areas eliminated by the restrictions imposed by the ordinance. Residential and non-residential zones can be separated by a “select by attribute” function applied to the primary zoning layer, and are shown below in Figures 2 and 3, respectively.

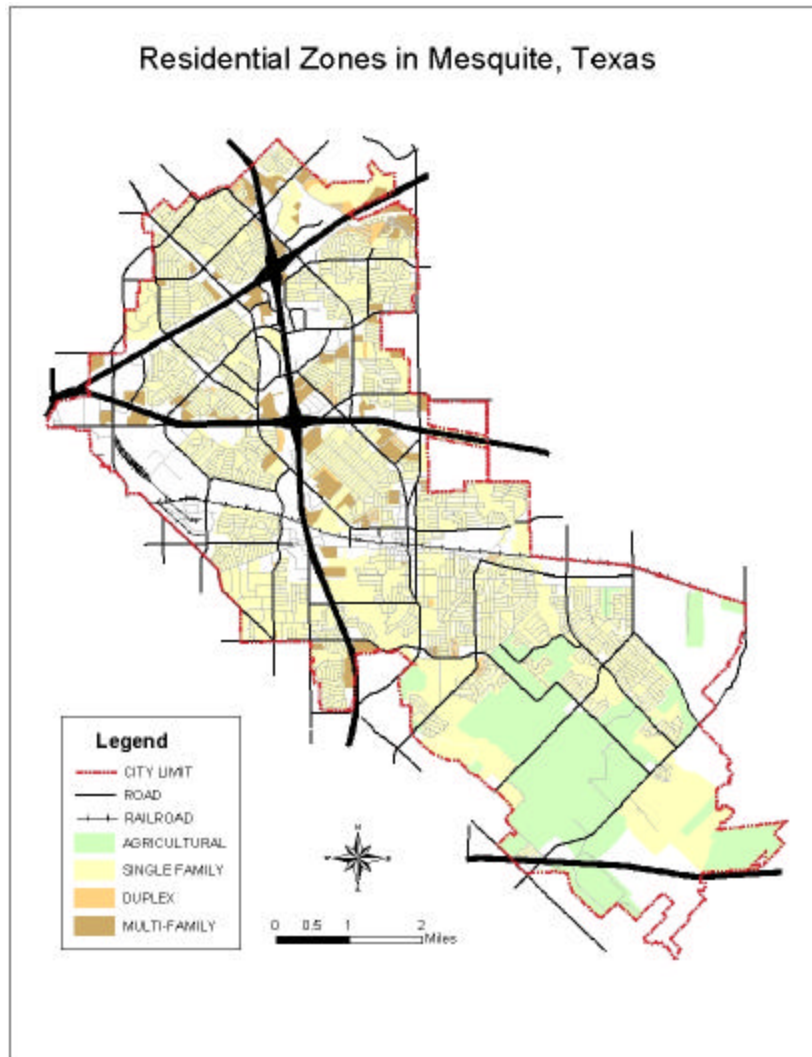


Figure 2: Residential Areas

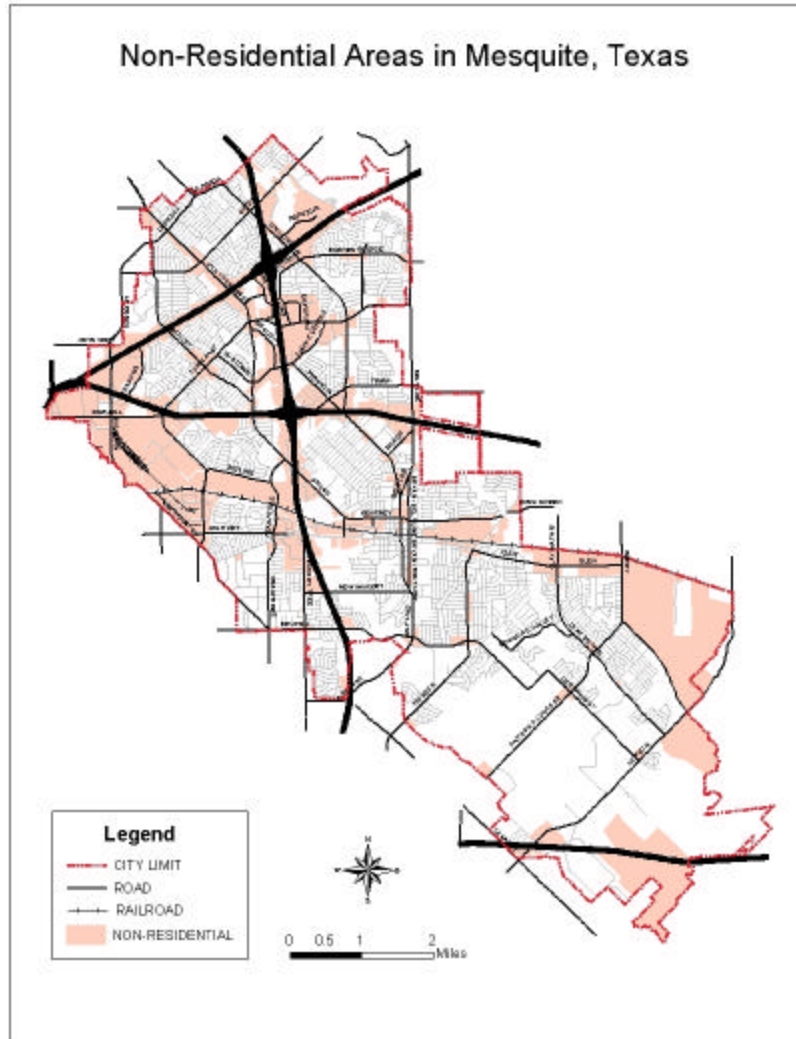


Figure 3: Non-residential Areas

Immediately one can see that the majority of Mesquite is composed of residential zoning. This is consistent with the “bedroom suburb” classification preferred by the city, which takes pride in offering a city focused on the needs of its resident (presumably as opposed to the needs of industry). The majority of the city’s residential districts are single family; indeed, only 21% of the residential districts are zoned for multi-family, the lowest in the Dallas-Fort Worth metroplex. Multi-family homes (i.e. apartments, duplexes and townhouses) have a disproportionately high impact on the surrounding infrastructure and property due to its high density. For example, more toilets are flushed and more cars are driven per acre of a multi-family site than a single family site. The strategy of the city has been to confine high-impact uses such as apartments and commercial districts to highway and major thoroughfare corridors to

minimize their affect on single-family homes. Thus we can see in Figure 3 that most of the zones suitable for our site are along IH-635, U.S. 80, and IH-30, and towards the edges of the city; cities often site unwanted or heavy uses along the edges of the city in order to diffuse some of their impact across the city limit, which limits their citizens exposure to the use. Having a general idea about where to locate the tattoo parlor vis-à-vis the general zoning pattern, attention should be paid to the specific use restrictions set out in the “Schedule of Permitted Uses” found in the Mesquite Zoning Ordinance.

Given that the majority of Mesquite is residential, and the tattoo parlor must be located 1,000 feet from any residential district, a 1,000-foot buffer should be applied using the buffer wizard applied to the residential layer created earlier. Immediately a significant problem is encountered: the residential layer is too large for a 1,000-foot buffer to be processed. The layer was created at the lot level, and the buffer wizard attempted to create a 1,000-foot buffer around each residential lot in the city. Dozens of attempts on six different GIS workstations resulted in crashes. An attempt to dissolve the borders between the single-family lots also resulted in crashes, and even a catastrophic failure on one machine that has yet to be repaired. An attempt was made to divide the city into tenths and then geoprocess, but failed. Finally, some success was found in separating the multi-family zones from the single-family zones and then placing buffers around the multi-family zones. This produced a usable layer. The 1,000 foot setback from any single family districts will have to be measured on a per-case basis, which should not prove too difficult given that those districts are easily identifiable on both maps and aerial imagery. Figures 4, 5 and 6 represent the buffer layers for the apartment, duplex, and agricultural zones, respectively.

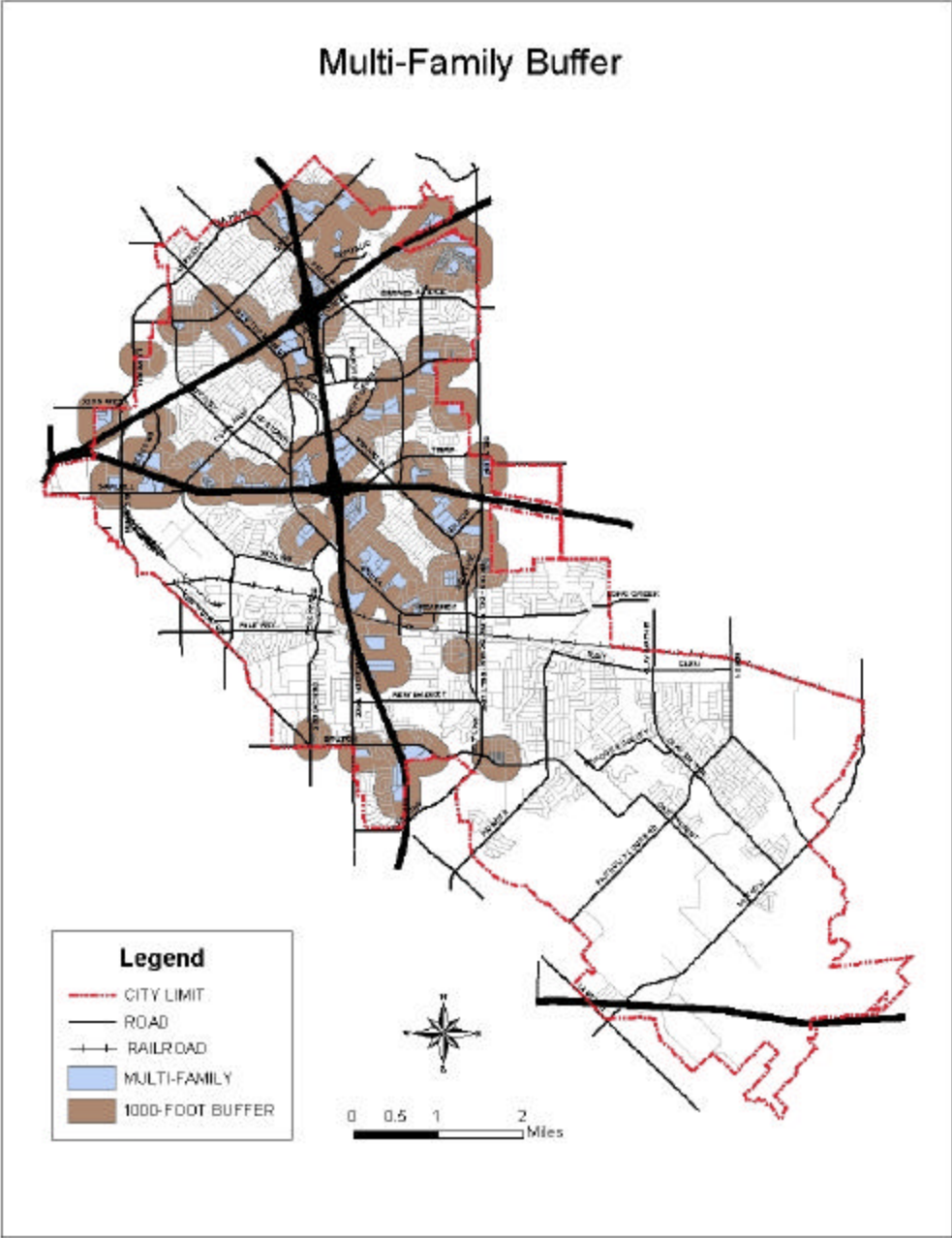


Figure 4: Multi-Family (Apartment) Buffer

Duplex Buffer

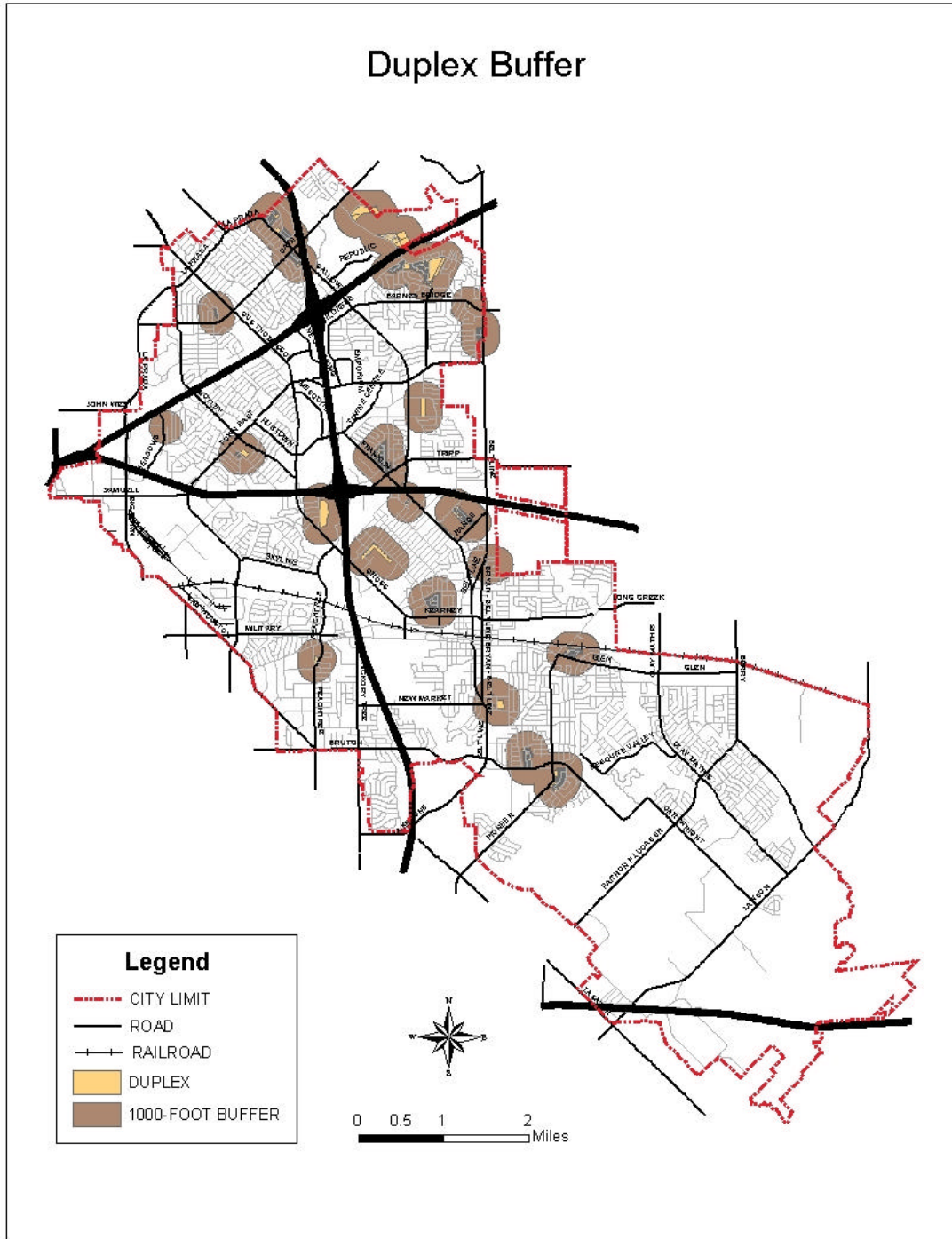


Figure 5: Multi-Family (Duplex) Buffer

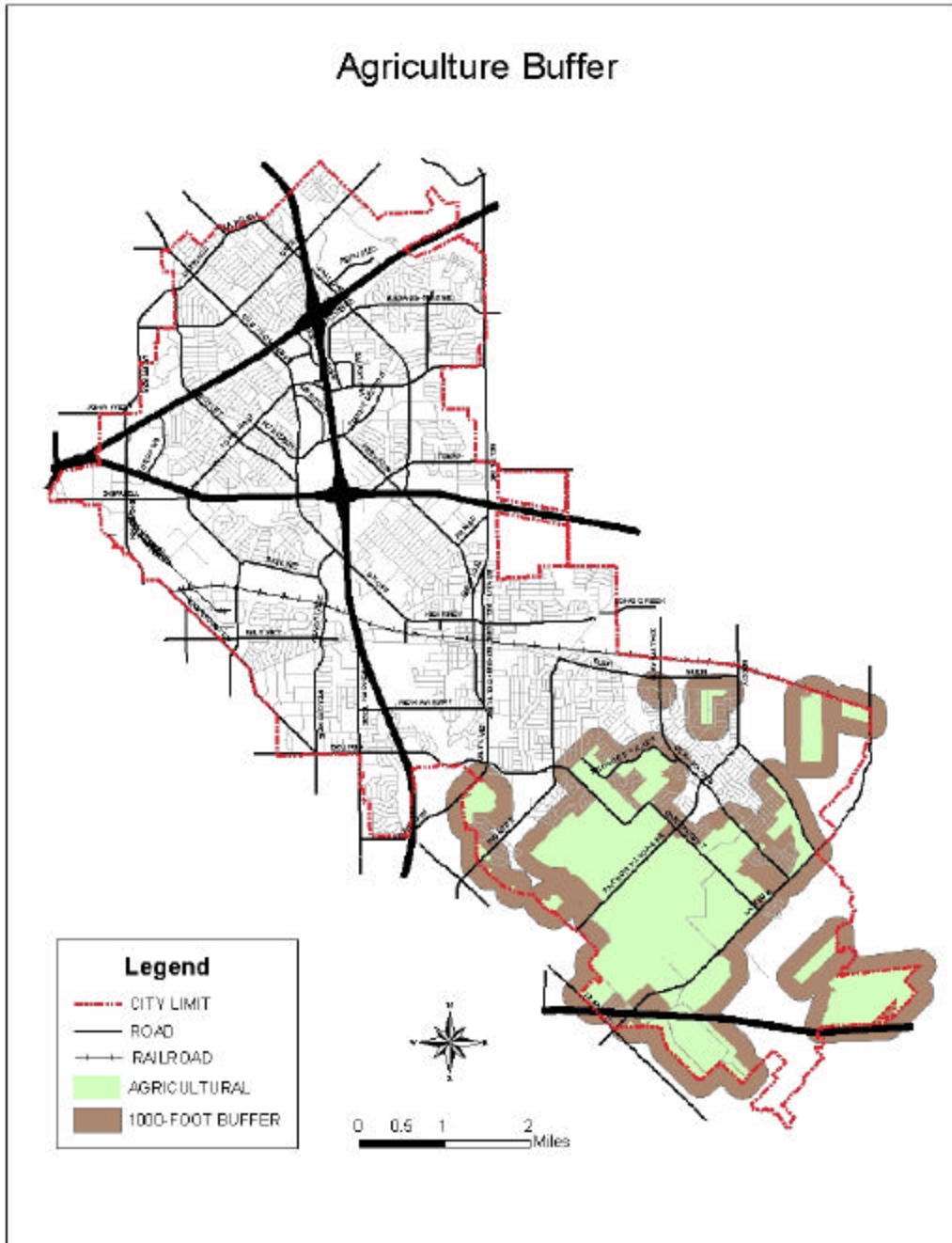


Figure 6: Agriculture Buffer

Consideration must now be given to the remaining areas that must be protected, and how they will be incorporated into this project. For example, is it feasible to create a layer containing the locations of the over 200 churches in Mesquite? Should the fifty eight daycare centers be placed into a layer? Looking ahead, one can see that the areas that these sites are most likely to be located are near sites that we have already or will create buffers for. For example, the vast

majority of churches are located in residential districts. Creating a layer of all the churches in the city and then producing buffers for them would create mostly overlap. Once a few sites are chosen, they can be spot checked for any churches or daycares within 1,000 feet. Hence, these layers will not be generated but the proximity of churches and daycares will be considered on a case by case basis.

Many of the sensitive layers have more easily creatable layers. There are only two libraries in Mesquite. The buffer layer can be seen below in Figure 7.

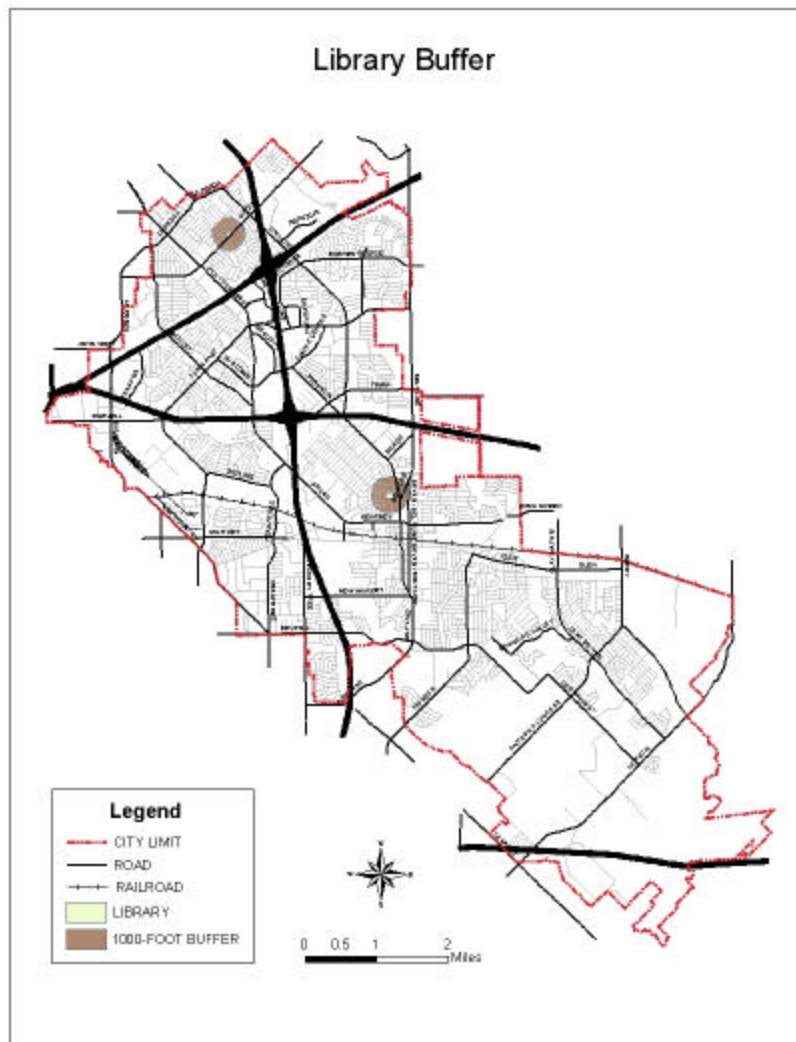


Figure 7: Library Buffer

A parks layer was available from the GIS Department, with a little correcting, was appropriate for buffer creation. The parks buffer layer can be seen below in Figure 8.



Figure 8: Parks Buffer

As stated, the ordinance dictates that schools must be protected by a 1,000-foot buffer as well. No available layer was available, but one was easily created from a tourist map available from the Mesquite Chamber of Commerce. Once the schools were mapped into a polygon feature class, they were buffered. The result can be see below in Figure 9. The large school in northwest Mesquite is Eastfield College.

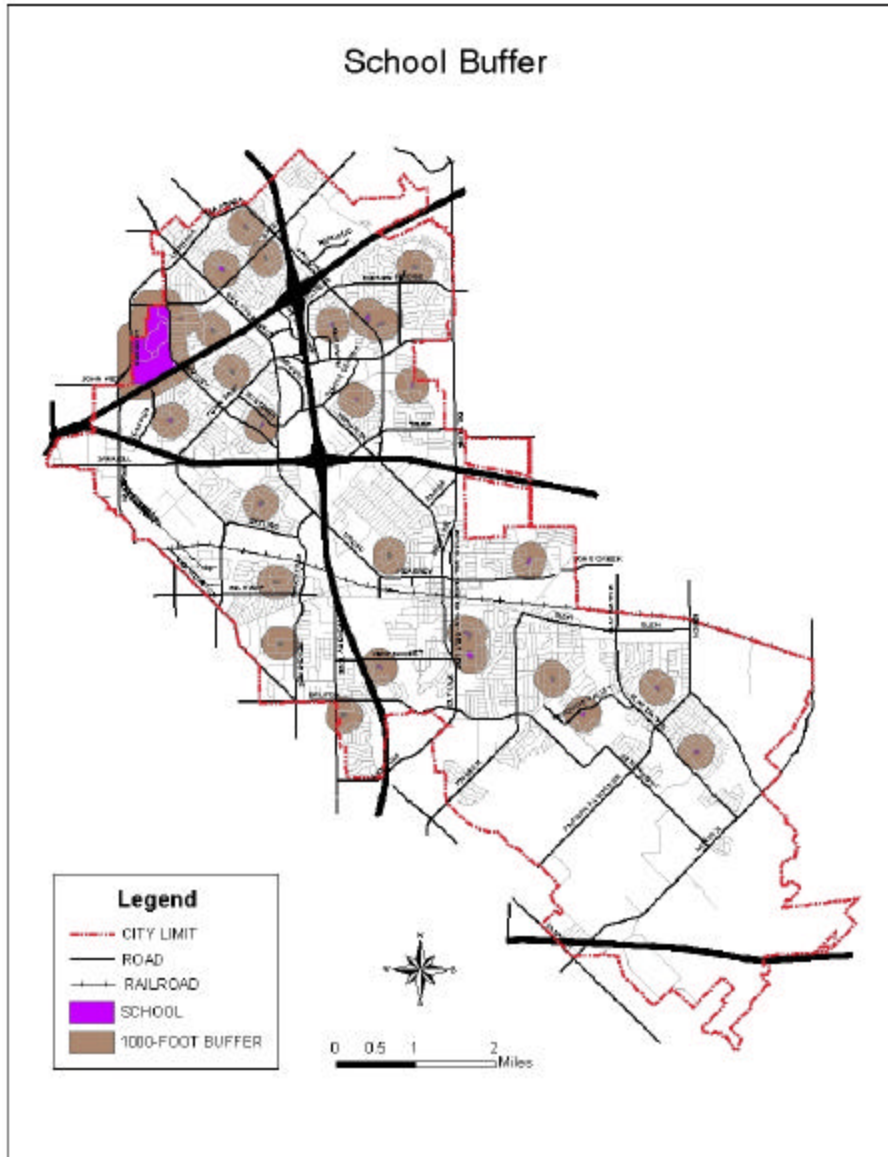


Figure 9: School Buffer

The final buffer layer to be created is one showing the 1,000-foot buffer around all city property. This layer was generated from data obtained from the Economic Development Department, and from tax records. Many of the parks and several of the school sites are owned by the city, and were thus omitted from this layer to avoid needless duplication. This layer therefore should not be considered a complete representation of all the city-owned property. Figure 10 below contains the buffer layer.

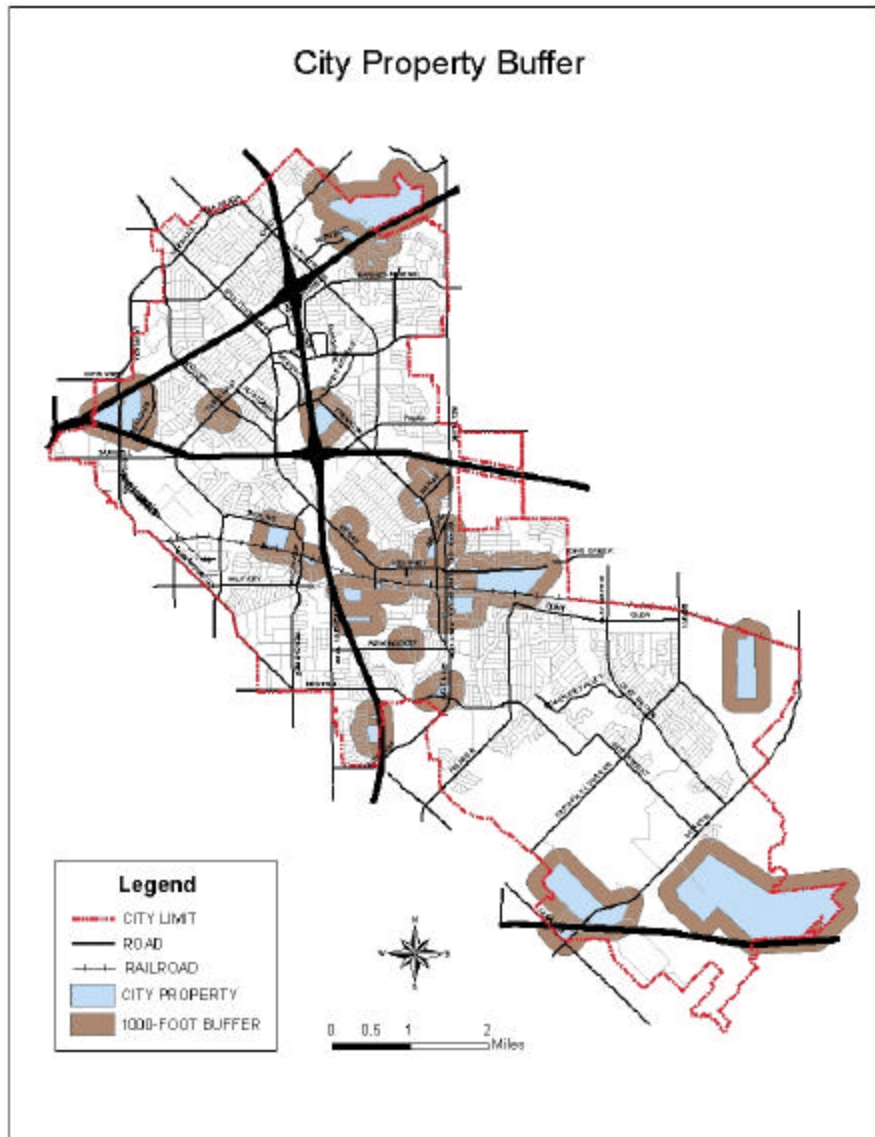


Figure 10: City Property Buffer

The cluster of city property in the center of the city is the downtown area. Also, the city owns large tracts in the southern, largely undeveloped portion of the city.

Finally, using the “Union” procedure in ArcGIS, the above buffer layers were combined into a single layer, showing the majority of the prohibited areas. Figure 11 below represents the final layer.

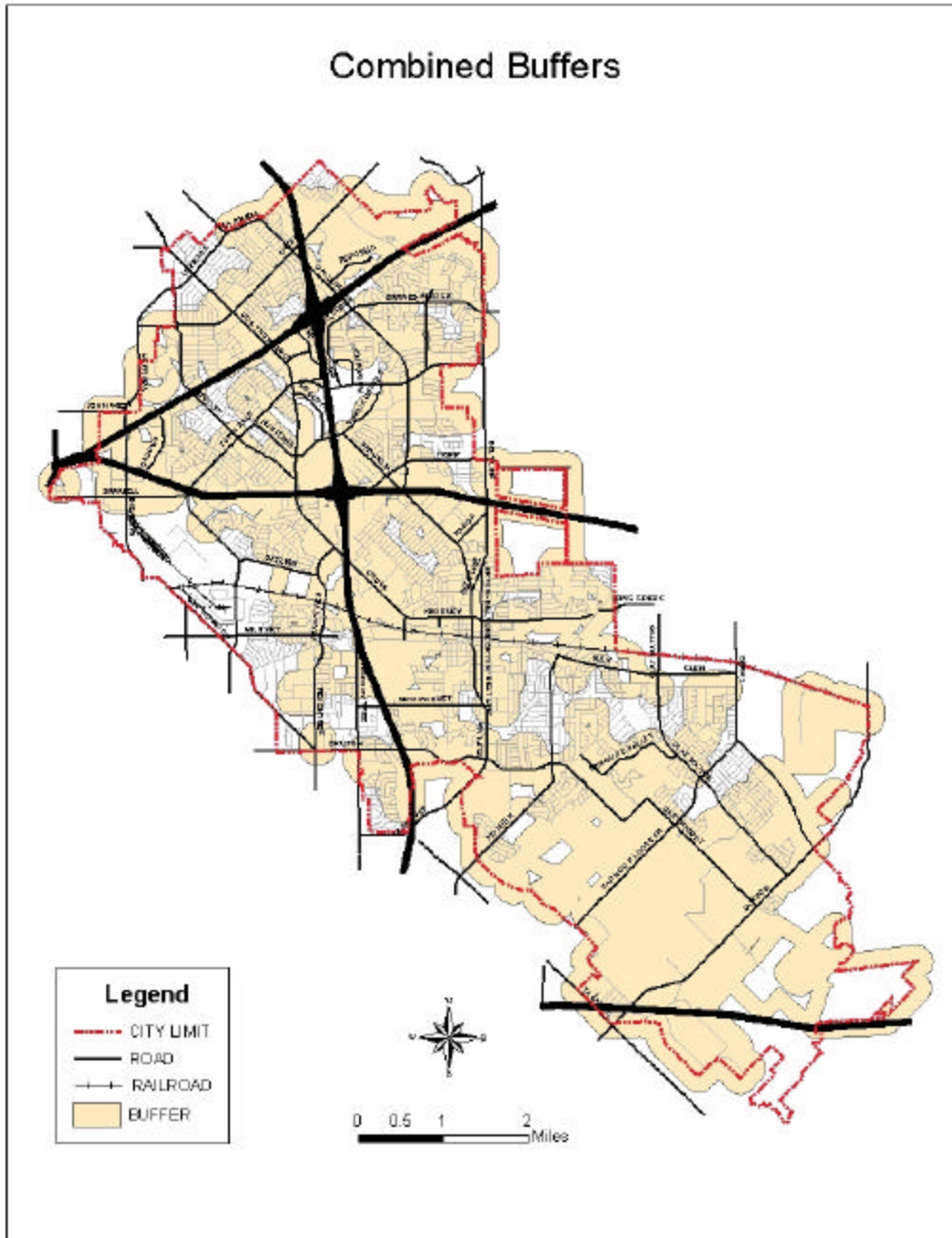


Figure 11: Combined Buffers

Immediately, one can see that the vast majority of the city of Mesquite is not suitable for the tattoo parlor. Nearly all of the highway frontage has been eliminated, vastly lowering the visibility of the parlor. Also, this layer does not even consider the 1,000-foot buffer that must be applied to single family districts. An individual familiar with the city can tell by looking at Figure 11 that most of the property remaining along the major thoroughfares will be eliminated

by this stipulation. By overlaying the suitable non-residential zones (which allow tattoo parlors with a CU) layer with the combined buffer layer, the potentially suitable areas can be identified. Figure 12 below shows the output of this procedure.

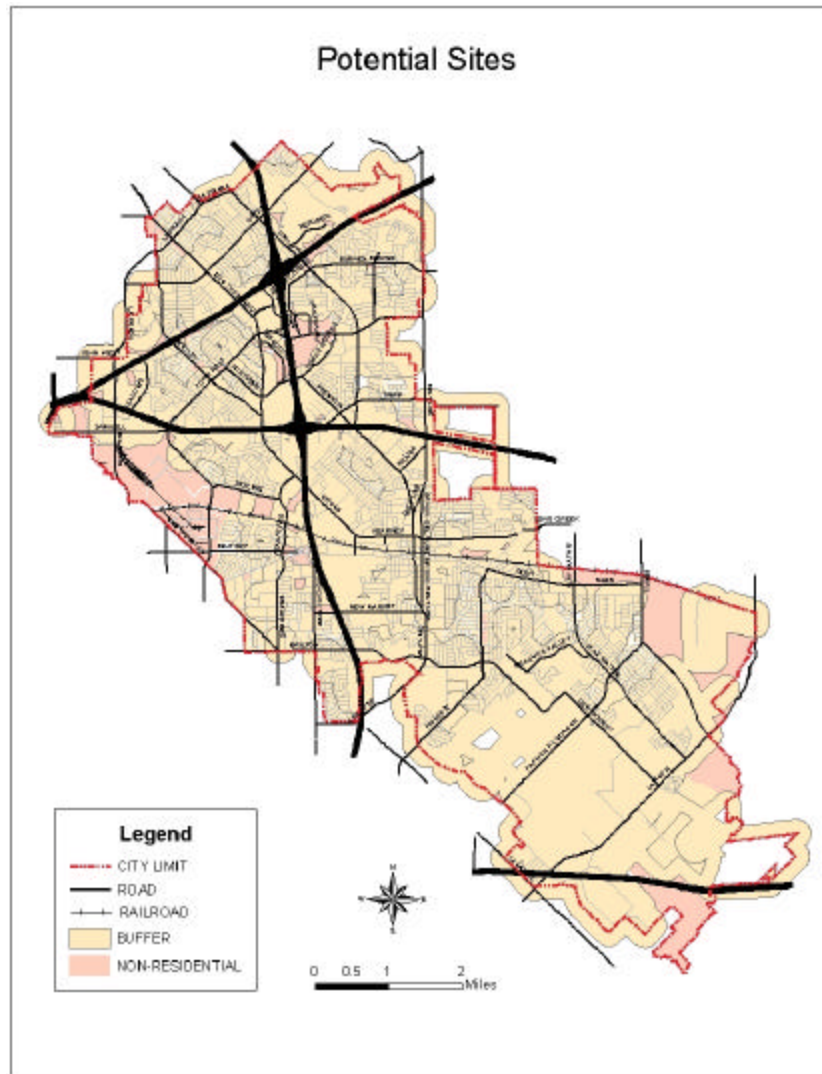


Figure 12: Possible Sites for the Tattoo Parlor

Figure 12 indicates that most of the suitable areas will be confined to the edges of the city. Four potential areas can be identified, but one can be dismissed immediately. The area around Town East Mall seems largely free of buffers, but has another problem. The city has identified the Town East Mall area near Town East Boulevard and IH-635 as the center of its retail district, and has created an overlay to protect it from certain kinds of business, such as pawn shops and tattoo parlors. Hence, we can immediately eliminate this area from contention.

The first potential area can be seen below in Figure 13.

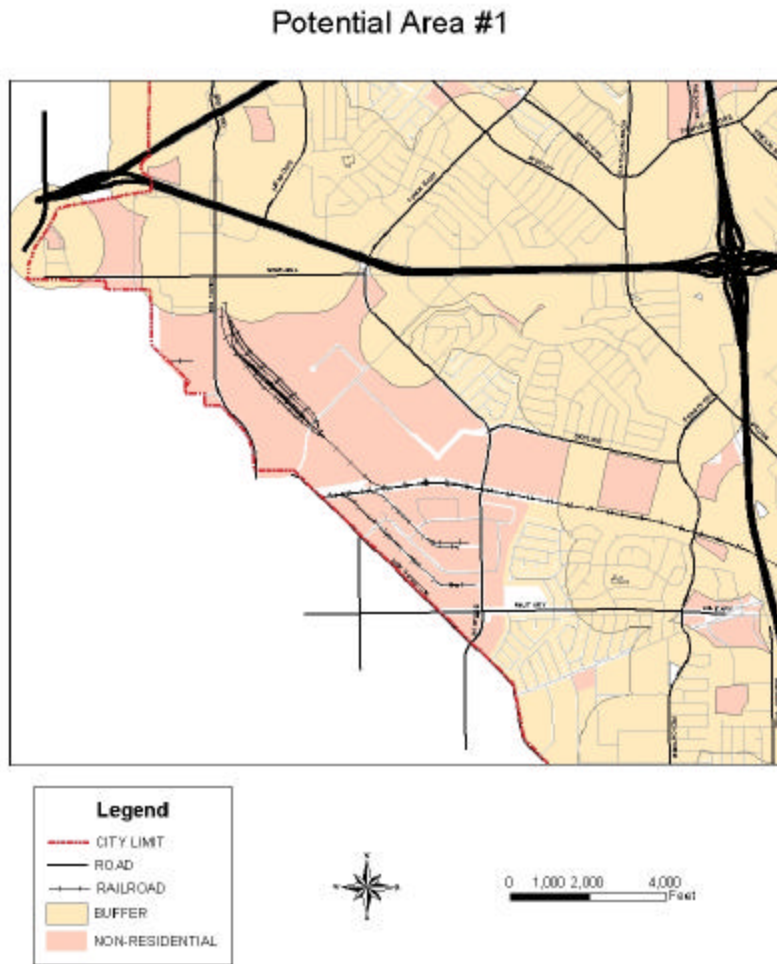


Figure 13: Potential Area #1

This area contains the highest concentration of industrial zoning in the city, much of which is relatively far from residential districts. A few major thoroughfares run through the area, and it is near the Dallas city limit. This site offers some good possibilities, which are shown below in Figure 14.

Best Sites for Area #1

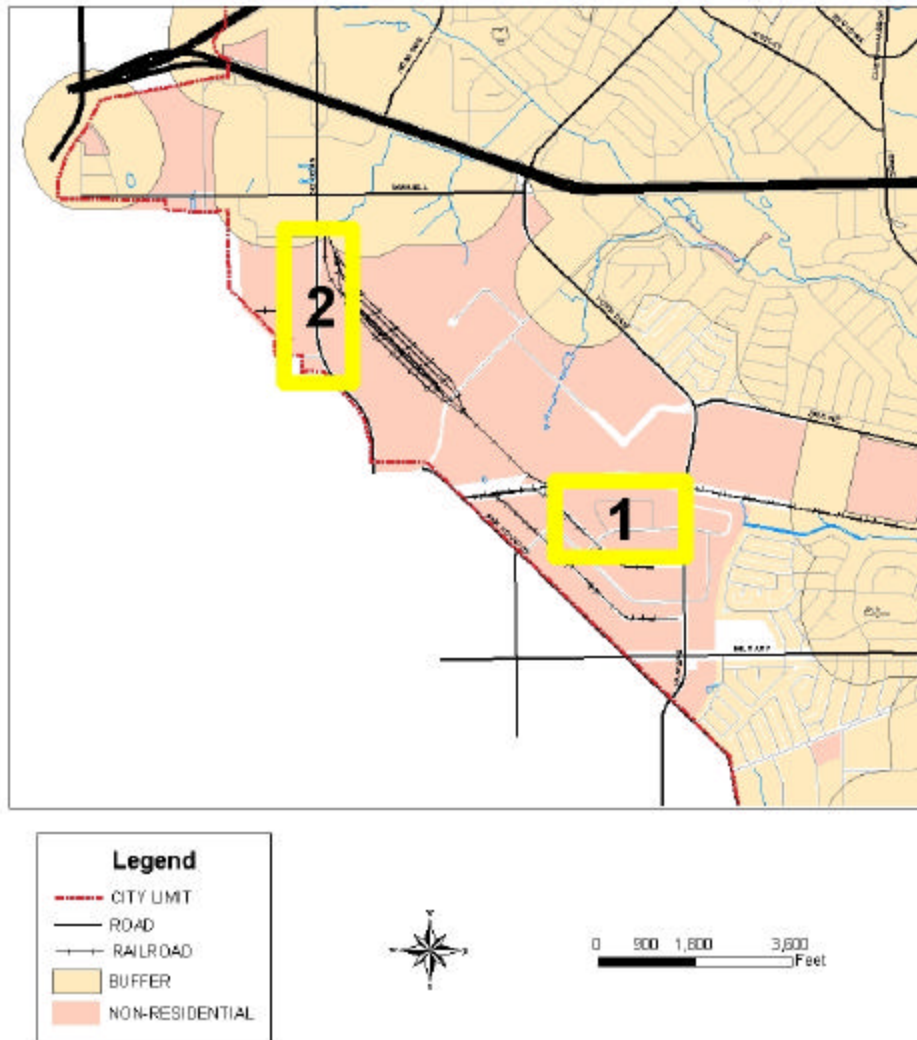


Figure 14: Best Sites for Area #1

Box #1 offers perhaps the best possibility of anywhere in the city. Much of this land is vacant, as confirmed by inspecting recent aerial photographs, and it is out of the buffer zone and away more than 1,000 feet from the nearby residential districts. Also, an examination of the aerials and a quick look through the Yellow Pages confirms that no daycare or churches are nearby. Also, the City Council (which approves the CUs for the city) tends to view this area of the city as the area where unwanted uses can operate. The area is heavily industrialized, and the

council would be less prone to object. Also, Boxes #1 and #2 are spanning major thoroughfares and are not too far from the U.S. Highway 80 and IH-30 split.

Potential Area # 2 can be seen below in Figure 15.

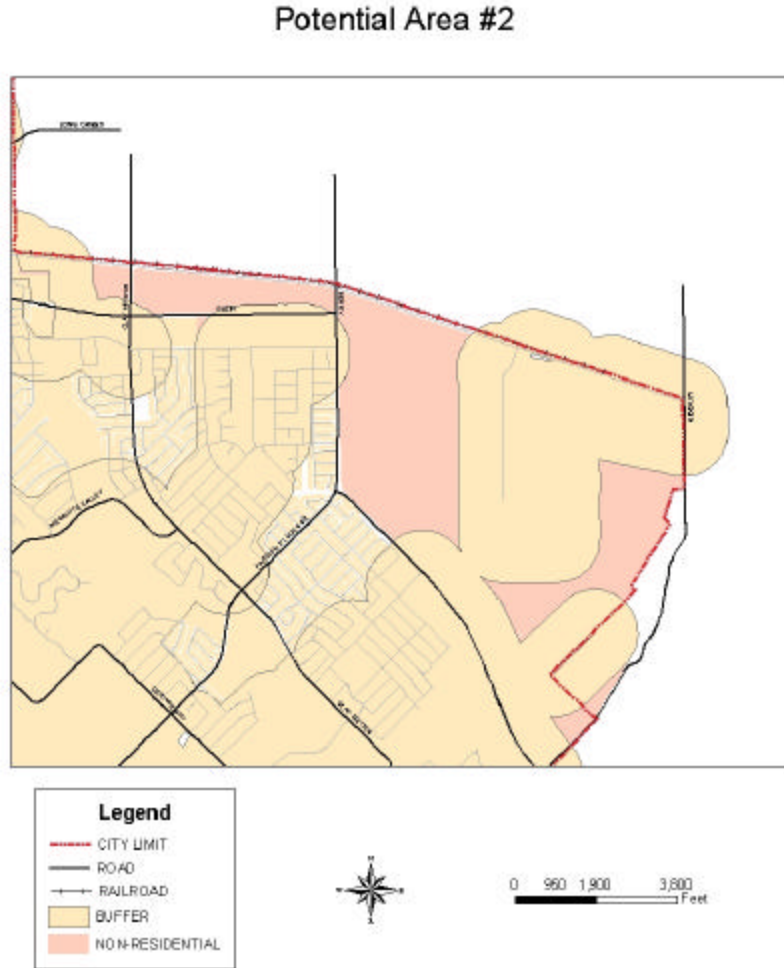


Figure 15: Potential Area #2

This area is on the eastern portion of the city near the airport. Once the buffer is applied to the single family residential areas, few spots remain, and these are largely away from major thoroughfares. A few sites could possibly be found, because much of the land out here is vacant. Figure 16 below shows the best sites for this area.

Best Sites for Area #2

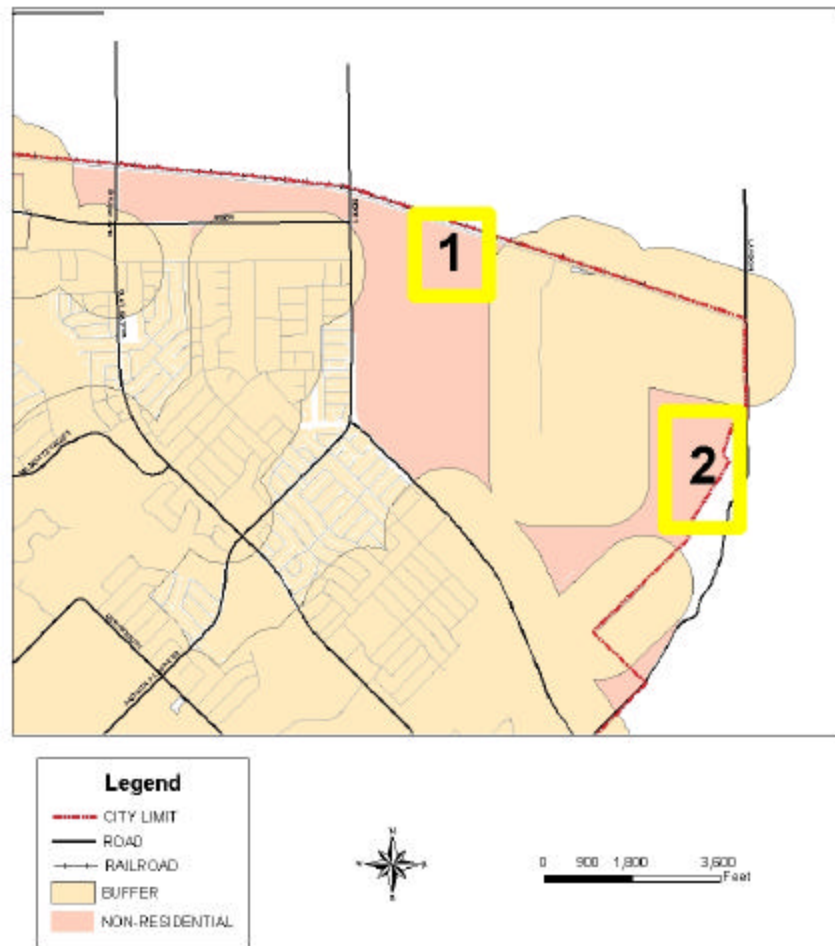


Figure 16: Best Sites for Area #2

These two sites are far enough away from the residential areas and the church along Scyene. However, a CU would be very tough to obtain here because either of these sites would be visible from the airport, which the Council views as a “Gateway” to the city. Both of these sites pose large bureaucratic obstacles.

The final area of consideration can be seen below in Figure 17.

Potential Area #3

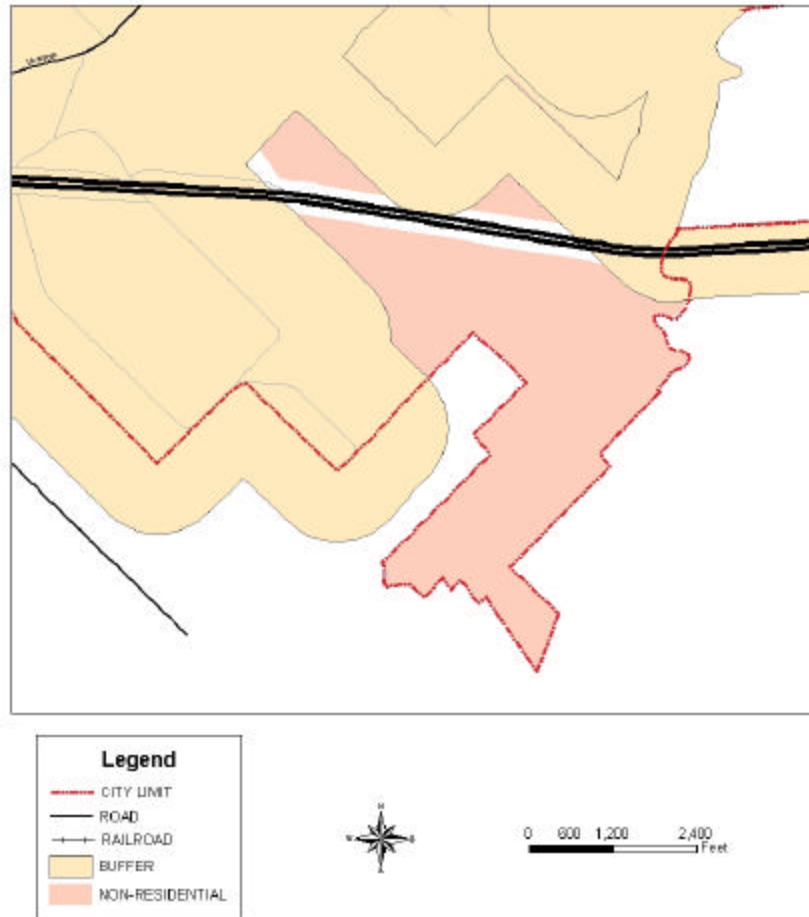


Figure 17: Potential Area #3

Area #3 offers some highway frontage, and plenty of vacant land away from residential areas. The downside of this area, however, all but destroys any possibility of locating a tattoo parlor. Few people live out there now, but the city has large plans for the area. Known as Falcon's Lair South, this area will hopefully contain an industrial park and be developed in the model of neotraditional design. Indeed, this area is the future of Mesquite. A tattoo parlor could probably not get the CU from the Council. Figure 18 shows the best site, anyway.

Best Sites for Area #3

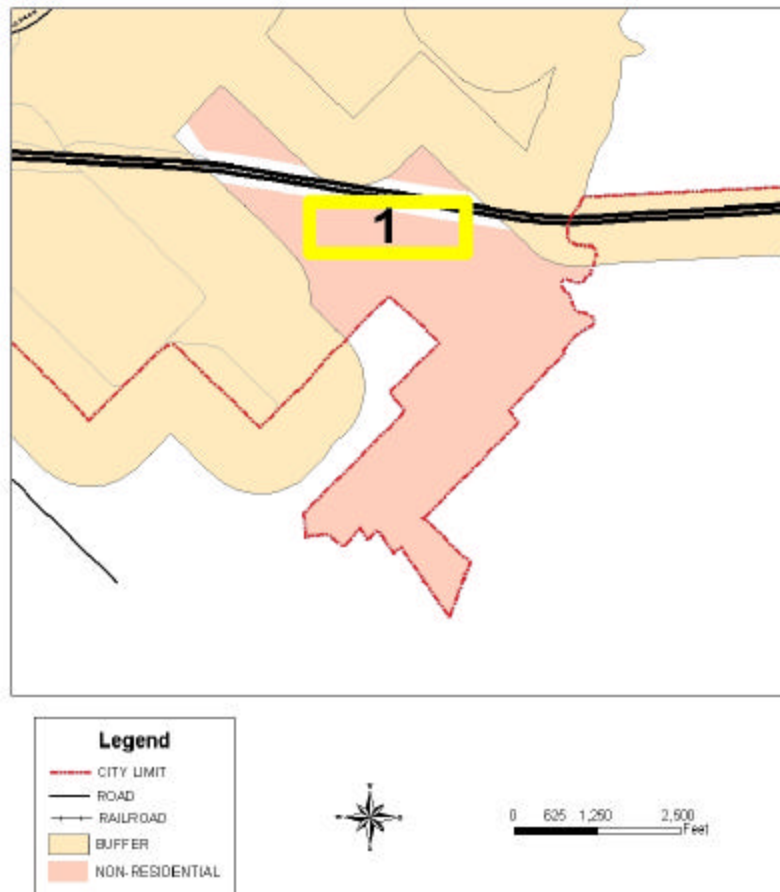


Figure 18: Best Sites for Area #3

Considering all the factors, one must conclude that Area #1, Site #1 offers the best possibility for locating a tattoo parlor in the city of Mesquite. Site #2 would be good as well, but is largely occupied. Even so, visibility will be a problem, and land values here are very high and could perhaps be prohibited. IRIS recently began building a new plant in the area. Indeed, perhaps the best strategy would be to locate the business in a city with fewer restrictions.

If this is in fact the best option, one is forced to ask why. The answer is probably found in the practice of punitive zoning. Mesquite is largely conservative, especially when considering it is only fifteen miles from the downtown of very cosmopolitan Dallas. Mesquite is dry, but allows for private clubs to serve alcohol under strict conditions in a very limited area. There are

no sexually-oriented business to speak of, and every City Council meeting is opened with a prayer. It would be unreasonable to think that the zoning practices of a city do not reflect its character. The opinion of the author is that the city utilizes punitive zoning practices to effectively eliminate the successful operating of an unwanted use, in this case tattoo parlors. Looking realistically at the use, tattoo parlors are a low-impact use. They produce no more noise than a church on Sunday, if not less. They produce no more pollution than a barber shop. They generate less traffic than City Hall. If all these statements are true, then why is this low-impact use being treated like a high-impact one? The simple answer is that a group of people decided they didn't like them or that they were some kind of social blight on the city. The city will tell you that they allow tattoo parlors in almost every non-residential zone, and they would not be lying. However, each zone requires a CU, which is granted by the Council, which set the rules that forced the tattoo parlor to these zones in the first place. As stated, this is illegal, but almost impossible to prove. Sadly, little can be done to force a city to change its zoning regulations unless they are grossly unfair.

In the end, the tattoo parlor is probably doomed to fail in the city of Mesquite. As would be a dance hall or a sexually oriented business. Zoning regulations combined with property values and visibility issues would conspire to ruin the tattoo parlor.

Bibliography

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