

**MEETING DATE:** June 14, 2022

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Limitless Tattoo Company, DBA 1103 Galleree

**CASE NUMBER/REQUEST:** Case 22-200-07 – Special Use Permit – 13700 E. US 40 Highway, Suite F, – A request by Jeremy Taylor for a Special Use Permit to operate a body art services business

**APPLICANTS:** Jeremy Taylor & Aimee Ulberg

**PROPERTY OWNER:** Block and Company

**PROPERTY ADDRESS:** 13700 E. US 40 Highway, Suite F

**SURROUNDING ZONING/LAND USE:**

**North:** C-2 (General Commercial)...main shopping center building

**South:** C-2 (General Commercial)...vacant restaurant

**East:** C-2 (General Commercial)...outlot for the shopping center

**West:** C-2 (General Commercial)...vacant box store

**PUBLIC NOTICE:**

- Letters to adjoining property owners – May 25, 2022
- Public notice published in the Independence Examiner – May 7, 2022
- Sign posted on property – May 27, 2022

**FURTHER ACTION:**

Following action by the Planning Commission, this Special Use Permit request is scheduled for a first reading by the City Council on June 6 and the public hearing/second reading on July 18.

### RECOMMENDATION

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

1. This Special Use Permit is restricted to 13700 E. US Highway 40, Suite F, only;
2. An opaque door (wood or metal) shall be repaired on the existing trash enclosure;
3. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

Jeremy Taylor & Aimee Ulberg request approval to operate a body art shop at 13700 E. US 40 Highway, Suite F.

**Current Zoning:** C-2 (General Commercial)

**Current Use:** Vacant tenant space

**Proposed Use:** Body art shop  
**Tenant Space Area:** 1,200-square feet

### **BACKGROUND & HISTORY:**

The applicants are applying to open a tattoo studio at 13700 E. US 40 Highway, Suite F, in the Northwest corner of an outlet building, in the Noland Fashion Center. The business in underutilized building, with six tenant spaces, at the northwest corner of Washington Avenue and US 40 Highway, will operate mainly during the day and will be by appointment only. There will only be two tattoo artists working at any time.

There will not be any exterior improvements to the existing shopping center building. However, a new opaque metal or wood door should be installed on the existing trash enclosure.

The applicant previously applied and received approval earlier this year from the Planning Commission and City Council to operate a Body Art business in the former Tommy's Tavern in the Independence Square area; however, not securing a lease there, the applicant is requesting this new Special Use Permit.

The limit on the number of body art shops is now eight, an increase from seven due to the city's 2020 census population of 123,011, up from 116,830 in 2010. There are currently six locations in the city.

### **ANALYSIS**

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

This proposed use could help support the economic prosperity of this blighted commercial center by occupying a vacant space in an existing outbuilding.

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

The City Comprehensive Plan recommends Business Park uses for this site. This area has had commercial zoning and uses for decades. The now blighted area is envisioned to be redeveloped with Business Park related uses.

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

**Driving Surface and Parking Lot:** A paved driving surface and parking lot occupy most of the area of the out lot that is not building, greenspace or trash enclosure. The parking lot is striped and signed and marked with a handicapped parking space near the door of the tenant space.

**Landscaping:** Any future landscaping improvements will be tied to a general renovation of the Shopping Center.

**Trash Enclosure:** The applicant needs to install a new opaque door (wood or metal) on the existing trash enclosure.

**Public Utilities:** All utilities are present on the site and operational.

### **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 vicinity around Noland Fashion Square contains a mix of businesses such as restaurants, box stores and small retail stores;*
- 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 area and this proposed use should have minimal impact on the neighborhood;*
- 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 one additional land use not already permitted by right in the C-2 district site;*
- 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, there will be no change in stormwater drainage. This small shop in an 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 eight. As a few shops have shuttered recently, the total number of active shops now stands at six; this proposed business would be the seventh 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 Business Park uses 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 commercial property helping to bring more commerce to the area.*

**EXHIBITS**

1. Applicant Letter
2. Application
3. Notification Letter
4. Mailing list
5. Affidavit
6. Building Image
7. Comp Plan map
8. Zoning map
9. SUP Review Criteria