



Report to Planning Commission

Agenda Item: Drew Rupp, 3664 Martin Rd, Conditional Use Permit, Commercial Animal Establishment, Professional Dog Training Business and Kennel Permit.

Referring Body: Plan Commission

Committee Contact: Dan Lesniak

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Drew Rupp, 3664 Martin Rd, Conditional Use Permit, Commercial Animal Establishment, Professional Dog Training Business.

OBJECTIVE(S): To review the Conditional Use Permit and related documents for a Commercial Animal Establishment, Professional Dog Training Business. If the Plan Commission approves the Conditional Use Permit. The applicant is requesting the Plan Commission also consider reviewing and recommending approval of the Kennel Permit Application to the Village Board.

HISTORY/BACKGROUND: Drew Rupp has applied for a conditional use permit (CUP) for a Commercial Animal Establishment to operate a Professional Dog Training Business. He has also submitted a Kennel Permit Application.

RECOMMENDED ACTION: The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. If the Plan Commission approves the Conditional Use Permit. The applicant is requesting the Plan Commission also consider reviewing and recommending approval of the Kennel Permit Application to the Village Board.

G. Review criteria for conditional use permit. Each requested conditional use permit shall meet the following criteria (achieve "yes" answers) to be approved:

- (1) Is the proposed conditional use in harmony with the comprehensive plan, this chapter, and any other plan, program, or ordinance adopted by the village?
- (2) The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted by the village?
- (3) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(4) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?

(5) Do the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

Note: See Staff's Report for comments as it relates to each of the criteria mentioned above.

2017 Act 67

- requires that standards governing conditional uses be “reasonable and, to the extent practicable, measurable...”
- prohibits a community from basing a conditional use permit decision on “personal preferences or speculation.”
- instructs that, where an applicant “meets or agrees to meet all of the requirements and conditions specified” in the ordinance or imposed by the decision-maker, the conditional use permit must be granted.

ATTACHMENTS: Conditional Use Permit application and Staff Report.