



Legislation Text

File #: 18-076, **Version:** 1

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, AICP, Planning, Zoning and Building Department
THROUGH: Mark R. Lauzier, City Manager
DATE: February 20, 2018

REQUEST OF A WAIVER FROM LDR SECTION 4.3.3(ZB)(6) REQUIRING A MINIMUM SEPARATION OF 750' FROM PROPERTY LINE TO PROPERTY LINE FOR A TATTOO ESTABLISHMENT, SOLID IMAGE TATTOO CO LOCATED AT 306 NE 4TH ST. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to approve the waiver to LDR section 4.3.3(ZB)(6) requiring a minimum 750 ft. separation for a tattoo establishment, Solid Image Tattoo Co. located at 306 NE 4th St.

Background:

The applicant, Solid Image Tattoo Co. located at 306 NE 4th Street, is requesting a waiver from the separation requirement for a tattoo establishment. Pursuant to LDR Section 4.3.3 (ZB)(6), tattoo establishments and/or tattooing shall be located no more than one per block or within 750 feet of another such use, as measured from lot line to lot line in a straight line. The Vatican Tattoo, located at 325 NE 2nd Avenue, was established on January 4, 2017, as a tattoo establishment. The separation distance from the Vatican Tattoo and the proposed Solid Image Tattoo Co in a straight line measures approximately 200 ft., which is 550 ft. less than the minimum 750 ft. separation requirement from lot line to lot line. Therefore, the applicant is seeking relief from this provision via this waiver request.

Waiver Analysis:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

A map is provided which indicates that from door to door, the separation distance is approximately 940 ft., which is 80 ft. more than the minimum 750' separation distance. The map also indicates that

the two establishments are not within the same block and are located more than three blocks from each other. The intent of the distance separation requirement is being met. The granting of this waiver will not adversely affect the neighboring area, diminish the provision of public facilities nor create an unsafe situation. The granting of this waiver will not result in a grant of a special privilege in that the same waiver would be recommended for approval under similar circumstances.

The requested waiver was presented to the Community Redevelopment Agency, the Downtown Development Authority, and Pineapple Grove Main Street board. All advisory boards recommended approval of the requested waiver.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A