

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
OCTOBER 27, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Text Amendment	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, *Section 28.606 B-2 District – Special Uses*. The proposed amendment would add animal kennels to the list of permitted Special Uses in the B-2 General Retail Business district.

FISCAL IMPACT

N/A.

STRATEGIC PLAN ALIGNMENT

The Goals 2013 identified *Exceptional Municipal Organization*. Supporting this goal is the objective *Top Quality Core Services Responsive to Current and Future Community and Resident Needs*.

RECOMMENDATION

Approval on the November 3, 2009 active agenda.

BACKGROUND

The petitioner is requesting review of the proposed amendment to the Zoning Ordinance. Specifically, the petitioner is proposing to add “animal kennel” to the list of permitted Special Uses in the B-2 General Retail Business District.

The B-2 General Retail Business district is intended for businesses which are normally city-wide or larger in character. The uses in this district generally fall between the more intense car-oriented uses reserved for the B-3 zoning district and smaller neighborhood establishments of the B-1 zoning district intended for daily walk-in trade serving the needs of the residents of the abutting neighborhoods. The B-2 district areas are centrally located at the convergence of major traffic arteries. The B-2 zoning district areas are currently concentrated around Belmont Road and Fairview Avenue Metra stations, at the intersection of Belmont Road and Maple Avenue, at the intersection of Main and 63rd Streets, the Meadowbrook shopping center at 63rd Street and Woodward Avenue, and along the north side of 75th Street.

There are uses with similar characteristics as animal kennels which are currently allowed either as permitted or special uses in the B-2 zoning district. For example, an animal surgical office or veterinary clinic is a similar use currently allowed as a by-right permitted use in the B-2 zoning district. Veterinary clinics are allowed to board animals as part of pre-surgical and post-surgical care as long as the animals are boarded within enclosed buildings.

By adding the animal kennel use to the Special Use list of B-2 district, the change will increase the area within the Village where this use could potentially be established. The proposal is consistent with the intent of the Zoning Ordinance to give the Village more control over land use development. Through Special Use the Village will be able to mitigate potential impacts a kennel could have on surrounding properties. A special use proposal for an animal kennel in the B-2 district will be reviewed through the public hearing process at the Plan Commission level and must ultimately receive an approval from the Village Council subject to four special use standards.

Animal kennels are currently allowed as by-right permitted uses in the B-3 General Services and Highway Business district and M-1 Light Manufacturing district. Animal kennels in these districts do not have to obtain Plan Commission and Village Council approval. As a result, there are several animal kennels and animal hospitals in the Village. Most of them are located adjacent to residential properties.

The Plan Commission considered the amendment at their October 5th meeting. The Commissioners found that the proposed amendment was consistent with the intent of the Zoning Ordinance and the current use lists in the B-2 District. The Plan Commission recommended unanimous approval of the amendment. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

Ordinance

Staff Report dated October 5, 2009

Minutes of the Plan Commission Hearing dated October 5, 2009

ORDINANCE NO. _____

AN ORDINANCE AMENDING B-2 DISTRICT SPECIAL USES

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 28.606. is hereby amended to read as follows:

28.606. B-2 District - Special uses.

The following uses are allowed in the B-2 General Retail Business District as special uses:

- (a) Aircraft landing areas.
- (b) Automobile Dealerships; conducted wholly within a completely enclosed building.
- (c) Automobile Laundries; conducted wholly within a completely enclosed building.
- (d) Automobile Repair; conducted wholly within a completely enclosed building.
- (e) Automobile service stations. (See Section 28-1018.)
- (f) Drive-in, drive-up and drive-through uses, including but not limited to banks and restaurants.
- (g) Outdoor cafes. (See Section 28-1006.)
- (h) Outdoor display of merchandise. (See Section 28-1005.)
- (i) Planned developments. (See Article XVI.)
- (j) Plumbing contractors' offices and shops, provided that such use shall be operated in conjunction with a plumbing showroom.
- (k) Recycling collection facilities. (See Section 28-1007.)
- (l) Telecommunications Towers. (See Section 28-1307.)
- (m) Undertaking establishments, funeral parlors.
- (n) Animal Kennels.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law

Mayor

Passed:
Published:
Attest: _____
Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
OCTOBER 5, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-24-09 Zoning Ordinance Text Amendment	Zoning Ordinance Text Amendment	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting Zoning Ordinance Text Amendment to add animal kennels as a Special Use in the B-2 General Retail Business district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Georgia Makropoulos
2151 63rd Street
Downers Grove, IL 60516

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendments

DESCRIPTION

The petitioner is requesting approval of an amendment to *Section 28.606 B-2 District – Special Uses* of the Zoning Ordinance. Specifically, the petitioner is proposing to add “animal kennel” to the list of permitted Special Uses in the B-2 General Retail Business District.

An animal kennel, as defined in the Zoning Ordinance, is “any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.”

Per Section 28.604 B-2 District General Provisions of the Zoning Ordinance, the B-2 General Retail Business district is composed of those businesses which are normally city-wide or larger in character. The B-2 district areas are centrally located at the convergence of major traffic arteries. The uses in the B-2 zoning district generally fall between the more intense car-oriented uses reserved for the B-3 zoning district, and smaller neighborhood establishments of the B-1 zoning district intended for daily walk-in trade serving the needs of the residents of the abutting neighborhoods. The B-2 zoning district areas are

currently concentrated around Belmont Road and Fairview Avenue Metra stations, at the intersection of Belmont Road and Maple Avenue, at the intersection of Main and 63rd Streets, the Meadowbrook shopping center at 63rd Street and Woodward Avenue, and along the north side of 75th Street.

There are uses with similar characteristics as animal kennels which are allowed either as permitted or special uses in the B-2 zoning district. For example, an animal surgical office or veterinary clinic is a similar use currently allowed as a by-right permitted use in the B-2 zoning district. Veterinary clinics are allowed to board animals as part of pre-surgical and post-surgical care as long as the animals are boarded within enclosed buildings. Some of the other by-right permitted uses in the B-2 district include hospitals, hotels and motels, public swimming pools, taxidermist shops, etc.

The following uses are currently allowed as special uses in the B-2 General Retail Business District:

- (a) Aircraft landing areas.
- (b) Automobile Dealerships; conducted wholly within a completely enclosed building.
- (c) Automobile Laundries; conducted wholly within a completely enclosed building.
- (d) Automobile Repair; conducted wholly within a completely enclosed building.
- (e) Automobile service stations.
- (f) Drive-in, drive-up and drive-through uses, including but not limited to banks and restaurants.
- (g) Outdoor cafes.
- (h) Outdoor display of merchandise.
- (i) Planned developments.
- (j) Plumbing contractors' offices and shops, provided that such use shall be operated in conjunction with a plumbing showroom.
- (k) Recycling collection facilities.
- (l) Telecommunications Towers.
- (m) Undertaking establishments, funeral parlors

All special uses must be reviewed by the Plan Commission and the Village Council. The Village Council authorizes special uses by ordinance provided the following standards for approval are met:

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.

Animal kennels are currently allowed as permitted uses in the B-3 General Services and Highway Business district and M-1 Light Manufacturing district. Animal kennels in these districts are allowed as by-right permitted uses and do not have to obtain Plan Commission and Village Council approval. As a result, there are several animal kennels and animal hospitals in the Village. Most of them are located adjacent to residential properties.

NEIGHBORHOOD COMMENT

Staff has not received any neighborhood comments at this time.

FINDINGS OF FACT

The petitioner's proposal to include an animal kennel as a special use in the B-2 zoning district is consistent with the intent of the Zoning Ordinance to give the Village more control over land use development. A similar use, such as veterinary clinic which is also allowed limited animal boarding, is already allowed as a by-right permitted use in the B-2 zoning district. An animal kennel, however, may have significant impacts on an area and requires extra review and conditions. As such, a special use proposal for an animal kennel in the B-2 district will be reviewed through the public hearing process at the Plan Commission level and must ultimately receive an approval from the Village Council subject to four special use standards as outlined above.

Staff believes the proposal is consistent with the intent of the Zoning Ordinance and other uses in the B-2 district.

RECOMMENDATIONS

The proposed Text Amendment affects the list of Special Uses in the B-2 General Retail Business district. The proposed change to add an animal kennel as a Special Use in the B-2 General Retail Business District is consistent with the intent of the Zoning Ordinance to give the Village more control over the locations of animal kennels through special use approval process. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
OCTOBER 5, 2009, 7:00 P.M.

PC-24-09 A petition seeking an amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.606 B-2 district special uses. The purpose of the request is to amend the list of Special Uses in the B-2 General Retail Business District to allow an animal kennel as a special use; Georgia Makropoulos, Petitioner.

Chairman Jirik swore in those individuals speaking on PC-24-09.

Village Planner, Mr. Latinovic, explained the petitioner is seeking to add the use “animal kennel” to the list of permitted special uses in the B-2 General Retail Business District. Animal kennel is defined in the Zoning Ordinance as “any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals over four (4) months of age, are kept or in which more than two (2) such animals are boarded for compensation or kept for sale.” Staff explained the differences between the B-1, B-2 and B-3 business districts as it relates to location and what types of uses are provided under each classification. Mr. Latinovic further explained that uses with similar characteristics as animal kennels are allowed either as permitted uses or special uses in the B-2 zoning district including a by-right permitted use, such as veterinary clinics or animal surgical facilities. A list of other by-right permitted uses in the B-2 district followed: hospitals, hotels and motels, public swimming pools, taxidermist shops, etc.

Mr. Latinovic called attention to the fact that all special uses must be reviewed by the Plan Commission and the Village Council, and the Village Council authorizes special uses by ordinance, provided the following four standards for approval are met: 1) the proposed use is necessary and will contribute to the general welfare of the neighborhood or community; 2) the use will not detrimental to the public health, safety, morals, or general welfare; 3) the use must comply with all portions of the Zoning Ordinance; and 4) the use has to be specifically listed for the district in which it is to be located.

It was noted there are a number of animal kennels currently in the B-3 General Services and Highway Business district and the M-1 Light Manufacturing district and because they are allowed as permitted uses, they did not have to appear before the Plan Commission and Village Council for approval. Mr. Latinovic stated staff believes the proposal is consistent with the intent of the Zoning Ordinance and other special uses in the B-2 district and will allow the Village more control over land use development. Staff recommended approval of the request.

Commissioner questions followed on the permitting of the outdoor kennel use, whereby Mr. Latinovic stated that it would have be reviewed before the Plan Commission as part of the special use process, at which time additional conditions could be placed upon the outdoor use, followed by approval of the Village Council.

Dialog followed that a prior petition for a kennel did go through the Plan Commission meeting but the petitioner pulled the petition prior to Village Council consideration. Mr. O’Brien clarified that staff did encourage the petitioner to move the text amendment forward for that previous petition, since the petitioner already received a positive recommendation by the Plan Commission. In general, Mr. O’Brien stated the Village's zoning ordinance is older and contains some uses that are

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outdated such as blacksmith shops. In speaking about the differences between the special uses in Section 28.606 and the permitted uses in Section 28.605, Mr. O'Brien explained a lot of the special uses in the B-2 district have outdoor activities associated with them and are deemed generally to have a bigger impact on the immediate neighborhood.

For the record, the Chairman reviewed staff's definition of a "kennel" and the fact that it is being regulated by three conditions, which was a positive.

Petitioner, Ms. Georgia Makropoulos, 2151 63rd Street was present. She explained she owns a pet grooming and boarding business in the Meadowbrook Shopping Center. She works along with two other area businesses and helps house animals for over-flowing shelters such as the humane society. There will be no more than 15 animals in the facility due to the limited space. Currently, the facility is operating as a grooming facility. She also works with high school students to earn their community service hours.

Chairman Jirik opened up the meeting to public comment. None followed. Public comment was closed. No closing statement followed.

Mr. Matejczyk cautioned the commission regarding outdoor kennels and the noise associated with them, which he felt staff and the petitioner did take into consideration. Mrs. Rabatah also agreed and she did not see any issues with the request.

WITH RESPECT TO PC-24-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

**AYE: MRS. RABATAH, MR. MATEJCZYK, MR. QUIRK, MR. BEGGS, MR. COZZO,
MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 7-0.