

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 3, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use 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 for an eight-foot high 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.

UPDATE & RECOMMENDATION

This item was discussed at the October 27, 2009 workshop. The Council had questions about the type of fence permitted by code and the requested fence variation. Since the Workshop, the petitioner has withdrawn the variation petition and staff has modified the draft Special Use Ordinance to require the construction of a code compliant board on board fence as depicted in the photograph below.



Staff recommends approval of the revised Special Use ordinance 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.

ATTACHMENT
Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Petitioner **DATE:** November 3, 2009
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** PC-25-09
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt “AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 2151 63rd STREET TO PERMIT AN ANIMAL KENNEL”, as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will authorize a special use for 2151 63rd Street to permit an animal kennel.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

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

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.

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, 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.
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.

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..
5. A shadow box or board on board type fence, per the attached Exhibit B, shall be installed around the proposed outdoor play area for dogs as specified in the attached Exhibit A. The fence shall have 1"x 4"x 6' pickets spaced 3" apart and made of cypress, western red cedar or pressure-treated pine, or similar type of material as approved by the Village. The fence shall be painted on both sides within 30 days of installation with a color compatible to the building façade as approved by the Village.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use 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

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

EXHIBIT A

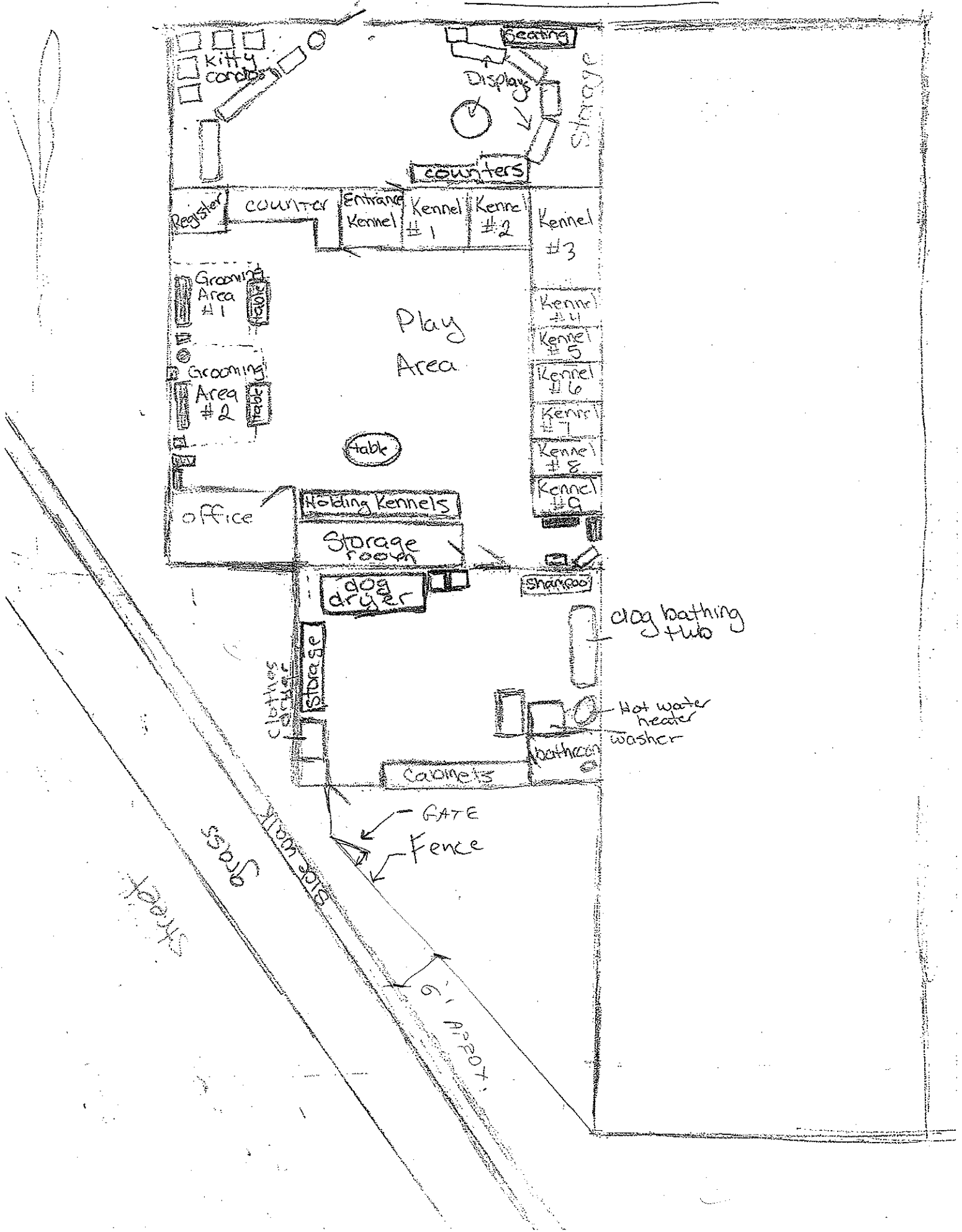
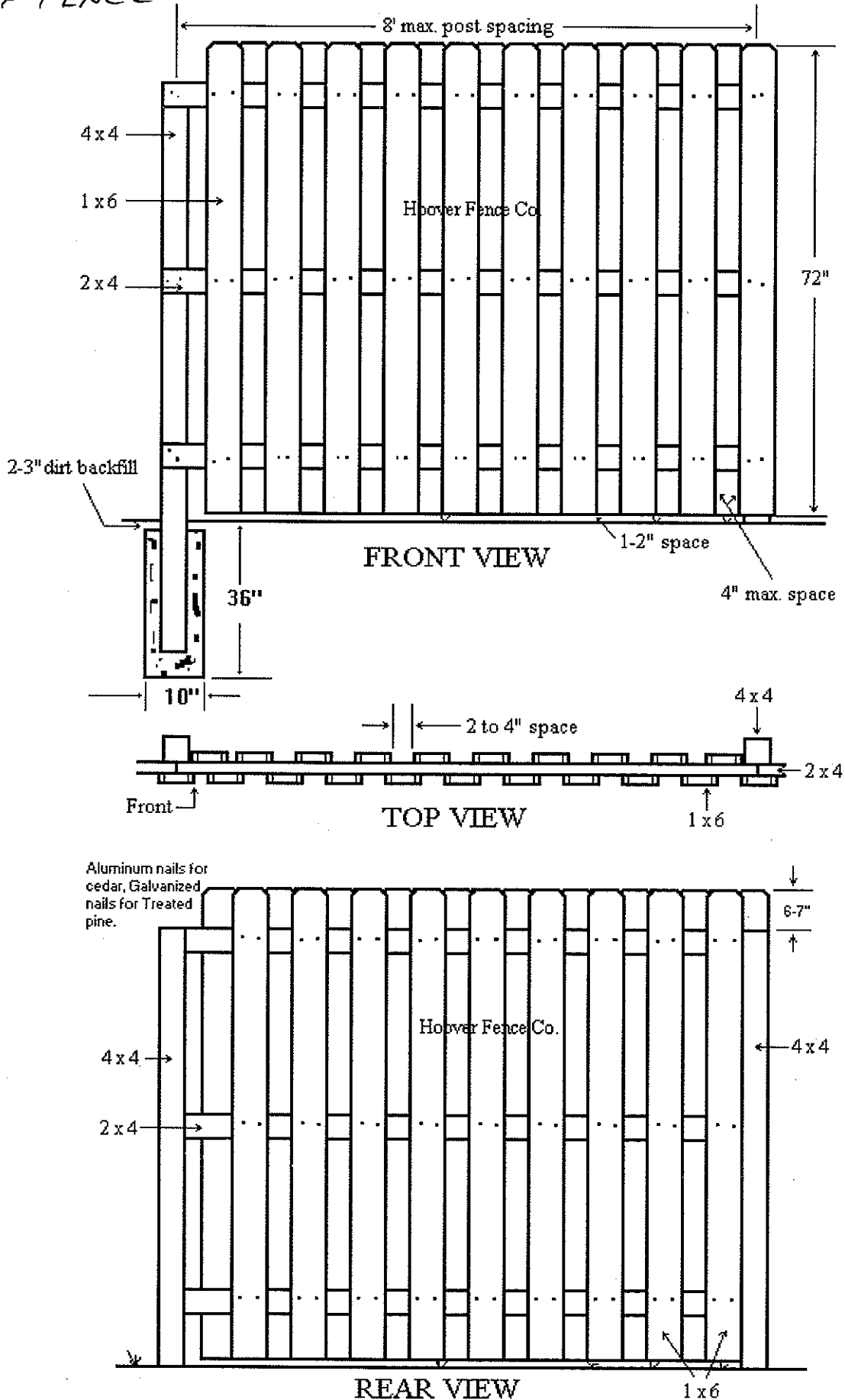


EXHIBIT-B
TYPE OF FENCE

Straight Shadowbox
Choice of Red Cedar or Treated Pine



Number of boards will vary depending on space between boards and actual width of boards
Copyright 1997 Hoover Fence Co. All rights reserved