

**I. CALL TO ORDER:**

The Planning and Zoning Commission meeting was called to order at 7:30 p.m. by Chairman Susanke.

**II. ROLL CALL:**

Present were Chairman Rogers Susanke, Commissioners Rick Gilmore, John Seaton, Rick Magsamen, Jim Kotleba and Bob Martin. Commissioner Brian Slovacek was absent.

Also in attendance were Community Development Director Tim Scott, Village Planner Atrin Fard and eight (8) people in the audience.

**III. PLEDGE OF ALLEGIANCE:**

Chairman Susanke led those in attendance in the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Commissioner Gilmore and seconded by Commissioner Magsamen to approve the agenda moving Item E Consideration of Petition 19-09 to be presented first, and noting that Item D Public Hearing Petition 19-08 has withdrawn his petition. Upon roll call, the motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke  
**NAYS:** None  
**ABSENT:** Commissioner Slovacek

**V. APPROVAL OF MINUTES:**

**MOTION:** Moved by Commissioner Kotleba and seconded by Commissioner Magsamen to approve the minutes of May 20, 2019. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba and Chairman Susanke  
**NAYS:** None  
**ABSTAIN:** Commissioner Martin  
**ABSENT:** Commissioner Slovacek

**VI. QUESTIONS FROM THE AUDIENCE:** There were none.

**VII. NEW BUSINESS:**

- E. Consideration of Petition 19-09 – Fiduciary Real Estate Development, Inc. – Consideration of a Final Planned Development and Final Plat of Subdivision for the Purpose of Potentially Constructing a 380-unit Multi-family Residential Housing Development on 34.54 Acres at the Southwest Corner of Randall Road and Recreation Drive.**

Director Scott gave a brief synopsis of the steps leading up to the petition being presented at this meeting.

He said that the Village Board approved the petitioners request recommended by the Commission of (1) Rezoning from Farming (Unincorporated) to R-5 Medium Density Multiple-Family Planned

Development District (R-5 PDD) and B-3 Business-Service District (B3); (2) a Special Use for a Preliminary Planned Development; and (3) a Preliminary Plat of Subdivision. He added that the Appearance Review Commission (ARC) approved the design elements of the proposed FRED housing project including building, sign, site, and landscape.

Village Clerk Traver swore in the petitioners, Tony DeRosa, FRED, 789 N. Water Street, Ste. 200, Milwaukee, WI, and Jared Placek, Manhard Consulting, Overlook Point, Ste.290, Lincolnshire, IL.

Tony DeRosa, Vice President of Development from Fiduciary (FRED), said there will be a paved pathway from the development to Dundee Middle School as the School District had requested. He said access/circulation remains the same as it was previously presented and said there are agreements to be approved by the Board with KDOT, District #300 and the Park District. He said the Park District will dedicate Recreation Drive to become a public street and it will be FRED's responsibility to widen the Drive.

He added that for the proposed commercial lot fronting Randall Road, a right-in, right-out access has been requested of the Kane County Department of Transportation (KDOT) and FRED would be responsible for expanding Randall Road at Recreation Drive to have three (3) lanes with a deceleration lane into the commercial property when it is developed.

Mr. Placek spoke to the tree handout for the southern property line including the size of the evergreen and shade trees.

Chairman Susanke asked if there was any public comment.

John Orlando, 37W190 Hilly Lane, asked about tags on the trees. Mr. Placek, Manhard Consulting, said the tags are part of the survey that was done. He said existing trees will be maintained where possible and the addition of the evergreen trees will give an added benefit of year-round screening.

There was no additional public comment.

**MOTION:** Moved by Commissioner Gilmore and seconded by Commissioner Martin to recommend to the Village President and Board of Trustees Approval of: (1) Rezoning from Farming (Unincorporated) to R-5 Planned Development District and B-3 Business Service District upon annexation; (2) a Special Use for a Final Planned Development; (3) a Final Development Plan; and, (4) a Final Plat of Subdivision for a 380-unit multi-family Residential Housing and Commercial Out lot Development on 34.54 acres at the Southwest Corner of Randall Rad and Recreation Drive, subject to the following conditions:

1. Compliance with documents submitted with the Planning and Zoning Application.
2. Compliance with comments and requirements of Village Staff including the Village Engineer (WBK), Community Development Director, Public Works Director, Fire Prevention Officer; and,
3. Compliance with all other applicable Village codes and ordinances.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

**A. Public Hearing – Petition 19-05-Consideration of the Third Amendment to the Annexation Agreement Regulating Uses at the Oakview Corporate Park to List Tattoo Parlor as a Special Use in the Commercial Use Area**

**MOTION:** Moved by Commissioner Martin and seconded by Commissioner Kotleba to open the Public Hearing. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing opened at 7:50 p.m.

Village Planner Atrin Fard said all legal notices have been entered.

Chairman Susanke said Petition 19-05 requests a Third Amendment to the Annexation Agreement for the Oakview Corporate Park. If approved, the proposed amendment would add "tattoo parlor" to the list of special uses that regulate the commercial areas within Oakview, which border Route 72 and flank the entry at Wesemann Drive. On the west side of Wesemann, a two-story commercial building exists and on the east side, the land is vacant.

Director Scott said this is applicant driven and the existing Annexation Agreement contains a list of permitted and special uses for both the Light Industrial and Commercial Use Areas that parallel the uses of the Special Development District (SDD) zoning classification that underlies Oakview. He added that a tattoo parlor is not listed under the permitted and special use categories for the Commercial Use Area within the Oakview Corporate Park and that the Third Amendment to the Annexation Agreement would be required, as well as an amendment to the SDD Special Development District, and a special use permit for the business.

Director Scott said the lone comment received came from Opus, the developer of the Oakview Corporate Park. He said staff explained that the request to potentially amend the Agreement and the District resulted from the prospective tattoo studio business owner's desire to lease. He added that since that time, no subsequent communication from Opus has been received by Staff.

Village Clerk Traver swore in the petitioner Chad Meado, 1909 Spinnaker Street, Pingree Grove.

Mr. Meado explained that he wants to open a private tattoo studio on the second floor of the two-story building on the west side of Oakview's entry. The other second floor tenant space includes JDK Services. He said his studio would have private spaces and offer tattooing by appointment only (no walk-ins). He added that he was not interested in wall signage (since interest in his appointment-based business would largely be generated through social media and referrals), is certified and licensed, and would meet health code requirements. It was brought up that Mr. Meado would be interested in an additional local amendment that would lower the legal age for the service from the Village's 21 to 18 as specified in the State law. Mr. Meado stated that this age bracket could potentially represent up to 30% of the business.

There was no public comment.

**MOTION:** Moved by Commissioner Magsamen and seconded by Commissioner Kotleba to close the Public Hearing. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing closed at 8:00 p.m.

**MOTION:** Moved by Commissioner Seaton and seconded by Commissioner Martin to recommend to the Village President and Board of Trustees approval of the Third Amendment to the Annexation Agreement for Oakview Corporate Park. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

**B. Public Hearing – Petition 19-06 – Consideration of a Text Amendment to List Tattoo Parlor as a Special Use in the Commercial Use Area of the SDD Special Development District**

**MOTION:** Moved by Commissioner Magsamen and seconded by Commissioner Seaton to open the Public Hearing. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing opened at 8:04 p.m.

Village Planner Atrin Fard said all legal notices have been entered

Director Scott said that the Municipal Code specifically addresses tattooing in the B-3 Business Service District and the L-1 Light Industrial District. If approved, “tattoo parlor” would be added to the list of special uses for the Special Development District (SDD).

Director Scott reminded the Commission that the development of Oakview Corporate Park is subject to an existing Annexation Agreement and included in this packet are a list of permitted and special uses for both the Light Industrial and Commercial Use Areas located within the SDD that defines/underlies the Oakview Corporate Park.

Director Scott and petitioner Chad Meado said that tattooing is regulated by the State through the Illinois Department of Public Health, which requires a certificate of registration making the operator responsible for the functions in their own business.

Director Scott said with that in mind, proof of applicable State licensing/registration is required as part of the Village’s issuance of a local registration/license.

Comments from the Commissioners centered on the difference between parlors vs. studios (studio could be considered or defined as being “by appointment only” whereas parlor has no specificity of time); private studios vs. open space with stations; potential hours of operation (6 a.m.-10 p.m.); and if a new tattoo parlor business wanted to open that its own special use application and hearing would be required.

There was no public comment.

**MOTION:** Moved by Commissioner Magsamen and seconded by Commissioner Martin to close the Public Hearing. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing closed at 8:15 p.m.

**MOTION:** Moved by Commissioner Gilmore and seconded by Commissioner Magsamen to recommend to the Village President and Board of Trustees Approval of a Text Amendment to the West Dundee Zoning Ordinance List of Special Uses within the SDD Special Development District to include Tattoo Parlors. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

**C. Public Hearing- Petition 19-07 – Oakview Corporate Park – Consideration of a Special Use Permit to Operate a Tattoo Parlor at 4600 West Main Street**

**MOTION:** Moved by Commissioner Magsamen and seconded by Commissioner Seaton to open the Public Hearing. Upon roll call, motion was approved

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing opened at 8:17 p.m.

Village Planner Atrin Fard said all legal notices have been entered.

Chairman Susanke said the subject property is currently improved with a two-story, multi –tenant retail and office center at 4600 West Main Street. The applicant’s prospective business, Art by Meado, would need a special use permit to operate a professional, private tattoo studio in a second floor tenant space of the building.

Mr. Meado said that he and one or two tattoo artists would be the only employees of the studio. His operation would be limited to tattooing and by scheduled appointment only (no walk-ins) and that spaces within would be private rather than open. He said no other services such as piercing are planned.

Mr. Meado said the State law for tattooing is 18 years of age, but the Village Code states 21 years of age. Director Scott said Mr. Meado could express his interest to see the legal age lowered in the Village Code but added that interest would first have to be gauged, and then if potential support was there, a formal application would be required and a Public Hearing would then be conducted.

There was no public comment.

**MOTION:** Moved by Commissioner Gilmore and seconded by Commissioner Seaton to close the Public Hearing. Upon roll call, motion was approved.

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke

**NAYS:** None

**ABSENT:** Commissioner Slovacek

The Public Hearing closed at 8:24 p.m.

**MOTION:** Moved by Commissioner Seaton and seconded by Commissioner Gilmore to recommend to the Village President and Board of Trustees Approval of a Special Use Permit to Operate a Tattoo Parlor on the Second Floor of the Commercial Building Located at 4600 West Main Street. Upon roll call, motion was approved

**AYES:** Commissioners Gilmore, Seaton, Magsamen, Kotleba, Martin and Chairman Susanke  
**NAYS:** None  
**ABSENT:** Commissioner Slovacek

**VIII. OLD BUSINESS:** None

**IX. ADJOURNMENT**

**MOTION:** Moved by Commissioner Seaton and seconded by Commissioner Gilmore to adjourn the Planning & Zoning Commission Meeting. Motion was approved by unanimous voice vote.

The Planning & Zoning Commission adjourned at 8:27 p.m.

Respectfully submitted,



Barbara Traver  
Village Clerk