

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: March 29, 2017 (B of T) Date: April 6, 2017

TITLE: PC 17-11; 244 W. Roosevelt Road

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions on the subject property located within the B4A Roosevelt Road Corridor Zoning District:

1. Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel;
2. Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required;
3. Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required;
4. Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required;
5. Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required; and
6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required.

The Plan Commission recommended approval of this petition by a vote of 5-0.

Please place this request under Items for Separate Action.

Fiscal Impact/Funding Source:

Review (as necessary):
 Village Attorney X _____ Date _____
 Finance Director X _____ Date _____
 Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WH*

MEETING DATE: April 6, 2017

SUBJECT: **PC 17-11, Carriage Animal Clinic, 244 W. Roosevelt Road**

Please find the following items for Village Board consideration as part of the April 6, 2017 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 17-11; and
3. An Ordinance granting approval of the requested conditional use and variances.

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the April 6, 2017 Board of Trustees agenda.

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VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

April 6, 2017

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 17-11, Carriage Animal Clinic, 244 W. Roosevelt Road

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition, the petitioner requests that:

1. Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel;
2. Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required;
3. Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required;
4. Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required;
5. Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required; and
6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 20, 2017. Sworn in to present the petition were the petitioners Bob Edwards, Bill Zalewski, and Dr. Jeremy Buishas, and Jennifer Ganser of the Village of Lombard.

Chairperson Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, he proceeded with the petition.

Mr. Edwards said he is from RWE Management Co. Dr. Buishas, property and business owner, wants to turn Carriage Animal Clinic into a full service clinic. The Village Board has reviewed their request to purchase the right-of-way to the east. Mr. Edwards reviewed the current site and building as well as the proposed addition to the east, south, and a second floor. A new curb cut would be added on Roosevelt Road and the current curb cut would be eliminated. There would be twenty-three parking spaces. He reviewed the elevations and floor plans. He noted that some of the relief exists on-site but is needed for Carriage to expand. He discussed the 15' separation needed for the water main and said that Public Works gave an exception to be slightly closer. He discussed the transitional yard and showed the parking lot encroachment.

Chairperson Ryan asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, he asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. Carriage Animal Clinic is proposing a building expansion and they are interested in acquiring the Village owned right-of-way to the east, which is subject to Village Board approval, for parking. Even with the additional land, the property will not meet the minimum lot area or width of the B4A district, though they will be closer to compliance than the current lot. Staff supports this request and notes the animal hospital does not meet minimum lot area or width currently and that it has not impacted the business operations. The property is currently being used as an animal clinic and as the current use is a conditional use in the B4A zoning district, an expansion would also require a conditional use.

The petitioner is restricted to the east by an existing water main and the building cannot extend further east than shown in the plans. Therefore a variance to the front yard setback is being proposed at a five feet (5') reduction to twenty-five feet (25'). The property abuts a CR District the rear yard setback is forty feet (40'). However, the existing building is setback at thirty feet (30') and the addition will match and align with the existing building line. Also, the petitioner is being required by Village staff to add a five feet (5') turn around area in the parking lot. This area, combined with the last parking space being stripped for no parking, would allow someone to back up and turn around to exit the property, if all the parking spaces were taken. Due to the property abutting property in the CR District, a greater setback is required per Code. As this is the only area where the variance is being requested, staff supports the variance.

The petitioner has met with DuPage County and Village staff regarding stormwater during a pre-application meeting. Conditions of approval consistent with 104 E. St. Charles Rd (PC 16-20) have been added to ensure neighborhood compatibility. These include limiting the time of day animals can be outdoors, prohibiting caging and boarding outdoors, and ensuring that the fence is maintained in a good state of repair at all times.

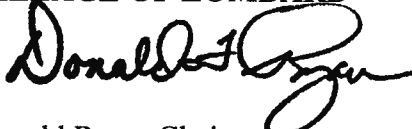
Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

On a motion by Commissioner Burke, and a second by Commissioner Flint, the Plan Commission voted 5-0 to recommend that the Village Board approve the petition associated with PC 17-11, subject to eight (8) conditions.

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report: Architecture and Site Plans, prepared by Linden Group, dated 2/27/2017; and Preliminary Engineering Plans, prepared by Advantage Consulting Engineers, LLC, dated 2/24/17;
3. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board;
4. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where animals can roam freely;
5. The outdoor area shall be maintained with an eight foot (8') solid fence that shall be maintained in a good state of repair at all times;
6. No animals shall be allowed outside between 10:30pm and 7:00am;
7. That the petitioner shall submit a photometric plan during permit review; and
8. A Plat of Consolidation must be recorded before permits shall be released.

Respectfully,

VILLAGE OF LOMBARD



Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

CARRIAGE ANIMAL CLINIC – 244 W. ROOSEVELT ROAD

March 20, 2017

Title

PC 17-11

Petitioner

Jeremy Buishas
244 W. Roosevelt Rd
and
Village of Lombard
255 E. Wilson Ave
Lombard IL 60148

Property Owner

Same

Property Location

244 W. Roosevelt Road and the
Village owned right-of-way to the
east

Zoning

B4A

Existing Land Use

Commercial

Comprehensive Plan

Community Commercial

Approval Sought

Conditional use permit and
variances for an expansion of
the existing animal clinic

Prepared By

Jennifer Ganser, AICP
Assistant Director



PROJECT DESCRIPTION

Carriage Animal Clinic is proposing a building expansion. They are interested in acquiring the Village owned right-of-way to the east, which is subject to Village Board approval, for parking.

APPROVAL(S) REQUIRED

The petitioner requests that the Village take the following actions on the subject property located within the B4A Roosevelt Road Corridor Zoning District:

1. Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel;
2. Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required;
3. Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required;
4. Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required;
5. Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required; and
6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required.

PROJECT STATS

Lot & Bulk

Parcel Size: 0.24

Submittals

1. Petition for Public Hearing;
2. Response to Standards;
3. Architecture and Site Plans, prepared by Linden Group, dated 2/27/2017; and
4. Preliminary Engineering Plans, prepared by Advantage Consulting Engineers, LLC, dated 2/24/17.

EXISTING CONDITIONS

The subject property is an operating business, Carriage Animal Clinic. The property to the east is vacant and owned by the Village.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments. Should the petition be approved, additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department states that the proposed addition to the existing building on this site triggers the requirements for an automatic fire sprinkler system to be installed in the entire building per Village Ordinance. Should the petition be approved, additional comments may be forthcoming during permit review.

Private Engineering Services:

The Private Engineering Services Division notes their main comments were addressed, but additional comments may come up during final engineering review. Should the petition be approved, additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has the following comment: a public utility and drainage easement shall be recorded, as has been discussed and agreed upon with the petitioner, prior to vacating the Village's right-of-way. Should the petition be approved, additional comments may be forthcoming during permit review.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	CR	Open Space
South	B4A	Commercial
East	B4A	Auto service business
West	B4A	Restaurant

The property is currently being used as an animal clinic which is compatible with the existing zoning and land uses in the Roosevelt Road Corridor District. It has been in operation since the 1980s.

Conditions of approval consistent with 104 E. St. Charles Rd (PC 16-20) have been added to ensure neighborhood compatibility. These include limiting the time of day animals can be outdoors, prohibiting caging and boarding outdoors, and ensuring that the fence is maintained in a good state of repair at all times.

2. *Comprehensive Plan Compatibility*

The site and expansion is compatible with the Comprehensive Plan of Community Commercial. The use is consistent with the Comprehensive Plan's recommendation of community commercial uses "providing services extending beyond daily living needs."

3. *Zoning Ordinance Compatibility*

Staff notes that a variance for interior parking lot landscaping as discussed in the response to standards was not needed.

Staff offers the following comments on the requested relief.

1. *Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel*

As the current use is a conditional use in the B4A zoning district, an expansion would also require a conditional use. Staff supports the request and note the animal clinic has been operating for many years without problem in the Roosevelt Road Corridor.

2. *Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required*

The petitioner is interested in purchasing the Village owned right-of-way to the east to provide for parking for their expansion. Even with the additional land, the property will not meet the minimum lot area of the B4A district, though they will be closer to compliance than the current lot. Staff supports this request and notes the animal hospital does not meet minimum lot area currently and that it has not impacted the business operations.

3. *Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required*

The petitioner is interested in purchasing the Village owned right-of-way to the east to provide for parking for their expansion. Even with the additional land, the property will not meet the minimum lot width of the B4A district, though they will be closer to compliance than the current lot. Staff supports this request and notes the animal hospital does not meet minimum lot width currently and that it has not impacted the business operations.

4. *Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required*

The petitioner is restricted to the east by an existing water main. Public Works has allowed for the building to be approximately thirteen feet (13') from the water main, whereas policy dictates fifteen feet (15'); therefore the building cannot extend further east than shown in the plans. An easement is required over the water main, which will be depicted on a future plat. Therefore a variance to the front yard setback is being proposed at a five feet (5') reduction to twenty-five feet (25'). Staff supports the request noting that the buildings along Roosevelt Road are setback at varying amounts and the variance request would not alter the neighborhood character.

5. *Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required*

As the property abuts a CR District the rear yard setback is forty feet (40'). However, the existing building is setback at thirty feet (30') and the addition will match and align with the existing building line. Staff supports the request.

6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required

The petitioner is being required by Village staff to add a five feet (5') turn around area in the parking lot. This area, combined with the last parking space being stripped for no parking, would allow someone to back up and turn around to exit the property, if all the parking spaces were taken. Due to the property abutting property in the CR District, a greater setback is required per Code. As this is the only area where the variance is being requested, staff supports the variance.

4. Design

The new building will be a total of 6,593 square feet. After removing space for mechanical and storage areas (at 978 square feet) the building will have a total of 5,615 usable square feet and twenty-three (23) required parking spaces. The curb cut will be moved to the east with the parking. As Roosevelt Road is under IDOT control, IDOT will review the driveway placement. Parking lot lighting is not shown, however the petitioner will be required to submit a photometric plan with final permits. A fence will be maintained in the rear for the outdoor dog play area. The building design will be masonry and glass which will complement the Roosevelt Road corridor.

5. Stormwater

The petitioner has met with DuPage County and Village staff regarding stormwater during a pre-application meeting. Best Management Practices (BMPs) are required, per the DuPage County Stormwater Ordinance. Permeable pavers are being added to the new parking lot to help improve the stormwater. The site drains to the north currently, and will continue to drain to the north, should the expansion be approved. Wetlands do exist to the north, however that property is not part of the development.

FINDINGS & RECOMMENDATIONS

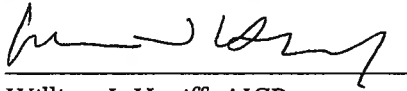
Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards for a conditional use and variations, as established by the Lombard Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposed conditional use and variances **comply** with the standards required by the Village of Lombard Zoning Ordinance and that granting the conditional use and variances is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 17-11, subject to the following conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report: Architecture and Site Plans, prepared by Linden Group, dated 2/27/2017; and Preliminary Engineering Plans, prepared by Advantage Consulting Engineers, LLC, dated 2/24/17;

3. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board;
4. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where animals can roam freely;
5. The outdoor area shall be maintained with an eight foot (8') solid fence that shall be maintained in a good state of repair at all times;
6. No animals shall be allowed outside between 10:30pm and 7:00am;
7. That the petitioner shall submit a photometric plan during permit review; and
8. A Plat of Consolidation must be recorded before permits shall be released.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

APPLICATION FOR DEVELOPMENT APPROVAL AND ZONING RELIEF;

Conditional Use, and Zoning Variation

To: Jennifer Ganser
Assist Director of Community Planning
Department of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

Dr. Jeremy Buishas submits this Application and its supporting documents to petition the Corporate Authorities for approval of certain zoning relief in order to remodel and construct addition for a 6,000 sq.ft. building with a Preliminary Plan, Site Plan, and Building Elevations (attached hereto) on the below described property. Based on the regulations set forth in the Lombard Zoning Code, the requested zoning relief will have to be considered by the Plan Commission and the Village Board as noted below.

Applicant: Jeremy Buishas, DVM
Carriage Animal Clinic
244 W Roosevelt Road
Lombard, IL

I. **Subject Property Address:** 244 W Roosevelt Road

P.I.N.: 0618420027

Lot Size: 19,950 SQ.FT.

Current Zoning District: B4A

Zoning Relief Requested:

1. Request for Conditional Use approval to add Animal Hospital with Kennels to B2A District
2. Request for Variation from minimum lot area from 40,000 s.f. to 19,000 s.f.
3. Request for Variation from Minimum lot width from 150' to 132'.
4. Request for Variation of front yard setback requirements from 30'-0" to 25'-0".
5. Request for Variation of transitional rear yard building set back from 40' to match the existing 30' setback.
6. Request for Variation of interior landscape islands for parking.
7. Request for Variation of transitional rear yard parking landscape buffer requirements from 30'-0" to 24'-0".

Standards:

Request for Conditional Use approval to add Animal Hospital with Kennels to B2A District:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

We are requesting a conditional use for an Animal Hospital with Kennels for Boarding! The current use is for an Animal Hospital. The conditional use is required because we are requesting approval to modify the existing conditional use: building addition(s) and purchase/development to the Village of Lombard's ROW located directly east of our property. The ROW would be consolidated with the existing Carriage Animal Hospital property into one lot with a new expanded parking lot on the ROW. The building and parking lot expansion will have no effect on public health, safety, morals, comfort, or general welfare;

2. That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

Since the current use will not change, the continued conditional use for an animal hospital with boarding kennel will not be injurious to the uses and enjoyment of the neighboring properties in the general vicinity. Specifically, the major concerns related to an animal hospital with boarding kennels are sound (barking dogs) and odor (dog waste). The Applicant takes a proactive approach to addressing these issues to mitigate any problems associated with the same. Boarding Kennels are cleaned and the boarders (dogs) are taken outside to a holding kennel or the exercise area 2 or 3 times a day for a period of 10 to 15 minutes while their kennels are cleaned. While dogs are outside in holding kennels or the outdoor exercise area, they are always under the strict supervision of staff. Normally, the cleaning schedule is 7am (morning cleaning) and 4pm (evening cleaning) with a midday cleaning often added if necessary. It is operational policy to clean up solid waste (inside & outside) throughout the day to eliminate any odor from the same and eliminate an unhealthy environment for the boarders. Staff is trained to address sound and odor issues immediately: outside waste is picked up & disposed of immediately; barking behavior is either stopped or the barking dog is moved inside. The waste is disposed of in air tight, trash bags and then placed in outdoor trash dumpsters with lids to eliminate odor problems. Throughout the day, boarded dogs are given supervised exercise in our outdoor & indoor exercise areas. A proposed 8' high solid PVC fence that surrounds the outdoor exercise area eliminates dogs barking (seeing and reacting) at people and other stimulus.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The current use is not changing but rather it is being expanded. The change will not impede the development and improvement of the surrounding property.

4. That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;

The proposed changes to the property: expanded building and parking lot will be adequately serviced by the existing public utilities. Additional storm water management (detention) will be provided.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

The proposed project will include a larger parking lot on the ROW. This will require the construction of a new driveway (curb cut) access onto Roosevelt Road. The existing driveway (curb cut) will be closed thereby only providing one ingress and egress to the property. The change in driveway location will have little or no affect traffic on Roosevelt road.

6. That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,

The proposed conditional use is a continuation of the existing use: animal hospital. The conditional use is consistent with the current objectives of the Comprehensive Plan.

7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.

The conditional use requested shall conform to applicable regulations of the B2A district with the approval of requested variances by the applicant.

Request for Variation from minimum lot area from 40,000 s.f. to 19,000 s.f. & Request for Variation from Minimum lot width from 150' to 132'.

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

The current property owned by the applicant doesn't meet the minimum lot width of 150' or lot area and consolidating the current property with the contiguous ROW will not meet the minimum lot width or lot area either. Since there is no other contiguous property available for purchase, imposing this minimum lot width ordinance would create a hardship by not allowing for the expansion of building and parking while maintaining the existing use.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The applicant is faced with a unique situation: the current lot width and area and the proposed expanded lot width and area will not meet the minimum lot width or area. While certainly others properties in the zoning district could be faced with a similar problem in the future, the expansion and consolidation of the existing property with the contiguous ROW is unique

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

Whereas the Village of Lombard has determined that there is no public use for the ROW other than an easement for public utilities and the applicant is willing to purchase the ROW at the appraised cost, for the sole use of the property as parking allowed by the restrictions placed on the property, the variation requested is primarily based on a win/win arrangement between adjoining property owner and Village of Lombard.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The applicant's hardship caused by this ordinance was not created by anyone having an interest in the property. The minimum lot width and area ordinance was created by the Village of Lombard after the current minimum lot width and area was established.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The granting of the requested variation will not be detrimental in any way to the public welfare or the neighborhood in general. It is only the consolidation of two non-conforming lots that separately or together do not meet the minimum lot width or area.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

The granting of the variation will not alter the essential character of the neighborhood but rather it will enhance the character of the neighborhood with the development of a state of art animal hospital.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variation to the minimum lot size and width will not have a negative effect on the adjacent property owners or the public in any way. Rather, it will be an enhancement to the neighborhood

Request for Variation of front yard setback requirements from 30'-0" to 25'-0".

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

The purchase of the ROW by the applicant comes with restrictions: the property can only be used for parking (no building permitted) and any proposed addition to the existing building must allow for a 15' easement on the applicants current property for the maintenance and replacement of public utilities currently located in the ROW. Public works has accepted a small variance to the 15' separation between the proposed building addition and the water main due to the angle of the water main that encroach into the easement toward the northeast corner of the proposed building addition. Currently, there is no easement on the applicant's property. While the applicant could pay to move the water main (at its sole expense), the main would have to be moved from Roosevelt Road to the next northern street and the cost to do so would be unaffordable. Consequently, the required 15' easement creates an unusual hardship on the applicant. The proposed 5' front yard setback variance allows for a building expansion that will meet minimum building standards for the proposed state of the art animal hospital. Additionally, properties to the east, also have buildings that encroach into the 30' front yard setback thereby establishing a precedent for the variance.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The request for this variance is unique to redevelopment of the existing property consolidated with the adjoining continuous ROW and restrictions for the same.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The applicant is purchasing the ROW from the Village of Lombard with the intention of creating a full service, state of the art animal hospitals that will meet the service needs and expectations of today's pet owners. The ROW provides additional land area for an expanded parking lot and the relocation of the parking lot allows for the expansion of the existing building. The unique internal operational flow within the hospital requires the additional 5' to allow for unencumbered circulation of clients and their pets. Without the addition building area and parking, the applicant would be forced to relocate or continue to underservice the market demand.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty and hardship that has caused this variance request is due to the restrictions placed on the purchase of the ROW: namely the 15' easement and separation from the building addition and the existing water main. If the building could have been widened, then the variance could have been avoided.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

While the existing business (west of the applicant) could claim that the proposed building addition will restrict the exposure of its building and sign (traffic traveling west on Roosevelt Road), the additional 5' of building addition will only have a minimal effect on the restricted exposure. A restricted exposure already existing to the west of this business, as the building to its west encroaches into the 30' building setback.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

Since the requested variance is minimal (5' or 16.67%) and other nearby buildings encroach into the front yard 30' setback, the essential character of the neighborhood won't be altered.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variation to the front yard building setback will have a minimal effect on the adjacent property owner to the west and no effect on the adjacent property owner to the east and it will not impact the public streets, danger of fire, drainage or public safety. Rather, it will be an enhancement to the neighborhood.

Request for Variation of transitional rear yard building set back from 40' to match the existing 30' setback.

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

The existing building has a transitional rear yard building set back of 30' so we are seeking a variance from the required 40' to 30' so the building addition will match the existing building. The transitional (business to residential) yard requirement (requiring the building addition to meet the current standard) would create a hardship to the existing business owner by imposing an irregular building off-set that would have a negative impact on the function and use of space on the proposed building floor plan.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The existing building doesn't meet the current transitional rear yard setback of 40' which creates a unique situation and hardship to other properties in the zoning district.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The variance is being requested so the proposed building addition can match & align with the existing building.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The difficulty was created by a change in the ordinance requiring a greater 40' rear yard transitional setback.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Since the existing building has not been detrimental to the public welfare or injurious to other properties or the neighborhood, it is fair and safe to assume that the requested variance for the building addition will have no negative effect on the same.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

The variation will not alter the essential character of the neighborhood but rather retain the existing character.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variation will have no effect on the adjacent properties, the public streets, danger of fire, drainage, public safety or property values.

Request for Variation of interior landscape islands for parking, & Request for Variation of transitional rear yard parking landscape buffer requirements from 30'-0" to 24'-0"

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

In an effort to maximize client and staff parking, the applicant is seeking (3) three parking lot landscape variances: a) variation (elimination) of interior landscape islands for parking, b) transitional rear yard parking landscape buffer requirements from 30'-0" to 24'-0". Together, these variances will allow for (23) parking space (based on the parking space requirement of (4 spaces per 1,000 SF of building area) this would allow for 5,750 SF of building floor area. If all of the requested variances were denied, there would be a reduction of 4 parking spaces and (1,000 SF or 1,250 SF) of building floor area. The first request "a) interior parking lot landscaping" eliminates the requirement of 5% interior landscape within the parking lot area. Parking lot area 6,672 SF X 5% = 333.6 SF / (parking space: 16 x 9) 144 = 2.32 spaces. The parking lot (by most standards) is a small parking lot next to/west of a muffler shop parking lot that has no landscape buffer and no interior landscaping. The second request "b) transitional rear yard parking landscape buffer of 30'. The rear yard landscape buffer of 30' is reduced to 24' where engineering has requested a 5' driveway extension (turn-out) constructed of permeable pavers. The 30' landscape buffer meets an unbuildable wetland buffer area to the north that creates a redundant landscape barrier. The existing trees in the reduced landscape buffer would remain.

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.
The purchase of the ROW makes this a unique and unusual circumstance which deserves some flexibility and variance. Overall, request will still create a beautiful landscape buffer that will greatly enhance the consolidated properties.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The variance(s) are not being requested to increase financial gain but rather to increase parking spaces and allowable building floor area to create a state of the art, full service animal care facility.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The hardship or difficulty in providing additional landscaping wasn't caused by the applicant but rather it is a byproduct of consolidating the ROW with the existing animal hospital property in an effort to establish a new and improved animal hospital.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The granting for the variation will not be detrimental to the public, the neighbors or the surrounding community. In fact, it will be an improvement by allowing for more parking and more building floor space.

6. The granting of the variation will not alter the essential character of the neighborhood; and,

The proposed variation will greatly improve the essential character of the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed variances will not impair or have a negative effect on the surrounding property owners, the public welfare or the community at large.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A CONDITIONAL USE TO
ALLOW FOR AN ANIMAL HOSPITAL AND KENNEL AND
APPROVING COMPANION VARIATIONS FOR THE
PROPERTY AT 244 W. ROOSEVELT ROAD**

(PC 17-11: Carriage Animal Clinic – 244 W. Roosevelt Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the Subject Property, as described in Section 2 below, is zoned Conservation Recreation District; and,

WHEREAS, an application has heretofore been filed requiring approval of the following conditional use and variations, pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code):

1. Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel;
2. Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required;
3. Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required;
4. Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required;
5. Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required; and
6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required.

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 20, 2017, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the conditional use and approval of the variations; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a conditional use and variations as set forth below are hereby granted for the Subject Property legally described in Section 2, subject to the conditions set forth in Section 3:

1. Pursuant to Section 155.417(G)(2)(b)(i) approve a conditional use for an animal hospital and kennel;
2. Pursuant to Section 155.417(G)(3) approve a variation for a minimum lot area of 19,000 square feet, where 40,000 is required;
3. Pursuant to Section 155.417(G)(4) approve a variation for a minimum lot width of 132' where 150' is required;
4. Pursuant to Section 155.417(G)(5)(a) approve a variation for a front yard setback of 25' where 30' is required;
5. Pursuant to Section 155.417(G)(8) approve a variation for a transitional building setback of 30' where 40' is required; and
6. Pursuant to Section 155.707(A)(5)(a) approve a variation for a transitional landscape yard of 24' where 30' is required.

SECTION 2: That this ordinance is limited and restricted to the subject property generally located at 244 W. Roosevelt Road, Lombard, Illinois, and more specifically legally described as set forth below:

LOT ONE IN HEARLE'S CONSOLIDATION PLAT, A PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

PIN: 06-18-420-027

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
2. That the petitioner shall develop the site in accordance with the plans submitted as part of this petition and referenced in the Inter-Departmental Review Committee Report: Architecture and Site Plans, prepared by Linden Group, dated 2/27/2017; and Preliminary Engineering Plans, prepared by Advantage Consulting Engineers, LLC, dated 2/24/17;

3. Pursuant to the Zoning Ordinance, the project construction shall commence within one (1) year from the date of approval of the ordinance, or this approval shall become null and void unless a time extension has been granted by the Village Board;
4. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where animals can roam freely;
5. The outdoor area shall be maintained with an eight foot (8') solid fence that shall be maintained in a good state of repair at all times;
6. No animals shall be allowed outside between 10:30pm and 7:00am;
7. That the petitioner shall submit a photometric plan during permit review; and
8. A Plat of Consolidation must be recorded before permits shall be released.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2017.

First reading waived by action of the Board of Trustees this _____ day of _____, 2017.

Passed on second reading this _____ day of _____, 2017, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2017.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____

Re: PC 17-11

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Published in pamphlet from this _____ day of _____, 2017.

Sharon Kuderna, Village Clerk