

CALL TO ORDER:

Chair Brunner called to order the Planning and Zoning & Historic Commission (“PZHC”) meeting on Thursday, April 6, 2023, at 6:00 pm.

ROLL CALL:

Commissioners Brunner, Krueger, Scarpelli, Steneck were present. Commissioner Reyes-Brahar arrived at 6:01 pm.

Commissioners Feck and Myers were absent.

Also present: Assistant to the Village Administrator (“ATVA”) Franco Bottalico, Building Inspector Chris Ranieri, and Village Attorney Kelley Gandurski.

APPROVAL OF MINUTES:

1. Planning & Zoning and Historic Commission Meeting Minutes dated November 3, 2022

Motion to approve the November 3, 2022 meeting minutes by Krueger/Steneck.

4 Ayes (Krueger, Steneck, Scarpelli, Brunner). 0 Nays. Motion Carries.

2. Planning & Zoning and Historic Commission Meeting Minutes dated February 2, 2023

Motion to approve the February 2, 2023 meeting minutes by Scarpelli/Steneck with amendments to the names of the commissioners listed on the votes regarding the public hearing petition for Elgin Mall Corp. on Page 3 of the minutes.

5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

PUBLIC COMMENT: None

NEW BUSINESS:

- 1.) **A request for a special use permit for tattooing as a personal service as described in Section 157.050(F)(1)(f)(1) for the property located at 324 N. River Street, East Dundee, IL 60118 PIN 03-23-310-001 in the B-1 Downtown Business District.**

Motion to open the public hearing by Steneck/Scarpelli.

5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

Persons wishing to be heard were sworn in.

Applicant, Murphy Minoso, approached the commission and gave a background on her business plan and special use request to offer decorative tattooing at her business Willow & Birch. She advised she wouldn't tattoo anyone who would be intoxicated, clients are by appointment only, and they are open from 11 to 7. She advised she wouldn't take clients past 4pm; this is usually during daytime hours.

Commissioner Scarpelli asked the applicant if she is licensed through the State or Illinois. Applicant responded by stating that IL doesn't require a license for decorative tattooing; however, she is registered and cleared with the health department.

Motion to close the public hearing by Scarpelli/Krueger.

5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.
Chair Brunner stated that this use may even be considered a permitted use due to its limited business plan.

A discussion ensued.

Motion to recommend approval of the special use request by Krueger/Steneck with the following conditions: 1) Tattooing services should not be visible from a street view; 2) Applicant must comply with all local, state, and federal laws and health department regulations regarding this use; 3) Tattooing should not be allowed before 8:00 am or after 8:00 pm any day of the week 4) Tattooing is by appointment only; and 5) This special use permit is subject to the PZHC's review after 90 days of commencing the permit.
5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

Chair Brunner moved on to the Findings of Fact for the special use request. Chair Brunner read each finding aloud and the PZHC agreed with staff's pre-filled replies as presented.

Motion to approve Findings of Fact by Scarpelli/Steneck.
5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

2.) A text amendment to Chapter 157 of the Village of East Dundee Zoning Ordinance in Section 157.050(F)(1)(f)(1), to add "Massage establishments and massage services as defined in Chapter 111" as "S" permitted by special use permit, and to add "Accessory use massage services as defined in Chapter 111" as "P" permitted by-right in the B-1 Downtown Business District, the B-2 Community Business District, and the B-3 Service Business District.

Motion to open the public hearing by Krueger/Steneck.
5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

There were no persons wishing to be heard.

ATVA Bottalico advised that 113 Water Street is interested in providing this service as an accessory use to her business. Building Inspector Ranieri related this would not be a primary use.

A discussion ensued on what would qualify as an accessory use based on one's business model.

Motion to close the public hearing by Krueger/Scarpelli.
5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

Chair Brunner noted that Chapter 111 may not be relevant for accessory uses. Commissioner Scarpelli advised this may be onerous.

Building Inspector Ranieri stated that this is common to see with other villages when it comes to massage services.

A discussion ensued on Chapter 111.

Motion to have staff review and amend Chapter 111 to the Village Board, and to recommend approval the text amendment as present by staff by Krueger/Steneck.
5 Ayes (Krueger, Steneck, Scarpelli, Brunner, Reyes-Brahar). 0 Nays. Motion Carries.

3.) A discussion on live entertainment.

Chair Brunner advised this discussion was brought before the PZHC from staff due to the complaints the Village has received over the years, and staff is asking for the PZHC guidance on how to address the businesses who provide live entertainment and do not have a special use permit as described in Section 157.050(F)(2), as well as to define what live entertainment is, and when and how businesses can provide it.

A discussion ensued. Building Inspector Ranieri stated that there currently is a noise ordinance in the code to enforce.

ATVA Bottalico advised staff will bring back definitions on live entertainment, what a bar or restaurant definition is, and a draft text amendment allowable use table with live entertain outdoors as a special use to review. Additionally, how to get existing businesses owners into compliance.

Deputy Police Chief Fourdyce recommended staff review and clean up the time discrepancy in the noise ordinance.

The PZHC decided to continue this discussion to the May PZHC meeting.

4.) A discussion on banquet facilities.

ATVA Bottalico advised the PZHC that the municipal code defines a banquet hall but there is no where in the allowable uses table where a banquet hall or facility can operate. He mentioned there were three existing establishments operating: two by special use permit and one by village board approval. However, the special use permit needs to be cleaned up to reference a future section in order for it to make sense. He advised the PZHC consider making the banquet hall or facility all special uses across the board with the exception of M districts per the village administrator.

A discussion ensued.

The PZHC decided to continue this discussion to the May PZHC meeting.

ADJOURNMENT:

Motion to adjourn the PZHC meeting at 7:40 pm by Kreuger/Reyes-Brahar.
Motion carries by voice vote.

Respectfully submitted,
Franco Bottalico, ATVA