
MEETING**DATE:**

January 24, 2023

STAFF: Stuart Borders, Senior Planner**PROJECT NAME:** The Penmanship Arts**CASE NUMBER/REQUEST:** Case 23-200-01 – Special Use Permit – 3300 S. Blue Ridge Cut-Off, Unit B/C –
A request by Donte Goodwin for a Special Use Permit for a body art service business.

APPLICANT: Donte Goodwin**OWNER:** SMJ. R. E. LLC**PROPERTY ADDRESS:** 3300 S. Blue Ridge Cut-Off**SURROUNDING ZONING/LAND USE:**

North: R-6 (Single Family Residential), C-2; City park, cemetery, auto repair shop
South: C-2; Equipment sales, vacant properties, restaurants
East: R-6, C-2; Vacant commercial property, single family homes
West: R-6, C-1, C-2; Undeveloped

PUBLIC NOTICE:

- Letters to adjoining property owners – January 9, 2023
- Public Notice published in the Independence Examiner – January 7, 2023
- Sign posted on property – January 5, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 20th and the public hearing/second reading on March 6th.

RECOMMENDATION

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

1. This Special Use Permit is restricted to 3300 S. Blue Ridge Cut-Off, Unit B/C only.
2. The applicant will obtain and maintain all applicable City and State licenses and comply with all health requirements.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

A request by Donte Goodwin for a Special Use Permit to operate a body art shop Special Use Permit at 3300 S. Blue Ridge Cut-Off, Unit B/C.

Current Zoning:	C-1 (Neighborhood Commercial); rezoning to C-2 pending	Proposed Use:	Body art shop
Current Use:	Vacant tenant space	Tenant Space Area:	1,500+/- square feet

BACKGROUND & HISTORY:

At its July 27, 2021 meeting the Planning Commission recommended approval of a special use permit to allow Donte Goodwin to operate 'The Penmanship Arts' body art shop in one of the units at 10701 E. Winner, a commercial building in the City's ARTS District. Subsequently, the City Council approved the application at its September 7th meeting. Now Mr. Goodwin seeks to relocate to Units B/C in a strip center building at 3300 S. Blue Ridge Cut-Off. In his letter he states that he's seeking more work space for future artists and a site with more public exposure than his current location on Winner Road.

There will not be any exterior improvements to the strip center building; the space may need to be remodeled for the business however.

The limit on the number of body art shops is now eight, an increase from seven due to the city's 2020 Census population increase. There are now seven shops in the city, this application doesn't increase that number as this is only a relocation of an existing business.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

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

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

While the City's Comprehensive Plan recommends Residential Established Neighborhoods uses for this site, it has long been in business use and is near the Community Commercial node at US 40 Highway and Blue Ridge Cut-off.

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.

REVIEW CRITERIA

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

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

This commercial node around the Blue Ridge Cut-Off/US 40 Highway intersection contains a mix of businesses such as fast-food restaurants, small retail shops and convenience 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 a 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, 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; the total number of active shops now stands at seven; this application concerns the relocation of one of those existing shops.

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 in place and operational.

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and policies.

The City's Comprehensive Plan envisions Residential Established Neighborhoods uses for this site. Although not in conformance with the plan, the location of a body art shop in this existing commercial site should not negatively effect the Plan's goals and objectives.

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's letter
2. Application
3. Notification letter
4. Mailing list
5. Mailing affidavit
6. Building Image
7. Comp Plan map
8. Zoning map
9. SUP Review Criteria