

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : February 11, 2020 **(BOT) Date:** February 20, 2020

SUBJECT: PC 20-07, 330 W. Eisenhower Lane North

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Feral Fixers (petitioner) requests that the Village grant approval of a conditional use, pursuant to Section 155.420(C)(40) of the Village of Lombard Zoning Ordinance, to allow for an animal rescue organization to locate at the subject property located within the I Limited Industrial District.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the February 20, 2020, Board of Trustees agenda with a waiver of first reading requested by the petitioner.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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 *WJH*

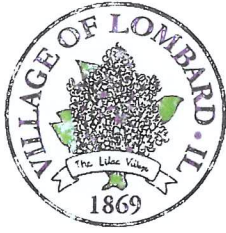
MEETING DATE: February 20, 2020

SUBJECT: **PC 20-07, 330 W. Eisenhower Lane North – Conditional use for an animal rescue organization**

Please find the following items for Village Board consideration as part of the February 20, 2020, Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 20-07; and
3. An Ordinance granting approval of a conditional use for a property located at 330 W. Eisenhower Lane North.

The Plan Commission recommended approval of this petition by a vote of 4-0. Please place this petition on the February 20, 2020, Board of Trustees agenda with a waiver of first reading requested by the petitioner.



VILLAGE OF LOMBARD

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February 20, 2020

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, 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 20-07, 330 W. Eisenhower Lane North

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. Feral Fixers (petitioner) requests that the Village grant approval of a conditional use, pursuant to Section 155.420(C)(40) of the Village of Lombard Zoning Ordinance, to allow for an animal rescue organization to locate at the subject property located within the I Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on February 3, 2020. Sworn in to present the petition were: Anna Papke, Senior Planner; and Sue Lee, Tammy McAuley, Catherine Tojaga and Michelle Kinney, representing the petitioner.

Vice-Chair Flint 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.

Sue Lee presented on behalf of the petitioner. She provided background information on the Feral Fixers organization. Feral Fixers' activities involve a trap, neuter and release (TNR) program for feral cats in DuPage County. The organization also offers some cats for adoption. Ms. Lee said that the organization's efforts have reduced the number of stray cats euthanized in DuPage County over the last decade. She explained the organization is seeking a conditional use permit to operate an animal rescue at the subject property in the I District. She noted that the organization will take a phased approach to occupancy of the building. Initially the building will be used for storage, volunteer

activities and adoption events. At a later phase there will be adoptable cats residing in the building, and eventually the TNR program will be run from the building. There will be no vet care on site, and cats will be appropriately contained at all times. Ms. Lee said the site has adequate parking and a fire alarm system that meets code requirements for buildings where animals are kept.

Vice-Chair Flint asked if any person would like to speak in favor or against this petition, or for public comment.

Ken Gallt, owner of 324 Eisenhower Lane North, addressed the Plan Commission. He said he the Feral Fixers organization is a valuable part of the community, and he expects conditions on the subject property will be improved once Feral Fixers moves in. He supported the petition.

Vice-Chair Flint 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. Papke presented the staff report, which was submitted to the public record in its entirety. The petitioner proposes to operate Feral Fixers, an animal rescue organization, at the subject property in the Eisenhower Lane industrial park. The Zoning Ordinance does not list animal rescue organizations as a use, but staff considers the use to be similar in nature to animal day care facilities, hospital and kennels, all of which are conditional uses in the I District. The Zoning Ordinance states that uses similar in nature to other conditional uses in the I District can locate in the I District with the appropriate conditional use approval.

Feral Fixers' activities include humanely trapping feral cats to provide vet care. The organization also adopts out cats that are suitable to live in homes. The subject property will serve as an office for the organization as well as a place to house cats prior to and after transport to veterinary offices for care. No veterinary services will be provided at the subject property. Staff has reviewed the petition and finds the intended use of the property would be compatible with other uses in the immediate neighborhood. Staff finds the petition meets the standards for conditional uses and recommends approval of the request.

Vice-Chair Flint asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Flint asked if there would be overnight staff at the building. Ms. Lee said there would be no overnight shifts.

Commissioner Johnston asked about the number of cats that would occupy the building. Ms. Lee and Ms. McAuley said it would depend on the age of the cats and their personalities, but they expect no more than 50 adoptable cats at one time. Additional cats would potentially move through the site as part of the TNR program.

Commissioner Johnston asked if people who adopt cats from Feral Fixers can return them to the organization if the adoption does not work out. Ms. Lee said the organization does accept cats back if the adoption is not working, but they have very few cats returned to them.

On a motion by Commissioner Burke, and a second by Commissioner Johnston, the Plan Commission voted 4-0 to recommend that the Village Board approve the petition associated with PC 20-07, subject to the following four (4) conditions:

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the animal rescues organization's operations at the subject property are not established by said date, this relief shall be deemed null and void; and
4. All cats shall be kept securely inside the building.

Respectfully,

VILLAGE OF LOMBARD

Steve Flint, Vice-Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR AN
ANIMAL RESCUE ORGANIZATION PURSUANT TO TITLE 15,
CHAPTER 155, SECTION 155.420(C)(40) OF THE LOMBARD
CODE OF ORDINANCES**

PC 20-07; 330 W. Eisenhower Lane North

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 defined below is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval for a conditional use pursuant to Section 155.420(C)(40) of the Lombard Zoning Ordinance to allow an animal rescue organization; and,

WHEREAS, a public hearing on the forgoing application was conducted by the Village of Lombard Plan Commission on February 3, 2020, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has recommended the granting of the conditional use, subject to certain terms and conditions; and,

WHEREAS, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interest of the Village of Lombard to approve the requested zoning actions 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 the following conditional use for an animal rescue organization is hereby granted for the Subject Property legally described in Section 2 and subject to the conditions set forth in Section 3.

Ordinance No. _____

Re: PC 20-07

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SECTION 2: That this Ordinance is limited and restricted to the property located at 330 W. Eisenhower Lane North, Lombard, Illinois and legally described as follows:

LOT 1 IN LOMBARD INDUSTRIAL PARK UNIT 12, BEING A RESUBDIVISION OF LOMBARD INDUSTRIAL PARK UNIT NO. 3 AND PART OF UNIT NO. 11 IN THE NORTHEAST ¼ OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LOMBARD INDUSTRIAL PARK UNIT 12 RECORDED NOVEMBER 21, 1986 AS DOCUMENT R86-147498, IN DUPAGE COUNTY, ILLINOIS

Parcel Number: 06-30-203-027 (the "Subject Property").

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

1. That the petitioner shall develop the site in accordance with plans submitted as part of this request;
2. That the petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the animal rescues organization's operations at the subject property are not established by said date, this relief shall be deemed null and void; and
4. All cats shall be kept securely inside the building.

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

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this ____ day of _____, 2020.

Passed on second reading this ____ day of _____, 2020.

Ordinance No. _____

Re: PC 20-07

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Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this _____ day of _____, 2020.

Sharon Kuderna, Village Clerk