

MINUTES OF THE PLAN COMMISSION
October 13, 2008

The regular meeting of the Plan Commission was called to order by Chairman Kurt Hezner at 7:12 p.m. at the Village Hall.

Members present: Chairman Kurt Hezner, William Cotey, Howard Jaffe, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Terry Howard.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

OLD BUSINESS: None.

NEW BUSINESS:

PC 08-19 Puppy Karma, LLC d/b/a Pampered Pup'z, Applicant
1068 E. Park Avenue

Request is for a Text Amendment to the Libertyville Zoning Code in order to include Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services as a Special Permitted Use in an I-3, General Industrial District.

PC 08-20 Puppy Karma, LLC d/b/a Pampered Pup'z, Applicant
1068 E. Park Avenue

Request is for a Special Use Permit for Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services for property located in an I-3, General Industrial District.

PC 08-21 Puppy Karma, LLC d/b/a Pampered Pup'z, Applicant
1068 E. Park Avenue

Request is for a Site Plan Permit in order to permit a Pet Care Service, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services as a Special Permitted Use in an I-3, General Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Bill Kaiser, Pampered Pup'z, is requesting approval of a Text Amendment to the Libertyville Zoning Code in order to include Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting

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Services as a Special Permitted Use in an I-3, General Industrial District. Concurrently, Mr. Kaiser is requesting approval for a Special Use Permit for Pet Care Services, but limited to Pet Boarding Services, and Pet Grooming Services, and Pet Sitting Services for property located in an I-3, General Industrial District at 1068 East Park Avenue. Finally, Mr. Kaiser is requesting a Site Plan Permit for the exterior improvements made relative to the Pet Care Service use, Pampered Pup'z, located at 1068 East Park Avenue.

Mr. John Spoden, Director of Community Development, gave some additional background.

Mr. Terry Wepler, stated that the petitioner has been operating the Pet Care Services establishment for the past 4 years. He stated that the petitioner was lead to believe that the Code was to be revised after he took occupancy so that Pet Grooming would then become permitted for the I-3 District. He stated that what they are now proposing is to amend the Zoning Code so that Pet Grooming and Boarding should be allowed as a Special Permitted Use so long as it is at least 400 feet from any residential area. He stated that the subject site in which the Pampered Pup'z is located is within an industrial area that is predominately surrounded by auto service type of establishments and has not created any kind of health or noise problems for the neighbors.

Mr. Wepler stated that Pampered Pup'z provides an environment in which the dogs can socialize with each other. He stated that if the Zoning Code were amended to include the proposed Pet Care Services as Special Permitted Uses, then this will enable the Village to place additional restrictions or conditions as necessary on this proposal as well as other proposals for other properties in the I-3 District. He stated that this proposal will not have a negative impact on the Village. He stated that the business has been operating without incident and provides employment and that one-third of the employees are Village of Libertyville residents. He stated that this Pet Care Service is regulated by the Department of Agriculture.

Ms. Jennifer Marsh, 100 Camelot Lane, stated that she lives very close to the Pampered Pup'z establishment. She stated that she could not find the same quality level of service that Pampered Pup'z provides at other kennel locations. She stated that she supports the proposal by the petitioner.

Mr. Barry Reszel, 945 Windhaven Road, stated that his own dogs are taken to Pampered Pup'z and that it is a great business.

Mr. William Kaiser, owner of Pampered Pup'z and petitioner, stated that he is an active member of the Libertyville community and has been a member of Main Street Libertyville. He stated that he also employs special needs persons. He stated that he participates in the renting of the Libertyville Theater for kids programs. He stated that over the years, pets are looked at as a member of the family. He stated that his business is regulated by the Department of Agriculture and that his business has blended into the Village of Libertyville community very well.

Chairman Hezner requested clarification on the Building Division forms submitted by Staff.

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Mr. Spoden stated that the Building Division denied occupancy due to the zoning regulation.

Commissioner Oakley asked if there is any retail service provided at the subject site.

Mr. Kaiser stated that it is only the Pet Services that are being requested for approval that are being provided.

Commissioner Cotey stated that the proposed text amendment should be subject to further study and discussion. He asked how much residential is next to the I-3 Districts.

Mr. Spoden stated that there is significant residential property adjacent to the east side industrial area that is predominately zoned I-3, however, the subject site is not directly adjacent to residential property.

Commissioner Jaffe asked if the proposed 400 foot separation would meet the noise ordinance. Mr. Spoden stated that this has not been determined, but that the sound of barking dogs would very likely carry further than 400 feet.

Commissioner Cotey stated that there is constant noise in commercial districts. He asked the petitioner what is the capacity of dogs that can be kept at his facility.

Mr. Kaiser stated that he could keep up to 48 dogs at one time, but that the facility houses the dogs indoors. He stated that is typically on during the Christmas and Spring Break seasons that they fill up to capacity.

Commissioner Moore asked why the petitioner took occupancy prior to the issuance of an occupancy permit. Mr. Weppler stated that it was the wrong thing to do and they are here tonight to correct that mistake. He stated that the petitioner had anticipated that the Code would have been amended.

Commissioner Moore asked what lead the petitioner to believe that the Zoning Code was going to be amended. He stated that out of all the standards that only one seems to be applicable and that one addresses community need.

Board Member Jaffe asked if additional inspections took place after the petitioner took occupancy in 2004. Mr. Spoden stated that the Fire Department conducted follow-up inspections.

Mr. Kaiser stated that they only started out as Day Care and Grooming. He stated that around mid-2005 they began the Boarding Service. He stated that employees do not stay overnight with the dogs. He stated that each dog is in its own individual kennel.

Commissioner Robinson stated that it is a valuable service and is necessary for the community.

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Chairman Hezner asked Mr. Spoden if the I-1 District is more appropriate for the proposed Pet Service uses. Mr. Spoden stated that I-1 is a more appropriate district.

Commissioner Moore asked the petitioner if he would like to poll the members of the Plan Commission prior to the Plan Commission rendered their recommendation. Mr. Wepler requested that the Commissioner's be polled for their opinion.

Commissioner stated that he supports the requests.

Commissioner Cotey stated that he supports the requests, but that time frame in which dogs can be let out is no earlier than 6:30 a.m. and no later than 7:00 p.m.

Commissioner Moore stated that he supports the requests.

Commissioner Jaffe stated that he supports the requests and stated that he does not object to a 6:30a.m. start time.

Mr. David Pardys, Village Attorney, stated that most of the standards are mostly applicable to Zoning Map amendments.

In the matter of PC 08-19, Commissioner Jaffe moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code in order to include Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services as a Special Permitted Use in an I-3, General Industrial District.

Motion carried 6 - 0.

In the matter of PC 08-20, Commissioner Robinson moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Special Use Permit for Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services for property located in an I-3, General Industrial District, subject to the following conditions: 1) The Pet Service facility be no closer than 400 feet from any residential district; and 2) Dogs are not permitted outside of the facility earlier than 6:30 a.m. and not later than 7:00 p.m.

Motion carried 6 - 0.

In the matter of PC 08-21, Commissioner Robinson moved, seconded by Commissioner Oakley, to recommend the Village Board of Trustees approve a Site Plan Permit for Pet Care Services, but limited to Pet Boarding Services, Pet Grooming Services, and Pet Sitting Services for property located in an I-3, General Industrial District, subject to the following conditions: 1) The Pet Service facility be no closer than 400 feet from any residential district; and 2) Dogs are not permitted outside of the facility earlier than 6:30 a.m. and not later than 7:00 p.m.

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Motion carried 6 - 0.

COMMUNICATIONS AND DISCUSSION:

Commissioner Robinson moved and Commissioner Jaffe seconded a motion to adjourn.

Motion carried 6 - 0.

Meeting adjourned at 8:05 p.m.