

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
March 12, 2020

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, March 12, 2020 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Members Dombrowski, Lucchesi, O'Brien, Schubkegel, Smetana, and Chairman Martin.

Absent: Member Berni

Also Present: Village Administrator Eric Palm, Secretary Clifford Radatz, and Village Attorney Carmen Forte, Jr.

II. APPROVAL OF FEBRUARY 12, 2020 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to approve the minutes of the February 12, 2020 Zoning Board of Appeals meeting as amended.

Ayes: Members Schubkegel, Dombrowski, Lucchesi, O'Brien, and Martin

Nays: None

Abstain: Member Smetana

Motion passed.

III. TEXT AMENDMENT REQUEST - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING MASSAGE THERAPY ESTABLISHMENTS

Chairman Martin called the public hearing to order regarding proposed text amendments to the River Forest Zoning Ordinance the reclassification of massage therapy establishments from a permitted use to a Special Use in the commercial zoning districts.

Secretary Radatz swore in all parties wishing to speak.

Village Administrator Eric Palm presented the petition for a text amendment on behalf of the Village Board of Trustees. He stated that, currently, massage therapy establishments are a permitted use in the C1, C2, C3 and ORIC zoning districts.

Permitted uses may be established without review or approval by the Zoning Board of Appeals, Plan Commission, Development Review Board or the Village President and Board of Trustees. Village staff recommended to the Village Board that the designation of massage therapy establishments be amended from Special Use to Permitted Use. Special Uses allow the establishments to be opened after a public hearing process, notice to the neighbors before a hearing before the Zoning Board of Appeals, and before approval by the Village Board of Trustees. Village Administrator Palm said the request was precipitated by the fact that, in recent months, a second business offering massage therapy services opened in the 7300 Block of North Avenue.

Village Administrator Palm said that, in certain commercial corridors, there can be a lower threshold for certain permitted businesses to open which can lead to the unintended consequence of certain business types being too clustered in one geographical area. He stated that the Special Use process provides an additional layer of review to consider conditions on the operation as well as the need for the proposed use. The Special Use process will help mitigate the land use clustering issue and allow the Village to have more compatible land uses in its key commercial corridors. In light of those reasons, the Village Board is asking the ZBA to consider this request. He invited questions.

Chairman Martin recalled similar business establishments in the same block or half block previously and noted that the Village took no action to change those uses from permitted to special use. He asked Village Administrator Palm what the rationale is about this particular use. Village Administrator Palm responded that some of these establishments do not operate in a business-like manner. The Village would like an opportunity to review their operations, the operator, conduct additional inspections in addition to the typical inspections, hear from the community, and impose various conditions on the operation of the business such as parking, hours of operation, etc. that would not necessarily be needed for another use such as a realtor's office.

Chairman Martin asked Village Administrator Palm to explain the difference between this and having two grocery stores or restaurants on the same block or half block. He asked if that doesn't have the same problems with parking and inspections because the Village may want to see if they're living up to the codes. Village Administrator Palm stated that those operations typically come in under a planned development permit which often imposes various conditions on those developments. Chairman Martin noted the presence of certain stores on the same block on Lake Street that were not big enough to trigger a planned development and was curious what it is about massage therapy businesses that is causing the Village to want the Zoning Board of Appeals to change this.

Chairman Martin asked if Village Administrator is concerned about the recent problems with massage therapy establishments in Oak Park that got busted. Village Administrator Palm replied that he's concerned about the Village of River Forest. He stated that his primary concern is regarding the land use and clustering effect. The land use chart gives the ability to control the types of businesses that operate in the Village. He stated that he believes there

is a distinction between operating a massage therapy establishment and a realtor's or dentist's office.

In response to a question from Member O'Brien regarding licensing requirements for massage therapists, Village Administrator Palm confirmed that therapists have to be licensed through the State but the establishments are licensed through the Village. He stated that the State of Illinois amended the law.

Member Smetana asked how the land use of a massage therapy establishment different than a hair salon or a tanning salon or nail salon. He said he sees them as being similar in terms of how they operate, parking, etc. He said he's having difficult seeing how the impact of a massage establishment is different from a land use perspective as opposed to operational concerns. Member Smetana further explained that the Village could have two hair salons in the same block and he is not sure if the land use impact of two hair salons on the same block is any different than the land use impacts of two massage therapy establishments in the same block. He requested an explanation of how he would distinguish hair salon use from massage therapy use in the context of land use.

Village Administrator Palm stated that they are different services entirely. He said that massage services can be an accessory use to a salon or spa, but they are a different land use. He said salons and barber shops are used more by the general public on a continual basis whereas massage therapy establishments only offer that service. He noted that the Zoning Board of Appeals could examine the clustering effect of hair salons.

Chairman Martin stated that he is looking for is some rationale that sets massage therapy places apart from a hair dresser or barber shop because it seems to him that they are similar. He asked if this is just an occupation that the Village wants more control over. Village Administrator Palm replied that it is two-fold.

Every special use request, in part, is reviewing the land use and imposing conditions and oversight. The Special Use process requires a public hearing process and input from the neighboring residents and business, which is reasonable.

In response to a question from Member O'Brien regarding inspections and conduct once an establishment is operating, Village Administrator Palm explained that most of the contact is on the front end. He described the process that is followed to issue a business license and that massage therapy establishments are required to prove their therapists are licensed.

In response to a follow-up question by Member O'Brien regarding whether massage therapy establishments are checked on more often than hair stylists, Village Administrator Palm stated that they are not.

Village Administrator Palm explained that the businesses are responsible for complying with the Village's requirements. The Village has the ability to ensure compliance. In response to

another follow-up question from Member O'Brien, Village Administrator Palm replied that this occurs regardless of whether it's a permitted or special use.

Chairman Martin solicited any further questions and comments as well as public comments. Hearing none he closed the public hearing and solicited questions and discussion from the Zoning Board of Appeals Members.

Member Schubkegel stated that she believes this is a matter of having more control over who is working in the Village and whether Special Use is a reasonable way of going about it. Chairman Martin said he does not see this is a land use issue. He said he thinks it has to do with an occupation that has a bad reputation and the Village wanting to exert more control.

Member Schubkegel asked if zoning is the way the Village historically had control over what organizations and businesses opened in the town. Village Administrator Palm replied that zoning is a tool the Village has at its discretion to determine where it wants certain businesses, and what types of businesses it wants.

Village Attorney Carmen Forte stated that regardless of the character of the business, the clustering effect is a large consideration in a special use process. The impact on and proximity to neighboring properties and businesses of the new business is something the Zoning Board of Appeals would consider at a special use hearing. In addition, the hearing is open to the public, which is a stakeholder.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the proposed text amendment be approved.

AYES Chairman Martin and Members Schubkegel, Dombrowski, and Lucchesi

NAYS Members Smetana and O'Brien

Motion Passed.

IV. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED TEXT AMENDMENT RELATED TO MASSAGE THERAPY ESTABLISHMENTS FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON MARCH 12, 2020 AS AMENDED

Chairman Martin asked if the Members who did not vote in favor of recommending approval of the Text Amendment to comment on the reasons for their vote so that it could be included in the Findings of Fact. Member O'Brien stated that she feels it was directed at one type of business and that it does not have to do with the clustering or the land use. Member Smetana stated that the effects of the use are not distinguishable from other uses that are permitted under the Zoning Ordinance.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to approve the Findings of Fact and recommendation as amended regarding the Proposed Text Amendment.

Ayes: Members Dombrowski, Lucchesi, O'Brien, Schubkegel and Martin.

Nays: None
Motion passed.

V. CONFIRMATION OF APRIL 9, 2020 MEETING

Chairman Martin noted that the next regularly scheduled meeting of the Zoning Board of Appeals is scheduled on April 9, 2020. In response to a question from Chairman Martin, Secretary Radatz noted that there are no pending applications and that it might just be the meeting minutes on the Agenda.

VI. PUBLIC COMMENT


None.

VII. ADJOURNMENT

A MOTION was made by Member O'Brien and SECONDED by Member Dombrowski to adjourn the meeting at 7:58 p.m.

Ayes: Chairman Martin, Dombrowski, Lucchesi, O'Brien, Smetana and Schubkegel
Nays: None
Motion passed.

Respectfully Submitted:



Lisa Scheiner, Secretary

Frank Martin, Chairman
Zoning Board of Appeals

Date: _____