

# STAFF EVALUATION

**Prepared By:** Olivia Askew 727-6301  
**Reviewed By:** Mike Hayes, AICP 728-5244  
Bonnie Brown, Deputy City Attorney

**Case No.:** Use Permit No. 21-00016

**Planning Commission Date:** November 18, 2021 **City Council Date:** December 8, 2021

## General Information

*Applicant(s)* Erik Day & Lucia Day

*Property Owner(s)* S&S of Mercury Enterprises, LLC

*Site Location* 2809-2807 W Mercury [LRSN: 3003523]



*Requested Action* Use permit to allow for a tattoo parlor in the Limited Commercial (C-2) District.

*Description of Proposal* The applicant is proposing to expand their existing tattoo parlor at 2809 West Mercury Boulevard into the adjacent unit at 2807 West Mercury Boulevard.

*Existing Land Use* Tattoo Parlor, Vacant

*Zoning & Zoning  
History*

The subject site is zoned Limited Commercial (C-2) District. The C-2 District allows for a tattoo parlor subject to securing an approved Use Permit. From 2003 to 2009, tattoo parlors were a by-right permitted use in the C-2 and C-3 Districts. City Council amended the Zoning Ordinance in February of 2009 to allow the operation of tattoo parlors within the C-2 and C-3 Districts with a Use Permit. The existing tattoo parlor at 2809 West Mercury Boulevard is a legal non-conforming use that has been in continued operation since 2003.

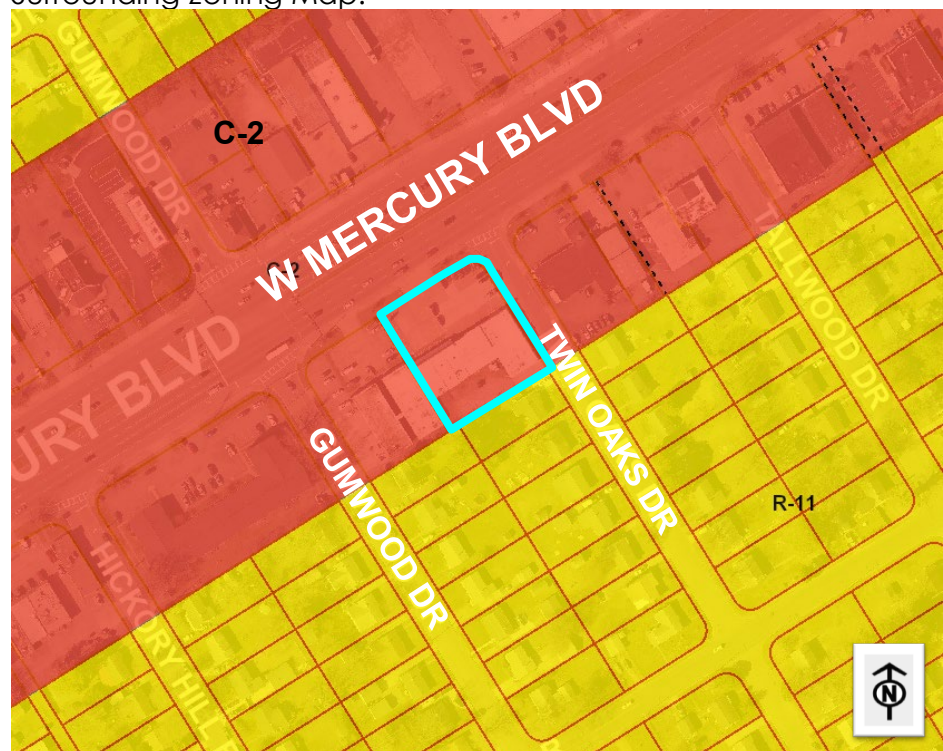
Approval of this application would bring 2809 West Mercury Boulevard into compliance with the Zoning Ordinance, while permitting the new tattoo parlor use at 2807 West Mercury Boulevard.

There have been no zoning or code violations at this site, under current and previous ownership, related to the tattoo parlor operation.

*Surrounding Land Use  
and Zoning*

**North:** Limited Commercial (C-2) District; general retail sales  
**South:** One-Family Residential (R-11) District; single family homes  
**East:** Limited Commercial (C-2) District; light vehicle repair  
**West:** Limited Commercial (C-2) District; shopping center

Surrounding Zoning Map:



*Public Policy*

The Hampton Community Plan (2006, as amended) is adopted as the guiding policy document for the City of Hampton. The Hampton Community Plan includes the following policy recommendations pertinent to this case:

**Land Use and Community Design Policies:**

**LU-CD Objective 3:** Promote compatibility and synergy among different land uses.

**LU-CD Policy 36:** Encourage corridor-oriented commercial development within specified areas to strengthen the viability of commercial uses.

**Economic Development Policies:**

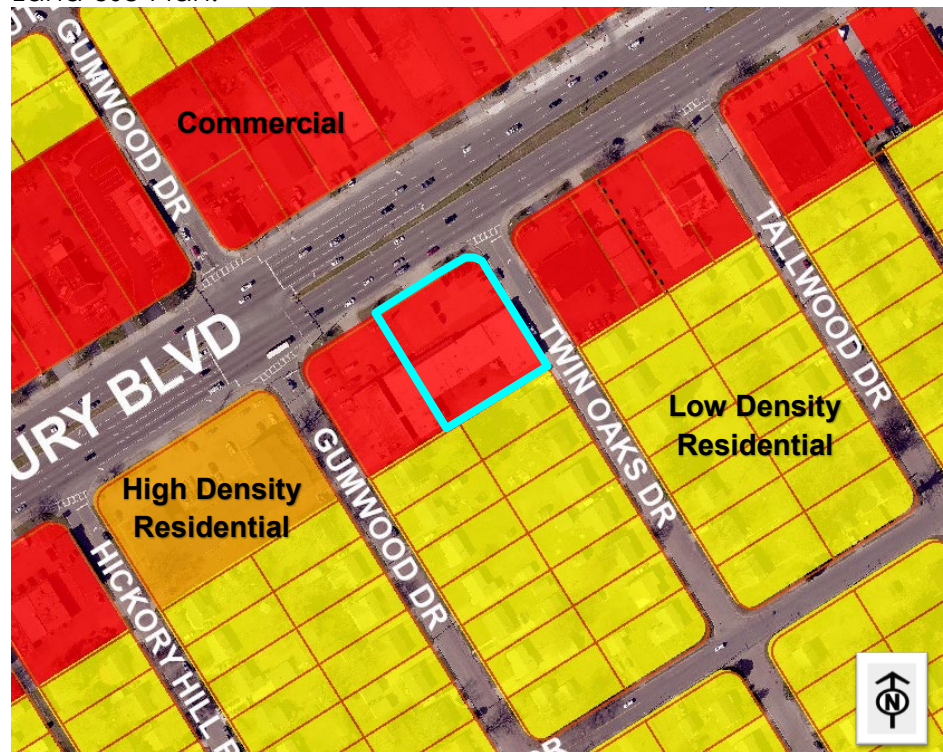
**ED Policy 4:** Nurture small and start-up businesses.

**ED Policy 12:** Focus special attention on strengthening the ability of older commercial and industrial areas to support new and expanded business activity.

**Future Land Use:**

The Hampton Community Plan (2006, as amended) designates this area as commercial.

Land Use Plan:

**Parking/Traffic**

The proposed operation is not expected to have negative impacts on traffic in the area. Mercury Boulevard is categorized as a Primary Arterial within the Hampton Community Plan (2006, as amended). Primary Arterials are designed as high traffic volume corridors, with the capability of successfully managing a high daily peak trip count.

---

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

---

### **Analysis**

Use Permit Application No.21-00016 is an application to permit a tattoo parlor at 2807 and 2809 West Mercury Boulevard, which is located near the intersection of West Mercury Boulevard and Gumwood Drive. There is an existing legally non-conforming tattoo parlor located at 2809 West Mercury Boulevard. This use has been in operation since 2003, prior to the Use Permit requirement for tattoo parlors. The subject property is zoned Limited Commercial (C-2) District, which allows for a tattoo parlor with an approved use permit. This use permit application would bring the existing tattoo parlor space into conformance with the zoning ordinance while also enabling the expansion into the adjacent suite.

Customer parking is provided in the front of the building, while a small number of employee parking spaces, accessed by Twin Oaks Drive, are located behind the building. The rear of the shopping center is adjacent to a single family home within the Greenwood Farms neighborhood. There is an existing privacy fence along the property line which screens the single family home from the commercial shopping center.

The Hampton Community Plan (2006, as amended) recommends commercial for the subject site and recognizes Mercury Boulevard from the city line to N. King Street as a business corridor. This section of Mercury Boulevard is not included within a master plan.

If approved, staff recommends seven (7) conditions for this application. These conditions would limit the tattoo parlor use to the tenant space shown in Exhibit A. The proposed conditions also require the screening of any tattooing from public view and limit the hours of operation from 10:00 AM to 10:00 PM Sunday through Saturday. The operation will also have to follow all applicable City Code and Health Department laws. The recommended conditions are consistent with previously approved tattoo parlor use permit applications. A list of previously approved use permit conditions for tattoo parlors is provided on the following page for reference.

Given the zoning and land use of this area along West Mercury Boulevard, the proposed tattoo parlor is appropriate in this location.

Planning Commission recommended **APPROVAL** of Use Permit Application No. 21-00016 with seven (7) conditions.

Staff recommends **APPROVAL** of Use Permit Application No. 21-00016 with seven (7) conditions.

<b>Previously Approved Use Permit Conditions for Tattoo Parlors</b>	
<b>Case No./Address</b>	<b>Conditions</b>
UP20-00006; 3016 W Mercury Blvd (2020)	<ol style="list-style-type: none"> <li>1. Issuance of Permit (in conjunction with Day Spa)</li> <li>2. Hours of Operation (10 AM to 10 PM Sun.-Sat.)</li> <li>3. Screening</li> <li>4. Certificate of Occupancy</li> <li>5. Compliance with Applicable Laws</li> <li>6. Nullification</li> <li>7. Revocation of Use Permit</li> </ol>
UP19-00011; 51-55 Mallory St (2019)	<ol style="list-style-type: none"> <li>1. Issuance of Permit</li> <li>2. Hours of Operation (10 AM to 10 PM Sun.-Sat.)</li> <li>3. Compliance with Applicable Laws</li> <li>4. Interior Screening</li> <li>5. Nullification</li> <li>6. Revocation of Use Permit</li> <li>7. Review of Tattoo Parlor Uses</li> </ol>
UP14-00013; 1531 E Pembroke Ave (2014)	Same as below (Use Permit lapsed)
UP1085-2013; 1531 E Pembroke Ave (2013)	<ol style="list-style-type: none"> <li>1. Issuance of Permit</li> <li>2. Hours of Operation</li> <li>3. Screening (10 AM to 10 PM Sun.-Sat.)</li> <li>4. Compliance with Applicable Laws</li> <li>5. Nullification</li> <li>6. Revocation</li> <li>7. Term of Permit</li> </ol>
UP 1059; 2525 W Mercury Blvd (2009)	<ol style="list-style-type: none"> <li>1. Issuance of Permit</li> <li>2. Hours of Operation (10 AM to 10 PM Mon. – Thurs.; 10 AM to 11 PM Fri. – Sat.; 10 AM to 10 PM Sun.)</li> <li>3. Screening</li> <li>4. Health Regulations</li> <li>5. Term of Permit</li> <li>6. Revocation</li> </ol>