

STAFF EVALUATION

To: Planning Commission

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 Reviewed By: Keith Cannady, AICP
 Sharon McSmith, CAP

728-5238
 728-5239
 728-5240

Case No.: Use Permit Application No. 1085-2013

Date: 3/1/2013

General Information

Applicant Richard S. Ayers DBA Attic Tattoos, LLC

Owner Mercury Boulevard Center, LLC

Location 1073 N King St. [LRSN 8000678]



Requested Action Use Permit to allow for a tattoo parlor.

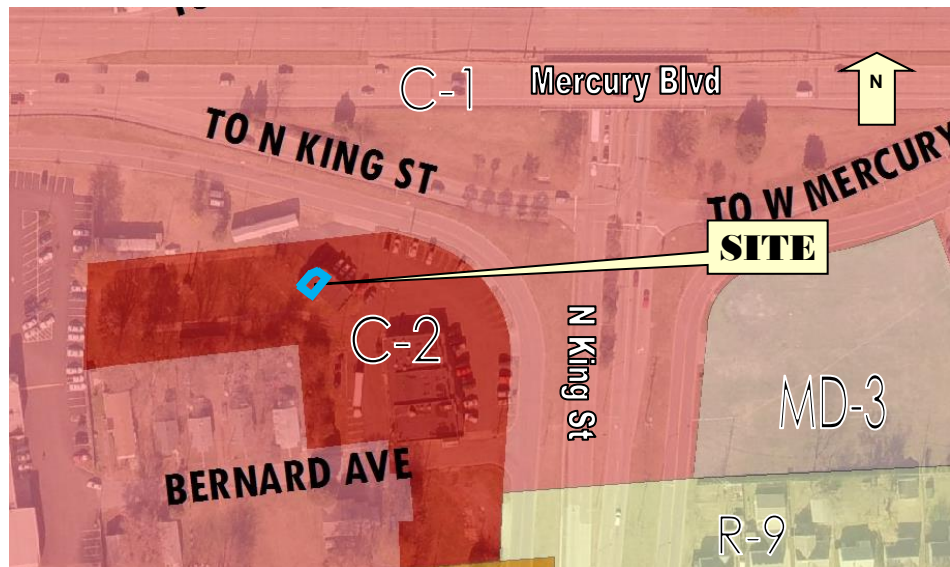
Description of Proposal The applicant proposes opening Attic Tattoos, LLC to offer tattoo services.

Existing Land Use Vacant Commercial Space

Zoning C-2 (Limited Commercial District)

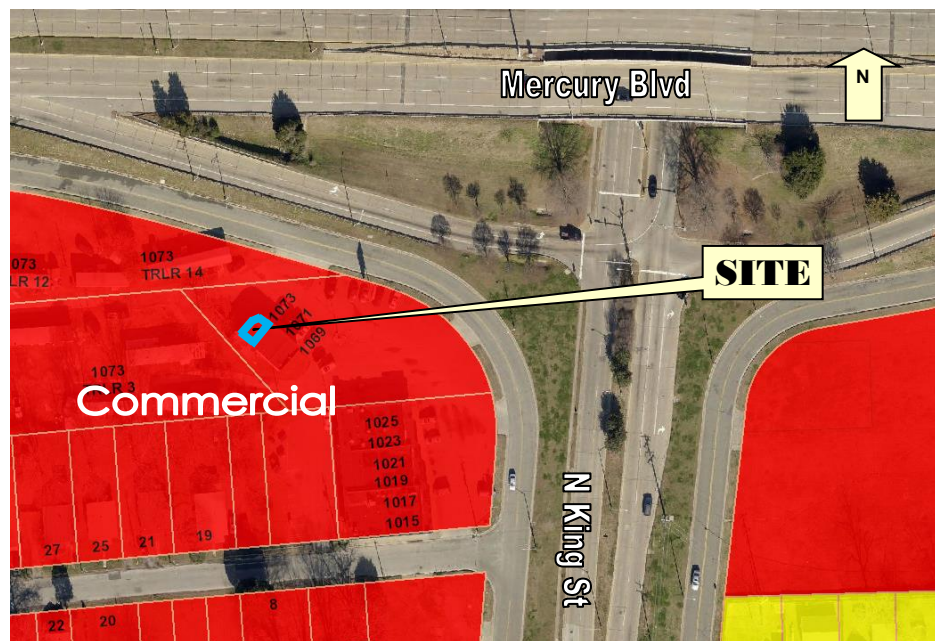
Surrounding Land Use and Zoning

North: C-1, Neighborhood Commercial, Mobile Homes & Major Roadway
South: C-2, Limited Commercial, Commercial & Single Family Residences
East: C-1, Neighborhood Commercial, Major Roadway
West: C-2, Limited Commercial, Mobile Homes



Public Policy

The Hampton Community Plan (2006, as amended) recommends Commercial use for this property. Commercial use is also recommended for surrounding properties.



The Plan recommends policies that will encourage and maintain an environment that promotes the continued growth of small businesses.

Land use policies related to this request are listed below:

LU-CD 35: Encourage corridor-oriented commercial development within special areas to strengthen the viability of commercial uses to protect residential uses and adjacent neighborhoods. Areas specified for corridor-oriented commercial include business corridors and commercial nodes within residential corridors.

ED 4: Nurture small and start-up businesses. (Pg. ED-23)

| | |
|-------------------------------|---|
| <i>Zoning History</i> | There are no known rezonings, conditional privileges, or use permits associated with this property. |
| <i>Applicable Regulations</i> | C-2 allows for a tattoo parlor subject to securing a Use Permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing project impacts on the adjoining properties. |
| <i>Traffic/Parking</i> | As the proposed tattoo parlor will be located in an existing shopping center, and will create little additional traffic in comparison to other retail uses, no parking is required in addition to the provided parking spaces. |
| <i>Schools</i> | This proposal does not impact schools. |
| <i>Environmental</i> | There are no known environmental concerns at this site. |
| <i>Community Meeting</i> | At this time, no community meeting has been scheduled. |

Analysis

Attic Tattoos, LLC tattoo parlor will operate in an existing building at 1073 N. King Street. Hampton's Zoning Ordinance allows for tattoo parlors in the Limited Commercial District (C-2) with a use permit.

After reviewing the proposal, staff has determined the proposal will generate negligible traffic impacts, and existing parking will provide sufficient parking for the tattoo parlor. The proposed use is consistent with the Hampton Community Plan (2006 as amended), which recommends policies that will encourage and maintain an environment that promotes the continued growth of small businesses and encourages the location of businesses in commercial nodes in an effort to protect residential uses and adjacent neighborhoods.

The proposed tattoo parlor would be an acceptable use for this location and would meet all zoning requirements.

Staff recommends approval of Use Permit Application No. 1085-2013 with eight (8) conditions.

Use Permit No. 1085-2013

Attic Tattoos, LLC
1073 N. King Street, Hampton, VA 23669

Conditions

1. Issuance of Permit

The Use Permit applies only to 1073 N. King Street [LRSN 8000678], and is not transferable to another location.

2. Hours of Operation

The hours of operation shall be limited to 10:00AM to 10:00PM from Sunday to Saturday.

3. Screening

All tattooing shall be screened in a way to not be visible from the exterior of the building.

4. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing the tattoo parlor operation.

5. Compliance with Applicable Laws

The applicant must comply with all Health Department, Virginia Code § 15.2-91 & 18.2-371.3, and City of Hampton Code requirements and regulations, and any and all other applicable Federal, State, and Local ordinances and regulations.

6. Nullification

- a. The Use Permit shall become null and void if the use is not established within twenty-four (24) months of the date of approval by City Council.
- b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of six consecutive months.

7. Termination

Notwithstanding any condition or provision of this Use Permit to the contrary, the Use Permit may be terminated immediately for violation of any terms or conditions of the Use Permit.

8. Term of Permit

The Use Permit shall be valid for 18 months from the date of approval by the Hampton City Council. After 12 months of operation, prior to the expiration date, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director may administratively extend the Use Permit in five (5) year increments. Each such extension shall be subject to the same administrative review. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee of a denial of the extension in writing. The denial of an extension of the Use Permit will not require the removal of any structure or structures constructed or installed for the live entertainment area(s). A Permittee aggrieved by the decision of the Director may, upon written request within 30 days of the decision, have the matter reviewed by the Planning Commission

and the City Council. Nothing contained herein shall limit the rights of a Permittee to seek a new Use Permit.