

January 15, 2008

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 08-33 & PC 08-34: 700-710 W. Hill Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petitions. The petitioner is requesting text amendments to the Zoning Ordinance to allow Animal Day Care Facility and Kennels in the I – Limited Industrial District and companion conditional use approval to allow Animal Day Care Facility on the subject property located in the I – Limited Industrial District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 15, 2008. Chairperson Ryan asked if there was anyone to cross-examine the witnesses. Hearing none, he requested that the petitioner begin their presentation.

Sue Aikman, owner of The Bellyrub Klub, 21W140 Hill Avenue, Glen Ellyn, presented the petition. She mentioned that she is requesting a text amendment to allow animal daycare facilities and kennels in the I industrial district as well as for the granting of a conditional use for an animal daycare facility. Her business, The Bellyrub Klub, is a limited liability corporation which includes a retail component, offers dog training and daycare. She stated her educational background and credentials. Of all the services they offer, she indicated that training is one of the most important as behavioral issues are usually the reason people give up or decide to keep their dogs. This service not only trains the dog but it increases the health and well-being of the animal.

Also offered are a variety of classes including agility and the K9 good citizen. The good citizen award class is supported and given by the American Kennel Association. It is designed to promote good manners for dogs in conjunction with teaching the owners responsibility. As a team they become certified – good dog/good owner. They also offer hands-on seminars, which run approximately 2-3 hours, as well as workshops which cover a variety of topics.

The daycare component is another important part of the business. Not only does it provide the animals with a great environment but it benefits them in that they have an opportunity to learn, socialize and play while developing their motor skills and self-control. It also increases canine communication. Having these opportunities also provide a benefit to the customer. When the animal is picked up from daycare, they already have had lots of attention and are tired. So, when they arrive home, the customer can begin their household duties instead of dealing with a bored animal that has slept all day.

Ms. Aikman then explained that the retail component of their business deals with the sale of a variety of basic items including training items, toys, ropes, leashes and collars.

Her staff is comprised of three employees and herself as well as volunteers who are also interested in animals. The staff's responsibilities include the cleanliness of the facility including the outside of the building, taking care of the animals and ensuring they are well cared for, the safety and overall health and well-being of the animals, the drop off and pick up of the animals and interaction with the customers either by answering questions about the services provided, classes, or selling retail items. Her intention is to have the business grow which will increase their list of responsibilities.

Indicating why she chose to get into the field, she presented a number of facts and statistics which confirm that the pet industry is booming, how it is developing and the direction it might take in the future:

- Owners spend \$43.4 billion on pets
- In 2008 the majority of growth was due to high-end products and services for dogs such as daycare, dog spas, luxury gifts for dogs, pet insurance and pet trusts
- Memorializing pets has become a growing industry
- 30% of owners already memorialize their animals
- 70-80% will take animals with them in a disaster situation
- 70% buy treats and toys of which \$66 is spent on treats and \$41 is spent on toys
- 26% own dog beds
- The average age most responsible for purchasing and taking care of animals are 46 year old females.

Concluding, Ms. Aikman indicated that pets have made their way into families in different fashions. In order to fill a void empty nesters are filling their houses with animals as their own children are growing and leaving. Baby boomers are choosing to have animals in place of children. Money is generated from these types of clientele. The pet industry has been insulated from the recession and there are no signs indicating that it won't continue to grow.

Chairperson Ryan then opened the meeting for public comment. The following made comments in favor of the petition:

Felicia Figlewicz, 21W115 22nd Street, Lombard, stated that she has lived at that address for 15 years. She has 3 dogs and owns a wholesale meat company in Chicago. It has been in business for 80 years and services 5-star restaurants. She works 10-hour days, is recently divorced, and has no children. If it weren't for The Bellyrub Klub she couldn't have dogs. She mentioned other daycare facilities she has used, which have been located near or on her way to her place of business, and how overcrowded and impersonal they are. There was a lot of controversy with the way care was being given but she doesn't worry about that now. She has someone come and retrieve her dogs and she picks them up after work. She spends a lot of money on her dogs. They have participated in almost everything there including behavior and agility classes, training, and plan on doing the good citizenship award class. She asked the Commissioners to give the petitioner positive consideration.

Kathy Bright, 235 West Arboretum, Lombard, stated that she has lived at that address since they were built and is a new dog owner, adopting from a shelter rescue. She has taken her dog to a daycare in Downers Grove and it was wrong. She works and she is her household so there is no one she can leave her dog with. She loves the Bellyrub Klub because they are passionate in what they do. Her dog gets to socialize and gets great care. They maintain a good proportion of staff to dogs. Their staff really cares about the dogs, they provide a clean environment and their philosophy brings out the best in him – she is a big fan of the place. They are very knowledgeable and are a great resource when it comes to getting information about food and behavior. We are all happy and they are an excellent business.

Ross Green, 26 Walnut Road, Glen Ellyn, stated that he lives one block from The Bellyrub Klub. He is an empty nester, baby boomer and all the things previously mentioned. They recently rescued a dog through The Bellyrub Klub. He and his wife work endless hours and they take their dog there. The business provides a clean and humane environment and the employees are great. It is nothing but a great experience.

Chairperson Ryan then requested the staff report for PC 08-33.

Michael Toth, Planner I, presented the staff report. Mr. Toth stated that the petitioner is currently operating a canine training facility in the I – Limited Industrial District. There are currently no uses (permitted or conditional) that would allow such an activity in the I – Limited Industrial District; as such, the petitioner is requesting text amendments to the Zoning Ordinance to allow an “Animal Day Care Facility” as a conditional use in the I - Limited Industrial District. The petitioner has also filed for a companion conditional use approval for an Animal Day Care Facility to allow for such a use on the subject property.

Michael Toth stated that as an adjunct to the aforementioned request, staff would also like to petition for approval to also list “Kennels” as a conditional use in the I - Limited Industrial District. Staff believes this use to be most appropriate within an industrial area.

The principal activity associated with the petitioner's business is the training of animals, more specifically, canines. There are other canine training facilities located in Lombard; however, canine training facilities currently have no land use designation.

Mr. Toth stated, by definition, the Animal Day Care Facility is a broad use that contains a number of separate and distinct uses. Other uses that would fall under the newly-created Animal Day Care Facility land use would be the grooming, exercise and socialization of animals. Boarding, breeding, the care and sale of animals are uses that are classified under the existing Kennel use, which is also being proposed to be added as a conditional use within the I - Limited Industrial District. This amendment is being offered by staff to ensure consistency within the Zoning Ordinance. As there are many similarities between an Animal Day Care Facility and Kennel (notably the boarding of animals), staff believes that it is important to specifically distinguish any differences between both uses in order to clarify the intent of creating the Animal Day Care Facility use.

Michael Toth stated that in staff's opinion, the proposed uses are more appropriate for the I-Limited Industrial District. According to the description of the I - Limited Industrial District, the appreciable noise and waste of the proposed animal uses would inherently classify those uses as being more appropriate for an industrial zoning district.

Michael Toth stated that counsel made the recommendation to change the definition of Animal Day Care Facility to read: *any premises where three or more animals, over three months of age, at any one time, are accepted for grooming, training, exercise or socialization, provided that overnight boarding is not permitted.*

Chairperson Ryan then opened the meeting for questions and comment among the Commissioners. The Commissioners had no comments.

Commissioner Olbrysh made the following motion for approval of the conditional use associated with PC 08-33, which was seconded by Commissioner Sweetser.

After due consideration of the petition and the testimony presented, the Plan Commission found by a 5-0 vote that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and recommend to the Corporate Authorities approval of PC 08-33.

Chairperson Ryan then requested the staff report for PC 08-34.

Michael Toth, Planner I, presented the staff report. The petitioner is currently utilizing the westernmost tenant space of the commercial/industrial strip center located on the subject property as a canine training facility. The petitioner is requesting conditional use approval to

continue use of their canine training business (as currently operated), which would be defined by the Zoning Ordinance as an “Animal Day Care Facility”.

Michael Toth stated that the subject tenant space is 2,100 square feet, which includes an open area for the training and daycare of the animals, a staging area for the animals where they are placed before they enter the training area, a “timeout” area where the animals are placed when experiencing behavioral problems, an ancillary retail sales area and second floor. The Bellyrub Klub has three employees – one full-time (petitioner) and two part-time employees. The principal function of the subject business is the daytime training and supervision of canines. The typical operation involves customers dropping off dogs in the morning and picking them up in the evening. In addition, they do offer joint classes in the evening with the canine and respective owner.

Michael Toth stated that the Comprehensive Plan calls for this area to be developed with light industrial land uses. As there will be waste removal and minimal noise disturbances associated with the presence of the canines, the proposed uses could be considered light industrial by nature.

Michael Toth stated that the Zoning Ordinance requires a minimum of three (3) spaces for each use in the Business and Industrial Districts. As there are five businesses located within the center, a minimum of fifteen (15) parking spaces would be required for the entire subject property.

Michael Toth stated that as a condition of approval of PC 07-06 (Hill Avenue Auto Repair), the subject property was to be modified to incorporate all of the parking lot improvements depicted on the site plan that was prepared by the Village and based upon the original 1976 site approval. The aforementioned site plan provided nine (9) parking spaces on the subject property. As a condition of approval to PC 07-06, the parking lot was to be striped in accordance with the approved site plan. Upon inspection conducted on November 24, 2008, staff found that the parking portion of the plan had not been fully addressed. Upon staff’s inspection, there were found to be only eight (8) striped spaces. As a condition of approval for the subject conditional use, this petition shall be held to the same condition of approval relative to the parking plan that provides nine (9) striped spaces on-site. As of December 4, 2008 staff is following up with Code Enforcement to address the deficiencies that involve the auto repair operator.

Michael Toth stated that during that same site inspection, staff has noticed vehicles being parked on the gravel right of way along Hill Avenue. Staff recommends as conditions of approval that all vehicles on the subject property must A) be parked on asphalt or concrete surface in accordance with Title 15, Chapter 150, Section 150.301(B) of the Lombard Code of Ordinances and B) parked on the subject property only. If the property owner or tenants want to increase the area for parking, then it must be paved. However, staff notes that any expansion of the parking lot may require that storm water detention be provided.

Chairperson Ryan then opened the meeting for questions and comment among the Commissioners.

Commissioner Olbrysh asked the petitioner how long they have been operating their business. Ms. Aikman replied that they have been operating at that location since 2007.

Commissioner Cooper asked the petitioner what the size of the dog run is. Ms. Aikman replied that there is no dog run, but the animals do get walked in a particular area.

Commissioner Cooper asked the petitioner who cleans up after the dogs. Ms. Aikman replied that the property owner cleans the building, but the dog areas get cleaned by the staff at the Bellyrub Klub.

Commissioner Cooper asked staff if they are required fifteen (15) parking spaces. Mr. Toth replied that per the approved 1976 site plan, they are only required nine (9) parking spaces.

Commissioner Sweetser made the following motion for approval of the conditional use associated with PC 08-34, which was seconded by Commissioner Burke.

After due consideration of the petition and the testimony presented, the Plan Commission found by a 5-0 vote that the proposal complies with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and recommend to the Corporate Authorities approval of PC 08-34; subject to the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.
2. That the subject property be modified to incorporate all of the parking lot improvements required as part of Ordinance 5991 (PC 07-06) and depicted on the site plan prepared as an exhibit and made a part of the recommendation of approval.
3. That all vehicles on the subject property must be parked on asphalt or concrete surface in accordance with Title 15, Chapter 150, Section 150.301(B) of the Lombard Code of Ordinances.
4. That all vehicles associated with the subject business must be parked on the subject property. In no case shall vehicles be parked on the right of way or adjacent properties.
5. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.

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Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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