

STAFF EVALUATION

To: City Council

Prepared By: Mike Hayes

728-5244

Reviewed By: Bonnie Brown, Deputy City Attorney

Case No.: Use Permit Application No. 19-00011

Date: January 8, 2019

General Information

Applicant	Rahshodd McNeil
Property Owner	Club Forest Buckroe LLC
Location	51-55 N. Mallory Street [a portion of LRSN 12001704]



Requested Use	Use Permit for a tattoo parlor.
Description of Proposal	The applicant intends to lease three bays in the strip shopping center to operate a tattoo parlor.
Existing Land Use	Shopping center; this specific store front is vacant
Zoning	The property is zoned Phoebus Commercial Transition (PH-3) District, which allows tattoo parlors with an approved use permit.

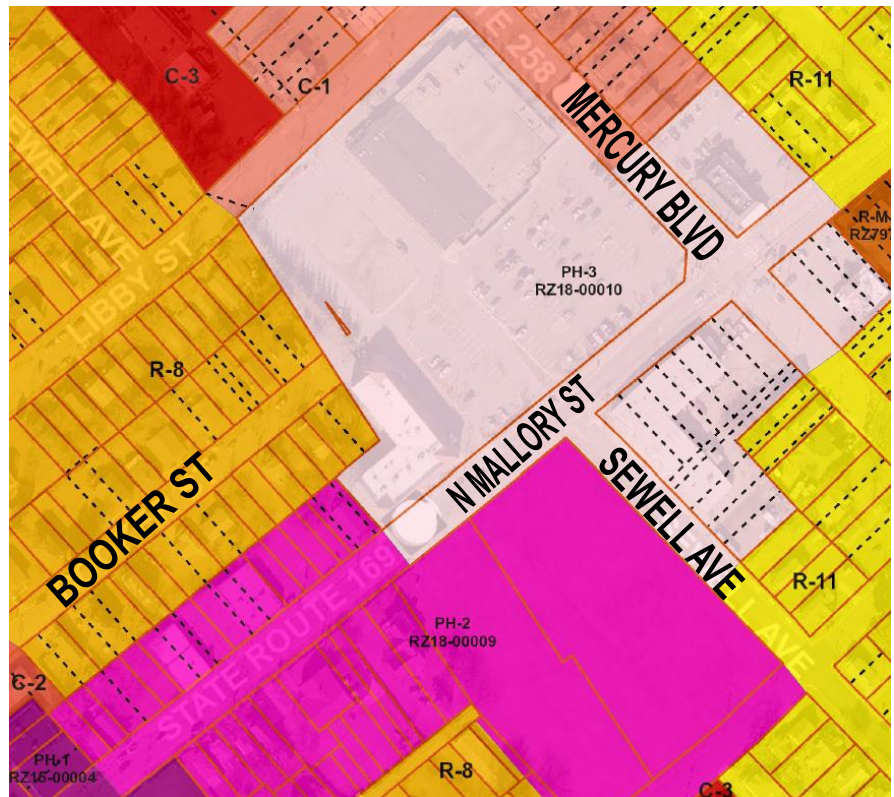
Surrounding Land Use and Zoning

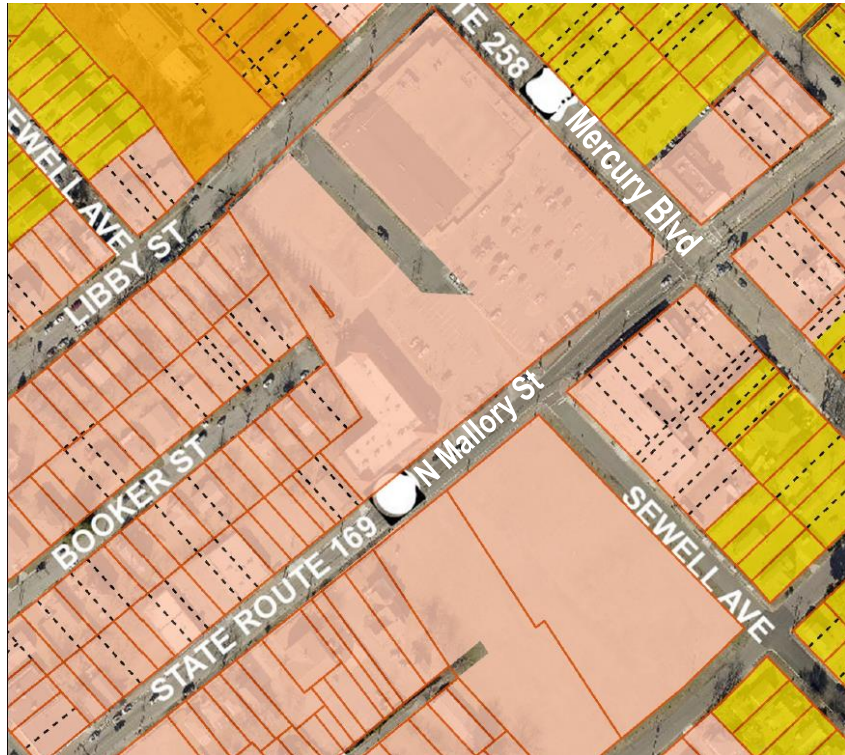
North: Two-family Residence District (R-8), PH-3, Neighborhood Commercial District (C-1), Limited Commercial District (C-2); Single family residences, shopping center, cold storage facility, and a cleaners

South: Phoebus Town District (PH-2); Restaurant and vacant land

East: PH-3 and C-1; Storage/contractor storage, convenience store, restaurant, and single family residences

West: PH-2 and R-8; Single family residences, vacant land





The Hampton Community Plan (2006, as amended) recommends mixed-use for this site and much of the downtown Phoebus area.

Additional policies related to this request from the Community Plan are listed below:

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. [Phoebus is identified as a special district.] Promote the efficient use of land and high quality urban design.

ED Policy 4: Nurture small and start-up businesses.

This location also falls within the boundaries of the Phoebus Master Plan (2013, as amended). The Master Plan recommends Mellen and Mallory Streets develop into a mixed-use regional attraction with a concentration of "specialty shops that focus on antiques, arts, and design".

Applicable Regulations

PH-3 allows for a tattoo parlor, subject to approval of a use permit.

Traffic

The proposed operation is not expected to have negative impacts on traffic in the area. The proposal is to make use of existing commercial space with parking available on Mallory Street as well as in a large parking lot serving the shopping center. Typically tattoo parlors do not produce as many trips as most other commercial uses permitted in the district, such as restaurants and retail.

Community Meeting

The applicant has not scheduled a community meeting at this time.

Analysis

Use Permit Application No. 19-00011 is a request to permit a tattoo parlor at 51-55 N. Mallory Street [a portion of LRSN 12001704], which is located in Phoebus. This commercial space is a part of a larger shopping center. The shopping center is zoned Phoebus Commercial Transition (PH-3), which allows tattoo parlors with an approved use permit. The PH districts have been amended in recent years. The original PH-1 (Phoebus Business) District, which extended to include this shopping center, had tattoo parlors added as a permitted use with a use permit in 2016. In 2018, the original Phoebus Business District was split into three districts to provide more appropriate development standards for each area but permit the same uses in each district. So, a very intentional policy decision was made in recent years to permit tattoo parlors with a use permit in this area.

51-55 N. Mallory Street are adjoining sections of the strip shopping center (See attached Exhibit A) and face directly onto N. Mallory Street. Parking is provided in the adjacent parking lot shared by the entire shopping center as well as on-street along Mallory Street. If approved with the recommended conditions, the storefront would continue as a typical storefront, however, any tattooing would be screened from public view.

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject parcel and the general main street Phoebus area with recommendations for maintaining existing residential neighborhood around it. The Phoebus Master Plan (2013, as amended) recognizes the opportunity for Mellen and Mallory Streets to be a regional draw for arts and entertainment in a traditional main street development pattern.

If approved, staff recommends attaching six (6) conditions to this application. These conditions limit the tattoo operation to the stalls shown in Exhibit A. The conditions also require the screening of any tattooing from public view and limit the hours of operation from 10:00AM to 10:00PM, which is consistent with previously approved tattoo parlors. The operation will also have to follow all applicable City Code and Health Department laws as well as undergo a review after 12 months, similar to those performed for live entertainment use permits to assure the operation is adhering to the conditions and not generating deleterious effects on the neighboring community.

Given the zoning, land use, and development policies for the larger area of main street Phoebus, the proposed tattoo parlor is appropriate in this location.

Staff and Planning Commission recommend approval of Use Permit Application No. 19-00011 with six (6) conditions.