

PLANNING & ZONING COMMISSION MEETING MINUTES

July 6, 2010 - 7:00 p.m.

Chairman Smith called the meeting to order at 7:00 p.m. and called roll. Commission members present: Glenda Miller, Jim Pagles, John Killeen, Terry Smith, Jim Carbonetti and Don Moede. Member Ken Gabrys was absent. Also present was Community Development Director Santeler and Karen Quoss, Certified Shorthand Reporter from Q & A Reporting, Inc.

Planning and Zoning Commission Minutes of June 1, 2010 – Approved

Moved by Killeen, seconded by Miller to accept the minutes of the Planning and Zoning Commission meeting of June 1, 2010, as presented. All ayes. Motion carried.

Guaranteed Automotive, Inc. and Joe Hogel (property owner) – 1442 S. Division St.

Chairman Smith opened the continued hearing in the petition of Guaranteed Automotive, Inc. and Joe Hogel (property owner) for property located at 1442 S. Division St., Harvard, Illinois. City Clerk Wells stated that the petitioner has submitted correspondence through Attorney John Gaffney withdrawing his petition for a conditional use. Subject correspondence was entered into the record. Moved by Miller, seconded by Pagles to close the hearing with no further action or consideration by the Planning and Zoning Commission with the finding of fact that the petition has been withdrawn. Roll call vote: Miller, aye; Pagles, aye; Killeen, aye; Smith, aye; Carbonetti, aye and Moede, aye. All ayes. Motion approved six to zero.

Commissioner Pagles inquired about the vehicles that are still on the property. Community Development Director Santeler responded that some of the vehicles have been moved. He will follow-up with the petitioner with a deadline to have the remainder of the vehicles removed from the property.

Joshua Somerville and Amanda Edmonds (petitioners) and Peter Parhas (property owner) – 45 N. Ayer St.

Chairman Smith opened the hearing in the petition of Joshua Somerville and Amanda Edmonds (petitioners) and Peter Parhas (property owner). The Certificate of Publication was noted and entered into the record. All fees required by said petition have been paid and certified notices were sent to adjacent property owners. The completed petition was entered into the record for a conditional use to permit the operation of a tattoo parlor d/b/a Second Sight Studios at property located at 45 N. Ayer Street, Harvard, IL. Petitioners Joshua Somerville and Amanda Edmonds, 17419 Hebron Road, Harvard, Illinois were present.

Staff Report

Community Development Director Santeler had no staff report.

Presentation of Evidence by Petitioners

Upon being sworn in by City Clerk Wells, Joshua Somerville and Amanda Edmonds gave an overview of their petition. Amanda is a hair designer and does wire sculpture. Joshua is a tattoo artist and portrait artist. They have opened a shop combining their various forms of art. Additional information for Second Sight Studios was passed out to the Commission members with a brief overview given by Ms. Edmonds. In a few years, they would like to be a part of the Starline art group and move to that building.

Questions from Planning and Zoning Commission

- Commissioner Miller inquired about the zoning if the petitioners should relocate in a few years. Clerk Wells stated that the Commission could put a time limit on the conditional use or tie it to the lease. Property owner Peter Parhas indicated they could stay at the current location as long as they want, from year to year.
- Chairman Smith stated that traditionally, a conditional use goes with the property, and if the business is sold, the conditional use goes to the new owner of the business. If a business is moved, they should come back before the Planning and Zoning Commission for a conditional use at the proposed new location.
- Upon being sworn in by Clerk Wells, property owner Peter Parhas said the proposed shop is not a traditional tattoo parlor and showed some of the various art pieces they have on display.
- Commissioner Carbonetti inquired what percentage of the business the tattooing would be. Mr. Somerville responded less than 25%. Mr. Somerville further noted that he also does walking sticks, murals and paintings. He designs his own tattoos and is very picky about who he tattoos.
- At Commissioner Killeen's inquiry, Mr. Somerville indicated that both he individually and the premises have to be licensed. Mr. Somerville further stated that he must receive city approval before he can get state board approval. Submission requirements include layout of the building, procedures for tattooing, sterilization methods and disposal. Mr. Somerville has about eight years experience in tattooing.

- Ms. Edmonds is a licensed Barber/Cosmetologist in Wisconsin and is waiting for the State of Illinois to send her paperwork back for a transfer of license from Wisconsin to Illinois.

Supporters

Chairman Smith asked if there was anyone present who wished to speak in support of the petition. There were none.

Objectors

Chairman Smith asked if there was anyone who wished to speak in opposition to the petition. There were none.

Closing Remarks

The petitioners had no closing remarks.

Further Comments by Commission

The Commission discussed whether or not to include verbiage in the ordinance so the petitioners would not have to come back before the Commission in the event they do not relocate within the time frame of the conditional use. Chairman Smith noted one of the problems with moving the business without coming back to the Commission is the criteria for approving a conditional use is whether a specific location is compatible with surrounding properties. Clerk Wells read language from the Ordinance 92-107, Granting a Conditional Use Permit for the Operation of a Tattoo Parlor at 105½ Front Street: "said permit shall be limited to three years from the effective date of this ordinance or until the lessee, Ronald E. Johnson, ceases operation of the tattoo parlor or vacates the subject property, whichever shall occur first". Clerk Wells reviewed other conditions in the ordinance and recommended discussing the requirements with the City Attorney to get the proper wording and updated state and/or county requirements.

Moved by Pagles, seconded by Carbonetti to recommend to the City Council the issuance of a Conditional Use Permit to Joshua Somerville and Amanda Edmonds for the operation of a Tattoo Parlor at 45 N. Ayer Street, Harvard, Illinois subject to language provided by the City Attorney. Roll call vote: Pagles, aye; Killeen, aye; Smith, aye; Carbonetti, aye; Moede, aye and Miller, aye. All ayes. Motion approved six to zero.

Clerk Wells stated that the Planning and Zoning Commission's recommendation will come before the City Council at their next regular meeting on Tuesday, July 27, 2010, at 7 p.m. The petitioner was advised to be in attendance. Clerk Wells indicated he would have clarification at that time as to the time limits that can be set from the City Attorney.

Moved by Miller, seconded by Carbonetti to close the public hearing. All ayes. Motion carried.

Clerk's Report

No report at this time. At this time, there isn't anything pending for the August meeting.

Chairman's Report

Chairman Smith expressed concern about a moveable conditional use as allowed in the zoning code, Section 17.44.068, Tattoo Parlors which states "After one year of being in business, an existing tattoo parlor located in either a B-2 or B-3 zoning district may relocate to another location within a B-2 or B-3 zoning district" and recommended that the City Attorney take a look at the language.

At 7:30 p.m., moved by Carbonetti, seconded by Pagles to close the hearing. All ayes. Motion carried.

Submitted by:


City Clerk Andy Wells

Date: 07/14/10