

**Village of Gurnee
Planning and Zoning Board Minutes
June 17, 2015**

1. Call to Order and Roll Call

The meeting was called to order at 7:30 p.m.

Planning & Zoning Board Members present: Chairman James Sula, Richard McFarlane, Sharon Salmons, Karen Thorstenson, and Josh Pejsach

Planning & Zoning Members Absent: David Nordentoft and Edwin Paff

Other Officials present: David Ziegler, Community Development Director; Tracy Velkover, Planning Manager; Molly Booth, Associate Planner; Bryan Winter, Village Attorney

2. Pledge of Allegiance

3. Public Comment

Mr. Sula asked if anyone from the public had any questions or comments regarding anything not on the evening's agenda. As there were no responses, Mr. Sula then closed the floor to the public.

4. Public Hearing: Angel Bustos (Angels Tat2 Private Tattoo & Design Studio)

Mr. Angel Bustos is requesting approval of a Special Use Permit to allow the establishment and operation of a body modification establishment offering tattoo services on property located at 3567 Grand Avenue (Suite F). The subject property is zoned EGG, East Grand Gateway Overlay District.

Ms. Booth stated that Angel Bustos, the applicant, is requesting a special use permit to allow a body modification establishment offering tattoo services at 3567 Grand Avenue, Suite F. The property is zoned EGG, East Grand Gateway Overlay District. The application is under the 2015 Zoning Ordinance, which became effective June 1st of this year. The use list for the EGG district follows the use list for the C-2 district and in the C-2 district, body modification establishments require a special use permit.

After introduction and elaboration of the item by Ms. Booth, and the swearing-in of those wishing to speak on this item by Mr. Winter, Mr. Sula handed the floor over to the Petitioner.

Angel Bustos, of Angels Tat2 Private Tattoo & Design Studio, stated that he is proposing to open a new, private, by appointment only, tattoo and design studio called Angles Tat2 at 3567 Grand

Avenue (southeast corner of Grand Avenue and Belle Plaine). The purpose of Angle Tat2 is to offer a service to people that is safe, sanitary, and of high quality in the area of tattooing. He noted that his proposed location at 3567 Grand Avenue is in compliance with all Village ordinance requirements, including:

- Not within 1000 feet of a pre-existing tattoo establishment, principle massage establishment, or pre-existing adult entertainment facility
- Not within 300 feet of any pre-existing establishment licensed to sell alcohol
- In the C-2 Zoning District

He noted that this would be a “by-appointment” only tattoo studio and would operate within the business hours established by the Village’s licensing ordinance (8 a.m. to 10 p.m.). He noted that all artists, clients and guests would be at least 18 years of age, and all artists will be registered with the State of Illinois under the Tattoo and Body Piercing Establishment Registration Act and will be OSHA blood born pathogen for body art certified. He noted that every client will receive after care instructions on how to care for their new tattoo. He stated that the main focus is to provide a safe and sanitary environment. He stated that using professional tattoo equipment and prepackaged sterile disposable one-time use needles and tubes will help avoid the spread of infections. He also stated that aseptic techniques will be used at all times; setting up, performing tattoos, and cleaning the tattoo area. Sharps containers will be used to reduce the chance of needle sticks to customers and the general public. Sharps disposal service will be contracted with to remove the sharps containers from the facility. He stated that the studio will be monitored and managed to prevent loitering. He noted that the shop will stay within the legal occupancy limit and make sure that all clients and guests are 18 years of age or older. He stated that only one client per artist can be serviced at one time. Currently, there are plans for only one artist (Mr. Bustos). He stated that it is a very small facility and that there would be very low traffic generated by the use because of the size and the fact that the facility is by appointment only. This is very different than most tattoo shops that accept walk-ins. Tattoos can take anywhere from about 45 minutes, depending upon size and complexity, to upwards of 10 hours. Depending upon the size of the tattoo, only a few clients may be able to be serviced per day. In regards to the unit itself, it is an end-unit that has two exits (one in front and one in back). The total floor space is about 300 sq. ft. About 6 feet from the front door will be a privacy wall that will separate the waiting area from the tattooing area. The waiting area will be equipped with reading materials and a TV. The tattooing area, which is about 150 sq. ft., will be equipped with a stainless steel, non-porous work station for easy cleaning, smooth durable non-absorbent flooring, equipment cleaning sink (as required by the Health Department), closet for an autoclave (should it be necessary if he were ever to use metal tubes), drawing table, computer, mirrors, TV, shelf for retail items, and a bookshelf or two. At the rear of the store is an exit and a bathroom for customer use. Mr. Bustos stated that his plan is to continue to build on a reputation of safety and quality. He noted that he is a husband, father, graphic designer, web designer, tattooer, and a golfer. He

stated that he plans to continue his career as a senior web designer for PersonalizationMall.com. He stated that he sees this facility as promoting quality over quantity. He noted that his goal is to be better than the day before, not busier. He noted that he would mostly tattoo in the evenings and on weekends, as he will still have his career as a web designer. He stated that he has started to attend national tattoo conventions and plans to continue to do so. He summarized by saying it would be an honor to bring this form of artistic expression to Gurnee.

Mr. McFarlane thanked the applicant for the thorough presentation. He asked if the space that he is proposing to occupy is connected to the adjacent hair studio.

Mr. Bustos stated that he is subleasing space from the adjacent hair studio (Damoda) and that there are plans to create a demising wall between the units.

Mr. Pejsach asked if the space is set up in the manner shown on the slides.

Mr. Bustos stated that it is not. Those changes would be made to the interior of the space.

Mr. Pejsach asked how long those renovations would take.

Ms. Bustos estimated the renovations would take approximately a month.

Ms. Salmons asked why the applicant chose that specific location.

Mr. Bustos stated that it was very difficult finding a location that met the Village's requirements of 1000 feet from a pre-existing tattoo establishment, principle massage establishment, or pre-existing adult entertainment facility, 300 feet from any pre-existing establishment licensed to sell alcohol, and in the C-2 zoning district. He stated that he approached the owner of the hair salon as they had an area that wasn't being used. She was receptive to splitting off the tenant space.

Ms. Salmons asked where Mr. Bustos currently tattoos.

He stated that he works in Burr Ridge and that downtown Chicago is only 20 minutes from where he works. So he tattoos in several of his friends shops in the Lacuna Lofts, in the Pilsen Art District of Chicago.

Ms. Salmons asked how long Mr. Bustos has been tattooing.

He stated that he has been tattooing consistently for 10 years.

Mr. Sula stated that the request is for tattoo and body modification. He stated that the applicant hasn't said much about the body modification request and asked that he elaborate.

Mr. Bustos clarified that he has no intentions on doing anything other than tattooing. He noted that the Village's classification of tattooing is under the title "body modification" and that is where this reference comes from.

Mr. Sula stated that he is torn on this matter. He stated that he realizes that the zoning district encompasses this as a potential special use, but it's also in the East Grand Gateway Overlay District as well, and he stated that he's struggling with the image that would be--- not necessarily by your operation---but by just the perception of having a tattoo parlor in the gateway.

Mr. Sula opened the floor to the public; as there were not responses, he then closed the floor to the public.

Mr. McFarlane stated that he does not share Mr. Sula's concerns. He believes that tattoos have changed a lot, in terms of acceptance, and he thinks that there is a larger group of people that have tattoos as he runs into people in business that have them. He stated that he doesn't know what the percentage is, but that it is a much more common and regulations have changed the industry to be safer.

Mr. Bustos stated that in the United States 20% of the population has a tattoo.

Mr. Pejsach stated that he agrees with Mr. McFarlane, that perceptions have changed and it doesn't carry a negative stigma.

Ms. Salmons stated that she agrees with Mr. Sula. She noted that the East Grand area doesn't have a great reputation currently for the businesses that are there. She stated that she'd like to see something different in the gateway area. She noted that Mr. Bustos' facility looks very nice, but that she's against the perception of the use in that area.

Ms. Thorstenson stated that the presentation was great and it sounds like Mr. Bustos is the kind of person that the Village would want running that business. She stated that she doesn't it in the EGG district either. She stated that it's not because of the business, it's because of what she'd like in that area. She stated that she'd like to see businesses such as restaurants and grocery stores locate in this area, instead of always west of I-94. Catering to 20% of the population is ok, but she'd like to see uses that would cater to closer to 100% of the population.

Mr. McFarlane asked Ms. Thorstenson how 300 sq. ft. impacts the ability of a grocery store or restaurant from locating in this area.

Ms. Thorstenson stated that she doesn't think that this specific carve out does, but she's just looking at overall for the business area.

Mr. McFarlane asked if she thinks that this would inhibit these other uses.

Ms. Thorstenson stated that she guessed it could and that she's looking for the openings in this area to be the type of niche grocery stores and niche services that we can get more traffic from.

Mr. McFarlane stated that there's nothing worse than vacant space for a commercial area.

Mr. Pejsach asked if the tattoo facility is established in this space, does it prohibit other uses coming in (uses that have a liquor license, etc.).

Ms. Velkover stated that the licensing ordinance for tattoo establishments requires a separation from pre-existing businesses with a liquor license, pre-existing tattoo establishments, and pre-existing massage, and pre-existing adult entertainment uses. Therefore, a restaurant with a liquor license would not be prohibited from opening up within the required separation. Future tattoo and massage establishments would not be able to open within the separation requirement from this use, once it is established.

Mr. Bustos clarified that he is not taking away space, as he is subleasing part of the Damoda Hair Salon space and creating a separate space.

Mr. Sula stated that the hours of operation were stated to be between 8 a.m. and 10 p.m. He asked when Mr. Bustos would do tattooing as he testified that he will maintain his day job and be the only tattooist on-site.

Mr. Winter also asked if Mr. Bustos would be accepting of a condition that the tattoos are done by appointment only.

Mr. Bustos stated that he would do tattooing in the evenings and on weekends, within the hours allowed by the Village. He stated that he is fully accepting of a condition that would require that all tattoos be by appointment. He stated that this is the only way he was worked, by appointment only.

Mr. Pejsach asked then what type of sign the business would have.

Ms. Bustos stated that his logo and business name on the window of the tenant space is the only signage he will have. He stated that he would accept that also as a condition of the special use permit.

Mr. Sula then asked if there were any more questions or comments from members of the Board; as there were not, he asked if anyone would like to make a motion.

Mr. McFarlane made a motion, seconded by Mr. Pejsach, to forward a favorable recommendation to the Village Board on the Special Use Permit petition of Angels Tat2 and Private Design Studio to allow the establishment and operation of a body modification establishment offering tattoo services on property located at 3567 Grand Avenue (Suite F).

Mr. Winter asked if the motion included the condition that the business be "by appointment only."

Mr. McFarlane stated that he did not include the condition as it did not seem necessary, considering Mr. Bustos is to be the sole artist within the business.

Mr. Winter suggested that the condition be included.

Mr. Sula also suggested such condition, and also a stipulation that the business offer tattooing only, and no other forms of body modification.

Mr. McFarlane and Mr. Pejsach agreed to the conditions/stipulations being added to the motion.

Roll Call Vote:

Ayes: McFarlane, Pejsach

Nays: Sula, Salmons, Thorstenson

Abstain: None

Motion failed: 2-3-0

5. Future Meeting Date: July 1, 2015

Mr. Sula confirmed with Ms. Booth that, at this time, there is no item on the agenda for the upcoming meeting.

6. Adjournment

Mr. McFarlane, seconded by Ms. Salmons, to adjourn the meeting.

Voice vote:

All "Ayes", no "Nays", none abstaining

Motion carried: 5-0-0

The meeting was adjourned at 7:58 p.m.

Respectfully Submitted,

Joann Metzger
Planning and Zoning Board Secretary