

April 6, 2006

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

Subject: PC 06-08; 406 W. 22nd Street

Dear President and Trustees:

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.

John Michael Quinn presented the petition. He stated that he has been a resident of Lombard for eight years. Five years ago, he opened a salon in the Cove Plaza Shopping Center. In October, 2000 he applied for a conditional use for a massage establishment for his business. He noted that the Plan Commission and Village Board found that the use would not be detrimental to the public and would not injurious to properties to neighboring properties. He read his responses to the standards.

He then noted the 2000 approval that was granted with a condition to update the parking lot with the addition of parkway islands, island trees and handicapped parking spaces. At that time, the property owner would not complete the improvements and they decided to open their business without the massage activity. However, since the original approval, the property was sold and the property owner has completed all of the improvements as set forth in the 2000 approval ordinance. As such, they are now asking for approvals to allow for the massage establishment to be permitted on the property. He noted his company suffered a financial loss without the massage therapy and the new conditional use approval will allow him to continue his business operations on the site.

Vice-Chairperson Flint 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. He stated that the existing salon is located in the Cove Plaza shopping center within the B3 Community Shopping District. He mentioned that the petitioner is proposing to incorporate massage therapy into the services provided at the salon. He noted that while barber shops and beauty salons are permitted uses within the B3 District, physical culture and massage establishments are listed as conditional uses.

Mr. Heniff stated that conditional use approval for a massage establishment was granted in 2000. One of the conditions of approval was that prior to opening the establishment, the petitioner had to submit a revised parking lot plan that included an increase in the number of accessible spaces and a landscape plan for the parkway and the parking lot. He stated that the petitioner was unable to complete the improvements and he chose to open the salon without massage services. He mentioned that the Cove Plaza shopping center is now under new ownership, and the new owner completed the parking lot improvements that were outlined as part of the 2000 conditional use approval. He noted that the Zoning Ordinance states that a conditional use expires if it is not established within twelve months from the date of approval. He noted that as more than five years have passed since the original approval, another conditional use approval is needed.

Mr. Heniff noted that prior to commencing the proposed massage establishment, the applicant is required to submit an application and receive approval for a Village Massage Establishment License. He stated that this license is required for each massage therapist which may be employed by the petitioner, and each massage therapist applying for a position is required to apply for a massage license and must be approved by the Village prior to conducting business.

Mr. Heniff stated that the use will be compatible with the Comprehensive Plan as the physical culture and massage establishment incorporated with the hair care facility is intended to serve local shopping needs, and hence it is compatible with the adjacent land uses.

George Wagner, Village Counsel, stated that the conditions of approval should be amended to reflect the licensing requirements established by the State of Illinois as well.

Vice-Chairperson Flint then opened the meeting for comments from the Commissioners.

Commissioner Olbrysh stated that he remembers the original petition and that the only reason for not getting the conditional use, was due to the parking lot. Also, massage therapy does not bother him as is a popular service, that it is offered at the National University of Health Sciences and they have to meet Village Code and be licensed by the State of Illinois.

Vice-Chairperson Flint referenced the adjacent Citgo property and inquired about the cross-access provisions associated with that site. Mr. Heniff noted that when the Darwish Partnership received approval for their Citgo gas station in 2002, there was a condition that established cross-access provisions. The Citgo property owner would like to see the cross-access provided, but the current property owner was not desirous of granting it. Staff is supportive of the cross-access provisions but believes that enacting this provision should be tied to a more intense activity on the Cove Plaza property, such as an expansion of a restaurant or the building itself. However, if the Plan Commission believes there is a nexus between the cross-access and the petitioner's

request, they could add that as a condition of approval. Staff believes that as the property owner completed substantial site improvements in order to allow the conditional use to be established in the shopping center, the new request should be tied to the past conditions of approval.

Commissioner Sweetser made a motion to approve the petition, subject to the conditions noted in the staff report, including amending conditions 2 and 3 to reference the State of Illinois license provisions, as well as an additional condition to provide for cross-access to the property to the west of the subject property. This motion was seconded by Commissioner Olbrysh.

Upon further discussion of the motion, Commissioner Burke expressed concerns regarding the addition of the cross address provision to this petition. He raised concerns that this would create a burden on the petitioner and could result in the petitioner's request not going forward.

Commissioner Sweetser asked if there was a way this could be addressed through any other means by staff. Mr. Heniff stated that if another petition was brought forward, the Village could mandate the cross-access provision. Commissioner Sweetser said she did not want the petitioner to be held hostage to this condition, so she withdrew condition 4 from her motion. This amendment was concurred by Commissioner Olbrysh.

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. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities approval of the petition associated with PC 06-08 subject to the following conditions, as amended:

1. The conditional use is exclusively for the physical culture and massage establishment activity proposed to be conducted on the premises.
2. All massage therapists must obtain a license from the Village of Lombard and the State of Illinois prior to commencing the physical culture and massage establishment operations.
3. All massage therapists employed on the premises must have a current license from the Village of Lombard and the State of Illinois for the conditional use to apply.

Respectfully,

VILLAGE OF LOMBARD

Stephen Flint, Vice-Chairperson
Lombard Plan Commission

c. Petitioner

Lombard Plan Commission

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