



VILLAGE OF ARLINGTON HEIGHTS
STAFF DEVELOPMENT
COMMITTEE REPORT

PC File Number: 21-014

Project Title: Midwest Tattoo Therapy LUV

Address: 19 N. Wilke Road

PIN: 03-30-313-011 thru -013

To: Plan Commission

Prepared By: Jake Schmidt, Assistant Planner

Meeting Date: July 28, 2021

Date Prepared: July 23, 2021

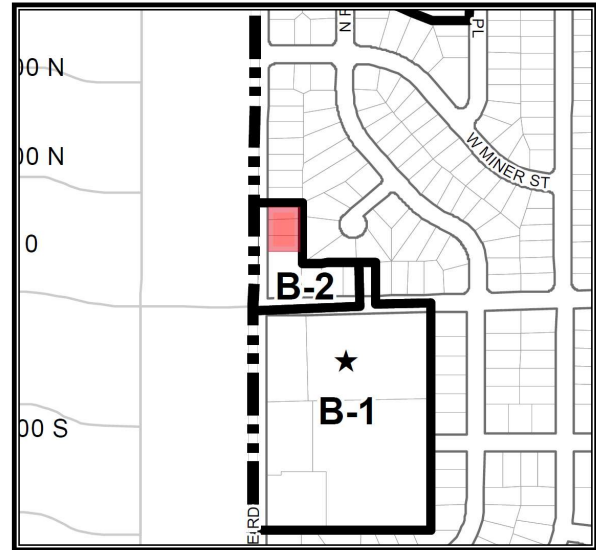
Petitioner: Hector Barreiro

Midwest Tattoo Therapy

Address: 20771 North Rand Road – Suite 111
Kildeer, IL 60047

Existing Zoning: B-2: General Business District

Comprehensive Plan: Commercial



SURROUNDING LAND USES

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	R-3, One-Family Dwelling District	Single-family home	Single-Family Detached
South	B-2, General Business District	Marathon Gas Station w/auto repair	Commercial
East	R-3, One-Family Dwelling District	Single-family homes	Single-Family Detached
West	- City of Rolling Meadows – Single Family Homes		

Requested Action:

1. Land Use Variation to allow a Tattoo Parlor within the B-2, General Business Zoning District.

Variations Required:

- None.

Project Background:

The subject site is approximately 23,416 square feet in size (0.54 acres) and is improved with a multi-tenant one-story commercial building ("Wilke Commons") of 6,720 square feet in size addressed as 7-23 North Wilke Road. Current tenants within the building are a hair salon, chiropractors office, tailor, vacant unit, and counselling office. Access to the site comes from two full access curb cuts on Wilke, which is a four-lane secondary arterial with a striped center median. There is a parking area in front of the building that includes 32 parking stalls.

The unit at 19 N. Wilke, consisting of approximately 800 square feet, has recently been vacated by a dentist. Midwest Tattoo Therapy, which is currently located in Kildeer and is relocating to Arlington Heights, is proposing reoccupation of this vacant unit. The unit would include space for up to four tattoo artists/apprentices. At the current location, the petitioner operates by appointment only and does approximately 40-60 tattoos per month, each tattoo taking anywhere from 30 minutes to eight hours depending on the level of complexity. Hours of operation would be noon to 10:00pm on Monday-Thursday, and noon to midnight on Friday and Saturday (closed Sunday). Services offered would include tattoo work, piercing, and training/apprenticeships.

All tattoos and piercings must be done by certified/licensed tattoo artists, and the facility is required to be registered with the Illinois Department of Public Health as a Body Art Establishment. The petitioner understands this requirement, and has stated that they will need to submit a copy of the inspection permit from the Department of Public Health as well as the registration with the Department of Public Health that this location is a Body Art Establishment.

Zoning and Comprehensive Plan

The subject property is zoned B-2, General Business District. The proposed use is classified as a Tattoo Parlor, which is not listed as a permitted or special use within any zoning district. As such, a Land Use Variation is required. As part of the formal application to the Plan Commission, the petitioner has provided a written response to each of the four hardship criteria necessary for land use variation approval. The petitioner's response is attached as **Exhibit I**.

Staff has evaluated this request as it relates to the land use criteria and finds:

1. That proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property. Staff notes that the proposed operation would be conducted wholly within the tenant space, and would offer commercial services. This would not alter the essential character of the locality, and is compatible with other commercial uses within the shopping center;
2. That the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned. Staff acknowledges that the subject unit is currently vacant, and per CoStar listing information has been vacant for at least 6 months;
3. That the proposed variation is in harmony with the spirit and intent of this Chapter. Staff notes that Tattoo Parlors are not atypical commercial uses, and would require a Land Use Variation at any location in the Village due to not being an expressly permitted use per Village Code;
4. That variance requested is the minimum variance necessary to allow reasonable use of the property. Staff notes that, as mentioned above, Tattoo Parlors would require a Land Use Variation at any location in the Village due to not being an expressly permitted use per Village Code, and that no other variations are requested as part of this petition.

The Comprehensive Plan designates this site as “Commercial”, which is the appropriate designation for the proposed use and is therefore consistent with the Comprehensive Plan.

Building, Site and Landscaping:

The petitioner is not proposing any changes to the site or building other than signage, which will require a separate sign permit. The petitioner has submitted a floor plan that shows the reuse of the previous dentist office layout; there would be four private tattoo/piercing rooms, a reception area, and a bathroom at the rear of the unit. Existing on-site screening and landscaping was evaluated during the Plan Commission review process, in addition to a Staff evaluation of the condition of the parking lot. It was determined that no additional landscaping, repairs, resurfacing, or restriping is needed.

Parking, Traffic, and Circulation:

Tattoo Parlors do not have an entry within the Schedule of Parking Requirements of the Zoning Code. Therefore, required parking is calculated as based on the most similar use listed within the parking table, which is a “beauty shop”. Accordingly, parking is required at one space for every 250 square feet of floor area. At 800 square feet, three parking stalls are required for Midwest Tattoo Therapy. The proposed change of use does not result in an increase in required vehicular parking spaces, therefore, the addition of bicycle parking spaces is not required as part of this petition.

Parking on the subject property conforms to code requirements. A detailed breakdown of the parking calculations for each business in the Wilke Commons shopping center is included in **Exhibit II** on page 5.

A traffic and parking study from a Certified Traffic Engineer is only required for land use variations on land abutting a major arterial that includes over 5,000 square feet of floor area. Since the subject unit is only 800 square feet in floor area, no formal traffic and parking study is required. Given the existing surplus of on-site parking relative to code requirements, Staff does not have any concerns related to parking, especially since the previous use as a dentist’s office typically generates more traffic and parking demand than the proposed use per code. It should be noted that since there are 4 rooms, with the potential for 8 persons (one customer and artist per room) at the facility during peak times, functional parking demand may exceed the code-required parking of 3 spaces. However, if Midwest Tattoo utilized 8 spaces (1 per customer and artist at peak times), there would still be a site surplus of 2 spaces factoring in code-required parking for other uses within the shopping center.

RECOMMENDATION

The Staff Development Committee (SDC) reviewed the proposed Land Use Variation to allow a Tattoo Parlor use within the B-2 District and recommends **approval** of the application, subject to the following:

1. The facility shall be required to register with the Illinois Department of Public Health (IDPH) as a “Body Shop Establishment”, and will need to submit to the Village a copy of the inspection permit and registration from the IDPH that this location is a Body Art Establishment.
2. The petitioner shall comply with all Federal, State, and Village Codes, Regulations, and Policies.

July 23, 2021

Bill Enright, Assistant Director of Planning and Community Development

Cc: Randy Recklaus, Village Manager
All Department Heads
PC File 21-014

Exhibit I – Petitioner Response to Land Use Variation Criteria:



Midwest Tattoo Therapy

From: Midwest Tattoo Therapy

To: Planning and Community Development Department

Hello,

Regarding the Land Use Variation Justification Criteria being inadequate previously, please see the following for an updated/more appropriate response to the four criteria outlined in the Plan Commission Application packet:

1. It is stated that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.
2. It is acknowledged that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.
3. It is stated that the proposed variation is in harmony with the spirit and intent of this chapter.
4. It is stated that the variance requested is the minimum variance necessary to allow reasonable use of the property.

Sincerely,

A handwritten signature in black ink, which appears to read 'Hector Barreiro'. The signature is fluid and cursive, with a large initial 'H' and a long, sweeping tail.

Hector Barreiro, DBA Midwest Tattoo Therapy

Exhibit II – Parking Calculations:

Address	Tenant	Type	Parking Type	Tenant Size	Parking Ratio	Required Parking
7 N. Wilke Rd.	Tanit D'or Inc.	Retial	Retail Stores	800	1/ 300	3
9 N. Wilke Rd.	Bazar Salvadoreno	Retail	Retail Stores	800	1/ 300	3
11-15 N. Wilke Rd.	Leo's Hair Salon	Beauty Shop	Beauty Shop	1,600	1/ 250	6
17 N. Wilke Rd.	Insurance Xpress	General Office	General Office	800	1/ 300	3
19 N. Wilke Rd.	Midwest Tattoo Therapy	Tattoo Parlor	Beauty Shop	800	1/ 250	3
21 N. Wilke Rd.	AZ Tailoring	Retail	Retail Stores	800	1/ 300	3
23 N. Wilke Rd.	John Lynch, Chiropractor	Medical Office	Medical Office	800	1/ 200	4

TOTAL	6,400	25
Total Provided		32
Surplus/(Deficit)		7