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REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING  
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS  
PLAN COMMISSION

COMMISSION

RE: SPACE CAT TATTOO - 630 EAST GOLF ROAD - PC# 20-014  
LAND USE VARIATION

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Plan Commission Meeting held virtually, in response to the COVID-19  
pandemic, which permits the public to fully participate via their computers or using their phones,  
on the 14th day of October, 2020 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairperson  
SUSAN DAWSON  
JOE LORENZINI  
BRUCE GREEN  
JAY CHERWIN  
JOHN SIGALOS

ALSO PRESENT:

JACOB SCHMIDT, Development Planner

CHAIRMAN ENNES: This meeting of the Arlington Heights Plan Commission is hereby called to order.

Bruce, you've got the flag, so do you want to do the pledge?

COMMISSIONER GREEN: Yes, we'll get the flag in there a little better.

CHAIRMAN ENNES: There you go. We can start.

COMMISSIONER GREEN: All right, so here we go, guys.

(Pledge of Allegiance recited.)

COMMISSIONER GREEN: Pretty good, guys.

CHAIRMAN ENNES: We did okay.

Can we have the reading of the roll?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MR. SCHMIDT: Commissioner Drost.

(No response.)

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes, here.

MR. SCHMIDT: Commissioner Jensen.

(No response.)

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. SCHMIDT: Commissioner Warskow.

(No response.)

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Here.

So, Jake, have all of the public notices been sent out for this meeting?

MR. SCHMIDT: They have.

CHAIRMAN ENNES: They have. We have minutes to approve from the last Plan Commission meeting which I was absent from, for the Rand Road Subdivision. Do we have a motion to approve those minutes?

COMMISSIONER GREEN: I'll make a motion for approval.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER SIGALOS: I'll second the motion.

CHAIRMAN ENNES: Do we have to take a roll call on this, Jake?

MR. SCHMIDT: We do.

CHAIRMAN ENNES: Do you want to take roll call on approval?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: I abstain; I was not present.

MR. SCHMIDT: Commissioner Drost.

(No response.)

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Jensen.

(No response.)

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Warskow.

(No response.)

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: I abstain; I was not there also.

Do we have enough votes to approve those?

MR. SCHMIDT: I am unfamiliar about what number we need.

COMMISSIONER DAWSON: As long as we have quorum for the motion, then you just need a majority.

CHAIRMAN ENNES: Of those present?

COMMISSIONER DAWSON: Of those present, and we have that. So, it should pass.

CHAIRMAN ENNES: Thanks, Susan.

COMMISSIONER DAWSON: I mean, we can double check with Robin, but that's my understanding.

CHAIRMAN ENNES: Okay.

COMMISSIONER DAWSON: Jay, help me out here. Where's my other lawyer? My other Robert's Rules.

COMMISSIONER CHERWIN: Yes, that sounds about right, but that's not something I looked at in a while.

COMMISSIONER GREEN: I don't think you can ask Robin, didn't she retire?

MR. SCHMIDT: She did.

COMMISSIONER DAWSON: Robin retired? I didn't know that. Oh, my goodness.

COMMISSIONER SIGALOS: Yes, she retired last week I think. I mean, last week.

MR. SCHMIDT: Yes, thereabouts.

COMMISSIONER CHERWIN: We'll have to ask Peter Friedman or Steve Elrod.

COMMISSIONER DAWSON: Wow. Okay, wow, it's huge.

Okay, anyway, I think we're good.

COMMISSIONER LORENZINI: I say we trust the lawyers on our team.

COMMISSIONER SIGALOS: Yes, Chairman Ennes, if I could interject, do you not have to make a statement about this? Due to the pandemic, we have this virtual meeting?

CHAIRMAN ENNES: Yes, that's next.

Well, I could have started off with that, but new requirements, according to the Governor of the State of Illinois for virtual public meetings, at least one member of the public body, the chief legal counsel or the chief administrator officer must be physically present, that's me. Bruce is also actually here. I find that the public health concerns related to the Corona virus pandemic render in-person attendance at the regular meeting location not feasible.

So, the next item on our agenda is our petition this evening which is Space Cat Tattoo at 630 East Golf Road. Is the Petitioner present?

MR. SCHMIDT: He is, and I will enable him to speak now.

CHAIRMAN ENNES: Well, Sam, maybe a question for, or Jake, maybe a question for you first. We have been having the Staff report first. Do we want to continue to do that?

MR. SCHMIDT: We can do that first. I have no objection to that.

CHAIRMAN ENNES: Okay, I just wanted to make sure that the Petitioner is here, Mr. Kim?

MR. SCHMIDT: He is, yes.

CHAIRMAN ENNES: Okay, so Jake, if you would please present the Staff report?

MR. SCHMIDT: Certainly. So, the requested action tonight is a land use variation for Space Cat Tattoo, a tattoo parlor. The address of the subject property would be 630 East Golf Road. The subject site is zoned B-2, Business District Limited Retail. The Comprehensive Plan designates this site for commercial uses.

As mentioned, the requested action tonight is a land use variation to allow the tattoo parlor. Tattoo parlors are not an expressly permitted use in any zoning district within the Village, and as such a land use variation is required. There are no additional variations required as part of this petition.

The subject property is located at the northeast corner of Golf Road and Goebbert Road, and is accessible via two driveways; one along Golf Road and one along Goebbert Road. The site is developed with the multi-tenant Go-Go Shopping Center which has several vacancies, one of which will be tenanted by the subject use if approved.

The subject unit is 1,050 square feet in size. Once operational, the peak number of employees on site at any time will be three; one artist and two apprentices. The same number of clients will be able to access the facility at any given time, which is three clients.

It should be noted that guest artists may also operate out of the facility for a few months out of the year; however, the number of stations, three total, will not change. Work is performed on an appointment only basis. Walk-in clients are not accepted.

The facility would operate Monday through Saturday, 11:00 a.m. to 9:00 p.m., and closed on Sunday.

This project is a land use variation, and as such, Staff did review the provided written justification for the land use variation. Upon the review, Staff has determined that the criteria for land use variation approval have been met.

With respect to the first criteria, the character and nature of the proposed business is such that its use will not alter the essential character of the locality as it will look and function similar to other existing tenants within the shopping center.

With respect to the second criteria, the shopping center has multiple

vacancies, with Petitioner testimony that two to three units are vacant at any given time and have been over the last several years. The proposed business would increase foot traffic to the center and would alleviate the plight of the owner due to these vacancies.

With respect to the third criteria, the variance requested is the minimum variance necessary to allow reasonable use of the property. Aside from the proposed use not being expressly permitted in the Zoning Code, there are no other variations required, and the project otherwise complies with the Zoning Code.

With respect to the fourth criteria, the proposal is in harmony with the general purpose and intent of the Zoning Code. As the proposed use is state regulated and follow state health codes, it will not be injurious to the health, safety or morals of the area. Additionally, as mentioned previously, the use will be similar in appearance and function to adjacent businesses and there are no other variations required for this petition.

The Comprehensive Plan classifies the property as appropriate for commercial, as previously mentioned. Bearing in mind, the written justification for land use variation criteria, Staff believes that the proposed use is compatible with this designation.

With respect to parking, there have been some changes since the Staff report was published last Friday. Specifically, a restaurant space has been re-tenanted with another restaurant; however, this does not impact parking in a negative way or cause a deficiency in parking for the site. In total, it brings the parking surplus down to 12, but there is still parking surplus on site. Additionally, it was clarified that of the 147 spaces mentioned in the Staff report, ADA spaces were not factored into that number, so there are an additional five spaces on site for a grand total of 152 on-site parking spaces. The mix of uses within the shopping center requires 140 spaces, and therefore, there is that 12-space parking surplus per code.

The proposed use requires one parking space per 250 square feet of floor area, which results in four required parking spaces for the proposed use. This is the same requirement as general retail. Bearing that in mind, no bicycle parking spaces will be required as part of this petition, as provision of bicycle parking spaces are only required when a change in use results in the requirement for additional off-street motor vehicle spaces.

A traffic and parking study is not required as part of this petition. Section 6.12-1 of the Zoning Code states that projects requiring Plan Commission review do not need to provide a parking study and traffic study if the project comprises less than 5,000 square feet in floor area and is located along a major or secondary arterial street. As the property is located along Golf Road, which is designated a major arterial in the Village's Thoroughfare Plan, and the Petitioner is proposing no changes to the site or building, the scope of the project falls under the 5,000 square-foot threshold.

With respect to landscaping, Staff did review current on-site screening and landscaping as part of this petition and identified deficient on-site screening, specifically along the north property line in between residential uses to the north and the south. Staff has been in verbal and written communication with the property owner regarding this deficiency, and is working with the property owner to bring the site into compliance. If code-required screening is not provided, this noncompliance will be handed via code enforcement proceedings.

Bearing the aforementioned information in mind, the Staff Development Committee recommends approval of the requested land use variation with the one

condition that the Petitioner shall comply with all applicable federal, state, and Village codes, regulations and policies.

This concludes my presentation. If there are any questions, I'm happy to answer.

CHAIRMAN ENNES: Are there any questions of Jake at this time?

(No response.)

CHAIRMAN ENNES: Seeing none at this time, do we have a motion to approve the Staff report?

COMMISSIONER GREEN: I'll make that motion.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: Then Jake, could you read the roll for approval?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes.

So, the Staff report is approved to be included in our minutes. The Petitioner, can we ask him to step forward?

Mr. Kim?

MR. KIM: Yes. This is Sean Kim, yes. I'm ready to answer the questions.

CHAIRMAN ENNES: Okay, Mr. Kim, I would like you to swear in.

(Witness sworn.)

CHAIRMAN ENNES: Would you state your name and spell it for our court reporter?

MR. KIM: Sure. My name is Sean Kim, S-e-a-n K-i-m.

CHAIRMAN ENNES: Okay, and Mr. Kim, would you tell us about your project?

MR. KIM: Oh, yes. Simply, I'm trying to open a tattoo parlor, a tattoo studio in the location of, you know, 630 East Golf Road. I leased that space; the space is 1.050 square feet. I'm planning to work with two other of my student apprentices. So, maximum clients is going to be three and then I'm going to operate like at 11:00 a.m. to 9:00 p.m. I'm open six days a week, Saturday to Friday and closed on Sunday.

Yes, it's pretty much the same to my project description. I've been tattooing for like 13 years in this area, so I'm trying to open this up. I think that's pretty much it. That's it, and I can take questions.

CHAIRMAN ENNES: Okay, are you a licensed facility?

MR. KIM: A licensed facility? Yes, I leased the --

CHAIRMAN ENNES: I'm sorry, not leased. Are you licensed?

MR. KIM: Tattooing?

CHAIRMAN ENNES: Jake, do these facilities, the operators need to be licensed?

MR. SCHMIDT: They do, and he did provide certain documents from the state.

MR. KIM: Hello?

CHAIRMAN ENNES: Yes?

MR. KIM: Yes. In Illinois, a license is not needed to tattoo. You only need a Bloodborne Pathogens certificate and I have one. Every tattooer renew their certificate every year. That's all I need to perform tattooing in Illinois.

CHAIRMAN ENNES: Okay, before we get started with questions of you, is there anyone in the audience, Jake, that would like to make a comment?

MR. SCHMIDT: I see one and I will enable speaking.

### **QUESTIONS FROM AUDIENCE**

MS. CAYER: Hello, Melissa Cayer. I was wondering, do you tattoo scars?

CHAIRMAN ENNES: I'm sorry?

MR. KIM: It depends. I do --

MS. CAYER: Can you tattoo scars?

MR. KIM: Hello? This depends. I do tattoo a light scar, but I don't tattoo, like there are different types of, you know, scars. Some scar is very deep and heavy, I try not to do that, but like some really light scar, I tattoo.

CHAIRMAN ENNES: Okay, Mrs. Cayer, this is not really the type of question that we entertain as what the business does in regard to approving them for a land use variation.

MS. CAYER: Okay, my name is --

CHAIRMAN ENNES: But did that answer your question though?

MS. CAYER: My name is Melissa Cayer.

CHAIRMAN ENNES: Yes, I got that, but I'm just saying that that's not the kind of question that we generally entertain in regard to a land use variation. That's something you could check with the owner about at a later time. But did that answer your question?

MS. CAYER: No offense, but at other meetings, some of your Board Commissioners were asking, you know, personal questions about senior center housing.

CHAIRMAN ENNES: Well, I'm not sure what you're talking about but you're saying at a Plan Commission hearing or a Village Board meeting?

MS. CAYER: It might have been, you know, Design.

CHAIRMAN ENNES: Village Board?

MS. CAYER: No, it wasn't the Village Board, it was a Commission meeting. It had to do with design or planning.

CHAIRMAN ENNES: Yes, that's something that I don't recall coming up here.

MS. CAYER: Okay, well, thank you anyway.

CHAIRMAN ENNES: But thank you for your question.

Jake, anyone else?

MR. SCHMIDT: I am not seeing any other hands raised.

CHAIRMAN ENNES: Okay, then still no one?

MR. SCHMIDT: Still no one, no.

CHAIRMAN ENNES: Okay, so then we'll close the public portion of the hearing and go to the Commissioners for their deliberation and any questions they might have of Mr. Kim.

Mr. Green, do you want to start?

COMMISSIONER GREEN: I would, but I really don't have any questions.

CHAIRMAN ENNES: Okay, Mr. Sigalos?

COMMISSIONER SIGALOS: No, I also don't have any questions. I was at the CPRC meeting and we spoke with Mr. Kim and learned about his practice, so I don't have any questions at this point.

CHAIRMAN ENNES: Thank you.

Commissioner Cherwin?

COMMISSIONER CHERWIN: Similarly, I was at the Conceptual Review Committee, and Mr. Kim gave us his presentation. I was comfortable with the project then.

The one question I'd have is maybe for Jake to follow up. I know Mr. Vittorini had sent a letter, a neighbor I think in the residential street to the east. I just want to, it seemed to me that his concerns were, I guess you'd say they were somewhat addressed or they weren't in a, he was concerned about maybe some existing violations that were out there. It sounded like the Staff did their diligence to make sure that the property owner was in fact, you know, compliant. I think, you know, other than the landscaping that you pointed out on the northern border of the subject property, the property is otherwise in compliance.

Is that accurate?

MR. SCHMIDT: Correct. There is an existing fence along the eastern property line abutting the single-family homes in Mount Prospect. We did go out there, and while it's in older condition, it's not a new fence by any means, it's still serviceable. It still provides full screening per code and it is at the required six-foot height.

COMMISSIONER CHERWIN: Okay, thank you for addressing those. I don't have any other comments.

CHAIRMAN ENNES: Thank you, Commissioner Cherwin.

Jake, is that the communication that you had mentioned that you've had with the landlord?

MR. SCHMIDT: Correct. Well, actually the communication with the landlord is related to the screening on the northern property line. There are arborvitae on that property line that have thinned out and no longer provide full six-foot tall screening. So, that's the area of code deficiency. The fencing along the eastern property line does meet code.

CHAIRMAN ENNES: Has the landlord responded to your communications?

MR. SCHMIDT: Yes, we spoke in person and he's evaluating options of replacing with either a fence or landscaping.

CHAIRMAN ENNES: Thank you.

Commissioner Dawson, any questions?

COMMISSIONER DAWSON: I don't have any direct questions for the



Petitioner. I'm just curious, would this be the only tattoo parlor then in Arlington Heights? Do we not have others?

MR. SCHMIDT: The only exclusive tattoo parlor, yes. There are a couple of tattoo operators within Arlington Heights, but they operate within larger salon studios.

COMMISSIONER DAWSON: Oh, okay.

MR. SCHMIDT: That didn't require a land use variation because it's ancillary.

COMMISSIONER DAWSON: Sure.

MR. SCHMIDT: It's otherwise a small portion of a permitted use which is a salon. So, he's not the first artist in Arlington Heights operating, but it is the first exclusive solely tattoo use.

COMMISSIONER DAWSON: Interesting. All right, I just wasn't aware of that. Anyway, no, I don't have any questions. I don't have any problems with the project. I think he's provided all the information.

CHAIRMAN ENNES: Thanks, Commissioner.

Okay, Commissioner Lorenzini?

COMMISSIONER LORENZINI: No questions, Chairman.

CHAIRMAN ENNES: Okay, and I don't have any questions either.

Is there any other Commissioner present that's not on screen?

(No response.)

CHAIRMAN ENNES: Okay, so I think we got everybody.

Is there a motion for approval of the project?

COMMISSIONER GREEN: I would like to make a motion.

**A motion to recommend to the Village Board of Trustees approval of PC# 20-014, a Land Use Variation, to allow a tattoo parlor use within the B-2 Zoning District.**

**This recommendation is subject to the following condition:**

1. **The Petitioner shall comply with all federal, state and Village codes, regulations and policies.**

CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: Thank you, Commissioner Cherwin.

Can we have a roll call vote, Jake?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes.

So, Mr. Kim, you have a unanimous approval and you can proceed on to the Village Board. Is there a tentative date for that, Jake?

MR. SCHMIDT: Not at this time. We'll have to evaluate and see when the first available would be depending on the current projects we have on the agenda book. I'll be in touch with the Petitioner to let him know as soon as we have a possible date.

CHAIRMAN ENNES: Thank you very much.

So, are there any other items on the agenda?

MR. SCHMIDT: Not today, no.

CHAIRMAN ENNES: Okay, so --

COMMISSIONER DAWSON: Before we adjourn, can we just say a little something for Lynn, Commissioner Jensen? It's just breaking my heart.

CHAIRMAN ENNES: It is for me, too, but I don't know, should we make this a public statement?

COMMISSIONER DAWSON: I just, I don't know. I just want to say we're thinking of him. That's all we need to say.

CHAIRMAN ENNES: Okay.

COMMISSIONER GREEN: I agree with that.

CHAIRMAN ENNES: Absolutely. He's going through a very tough time.

COMMISSIONER SIGALOS: Yes, definitely, prayers out to Lynn Jensen.

CHAIRMAN ENNES: Yes.

COMMISSIONER DAWSON: Other than that, I'll make the motion to adjourn.

COMMISSIONER GREEN: And I'll second that.

CHAIRMAN ENNES: All in favor?

COMMISSIONER DAWSON: We got to roll call.

CHAIRMAN ENNES: Okay, forgot you, Jake, in there.

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes. And Commissioner Dawson, thank you for the comment.

Okay, ladies and gentlemen, we will see you the first Wednesday of next month. Take care.

(Whereupon, the above-mentioned petition was adjourned at 7:54 p.m.)