

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: David A. Huliseberg, Village Manager

DATE: May 11, 2009 (BOT) Date: May 21, 2009

TITLE: PC 09-09: 612 Western Avenue (Bellyrub Klub)

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village grant a conditional use, pursuant to Section 155.420(C) of the Zoning Ordinance to allow an "Animal Day Care Facility" within the I - Limited Industrial District. (DISTRICT #4)

The Plan Commission recommended approval of this petition with conditions.

The petitioner is requesting a waiver of first reading.

Please place this item on the May 21, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *David Huliseberg* _____
Date _____
Date _____
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: David A. Hulseberg, Village Manager
FROM: William Heniff, AICP *WH*
Director of Community Development
DATE: May 21, 2009

SUBJECT: PC 09-09; 612 Western Avenue (Bellyrub Klub):

Attached please find the following items for Village Board consideration as part of the May 21, 2009 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 09-09;
3. An Ordinance granting approval of a conditional use to allow an Animal Day Care Facility on the subject property; and,
4. Plans associated with the conditional use petition.

The Plan Commission recommended approval of the zoning actions associated with this petition. The petitioner is requesting a waiver of first reading.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



May 21, 2009

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

Subject: PC 09-09: 612 Western Avenue (Bellyrub Klub)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant a conditional use, pursuant to Section 155.420(C) of the Zoning Ordinance to allow an "Animal Day Care Facility" within the I - Limited Industrial District.

Village Manager
David A. Hulseberg

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on May 4, 2009.

Sue Aikman, 130 S. Charlotte, Lombard presented the petition. Ms. Aikman stated she is the owner of the dog training facility currently located at 710 Hill Avenue. She was here last year and applied for and received a text amendment to allow animal facilities as well as a conditional use for approval to conduct her business. As the business is growing, she now needs to find a larger location. The proposed request is for a conditional use to move into the Western Avenue space and run her business as it exists today. The current location doesn't have the amount of space for the animals that the proposed location does. Also, she would like to request a designated space outdoors for a canine area. This space would be fenced in and have a limited impact on adjacent properties. The dogs' waste will be managed more easily and rather than be walked through the neighborhood, the dogs would have an area to get their exercise and fresh air.

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

"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."

Ms. Aikman then gave the background of the company indicating that along with the training and daycare of the animals, they provide seminars and workshops to educate dog owners. They advocate dog owners being able to keep their dogs in their current homes, so by educating the owners they better understand their animals.

Their business also provides benefits to the animal as well as the dog owner. The overall benefit to the animals is that they learn to socialize, have fun, and play. Younger animals develop motor skills, learn obedience and self-control. Overall, the animals learn how to be a good dogs. The benefit to the owner is that their animals are not locked up all day, which eliminates the guilt of having to walk and play with their animals when they get home from work.

Ms. Aikman stated her credentials and indicated that she currently has 3 employees. Retail will be another component of their business – they will carry products for training classes and various customer needs. With the extra space, she anticipates being able to provide additional products and is very excited to have nicer displays as well as increase retail sales. With the anticipation of a larger tenant space, she anticipates hiring an additional two to three employees as she will need the extra help.

Lastly, Ms. Aikman talked about how the industry has grown steadily and anticipated revenues. Animal services have experienced a 6% increase from 2007-2008 despite the economy and decrease in discretionary spending. The National Pet Owners Survey demonstrates the fact that pets are considered part of the family and not only will people sacrifice for their dogs, they are demanding higher-quality products and services in order to treat them like family members. She requested that the Commissioners give her an opportunity to let her business grow and approve the conditional use.

Chairperson Ryan opened the meeting for public comment. There was no one present to speak in favor or against the petition

Chairperson Ryan then requested the staff report.

Michael Toth, Planner I, presented the staff report. Staff drafted the IDRC report to submit to the public record in its entirety. The Bellyrub Klub is currently utilizing a 2,100 square foot tenant space in a commercial/industrial strip center on Hill Avenue in Lombard. Until last year, the Animal Day Care use was not listed as a permitted or conditional use in the I – Limited Industrial District. However, the Bellyrub Klub filed for (and received) text amendment approval (PC 08-33) to allow the aforementioned use to be listed as a conditional use in the I – Limited Industrial District. Subsequently, the petitioner also received conditional use approval (PC 08-34) to conduct business at their current location.

As their business continues to grow, the Bellyrub Klub is seeking amiable means to accommodate their business. As such, they are petitioning for conditional use approval to inhabit a larger tenant space on the subject property and continue use of their canine training business. Once used as an automobile service/detailing facility, the subject tenant space is 8,512 square feet of warehouse space. From an operational standpoint, the current location does not have an outdoor area for the animals, whereas, the new tenant space has an area on the eastern portion of the building that would be fenced-in to allow the animals to have outside exposure.

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. The Bellyrub Klub also offers a retail component for the sale of associated products.

Staff recommends that a 2,100 square foot cap be placed on the proposed outside canine area. 2,100 square feet would be just under 25% of the floor area of the subject tenant space and would therefore classify the outdoor area as an ancillary function of the business. Also, placing a cap on the size of the outdoor component would limit the number of canines that would be outside at any given time and thus reduce any excessive noise disturbances.

The addition of the outdoor area will limit the impact that the canines will have on the adjacent properties. At the current location, the canines need to be walked outside of the business to manage their waste. As the canines outside exposure will be limited to the designated area, the waste can be more easily managed.

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 use could be considered light industrial by nature.

The subject property abuts the Union Pacific Railroad and is also surrounded by light industrial uses on the other three sides. There are single family residences located directly north of the Union Pacific Railroad; however, those residences are not only screened by the railroad itself, but also an eight (8) foot solid wood fence located on the northern portion of the subject property. As such, staff finds the proposed use to be compatible with the surrounding land uses. As the subject tenant space is 8,500 square feet, the business would be required to provide 9 parking spaces. The submitted plan indicates that fourteen (14) parking spaces are provided exclusively for the subject tenant space. There are no handicap accessible parking spaces provided for the subject tenant space. As such, a condition of approval will require the parking spaces to be striped and one handicap accessible space shall be created from the existing parking stock.

Staff finds that the petition meets the standards for conditional uses; therefore, staff finds that the recommendations approval of PC 09-09 subject to the seven conditions noted in the staff report. Chairperson Ryan then opened the meeting for comments among the Commissioners.

There were no questions or comments from the Commissioners.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and therefore, by a roll call vote of 4 to 0, recommends to the Corporate Authorities **approval** of the petition associated with PC 09-09 subject to the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.

2. The site shall be developed in accordance with Exhibit A, which precludes that the outdoor canine area shall not exceed 25% of the total floor area of the indoor tenant space.

3. The petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate for the proposed use.

4. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.

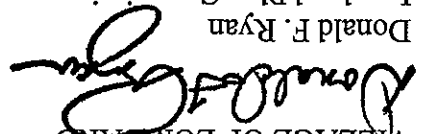
5. All parking spaces associated with the subject business shall be properly restriped to provide a total of thirteen (13) parking spaces and one (1) handicap accessible space.

6. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where canines can roam freely.

7. The north property line shall be maintained with an eight (8) foot solid fence. The fence shall be maintained in good state of repair at all times.

Respectfully,

VILLAGE OF LOMBARD



Donald F. Ryan

Lombard Plan Commission

c. Petitioner

Lombard Plan Commission

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Lombard Plan Commission

FROM: Department of
Community Development
PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 09-09: 612 Western Avenue (Bellyrub Klub): The petitioner requests that the Village grant a conditional use, pursuant to Section 155.420(C) of the Zoning Ordinance to allow an "Animal Day Care Facility" within the I - Limited Industrial District.

GENERAL INFORMATION

Petitioner:

Sue Aikman
710 Hill Ave.
Lombard, IL 60148

Property Owner:

Prarie Centers Management
Attn: Daniel Harris
P. O. Box 761
Itasca, IL 60143

PROPERTY INFORMATION

Existing Zoning:

I - Limited Industrial District

Existing Land Use:

Office/warehouse building

Size of Property:

Approximately 1.43 acres

Comprehensive Plan:

Recommends Light Industrial

SURROUNDING ZONING AND LAND USE

North: Union Pacific Railroad

South: I Limited Industrial District – developed as a lumber yard, known as Owl Lumber.

East: I Limited Industrial District – developed as a storage yard, known as D.H. Johnson Co.

West: I Limited Industrial District – developed as a landscape contractor's office/yard,
known as Matthies Landscape Inc.

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community
Development on March 24, 2009:

1. Public Hearing Application.
2. Use Narrative, prepared by the petitioner, dated March 24, 2009.
3. Response to Standards for Conditional Uses.
4. Plat of Survey, submitted by the petitioner.
5. Site Plan, submitted by the petitioner.

DESCRIPTION

The Bellyrub Klub is currently utilizing a 2,100 square foot tenant space in a commercial/industrial strip center on Hill Avenue in Lombard. Until last year, the Animal Day Care use was not listed as a permitted or conditional use in the I – Limited Industrial District. However, the Bellyrub Klub filed for (and received) text amendment approval (PC 08-33) to allow the aforementioned use to be listed as a conditional use in the I – Limited Industrial District. Subsequently, the petitioner also received conditional use approval (PC 08-34) to conduct business at their current location.

As their business continues to grow, the Bellyrub Klub is seeking amiable means to accommodate their business. As such, they are petitioning for conditional use approval to inhabit a larger tenant space on the subject property and continue use of their canine training business. Once used as an automobile service/detailing facility, the subject tenant space is 8,512 square feet of warehouse space. From an operational standpoint, the current location does not have an outdoor area for the animals, whereas, the new tenant space has an area on the eastern portion of the building that would be fenced-in to allow the animals to have outside exposure.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Public Works Engineering has reviewed the petition and has no comments.

PRIVATE ENGINEERING SERVICES

The PES Division of Community Development has no comments on the above petition.

BUILDING & FIRE

Upon review of the above referenced request for conditional use to allow for an "Animal Day Care Facility", the Fire Department/Bureau of Inspectional Services has the following comments:

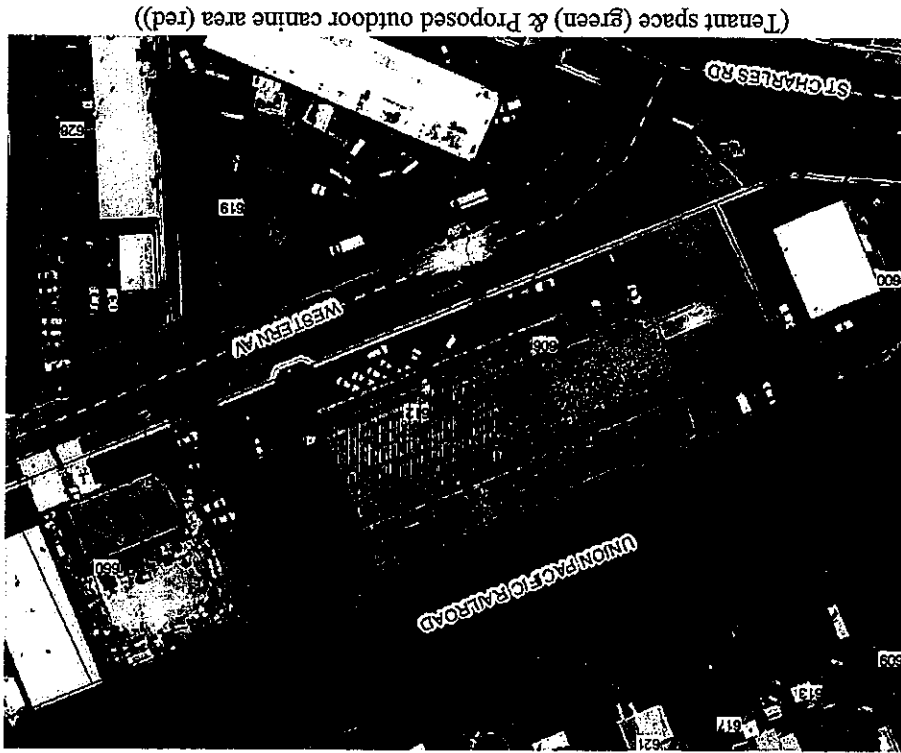
- 1) The maximum occupant load of the facility shall be no greater than 50 occupants at any given time.

- 2) Any new remodeling construction shall be per the 2000 International Building Codes and Village of Lombard code amendments and ordinances.

PLANNING

The Bellyrub Klub is currently operating in a 2,100 square foot facility on Hill Avenue in Lombard. 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.

As previously mentioned, the subject 8,512 square foot tenant space was once used as an automobile service facility and presently vacant warehouse space. The principal building located on the subject property is divided into three different tenant spaces: 606, 600 and 612 Western Avenue. The subject tenant space is 612 Western Ave and is situated in the southeast portion of the building. The petitioner is proposing to designate part of the outdoor area, adjacent to the tenant space, as an outdoor area for the canines. Staff recommends that a 2,100 square foot cap be placed on the proposed outside canine area. 2,100 square feet would be just under 25% of the floor area of the subject tenant space and would therefore classify the outdoor area as an ancillary function of the business. Also, placing a cap on the size of the outdoor component would limit the number of canines that would be outside at any given time and thus reduce any excessive noise disturbances.



(Tenant space (green) & Proposed outdoor canine area (red))

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. Similar to the current business model, the Bellyrub Klub will include an open area (indoor) 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 and an ancillary retail sales area. The addition of the outdoor area will limit the impact that the canines will have on the adjacent properties. At the current location, the canines need to be walked outside of the business to manage their waste. As the canines outside exposure will be limited to the designated area, the waste can be more easily managed. The Bellyrub Klub currently has three employees – one full-time (petitioner) and two part-time employees. The petitioner has indicated that because of the increased space, the business will be able to add two or three more jobs.

Compatibility with the Comprehensive Plan

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

Compatibility with the Surrounding Land Uses

The subject property abuts the Union Pacific Railroad and is also surrounded by light industrial uses on the other three sides. There are single family residences located directly north of the Union Pacific Railroad; however, those residences are not only screened by the railroad itself, but also an eight (8) foot solid wood fence located on the northern portion of the subject property. As such, staff finds the proposed use to be compatible with the surrounding land uses.

Compatibility with the Zoning Ordinance

With the exception of the rear yard, all setbacks pertaining to the subject building conform to the requirements of the underlying zoning district. The rear yard of the subject building is located directly on the rear property; however, as the subject property coincides with a railroad right-of-way, the rear yard requirement is only one (1) foot. The petitioner is not proposing any building expansions at this time. As such, all setbacks are either considered to be conforming or legal non-conforming with respect to the underlying zoning district requirements.

Parking

The subject business is located within an office/warehouse building. The general parking requirement for industrial/warehouse uses is one (1) space per 1,000 square feet of gross floor area. As the subject tenant space is 8,500 square feet, the business would be required to provide 9 parking spaces. The submitted plan indicates that fourteen (14) parking spaces are provided exclusively for the subject tenant space. Upon a visit to the site, staff found that the spaces are provided; however the striping has faded. Also, there are no handicap accessible parking spaces provided for the subject tenant space. As such, a condition of approval will require the parking spaces to be restriped and one handicap accessible space shall be created from the existing parking stock. One parking space may be lost from the creation of the handicap accessible space, which would provide for a total of thirteen (13) parking spaces provided to the business. As only nine (9) spaces are required,

the subject business would have a surplus of four (4) parking spaces. Staff would also like to note that the creation of the outdoor canine area does not conflict with any required parking areas.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee recommends that the petition as presented does meet the standards set forth in the Zoning Ordinance and recommends that Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested conditional use **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 09-09; subject to the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.

2. The site shall be developed in accordance with Exhibit A, which precludes that the outdoor canine area shall not exceed 25% of the total floor area of the indoor tenant space.

3. The petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate for the proposed use.

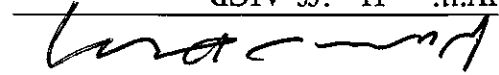
4. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.

5. All parking spaces associated with the subject business shall be properly restriped to provide a total of thirteen (13) parking spaces and one (1) handicap accessible space.

6. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where canines can roam freely.

7. The north property line shall be maintained with an eight (8) foot solid fence. The fence shall be maintained in good state of repair at all times.

Inter-Departmental Review Group Report Approved By:


William Heniff, AICP
Director of Community Development

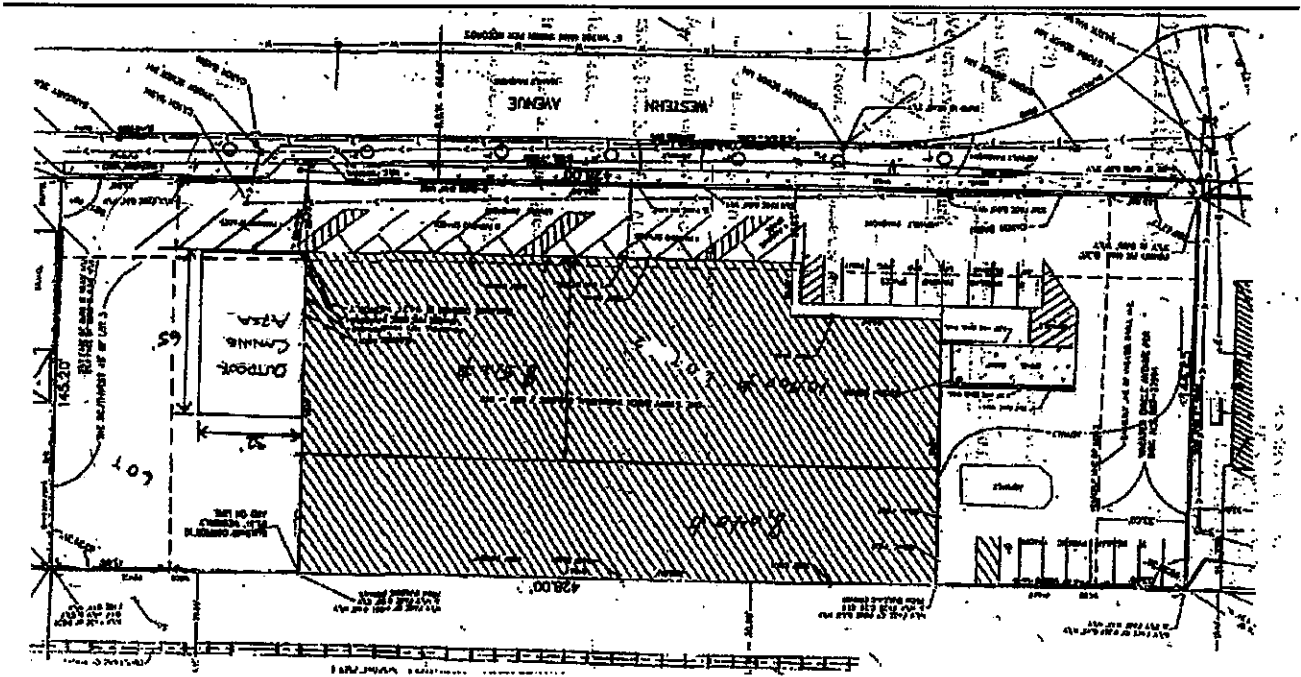


EXHIBIT A - SITE PLAN

PC 09-09: 612 Western Ave (Bellyrub Klub)



Addresses
Centerline

JURIS

-- DPC TRAIL

--- RIVER

--- R/R

--- TOLLWAY

□ Parcels

□ limits-poly

• Active Cases

--- Boundary Agreement

178 ft





5/8/09

Mike Toth
Planner I
Dept. of Community Development
Village of Lombard
Lombard, IL 60148

Mike,

The purpose for this letter is to request a waiver of first reading with respect to Plan Commission Case PC 09-09.

I'm requesting that the first reading be waived because there is a strong possibility that I will run out of time to complete the projects necessary to move the Bellyrub Klub into its new location, at 612 Western, if I wait to begin these projects until after the May 21st Board meeting.

I wish to have the Village's final approval before starting this work. The additional 2 weeks of time I would have available to work on these projects would be very helpful. I appreciate your consideration of this request.

Thanks for your time,

Sue Alkman
Bellyrub Klub
630-54-BELLY
sue@bellyrubklub.com

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A CONDITIONAL USE
PURSUANT TO TITLE 15, CHAPTER 155, SECTION 155.420 (C)
OF THE LOMBARD ZONING ORDINANCE**

(PC 09-09: 612 Western Avenue)

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 Properties as defined below is zoned I – Limited Industrial District; and,

WHEREAS, an application has been filed requesting approval of a conditional use, pursuant to Section 155.420 (C)(2) of the Zoning Ordinance, to allow an Animal Day Care Facility at the property described below in Section 2; and

WHEREAS, a public hearings on the forgoing application were conducted by the Village of Lombard Plan Commission on May 4, 2009 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 described herein, subject to conditions; 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 from Section 155.420 (C)(2) of the Zoning Ordinance, to allow for an Animal Day Care Facility is hereby granted for the Property, as described in Section 2 below and subject to the conditions set forth in Section 3 below.

SECTION 2: The approval granted in Section 1 above shall be limited and restricted to the property located at 612 Western Avenue, Lombard, Illinois and legally described as follows:

LOT 2 AND THE SOUTHWEST 45 FEET AS MEASURED ON THE NORTHWEST AND SOUTHEAST LINES, OF LOT 3, IN THE B.D. KRAMER RESUBDIVISION OF ALL OF BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 IN BLOCK 3, AND THEREFORE VACATED CIRCLE AVENUE, LYING BETWEEN BLOCKS 1 AND 3 IN SUNNYSIDE ADDITION TO LOMBARD, A SUBDIVISION OF PART OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1973 AS DOCUMENT NUMBER R73-52562, IN DUPAGE COUNTY, ILLINOIS.

Parcel Number: 06-05-421-007

SECTION 3: The conditional use, as provided for in Sections 1 of this Ordinance shall be granted subject to compliance with the following conditions:

1. That the petitioner shall satisfactorily address the comments included within the IDRC report.
2. The site shall be developed in accordance with Exhibit A, which precludes that the outdoor canine area shall not exceed 25% of the total floor area of the indoor tenant space.
3. The petitioner shall apply for and receive a Certificate of Occupancy/Zoning Certificate for the proposed use.
4. All dumpsters located on the subject property shall be screened pursuant to Section 155.710 of the Zoning Ordinance.
5. All parking spaces associated with the subject business shall be properly restriped to provide a total of thirteen (13) parking spaces and one (1) handicap accessible space.
6. Caging or boarding of animals shall not be allowed in the outdoor area. The outdoor area shall be reserved as an area where canines can roam freely.
7. The north property line shall be maintained with an eight (8) foot solid fence. The fence shall be maintained in good state of repair at all times.

SECTION 4: This Ordinance, upon approval, shall be recorded by the Village with the Office of County Recorder.

SECTION 5: 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 _____, 2009.
First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published in pamphlet form this _____ day of _____, 2009

Brigitte O'Brien, Village Clerk