

MEMORANDUM

TO: Plan Commission

FROM: Jeff Ryckaert, Principal Planner and Dan Nakahara, Planner

DATE: January 18, 2019

RE: Public Hearing for a Request for Approval of a Special Use for a proposed reflexology massage spa to be located at 671 Waukegan Road (business owner Kai Lui and property owners Eliopoulos Family LLC)

Subject Property

The subject property consists of the vacant tenant space at 671 Waukegan Road (formerly Baskin Robbins at the south end of the building and north of the Deerfield Auto and Tire property). The subject property is zoned C-1 Village Center District and was approved as a commercial Planned Unit Development in 1984 consisting of a single story 4,800 square foot building with 22 parking spaces (Ordinance O-84-43). In 1984 when the development was approved, a variation was granted to allow 22 parking spaces for this property in lieu of the required 23 spaces based on retail parking requirement.

Surrounding Land Use and Zoning

North: C-1 Village Center District – Deerfield Cyclery

South: C-1 Village Center District – Deerfield Auto and Tire

East: R-3 Single Family Residential – Residential

West (across Waukegan Road): C-1 Village Center District – Marathon Service Station, Deerfield Square Shopping Center

Proposed Plan

The petitioner is proposing to open a reflexology massage spa known as Kay Foot Spa at 671 Waukegan Road. The proposed massage spa would offer reflexology and massage therapy. The proposed massage spa will provide services strictly in massage and will not offer any other retail sales or ancillary services. The petitioner is proposing massage therapy to customers in an 877 square foot tenant space. The petitioner is not proposing any changes to the exterior of the building other than wall signs. The massage spa will employ up to 4 full time massage therapists and 1 full-time receptionist. The petitioner's materials indicate that the maximum number of employees on site at one time would be 4. Their materials also indicate that there will not be more than 5 customers in the spa at one time (4 customers getting a massage and 1 customer waiting). They anticipate their peak times will be between 5:00PM-8:00PM every day. The business is appointment based, but walk-ins are welcome. The petitioner is proposing to be open 7 days a week from 10:00AM-9:00PM.

Zoning Conformance

Massage establishments are a Class A Special Use in the C-1 Village Center District. Only retail uses are allowed as Permitted Uses on the ground floor in the Village Center. Class A Special Uses located on the ground floor in the C-1 Village Center District require a Special Use, but are a Permitted Use if they are located above the ground floor in the C-1 Village Center District.

Parking

There is no specific requirement for a massage establishment in the Zoning Ordinance. According to Article 8.02-E, 8. when required parking is not listed for a use in the Zoning Ordinance, parking shall be as recommended by the Plan Commission. The closest requirement in the zoning ordinance for this use is a beauty shop, which requires 1 parking space for each 150 square feet of gross floor area, which is a similar type of use with clients going to the business establishment for mostly for appointments where the client in on the premises for a while. When the parking requirement for a beauty shop is used for the massage establishment a total of 6 parking spaces are required ($877 \text{ s.f.} / 150 = 5.84 = 6$). If this space were retail, a total of 5 parking spaces would be required ($877/200 = 4.38 = 5$).

The proposed reflexology massage spa shares a parking lot with three other businesses. The total parking required for all of the current uses in the building and including the proposed reflexology massage spa is 24.5 or 25 parking spaces (Merit Cleaners requires 9.66 spaces, Salon 675 requires 6.44 spaces, vacant InHouse space calculated as retail requires 4.02 spaces, and the proposed reflexology massage spa requires 4.38 spaces based on the Village's parking requirement for beauty salons). The petitioner is requesting an exception to the required number of parking for the property. Twenty-five (25) parking spaces are required for all of the uses including the proposed use, and twenty (20) parking spaces are provided including one (1) accessible spaces.

The petitioner's materials indicate that they have gathered parking count information at various peak time from the existing businesses in the shopping center's parking lot at various peak times. The data collected in Section VII Parking Table of their material indicate that twenty (20) parking spaces are needed to meet the parking needs of the building at this time, including the proposed reflexology massage spa and the vacant tenant space at 687 Waukegan Road calculated as a retail use. Actual parking counts done by the petitioner at six (6) various peak times show that no more than twenty (20) parking spaces are needed including the propose use.

Signage

There is no a specific sign criteria for this development although the petitioners have indicated that they will conform to Village requirements for signage. Section VI of in

their material is the signage they are proposing for the west (fronting Waukegan Road) building elevation. The wall sign will not exceed 12 inches in height and 36 inches in length and will have a black background and white letters that will read, "Kay Foot Spa".

Subsequent to the petitioner's submittal for the public hearing, they changed their exterior signage. See attached revised exterior wall signage for the west and south walls of the building that has been submitted for the January 28, 2019 the Appearance Review Commission meeting.

Any window signage must also follow the approved window sign regulations, which allows for 20 percent of the window area to have signage. The petitioner is proposing yellow vinyl stickers with the text displaying the hours of operation. The petitioner will have to provide dimensions of the text that will go into the window.

Appearance Review Commission

The Appearance Review Commission (ARC) will have to review and approve the exterior signage for the proposed reflexology massage spa if the proposed use is approved in this location by the Board of Trustees. The petitioner has scheduled to meet with the ARC on Monday, January 28, 2019.

Submittal List

Attached is the submittal list that was sent to the petitioner for the Public Hearing.

Prefiling Conference Minutes

Attached are the December 13, 2018 prefiling conference minutes.

In the packet. He suggested adding this for the Village Board. He stated that this is a great project.

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve a request for a Special Use to permit the establishment of a Panera Restaurant at Deerbrook Shopping Center in the Outlot Retail F Building (Chicago Bread LLC and Mid America Asset Management) with the sign exceptions. The motion passed with the following roll call:

Ayes: Silva, Bromberg, Shayman, Goldstone, And Schulman, Berg (6)
Nays: None (0)

Mr. Nakahara reported that this matter will go before the Board of Trustees on January 22, 2019.

(4) **Prefiling Conference: Request for a Special Use for a proposed reflexology massage spa to be located at 671 Waukegan Road (Kai Lui, business owner and Eliopoulos Family LLC)**

The Petitioner Attorney Chance Badertscher of Lavelle Law reported that he is representing Kay Foot Spay. The owners are seeking a Class A Special Use at 671 Waukegan Road. The owner Kai Liu is a licensed Illinois massage therapist who performs reflexology massage, which helps with improved circulation and overall well-being.

Mr. Badertscher showed the site map and aerial view of the location which is zoned C-1 and therefore requires a Special Use. Mr. Badertscher pointed out the current neighboring tenants and the property's parking lot. He stated that there are no adjacent parking lots and no easement access through the lot. It is an enclosed lot with 20 spaces including one accessible space. Mr. Badertscher showed an image of the lot during business hours with many parking spaces available.

Chairman Berg asked if there are any parking exceptions requested. Mr. Ryckaert stated that there is an exception due to the 27 parking spaces required for this use and they have 20 parking spaces.

Mr. Badertscher reported that they completed parking counts and the maximum of number of spaces used at any one time was 13 spaces and they project an additional three to be used by Kay Foot Spa, for a total of 16 spaces in use. He stated that there will be four massage tables and one additional customer could be in the waiting area at peak times. The parking is shared with the salon and dry cleaners in the center. The dry cleaners' customers have a quick turnaround and due to these factors, they view the existing parking on the subject property as sufficient for this use.

Commissioner Bromberg commented that there is still one vacancy in the property and when this is filled more parking spaces will be taken up. He also asked about the signs at parking spaces in front of the dry cleaners.

The property owner Andreas Eliopoulos replied that the dry cleaner added these signs, which designate the spaces as 5-minute parking for his customers. Mr. Eliopoulos stated that they did not expressly allow this, but they do not have an issue with it as the spaces are directly in front

of dry cleaner's main entrance doorway. He added that he has never seen the parking lot more than 75 percent full and there is always a quick turnaround for the drycleaner spaces.

Commissioner Bromberg asked where employees would park. Mr. Eliopoulos replied that all employees at the shopping center park along the fence on the east property line so that customers can park in front of the building. Mr. Badertscher added that Kay Foot Spay would have four employees who will carpool and use one parking space.

Chairman Berg asked if there is any other shared parking with neighboring businesses. Mr. Eliopoulos replied that there is no shared parking or access to their enclosed lot. He stated that there has never been a need to share parking.

Mr. Badertscher showed the floor plan pointing out a small reception area, four massage tables, one couples massage area, the restroom, laundry area and employee lounge.

Commissioner Bromberg commented that when Baskin Robbins was in this space customers could use the front door on Waukegan Road as well as the back door from the parking lot. He asked if customers will be able to enter from the back or if they must walk along the side to the front. Ms. Liu replied that customers will need to walk to the front and they do not want customers entering through the back. Commissioner Bromberg commented that this may be an inconvenience and some people may try opening the back door. Ms. Liu stated that they would give this more thought.

Commissioner Bromberg confirmed that all windows are in the front and there are no windows in the restroom and employee lounge areas.

Mr. Badertscher showed an image of a three-dimensional floorplan. He added that customers will stay 30 or 60 minutes for services, that will mostly be pre-booked. They will also accept walk-ins when available. There would be nine people at most including employees in the space. Shoes and socks are removed for foot massages and nothing is removed for head and neck massages.

Commissioner Bromberg asked if they ever service children as customers. Ms. Liu replied that they serve the whole family and often family members come in together. Commissioner Bromberg confirmed that children would only be serviced with a parent also in the room. Ms. Liu added that there are no enclosed massage rooms and it is an open area.

Mr. Badertscher reviewed the Special Use criteria responses stating that the property fits all criteria being on the ground floor and offering a compatible service in which everyone can benefit from. He stated that this use will not impact existing traffic and will have less volume than the previous use in this space of Baskin Robbins. There will be no impact on existing tenants or parking either.

Mr. Badertscher showed the proposed signage, which is a black sign with white lettering to fit with the other tenants in the center and meet the requirements. It will be 3' X 1'. There will also be vinyl stickers on the door to show hours of operation, which will be 10 A.M. to 9 P.M. He added that the late hours would not impact neighboring businesses as they close earlier. The neighboring salon may have similar busy times, but they are confident there is adequate parking.

Mr. Nakahara confirmed that the vacant space in the property was not in the parking counts and projections. Mr. Badertscher stated that this would be hard to calculate without knowing the type of business. Mr. Nakahara suggested that they use the parking requirements for the space as a retail business for the purposes of their parking counts to present at the Public Hearing. Mr. Badertscher reiterated that the most cars ever observed was 13 in the lot and they project 16 at peak times with the addition of Kay Foot Spa.

Chairman Berg asked if they would sell any products. Ms. Liu replied that they would not sell any products and will only offer massage and reflexology services.

Chairman Berg asked Village staff what the requirements are for massage licensing. Mr. Nakahara reported that all employees will need to be licensed with the State and also with the Village. Chairman Berg suggested that they address this at the Public Hearing to ensure that they will be in compliance. Mr. Badertscher agreed and stated that his clients will bring a great service to the community and be a great addition.

Chairman Berg asked if they would cover any of the windows. Mr. Badertscher replied that they would have a white curtain shade on the inside but nothing else blocking the windows. Chairman Berg confirmed that there would be no window coverings with any signage.

Mr. Nakahara reported that the Petitioners are requesting a waiver for the parking and traffic study. All Commissioners agreed they were fine with this request, as they did not find that this business would have an impact on the parking for the subject property.

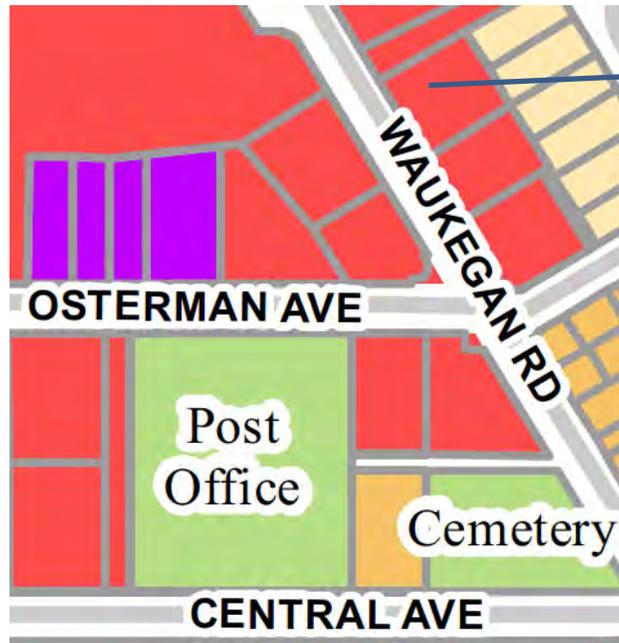
Commissioner Goldstone suggested that the Petitioners consider the configuration of the store as she agrees with Commissioner Bromberg that it could be an advantage for customers to be able to enter from the rear parking lot. Commissioner Schulman suggested that they shorten the employee area and add a second entrance in the back with a hall.

The Petitioners thanked the Commission for their comments.

There being no further discussion, Commissioner Schulman moved, seconded by Commissioner Bromberg to adjourn the Workshop Meeting at 10:20 P.M. Said motion passed with a unanimous voice vote.

Respectfully Submitted,
Laura Boll

Village of Deerfield 2019 Zoning Ordinance Map



Subject Property

	R-1	SINGLE FAMILY DISTRICT ONE FAMILY DWELLINGS AND ACCESSORY USES
	R-2	SINGLE FAMILY DISTRICT SAME AS R1
	R-3	SINGLE FAMILY DISTRICT SAME AS R1
	R-4	SINGLE & TWO FAMILY ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES
	R-5	GENERAL RESIDENCE ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES
	C-1	VILLAGE CENTER
	C-2	OUTLYING COMMERICAL
	C-3	LIMITED COMMERICAL OFFICE
	I-1	OFFICE, RESEARCH, RESTRICTED INDUSTRY
	I-2	LIMITED INDUSTRIAL
	P-1	PUBLIC LANDS SCHOOLS, PARKS, PUBLIC BUILDINGS & CEMETERIES

671 Waukegan Road



Mattress Firm

Deerfield Cyclery

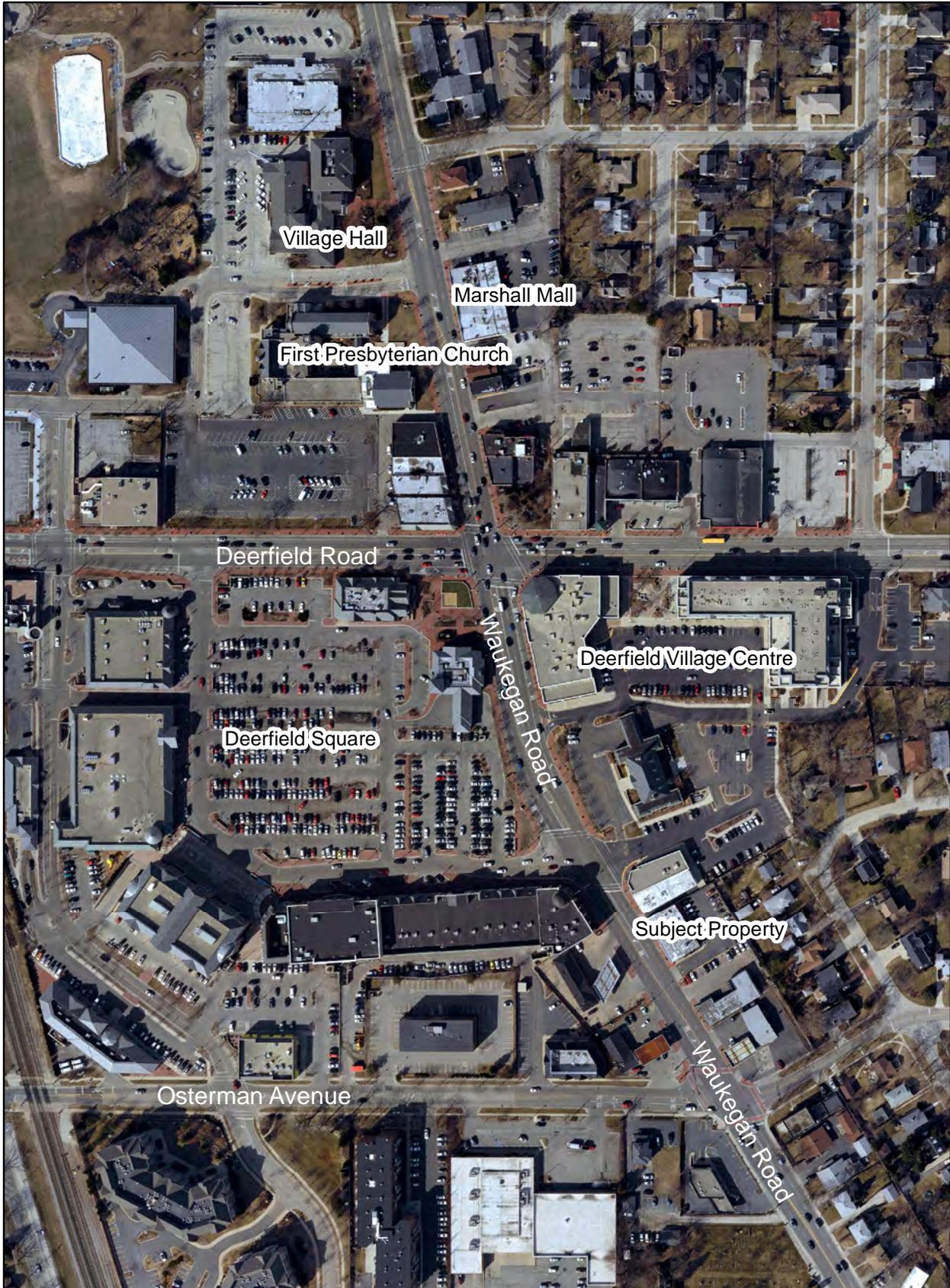
Subject Property

Waukegan Road

0 5 10 20 30 40
Feet
1 inch = 30 feet



671 Waukegan Road



1 inch = 250 feet



SPECIAL USE CRITERIA

Does it meet the standards for a Special Use? A Special Use shall be authorized only when the Plan Commission finds all of the following:

1. Compatible with Existing Development
The nature and intensity of the activities involved and the size, placement and design of any structures proposed will be so planned that the Special Use will be compatible with the existing development and will not impede the normal and orderly development and improvement of surrounding property.
2. Lot of Sufficient Size
The size of the lot will be sufficient for the use proposed.
3. Traffic
The location of the Special Use within the Village will be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Special Use.
4. Parking and Access
Parking areas will be of adequate size for the particular use and properly located, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
5. Effect on Neighborhood
In all respects the Special Use will not be significantly or materially detrimental to the health, safety and welfare of the public or injurious to the other property or improvements in the neighborhood, nor will it diminish or impair property values in the surrounding area.
6. Adequate Facilities
That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
7. Adequate Buffering
Adequate fencing and/or screening shall be provided to ensure the enjoyment of surrounding properties, to provide for the public safety or to screen parking areas and other visually incompatible uses.
8. If in C-1 Village Center District: That the establishment of the Special Use will not be injurious to the character of the C-1 Village Center District as a retail center for the Village.

October 26, 2018

Special Use Submittals for Proposed Massage/Reflexology

A massage establishment is a special use in the Deerfield C-1 Village Center zoning district.

Below is a list of the submittals that would need to be provided for the Plan Commission pre-filing conference and public hearing for the proposed Special Use.

Prefiling Conference (workshop meeting) Submittals

Two (2) sets of plans are due three (3) weeks prior to the pre-filing conference for staff review and comments. Four (4) sets of paper plans and one electronic copy are due 2 weeks prior to the pre-filing conference meeting.

A pre-filing conference (an informal workshop meeting) with the Plan Commission will provide feedback, input and direction prior to the public hearing. For a pre-filing conference, the following submittals will be needed: a detailed written project description (see below comprehensive written description) of the proposed renovations, a scaled site plan with data table, scaled building elevation drawings including proposed wall signage, and the traffic and parking analysis (sometimes preliminary analysis is submitted if the traffic and parking study is not ready).

Public Hearing Submittals

Two (2) sets of plans are due three (3) weeks prior to the public hearing for staff review and comments. Four (4) sets of paper plans and one electronic copy are due 2 weeks prior to the public hearing meeting.

- A comprehensive written description of the business which is proposed at the location. Describe *all activities* to occur on the premises such as:
 - ❖ Days and hours of operation of the proposed store.
 - ❖ Total square footage of the business and company background (if you have a brochure, please include it in the packet)
 - ❖ All product and product types to be sold etc.
 - ❖ The anticipated busiest times
 - ❖ Number of employees (full and part time, and the maximum number working at one time)
- Typically, a traffic and parking analysis prepared by a professional consultant is required for Special Uses, and the consultant must be present at Village meetings to present their findings and answer questions.
- A scaled site plan detailing the proposed tenant location of the use (please label existing tenants on the site plan). If there are any changes to the site plan (landscaping, exterior lighting, etc) indicate on the site plan.
- A scaled floor plan showing how the proposed space is to be used.

- Scaled building elevation drawing with the proposed wall sign that meets the sign criteria, if any, for the shopping center. The maximum size allowed for a front wall sign is 8% of the wall area, or 80 square feet. Please keep in mind this is the maximum allowable, but the Village may be more restrictive in order to make sure the sign is in keeping with the shopping center.
- Address the Special Use in writing. The Special Use standards are attached.

Two sets of public hearing materials must be submitted three weeks prior to the Plan Commission meeting date for staff to look over and provide you with comments. Four sets of plans and an electronic copy of the plans are due two weeks prior to the meeting date for distribution to the Plan Commission.

The Plan Commission is a recommending body of the Village Board of Trustees. The Village Board of Trustees will consider the recommendation and has a final decision on the matter. If the Village Board approves the Special Use, an ordinance is prepared by the Village Attorney that goes through two (2) readings at the next two Board meetings. Only after the second reading of the ordinance is passed, is the Special Use approved. In addition to being present at the Board of Trustees meeting where the Plan Commission recommendation is considered, representatives for your proposal must also be present at both readings of the ordinance to answer any additional questions that might come up. After approval of the second reading of the ordinance, a building permit can be turned into the Building Department for review. Review time varies depending on the time of the year but sometimes the building review time can run up to four to six weeks. The issue of a building plan review was discussed at a recent meeting with the applicant.

The Plan Commission application is attached. The applicant is always the current property owner and they must sign off on the application. The current property owner must submit the most current plat of survey and proof of ownership (a deed and a title policy) with the Plan Commission application. The Board Room presentation/set up requirements are explained as part of the application.