

CITY OF BATAVIA

100 N. Island Ave., Batavia, IL 60510

(630) 454-2000

www.cityofbatavia.net

PLAN COMMISSION

AGENDA

Wednesday, May 1, 2019

7:00 PM

City Council Chambers - First Floor

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Approval Of Minutes: April 3, 2019

Documents:

[PC-4-3-19F.PDF](#)

5. Public Hearing: Conditional Use For A Microblading/Permanent Make-Up Use (Tattoo Parlor/Piercing Studio) in the DMU Downtown Mixed Use District
Gabriel Sosa - Urban Styles Salon, Applicant - 3 East Wilson Street

Documents:

[PC-URBANSTYLE-MICROBLADE-042519.PDF](#)

6. Referral Of Additional Garage Regulations From The Committee Of The Whole To The Plan Commission
City of Batavia, Applicant

Documents:

[PC-COWREFER-TEXTAMEND-GARAGE-4-26-19.PDF](#)

7. Matters From The Public (For Items Not On The Agenda)
8. Other Business
9. Adjournment

Plan Commission

Tom Gosselin

Sara Harms

Joan Joseph

Tom LaLonde, Chair

Sue Peterson

Gene Schneider, Vice-Chair

MINUTES
April 3, 2019
Plan Commission
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order for the Plan Commission Meeting

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Commissioners Harms, Joseph, Peterson, and Gosselin

Members Absent: Vice-Chair Schneider

Also Present: Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

There were no items to be removed, added or changed.

4. Approval of Minutes: February 20, 2019; March 6, 2019

Motion: To approve the minutes from February 20, 2019 and March 6, 2019

Maker: Joseph

Second: Gosselin

Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

5. PUBLIC HEARING: Amendment to a Planned Development

Water Tower Crossing Single Family Residential Subdivision

1600 West Wilson Street, Habitat for Humanity for Northern Fox Valley, Applicant

- **Amendment to an existing R1-H Single Family Residential High Density Zoning District Planned Development Overlay District**
- **Preliminary/Final Plat of Subdivision**
- **Rescind Design Review**

Motion: To open the Public Hearing

Maker: Peterson

Second: Gosselin

Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Rackow gave the staff report for the amendment to a planned development ordinance that was approved as Ordinance 17-61. The amendment is to seek approval for a four-unit subdivision rather than the six that were originally approved. In order to do that, the applicant requests amending the planned development and the various conditions that were previously approved. The Plan Commission (PC) will also be reviewing a preliminary and final plat of subdivision that will also vacate some of the former right of way. There would be a request to rescind the Design Review that was previously approved for the prior project that is no longer moving forward. Rackow stated that this site is within the allowed density for the Comprehensive Plan. Much of the Planned Development request or amendment is to update the ordinance to be reflective of the proposed four-lot configuration for the property. Many of the conditions are no longer necessary now that the lot sizes are larger.

Jerry Pietryla, Habitat for Humanity of Northern Fox Valley, addressed the PC. He presented a PowerPoint presentation about Habitat for Humanity. He stated that their unofficial motto is a hand up, not a hand out. He overviewed the mission statement, history and background, programs and partner families. He explained that qualified applicants must earn between 40-80% of the area's medium income. Qualified applicants must demonstrate the ability to repay a no interest loan and be able to make a down payment. Homes are sold at fair market value. Equity is vested over the first ten years of ownership to prevent flipping. He showed the PC pictures of houses recently built in Elgin by the organization.

The Commission discussed the designs of the houses Habitat for Humanity builds and the process with the applicant. Staff recommended to the PC to approve the Preliminary/Final Plat of Subdivision for Water Tower Crossing, subject to the following:

- a. A variation from the Subdivision Regulations to allow for the collection of School and Park Land Cash Contributions prior to permit issuance rather than at the recording of a Final Plat.
- b. Addition of a public access/sidewalk easement along lots 2 and 3 where the public sidewalk will encroach on the properties.
- c. The title block be amended to state "Plat of Subdivision for Water Tower Crossing Subdivision"
- d. That easement language be revised to remove reference to "then owner" in paragraph four
- e. Revise Owner's certificate to refer to the plat of Water Tower Crossing rather than Independence and Spuhler.

Chair LaLonde opened the floor for public comment.

Craig Crawford, 15 Feece Drive, addressed the Plan Commission. He stated that of the plans proposed this plan seems to be the most acceptable to the neighborhood. He stated that lacking elevations is problematic and would like it to work in the neighborhood. Because the plan has changed there should have been a neighborhood meeting to include everyone in the solution. He is disappointed that there is no traffic study. This is a dense traffic area, especially when school gets out. He stated there is a drainage problem between Feece and Spuhler. Rackow reported that

drainage is in middle of the four lots and then routed to the storm water system along Wilson. Crawford stated that having the drainage explained makes him more at ease.

Gary Wojda, 41 Spuhler Drive, stated that he is concerned about drainage. As long as the drainage is going away from the rest of the block that is good and he hopes that the sizing is adequate. He asked what the frontage is for each of these lots and if basements are anticipated. Rackow stated the lots are 84 feet wide, the total square footage for each lot is 5,200 square feet. There is 83.9-84 feet for frontage. Rackow stated that the applicant would have to address the basement question. Pietryla confirmed that the homes would have basements.

Motion: To close the Public Hearing
Maker: Joseph
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To rescind the Design Review approval granted on September 20, 2017 to Kevin Stough
Maker: Gosselin
Second: Peterson
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson
Nay:
5-0 Vote, 1 Absent, Motion carried.

Motion: To approve the Preliminary/Final Plat of Subdivision for Water Tower Crossing, subject to the five conditions provided by staff
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Gosselin
Nay:
5-0 Vote, 1 Absent, Motion carried.

Motion: To recommend approval of an amendment to the Planned Development approved by Ordinance 17-61 for a R1-H Single Family Residential, High Density with a Planned Development Overlay Zoning District subject to the nine conditions provided by staff
Maker: Peterson
Second: Joseph
Roll Call Vote: **Aye:** Peterson, Gosselin, Harms, Joseph, LaLonde
Nay:
5-0 Vote, 1 Absent, Motion carried.

**6. Approval: Final Plat of Subdivision – Prairie Commons First Re-Subdivision
Prairie Commons Subdivision
Mackie Consulting, Applicant**

Rackow reported the PC approved two lots, which were defined as easement areas at the time because the applicant had revisions made under the FEMA LOMR process. Once the flood plain was adjusted they wanted to plat those lots once the FEMA process was finished and approved. It has since been approved and the result is the plat of subdivision for those two lots. Through the course of the building permit review It was determined that due to how they were proposing offsetting different lot units not enough room was left for the overhang of some balconies on the urban plan lots. In order to adjust for that we will be re-platting the envelope for all those lots to make them three feet wider and removing the easements for those areas. Staff is recommending approval with the conditions listed below:

1. Addition of the PINs of impacted lots to the Plat of Subdivision
2. Addition of a County Recorder Signature block to the Plat of Subdivision

The Commission discussed the Final Plat of Subdivision with staff including the status of the commercial site. Rackow noted that none of the changes made with this subdivision plat would modify the approved commercial site.

Motion: To recommend approval of a Final Plat of Prairie Re-subdivision subject to the two conditions provided by staff

Maker: Harms

Second: Gosselin

Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Gosselin

Nay:

5-0 Vote, 1 Absent, Motion carried.

7. Matters from the Public (for items NOT on the agenda)

There were no matters from the public.

8. Other Business

Peterson asked if the Wastewater Treatment Plant is up and running yet. Albertson stated that it is about a week away from occupancy inspections on the new buildings. The project is behind due to several issues.

Peterson asked about the Morton Street project. Albertson answered that the project is continuing.

Joseph asked what happened at the Pepe's Restaurant. Albertson answered that a car drove through the building from the parking lot. There were no injuries.

Albertson announced that permits for Raising Cane's was submitted today.

Rackow stated that the April 18th PC meeting would be cancelled due to no items on the agenda. There is a public hearing scheduled for May 1st for a Conditional Use application for microblading at the salon located at 3 East Wilson.

9. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Joseph seconded. The motion carried. The meeting was adjourned at 7:51pm.

CITY OF BATAVIA

DATE: April 26, 2019
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: PUBLIC HEARING: Conditional Use for a Microblading/Permanent Make-Up Use (Tattoo Parlor/Piercing Studio) in the DMU, Downtown Mixed Use District
Gabriel Sosa - Urban Styles Salon, Applicant - 3 East Wilson Street

Background and Summary of Information from Applicant

A public hearing is scheduled for the May 1st Plan Commission meeting to consider a conditional use to add a microblading/permanent make-up use within Urban Styles Salon at 11 East Wilson Street. April Runde, operating as five2nine Salon LLC would operate as a sublease within the existing salon. This property is zoned DMU Downtown Mixed Use. This zoning district allows Tattoo Parlor/Piercing Studios as a Conditional Use. The State of Illinois licenses microblading establishments as a Body Art business under the Department of Public Health. Microblading is not a listed use under the Zoning Code. The Zoning Officer determined pursuant to Zoning Code Section 2.403.B that this unlisted use best fits within the use table as a tattooing establishment, in part because they are licensed as Body Art establishments by the State. Since 2013, a conditional use has been required for tattoo establishments in the DMU, Downtown Mixed Use District.

Microblading is a semi-permanent tattooing technique which applies pigment to the upper layers of the skin, which can fade over time. The applicant notes in their narrative that pigment is scratched with a hand tool into the skin to resemble eyebrow hairs. Permanent makeup applies permanent pigmentation to the skin like traditional tattooing.

The applicant proposes to use a former massage/spa room as a space for her work. Ms. Runde notes certifications as a permanent makeup technician and completion of training in bloodborne pathogens. Her application also indicates completion of other continuing education training in eyebrow threading.

Staff Analysis

Staff believes it is appropriate to regulate the microblading/permanent make-up use consistent with a tattooing use, because of the regulatory requirements under state law and the City's Body Art regulations. Staff believes however, the proposed use is complimentary to the Personal Services offered by Urban Styles Salon and would be compatible with the larger Downtown Mixed Use District.

The conditional use requirement allows the Commission to recommend, and the City Council to approve operational allowances and restrictions on any business that requires conditional use approval. The City Code establishes several requirements for body art establishments to follow, these include limitations on hours of operation, licensing, facilities. Staff believes that the Plan Commission should include in its recommendation a requirement to the conditional use that these standards be followed.

As with other conditional uses, staff would recommend that the use at this location be limited to this user. Any change from the current provider would require that a new conditional use application be made to continue the use at this location. Staff would also recommend requiring the applicant provide confirmation of a Body Art license from the State of Illinois, consistent with the City's Body Art requirements.

The applicant notes that hours of operation would be by appointment initially. Staff feels that business hours should be limited to those hours that Urban Styles Salon is open. It cannot operate between 10 PM and 8 AM, per City Body Art requirements.

In reviewing and recommending a conditional use, the Plan Commission must arrive at findings required by Section 5.403.A in Zoning Code [Chapter 5.4: Use Permits](#). Listed below are the required findings and staff analysis of each.

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.**

With Plan Commission recommendation of, and City Council approval of the operational restrictions explained above, the addition of microblading/permanent make-up, operated as proposed by April Runde dba five2ninesalon, would not be detrimental to the vicinity or public in general.

- 2. The proposed use conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council.**

Goal 1 of the Batavia Comprehensive Plan's Land Use Element stresses the need to balance land uses and maintain employment areas. The proposed use would provide an opportunity to add to the service-oriented character of downtown Batavia.

- 3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.**

The proposed use would be located in an existing commercial space that can accommodate its needs. As conditioned, the business would be operated by appropriately State licensed personnel.

- 4. The proposed use would not unreasonably interfere with the use and enjoyment of nearby properties.**

As conditioned, the proposed use would not interfere with the enjoyment of nearby properties.

Staff Recommendation

Staff recommends the following actions:

1. The Plan Commission should open, conduct and close the public hearing for the proposed conditional use.
2. The Plan Commission adopt Findings of Approval for the Conditional Use Permit.
3. Recommend approval to the City Council Committee of the Whole of a conditional use permit for a microblading/permanent make-up use at 3 East Wilson Street, subject to the following conditions:
 - a. The conditional use be granted to April Runde dba five2nine Salon LLC being the sole operator, to operate solely in the existing Urban Styles Salon at 3 East Wilson Street..
 - b. Applicant shall receive and hold a state of Illinois Body Art License at all times.
 - c. Microblading/Permanent Make-up applications shall be conducted solely during normal business hours of Urban Styles Salon and within the hours specified in Title 4, Chapter 9.
 - d. The use shall operate in conformance with Title 4, Chapter 9 of the City Code for Body Art establishments.
 - e. Failure to comply with these requirements shall be grounds for revocation of the conditional use approval.

Attachment: Conditional Use application material

- c Mayor and City Council
Department Heads
Gabriel Sosa, Applicant
April Runde, Applicant
Media

BUSINESS PROPOSAL FOR FIVE2NINE SALON LLC.

five2nine LLC dba five2nine salon is a personal services company that offers cosmetic tattoo services, eyebrow threading, and regular makeup application.

April Runde is the owner and artist of five2nine salon. April is an experienced manager with a Bachelor of Arts in Business Administration from Augustana College in Rock Island, IL. April is fully certified and insured as a Permanent Makeup Technician and she has an active blood borne pathogen training certification. Additionally, April has 5 hours of continuing education with a satisfactory completion of Eyebrow Threading training.

April and her extended family are long-term residents of Batavia, IL. The downtown area of Batavia is the perfect location for five2nine salon due to its charming aesthetics, street visibility, thriving community, and historic value.

It is proposed that five2nine salon operates inside the existing salon location, Urban Style Salon & Spa of 3 E Wilson Street. Urban Style Salon & Spa has a specific room that will be dedicated to five2nine salon (see attached floor plan). Urban Style Salon & Spa has agreed to lease the said room to five2nine salon with April acting as an Independent Contractor. April will be the only person performing any services under five2nine LLC. The hours of operation will at first be by appointment only. As business grows, operational hours will be reevaluated. The lease shall commence following City Council approval.

WHAT IS PERMANENT MAKEUP?

A “cosmetic tattoo” accurately describes the popular service of tattooing the appearance of traditional cosmetic eyebrows, eyeliner, and lip color among other associated services such as scar camouflage and areola repigmentation. “Microblading” is a semipermanent tattoo technique for enhancing the appearance of the eyebrows, in which pigment is scratched into the skin in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles.

ATTACHMENTS

1. 100 Hour Fundamental Permanent Cosmetics Training Certificate
2. Ombre Eyebrows & Machine Workshop Certificate
3. 5 (CE) Hours Eyebrow Threading Certificate
4. Blood Borne Pathogens Training Certificate
5. Bachelor of Arts Degree
6. Urban Style Salon & Spa Floor Plan
7. Examples of Work

ADVANCED PERMANENT COSMETIC ACADEMY

Certificate of Completion




April Runde

has successfully completed 100 hours of "All About Eyebrows" fundamental training required by the SPCP standards, to become a Permanent Cosmetic Technician specializing in 3D Eyebrows Microblading Method and has exhibited the essential level of excellence as deemed necessary by APCA to qualify as a

"3D Eyebrow Microblading Technician"

100 Hours Fundamental Permanent Cosmetics Training

in witness whereof


KIM MORGAN

11.16.18



ADVANCED PERMANENT COSMETIC ACADEMY

Certificate of Completion



April Runde

has successfully completed "Ombre' Eyebrows & Machine Workshop" training required by APCA standards, to become a specialist in Ombre' Eyebrows and fully understand cosmetic tattoo machine use and has exhibited the essential level of excellence as deemed necessary by APCA

"Ombre' Eyebrows & Machine Workshop"

in witness whereof


KIM MORGAN

11.18.18




Certificate



April Runde

HAS COMPLETED 5 (CE) HOURS
Eyebrow Threading

DATE: March 23, 2019



DIRECTOR

A Little Spa Institute, Inc.
Highland Park, IL
60035

190.000535

No. 3-014811

Body Art Training Group

Awards this

Bloodborne Pathogens Training and Infection Control for Body Art Professionals

Certificate of Completion
to

April Jean Runde

Who has successfully completed BBP300.
This training complies with current guidelines for bloodborne pathogens training
under CFR 29 1910.1030.

Kathryn Hartman, REHS
OSHA Authorized General Industry
Trainer No. 34-0079103
Lucia Hartman, R.N.



Course Completed: 11 November 2018 PST
Expires one year from date of completion
Validate authenticity and renew at:
<http://www.yourtrainingplace.com>

Augustana College

Rock Island, Illinois

By virtue of the authority vested in it by Charter and on recommendation of the Faculty and the Board of Trustees has conferred the degree of

Bachelor of Arts

Umi Kunde

upon

Miss April J. Kunde

who has honorably fulfilled all requirements prescribed by the College for the degree.

Awarded on the twenty-second day of May in the year of our Lord
two thousand and twelve.

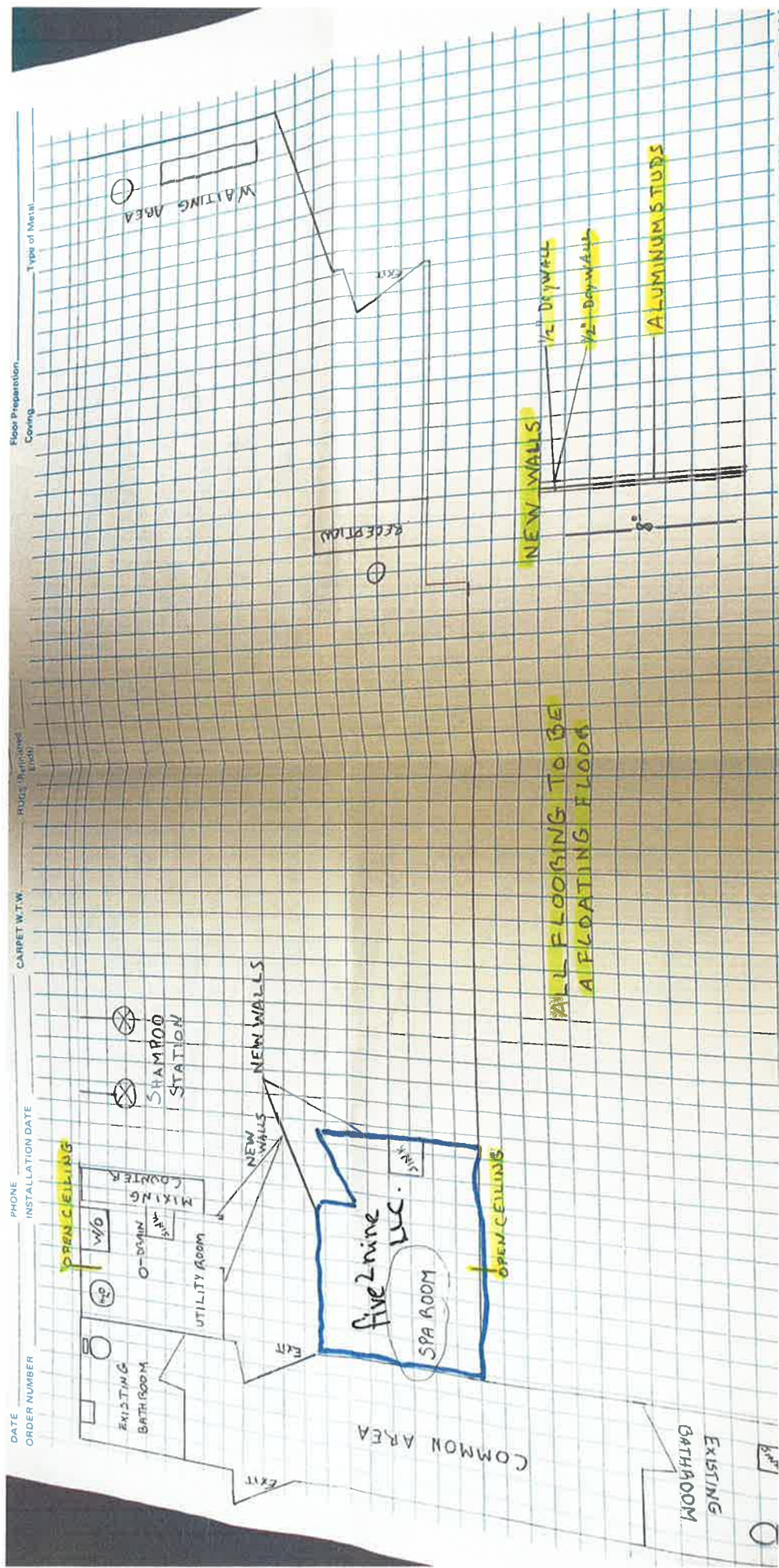
Kim M. Brunner

Kim M. Brunner
Chairperson of the Board of Trustees



Steven C. Bolly

Steven C. Bolly
President



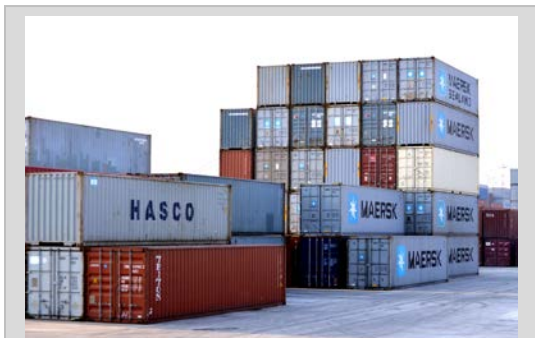




DATE: April 25, 2019
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: Referral of Additional Garage Regulations from the Committee of the Whole to the Plan Commission - City of Batavia, Applicant

Summary: On March 6th, the Plan Commission made recommendations to the City Council's Committee of the Whole regarding amendments to the Zoning Code related to accessory structures. The Committee began their review on April 9th, which was then continued to the April 23rd meeting. At the Committee meeting, staff discussed an inquiry as to whether the City allows steel shipping containers as an accessory structure. The Committee agreed that shipping containers as a construction material are an emerging trend, but they disagreed as to whether it is an appropriate building material in Batavia. The COW recommended approval of the other proposed text amendments but referred the matter of shipping containers to the Plan Commission for further review. As a referral from the COW, the Plan Commission may discuss and propose additional revisions to the Chapters that have been revised by the March 6th Hearing.

Shipping containers are typically sold after many uses or if there is a surplus of shipping containers at a given port or intermodal facility. The condition of these containers can range from lightly used to being heavily worn with rust, dents or other imperfections. Oftentimes they will have logos, brand names or other signage painted on the exterior as shown in the photo below.



Example of shipping containers
<https://www.publicdomainpictures.net/en/view-image.php?image=31345&picture=storage-containers>

Under current regulations, a storage container may be used as an accessory structure (shed or garage) provided it complies with bulk and setback requirements, is anchored to the ground as required by the Building Code, and there is a paved driveway from any door 7 or more feet wide to the street. The driveway requirement is used for any "shed" or accessory structure that can contain a vehicle (effectively a garage). Riding mowers and most small tractors can fit through narrower doorways.

While a house constructed in part with shipping containers typically would be painted or altered to add man doors, windows, and/or pitched roof, one used for an accessory structure may be

unaltered. Some residents may object to the appearance of a shipping container as close as 3 or 6 feet to their property line (the minimum accessory structure setbacks in single family zoning districts).

The Plan Commission should first discuss the threshold question of whether the reuse of a shipping container as an accessory structure should be allowed. The Plan Commission can also consider a prohibition of shipping containers as accessory structures. The Plan Commission may also consider allowing them, with certain restrictions, such as being painted to match the principal structure, or prohibited to display logos or have other modification (windows, man doors, etc.). Staff notes that any signage/logos would be required to be removed through the building permit as they are not permitted in residential zoning districts.

Staff Recommendation: Staff recommends the Plan Commission begin discussing this topic, requesting any information from staff necessary for your deliberation. The Commission can discuss what type of regulations could be employed and can request staff draft proposed requirements for consideration.

C: City Council
Department Heads
Media