

## Report to the Manitowoc Plan Commission

**Meeting Date:** February 28, 2018 **NOTE:** There was not a quorum for the Feb 28th meeting: the item was placed onto the March 28, 2018 Commission for formal action.

**Report Print Date:** February 23, 2018; 1:12 PM

**Request:** PC 6-2018: Brittany Schultz: Request for Conditional Use Permit for a Tattoo Establishment (Micro-Blading) in a B-3 General Business District located at 2510 Washington Street.

**Reason for Request:** Prior to receiving licensing from the State, Mrs. Schultz needs to have evidence that the local municipality has authorized the use. Micro-Blading is licensed by the State the same as a traditional tattoo artist and tattoo establishments in the Municipal Code require the issuance of a conditional use permit in the B-3 General Business District.

**Existing Land Use for Subject Property:** The building, located at 2510 Washington Street, is currently being used for a Chiropractic office, Day Spa and Acupuncture business.

**Existing Zoning for Subject Property:** B-3 General Business

### **Surrounding Property Land Uses and Zoning**

Direction	Existing Land Use	Existing Zoning
North, West	Residential	R-4 Single and Two Family District
East, South	Office and Commercial	B-3 General Business, C-1 Commercial

**Comprehensive Plan:** Conditional Use Permits do not have to be “consistent” with a communities’ comprehensive plan, although the Future Land Use Map does show the location to be General Business which would make the proposed use consistent.

NOTE: Wisconsin ACT 67 (2017) now requires that a local municipality must hold a public hearing on a conditional use permit application, following a class 2 notice. Conditional Use Permits will now have a public hearing in front of the Common Council similar to a change in the zoning map or zoning text.

**Report:** In order for the applicant to receive licensing from the State the local municipality must first approve/confirm that the use is allowed under the local zoning code. Chapter 15.270(3)h of the Municipal Code lists tattoo establishments as a Conditional Use.

The applicant, Brittany Schultz, owner of “Acupuncture by the Lake” is proposing to add Micro-Blading to her acupuncture and oriental medicine services she provides. Under state law an individual performing microblading is called an Aesthetician; who is a licensed individual that

may only care for or beautify the human skin pursuant to § 454.01, they are not licensed to care for human hair. The State of Wisconsin licenses microblading the same as a traditional tattooist. Mrs. Schultz currently operates her acupuncture business out of the building located at 2510 Washington Street; the building also is occupied by Kumbalek Chiropractic and Renew Day Spa. There would not be any exterior modifications to the building.

The microblading service would help people suffering from a variety of skin related diseases, cancer, or individuals that want to enhance their eyebrows. Microblading is a form of semi-permanent makeup implemented with tools that are similar to, but not the same as a traditional tattooist but they are licensed by the state the same.

Under a Conditional Use Permit pursuant to Section 15.370(27), the Commission and Council must determine if the proposed use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.

Public Comments Meeting notices were mailed out to neighbors within 200 feet of the subject property and to date no comments have been received.

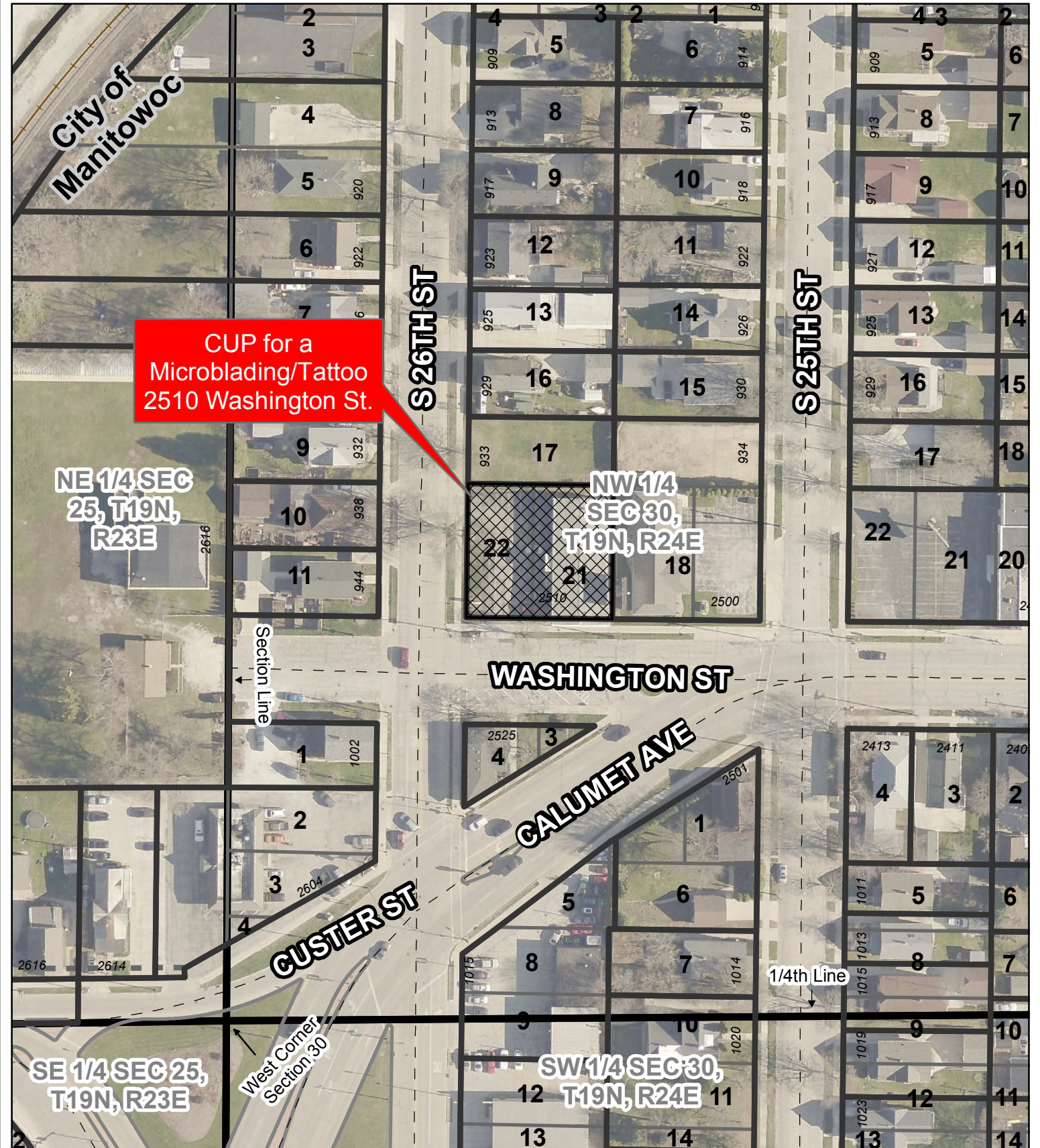
**Recommendation:** Recommend approval of the request for a Conditional Use Permit for the establishment of a Tattoo / Microblading service located at 2510 Washington Street pursuant to the following conditions.

REQUIREMENTS FOR  
CONDITIONAL USE PERMIT (CUP)  
TO BRITTANY SCHULTZ, d.b.a. ACUPUNCTURE BY THE LAKE LOCATED AT 2510  
WASHINGTON STREET  
2/28/2018

Re: PC6-2018: Grant exclusively to Brittany Schultz, d.b.a. Acupuncture by the Lake a CUP under Section 15.270(3)h of the Manitowoc Municipal Code (“Code”) for the establishment of a Tattoo / Microblading use in the “B-3” General Business Zoning District at 2510 Washington Street, Manitowoc WI. The parcel # for the subject area is 052-000-365-220.00 Mrs. Schultz is required to comply with the following conditions:

1. If the applicant does not secure licensing from the State of Wisconsin, by December 31st, 2018, this CUP is void and terminates effective January 1, 2019. The applicant shall provide the Department of Community Development written documentation evidencing the issuance of the license.
2. The CUP authorizing the location and operation of the business in the CUP Area shall not be approved until the Common Council approves the CUP.
3. This CUP does not waive or pre-empt any requirements under any building, zoning, or health codes or any other requirements of any municipal, state or federal regulation, statute or law.
4. The CUP is granted exclusively to Brittany Schultz, d.b.a. Acupuncture by the Lake and is not assignable to any other person or entity unless authorized by the City Plan Commission and Common Council.
5. Non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.
6. The CUP shall automatically terminate effective the date any license or certification granted to the Owner by the State, or any State-approved license which is assigned or transferred to a City-approved assignee or licensee for the microblading business at the CUP Area is closed, denied, revoked, or terminated by either the Owner or the State.

Brittany Schultz is a licensed acupuncturist and owner of Acupuncture By The Lake at 2510 Washington Street. She has operated in the building since 2013 along with her parents businesses Renew Day Spa and Kumbalek Chiropractic. Brittany is planning to offer patients and clients a new service called microblading. Microblading, also known by a variety of names such as embroidery, microstroking, feather touch and hair like strokes, is a form of semi-Permanent Makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments. This technique is a process that may be used to improve or create eyebrow definition, to cover gaps of lost hair, to extend the eyebrows, or may be used as a full reconstruction if the brows have little/no hair. Each microblading stroke is applied individually, allowing the microblade technician to control the shape, color and density of the completed eyebrows. Microblading helps allow people who have experienced hair loss through medical disorders, chemo, naturally thin or age thinning hair to restore a normal or fuller look of eyebrows. Brittany will hold a certification in Microblading from Thrive Skin and Laser Institute and a license for tattooing from the state of Wisconsin. Microblading does use inks to create the look of eyebrows, lasting up to 24 months. While it does require the same licensing and regulation as a tattoo parlor, Brittany will NOT be doing traditional tattooing, just microblading. She will operate out of a room in the same building as her acupuncture business, at Renew Day Spa. She looks forward to helping people boost their self-esteem and their appearance through restoring eyebrows.

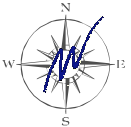
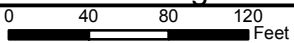


**CUP for a  
Microblading/Tattoo  
2510 Washington St.**

# CONDITIONAL USE PERMIT

City of Manitowoc, WI

Area of Conditional Use Permit for Operation of a Microblading/Tattoo Facility



Prepared by City of Manitowoc  
 Planning Department  
 www.manitowoc.org  
 Map Plotted: 02/21/2018  
 Y:\Planning\PC Plan Commission\Actions 2018\  
 PC 6-2018 Schultz CUP MicroBlading  
 DISCLAIMER: Maps and associated data are believed to be accurate, but are not  
 warranted. This information is not intended for legal, survey, or other related uses.  
 Please obtain the original recorded documents for legal or survey information.

PC6-2018 CUP Microblading/Tattoo  
 2510 Washington St.