

ANALYSIS

SUBMITTALS

This report is based on the following documents which were filed with the Department of Community Development on May 28, 2007:

1. Petition for Public Hearing with the Standards for Conditional Uses.
2. Site Plan, updated March 30, 2005, prepared by Arc Design Resources Inc.; annotated to reflect proposed day spa location within center.
3. Proposed Interior Layout Plan, prepared by Styczynski Walker & Associates, dated January 3, 2006.

DESCRIPTION

This petition requests conditional use approval for a day spa within the Overlook on North Shopping Center. One of the principal functions of the day spa is massage activities. As such, the day spa use is considered to be a type of massage establishment, which is classified as a conditional use in the B4 District. The proposed use will occupy a currently vacant 6,053 square foot space within the Overlook on North, a 17,500 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.

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 notes that the petitioner has submitted their building permit plans for review. The Building Division is in the process of reviewing the plans and will be offering comments and corrections on the building permit plan set accordingly.

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. While the petitioner denotes that they are a day spa, staff has made the land use interpretation that the day spa use is most closely akin to a massage establishment, based upon the representations made by the petitioner as well as the review of the submitted interior build out plans.

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 concept floor plan, proposes to have eighteen massage rooms, four restroom/shower rooms, two restrooms, a manicure/pedicure area (9 seats), a hair cutting area (6 seats), and a front counter/waiting area. No external improvements are proposed as part of the business operation and the business use will be entirely within the enclosed building. The petitioner does not know the staffing level that will be associated with the establishment at this time. Additional masseurs/masseuses may be added based upon business conditions.

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 on the west by vacant property within B4 District zoning. To the north is vacant land zoned C/R Conservation/Recreation District. The use will have no impact on future development for these sites. To the east, the property is developed with a commercial use (CVS Pharmacy). To the south are single-family residences which are located more than 200 feet from the establishment. Many of these residences are screened by the North Avenue noise barrier wall. Within the shopping center itself, the only tenant that currently occupies space is a Starbuck's at the far west end of the center. The physical culture and massage establishment, operated in conformance with Village Code, would be compatible with the adjacent land uses.

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 07-24, subject to the following conditions:

1. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 338 East North Avenue. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 07-24, 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.

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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.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager

c. Petitioner