STAFF DEVELOPMENT COMMITTEE REPORT

To: Plan Commission
Prepared By: Katherine E. Lockerby, Development Planner
Meeting Date: January 22, 2014
Date Prepared: January 15, 2014
Project Title: Just Relax Foot Massage
Address: Dunton Court (38 S. Dunton Avenue)

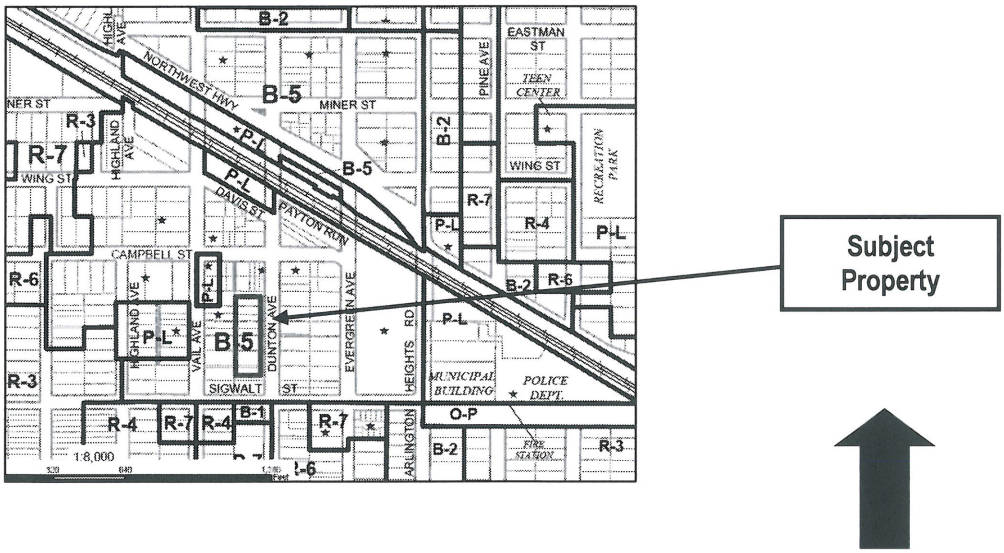
BACKGROUND INFORMATION

Petitioner: Xuemei Xu c/o Scott Fleming
Address: Sterling Real Estate
420 Renaissance Drive, Suite 106
Park Ridge, Illinois 60068

Existing Zoning: B-5, Central Business District

Requested Action:
- **A Land Use Variation to allow a 1,120 square foot foot massage establishment**

Variations Identified:
- **None have been identified**



Surrounding Properties

Direction	Existing Zoning	Existing Use	Comprehensive Plan
North	B-5, Central Business District	MetroLofts	Mixed-Use
South	B-5, Central Business District	Mixed-Use	Mixed-Use
East	B-5, Central Business District	Evergreen Court	Mixed-Use
West	B-5, Central Business District	Dunton Tower Apartments	Mixed-Use

Summary

The existing 1,120 square foot tenant space is part of the Dunton Court shopping center and has been used by the adjacent dry cleaners. At this time, Just Relax is interested in opening a "foot massage" business in that space with 6 foot massage chairs in one open room. The foot massage will actually entail a 15 minute head/heck/shoulder massage while the feet are soaking in a tub of water, a 30 minute foot massage and a 15 minute back massage. All clients are fully clothed, except for the feet.

The Petitioner has indicated that Just Relax will employ a maximum of four people at any time. The proposed hours of operation are Monday – Saturday 10 AM – 8 or 9 PM and Sunday 10 AM – 8 PM. Due to the nature of the business, a large number of deliveries are not anticipated. Additionally, they do not anticipate a large amount of trash and will look to share a dumpster with an existing business in the center.

Zoning and Comprehensive Plan

The site is currently zoned B-5, Downtown District. Pursuant to the Village's zoning ordinance, a massage establishment is defined as:

3.2-145 Massage/Accu-Pressure Establishment: A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstance that it is reasonably expected that the person to whom treatment is provided, or some third party on such person's behalf, will pay money or give other consideration or any gratuity therefore.

A massage establishment is not allowed in the B-5 district; therefore a Land Use Variation is required. As part of the formal review process, the Petitioner has provided a written justification based on the following hardship criteria *(see Attachment #1)*:

- **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and**
- **The plight of the owner is due to unique circumstances; and**
- **The variation, if granted, will not alter the essential character of the locality.**

The proposed action is consistent with the Village's Comprehensive Plan, which designates the subject site as Mixed Use. The Staff Development Committee accepts the justification for the requested Land Use Variation for the following reasons:

- The proposed tenant space will be narrow, which will only attract certain types of service uses;
- The proposed use is similar to that of a nail salon (an allowed use) in that all customers are in the same room and are fully clothed except for their feet; and
- The proposed use will not alter the character of the locality.

Building and Site Related Issues

The Petitioner has provided a fully dimensioned and floor plan, drawn to scale, that shows the location of the proposed washrooms, walls, waiting area and massage stations. One of the key items that had been discussed with the Petitioner was the proposed wall separating the waiting area from the massage area to minimize noise impacts on the massage area. The Petitioner has provided a plan that identifies a wall that is solid on the lower half of the wall and clear glass on the upper half of the wall. The proposed wall plan is acceptable means of separating the two rooms; however, it is subject to compliance with all Village Codes and Ordinances. The Petitioner is aware that the proposed washroom must meet the plumbing code regarding required number of fixtures.

Traffic & Parking Related Issues

The required parking in the Downtown is significantly less than in other areas of the Village as shared parking models and parking garages, in addition to on-street parking, are utilized. However, Dunton Court is unique in that it has a parking lot with 38 parking stalls on-site (36 regular and 2 handicapped). Based on the magnitude of the project, the on-site parking may or may not accommodate the proposed use. However, there are 650 parking spaces available for customers after 12:00 PM in the Vail Avenue garage (located 1 block west), while the remaining 510 spaces on Levels 2 and 3 (of the garage) are Permit Only. Customer parking is also available on the surrounding streets. To provide a glimpse into the parking demand of the center, the Petitioner provided traffic counts of their parking lot, which evaluated the number of cars entering and exiting the site. (see response to round 1 comments). Furthermore, the Petitioner has indicated that employees are not allowed to park

in the shopping center lot per the leases; rather, the employees will either car pool, take public transportation, or park in the public garage, which will require the purchase of parking permits.

Recommendation

The Staff Development Committee recommends approval of the proposed Land Use Variation for a foot massage establishment at 38 S. Dunton Avenue in the Dunton Court Shopping Center, subject to the following conditions:

1. The proposed wall between the waiting area and the massage area consist of no more than 50% solid surfaces.
2. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

January 15, 2014

Bill Enright, Deputy Director of Planning and Community Development

C: William C. Dixon, Village Manager
All Department Heads