

MINUTES
May 1, 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; Vice-Chair Schneider; Commissioners Harms, Joseph, and Peterson

Members Absent: Commissioner Gosselin

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: April 3, 2019

Motion: To approve the minutes from April 3, 2019

Maker: Schneider

Second: Peterson

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

**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**

Motion: To open the Public Hearing

Maker: Peterson

Second: Joseph

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

Rackow reviewed Microblading/Permanent Make-Up and the licensure needed for this technique with the Plan Commission (PC). Rackow discussed the State of Illinois regulations for Microblading as a body art establishment and how it requires a license. Staff determined a closest

fit in the Batavia Zoning Code, since it is not a listed use, would be tattoo parlor/piercing studio but it is a permanent make-up activity and not a tattoo business. Rackow overviewed the staff analysis within the memo.

Rackow stated that staff did include some recommendations for the PC to consider. Staff recommends approval to the City Council's 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.

Chair LaLonde swore in all who wanted to address the Commission. Gabriel Sosa, applicant, addressed the Commission. Sosa stated that in regards of the recommended hours, the salon is closed Sundays and Mondays but those are the days in which April Runde may be conducting her work in the facility.

April Runde, Microblade/ Permanent Make-Up artist, addressed the Commission. She stated that she would be renting the space and would be considered an independent business operating inside the salon. She stated that some of the procedures she would be doing are eyebrows, eyeliner, and lips. Runde discussed the licensure required for her business with the PC. She may operate during the days in which the salon is closed.

The PC discussed the hours of operation and the consensus was to modify the language in condition 3c.

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

Motion: To approve the findings for approval as stated.
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Joseph, LaLonde, Schneider, Peterson, Harms
Nay:
5-0 Vote, 1 Absent, Motion carried.

Motion: To recommend to City Council approval of the Conditional Use for a Microblading/Permanent Make-Up Use in the DMU Downtown Mixed Use District with the five (5) conditions provided by staff with 3c modified to remove the language 'during normal business hours'

Maker: Schneider

Second: Peterson

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

Nay:

5-0 Vote, 1 Absent, Motion carried.

6. Referral of Additional Garage Regulations from the Committee of the Whole to the Plan Commission – City of Batavia, Applicant

Rackow reported that on March 6th the PC gave the recommendation to the City Council's Committee of the Whole (COW) in regards to accessory structures. Prior to the COW meeting staff received a question from a resident about storage structures, specifically shipping containers as seen on trains. The resident inquired if one could be used as a shed or a garage. Under the current code, so long as it complies with code requirements in terms of fastening to the ground and the size of the doors requiring adding a driveway to the structure. As long as those code compliances are followed the code does not disallow shipping containers right now. The COW asked that the PC review and recommend how to move forward with shipping containers.

The PC discussed shipping containers, the use of recycled materials, if this is appropriate for residential areas, regulations, building code requirements, and the St. Charles shipping container house. The Commission considered leaving the Zoning Code as it stands or prohibiting shipping containers as storage containers. The consensus of the Commission was to prohibit shipping containers as storage containers as the best option.

The PC recommends to City Council prohibiting shipping containers as accessory structures.

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

There were no matters from the public.

8. Other Business

Joseph asked if having debris or garbage in one's backyard is considered a code violation. Albertson answered that if it is visible from a public street or sidewalk than it could be a code violation.

Schneider asked if personal loan agencies are allowed. Rackow answered that personal loan agencies are not allowed in commercial districts.

Rackow reported the COW approved the Habitat for Humanity project and will be on the May 6, 2019 City Council meeting agenda.

Albertson reported there is no demolition scheduled as of yet for the future site of Raising Cane's.

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 7:43pm.