



WHERE HISTORY & PROGRESS MEET

DEVELOPMENT COMMITTEE

**Monday, March 11, 2019
7:00 P.M. - Council Chambers**

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. February 11, 2019
3. Public Participation
4. Items for Consent
 - A. 123 N. Aurora, Special Use Permits for Motor Vehicle Care and Motor Vehicle Repair Facility
 - B. Resolution to adopt Official City of West Chicago 2019 Zoning Map
5. Items for Discussion
 - A. Text Amendment to Regulate Pet Shops
6. Unfinished Business
7. New Business
8. Reports from Staff
9. Adjournment

Draft

MINUTES

DEVELOPMENT COMMITTEE

February 11, 2019, 7:00 P.M.

1. Call to Order, Roll Call, and Establishment of a Quorum.

Alderman Stout called the meeting to order at 7:00 P.M.

Roll call found Aldermen James Beifuss, Melissa Birch Ferguson, Bonnie Gagliardi, Matt Garling, Jayme Sheahan and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner.

2. Approval of Minutes.

A. January 14, 2019.

Alderman Garling moved and Alderman Birch Ferguson seconded a motion to approve the minutes. Voting Aye: Aldermen Beifuss, Birch Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

3. Public Participation. None.

4. Items for Consent.

A. 560 W. North Avenue, Special Use Permits for a Used Motor Vehicle Dealership, and Motor Vehicle Care and Repair Facilities.

B. Norix, 1 Innovation Drive, Final Development Plan Review

Alderman Garling moved and Alderman Sheahan seconded a motion to approve the minutes. Voting Aye: Aldermen Beifuss, Birch Ferguson, Gagliardi, Garling, Sheahan and Stout. Voting Nay: 0.

5. Items for Discussion.

A. U-Haul, North Avenue at Neltnor, Revisions to the Concept Plan – Review and Discussion.

Tom Dabareiner provided this item update. U-Haul and their development arm, Amerco, have submitted a revised site plan since they met last month to discuss the concept. The changes eliminate the 3-story building once proposed for the property's northwest corner, retain the new warehousing facility, and reduce the storage units from 950 to 504. The visual impact has stayed the same, however, as it remains spread across the property. Staff stands behind their original memo from the January Development Committee meeting in which several problems were identified with this plan. He noted the applicant was present.

Alderman Garling asked about the proposed 1-story building in the plan. The applicant present, Ms. Angela Farley of U-Haul, stated it was just decided that same day to remove it from the plan. Alderman Garling asked about what another area in the plan was meant to signify, and Ms. Farley responded that is the proposed area for the location of the showroom.

Alderman Beifuss stated that he agrees with staff's position and those expressed at the last meeting. He expressed concern with changing the feel of this current B-3 Retail area to Manufacturing. The City has a lot of Manufacturing area already, with plenty of space to be built out, but there is, however, a limited amount of B-3, he noted. He also expressed concern about losing the synergistic elements of a retail area with this type of use, which does not drive foot or car traffic. He furthered stated that this is not the way to go and is not in keeping with the City's Comprehensive Plan. He recalled only ever having had to make a change to the Plan once in the past, and he does not see it happening again.

Alderman Stout indicated that she had already expressed her concerns at last month's meeting, and the newest changes are not very different from before. The proposed use would create an industrial feel for this corner. She does not see this plan as a good fit. She stated she loves the U-Haul company and loves what they have done at their other locations, but this is just not the right location for them at what is such an important corner for business in the City.

Angela Farley remarked that they intend to keep all existing businesses and will work to recruit new retail into the vacant units.

Dave Dresdner, one of the owners of the property, addressed the Committee. He apologized for the last-minute changes to the plans they had submitted. He explained that they tried their best to incorporate the feedback they received at last month's meeting into their revisions. At this time, he expressed his concern for the future of this property, which he has owned for 13 years. They have tried harder than anyone to lease this space—marketing it to anyone imaginable while carrying it at a huge expense—and there has been no interest. They did find a swap mart that was interested at one point, but the City did not support this use. Later there was an Indian banquet hall, but that did not pan out either. He emphasized that there are no other options. Traditional retail is dead he stated. There is no retailer interested. He understands the importance of retail for the City's tax revenue, but this use being proposed is not going to be as economically successful for them as traditional retail. It is a choice of necessity and if not this use, then it is going to be vacant. He recalled 10 months ago when they were in talks with a company interested in baseball batting cages and then suddenly, they were approached by U-Haul. They asked the Committee for their preference, and they were told U-Haul. It was viewed as a more stable user for the long term. He also remarked that U-Haul has never once closed one of their facilities. They have been working closely with U-Haul for the past ten months now and U-Haul has responded to the concerns heard at the last meeting to not cover the area with storage. He is dumbfounded and concerned. U-Haul will solidify this corner and serve as an anchor as it will bring foot traffic. He continued that an occupied center with some life in it is better than it being vacant. He asked the members to consider the changes U-Haul has made and in having done what they were asked. He thanked the members for their time.

A brief discussion followed among Alderman Stout and Mr. Dabareiner about looking at the zoning possibilities once more to determine if the zoning could remain as is if less space is being taken up by storage. Alderman Garling asked that staff look at the zoning again and bring the concept back to the Committee one more time. His concern from the beginning has been that with this use, they are leaving a lot of dead space in the parking lot that would sit there for forever and not be utilized.

Alderman Gagliardi expressed concern about the corner and the fact that perhaps some use there is better than nothing. They hear every day that stores are closing. This may be their only option.

Alderman Beifuss remarked that he is struck by the difference between this corner and the Menard's corner and that investment is one of the things that needs to happen in order for it to be successful. He said it was mentioned that an Indian banquet hall was interested at one time, but investment was needed in order to subdivide the space. Mr. Dresdner responded that they have unlimited resources to invest and money is not an issue. Alderman Beifuss stated that a use like this is more like an ad hoc industrial use,

and it is not the right way to go. He commented that the Norix design is the right building in the proper setting for industrial. Furthermore, this use would not be in keeping with their Comprehensive Plan. While the members hear this is the only use that would work here, he has to look at these plans in the context of what the community expects, and he does not feel this is what they expect.

Alderman Birch Ferguson stated she wanted to reiterate that she is comfortable with the first version of only repurposing the former Hobby Lobby building, and that adding the elbow with the outside storage is too much for this location.

Alderman Stout stated she would also like clarification on the possibility of changing the zoning requirements, given that the applicant has made another change to the plan the members were not aware of prior to the meeting. Although the final zoning is still unknown, she is inclined to agree with Aldermen Beifuss and Birch Ferguson that this use is not the best option for this corner. If the use still requires rezoning to Manufacturing, then this is a nonstarter for her as it is not in keeping with the Comprehensive Plan nor with what they envision for the corridor of Routes 64 and 59. She asked that it come back before them again with more information. Mr. Dabareiner asked the applicant to submit a final plan ahead of time as last-minute changes make it hard to analyze responsibly.

B. Forming America – 4th Amendment to the Special Use Approval to extend the completion deadline for a hard surface to September 30, 2019.

It was noted that the applicant was not present. Mr. Dabareiner assured the members the applicant was made aware of tonight's meeting and there followed a brief discussion as to whether they should move forward with their discussion tonight. Alderman Beifuss asked staff for an update and discussion.

Mr. Dabareiner briefed the members on this discussion item. Forming America is requesting a fourth amendment to its special use for outside storage at their existing facility. The original special use was granted in August, 2007, with subsequent amendments granted in 2011, 2014 and 2016. Under the fourth amendment proposed, they are requesting an extension of the deadline to November 30, 2019. This deadline was discussed at the January meeting of the Plan Commission/Zoning Board of Appeals (PC/ZBA), and they generated a motion to move the deadline up to September 30th, thinking an earlier deadline would provide some leeway for any additional or pending work needed. Mr. Dabareiner mentioned the applicant used a different paving material other than concrete or asphalt, which they believed would provide a hard enough surface. However, staff received information that suggests the Fire Department requires an asphalt surface, but they will ask for confirmation of this in writing before going forward.

PC/ZBA voted 3-2 in favor of the motion to approve the fourth amendment with the September 30th deadline. However, since three votes are insufficient for approval, a supermajority of the City Council is now required to approve the proposed amendment. He added that the two votes against were not about the deadline, but rather because they were in favor of moving to code enforcement right away.

Alderman Beifuss asked for clarification about the PC/ZBA's rationale for advancing the deadline. Mr. Dabareiner answered that the commissioners explored several options for advancing the deadline, and while the business owner was not present at that meeting, a representative from Forming America indicated that later in the year is better for them given when their busy season is.

Alderman Birch Ferguson stated that she was optimistic all parties had reached a final understanding at their last meeting together in October. She expressed disappointment they did not see any response from them on subsequent meeting agendas and that they are not present tonight. She stated she agrees with the Plan Commission in that code enforcement is the best option at this point.

Alderman Garling stated a deadline of two less or two more months does not make a difference. He noted this is a business he passes by daily and it is not far from his home. They are good neighbors as they are not noisy or dusty. He also expressed disappointment at not seeing them present tonight, but he would like to give them one more chance before starting code enforcement. He agreed with Alderman Birch Ferguson that he thought they had made it clear about what was expected at the October meeting as well.

Alderman Beifuss said the idea at their October meeting was to give them one last chance before code enforcement. He recalled there were some other issues beyond their control that caused delays in the past, but the new deadline should be their last chance.

Alderman Stout indicated that Forming America did not apply for an extension when they knew they were not going to meet the deadline. She also understood that was their last chance, and yet they ignored the deadline knowingly. Furthermore, they went on to use a sub-standard form of asphalt. She stated she believes they are out of chances and asked what the process for code enforcement would be. Mr. Dabareiner responded that they could ticket every day and ask for the maximum fine of \$750.00 for each day. Per state law, the maximum total fine amount is \$40,000. The option after that is Circuit Court.

Alderman Garling stated that his struggle with using code enforcement now is that they cannot pave this time of year. It would seem unfair to start enforcing the code now

without giving them one more chance to comply when the weather is better. Alderman Stout asked if perhaps a mid-range deadline would be more suitable as she does not agree to extending the deadline all the way to the fall again. Alderman Beifuss agreed with Alderman Garling. It makes sense to extend the deadline to September 30th in order to give them the opportunity to come into compliance. Alderman Stout said she preferred a July deadline.

Alderman Gagliardi stated that a September 30th deadline is too generous and agreed with Alderman Stout. She suggested a June deadline in order to give them a few months to work. She does not want to wait another year to see what happens.

Alderman Birch Ferguson agreed with Alderman Gagliardi that June or July is a better way to go so as to explain that this is their last chance. Alderman Sheahan also agreed that June or July is better as they were told already at the last meeting that that was their last chance. Alderman Garling agreed to July. Alderman Beifuss agreed with the PC/ZBA deadline of September 30th.

Alderman Stout added that it also needs to be made clear that the use of the substandard asphalt is not acceptable, and it was not a surface that was approved initially. A brief discussion followed about obtaining confirmation from the Fire Department. It was then decided to reinforce the Development Committee's previous direction that asphalt be used, along with the confirmation from the Fire Marshall to back that up. The final consensus among the members was for a deadline of July 31st, 2019.

6. **Unfinished Business.** None.
7. **New Business.** None.
8. **Reports from Staff.** None.
9. **Adjournment.**

Alderman Sheahan moved and Alderman Gagliardi seconded the motion to adjourn the Development Committee meeting at 7:38 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,
Jane Burke

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Special Use for Saas/Smith, 123 North Aurora Avenue
to allow a Motor Vehicle Repair Facility

Ordinance No. 19-O-0007

AGENDA ITEM NUMBER: 4.A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: March 11,
2019

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The applicants, Phillip Saas and Dale Smith, are requesting the approval of special use permits for an auto repair facility in an existing building at 123 N. Aurora Avenue. The subject property is zoned M, Manufacturing District. The West Chicago Zoning Code lists "Motor vehicle repair shops" [11.2-4(C)] and "Motor vehicle care centers", [11.2-4(GG)] as special uses. The applicants are requesting special use permits to allow both uses.

The applicants will be leasing the building to a tenant who will operate the motor vehicle repair business. All motor vehicle repair and vehicle storage is proposed to occur inside the building.

There is an existing 4,734 square foot building on the 11,841 square foot property. The entire property is either paved or covered with the building. Most recently the building housed an electrical contractor but historically the building housed a motor vehicle repair facility.

There is parking in front of the building for 6 cars. There is a driveway of approximately 20 feet on the north side of the building that provides access to the rear of the property and the roll up doors located on that rear facade. There is a gate on the driveway but there is no delineation of uses between the subject property and the property to the east. The applicants are proposing to fence the subject property to prevent the neighboring uses from spilling over onto the property.

At its March 5, 2019 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) conducted a public hearing to consider the applicants' request. The Plan Commission unanimously recommended approval of the special use permits for 123 N. Aurora Avenue by a vote of six (6) "yes" and zero (0) "no" subject to the following conditions:

1. The west side yard and the rear yard of the property shall be fenced within 60 days of the special use permit approval.
2. All motor vehicles awaiting repair or being repaired shall be located inside the building.
3. All repairs shall take place inside the building.
4. The two parkway areas on the west side of the parking lot shall be graded and seeded with grass. Temporary landscape fencing shall be installed on perimeters of parkway.

The Plan Commission/Zoning Board of Appeals' recommendation is included as Exhibit "B" of the attached ordinance.

ATTACHMENTS:

Draft Ordinance Approving the Special Use Permits

Plan Commission/Zoning Board of Appeals Recommendation (Attached as Exhibit "B" to the Ordinance)

ACTION PROPOSED:

Consideration of special use permits to allow an auto repair facility subject to the listed conditions.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 19-O-0007

AN ORDINANCE GRANTING SPECIAL USE PERMITS FOR A MOTOR VEHICLE REPAIR FACILITY AT 123 NORTH AURORA AVENUE

WHEREAS, on or about December 12, 2018, Phillip Saas and Dale Smith (the "APPLICANT"), filed an application for special use permits to establish a motor vehicle repair facility at the property legally described on Exhibit "A" attached hereto and incorporated herein (the "SUBJECT REALTY"); and,

WHEREAS, a Notice of Public Hearing on said special use application was published in the Daily Herald on February 14, 2019, as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on March 5, 2019, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals, which contains specific findings of fact, pursuant to Recommendation No. 2019-RC-0003, a copy of which is attached hereto as Exhibit "B" which is, by this reference, incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That two (2) special use permits in conformance with Sections 5.5 and 11.2-4(C) and 11.2-4(GG) of the Zoning Ordinance are hereby granted for the SUBJECT REALTY, to establish a motor vehicle repair shop and a motor vehicle care center at 123 North Aurora Avenue.

Section 2. That the two special use permits are hereby granted subject to compliance with the following conditions:

1. The west side yard and the rear yard of the property shall be fenced within 60 days of the special use permit approval.
2. All motor vehicles awaiting repair or being repaired shall be located inside the building.
3. All repairs shall take place inside the building.
4. The two parkway areas on the west side of the parking lot shall be graded and seeded with grass. Temporary landscape fencing shall be installed on perimeters of parkway.

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the Ordinance 19-O-0007

provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. 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.

PASSED this _____ day of March, 2019

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman M. Ferguson	_____
Alderman M. Birch-Ferguson	_____	Alderman S. Dimas	_____
Alderman C. Swiatek	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman J. Short	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

ADOPTED this _____ day of March, 2019.

Ruben Pineda, Mayor

ATTEST:

Nancy M. Smith, City Clerk

PUBLISHED: _____

EXHIBIT "A"

Subject Realty Legal Description

Tax ID Number: 04-09-201-037

Lot 2 in Kaforski's subdivision of part of the NE 1/4 of Section 9, Township 39 North, Range 9, east of the Third Principal Meridian according to the plat thereof recorded February 7, 1986 as Document R86-13058 in the Recorder's Office of DuPage County, Illinois.

EXHIBIT "B"

RECOMMENDATION NO. 2019-RC-0003

TO: Honorable Mayor and City Council

SUBJECT: PC 19-04
Special Use Permits
Phillip Saas/Dale Smith
123 N. Aurora Avenue

DATE: March 5, 2019

DECISION: The Plan Commission/Zoning Board of Appeals unanimously (5-0 vote) recommended approval of two (2) special use permits to allow a motor vehicle repair shop and motor vehicle care center at the subject property.

RECOMMENDATION:

After holding a public hearing and after review of the requested special use permits, the Plan Commission/Zoning Board of Appeals recommended approval according to the following findings of fact:

(1) Is necessary for the public convenience at that location or, the case of existing nonconforming uses, a special use permit will make the use more compatible with its surroundings:

(This standard should be interpreted as indicating whether or not the proposed use is good for the public at that particular physical location, and not whether the use itself is needed there).

The proposed motor vehicle repair use is best suited for an industrial or highly commercial area. The subject property is located on a dead end road with very close proximity to two railroad lines. The site is relatively small and due to its size and location, has limited potential uses.

(2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The proposed use of the subject property should not adversely impact the public health, safety and welfare of the community. The site previously housed motor vehicle services and similar uses are in the adjacent building.

(3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located:

The proposed motor vehicle repair use should not cause substantial injury to the value of other property in the neighborhood in which it is located. The use will occur inside an existing industrial building with limited parking outside of the building.

(4) The proposed special use is designated by this code as a listed special use in the zoning district in which the property in question is located:

The proposed special uses are listed in the West Chicago Zoning Code, 11.2-4 (C) – Motor vehicle repair shop and 11.2-4(GG) – Motor vehicle care center.

The Plan Commission/Zoning Board of Appeals recommended approval of the special use permits subject to the following conditions of approval:

1. The west side yard and the rear yard of the property shall be fenced within 60 days of the special use permit approval.
2. All motor vehicles awaiting repair or being repaired shall be located inside the building.
3. All repairs shall take place inside the building.
4. The two parkway areas on the west side of the parking lot shall be graded and seeded with grass. Temporary landscape fencing shall be installed on perimeters of parkways.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Laimins	X			
Devitt	X			
Hale	X			
Kasprak	X			
Faught	X			
Dettman	X			
Henkin				X

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

2019 Zoning Map Approval

Resolution No. 19-R-0015

AGENDA ITEM NUMBER: 4.B.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: March 11, 2019

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

Illinois State Statute 63 ILCS 5/11-13-19 requires municipalities to formally approve an official zoning map on an annual basis if there have been changes in zoning classifications or districts the previous year.

The City Council approved two zoning changes in 2018 that are reflected on the draft 2019 Zoning Map:

1. The property at 811 Brown Street was rezoned from R-5, Single-Family Residential to M, Manufacturing by Ordinance No. 18-O-0051 on September 17, 2018; and
2. The parcels at the southwest corner of Smith Road at Powis Road were rezoned from ORI, Office, Research and Light Industrial to A, Airport, by Ordinance No. 18-O0059 on December 17, 2018.

Attachments:

Plan Commission Recommendation

Draft Ordinance Adopting 2019 Zoning Map

ACTIONS PROPOSED:

Staff recommends adoption of the 2019 Zoning Map dated February 4, 2019, as presented.

COMMITTEE RECOMMENDATION:

RECOMMENDATION NO. 2019-RC-0005

TO: Honorable Mayor and City Council

SUBJECT: 2019 Official Zoning Map

DATE: March 5, 2019

DECISION: The Plan Commission/Zoning Board of Appeals unanimously (6-0 vote) recommended adoption of the 2019 Official Zoning Map.

RECOMMENDATION:

After reviewing the 2019 Official Zoning Map, the Plan Commission recommended adoption.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Laimins	X			
Devitt	X			
Hale	X			
Kasprak	X			
Faught	X			
Dettman	X			
Henkin				X

RESOLUTION NO. 19-R-0015

**A RESOLUTION AUTHORIZING THE MAYOR TO ADOPT THE 2019
OFFICIAL ZONING MAP FOR THE CITY OF WEST CHICAGO**

WHEREAS, Illinois State Statute 65 ILCS 5/11-13-19 requires corporate authorities to publish a Zoning Map each year there are changes in zoning classifications; and

WHEREAS, there were two changes to zoning classifications in 2018 that are reflected on the 2019 West Chicago Zoning Map; and

WHEREAS, the property at 811 W. Brown Street was rezoned from R-5, Single-Family Residential to M, Manufacturing, by Ordinance No. 18-O-0051 on September 17, 2018; and

WHEREAS, the parcels at the southwest corner of Smith Road at Powis Road were rezoned from ORI, Office, Research and Light Industrial to A, Airport, by Ordinance No. 18-O-0059 on December 17, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, approves the 2019 West Chicago Zoning Map dated February 4, 2019, in substantially the form attached hereto and incorporated herein as Exhibit "A".

APPROVED this ____ day of March, 2019.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

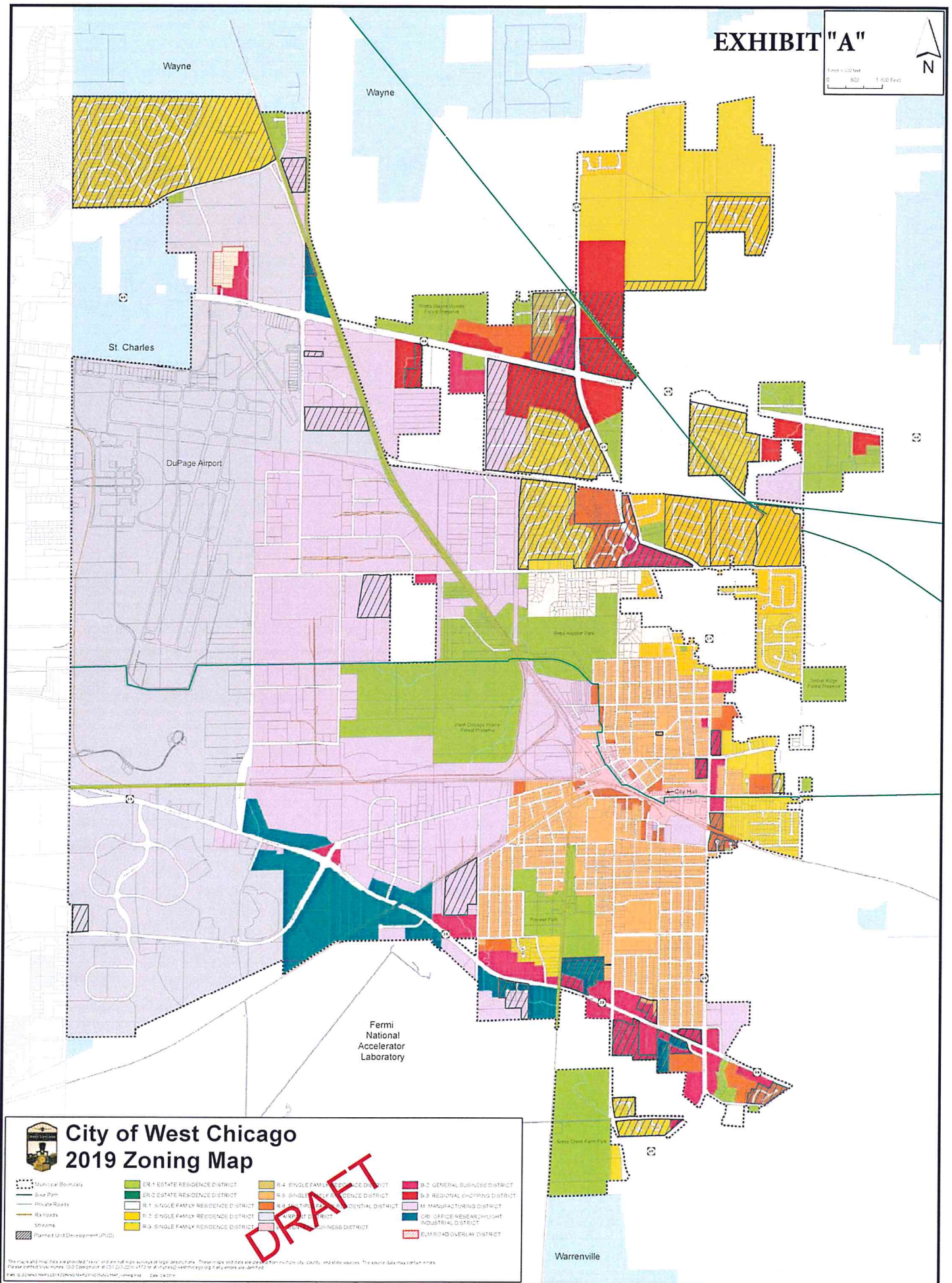
ATTEST:

Mayor Ruben Pineda

City Clerk Nancy M. Smith

1 inch = 100 feet

0 500 1,000 Feet

City of West Chicago
2019 Zoning Map

- Municipal Boundary
 Ewa Park
 Private Roads
 Railroads
 Streams
 Planning Unit Development (PUD)
- | | | |
|--|---|---|
| R-1 SINGLE-FAMILY RESIDENCE DISTRICT |  R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT |  B-2 GENERAL BUSINESS DISTRICT |
|  UR-2 ESTATE RESIDENCE DISTRICT |  R-3 SINGLE-FAMILY RESIDENCE DISTRICT |  C-1 OFFICE PROFESSIONAL/INDUSTRIAL DISTRICT |
|  R-1 SINGLE-FAMILY RESIDENCE DISTRICT |  R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT |  M-1 MANUFACTURING DISTRICT |
|  P-1 SINGLE-FAMILY RESIDENCE DISTRICT | R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT | R-2 OFFICE RESEARCH/HIGH-TECH INDUSTRIAL DISTRICT |
| R-3 SINGLE-FAMILY RESIDENCE DISTRICT | B-3 OFFICE PROFESSIONAL/INDUSTRIAL DISTRICT |  E-1 ELM ROAD OVERLAY DISTRICT |

The maps and map data are provided "as is" and are not legal surveys or legal descriptions. These maps and data are derived from multiple city, county, and state sources. The source data may contain errors. Please contact Nick Hines, GIS Coordinator at (202) 261-2291 x773 or ahines@wheatridge.org if any errors are identified.

File #: ZONING MAP 1201 ZONING MAP 1201 N1201ZONING.MXD Date: 10/28/19

CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Zoning Code Text Amendment
Pet Shops

Ordinance No. 19-O-0008

AGENDA ITEM NUMBER: 5.A.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: Mar. 11, 2019

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner, AICP

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The City of West Chicago, in response to an inquiry from DuPage County, seeks to initiate a set of text amendments that would restrict the sale of dogs and cats from retail outlets in an effort to deter so-called "puppy mills" and "kitten mills." Also this month, Police Department personnel will propose a new section to the Animal Care and Control Ordinance to enhance their enforcement abilities on the topic. Community Development needs to establish its own regulations, consistent with the Animal Care and Control Ordinance, to discourage the sale of "puppy mill" animals and to encourage demand for shelter animals and those from rescue organizations. The changes involve defining Pet Shops and related uses, and adding Pet Shops as part of our use list in allowed districts.

As proposed, Pet Shops would be added as a Permitted Use in the B-1, B-2 and B-3 zoning districts. Pet Shops would be defined in a manner to preclude the sale of dogs and cats, with certain exceptions. Pet Shops would be allowed to collaborate with animal care facilities and animal rescue organizations to offer space for such entities to feature adoptable dogs and cats. The text amendments would affect no existing businesses in West Chicago.

At its March 5, 2019 meeting, the Plan Commission/Zoning Board of Appeals (PC/ZBA) conducted a public hearing to consider the proposed text amendment. By a vote of four (4) "yes" and two (2) "no", the Plan Commission recommended approval of the text amendment as presented. Dissenters questioned if such a restriction is legal and whether the prohibition is too broad.

Attachments:
Draft Ordinance
PC Report

ACTION PROPOSED:

Consideration of the proposed Zoning Ordinance text amendments for Pet Shops.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 19-O-0008

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLES 4 AND 10 OF THE ZONING CODE RELATING TO PET SHOPS

WHEREAS, according to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills, where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include overbreeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter, lack of socialization, lack of adequate space, and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities may lead to health and behavioral issues and said issues may not present themselves until sometime after the purchase of the animals which can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains collaborate with local shelters and rescue organizations and operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the City Council believes it is in the best interest of this City to adopt reasonable regulations to protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, Notice of Public Hearing on said text amendments was published in the Daily Herald on or about February 14, 2019, as required by the ordinances of the City of West

Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on March 5, 2019, pursuant to said Notice; and,

WHEREAS, at the Public Hearing all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 19-RC-0004, a copy of which is attached hereto as Exhibit "A" which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Appendix A, Article 4, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled "Construction of terms" is hereby amended by adding the following three definitions:

"Pet shop" means a retail establishment which sells any or all of the following to the general public: pets, pet accessories, and pet supplies. Pet shops can house an accessory veterinary clinic and/or an accessory indoor grooming facility. No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

"Animal care facility" means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

"Animal rescue organization" means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Section 2. That Appendix A, Article 10, Section 10.2-3, B-1, Central Business District, of the Code of Ordinances of the City of West Chicago entitled "Permitted Uses" is hereby amended by adding the following language:

(CC) Pet shops

Section 3. That Appendix A, Article 10, Section 10.3-3, B-2, General Business District, of the Code of Ordinances of the City of West Chicago entitled “Permitted Uses” is hereby amended by adding the following language:

(OO) Pet shops

Section 4. That Appendix A, Article 10, Section 10.4-4, B-3, Regional Business District, of the Code of Ordinances of the City of West Chicago entitled “Permitted Uses” is hereby amended by adding the following language:

(HH) Pet shops

Section 5. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 6. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____ 2019.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman M. Ferguson	_____
Alderman M. Birch-Ferguson	_____	Alderman S. Dimas	_____
Alderman C. Swiatek	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman J. Short	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____ 2019.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

EXHIBIT "A"

RECOMMENDATION # 19-RC-0004

TO: The Honorable Mayor and City Council

SUBJECT: PC 19-07
Text Amendment
Pet Shop Definition and Permitted Use Determination

DATE: March 5, 2019

DECISION: The motion to approve the request was approved by a vote of four (4) "yes" and two (2) "no".

RECOMMENDATION:

After a review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that the proposed amendment does not pose a threat to the health, safety and welfare of the community. It is the Commission's opinion that the proposed amendment to Article IV, Definitions, and Article X, Business, of the West Chicago Zoning Code will be beneficial to the City of West Chicago because the amendment will prohibit "puppy mills" and "kitten mills" within the City.

The amendment to Article IV, Definitions, to create a definition for "Pet shops" that specifically prohibits selling, delivering, offering for sale, bartering, auctioning, giving away, or otherwise transferring or disposing of cats or dogs is in keeping with the purpose of the Zoning Code. The Plan Commission is of the opinion that this proposed restriction will protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of West Chicago community.

Respectfully submitted,

Barbara Laimins
Chairman

VOTE:

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Laimins	X			
Devitt	X			
Hale		X		
Kasprak	X			
Faught		X		
Dettman	X			
Henkin				X