



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: April 3, 2006

Subject: Ordinance No. _____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Camp Bow Wow) – **First Reading**

Project Update: Since the March 20, 2006 City Council meeting, three items have come forward regarding the Camp Bow Wow Planned Use.

First, the neighboring business owners to the east, Holger & Kathleen Danielson of AA Paper Collectibles, have submitted to the city and the applicant a letter of protest to the location of the business at 1470 Frontage Road. They have cited concern over sanitary issues of animal waste, odors, and noise as detrimental to their business in a letter attached to this agenda item.

Second, the business and property owner to the west, Patricia Schmidt, submitted to the City Clerk, the applicant, and the applicant's attorney a written protest to the business and stated her property constitutes 20% or more of the frontage immediately adjoining the subject property. According to Illinois statute 65 ILCS 5/11-13-14, when owners of 20% or more of the property proposed to be altered is protested in this fashion, "the amendment shall not be passed except by a favorable vote of two-thirds of the aldermen or trustees of the municipality then holding office." To approve the zoning amendment for Camp Bow Wow, a supermajority vote of at least ten (10) affirmatives must be made to approve the project.

Lastly, city staff has discussed the sanitary impact of the potential use with Gregory James of the St. Clair County Health Department, who stated that the health department was concerned about the limited capacity of the existing septic tank being able to handle the effluent from the dogs as both inside and outside areas are regularly washed and cleaned. They believe, at this point, that a separate septic system with laterals rather than aeration would be required. However, with the small amount of available land on the site for such a system, it will be difficult, if not impractical, to install. This issue remains an outstanding concern of City staff.

List of committees that have reviewed: At its meeting on March 13, 2006, the Community Development Committee reviewed and recommended 2-1 to deny the planned use zoning variance for Camp Bow Wow. At its meeting on March 27, 2006, the Community Development Committee reviewed and recommended 3-1 to deny the same zoning variance. The Camp Bow Wow applicant, Paul and Gina Stroh, and their attorney made a case for the project, while Pat Schmidt, who owns an interior design firm next door, and her attorney made a presentation in opposition to the project.

Legal Considerations, if any: None

Budget Impact: None.

Staff Recommendation: Staff nevertheless continues to recommend against approving a variance for this business through the planned use process at this location. We believe it is a very good use for the City and we want to see them in town; we simply believe this is the wrong site because of the potential negative impact on adjacent properties for reasons outlined in the project report, including noise, odors, and effluent discharge.