

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

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use with Zoning Variation for an Animal Kennel	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared for a Special Use to permit an animal kennel with a zoning variation for an eight-foot high *solid* fence surrounding an outdoor play area for animals for the property located at 2151 63rd Street.

STRATEGIC PLAN ALIGNMENT

The Goals 2013 identified *Strong, Diverse Local Economy*. Supporting this goal are the objectives *Maintain, Expand and Balance Local Economy and Tax Base, and More Retail Businesses and Sales Tax Base*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the November 3, 2009 active agenda.

BACKGROUND

The petitioner is requesting Special Use approval for an animal kennel with a zoning variation to install a *solid* type of fence around the proposed outdoor play area for dogs adjacent to the property. The property, commonly known as 2151 63rd Street, is located at the southeast corner of Belmont Road and 63rd Street in the Meadowbrook Shopping Center. The 1,300-square foot tenant space is currently occupied by Pet Clips, a pet grooming business.

The Special Use approval would allow the petitioner to board animals in the existing building. No animal kennels or overnight boarding is proposed outside of the building. Per Special Use Ordinance, the outdoor operations would be limited between the hours of 8:00 a.m. and 8:00 p.m. Additionally, as a condition of the approval, all dogs in the outdoor area must be supervised at all times.

The property, part of the Planned Development #8, is located in the B-2 General Retail Business District. An animal kennel is currently not allowed as a Special Use in the B-2 district. Therefore, as part of the proposal, the petitioner has filed a separate petition requesting a Zoning Ordinance text amendment to add animal kennels as a Special Use in the B-2 zoning district (PC-24-09). As such, this Special Use request for the proposed animal kennel at 2151 63rd Street is contingent on the approval of PC 24-09.

As part of the Special Use approval, the petitioner is requesting a zoning variation to install a *solid* fence,

eight-foot high, to enclose the outdoor play area for dogs west of the existing building adjacent to the tenant space along Belmont Road. Per the Zoning Ordinance, the petitioner is only allowed to install an *open* design fence, up to eight feet high, within the 25-foot front yard along the west (front) property line. With the existing building located between 0.9 feet and 8 feet from the front (west) property line, the entire proposed fence would be located within the 25-foot front yard setback.

Staff recommends approval of the Special Use for the animal kennel and denial of the requested variation for a solid fence. Staff believes there is no physical hardship or unique circumstance associated with the property that would warrant granting the variation for a solid fence. The petitioner has other options to install an open design fence such as a split-rail or ornamental fence with a ratio of open area to closed area at least 1:2, and plant landscaping for additional screening. If the variation was granted, it could be applicable to other shopping centers and commercial properties throughout the Village. Additionally, staff believes the proposed fence could endanger public safety and substantially diminish or impair the property values in the neighborhood.

The Plan Commission considered the petition at their October 5, 2009 meeting. One neighbor expressed concern about impacts on children and surrounding businesses. The Commissioners stated that with the proposed conditions to limit the outdoor play time and the requirement that all dogs in the outdoor area must be supervised at all times, the proposal will not have a negative impact on the existing neighborhood. The Plan Commission found that the request met the standards for approval of special uses and recommended unanimous approval of the petition.

In regard to the zoning variation request for a solid fence, the Plan Commission requested the fence layout be revised to improve the visibility around the fence and provide a setback from the existing sidewalk. The Plan Commission also requested that the type and color of the fence match the exterior color of the existing building. In response to the Plan Commission's requirement, the petitioner has submitted a revised layout of the fence and a proposal for the type of the fence to be installed. The revised submittals are attached as Exhibit A and Exhibit B.

The Plan Commission found that the request for a zoning variation to install an eight-foot high *solid* fence met the standards for approval of zoning variations and recommended approval of the request by a vote of 5:2. The dissenting members of the Commission thought the proposed use should be limited to the building, the outdoor play area for dogs was not desirable and that the alleged hardship for the solid fence is self created by the desire to have an outdoor play area for dogs.

ATTACHMENTS

Aerial Maps

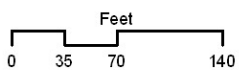
Ordinance

Exhibit A, Proposed Fence Layout Plan

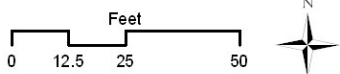
Exhibit B, Proposed Fence Type

Staff Report with attachments dated October 5, 2009

Minutes of the Plan Commission Hearing dated October 5, 2009



2151 63rd Street



2151 63rd Street

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR
2151 63RD STREET TO PERMIT
AN ANIMAL KENNEL WITH A ZONING VARIATION**

WHEREAS, the following described property, to wit:

Lots 1, 2 and 3 in Meadowbrook Subdivision, being a subdivision of that part of the North East Quarter of Section 24, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded February 1, 1973 as Document R73-05824 and Certificates of Correction Recorded as Document R76-58800 and R76-58801, in DuPage County Illinois.

Together with:

Lot 5 and the South 15.00 feet of Lot 4 in Valley Creek Park Estates Unit 1, being a Subdivision in the North East Quarter of Section 24, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded December 30, 1957 as Document 866856 and the Certificate of Correction Recorded September 16, 1958 as Document 894780 (Except that part of said Lot 5 and the South 15.00 feet of Lot 4 described as follows: commencing at the Southeast corner of said Lot 5, thence North on the East Line of said Lot 5 having a bearing of North 0 degrees 00 minutes 00 seconds East a distance of 28.64 feet; Thence South 89 degrees 35 minutes 00 seconds West a distance of 164.71 feet; Thence North 14 degrees 25 minutes 50 seconds West a distance of 62.17 feet, to a point of beginning; Thence continuing North 14 degrees 25 minutes 50 seconds West a distance of 75.55 feet; Thence North 17 degrees 23 minutes 30 seconds West a distance of 55.13 feet to a point on the North line of the South 15.00 feet of said Lot 4; Thence West on the North line of the South 15.00 feet of said Lot 4 having a bearing of South 89 degrees 35 minutes 00 seconds West a distance of 110.38 feet; Thence South 0 degrees 25 minutes 00 seconds East a distance of 91.17 feet; Thence south 69 degrees 35 minutes 46 seconds East a distance of 119.89 feet; Thence North 41 degrees 08 minutes 30 seconds East a distance of 10.20 feet; Thence North 89 degrees 20 minutes 06 seconds East a distance of 25.93 Feet to the point of beginning in DuPage County, Illinois.

Commonly known as 2151 63rd Street, Downers Grove, Illinois (PIN 08-24-202-005)

(hereinafter referred to as the "Property") is part of Planned Development #8 and is presently zoned in the "B-2, *General Retail Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-606 of the Zoning Ordinance be granted to allow an animal kennel within a B-2 zoning district.

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use be granted to allow an animal kennel within a B-2 zoning district including the following Zoning Variation:

1. Variation from Chapter 28, Section 28-1301(h)(1) *Fences*. To permit a solid fence in lieu of the

open-design fence requirement.

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing on October 5, 2009 respecting said petition and has made its findings and recommendations, all in accordance with the laws of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested Special Use with Zoning Variation, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. 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.
2. The proposed 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.
3. 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.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That a Special Use of the Property is hereby granted to permit an animal kennel in the B-2 zoning district including the requested Variation as outlined above.

SECTION 2. This approval is subject to the following conditions:

1. The Special Use shall substantially conform to the Plat of Survey prepared by Intech Consultants, Inc. dated July 10, 2009, and the proposed building layout attached to the Staff Report dated October 5, 2009, except as such plan may be modified to conform to Village Codes and Ordinances.
2. The PC-25-09 petition is contingent on the approval of the PC-24-09 petition. The PC-24-09 petition for the zoning ordinance text amendment to add an animal kennel to the list of Special Uses in the B-2 zoning district shall be approved by the Village Council prior to Village Council consideration of petition PC-25-09. If the PC-24-09 petition is not approved, then the PC-25-09 petition becomes annulled and cannot be considered by the Village Council.
3. All dogs in the outdoor area shall be supervised at all times.

4. The use of the outdoor area for animals shall be limited between the hours of 8 a.m. and 8 p.m..

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use with Zoning Variation is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

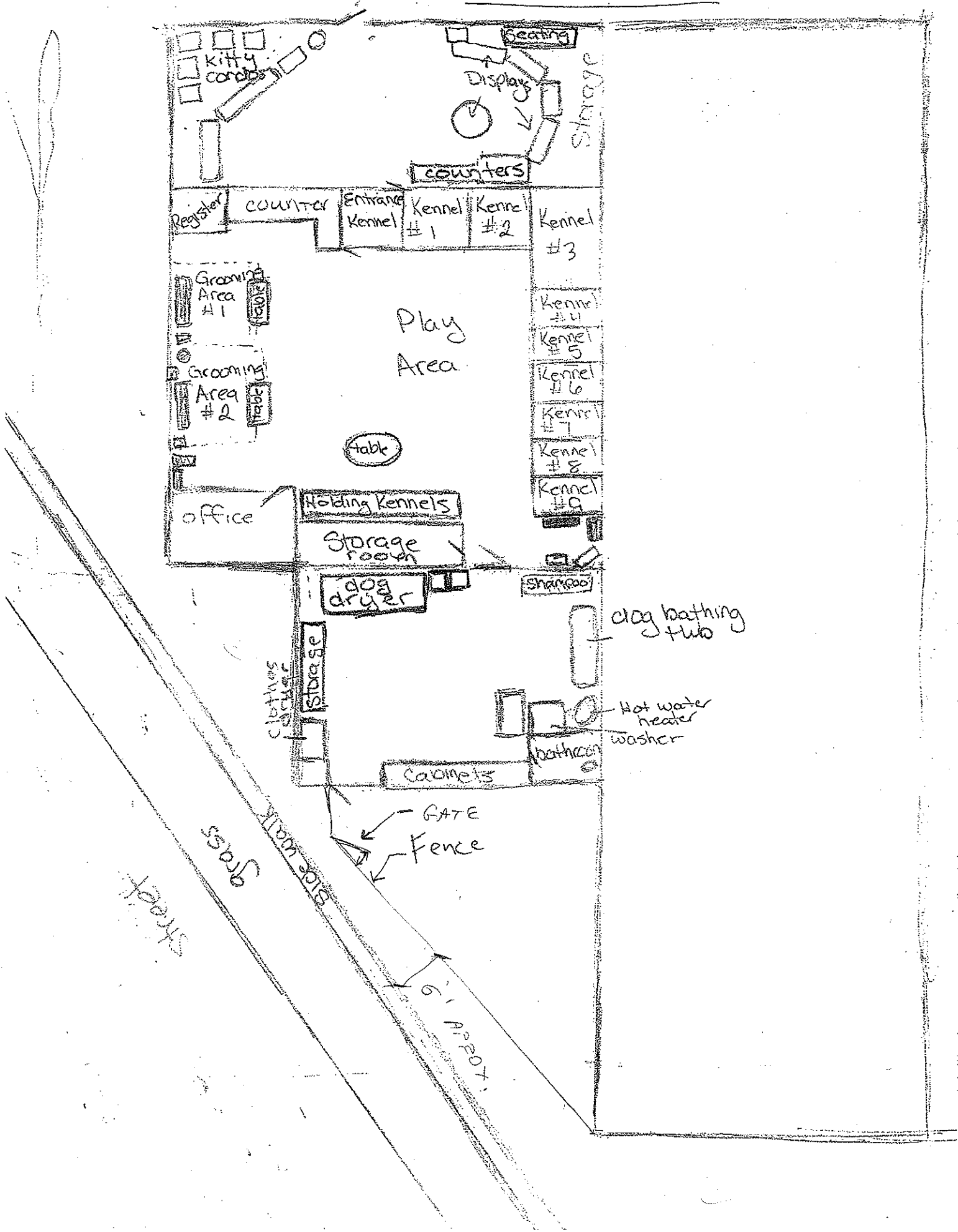
Published:

Attest: _____

Village Clerk

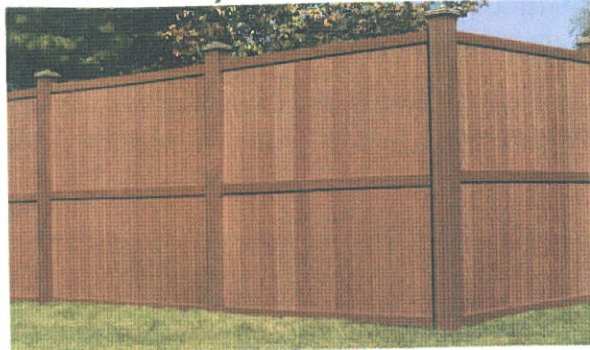
1\wp8\ord.08\SU-2151-63rd-Kennel-w-var-PC-25-09

EXHIBIT A



Composite Fencing

Redwood Privacy Panel



Model # 83720
70" x 66-3/4"

Parts you will need:

Post Sleeve Kits

Model # 83723
78" high post sleeve
Includes attachment hardware
Designed to fit a nominal 4x4 wood post
One post sleeve for each fence panel plus one to end each run

Post Caps

One for each post sleeve

Posts

One nominal 4x4 wood post per post sleeve

Matching Gate Kit(s)—as needed

Includes hinges and latch
4' Gate (70" x 46") – model # 96899
5' Gate (70" x 58") – model # 96902



Matching Gate

Choose from three Redwood
Post Caps for a unique look.



TRADITIONAL

Model # 94054



STAINLESS

Model # 76948



TIFFANY-STYLE
MISSION

Model # 84193



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

SUBJECT:	TYPE:	SUBMITTED BY:
PC-25-09 2151 63 rd Street	Special Use	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting Special Use approval for an animal kennel with a zoning variation for an eight-foot high solid fence for the property located at 2151 63rd Street.

NOTICE

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

GENERAL INFORMATION

OWNER: Arun Enterprises
2700 Oak Brook Road
Oak Brook, IL 60523

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

PROPERTY INFORMATION

EXISTING ZONING: Planned Development #8 / B-2, General Retail Business;
EXISTING LAND USE: Commercial
PROPERTY SIZE: 10.5 acres
PINS: 08-24-202-005

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	Planned Development #8/B-2, General Retail Business	Commercial
SOUTH:	Planned Development #1/ R-6 Multi Family Residence	Residential 11-25 DU/Acre
EAST:	Planned Development #1/ B-2, General Retail Business	Commercial
WEST:	Planned Development #8/B-2, General Retail Business	Commercial

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. Project Summary
3. Plat of Survey
4. Proposed Floor Plan

PROJECT DESCRIPTION

The property is located at the southeast corner of Belmont Road and 63rd Street in the Meadowbrook Shopping Center. The 1,300 square foot commercial space, commonly known as 2151 63rd Street, is occupied by "Pet Clips" pet grooming business. The property, part of the Planned Development #8, is located in the B-2 General Retail Business District.

The petitioner is requesting a Special Use approval for an animal kennel with a zoning variation to install a *solid* fence, eight-foot high, to enclose an outdoor area for dogs west of the existing building adjacent to the tenant space along Belmont Road. Per the Zoning Ordinance, the petitioner is allowed to install an eight-foot high *open* design fence only within the 25-foot front yard along the west (front) property line.

The proposed animal kennel is currently not allowed as a Special Use in the B-2 district. Therefore, as part of the proposal, the petitioner has filed a separate petition requesting a Zoning Ordinance text amendment to add animal kennels as a Special Use in the B-2 zoning district (PC-24-09). As such, this Special Use request for the proposed animal kennel at 2151 63rd Street is contingent on the approval of PC 24-09.

The petitioner is proposing to enclose an approximately 160 square-foot area behind the building adjacent to the tenant space to provide a fenced-in outdoor play area for dogs. No animal kennels or overnight boarding is proposed in the fenced-in outdoor area. If the Special Use is approved, staff is recommending a condition that animals be supervised during activities in the outdoor fenced-in area. No other site changes are proposed at this time.

The petitioner opened the dog grooming business in 2006 and has recently started boarding animals overnight. When the violation was brought to the attention of the Village, the petitioner was notified of the violation and has stopped boarding animals. The Special Use approval will allow the petitioner to legally board animals overnight.

COMPLIANCE WITH FUTURE LAND USE PLAN

The property is designated for commercial use in the Future Land Use Plan. The proposed animal kennel is a commercial use. Staff believes the proposed development is consistent with the intent of the Future Land Use Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-2 General Retail Business and is part of the Planned Development #8. The proposed animal kennel is only allowed as a permitted use in the B-3 and M-1 zoning districts. As part of the proposal, the petitioner has filed a separate petition requesting a Zoning Ordinance text amendment to add animal kennels as a Special Use in the B-2 district (PC-24-09). As such, this Special Use request to allow the proposed animal kennel use at 2151 63rd Street is contingent on the approval of PC 24-09.

The petitioner is proposing to enclose approximately 160 square feet of outdoor area for dogs adjacent to the tenant space west of the building along Belmont Road. Per the Zoning Ordinance, the petitioner is allowed to install an open design fence up to eight feet high within the 25-foot front yard setback along Belmont Road. As part of the approval, the petitioner is requesting a zoning variation to install a solid fence eight feet high surrounding the outdoor play area for dogs.

Staff believes there is no physical hardship or a unique circumstance associated with the property that would warrant granting the variation. The request is based solely on the petitioner's desire to install a solid fence around the outdoor area for dogs. The petitioner has the option to install an open design fence to enclose the outdoor area for dogs and plant landscaping for additional screening.

The granting of the variation request will confer a special privilege that is denied to other property owners. The property is similar to other shopping centers in the Village which have to comply with the open design fence requirements within the front yards. If the variation was granted, it could be applicable to other shopping centers and commercial properties throughout the Village.

The fence requirements are put in place to preserve the character of the neighborhood. If the variation is granted, a solid fence located along the front (west) property line would alter the character of the neighborhood. Additionally, staff believes the proposed fence could endanger public safety and substantially diminish or impair the property values in the neighborhood. Staff recommends denial of the requested variation.

ENGINEERING/PUBLIC IMPROVEMENTS

This section is not applicable as there are no proposed changes to the site at this time.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the petition documents and an upgrade to the existing Fire Alarm System may be required.

NEIGHBORHOOD COMMENT

At this time Staff has not received any written neighborhood comment regarding the petition at this time.

FINDINGS OF FACT

Staff believes the standards for a Special Use, as shown below, have been met. The proposed animal kennel is a desirable use in the community. The petitioner provides an animal boarding and grooming service which contributes to the general welfare of the community and has a need to expand it. The development will not be detrimental to the health, safety, morals, general welfare or property values in the vicinity. As a condition of the approval, all dogs in the proposed fenced-in outdoor area must be supervised at all times. Staff believes the proposal is compatible with the surrounding area and will not have an adverse impact on the existing uses or trend of development in the area. If the petition for the Zoning Ordinance text amendment to allow animal kennels as a Special Use in the B-2 district (PC-24-09) is approved, the proposed use will be listed as an allowable Special Use in the district.

The petitioner is requesting a zoning variation to install a solid eight-foot high fence within the front yard along Belmont Road to enclose the outdoor area for dogs. As noted above, staff believes the proposal does not meet all standards for granting the zoning variation as outlined below. Per staff's analysis, there is no physical hardship or a unique circumstance associated with the property that would warrant granting the variation. Staff recommends denial of the zoning variation request for a solid fence along the front (west) property line.

The proposed use will meet all other zoning requirements of the B-2 zoning district.

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:

- 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.*

Section 28.1803 Standards for Granting a Variation:

Fence variations require evaluation per Section 28.1803 of the Zoning Ordinance, Standards for Granting a Variation: "A variation shall be permitted only if the Board finds that it is in harmony with the general provisions and interests of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Zoning Ordinance. In its consideration of the standards of practical difficulties or particular hardship, the Board shall require that the following standards are met:"

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.*
- (2) The plight of the owner is due to unique circumstances.*
- (3) The variation, if granted, will not alter the essential character of the locality.*
- (4) That the particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.*
- (5) That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*
- (6) That the alleged difficulty or hardship has not resulted from the actions of the owner.*
- (7) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*
- (8) That the proposed variation will not alter the land use characteristics of the district.*
- (9) That the granting of the variation requested will not confer on the owner any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same district*

RECOMMENDATIONS

The proposed Special Use is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following conditions:

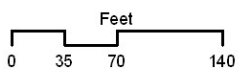
1. The Special Use shall substantially conform to the Plat of Survey prepared by Intech Consultants, Inc. dated July 10, and the proposed building layout attached to this report except as such plan may be modified to conform to Village Codes and Ordinances.
2. The PC-25-09 petition is contingent on the approval of the PC-24-09 petition. The PC-24-09 petition for the zoning ordinance text amendment to add an animal kennel to the list of Special Uses in the B-2 zoning district shall be approved by the Village Council prior to Village Council consideration of petition PC-25-09. If the PC-24-09 petition is not approved, then the PC-25-09 petition becomes annulled and cannot be considered by the Village Council.
3. All dogs in the outdoor area shall be supervised at all times.

Staff Report Approved By:

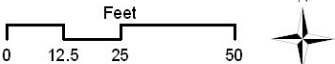
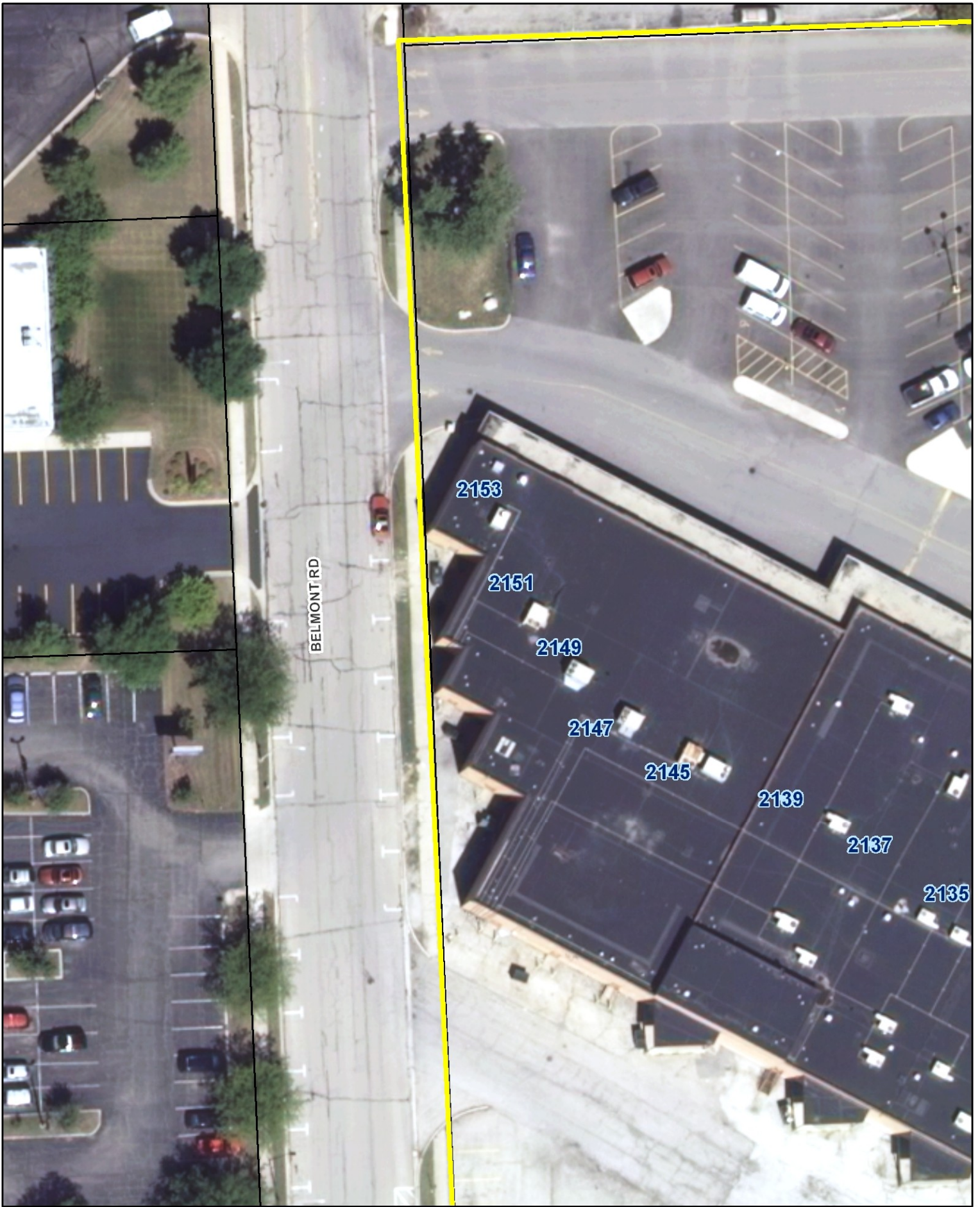
Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att

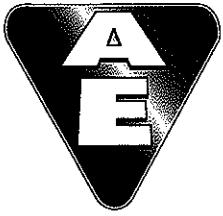
P:\P&CD\PROJECTS\PLAN COMMISSION\2009 PC Petition Files\PC-25-09 2151 63rd ST SPECIAL USE FOR AN ANIMAL KENNEL\Staff Report PC-25-09.doc



2151 63rd Street



2151 63rd Street



ARUN ENTERPRISES

Real Estate Services

1213 Butterfield Rd • P.O. Box 790 • Downers Grove, Illinois • 60515

Phone: (630) 960-3240 Fax: (630) 960-0264

September 3, 2009

Village of Downers Grove
Department of Planning & Community Development
801 Burlington Ave
Downers Grove, IL 60515

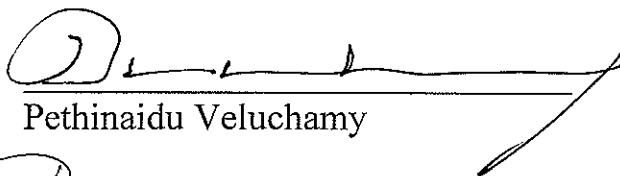
Re: 2151 63rd Street, Downers Grove

Dear Sir/Madam:

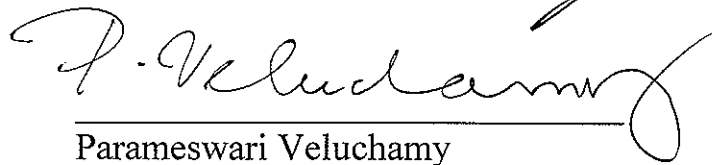
The purpose of this letter is to authorize James Ihssen to be the designated agent for the Meadowbrook Shopping Center.

If you have any questions please feel free to contact us.

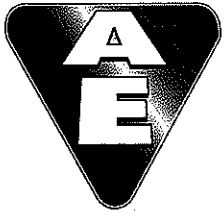
Sincerely,



Pethinaidu Veluchamy



Parameswari Veluchamy



ARUN ENTERPRISES

Real Estate Services

1213 Butterfield Rd • P.O. Box 790 • Downers Grove, Illinois • 60515

Phone: (630) 960-3240 Fax: (630) 960-0264

September 3, 2009

Village of Downers Grove
Department of Planning & Community Development
801 Burlington Ave
Downers Grove, IL 60515

Re: 2151 63rd Street, Downers Grove

To Whom It May Concern:

I, James Ihssen, of Arun Enterprises, on behalf of the landlord of the Meadowbrook Shopping Center, hereby authorize and approve an application for a special use permit at the above mentioned address.

If you have any questions regarding the above, you can reach me anytime on my cell phone at 630-546-4563.

Sincerely,


James Ihssen
ARUN ENTERPRISES

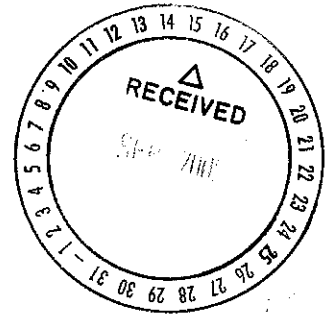
Cc: Lease File

September 15, 2009

Georgia Makropoulos

2151 W. 63rd Street

Downers Grove, IL 60516



Dear Zoning Administrators,

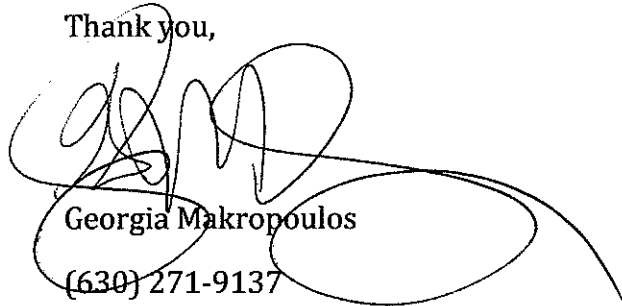
I, Georgia Makropoulos am requesting approval for rezoning of Pet Clips located at 2151 W. 63rd Street, in the Westbrook Strip Mall. Pet Clips operates as a pet grooming business and has been for the past three years. Pet Clips was previously located in Woodridge for 14 years.

The purpose for my request for rezoning is to provide boarding and outdoor fencing to provide a safe and alternative environment for the pets. I am also in the process of leasing the store directly east of this location for a licensed pet grooming school.

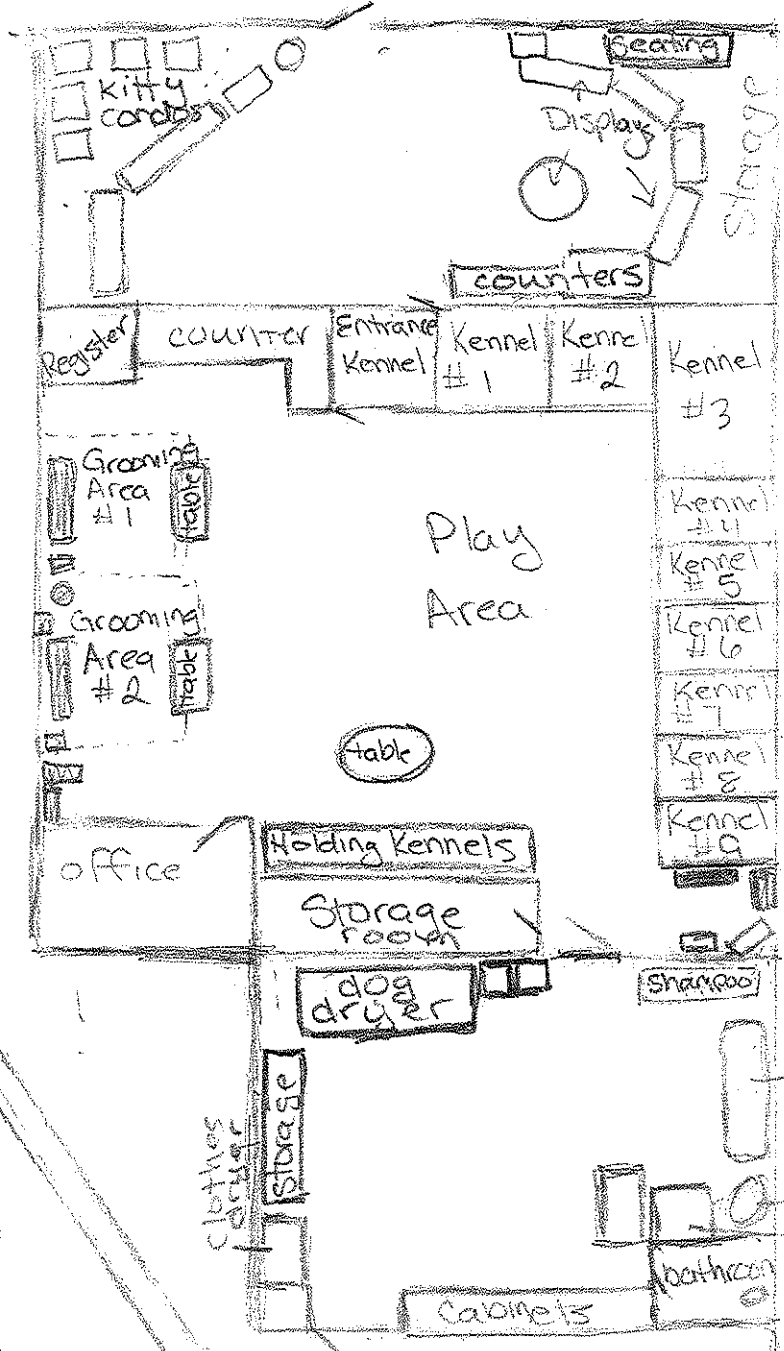
I am President of Central Midwest Canine Rescue; I work with the Humane Society and Anti-Cruelty Society. My mission in my non-profit work with these programs is to find homes for abandoned dogs and cats that have been neglected, abused, and are suffering from illness.

From my experience the approval of the rezoning will bring a great deal of business and opportunities to the Village of Downers Grove.

Thank you,



Georgia Makropoulos
(630) 271-9137



Street
Grass
Xion
base

Fence

dog bathing tub

Hot water heater washer

bathroom

Cabinets

Shampoo

dog dryer

Storage room

Holding Kennels

office

Grooming Area #2

Grooming Area #1

Play Area

table

Kennel #9

Kennel #8

Kennel #7

Kennel #6

Kennel #5

Kennel #4

Kennel #3

Kennel #2

Kennel #1

Entrance Kennel

counter

Register

counters

Displays

Storage

Seating

kitty condos

NOTES:

REFERENCE IS MADE TO DECLARATION OF PROTECTIVE COVENANTS RECORDED AS DOCUMENT R66-03167 RELATING TO LAND USE, CONDITION OF USE, FLOOR RATIO, SET-BACK/YARD, AND COMMON OPEN SPACE.

REFERENCE IS MADE TO COVENANT RECORDED AS DOCUMENT R72-59429 AFFECTING LAND USE.

REFERENCE IS MADE TO CERTIFICATE APPENDED TO SUBDIVISION PLAT (R73-5824) GRANTING EASEMENT RIGHTS FOR INGRESS-EGRESS AND DRIVEWAYS.

REFERENCE IS MADE TO RESTRICTIVE COVENANTS APPENDED TO MEADOWBROOK SUBDIVISION PLAT DOCUMENT R73-5824.

REFERENCE IS MADE TO COVENANTS AND RESTRICTIONS CONTAINED IN DEED RECORDED AS DOCUMENT R72-59428 AFFECTING BUILDING USE.

REFERENCE IS MADE TO RECIPROCAL EASEMENT RECORDED AS DOCUMENT R73-54787.

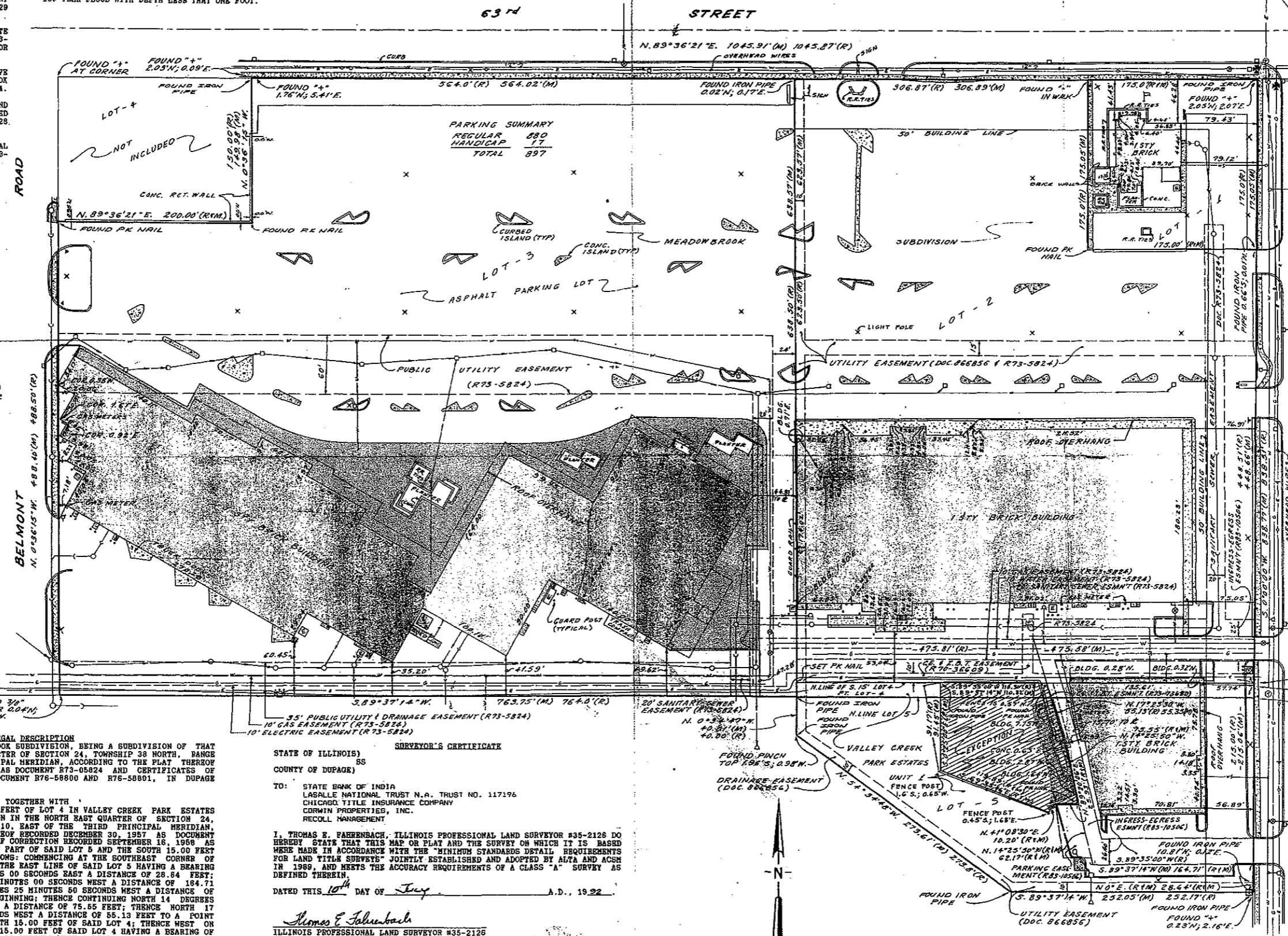
PORTIONS OF LOT 5 AND 4 OF VALLEY CREEK PARK, AFORESAID, FALL WITHIN ZONE A3 AND ZONE B OF THE DEPARTMENT OF EMERGENCY MANAGEMENT'S FLOOD RATE INSURANCE MAP. COMMUNITY-PANEL NUMBER 170204 0008 B EFFECTIVE DATE OF APRIL 15, 1981.

ZONE A3 IS DEFINED AS AN AREA OF 100 YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED. ZONE B IS DEFINED AS AREAS BETWEEN LIMITS OF 100 YEAR FLOOD AND 500 YEAR FLOOD OR CERTAIN AREAS SUBJECT TO 100 YEAR FLOOD WITH DEPTH LESS THAN ONE FOOT.

PLAT OF SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

R.I.N.'s: 08-24-202-002
08-24-202-003
08-24-202-005
08-24-203-001
08-24-203-002



PARKING SUMMARY

REGULAR	880
HANDICAP	17
TOTAL	897

- LEGEND
- SANITARY SEWER
 - WATER MAIN & HYDRANT
 - VALVE IN YADLT
 - VALVE & BOX
 - STORM SEWER
 - INLET
 - MANHOLE
 - POWER POLE
 - UNDERGROUND ELECTRIC
 - UNDERGROUND TELEPHONE
 - GAS MAIN
 - CURB & GUTTER
 - EDGE OF PAVEMENT
 - × LIGHT
 - GUARD RAIL
 - CONCRETE SURFACES

LEGAL DESCRIPTION

LOTS 1, 2 AND 3 IN MEADOWBROOK SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE NORTH EAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 1, 1973 AS DOCUMENT R73-05824 AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENT R76-58800 AND R76-58801, IN DUPAGE COUNTY ILLINOIS.

TOGETHER WITH

LOT 5 AND THE SOUTH 15.00 FEET OF LOT 4 IN VALLEY CREEK PARK ESTATES UNIT 1, BEING A SUBDIVISION IN THE NORTH EAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 30, 1957 AS DOCUMENT R66856 AND THE CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 18, 1958 AS DOCUMENT R94780 (EXCEPT THAT PART OF SAID LOT 5 AND THE SOUTH 15.00 FEET OF LOT 4 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTH ON THE EAST LINE OF SAID LOT 5 HAVING A BEARING OF NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 28.84 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 00 SECONDS WEST A DISTANCE OF 184.71 FEET; THENCE NORTH 14 DEGREES 25 MINUTES 50 SECONDS WEST A DISTANCE OF 62.17 FEET, TO A POINT OF BEGINNING; THENCE CONTINUING NORTH 14 DEGREES 25 MINUTES 50 SECONDS WEST A DISTANCE OF 75.65 FEET; THENCE NORTH 17 DEGREES 23 MINUTES 30 SECONDS WEST A DISTANCE OF 55.13 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 15.00 FEET OF SAID LOT 4; THENCE WEST ON THE NORTH LINE OF THE SOUTH 15.00 FEET OF SAID LOT 4 HAVING A BEARING OF SOUTH 89 DEGREES 35 MINUTES 00 SECONDS WEST A DISTANCE OF 110.39 FEET; THENCE SOUTH 0 DEGREES 26 MINUTES 00 SECONDS EAST A DISTANCE OF 91.17 FEET; THENCE SOUTH 69 DEGREES 35 MINUTES 46 SECONDS EAST A DISTANCE OF 119.89 FEET; THENCE NORTH 41 DEGREES 08 MINUTES 30 SECONDS EAST A DISTANCE OF 10.20 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 06 SECONDS EAST A DISTANCE OF 26.93 FEET TO THE POINT OF BEGINNING IN DU PAGE COUNTY, ILLINOIS.

SURVEYOR'S CERTIFICATE

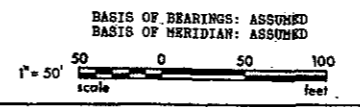
STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

TO: STATE BANK OF INDIA
LASALLE NATIONAL TRUST N.A. TRUST NO. 117196
CHICAGO TITLE INSURANCE COMPANY
CORWIN PROPERTIES, INC.
RECOLL MANAGEMENT

I, THOMAS E. FAHRENBAUGH, ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2126 DO HEREBY STATE THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARDS DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1989, AND MEETS THE ACCURACY REQUIREMENTS OF A CLASS "A" SURVEY AS DEFINED THEREIN.

DATED THIS 10th DAY OF July A.D., 1992

Thomas E. Fahrenbaugh
ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2126



DRAFT

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

PC-25-09 A petition seeking a special use for an animal kennel with a variation for closed-design fence within a front yard for the property located at the southeast corner of 63rd Street and Belmont Road, commonly known as 2151 63rd Street, Downers Grove, Illinois (PIN 08-24-202-005); Georgia Makropoulos, Petitioner; Arun Enterprises, Owner

Chairman Jirik swore in those individuals speaking on this petition.

Mr. Latinovic explained the petition before the commissioners is for a special use for an animal kennel for the referenced 1,300-square foot property located in the Meadowbrook Shopping Center. The property is zoned B-2 General Retail Business District and is operating as a dog grooming business. The petitioner is also requesting a text amendment to add "animal kennels" as a Special Use within the B-2 district. (See above petition) Also, the petitioner is requesting a zoning variation to install a *solid*, eight-foot high fence along the west side of the property (Belmont Road) whereas the Zoning Ordinance allows an eight-foot high "open" design fence only within the 25-foot front yard along the west (front) property line.

The proposed animal kennel is currently not allowed as a special use in the B-2 district. Therefore, as part of the proposal, staff explained the petitioner has filed a separate petition requesting a Zoning Ordinance text amendment to add "animal kennels" as a special use in the B-2 zoning district (PC-24-09). As such, this Special Use request (PC-25-09) for the proposed animal kennel at 2151 63rd Street is contingent on the approval of PC 24-09.

Per staff, the petitioner opened the dog grooming business in 2006 and began boarding animals overnight. However, when the Village became aware of it, the petitioner was notified of the violation and stopped boarding animals. The special use approval will allow the petitioner to legally board animals overnight.

Staff believes the proposed development is consistent with the intent of the Future Land Use Plan

Mr. Latinovic stated there was no physical hardship or unique circumstances associated with the property that would warrant granting the variation and the petitioner has the option to install an open design fence with landscaping to provide additional screening. Should the variation request be granted, it will allow a special privilege that is denied to other property owners and will also be applicable to other shopping centers in the Village. Additionally, Mr. Latinovic explained that if the solid fence is granted, it will alter the character of the immediate neighborhood. Staff believes the proposed 8-foot solid fence along the property line could endanger public safety. Therefore, staff recommended denial of the requested variation.

The Fire Prevention Division of the Fire Department reviewed the petition documents and conveyed that an upgrade to the existing fire alarm system may be required.

DRAFT

Mr. Latinovic said staff believes the standards for a special use have been met and a proposed animal kennel is a desirable use in the community. However, staff does recommend as a condition for approval, that all dogs in the outdoor area must be supervised at all times. Staff agrees the proposal is compatible with the surrounding area and will not have an adverse effect on the existing uses or trend of development in the area. If the petition for the Zoning Ordinance text amendment to allow "animal kennels" as a special use in the B-2 district (PC-24-09) is approved, the proposed use will be listed as an allowable special use in the district.

As to the variation to install a solid eight-foot high fence, staff believes the proposal does not meet all standards for granting the zoning variation except and, therefore, recommended denial of the zoning variation request. Instead, Mr. Latinovic recommended that the Plan Commission make a positive recommendation regarding PC 25-09 to the Village Council subject to the three conditions listed in staff's memo and deny the zoning variation request for the solid fence.

The Commission as staff to confirm that if the fence variation was approved, it could affect other properties in the village. Mr. Latinovic concurred and explained that a physical hardship is typically required to allow a variation, as compared to this request, which staff did not find anything unique about the property. Dialog followed regarding the definition of a front yard for a corner property. Chairman Jirik confirmed with staff that in order to meet the variation, the proposed solid fence would have to be in a rear yard or side yard not abutting a street. Further clarification followed on the exterior aesthetics of the business and creating a vista so that patrons passing could view the business. The Chairman felt that the request was neutral whether it was a brick wall or a wooden wall.

Mr. Latinovic spoke about the blind spots the fence could create and become a public safety issue. Mr. O'Brien clarified that when staff reviews a request, it considers the conditions on the property and not what are the conditions on the property as a result of the proposed use. Another consideration is what other options does the applicant have to protect the animals and public walking past the fence? Mr. O'Brien stated that if the Plan Commission found something unique about the property, it could make an alternative finding.

Mr. Beggs asked staff to clarify the location of the proposed fence and questioned the accuracy of the aerial photographs. He queried whether the effect of a solid fence would bring the appearance of the walls closer to the sidewalk. Furthermore, he remarked that if the solidity of the face was increased it would appear to bring the variation closer to the street. The Prentiss Creek building was referenced, noting its setback of 240 feet from the south property line. Per a question, the petitioner described where the dumpster would be relocated.

Mr. Matejczyk asked staff whether it would be possible for the owner to extend the building line to where the fence is now, to which staff stated there is a 25-foot setback requirement for structures now and the building was constructed as a planned development back in the 1970's. Questions followed as to what constitutes an "open" fence.

Petitioner, Ms. Makropoulos, 2151 63rd Street, described where she wanted the fence in order for the animals to get some fresh air yet separate the animals from the public for safety purposes. Unfortunately, she said her front yard was also her back yard. As to sanitation, she stated the dogs are walked and any excrement is picked up by the walkers. The rear enclosed yard would be power-washed. No kennels would be located outside. She stated the dogs would not be outside

DRAFT

prior to 8:00 a.m. or after 8:00 p.m. Clarification followed on how the future dog grooming school would connect to the kennel area of the current business.

Chairman Jirik opened up the meeting to public comment.

Mary Ellyn Nelson, representing Elite Sports Complex, 6360 S. Belmont, conveyed that she has seen the petitioner's dog walkers who do clean up after the dogs. She did raise concern about the public notice that was sent out only to property owners and not the renters, the fact that there were children in the area, and the fact that a licensed preschool existed in her building, which had a lot of pick-up/drop-off activities going on. As to fire safety, she was concerned about the petitioner's business only having one door for entry and exit. Additionally, she voiced concern about loose dogs, noise, and suggested placing a top on the fence of the outdoor area.

Chairman Jirik closed public comment.

Petitioner, Ms. Makropoulos, stated she did not hear the dogs barking when she was eating at the adjacent taco store. She has not heard of any complaints from her neighbors and stated the landlord has agreed to allow her business to exist. She believed a future grooming school would be beneficial and bring more business to the Meadowbrook Shopping Center.

Mr. Matejczyk agreed there was a safety issue and that a solid fence would be appropriate especially since smaller children were in the area and are sometimes attracted to dogs. Since it was a leased property, he confirmed with staff that the fence variation would go with the land. As to only having one front entry and exit and the fire department not reviewing the request, staff assumed the fire department would require a fence gate with a lock.

Chairman Jirik spoke about the generous area of the exterior area and the fact that it comes up close to the sidewalk. He queried staff whether the fence could be pulled back from the corner, creating a corner-to-corner area to maintain some space between the solid fence and the public sidewalk, thereby creating some neutral aesthetics. Mr. Matejczyk and Mrs. Rabatah concurred, commenting that some landscaping could be added in front of the fence. Mr. Beggs, however, was in agreement that the business owner wanted to expand her business but to establish a new criteria to protect the business or legislate it, he did not support. Mr. Webster questioned as to what could be put inside the interior of the fence and agreed with staff's nine standards. He believed it was a self-imposed hardship. Mr. Matejczyk argued the point that if the variation was not granted, the petitioner could install a four-foot open fence, which he felt would be inappropriate for the public's safety and the business.

The Chairman also noted that the Plan Commission could place greater restrictions on the Special Use and the commission could act on the Special Use first, followed by the variation.

WITH RESPECT TO PC-25-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE SPECIAL USE FOR AN ANIMAL KENNEL IN THE B-2 DISTRICT, INCLUDING THE FOLLOWING CONDITION LISTED BELOW:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE PLAT OF SURVEY PREPARED BY INTECH CONSULTANTS, INC. DATED JULY 10, 1992,**

DRAFT

AND THE PROPOSED BUILDING LAYOUT ATTACHED TO STAFF REPORT DATED OCTOBER 5, 2010 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE PC-25-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-24-09 PETITION. THE PC-24-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN "ANIMAL KENNEL" TO THE LIST OF SPECIAL USES IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO VILLAGE COUNCIL CONSIDERATION OF PETITION PC-25-09. IF THE PC-24-09 PETITION IS NOT APPROVED, THEN THE PC-25-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.**
- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. THE USE OF THE OUTDOOR AREA FOR DOGS SHALL BE LIMITED TO THE HOURS BETWEEN 8 A.M. AND 8 P.M**

SECONDED BY MR. COZZO.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

WITH RESPECT TO PC-25-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE ZONING VARIATION FOR AN 8-FOOT SOLID FENCE FOR 2151 63RD STREET SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE PETITIONER SHALL SUBMIT A SPECIFIC RENDERING OF THE PROPOSED FENCE, ITS MATERIAL, AND THE SPECIFIC LOCATION OF THE FENCE WITH THE PROPOSED SETBACK BETWEEN THE FENCE AND THE SIDEWALK.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: MR. BEGGS, MR. WEBSTER

MOTION CARRIED. VOTE: 5-2.

Mr. Webster voted Nay because he agreed with Mr. Beggs' point about operating the business wholly within the property that is existing without asking for any variation; otherwise the petitioner could install an open fence.

DRAFT

Mr. Beggs voted Nay stating the petitioner should carry on the business within its confines. He did not believe granting a variation to the petitioner was fair to the others.