Committee on Ordinances, Rules, and Buildings  
Meeting Agenda  
January 23, 2020 – 8:30 A.M.  
Village Hall Board Conference Room  
6900 North Lincoln Avenue  
Lincolnwood, Illinois 60712

AGENDA

I. Call to Order

II. Roll Call

III. Consideration of Minutes

   A. Consideration of the November 12, 2019 Minutes

IV. New Business

   A. Tattoo Parlor Permissibility

V. Public Comment

VI. Good of the Order

VII. Adjournment

Posted: January 17, 2020
Call to Order

Trustee Cope called the regular meeting of the Lincolnwood Committee of Ordinances, Rules, and Buildings (CORB) to order at 8:05 AM Tuesday, November 12, 2019, in the Board Conference Room of the Municipal Complex at 6900 N. Lincoln Avenue, Village of Lincolnwood, County of Cook, and State of Illinois.

Roll Call

On roll call by Assistant Village Manager Charles Meyer the following were:

PRESENT: Trustees Cope, Hlepas Nickell, Sargon

ABSENT: None

A quorum was present.

Also present: Mayor Bass; Village Manager, Anne Marie Gaura; Assistant Village Manager, Charles Meyer; Doug Hammel, Development Manager; Steve McNellis, Community Development Director; Hart Passman, Village Attorney.

Consideration of Minutes

A motion was made by Trustee Sargon to approve the minutes for August 6, 2019 as presented. The motion was seconded by Trustee Hlepas Nickell. The motion was approved via a voice vote.

New Business

A) Approval of Meeting Schedule for 2020

- The Committee discussed the meeting dates for 2020. The Committee asked if they could add additional dates to the calendar if there needs to be more meetings. Staff confirmed that additional meetings could be added.
- A motion was made by Trustee Cope to approve the Meeting Schedule for 2020. The motion was seconded by Trustee Hlepas Nickell. The motion was approved via a voice vote.
B) Cul-de-Sac Setback and Right-of-Way Standards

- The item was presented by Doug Hammel using PowerPoint
- Mr. Hammel presented images related to cul de sacs:
  - In looking at the geometry of cul de sacs we may want to look at the proximity of driveways to each other and in the interest of preserving driveways.
  - Right now the lesser of 1/3 of the lot width or 20 feet is the standard but we may adopt more restrictive standards to lessen the space used for driveways
- Trustee Hlepas Nickell asked what supersedes the code, the preservation of the tree or the resident’s desire to put in a circular driveway? Trustee Hlepas Nickell voiced a concern that the impervious space that was allotted could have been the previous location of a tree. If there was a healthy heritage tree, could or should we be disallowing a circular driveway.
  - Mr. Hammel stated that the Code generally allows a resident to replace a tree at their cost, but asked if the Village wants to create a standard in which some instances exist where trees cannot be removed at all.
- Trustee Hlepas Nickell said that the Village will want to look at its priorities and determine if there are instances where the Village prohibits the removal of a tree.
- Mayor Bass stated that there was an instance on Drake Avenue where the resident couldn’t put a straight driveway in without removing a tree.
- Trustee Hlepas Nickell said that anyone can come in for a variation and that the tree replacement bank is good, but sometimes there may be a better incentive for residents to keep trees. Trustee Hlepas Nickell stated that there should be some set parameters to allow for trees.
  - Mr. McNellis said that the Village could look at standards for minimums such as driveways need to be permitted to a maximum of 20 feet in width.
  - Mr. Hammel stated that the Village has drafted a list of trees that are preserved and covered in the Code to have a higher replacement cost to deter replacements.
- Trustee Cope stated that there were two issues that were being discussed with cul de sacs and the removal of trees.
- Trustee Hlepas Nickell stated that they are two issues but they are interrelated and discussed a home on Longmeadow where the issue of heritage trees and driveways was of note.
- Trustee Cope stated that staff will be continuing their research and will be coming back for cul de sacs and trees that will be coming back into the future.
- Trustee Cope asked if homeowners preferred more green space or driveway space?
- Mr. Hammel stated that it depends on the situation and needs of the individual property owners.
- Trustee Cope asked if the Village could look at permeable pavers to address the issue with providing a more permeable surface while allowing for more driveway space?
• Trustee Hlepas Nickell added that there is a cost concern with this type of surface and part of the concern is that even if the pavers are permeable they may create a weight issue that negatively impacts the roots of trees and cause possible damage to trees and cause damage to the trees that the Village is seeking to protect.

• Mr. McNellis stated that this is something that the Village needs to determine in terms of the balance of aesthetics and permeability.

• Mr. Hammel stated that staff would be looking at the Lincolnshire Ordinance for trees as a guidepost and work with Public Works to determine what can be done to address the concerns with protecting trees.

• Trustee Cope asked when the Village made the change to allow people to remove trees for driveways?

• Trustee Hlepas Nickell said that this was part of changes that we proposed as part of the Beautification Commission in the effort to create the tree bank to replace trees and part of the Tree City Designation and that if trees were removed there would be a financial deterrent and it would help to replace those trees going forward.

• Trustee Hlepas Nickell asked that CORB be provided with the replacement schedule and costs for trees for the next time that this issue is discussed.

At the conclusion of the discussion, Trustee Cope stated that staff will be continuing their research and will be coming back for cul-de-sacs and trees that will be coming back in the future.

C) Required Landscaped Transition Yards between Commercial and Residential Properties

• The item was presented by Doug Hammel via PowerPoint. At the conclusion of the presentation, discussion ensued.

• Trustee Hlepas Nickell stated that in terms of the transition needed, it does depend on the type of usage for the commercial property at that location along with the surrounding residential property.

• Mr. Hammel said that the next level of research for us is inventorying the different aspects of property and will bring back examples and determine if there are specific situations that would provide the balance for the properties.

• Trustee Cope asked that when the Village looks back, those whose homes already exist that built their property with the current rules and we need to determine what someone’s reasonable expectation as to what they were expecting when they purchased the property. Specifically, if someone purchased their residential property with the expectation that there would be a certain level of transition yard we don’t want to create a situation where their home value is diminished.

• Mr. Hammel said that the purpose of the discussion was to help with commercial redevelopment for the area and to build in standards that allows for reinvestment in the property as a lot of these properties are currently legally non-conforming.
• Trustee Hlepas Nickell said that this is being discussed to see if we want to reduce the standards for transition areas and that may limit the public input currently available on this type of request and that it would be my desire to keep the public input for these types of requests.

• Mr. Hammel said that there are two scenarios to look at, one in which a commercial property immediately abuts residential property and another scenario in which there is an alley that separates the commercial and residential property is an alley.

• Trustee Hlepas Nickell said that this brings up a good point because the public hearing process allows residents to bring up concerns or issues that we as a Board may not otherwise be aware of like the storage container that was located behind the proposed veterinary office.

• Mr. McNellis added that staff is not proposing a change one way or the other on this item but rather to bring this up for discussion and to receive direction from the Village Board accordingly.

• Mayor Bass said that there were some instances where properties may have unique situations where the alley is sufficient and that based on his meetings with commercial property owners that they have concerns about investing in their property.

• Trustee Sargon asked if the variation process was burdensome for commercial owners to go through in this type of situation?

• Staff stated that it was not financially burdensome but that it was more of timing issue with the typical process lasting between eight and 12 weeks.

• Trustee Hlepas Nickell said that the process with landscape standards and whether or not we need to revisit landscape standards as it relates to commercial properties and whether it is applying to new businesses should be discussed. It was stated that the Village does not have a trigger in place for businesses that have been here for decades. Some communities have a trigger that requires business owners to comply to a percentage of a new standard for landscaping by a date certain. For example, Walgreens had to meet a new standard for landscaping, but the property across the street does not have to meet those standards when you compare them. When you look at MB Financial you see that they met very high standards but if look at commercial properties across the street they do not have to meet those standards.

  o Mr. McNellis said that there are two situations and the first one is when there is a property with an approved plan and the plants die out, we can then go back and force them to hold to that standard. The second is a situation where a property has been paved out entirely and they would have to remove paving to create green space and to then maybe impact parking. It would be easier to go back to those with greenscape plans to address concerns.

• Trustee Hlepas Nickell said that there are options, like the flower boxes, that can be put into place for those properties that are paved out.
• Trustee Sargon added that such a requirement would ensure that all places embrace the same standard where you have some older properties do not have the same standard as newer businesses.
• Trustee Cope asked if there is a concern about going to businesses to ask them to go back and spend money to meet a new standard
• Trustee Sargon noted that it will help to create consistency and there could be options to incentivizing them to comply
• Trustee Hlepas Nickell added that the Village currently has triggers in place that when changes do occur to the building they do have to come into compliance with the new standard
• Trustee Cope said that his concern is that when we are requiring them to do this to new standards we are imposing a new cost.
• Village Manager Gaura summarized the discussion by saying that the goal is to take an existing property and incrementally overtime phase in the newer appearance standards so that older developments come into alignment with newer properties.
• Trustee Hlepas Nickell concurred and said that there are communities that have a grace period that requires businesses to come into compliance.
• It was the consensus of the Committee that staff perform additional research and return to CORB with that information for further discussion.

Good of the Order

  o Trustee Hlepas Nickell asked for us to look at the FAR requirements for the front yard to adjust down in some cases could be discussed at a future meeting of CORB. In looking at the code, residents are able to build out the entire FAR of their home and the entire permissibility area for their driveway.
  o Trustee Cope asked for security cameras and standard lighting for new homes be discussed at a future meeting of CORB.
  o It was the consensus of CORB that these items should be added to a future meeting.

Trustee Hlepas Nickell made a motion to adjourn the meeting of CORB. The motion was seconded by Trustee Sargon. The meeting concluded at 9:27 a.m.

Respectfully Submitted,

Charles Meyer
Assistant Village Manager
TO: Anne Marie Gaura  
Village Manager

FROM: Doug Hammel, AICP  
Development Manager

DATE: January 23, 2020

SUBJECT: Tattoo Parlor Permissibility

BACKGROUND
In 2019, a property owner requested that the Village consider a zoning Text Amendment to clarify the permissibility of tattoo parlors in the community’s commercial districts. The only provision that specifically mentions this use prohibits the use in the B-1 Traditional Business Zoning District, Business/Residential Transition Overlay. Otherwise, the Zoning Ordinance is unclear regarding the permissibility of tattoo parlors in other parts of the community.

Village Board Referral
The Text Amendment process began with a Village Board Committee of the Whole discussion on October 2, 2019. Prior to referring the matter to the Plan Commission for a public hearing, the Village Board discussed the following policy questions:

What zoning districts are “tattoo parlors” most appropriate?
Trustees suggested that proposed use could be permitted in other areas outside of the B-1 Traditional Business Zoning District, Business-Residential Transition Overlay, where it is explicitly prohibited. Trustees requested the Plan Commission consider which areas of the Village or zoning districts may be most appropriate for allowing this use. Trustees recommended that it be considered a Special Use.

Should they be considered a permitted use similar to “personal service establishments”?
Staff presented various options for how tattoo parlors could be regulated in the Zoning Ordinance. One of those options is to amend the definition of “personal services establishment” to specifically include tattoo parlors. This approach would allow for the use as follows:
In the B-1 and B-2 Districts, tattoo parlors with a gross floor area of less than 2,000-square feet would be permitted; 
In the B-3 Districts, all tattoo parlors, regardless of gross floor area, would be permitted; and 
In the B-1 and B-2 Districts, tattoo parlors with a gross floor area greater than 2,000-square feet would require Special Use approval.

The other option presented by staff is to create a new line item in Table 4.01.1 that specifically regulates tattoo parlors in different zoning districts as its own distinct use.

Are there any special regulations or considerations that should apply to “tattoo parlors”?

During its discussion, the Village Board had several questions related to the operation of a tattoo parlor. The Petitioner provided information related to licensing, inspections, and oversight by the State of Illinois related to regulations aimed at minimizing blood-borne illnesses. Outside of these special licensing requirements and monitoring that all tattoo parlors are subject to, the proposed use was discussed as operating similar to other types of uses considered personal service establishments.

Subsequent Zoning Inquiry

After the Village Board referral was made, staff received an inquiry about the permissibility of microblading, which is a semi-permanent cosmetic eyebrow procedure that is less invasive than tattooing, but requires specific certifications and health oversight due to the risk of blood-borne pathogens. Given the apparent similarities between microblading and tattooing, staff determined that it was appropriate to include discussion of microblading and other semi-permanent pigmentation services in the discussion related to the permissibility of tattoo parlors.

Plan Commission Public Hearing

During a public hearing held on November 6, 2019 regular meeting, the Plan Commissioners opined that tattoo parlors are similar in operation to hair salons, cosmetician services, and other related uses covered under the definition of “personal service establishments”. The Commission does not believe there is reason to treat them differently than those similar uses from a regulatory standpoint. Based on that opinion, the Plan Commission unanimously approved a motion recommending the following Zoning Ordinance Text Amendments:

- Amend the definition of “personal service establishments” in Section 2.02 of the Zoning Ordinance to include “dermal pigmentation establishments”; and
- Amend Section 2.02 of the Zoning Ordinance to include a definition for “dermal pigmentation establishments” that reads “any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create permanent or semi-permanent pigmentation or color is performed.”

This would make “dermal pigmentation establishments”, including tattoo parlors, microblading services, and other uses where the skin is punctured for the purposes of permanent or semi-permanent pigmentation, permitted as follows:
• In the B-1 and B-2 Districts, tattoo parlors with a gross floor area of less than 2,000-square feet would be permitted;
• In the B-1 and B-2 Districts, tattoo parlors with a gross floor area greater than 2,000-square feet would require Special Use approval; and
• In the B-3 Districts, all tattoo parlors, regardless of gross floor area, would be permitted.

Village Board Consideration of the Plan Commission Recommendation
During the November 19, 2019 Village Board meeting, staff presented the matter and summarized the Plan Commission’s discussion and recommendation. The Board then referred the matter to CORB for further discussion.

Public Input
Following the November 19, 2019 Village Board meeting, staff received a petition signed by 40 Lincolnwood residents. The header of the petitions states that “the Village of Lincolnwood Government now considers allowing Tattoo Parlors. As signed below, we Lincolnwood residents do not want Tattoo Parlors to be allowed in our Village.” The petition is included as an attachment to this report.

REQUESTED ACTION
Staff requests that CORB provide additional direction regarding the Plan Commission’s recommendation on this matter as it relates to the permissibility of tattoo parlors and other permanent or semi-permanent pigmentation services in the B-1, B-2, B-3, and M-B Zoning Districts.

DOCUMENTS ATTACHED
1. November 19, 2019 Village Board Request for Board Action
2. November 6, 2019 Plan Commission Meeting Minutes Excerpt
3. November 6, 2019 Plan Commission Staff Report
4. October 2, 2019 Committee of the Whole Staff Report
5. Village-Wide Zoning Map
6. Excerpt of Table 4.01.1 Permitted and Special Uses in All Zoning Districts
7. Resident Petition
Request For Board Action

REFERRED TO BOARD:  November 19, 2019  AGENDA ITEM NO:  8

ORIGINATING DEPARTMENT:  Community Development

SUBJECT:  Consideration of a Recommendation by the Plan Commission to Adopt an Ordinance Amending the Zoning Code to Clarify the Permissibility of Tattoo Parlors

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
Damien C. Kardaras, Petitioner, has requested the Village’s consideration of a Zoning Text Amendment to clarify the permissibility of tattoo parlors in the Village. Recently, a Business License application was denied for a tattoo parlor at a property owned by the Petitioner in the B-2 General Business Zoning District. The application was denied based on the fact that the proposed use was interpreted by staff to be a “tattoo parlor”, and that use is not explicitly permitted as per Table 4.01.1 Permitted and Special Uses in All Zoning District of the Zoning Ordinance.

In reviewing the Business License Application referenced above, staff considered whether “tattoo parlors” fall under the zoning category of a “personal service establishment. That definition reads as follows:

“PERSONAL SERVICE ESTABLISHMENT: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and pickup stations, tailors, hair stylists, cosmeticians, toning or tanning salons, currency exchanges, postal substations, package delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services.”

Since the definition does not specifically mention tattoo parlors, staff determined that use to be prohibited based on the legal basis that a use that is not explicitly designated as permitted is by default prohibited.

Village Board Referral
On October 2, 2019, the Village Board discussed this matter and referred it to the Plan Commission. As part of that discussion, the Village Board discussed the following policy questions:

What zoning districts are “Tattoo parlor” most appropriate?
Trustees suggested that proposed use could be permitted in other areas outside of the B-1 Traditional Business zoning district, Business-Residential Transition Overlay, where it is explicitly prohibited. Trustees requested that the Plan Commission consider which areas of the Village or zoning districts may be most appropriate for allowing this use. Trustees recommended that it be considered a Special Use.
Should they be considered a permitted use similar to “personal service establishments”?  
Staff presented various options for how tattoo parlors could be regulated in the Zoning Ordinance. One of those options is to amend the definition of “personal services establishment” to specifically include tattoo parlors. This approach would allow for the use as follows:

- In the B-1 and B-2 districts, tattoo parlors with a gross floor area of less than 2,000 square feet would be permitted;
- In the B-1 and B-2 districts, tattoo parlors with a gross floor area greater than 2,000 square feet would require Special Use approval; and
- In the B-3 districts, all tattoo parlors, regardless of gross floor area, would be permitted.

The other option presented by staff is to create a new line item in Table 4.01.1 that specifically regulates tattoo parlors in different zoning districts as its own distinct use.

Are there any special regulations or considerations that should apply to “tattoo parlors”?  
During its discussion, the Village Board had several questions related to the operation of a tattoo parlor. The Petitioner provided information related to licensing, inspections, and oversight by the State of Illinois related to regulations aimed at minimizing blood-borne illnesses. Outside of these special licensing requirements and monitoring that all tattoo parlors are subject to, the proposed use was discussed as operating similar to other types of uses considered personal service establishments.

Plan Commission Public Hearing  
The Plan Commission held a public hearing on this matter during its November 6, 2019 regular meeting. Staff presented various options regarding how the permissibility of tattoo parlors could be clarified in the code. In addition to the policy questions discussed by the Village Board, the Plan Commission discussed how other similar uses, such as microblading, could be addressed, given that such uses require State of Illinois Department of Health oversight and certain licensing.

Plan Commissioners concurred that tattoo parlors are similar in operation to hair salons, cosmetician services, and other related uses covered under the definition of “personal service establishments”. The Commission does not believe there is reason to treat them differently than those similar uses from a regulatory standpoint. Based on that opinion, the Plan Commission unanimously approved a motion recommending the following Zoning Ordinance Text Amendments, which are reflected in the proposed Ordinance attached to this report:

- Amend the definition of “personal service establishments” in Section 2.02 of the Zoning Ordinance to include “dermal pigmentation establishments”; and
- Amend Section 2.02 of the Zoning Ordinance to include a definition for “dermal pigmentation establishments” that reads “any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create permanent or semi-permanent pigmentation or color is performed.”

This would make “dermal pigmentation establishments”, including tattoo parlors, microblading services, and other uses where the skin is punctured for the purposes of permanent or semi-permanent pigmentation, permitted as follows:

- In the B-1 and B-2 districts, tattoo parlors with a gross floor area of less than 2,000 square feet would be permitted;
- In the B-1 and B-2 districts, tattoo parlors with a gross floor area greater than 2,000 square feet would require Special Use approval; and
- In the B-3 districts, all tattoo parlors, regardless of gross floor area, would be permitted.

FINANCIAL IMPACT:  
None
VILLAGE ATTORNEY REVIEW:
The Village Attorney advised staff regarding various options for clarifying the permissibility of tattoo parlors in the Village, and provided commentary during the Plan Commission public hearing in response to discussions held at that time. The Village Attorney reviewed the proposed Text Amendment language and drafted the attached Ordinance for consideration.

DOCUMENTS ATTACHED:
1. Proposed Ordinance
2. November 6, 2019 Plan Commission Meeting Minutes (draft)
3. November 6, 2019 Plan Commission Staff Report
4. Zoning Text Amendment Application
5. October 2, 2019 Committee of the Whole Staff Report
6. Village-wide Zoning Map
7. Excerpt of Table 4.01.1 Permitted and Special Uses in All Zoning Districts

RECOMMENDED MOTION:
Move to approve a proposed Ordinance amending the Zoning Code to clarify the permissibility of “dermal pigmentation establishments”, which include tattoo parlors and other similar uses or services.
AN ORDINANCE AMENDING SECTION 2.02 OF
THE VILLAGE OF LINCOLNWOOD ZONING ORDINANCE
REGARDING DERMAL PIGMENTATION ESTABLISHMENTS

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS ____ DAY OF NOVEMBER, 2019.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois
this _____ day of __________, 2019
ORDINANCE NO. 2019-____

AN ORDINANCE AMENDING SECTION 2.02 OF THE VILLAGE OF LINCOLNWOOD ZONING ORDINANCE REGARDING DERMAL PIGMENTATION ESTABLISHMENTS

WHEREAS, the Village of Lincolnwood is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, "The Village of Lincolnwood Zoning Ordinance," as amended ("Zoning Ordinance"), defines and regulates the use of property in the Village for “personal service establishments,” which are defined in Section 2.02 of the Zoning Ordinance as businesses that provide personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location; and

WHEREAS, the Village President and Board of Trustees desire to amend Section 2.02 of the Zoning Ordinance to clarify that tattoo parlors and other dermal pigmentation establishments are to be regulated as personal service establishments in the Village ("Proposed Amendment"); and

WHEREAS, pursuant to notice duly published in the Lincolnwood Review on October 17, 2019, the Village Plan Commission conducted a public hearing on November 6, 2019 concerning the Proposed Amendment; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission made findings and recommended that the President and Board of Trustees adopt the Proposed Amendment; and

WHEREAS, having considered the findings and recommendations of the Plan Commission, the President and Board of Trustees have found and determined that the adoption of the Proposed Amendment, as set forth in this Ordinance, is in the best interests of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. DEFINITIONS. Section 2.02 of Article II of the Zoning Ordinance is hereby amended further to read as follows:

Additions are bold and double-underlined; deletions are struck through.

-1-
"2.02 Definitions.

* * *

DERMAL PIGMENTATION ESTABLISHMENT: Any establishment, except a hospital or other facility operated by a licensed medical practitioner, at which the act of puncturing the skin and inserting indelible colors to create permanent or semi-permanent pigmentation or color is performed, including, without limitation, tattoo parlors.

* * *

PERSONAL SERVICE ESTABLISHMENT: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and pickup stations, tailors, hair stylists, cosmeticians, toning or tanning salons, dermal pigmentation establishments, currency exchanges, postal substations, package delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services."

* * *

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance will remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]
PASSED this _____ day of November, 2019.

AYES: ________________________________

NAYS: ________________________________

ABSENT: ______________________________

ABSTENTION: ________________________

APPROVED by me this _____ day of November, 2019.

________________________________________
Barry I. Bass, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the _____ day of __________, 2019.

________________________________________
Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois
Case #PC-19-19: Zoning Code Text Amendment – Consideration of a Text Amendment to Clarify the Permissibility of Tattoo Parlors in the B-1, B-2, B-3, and M-B Zoning Districts

Case #PC-20-19: 3940 West Touhy Avenue – Special Use request for a Tattoo Parlor at 3940-46 West Touhy Avenue

Chairman Yohanna announced Case #PC-19-19 for consideration of a request by Damien Kardaras, Property Owner at 3940 West Touhy Avenue, to consider a Zoning Code Text Amendment clarifying the permissibility of tattoo parlors in the B-1 Traditional Business, B-2 General Business, B-3 Village Center PD, and M-B Manufacturing and Business Zoning Districts, and Case #PC-20-19 for consideration of a request by Damien Kardaras, Property Owner, to approve a Special Use to allow a tattoo parlor 3940-46 West Touhy Avenue.

Development Manager Hammel provided background on this proposed Text Amendment and whether or not a tattoo parlor would be considered under the definition of a “personal service establishment”. The only instance where tattoo parlors are explicitly mentioned is in Section 4.07(2)d, where they are specifically listed as a prohibited use in the B-1 Traditional Business Zoning District, Business/Residential Transition Overlay. Ben Schuster confirmed that since the definition of a “personal service establishment” does not specifically mention tattoo parlors, it is staff’s belief, since the use is not explicitly designed as permitted, that it would be prohibited by default.

Discussion items include what zoning districts are most appropriate should tattoo parlors be considered a permitted use similar to personal service establishments, or should any special regulations or considerations apply. Another option is to create a new line item in Table 4.01.1 Permitted and Special Uses in All Zoning Districts that specifically regulates tattoo parlors in different zoning districts as its own distinct use. The definition of a “personal service establishment” is “a business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and pickup stations, tailors, hair stylists, cosmeticians, toning or tanning salons, currency exchanges, postal substations, package delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services.”

Other policy considerations may include if such uses could be regulated by drafting a use definition that more broadly covers invasive or semi-invasive procedures that require specific certifications and oversight by the Illinois Department of Public Health, if such uses could be regulated as “personal service establishments” by amending the definition to include semi-invasive procedures, thereby recognizing them as services that could be available as part of traditional salons, or if such
uses could be regulated independently of tattoo parlors and “personal service establishments” based on where they may be permitted or any specific use regulations deemed appropriate.

There was discussion whether or not establishments that puncture the skin be treated the same as cosmeticians or estheticians and if the definition of a “personal service establishment” already includes tattoo parlors. Chairman Yohanna asked staff to clarify the words “without limitation” in this definition. The Village’s interpretation of the definition is not inclusive, and tattoo parlors are considered a distinct and separate use. Staff presented research of how other neighboring communities regulate tattoo parlors. It is staff’s recommendation the definition should state specifically whether or not tattoo parlors should or should not be included so as to remove any ambiguity. Development Manager Hammel reviewed the Special Use Standards.

Chairman Yohanna swore in the Petitioners Damien Kardaras and Kaitlyn Moskowitz.

The space was previously occupied by a salon that included aestheticians. An aesthetician is a person who deals with skin issues including fading of scarring, the application of acids in order to peel skin tissue, and puncturing of the skin to remove blemishes. Aestheticians are licensed by the State of Illinois Department of Public Health and require yearly training and certification. Ms. Moskowitz stated the difference between aestheticians and tattoo parlors is aestheticians sanitize their equipment where tattoo parlors use disposable equipment. Most body art establishments utilize an all disposable type of system, further eliminating the chance for contamination.

Chairman Yohanna announced the discussion will include Case #PC-20-19 as this case is dependent upon approval of the Text Amendment. Development Manager Hammel stated the existing facility would be used largely as is and operational characteristics of the proposed use are similar to other uses permitted in this area. Public comment consisted of one call from a neighbor.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Chairman Yohanna swore in the witnesses.

Reverend and Mrs. Samkutty, 3938 West Fitch Avenue, expressed their concerns about a tattoo parlor located in Lincolnwood.

Village Trustee Georjean Hlepas Nickell spoke to clarify the statement from Mr. Kardaris that there was unanimous approval from the Committee of the Whole. The consensus was to direct the issue of tattoo parlors to the Plan Commission for discussion. Furthermore, there was no decision made by the Committee of the Whole for this specific request.

Development Manager Hammel recommended that, based on the discussion among the Plan Commission, the “personal service establishment” definition in Section 2.02 could be amended to include the words “dermal pigmentation establishment”. Chairman Yohanna believes the inclusion “without limitation” means no personal service establishments should be excluded.
Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Let the record state no one came forward. With no further discussion, Chairman Yohanna requested a motion.

**Motion to recommend** approval of a Zoning Code Text Amendment to include “dermal pigmentation establishments, generally to include tattoo parlors, microblading services, and other similar activities, in the definition of “personal service establishments” and to keep the prohibition of tattoo parlors in the B-1 Traditional Business Zoning District, Business/Residential Transition Overlay District, was made by Commissioner Jakubowski and seconded by Commissioner Novoselsky. Case #PC-19-19 will be heard at the November 19, 2019 meeting of the Village Board.

**Aye:** Jakubowski, Novoselsky, Auerbach, Kohn, and Yohanna  
**Nay:** None  
**Motion Approved:** 5-0

**Motion to recommend** approval for a Special Use to operate a tattoo parlor at 3940-46 West Touhy Avenue was made by Commissioner Jakubowski and seconded by Commissioner Novoselsky. Commissioner Jakubowski reviewed the Standards for Granting Special Uses. Case #PC-20-19 will be heard at the November 19, 2019 meeting of the Village Board.

**Aye:** Jakubowski, Novoselsky, Auerbach, Kohn, and Yohanna  
**Nay:** None  
**Motion Approved:** 5-0
Subject: 
Request for a Text Amendment Related to the Permissibility of Tattoo Parlors in the B-1, B-2, B-3, and M-B Zoning Districts

Petitioner: 
Damien C. Kardaras, E.A

Notification: 
Notice was published in the Lincolnwood Review on October 17, 2019.

Background 
Damien C. Kardaras, petitioner, has requested the Village’s consideration of a Zoning Text Amendment to clarify the permissibility of tattoo parlors in the Village. Recently, a Business License application was processed and denied for a tattoo parlor at a property owned by the Petitioner as the property is in the B-2 General Business Zoning District. The application was denied based on the fact that the proposed use was interpreted by staff to be a “tattoo parlor”, and that use is not explicitly permitted as per Table 4.01.1 Permitted and Special Uses in All Zoning District of the Zoning Ordinance.

Regulatory Context 
As stated above, Table 4.01.1 Permitted and Special Uses in All Zoning Districts does not explicitly list “tattoo parlor” in its list of uses. The only instance where “tattoo parlors” are explicitly mentioned in the Zoning Ordinance is in Section 4.07(2)d, where they are specifically listed as a prohibited use in the B-1 Traditional Business zoning district, Business/Residential Transition Overlay. This mentioning of the use, however, does not state that the use is generally permitted in any other zoning district.

In reviewing the Business License Application referenced above, staff considered whether “tattoo parlors” fall under the zoning category of a “personal service establishment. That definition reads as follows:

“PERSONAL SERVICE ESTABLISHMENT: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and
pickup stations, tailors, hair stylists, cosmeticians, toning or tanning salons, currency exchanges, postal substations, package delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services.”

Since the definition does not specifically mention tattoo parlors, staff defaulted to the position that a use not explicitly designated as permitted is by default prohibited.

**Village Board Referral**

On October 2, 2019, the Village Board discussed this matter and referred it to the Plan Commission. As part of that discussion, the Village Board discussed the following policy questions:

**What zoning districts are “Tattoo parlor” most appropriate?**

Trustees suggested that proposed use could be permitted in other areas outside of the B-1 Traditional Business zoning district, Business-Residential Transition Overlay, where it is explicitly prohibited. Trustees requested that the Plan Commission consider which areas of the Village or zoning districts may be most appropriate for allowing this use. Trustees recommended that it be considered a Special Use.

**Should they be considered a permitted use similar to “personal service establishments”?**

Staff presented various options for how tattoo parlors could be regulated in the Zoning Ordinance. One of those options is to amend the definition of “personal services establishment” to specifically include tattoo parlors. This approach would allow for the use as follows:

- In the B-1 and B-2 districts, tattoo parlors with a gross floor area of less than 2,000 square feet would be permitted;
- In the B-3 districts, all tattoo parlors, regardless of gross floor area, would be permitted; and
- In the B-1 and B-2 districts, tattoo parlors with a gross floor area greater than 2,000 square feet would require Special Use approval.

The other option presented by staff is to create a new line item in Table 4.01.1 that specifically regulates tattoo parlors in different zoning districts as its own distinct use.

**Are there any special regulations or considerations that should apply to “tattoo parlors”?**

During its discussion, the Village Board had several questions related to the operation of a tattoo parlor. The Petitioner provided information related to licensing, inspections, and oversight by the State of Illinois related to regulations aimed at minimizing blood-borne illnesses. Outside of these special licensing requirements and monitoring that all tattoo parlors are subject to, the proposed use was discussed as operating similar to other types of uses considered personal service establishments.
Other Policy Considerations
In addition to the input from the Village Board described above, the Plan Commission may consider the following regarding this request.

Tattoo parlors in neighboring communities
Neighboring communities vary in terms of how they regulate tattoo parlors. For example, the City of Evanston specifically states that tattoo parlors are not included in their definition of “retail services establishment”, but does not specifically state where the use is permitted or prohibited. Skokie allows the use in three of its districts, including its mixed-use districts, and includes regulations that reference Illinois state law. Morton Grove and Park Ridge do not specifically mention tattoo parlors in their zoning codes.

Regulating other related uses
While the Petitioner’s request specifically relates to tattoo parlors, other similar uses could be accommodated through this text Amendment process. For example, microblading is a semi-permanent cosmetic eyebrow procedure that is less invasive than tattooing, but requires specific certifications and health oversight due to the risk of blood-borne pathogens. The Text Amendment under consideration could address microblading and other such activities in a number of ways, including the following:

- Such uses could be regulated similarly to tattoo parlors by drafting a use definition that more broadly covers invasive or semi-invasive procedures that require specific certifications and oversight by the Illinois Department of Health;
- Such uses could be regulated as personal service establishments by amending that use definition to include semi-invasive procedures, thereby recognizing them as services that could be available as part of traditional salons; or
- Such uses could be regulated independently of tattoo parlors and personal service establishments, if the Plan Commission feels it is appropriate to do so based on where they may be permitted or any specific use regulations that may be deemed appropriate.

Recommended Text Amendment
Depending on the opinion of the Plan Commission, staff recommends one of the following Zoning Text Amendments related to tattoo parlors and similar uses:

- If the Plan Commission prefers to regulate tattoo parlors and other similar activities in the same manner as other cosmetics-oriented activities, staff recommends amending the definition of “personal service establishment” in Section 2.02 of the Zoning Ordinance to specifically include “permanent or semi-permanent dermal pigmentation”.
- If the Plan Commission prefers to regulate tattoo parlors and other similar activities separately from personal service establishments but in a consistent manner, staff recommends the following:
  - Amend Table 4.01.1 Permitted and Special Uses in All Zoning Districts to include a line item for “dermal pigmentation establishment” and indicate in which districts the use is allowed as a permitted or special use; and
  - Amend Section 2.02 to include a definition of “dermal pigmentation establishment” to read “any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of
puncturing the skin and inserting indelible colors to create permanent or semi-permanent pigmentation or color is performed”.

- If the Plan Commission prefers to regulate tattoo parlors and other similar activities separately from personal service establishments and one another, staff recommends the following:
  - Amend Table 4.01.1 Permitted and Special Uses in All Zoning Districts to include new line items for “dermal pigmentation: permanent” and “dermal pigmentation: semi-permanent”, and indicate in which districts each use is allowed as a permitted or special use;
  - Amend Section 2.02 to include a definition of “dermal pigmentation establishment: permanent” to read “any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create permanent pigmentation or color is performed, often associated with tattoos”; and
  - Amend Section 2.02 to include a definition of “dermal pigmentation establishment: semi-permanent” to read “any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create semi-permanent pigmentation or color is performed, often associated with hair salons or cosmeticians”.

**Requested Action**

Staff requests that the Plan Commission discuss the policy questions presented in this report, and recommend a Zoning Text Amendment that appropriately regulates dermal pigmentation establishments based on their relationship to personal service establishments and the permanent or semi-permanent nature of the pigmentation.

**Documents Attached**

1. Zoning Text Amendment Application
2. October 2, 2019 Committee of the Whole Staff Report
3. Village-wide Zoning Map
4. Table 4.01.1 Permitted and Special Uses in All Zoning Districts
MEMORANDUM

TO: Anne Marie Gaura, Village Manager
FROM: Douglas Hammel, AICP, Community Development Manager
DATE: October 2, 2019
SUBJECT: Requested Consideration of a Text Amendment Regarding the Permissibility of Tattoo Parlors

Background
Staff has received a request from Damien Kardaras, Petitioner, to consider a potential Zoning Text Amendment regarding the permissibility of tattoo parlors in the Village. Recently, staff processed and denied a Business License Application for a tattoo parlor at a property owned by the Petitioner. (The property is in the B-2 General Business zoning district.) The application was denied based on the fact that the proposed use was interpreted by staff to be a “tattoo parlor”, and that use is not explicitly permitted as per Table 4.01.1 Permitted and Special Uses in All Zoning Districts of the Zoning Ordinance.

Regulatory Context
As stated above, Table 4.01.1 Permitted and Special Uses in All Zoning Districts does not explicitly list “tattoo parlor” in its list of uses. The only instance where “tattoo parlors” are explicitly mentioned in the Zoning Ordinance is in Section 4.07(2)d, where they are specifically listed as a prohibited use in the B-1 traditional Business zoning district, Business/Residential Transition Overlay. This mentioning of the use, however, does not state that the use is generally permitted in any other zoning district.

In reviewing the Business License Application referenced above, staff considered whether “tattoo parlors” fall under the zoning category of a “personal service establishment. That definition reads as follows:

“PERSONAL SERVICE ESTABLISHMENT: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and pickup stations, tailors, hair stylists, cosmeticians, toning or tanning
Since the definition does not specifically mention tattoo parlors, staff defaulted to the position that a use not explicitly designated as permitted is by default prohibited.

Policy Questions
Staff is seeking policy guidance from the Village Board on the following questions:

- Are “tattoo parlors” an appropriate use in the Village?
- If so, in what zoning districts are they most appropriate?
- Should they be considered a permitted use similar to “personal service establishments” (currently permitted in the B-1, B-2 and B-3 zoning districts, with such uses of greater that 2,000 gross floor area requiring Special Use approval in the B-1 and B-2 zoning districts), or should they require Special Use approval in districts in which they are permitted?
- Are there any special regulations or considerations that should apply to “tattoo parlors”?

Financial Impact
None.

Recommendation
Staff is seeking guidance from the Village Board regarding the [policy question presented in this report, and a referral to the Plan Commission regarding the permissibility of tattoo parlors in various zoning districts.

Documents Attached
1. Village Zoning Map
<table>
<thead>
<tr>
<th>Use Category</th>
<th>Residential</th>
<th>Business</th>
<th>Office</th>
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Petition Against TATTOO PARLORS in Lincolnwood, Nov. 2019

The Village of Lincolnwood Government now considers allowing Tattoo Parlors. As signed below, we Lincolnwood residents do not want Tattoo Parlors to be allowed in our Village.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Printed Name &amp; Date</th>
<th>Address</th>
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<tr>
<td>Leslie Wurman</td>
<td>Leslie Wurman 12/6/19</td>
<td>4545 W. Touhy 60712</td>
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<tr>
<td>Karen Berkley</td>
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<td>Debra Berkley</td>
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<td>Jean St. John</td>
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<td>Susan Roeder</td>
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<td>Joseph</td>
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<td>Kathleen</td>
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<td>JUNE O. SCHROER</td>
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<td>4545 W. Touhy # 631</td>
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<td>4545 TOUHY-4601</td>
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<tr>
<td>Seymour</td>
<td>Seymour FLEISCHMAN</td>
<td>4545 W Touhy</td>
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<td>Eugene</td>
<td>Peggy COAHEN</td>
<td>4545 W Touhy</td>
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<tr>
<td>Genevieve</td>
<td>GENEVIEVE GROENER</td>
<td>4545 TOUHY</td>
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