

To: **Planning Commission**
Through: **Ben Boike, Community Development Director**
From: **Melissa Houtsma, City Planner**
Date: **June 21, 2022**

PC Case 22-10 - Conditional Use Permit to Allow a Body Art Establishment in the B2 and Smith/Dodd Overlay District at 887 Smith Ave. S. – Jamie Weber

REQUEST:

Jamie Weber has submitted a conditional use permit application to allow a body art establishment in the B2 – Neighborhood Business zoning district as well as within the Smith/Dodd overlay district. The establishment will initially include body piercing, but could later expand to tattooing at some point in the future.

ATTACHMENTS:

Application and Public Notice
MN Department of Health Brochure
Staff Presentation



EXISTING LAND USES AND ZONING:

	Land Use	Zoning
Subject Property	Mixed Use <i>(Commercial and Residential)</i>	B2 – Neighborhood Business with Smith/Dodd Overlay
Properties to North	Commercial <i>(Centsibly Chic and Bubbles & Ecouture)</i>	B2 – Neighborhood Business with Smith/Dodd Overlay
Properties to East	Commercial <i>(Jameson’s Irish Bar)</i>	B2 – Neighborhood Business with Smith/Dodd Overlay
Properties to South	Residential <i>(Single Family Home)</i>	B2 – Neighborhood Business with Smith/Dodd Overlay
Properties to West	Residential <i>(Single Family Home)</i>	R1 – Single Family Residential

ANALYSIS:

Zoning Ordinance

Section 153.156(O), states that within the B2 – Neighborhood Business district, no structure or land shall be used for one or more of the following uses except by conditional use permit.

(O) – Tattoo, body piercing or body art establishment, except spa establishments engaged solely in cosmetic tattooing as defined in Code § 111.06.

Furthermore, within the Smith/Dodd Overlay district, Section 153.315(B)(3) reads,

(3) Conditional uses. Within the Smith/Dodd Neighborhood Overlay District, no structure or land shall be used for one or more of the following uses except by conditional use permit:

(a) Any conditional use regulated in the B2 District;

Therefore, tattoo, body piercing and body art establishments are allowed through a condition use permit in both the B2 district and the Smith/Dodd Overlay.

PROPOSAL:

The conditional use permit is being requested to allow a body art establishment, which will offer body piercing services initially and likely tattooing in the future when an additional employee is hired as the space will offer two employee spaces. Within the lobby area of the business, art created by the applicant will be displayed and listed for sale.

Employees

The applicant is planning to be the only employee initially while only offering body piercing service. However, there is a second space that she hopes to have occupied by a tattoo artist at a later date.

Hours of Operation

Tuesday - Saturday Body Piercing	12:00 pm – 7:00 pm
Monday – Sunday Tattooing <i>(future)</i>	12:00 pm – 9:00 pm

Initially, the shop will only be open from Tuesday through Saturday, from 12:00 pm to 7:00 pm. Depending on the appointment types, various scheduling windows are required. It is estimated that the business will have 10-20 customers throughout the average business day. The majority of these customers will be scheduled appointments, however walk-ins will also be offered if time is available.

When an additional employee is hired, their hours may vary but are anticipated to be within the range of 12:00 pm and 9:00 pm. In order to be consistent with the city's established quiet hours, city staff is recommending as a condition of approval that business hours are not to extend beyond 10:00 pm.

Parking

This space appears to have one parking stall to the rear of the building, which is most likely reserved for the tenant that occupies the apartment on the upper level of the building. The commercial space on the lower level has served as a retail/service type business for a number of years. Therefore, the parking for the commercial space would be considered legal non-conforming as the proposed use falls within the same category (retail/service). Additionally, since this property falls within the Smith/Dodd Overlay district which has no minimum parking for commercial uses. There is street parking available on both Smith and Annapolis.



STAFF RECOMMENDATION:

Staff recommends the APPROVAL of the Conditional Use Permit to allow a body art establishment in a B2 Neighborhood Commercial district within the Smith/Dodd Overlay at 887 Smith Avenue South, subject to the following conditions:

1. The applicant shall apply for and obtain all applicable building and sign permits with the City of West St. Paul,
2. Business hours shall be restricted to be no later than 10:00 pm, and
3. The applicant shall apply for and maintain all necessary licensing, including those required by the City of West St. Paul and the Minnesota Department of Health.