



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-058	Contact	John Kelley	
Type	Special Use Permit for a tattoo and body piercing service	Planning Commission Date		May 11, 2021
Deadline for Action	Application Date	April 19, 2021	60 Days	June 18, 2021
	Date Extension Letter Mailed	April 27, 2020	120 Days	August 17, 2021
Location of Subject		217 N 59 th Avenue West		
Applicant	Richard Laumeyer	Contact		
Agent		Contact		
Legal Description		See attached		
Site Visit Date	April 30, 2021	Sign Notice Date		April 27, 2021
Neighbor Letter Date	April 30, 2021	Number of Letters Sent		40

Proposal

Applicant is requesting a special use permit for a personal Service - tattoo and body piercing service located in an R-2, Residential Urban zone district.

Recommendation

Staff recommend approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Vacant commercial building	Traditional Neighborhood/Central Business Secondary
North	R-2	Single Family Homes	Traditional Neighborhood
South	MU-N	Vacant land/street	Central Business Secondary
East	F-4	Commercial/street	Central Business Secondary
West	R-1	Single Family Homes	Traditional Neighborhood

Summary of Code Requirements

UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 - Reuse of previously developed lands....directs new investment to sites that have the potential to perform at a higher level than their current state. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The applicant will be utilizing an existing building for use as a tattoo and body piercing service. Existing utilities will be utilized for the development.

Governing Principle 5 – Promote reinvestment in neighborhoodsthrough land use and transportation. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

The proposed site improvements will improve the aesthetics of the vacant building.

Governing Principle #8- Encourage mix of activities, uses, and densities - Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

The proposed use will provide services to the surrounding neighborhoods and to city residents.

Future Land Use, Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History:

Building constructed in 1980 consisting of 2,100 square feet for office use.

Review and Discussion Items

- 1) The applicant is requesting a special use permit for a Personal service and repair, small (less than 10,000 sq. ft.) located in an R-2 zone district. The applicant is proposing utilize the existing building for a tattoo and body piercing service, which is permitted through the issuance of a special use permit in the R-2 zone district. The use of personal service in the R-2 zone district is a recent code change to the UDC. Hours of operation will be 11:00am to 7:00pm Monday through Saturday.
- 2) The applicant will be utilizing an existing 2,100 square foot building formerly occupied for office use. There are no proposed site improvements.
- 3) Sec 50-24 (Parking and Loading). Personal service use requires 2.5 spaces per 1,000 sq. ft. of gross floor area. The site would be required to provide 6 parking spaces. The site currently has a large paved parking area with sufficient room to accommodate the required parking.
- 4) Sec. 50-25.5 (Landscaping between differing land uses). The adjacent property to the north is residential with a single family home. There is an existing 6 foot tall privacy fence and vegetation on the applicants parcel along the north property line to screen from the single family home. Staff believes this is sufficient for the screening requirements.
- 5) Sec. 50-26 (Screening, Walls and Fences). The applicant is not proposing a dumpster enclosure.
- 6) Sec. 50-27 – Signs – The site plan shows an existing back-lit pole mounted sign. Sign permits are required and will be reviewed and permitted in a separate process.
- 7) Sec. 50-28 (Stormwater Drainage and Erosion Control). The applicant is not proposing to add any impervious surface to the site.
- 8) Sec. 50-29 (Sustainability Standards). Not applicable to this project.
- 9) Sec. 50-30 (Building Design Standards). These requirements do not apply for this project.

10) Sec. 50-31 (Exterior Lighting). There is no proposed exterior lighting

11) No citizen or city departments comments were received at the time that this report was written (April 30, 2020).

12) UDC 50-37.1.N. states that an approved Special Use Permit will expire if the project or activity authorized by the permit has not begun within one year.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the special use permit subject to the following conditions:

- 1) The proposal is limited to the site plan and documents submitted with this application; and
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 21-058
Special Use Permit
Location Map

Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



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218.269.5301

April 1, 2021

Planning & Development Division
Room 160
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Duluth, MN 55802
218.730.5580

Dear Planning Committee,

We send in this application with great appreciation for the understanding and support of Duluth and our community to proceed with our business venture.

The purposed business in this forward moving process is a high end art studio providing professional Tattoo and Body Piercing service.

We currently provide said service near the location we are attempting to move and have been doing so with over a decade of experience. Due to such a high demand of our professional and highly sought after artists we are growing at a exponential rate and need to expand to a location with more space and accommodation.

With the body art industry highly regulated by the Minnesota Department of Health, we are a licensed, clean, professional, respectful business. We provide and obtain support from every social class in Duluth. From the social elite, blue collar workers, to college students. We've built a reputation of being kind and accommodating. We are productive and willing contributors to our community, looking to help expand and flourish in the already booming west side of Duluth.

Two of our three owners currently reside in the very neighborhoods we represent with our young families, and have for nearly a decade. The studio operates a busy service quietly, producing very little waste, requiring no deliveries or pickups, with a zero tolerance for crime and drug use. Hours of operation are 11am-7pm, Monday-Saturday, being closed on all major holidays.

We hope this letter finds you in good standing and positivity.

Cordially,

The Black Label Crew



Site Plan

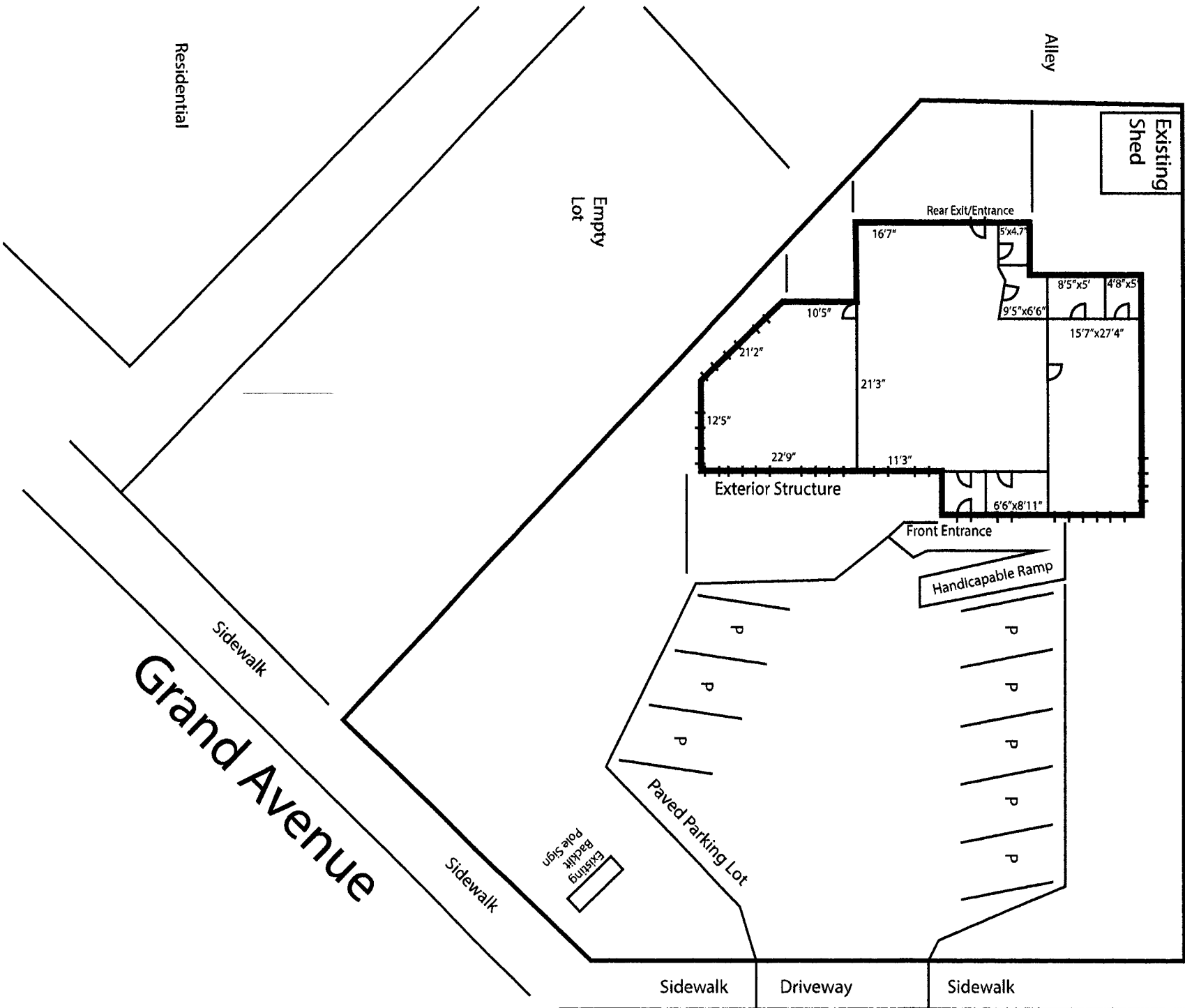
Residential

P = indicates parking space

| | = indicates windows

⌋ = indicates doorway

Property Line



N 59th Ave W