

October 5, 2006

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

Subject: PC 06-25; 929 South Main Street

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

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.

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

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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

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