

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: David A. Hulseberg, Village Manager

DATE: January 30, 2013 (BOT) Date: February 7, 2013

TITLE: PC 13-01: 416 W. 22nd Street

SUBMITTED BY: Department of Community Development *Wls*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests conditional use approval to allow for a physical culture and massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances) in the B3 Community Shopping District.

The Plan Commission recommended approval of this petition subject to conditions.

Please place this on the February 7, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: February 7, 2013

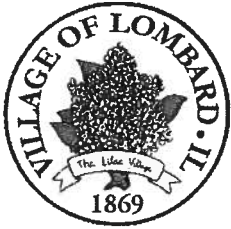
SUBJECT: PC 13-01: 416 W. 22nd Street

Attached are the following items for consideration as part of the February 7, 2013 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-01;
3. An Ordinance granting approval of a conditional use for a massage establishment, subject to conditions.
4. Plans associated with the petition.

The Plan Commission unanimously recommended approval of the petition, subject to the conditions noted within the Inter-departmental Review Committee report.

Please let me know if you have any questions on the aforementioned materials.



VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

February 7, 2013

Mr. William Ware, Acting Village President, and
Village Board of Trustees
Village of Lombard

Acting Village President
William "Bill" Ware

Subject: PC 13-01; 416 W. 22nd Street

Village Clerk
Brigitte O'Brien

Dear President and Trustees:

Trustees

Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests Conditional Use approval to provide for a Physical Culture and Massage Establishment, as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances, within a B3 Community Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 28, 2013.

Village Manager
David A. Hulseberg

Shawn Kim presented the petition on behalf of the petitioner, Rene Reyna. Mr. Kim stated that Mr. Reyna was interested in investing and operating a spa and massage establishment. He thought it would be a lucrative opportunity and beneficial to Village residents and visitors. Mr. Reyna recognizes some of the concerns with this type of business but assures this will be a safe, clean and professional business catering to the local community. He researched and found multi-family residential units, office buildings, and commercial shopping surrounding the proposed location which would be ideal for his business. This establishment will maintain a professional environment and hire certified massage therapists. The business will have an open view so it is clear to the public.

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

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

Chairperson Ryan asked if anyone was present to speak in favor or against the petition. No one spoke in favor or against the petition.

William Heniff, Director of Community Development, entered the staff report into the public record in its entirety. The petitioner requests a conditional use for a massage establishment in a B3 Community Shopping District. The proposed use will occupy a 1,200 square foot space within a commercial strip center. The proposed business will be operated by the owner, a manager and licensed massage therapist, with up to two additional therapists. The petitioner submitted a concept plan for the proposed establishment. There will be no external improvements to the property. Prior to commencing the proposed massage establishment, the applicant is required to receive approval for a Village Massage Establishment Business License.

In 2006, the Village Board approved a massage establishment at 406 W. 22nd Street as part of PC 06-08. Ownership of that salon changed and massage is not currently offered at that business. Staff believes the petitioner has addressed the standards for conditional use. The request is consistent with past approvals and should not have any negative impacts on the area. Staff recommends approval of the petition with the four suggested conditions.

Chairperson Ryan asked if there were any questions regarding the staff report. Hearing none, he opened the meeting for comments among the Commissioners.

Commissioner Sweetser asked if the petitioner was aware of and agreed to the conditions in the staff report. Mr. Kim stated that they are.

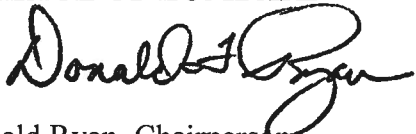
After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance. It was moved by Commissioner Sweetser, seconded by Commissioner Flint, that the petition be forwarded to the Village Board with a recommendation of approval of PC 13-01, subject to the following conditions noted in the staff report:

1. The petitioner shall operate the tenant space in accordance with the preliminary interior building sketch plan, prepared by petitioner dated December 27, 2012.
2. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 416 W. 22nd Street. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 13-01, shall require an amendment to the conditional use approval.
3. The massage establishment to be located on the premises shall apply for and receive a license from the Village of Lombard prior to opening. Said establishment 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 or performing massage activity on the premises must have a current license from the State of Illinois.
4. The petitioner shall be required to apply for and receive a building permit for any improvements to the interior of the tenant space prior to starting the build-out of the tenant space.

The petition was recommended for approval by a 5-0 vote.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission	HEARING DATE: January 28, 2013
FROM: Department of Community Development	PREPARED BY: Joanna Magdaleno Community Development Intern

TITLE

PC 13-01; 416 W. 22nd Street: The petitioner requests conditional use approval to allow for a physical culture and massage establishment (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances) in the B3 Community Shopping District.

GENERAL INFORMATION

Petitioner:	Rene Reyna 205 Miner Bensenville, IL 60108
Status of Petitioner:	Lessee
Property Owner:	Nick Spentzas SNE Enterprises 1312 Byron Avenue Addison, IL 60101

PROPERTY INFORMATION

Existing Land Use:	Commercial (retail commercial strip center)
Size of Property:	2.5 acres
Comprehensive Plan:	Neighborhood Commercial
Existing Zoning:	B3 Community Shopping District

Surrounding Zoning and Land Use:

North: R4PD Residential Planned Development; developed as 2-story multi-family unit residences

South: R4PD Residential Planned Development; developed as 2-story multi-family unit residences

East: B3 Community Shopping District; developed as an office building

West: B3 Community Shopping District; developed as a gas station/convenience store

ANALYSIS

SUBMITTALS

This report is based on the following documents which were filed with the Department of Community Development on December 27, 2012:

1. Petition for Public Hearing with the Standards for Conditional Uses.
2. Narrative prepared by the petitioner.
3. Interior Building Plan for tenant space, submitted by petitioner, dated December 26, 2012.

DESCRIPTION

The proposed physical culture and massage establishment use will occupy a currently vacant 1,200 square foot space within the multi-tenant building located near the intersection of West 22nd Street and Finley Road. In addition to needing a conditional use, the applicant is also required to submit an application and receive approval for a Massage Establishment Business License with the Village.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING

The Private Engineering Services Division has no comments on the petition.

PUBLIC WORKS

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

FIRE DEPARTMENT

The Fire Department comments that the proposed physical culture and message establishment use of the identified tenant space will require a complete fire alarm system when located in this non-sprinkler protected building.

BUILDING DIVISION

The Building Division has no comments on the petition. Should the petition be approved, additional comments will be provided as part of a required building permit submittal.

PLANNING

Compliance with the Zoning Ordinance

The subject business is proposed to be located within a commercial strip center which consists of three restaurants, a school of performing arts, 7-Eleven, dental office, salon, dry cleaners, liquor store, and one vacant tenant space. 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 were intended to better differentiate the massage activity from adult uses.

Prior to commencing the proposed massage business, the applicant is required to submit an application and receive approval for a Village of Lombard 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 one licensed massage therapist, the owner, and a manager. The petitioner plans to hire two additional message therapists. The concept floor plan proposes to have five massage rooms, one restroom, reception/waiting area, a relaxation room and sauna. No external improvements are proposed as part of the business operation.

Compatibility with Surrounding Land Uses

The subject property is bounded by commercial uses on two sides. To the east and west are commercial establishments, providing a wide variety of retail and service commercial activities. Residential Planned Developments consisting of multi-family residences border the subject property to the north and south. As the subject property is located in a commercial strip the

proposed establishment would retain similar use and customer traffic already existing in the commercial strip center from neighboring businesses. It is not anticipated that the proposed use would generate any loading or additional traffic demand than any other like commercial use on the subject property.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends neighborhood commercial uses for the subject property. As the Comprehensive Plan supports aesthetically and functionally pleasing retail and commercial development the proposed establishment fits with the uses of surrounding businesses and will add to commercial development that provides various goods and services within the community.

Staff has historically recommended approval of massage establishments within Community Shopping Districts that are operated in a manner compatible with adjacent land uses and the Comprehensive Plan. In 2006, the Village Board approved a massage establishment at 406 W. 22nd Street (within Cove Plaza) as part of PC 06-08. Ownership of that salon has since changed hands and massage is not currently offered at that business. Staff finds that the petitioner has addressed the standards for conditional uses and that the proposed physical culture and massage establishment is consistent with past approvals and should not have any negative impacts on the surrounding area.

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.

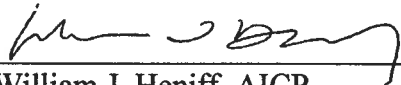
Based on the above findings, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition subject to the conditions as outlined:

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 13-01, subject to the following conditions:

1. The petitioner shall operate the tenant space in accordance with the preliminary interior building sketch plan, prepared by petitioner dated December 27, 2012.

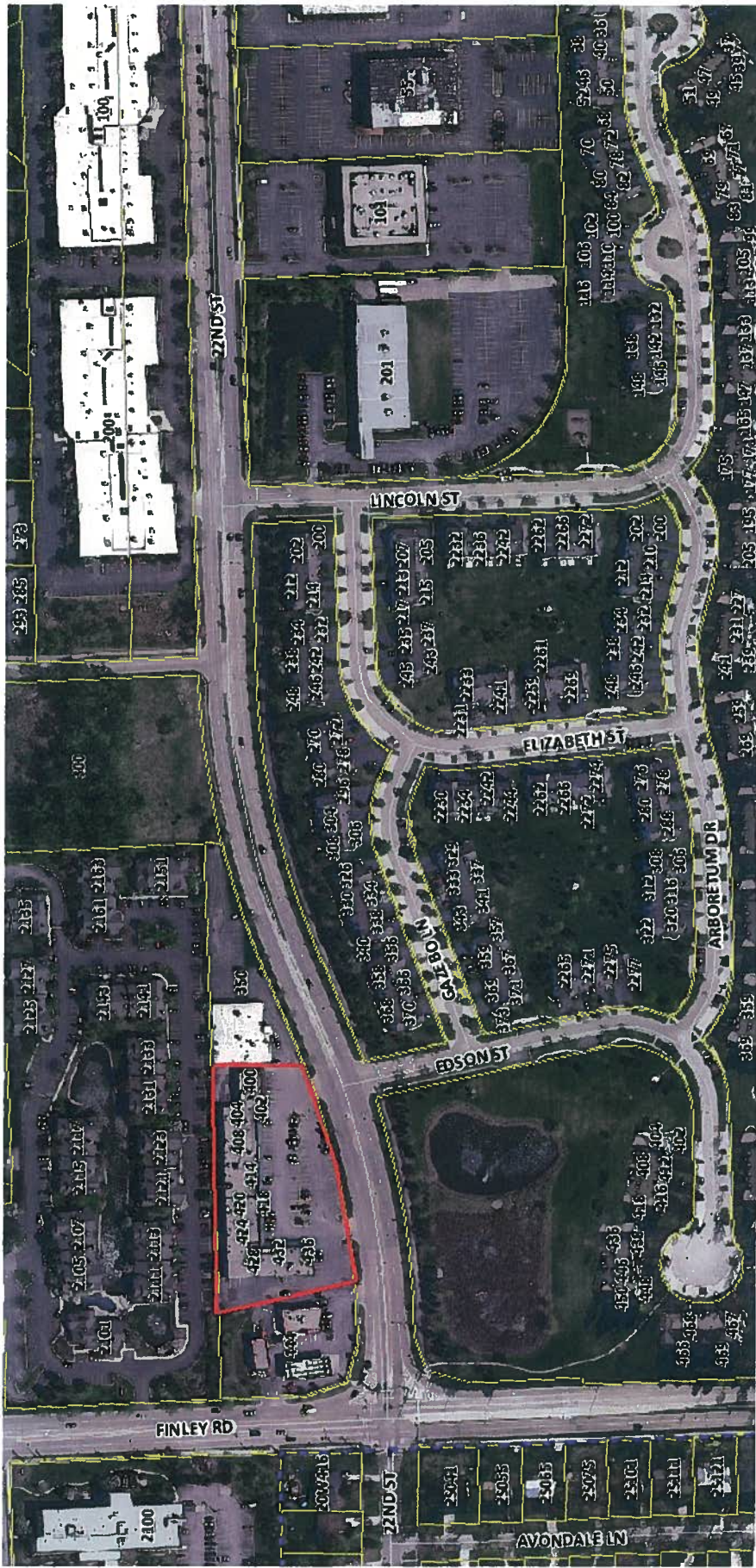
2. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 416 W. 22nd Street. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 13-01, shall require an amendment to the conditional use approval.
3. The massage establishment to be located on the premises shall apply for and receive a license from the Village of Lombard prior to opening. Said establishment 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 or performing massage activity on the premises must have a current license from the State of Illinois.
4. The petitioner shall be required to apply for and receive a building permit for any improvements to the interior of the tenant space prior to starting the build-out of the tenant space.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c. Petitioner



PC 13-01: 416 W. 22ND STREET

VILLAGE OF LOMBARD
PLAN COMMISSION

Petitioner: Rene Reyna
Proposed Business: Day Spa and Massage Establishment
Subject Address: 416 West 22nd Street, Lombard, IL
Re: Application for Conditional Use - VII. Standards for Conditional Use

Dear Sirs and Madams,

Pursuant to the Lombard Zoning Ordinance, I attest that I will fully and strictly comply with the conditional use requirements, and in support thereof, I respond to the requirements as follows:

1. 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 business I intend to run will be a professional and classy spa and massage establishment. The business facility will be kept clean, safe, and appealing at all times. The business will have visibility from outside so that prospective customers would have a clear view of what kind of establishment my business is. I will only employ massage therapists who are licensed by the State of Illinois and who have not been convicted of any crime.

2. 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. The location of the proposed business is in a business district and there are many other businesses in the shopping mall complex. Customers can therefore patronize many different businesses with just one stop. My business hours will be from 9:00 a.m. to 9:00 p.m. Therefore any car traffic or noise which may come from my customers will end by the time people in the neighborhood turn off their lights. Currently, there are few spaces in the shopping mall which are vacant. Reducing the number of the vacant spaces would certainly increase the property value of the shopping mall complex, as well as the value of real estate in the neighborhood in general.

3. 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. The business will cater to both men and women. Massages will be provided only by licensed therapists and mostly for therapeutic purposes. Many people have back and neck problems who are in need of a therapeutic massage. Many people are stressed from work and need to relieve their muscles caused by stress and labor. Some people simply would like to relax in a sauna and receive a soothing massage. No matter who the customers are and what their reason is for wanting a massage, my business can accommodate their needs. Once people realize the legitimacy and useful purpose of my business, perhaps other service oriented businesses such as a nail salon, beauty salon or

tanning salon would take space in the shopping mall. This would improve the development of the shopping mall complex as well as the neighborhood.

4. The shopping mall complex in which my business will take place already has adequate public utilities, access to roads, and drainage. The size and the type of my business will not add any stress to such infrastructure.

5. The shopping mall complex in which my business will take place already has ingress and egress designed to minimize traffic congestion in the public streets. Based on the size of my business (approximately 1,200 sq. Ft.) and my expectation that there will not be more than three or four customers at any given time, there will be no added stress to traffic congestion in the public streets.

6. Based on the foregoing, the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard. There is a need for legitimate massaging for the reasons stated above and the business will be useful for many people in the community.

7. The conditional use will, in all other respects, conform to the applicable regulations of the district in which it is located. My business will be in full and continuing compliance with any and all applicable codes of the Village.

Rene Reyna

VILLAGE OF LOMBARD
PLAN COMMISSION

Petitioner: Rene Reyna
Proposed Business: Day Spa and Massage Establishment
Subject Address: 416 West 22nd Street, Lombard, IL
Re: Business Plan

Dear Sirs and Madams,

The business I am proposing is a day spa and massage establishment. I believe that the people in the community would want a legitimate spa and massage services whether for therapeutic reasons or just for relaxation. We all need some time to get away and relive stress from work or life in general. I intend to provide nothing but a top-notch service to customers for a long time to come, and in turn be rewarded with profit. I will also personally see to it that my business will contribute to the development of businesses and the community in the Village of Lombard.

The business will be operated with class. It will cater to men and women, providing massage and sauna. The business facility will be kept clean, safe and comfortable. I intend to invest a substantial amount of money to make sure customers would feel they are patronizing a true day spa. The business will have an open view so that customers can see what kind of spa I am running.

I will be employing only the massage therapists who are licensed by the State of Illinois and who do not have any criminal background. I will personally admonish the therapists that they are to conduct themselves in a professional and ethical manner at all times. They will report to me any illegal or unethical propositions made by customers. There will be a manager to cover for me whenever I am not able to be at the business premises. I and the manager will ensure that the business will be in full and continuing compliance with all of the laws, rules and regulations.

The business hours will be from 9:00 a.m. to 9:00 p.m. A price list for the services will be posted. There will be no eating or drinking alcoholic beverages allowed on the premises. At this time, I have hired one massage therapist, Chul Yang, who is licensed by the State of Illinois, License No. 227011263. I intend to hire two more therapists and will inform the Village of each and every new employees. All of the employees will be in professional attire.

My long term goal is to expand my business into providing other related services such as beauty salon and nail salon. Many people would want to get their hair or nails done before or after a nice massage, and they can do so with just one stop. I ask that the Village give me the opportunity to realize my long term goal which would benefit me, the people in the community and the Village of Lombard. Thank you for your kind consideration of my business plan.

Rene Reyna

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE PURSUANT TO
TITLE 15, CHAPTER 155, SECTION 414 OF THE
LOMBARD ZONING ORDINANCE**

(PC 13-01: 416 W. 22nd 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 Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned B3 Community Shopping District; and,

WHEREAS, an application has been filed requesting approval of a conditional use to provide for a massage establishment on the property described in Section 2 below; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on January 28, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees recommending approval of the conditional use described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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 a Conditional Use is hereby granted for the property described in Section 2 below and pursuant to Title 15, Chapter 155, Section 414 (C) 17 of the Village of Lombard Zoning Ordinance to provide a massage establishment to be located on the Subject Property legally described in Section 2 below.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 416 W. 22nd Street, Lombard, Illinois and legally described as follows:

Lot 1 (except the east .62 feet as measured at right angles to the east line thereof) in Cove Plaza Subdivision, being a subdivision of Lot 1 of Finley Road Subdivision being a subdivision in the west ½ of the southeast ¼ of Section 19 and in the west ½ of the Northeast ¼ of Section 30, Township 39, North Range 11, East of the Third Principal Meridian, according to the Plat of said Cove Plaza Subdivision recorded September 30, 1975, as Document No: R75-053087 and a certificate of correction recorded October 9, 1975 as document R75-55320, in Dupage County, Illinois.

Parcel Number: 06-30-200-029

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall operate the tenant space in accordance with the preliminary interior building sketch plan, prepared by petitioner dated December 27, 2012.
2. The conditional use for the physical culture and massage establishment is exclusively for the tenant space at 416 W. 22nd Street. Any expansion of the establishment within the existing shopping center beyond what was submitted as part of PC 13-01, shall require an amendment to the conditional use approval.
3. The massage establishment to be located on the premises shall apply for and receive a license from the Village of Lombard prior to opening. Said establishment 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 or performing massage activity on the premises must have a current license from the State of Illinois.
4. The petitioner shall be required to apply for and receive a building permit for any improvements to the interior of the tenant space prior to starting the build-out of the tenant space.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 13-01
Page 3

Passed on first reading this ____ day of _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____,
2013.

Passed on second reading this ____ day of _____, 2013.

Ayes: _____

Nayes: _____

Absent: _____

Approved this ____ day of _____, 2013.

William Ware, Acting Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this ____ day of _____, 2013.

Brigitte O'Brien, Village Clerk