

**Subject: Conditional Use Permit to Allow a Body Art Establishment in the Smith/Dodd Overlay District at 887 Smith Ave. S. – Jamie Weber**

**Meeting Date:** Monday, June 27, 2022

**Submitted/Presented by/Department:** Melissa Houtsma - Community Development

**Action Type**

- |   |   |
|---|---|
| <input type="checkbox"/> Consent Item             | <input type="checkbox"/> Discussion/Direction |
| <input type="checkbox"/> Public Hearing           | <input type="checkbox"/> Informational Only   |
| <input checked="" type="checkbox"/> Action/Motion | <input type="checkbox"/> Report               |
| <input checked="" type="checkbox"/> Resolution    | <input type="checkbox"/> Other:               |

**Action**

City Staff requests that the City Council review and approve of the conditional use permit to allow a body art establishment in the B2 – Neighborhood Business zoning district and within the Smith/Dodd Overlay at 887 Smith Avenue South.

**Background**

A conditional use permit is being requested to allow a body art establishment at 887 Smith Avenue South. The business will initially only offer piercing, but is looking to add tattooing services in the future.

For further information related to the application, please see the attached Planning Commission report.

Planning Commission Review

The Planning Commission met in regular session to review the proposed change and held a public hearing on the item. No one from the public called or came forward to speak on the item.

The Planning Commission discussed the following items:

- Process for revoking a Conditional Use Permit if there are violations of the conditions,
  - Staff explained that in order to revoke a CUP, a hearing must be held by the City Council and formal action is taken at that time.
- Staff’s recommendation around limited hours of operation, while adjacent businesses are permitted to be open later.
  - Staff explained that the recommendation for the 10pm closure is based on the quiet hours ordinance as well as the applicant indicating on their application they plan to close at 9pm. Other tools to enforce potential noise issues.
  - It was further stated that the CUP and associated conditions run with the property and would apply to all future body art establishments, unless an amendment was made.

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- The Commission further discussed both sides, for and against the condition limiting the hours of operation.

Ultimately, the Commission voted 7-0 to recommend approval of the conditional use permit application, subject to the conditions as recommended by city staff.

**Attachments**

Application and Public Notice  
 Planning Commission Memo and Presentation  
 Resolution

**Previous Relevant Actions**

N/A

**Alternatives**

If City Council is not satisfied with the proposed language as written, please advise City Staff or the desired changes and recommendations.

**Financial**

Budgeted:  Yes  No Financial Impact

Fund: N/A

Department: N/A

Account: N/A

Amount: N/A