
MEETING DATE: October 11, 2022

STAFF: Brian L. Harker, Planner

PROJECT NAME: Sarah Bay – Tattoo Parlour

CASE NUMBER/REQUEST: **Case 22-200-12 – Special Use Permit – 116 W. US 24 Highway – A**
request by Sarah Bay for a Special Use Permit to operate a Body Art Services
Business

APPLICANT: Sarah Bay

PROPERTY OWNER: Nassco, LLC

PROPERTY ADDRESS: 116 W. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: R-6 (Single-Family Residential)...single-family home

South: C-2 (General Commercial)...strip center

East: C-2 (General Commercial)...used car lot

West: C-2 (General Commercial)...automotive repair

PUBLIC NOTICE:

- Letters to adjoining property owners – September 19, 2022
- Public notice published in the Independence Examiner – September 24, 2022
- Sign posted on property – September 22, 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 November 7 and the public hearing/second reading on November 21.

RECOMMENDATION

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

1. This Special Use Permit is restricted to 116 W. US 24 Highway;
2. Construct a masonry trash enclosure adjacent to the alley or in the southwest parking lot;
3. Provide additional shrubs around the property where possible (particularly in the small planting areas in east, north and south of the commercial building and along the fence between the parking lot and the house);
4. Mark and sign all standard and handicapped parking spaces;
5. Seal the cracks in the parking lot;
6. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Sarah Bay requests approval to operate a body art shop at 116 W. US 24 Highway.

Current Zoning:	C-2 (General Commercial)		
Current Use:	Semi-vacant commercial space and single-family home	Proposed Use:	Body art shop and single-family residence
Zoning History:	The property was zoned C-3 (Commercial) prior to 1980		
Lot Area:	9,106-square feet	Retail Building:	900-square feet
		Residence:	875-square feet

BACKGROUND AND HISTORY:

The applicant is applying to open a tattoo studio at 116 W. US 24 Highway at the northeast corner of Liberty Street and US 24 Highway. The business itself will operate in a semi-vacant building (having some personal storage) abutting the US 24 Highway sidewalk at the southeast corner of the property. A legal non-conforming house sets on the north side of the property facing the Liberty Street. An existing paved parking lot lies west of the commercial building and a three-car wide driveway sets east of the house providing access from the alley.

PHYSICAL CHARACTERISTICS OF PROPERTY:

This small, single-story, commercial building abutting US 24 Highway and the adjacent alley is longer than it is deep. The 900-square foot structure's façade makes it appear that it is four buildings. It has two front doors and two others on the rear and east facades. It is divided into three sections/rooms. Behind the building there is a small courtyard enclosed by a privacy fence. The courtyard can be accessed from both of the parking lot and driveway. The small, yellow, single-story house on the northern portion of the property, faces Liberty Street and has rear driveway access to the alley.

CHARACTERISTICS OF THE AREA

This section of US 24 Highway corridor has many auto-related businesses, services and small retail stores. Adjacent and nearby are many small and densely sited single-family homes.

NUMBER OF SHOPS:

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 five active locations in the city. Although the applicant might hire others later, she and her apprentice will be the only ones working at the location at this time.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This proposed use could help support the economic prosperity of this underutilized commercial area by occupying a mostly vacant commercial building.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Established Neighborhood uses for this site. The Guiding Principles state the need to, “Preserve the integrity of existing neighborhoods and facilitate the development of connected, mixed use neighborhoods where appropriate.” It is not anticipated that the this proposed use would have minimal impact on the neighborhood

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Permits and Site Improvements and Landscaping:

The applicant has indicated no construction activity will take place within the building. However, with the Special Use Permit, exterior improvements (required to mitigate the impacts of the new use) will have to be provided. These include sealing the parking surface, marking parking spaces (including van-accessible handicapped spaces) and providing landscaping where possible.

CIP Investments:

In partnership with the City of Independence, MO, this project will improve U.S. 24 Highway between M-291 Hwy and River Boulevard. Improvements include a 5-lane typical section with curb and gutter, open and enclosed storm sewers, raised concrete islands, traffic signal improvements, and signing and marking improvements. A 10-foot multi-use path is also proposed along the south side of the roadway with a 5-foot sidewalk along the north side of the roadway. MoDOT’s US 24 Highway Safety Improvement project is scheduled to commence in 2023. As part of the project, the driveway approach from Liberty Street will be adjusted slightly to account for this project.

Driveway and Parking Lot:

The existing driveway, coming off-of the alley, has three available parking spaces. Room for four more standard parking spaces, and a handicapped space and accompanying crossed-hatched area, could be painted and signed on the southwest parking surface.

Trash Enclosure:

If the property has trash service, the applicant will need to construct a new 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 the property contains a mix of businesses such as auto repair shops, used car dealerships and convenience and other small retail stores and services;

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 an additional land use not already permitted by right at 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 long use as a mixed commercial and residential 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 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, this proposed business would not exceed the cap on body art businesses;

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 an long existing commercial property, all public facilities are 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 Residential Established Neighborhoods 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 semi-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. Aerial Photo
7. Floor Plan
8. Photographs
9. Comp Plan map
10. Zoning map
11. Special Use Review Criteria