

**CASE NO. 793-S-14
SUPPLEMENTAL MEMORANDUM**

February 12, 2015

Petitioner: **Lawrence Johnson and Fuad Handal**

Request:

- 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.**
- 2) **Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:**
 - a. **A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and**
 - b. **No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and**
 - c. **A side yard setback of 85 feet in lieu of the required 200 feet.**

Location: **A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5 T. 19 N. R. 8 E. in Champaign Township with an address of 1211 N Staley Road, Champaign.**

Site Area: **1.8 acres (80,772 square feet)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

Zoning staff consulted with the Champaign-Urbana Public Health District regarding the property's septic system due to lack of information in the Petitioner's application and site plan. Michael Flanagan, Environmental Health Specialist II with the Champaign-Urbana Public Health District, recommended requesting information from the Petitioner about the type, size, and maintenance records for the property's septic system. There is a concern that kennel waste could cause problems for the system; he suggested installing a trash tank into the system would help keep kennel materials out of the septic tank if one has not already been installed.

The City of Champaign Planning Department submitted comments on the proposed Special Use (Attachment A). City staff indicated that the property would be zoned SF-1 Single Family Residential if it were ever annexed into the City. Kennels are not a permitted use in the City's SF-1 Zoning District.

Additional public comments were received by February 11, 2015; they are included as attachments to this memo. They are primarily concerned with potential noise from the proposed kennel.

ATTACHMENTS

- A Memorandum from City of Champaign received February 11, 2015
- B Public comments received via email by February 11, 2015
- Laura Schwenker, 1308 Farley Ln, Champaign
 - Jeff Turner, 4102 Rayburn Ct, Champaign
 - Jaime Reed, 1330 West Ridge Lane, Champaign
 - Maggie & Justin Miller, 4103 Pebblebrook Ln, Champaign
- C Photos provided by Lawrence Johnson of interior of the kennel, received February 11, 2015



Planning Department • 102 N. Neil Street • Champaign, IL 61820 • 217-403-8800 • www.ci.champaign.il.us

February 6, 2014

Susan Chavarria
Senior Planner
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Re: Case 793-S-14: Special Use Permit under the Champaign County Zoning Ordinance for a kennel at 1211 North Staley Road

Dear Ms. Chavarria:

The City of Champaign received your notification of a request for a Special Use Permit at 1211 North Staley Road for a kennel with additional setback and buffer requirements. This lot is immediately to the west of the City of Champaign's corporate boundary. Due to the inability to extend sanitary sewer to this lot, it is not identified as being in a growth area for the City of Champaign by our Comprehensive Plan. However, with the AG-1 County Zoning, if this property were annexed to the City of Champaign, it would be annexed as SF1, Single Family Residential.

Kennels are not a permitted or provisional use in the SF1 Zoning District in the City of Champaign. For this reason, a kennel would not be allowed by right at this location. If the surrounding properties to the north, west, and south were ever to develop, it is likely that the kennel use would not be consistent with those future uses creating negative impacts as a result of noise being generated by additional traffic and potential barking. Based on this inconsistency with the City of Champaign's Comprehensive Plan, I am writing to express the staff's position that approval of this special use permit is not appropriate.

If you have any questions or would like to discuss this further please contact me at 403-8800.

Sincerely,

Jeff Marino
Senior Planner

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FEB 11 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Laura Schwenker <ljschwenker@hotmail.com>
Sent: Sunday, February 08, 2015 4:41 PM
To: Susan Chavarria
Subject: Case 793-S-14

I am writing in regards to the Special Use Permit that has been requested by the owner and tenant of 1211 Staley Rd, Champaign. I strongly object to the issuance of such a permit in this instance. The noise that could issue from a dog kennel can be quite raucous. Those within several blocks of such a place could easily hear the noise of the dogs barking, more so depending on the prevailing wind and atmospheric conditions.

I live 2 streets east of Staley, and have concerns about the noise levels to which I and my neighbors could be subject. In addition, I enjoy walking along the path that borders Staley at the west end of the West Ridge subdivision. My presence, as well as that of other walkers, joggers, bike riders, not to mention vehicles, could easily start a barking frenzy coming from the proposed dog kennels.

Without any sort of noise abatement measures, this could easily become intolerable. In addition, this same property has been known to burn refuse during summer evenings, further polluting the air and causing issues for anyone with lung issues. I, myself, have asthma, and am concerned about this. If the occupants and owners of this property have already shown disregard for the law and ordinances by burning illegally, I have grave concerns for the operation of a dog kennel at the same location.

Please consider this request carefully.

Sincerely,

Laura Schwenker
1308 Farley Ln
Champaign

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CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Jeff Turner <j_s_turner@hotmail.com>
Sent: Saturday, February 07, 2015 10:26 AM
To: Susan Chavarria
Subject: Proposed dog kennel on Staley Road, Case 793-S-14

Ladies and Gentlemen:

I am writing to voice my opposition to the granting of waivers in Case 793-S-14, concerning a proposed dog kennel at 1211 Staley Road in Champaign. This location is directly across the street from subdivisions containing hundreds of homes. No lessening of requirements should be allowed in this case, and in fact more stringent requirements should be enacted because the current ones are inadequate. In support of this I would like to point out that there is an existing dog kennel operation further north on Staley Road; it lies about 2000 feet north of the intersection of Staley Road and Boulder Ridge Drive. Obviously, it is about 10 times further from our residences than the ordinance requires; however, noise from the kennel is clearly audible in West Ridge Subdivision (which lies south of Boulder Ridge Drive and east of Staley Road). Whenever I am in my yard on summer mornings, I can hear quite a commotion coming from the dogs. To contemplate allowing such an operation on Staley immediately adjacent to the subdivision is unthinkable. The noise (and quite likely the odor) would destroy the quality of life for homeowners whose properties back onto Staley Road, and quite likely be a huge annoyance even for residents who live further back.

Moreover, the applicants for this waiver have already proved themselves a nuisance to the neighborhood. Several times last summer, they burned waste on the property in violation of state burning laws, creating a pall of choking smoke that spread through the subdivision, and did this even after they were warned not to. I find it hard to believe that they would adhere to requirements regarding the operation of animal facilities.

Please understand that the residents of our subdivision have made a considerable investment to live here. Buying a home is the biggest investment most people ever make. This subdivision was begun about ten years ago and people have put great time, effort, and money into creating a desirable neighborhood out of a cornfield. In fact, last year West Ridge Subdivision won a STAR Award for neighborhood volunteerism from the City of Champaign. I myself have lived in this neighborhood eight years now and beyond the enormous commitment of home ownership and mortgage, I have spent thousands of dollars landscaping my yard, hoping to create something that is appealing to me and others. Please do not allow anything to ruin what we have struggled to accomplish here.

Thank you for your consideration.

Jeff Turner
4102 Rayburn Court
Champaign, Illinois

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CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Jaime Reed <reedja@champaignschools.org>
Sent: Monday, February 09, 2015 9:57 AM
To: Susan Chavarria
Subject: Case 793-S-14

My name is Jaime Reed and I reside at 1330 W Ridge Lane, Champaign, IL in the West Ridge Subdivision.

I am writing to express my opposition to the authorization of waivers to zoning requirements for the proposed animal kennel at 1211 North Staley Road, Champaign, IL. Allowing a kennel to operate this close to a subdivision with no sound barriers will be detrimental to the quiet nature of our subdivision. Not only will there be noise pollution, but it will most likely lower the value of the homes in the area. We have worked hard to create a quiet, comfortable family neighborhood, and a kennel this close will not make a positive contribution to the area.

Currently, there is a kennel about ¼ of a mile north on Staley. There are several dogs in small enclosures. When the dogs are in the outside enclosures, residents of West Ridge can hear the barking. I can only imagine the noise when the enclosure is just across Staley. Staley is a busy street and dogs tend to bark at all passing cars and pedestrians.

Please do not authorize these waivers to the zoning requirements.

Thanks you for taking the time to listen to the residents opinions.

Jaime Reed

Jaime M. Reed M.S. Ed.
Volunteer/Mentor Coordinator
Robeson Elementary and Westview Elementary
217-351-3884 (Robeson Office)
217-351-3905 (Westview Office)
www.cu1to1.org

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CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: Maggie Miller <maggiemiller82@gmail.com>
Sent: Wednesday, February 11, 2015 8:25 AM
To: Susan Chavarria
Subject: large kennel construction on Staley Rd (Case 793-S-14)

Dear Susan,

I am writing in regards to Case 793-S-14. As a homeowner in the West Ridge Subdivision, I am requesting on behalf of myself and my husband that this petition for a Special Use Permit be denied. Our home at 4103 Pebblebrook Ln. is approximately a block away from the property in question. We are concerned that the addition of a kennel at this property with no noise buffer would become a disturbance not only for our home, but for the rest of the neighborhood; making it an undesirable place to live. We hope you'll take these comments into consideration. Thank you.

Best regards,

Maggie & Justin Miller

4103 Pebblebrook Ln
Champaign, IL 61822

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CHAMPAIGN CO. P & Z DEPARTMENT

Susan Chavarria

From: 2174177044@plspictures.com
Sent: Wednesday, February 11, 2015 3:39 PM
To: Susan Chavarria
Subject: Case 793-S-14 dog house

Sent from my mobile.



Inside where the dogs will be kept. On the main floor. 2 4ft by 4ft kennels side by side



Crates I have more that I can just open up and keep dogs in.



5 to 7 dogs are normally kept. I do have a total of 15 crates and kennels
2 5ft by 5ft kennels side by side



Susan Chavarria

From: 2174177044@plspictures.com
Sent: Wednesday, February 11, 2015 3:49 PM
To: Susan Chavarria
Subject: Case 793-S-14 dog house

Sent from my mobile.

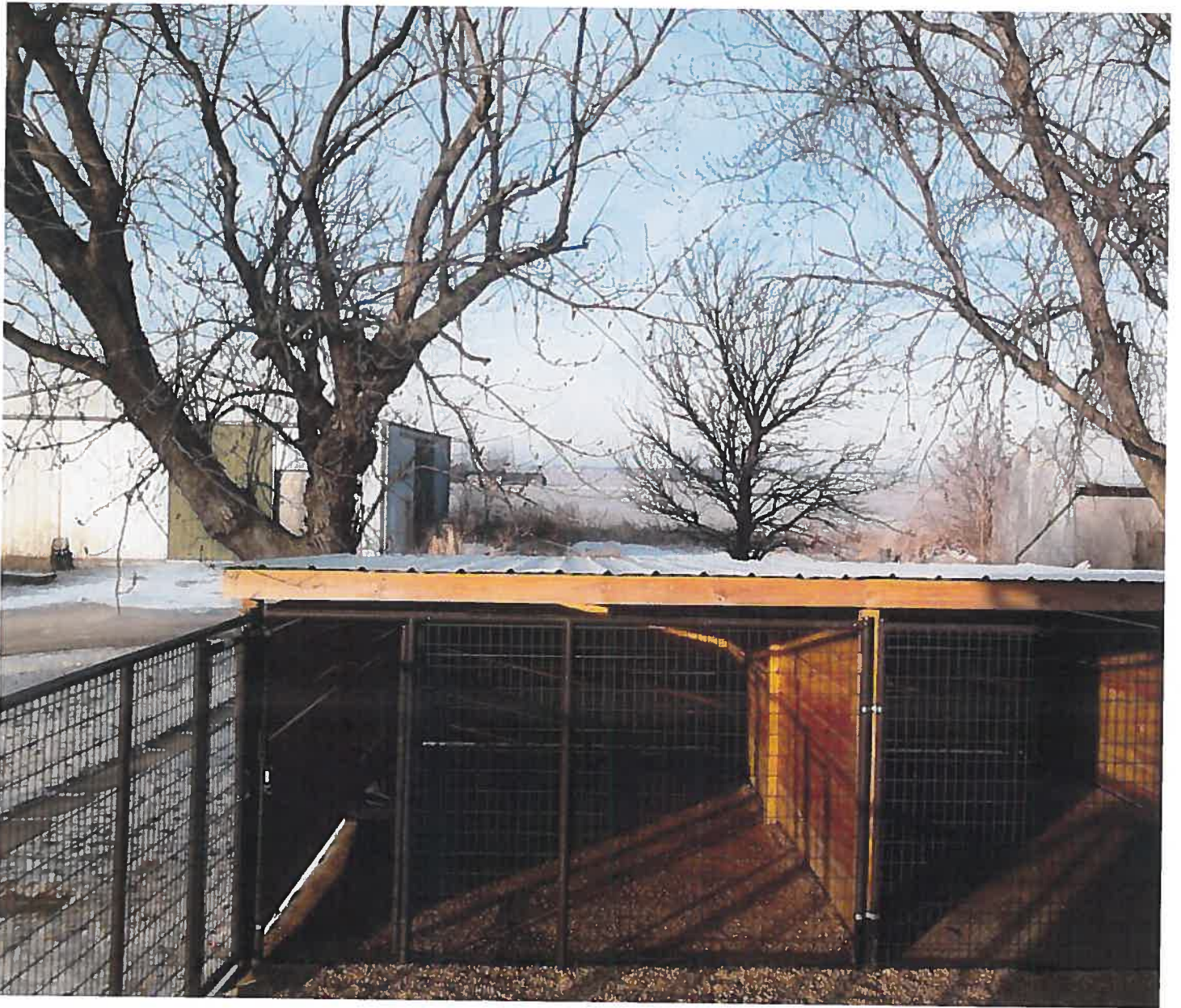


These are pictures of me and my landlords dogs in the play area.









2 10 by 20 covered play pens side by side.