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VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4369

AN ORDINANCE AMENDING A SPECIAL USE FOR A PLANNED DEVELOPMENT FOR A DOG DAY CARE AND OVERNIGHT BOARDING BUSINESS ORIGINALLY GRANTED BY VILLAGE OF BARRINGTON ORDINANCE NO. 07-3355, AND PREVIOUSLY AMENDED BY ORDINANCE NO. 08-3483

(PC 23-11: Sharon Orlowski, as agent for SA2020 Partnership, LLC as the Owner of Record of the Property Located at 340 S. Lageschulte Street, and AKO2020 Partners, LLC and the Canine Country Club of Barrington, LLC as the Operators Thereof)

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 26 DAY OF February 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 27 day of February 2024

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(PC 23-11: Sharon Orlowski, as agent for SA2020 Partnership, LLC as the Owner of Record of the Property Located at 340 S. Lageschulte Street, and AKO2020 Partners, LLC and the Canine Country Club of Barrington, LLC as the Operators Thereof)

WHEREAS, SA2020 Partnership, LLC (the "Owner") is the owner of the Property commonly known as 340 S. Lageschulte Street, Barrington, IL, which legally described as follows:

LOT 45 (EXCEPT THE NORTH 98.0 FEET AND THE SOUTH 12 FEET AS MEASURED ALONG THE EAST LINE) IN H.J. LAGESCHULTE'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
P.I.N. 01-02-202-045

WHEREAS, Sharon Orlowski, as the agent for SA2020 Partnership, LLC, the owner of record of the Property, and as the agent for AKO2020 Partners, LLC and Canine Country Club of Barrington, LLC, the operators of the dog day care and overnight boarding business located on the Property (collectively, the "Petitioners"), has petitioned the Village of Barrington (the "Village") for approval of amendments to the existing Special Use for a Planned Development for a dog day care and overnight boarding business previously granted for the Property by Village of Barrington Ordinance No. 07-3355, as amended by Village of Barrington Ordinance No. 08-3483 (collectively, the "Existing Special Use"), to permit the Petitioners to demolish the unused deteriorating loading dock on the North side of the existing commercial structure on the Property (hereinafter, the "existing commercial structure"), reface and improve the appearance of the existing commercial structure, and construct a new approximately 713 square foot addition to the existing commercial structure for the purpose of adding office space and additional kennel and daycare space (hereinafter, collectively the "new addition"), which new addition will be constructed in the same plane as the northern wall of the existing commercial structure, as well as approval of two (2) exceptions from the Barrington Zoning Ordinance (the "Zoning Ordinance") (collectively referred to herein as the "Amendments to the Existing Special Use" or the "proposed Amendments"); and

WHEREAS, the Property is approximately 20,722 square feet in area, is located in Neighborhood 18 within the Village's M-A (Manufacturing-Artisan) Zoning District; and

WHEREAS, due to the fact that the northern wall of the existing commercial structure on the Property is set back approximately 3.20 feet from the north property line, the Property is considered nonconforming, but the Zoning Ordinance permits expansion of a use on legally nonconforming property if the expansion is located within the same plane as the existing structure on the Property; and

WHEREAS, the Petitioners held a neighborhood meeting on December 12, 2023, which was attended by several neighbors, but no concerns were raised relative to the proposed Amendments to the Existing Special Use; and

WHEREAS, the Village's Architectural Review Commission also held a meeting on December 14, 2023 for a preliminary review of the Petitioners' plans, at which time the ARC provided several minor comments which have been addressed by the Petitioners and, therefore, the ARC recommended approval of the Petitioners' plans; and

WHEREAS, the aforesaid petition for Amendments to the Existing Special Use was referred to the Plan Commission of this Village, and said Plan Commission, after due publication and notice, held a public hearing on January 9, 2024, as required by the Zoning Ordinance of the Village, and said Plan Commission has filed with the Board of Trustees of the Village its favorable recommendation for the approval of said petition and the requested exception(s) from the Zoning Ordinance, all pursuant to law; and

WHEREAS, the following Planned Development Guidelines were considered by the Village's Architectural Review Commission, the Plan Commission, and by the Corporate Authorities of the Village to evaluate the suitability of the proposed Amendments to Existing Special Use:

PLANNED DEVELOPMENT GUIDELINES:

A. The Planned Development shall be consistent with the intent and purpose of the Zoning Ordinance, as stated in Chapter 1.

   In general, the proposed Amendments to the Existing Special Use are consistent with the intent of the Zoning Ordinance to promote orderly, sensible and beneficial growth, as the Petitioners are proposing to demolish the deteriorating loading dock connected to the existing commercial structure on the Property, reface the existing commercial structure, and construct a small approximately 713 square foot addition at the northern wall of said existing commercial structure, thereby improving the aesthetics of the Property as a whole. Therefore, this guideline has been or will be met.

B. The Planned Development shall be compatible with the character of the underlying zoning district and Neighborhood in which it is located.

The Property is zoned M-A (Manufacturing-Artisan) Zoning District within which certain compatible service uses are permitted. The existing dog day care and overnight boarding business has been operating on the Property and providing such services since 2007 without issue, and the Petitioners are not proposing a change in use of the Property, but rather, only improvements to the existing commercial structure and a small expansion of the existing use. Therefore, this guideline has been or will be met.

C. The Planned Development should be consistent with the official planning policies and the Village Comprehensive Plan.

The 2021 Comprehensive Plan designates the land use for the Property as part of the Village's Artisan District. The Existing Special Use and the proposed Amendments thereto are compatible with the land use designation of the Property and the recommendations of the 2021 Comprehensive Plan for the Property. Therefore, this guideline has been or will be met.

D. The Planned Development should preserve the value of the surrounding residential area.

The proposed Amendments to the Existing Special Use will preserve the value of surrounding residential properties as the Petitioners are proposing to not only update and improve the appearance of the exterior of the existing commercial building on the Property but also to demolish the unused deteriorating loading dock and construct a small approximately 713 square foot expansion on the north side of the existing commercial building on the Property. No change in use is being proposed by the Petitioners. Therefore, this guideline has been or will be met.

E. Significant physical, topographical, environmentally sensitive or historical features of the site of the Planned Development, which are of importance to the community, should be preserved.

No significant physical, topographical, environmentally sensitive or historical features will be negatively impacted by the proposed Amendments. In fact, the Petitioners propose to improve the appearance of the existing commercial structure on the Property, demolish an unused and deteriorating loading dock, and construct a small expansion of the existing commercial structure on the Property. Therefore, this guideline has been or will be met.

F. The entire property proposed for Planned Development treatment shall be in single ownership or under such unified control, or the petition shall include a unit of local government as a petitioner or as a co-petitioner, so as to ensure that the entire property will ultimately be developed as a unified whole. All owners of the subject property shall be included as joint applicants on all applications and all approvals shall bind all owners, except that notwithstanding anything to the contrary, a unit of local government may petition for property which it does not own provided the unit of local government is a co-petitioner. Parties entitled to apply for a Special Use permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, acting with the consent

of the property owner, or the Village, or another unit of local government. The violation of any owner as to any lot shall be deemed a violation as to all owners and all lots.

The Property is under unified control. Therefore, this guideline has been or will be met.

G. In business districts, the Planned Development shall be consistent with the Village's specific goal of maintaining and/or increasing the retail sales tax base of the Village. Conversion of an existing use or uses which generate retail sales tax to a Planned Development use or uses which do not generate retail sales tax has an adverse effect on the retail sales tax base of the Village. Where a Planned Development which does not generate retail sales tax is proposed on a site currently or most recently occupied by a retail sales tax generating use or uses, substantial evidence shall be provided that the benefits to the community provided by the proposed use are greater than the benefits provided by a use or uses which generate retail sales tax on the site. A first floor Planned Development use or uses which do not generate retail sales tax proposed within the B-1 or B-4 zoning districts as part of larger retail developments shall constitute no more than 20% of the first floor area unless substantial evidence is provided that the use of more than 20% of the first floor area as a use or uses which do not generate retail sales tax is instrumental in allowing the larger retail development to go forward or otherwise enhances in some substantial manner the retail sales tax base of the Village.

Neither the Existing Special Use nor the proposed Amendments thereto are retail sales tax generating. Therefore, this guideline has been or will be met.

WHEREAS, the Corporate Authorities of the Village have also considered the following standards as set forth below with regard to the Amendments to the Existing Special Use and do hereby find that said proposed Amendments are in harmony with the general intent of the Village of Barrington 2021 Comprehensive Plan (the "Comprehensive Plan") and the Zoning Ordinance for the following reasons:

A. COMPLIANCE WITH COMPREHENSIVE PLAN:

The Property is located within the Village's M-A (Manufacturing-Artisan) Zoning District, is designated by the Comprehensive Plan as office/research/industrial uses. No change in use is proposed by the Petitioners, only a slight expansion of the existing use as a dog day care and overnight boarding business by the construction of a small approximately 713 square foot addition to the existing commercial structure on the Property and an update and improvement to the appearance of the entire structure. The proposed Amendments, therefore, are in harmony with the intent and specific recommendations of the Comprehensive Plan.

B. SPECIAL USE STANDARDS:

1. The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the Property is located.

A Planned Development is a special use authorized in the M-A (Manufacturing-Artisan) Zoning District, and the proposed Amendments in the nature of authorizing a slight expansion of the Existing Special Use as a dog day care and overnight boarding business by the construction of an approximately 713 square foot addition to the existing commercial structure on the Property and an update and improvement to the appearance of the entire structure will be in compliance with the requirements in the Zoning Ordinance, subject to the conditions and exceptions listed herein. Therefore, this standard has been or will be met.

2. The proposed special use is consistent with the objectives of the Comprehensive Plan and the Zoning Ordinance.

The proposed Amendments to the Existing Special Use are consistent with the objectives of the Village's Comprehensive Plan and the Zoning Ordinance. The Comprehensive Plan designates the Property as Artisan, and the proposed Amendments are consistent with the land use designation and the goals of the 2021 Comprehensive Plan. Therefore, this standard has been or will be met.

3. The proposed special use is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The proposed Amendments to the Existing Special Use will be harmonious and appropriate in appearance with the existing character of the Property and properties within the general vicinity, as the Petitioners propose to slightly expand the existing dog day care and overnight boarding business on the Property and improve the overall appearance of the Property by demolishing the deteriorating loading dock, constructing a small approximately 713 square foot addition on the north side of the existing commercial structure, and improving the appearance of said commercial structure by updating the exterior façade of said structure. Therefore, this standard has been or will be met.

4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.

The proposed Amendments to the Existing Special Use will not diminish the safety, use and enjoyment of surrounding properties as no change in use is proposed by the Petitioners, only a small expansion of the existing dog day care and overnight boarding business, the constructing of a small addition to the existing commercial structure on the Property, and the improvement of the overall appearance of said existing commercial structure, all of which proposed Amendments are expected to have no negative impact on surrounding properties. Therefore, this standard has been or will be met.

5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water, sewer and schools, or the persons or agencies responsible for the establishment of the proposed special use shall adequately provide any such services.

The Property and the Existing Special Use are adequately served by all essential public facilities, and the proposed Amendments to the Existing Special Use will not create a need for additional public facilities and services. Therefore, this standard has been or will be met.

6. The proposed special use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

No change in use of the Property is proposed by the Petitioners, only a small expansion of the Existing Special Use by the demolition of a deteriorating loading dock, the construction of a small approximately 713 square foot addition to the north side of the existing commercial structure, and the improvement of the appearance of the exterior of the existing commercial structure on the Property. The proposed Amendments, therefore, will not create any additional public expense for public facilities or public services and will not be detrimental to the economic welfare of the community. Therefore, this standard has been or will be met.

7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Existing Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, and the Petitioners are not proposing a change in use or operation of the Property, only a small expansion of the existing dog day care and overnight boarding business on the Property, the construction of a small addition to the north side of the existing commercial structure on the Property, and improvements to the overall exterior of said existing commercial structure Therefore, this standard has been or will be met.

8. The proposed special use provides vehicular access to the Property that does not create an interference with traffic on surrounding public thoroughfares.

Vehicular access to the Property will remain unchanged, and the existing access to the Property does not interfere with traffic on surrounding public thoroughfares. Therefore, this standard has been or will be met.

9. The proposed special use does not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

There are no natural, scenic, or historic features on the Property. Therefore, the proposed Amendments will not result in the loss or damage of natural, scenic, or historic features. Therefore, this standard has been or will be met.

10. The proposed special use complies with all additional regulations in this Ordinance specific to the special use requested.

The Petitioners have requested the Village's approval of certain exceptions for the Property relative to parking and exceptions covering more than forty percent (40%) of the Property as a whole. Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village of Barrington have also considered the following standards with respect to the approval of the requested Amendments to the Existing Special Use for the Property and find as follows:

11. The existing uses and zoning of nearby property.

The Property is zoned as part of the Village's M-A (Manufacturing-Artisan) Zoning District, and the Existing Special Use of the Property as a dog day care and overnight boarding business will remain unchanged. The use of surrounding properties is primarily single-family residential uses to the East, bus parking and the CN railroad tracks to the west, a multi-family residential development to the South, and commercial businesses to the North. Therefore, this standard has been or will be met.

12. The extent to which property values are diminished by the particular zoning restrictions.

The Property is located within the Village's M-A (Manufacturing-Artisan) Zoning District and is subject to an Existing Special Use. No change in zoning is requested by the Petitioners, and neither the value of the Property nor surrounding properties will be diminished by the Village's current zoning restrictions. Therefore, this standard has been or will be met.

13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.

Denial of the Petitioners' request will not affect the value of the Property as no change in use is proposed. The scope of the proposed Amendments is relatively small in nature and will promote the general health, safety, and welfare by the demolishing of the deteriorating loading dock on the Property, the construction of a small addition to the existing commercial structure on the Property, and the improvements proposed by the Petitioners relative to the overall appearance of the exterior of the existing commercial structure. Therefore, this standard has been or will be met.

14. The relative gain to the public as compared to the hardship imposed upon the petitioner.

As part of the proposed Amendments to the Existing Special Use, the Petitioners propose to demolish the deteriorating loading dock on the Property, construct a small addition to the existing commercial structure on the Property, and improve the overall appearance of the exterior of the existing commercial structure on the Property, which will all be a relative gain to the public. Denial of the Petitioners' request would prohibit the Petitioners from either having a small expansion of their business or improving the appearance of the existing commercial structure on the Property, and therefore, would impose a hardship on the Petitioners. Therefore, this standard has been or will be met.

15. The suitability of the particular property for the purpose for which it is now zoned.

The Property is identified as appropriate for the Existing Special Use being operated thereon, i.e., a dog day care and overnight boarding business, pursuant to the Existing Special Use previously approved by the Village by Ordinance No. 07-3355, as amended by Ordinance No. 08-3483. No change in use is proposed by the Petitioners, only a small expansion of the Existing Special Use and improvements to the exterior of the existing commercial structure on the Property. Therefore, this standard has been or will be met.

16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.

The Property is not vacant, and the Existing Special Use has been successfully operated on the Property for approximately seventeen (17) years. Therefore, this standard has been or will be met.

17. The care with which the community has undertaken to plan its land use development.

The Village has undertaken to plan its land use development with great care and the proposed Amendments are consistent with the Comprehensive Plan and the Zoning Ordinance. Therefore, this standard has been or will be met.

18. The evidence or lack of evidence of community need for the use proposed by the property owner.

No change in use is proposed for the Property by the Petitioners, only a small expansion to the existing dog day care and overnight boarding business, improvements to the exterior of the existing commercial structure on the Property, and the construction of a small addition thereto. Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village desire to approve the requested Amendments to the Existing Special Use for the Property, including but not limited to approval of exceptions from certain provisions of the Zoning Ordinance relative thereto, subject to certain conditions as provided herein:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: FINDINGS. The Corporate Authorities of the Village find that the facts stated in the Preamble of this Ordinance are true and correct and the same are incorporated into the text of this Ordinance as findings of fact to the same extent as if each had been set forth in its entirety herein.

SECTION 2: EXISTING ORDINANCES RELATIVE TO THE SUBJECT PROPERTY. Except as expressly amended herein, Ordinance No. 07-3355, "An Ordinance Approving a Special Use for a Planned Development to Authorize the Establishment of a Dog Day Care Business", and

Ordinance No. 08-3483, which amended Ordinance No. 07-3355 and authorized the expansion of the original Special Use to permit the overnight boarding of dogs on the Property (collectively, the "Ordinances Granting the Existing Special Use, As Amended"), and each of the respective Exhibits thereto, shall remain in full force and effect, except as specifically amended herein.

SECTION 3: AMENDMENTS TO EXISTING SPECIAL USE GRANTED SUBJECT TO CONDITIONS. The proposed Amendments to the Existing Special Use are hereby approved and granted to the Petitioners. The Property shall remain classified as part of the M-A (Manufacturing-Artisan) Zoning District and the continued use of the Property for the operation and maintenance of the existing dog day care and overnight boarding business currently being operated on the Property, and the proposed improvements to the existing commercial structure on the Property as specified herein are hereby authorized, as well as the approval of exceptions from certain provisions of the Zoning Ordinance, all as more fully described herein, approval of which Amendments to the Existing Special Use shall be subject to the Petitioners' timely and continued compliance with Ordinance No. 07-3355, Ordinance No. 08-3483, and this Ordinance, and implementation of the Exhibits specified herein, all subject to the terms and conditions of this Ordinance as set forth below.

SECTION 4: AMENDMENTS TO ORDINANCE NO. 07-3355 AND ORDINANCE NO. 08-3483. Ordinance No. 08-3483 previously approved certain amendments to the Existing Special Use, and Section 3 thereof, "Amendments to Special Use Granted Subject to Conditions", amended Section 2, "Ordinance Granting Special Use Permit for a Planned Development Subject to Conditions", of Ordinance No. 07-3355. Said Section 2, "Ordinance Granting Special Use Permit for a Planned Development Subject to Conditions", of Ordinance 07-3355 shall be and is hereby further amended by the addition of the following provisions, and shall be subject to the Petitioners' timely and continued compliance therewith:

A. Subparagraphs (4) and (5) of Paragraph A, "Uses Permitted", shall be and are hereby amended to read as follows (interlined language shall be stricken and underlined language shall be added):

"(4) The Petitioners shall neither maintain, allow, or permit more than ~~forty (40)~~ fifty (50) dogs on the Property for the purpose of dog day care, nor maintain, allow, or permit more than ~~forty (40)~~ fifty (50) dogs to remain overnight and/or to be boarded overnight on the Property unless the Petitioners have first submitted a revised parking plan which has been approved by the Village Manager, but in no event shall the Petitioners ever maintain, permit, or allow more than sixty (60) dogs on the Property at any one time, regardless of the respective purpose for which the dogs are on the premises.

(5) The Petitioners shall be permitted to board overnight not more than ~~forty (40)~~ fifty (50) dogs within the dog care facility on the Property. At any time that any dog(s) is or are being boarded overnight on the Property, the Petitioners agree to and shall have not less than one (1) ~~Dog House of Barrington, LLC~~ staff employee(s) present at the facility twenty-four (24) hours a day to oversee and ensure the health and safety of all animals and persons on the premises, and/or the facility itself, or such greater minimum number of employees as otherwise required by the then applicable federal, state, and local laws and regulations."

B. Paragraph B, "Soundproofing of Building on the Property", shall be and is hereby amended to read as follows (interlined language shall be stricken and underlined language shall be added):

"B. Expansion and Soundproofing of Building on the Property; Demolition of Loading Dock; Architectural Review Commission Approval:

1. The Petitioners shall cause all of that portion of the building on the Property, as herein authorized to be expanded, being utilized in any manner as part of the dog day care and boarding operation to be soundproofed and maintained in such ~~condition~~ a manner to the degree that the barking of dogs does not create a nuisance as determined by the Village Manager.

2. The Petitioners shall be and are hereby authorized to demolish the existing loading dock presently attached to the building on the Property pursuant to and in compliance with a permit obtained from the Village. All debris arising from such demolition shall be promptly removed from the Property and from the Village and properly disposed of by the Petitioners.

3. Notwithstanding the fact that the Property is nonconforming as a result of the fact that the northern wall of the existing building on the Property is set back only approximately 3.20 feet from the north property line, the Petitioners shall be and are hereby authorized to:

(a) Expand the existing use of the Property by constructing an approximately 713 square foot addition to the north side of and within the same plane as the north side of the existing building on the Property, at a location and in substantial compliance with the Approved Plans for the "Proposed Addition for Canine Country Club" prepared by Mark Swanson, Architect dated October 30, 2023 and attached hereto as part of 2024 Group Exhibit A;

(b) Reface the existing commercial structure on the Property in substantial compliance with the Approved Plans therefor attached hereto as part of 2024 Group Exhibit A;

(c) All improvements relative to the Amended and Restated Special Use herein authorized shall be constructed and maintained in compliance with the current building, fire, and ADA codes adopted by the Village and shall be constructed and/or installed on the Subject Property in substantial compliance with the Amended and Restated Approved Plans which are attached hereto as Amended Group Exhibit A and thereby made a part hereof.

C. Paragraph C, "Signage", shall be and is hereby amended to read as follows (interlined language shall be stricken and underlined language shall be added):

"C. Signage:

(1) The Petitioners shall erect regulatory signage on the Property as specified on the site plan which is part of Group Exhibit B attached to Ordinance No. 08-3483;

(2) The Petitioners shall apply for and receive written approval of a temporary sign permit before the proposed wall sign may be erected; and

(3) With the exception of Subparagraphs (1) and (2) above, no further signage is authorized to be installed on the Property.

D. Paragraph H, "Exceptions", shall be and is hereby amended by the addition of the following exceptions which are hereby granted:

"H. Exceptions:

* * * *

(6) Section 4.10-10, "Off-Street Parking Requirements": The existing dog day care and boarding business was previously approved with fourteen (14) parking spaces on the Property. An exception is hereby granted to the Petitioners to permit sixteen (16) parking spaces on the Property to accommodate the expanded Special Use, notwithstanding the fact that thirty (30) parking spaces would otherwise be required by the Zoning Ordinance.

(7) Section 11.6-A, "Exceptions from Use Regulations, Bulk Intensity, Landscaping, Parking, Signage and Architectural Design Guidelines": An exception is hereby granted to the Petitioners to permit more than forty percent (40%) of the Property to be covered by exceptions to the Zoning Ordinance."

E. No Variations or Waivers Implied: Nothing contained in this Ordinance shall imply or be construed as approving or granting any variation, waiver, or exception from any provisions of the Village of Barrington Zoning Ordinance or the Barrington Village Code, or from the provisions of any other ordinances of the Village, except as expressly provided herein.

F. Approved Plans: The Property shall be improved, maintained and the Amendments to the Existing Special Use as herein granted shall be established, operated and maintained in good condition in substantial compliance with the 2024 Approved Plans (Group Exhibit A). Except as specifically modified herein, to the extent any of the 2024 Approved Plans are inconsistent with or are in any way in conflict with the exhibit(s) attached to Ordinance No. 07-3355 or Ordinance No. 08-3483, the 2024 Approved Plans shall control and govern.

G. ARC Approval: The plans for the new addition to the existing commercial structure herein authorized to be constructed on the Property were reviewed by the Architectural Review Commission of the Village ("ARC"), and the ARC recommended preliminary approval

thereof with several minor comments to be addressed at the time of final ARC submittal. Upon final ARC review and approval, a Certificate of Approval shall be issued therefor, which Certificate of Approval is hereby authorized by the Corporate Authorities of the Village.

SECTION 5: MISCELLANEOUS PROVISIONS

A. The provisions of this Ordinance, Ordinance No. 07-3355 and Ordinance No. 08-3483, including, without limitation, the Amendments to the Existing Special Use as herein approved and all obligations, conditions, restrictions, limitations and rights related thereto, shall run with and be jointly and severally binding upon the Petitioners, the fee simple owner(s), the beneficial owner(s), and tenants of all or any portion of the Property. All obligations, requirements and rights of the Petitioners under this Ordinance shall run with title to the Property and shall automatically be assigned to, be binding upon and inure to the benefit of their respective heirs, successors and/or assigns including but not limited to any entity acquiring any financial interest in the Property and/or any subsequent owner(s) and/or beneficial owner(s) of all or any portion of the Property.

B. Amendment by Mutual Consent

The Village, by ordinance of its Corporate Authorities, and the Petitioners may by mutual consent agree in writing to amend the terms and conditions set forth in this Ordinance, after a public hearing before the Village of Barrington Plan Commission, but no purported oral amendment to this Ordinance shall be binding or enforceable.

C. Indemnity for Certain Costs and Expenses

As a condition of this Ordinance, the Petitioners hereby undertake and agree, to the greatest extent permitted by law, to indemnify, defend, save and keep harmless the Village and its elected and appointed officials, officers, employees, and agents (collectively, the "Indemnified Parties") from and against any loss, cost, damage, liability, claim or expense, including attorneys' fees, which any of the Indemnified Parties may suffer, incur or sustain from or arising out of any injuries to or death of any person or persons, or damage to or loss of any real or personal property, resulting directly or indirectly from the Petitioners' use and occupancy of the Property and/or the Amendments to the Existing Special Use as herein granted. The Village also agrees to cooperate with the Petitioners in defending any action which contests any aspect of this Ordinance, but all costs, including attorneys' fees, incurred by the Village in connection therewith shall be paid for by the Petitioners and/or reimbursed to the Village by the Petitioners. The Village may require a reasonable deposit by the Petitioners to cover any anticipated cost thereof.

D. Remedies

In the event the Petitioners fail to pay or reimburse the Village for any fees and/or expenses due pursuant to this Ordinance or pursuant to the other applicable ordinances of the Village, or if any of the Petitioners otherwise violates this Ordinance, Ordinance No. 07-3355 and/or Ordinance No. 08-3483, or the other applicable ordinances of the Village, or is otherwise in default in its obligations under such Ordinances, and has been notified of and

failed to cure such default, the Village shall be entitled to all remedies available at law and/or in equity and, in addition to all other remedies available, the Village may suspend, revoke, or decline to issue any building, occupancy and/or other permit or approvals required by the ordinances of the Village and/or the Village may suspend or revoke the Amendments to the Existing Special Use as herein granted.

E. Effect of Existing Ordinances

Except as expressly set forth herein, the Petitioners shall comply in all other respects with the conditions and requirements of the Village of Barrington Zoning Ordinance, the Village of Barrington Village Code, this Ordinance, Ordinance No. 07-3355 and Ordinance No. 08-3483, and all other applicable ordinances of the Village as they may exist from time to time, including but not limited to obtaining all required permits, the deposit of all required security and performance guarantees in the form required by the ordinances of the Village, and the payment of all fees in connection with the review of plans and/or the issuance of such permits.

F. Severability Clause

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, Ordinance No. 07-3355 and/or Ordinance No. 08-3483, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of such Ordinances, or any part thereof. The Corporate Authorities hereby declare that the Village would have approved each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

G. Exhibits

Except as otherwise expressly amended herein, each Exhibit which is attached to this Ordinance, Ordinance No. 07-3355 and Ordinance No. 08-3483, is deemed to be and is expressly made a part of and incorporated into this Ordinance to the same extent as if each such Exhibit, and the plans identified therein, had been set forth in its entirety in the body of this Ordinance, provided, however, the approval of such plans for the purposes of this Ordinance and the Amendments to the Existing Special Use as hereby approved shall not constitute approval of said plans for any other purposes under the Village of Barrington Village Code, the Village of Barrington Zoning Ordinance, or any other applicable ordinances of this Village, and no grant of any exception from said ordinance shall thereby be implied.

H. Approval Authority

1. If any provisions of this Ordinance, Ordinance No. 07-3355 and/or Ordinance No. 08-3483, delegate approval authority to any Village officer, employee, or agent for any aspect of such Ordinances, then the Petitioners or such officer, employee, or agent, as the case may be, or his or her designee, shall have the right to have any

such decision of such Village officer, employee or agent, or his or her designee, reviewed, reconsidered, and a final decision thereon made by the Board of Trustees.

2. Any reference in this Ordinance, Ordinance No. 07-3355 and/or Ordinance No. 08-3483 to the authority of the Village Manager to grant or deny an approval shall, whether or not so specified, include the authority for such decision to be made by a designee of the Village Manager.

SECTION 6: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and its acceptance and approval as provided below.

PASSED THIS 26 DAY OF February 2024 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer Sholeen Wondrasek Duncan Honan President Darch

NAYS: None

ABSENT: Trustee Riggs

ABSTAIN: None

APPROVED THIS 26 DAY OF February 2024

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED THIS

26 TH DAY OF FEBRUARY, 2024.

Tony Ciganek

Tony Ciganek, Village Clerk

Published in Pamphlet Form the 27 Day of February, 2024.

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned states under oath that she is the authorized representative of the owner of the Property and the Petitioners herein as indicated below and has the authority to execute this Ordinance on behalf of the owner and Petitioners, and the Owner and the Petitioners hereby accept and agree to the provisions of the foregoing Ordinance this 1st day of March, 2024.

OWNER AND PETITIONERS:

SA2020 PARTNERSHIP, LLC,
AKO2020 PARTNERS, LLC, and
CANINE COUNTRY CLUB OF BARRINGTON, LLC

By: _____
Sharon Orlowski, agent and duly authorized representative

ATTEST:

By: Kathleen Hayes
Its Village of Barrington

_____
Sharon Orlowski, Individually

AN ORDINANCE AMENDING A SPECIAL USE FOR A PLANNED DEVELOPMENT FOR A DOG DAY CARE AND OVERNIGHT BOARDING BUSINESS ORIGINALLY GRANTED BY VILLAGE OF BARRINGTON ORDINANCE NO. 07-3355, AND PREVIOUSLY AMENDED BY ORDINANCE NO. 08-3483

(PC 23-11: Sharon Orlowski, as agent for SA2020 Partnership, LLC as the Owner of Record of the Property Located at 340 S. Lageschulte Street, and AKO2020 Partners, LLC and the Canine Country Club of Barrington, LLC as the Operators Thereof)

2024 GROUP EXHIBIT A

2024 APPROVED PLANS

A-1 Plat of Survey
A-2 Architectural Plans ("Proposed Addition for Canine Country Club" prepared by Mark Swanson, Architect dated October 30, 2023)
A-3 Floor Plans by Cazzetta Design Group, Ltd. Dated September 18, 2006
A-4 Site Plan by Cazzetta Design Group, Ltd. Dated September 18, 2006
A-5 Certificate of Approval

NOTE: The Exhibits which are respectively attached to Ordinance No. 07-3355 and Ordinance No. 08-3483 are also incorporated herein by reference herein as part of this Ordinance, except to the extent inconsistent with the 2024 Approved Plans as set forth above.

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

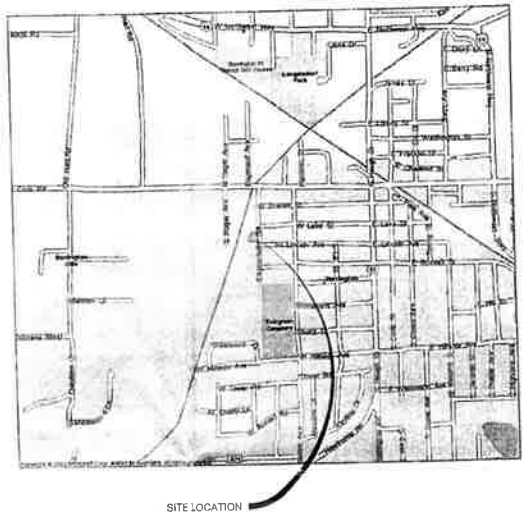
LOT 45 (EXCEPT THE NORTH 91.0 FEET AND THE SOUTH 12 FEET AS MEASURED ALONG THE EAST LINE) IN H.J. LAGESCHULTE'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

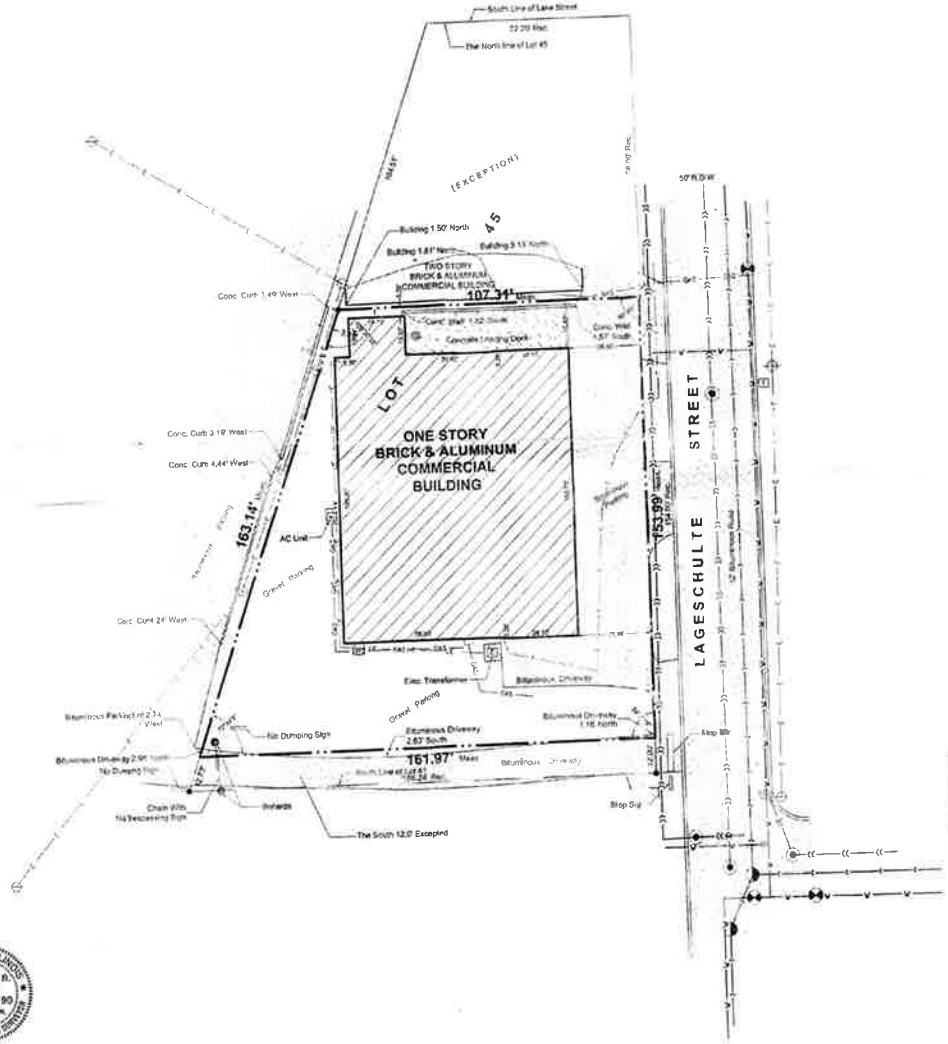
340 S. LAGESCHULTE STREET, BARRINGTON, ILLINOIS

DLT: 1/6/2005

N

Scale: 1" = 20'





THE UTILITIES SHOWN HEREON WERE TAKEN FROM THE BEST AVAILABLE RECORDS ON FILE.

BUILDING FOOTPRINT AREA: 8,551.36 SQ. FT. (0.20 ACRES)

PARKING SPACES: NO MARKED PARKING SPACES

LOT AREA: 20,722.37 SQ. FT. (0.48 ACRES)

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON HAS BEEN TAKEN FROM TITLE COMMITMENT NUMBER [illegible] PREPARED BY: TICOR TITLE INSURANCE COMPANY DATED [illegible] AND FILE OF RECORD RECORDED IN [illegible] COUNTY, ON [illegible] AS DOCUMENT # [illegible]

UTILITIES LOCATED BY J.U.L.I.E. DIG #: [illegible]

AND OTHER OBSERVABLE EVIDENCE OF SURFACE INDICATIONS OF UNDERGROUND EASEMENTS WERE VISIBLE AT THE TIME THAT THE PRESENT SURVEY WAS MADE.

CERTIFY TO:

- HARRIS BANK OF BARRINGTON, AS TRUSTEE UNDER TRUST AGREEMENT DATED 4/22/97 AND KNOWN AS TRUST NO. 11-5342
- HYBERIAN FAMILY REAL ESTATE, LLC
- TICOR TITLE INSURANCE COMPANY

STATE OF ILLINOIS }
COUNTY OF COOK } ss

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 7b1, 8, 9, 10, AND 11a OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS".

DATE: 06/30/05 BY: William R. Webb
WILLIAM R. WEBB, 035-002190, PROFESSIONAL LAND SURVEYOR
ILLINOIS NO. 035-002190

MY PROFESSIONAL LICENSE RENEWAL DATE IS 11/30/06

STATE OF ILLINOIS
WILLIAM R.
WEBB
035-002190
BARRINGTON
ILLINOIS
PROFESSIONAL LAND SURVEYOR

THIS IS TO CERTIFY THAT AS OF THIS DATE, THE ABOVE REFERENCED PROPERTY IS NOT IN A DESIGNATED SPECIAL FLOOD HAZARD AREA, ACCORDING TO THE LATEST NFIP FLOOD INSURANCE RATE MAP OF SPECIAL FLOOD HAZARD INFORMATION MAP IN OUR FILE, AT FAR AS CAN BE DETERMINED.

COMMUNITY NUMBER: 17031C0020F

MAP SOURCE, FIRM: DATE: 11/06/2000

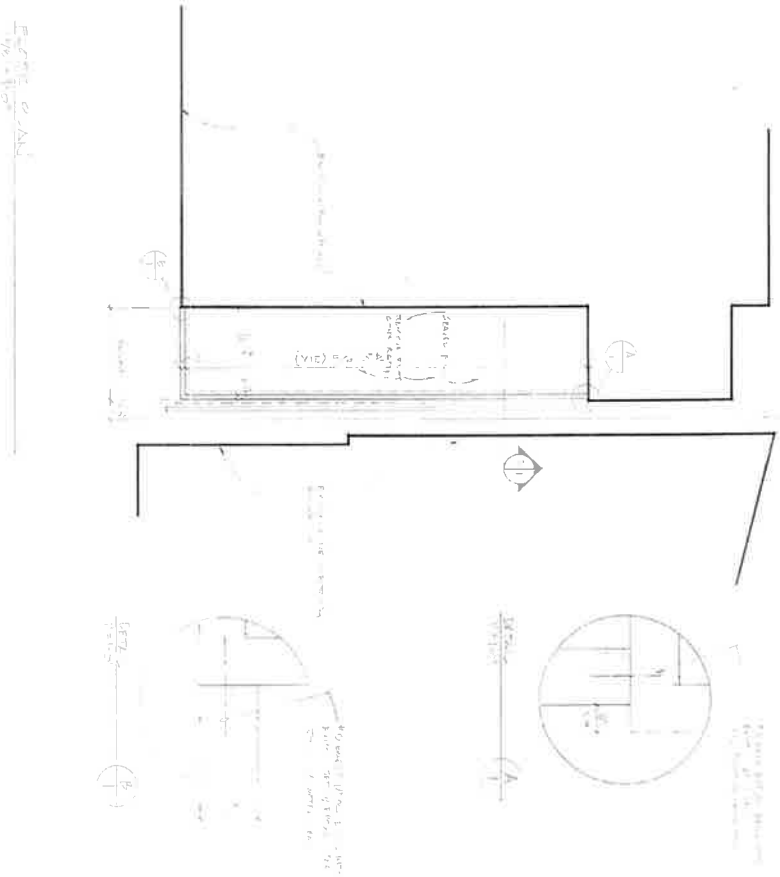
LEGEND

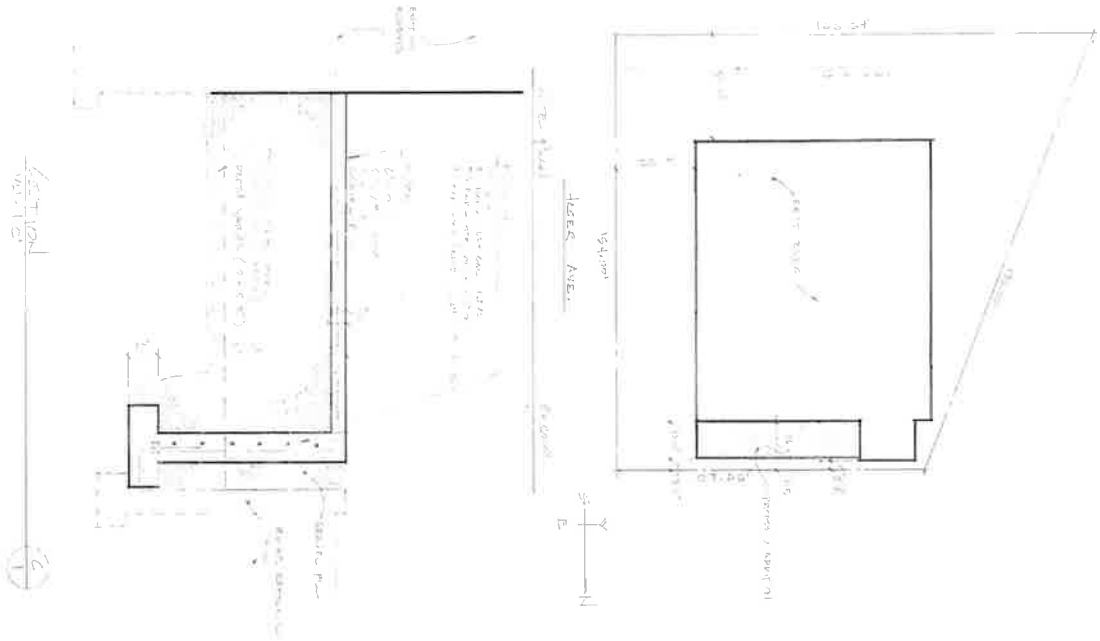
SET IRON PIPE	OVERHEAD WIRES
FOUND IRON PIPE	UNDERGROUND ELECTRIC
CROSS IN CONCRETE	WATER MAIN
MONUMENT	SANITARY SEWER
FIRE HYDRANT	STORM SEWER
LIGHT POLE	WOOD FENCE
WATER VALVE VAULT	CHAIN LINK FENCE
SANITARY MANHOLE	FIBER OPTIC CABLE
STORM MANHOLE	CABLE TV LINE
INLET	GAS LINE
POWER POLE	MEASURED DISTANCE
DECIDUOUS TREE	RECORDED DISTANCE
CONIFEROUS TREE	RIGHT OF WAY
WATER VALVE	ELECTRIC RISER
SIGN	TELEPHONE PED.
ELECTRIC MANHOLE	CABLE PED.
GAS VALVE	STREET LIGHT
FLARED END SECTION	WETLANDS

A.L.T.A. / A.C.S.M.

BARRINGTON ENGINEERING CONSULTANTS, LTD.
CIVIL ENGINEERING & LAND SURVEYING
215 S. NORTHWEST HWY. • SUITE 203A • BARRINGTON, IL 60010
PHONE: 847.382.4377 • FAX: 847.382.4366
REGISTRATION NUMBER: 184-002703

DRAWN BY: PJD	FIELD WORK DATE: 06/29/05	REVISIONS
CHECKED BY: WRW	BOOK-PAGE: 1004-53	
S-T-R : 2-42-9	SCALE: 1" = 20'	PROJECT NO: 10858-0
CLIENT: Ball, Boyd & Lloyd, Atty		





SHEET 1 OF

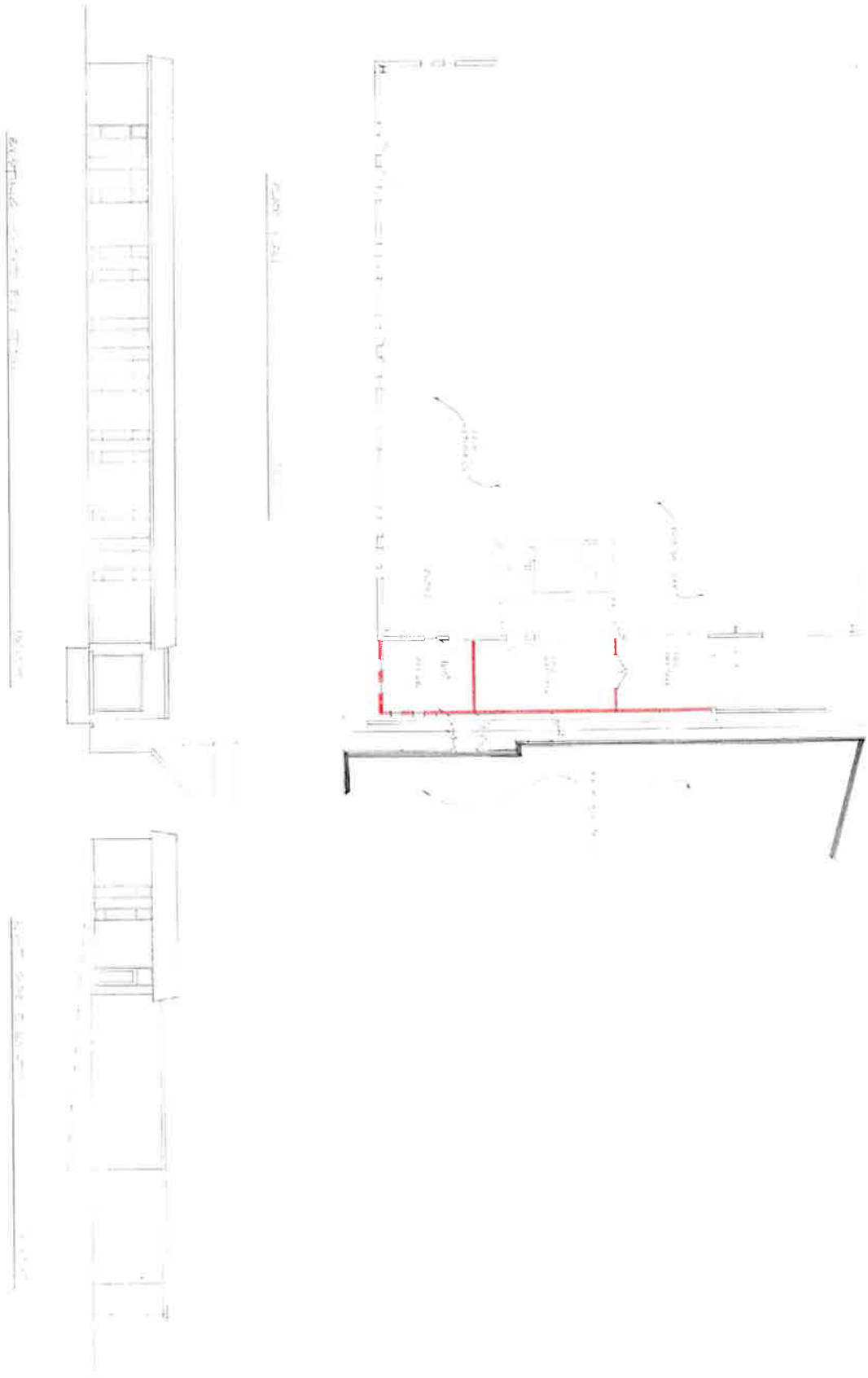
Mark Swanson, Architect 224-563-8494
MCARB, IL

swansonmc@comcast.net
536 S. Summit St.
Barrington, IL 60010

www.behance.net/swansonmc
www.houzz.com/pro/swansonmc

Proposed Addition For

Canine Country Club
340 Lageschulte
Barrington, IL 60010

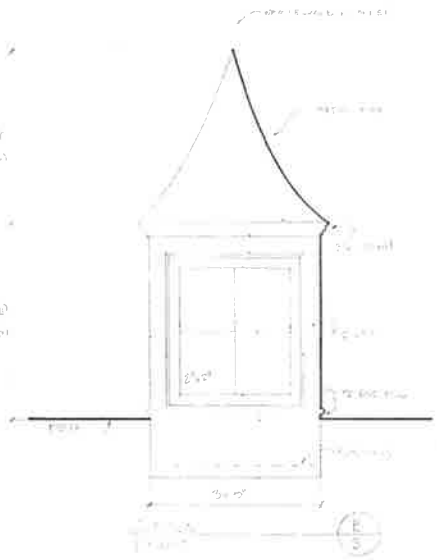


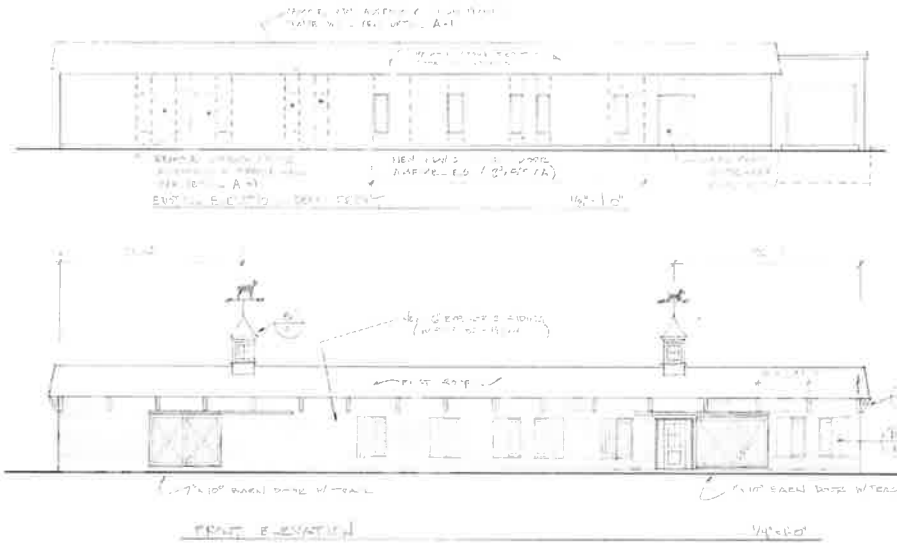
SHEET 2 OF 2

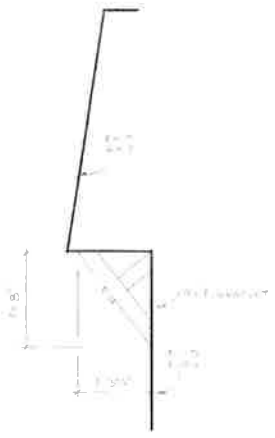
Mark Swanson, Architect 224-563-8494
NCARB, IL
swansonmc@sumcast.net
536 S. Summit St.
Barrington, IL 60010

Proposed Addition For

Canine Country Club
340 Lageschulte
Barrington, IL 60010





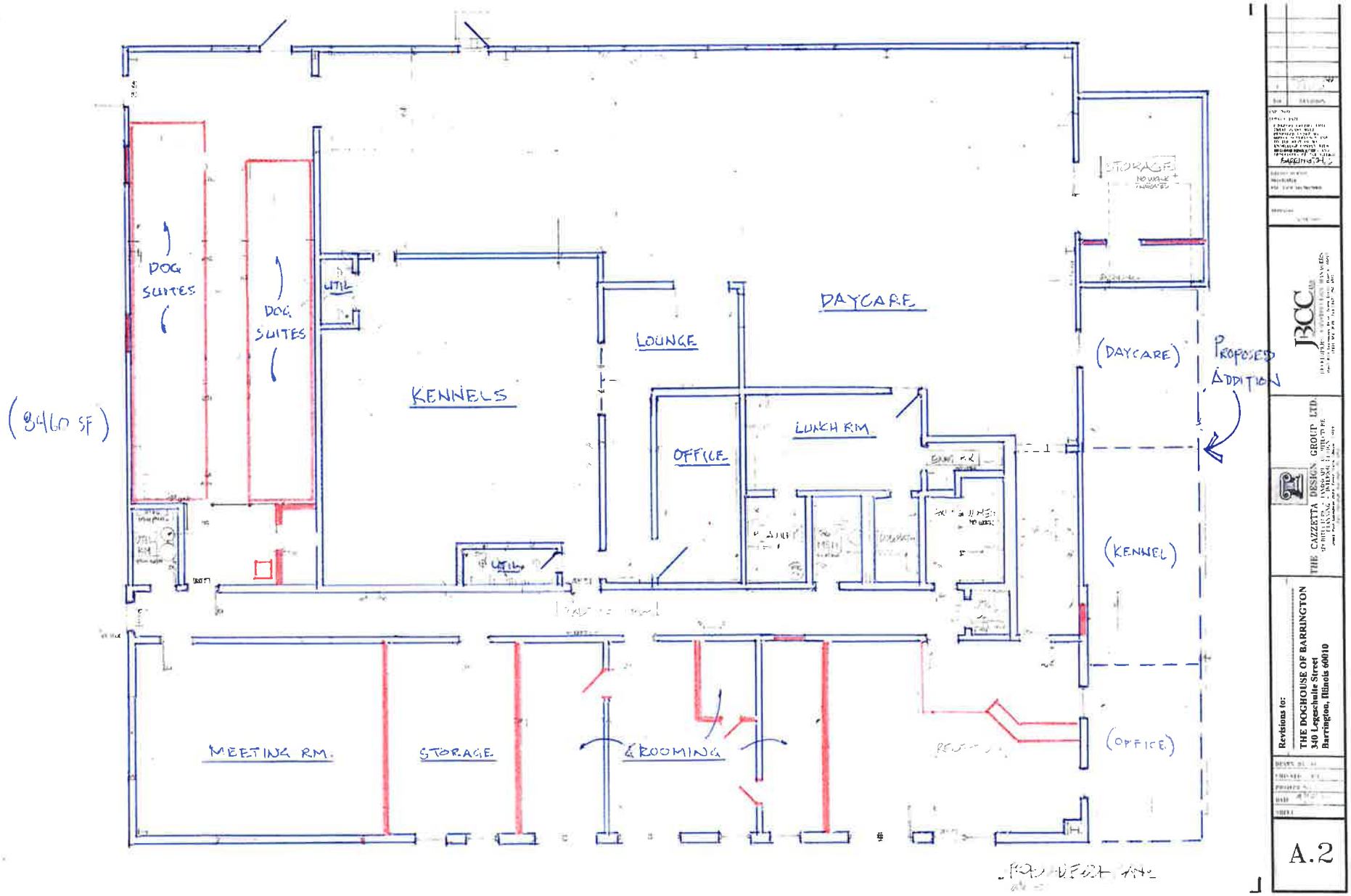


Proposed Addition For
Canine Country Club
340 Lageschulte
Barrington, IL 60010

Mark Swanson, Architect 224-563-8494
HICARB, IL
markswanson@comcast.net
536 S. Summit St.
Barrington, IL 60010

DATE

SHEET
3
OF ___
CCC

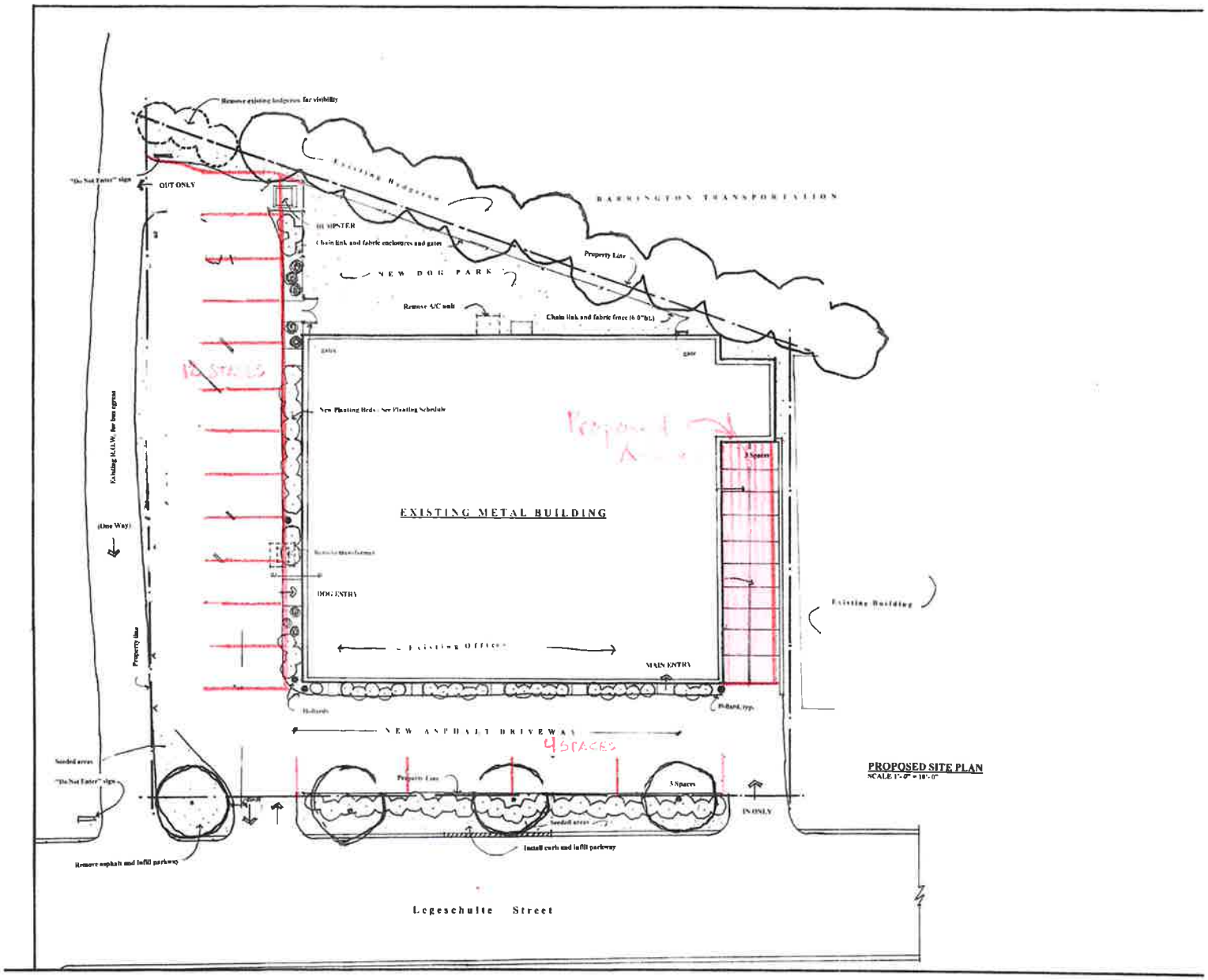


THE CAZZETTA DESIGN GROUP LTD.

Revisions to:

THE DOGHOUSE OF BARRINGTON
340 Legeschalle Street
Barrington, Illinois 60010

A.2



PROPOSED SITE PLAN
SCALE 1'-0" = 10'-0"

TEST REVIEW
9/18/06

JBCC

THE CAZZETTA DESIGN GROUP LTD.

Revisions to:

THE DOGHOUSE OF BARRINGTON
340 Legeschulte Street
Barrington, Illinois 60010

DRAWN BY:
CHECKED BY:
PROJECT NO.
DATE: 9/18/06
SHEET

A.1

EXHIBIT A-5

CERTIFICATE OF APPROVAL

ARCHITECTURAL REVIEW COMMISSION

ARC 23-20: 340 Lageschulte Street

PROJECT NAME: ARC 23-20

ADDRESS OF SITE: 340 Lageschulte Street, Barrington, IL 60010

PROPERTY OWNER(S): SA 2020 Partnership

This certifies that the exterior modifications related to ARC 23-20 for the site listed above have been reviewed and recommended for approval by the Village of Barrington Architectural Review Commission and approved by the Village Board of Trustees, subject to Ordinance 24-_____ subject to the following conditions:

1. **All siding material shall be smooth wood or smooth cementitious or similar smooth composite material. Vinyl or aluminum siding material should not be utilized.**
2. **All final color selections must be submitted to the ARC for final details review prior to installation of any exterior materials.**

All work shall be in substantial accordance with the Approved Plans (Group Exhibit A). An Architectural Review Inspection will be a requirement of the building permit.

Passed by the Village Board of Trustees, _____, 2024.