ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/Address:	General Amendment: Pet Care Facilities in the CBD-1 District		
	City Staff:	Ellen Johnson, Planner		
	PUBLIC HEARING 11/19/19	X	**MEETING 11/19/19**	X
APPLICATION:		General Amendment		
ATTACHMENTS AND SUPPORTING DOCUMENTS:				
Staff Report		Application for General Amendment		
Table 17.14				

SUMMARY:

John Karatheodore has submitted an application for General Amendment to the Zoning Ordinance requesting to add Pet Care Facility as a Special Use in the CBD-1 zoning district.

The applicant has also submitted an application for Special Use to establish a Pet Care Facility at a location in the CBD-1 district. The General Amendment would need to be approved for the Special Use to be granted.

The public hearing for this item was opened on 10/8/19 and continued. The Commission requested the applicant provide more information in relation to the Special Use application.

The attached Staff Report is the same as was provided for the 10/8/19 meeting.

SUGGESTED ACTION:

Conduct the public hearing and close if all testimony has been taken.

The Plan Commission may vote on the item should they determine that they have enough information to make a recommendation.

INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:

- See **Sec. 17.04.320** regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.
- Public hearing is required. No mailed notice to surrounding property owners.
- Findings: 6 items of information for Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

Community & Economic Development
Planning Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

Staff Report

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: General Amendment to Title 17 (Zoning Ordinance) – Pet Care Facilities in the CBD-1 District

DATE: October 4, 2019

I. APPLICATION INFORMATION:

Project Name: General Amendment – Pet Care Facilities in CBD-1

Applicant: John Karatheodore

Purpose: Add Pet Care Facility as a Special Use in the CBD-1 District

II. BACKGROUND

The "Pet Care Facility" use category contained in the Zoning Ordinance was created in 2014 to accommodate businesses that provide a mix of pet-related retail goods and services such as dog daycare, training, boarding, and grooming.

Pet Care Facility is defined in the Zoning Ordinance as follows:

> *A building, structure or portion thereof designed or used for the retail sale of pet products and food, grooming, boarding, training, daycare or overnight boarding of dogs, cats or other household domestic animals. The overnight boarding area of the establishment shall not exceed 50% of the total Gross Floor Area of the business. Establishments that only provide daycare and overnight boarding services, or establishments where these services exceed 50% of the Gross Floor Area, shall be considered a Kennel, not a Pet Care Facility.*

Pet Care Facility is a Special Use in three business districts: BL-Local Business, BC-Community Business and BR-Regional Business, as well as the M-1 Special Manufacturing District.
To date, two businesses in St. Charles have been granted Special Use approval for a Pet Care Facility: Fydoland, 1311 E. Main St. and Loyal Companions, 2312 W. Main St. Both of these businesses include fenced-in outdoor play areas.

Several Use Standards apply to Pet Care Facilities (Section 17.20.030):

> *Pet Care Facilities shall comply with the following standards:*

1. *Outdoor exercise areas shall not be located on a property that abuts a residentially zoned property.*
2. *Outdoor exercise areas that directly abut or face any residentially zoned properties, commercially zoned properties, and any public street shall be screened with a 100% opaque non-see-through fence or wall.*
3. *All animals shall be kept either within completely enclosed structures or under direct control of the facility operator or staff at all times, and shall be indoors between the hours of 7:00 PM and 7:00 AM.*
4. *The operation of the Pet Care Facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the kennel is located, which occurs a) repeatedly over at least a seven-minute period of time at an average of at least twelve animal noises per minute, or b) repeatedly over at least a fifteen minute period of time, with one minute or less lapse of time between each animal noise during the fifteen-minute period.*

III. PROPOSAL & ANALYSIS

A. PROPOSAL

John Karatheorore has submitted an application for General Amendment requesting to add Pet Care Facility as a Special Use in the CBD-1 zoning district. Pet Care Facility is not currently listed as a Permitted or Special Use in the CBD-1 district. The applicant is seeking to open a Pet Care Facility at a location in the CBD-1 district and has submitted a Special Use application for the business. The General Amendment would need to be approved in order for the City to grant the Special Use.

The purpose of the CBD-1 district as provided in the Zoning Ordinance is as follows:

> *To provide for the maintenance and orderly growth of a mixed use, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. Development within the CBD-1 District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment.*

The CBD-1 district covers the commercial core of downtown St. Charles, including Main St. frontage from 4th St. to 4th Ave. and 2nd St. (Rt. 31) frontage from Prairie St. to the railroad bridge. Permitted uses in the CBD-1 district include multi-family dwellings, entertainment uses, offices, banks, retail, personal services, restaurants, and taverns, among others. The CBD-2 district, which allows a mix of smaller scale, less intensive commercial uses, provides a buffer between the CBD-1 district and residential neighborhoods surrounding downtown.

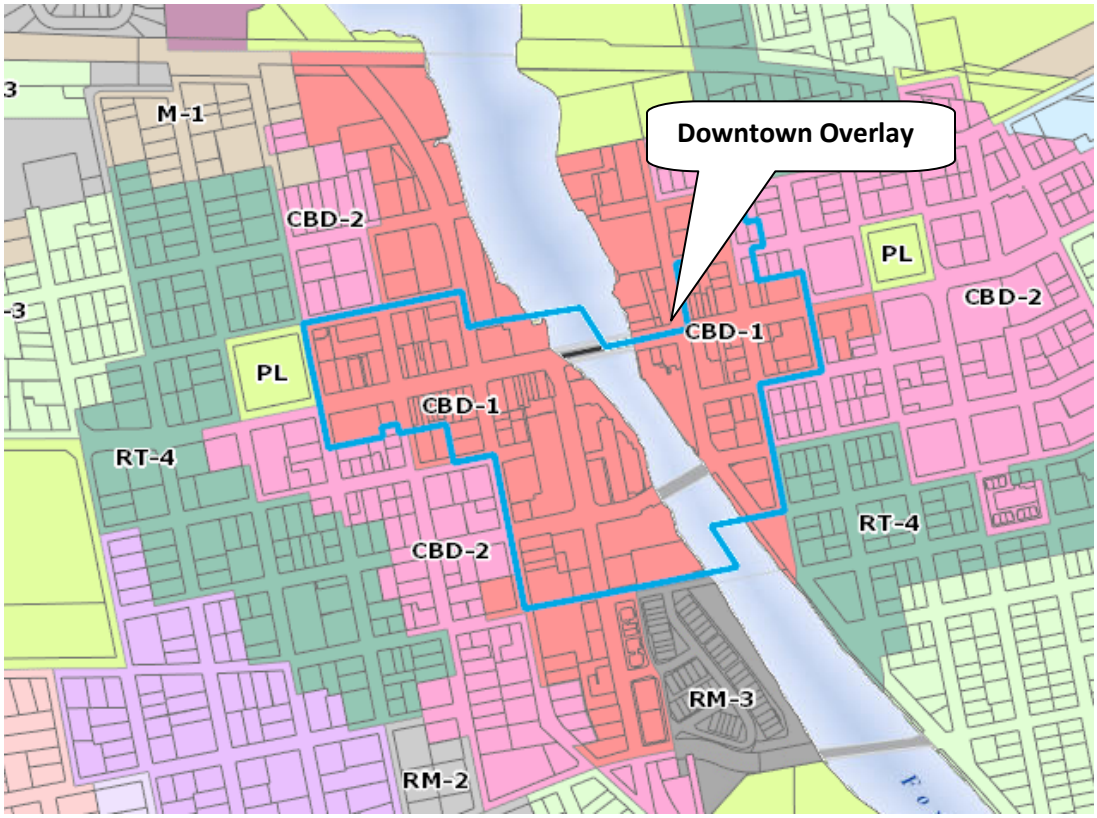
If the proposed General Amendment is approved, a Special Use application would need to be approved prior to the establishment of a Pet Care Facility in the CBD-1 district. Special Use applications require a public hearing before the Plan Commission and approval by City Council. Classifying the use as a Special Use provides the City the opportunity to review the plans for the establishment of a business in order to make a determination whether the business will meet the applicable ordinance standards (i.e. the finding of fact for Special Use).

The definition of a Special Use is provided in the Zoning Ordinance as follows (Section 17.04.330.A):

Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.

Staff Comments:

- The applicant has requested Pet Care Facility be added as a Special Use in the CBD-1 district. The core of the CBD-1 district is also located within the Downtown Overlay District. The purpose of the Downtown Overlay is to encourage pedestrian oriented uses by limiting first-floor businesses to those which generate pedestrian activity, such as retail stores and restaurants. One option for the proposed amendment would be to restrict Pet Care Facilities from locating in the Downtown Overlay. The use would only be allowed as a Special Use in areas of the CBD-1 district outside of the Overlay. This would exclude smaller parcels that may not be conducive for a Pet Care Facility given that most include outdoor exercise areas. It would also exclude core shopping areas along Main St., First St. and Century Corners. The map below shows the location of the CBD-1 district and Overlay. A listing of permitted uses in the CBD-1/Overlay districts is attached.



B. <u>COMPREHENSIVE PLAN</u>

The Comprehensive Plan designates the downtown area as Mixed Use. It describes the intention for Mixed Use areas as follows (p. 47):

Mixed Use areas should have strong pedestrian orientation and seek to create a more interesting and engaging pedestrian experience, accommodating pedestrian generating uses on the ground floor, and other uses above. Retail, entertainment and dining uses are

ideally suited for the ground floor with residential and/or office uses located on the upper floors. The primary objective is to provide an appropriate and compact mix of uses to foster an active and interesting district.

Relevant commercial areas goals and objectives (p. 23) include:

Goal 1: Develop attractive and highly functional retail and commercial areas that are market responsive, create a diverse tax base, and serve the needs of the City's residents and, in some areas, a larger regional market.

Objective 1- Maintain a range of retail and service activities throughout the City.

Objective 7- Ensure that all retail, office, and service commercial activities are logically organized by use and concentrated within or near areas of similar or compatible uses.

Goal 3: Revitalize Downtown St. Charles as the symbolic "heart" of the community and enhance its role as the City's primary mixed use pedestrian environment.

Objective 1- Continue to revitalize downtown with a mixture of uses including commercial, office, restaurant, and residential.

Objective 16- Require downtown development to be compatible with the scale and uses of the surrounding area and minimize and mitigate any negative impacts on adjacent land-uses, including noise, pedestrian and vehicular traffic, late hours of operation, litter, etc.

IV. SUGGESTED ACTION

Conduct the public hearing on the General Amendment and close if all the testimony has been taken.

The Plan Commission may vote on this item should the Commission feel that they have enough information to make a recommendation.

The applicant has provided responses to the six Findings of Fact for General Amendment. The findings are to be used as information for the Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

V. ATTACHMENTS

- Table 17.14 Commercial Districts – Permitted & Special Uses
- Application for General Amendment; received 9/16/19

TABLE 17.14-1
PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
RESIDENTIAL USES								
Artist Live/Work Space				P			P	Section 17.20.030
Assisted Living Facility		S		S			P	
Dwelling, Upper Level	P			P			P	
Dwelling Unit, Auxiliary							P	Section 17.20.030
Dwelling, Multi-Family				P			P	
Dwelling, Townhouse							P	
Dwelling, Two-Family							P	
Dwelling, Single-Family	P						P	
Group Home, Large							P	Section 17.20.030
Group Home, Small							P	Section 17.20.030
Independent Living Facility							P	
CULTURAL, RELIGIOUS, RECREATIONAL AND ENTERTAINMENT USES								
Art Gallery/Studio	P	P	P	P	P	P	P	
Carnival (as temporary use)		P	P	P				Section 17.20.040, 050
Cultural Facility		P	P	P	P	S	S	
Indoor Recreation and Amusement (Including Health/Fitness Club)		P	P	P	P	S	S	
Health/Fitness Club	P							
Live Entertainment		P	P	P	P			
Lodge or Private Club	P	P	P	P				
Outdoor Amusement			S					
Outdoor Recreation		P	P					
Park, Neighborhood	P			P	P	P	P	
Place of Worship	P	P	P	P			P	
Public Plaza	A	A	A	P	P	P	P	
Temporary Outdoor Entertainment	A	A	A	P	P			Section 17.20.030
Theater		P	P	P	P	P		
GOVERNMENTAL AND INSTITUTIONAL USES								
College/University		P	P	S				
Emergency Medical Center			P					
Fairground			S					
Golf Course			S					
Homeless Shelter				S			S	
Hospice							S	
Hospital			P					
Library				P			P	
Office, Government		P		P			P	
Post Office		P	P	P			P	
Public Service Facility		P	P	S				
School, Specialized Instructional	P	P	P	P			P	
School, Primary or Secondary							P	
RETAIL AND SERVICE USES								
Alcohol and Tobacco Sales Establishment	P*	P	P	P	P	P*	P*	*Section 17.20.30
Bank	P	P	P	P	P*	P*	P	Section 17.20.030 *Section 17.14.020
Bed and Breakfast				P			P	Section 17.20.030
Car Wash		S	P					Section 17.24.100
Currency Exchange		P	P	S				
Day Care Center	P	P	P	S			P	
Drive-Through Facility	S	S	S	SA			SA	Section 17.24.100
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020

BUSINESS AND MIXED USE DISTRICTS

TABLE 17.14-1 PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Gas Station		P	P					Section 17.20.030
Heavy Retail and Service		P	S					
Home Improvement Center		P	P					
Hotel/Motel		P	P	P	P			
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Motor Vehicle Rental	P	P	P				P	
Motor Vehicle Service and Repair, Minor	P	P	P					Section 17.20.030
Motor Vehicle Sales and Leasing		P	P					Section 17.20.030
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020
Outdoor Sales, Permanent	SA	SA	SA	S	S			Section 17.20.030
Outdoor Sales, Temporary	A	A	A	A	A		A	Section 17.20.040, 050
Pawn Shop			S					
Personal Services	P	P	P	P	P	P	P	
Pet Care Facility	S	S	S					
Coffee or Tea Room	A	P	P	P	P	A	A	
Restaurant	S	P	P	P	P			
Retail Sales	P	P	P	P	P	P	P	
Tattoo Parlor			S					
Tavern/Bar	S	P	P	P	P			
Theater		P	P	P	P			
Veterinary Office/Animal Hospital		P	P					
INDUSTRIAL/STORAGE USES								
Mini-Warehouse		P	P					
Temporary Motor Vehicle Storage		P	P					Section 17.20.030
OTHER USES								
Accessory Uses	A	A	A	A	A	A	A	Chapter 17.20, 17.22
Parking Garage/Structure			A	S	S	S	SA	Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	Chapter 17.24
Parking Lot, Public				P	P	P	P	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	Chapter 17.04
Transportation Operations Facility		S	P	S				
Communication Tower*		S	S					Section 17.22.020
Communication Antenna	P	P	P	P			P	Section 17.22.020
Utility, Community/Regional		S	S				S	
Utility, Local	P	P	P	P	P	P	P	
Wind Turbine, Structure Mounted	A	A	A					Section 17.22.020.G
Wind Turbine, Tower Mounted		S	S					Section 17.22.020.H
* Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13. 24 " Small Cell Wireless Facilities", are permitted uses in any Right- of-Way within the City, and, in conformance with State law, are permitted uses in the BL, BC and BR Zoning Districts when all other applicable zoning requirements and the requirements of Chapter 13. 24 are met.								

(Ord. 2018-Z-22 § 2; Ord. 2018-Z-20 § 2; Ord. 2016-Z-5 § 2; Ord. 2014-Z-5§ 2; Ord. 2013-Z-20 § 3; Ord. 2011-Z-11 § 2; Ord. 2008-Z-24 § 4, 5; Ord. 2008-Z-3 § 2; Ord. 2003-Z-13 § 4, 6, 7; Ord. 2001-Z-42 § 1; Ord. 2001-Z-40 § 1; Ord. 2001-Z-11 § 2, 3; Ord. 1999-Z-20 § 1; Ord. 1998-Z-19 §1; Ord. 1996-Z-12 § 11-13; Ord. 1995-Z-5 § 1; Ord. 1993-Z-19 § 4; Ord. 1993-Z-4 § 1 (B, D); Ord. 1990-Z-7 § 1; Ord. 1989-Z-6 § 1; Ord. 1986-Z-11 § XI; Ord. 1986-Z-4; Ord. 1985-Z-2 § 1; Ord. 1984-Z-6 § 2; Ord. 1984-Z-4 § 1; Ord. 1984-Z-3 § 1; Ord. 1983-Z-9 § 1; Ord. 1982-Z-3 § 1; Ord. 1982-M-16 § 1; Ord. 1981-Z-7 § 2; Ord. 1981-Z-3 § 1; Ord. 1980-Z-13 § 1; Ord. 1980-Z-3 § 1; Ord. 1978-Z-3; Ord. 1976-Z-15 § 2; Ord. 1975-Z-8 § 1; Ord. 1973-Z-1 § 1; Ord. 1972-Z-56 § 1, 2; Ord. 1972-Z-46 (A, B, C (part)); Ord. 1968-31 (part); Ord. 1967-14 (part); Ord. 1966-33 § 1, 2; Ord. 1961-29; Ord. 1960-18 § VIII (E) (2); Ord. 1960-16 § VIII (F) (2, 3); Ord. 1960-16 § VIII (E) (3); Ord. 1960-16 § VIII (D) (2, 3); Ord. 1960-16 § VIII (C) (2, 3); Ord. 1960-16 § VIII (B) (2).)

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

ST. CHARLES
SINCE 1834

COMMUNITY & ECONOMIC DEV./PLANNING DIVISION PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	GA-Pet Care Facility in CBD-1
Project Number:	2019 -PR- 020
Application Number:	PLGA 201900156

Received Date
RECEIVED
St. Charles, IL
SEP 16 2019
CDD
Planning Division

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

Applicant:	Name John G. Karatheodore	Phone 857-636-9984
	Address 978 Citizen Ave ELBURN, IL. 60119	Fax
		Email jgk11@icloud.com

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance ($500)
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:**

  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

  Deposit of funds in escrow with the City. (For a General Amendment application only: $1,000 deposit.)
- ☐ **FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

❑ WORDING OF THE REQUESTED TEXT AMENDMENT

What is the amendment regarding?

Request to add "Pet Care Facility" use to the CBD-1 district as a "Special Use".

What sections are proposed for amendment?

Chapters(s): 17.14

Section(s): 17.14.020

The wording of the proposed amendment: Insert below or attached wording on a separate page.

- Same as above -

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Applicant

7-29-19
Date

FINDINGS OF FACT – GENERAL AMENDMENT

ST. CHARLES
SINCE 1834

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the "burden of proof" is on you to show why the proposed amendment is appropriate. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate "not applicable" and explain why it does not apply.

_____ 7-29-19

Amendment Description/Ordinance Section Number *Date*

From the Charles Zoning Ordinance, Section 17.04.320.C:
In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City's Comprehensive Plan.

   Enhanced aesthetic character of the new look of the exterior of building and property envisioned within the city's comprehensive plan. Through the use of Landscaping, pedestrian amenities and decorative fencing. Evergreen plantings, landscape islands, low input native adaptive landscape features for long term benefits, perennial grasses & flowers Colors of earth tones, natural stone, exterior lighting of building, warm

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

   Proposed amendment will provide a public convenience downtown which currently does not exist for the public and enrichment of the quality of life for residents and visitors. The availability of our daily services benefits the general welfare of the residents, visitors of Saint Charles as well as that of their dogs.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

   Reflects a change in policy to allow pet care facility use in downtown zoned district.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

   A dog is a member of people's immediate family and their caretaking and well being is part of their daily schedule. We will offer dog owners a convenient, local, fun, clean and safe location to drop off their dog (loved one) downtown and close by so they can eat, shop and complete appointments in downtown Saint Charles. All at the same time comforted and assured that their loved ones are also enjoying themselves and being well taken care of. Our goal is to make our dog services readily available to both, residents of downtown and visitors to the area as a convenient & beneficial service while visiting downtown Saint Charles

5. The extent to which the proposed amendment creates nonconformities.

N/A

6. The implications of the proposed amendment on all similarly zoned property in the City.

Use would be allowed in CBD-1 but any business interest would need to request "Special Use" approval. Such approval would still be necessary and conform with non-residential only areas with large outdoor/indoor spaces.