

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: September 26, 2006 (BOT) Date: October 5, 2006
TITLE: PC 06-25: 929 S. Main Street
SUBMITTED BY: Department of Community Development *DLT*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of an amendment to a planned development to allow for an additional massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances), located within a B1PD Limited Neighborhood Commercial District Planned Development. (DISTRICT #6)

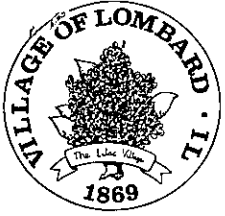
The Plan Commission recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W.T. Lichter* _____ Date *9/26/06*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

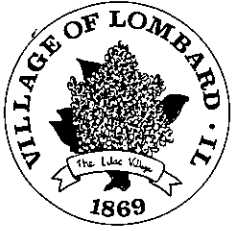
FROM: David A. Hulseberg, AICP *DH*
Assistant Village Manager/Director of Community Development

DATE: October 5, 2006

SUBJECT: PC 06-25: 929 S. Main Street

Attached please find the following items for Village Board consideration as part of the October 5, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-25;
3. An Ordinance granting approval of a amendment to a conditional use for a planned development with an additional use exception for a massage establishment, subject to conditions.
4. Plans associated with the petition.



VILLAGE OF LOMBARD

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Lombard, IL 60148-3926
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TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

October 5, 2006

Village Clerk
Brigitte O'Brien

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 06-25; 929 South Main Street

Village Manager
William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of an amendment to a planned development to allow for an additional massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances), located within a B1PD Limited Neighborhood Commercial District, Planned Development

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

Julie Tidwell, 981 Charlela Lane, Unit 102, Elk Grove Village, petitioner, presented the petition. She noted that she has been performing massage services within the existing building. However, she now wishes to open her own practice within the existing building. As the previous approval for the massage establishments within the existing building at 929 South Main limited the number of establishments and the specific suites in which such activities could occur, she is requesting approval to occupy a third suite within the building for her practice. She notes that she is licensed by the State to operate such an establishment.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor or in opposition of the petition.

William Heniff, Senior Planner, presented the staff report. 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.

From a zoning perspective, 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. It also set specific space limitations for such establishments and capped the number of establishments at two.

The petitioner 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.

Staff notes the massage establishments can 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. No external modifications will be needed to the building exterior that would negatively affect the subject property or the abutting properties.
3. 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.

He noted that as the massage establishment will operate similar to other users in the building, negative impacts on surrounding uses are not anticipated.

Chairperson Ryan then opened the meeting for comments from the Commissioners. There were no comments from the Commissioners.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance and that the amendment meets the standards set forth in the original planned development approval. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities approval of the petition associated with PC 06-25 subject to the following conditions:

1. That no more than three massage establishment businesses shall operate within the existing office building – one establishment within Suite 103A1, 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 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 shall meet all applicable provisions of Chapter 12, Section 122 of the Village Code and shall keep their license in good standing.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: September 18, 2006
FROM: Department of PREPARED BY: William J. Heniff, AICP
 Community Development Senior Planner

TITLE

PC 06-25; 929 S. Main Street: The petitioner requests approval of an amendment to a planned development to allow for an additional massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances), located within a B1PD Limited Neighborhood Commercial District, Planned Development.

GENERAL INFORMATION

Petitioner: Julie Tidwell
 981 Charlela Lane, Unit 102
 Elk Grove Village, IL 60007

Property Owner: Jill Hill
 25605 Arrowhead Drive
 Mundelein, IL 60060

PROPERTY INFORMATION

Existing Zoning: B1PD Limited Neighborhood Commercial District, Planned Development

Existing Land Use: Office building

Size of Property: Approximately 38,412 square feet (0.88 acres)

Comprehensive Plan: Recommends office use

Surrounding Zoning and Land Use:

North: B1 Limited Neighborhood Commercial District; developed as offices
South: B1 Limited Neighborhood Commercial District; developed as a strip center
East: R2 Single-Family Residence District; developed as Single-Family Residences
West: R2 Single-Family Residence District; developed as Single-Family Residences

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

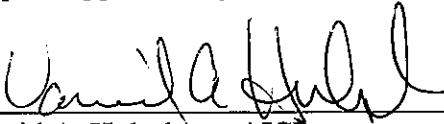
Plan Commission

Re: PC 06-25

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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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ORDINANCE NO. 5502

**AN ORDINANCE APPROVING A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT
WITH A USE EXCEPTION FOR MASSAGE ESTABLISHMENTS
UNDER TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 04-16: 929 South Main Street

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of a conditional use for a planned development with a use exception per Section 155.508 (B)(3) of the Zoning Ordinance (Standards for Planned Developments with Use Exceptions) to allow for massage establishment(s) (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances), located within the B1 Limited Neighborhood Commercial District; and

WHEREAS, a public hearing was conducted by the Plan Commission on May 17, 2004, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

WHEREAS, the President and Board of Trustees concur with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the ordinance is limited and restricted to the property generally located at 929 South Main Street, Lombard, Illinois, and legally described as follows:

LOTS 13, 14 AND 15 IN BLOCK 1 OF ARTHUR T. MCINTOSH AND COMPANY'S LOMBARD GARDENS SUBDIVISION, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 8, 1924 AS DOCUMENT 174113, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-118-019
(hereinafter the "Subject Property")

SECTION 2: The President and Board of Trustees, hereby finds that the petition does meet the standards for conditional uses for planned developments with use exceptions per Section 155.508 (B)(3) of the Zoning Ordinance for massage establishments, located within the B1 Limited Neighborhood Commercial District, and therefore the petition is hereby granted for the Subject Property, subject to the conditions set forth as follows:

1. That no more than two massage establishment businesses shall operate within the existing office building – one establishment within Suite 103A1 and one in Suite 103A2, 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 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. Said establishments shall meet all provisions of Chapter 12, Section 122 of the Village Code and shall keep their license in good standing.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this 3rd day of June, 2004.

Passed on second reading this 3rd day of June, 2004, pursuant to a roll

call vote as follows:

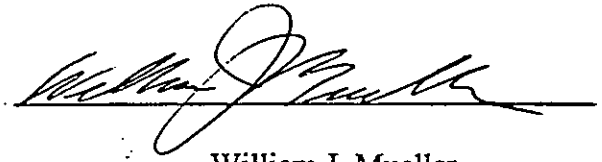
AYES: Trustees Tross, Koenig, Sebby, Florey, Soderstrom

NAYS: None

ABSENT: Trustee DeStephano

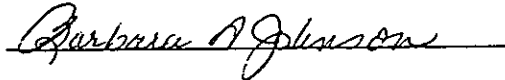
APPROVED by me this 3rd day of June, 2004.

Ordinance 5502
PC 04-16
Page 3



William J. Mueller
Village President

ATTEST:



Barbara A. Johnson
Deputy Village Clerk

Published by me in pamphlet form this 7th day of June, 2004.



Barbara A. Johnson
Deputy Village Clerk

VII. STANDARDS FOR CONDITIONAL USE

1. My operation of business; Therapeutic Connections Massage & Wellness, consists of clinical massage therapy and therapeutic relaxation massage services and is a curative method of healing. My business operations will not interfere with any of the public's health, safety, morals, comfort or general welfare. Clients come in to relieve symptoms from chronic to acute situations. In fact I believe that by offering my services I am therefore contributing to the public's wellbeing and enhancing the health of those that partake in my services. I have many hours of continuing education that further enhance my skills as a therapist to help the public in the improvement of their health by pain and stress reduction. Some are: Orthopedic massage for the foot/ankle and low leg, hand wrist and thorax, and other common injuries and craniosacral therapy, and pregnancy massage.
2. The conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity nor affect property value in anyway. Therapeutic Connections Massage & Wellness is a similar business to Beth Wharton's who has been there for 2 years and Pamela Myer's for over 15 years and has shown not to have any adverse affects. Lombard Medical and Professional Building houses other types of health care such as counseling, dentistry, and acupuncture which are all different forms of curative healing.
3. The conditions of Therapeutic Connections Massage & Wellness being housed in this facility will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
4. This building has been established prior to my arrival and already provides the proper necessities.
5. This building has already taken proper measures to provide proper entry/exit ways and has does not have a negative impact on traffic flow. My business as a massage therapist there has shown to have no affect over the last 2 years.
6. I will be providing therapeutic, clinical massage which is compatible with the current offices that are contained with in the establishment. Massage therapy is highly being considered as a viable alternative therapy for the maintenance of a healthy lifestyle and therapy for many medical conditions just as the acupuncture clinic next door to my suite. According to one national survey, 54 percent of primary care physicians and family practitioners would encourage their patients to pursue massage therapy as a treatment.
7. Proper licensing and regulatory steps will be taken to be allowed to establish my business permanently at this location. I already am licensed by the state of IL and will take appropriate steps to be licensed with the city of Lombard.

Beth Ann Mackie
Licensed Massage Therapist
929 S. Main Street, Suite 103A1
Lombard, IL 60148
630.627.4881

August 2006

To Whom It May Concern:

I am a licensed massage therapist in private practice in Lombard for the last several years.

I opened my office to Julie Tidwell as an opportunity for her build a prosperous practice of her own. Julie has, in a very short period of time, built a solid and very reputable practice. She is always cognizant of ways to better serve her clients, and is consistently taking continuing education classes in modalities that will allow her to competently serve a larger population of people.

I have also had the privilege of being a client of Julie's and can testify first-hand that her skills are just excellent - she has perfected a wonderful balance of skill and professionalism with the caring and nurture one looks for in a gifted therapist.

Now, as Julie begins this new leg of her professional journey, I know that her business will be a blessing to the community, and to those it serves.

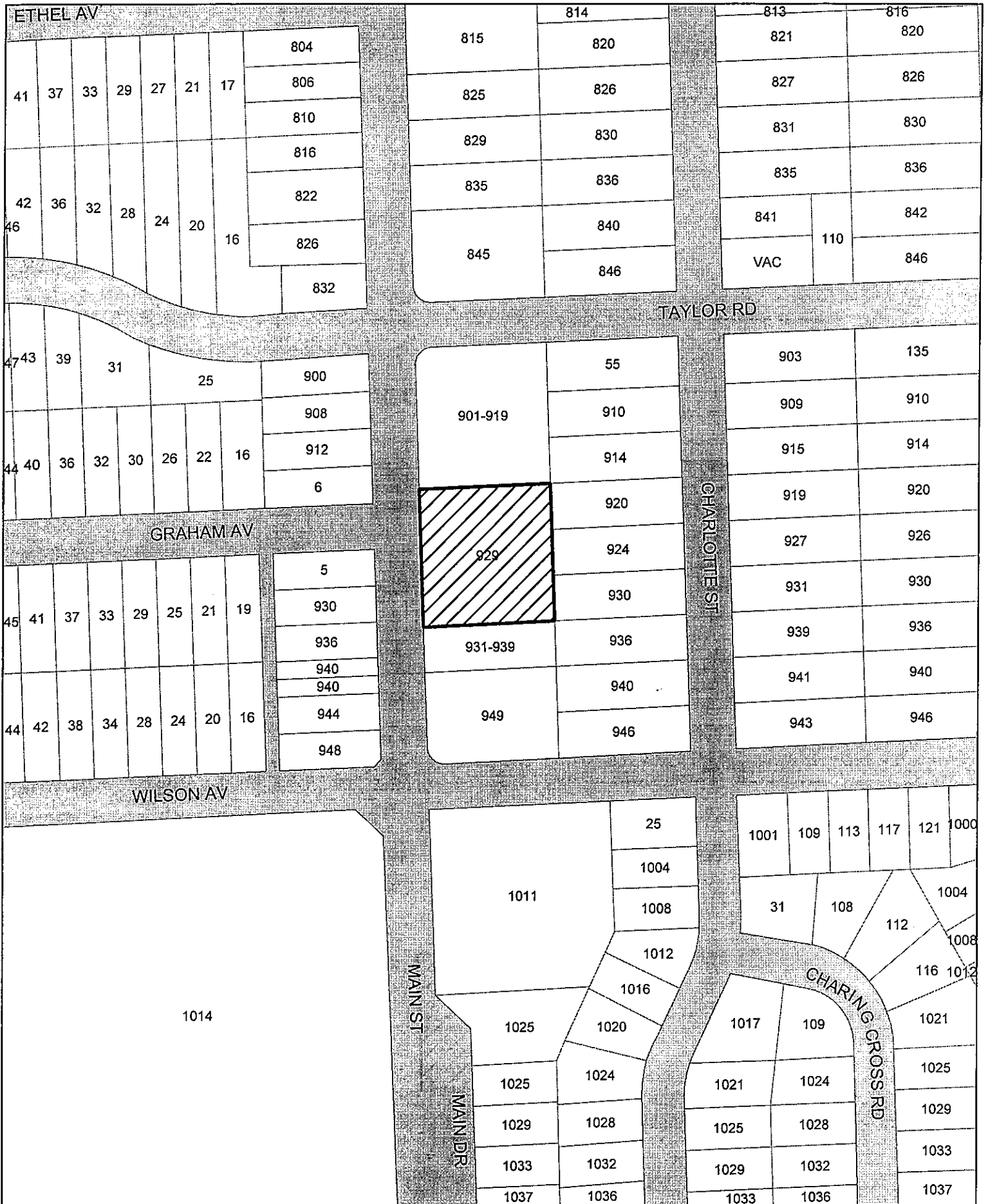
Please feel free to contact me with any questions at the number listed above.

Thank you for your time and consideration,

Beth Ann Mackie
Beth Ann Mackie, LMT

Location Map

PC 06-25



ORDINANCE NO. _____

**AN ORDINANCE APPROVING AN AMENDMENT TO A CONDITIONAL USE
FOR A PLANNED DEVELOPMENT
WITH AN ADDITIONAL USE EXCEPTION FOR A MASSAGE ESTABLISHMENT
UNDER TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

PC 06-25: 929 South Main Street

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code; and

WHEREAS, the President and Board of Trustees of the Village of Lombard approved Ordinance 5457 on April 1, 2004 granting approval of a conditional use for a planned development with a use exception per Section 155.508 (B)(3) of the Zoning Ordinance (Standards for Planned Developments with Use Exceptions) to allow for massage establishment(s) (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances), located within the B1 Limited Neighborhood Commercial District; and

WHEREAS, an application has been filed with the Village of Lombard requesting approval of an amendment to the previously approved conditional use for a planned development to allow for an additional massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances) and the conditions set forth within the approval Ordinance; and

WHEREAS, a public hearing was conducted by the Plan Commission on September 18, 2006, pursuant to appropriate and legal notice, and the Plan Commission recommended approval of the Petition, subject to conditions; and

WHEREAS, the President and Board of Trustees concur with the recommendation of the Plan Commission and have determined that it is in the best interest of the Village to approve the Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the ordinance is limited and restricted to the property generally located at 929 South Main Street, Lombard, Illinois, and legally described as follows:

LOTS 13, 14 AND 15 IN BLOCK 1 OF ARTHUR T. MCINTOSH AND COMPANY'S LOMBARD GARDENS SUBDIVISION, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

RECORDED FEBRUARY 8, 1924 AS DOCUMENT 174113, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-17-118-019
(hereinafter the "Subject Property")

SECTION 2: The President and Board of Trustees, hereby finds that the petition does meet the standards for conditional uses for planned developments with use exceptions, and therefore the petition is hereby granted for the Subject Property, subject to the amended conditions set forth as follows:

1. That no more than three massage establishment businesses shall operate within the existing office building – one establishment within Suite 103A1, 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 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 shall meet all applicable provisions of Chapter 12, Section 122 of the Village Code and shall keep their license in good standing.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006, pursuant to a roll

call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2006.

Ordinance _____
PC 06-25
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William J. Mueller
Village President

ATTEST:

Brigitte O' Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O' Brien
Village Clerk