

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Lombard Plan Commission	HEARING DATE:	December 15, 2008
FROM:	Department of Community Development	PREPARED BY:	Michael S. Toth Planner I

TITLE

PC 08-34; 700-710 W. Hill Avenue (21W140 Hill 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:	L. Vincent Cuyler 87 Baybrook Lane Oak Brook, IL 60523

PROPERTY INFORMATION

Existing Zoning:	I – Limited Industrial District
Existing Land Use:	Office/warehouse building
Size of Property:	Approximately 24,786 square feet
Comprehensive Plan:	Recommends Light Industrial

SURROUNDING ZONING AND LAND USE

North:	Union Pacific Railroad
South:	Unincorporated DuPage County property zoned I-1 Light Industrial District – developed with industrial uses
East:	CR Conservation Recreation District – developed with a wastewater treatment plant

West: I Limited Industrial District – developed with light industrial uses and a cellular tower

ANALYSIS

SUBMITTALS

This report is based on the following documents filed with the Department of Community Development on November 11, 2008:

1. Public Hearing Application.
2. Response to Standards for Conditional Uses.
3. Plat of Survey, submitted by the petitioner.
4. Site Plan, submitted by the petitioner.

DESCRIPTION

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. Such a use is currently not permissible as a permitted or conditional use in the I – Limited Industrial District; however, the companion text amendment filed in association with this petition (PC 08-33) would allow the aforementioned use to be subject to conditional use approval. 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”.

Special Note: This petition assumes approval of PC 08-33. If PC 08-33 is not approved, this petition cannot be considered as it is currently proposed.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

Engineering Division

Public Works Engineering has no comments regarding this request.

Utilities Division

- 1) Bellyrub Klub was inspected by the Village’s cross connection inspector and was notified that they had to install a vacuum breaker on the laundry tub and on the west sillcock. To date, they have not provided proof that they have completed this work.
- 2) Also, their water meter is not accessible. These deficiencies should be corrected prior to the Village approving the conditional use variation.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services Division of Community Development has no comments.

BUILDING & FIRE

Upon review of the above request for a conditional use for a dog training facility, the Fire Department/Bureau of Inspectional Services has the following comments:

- 1) Facility must be in compliance with current building/electrical/plumbing codes as pertains to the facility and its use.
- 2) All fire and life safety matters must also be up to current codes with regards to egress requirements and fire prevention.

PLANNING

The subject property was annexed into the Village of Lombard in the early 1970's as vacant land. The property was originally part of a larger lot that included the adjacent parcel to the west and was known as 21W200 Hill Avenue. In 1972, the property was subdivided and the adjacent parcel to the west became known as 21W200 and the subject property was known as 21W140 Hill Avenue. In 1975, a variation was granted for the subject property (ZBA 75-10) to reduce the side yard setback on the west side of the property in order to allow for the construction of a storage facility. New addresses were assigned when the building was being built. However, the 21W140 address continued to be used after the building was completed. The subject lot is now improved with a commercial/industrial strip center.

The petitioner is currently operating a canine training facility in the westernmost tenant space within the strip center. The petitioner opened their establishment without receiving a zoning certificate from the Village. 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.

The dogs are walked on a strip of grass adjacent to the right of way along Hill Avenue. The Bellyrub Klub provides clean up bags for employees and customers to properly dispose of any

waste located in the area. The Bellyrub Klub and property owner have established a strict agreement to keep the subject property free of canine waste.

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 minimal noise disturbances associated with the presence of the canines, the proposed uses could be considered light industrial by nature.

Compatibility with the Surrounding Land Uses

The property is primarily surrounded by light industrial uses. Staff finds the proposed use to be compatible with the surrounding land uses.

Compatibility with the Zoning Ordinance

The petitioner has not proposed any building expansions at this time. The property does not meet the current front yard and side yard setback requirements for the I Limited Industrial District. A variation was granted in 1975 to reduce the side yard setback to the west property line to zero feet (0'). The building is setback approximately twenty feet (20') from the front property line, but is considered legal non-conforming as the front yard setback at the time the building was constructed was twenty feet (20').

Parking

As the subject business is located within an office/warehouse building that contains multiple tenants, there is a shared parking arrangement between all tenants. The general parking requirement for industrial/warehouse uses is one (1) space per 1,000 square feet of gross floor area. However, Section 155.602(A)(1) 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.

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.

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.

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 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.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development

Lombard Plan Commission

Re: PC 08-34

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