

AN ORDINANCE APPROVING A TEXT AMENDMENT TO ADD CANINE DAY CARE AND/OR DOGGY DAYCARE WITH GROOMING, TRAINING AND BOARDING, DAY CARE/CHILD CARE/AFTER SCHOOL CARE AND CHURCH/HOUSE OF WORSHIP TO THE LIST OF SPECIAL USES IN THE B3 GENERAL BUSINESS DISTRICT

WHEREAS, the Village of Barrington Hills (hereinafter the “Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

WHEREAS, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village’s Municipal Code to, among other purposes, effectuate the Village’s planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

WHEREAS, Section 5-10-6(B) of the Village’s Municipal Code provides that a property owner may initiate an amendment to the text of the zoning code; and

WHEREAS, MKES Investments, LLC applied to amend the text of the zoning code relative to special uses enumerated in the B3 General Business District, to add to Section 5-6-4(C) the following uses: Canine Daycare and/or Doggy Daycare with Grooming, Training and Boarding, Day Care/Child Care/After School Care and Church/House of Worship; and

WHEREAS, Notice of Public Hearing with respect to the proposed text amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, as required by the village code and statutes of the State of Illinois; and

WHEREAS, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the Amendment at its regular meeting on July 19, 2021 and after hearing the amendment, the Zoning Board of Appeals voted 3-3 in favor of the application for amendment, resulting in a recommendation to the Village Board to deny the amendment; and

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit “A;” and

WHEREAS, the President and Village Board of Trustees has considered the matter and determined that the proposed text amendment to Section 5-6-4(C) to add the following uses: Canine Daycare and/or Doggy Daycare with Grooming, Training and Boarding, Day Care/Child Care/After School Care and Church/House of Worship be approved, as such action is believed to be in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That Title 5 Zoning Regulations, Chapters 6, Section to add to Section 5-6-4(C) to the special uses permitted, the following: the following uses: Canine Daycare and/or Doggy Daycare with Grooming, Training and Boarding, Day Care/Child Care/After School Care and Church/House of Worship.

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

SECTION FOUR: 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.

Ayes: 0
Nays: 5 (Strauss, Riff, Ekstrom, Croll, Cecola)
Absent: 2 (Buettner, Konicek)
Abstain: 0

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, this 26th day of July, 2021.

APPROVED:

ATTEST:

Village President

Village Clerk

EXHIBIT A

July 22, 2021

To: President and Board of Trustees
Village of Barrington Hills

RE: MKES Investments, LLC
Application for Text Amendment -
Special Uses – B3 Zoning District

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing on July 19, 2021 at its regular meeting regarding a proposed amendment to the zoning code relative to the list of special uses permitted in the B3 Business District within the Village.

The proposed amendment was submitted for consideration by MKES Investments, LLC, pursuant to the provisions of Title 5 – Zoning Regulations, Chapter 5 Administration. The hearing was held at Village Hall, with a quorum present (one member absent). Notice of the hearing was published in compliance with the Open Meetings Act and the zoning code, and published in a timely manner in the Daily Herald.

The Village Zoning Code, Title 5 – Zoning Regulations, Chapter 5 Administration, Section 5-10-6 allows for amendments to the Zoning Code. For purposes of an amendment to the text of the Zoning Code, the ZBA must make findings of fact and its recommendation to the Board of Trustees in writing, pursuant to section 5-10-6(F), which provides:

F) Findings of Fact and Recommendations of the Zoning Board of Appeals: Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village. . . .

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. . . .

FACTS

At the hearing, the ZBA heard testimony from the Village Administrator relative to notice of the hearing being properly provided and from the Applicant’s representative, Arnold Isakhanian. Mr. Isakhanian testified that the Applicant is the owner of property zoned B3 in the Village, and that it seeks to add to the list of special uses the following: Canine Daycare and/or Doggy Daycare with Grooming, Training and Boarding, Day Care/Child Care/After School Care and Church/House of Worship.

Mr. Isakhanian testified that the owner of the Property has previously submitted an application to amend the list of permitted uses in the B3 General Business District to allow Canine Daycare/Doggy Daycare with Grooming, Training and Boarding, which application was denied by the Village on the recommendation of the Zoning Board of Appeals. In response to concerns raised by the ZBA relative to adding a permitted use which could not be regulated, the Applicant determined to apply to add this use, and the other two uses identified, to the list of special uses permitted in the B3 District. As special uses, the ZBA and the Village would retain some regulatory control over properties seeking the special use permit approval.

ZBA members expressed their concern about adding to the list of special uses, as it would open the uses to the whole of the properties in the B3 District now and in the future. Resident Pamela Cools tendered written objection to the proposed special use for Canine or Doggy Day Care, and Chairman Wolfgram referenced another resident who was concerned about dog daycare and the noise it would generate.

Applicant made no comment in support of the request for adding Day Care/Child Care/After School Care and Church/House of Worship to the list of special uses, and no comment was made by the members of the ZBA relative to such uses.

FINDING

The ZBA, after having examined the Application for Text Amendment, and hearing the testimony at hearing, determined that adding to the list of allowed special uses would not be in the best interests of the Village.

Following the close of the public hearing, Member Goss moved, seconded by Member Hennelly, to approve the application for text amendment made by MKES Investments LLC to section 5-6-4(c) to add to the list of special uses the following: Canine Daycare and/or Doggy Daycare with Grooming, Training and Boarding, Day Care/Child Care/After School Care and Church/House of Worship finding that the Application was in the public interest and not solely to benefit the Applicant.

On a roll call vote, the vote was 3 yes, 3 no, and the Motion ending in a tie vote failed, resulting in a recommendation to the Village Board that the Application for Text Amendment be denied.

Respectfully submitted,

/s/ Dan Wolfgram

Dan Wolfgram, Chairman
Zoning Board of Appeals
Village of Barrington Hills