

Planned Development, developed as the Lombard Pines Shopping Center (across from subject property)

South: B3 Community Shopping District; developed as a Village owned/operated pump station); and unincorporated property zoned R4 Single Family District (DuPage County), developed and single family residences

East: B3 Community Shopping District, developed as a commercial strip retail center; and R3 Attached Single Family Residence District, developed as townhouses

West: B3 Community Shopping District, developed as a bank, offices and a strip commercial center

ANALYSIS

SUBMITTALS

This report is based on the following documents which were filed with the Department of Community Development on February 19, 2007:

1. Petition for Public Hearing with the Standards for Conditional Uses.
2. Plat of Survey; Prepared by Glen D. Krisch Surveyor, Inc.; dated February 6, 2004.
3. Oxford Corners tenant space lease plan (depicts location of proposed tenant space).
4. Preliminary Interior Building Sketch Plan, prepared by petitioner.

DESCRIPTION

This petition requests conditional use approval for a massage establishment within the Oxford Corners Shopping Center. The proposed use will occupy a currently vacant 1,200 square foot space within the 43,000 square foot multi-tenant building. Prior to commencing the proposed massage establishment, the applicant is required to submit an application and receive approval for a Massage Establishment Business License with the Village.

Special Note: As the proposed tenant space is under 5,000 square feet in size, the proposed use would not be subject to the Roosevelt Road development moratorium.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Department of Community Development, Private Engineering Services Division, has no comments on the petition.

Public Works

The Department of Public Works has no comments on the petition.

FIRE AND BUILDING

The Bureau of Inspectional Services reminds the petitioner that other building codes and ordinance requirements, especially the Village Municipal Code of Ordinances, Title 11, Section 122.30 which details the requirements for Necessary Facilities, must be met. If this request is granted and construction work of any kind is necessary to facilitate this type of occupancy then permits for such work would be necessary and are required prior to any work being started.

PLANNING

Compliance with the Zoning Ordinance

The Zoning Ordinance lists “Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)”, as conditional uses within the B3 Community Shopping District. Staff notes that the 1994 text amendments to the Zoning Ordinance further regulating therapeutic massage establishments was intended to better differentiate the massage activity from adult uses.

Prior to commencing the proposed massage establishment, the applicant is required to submit an application and receive approval for a Village Massage Establishment Business License. Individual masseurs/masseuses are licensed through the State of Illinois and are required to provide a copy of their license as part of the overall business license application. The business licensing provisions ensure that the business activity is being operated consistent with Village Code – if an establishment does not meet the code provisions, their license application would not be extended or could be revoked.

The petitioner notes that the proposed establishment would be primarily operated by two licensed masseurs/masseuses. Additional masseurs/masseuses may be added based upon business conditions. The concept floor plan, which will be finalized should the conditional use approval be granted, proposes to have three massage rooms, two bathrooms, a dry sauna, a shower room, a laundry room, an office and a front counter/waiting area. No external improvements are proposed as part of the business operation.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends community commercial uses for the subject property and the surrounding area. The proposed use would be compatible with the Comprehensive Plan due to the commercial and service nature of the proposed business.

Compatibility with Surrounding Land Uses

The subject property is bounded by commercial uses on three sides. To the north, west and east are strip commercial establishments, providing a wide variety of retail and service commercial as well as office activities. Also east of the subject property is a small townhouse development. The primary entrance to the establishment is oriented away from these residences and it is not anticipated that the proposed use would generate additional loading or traffic demand on the east drive aisle abutting the residences. South of the subject property is the Village's pump station.

Within the shopping center itself, the existing businesses include:

Edward Jones – financial investment office
Parwaz – fast-food establishment
Steve's Cigarettes – tobacconist
Cyberwiz – computer sales & service
Tower Cleaners – dry cleaning establishment
Green Pharmacy – pharmacy
Russian Deli – fast-food restaurant
China House – fast-food restaurant
Jimmy John's – fast-food restaurant
Sahara Café – fast-food restaurant
Blockbuster Video – video/DVD rental

The physical culture and massage establishment, operated in conformance with Village Code, would be compatible with the adjacent land uses.

A final consideration associated with this petition, as discussed as part of PC 00-17 for the subject property. That petition was for an automotive service facility (installation of automotive radio equipment). In that case, staff recommended that the petitioner complete one of the following options:

- Close the Oxford Corner's Roosevelt Road access and providing cross access to Famous Liquors, lining the cross-access up with the southern drive of Famous Liquors, or
- Restricting Oxford Corner's Roosevelt Road access to right-in, right-out only, with cross access lining up with the southern drive of Famous Liquors.

Those recommendations were made to decrease any traffic hazards on Roosevelt Road. However, in this case, staff recognizes that the traffic impacts of the development proposal would not be as significant as the previously proposed automotive repair facility. As such, staff only recommends as a condition of approval that the property owner submit to the Village a Plat of Easement granting cross-access to the abutting property at 55 East Roosevelt Road (06-20-100-066), prior to issuance of a certificate of occupancy, with the location of the cross-access easement subject to review and approval by the Village.

For comparative purposes, staff recommended approval of another massage establishment within an existing strip center at 406 W. 22nd Street (PC 00-53 and 06-08). In that case, the Village did require the property owner to make significant parking lot improvements in order to facilitate overall traffic and parking improvements on the site. Staff views the request to provide the rights for a future cross-access connection to the adjacent shopping center to be similar in nature. Moreover, vehicular access provisions for properties along Roosevelt Road is one area currently under review by the Roosevelt Road Corridor Ad-hoc Committee. This recommendation would be consistent with their overall review of the corridor.

FINDINGS AND RECOMMENDATIONS

Staff has reviewed the response to standards included as part of the petition and concurs that the petition meets the standards set forth in the Zoning Ordinance. Staff believes that the proposed use is appropriate at the subject location and is compatible with surrounding uses, provided that it is operated in compliance with Village Code.

Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Plan Commission accept the findings and responses to the standards for conditional uses included within the Inter-departmental Review Report as the findings of the Lombard Plan Commission and therefore, recommends to the Corporate Authorities **approval** of PC 07-10, subject to the following conditions:

1. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 1263 South Main Street. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 07-10, shall require an amendment to the conditional use approval.
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. Moreover, all massage therapists employed on the premises must have a current license from the State of Illinois for the conditional use to apply.
3. The petitioner shall apply for and receive a building permit for any improvements to the interior of the tenant space prior to starting and build-out of the tenant space. Moreover, the petitioner shall apply for and receive approval of a Certificate of Occupancy/Zoning Certificate prior to opening the business establishment.
4. The property owner shall submit to the Village a Plat of Easement granting cross-access to the abutting property at 55 East Roosevelt Road (06-20-100-066), prior to issuance of a certificate of occupancy, with the location of the cross-access easement subject to review and approval by the Village.

Inter-Departmental Review Group Report Approved By:

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

c. Petitioner