VILLAGE OF LOMBARD REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

X X	Resolution or Ordinance (Blue)X Waiv Recommendations of Boards, Commissions & O Other Business (Pink)		
TO:	PRESIDENT AND BOARD OF TRUSTEES		
FROM:	Scott R. Niehaus, Village Manager		
DATE:	August 11, 2014 (B of T) Date: Augu	st 21, 2014	
TITLE:	PC 14-19; 1047 E. St. Charles Rd – Conditional	Use for a Tattoo Studio	
SUBMITTED BY:	Department of Community Development		
BACKGROUND/POLICY IMPLICATIONS: Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests that the Village grant approval of a conditional use, pursuant to Section 155.416 (C) of the Village of Lombard Zoning Ordinance, as amended by PC 14-18, to allow for a Tattoo Studio within the B4 Zoning District. (DISTRICT #5) The Plan Commission recommended approval of this petition by a voted 4 to 0 vote. The petitioner requests a waiver of first reading of the Ordinance. Fiscal Impact/Funding Source: Review (as necessary):			
		Date	
Finance Director X _		Date	
Village Manager X _		Date	

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon. Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO:

Scott R. Niehaus, Village Manager

FROM:

William J. Heniff, AICP, Director of Community Development

N

DATE:

August 21, 2014

SUBJECT:

PC 14-19; Midwest Collective Inc. – 1047 E. St. Charles Road

Please find the following items for Village Board consideration as part of the August 21, 2014 Board meeting:

1. Plan Commission referral letter:

- 2. IDRC report for PC 14-19; and
- 3. An Ordinance granting approval of a conditional use to allow for a tattoo studio with the B4 District.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the August 21, 2014 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner (attached).

H:\CD\WORDUSER\PCCASES\2014\PC 14-19\PC 14-19_Village Manager Memo.docx



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development

DATE: August 21, 2014

SUBJECT: PC 14-19; Midwest Collective Inc. – 1047 E. St. Charles Road

Please find an updated IDRC report for PC 14-19. The parking space count is inaccurate and therefore the number of ADA spaces required is inaccurate. Staff corrected the number in the report and in the conditions of approval. This is also represented in the Ordinance text. The property owner and petitioners are aware of the update.

H:\CD\WORDUSER\PCCASES\2014\PC 14-19\PC 14-19 Memo IDRC.docx



VILLAGE OF LOMBARD

255 E. Wilson Ave. Lombard, Illinois 60148-3926 (630) 620-5700 Fax (630) 620-8222 www.villageoflombard.org

August 21, 2014

Mr. Keith T. Giagnorio, Village President, and Board of Trustees Village of Lombard

Keith T. Giagnorio

Village President

Village Clerk Sharon Kuderna

Subject: PC 14-19; 1047 E. St. Charles Rd – Conditional Use for

a Tattoo Studio

Trustees

Dan Whittington, Dist. 1 Michael A. Fugiel, Dist. 2 Reid Foltyniewicz, Dist. 3 Peter Breen, Dist. 4 Laura A. Fitzpatrick, Dist. 5 William "Bill" Ware, Dist. 6

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, requests that the Village grant approval of a conditional use, pursuant to Section 155.416 (C) of the Village of Lombard Zoning Ordinance, as amended by PC 14-18, to allow for a Tattoo Studio within the B4 Zoning District.

Village Manager Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life." Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, and the petitioner's Gregory Ladle, Chicago, IL; Jamie Munoz, Itasca, IL; Gerald Cross, Addison, IL; and Frank LaVere, Lombard, IL.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard." Mr. Ladle spoke on behalf of Midwest Collective Inc. that consists of two award winning tattoo artists. He stated Mr. Cross will explain the floor plan and how it complies with the health department codes. Mr. Cross explained the regulations from the State of Illinois code have been applied at their tattoo studios. Their shop is one of the first in the area that went through the stringent health inspections and regulation testing. It passes the inspections every year with no incident and nothing needs to be corrected. Their floor plan meets building codes and accessibility standards. There is a clean room in the back corner of the building, which is a specified area where contaminated material can be taken away from public access. There is a provision for sterilization of equipment with a designated sink. A private area,

which is mandated by the state code, is also available so modesty issues can be addressed. On the main floor there are five artist work stations. Lastly, there is a small consultation area.

Jamie Munoz explained he has a bachelor's degree in Marketing from DePaul University and worked for Staples for two year before he made a career change. He has been in the tattooing business for over seven years. Mr. Munoz said both he and Mr. Cross are OSHA certified and have been featured in magazines as well as trade shows. They are petitioning for a conditional use so they can open a studio to provide their services and display their art.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She stated the petitioner is proposing to establish a tattoo studio at 1047 E St Charles Road. There are no exterior site improvements proposed at this time and no signage requests.

Per Section 155.416 (C) (31) of the Zoning Ordinance (as amended by PC 14-18), a tattoo studio requires a conditional use permit within the B4 Zoning District.

The site is an existing strip center with two tenants. The petitioner is proposing to utilize approximately 2,400 square feet of an existing 5,400 square foot one-story multi-tenant structure. The existing site has ample parking with approximately 28 parking spaces in front and approximately 26 parking spaces in back. The parking spaces in the back are for business owners and employees.

Ms. Ganser said the Inter-Departmental Review committee had no issues or concerns regarding the project at this time. The property is boarded by the Great Western Trail to the south and commercial use property to the north, east and west. The proposed site location and use as a tattoo studio is consistent with the Comprehensive Plan's recommendation of community commercial uses which references, providing services extending beyond daily living needs.

Staff has not received any Conditional Use requests for a tattoo studio in the past. The property in 1985 received a Conditional Use for an animal boarding kennel. Ms. Ganser summarized that staff finds the proposed tattoo studio is consistent with its surrounding context and therefore can support this petition.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Olbrysh questioned that the parking lot had no handicapped spaces. Ms. Ganser responded there is no accessible parking and it would be a condition of approval. Commissioner Olbrysh asked if this applies to the petitioner or to the entire area. Ms. Ganser explained the number of ADA spaces required is based on the entire lot per the Illinois Accessibility Code. Commissioner Olbrysh said based on the State of Illinois stringent requirements, and that this petition is a conditional use and not a permitted use, he conquered with the findings.

On a motion by Commissioner Olbrysh, and a second by Commissioner Mrofcza, the Plan Commission voted 4-0 that the Village Board approve the petition associated with PC 14-19, subject to the following six (6) conditions:

- 1. That this relief is limited to the operation of a tattoo studio only and any physical site improvement or alterations require approval through the Village;
- 2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
- 3. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) three (3) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-I101 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space and the signs shall be no more than five (5) feet from the front of the parking space and at minimum, the bottom of the R7-8 sign must be five (5) feet from the pavement.
- 4. That the approval of the conditional use shall be contingent upon meeting the provisions of the Tattoo and Body Piercing Establishment Registration Act.
- 5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
- 6. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the tattoo studio is not established by said date, this relief shall be deemed null and void.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson **Lombard Plan Commission**

c. Lombard Plan Commission

H:\CD\WORDUSER\PCCASES\2014\PC 14-19\PC 14-19 Referral Letter.docx

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

MIDWEST COLLECTIVE INC. - 1047 E ST CHARLES ROAD

July 21, 2014

Title

PC 14-19

Petitioner

Midwest Collective Inc.

Jamie Munoz

6N412 Lloyd Avenue

Itasca, IL 60143

Property Owner

Frank LaVere

PO Box 1017

Lombard IL 60148

Property Location

1047 E St Charles Road (06-09-102-009) (Trustee District #5)

Zoning

B4

Existing Land Use

Vacant

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use to allow for a tattoo studio (See PC 14-18) within the B4 District.

Prepared By

Jennifer Ganser
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to establish a tattoo studio at 1047 E St Charles Road. The petitioner has submitted this request along with a companion request for a text amendment for a tattoo studio (PC 14-18). The site is an existing strip center with two tenants that operate as hair salons. There are no exterior site improvements proposed at this time and no utility improvements are necessary for the operation.

Hours of operation are proposed from noon to 10pm Monday through Saturday and Sunday by appointment only. There are five work stations shown in the interior floor plan, and as of now three employees. Artists keep their own schedules, with the most employees present at prime hours such as Saturdays. Occasionally a client will bring a guest with them.

As mentioned in PC 14-18, the Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/1 et seq.) regulates such businesses. Business must register with the State Department of Public Health and an inspection is conducted to make sure the business is in compliance with the Act.

PROJECT STATS

Lot & Bulk

Parcel Size:

0.41 acres

Building Area:

5,400 sq. ft.

Tenant Area:

2,400 sq. ft.

Req'd Setbacks & Existing Lot Dimensions

Front:

30' (60')

Interior Side:

10' (approx. 1')

(West)

Interior Side:

10' (10')

(East)

Rear:

30'(51)

Lot Width:

150' (100')

Parking Spaces

Demand:

22 spaces (3 ADA)

Supply:

54 spaces (0 ADA)

Submittals

- Petition for a public hearing, submitted May 5, 2014;
- 2. Response to Standards for a Conditional Use;
- 3. Plat of Survey, undated, and submitted May 5, 2014;
- 4. Legal Description, undated and submitted May 5, 2014;
- 5. Indenture of Lease, dated and submitted May 8, 2014;
- 6. Concept Floor Plan, undated and submitted May 5, 2014;
- 7. Zoning Map of 1047 E St Charles Road, undated and submitted May 5, 2014
- 8. Streetview Map of 1047 E St Charles Road, undated and submitted May 5, 2014; and
- Aerial photo of 1047 E St Charles Road, undated and submitted May 5, 2014

APPROVAL(S) REQUIRED

Per Section 155.416 (C) (31) of the Zoning Ordinance (as amended by PC 14-18), a tattoo studio requires a conditional use permit within the B4 Zoning District.

EXISTING CONDITIONS

The subject property is currently improved with a strip center. The petitioner is proposing to utilize approximately 2,400 square feet of an existing approximately 5,400 square foot one-story multi-tenant structure.

The existing site has approximately 28 parking spaces in front and approximately 26 parking spaces in back, none of which are accessible. The parking spaces in the back are for business owners and employees. Access to the site is from St Charles Road.

The petitioner's proposed tenant space within the multi-tenant building is currently vacant.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project at this time.

Fire Department:

The Fire Department notes that all improvement and equipment installations within the tenant space must meet the Fire Code.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project at this time.

Public Works:

The Department of Public Works has no issues or concerns regarding the project at this time.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	C3 – Villa Park	Commercial/Auto Repair, Motorcycle Rental
South	B4APD & B4A	Great Western Trail
East	B4	Commercial/Tailor Shop
West	B4	Commercial/Superior Chimney Services

In consideration that the B4 District is intended to accommodate motorist related activity and the service area is not for one neighborhood or community, a tattoo studio would be consistent with the zoning and land use of surrounding properties.

2. Comprehensive Plan Compatibility

The proposed site location and use as a tattoo studio is consistent with the Comprehensive Plan's recommendation of community commercial uses which references, "providing services extending beyond daily living needs."

3. Zoning & Sign Ordinance Compatibility

Per PC 14-18, a conditional use permit is required.

The petitioner has not yet proposed any signage for the tattoo studio. Any future signage applications will be reviewed by staff for their consistency with the Village's Sign Ordinance. If any future signage is determined to be non-compliant the petitioner will have the option to request a variation from the Plan Commission and Village Board of Trustees.

4. Site Plan: Access & Circulation

Staff concurs with the petitioner's belief that the proposed tattoo studio use will not generate a sufficient amount of traffic and parking demand. Such tattoo uses can have parking demands similar to hair care and spa establishments. The overall parking supply for the parcel exceeds projected demand.

There are no accessible parking spaces in the lot. Per the Illinois Accessibility Code, accessible parking must be placed on level pavement on the shortest accessible route to an accessible entrance. The accessible route, which may include a curb ramp or curb cut, must be installed as close as possible to the accessible entrance it serves. The site's parking lot striping should be revised accordingly. Furthermore, the correct accessible parking dimensions and signage is required. With over fifty (50) parking spaces, three accessible spaces are required.

5. Elevations

The petitioner is not proposing any changes to the exterior elevations at this time.

SITE HISTORY

PC 85-12

The property received a Conditional Use for an animal boarding kennel approved by Ordinance 2777.

FINDINGS & RECOMMENDATIONS

Staff finds that as the proposed tattoo studio is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use for a tattoo studio and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 14-19:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board approval of PC 14-19, subject to the following conditions:

- 1. That this relief is limited to the operation of a tattoo studio only and any physical site improvement or alterations require approval through the Village;
- 2. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
- 3. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) three (3) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-I101 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space and the signs shall be no more than five (5) feet from the front of the parking space and at minimum, the bottom of the R7-8 sign must be five (5) feet from the pavement.
- 4. That the approval of the conditional use shall be contingent upon meeting the provisions of the Tattoo and Body Piercing Establishment Registration Act.
- 5. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
- This relief shall be valid for a period of one year from the date of approval of the ordinance. If the tattoo studio is not established by said date, this relief shall be deemed null and void.

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP

Director of Community Development

c. Petitioner

H:\CD\WORDUSER\PCCASES\2014\PC 14-19\PC 14-19_IDRC Report.docx

Nowakowski, Tamara

From:

Ganser, Jennifer

Sent:

Monday, August 11, 2014 1:15 PM

To:

Nowakowski, Tamara

Subject:

FW: PC 14-18 and PC 14-19

From: gladle-law@att.net [mailto:gladle-law@att.net]

Sent: Wednesday, July 23, 2014 4:08 PM

To: Ganser, Jennifer; jimmymunozart@yahoo.com; tattoosbyjerrycross@gmail.com

Subject: Re: PC 14-18 and PC 14-19

Jennifer,

Thank you for all your work and if this works please let this serve as the waiver of the first reading.

One issue of clarification - the parking lot is approximately 26 spaces in front and 20 in the back which is employee parking basically. From the staff's report it seems that the Village wants 3 handicapped spots - does the back parking count towards the public? Since it is still under 50 shouldn't it be 2 (or do you have a different method of calculating or a different number of spots?) Any insight would be appreciated.

Gregory F. Ladle, Esq.

John L. Ladle, P.C. 177 N. State St., 3rd Fl Chicago, IL 60601 Tel: (312) 782-9026

Fax: (312) 782-0287

From: "Ganser, Jennifer" < GanserJ@villageoflombard.org>

To: "jimmymunozart@yahoo.com" <jimmymunozart@yahoo.com">; "gladle-law@att.net" <gladle-law@att.net">; "tattoosbyjerrycross@gmail.com" <tattoosbyjerrycross@gmail.com"

Sent: Tuesday, July 22, 2014 8:14 AM **Subject:** PC 14-18 and PC 14-19

Subject: PC 14-18 and PC

All.

Since you received a recommendation of approval from the Plan Commission your item will go on Consent Agenda at the August 21st Board of Trustees meeting. Usually items on consent agenda will be read and voted on with other ordinances, but there is always a chance an item can be pulled off for discussion, therefore you should attend the meeting in case there are questions. I will email you the agenda for the August 21st Board of Trustees meeting when available. The meeting is at 7:30pm at Village Hall (same room as the Plan Commission meeting).

ORDINANCE NO.

AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.416 (C)(31) OF THE LOMBARD VILLAGE CODE

PC 14-19: 1047 E. St. Charles Road (Midwest Collective Inc.)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned B4 Corridor Commercial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use pursuant to Title 15, Chapter 155, Section 155.416(C)(31) of the Lombard Village Code to provide for a tattoo studio; and

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on July 21, 2014 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use is hereby granted for the Subject Property, as described in Section 2 below, pursuant to Title 15, Chapter 155, Section 155.416(C)(31) of the Lombard Village Code to provide for a tattoo studio.

Ordinance No. _____ Re: PC 14-19

Page 2

SECTION 2: That this Ordinance is limited and restricted to the property located at 1047 E. St. Charles Road, Lombard, Illinois and legally described as follows:

LOTS 18 AND 19 IN CHIDLOW'S ADDITION TO WESTMORE BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE N.W. ¼ OF SECTION 9 TWP 39 RANGE 11, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 1925 AS DOCUMENT 200324 AND CERTIFICATE OF CORRECTIONS FILED OCTOBER 19, 1926 AS DOCUMENT 223430 IN DU PAGE COUNTY, ILLINOIS.

Parcel Number: 06-09-102-009; (the "Subject Property").

SECTION 3: The conditional use, as provided for in Section 1 of this Ordinance, shall be granted subject to compliance with the following conditions:

- A. That this relief is limited to the operation of a tattoo studio only, and any physical site improvement or alterations to the Subject Property require approval through the Village;
- B. That the petitioner shall develop the Subject Property in accordance with plans submitted as part of this request, said plans being labeled as follows: Concept Floor Plan, undated and submitted May 5, 2014, and being on file with the Village's Community Development Department;
- C. The parking lot shall be configured so as to meet all Illinois Accessibility Code requirements, including but not limited to (a.) two (2) sixteen (16) foot wide parking spaces with either an eight (8) foot or five (5) foot wide diagonally striped access aisle; (b.) accessible parking on level pavement on the shortest accessible route to an accessible entrance; and (c.) a U.S. Department of Transportation R7-8 (Reserved Parking) and an R7-II01 (\$250 Fine) sign must be permanently mounted in the center of the sixteen (16) foot wide accessible parking space, and the signs shall be no more than five (5) feet from the front of the parking space, with the bottom of the R7-8 sign being five (5) feet from the pavement;
- D. That the approval of the conditional use shall be contingent upon the petitioner complying with the provisions of the Tattoo and Body Piercing Establishment Registration Act;

Published in pamphlet from this ______, 2014.

Ordinance No Re: PC 14-19 Page 4	
Sharon Kuderna, Village Clerk	