

The Zoning Board held a Public Hearing on May 6, 2025, at 5:50 p.m. at the Village Hall 108 W Main Street, Winnebago, Illinois to hear input on the proposed special use permit for a body art establishment at 126 S. Benton St.

The NOTICE OF PUBLIC HEARING RE: PROPOSED SPECIAL USE PERMIT FOR TATTOO PARLOR AT PROPERTY LOCATED AT 126 S. BENTON STREET was published in the April 17, 2025, edition of the local newspaper, The Gazette.

PRESENT: A quorum of the Zoning Board members was present. Chairman Emmert, Mike Booker, Irv Koning ABSENT: Brian Martin, Riley Pitney

GUESTS: Attorney Gaziano, Village Administrator Joey Dienberg, Assistant Deputy Clerk Rachel Windgassen, Chandra Cearn, Brooke Starry, Lisa Smith, Ross Thompson, Janice Thompson, Hope Rynders, Siri Drogsvold

EMMERT: Ok, uh, can you take roll please?

Mrs. Windgassen: Ah, yes. Um, Bill?

EMMERT: Yes

Mrs. Windgassen: Mike?

BOOKER: Yes

Mrs. Windgassen: Irv?

KONING: Yes

Mrs. Windgassen: Brian? And Riley?

EMMERT: Ok and there's three of us here so we do have a quorum. Ah, this is the public hearing that was scheduled for ah, 5:50. This is a public hearing regarding the request for a special use permit to conduct a body art, uh, establishment.

Ms. Cearn: Yes

EMMERT: Ah, who's going to speak?

Ms. Cearn: Uh, I can, yes

EMMERT: Ok, can you identify yourself please?

Ms. Smith: She will, she knows more about her business than-

EMMERT: What's your name?

Ms. Cearn: Chandra Cearn.

EMMERT: And did you get-?

Mrs. Windgassen: And I do have a sign-in sheet that everyone signed in

EMMERT: So you got- you got the spelling?

Mrs. Windgassen: I've got the spelling here. Yep.

Ms. Cearn: Yeah

EMMERT: Ok you going to speak too?

Ms. Cearn: She might

Ms. Smith: Well, yeah, yeah.

EMMERT: Ok

Ms. Smith: Yep, Lisa Smith, owner of the building.

EMMERT: Ok, do you both swear to tell the truth?

Ms. Cearn: Yes

Ms. Smith: Yes

EMMERT: I'm supposed to swear people in.

Ms. Smith: Yes

EMMERT: Ok

Ms. Cearn: Yes, I swear to tell the truth

EMMERT: Ok, uh, it's your request or application for a special use permit to operate the body art establishment at- what's the-?

Ms. Smith: 126 South Benton

EMMERT: 126 South Benton

Ms. Smith: Yes

EMMERT: Ok, can you tell us why that's a good idea to have that business at that location?

Ms. Cearn: Um, I really like the storefront and I like the little town, downtown atmosphere here. So, um, I-

Ms. Smith: It gives a variety

Ms. Cearn: Yeah, a variety of businesses. It's something new to the area

Ms. Smith: (inaudible)

EMMERT: Ok, for the record, because we were having issues with that before, if we can just speak one at a time.

Ms. Smith: Oh, ok

Ms. Cearn: Ok

EMMERT: Ok, it was Chandra right?

Ms. Cearn: Yeah

Ms. Smith: Yeah

EMMERT: Chandra is speaking right now.

Ms. Cearn: Yep. I just- I just think it's going to help bring a little bit more of a something new to the area and help bring some other business and traffic to the area. I have- I have a lot of people that drive up two, three hours to come to see me and it just helps bring some more business to town too. So.

EMMERT: Ok and I'm sorry your name again?

Ms. Smith: Lisa.

EMMERT: Lisa. Lisa, why do you think that that is a good location for a body art that a special use should be given to conduct that business in that location?

Ms. Smith: I-It's a diverse- you know, it's a diversity to have different things in the area you know and that brings people and you know people go back to Pec(atonica) to to get tattoos because there's none. It would be the first one in Winnebago. So I think it would be, it would be good for the, for the area.

EMMERT: Ok

Ms. Smith: So-

EMMERT: Ah, you're from Winnebago, right?

Ms. Smith: Yeah. (inaudible)

EMMERT: Ok. What is, what property use is directly north of your building?

Ms. Smith: Directly-? Oh North. So- there's the town hall and then there's, there's Bud's Autoshop and then there's the hairdresser um, Kelly um, and then...

EMMERT: Then we get further down the block, we'd have the preschool, right?

Ms. Smith: Yeah. Yeah.

EMMERT: But then, you uh, then on the north side of the preschool is a state farm.

Ms. Smith: Oh, a state farm, yes.

Ms. Cearns: I'm being educated right now.

EMMERT: And then if we cross the street going north, we have a park little kids play in, right?

Ms. Smith: Right, right.

EMMERT: Across the street to the west of your building.

Ms. Smith: Yes.

EMMERT: What's in that corner building?

Ms. Smith: The dentist, um.

EMMERT: Are they still there?

Ms. Smith: I think so. I think he's got one on Perryville, but I think he does that two, two days a week. Yes-

EMMERT: Oh, Ok, so it's still operated as a dental office.

Ms. Smith: Oh yes. Yes. Yeah, so-

EMMERT: Oh-Ok, an-and then the next property.

Ms. Smith: The Post.

EMMERT: to the north would be a...

Ms. Smith: Well..

EMMERT: Well, it used to be a small house, right?

Ms. Smith: Right.

EMMERT: But now it's operated, what, I'd say? A guy who runs his computer repair business out of it?

Ms. Smith: Oh, yes. Yep. Yep. Yes.

EMMERT: And then going, the next what?

Ms. Smith: Yes, is Post.

EMMERT: And the Post is what?

Ms. Smith: It's a bar, and, um, they have, uh, they have game- gaming in there, too.

EMMERT: Ok.

Ms. Smith: And, yeah, so-

EMMERT: And then we go further north.

Ms. Smith: We have, um, a, a restaurant, that res-restaurant, it used to be, it's run by Kim. Um, yeah- so the next one-

EMMERT: Ok, and then the next property-

Ms. Smith: Cimino's

Ms. Cearns: Cimino's

EMMERT: Ah, don't we have the-

Ms. Smith: Oh!

EMMERT: Some pub there? I'm trying to think..

BOOKER: Is there?

EMMERT: The knight- is it..?

BOOKER: Masons?

EMMERT: The Masons!

KONING: No, no, they aren't there.

Ms. Smith: Oh, ok.

EMMERT: They aren't there anymore?

KONING: No.

EMMERT: Ok.

Ms. Smith: Ok.

EMMERT: So then the next one you'd have, Cimino's, which is a restaurant/bar correct?

Ms. Smith: Right.

EMMERT: And they have gaming in their front.

Ms. Smith: Mhmm. Yes.

EMMERT: And then the next part of that would be....

Ms. Smith: Scoops

EMMERT: Scoops, which is what for the record?

Ms. Smith: Right. Ice cream.

Ms. Cearns: Ice cream.

EMMERT: Ice cream. And we jump back over to the other side of the street, the east side of the street. Uh, there is a gaming establishment there, correct?

Ms. Smith: Kelly's, yeah.

EMMERT: And Kelly's is just south- Is it south or north of...the preschool?

KONING: No, it's between the preschool and the insurance office.

Ms. Smith: Yeah, yeah it's-

EMMERT: Ok

Ms. Smith: It's in between there, yeah. Yes.

EMMERT: Now, if we go south from your building, a block south, we go, complete block to the south, we have the Winnebago Elementary School, right?

Ms. Smith: Right, right. Yes. Yeah.

EMMERT: Ok, I think that's... Do you have any questions for her, Mike?

BOOKER: Do you, do you operate other, uh, tattoo parlors?

Ms. Cearn: No, not currently, just this one. Well, maybe.

BOOKER: Ok. You have experience in-

Ms. Cearn: Yes

BOOKER: -in working in or running that?

Ms. Cearn: Yep. Yep, I've, I've been tattooing for almost 11 years now. So-

BOOKER: Ok.

Ms. Cearn: Yeah, and I had, I had my one shop for a while, um, and then, um, I had a small shop up in Wisconsin too for a while.

BOOKER: Do you- do you have a, a business plan currently?

Ms. Cearn: No, it's just-I guess, like, what do you mean, like, business plan? It's all, it's all-

BOOKER: How many hours of operation do you have?

Ms. Cearn: Oh, yeah, yeah, so I already have my hours. Um, well, I'll be operating from 11 a.m. to 9 p.m.. On great occasion, I might, um 11 a.m. to 9 p.m. Sometimes I don't get out of there until 10, because if I'm finishing up a tattoo at 9 o'clock and I got a half an hour left on that, I'm going to finish it before I leave for the night. So-

BOOKER: And then right now, how many days a week do you put in?

Ms. Cearn: Um, right now, four to five days a week is what we plan to be open.

BOOKER: Ok

Ms. Cearn: So-

EMMERT: Which days?

Ms. Cearn: Um, Monday Tuesday, wait- Tuesdays I'm going to be closed, Sundays I'm going to be closed. So it'll be Mondays, Wednesdays, Thursdays, Friday, Saturday- so that way then I get some days at home with my kids.

BOOKER: And do you, uh, plan to have other tattoo artists working with you?

Ms. Cearn: Yep, my daughter is apprenticing right now, and a couple of my artists that used to work at my other shop have been begging for their jobs back. So I have to make a decision on that.

BOOKER: Ok

EMMERT: Are you going to do tattooing? Are you also going to do body piercing?

Ms. Cearn: Yep, yep. Yeah, we'll be licensed for tattooing and body piercing.

EMMERT: Anything else other than those two things?

Ms. Cearn: Um, that's pretty much it. My sister was, she might wanna come in do nails once or twice a month. Um, and I've been looking into the licensing for, for that so it just kind of depends about what happens. She currently works at the salon in Monroe and she's been there for two years so that's one thing she was, we were talking about. She might want to come in and do that a couple times a month for clients.

BOOKER: Any retail sales?

Ms. Cearn: Yes. Um, it's just basically like body jewelry, um, t-shirts, um, sometimes we have some like little knickknacks and stuff or paintings that we put up for sale, but that's pretty much about it. For retail.

EMMERT: Anybody questions there? Uh, let the record show, nobody's appeared by zoom correct Joey?

DIENBERG: Correct

EMMERT: Uh, anything else?

Ms. Smith: I think it would be great.

Ms. Cearn: I know, I was like, I can't think of anything else. It's, it's pretty basic.

Ms. Smith: It's better than an empty building, you know?

EMMERT: Ok, uh-

Ms. Cearn: And I do like to get involved with the community, too. So, if there's any special things, I do love doing some of that. So-

EMMERT: Ok, there being no further testimony, I'll close the public hearing.

DIENBERG: We do have members of the public as well, in attendance.

EMMERT: Uh, I guess they were here before.

Mr. Thompson: Well, we came because we own property on the street, and we received a notice from an attorney that was sent to all property owners on that street and either side of it, and so we came out of curiosity.

EMMERT: Ok, I apologize. I thought I'd ask if anybody was gonna speak to it. You- you- you have a right to speak for or against the special use if you want to.

Mr. Thompson: Right, I-I don't really have an opinion. I came out of curiosity.

EMMERT: Ok, and ma'am?

Mrs. Thompson: And also t-to learn what special use and also to learn about business. We have an open lot which is right between the uh, hair salon, Reflections-

Ms. Smith: Yep

Mrs. Thompson: And also the preschool. So we're thinking, in the near future, to sell that lot and we want to have an idea of what businesses were coming in.

Ms. Smith: Right, yeah.

EMMERT: Ok Rachel, you have their names?

GAZIANO: Yeah, and can we get on the record their names?

Mrs. Windgassen: Yes. Uh, Ross and Janice, correct?

Mrs. Thompson: Uh-huh.

GAZIANO: What's the first, what's the last name?

Mrs. Windgassen: Uh, Thompson. T-h-o-m.

Ms. Smith (speaking to other attendees): I didn't know who-(inaudible)

GAZIANO: And did you say Janice?

Mrs. Windgassen: Yes.

EMMERT: Ok, do you have- does, does anybody have anything else they want to talk about with respect to the special use permit application?

GAZIANO: An-and just for clarification, you got that notice from me as the village attorney and that's because you are located within 250 feet of the subject property and by state law when there is a special use that is being requested, the owners within 250 feet of the

subject property have to be notified of the public hearing so they have an opportunity to come and speak in favor or against or just to listen.

Mrs. Thompson: Could you define special use? I mean, is ah, Cimino's and also the preschool having to answer to you in terms of special use?

GAZIANO: Yeah. No, what a special use is, it's- there's two types of uses. It's a permitted use, or a special use within the zoning district. So like in a given commercial district, they will allow normal types of businesses. Well, in our um, zoning and unified development ordinance, which have been combined together, there wasn't any provision for a tattoo parlor so- or a body art establishment. So therefore, the first thing that had to be done was saying, all right we're going to allow that in this zoning classification. We would allow a body art establishment or a tattoo parlor. Then it's a matter of, ok are we going to allow that as a permitted use, which means if you're that, you just can do it and you don't have any special conditions that might, emphasis on the word might, be imposed on you. Or is it going to be a special permitted use, such that if it is granted, uh, for you then there could be conditions put on it. That's the difference.

Mr. Thompson: Also- so if this is granted does that mean that you now allow this type of establishment within your zoning or is it just for this specific use?

GAZIANO: It is, they have to come, anybody who wants a tattoo parlor or body art establishment has to come and ask for that special permitted use because they have to look at all of the various factors. What is the location, you know, what's the business going to be doing? What's in the area? Does it fit within the confines of the area? That's why when you do a special permitted use there is more leeway to regulate as a Village; what, where, and how tha-that business is operating.

EMMERT: And this special use is only for the property in question.

Mr. Thompson: Yeah. Ok yeah, so-

EMMERT: So if she gets a special use permit, it's only for that property

Mr. Thompson: Right.

EMMERT: She would not be able to operate her tattoo business anywhere else in the Village unless you got a special use for that piece of property too.

GAZIANO: An-and nor would anybody else-

EMMERT: Right.

GAZIANO: -be able to go somewhere in that zoning district and say, "Oh I'm ok she, she got it, I get to have it."

Mr. Thompson: Right, that's what I.

DIENBERG: It stays with the property.

GAZIANO: Correct.

Mr. Thompson: I have one other question, and that is, uh, where could one find out what uses are already permitted?

DIENBERG: It, um, it's in our Unified Development Ordinance and that is on the Village website.

Mr. Thompson: On the website?

DIENBERG: Yeah.

GAZIANO: And it's done by, um, district so when you have general business district it would look under there and then you would be able to see what the permitted uses are, um, and then there's a table for special permitted use.

Ms. Cearn: I- I have something, um, for my signage I just got like these big window clings ordered to put on the windows so that I didn't have to worry about signage. I was just hoping that was Ok.

Ms. Smith: Because Kellie was asking if there was going to be any signs.

EMMERT: Signs, right.

Ms. Smith: And the chance of putting, like, it in the window. Like, decals.

EMMERT: Yes

Ms. Smith: So-

Ms. Cearn: They make it easy

EMMERT: What- this is just the hearing-

Ms. Smith: Ok

EMMERT: -with respect to what facts exist and why that- this would be a good place for a, ah, tattoo parlor. I- if there was anybody opposed to it, we would hear why they're opposed and their reasons and try to incorporate that into the special use if we thought their objections were reasonable. If they were very reasonable, we could, uh, we could deny the special use. But nobody said anything against it, so.

Ms. Cearn: Ok

EMMERT: Ah-

Ms. Cearn: Well, thank you.

EMMERT: Yeah, ok. So-

Ms. Cearn: Thank you. I just figured I didn't know if I needed to bring that up because I was like, I'm stressing about it.

GAZIANO: Well they-they will, I mean in the sense that now when they go into their meeting over this

Ms. Cearn: Yeah

GAZIANO: It will be discussing it and they can discuss if they wanted to impose any conditions or restrictions and could ask you questions-

Ms. Cearn: Ok

GAZIANO: -about what you plan to do.

Ms. Cearn: Yep, nope. That's perfect.

GAZIANO: But right now this is just hearing from the public, pro and con, about this particular use at that particular location.

Ms. Cearn: Thank you.

GAZIANO: And then we have two new people that are part of this. Can we identify them?

Ms. Cearn: It's just my daughter.

Mrs. Windgassen: Yes. Um, it's.. and I can always, I can get a copy of this too.

GAZIANO: Yes, that's fine, but I just want it on the, I want it on the audio.

Mrs. Windgassen: But, Hope Rynders?

Ms. Rynders: Rynders.

Mrs. Windgassen: Rynders. With an I?

Ms. Rynders: With a Y.

Mrs. Windgassen: A Y.

GAZIANO: Hope Rynders, and what's the other person?

Mrs. Windgassen: Ah, Siri, and I'm going to butcher your last name.

Ms. Drogsvold: Drogsvold

GAZIANO: Can you spell both of those?

Ms. Drogsvold: S-I-R-I, last name is D-R-O-G-S-V-O-L-D.

GAZIANO: O-L-D. Ok. Ross- Ross Thompson and Janice Thompson.

EMMERT: Ok. Ross, if you go to the internet, ah, to get the UDO, it's on the Village website right?

DIENBERG: Mh-mm, that's correct

EMMERT: Look for something in... section or article 6, there's a table 6.2 and it lists all the different types of uses and it tells you if it's a special use or permitted use.

Mr. Thompson: Ok

EMMERT: So that would give you, you know, there- there's hundreds of uses. That'd be the first place. If I were you, I would look just to see what's allowable in each particular district.

Mr. Thompson: Are there existing special uses already granted?

GAZIANO: I don't believe there's anything in that immediate area that has requested or needed a special use, based you know, the restaurants, things like that. Those are normal things that are going to be used.

EMMERT: We've-we've had some special uses in the past. Ah-

GAZIANO: But within that block, in that immediate area?

EMMERT: Well, we've got where D & J Feed used to be and now, the village offices used to be, and then right across the street where we have the, what used to be a car wash. I think that the D & J feed building got a special use years ago, but if they, if you get a special use or one particular use and then you quit using it for that, the special use would go away then. So I don't know that there's a special use in place, do you know what I'm talking about the D & J food, I mean the- D & J feed building?

Mr. Thompson: I'm not sure. Is it kind of back over there?

EMMERT: It's that-no. It's just north, north across the street from the abandoned car wash.

Mr. Thompson: A carwash.

EMMERT: You've got a hairdresser and then to the side of it to the West you've got that, it used to be a white brick building

Ms. Smith: Yes, yeah.

EMMERT: And D & J feed were in it years ago and it's been various things. I think years ago we gave a special use for that and we may have given a special use to Mark Miller to operate his, uh, auto repair business because I remember we put some restrictions on where he could keep things outside.

GAZIANO: Yeah, I was talking about in this immediate, I know this, the next block.

EMMERT: Well Mark would be that same block.

KONING: Next to the townhall.

GAZIANO: Oh, ok.

EMMERT: Yeah and the other buildings right across the street from her property.

GAZIANO: The other thing too with a special use permit, just for your general information, and it's a little bit different here because they're not like building a building and asking for a special use permit but there's a provisional in our ordinance that if you don't begin, if you don't operate it within a certain period of time, then you have to come back to the board. So it's not like someone can say, "I want a special use for a tattoo parlor" and then five years later, opens a tattoo parlor.

Ms. Smith: Sure, yes.

GAZIANO: So that's, or any bus-, any--anything that's got a special use for it, so it can regulate what's going forward.

EMMERT: Ma'am, do you have a question?

Mrs. Thompson: Yeah, I-I-I have a question, uh, because I- I really don't know much about, um, tattoo art, but I do know that Dr. Benassi, I believe, Dennis, had to make special provisions for um, effluence, you know, because he was dealing with bodily fluids, uh, whatever. I just wondered if there was also a provision for tattoo artists since they are, it is, uh, ink to skin.

Ms. Smith (speaking to other attendees): (inaudible)

EMMERT: There's some- there's some state laws that she would have to apply-abide by outside of the special use permit.

Ms. Cearns: We-we have to have a locked garbage can that we put all of our trash in, and then the dumpster company picks it up.

Mrs. Thompson: Yeah. Because I know you said (inaudible) Wisconsin and I know Illinois is different.

Ms. Cearn: Yep. Yeah, and then all of our, all of our needles have to be in a, I always forget what they call it, but its the closed containers and then, um, I have to take it to the hospital and have it disposed from at the hospital.

GAZIANO: There are actually pretty stringent requirements by the state of Illinois regarding.

Ms. Cearn: Yeah. And then we even send it over by jewelry piercing, gets sent out every now and then to get tested to make sure it's good, staying sterilized. Lots of fun stuff.

EMMERT: Anybody else have any comments about the special use application? Ok. Now I would move to close the public hearing.

GAZIANO: Did you get- did you get- did you get the Thompsons' (inaudible)

Mrs. Windgassen: Uh, no.

GAZIANO: We got them identified but, not sworn right?

EMMERT: Uh, Mr. and Mrs. Thompson, is that correct?

Mr. Thompson: Yes, right.

EMMERT: Uh, is everything you said truth, truthful?

Mr. Thompson: Oh, yes. We didn't swear in did we?

EMMERT: No. I'm swearing in after the fact, but I don't know, myself- if you had more questions, I think, than actual testimony.

Mrs. Thompson: That's right.

DIENBERG: I just-

EMMERT: Mary had a good point that I should have sworn you in before-

Mr. Thompson: Sure

EMMERT: -Uh, I let you speak but, you know, I didn't- I let it get maybe too informal. But it's not going to hurt our process.

DIENBERG: And I just wanted to speak into the record just with the video recording I got up and handed some documents. I handed the Thompsons my card, in regards to some of the questions they were asking and the, uh, petitioners when they asked about the sign code. I actually had prepared copies of the sign code and I gave that to them. (inaudible).

EMMERT: Ok.

Ms. Cearn: Can I- can I ask a question? So if I'm doing the window clings, I probably-I still need to come get a sign permit, right?

DIENBERG: Um, we-I don't have, I...we can talk about that afterwards.

Ms. Cearn: Ok, all right. Nope, that's fine. I'm just (inaudible).

DIENBERG: No worries.

GAZIANO: But again, that's putting the cart before the horse at the moment. We're at the public hearing and the board, the zoning board, hasn't discussed at its regular meeting which will follow this-

Ms. Cearn: Ok

GAZIANO: -Whether or not signs are going to be allowed, or if they're going to be recommended or whatever-.

EMMERT: Or if the special use is going to be permitted.

Ms. Cearn: Alright

EMMERT: We first have to, vote on that.

Ms. Cearn: Ok, I understand.

GAZIANO: And whether that will have any conditions.

Ms. Cearn: Alright.

EMMERT: Ok. Anything else?

KONING: Did we get a motion?

EMMERT: Yes.

KONING: I'll second.

EMMERT: Ok. Anybody opposed? Ok, motion to close the meeting is passed by unanimous vote of all members present. So we'll close the public hearing.

UNAPPROVED
Rachel Windgassen, Assistant Deputy Clerk