

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

CONDITIONAL USE FOR A MESSAGE ESTABLISHMENT – 837 S. WESTMORE-MEYERS ROAD, SUITE B-13

JANUARY 22, 2018

Title

PC 18-07

Petitioner

Zhiwei Hu
2001 S. Wells St., Apt. 4
Chicago, IL 60616

Property Owner

Illinois Holdings (USA) Inc.
747 N. LaSalle Dr.
Chicago, IL 60654

Property Location

837 S. Westmore-Meyers Rd.,
Suite B-13
06-16-117-007
Trustee District #6

Zoning

B3PD

Existing Land Use

Strip Retail

Comprehensive Plan

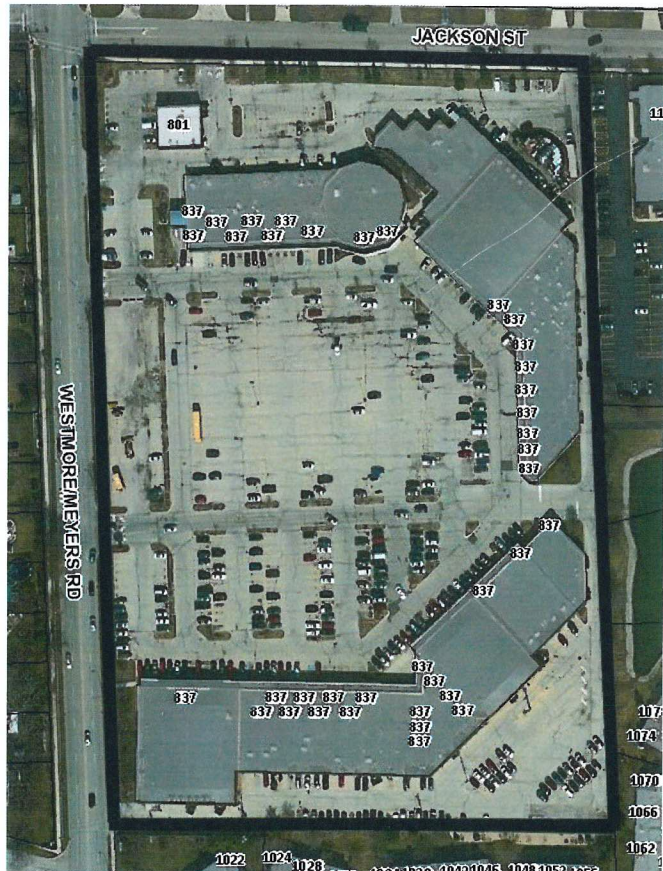
Community Commercial

Approval Sought

Conditional use to allow for a physical culture and massage establishment (as defined and regulated by Title 11, Chapter 122 of the Code of Ordinances) within the B3 Community Shopping District.

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing a foot and full body massage spa at 837 S. Westmore-Meyers Road, Suite B-13, the Eastgate Shopping Center.

There are no exterior site improvements proposed at this time and no utility improvements are necessary for the operation. Concept floor plans have been attached.

Physical culture and massages establishments are further regulated by Title 11, Chapter 122, of the Code of Ordinances. These regulations have been attached.

APPROVAL(S) REQUIRED

Per Section 155.415 (C)(3) of the Zoning Ordinance, physical culture and massage establishments require a conditional use permit within the B3 Community Shopping District.

PROJECT STATS

Lot & Bulk

Parcel Size: 12.73 acres

Tenant Area: 4,255 sq. ft.

Submittals

1. Petition for a public hearing, submitted;
2. Response to Standards for a Conditional Use;
3. Plat of Survey, prepared by Webster McGrath & Ahlberg Ltd. June 4, 2015 and submitted December 19, 2017; and
4. Concept Floor Plans, prepared by Greenstone Partners, submitted December 19, 2017.

EXISTING CONDITIONS

The subject property is currently improved with a one-story strip center. The petitioner is proposing to occupy approximately 4,255 square feet of the structure.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division notes they met with the petitioner on January 9, 2018 and reviewed the requirement of Section 122, specifically the non-absorbent floor and wash basins. Should the petition be approved, additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no issues or concerns regarding the project. Should the petition be approved, additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project. Should the petition be approved, additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no issues or concerns regarding the project. Should the petition be approved, additional comments may be forthcoming during permit review.

Planning Services Division:

The Planning Services Division (PSD) notes the following:

1. Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2 and B3	Single Family Residential and Commercial
South	R4PD	Multiple Family Residential: Cambria Townhomes
East	R4PD and B3	Multiple Family Residential: Cambria Townhomes/DuPage County Health Department
West	R2	Single Family Residential

In consideration that the B3 Community Shopping District is intended to provide for the needs of a much larger consumer population than is served by the B1 or B2 District and thus allowing for a wider range of uses and structure, staff finds that the project is consistent with the zoning and land use of the surrounding properties.

2. *Comprehensive Plan Compatibility*

The proposed site location and use as a massage establishment is consistent with the Comprehensive Plan's recommendation of mixed-use community commercial.

3. *Zoning & Sign Ordinance Compatibility*

The petitioner has not yet proposed any signage for the business. Any future signage applications will be reviewed by staff for their consistency with the Village's Sign Ordinance. If any future signage is determined to be non-compliant the petitioner will have the option to request a variation from the Plan Commission and Village Board of Trustees.

4. *Site Plan: Access & Circulation*

The existing access point and parking lot design has proven sufficient for the subject property. The parking lot is shared among the tenants at the Eastgate Shopping Center.

5. *Elevations*

The petitioner is not proposing any changes to the exterior elevations at this time.

SITE HISTORY

Eastgate Shopping Center has been before the Plan Commission numerous times. In 1999, (PC 99-11) the Center was granted various variances and conditional uses and also became a planned development.

FINDINGS & RECOMMENDATIONS

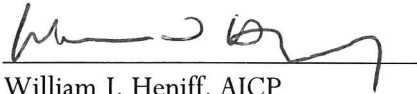
Staff finds that the proposed physical culture and massage establishment is consistent with its surrounding context, the Village of Lombard Comprehensive Plan, and Zoning Ordinance. Staff has reviewed the response to standards for a conditional use included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance.

The Inter-Departmental Review Committee has reviewed the standards for the requested conditional use for a physical culture and massage establishment and finds that the proposed use **complies** with the standards established by the Village of Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 18-07:

Based on the submitted petition and the testimony presented, the proposed conditional use does comply with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use permit is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Committee Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 18-07, subject to the following conditions:

1. That this relief is limited to the operation of a physical culture and massage establishment at 837 S. Westmore-Meyers Rd, Suite B-13. Any expansion, physical site improvement or alterations require approval through the Village;
2. That the operator of the physical culture and massage establishment apply for and receive a physical culture and massage establishment permit, per the provisions of Section 122 of the Village Code, with said permit and operation remaining in good standing;
3. That the petitioner shall develop the site in accordance with plans submitted as part of this request; and
4. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the physical culture and massage establishment is not established by said date, this relief shall be deemed null and void.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A: STANDARDS FOR CONDITIONAL USES

RE: Response to the applicable Standards for address: 837 S
Westmore Suite B-13

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

The foot and full body massage spa we are going to operate will be a legal and professional massage spa that will in no way endanger the public health, safety, morals, comfort or general welfare. No illegal activity will be allowed in our spa.

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

We will not produce any waste or make loud noise. No illegal activity will be allowed in our space. We won't be interfering with the current use of nearby business or residence and their property value shouldn't be affected either.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

We will operate a quiet, professional massage spa and will not in any way impede the normal development and improvement of the surrounding property.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

There are adequate public utilities including gas, electricity, and internet services. I haven't changed into my name yet.

There are at least 4-5 access roads to our spa from the main road.

There are drainage facilities in the property that existed before our lease agreement.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

No traffic congestion will be caused due to fact that there are 4-5 access roads to our spa from the main road and we have plenty parking spots in the parking lot of the square.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

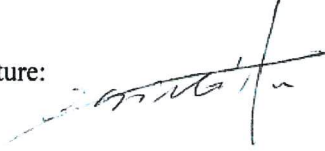
Our massage spa will conform to the objectives of current comprehensive plan of the village of Lombard.

7. That the conditional use shall, in all other respects, conform to the applicable regulations

of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

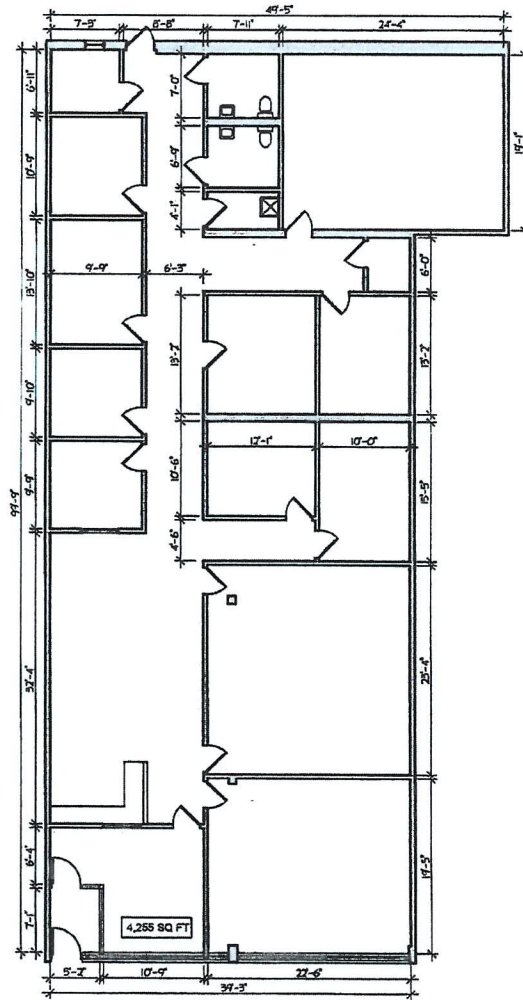
Our massage spa will conform to the regulations of the district.

Tenant signature:

A handwritten signature in black ink, appearing to be "M. G. / u", written over a horizontal line.

Date: 12/21/2017

EXHIBIT B: FLOOR PLAN OF TENANT SPACE



**Unit B13
Eastgate Shopping Center**

837 S WESTMORE-MEYERS RD.
LOMBARD ILLINOIS, 60148



**GREENSTONE
PARTNERS**

747 N LaSalle Drive
Chicago, Illinois 60654

Phone 312-234-0333

EXHIBIT C: TITLE 11, CHAPTER 122

§ 122.01 Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Licensed massage therapist. An individual who holds a valid, current, State of Illinois license as a massage therapist to practice massage/massage therapy as defined herein and who is thereby entitled to exclusive use of the terms "massage," "massage therapy," and "massage therapist" in advertising and printed promotional material.

Employee. Any person other than a masseur or masseuse who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

Massage/massage therapy. A system of structured palpitation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands.

Massage establishment. Any establishment having a fixed place of business within the Village of Lombard where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on, massage or massage therapy as defined herein by one or more persons licensed by the State of Illinois as massage therapists.

Masseur or masseuse. Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

Out-call massage service. Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

Permittee. The operator of a massage establishment.

Person. Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

Sexual or genital area. Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

('70 Code, § 6.40.010) (Ord. 2358, passed 1-24-80; Ord. 5551, passed 9/16/04)

§ 122.02 Permit required.

It shall be unlawful for any person to engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the village, the operating of a massage establishment as herein defined, without first having obtained a permit from the village.

('70 Code, § 6.40.020) (Ord. 2358, passed 1-24-80)

§ 122.03 Filing and fee.

- (A) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate under oath with the Finance Department upon a form provided by said Finance Department and pay a nonrefundable filing fee of \$250.00 plus the actual cost of processing the fingerprints as required by subsection 122.10(B)(8) below, to the Village Treasurer, who shall issue a receipt which shall be attached to the application filed with the Finance Department. The renewal fee shall be \$250.00, plus the actual cost of processing any additional fingerprints not previously processed by the Police Department.
- (B) The Finance Department shall within five days refer copies of such application to the Community Development Department, Fire Department, and Police Department. These departments shall, within 30 days after receipt of a copy of the application from the Finance Department, inspect the premises proposed to be operated as a massage establishment and/or review and process the application information, as is appropriate relative to each respective department, and make written recommendations to the Finance Department concerning compliance with the codes, laws and ordinances that they administer.
- (C) Within 30 days of receipt of the recommendations of the aforesaid departments, the Finance Department shall notify the applicant that his application is granted, denied, or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Finance Department shall advise the applicant in writing whether the application is granted or denied.
- (D) Whenever an application is denied or held for further investigation, the head of the department requesting said denial or further investigation shall advise the applicant in writing of the reasons for such action. An application may be denied if it is found:
 - (1) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to the Building, Health, Planning, Housing, Zoning and Fire Codes of the village; or
 - (2) That the applicant and/or any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of:
 - (a) A felony;
 - (b) An offense involving sexual misconduct with children;
 - (c) Prostitution, soliciting for a prostitute, pimping or other offense opposed to decency and morality.

The Police Chief, at his discretion, may authorize the issuance of a permit to any person convicted of any of the crimes in subsections (A)(2)(a), (b) and (c) above, if he finds that such conviction occurred at least five years prior to the date of application, the applicant has

had no subsequent convictions and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

- (E) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application, or his or her refusal to submit to or cooperate with any inspection required by this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the village.
- (F) Every massage establishment permit issued pursuant to this Chapter shall terminate one year from the last day of the month in which it is issued, unless sooner suspended or revoked. Thereafter, renewals of said permit shall be for a period of one year, unless sooner suspended or revoked. Notwithstanding the foregoing, a temporary permit may be issued, for less than a one year period, pending the results of the processing of the fingerprints, at which time said non-temporary permit shall expire and a non-temporary permit shall either be issued or denied.

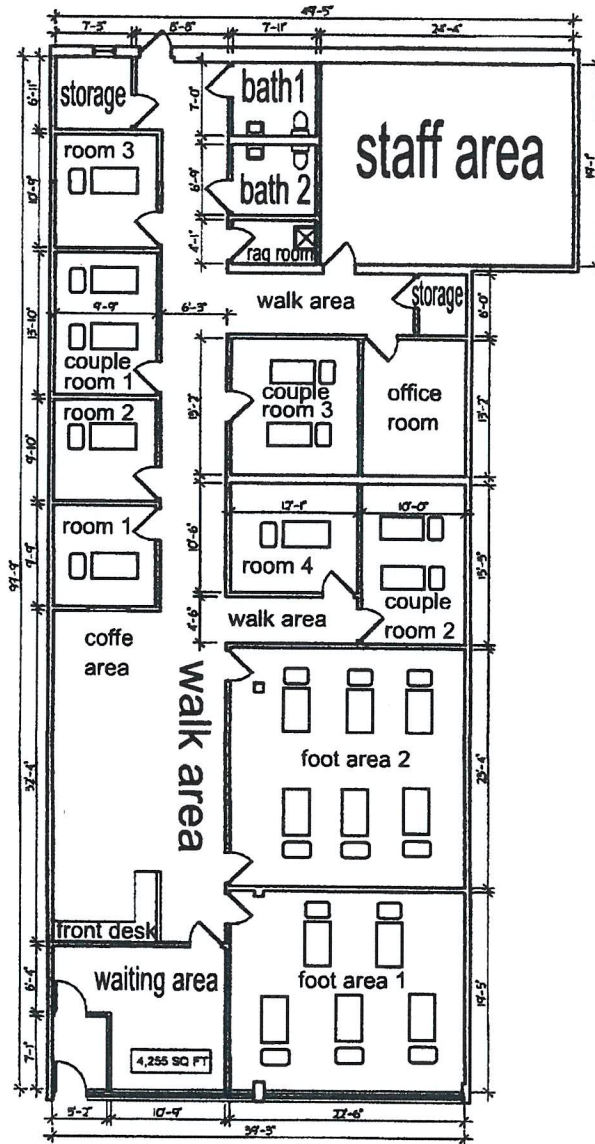
('70 Code, § 6.40.030) (Ord. 2358, passed 1-24-80, Ord. 3799, passed 12/16/93, Ord. 3838, passed 3/17/94; Ord. 4379, passed 10/16/97; Ord. 5628, passed 4/21/05)

§ 122.04 Review by village manager.

The decision of the Finance Director, or any department head with regard to the issuance, suspension, or revocation of any permit under this Chapter shall be reviewable by the Village Manager, or his/her designee, upon the written request of the party filed with the Village Manager within ten days of such refusal, revocation, or suspension. The Village Manager, or his/her designee, shall review evidence previously submitted to the village, the report of the Finance Director and/or the various department heads, and any additional evidence presented with the written request for review. The decision of the Village Manager, or his/her designee, upon such review shall be a final appealable order.

('70 Code, § 6.40.220) (Ord. 2358, passed 1-24-80, Ord. 3838, passed 3/17/94)

SUNNY FOOT SPA



Unit B13 Eastgate Shopping Center

837 S WESTMORE-MEYERS RD.
LOMBARD ILLINOIS, 60148



