

**MEETING DATE:** July 27, 2021

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** The Penmanship, LLC

**CASE NUMBER / REQUEST:** Case 21-200-04 – Special Use Permit – 10701 E. Winner Road, Suite 220  
– Donte Goodwin requests approval to operate a body art shop

**APPLICANT:** Donte Goodwin, The Penmanship, LLC

**PROPERTY OWNER:** Karma Properties

**PROPERTY ADDRESS:** 10701 E. Winner Road, Suite 220

**SURROUNDING ZONING / LAND USE:**

**North:** R-12 (Two Family Residential), church, single family homes

**South:** R-12; single family homes, church

**East:** ARTS (Arts District); various commercial businesses, single family home

**West:** R-12, ARTS, C-2 (General Commercial); small offices, church

**PUBLIC NOTICE:**

- Letters to adjoining property owners – July 7, 2021
- Public notice published in the Independence Examiner – July 10, 2021
- Sign posted on property – July 9, 2021

**FURTHER ACTION:**

Following action by the Planning Commission, this special use permit request is scheduled for first reading by the City Council on August 16<sup>th</sup> and the public hearing/second reading on September 7<sup>th</sup>.

**RECOMMENDATION**

Staff recommends **APPROVAL** of this application with the following conditions:

1. This special use permit is restricted to Suite 220, 10701 E. Winner Road, only.
2. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.
3. The ADA parking spaces on the east side of the building need to be updated to current standards.

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:**

Donte Goodwin requests approval to operate a body art shop 10701 E. Winner Road, Suite 220 in the Englewood Arts district.

<b>Current Zoning:</b>	ARTS (Arts District)	<b>Proposed Use:</b>	Body art shop
<b>Current Use:</b>	Office/commercial building	<b>Building Square Foot:</b>	400 SF+/- (Rental space); 20,000 SF+/- (Total building)
<b>Acreage:</b>	0.47 acres +/-		

### **BACKGROUND & HISTORY:**

Donte Goodwin has been a tattoo artist for five years either as an apprentice or licensed artist; he is not licensed for body piercing, however. Recently he decided to open his own business, 'The Penmanship' in this two-story building at the intersection of E. Winner Road and E. 18<sup>th</sup> Street on the west end of the Englewood ARTS District. Initially he will be the sole proprietor business but plans to employ other artists to perform both tattooing and body piercings. The Penmanship will operate from Suite 220, a roughly 400 SF space on the upper level of this Spanish-style building which faces E. Winner Road.

In addition to the proposed body art shop, this 20,000 SF+ 'L' shaped building has multiple rental suites which are, or recently were, occupied by a certified public accountant, a chiropractor, and a foot doctor.

### **ANALYSIS**

#### **Consistency with *Independence for All*, Strategic Plan:**

This proposed use could help support the economic prosperity of this segment of the ARTS District corridor by the occupation of a unit in an existing commercial building.

#### **Comprehensive Plan Guiding Land Use Principles:**

The City Comprehensive Plan recommends Mixed Use for this site. This segment of E. Winner Road has had commercial zoning and uses for decades and is expected to remain here for the foreseeable future.

**Historic and Archeological Sites:** There are no apparent historic/archeological issues with this property.

**Public Utilities:** All utilities are present on the site and operational. However, the City Water Department states that the building needs to be brought up to code with the City's backflow/cross connection requirements, which is not part of this application.

### **REVIEW CRITERIA**

Recommendations and decisions on special use permit applications must be based on consideration of all of the following criteria:

#### **1. Compatibility of the proposed use with the character of the neighborhood.**

*The ARTS District contains a mix of small businesses such as restaurants, art galleries, offices, small retail stores, a banquet hall, and a hair salon. The building where the applicant seeks to*

*locate has primarily been leased for office uses. The rental of one of the units in this building should not have an effect on the character of the neighborhood.*

- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**  
*As mentioned previously, there is an assortment of businesses in this district and this proposed use should have minimal impact on the area.*
- 3. The impact of the proposed use on public facilities.**  
*All public facilities are in place here and this proposed business is not a significant consumer of water, sanitary sewer, and electricity services.*
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**  
*This special use permit would allow an additional land use not already permitted by right in this C-2 district.*
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**  
*Based upon the site's zoning and long use as a commercial property, it is not expected to affect any of these issues.*
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**  
*As this is a developed site, virtually covered with impervious surfaces, there will be no change in stormwater drainage. This small shop in the existing building will not create any more extensive noise, air or environmental pollution than other uses that don't require a special use permit.*
- 7. The extent to which there is a need for the use in the community.**  
*The maximum number of body art shop locations in the city is restricted to seven. As a few shops have shuttered recently, the total number of active shops now stands at five; this proposed business would be the sixth location.*
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**  
*If approved with a special use permit, the application appears to satisfy the requirements Section 14-416 of the Unified Development Ordinance.*
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**  
*This is a long existing commercial property, all public facilities in place and operational.*
- 10. Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.**  
*The City's updated Comprehensive Plan envisions Mixed Use for this site.*
- 11. The extent to which the use will impact sustainability or revitalization of a given area.**

*This special use permit would allow this business to utilize a vacant rental space in an existing commercial property helping to sustain the commercial base of the area.*

**EXHIBITS**

1. Applicant's letter
2. Mailing affidavit
3. Mailing list
4. Comprehensive Plan Map
5. Zoning map