

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

 X Resolution or Ordinance (Blue) X *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: October 10, 2016 (B of T) Date: October 20, 2016

TITLE: PC 16-19; Text Amendment to the Zoning Ordinance – Animal Day Care Facility

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, 4Paws K9 Training LLC., is requesting a text amendment to Section 155.418 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) allowing “Animal Day Care Facility” to be listed as a conditional use within the B5 Zoning District.

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

The petitioner requests a waiver of first reading of the ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____


Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: October 20, 2016

SUBJECT: **PC 16-19; Text Amendment to the Zoning Ordinance – Animal Day Care Facility**

Please find the following items for Village Board consideration as part of the October 20, 2016 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 16-19; and
3. An Ordinance granting approval of Text amendments to Section 155.418(C).

The Plan Commission recommended approval of this petition by a vote of 5-0. Please place this petition on the October 20, 2016 Board of Trustees agenda with a waiver of first reading, as requested by the petitioner.



VILLAGE OF LOMBARD

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

October 20, 2016

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 16-19; Text Amendment to the Zoning Ordinance Animal Day Care Facility

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, 4Paws K9 Training LLC., is requesting a text amendment to Section 155.418 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) allowing "Animal Day Care Facility" to be listed as a conditional use within the B5 Zoning District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on September 19, 2016. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, Anna Papke, Senior Planner and the petitioners, Danielle Daidone and Amy Pawlik of 4Paws K9 Training LLC.

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.

Ms. Daidone presented the petition and started with a background of herself and Ms. Pawlick. She said that they started conceptualizing 4 Paws seven years ago. She said that 4 Paws will offer a mix of services including dog daycare, boarding, training, retail products and

in the future grooming. Their brand of dog care will be at the highest caliber, providing the best quality of care in an upscale facility. They have secured a lease and have been working on the designs. She stated that the pet industry spent \$60 billion in 2015. Due to the upward trend of the pet industry, this business concept in this location would benefit both 4 Paws and the Village tremendously. After reading the Comprehensive Plan, 4 Paws could help revitalize the downtown area, spruce up the surroundings and bring traffic to the area. This location, being near the Downtown Lombard area, would attract many consumers from the local area and the surrounding towns. She said they will completely reface the façade of the building and add landscaping to enhance the look of the street. Ms. Daidone concluded that dog daycare is a subset of animal boarding and kennels and that you can't have one without the other.

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, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. She said that the petitioner has submitted this request along with a companion request for a conditional use for animal day care at 104 E. St Charles Road. The petitioner would like to open a doggy day care business in the B5 District. Currently that use is listed as a conditional use in the Industrial District. Therefore, a text amendment is required.

As noted by the petitioner, animal day care was added to the zoning ordinance as a conditional use in the I Industrial District for the Bellyrub Klub which is now closed. Other similar uses approved in Lombard include Wiggles N Wags that was permitted for animal training.

Currently, in the B5 District Animal Hospitals and Kennels are conditional uses. Permitted uses include pet grooming services and pet shops. Staff finds that Animal Day Care is a similar and companion use and therefore staff can support Animal Day Care as a new conditional use in the B5 District.

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

Commissioner Sweetser asked about the explanation regarding having animals overnight. She referred to the staff report and quoted "This would allow for animals to be kept at the site during the day, being dropped off in the morning, and picked up in the evening". She noted that in the next petition, it is noted that the facility would be boarding overnight and asked if this will be covered. Ms. Ganser explained you are allowed to have ancillary uses to your business.

On a motion by Commissioner Cooper, and a second by Commissioner Olbrysh, the Plan Commission voted 5-0 that the Village Board approve the petition associated with PC 16-19.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

TEXT AMENDMENTS TO THE ZONING ORDINANCE – ANIMAL DAY CARE FACILITY

September 19, 2016

Title

PC 16-19

Petitioner

4Paws K9 Training LLC
12842 S. Blossom Drive
Alsip, IL 60803

Property Location

B5 Zoning District

Approval Sought

Text amendment to Section 155.418 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) allowing "Animal Day Care Facility" to be listed as a conditional use within the B5 Zoning District

Submittals

1. Petition for a public hearing; and
2. Response to Standards for a Text Amendment.

Prepared By

Jennifer Ganser
Assistant Director

DESCRIPTION

The petitioner has submitted this request along with a companion request for a conditional use for animal day care (if PC 16-19 is approved) at 104 E. St Charles Road (Case No. PC 16-20). The petitioner would like to open a doggy day care business in the B5 District. Currently that use is listed as a conditional use in the Industrial District.

Therefore, a text amendment is required.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments to the Zoning Ordinance.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendments to the Zoning Ordinance.

EXISTING & PROPOSED REGULATIONS

In 2008 (PC 08-33) animal day care was added to the zoning ordinance as a conditional use in the I – Industrial District for the Bellyrub Klub at 700-710 W Hill Avenue. Other similar uses in Lombard include:

- Carriage Animal Hospital at 244 W. Roosevelt Road (conditional use for an animal hospital and kennel)
- Lombard Animal Clinic at 603 S. Main Street (legal non-conforming)
- Lombard Veterinary Hospital at 244 E. St. Charles Road (conditional use for an addition to an existing animal hospital)
- Bellyrub Klub at 612 Western Avenue (conditional use for animal day care)
- Wiggles N Wags at 216 E. St. Charles Road (permitted for animal training)

Currently, in the B5 District Animal Hospitals and Kennels are conditional uses. Permitted uses include pet grooming services and pet shops. Staff finds that Animal Day Care is a similar and companion use and therefore staff can support Animal Day Care as a new conditional use in the B5 District. This would allow for animals to be kept at the site during the day, being dropped off in the morning, and picked up in the evening.

The use is proposed as a conditional use in the B5. Downtown property can be unique and some locations may not be appropriate for an animal day care use, such as a building with no outdoor area.

The petitioner has provided responses to the standards for a text amendment which are attached to this document. Staff finds the standards have been affirmed.

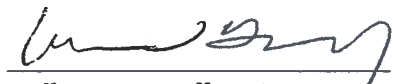
FINDINGS & RECOMMENDATIONS

Staff finds the proposed amendments to be consistent with the objectives of the Zoning Ordinance. The proposed amendments are also consistent with the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the 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 requested text amendments **comply** with the standards required by the Village of 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 16-19.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\PCCASES\2016\PC 16-19\PC 16-19_IDRC Report.docx

X. STANDARDS FOR TEXT AMENDMENTS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all text amendments of the Lombard Zoning Ordinance.

SECTION 155.103 (E)(8)(b) OF THE LOMBARD ZONING ORDINANCE:

Where a text amendment is proposed, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

1. The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;

This amendment will be applicable to the Downtown Lombard area for any applicant applying for conditional use permit for a dog daycare.

The Pet Service industry (NAICS 812910; SIC 0752) consists of enterprises primarily involved in providing services such as the boarding, grooming, day care, and training of animals. The majority of the Pet Service Industry is segmented by geographic location, as most companies within this industry are small, privately held operations. The industry is growing rapidly, and thus the primary demand gap is large. Lombard is not unique in this regard, there is a demand in the area for high quality pet care, products and services.

Recent growth in all segments of the pet industry has provided an opportunity for both existing players and new entrants that have been increasingly active since the beginning of the 1990s. Overall spending in the pet industry for 2015 came in at a record US\$60.28 billion, according to the American Pet Products Association (APPA). Changing demographics, new lifestyle trends, and a shift in American attitudes towards pets have led to a significant increase in consumer expenditures during the past five years. A growing number of players; consolidation among manufacturers, retailers, and service providers; globalization of the American economy; and the explosive growth of e-commerce have transformed the maturing pet industry into a dynamic, highly competitive environment.

Two trends create the opportunity for Four Paws in Lombard. On the one hand, people increasingly see their pets not simply as special or important, but as family members. This trend is reflected not only in how much people spend on their pets, but in the products and services to which they allocate these expenditures. On the other hand, people have less time --- their lives are busier, more demanding, and more stress-filled. They travel more, and spend greater amounts of time away from home in response to both professional and personal demands. They face more lifestyle choices, many of which preclude pets. As a result, many dog-owners are looking for creative ways to provide the love and care they want for their pets, but which they themselves face constraints in providing. Four Paws sees an opportunity to provide dog-owners in Lombard and the surrounding villages with loving and convenient alternatives to caging their best friend while at work, on vacation or when otherwise time-constrained. Four Paws' solution provides dog-owners in the Lombard community with peace of mind. They know their dog is not only well-cared for, but is having more fun than they probably are.

2. The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;

The proposed amendment remains consistent with existing objectives while defining a use-type

within an existing allowed use category.

Applicable zoning regulations: (B5 Central Business). The Village of Lombard allows as a conditional use (subject to the provisions of 155.103(f)) "(2) Animal hospitals and kennels". A "Kennel" is defined by the ordinance as "any business, premises, or portion thereof, in which more than three dogs or other domestic animals over three months of age are boarded for compensation, bred, cared for, or kept for sale".

Although the ordinance does not expressly state that a dog daycare use is permissible, Four Paws is requesting expansion of the definition to specifically include the use of a dog daycare or to more narrowly define "kennels" as kennel operators. The Illinois Compiled Statutes defines "Kennel operator" as meaning "any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator." Four Paws will offer boarding, training or similar purposes (i.e. daycare).

Simply stated, dog daycare is a subset of animal boarding or kennels. Although it is not within the definition of conditional use, it is compatible with the purpose and other use in category.

3. The degree to which the proposed amendment would create nonconformity;

The proposed amendment would not create nonconformity because there is not currently a zoning use-type for dog daycare.

Pet boarding and daycare in the 21st Century is a far cry from what it was when city crafted ordinances decades ago. The standard of services and care offered now is as good as (if not better in some places) than the care offered at human day cares. Four Paws will offer retail services in a first-class, boutique-style fashion. The four large bay windows facing St. Charles road will be filled with retail products and displays. The daycare, boarding and training are "back-of-the-house" operations and would not be visible to the public traffic. The use would create a lot more foot traffic in the area and only serve to promote businesses in the immediate area. There are several vacant buildings on the block in which the building is situated. Having a facility that offers four different services to the community for their beloved pets will attract consumers and businesses to fill those vacant buildings. Filling 104 E. St. Charles with a dog daycare, retail and related services facility will give Lombard community members a reason to be on that road. A reason to visit the Downtown Lombard area. A reason for other business of the retail nature to fill those vacant spaces and tap into the consumer growth Four Paws will create by its opening.

104 E. St. Charles is the second furthest building within this B5 zone. This provides the facility more space and ability to filter sound and smell. The location is also situation directly across from the Metra train station and one building over from the Firehouse. Noise is inevitable in this area of town. Four Paws has a solid plan for sound proofing and for odor control to prevent its contribution to any existing nuisances.

A misconception when it comes to dogs may sometimes include the perception of loud, barking and stinky critters. In Four Paws' minds we only view that perception of dogs who don't have proper care. Our target client is one who loves their dog as a family member and treats them with the same love and respect as a human. Four Paws provides a beautiful and welcoming, spacious environment so dogs and people can have peace of mind about the highest quality of care. We specialize in care for dogs and people's busy lifestyle. Our mission is to serve our community by offering the most exceptional care of their dogs, through a high level of quality in every aspect of our day care services and stand out as an industry leader and trend setter for all dog day cares.

4. The degree to which the proposed amendment would make this ordinance more permissive;

The proposed amendment will define dog daycare within the existing definition of "kennels" under conditional uses in the Village of Lombard allowing for the zoning code to be more permissive of this use.

If another dog daycare operator wanted to open shop in the Downtown Lombard area they would still be subject to approval from the Village under a conditional use permit. If the text is amended to more narrowly define "kennel operator" to include dog daycare this would not result in a floodgate of daycare operators in the area. Due to the approval process and final decision making power of the Village this text amendment does not support dog daycares saturating the B5 zone.

5. The consistency of the proposed amendment with the Comprehensive Plan;

The Comprehensive Plan calls for the Village of Lombard to seek balance and work with developers and property owners to come up with creative, innovative ways to assist developments that provide a significant benefit for the Village. For the Downtown area the guiding principle is to promote this section as the central, mixed-use activity center for the Village. The following demonstrates that the three objectives of the Village of Lombard Comprehensive Plan will be fully satisfied in the granting of this amendment.

Objective 1: The proposed change is consistent with the Goals, Objectives and Policies and the overall Comprehensive Plan.

- Encouraging Economic Growth: "Lombard has demonstrated a commitment to working with developers and property owners to come up with creative, innovative ways to assist developments that provide a significant benefit for the Village".
 - Four Paws will create more foot traffic and ultimately attract buyers/tenants/businesses to fill in the vacancies on this road. We will be offering services that the neighborhood is currently lacking. The building is fittingly located across from the Metra Train Station parking lot. This will allow for quick and easy pick-up and drop-offs for daycare and provide a convenience to customers of top quality retail products while they are utilizing the training or daycare service.
- Vision 1 (5): "Promote a healthy mix of commercial, retail, residential, institutional, municipal and transportation related uses in Downtown Area"
 - Four Paws will be an integral part of the community and will offer a necessary service to this neighborhood and surrounding neighborhoods. The trend is continuously developing on the concept of supreme care/services/products for pets. Adding the dog daycare in this location is expected to be very well received as there is a need for the convenience and high standard of quality care Four Paws offers.

Objective 2: The proposed amendment does not affect the adequacy of existing or planned facilities and services of the Village or planning area generally.

- Vision 2 (3): "Encourage new development and infill development which is complimentary with the scale and character of surrounding residential uses."
 - Dog Daycare is continuing to develop from a luxury to a necessity. Dog daycare, boarding, training and retail compliment the community mix of residential homes, retail and commercial office buildings along St. Charles and the Downtown Lombard area. The opening of Four Paws will attract other businesses to this area and strip of road in efforts to capitalize on the foot traffic generated from the retail and daycare aspects, as well as events and training seminars and classes. This amendment would allow for a diverse mix in the commercial and retail development of St. Charles Road which satisfies a need in the Village for a high quality service that is missing.

- Vision 3 Guiding Principles: "encourage a compatible and market supportable system of commercial development that is organized to provide various goods and services within the community and the greater region which Lombard serves".
 - This amendment would allow for a diverse mix in the commercial and retail development of St. Charles Road which satisfies a need in the Village for a high quality service that is missing.

Objective 3: The proposed change results in reasonably compatible land use relationships.

- The Village of Lombard is charged with the action of recognizing "emerging changes in the nature of retail commercial land uses and explore options to incorporate uses that can strengthen the long-term viability of existing centers".
 - Four Paws intends on becoming an established member of the community and continuously evolving its services and product offerings to meet the needs and expectations of Lombard's residences. The shift has occurred and is continuing to grow – pet care is increasingly more important to consumers. Daycare is an essential part of many people's and their dog's lives. Finding a facility that is conveniently located, safe, clean and friendly is what Lombard is currently missing and Four Paws will provide.

6. The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.

There are very few dog daycare operations in Lombard currently. The existing facilities are either small, on the outskirts of town or through an individual's home. This proves the necessity of establishing a "home-town" dog daycare in Downtown Lombard. There are currently no businesses in Lombard operating as a dog daycare/boarding/training/retail facility and this area would nurture a home-style "one stop pet shop" for the community.

The most recent, and successful, application for a text amendment was the Belly Rub Klub in 2008. The main difference between that business and our business is that we are operating as a pet retail shop and pet care facility and not solely as a dog daycare facility. Another difference is the size of the building. Approximately 1,500 to 2,000 square feet would be used as the daycare and boarding area. Our other services and office and storage space would occupy the remaining 1,500 to 2,000 square feet of space.

This mixture of services will drive the foot traffic activity while also creating benefits for the established business and vacant properties on St. Charles Road. Four Paws will improve development in the surrounding properties and increase Lombard as a destination from residents in surrounding towns. Dog care and training is an industry where people seek out the business or trainer and once they've found one they can trust they will travel further distances to receive that service.

104 E. St. Charles, is a commercial area with an existing infrastructure and utilities to support the business plan. No changes to building codes or infrastructure are required. Both the owners of the building and business have worked through configuration and build-out to ensure the high level of security and safety for clients, both human and animal. Currently the space is vacant and is need of a major renovation and the parties will invest significant capital into the building and land which will result in a better overall curb appeal and business environment for neighboring businesses.

Here is a great article on how times have changed and views of pets have evolved and how the industry has matched these views:

<http://www.bloomberg.com/news/articles/2007-08-05/the-pet-economy>

Nowakowski, Tamara

From: Ganser, Jennifer
Sent: Thursday, October 06, 2016 8:31 AM
To: Nowakowski, Tamara
Subject: FW: waiver of first

Waiver of first for PC 16-19 and PC 16-20.

From: Danielle Daidone [<mailto:dadaidone@gmail.com>]
Sent: Wednesday, October 05, 2016 6:49 PM
To: Ganser, Jennifer
Cc: amypawlik@hotmail.com
Subject: Re: waiver of first

Hi Jennifer,

We'd like to waive the first petition and go in for the 20th. We would like to begin construction and meet our scheduled possession date and opening date.

Thank you!
Danielle

On Wednesday, October 5, 2016, Ganser, Jennifer <GanserJ@villageoflombard.org> wrote:

Ladies,

Petitions are read at two Board meetings – October 20th and November 3rd. However, you may request a waiver of first for PC 16-19 and PC 16-20. Please send me that request via email along with a reason for the waiver (such as needing to occupy the building, start renovations, etc.).

Jennifer



Jennifer Ganser

Assistant Director of

Community Development

Village of Lombard

255 E Wilson Ave. Lombard, IL 60148

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155, SECTION 155.418(C)
OF THE LOMBARD VILLAGE CODE**

PC 16-19: Animal Day Care Facility

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of Lombard Plan Commission on September 19, 2016 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 text amendment described herein; 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 Title 15, Chapter 155, Section 155.418(C) of the Lombard Village Code is hereby amended as follows:

- A. Subsections (2) through (22), inclusive, are hereby renumbered as subsections (3) through (23), respectively.
- B. A new subsection (2) shall be added thereto, to read in its entirety as follows:

“(2) Animal Day Care Facility.”

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Ordinance No. _____
Re: PC 16-19
Page 2

Passed on first reading this ____ day of _____, 2016

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this ____ day of _____, 2016.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2016.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2016.

Sharon Kuderna, Village Clerk