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**MEETING DATE:** February 27, 2024      **STAFF:** Joshua Garrett, Planner  
**PROJECT NAME:** Tattoo Shop and Art Gallery – Good Rabbit Tattoo, LLC  
**CASE NUMBER/REQUEST:** Case 24-200-01– Special Use Permit – 10609 E. Winner Road – A request by Christopher Layman to operate a Tattoo Shop.

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**APPLICANT:** Christopher Layman  
**OWNER:** RG Landdev, LLC  
**PROPERTY ADDRESS:** 10609 E. Winner Road, Independence, MO 64052

**SURROUNDING ZONING/LAND USE:**

- North:** R-12 (Two-Family Residential) – Church
- East:** ARTS District – Residences and Commercial Spaces
- South:** R-12 (Two-Family Residential) – Single Family Residences
- West:** ARTS District – Commercial Spaces

**PUBLIC NOTICE**

- Letters to property owners within 185 feet – January 5, 2024
- Public Notice published in the Independence Examiner – February 9 2024
- Sign posted on property – February 9th, 2024

**FURTHER ACTION:**

Following action by the Planning Commission, this special use permit request is scheduled for first reading by the City Council on April 4, 2024, and the public hearing/second reading on April 15, 2024.

**RECOMMENDATION**

Staff recommends **APPROVAL** of this Special Use Permit request with the following conditions:

1. This Special Use Permit is limited to the unit at 10609 E. Winner Road and does not apply to the entire property.
2. The applicant will obtain and maintain all applicable City and State License and comply with all health requirements.

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:** A request by Christopher Layman to acquire a Special Use Permit to operate a Tattoo Shop at 10609 E. Winner Road in the Englewood Arts District.

**Current Zoning:**  
ARTS District

**Proposed Zoning:**  
ARTS District

**Current Use:** Vacant Commercial Space

**Proposed Use:** Tattoo Shop and Art Gallery

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**Acreage:** 0.47 Acres

**Building Square Footage:** 1,100 SF (Rental Space)

### **BACKGROUND AND PROPOSAL:**

Section 14-416-01-B limits the total number of “Body Art Services”, which includes tattoo shops, to one for every 15,000 residents of the City. As of the 2020 decennial census, the number of Body Art Service businesses that can operate in the city is capped at eight. However, there are currently only four such businesses operating in Independence. Which means that four additional Body Art Service businesses can obtain business licenses before the cap is reached.

Additionally, This property lies within the Englewood Arts District which has the ARTS district zoning designation. To legally operate a tattoo shop in the ARTS district requires a Special Use Permit. The applicant has operated a successful business in Blue Springs but seeks to relocate his business to Independence.

### **PHYSICAL CHARACTERISTICS OF THE PROPERTY:**

The property itself is a triangle shape that sits on the western edge of the Englewood Arts district. The building on the property is a two story “L” shaped structure with many different commercial suites.

### **CHARACTERISTICS OF THE AREA:**

The property is primarily surrounded by single-family residences and several churches. Further to the east is the rest of the Englewood Arts district with various shops, galleries, and community spaces.

## **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 or 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.**

*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 the ARTS 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 eight. As a few shops have shuttered recently, the total number of active shops now stands at four; this proposed business would be the fifth 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 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 polices.**

*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. Cover Letter
2. Application
3. Notification Letter
4. Mailing List
5. Notification Area Map
6. Affidavit
7. Photos of Current Shop
8. Photos of New Location
9. Winner Road Building Map
10. Comp Plan Map
11. Zoning Map