

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 19
Series of 2010

TITLE: A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW A BODY ART ESTABLISHMENT IN A RESTRICTED-COMMERCIAL (R-C) ZONE DISTRICT ON PROPERTY LOCATED AT 4330 HARLAN STREET

WHEREAS, Chapter 26, Article I of the Wheat Ridge Code of Laws establishes the procedures for the City's review and approval of Special Use Permits; and

WHEREAS, an application for a Special Use Permit has been received from Bo Fuks and Hillary Harris for approval of a body art establishment at property located at 4330 Harlan Street and zoned restricted-commercial (R-C); and

WHEREAS, the Community Development Director denied an administrative decision for the application pursuant to Chapter 26, Section 114(C) based on the applicant's supplemental request for a variance; and

WHEREAS, the request has been forwarded to City Council to be heard at a public hearing; and

WHEREAS, notice of the City Council public hearing was properly published in the Wheat Ridge Transcript on April 8, 2010.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

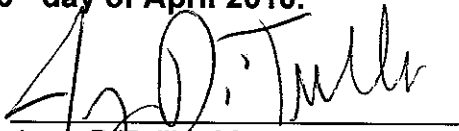
A SPECIAL USE PERMIT TO ALLOW A BODY ART ESTABLISHMENT IN A RESTRICTED-COMMERCIAL (R-C) ZONE DISTRICT BE APPROVED FOR THE FOLLOWING REASONS:

1. This request for a Special Use meets all applicable conditions as required by Section 26-114 of the City of Wheat Ridge Code of Laws.
2. There will be no detrimental effect on health, safety, welfare, or convenience to the public in the area.
3. The special use will not create adverse impacts greater than allowed under existing zoning for the property.
4. There will be no impact on the light, air, or water to adjacent property owners.
5. The special use will not create or contribute to blight in the neighborhood and will not over burden the capacities of the existing streets, parks, schools, and other public facilities and services.

With the following conditions:

1. The special use for this establishment shall be issued to the applicant and may not be inherited.
2. The parking lot must be restriped to reflect 90 degree parking.
3. The SUP shall be consistent with the definition of a body art establishment as specified in City Code Section 26-123.
4. The business shall operate in compliance with all State and County regulations regarding safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, and the safe and sanitary conditions of equipment utilized in body art procedures.
5. Approval from the Jefferson County Health Department must be obtained and submitted in order for the City of Wheat Ridge to issue building permits and a Certificate of Occupancy.
6. Multiple documented legitimate complaints for the business shall be grounds for initiating enforcement procedures of City Code Section 26-114(F).
7. Operation hours of the business shall cease by 8 p.m., Sunday through Thursday and 10 p.m., Friday and Saturday.
8. The number of artists allowed to perform work in this studio shall be limited to two, as regulated by the Jefferson County Health Department.

DONE AND RESOLVED THIS 26th day of April 2010.



Jerry DiTullio, Mayor

ATTEST:



Michael D. Snow, City Clerk