

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112

Planning Commission

March 5, 2012
7:00 p.m.

Call to Order/Pledge of Allegiance/Roll Call 7 pm

Chairman Lawson called the regular meeting of the Planning Commission to order at 7:00 pm. Roll call taken by Clerk Aldis showed as present were Brad Lawson, Paulette Lindgren, Chad Bergeson, Frank Turza, quorum. Kreg Wesley was absent. Also present was Zoning Administrator Walter Magdziarz.

Approval of Agenda

Mr. Lawson moved and Mr. Bergeson seconded a motion to approve the agenda as amended to include **Public Wishing to Speak**. Unanimous voice vote carried the motion.

Public Wishing to Speak

Jim Mruk of 228 N Aspen Drive, Cortland addressed the Commission commenting on the plan for Town which was completed in 2006. He stated the Town currently has achieved the parks within 5 minutes walking distance of neighborhoods. He stated he was wondering if there are any plans to update primarily because of changing economic conditions.

Mr. Magdziarz addressed Mr. Mruk's comments.

Update of plan – presently there are no plans. The Community's Vision, despite the real estate market are still valid. What is going to be the challenge moving forward is who will provide all of the improvements. Going forward the development industry is still trying to figure out their plan for moving forward.

Advice and recommendation – wait for recovery to happen and then assess changes that may need to be deliberated. Walkability is still very important for the community. Organization of neighborhoods and commercial areas should not change. The biggest challenge would be implementation.

In discussing Richland Parkway it was reiterated that a bike path is included in that vision.

DSATS – Cortland has been successfully included. A bike plan connection to De Kalb and Sycamore has been included. Funding is the current issue.

Mr. Magdziarz reported that he has attended a number of economic outlook meetings in January. The housing picture is really bleak. Consensus in the housing area (approved subdivisions) will probably not see development. Shifts are occurring – adjustments will be made through time. Transit, highway access will be determining factors. Voluntary Action Center (VAC) provides transit service in the De Kalb Area. DSATS conducted a transit study – survey completed, Cortland residents want and support transit services – shuttle service to Elburn train station. No schedule of services is currently available (Gold route).

Brad Lawson thanked Mr. Mruk for his comments.

Approved: 1-7-2013
Attest: RDN

Approval of Minutes

Ms. Lindgren moved and Mr. Turza seconded a motion to approve the minutes of October 3, 2011, as presented. Unanimous voice vote carried the motion.

Public Hearing

Consideration for a Special Use Permit to Establish and Operate a Body Art Studio
Chairman Lawson called the public hearing to order at 7:19 p.m. Clerk Aldis read the public hearing notice into the record. The notice was published in the *Daily Chronicle* on February 14, 2012, meeting the requirements of the law.

Chairman Lawson swore in those wishing to testify.

Mr. Magdziarz gave a brief introduction stating that we were all familiar with Proton Studio who previously occupied the space. Their business became successful and they moved to larger space. The Special Use expired when they left. Mr. Dennison needed to apply for a new Special Use Permit.

Applicant –

Garrett Dennison of 34W545 Lincoln, St. Charles, IL stated that he has 10 years experience as a professional tattoo artist and six year of piercing experience. He attends annual conventions to get updated on new practices and health concerns in the business. He possesses an art degree and opened a tattoo shop in St Charles with partners. Marengo is his most recent location.

Public Testimony –

No public were wishing to speak.

A letter of objection was received from a property owner, Joseph Walter. There is nothing of substance in the letter. Therefore, it cannot be construed as an objection.

Rebuttal –

There was no rebuttal submitted.

Public Opportunity for further questioning –

There was no other questioning.

Staff Report –

Mr. Magdziarz presented information for the record. The Applicant, Garrett Dennison, is requesting a Special Use Permit to establish and operate a Body Art Studio on the premises located at Suite 1 302 W Lincoln Highway (State Route 38). The subject property is a tenant space in a commercial building located at 302 W Lincoln Highway. The subject property is improved with two commercial buildings and accessory parking area. The subject property is surrounded on the north and south by agriculture land, on the east by a boat dealership, and the west by commercial uses. The Cortland Police Department offices and other commercial uses are located in the building on the subject property. The property is zoned C-2, General Commercial District. It is surrounded on the south by A-1 District (DeKalb County), on the north, east and west by C-2, General Commercial District, and on the northeast by I-1 Limited Industrial District. There is a Special Use Permit on the subject property for the Cortland Police Station located in the other building on the property. The Police Chief has no issues with the use in this space. Parking requirements – there have been no conflicts and there are sufficient spaces available.

Approved: 1-7-2013
Attest: RPJ

With regard to the Technical Review, item #3 – The Zoning Ordinance establishes a long list of additional standards and criteria related to the physical premises, and the conduct and operation of the body art studio. The applicant has provided no information or evidence to indicate that the proposed Special Use cannot/will not comply with these standards. No additional requirements are recommended. The applicant did receive the documents and did not find them objectionable. There is no information that this location is inappropriate for a Special Use.

Deliberations –

Ms. Lindgren stated the town has specific experience with the proposed use – only the use, not the applicant. Owner has had no connection with others in the business in Town.

Mr. Turza asked if there would be any change to the build out inside.

Reply: No- color changes have been made. No other changes are required or expected. Sink was changed per IL regulation.

Why Cortland?

Reply: The next competitor would be DeKalb. There are enough customers to support the demographics.

Ms. Lindgren asked about signage.

Reply: The supplemental regulations apply – ‘tatoo’ that is there will be removed.

Close Public Hearing

Mr. Lawson moved and Ms. Lindgren seconded a motion to close the public hearing. Unanimous voice vote carried the motion. 7:34 p.m.

Review Findings of Fact –

Ms. Lindgren asked a question regarding probationary period – why then and not now?

Mr. Magdziarz responded – the former was a new experience with this type of business, regulations were developed and needed to see if they would be sufficient for the town’s needs and requirements. The probationary period was not instituted when the business moved from its original location to its final location.

Mr. Turza – commented that the Special Use runs with the land.

Mr. Magdziarz stated that if Mr. Dennison had approached within the specified timeline he would not have been required to have this public hearing. There are restrictions regarding abandonment. If the Special Use is not established, abandoned /dormant or discontinued for six months then the Special Use expires.

Accept of Findings of Fact

Mr. Bergeson moved and Mr. Turza seconded a motion to approve the findings of fact as read.

Unanimous voice vote carried the motion.

1. The Applicant is duly authorized to make application for the Special Use Permit for a body art studio.

Approved: 1-7-2013
Attest: RPN

2. A body art studio is a Special Use in the C-1, Limited Retail Business District and the C-2, General Commercial District.
3. The subject property is zoned C-2, General Commercial District.
4. The existing building and improvements on the property in question are suitable for the proposed Special Use.
5. A body art studio is required to comply with the additional standards and criteria provided in Section 9-4-21 of the Cortland Zoning Ordinance, addressing requirements for the facilities, supplies and equipment, business policies, and disease control.
6. The Planning Commission is required to consider certain factors in its recommendation to the Town Board (*CZO Section 9-9-2(A)4*) concerning a Special Use Permit:
 - A. The proposed design, location and manner of operation of the proposed Special Use (body art studio) adequately protects the public health, safety and welfare, and the physical environment because the standards and criteria for a body art studio were established to control the appearance, conduct and operation of the proposed Special Use (body art studio).
 - B. The proposed Special Use (body art studio) is consistent with the Town's comprehensive Plan with respect to the use being permitted as a Special Use in the zoning district.
 - C. The proposed Special Use (body art studio) is not expected to have an adverse effect on the value of the neighboring property and the Town's tax base if it is operated and maintained in a manner consistent with the standards and criteria for a body art studio.
 - D. Utilities serving the subject property will be unaffected by the Special Use and will have a negligible effect on traffic circulation on nearby streets.
 - E. There are no nearby facilities that require special protection from the proposed Special Use (body art studio).
 - F. In addition to the requirements of Section 9-4-21 of the Cortland Zoning Ordinance, no other special conditions, restrictions or requirements to ensure compliance with the objectives of the Zoning Ordinance are suggested.

Recommendation –

Mr. Turza moved and Mr. Lawson seconded a motion to recommend to the Cortland Board of Trustees approval of the Special Use Permit granted subject to all of the requirements of Section 9-4-19 of the Cortland Zoning Ordinance.

Roll call vote:

Yeas: Commissioners Lawson, Turza, Lindgren and Bergeson

Nays: None

Absent: Commissioner Wesley

4-yea; 0-nay; 1-absent; motion carried.

Mr. Magdziarz reported the recommendation will be presented to the Town Board for introduction on March 12 with final action to be requested on March 26, 2012.

Chairman's Report

None

Liaison's Report

Approved: 1-7-2013

Attest: RDP

Clerk Aldis reported that the Regional Planning Commission discussed county clean up of abandoned property, structures in disrepair, and collections of 'junk'. There is a process for complaints, cleanup through the office of Paul Miller, DeKalb County Planning Director. If you have something to report please do so.

Staff Reports

It was reported that Jim Work has resigned from the Planning Commission as he has moved from Cortland.

The towing service is not occupying the building in Cortland Industrial Park, the Special Use permit has expired.

A TIF district has been approved by the Town Board. There has been a fair amount of interest in district both commercial and residential. The Town could see some results rather quickly within the boundaries of the TIF. Commercial developers are interested in commercial buildings-spec.

Mr. Magdziarz reported new news – The Town has been informed by Cambridge Homes that they have closed their sales office at Richland Trails. They will complete their obligations with the home buyers and complete houses under construction. They are working with the town to complete improvements. They have been asked to include the county's plan in their engineering.

Unfinished Business

There was no unfinished business to conduct.

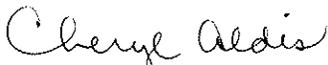
New Business

There was no new business to conduct.

Adjournment

Mr. Lawson moved and Ms. Lindgren seconded a motion to adjourn the meeting. Unanimous voice vote carried the motion. The meeting adjourned at 7:55 p.m.

Respectfully submitted,



Cheryl Aldis
Town Clerk

Approved: 1-7-2013
Attest: RPN