

ANALYSIS

SUBMITTALS

This report is based on the following documents:

1. Public Hearing Application, dated August 16, 2006
2. Response to the Standards for Conditional Uses for Planned Developments
3. Plat of Survey, prepared by Glen D. Krisch Land Surveyor, Inc. dated March 26, 2004.
4. Building Floor Plans, prepared by petitioner, updated and submitted August 16, 2006.

DESCRIPTION

In 2004, a Planned Development was created for this property to allow use exceptions for two massage establishments. One of the employees currently working in one of those establishments now wishes to open an additional massage establishment in an adjacent suite. The 2004 Planned Development approval was specifically tailored to the tenant spaces in use at that time, therefore, an amendment would be required to allow for a third massage establishment, as an additional use exception, within the building.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division has reviewed the petition and does not have any comments.

PUBLIC WORKS

Public Works has reviewed the petition and does not have any comments.

BUILDING AND FIRE

The Bureau of Inspectional Services has reviewed the petition and does not have any comments.

PLANNING

Compliance with the Zoning Ordinance

Massage establishments are listed as conditional uses within the B3 and B4 Districts. They are not listed as permitted or conditional uses within the B1 District. In 2004, The Village Board approved Ordinance 5502, which established a planned development on the subject property and provided for a use exception to allow for two massage establishments within the office building. Ordinance 5502 (attached) set specific space limitations for such establishments and capped the number of establishments at two.

A masseuse within one of the establishments is seeking to establish her own practice within the existing building. She has identified a 450 square foot space within Suite 104, which was previously used as a counseling center, to open her own practice. Before she could undertake such activity, the planned development approvals would need to be amended to account for the additional space.

Use Exceptions within a Planned Development

Section 155.508 (B) provides for the establishment of uses within a planned development that are not permitted by the underlying Zoning Ordinance. Staff notes the massage establishments can be supported based upon the following considerations in review of the Zoning Ordinance provisions:

1. Use exceptions cannot exceed 40 percent of the use or area of a planned development. The existing two massage establishments occupy 500 square feet of 12,000 square feet of office space (4.2%) in the building. The additional establishment would raise the total square footage for such a use to 950 square feet or 7.9% of the total office building space.
2. As with the previously granted use exceptions, no external modifications will be needed to the exterior of the building that would negatively affect the subject property or the properties abutting the subject property.
3. As noted in the petitioner's response to standards, the business activity would be operated consistent with operations of other business in the building (e.g., medical and dental practices).
4. One establishment has occupied space within the building for over fifteen years and another has occupied the premises for over two years without any negative impacts on the development or neighboring properties.

Compatibility with Surrounding Uses

The principal use of the site will still be an office building. As the massage establishment will operate similar to other users in the building, negative impacts on surrounding uses are not anticipated.

Compliance with the Comprehensive Plan

The Long-Range Plan Map of the Comprehensive Plan recommends that the property be used as office use. The massage establishment use will still be an ancillary activity within the office building.

Additional Considerations

For clarity purposes, staff is proposing new amended conditions of approval in the recommendation of approval below. The recommended changes to the conditions of approval are noted in underline and strikeout text below. The amendment to condition #2 is intended to address amendments to state legislation pertaining to licensing provisions.

FINDINGS AND RECOMMENDATIONS

The proposed amendment to the planned development with use exceptions is compatible with the surrounding land uses and zoning. Based on the above, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested amendment to a conditional use for a planned development with an additional use exception for a massage establishment complies with the standards required by the Lombard Zoning Ordinance and is consistent with the 929 S. Main Street Planned Development; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission, and I recommend to the Corporate Authorities **approval** of PC 06-25, subject to the following conditions:

1. That no more than ~~two~~ three massage establishment businesses shall operate within the existing office building – one establishment within Suite 103A1, ~~and~~ one in Suite 103A2, and one in Suite 104, as depicted in the petitioner's submitted building plan made a part of this petition. The total permitted square footage for all massage establishments within the office building shall not exceed ~~500~~ 950 square feet of office area.
2. Any massage establishments to be located on the premises shall apply for and receive a license from the Village of Lombard and/or the State of Illinois. Said establishments

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shall meet all applicable provisions of Chapter 12, Section 122 of the Village Code and shall keep their license in good standing.

Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH/WJH:

att-

c. Petitioner

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