

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
NOVEMBER 2, 2010 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Special Use to permit an animal clinic in the Downtown Business (DB) district	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A special use Ordinance has been prepared to permit an animal chiropractic clinic at 926 Warren Avenue in the Downtown Business (DB) zoning district.

**STRATEGIC PLAN ALIGNMENT**

The Goals 2014 identified *Authentic Downtown – The Heart of Our Community*. Supporting this goal are the objectives *more people attracted to downtown* and *increase service businesses*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the October 19, 2010 Village Council meeting. Staff recommends approval on the November 2, 2010 active agenda.

**BACKGROUND**

The petitioner is requesting a special use to allow an animal chiropractic clinic to relocate from Ogden Avenue to 926 Warren Avenue. The property is zoned DB, Downtown Business and is located on the north side of Warren Avenue between Highland Avenue and Washington Street. An animal chiropractic clinic is considered an animal surgical office, which is an allowable Special Use in the Downtown Business (DB) zoning district.

The petitioner is a licensed veterinarian and animal chiropractor who provides chiropractic care and laser therapy to cats and dogs. The petitioner’s business is appointment based and is limited to outpatient treatments only. Additionally, there is no boarding or hospitalization of animals and all services are provided indoors. A small retail component of the business, health food and nutritional supplement sales, would also be provided at this location.

The petitioner is proposing to construct an eight-foot by twelve-foot fenced area for dogs to eliminate. The elimination area would be located to the west of the existing building between this property and 928 Warren Avenue. The petitioner would remove the eastern eight feet of the existing wrought-iron fence between the two buildings and install new metal fencing to the north to create this area. The area would be covered with pea gravel and be used exclusively by the petitioner’s clients so as to not damage the existing turf area in front of the two properties. The petitioner intends that all dogs are leashed and supervised while using this

area. Therefore, the south side of the area would remain open so clients will not unleash their dogs. The petitioner will be required to provide baggies and a waste receptacle in this area in addition to daily cleaning.

The Plan Commission considered the petition at their October 4, 2010 meeting and voted unanimously to approve the Special Use. Staff concurs with the Plan Commission's recommendation.

**ATTACHMENTS**

Aerial Map

Ordinance

Staff Report with attachments dated October 4, 2010

Minutes of the Plan Commission Hearing dated October 4, 2010

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant                      **DATE:** November 2, 2010  
(Name)

**RECOMMENDATION FROM:** Plan Commission                      **FILE REF:** PC-13-10  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT AN ANIMAL CHIROPRACTIC CLINIC IN THE DOWNTOWN BUSINESS DISTRICT", as presented.

**SUMMARY OF ITEM:**

At their meeting of October 4, 2010, the Plan Commission recommended that a Special Use be granted to permit an animal chiropractic clinic in the Downtown Business District.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING A SPECIAL USE  
TO PERMIT AN ANIMAL CHIROPRACTIC CLINIC  
IN THE DOWNTOWN BUSINESS DISTRICT**

WHEREAS, the following described property, to wit:

Lot 2 (except the north 16.50 feet and except the east 50.00 feet thereof) in Beardsley's Addition to the town of Downers Grove, being a subdivision of part of the northwest ¼ of Section 8, Township 38 north, Range 11, east of the Third Principal Meridian, according to the plat thereof recorded June 16, 1868 as Document 9654, in DuPage County, Illinois and the south 123.75 feet of the east 50 feet of Lot 2 in Beardsley's Addition to Downers Grove, in the northwest ¼ of Section 8, Township 38 north, Range 11, east of the Third Principal Meridian, according to the plat thereof recorded June 16, 1868 as Document 9654, in DuPage County, Illinois.

Commonly known as 926 Warren Avenue, Downers Grove, IL (PIN 09-08-124-002, -010, and -011).

(hereinafter referred to as the "Property") is presently zoned in the "*DB, Downtown Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.610(d)(3) of the Zoning Ordinance be granted to permit an animal chiropractic clinic in the Downtown Business District.

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on October 4, 2010 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to permit an animal chiropractic clinic within the Downtown Business zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The Special Use shall substantially conform to the sketches provided by the petitioner attached to the Staff Report dated October 4, 2010, except as such plan may be modified to conform to Village Codes and Ordinances.
2. The applicant shall provide baggies and a waste receptacle in the dog elimination area. The area shall be cleaned daily.
3. All dogs shall be supervised and leashed while in the dog elimination area.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use to allow an animal chiropractic clinic in the Downtown Business zoning district is hereby granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

\_\_\_\_\_

Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

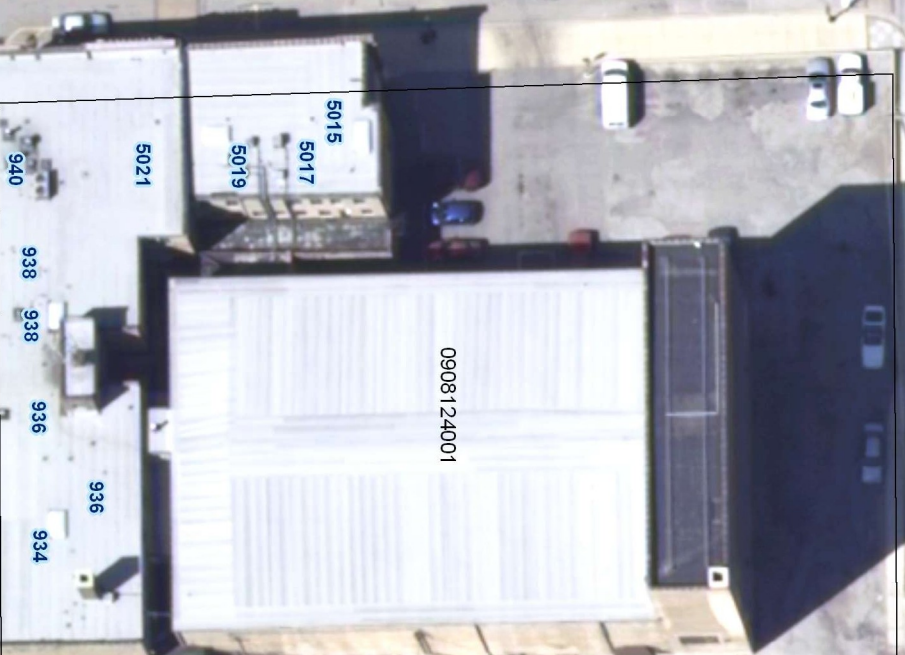


ROGERS ST

HIGHLAND AVE

WARREN AVE

0908502001



# 926 Warren Avenue Location Map





**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
OCTOBER 4, 2010 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-13-10 926 Warren Avenue	Special Use to permit an animal clinic in the Downtown Business (DB) zoning district	Stan Popovich, AICP Planner

**REQUEST**

The petitioner is requesting approval of a Special Use to permit an animal chiropractic clinic at 926 Warren Avenue in the Downtown Business (DB) zoning district.

**NOTICE**

The application has been filed in conformance with applicable procedural and public notice requirements.

**GENERAL INFORMATION**

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**OWNER:** 603-635 Rogers LLC  
603 Rogers Street  
Downers Grove, IL 60515

**APPLICANT:** Michele Herlihy Jachim  
4613 Linscott Avenue  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** DB, Downtown Business  
**EXISTING LAND USE:** Commercial  
**PROPERTY SIZE:** 5,489 square feet (0.126 acres)  
**PIN:** 09-08-124-002, -010 and -011

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>North:</b>	DB, Downtown Business	Commercial
<b>South:</b>	DB, Downtown Business	Commercial
<b>East:</b>	DB, Downtown Business	Commercial
<b>West:</b>	DB, Downtown Business	Commercial

## **ANALYSIS**

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### **SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Sketches and Photographs
4. Plat of Survey

### **PROJECT DESCRIPTION**

The petitioner is requesting a Special Use to locate an animal chiropractic clinic at 926 Warren Avenue. The property is located on the north side of Warren Avenue between Highland Avenue and Washington Street. The property is zoned DB, Downtown Business. An animal chiropractic clinic is considered an animal surgical office, which is an allowable Special Use in the Downtown Business (DB) zoning district.

The petitioner is proposing to lease the tenant space and move her existing business from Ogden Avenue to this location. The petitioner is a licensed veterinarian and animal chiropractor who provides chiropractic care and laser therapy to cats and dogs. The petitioner's business is appointment based and is limited to outpatient treatments only. There is no boarding or hospitalization of animals and all services are provided indoors. A small retail component of the business, health food and nutritional supplement sales, would also be provided at this location.

The only construction the petitioner is proposing is the construction of an eight-foot by twelve-foot area for dogs to eliminate. The elimination area would be located to the west of the existing building between this property and 928 Warren Avenue. The petitioner would remove the eastern eight feet of the existing wrought-iron fence between the buildings and install new metal fencing to the north to create this area. The area would be covered with pea gravel and be used exclusively by the petitioner's clients so as to not damage the existing turf area in front of the two properties. The petitioner intends that all dogs are leashed while using this area. Therefore, she is proposing to leave the south side of the area open so her clients will not unleash their dogs. The petitioner will be required to provide baggies and a waste receptacle in this area in addition to daily monitoring to ensure cleanliness.

### **COMPLIANCE WITH FUTURE LAND USE PLAN**

The Future Land Use Plan designates the site as Commercial. Staff believes the proposed animal chiropractic clinic will not impact the land use characteristics of the downtown. As such, staff believes the proposal is consistent with the Future Land Use Plan and Downtown Master Plan.

### **COMPLIANCE WITH ZONING ORDINANCE**

The property is zoned DB, Downtown Business. The proposed animal chiropractic clinic is an allowable special use in the DB zoning district. The petitioner's proposal complies with all requirements of Section 28.610 of the Zoning Ordinance. Staff believes the proposal is consistent with the Zoning Ordinance.

### **ENGINEERING/PUBLIC IMPROVEMENTS**

There are no engineering or public improvements proposed by this petition.

### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has not noted any life safety concerns with the proposed use.



## **NEIGHBORHOOD COMMENT**

At this time, staff has not received any written neighborhood comment regarding the petition.

## **FINDINGS OF FACT**

Staff believes the standards for a Special Use, as shown below, have been met. The proposed animal chiropractic clinic is a desirable use to provide a service to the community. The use will contribute to the general welfare of the community. The development will not be detrimental to the health, safety, morals, general welfare or property values in the vicinity. The proposed development complies with the regulations of the DB zoning district. The requested Special Use is listed as an allowable Special Uses in Section 28.610(d) of the Zoning Ordinance.

### ***Section 28.1902 Standards for Approval of Special Uses***

*The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:*

- (a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
- (b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.*
- (c) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located or will comply with any variation(s) authorized pursuant to Section 28-1802.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.*

## **RECOMMENDATIONS**

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The proposed Special Use is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following conditions:

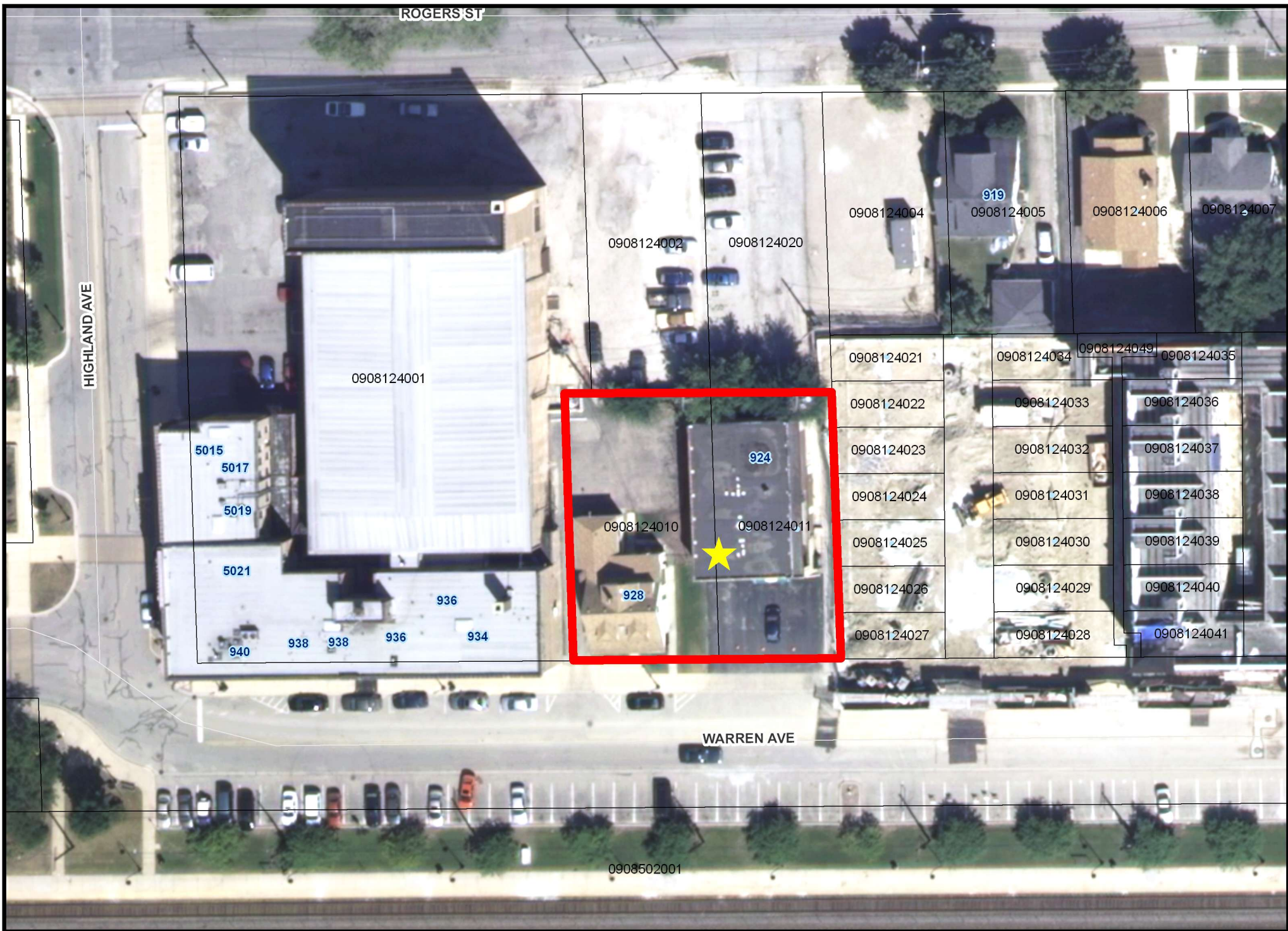
1. The Special Use shall substantially conform to the sketches provided by the petitioner attached to this report except as such plan may be modified to conform to Village Codes and Ordinances.
2. The applicant shall provide baggies and a waste receptacle in the dog elimination area. The area shall be cleaned daily.
3. All dogs shall be supervised and leashed while in the dog elimination area.

Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:sjp  
-att



0 100 Feet

926 Warren Avenue Location Map



Michelle Herlihy Jachim, DVM  
PAWSitively Balanced, Ltd.  
4613 Linscott Ave.  
Downers Grove, IL 60515  
630-399-5725  
HerlihyK9Chiro@hotmail.com

August 20, 2010

Village of Downers Grove Village Hall  
801 Burlington Ave.  
Downers Grove, IL 60515

Re: Petition for Plan Commission  
Special Uses Permit for 926 Warren Ave.

Section 5: PROJECT SUMMARY/NARRATIVE LETTER

As a resident of Downers Grove, I would like to move my business into the downtown Downers Grove area, specifically 926 Warren Avenue owned by Tivoli Enterprises, Inc. I am a veterinarian, licensed in the state of Illinois and also certified in animal chiropractic by the AVCA. My business or practice: PAWSitively Balanced, Ltd. consists primarily of chiropractic care and laser therapy for dogs and cats. I see my clients/patients by appointment only. My practice is limited to outpatient treatments; I do not do any boarding or hospitalization of dogs or cats. My current hours are 8:30am to 2:30pm on Tuesdays, Wednesdays and Thursdays, 5:00-8:00pm on Tuesday nights, and 8:00am-3:00pm approximately every other Saturday. I have been practicing alternative medicine since 1997. My clientele of approximately 300-400 patients comes from local and far. Some come from as far as MI, WI, IN, and one even comes from St. Louis. I tend to be booked at least two weeks in advance, if not longer. When I am accepting new clients, I tend to take in 1-4 new ones a week. My business is successful and well established and has opportunity to serve the local residents as well as bring others into our beautiful downtown area. The retail component of my business complements my services by providing health foods and nutritional supplements for dogs and cats. With the move into 926 Warren, I would be able to increase my retail area and hope to gradually expand hours and hire employees.

In regards to the Downers Grove Municipal Codes for special uses, section 28.1902:

- a) PAWSitively Balanced, Ltd. will provide a unique veterinary service and retail niche in the downtown area for local residents and bring many new people into our downtown area.
- b) PAWSitively Balanced, Ltd. will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or to property values or property improvements.
- c) PAWSitively Balanced, Ltd. will comply with all regulations in this district Zoning Ordinance and any variations authorized.
- d) PAWSitively Balanced, Ltd. is a veterinary practice which is specifically listed as one of the special uses for the district.

I look forward to my petition being reviewed and considered at the Village of Downers Grove Plan Commission meeting on Monday, October 4<sup>th</sup>, 2010. In the meantime, if there are any questions, please don't hesitate to contact me at the above phone number or email. Thanks for your time and consideration.

Sincerely,



Michelle Herlihy Jachim, DVM, president  
PAWSitively Balanced, Ltd.



Michelle Herlihy Jachim  
PAWSitively Balanced, Ltd.  
4613 Linscott Ave.  
Downers Grove, IL 60515  
630-399-5725

August 20, 2010

Village of Downers Grove Village Hall  
801 Burlington Ave.  
Downers Grove, IL 60515

Re: Petition For Plan Commission  
Special Uses Permit for 926 Warren Ave.

Section 8. Plan Sets

Interior: Other than painting, site is ready as-is with no build out. See page 2.

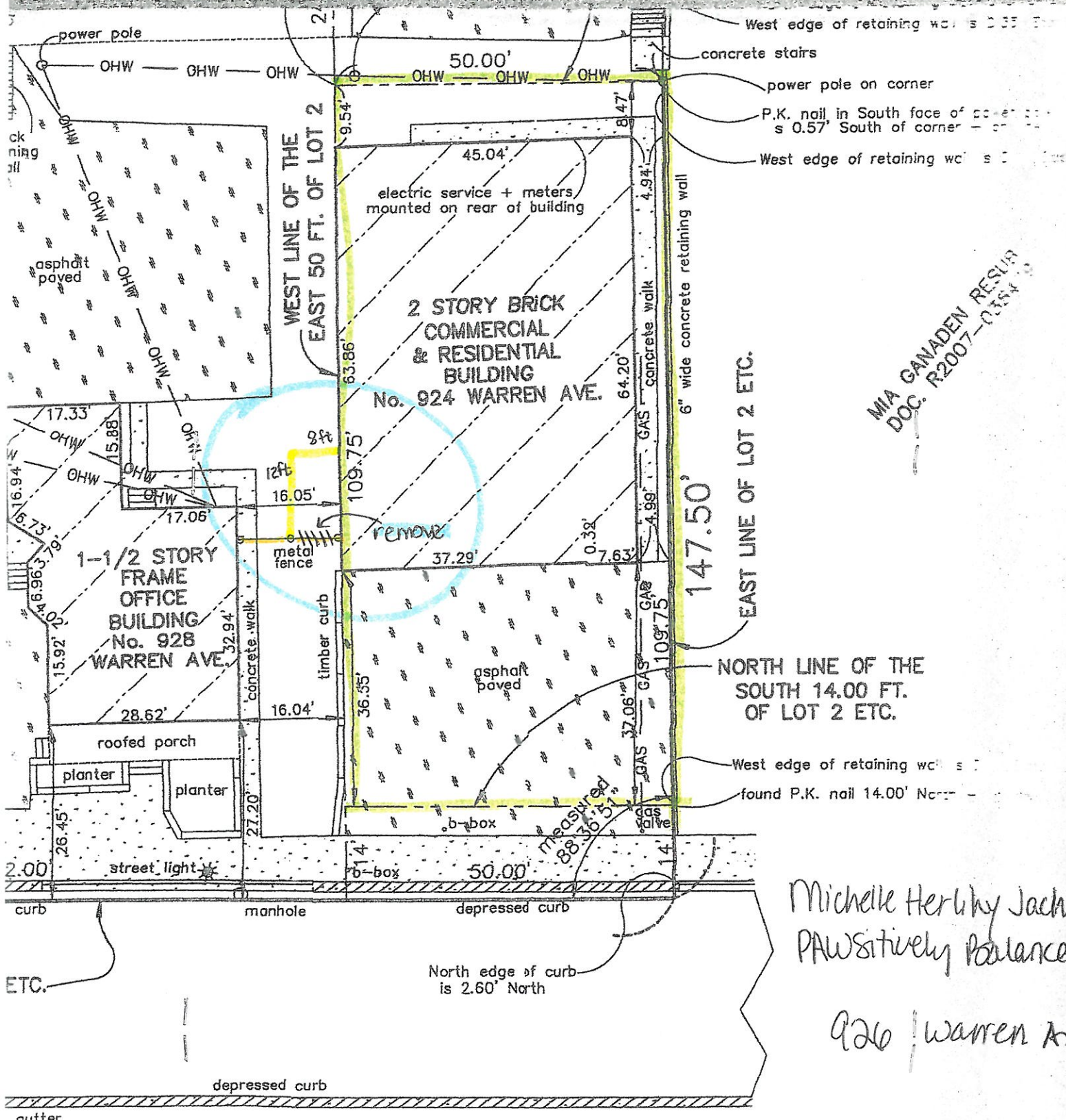
Exterior:

All signage will be done according to village codes. 926 Warren has 19 feet of storefront on Warren. Tentative plans are for a 19 sq ft. flat aluminum sign with no electric (similar to my old sign at 800 Ogden Ave but smaller) on brick directly above storefront. I am also considering a plain awning (no sign on awning). See page 3.

Owner of record, Tivoli Enterprises, Inc., has agreed to allow me use of space to west of building to put an area for dogs to eliminate. See page 4. We would both prefer to preserve the grass up front and keep dogs off the lawn. This area is NOT to be for loose turn out of dogs. It is only to be an area designated so that dog owners could walk their dogs there for elimination purposes. The east half of the current metal fence will be removed. I am proposing a 48" or 54" high metal fence similar in appearance to what already exists there. It will extend 12 feet back from the current midway post and 8 feet in toward premise. See page 5. The ground in the area will be leveled and pea gravel put in the space. I would prefer no gate on the front because this will encourage people to turn their dogs loose in there and this space is NOT intended for loose turnout. Currently there is no gate on the existing fence. If the village requires it, it will be gated in front though. Baggies and a waste receptacle will be provided and it will be monitored daily for proper cleanliness.

Permits for signs, awnings and fences will be applied for after the special uses permit has been accomplished.

Michelle Herlihy Jachim, DVM, president  
PAWSitively Balanced, Ltd.



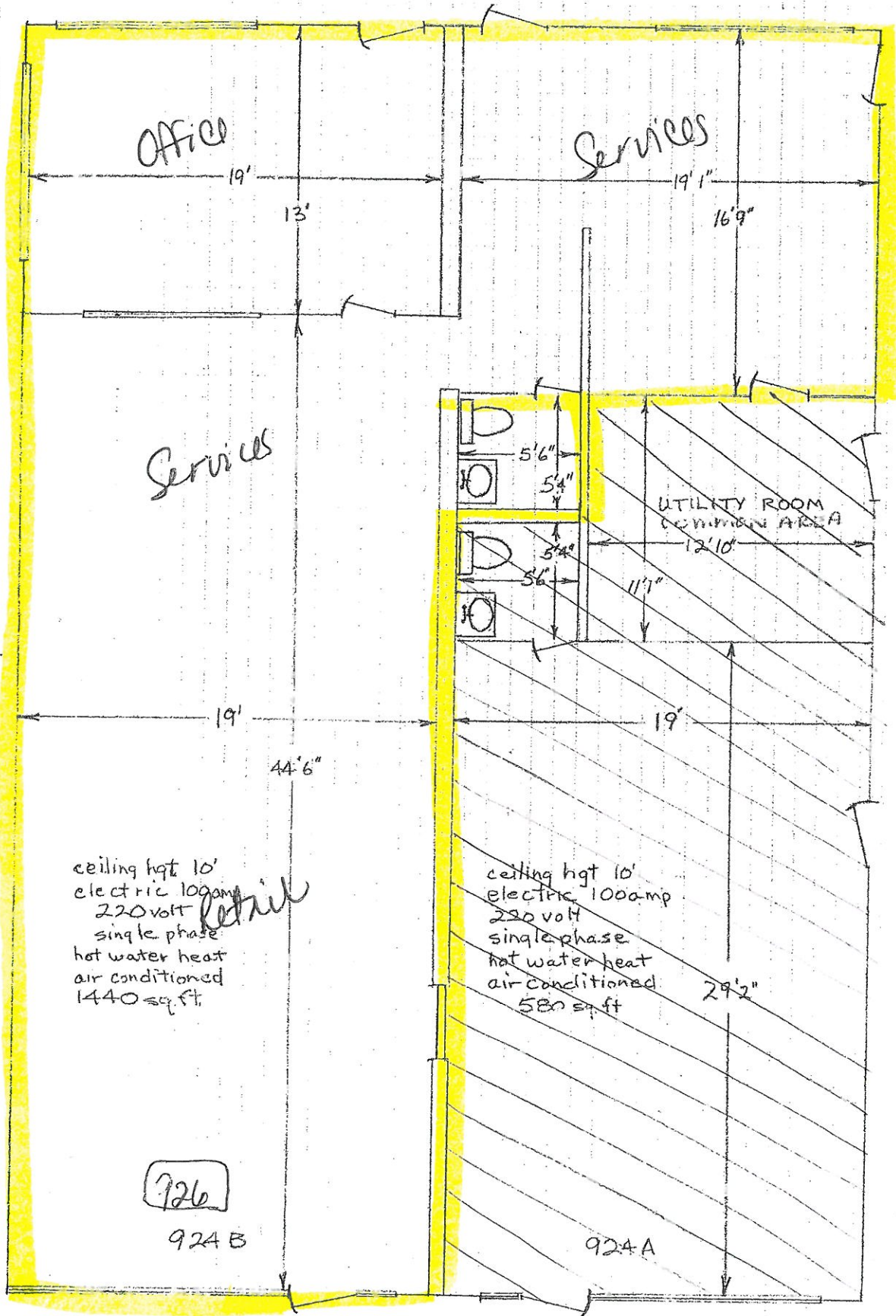
MIA GAVADEN RESUR  
 DOC. R2007-0354

Michelle Herby Sachin  
 PAWsitively Balanced  
 926 Warren Ave

= proposed new fence  
 = existing fence  
 (See pics on back)

DATE: 5





Interior  
Layout

ceiling hgt 10'  
electric 100amp  
220 volt  
single phase  
hot water heat  
air conditioned  
1440 sq. ft.

926  
924 B

ceiling hgt 10'  
electric 100amp  
220 volt  
single phase  
hot water heat  
air conditioned  
580 sq. ft.

924 A

WARREN AVE.

PAWSitively Balanced, Ltd.  
926 Warren Ave.





Michelle Herlihy Jachim  
 PAWSitively Balanced, Ltd.

926 Warren Ave

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~~40. Reversion of Premises. Lessor reserves the right to relocate the Lessee to another location in or within one-half mile of the Building (herein referred to as the "New Premises") provided: (i) Lessor gives Lessee at least six (6) days prior written notice; (ii) Lessor pays the actual and direct out-of-pocket reasonable expenses of Lessee in moving from the Premises to the New Premises; (iii) the New Premises are similar to the Premises in square footage and pedestrian or vehicular traffic count, whichever is applicable; (iv) Lessor shall improve the New Premises so that it is substantially similar to the Premises; and (v) Lessor and Lessee shall execute an amendment to this Lease confirming the change within thirty (30) days after either party shall request same. The Base Monthly Rent for the New Premises shall be calculated on the same annual percentage basis as the Base Monthly Rent was calculated for the initial Premises. DELETED~~

MBJ  
RS  
2/17

41. Construction. Landlord will deliver the Premises to Tenant with ceiling walls and ceilings; bare concrete floors (Tenant will supply its flooring materials and Landlord will install the materials); one existing washroom; split heating and air conditioning system with gas-fired hot water baseboard heat, ceiling air handler and rear condenser; 100-amp, 220 volt, single-phase power; and separately metered electricity and gas. Landlord will: 1) install working fluorescent light fixtures in ceiling; 2) paint any stained ceiling tiles; 3) install vinyl trim; and 4) install a floor that Tenant purchases and delivers to the Premises. Landlord will remove the eastern portion of the wrought iron fence outside to the west of the Premises and Tenant will install a picket fence or similar to replace a small segment extending north along the exterior wall.



42. Awning. Tenant may install an awning above its storefront at its expense with the approval of Landlord and the Village of Downers Grove.

WITNESS the hands and seals of the parties hereto, as of the Date of Lease stated above.

PIVOLI ENTERPRISES, INC.  
Lessor

PawSitivity Balanced, Ltd.  
Lessee(s)

Willis G. Johnson, President  
Willis G. Johnson, President

Michelle Herlihy-Jachim, President  
Michelle Herlihy-Jachim, President

**GUARANTEE**

On this August 17, 2016, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Guarantor hereby guarantees the payment of rent and performance by Lessee. Lessee's heirs, executors, administrators, successors or assigns of all covenants and agreements of the above lease. If this guarantee is signed by an individual, that individual warrants to Lessor and Lessor's successors and assigns that he/she is not married and that should he/she become married during the term of the above lease, and any extension thereof, he/she will promptly obtain his/her spouse's signature on this Guarantee.

Michelle Herlihy-Jachim, individually (Seal)  
Michelle Herlihy-Jachim, individually

Richard Jachim, individually (Seal)  
Richard Jachim, individually

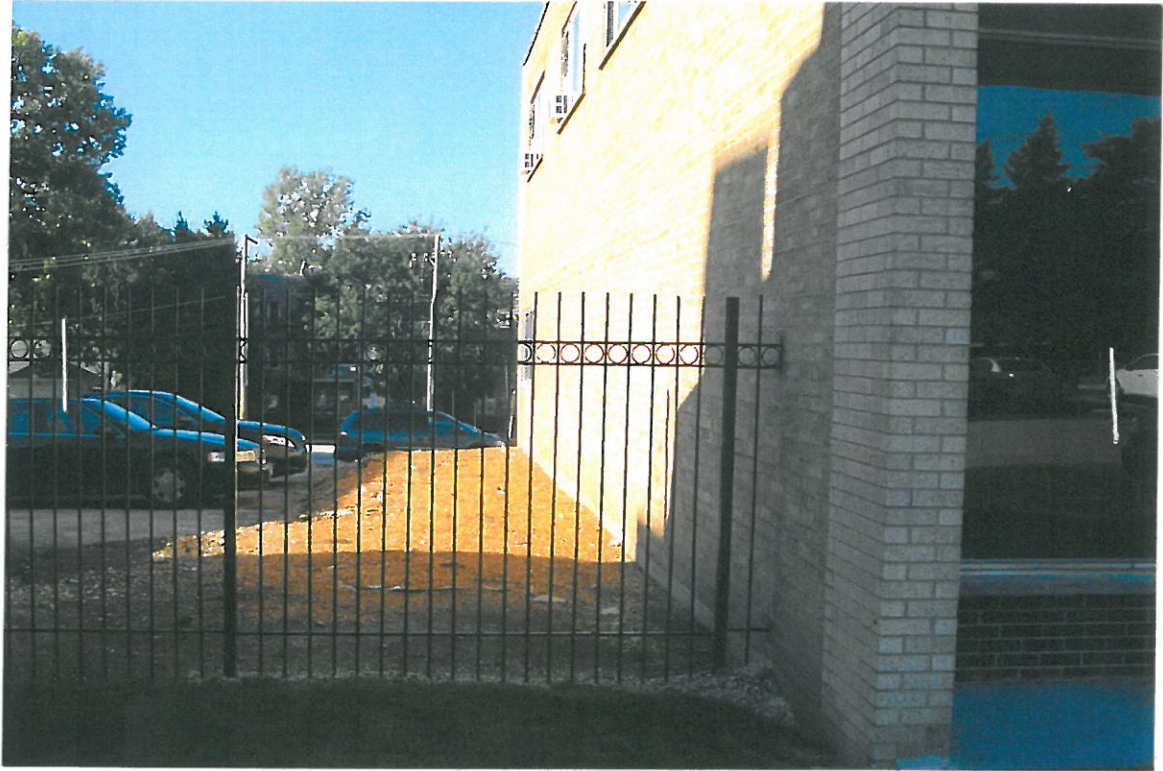
**ASSIGNMENT BY LESSOR**

On this \_\_\_\_\_, 20\_\_\_\_, for value received, Lessor hereby transfers, assigns and sets over to \_\_\_\_\_ all rights, title and interest in and to the above lease and the rent thereby reserved, except rent due and payable prior to \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

Initial \_\_\_\_\_  
initial \_\_\_\_\_  
initial \_\_\_\_\_  
PawSitivity Balanced, Ltd.  
926 Warren Ave.  
PAGE 4





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VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

OCTOBER 4, 2010, 7:00 P.M.

**PC-13-10** A petition seeking special use approval to permit an animal chiropractic business to locate in the Downtown Business (DB) zoning district for the property located on the north side of Warren Avenue, approximately 215 feet east of the intersection of Highland and Warren Avenues, commonly known as 926 Warren Avenue, Downers Grove, Illinois (PIN 09-08-124—002, -010, -011); Michele Herlihy Jachim, Petitioner; 603-635 Rogers LLC, Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-13-10.

Per staff, the petitioner is requesting a Special Use to locate an animal chiropractic clinic at 926 Warren Avenue, which is located on the north side of Warren Avenue between Highland Avenue and Washington Street. The property is zoned DB, Downtown Business. Currently, the petitioner has a clinic on Ogden Avenue and is relocating it to the proposed site, which is an allowable Special Use in the Downtown Business (DB) zoning district. Details of the clinic's services followed, noting the business is appointment-based and is limited to outpatient treatments only. No boarding or hospitalization of animals is planned. A small retail component of the business will exist for health food and nutritional supplement sales.

Per Mr. Popovich, the petitioner is proposing the construction of an 8-foot by 12-foot area for dogs to eliminate and in order to do this, the petitioner plans to remove the eastern eight feet of the existing wrought-iron fence between the buildings and install new metal fencing to the north to create the area. The area will be covered with pea gravel so that the existing turf area in front of the two properties will not be used by the dogs to eliminate. Because part of this area will be open, the dogs will be required to be leashed. A waste receptacle in this area will be provided and employees will be required to clean the area daily. Staff supports this option.

Staff believes the proposal is consistent with the Future Land Use Plan, the Downtown Master Plan, and the proposal meets all of the requirements of Section 28.610 of the Zoning Ordinance. The Special Use is allowed in the DB District. Also, the Fire Department reviewed the proposed plans and has no life safety concerns with the proposed use. To date, no neighborhood comments or correspondence has been received and staff believes the standards for a Special Use have been met. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council regarding this petition subject to the conditions in its staff report.

Per a question, Mr. Popovich confirmed that the Special Use would only be in effect as long as the business was in effect.

Petitioner, Michelle Herlihy Jachim, 4613 Linscott Avenue, Downers Grove, said she has been a practicing veterinarian since 1996, specializing in chiropractic. Details of the business followed. She does have a three-year lease and will not be boarding or hospitalizing animals. She works part-time but may have employees in the future. The owner has given her permission to use the

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elimination area if the petition is approved. She personally follows up daily with the cleanup of the elimination area.

Commissioner questions followed as to the current location of her business, signage, and whether the next-door house would be razed. Ms. Jachim located the proposed 8-foot by 12-foot elimination area on the overhead for the commissioners. She discussed her current business hours and potential future hours, if any, should she hire an employee. Asked if her business could affect either the hotel property to the west or the condos to the east, she did not believe so, as she has seen residents walk out of their condos with dogs and has seen individuals walk past the hotel with dogs. She did not believe barking would be a factor because her dogs were there for short periods of time, i.e., 15 minutes to 30 minutes.

Chairman Jirik opened up the meeting to public participation. None followed. Public participation was closed.

No closing statement followed from the petitioner.

**WITH RESPECT TO FILE PC-13-10, MR WEBSER MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE SKETCHES PROVIDED BY THE PETITIONER ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE APPLICANT SHALL PROVIDE BAGGIES AND A WASTE RECEPTACLE IN THE DOG ELIMINATION AREA. THE AREA SHALL BE CLEANED DAILY.**
- 3. ALL DOGS SHALL BE SUPERVISED AND LEASHED WHILE IN THE DOG ELIMINATION AREA.**

**SECONDED BY MR. QUIRK. ROLL CALL:**

**AYE: MR. WEBSTER, MR. QUIRK, MR. BEGGS, MR. COZZO, MRS. HAMERNICK, MR. MATEJCZYK, MRS. RABATAH, MR. WAECHLER, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTINO PASSED. VOTE: 9-0**

Mr. O'Brien announced that at least two items will be on the November 1<sup>st</sup> agenda. He has also received questions about Power Mart, which Special Use expires on November 5, 2010. He reported the owner has been notified that they have not been in compliance with their Amended Special Use Ordinance or the original Special Use Ordinance. Details followed. Mr. O'Brien reported that commissioners may be reviewing a comprehensive plan in December. Updates will follow.

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**THE MEETING WAS ADJOURNED AT 9:05 P.M. ON MOTION BY MRS. RABATAH,  
SECONDED BY MR. WEBSTER. MOTION CARRIED UNANIMOUSLY.**

/s/ Celeste K. Weilandt  
Celeste K. Weilandt  
(As transcribed by MP-3 audio)