

April 5, 2007

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

**Subject: PC 07-10; 1263 S. Main 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.

Peter Lee, attorney for the petitioner Yong Min Hong, presented the petition. He stated that the petitioner has filed a petition for a conditional use for a physical culture and massage establishment located in the B3 Community Shopping District. His client will rent a 1,200 square foot space in a 43,000 square foot multi-tenant building on Main Street. The petitioner has worked with the Village staff and he has submitted the necessary paperwork and will comply with any and all requirements of the Village pertaining to the massage establishment license. His client will obtain the necessary building permits once they have been approved for the conditional use. The use is compatible with Comprehensive Plan and with Village ordinances. The people working there will be licensed with the State of Illinois.

Chairperson Ryan then opened the meeting for public comment. No one spoke in favor of the petition. Speaking against the petition were:

Steven Zibrat, 1303 Lore Lane, stated that the public hearing notice did not contain a lot of detail. He said there a lot of negative connotations associated with massage establishments, especially by a residential area. He stated that the petitioner should provide objective information regarding what will be done at the location, and the impact of the use on properties.

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Jack Thompson, 1304 S. Main Street, stated that there is another massage establishment around the corner by McDonalds and they had an issue with transient people. He mentioned the other uses in the center and wondered if there was a need for a massage parlor in the area.

Paul Rogus, 1310 S. Main Street, stated the connotations of the type of establishment and if it is appropriate for the Village. As a middle upper class community, it is not a category of business he expects to see in Lombard. He asked what the hours of operation would be. The evening hours would suggest something shady.

Mr. Lee responded to the questions. He said they provide massage services. It is a massage not unlike anything given at a health club. They have masseuses that will provide services from the top of the head to the bottom of the foot. They work with muscles, relieving stress points in the body. There are many products on the market, home remedies that are similar to what they do. They have massage seats and they give pressure points and relieve tension.

They realize there are some negative connections by name association, but their use is within the Ordinance of the Village and they should be given the opportunity to do their business. The activities of the masseurs are governed by the State and they will only have licensed individuals on the premises. The tenant space has been empty for a while, and they have been working with the landlord, who has approved their use subject to approval by Village.

The proposed hours of operation are 9 a.m. to 9 p.m. Unfortunately, they acknowledge some negative connotations, but there are positive sides to the proposed business.

Chairperson Ryan asked staff to address the Village code regulations. William Heniff stated that massage establishments are regulated by special provisions included within Chapter 122 of the Village Code. This Chapter sets forth the licensing provisions.

The petitioners are seeking a conditional use for physical culture and massage and not an adult use. The use is a pseudo-medical use for purposes of massage versus erotic activity which is what adult use is. Chapter 122 of the Village Code provides further clarity of the use. Adult uses are not permitted or conditional uses within the B3 District.

Commissioner Olbrysh mentioned that it would be better to call the use physical cultural therapy as National University of Health Services (NUHS) also has such a program.

Mr. Heniff then presented the staff report which was submitted to the public record in its entirety. The petitioner 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. 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.

The Building Division notes that building permits will be required for any improvements within the tenant space.

Mr. Heniff noted that the Zoning Ordinance lists “Physical culture and massage establishments (as defined and regulated by Chapter 12, Section 122 of the Code of Ordinances)”, as a conditional use within the B3 District. 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 licensing procedure also includes a background check. Licenses are also not transferable.

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.

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 South of the subject property is the Village’s pump station and residences. 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 provide a cross-access driveway to the Famous Liquors center. 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. 22<sup>nd</sup> Street. In that case, the Village did require the property owner to make significant parking lot improvements in order to facilitate overall traffic and

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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, a vehicular access provision 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.

He stated that staff recommends approval of the petition, subject to the conditions in the report; with an amendment to condition 2 to note that the license reference should be for a business license.

Responding to the staff report, Mr. Thompson mentioned the checks that the Village has, and he mentioned that with another establishment may still have problems. You can go through all the checks you want, but it might still happen.

Mr. Zibrat noted that there are residences to the east as well. There is a higher level of proof with these establishments. The concerns are valid and its good to hear the Village goes through those checks and they have to pass those checks.

Chairperson Ryan then opened the meeting for the Commissioners.

Commissioner Burke referenced condition 4 regarding the easement request and asked the petitioner if they find that condition acceptable. Mr. Lee stated that they talked to the landlord regarding the condition and he has been assured that there would not be any issues with the easement requirement.

Commissioner Nelson asked if this was the first business they have operated. Me. Lee stated that this is their first business in Lombard and they have not operated anywhere else previously.

Commissioner Sweetser agreed with Commissioner Olbrysh in terms of the name of the land use activity. This is no different than NUHS or a health club. The activities are the same as a chiropractor. A lot of people are seeking that type of treatment for stress and she is glad that these uses are coming to Lombard. She suggested to staff that in order to avoid future confusion regarding this land use that a text amendment to the Zoning Ordinance should be made.

Commissioner Olbrysh noted that massage therapy is an alternate form of medicine and is now recognized by universities.

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 Olbrysh, seconded by Commissioner Sweetser, that the petition be forwarded to the Village Board with a recommendation of approval of PC 07-10, subject to the following conditions noted in the staff report, as amended:

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 business 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.

The petition was recommended for approval by a 4-0 vote.

Respectfully,

**VILLAGE OF LOMBARD**

Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission