



Staff Report

Meeting Date: 04/09/18

Planner: Carol Kuhn

APPLICATION SUMMARY:

Project Name: Kestrel Studios

Case Number: CDU17-0002

Application type: Conditional Use Permit for Tattoo Parlor

Location: 1449 W. Littleton Blvd.

Size of Property: 0.487 acres

Zoning: B-2 Community Business District

Applicant: Melanie Steinway

Owner: Ghaffari Enterprises

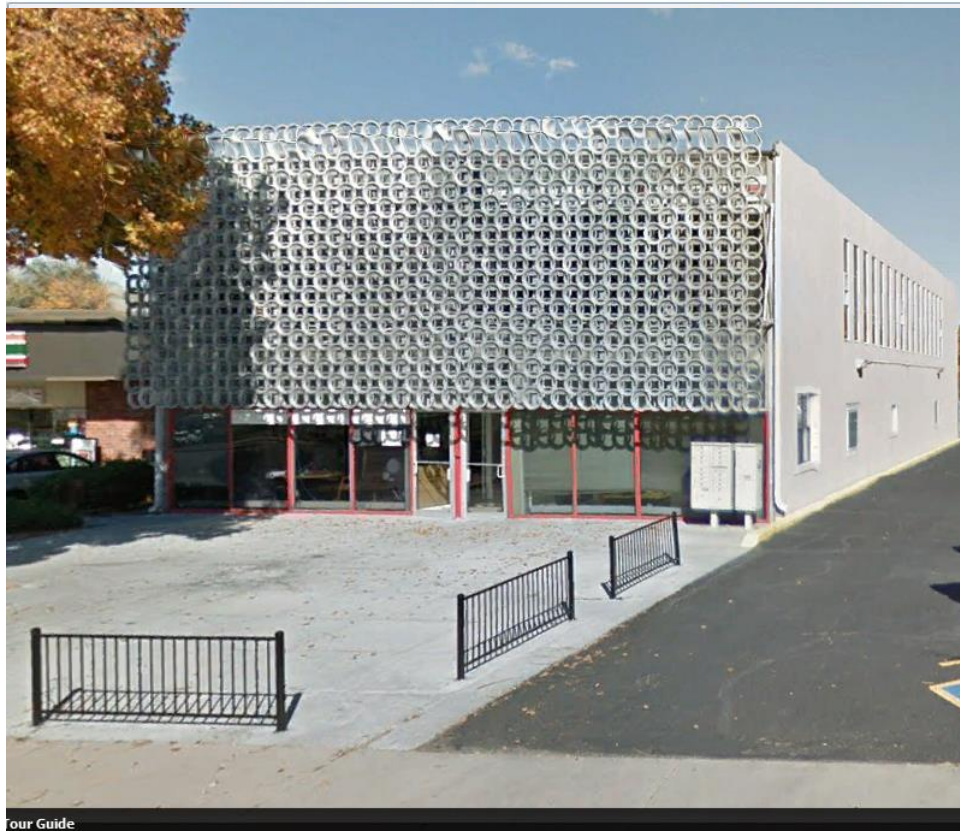
Applicant Request: The applicant is proposing a tattoo parlor and arts gallery at 1449 W. Littleton Blvd.

PROCESS:

A Conditional Use request requires a Quasi-Judicial decision. **Quasi-judicial decisions** involve individual applications that are being considered for approval. Here, broad policies are being applied to a specific parcel or project. Decision-makers must base their decision on the facts presented to them during the public hearing and on the information in the official record, applicable codes, statutes, and court decisions, just as a judge bases its decision on the evidence presented at trial. Members of the body must maintain their impartiality and avoid actions that can bring their impartiality into question. In a quasi-judicial hearing, decision-makers should be present for all evidence and should avoid ex parte communication. If an ex parte contact occurs, the affected decision-maker should disclose the contact and the substance of the communication at the hearing prior to receipt of public testimony.

LOCATION:

The site is located at 1449 W. Littleton Blvd



BACKGROUND:

Ms. Steinway wants to open a Tattoo Studio and Art Gallery (Kestrel Studios) at 1449 W. Littleton Boulevard. Since the property is located in the B-2 Community Business District, a Conditional Use approval is required for the tattoo parlor use.

CRITERIA & STAFF ANALYSIS:

A request for conditional use must meet the following criteria in order to be approved:

10-8-1(A): The proposed use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and/or the community.

All of the business activity will be conducted indoors with up to two clients expected during the business hours. The hours of operation will be 11 am to 6 pm.

10-8-1(B): The use proposed will not be detrimental to the health, safety, general welfare of persons residing or working in the vicinity, or to property, improvements or potential development in the vicinity. This determination shall be based on:

- 1. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;*
- 2. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress, and the adequacy of off street parking and loading;*
- 3. The provisions for conformance with the performance requirements contained herein and in [chapter 4](#) of this title, as applicable; and*
- 4. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage.*

All business activity is proposed to be conducted indoors during the hours of 11a.m. to 6p.m. The applicant is proposing to use the existing building and site. There is no proposed modification to the site access or vehicular circulation patterns. The 40 existing parking spaces exceed the requirement of 1 space per 250 gross floor area (10-4-9). No exterior site modifications are being proposed.

Any signage for the business will be reviewed through the city's sign permitting process, and will be required to comply with the sign code regulations (4-3).

10-8-1(C): The proposed use will comply with the applicable provisions of this title and of this code; any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan.

The proposed use is consistent with Policy 1.1 of the City's Comprehensive Plan in that it provides an opportunity for residents to live, shop and play where they work and to work, shop,

and play where they live. Also, the proposed use is consistent with Policy 1.5(c) in that it is a service-oriented business that serves a larger market.

10-8-2(R): Tattoo Parlors and Body Arts Studios: Tattoo parlors and body arts studios may be permitted in the B-2, B-3 and CA districts subject to being no closer than one thousand feet (1,000') from another tattoo parlor or body arts studio within the city. The planning commission may apply conditions to reduce the impact of the use on adjoining properties which may include, but not limited to, hours of operation, parking, outdoor lighting and security measures. All signage must comply with section [4-3-2-5](#) of this code.

There is only one other tattoo parlor within Littleton, located at 2506 W. Main Street. This proposed location is more than 3,300 feet away from the business on Main Street.

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood outreach meeting on December 14, 2017. Mailed public notice of the Conditional Use proposal was also sent to all property owners within 700 feet of the site. Notice of a public hearing was posted on the subject property and at city locations in advance of tonight's board meeting in compliance with the city's public notice requirements.

STAFF RECOMMENDATION:

Staff finds that the proposed Conditional Use Permit for Kestrel Studios at 1449 W. Littleton Blvd. meets the criteria for approval in Section 10-8-1(A), (B), (C) and 10-8-2(R) of the Littleton City Code. Staff, therefore, recommends approval of PC Resolution #04-2018.