
SYCAMORE PLAN COMMISSION MEETING
MINUTES OF APRIL 13, 2009

CALL TO ORDER AND ROLL CALL

Chairperson John Lewis called the meeting to order and City Clerk Candy Smith called the roll. Those Commissioners present were: Marvin Barnes, Ron Bemis, Bill Davey, Lowell Evans, Ken George, Cindy Henderson, Bill Lorence, Steve Nelson, Michelle Schulz, and Chuck Stowe. Commissioner George Bridgewater was absent. Other staff members present were City Manager Bill Nicklas, Building Commissioner/Zoning Officer Lyle Doty, Municipal Engineering Corporation Engineer John Brady, and Plan Commission Attorney Kevin Buick.

APPROVAL OF MINUTES OF MARCH 9, 2009.

Motion

Commissioner Lorence moved to approve the Minutes of March 9, 2009 and Commissioner Nelson seconded the motion.

Voice Vote

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

APPROVAL OF AGENDA

Motion

Commissioner Evans moved to approve the agenda and Commissioner Schulz seconded the motion.

Voice Vote

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

OLD BUSINESS - NONE

CONSIDERATIONS

- A. Consideration of a Petition from the City of Sycamore to Annex Property Owned by Jerome Johnson at 401 N. Main Street and to Rezone the Property to "C-3," Highway Business District.**

City Manager Nicklas said, as the background stated, the owner of the property has requested one more continuance and he made it clear this would be the last. He said there was some discussion last week about fine lines to be drawn to allow room for road work in the future. He said the City recommended Mr. Johnson talk to an engineer he is familiar with and come to some resolution.

Motion

Commissioner Barnes moved to continue this item until the May meeting and Commissioner George seconded the motion.

Commissioner Davey said that he was tired of this whole circus and felt it a waste of taxpayer's money and if they could not reach an agreement by the next meeting they should go back to the original annexation request.

Mr. Nicklas said they let them know this was the last option.

Chairperson Lewis said he thought it was fair to tell Mr. Johnson that the Plan Commission is ready to act on this whether an agreement is reached or not.

Commissioner Barnes withdrew his first motion.

Motion

Commissioner Barnes moved to for a final continuance of this item until the May meeting and Commissioner George seconded the motion.

Voice Vote

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

B. Consideration of a Petition from Rick and Gloria Kramer to Revise Table 5.3.1 of the Unified Development Ordinance to Allow Tattoo Parlors by Special Use Within the "C-2" Central Business District and "C-3" Highway Business Districts in the City of Sycamore, Illinois.

City Manager Nicklas thanked Rick and Gloria Kramer for meeting on two occasions with City staff to help produce the draft that is in the background which is an attempt to show that health and safety issues can be and ought to be addressed in some framework. He said this is not what the Plan Commissioners will vote on this evening. He said there are two steps necessary that have to be taken before there could be the first body art establishment in Sycamore. He said first the Plan Commissioners need to allow such a use and then there would be a specific petition from a practitioner to seek Plan Commission recommendation and Council permission to have such an establishment a designated zoning district. He said the questions before Plan Commission tonight are:

1. Shall tattoo parlors or body art establishments be allowed, by special use permit, in the "C-2" Central Business District? If the majority of the Commission answer "yes," then the Commission should recommend the appropriate amendment to Table 5.3.1 of the UDO.
2. Shall tattoo parlors or body art establishments be allowed, by special use permit, in "C-3" Highway Business Districts? If the majority of the Commission answer "yes," then the Commission should recommend the appropriate amendment to Table 5.3.1 of the UDO.

Rick Kramer, 337 Charles St., thanked Mr. Nicklas and Mr. Buick for their time and attention to this issue. He said they want to open a business in the building above the laundry mat. He said he does not want a store front because he prefers to be a little more private for his clientele.

Commissioner Schulz asked what hours and days he would be open.

Mr. Kramer said he works by appointment only and right now his hours are Wednesday through Saturday from noon until 9:00 p.m. and in the winter they open Sundays from noon until 6:00 p.m. He said the establishment guidelines are in complete corroboration with the State's guidelines. Chairperson Lewis asked if there was a reason he was requesting C-2 Business District as well as C-3 other than the location they were looking at.

Mr. Kramer said it was the location. He said there is a lot of traffic there and if they are tucked away somewhere it escalates his advertising cost.

Chairperson Lewis asked if they allow within C-2 with a Special Use Permit, what type of consistency they have to establish in allowing the Special Use Permit.

Mr. Nicklas said they would define the zoning area first with a Special Use Permit then they could condition that a little bit in ways that are specific to that particular business. He said for example Spider Tattooz could take root in this location on the second floor of the building and they could add a few other criteria.

Chairperson Lewis asked if that would set a precedent for someone else requesting a Special Use Permit on the second floor of another building in the C-2 District.

Mr. Nicklas said requests would be taken on a case-by-case basis; it is not a binding precedent, but it does make it a little more complicated.

Commissioner Davey asked if tattoo operators have to be licensed.

Mr. Nicklas said it is not a licensed trade in the town and is not allowed in this town as a professional service. He explained that he felt they had drawn up pretty comprehensive guidelines to address safety and health concerns for the client and the operator. Mr. Nicklas said if Plan Commission decided to allow such establishments in the City of Sycamore, staff proposes they be by Special Use with further parameters on that Use.

Plan Commission Attorney Buick said that good land use practice would indicate that the whole purpose that the nature of the regulations is not to be picking and choosing based on individuals, but provided that there is sufficient criteria that meet the requirements of the code which is Section 4.3.5 of the UDO which states: "Conditions: The Plan Commission and City Council may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein." He said the criteria must be tied to those criteria.

Commissioner Davey asked who would do the inspections.

Mr. Nicklas said the City does inspections on the setup of business and subsequently only upon complaint. He said we are not looking to create work and we are not expecting a run on this. He said the City wants to be fair, consistent, and practical.

Commissioner Schulz said if we allow the Kramer's on the second floor with hours by appointment only, can we use that as criteria.

Mr. Nicklas said we could continue with that criteria, but we would not be bound by that.

Commissioner Schulz asked what would happen if a tattoo parlor wanted to move into one of the downtown store fronts on the first floor.

Mr. Nicklas said this is a new use and that we can define this however we decide.

Commissioner Stowe said we are making the option available this evening; we are not creating criteria for the Special Use.

Chairperson Lewis said he wanted to make sure that if we allow this in the C-2 with a Special Use Permit that we still have the flexibility that we do not end up with multiple body art parlors on first floors downtown.

Mr. Nicklas asked if the Plan Commissioners were interested in allowing body art establishments in C-3 zoning district.

Commissioner Henderson said if we go to C-3 zoning we are not limited it to the second floor and asked if a time line could be established.

Mr. Nicklas said an arbitrary time period cannot be chosen, but a time period must be tied to something and he is not aware of the average number of years a body art establishment exists. He said if you sunset it, you will struggle to come up with criteria that is unique to that use.

Attorney Buick said his concern with timing was that it was legally permissible, but the problem is it cannot be arbitrary in nature.

Commissioner Schulz said she thought the Special Use was tied to Mr. Kramer.

Mr. Buick said it is legally permissible, but it is not necessarily advisable to tie a land decision to a particular business or person.

Chairperson Lewis asked how the Plan Commission felt about allowing tattoo parlors in C-3 with a Special Use Permit yet to be defined.

Motion

Commissioner Lorence moved to allow body art establishments to be allowed in C-3 Highway Business District with a Special Use Permit and Commissioner Schulz seconded the motion.

Roll Call Vote

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Barnes, Bemis, Davey, Evans, George, Henderson, Lorence, Nelson, Schulz, Stowe, and Chairperson Lewis voted aye. Motion carried 11 - 0.

Chairperson Lewis said regarding C-2, it is not the petitioner, but the integrity of the Central Business District.

Commissioner Schulz said she was not sure what we are afraid of about having a tattoo parlor in the Central Business District. She said she did not think it was any different than motorcycle riders that come through on Sundays and stand on the streets admiring their bikes in their black Harley gear. She said she assumed that tattoo people wear shoes, wear clothes, and buy ice cream. She said she would hate for our residents to leave the area to spend their money elsewhere because we won't allow it.

Commissioner Bemis asked if there was a way to limit the number of parlors.

Mr. Buick said when placing limits, the problem is that it gives a certain inherent value to the license that it is not suppose to have.

Commissioner Stowe said he knew the regulations would have to come up again as a separate issue for City Council, but he felt the guidelines were great.

Motion

Commissioner Schulz moved to allow body art establishment in the C-2 Central Business District with Special Use Permits and Commissioner Nelson seconded the motion.

Roll Call Vote

Chairperson Lewis called for a roll call vote to approve the motion. Commissioners Barnes, Bemis, Davey, George, Henderson, Lorence, Nelson, Schulz, Stowe, and Chairperson Lewis voted aye and Commissioner Evans voted nay. Motion carried 10 - 1.

Chairperson Lewis said the next issue will be the Special Use criteria.

Mr. Nicklas said the matter will go to City Council at the April 20 meeting and if Council agrees on either the C-2 or C-3, Council will proceed with the guidelines. He said at the next Plan Commission meeting the Plan Commission will review the request from the Kramer's for a tattoo parlor at 126 E. State Street.

WORKSHOP ITEMS

REPORTS

Chairperson Lewis thanked Lowell Evans for his two terms as a conscientious member of the Plan Commission.

PERSONS TO BE HEARD FROM THE FLOOR ON OTHER THAN AGENDA ITEMS

ADJOURNMENT

Motion

Commissioner Lorence moved to adjourn the meeting at 7:40 p.m. and Commissioner Schulz seconded the motion.

Voice Vote

Chairperson Lewis called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 11 - 0.

Approve:

Chairperson – John Lewis

Attest:

Candy Smith, City Clerk