City Council Communication

Department: Community Development CASE #ZT-22-003 Applicant: Michael Medeiros and Kelley Healey 31 Lakewood Villa Council Bluffs, IA 51501	Ordinance No. _____	City Council 1st Consideration: 5/23/2022 2nd Consideration: 6/13/2022 3rd Consideration: 6/27/2022 Planning Commission: 5/10/2022

Subject/Title

Request: Public hearing on the request of the Michael Medeiros and Kelley Healey to amend Section 15.21.020, *Principal Uses*, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'tattoo parlor' and 'consumer service establishment' as principal uses in the I-2 District.

Background

The Community Development Department has received an application from Michael Medeiros and Kelley Healey requesting to amend Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) as follows:

- Amend Section 15.21.020, *Principal Uses*, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'tattoo parlor' and 'consumer service establishment' as principal uses in the I-2 District.

A recent inquiry by the applicants to purchase property addressed at 321 16th Avenue, which is zoned I-2/General Industrial District, in order to operate a tattoo parlor/photography studio has necessitated the proposed text amendment.

As per Section 15.03.644 of the Council Bluffs Municipal Code (Zoning Ordinance), a 'tattoo parlor' refers to "an establishment engaged in the for-profit practice of tattooing." Tattooing is defined in Section 15.03.643 of the Council Bluffs Municipal Code (Zoning Ordinance) as the "process of injecting dyes into the epidermal layer of skin of an individual, by one qualified to perform such acts as licensed by the state of Iowa." Tattoo parlors are allowed as a principal use in the MCR/Mixed Commercial-Residential District, C-2/Commercial District, C-3/Commercial District, and C-4/Commercial District.

As per Section 15.03.172 of the Council Bluffs Municipal Code (Zoning Ordinance), a 'consumer service establishment' refers to a store, shop or office providing personal, financial, professional, technical or repair service, and assistance or advice to individual customers, including but not limited to the following:

A. Accountants;
B. Appliance repair and rental;
C. Architects;
D. Arts and crafts studio;
E. Attorneys;
F. Banks, savings and loans, and credit unions;
G. Barber shops and beauty shops;
H. Dressmakers and tailors;
I. Insurance agencies;

J. Laundry and dry cleaning pick-up stations;
K. Loan offices;
L. Locksmiths;
M. Management consultants;
N. Medical office or clinic for people;
O. Musical instrument repair shop;
P. Pet shops;
Q. Photographers' studios;
R. Print shop;
S. Real estate office;
T. Self-service automatic dry cleaning establishment of not more than ten (10) cleaning units;
U. Self-service automatic laundry of not more than thirty (30) washing units;
V. Shoe repair;
W. Taxidermist shops;
X. Travel agencies;
Y. Upholstery shops; and
Z. Watch repair.

Consumer service establishments are allowed as a principal use in the R-4/High Density Multifamily Residential District, MCR/Mixed Commercial-Residential District, C-1/Commercial District, C-2/Commercial District, C-3/Commercial District, C-4/Commercial District, and I-1/Light Industrial District.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

1. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas, and to accommodate industrial uses with moderate external effects.
2. Although 'tattoo parlor' is not a manufacturing/warehousing operation typically associated with industrial areas, it is not a land use that would be incompatible with the purpose and intent of the I-2 District.
3. 'Consumer service establishment' is a land use category that refers to several commercial operations intended to provide a wide variety of services to the general public. The proposed text amendment would allow all land uses listed in Section 15.03.172 of the Council Bluffs Municipal Code (Zoning Ordinance) in the I-2 District. While some of these land uses would be compatible with purpose and intent of the I-2 District, most 'consumer service establishment' uses are not suitable for industrial areas where general manufacturing is the predominant use. To ensure the proposed text amendment does not have an adverse impact on the integrity of the I-2 District, the Community Development Department recommends limiting 'consumer service establishment' uses in the I-2 District to the following:
    a. Appliance repair and rental;
    b. Arts and crafts studio;
    c. Locksmiths;
    d. Medical office or clinic for people;
    e. Musical instrument repair shop;
    f. Photographers' studios;
    g. Print shop;
    h. Shoe repair;
    i. Taxidermist shops;
    j. Upholstery shops; and
    k. Watch repair

Recommendation

The Community Development Department recommends approval of the request of Michael Medeiros and Kelley Healey to amend Section 15.21.020, *Principal Uses*, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'tattoo parlor' and 'consumer service establishment' as principal uses in the I-2 District, as shown in Attachment 'A.'

Public Hearing

Staff speakers for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Michael Medeiros, 31 Lakewood Villa, Council Bluffs, IA
2. Kelley Healey, 31 Lakewood Villa, Council Bluffs, IA

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to amend Section 15.21.020, *Principal Uses*, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'tattoo parlor' and 'consumer service establishment' as principal uses in the I-2 District, as shown in Attachment 'A.'

VOTE: AYE – Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – None. VACANT – One. Motion: Carried.

Attachments

Attachment A: Proposed Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment B: Letter of Intent
Exhibit A: Proposed renderings of tattoo parlor and consumer service establishment facility, as submitted by the applicants at the May 10, 2022 City Planning Commission meeting.

Prepared by: Moises Monrroy, Planner, Community Development Department