

COMMUNITY DEVELOPMENT COMMISSION

Village of Bensenville

VILLAGE HALL

November 7, 2017 6:30 PM

- I. Call Meeting to Order
- II. Roll Call and Quorum
- III. Pledge of Allegiance
- IV. Public Comment
- V. Approval of Minutes

October 3, 2017 Community Development Commission Minutes

VI. Action Items:

1. Consideration of Conditional Use Permit, Currency Exchange for the applicant Enbioexpress Illinois, located at 469 W. Irving Park Road.
2. Consideration of Variances, Parking and Transition Strip for the Applicant A + C Architects, located at 400 Country Club Dr.
3. Consideration of Conditional Use Permit, Motor Vehicle Repair, located at 950 Industrial Drive.
4. Consideration of Conditional Use Permit, Smoke Shops, for the Applicant Second City Vapes, located at 229 W. Grand Avenue Ste B.
5. Consideration of a Variance, Signage for the Applicant Los Buenos Dias, located at 224 W. Green Street.
6. Consideration of A Text Amendment to the Village Code to amend the definitions of “Truck Stop” and “Motor Vehicle Service Station”.

VII. Report from Community and Economic Development

VIII. Adjournment

Any individual with a disability requiring a reasonable accommodation in order to participate in a Community Development Commission Meeting should contact the Village Clerk, Village of Bensenville, 12 S. Center Street, Bensenville, Illinois, 60106 (630-350-3404)

TYPE:Minutes**SUBMITTED BY:**Corey Williamsen**DEPARTMENT:**Village Clerk's Office**DATE:**November 7, 2017**DESCRIPTION:**October 3, 2017 Community Development Commission Minutes**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****REQUEST:****SUMMARY:****RECOMMENDATION:**

ATTACHMENTS:

Description

Upload Date

Type

DRAFT_171003_CED**10/18/2017****Cover Memo**

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

October 3, 2017

CALL TO ORDER: The meeting was called to order by Chairman Rowe at 6:30p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Ciula, Czarnecki, King
Absent: Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, S. Viger, C. Williamsen,

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of September 5, 2017 were presented.

Motion: Commissioner Ciula made a motion to approve the minutes as presented. Commissioner Marcotte seconded the motion.

All were in favor. Motion carried.

The minutes of the Special Community Development Commission Meeting of September 25, 2017 were presented.

Motion: Commissioner King made a motion to approve the minutes as presented. Commissioner Marcotte seconded the motion.

All were in favor. Motion carried.

PUBLIC

COMMENT: There was no Public Comment

Continued

Public Hearing: CDC Case Number 2017-21

Petitioner: Fluff N Stuff Laundry

Location: 1105 S. York Rd.

Request: Conditional Use Permit, Dry Cleaner, and laundry Drop Off Station and Laundromats, municipal Cade Section 10-7B-3

Motion: Commissioner King made a motion to re-open CDC Case No. 2017-21. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Ciula, Czarnecki, King
Absent: Rodriguez
A quorum was present.

Chairman Rowe re-opened the Public Hearing at 6:34 p.m.

Chairman Rowe swore in Director of Community and Economic Development, Scott Viger and Village Planner, Kurtis Pozsgay.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on August 17, 2017. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on August 18, 2017. Mr. Pozsgay stated on August 18, 2017 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Pozsgay stated the Petitioner is seeking a Conditional Use Permit to allow for a laundromat with onsite pick up and deliveries at 1105 S. York Road, Unit 10. Mr. Pozsgay stated the site is located in Brentwood Commons. Mr. Pozsgay stated they are also seeking a Conditional Use for a dry cleaning services as either a part of the laundromat or as separate subtenant in the space to be added in the future. Mr. Pozsgay stated the proposed space is 14,000 square feet. Mr. Pozsgay stated the laundromat will be open 24 hours a day, 7 days a week. Mr. Pozsgay stated it will occupy about 8,600 square feet and will leave about 5,400 square feet for a dry cleaner to go in as a subtenant, or to expand the space to include dry cleaning services in the future. Mr. Pozsgay stated they estimate roughly 1,200 customers per week. Mr. Pozsgay stated the equipment investment will be approximately one million dollars for machines and dryers, which are all state of the art. Mr. Pozsgay stated the facility will be an all card operation, so there will be no cash for use of the machines.

Mr. Pozsgay stated the overall investment to the property, including the build out and the equipment is estimated to be close to 1.4 million dollars.

Marshall Subach of Hunt, Aranda & Subach, Ltd. was present and sworn in by Chairman Rowe. Mr. Subach stated he was there to address the Commission on behalf of the petitioner. Mr. Subach stated the property in question is approximately 14,000 square feet. Mr. Subach stated the proposed use would be 24 hours a day, 7 days a week. Mr. Subach stated his client has estimated 1.4 million dollars of investment into the property. Mr. Subach stated drop-off service will be offered on site. Mr. Subach stated his client estimates 1,500 customers per week. Mr. Subach stated his client would be installing 70 washers that will range from 28-80 gallons of water used per cycle based on the size of the machine. Mr. Subach stated his client would be installing 80 dryers. Mr. Subach stated the operation would be card based and cash would only be needed to be out onto the card. Mr. Subach stated there is parking on the north end of the site that his client would have his employees park in the help relieve parking in front of the unit. Mr. Subach stated his client is fully aware of the limited parking in the area and is willing to work with the Village to resolve any issues. Mr. Subach reviewed the findings of fact that he had previously submitted to the Commission as part of their packet. Mr. Subach highlighted that there would be no environmental nuisance as a result of the proposed business. Mr. Subach stated the proposed use would not produce sales tax for the Village but would help surrounding businesses while clients are waiting for their laundry. Mr. Subach stated his client estimates 5 million gallon of water use per year. Mr. Subach asked that if the Village were to place a surcharge on laundry mats, that the Village Board let his clients know of that number prior to action being taken on the matter so they can determine if the move would make sense for them. Mr. Subach understands the information that Staff is asking for; Mr. Subach stated his client has no issues supplying the information upon approval of the conditional use permit. Mr. Subach stated the requested information would add a cost to his client that would be unnecessary in the conditional use permit was not granted.

Calvin Boender, Owner of Fluff N' Stuff was present and sworn in by Chairman Rowe. Mr. Boender stated there would be two employees on staff at night and two to three employees on staff during the day. Mr. Boender stated the main concept on site is the laundry mat and drop-off service.

Mr. Boender stated when he first reached out to the property owner, he was not interested in all 14,000 square feet but felt the property owner gave him a reasonable rent offer. Mr. Boender stated half the space may sit vacant for a while until he can lease it. Mr. Boender stated the dry cleaning service is just an idea and not official.

Commissioner Ciula stated with the estimated 1,500 customers per week, parking and traffic in the shopping center is going to be an issue.

Commissioner Moruzzi asked what the average cycle is for someone to do their laundry. Mr. Boender stated it depends on the load size but on average 30-45 minutes for small loads and 2 – 2 ½ hours for larger loads.

Commissioner King asked what other ideas Mr. Boender had for the other space if he would not operate a dry cleaning service. Mr. Boender stated he really hadn't thought about it but the first thing that came to mind was a restaurant but he doesn't want to get into the food business.

Commissioner Czarnecki raised concern with the current drain pipe size on the property. Commissioner Czarnecki stated if all the machines ran at the same time, drainage on site would be an issue. Mr. Boender agreed with Commissioner Czarnecki's comments and stated they would be willing to install the proper sized drainage on site upon approval.

Commissioner Marcotte asked what the average price for a load would cost. Mr. Boender stated it depends on the size of the load but would range from \$2.00 - \$10.00 for the washers and \$0.25 - \$0.45 for dryers. Mr. Boender stated those estimates were without a surcharge from the Village.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case.

Costi Khoury – 15W651 Patricia Lane, Elmhurst, Illinois

Mr. Khoury was present and sworn in by Chairman Rowe. Mr. Khoury stated he was the property owner of buildings to the west of the proposed use. Mr. Khoury stated flooding in the area has always been an issue due to the Village's sanitary sewer.

Mr. Khoury stated he had major concerns with the proposed use as the extra flow through the sanitary sewer would cause more issues. Mr. Khoury stated by the owner installing a larger draining pipe on site would not help relieve the issues in the area. Mr. Khoury stated he is against the proposed use of the property.

James Juliano – 145 Elizabeth Court, Wood Dale, Illinois

Mr. Juliano was present and sworn in by Chairman Moruzzi. Mr. Juliano stated he was the property owner of apartments in the surrounding area. Mr. Juliano stated he would like to see the space leased but not to a laundry mat. Mr. Juliano stated he has 22 washing machines and dryers in his units that bring in 7% of his revenue. Mr. Juliano stated he has concerns that his tenants may leave to use the proposed laundry mat and that would force him to lower his rent costs and as a result, his property would decrease in value. Mr. Juliano reminded the commission that the proposed use brings no sales tax to the Village. Mr. Juliano stated he would like to see a hardware store operate the vacant unit and has a friend who would be interested in doing so.

Tom Myers – 775 Stone Hill, Cincinnati, Ohio

Mr. Myers was present and sworn in by Chairman Rowe. Mr. Myers stated he was present on behalf of the property owner. Mr. Myers stated they are very supportive of the proposed use on site and would work with the Village with all of their concerns. Mr. Myers stated they are willing to work with the Police Department on security cameras on the site.

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Applicant's Response: There will be no adverse impact on traffic or parking. My client will have 3 parking spaces on the west facade with signage stating 10 min parking for loading and unloading. There is also 10 spaces north of the detention basin.

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

Applicant's Response: There will be no environmental nuisance as a result of the laundromat or future dry cleaners. My client expects to use approximately 5,000,000 gallons of water per year. All dry cleaning services are regulated by the State of Illinois. There will not be any adverse effect on noise, glare, odor, dust, or waste disposal as a result of the approval of the Condition Use as all services are contained indoors.

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

Applicant's Response: The proposed laundromat will fit harmoniously with the existing business located in the shopping center. The new business will not compete with the other business, but will draw additional people to the other businesses. A typical customer may do some shopping or eating at an existing business while doing their laundry.

4. **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: Other than higher than typical water uses, the proposed use will not put a strain or disproportionate strain on public services beyond what is normally provided for in a C-2 Commercial District.

5. **Public Necessity:** The proposed use at the particular location requested is necessary 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.

Applicant's Response: The proposed laundromat use will be a great addition to the Village of Bensenville. Although there is a laundromat located on Grand Avenue, this new, state of the art facility will be able to handle much larger amounts of customers. In addition, the 24 hour availability will assist those residents that may work third shift and want to do laundry after work or at off peak hours.

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Applicant's Response: The proposed development will be filing a vacancy in the Brentwood Commons with a business that will produce a high volume of people from not just Bensenville but also surrounding communities.

Mr. Pozsgay stated Staff does not recommend approval of the Findings of Fact, as Staff does not believe the applicant has satisfactorily answered the "Public Services & Facilities and Public Necessity" aspects.

Mr. Pozsgay stated staff is not commenting on the Dry Cleaner aspect of the request as no information was submitted relative to the proposed use

Mr. Pozsgay stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Conditional Use Permit for Fluff N Stuff Laundry. Mr. Pozsgay stated should the Community Development Commission differ and believes the Conditional Use Permit for the Laundromat and Laundry Drop Off Station should be recommended for approval, staff offers the following conditions:

1. The plans and aesthetics of the facility be in substantial compliance with the plans submitted with this application.
2. Removal of the outdoor seating and vestibule on the northern façade of the building.
3. A new parking/drop off plan and strategy be submitted to Village staff for review and approval prior to Village Board Committee of the Whole.
4. A public safety plan should be submitted for review to Bensenville Police for approval prior to Village Board Committee of the Whole. To include:
 - a. Laundromat staff
 - b. Cameras and remote viewing
 - c. Police authorization to bar subjects and/or arrest for trespass without contacting management
 - d. Prohibition of amusement games
 - e. Lighting
 - f. Detention area maintenance
 - g. Limitations on the hours of operation

5. A detailed water use and discharge plan should be submitted to Bensenville Public Works prior to Village Board Committee of the Whole.
6. Market analysis to document the Public Necessity for the proposed use.

There were no questions from the Commissioners.

Mr. Subach asked that the submittal of the requested reports listed on Staff's requirements only be required upon approval by the Village Board.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-21. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Moruzzi, Marcotte, Ciula, Czarnecki, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:32 p.m.

Motion: Commissioner Marcotte made a motion to approve the Findings of Fact for CDC Case no. 2017-221 as presented by the Petitioner. Commissioner Moruzzi seconded the motion.

Motion: Commissioner Marcotte made an amended motion to approve the Findings of Fact for CDC Case no. 2017-221 as presented by the Staff. Commissioner Kings seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Czarnecki

Nays: Rowe, Marcotte, King

Motion failed.

Motion: Commissioner Marcotte made a motion to approve the conditional use permit for CDC Case No. 2017-21. Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Moruzzi, Marcotte, Ciula, Czarnecki, King

Motion failed.

Recess: Commissioner Moruzzi made a motion to recess the meeting.
Commissioner Marcotte seconded the motion.

All were in favor. Motion carried.

Chairman Rowe recessed the meeting at 7:38 p.m.

Chairman Rowe called the meeting back to order at 7:43 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Moruzzi, Marcotte, Ciula, Czarnecki, King
Absent: Rodriguez
A quorum was present.

Report from Community

Development: Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT: There being no further business before the Community Development Commission, Commissioner Marcotte made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:49 p.m.

TYPE: Public Hearing **SUBMITTED BY:** K. Pozsgay **DEPARTMENT:** CED **DATE:** 11.07.17

DESCRIPTION:

Consideration of Conditional Use Permit, Currency Exchange for the applicant Enbioexpress Illinois, located at 469 W. Irving Park Road.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/> Financially Sound Village	<input type="checkbox"/> Enrich the lives of Residents
<input type="checkbox"/> Quality Customer Oriented Services	<input type="checkbox"/> Major Business/Corporate Center
<input type="checkbox"/> Safe and Beautiful Village	X Vibrant Major Corridors

REQUEST:

Conditional Use Permit, Currency Exchange, Municipal Code Section 10 – 7B – 3.

SUMMARY:

1. The Petitioner is seeking a Conditional Use Permit to open a Currency Exchange at this new location in Walnut Park Plaza. They previously had a location at 229 West Grand Avenue in Plaza de Campana. They are moving to this 1,000 SF space, located next to the corner unit of the Walnut Park Plaza.
2. Concerns about highest and best use in one of Village's primary retail corridors.
3. Currency exchanges must follow standards including 1,000 fee from similar use, clear view into business, hours of operation from 8 am to 8 pm only, and valid State license.
4. The applicants previously had a location on Grand Avenue in Plaza de Campana. According to police reports, there were no issues with the location.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Enbioexpress Illinois LLC.

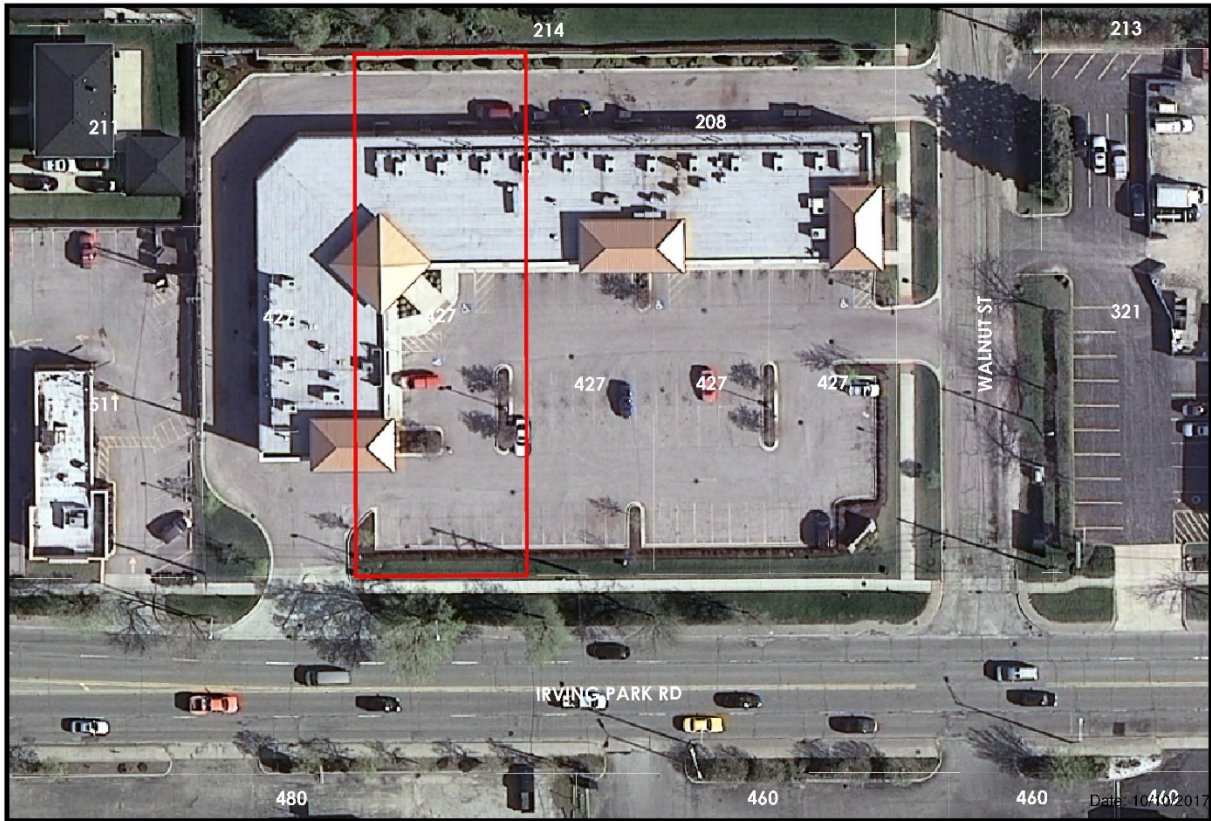
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	10/26/2017	Backup Material
Legal Notice	10/26/2017	Backup Material
Application	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary
Applicant Letter	10/26/2017	Backup Material
Plans	10/26/2017	Backup Material
Survey	10/26/2017	Backup Material



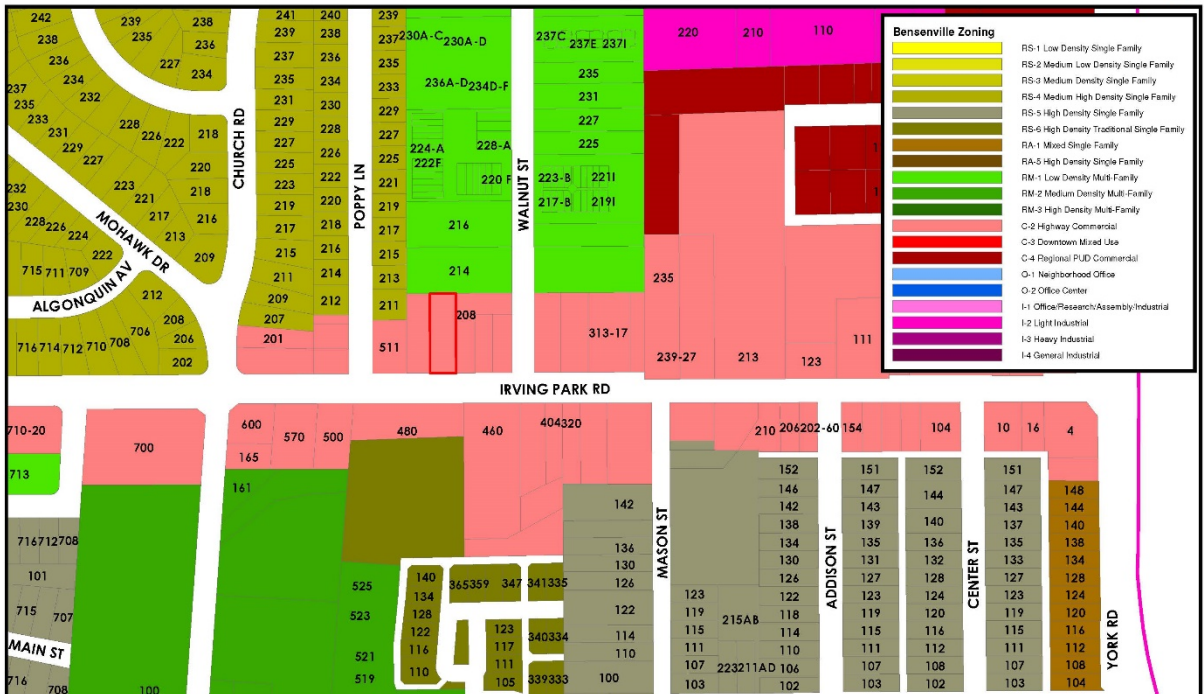
Village of Bensenville

469 W Irving Park Rd



Village of Bensenville

Zoning Map



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 23 to consider a request for:

Conditional Use Permit, Currency Exchange,
Municipal Code Section 10 – 7B – 3;

469 West Irving Park Road is in a C – 2 Highway Commercial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

PARCEL 1:

LOTS 1, 2, 3 AND 4 IN REHER'S RESUBDIVISION OF LOT 7 IN IRVING HI-LANDS, BEING A SUBDIVISION OF PART OF THE NORTH EAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED FEBRUARY 26, 1957, AS DOCUMENT 833716 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 5 AND 6 IN IRVING HI-LANDS, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1947 AS DOCUMENT 519121, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 451-79 West Irving Park Road, Bensenville, IL 60106.

Walnut Park Plaza is the owner and Enbioexpress Illinois LLC the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017**

For Office Use Only

Date of Submission: _____ MUNIS Account #: 7520 CDC Case #: 2017-23

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 469 W Irving Pk Rd.

Property Index Number(s) (PIN): 03-14-204-027-0000; 03-14-204-028-0000, 03-14-204-029-0000;
03-14-204-030-0000; 03-14-204-031-0000; 03-14-204-032-0000

A. PROPERTY OWNER:

Name: Sam Titella Corporation (if applicable): Walnut Park Plaza of Bensenville, LLC

Street: 4970 N Harlem Ave.

City: Harwood Heights State: IL Zip Code: 60706

Contact Person: Sam Titella Telephone Number & Email Address: (708) 867-3799 / (847) 997-1975 sam@titelladevelopment.com

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: Sam Titella Date: 09/15/17

B. APPLICANT: Check box if same as owner

Name: Enbioxpress Illinois, LLC Corporation (if applicable): _____

Street: 3229 A W Montrose Ave

City: Chicago State: IL Zip Code: 60618

Contact Person: Yusef Florian Telephone Number & Email Address: 773-668-8265 yusefbi@hotmail.com

Relationship of Applicant to subject property

Applicant Signature: [Signature] Date: 9/19/17

C. ACTION REQUESTED (Check applicable):

- Annexation
- Conditional Use Permit
- Master Sign Plan
- Planned Unit Development**
- Plat of Subdivision
- Rezoning (Map Amendment)
- Site Plan Review
- Variance

*Item located within this application packet.
 **See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- Affidavit of Ownership* (signed/notarized)
- Application*
- Approval Criteria
- Legal Description of Property
- Plat of Survey
- Site Plan
- Building Plans & Elevations
- Engineering Plans
- Landscape Plan
- Review Fee (Application Fee + Escrow)
- Escrow agreement and deposit*
- Digital Submission of all application materials (CD)



Brief Description of Request(s): (Submit separate sheet if necessary)

Currency Exchange

D. PROJECT DATA:

1. General description of the site: Commercial Strip
2. Acreage of the site: 67,183 SF Building Size (if applicable): 19 000 SF
3. Is this property within the Village limits? (Check applicable below)
 - Yes
 - No, requesting annexation
 - No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	<u>C-2</u>	<u>Commercial</u>	<u>Bensenville</u>
North:	<u>RM-1</u>	<u>Residential</u>	↓
South:	<u>C-2</u>	<u>Commercial</u>	
East:	<u>C-2</u>	↓	
West:	<u>C-2</u>	↓	

E. DEVELOPER'S STAFF (if applicable):

<p>ARCHITECT Name: _____ Telephone: _____ Email: _____</p>	<p>ENGINEER: Name: _____ Telephone: _____ Email: _____</p>
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<p>ATTORNEY Name: _____ Telephone: _____ Email: _____</p>	<p>OTHER Name: _____ Telephone: _____ Email: _____</p>
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F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."



STAFF REPORT

HEARING DATE: November 7, 2017
CASE #: 2017 – 23
PROPERTY: 469 W Irving Park Rd
PROPERTY OWNER: Walnut Park Plaza
APPLICANT: Enbioexpress Illinois LLC
SITE SIZE: 67,183 SF
BUILDING SIZE: 19,000 SF
PIN NUMBERS: 03-14-204-027, 028, 029, 030, 031, and 032
ZONING: C – 2 Highway Commercial District
REQUEST: Conditional Use Permit, Currency Exchange, Municipal Code Section 10 – 7B – 3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Tuesday October 17, 2017.
3. On Friday October 20, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking a Conditional Use Permit to open a Currency Exchange at this new location in Walnut Park Plaza. They previously had a location at 229 West Grand Avenue in Plaza de Campana. They are moving to this 1,000 SF space, located next to the corner unit of the Walnut Park Plaza.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Local Commercial	Village of Bensenville
North	RM – 1	Residential	Medium Density Residential	Village of Bensenville
South	C – 2	Commercial	Local Commercial	Village of Bensenville
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	C – 2	Commercial	Local Commercial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues.

Police:

No police issues.

Engineering and Public Works:

No comments.

Community & Economic Development:

Economic Development:

Economic development has concerns that this type of use may not be the highest and best given the tenant mix in this strip center, which is located in one of Bensenville's primary retail corridors.

Fire Safety:

No comments.

Building:

Building has no comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Local Commercial" for this property.
- 2) Currency exchanges must meet the following standards:
 - a. The use shall be located a minimum of one thousand feet (1,000') as measured from all property lines from any existing currency exchanges, payday loan agencies and/or title loan agencies.
 - b. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
 - c. All transactions occur entirely inside the facility at a service counter with no transactions permitted through an exterior walk-up or drive-up window.
 - d. Hours of operation for the currency exchange shall be limited to between eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
 - e. The operator has a valid license issued by the State of Illinois Department of Consumer Credit.
- 3) Walnut Plaza is a multi-tenant commercial strip on a busy commercial corridor.
- 4) The proposed use would go next to the new corner unit, Bella's Bistro, a video gaming café. Other tenants in the plaza include Jimmy Johns and Little Caesars.

- 5) The applicants previously had a location on Grand Avenue in Plaza de Campana. According to police reports, there were no issues with the location.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. The Applicant has provided the following Findings of Fact:

- 1. Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Applicant's Response: We are not going to cause an adverse impact of types or volume of traffic not otherwise typical of Allowed Uses in the zoning district has been minimized because most of our customer will arrive by public transportation.

- 2. Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

Applicant's Response: We are not going to cause any effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree because our type of business does not produce this kind of effects because is an office environment.

- 3. Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

Applicant's Response: Our business use will fit harmoniously with the existing character of Allowed Uses in its environs. Any adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Allowed Uses in the district have been minimized.

- 4. Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: We will not require use of existing community facilities or services to a degree disproportionate to that normally expected of Allowed Uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

- 5. Public Necessity:** The proposed use at the particular location requested is necessary 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.

Applicant's Response: Our business use at the particular location requested is necessary 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.

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Applicant's Response: Our business use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location.

Conditional Use Approval Criteria	Meets Criteria	
	Yes	No
1. Traffic	X	
2. Environmental Nuisance	X	
3. Neighborhood Character	X	
4. Public Services and Facilities	X	
5. Public Necessity	X	
6. Other Factors	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Enbioexpress Illinois LLC.

Respectfully Submitted,
 Department of Community
 & Economic Development

Reference: APPROVAL CRITERIA
Municipal Code Section 10-3-4

Dear Mr. Viger,

Our company has been in the business of the MSB for eleven years in the United States, and we started working in Bensenville since August 2011. In all this time we have invested in the Community of Bensenville, giving jobs, working with other suppliers and supporting the Police and Fire Department.

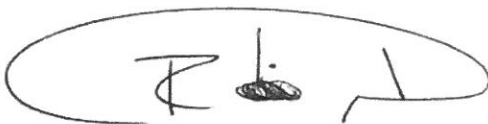
Our business allows many people to reconnect with their families through monetary aid, offering our customers the facility, speed and security to send their money. Due to the type of business we have, we do not require a space larger than a thousand square feet to operate, being the premises we propose ideally located for our business.

Our operations will not have a negative impact on the community or the environment. The volume of traffic that we will generate will be minimal, since most of our customers arrive at the agency by public transport. Aside from delivery traffic, there are virtually no noise, odor or vibration impacts that can be sensed outside the building. During the remodeling the noise will be minimal, since everything will be inside the offices, and the premises will be finished in a week, from the start of the work.

We are interested in relocating our business to 469 W Irving Park Road, Bensenville IL to facilitate our clients to arrive our branch. That's why we are requesting your approval of a Conditional Use Permit to move our location.

We appreciate your attention and look forward to a positive answer.

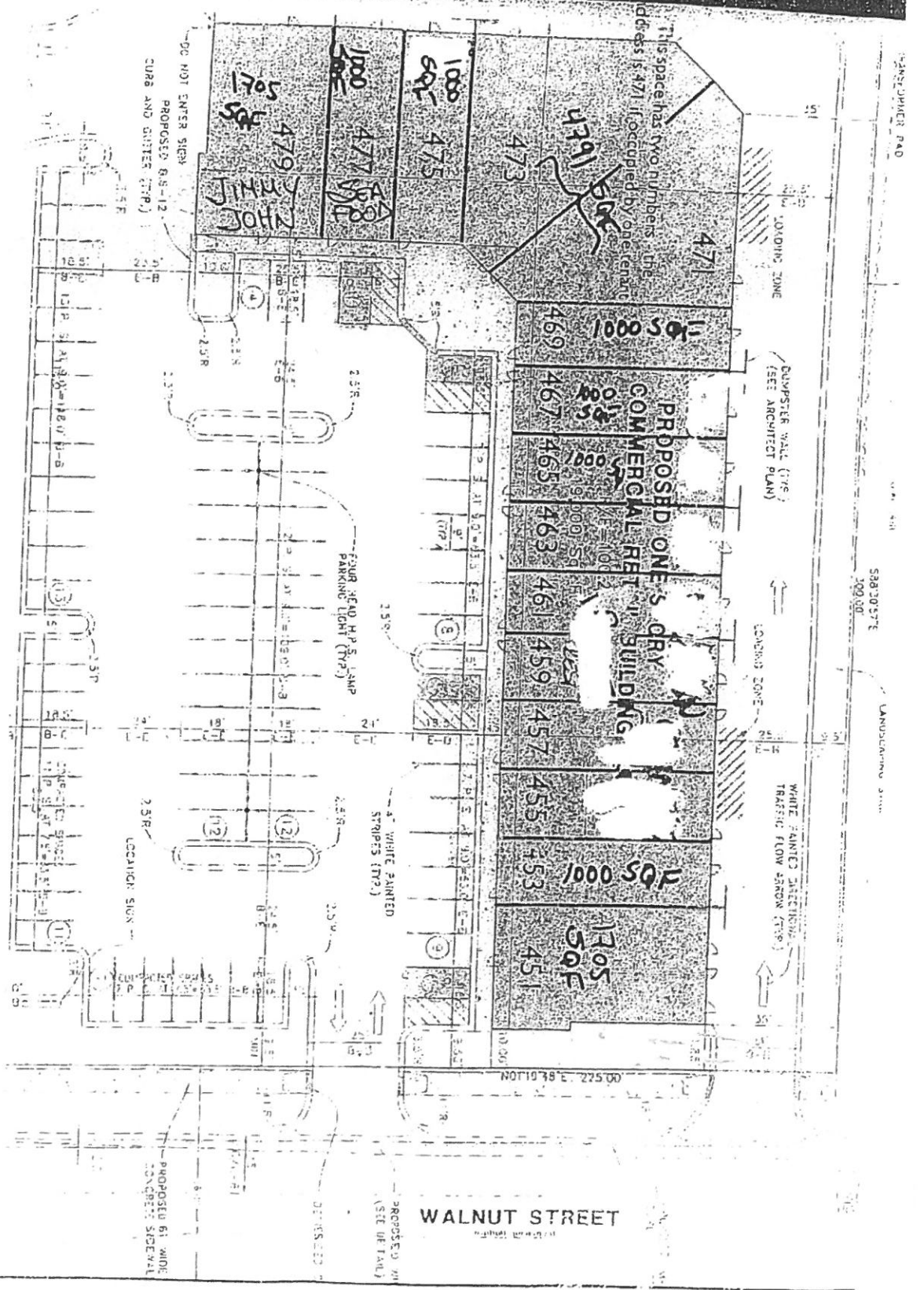
Regards,

A handwritten signature in black ink, enclosed in a hand-drawn oval. The signature consists of stylized letters, likely 'R', 'A', and 'A', with a small circular mark below the first 'A'.

Roderico Anzueto
Manager
EnbioXpress Illinois, LLC
Tel. (502) 2418-4121

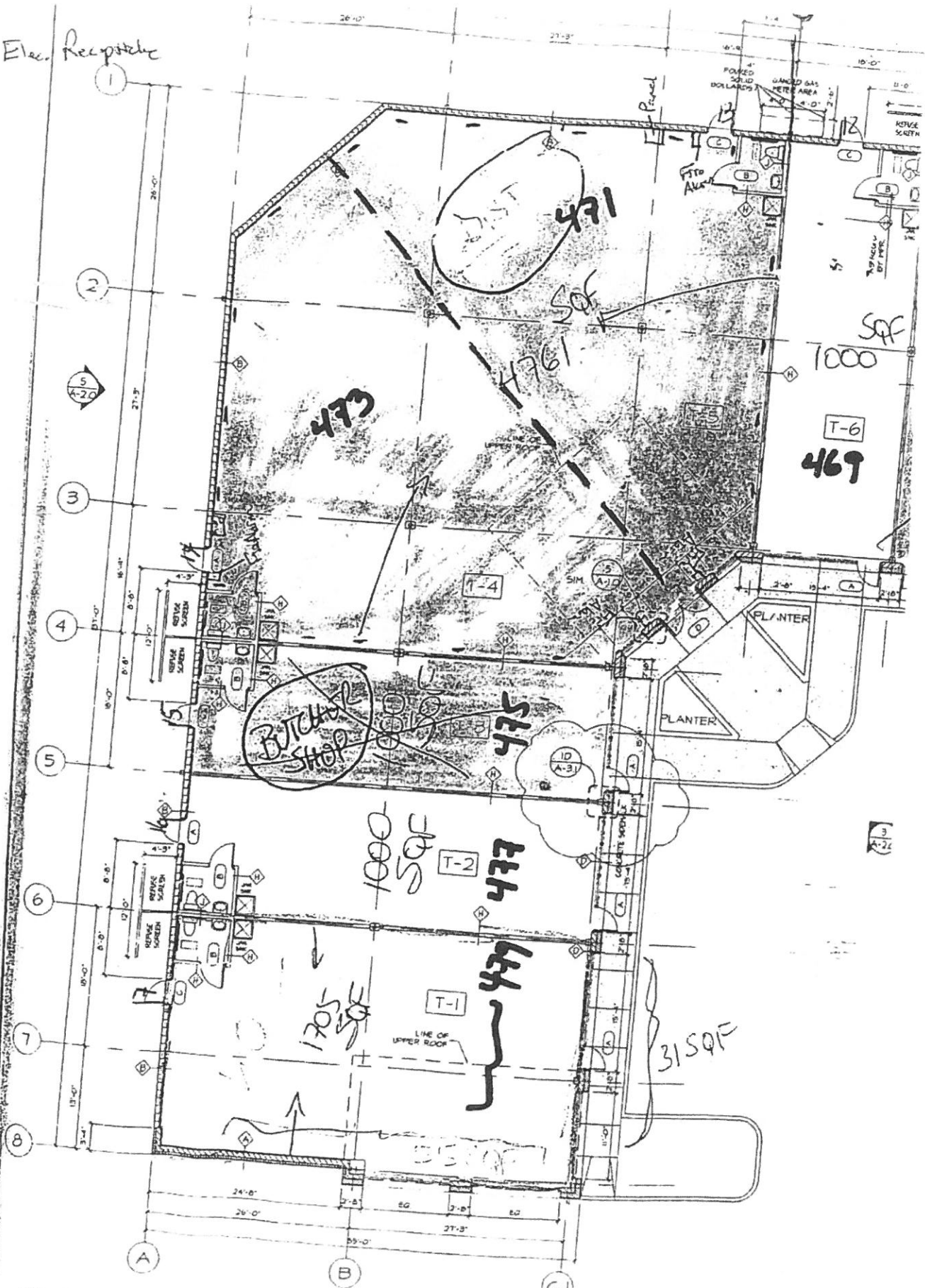
Phone: (773) 545-0308 URL: www.blueprintshoppe.com
Fax: (773) 545-0480 E-Mail: blueline@ameritech.net

• Laminations and dry mounts
• Digital planroom available online
• Full conversion services



Address Assignments for the 19,000-square foot Retail Center

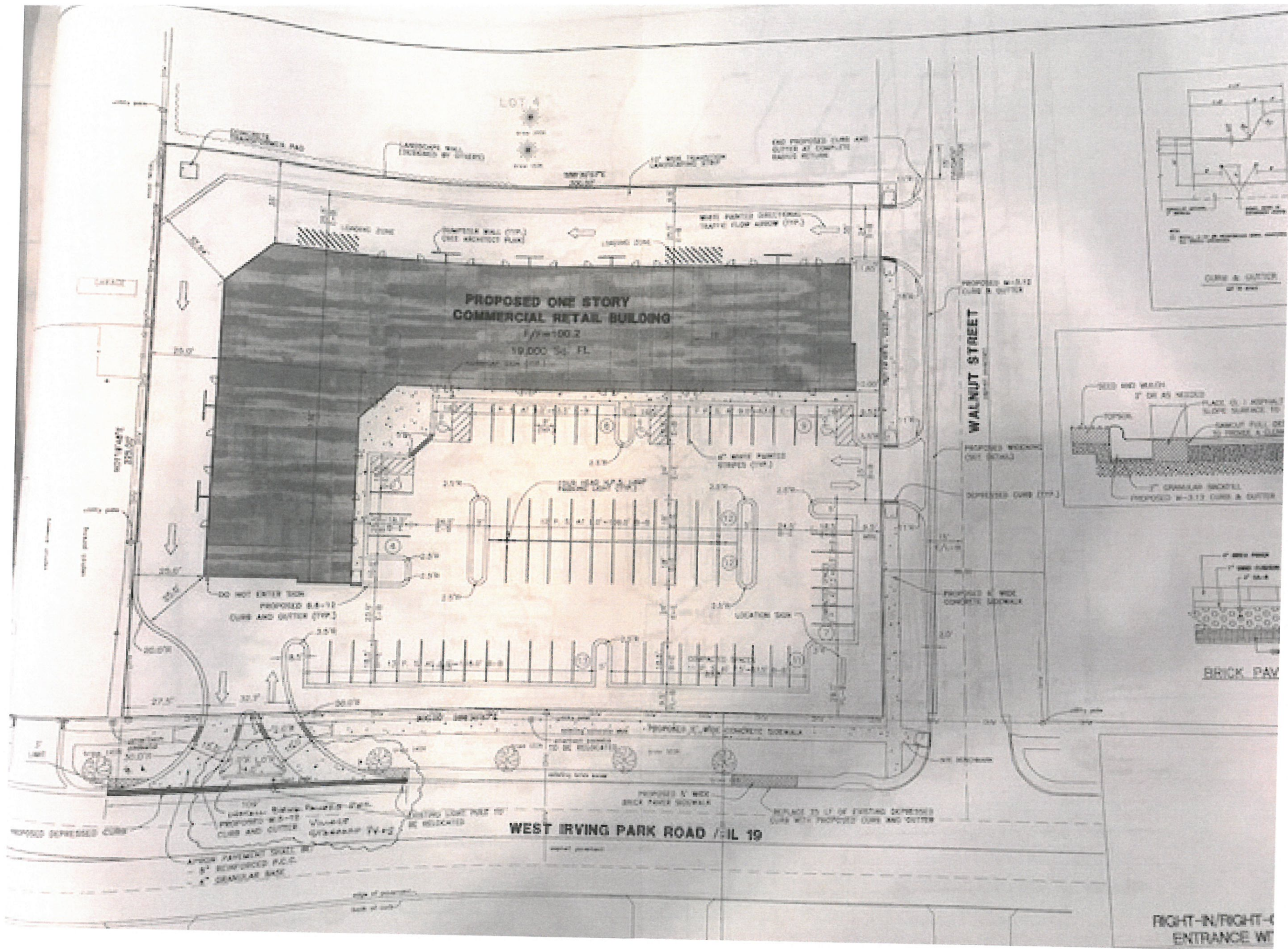
451 to 479 W. Irving Park Road, Bensenville, IL 60106



1 CONSTRUCTION PLAN
SCALE 1/8" = 1'-0"

Elect. Receptacle

W. I



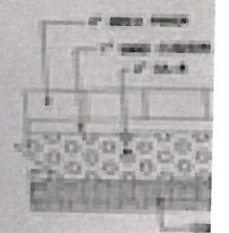
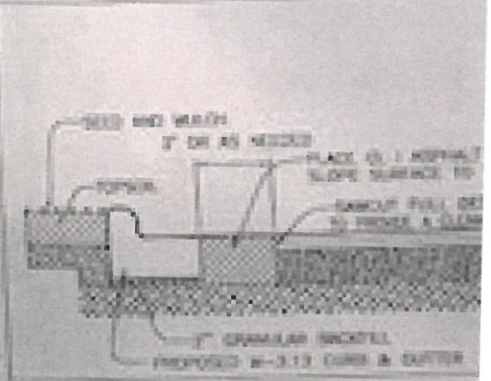
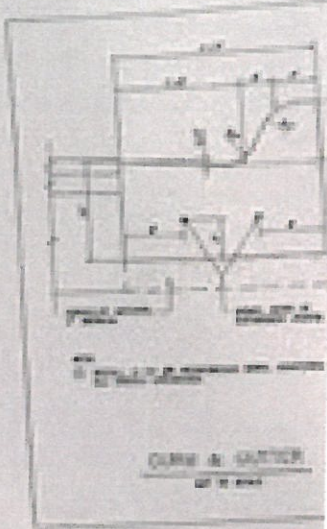
**PROPOSED ONE STORY
COMMERCIAL RETAIL BUILDING**

1/4"=100.0'
19,000 SQ. FT.

WEST IRVING PARK ROAD / ILL 19

WALNUT STREET

RIGHT-IN/RIGHT-OUT
ENTRANCE WITH



BRICK PAV

Garage

NOT PAFT
20.0'

DO NOT ENTER SIGN

PROPOSED 8.8-10
CURB AND GUTTER (TYP.)

4" WHITE PAVEMENT
STRIPES (TYP.)

LOCATION SIGN

PROPOSED 4" WICK
CONCRETE SIDEWALK

PROPOSED 4" WICK
BRICK PAVEMENT SIDEWALK

REPLACE TO LT OF EXISTING DEPRESSED
CURB WITH PROPOSED CURB AND GUTTER

APPROX PAVEMENT SHALL BE
5" REINFORCED P.C.C.
4" GRANULAR BASE

EXISTING CURB PART TO
BE RELOCATED

PROPOSED DEPRESSED CURB

TOP
VERTICAL SIGN
PROPOSED W-3.12
CURB AND GUTTER
VARIABLE
CLEARANCE 14'-0"

TOP OF SIDEWALK
BACK OF CURB

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

EXISTING SIDEWALK

TYPE: Public Hearing **SUBMITTED BY:** K. Pozsgay **DEPARTMENT:** CED **DATE:** 11.07.17

DESCRIPTION:

Consideration of Variances, Parking and Transition Strip for the Applicant A + C Architects, located at 400 Country Club Dr.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Financially Sound Village | <input type="checkbox"/> Enrich the lives of Residents |
| <input type="checkbox"/> Quality Customer Oriented Services | <input checked="" type="checkbox"/> Major Business/Corporate Center |
| <input type="checkbox"/> Safe and Beautiful Village | <input type="checkbox"/> Vibrant Major Corridors |

REQUEST:

Variance, Parking (number of spaces), Municipal Code Section 10 – 11 – 11; and
 Variance, Transition strip, Municipal Code Section 10 – 12 – 2A; and
 Variance, Parking stall dimensions, Municipal Code Section 10 – 11 – 8 – 2C.

SUMMARY:

1. The Petitioner is seeking variances to number of parking spaces required, the required landscape transition strip between the rear of the property and residential to the west, and parking stall dimensions.
2. The current building is composed of 4,904 SF of office space and 15,178 SF of warehouse. The tenant is proposing to build an additional story of office space, creating a new space with 13,652 SF of office space and 13,703 warehouse.
3. The owner is also proposing to pave all the area around the building. The rear is currently unpaved. Even with the new parking and circulation, the property still won't meet the parking requirements in our code for office space (5 per 1,000 SF) plus the additional warehouse space (.5 per 1,000 SF) and loading requirements. They are providing 45 spaces. Staff calculates 77 required by code plus 2 loading.
4. The applicant will discontinue use of rear loading dock.
5. The applicant is also proposing stormwater management on site.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for A + C Architects, with the following conditions:

1. The plans and aesthetics be in substantial compliance with the plans submitted with this application.
2. A DuPage County Stormwater Management Certification will be required
3. The applicant should maintain existing drainage pattern. The proposed development should not adversely impact any neighboring properties.
4. The fence should also wrap around to include the residential area to the southwest of the property.

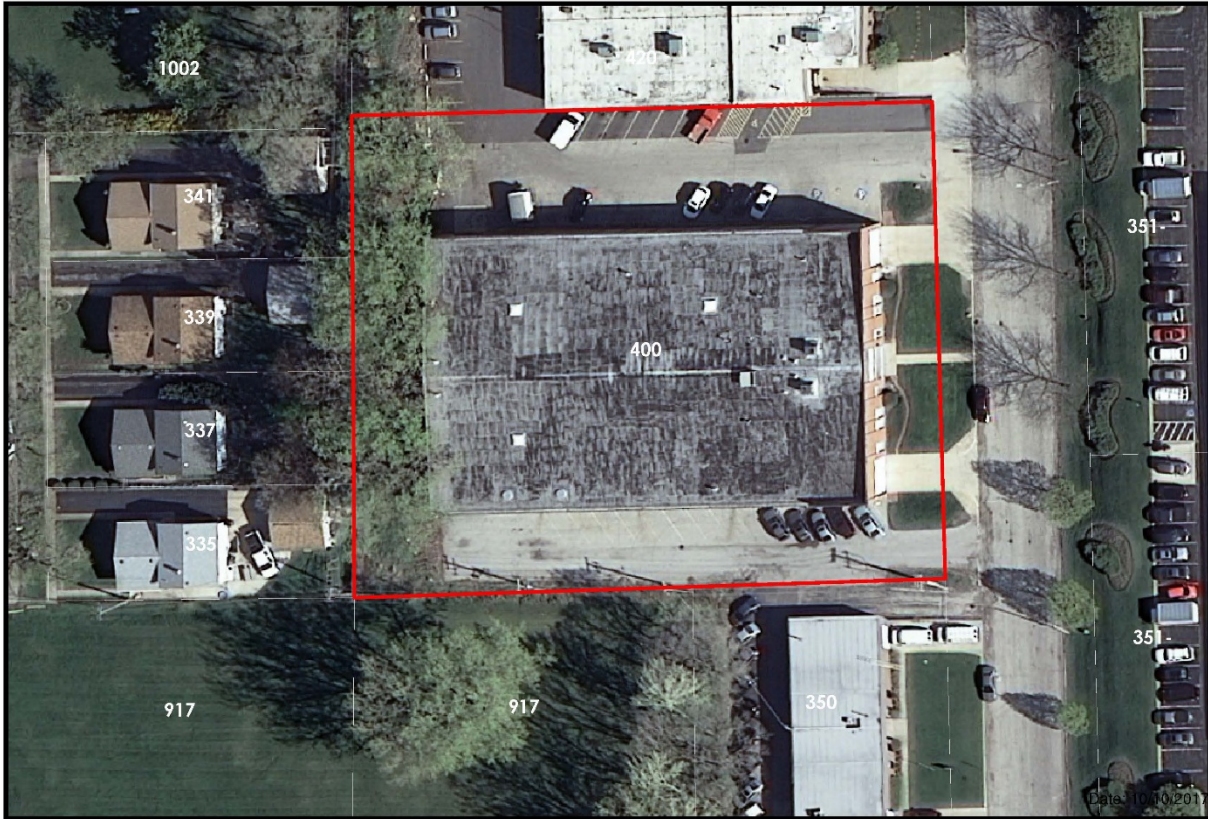
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	10/26/2017	Backup Material
Legal Notice	10/26/2017	Backup Material
Application	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary
Plans	10/26/2017	Backup Material



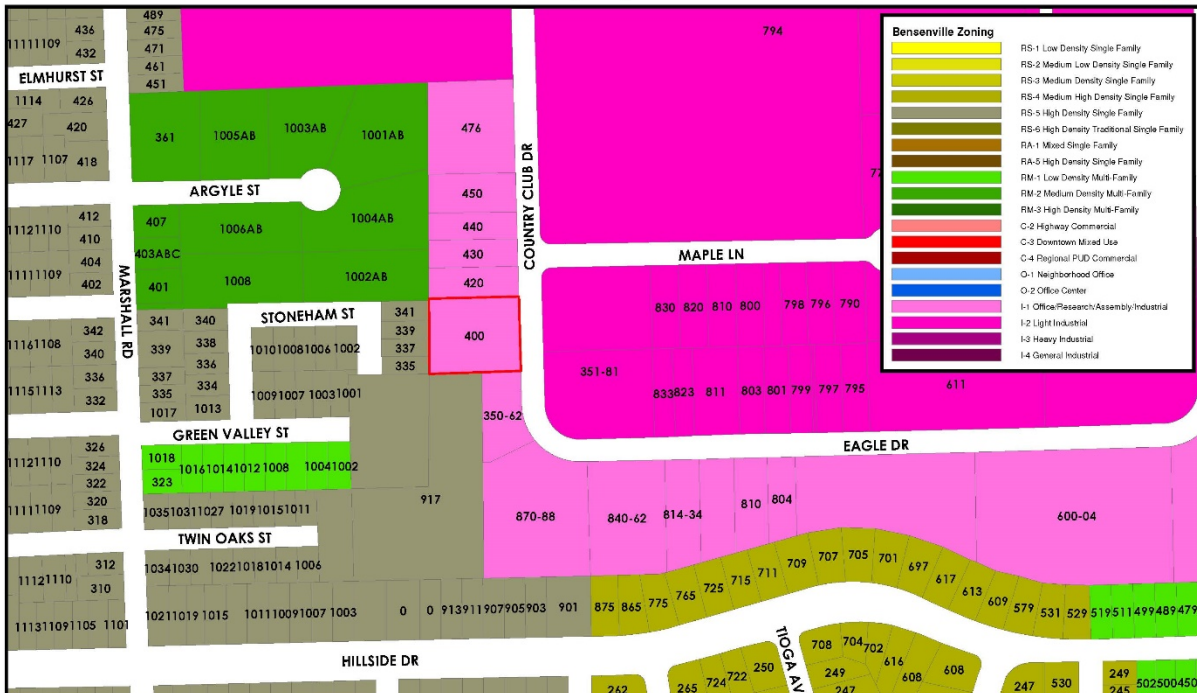
Village of Bensenville

400 N Country Club



Village of Bensenville

Zoning Map



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 24 to consider requests for:

Variance, Parking (number of spaces),
Municipal Code Section 10 – 11 – 11; and

Variance, Transition strip,
Municipal Code Section 10 – 12 – 2A; and

Variance, Parking stall dimensions,
Municipal Code Section 10 – 11 – 8 – 2C.

400 Country Club Drive is in an I – 1 Office/Research/Assembly/Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

THE SOUTH 200 FEET OF LOT 10 IN O'HARE METROPOLITAN INDUSTRIAL DISTRICT UNIT 2 A RESUBDIVISION OF PARTS OF LOTS 1, 2, 3, 8 AND 10 AND ALL OF LOT 9 IN HENRY D FRANZEN'S DIVISION OF LAND IN SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID O'HARE METROPOLITAN INDUSTRIAL DISTRICT UNIT 2 RECORDED SEPTEMBER 14, 1971 AS DOCUMENT R71-48718 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 400 Country Club Drive, Bensenville, IL 60106.

Patrick Roche Jr is the owner and A + C Architects the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017**



For Office Use Only
Date of Submission: _____ MUNIS Account #: 7525 CDC Case #: 2017-24

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 400 COUNTRY CLUB DR

Property Index Number(s) (PIN): 03 11 312 034

A. PROPERTY OWNER:

Name PATRICK ROCHE JR Corporation (if applicable) _____

Street 104 GATEWAY

City BENSENVILLE State IL Zip Code 60106

Contact Person PATRICK ROCHE JR Telephone Number & Email Address 630-54-1025 patrick@olenkanol.roche.com

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: [Signature] Date: _____

B. APPLICANT: Check box if same as owner

Name RAFFI ARZOUMANIAN atc architects Corporation (if applicable) _____

Street 4840 Main Street

City SKOKIE State IL Zip Code 60077

Contact Person RAFFI ARZOUMANIAN Telephone Number & Email Address 847-829-0801 info@aplusarchitects.com

Relationship of Applicant to subject property architect approved

Applicant Signature: [Signature] Date: 09.26.17

C. ACTION REQUESTED (Check applicable):

- Annexation
 - Conditional Use Permit
 - Master Sign Plan
 - Planned Unit Development**
 - Plat of Subdivision
 - Rezoning (Map Amendment)
 - Site Plan Review
 - Variance
- *Item located within this application packet.
**See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- Affidavit of Ownership* (signed/notarized)
- Application*
- Approval Criteria
- Legal Description of Property
- Plat of Survey
- Site Plan
- Building Plans & Elevations
- Engineering Plans
- Landscape Plan
- Review Fee (Application Fee + Escrow)
- Escrow agreement and deposit*
- Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

requesting variance for number of parking spaces

D. PROJECT DATA:

1. General description of the site: warehouse / office bldg w/ parking

2. Acreage of the site: 1.183 Building Size (if applicable): 23,424

3. Is this property within the Village limits? (Check applicable below)
 Yes
 No, requesting annexation
 No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	I-1	warehouse / office	
North:	I-1	warehouse / office	
South:	I-1 & RS5	warehouse / office & residential	
East:	I-2	Light industrial	
West:	RS-5	Residential	

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: RAFFI ARZUMANIAN
 Telephone: 847-829-0801
 Email: info@aphuscarhitects.com

ENGINEER:

Name: BERNIE BONO
 Telephone: 331-229-3512
 Email: bbono@bonoconsulting.com

ATTORNEY

Name: _____
 Telephone: _____
 Email: _____

OTHER

Name: _____
 Telephone: _____
 Email: _____

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria." *See attached*



STAFF REPORT

HEARING DATE: November 7, 2017
CASE #: 2017 – 24
PROPERTY: 400 Country Club Drive
PROPERTY OWNER: Patrick Roche Jr
APPLICANT: A + C Architects
SITE SIZE: 1.183 acres
BUILDING SIZE: 23,424 SF
PIN NUMBERS: 03-11-312-034
ZONING: I – 1 Office/Research/Assembly/Industrial District
REQUEST: Variance, Parking (number of spaces),
Municipal Code Section 10 – 11 – 11; and
Variance, Transition strip,
Municipal Code Section 10 – 12 – 2A; and
Variance, Parking stall dimensions,
Municipal Code Section 10 – 11 – 8 – 2C.

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Tuesday October 17, 2017.
3. On Friday October 20, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking variances to number of parking spaces required, the required landscape transition strip between the rear of the property and residential to the west, and parking stall dimensions. The current building is composed of 4,904 SF of office space and 15,178 SF of warehouse. The tenant is proposing to build an additional story of office space, creating a new space with 13,652 SF of office space and 13,703 warehouse. The owner is also proposing to pave all the area around the building. The rear is currently unpaved. Even with the new parking and circulation, the property still won't meet the parking requirements in our code for office space (5 per 1,000 SF) plus the additional warehouse space (.5 per 1,000 SF) and loading requirements. They are providing 45 spaces. Staff calculates 77 required by code plus 2 loading. The applicant will discontinue use of rear loading dock. The applicant is also proposing stormwater management on site.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I - 1	Warehouse/Office	Industrial	Village of Bensenville
North	I - 1	Warehouse/Office	Industrial	Village of Bensenville
South	I - 1 & RS - 5	Warehouse/Office/ Residential	Industrial & Single Family Residential	Village of Bensenville
East	I - 2	Industrial	Industrial	Village of Bensenville
West	RS - 5	Residential	Open Space	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues.

Police:

No police issues.

Engineering and Public Works:

Upon review of the preliminary site plans, the Engineering Division offers the following comments at this time.

- 1) A DuPage County Stormwater Management Certification will be required for this project as the total land disturbing activity exceeds 5,000 SF.
- 2) Based on historical aerial review, the existing development is built prior to the DuPage County Stormwater and Floodplain Ordinance. Stormwater detention will be NOT be required since the proposed development is not exceeding 25,000 square feet of additional impervious area.
- 3) All other applicable requirements of the DCSFO shall also be met including Best Management Practices (BMP). The preliminary plans include BMP requirements to be met utilizing the permeable pavers.
- 4) After reviewing the FIRM, the site doesn't contain any floodplain; however, the applicant is responsible to verify it.
- 5) Per the National Wetland Inventory website, the site also does not contain any wetland or riparian areas; however, it is the responsibility of the applicant to identify any existing special management areas on site and properly mitigate them.
- 6) The applicant should maintain existing drainage pattern. The proposed development should not adversely impact any neighboring properties.

Community & Economic Development:

Economic Development:

The proposed changes represent a net positive economic impact. The proposed variance will increase office space, provide opportunity for additional job growth, and substantially increase EAV for the site. Furthermore, site improvements will improve overall aesthetic appearance for the corridor.

Fire Safety:

No comments.

Building:

Building has no comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Industrial” for this property.
- 2) The property abuts residential. Ideally, there would be more separation or buffer between the two uses.
- 3) The code requires a maximum landscape buffer between residential and industrial - Minimum ten feet (10') in width, three feet (3') in height, providing a minimum seventy-five percent (75%) year round opacity at the end of the second growing season after installation. There is not enough room to provide that and parking stalls and a parking lane that meet code requirements.
- 4) This particular use is well suited for the site, except for our code’s parking requirement, which are substantial for office space at 5/1,000 SF.
- 5) The rear dock being decommissioned will prevent any heavy truck traffic from entering the rear of the property.
- 6) The amount of parking falls under the limit for requiring landscaping in the parking area.
- 7) The applicant is proposing a fence to buffer the two uses.
- 8) Staff recommends the fence also wrap around to include the residential area to the southwest of the property.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

Response: The current building has 27 parking spaces where 33 are required. The rear of the site is not used and therefore, the circulation of the vehicles is extremely cumbersome. As mentioned in the above description the staff is rarely in the office and under no circumstances are all of the staff in the office at the same time. This is a unique condition of the use that applies to this owner. The lack of vehicular access to the rear of the site is also a unique condition of the site which makes proper parking

and access a challenge. The new proposal addresses the access and properly locates parking spaces that allow for efficient and safe use of the site.

- 2. Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Response: The proposed areas for the warehouse and office are required by the owner to conduct their business. As mentioned above, the staff spend only limited amount of time in the office on random days. Therefore, the need for parking spaces is significantly less than the code required. The owner is providing significantly more parking spaces (45space) than what is currently available on site (27 spaces) and in the process is improving the conditions of the site including the installation of storm water management system.

- 3. Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: The existing size of the building in relation to side yards and unused rear of the site makes proper parking lay out and circulation a challenge. The owner's improvements of the rear of the site will significantly improve the safety and use of the site.

- 4. Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: The owner proposed use is an allowed use under the current zoning designation; however, the direct calculation of the required parking will make the building unusable to the owner by not allowing the staff to have adequate office spaces for their limited use of the facility.

- 5. Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Response: This request does not change the nature of the use, it is the specific circumstances and nature of the owner's business that makes this request necessary. The requested variance is a necessary step in the owner's ability to conduct their business from this location.

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Response: The granting of the variance is necessary for the owner to be able to conduct their business from this location as described in detail above. The outcome of granting or denying this of variance determines whether the owner can use the site for their business or not. Without a variance the owner will be deprived of reasonable use of the property.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Response: The granting of the variance will not alter the character of the area. It will, in reality, improve the character and have a positive impact on the values of the properties in the area. In addition, the proposal will eliminate one of street loading dock use which contributes to the safety.

8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Response: The granting of this variance does not have a negative impact on the purpose and intent of the ordinance. As a matter of fact, by improving the rear of site, improving the vehicular circulation on site, eliminating one off street loading accommodates the intent of general development.

9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Response: The owner has taken every step to maximize the number of parking spaces on the site. Please keep in mind that the proposed use does not require as many parking spaces as proposed. The requested variance is the minimum required to provide the owner with the relief from undue hardship.

Variations Approval Criteria	Meets Criteria	
	<i>Yes</i>	<i>No</i>
1. Special Circumstances	X	
2. Hardship	X	
3. Circumstances relate to the Property	X	
4. Not Resulting from Applicant Actions	X	
5. Preserve Rights Conferred By District	X	
6. Necessary for the Use of the Property	X	
7. Not Alter Local Character	X	
8. Consistent with Title and Plan	X	
9. Minimum Variance Needed	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations for A + C Architects, with the following conditions:

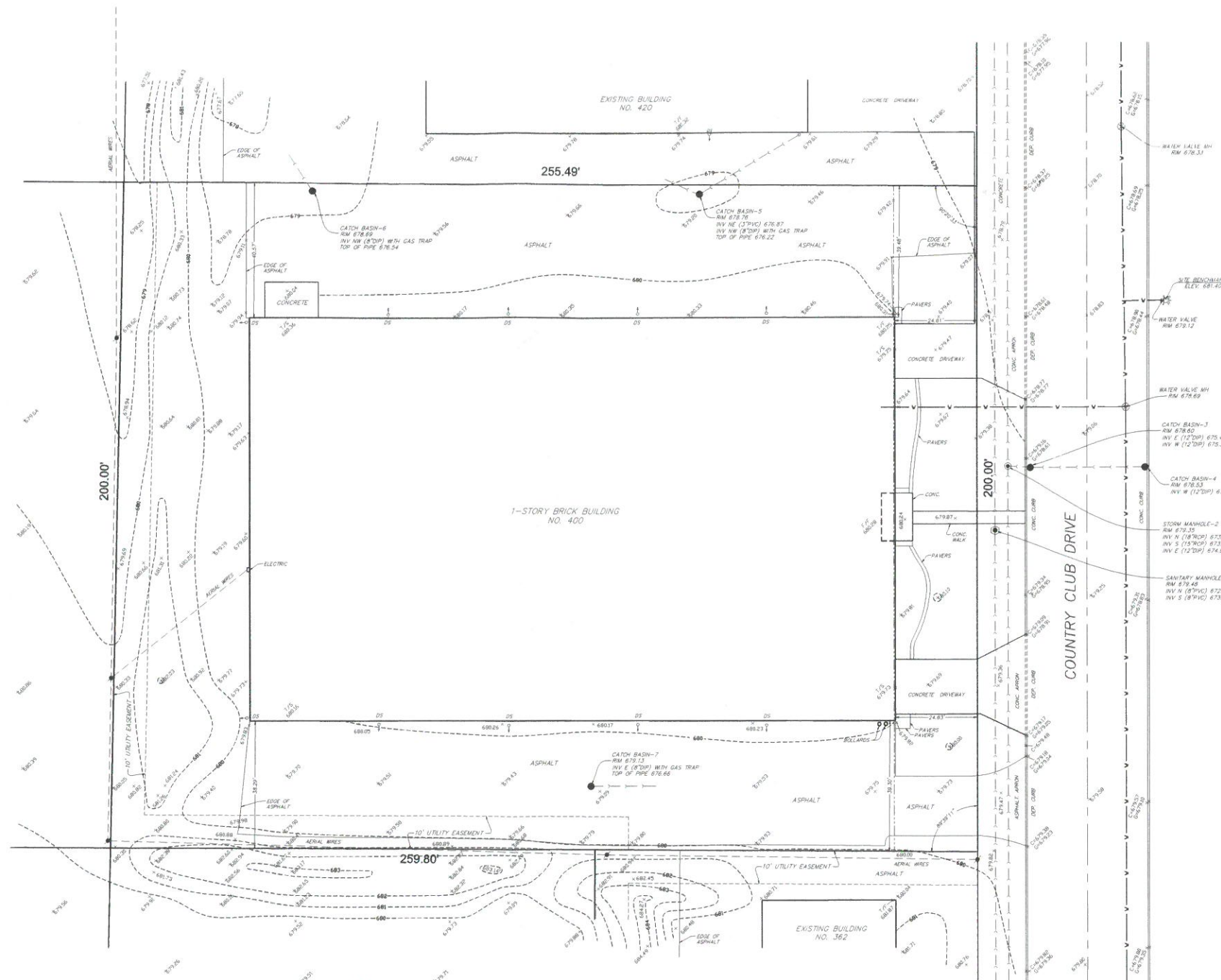
1. The plans and aesthetics to be in substantial compliance with the plans submitted with this application.
2. A DuPage County Stormwater Management Certification will be required
3. The applicant should maintain existing drainage pattern. The proposed development should not adversely impact any neighboring properties.
4. The fence should also wrap around to include the residential area to the southwest of the property.

Respectfully Submitted,
 Department of Community
 & Economic Development

LEGAL DESCRIPTION:
 THE SOUTH 200 FEET OF LOT 10 IN O'HARE METROPOLITAN INDUSTRIAL DISTRICT UNIT 2 A RESUBDIVISION OF PARTS OF LOTS 1, 2, 3, 8 AND 10 AND ALL OF LOT 9 IN HENRY D FRANZENS DIVISION OF LAND IN SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID O'HARE METROPOLITAN INDUSTRIAL DISTRICT UNIT 2 RECORDED SEPTEMBER 14, 1971 AS DOCUMENT R71 48718 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 400 COUNTRY CLUB DRIVE, BENSENVILLE, ILLINOIS.

LEGEND	
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING SANITARY
	COMBINATION SEWER
	PROPOSED SANITARY SEWER
	PROPOSED COMBINATION SEWER
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
	EXISTING WATERMAIN
	PROPOSED WATERMAIN
	EXISTING GAS LINE
	EXISTING UNDERGROUND ELECTRIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING UNDERGROUND CABLE
	EXISTING TREE
	REMOVE TREE
	TEMPORARY TREE FENCE
	TEMPORARY SILT / CONSTRUCTION FENCE
	SUMP PUMP [PROPOSED/EXISTING]
	DOWNSPOUT (IN-GROUND) [PROPOSED]
	SWALE [PROPOSED]
	OUTLET / POP-UP EMITTER
	CATCH BASIN
	STORM SEWER
	SANITARY SEWER
	CLEANOUT
	B BOX
	WOOD UTILITY POLE
	LIGHT POLE
	FLARED END SECTION (F.E.S.)
	INLET / DRAIN
	WATER VALVE VAULT / WATER METER
	SIGN
	MANHOLE (UNCLASSIFIED)
	FIRE HYDRANT
	TREE TAG NO.
	STOP LIGHT
	GAS VALVE
	ROOT PRUNE
	TOP OF GARAGE SLAB
	TOP OF FOUNDATION
	FINISH FLOOR
	TOP OF WALL



SITE BENCHMARK IS CUT CROSS ON NORTHWEST BONNET BOLT OF FIRE HYDRANT ACROSS FROM PROPERTY ELEV. 681.40, TRANSFERRED FROM BENSENVILLE BM 4 ELEV. 666.21 NAVD 88.

NOTE:
 EXISTING CONDITIONS ARE BASED UPON A TOPOGRAPHIC SURVEY. THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT BE USED AS A BASIS FOR CONSTRUCTION LAYOUT. PROPERTY LINE INFORMATION SHOWN IS BASED ON THE PLAT OF SURVEY RECEIVED FROM THE OWNER AND ANY IRON PIPES (AS INDICATED) FOUND BY BC'S SURVEY CREW.

PROPERTY BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM OFFICIAL PLATS AND RECORDS

LOCATION OF UNDERGROUND UTILITIES WHERE NOT SUBSTANTIATED BY PHYSICAL EVIDENCE ARE TAKEN FROM RECORDS NORMALLY CONSIDERED RELIABLE. NO RESPONSIBILITY FOR THEIR ACCURACY IS ASSUMED BY THE SURVEYOR.

FOR LOCATION OF BURIED CABLE CALL J.U.L.I.E. @ 1-800-892-0123 BEFORE DIGGING

LOCATIONS OF EXISTING UTILITY SERVICES ARE BASED ON VISUAL OBSERVATIONS. CONTRACTOR MUST CONFIRM LOCATION AND CONDITION OF ALL UTILITY SERVICES TO REMAIN.



PROJECT STAFF	ISSUE	REVISIONS	DATE
PROJECT MANAGER B. BONO P.E.	1		09-13-2017
ENGINEER O. MATIARCO			
TECHNICIAN			

BCI
 BONO CONSULTING, INC.
 CIVIL ENGINEERS

1018 E. USSE-HIGHWAY
 PARK RIDGE, IL 60068
 PH: (847) 823-3300
 FAX: (847) 823-3303
 bbono@bonoconsulting.com
 DESIGN FIRM NO. 184.002379

TOPOGRAPHIC SURVEY	
400 COUNTRY CLUB DRIVE, BENSENVILLE, IL, 60106	
COPYRIGHT:	THIS DRAWING SHALL NOT BE USED, REPRODUCED, MODIFIED, OR SOLD EITHER WHOLLY OR IN PART, EXCEPT WHEN AUTHORIZED IN WRITING BY THE ENGINEER.
PROJECT NO.:	17319
BASE FILE:	
SHEET FILE:	
ISSUE DATE:	SEP 13, 2017

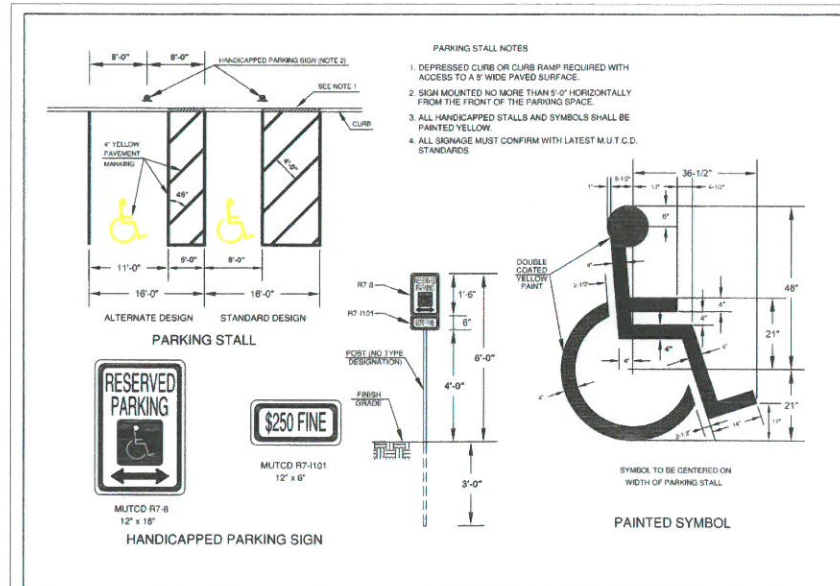
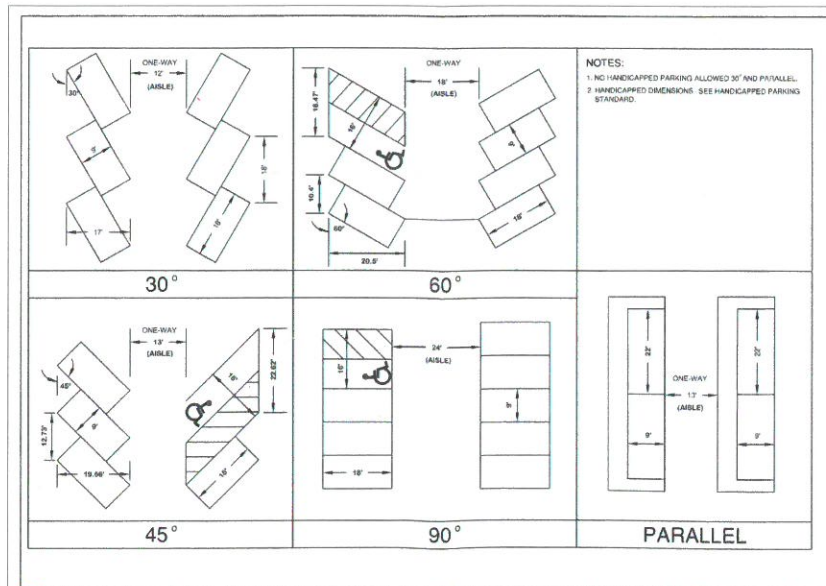
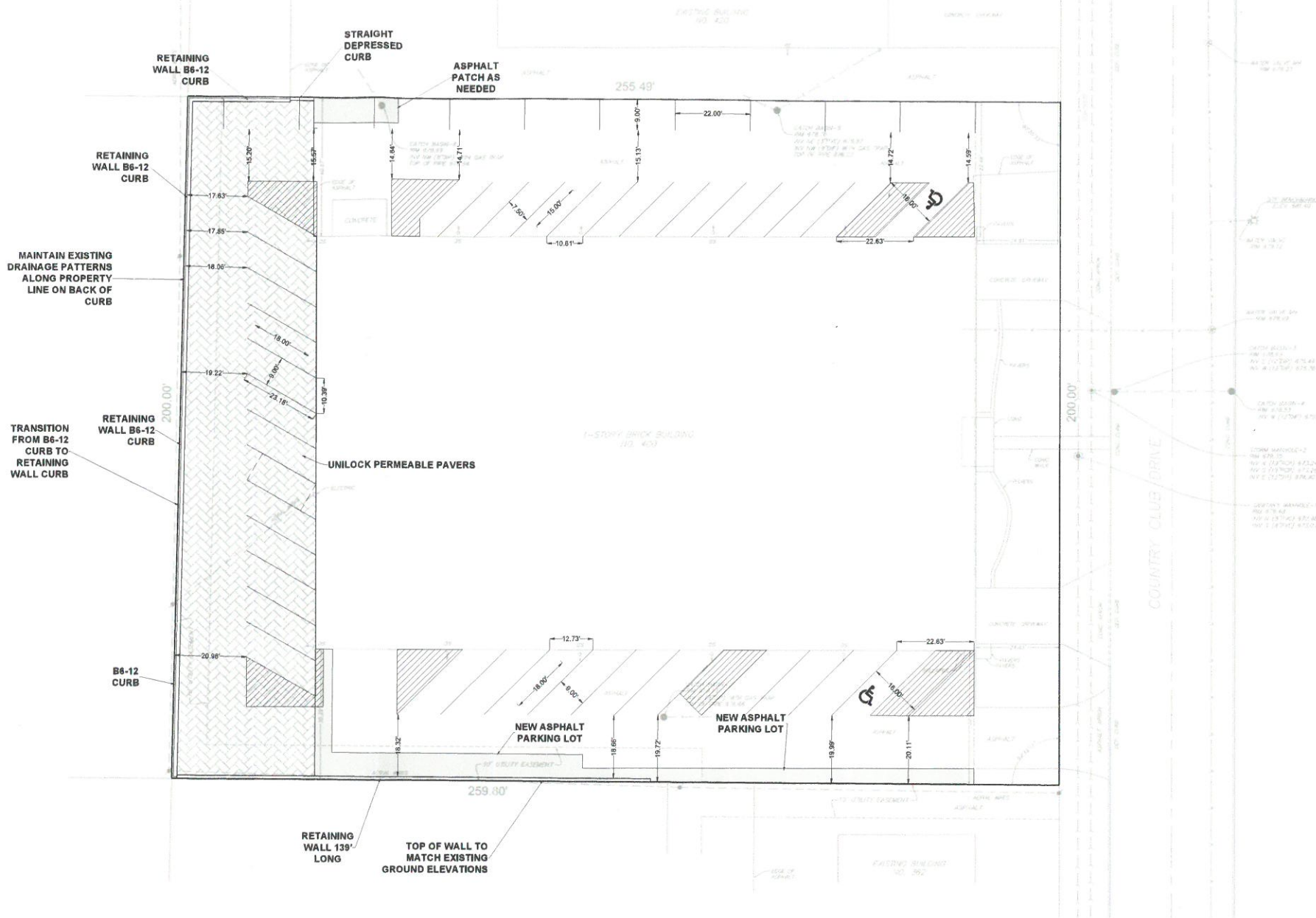
SITE DATA

TOTAL AREA 51,525 SF (1.183 AC)
 BUILDING AREA 23,424 SF (45.46%)
 IMPERVIOUS AREA 39,761 SF (77.17%)
 GREENSPACE 2,774 (5.39%)
 46 PARKING SPACES

PAVEMENT LEGEND	
	PARKING LOT PAVEMENT 1 1/2" BITUMINOUS SURFACE COURSE, HOT-MIX ASPHALT, MIX D, NSO 2-1/2" BITUMINOUS BINDER COURSE, HOT-MIX ASPHALT, IL-12.5, NSO 12" AGGREGATE BASE COURSE CA-6, TYPE B
	UNILOCK PERMEABLE PAVERS SEE DETAILS
	IDOT STANDARD B-6.12 CURB AND GUTTER

PAVEMENT STRIPING NOTES

- Interior Parking Spaces are as noted
- Marking paint shall be High Quality Traffic paint intended for striping asphalt parking lots.
 Color: Yellow
 Width: 4"
 Coverage Rate: 450 feet per gallon per IDOT Article 780.

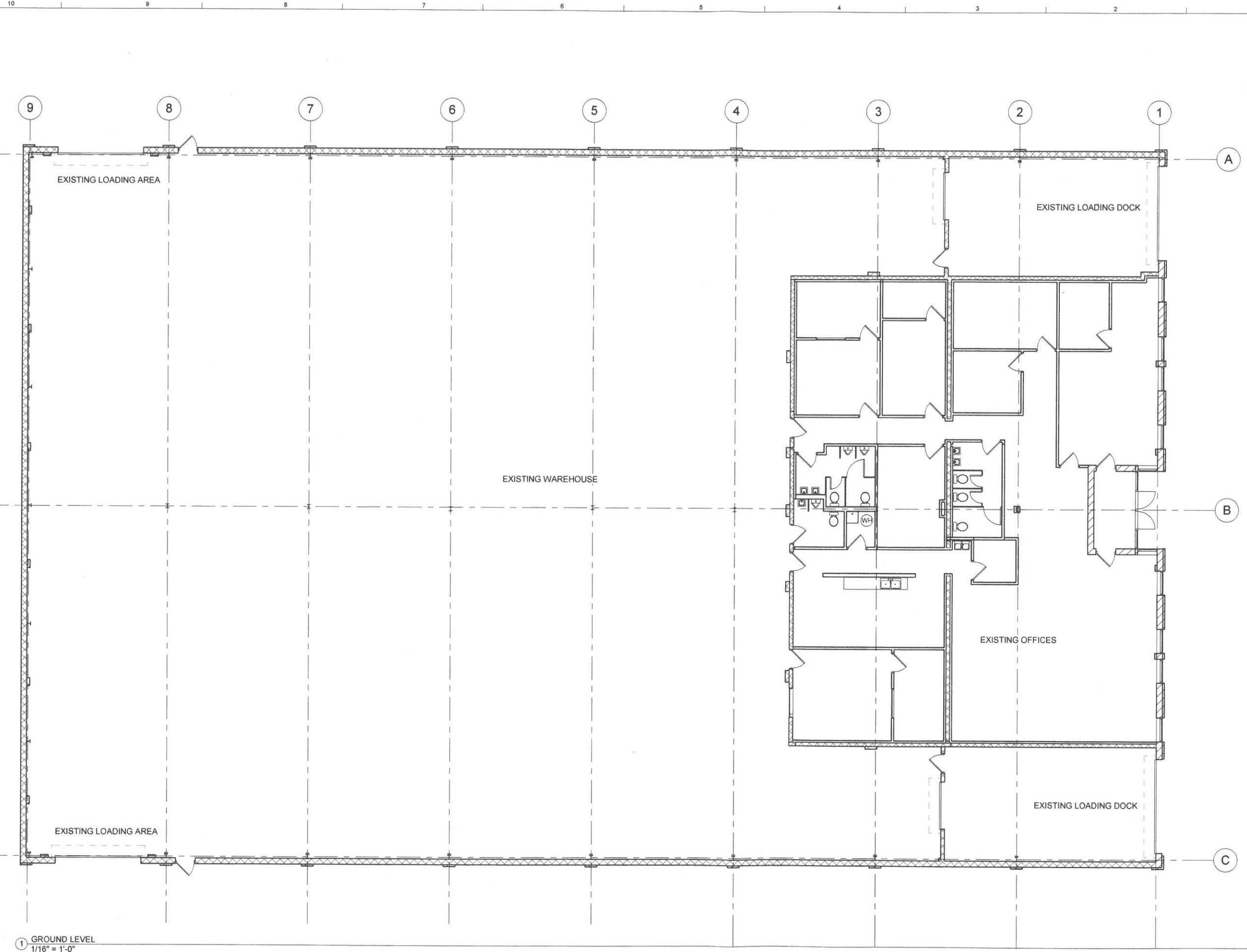


DATE	REVISIONS	ISSUE	PROJECT STAFF
06-25-2017		1	PROJECT MANAGER: R. WALKER P.E., LEED AP ENGINEER: R. GARY TECHNICIAN:

BCI
 BONO CONSULTING, INC.
 CIVIL ENGINEERS
 710 EAST OGDEN AVE., SUITE 570
 MAERIVILLE, IL 62563
 PH: (815) 299-3512
 FAX: (847) 823-3393
 DESIGN FIRM NO. 184.002279
 walker@bonoconsulting.com

SITE PLAN
 400 COUNTRY CLUB DR, BENSENVI, IL 60106

PROJECT NO.:	17319
BASE FILE:	
SHEET FILE:	
ISSUE DATE:	SEP 25, 2017



① GROUND LEVEL
1/16" = 1'-0"

DENK & ROCHE BUILDERS OFFICES - PHASE II

**400 COUNTRY CLUB DRIVE
BENSENVILLE, IL**

Owner:
DENK & ROCHE BUILDERS, INC.

Architect: **arc architects**
 4840 main street
 skokie illinois 60077
 tel: 847. 829. 0501
 fax: 847. 763. 8708
 info@aplusarchitects.com
 www.aplusarchitects.com

Consultants:

VARIANCE SUBMITTAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, TO COMPLY WITH THE PROVISIONS OF THE VILLAGE OF BENSENVILLE, CODES AND THE LAWS OF THE ILLINOIS

Seal:

LICENSE NO: 001-015590
 FIRM REG. #: 184.001779

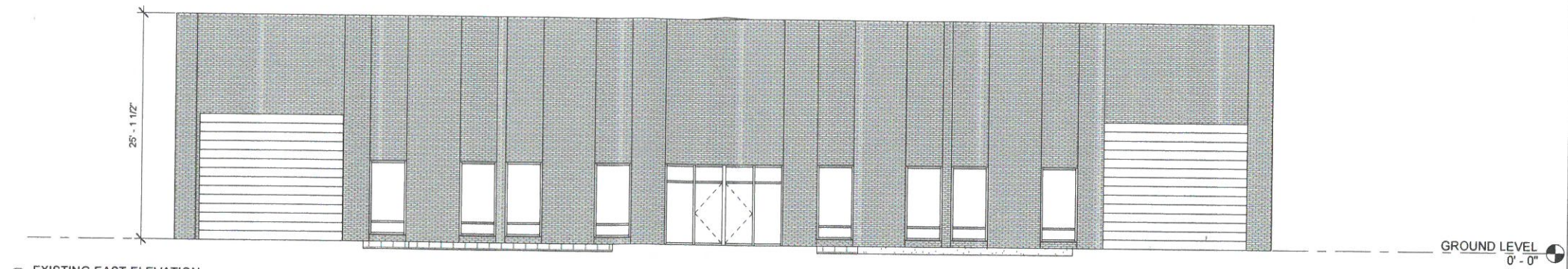
General Notes:

1. CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OF ANY WORK. DO NOT SCALE THESE DRAWINGS

No.	Description	Date

Project No: 895
 Drawn: JZ Date: 09.26.17
 Checked: - Scale: 1/16" = 1'-0"

Sheet Title:
EXISTING FLOOR PLAN



1 EXISTING EAST ELEVATION
1/16" = 1'-0"

GROUND LEVEL
0' - 0"

DENK & ROCHE BUILDERS OFFICES - PHASE II

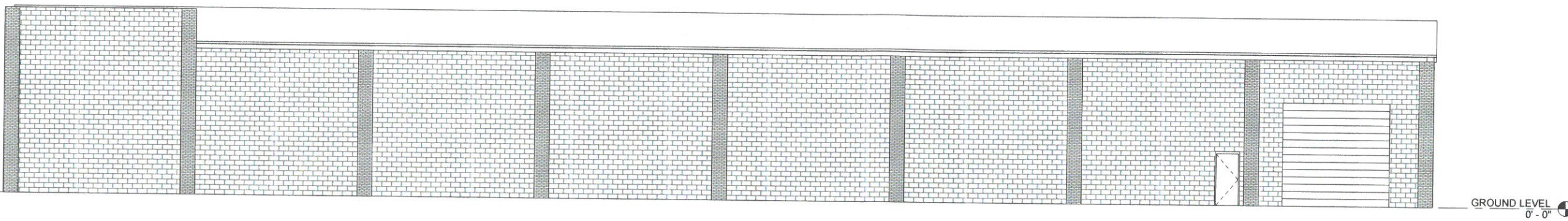
400 COUNTRY CLUB DRIVE
BENSENVILLE, IL

Owner:
DENK & ROCHE BUILDERS, INC.

Architect:

aic architects
4840 main street
skokie illinois 60077
tel: 847 . 829 . 0801
fax: 847 . 763 . 8708
info@aplusarchitects.com
www.aplusarchitects.com

Consultants:



EXISTING NORTH ELEVATION
1/16" = 1'-0"

GROUND LEVEL
0' - 0"

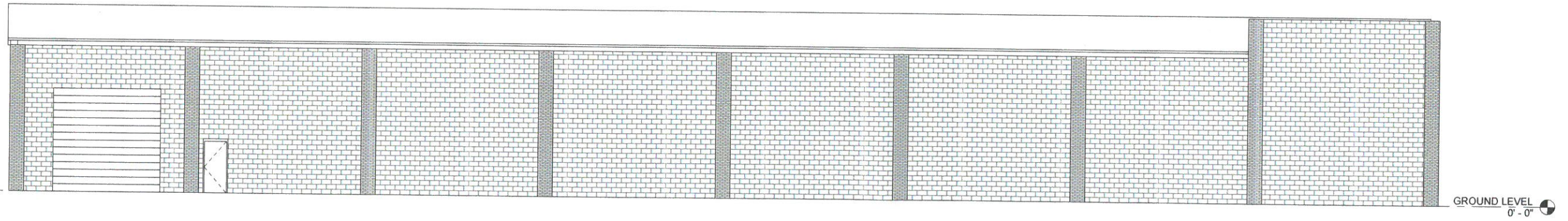
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Seal:

LICENSE NO: 001-015590
FIRM REG. #: 184.001779

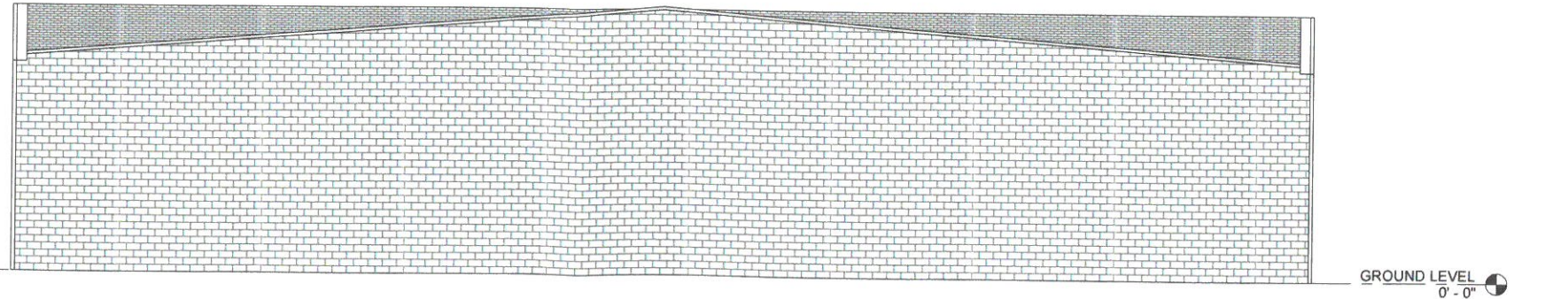
General Notes:
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EXISTING SOUTH ELEVATION
1/16" = 1'-0"

GROUND LEVEL
0' - 0"

No.	Description	Date



GROUND LEVEL
0' - 0"

Project No: 895
Drawn: RA Date: 09.26.17
Checked: - Scale: 1/16" = 1'-0"

Sheet Title:
EXISTING ELEVATIONS



1 PROPOSED 2ND FLR
1/16" = 1'-0"

DENK & ROCHE BUILDERS OFFICES - PHASE II
 400 COUNTRY CLUB DRIVE
 BENSENVILLE, IL
 Owner: DENK & ROCHE BUILDERS, INC.
 Architect: aic architects
 4840 main street
 skokie illinois 60077
 tel: 847. 829. 3601
 fax: 847. 763. 8708
 info@apluscarchitects.com
 www.apluscarchitects.com

VARIANCE SUBMITTAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, TO COMPLY WITH THE PROVISIONS OF THE VILLAGE OF BENSENVILLE, ILLINOIS, AND THE LAWS OF THE ILLINOIS.



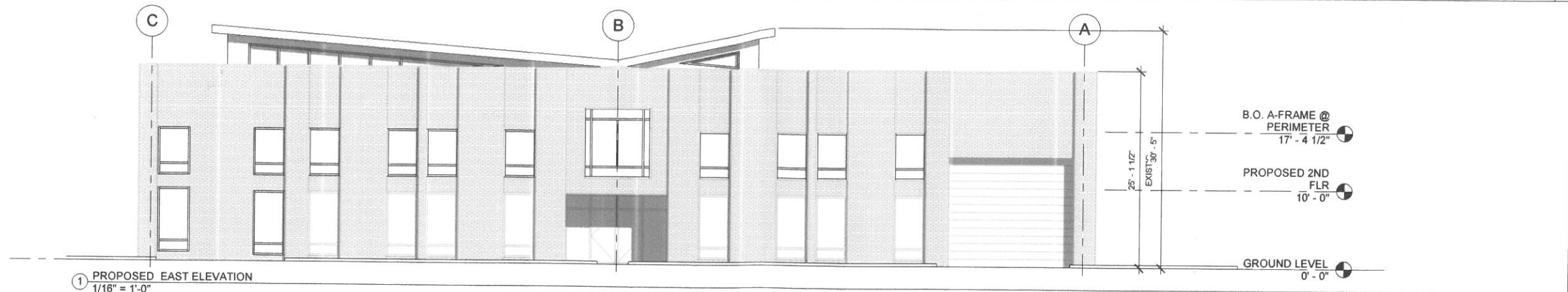
Seal: LICENSE NO: 001-015590
 FIRM REG. #: 184.001779

General Notes:
 1. CONTRACTORS AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OF ANY WORK. DO NOT SCALE THESE DRAWINGS

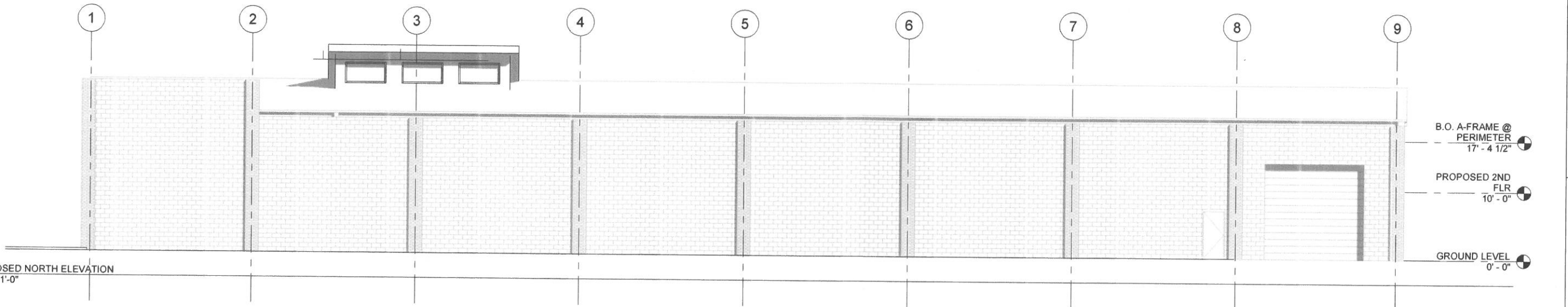
No.	Description	Date

Project No: 895
 Drawn: RA, JZ Date: 09.08.17
 Checked: - Scale: 1/16" = 1'-0"
 Sheet Title:

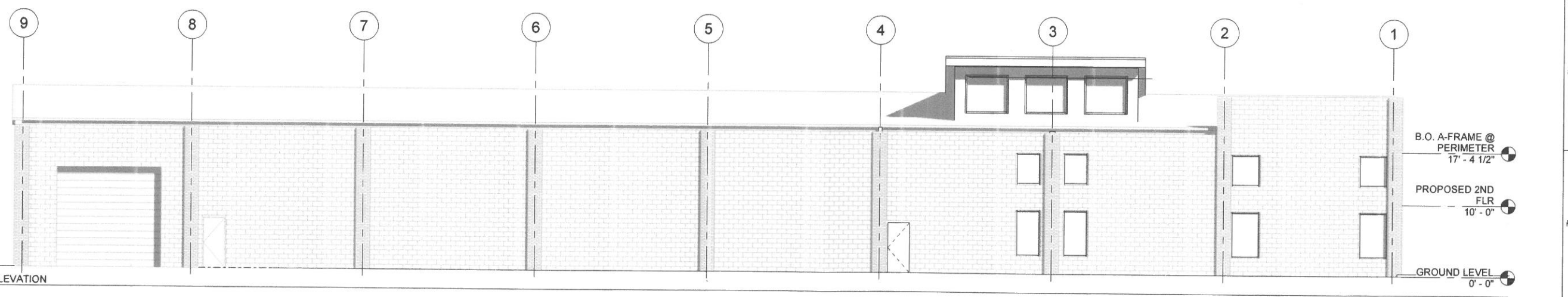
PROPOSED 2ND FLOOR PLAN



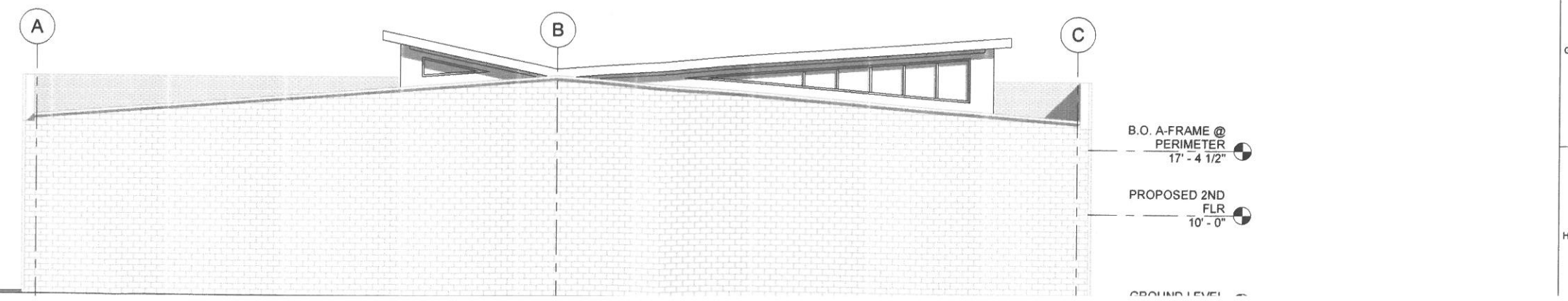
1 PROPOSED EAST ELEVATION
1/16" = 1'-0"



2 PROPOSED NORTH ELEVATION
1/16" = 1'-0"



3 PROPOSED SOUTH ELEVATION
1/16" = 1'-0"



B.O. A-FRAME @ PERIMETER
17'-4 1/2"
PROPOSED 2ND FLR
10'-0"
GROUND LEVEL
0'-0"

DENK & ROCHE BUILDERS OFFICES - PHASE II

400 COUNTRY CLUB DRIVE
BENSENVILLE, IL

Owner:
DENK & ROCHE BUILDERS, INC.

Architect:
apl architects

4840 main street
skokie illinois 60077
tel: 847 529 0801
fax: 847 753 0708
info@aplusarchitects.com
www.aplusarchitects.com

Consultants:

**VARIANCE
SUBMITTAL**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, TO COMPLY WITH THE PROVISIONS OF THE VILLAGE OF BENSENVILLE, CODES AND THE LAWS OF THE ILLINOIS

Seal:



LICENSE NO.: 001-015590
FIRM REG. #: 184.001779

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No.	Description	Date

Project No: 895
Drawn: RA, JZ Date: 09.08.17
Checked: - Scale: 1/16" = 1'-0"
Sheet Title:

ELEVATIONS

TYPE: Public Hearing **SUBMITTED BY:** K. Pozsgay **DEPARTMENT:** CED **DATE:** 11.07.17

DESCRIPTION:

Consideration of Conditional Use Permit, Motor Vehicle Repair, located at 950 Industrial Drive.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/> Financially Sound Village	<input type="checkbox"/> Enrich the lives of Residents
<input type="checkbox"/> Quality Customer Oriented Services	<input checked="" type="checkbox"/> Major Business/Corporate Center
<input type="checkbox"/> Safe and Beautiful Village	<input type="checkbox"/> Vibrant Major Corridors

REQUEST:

Conditional Use Permit, Motor Vehicle Repair, Municipal Code Section 10 – 9B – 3.

SUMMARY:

1. The Petitioner is seeking a Conditional Use Permit to perform motor vehicle repair on their fleet of vehicles.
2. They will service trucks and trailers. Work will include minor servicing procedures including tire replacement and oil levels/change.
3. There will be no body shop work. They will only operate on their own fleet, no work on vehicles outside of the company.
4. Code requires 1 acre (43,560 SF) for work performed on vehicles 8,000 lbs or more. Site is 30,000 SF.
5. The applicant has been operating successfully at this location with no parking issues.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Aries Logistics, with the following conditions.

1. The Conditional Use Permits be granted solely to Aries Logistics, and
2. A copy of the Conditional Use Permit must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and
3. There shall be no work performed on vehicles out of doors, all work to be conducted within the fully enclosed building, and
4. There shall be no long-term outdoor storage of tractors or trailers outside of the subject property, and
5. A triple catch basin shall be installed, and
6. Work on the vehicles shall remain Minor in nature, and
7. Only Aries Logistics vehicles to be serviced.

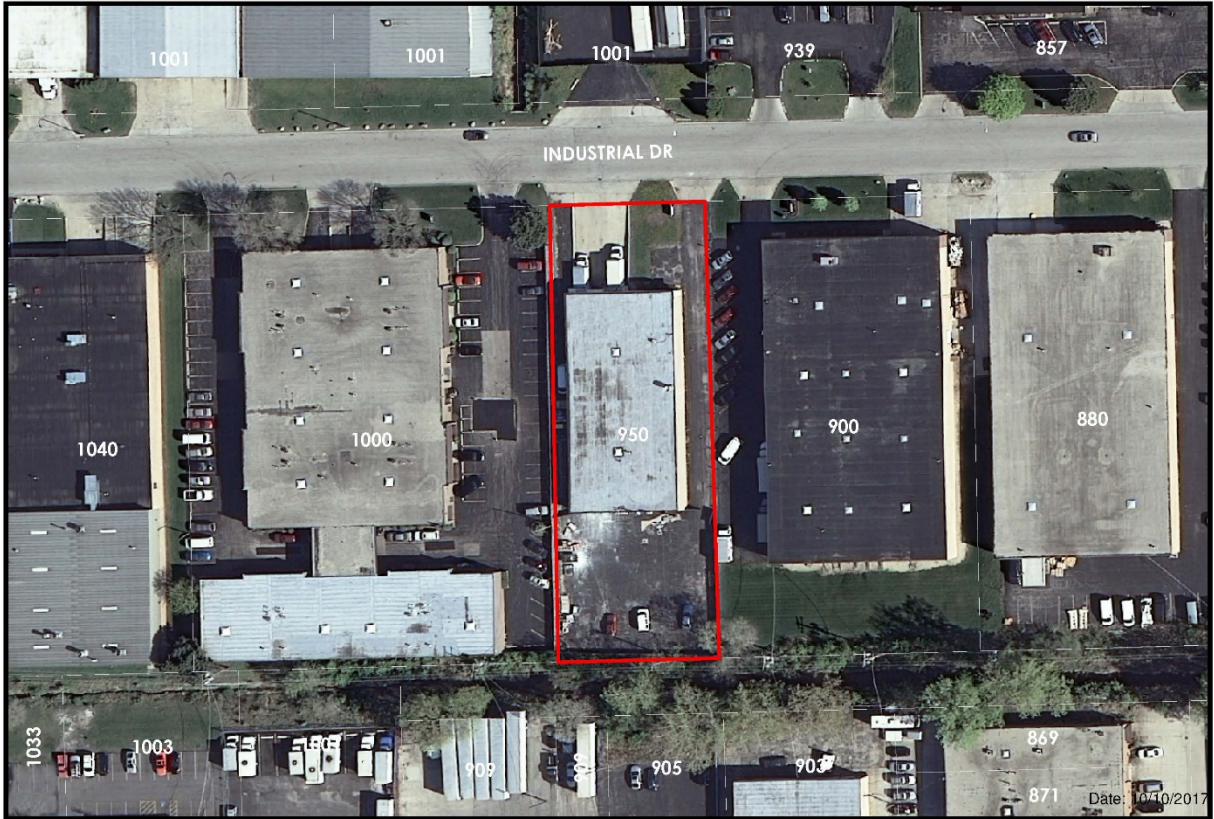
ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	10/26/2017	Backup Material
Legal Notice	10/26/2017	Backup Material
Application	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary
Letter and Environmental	10/26/2017	Backup Material
Plat of Survey	10/26/2017	Backup Material



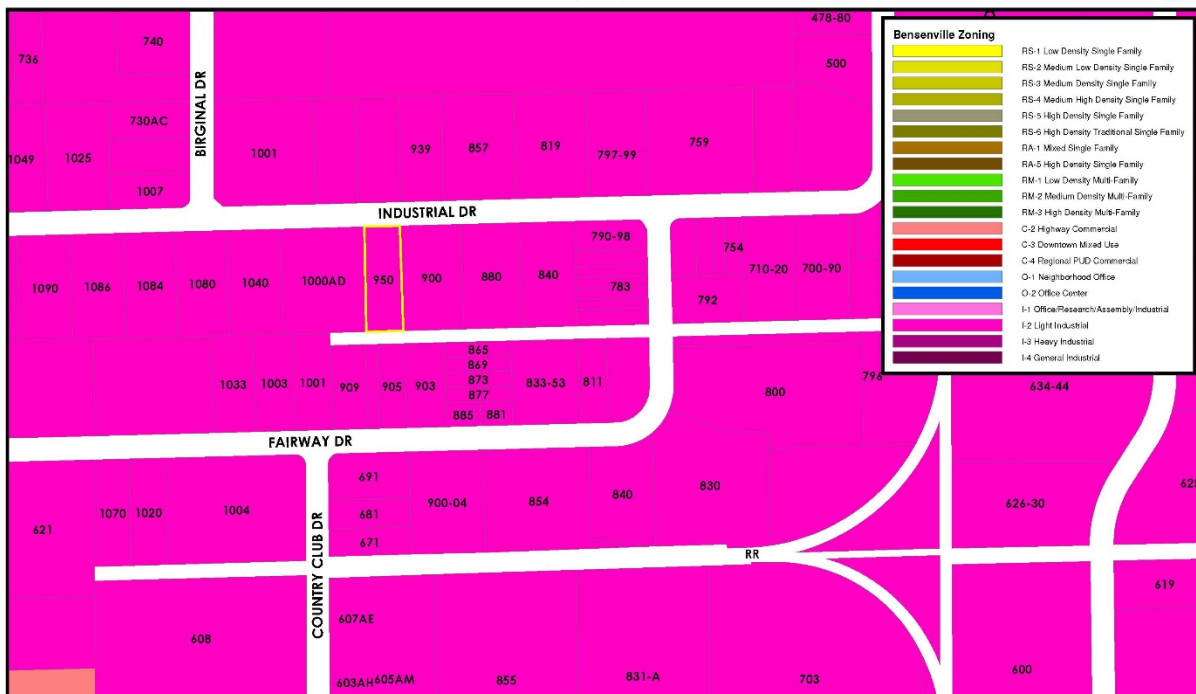
Village of Bensenville

950 W Industrial



Village of Bensenville

Zoning Map



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 25 to consider a request for:

Conditional Use Permit, Motor Vehicle Repair,
Municipal Code Section 10 – 9B – 3;

950 Industrial Drive is in an I – 2 Light Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOT 21 (EXCEPT THE EAST 195.00 FEET THEREOF) IN O’HARE WEST INDUSTRIAL PLAZA, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 11 AND THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1971 AS DOCUMENT R71-16333, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 950 Industrial Drive, Bensenville, IL 60106.

Panzarella Real Estate is the owner and Aries Logistics the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant’s application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017**

For Office Use Only

Date of Submission: 09-29-17 MUNIS Account #: 7536 CDC Case #: 2017-25

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 950 INDUSTRIAL DR BENSENVILLE IL 60106

Property Index Number(s) (PIN): 0311102043

A. PROPERTY OWNER:

PANZARELLA REAL-ESTATE LLC

Name Corporation (if applicable)

1 WALNUT LN

Street

SOUTH BARRINGTON

IL

60010

City

State

Zip Code

STEVE PANZARELLA

630-816-9658

Contact Person

Telephone Number & Email Address

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: [Signature] Date: 09/28/2017

B. APPLICANT: [] Check box if same as owner

LYUBOV KRAVETS

ARIES LOGISTICS INC

Name

Corporation (if applicable)

1402 BROWNSTONE PL

Street

SCHAUMBURG

IL

60173

City

State

Zip Code

AMY JAY

630-841-7013

Contact Person

Telephone Number & Email Address

Relationship of Applicant to subject property

TENANT

Applicant Signature: [Signature] Date: 09/28/2017

C. ACTION REQUESTED (Check applicable):

- [] Annexation
[X] Conditional Use Permit
[] Master Sign Plan
[] Planned Unit Development**
[] Plat of Subdivision
[] Rezoning (Map Amendment)
[] Site Plan Review
[] Variance

*Item located within this application packet.
**See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- [X] Affidavit of Ownership* (signed/notarized)
[X] Application*
[X] Approval Criteria
[X] Legal Description of Property
[X] Plat of Survey
[] Site Plan
[] Building Plans & Elevations
[] Engineering Plans
[X] Landscape Plan
[X] Review Fee (Application Fee + Escrow)
[X] Escrow agreement and deposit*
[] Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

to service truck & trailers, minor servicing procedures
 tires replacement, oil levels and change, to keep the
 level up to code. No body shop work at all, basic servicing
 of ~~our~~ fleet nothing outside of company's vehicles.

D. PROJECT DATA:

1. General description of the site: Free-standing, single level building.

2. Acreage of the site: 30,000 sq. ft Building Size (if applicable): 10,000 sq. ft

3. Is this property within the Village limits? (Check applicable below)

Yes

No, requesting annexation

No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

none

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	X	X	X
North:			
South:			
East:			
West:			

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: _____

Telephone: _____

Email: _____

ENGINEER:

Name: _____

Telephone: _____

Email: _____

ATTORNEY

Name: _____

Telephone: _____

Email: _____

OTHER / OWNER

Name: PANZARELLA REAL-ESTATE LLC

Telephone: 630-816-9658

Email: spanzarella7@aol.com

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."



STAFF REPORT

HEARING DATE: November 7, 2017
CASE #: 2017 – 25
PROPERTY: 950 Industrial Drive
PROPERTY OWNER: Panzarella Real Estate
APPLICANT: Aries Logistics
SITE SIZE: 30,000 SF
BUILDING SIZE: 10,000 SF
PIN NUMBERS: 03-11-102-043
ZONING: I – 2 Light Industrial District
REQUEST: Conditional Use Permit, Motor Vehicle Repair,
 Municipal Code Section 10 – 9B – 3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Tuesday October 17, 2017.
3. On Friday October 20, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking a Conditional Use Permit to perform motor vehicle repair on their fleet of vehicles. They will service trucks and trailers. Work will include minor servicing procedures including tire replacement and oil levels/change. There will be no body shop work. They will only operate on their own fleet, no work on vehicles outside of the company.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I – 2	Industrial	Industrial	Village of Bensenville
North	I – 2	Industrial	Industrial	Village of Bensenville
South	I – 2	Industrial	Industrial	Village of Bensenville
East	I – 2	Industrial	Industrial	Village of Bensenville
West	I – 2	Industrial	Industrial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues.

Police:

No police issues other than possible parking issues created by the conditional use if their plan changes for more personnel to drive and park at the site at the same time. There is no parking on the east side of the Country Club and there is only limited parking, 2 hour parking, on the west side. Therefore, there is no on street parking available nearby for employees parking for longer than 2 hours at a time.

Engineering and Public Works:

Requires a triple basin to handle spills.

Community & Economic Development:

Economic Development:

- 1) The proposed Conditional Use permit appears to be in alignment with the business's existing operations.
- 2) If the scope of the work is only as described, I do not see any negative economic impact to the community.
- 3) This Conditional Use keeps this property leased, and retains existing jobs in Bensenville.

Fire Safety:

No comments.

Building:

Need to know where, how and in what quantity are tires being stored on site.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Industrial" for this property.
- 2) Code requires the following lot requirements for motor vehicle repair, major:

Gross Weight Of Vehicles Served	Minimum Lot Size Required
Under 8,000 pounds	1/2 acre
8,000 pounds and more	1 acre

- 3) The applicant has been operating successfully at this location with no parking issues.

- 4) The applicant will only be working on vehicles in their fleet.
- 5) The work will be minor in nature, i.e. oil changes and tire replacement

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. The Applicant has provided the following Findings of Fact:

- 1. Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Applicant's Response: There will be no adverse impact on traffic in the industrial park area where 950 Industrial Drive is located. The traffic will be similar to that of any industrial warehouse user. All the traffic will enter the property as it is currently doing so. Property could be entered/exited from curb cut on both east and west of the property. This will allow for minimum truck maneuvers on the property to minimize the noise. The curb cut/driveways allow for the efficient flow of traffic on the site. In addition, the truck and trailer are regulated by FMCSA rules and regulation of the proper upkeep of the vehicles.

- 2. Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

Applicant's Response: There will not be any environmental nuisance that is different or more than any other industrial user in area. We are not planning on have any type of a body shop where paints or lacquers are used to create unnecessary odor, dust or noise. As you may know since we are regulated by FM CSA it is mandatory and a SOP of every truck driver first duty beginning his shift is to check the oil along with other crucial components called PTI (please see attached sheet for references). Having the oil in the facility to add or change is a common, necessary and a mandatory practice. We do have a company in place that is licensed to properly dispose of used oil, antifreeze and other waste that would require to be certified by state of Illinois. (attached please see the outsourcing of the oil removal company paperwork).

- 3. Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

Applicant's Response: The proposed use of minor truck/trailer repairs will fit harmoniously with the existing character of the industrial park and allow an existing Bensenville business and its jobs to stay in town. Aries Logistics Inc., sees the demand for these services as a potential to keep business in Bensenville and allow trusted individuals to perform minor repairs/work on company's fleet of 16-20.

- 4. Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: The proposed use will not put a strain or disproportionate strain on public services beyond what is normally provided for Conditional Use permit.

5. Public Necessity: The proposed use at the particular location requested is necessary 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.

Applicant's Response: There is a need for the Village of Bensenville to keep its industrial park occupied. The demand for this service on site will be only partially for truck/trailer upkeep but will continue to be a warehouse and trucking facility for the majority of the property. Without approval, not only it will force us to look for a different facility elsewhere to partially service our vehicles and leave the property vacant where it will mostly likely lower the real estate taxes it receives, but also will obsolete some jobs that would be forced to seek elsewhere and leave the corporate limits.

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Applicant's Response: The building is approximately 50 years old, and it was originally built as a truck/trailer terminal for housing and full truck service maintenance facility in O'Hare area. We have been welcomed by Village of Bensenville since 2014 and tenants at 950 Industrial Drive ever since then. We try to be the best tenants and show outmost respect to both the building and the Village of Bensenville. As well as to keep this property viable occupied in the industrial park, while also being good neighbors to current neighbors, services and facilities around.

Conditional Use Approval Criteria	Meets Criteria	
	Yes	No
1. Traffic	X	
2. Environmental Nuisance	X	
3. Neighborhood Character	X	
4. Public Services and Facilities	X	
5. Public Necessity	X	
6. Other Factors	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Aries Logistics, with the following conditions.

1. The Conditional Use Permits be granted solely to Aries Logistics, and
2. A copy of the Conditional Use Permit must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and
3. There shall be no work performed on vehicles out of doors, all work to be conducted within the fully enclosed building, and
4. There shall be no long-term outdoor storage of tractors or trailers outside of the subject property, and
5. A triple catch basin shall be installed, and
6. Work on the vehicles shall remain Minor in nature, and

7. Only Aries Logistics vehicles to be serviced.

Respectfully Submitted,
Department of Community
& Economic Development



EXCEL ENVIRONMENTAL, INC.

Special Waste Removal and Environmental Consulting

September 29,2017

Aries Logistics
950 Industrial Dr
Bensenville IL

To Whom It May Concern:

Excel Oil service is a licensed Special Waste Hauler (License #0164-State and Federal EPA License # ILD094743507) and has been in business since 1974.

Excel Oil Service has acted as Special Waste Hauler of used oil from Aries Logistics at the above location since the beginning of 2016 . We are informed by the management that we shall continue to do so in the future.

If there are any questions please call us

Best Regards,

Lidia Kupiec
Office Manager



Excel Environmental, Inc.
P.O. Box 5010
400 Ashland Avenue
River Forest, IL 60305
Phone: 708-366-0440
Fax: 708-366-0707
E-mail: exceloil@yahoo.com
www.exceloilserv.com

EXCEL ENVIRONMENTAL, INC.

WASTE STREAM SERVICE RECEIPT

708-366-0440 ILLINOIS



THIS DOCUMENT CERTIFIES THAT USED MATERIAL WAS PICKED UP AT:

Artes, Bensonville DATE 9.16.16

MATERIAL IS BEING TRANSPORTED UNDER NOTED PERMIT AND AUTHORIZATION NUMBERS. THIS MATERIAL AND ITS PROPER HANDLING WILL BE REPORTED TO APPROPRIATE GOVERNMENT AGENCIES AS REQUIRED BY LAW. AUTOMOTIVE GENERATED WASTE OILS ARE NON-HAZARDOUS BY FEDERAL AND STATE EPA LAWS. YOUR WASTE STREAM IS LISTED ON A MULTIPLE MANIFEST. ALL OIL IS COMPLETELY RECYCLED IN ACCORDANCE WITH THE RCRA LAW. THIS PROCEDURE IS GUARANTEED BY EXCEL. I ACKNOWLEDGE THE PICK-UP OF NOTED MATERIALS BY EXCEL, INC. I AM COMPLYING WITH RCRA'S ACT, VOLUNTARY WASTE MINIMIZATION PROGRAM. I ALSO HEREBY CERTIFY THAT NO HAZARDOUS WASTES GENERATED BY THIS FACILITY HAVE BEEN MIXED WITH THIS USED OIL, CONTAMINATED WATER, COOLANT OR OTHER NON-HAZARDOUS WASTES.

CUSTOMER SIGNATURE [Signature] DATE 9.16.16

CUSTOMER PURCHASE ORDER NUMBER _____

CUSTOMER GENERATOR NUMBER (ONLY IF NECESSARY) _____

MULTIPLE MANIFEST INDIVIDUAL MANIFEST # (IF NECESSARY) _____

TYPE OF WASTE STREAM

NON-HAZARDOUS HYDROCARBON BASED OIL 250 GALLONS
USED GLYCOL GALLONS
CONTAMINATED WATER GALLONS
HAULING FOR FILTERING OR CLEANING GALLONS
NON-HAZARDOUS WATER SOLUBLE OILS GALLONS
SERVICE CALL/PRODUCT EVALUATION: FEE \$ 75, PRODUCT TESTING: FEE \$ _____

EXCEL EPA NUMBERS: ILLINOIS GENERATOR #0312610004, TRANSPORTER #0164,
STATE AND FEDERAL EPA LICENSE # ILDO94743507

EXCEL SERVICES INCLUDE: WASTE OIL PUMPING AND HAULING, PRODUCT CLEANING, TESTING, WASTE DISPOSAL, AND ENVIRONMENTAL CONSULTING. REQUESTS FOR DUPLICATE COPIES OF WASTE STREAM RECEIPT \$5.00 EACH.

* * EXCEL IS A CHARTER MEMBER OF THE NATIONAL OIL RECYCLERS * *

FAX # 708-366-0707

EXCEL ENVIRONMENTAL, INC.
WASTE STREAM SERVICE RECEIPT
708-366-0440 ILLINOIS



THIS DOCUMENT CERTIFIES THAT USED MATERIAL WAS PICKED UP AT:

Amies, Bensenville DATE 5-22-17

MATERIAL IS BEING TRANSPORTED UNDER NOTED PERMIT AND AUTHORIZATION NUMBERS. THIS MATERIAL AND ITS PROPER HANDLING WILL BE REPORTED TO APPROPRIATE GOVERNMENT AGENCIES AS REQUIRED BY LAW. AUTOMOTIVE GENERATED WASTE OILS ARE NON-HAZARDOUS BY FEDERAL AND STATE EPA LAWS. YOUR WASTE STREAM IS LISTED ON A MULTIPLE MANIFEST. ALL OIL IS COMPLETELY RECYCLED IN ACCORDANCE WITH THE RCRA LAW. THIS PROCEDURE IS GUARANTEED BY EXCEL. I ACKNOWLEDGE THE PICK-UP OF NOTED MATERIALS BY EXCEL, INC. I AM COMPLYING WITH RCRA'S ACT, VOLUNTARY WASTE MINIMIZATION PROGRAM. I ALSO HEREBY CERTIFY THAT NO HAZARDOUS WASTES GENERATED BY THIS FACILITY HAVE BEEN MIXED WITH THIS USED OIL, CONTAMINATED WATER, COOLANT OR OTHER NON-HAZARDOUS WASTES.

CUSTOMER SIGNATURE [Signature] DATE 5-22-17

CUSTOMER PURCHASE ORDER NUMBER _____

CUSTOMER GENERATOR NUMBER (ONLY IF NECESSARY) _____

MULTIPLE MANIFEST C INDIVIDUAL MANIFEST # (IF NECESSARY) _____

TYPE OF WASTE STREAM

NON-HAZARDOUS HYDROCARBON BASED OILS 500 GALLONS
USED GLYCOL GALLONS
CONTAMINATED WATER GALLONS
HAULING FOR FILTERING OR CLEANING GALLONS
NON-HAZARDOUS WATER SOLUBLE OILS GALLONS
SERVICE CALL/PRODUCT EVALUATION: FEE \$ 75, PRODUCT TESTING: FEE \$ _____

ARIS LOGISTICS INC
PAID IN FULL

EXCEL EPA NUMBERS: ILLINOIS GENERATOR #0312610004, TRANSPORTER #0164,
STATE AND FEDERAL EPA LICENSE # ILDO94743507

EXCEL SERVICES INCLUDE: WASTE OIL PUMPING AND HAULING, PRODUCT CLEANING,
TESTING, WASTE DISPOSAL, AND ENVIRONMENTAL CONSULTING. REQUESTS FOR
DUPLICATE COPIES OF WASTE STREAM RECEIPT \$5.00 EACH.

** EXCEL IS A CHARTER MEMBER OF THE NATIONAL OIL RECYCLERS **

FAX # 708-366-0707

Service Order



Tire Management

481 N.E. Industrial Drive
Aurora, IL 60504
(630) 844-1676
Fax #: 844-1785

31881

Date 09/05/17 Scheduled _____ P.O. Number _____

Account Name Aries Logistics Location of Work _____

Address _____ Address _____

Contact _____ Phone # _____

Mileage Out _____	Time Out _____	Truck No. _____	Make _____
Mileage In _____	Time In _____	Trailer No. _____	Model _____
Total _____	Roll Time _____	Mileage _____	Year _____
		Plate _____	State _____

Wheel Position _____

Work Performed: Picked up 53 tires

Special Note

①	TRACTOR	②	TRAILER
③ ④	⑤ ⑥	① ②	③ ④
⑦ ⑧	⑨ ⑩	⑤ ⑥	⑦ ⑧

Method of payment: Cash Check Credit Card Comchek On Account

Dot Off _____ Dot On _____
Brand Off _____ Brand On _____
Ret Dot _____ Ret Dot _____

SEAH Y KONYK
Customer Print Name _____
[Signature]
Customer Signature _____
[Signature]
Serviceman _____
Inv./ Icr No. _____ Bill Date 09/05/17



Illinois Environmental Protection Agency

Bureau of Land • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Tire Tracking Receipt

Calendar Year: 2017

A copy of this Tire Tracking Receipt should be kept by the Generator (source of used or waste tires) as well as by the Registered Tire Transporter.

GENERATOR (SOURCE OF TIRES)

Name: Aries Logistics Pickup Date: 09/05/17
 Address: _____
 City: _____ State: _____ Zip Code: _____ Phone #: _____

DESCRIPTION OF TIRE(S)

WHOLE TIRE COUNT		OR	TOTAL TIRE WEIGHT IN TONS
# of Passenger Tires	# of Truck Tires		Total Tonnage
<input type="text"/>	<u>53</u>		<input type="text"/>
# of Agricultural Tires	# of OTR Tires		
<input type="text"/>	<input type="text"/>		

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h)).

X Printed Name _____ X Signature _____ Date _____

REGISTERED TIRE TRANSPORTER

Name: Tire Management Inc. Delivery Date: _____
 Address: 481 NE Industrial Dr.
 City: Aurora State: IL Zip Code: 60505 Phone #: 630-844-1676

REGISTERED TIRE TRANSPORTER

Name: Tire Management Inc.
 Registration #: T8742 Expiration Date: 11-30-18

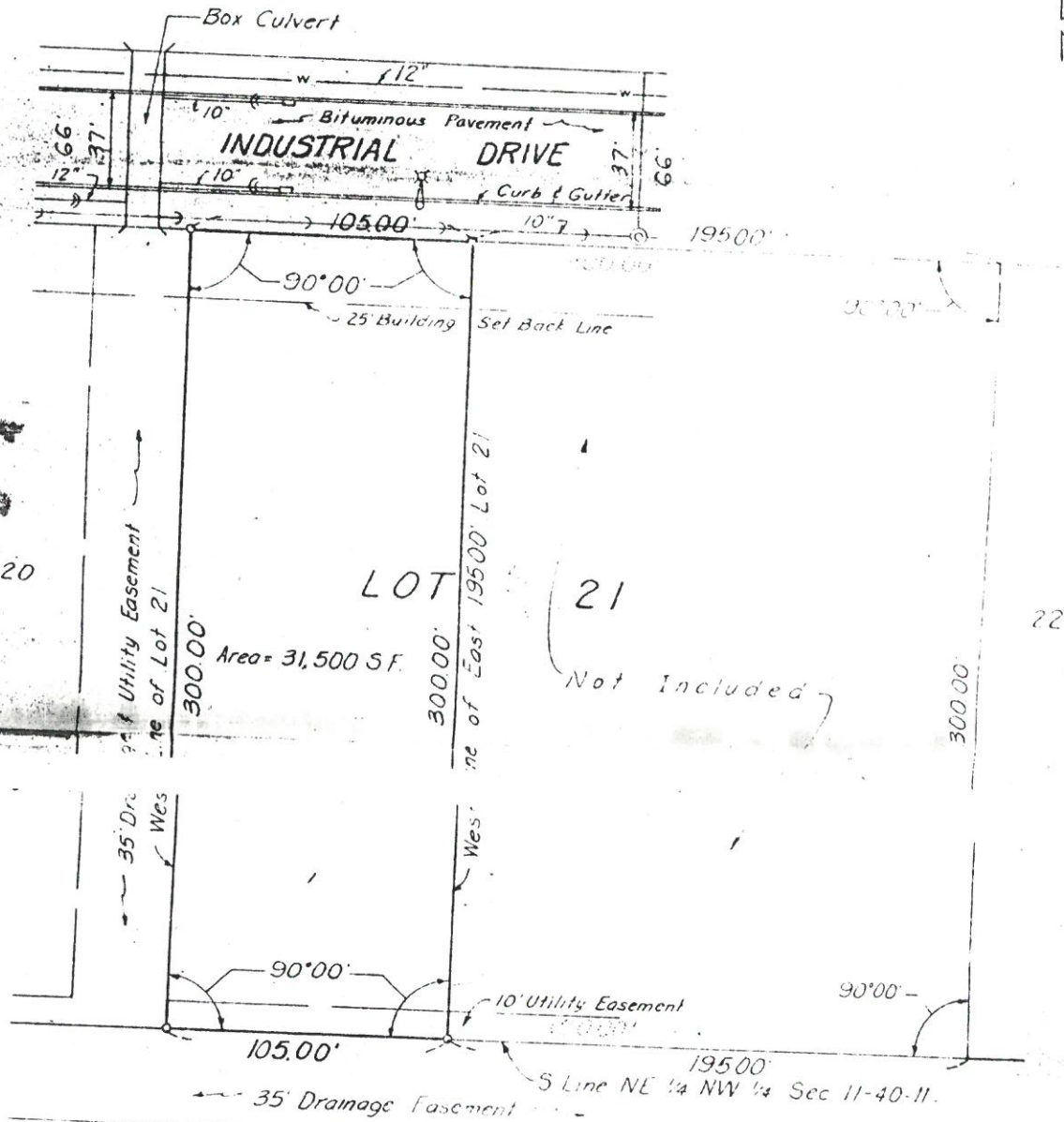
Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h)).

Jesus Ortiz Printed Name _____ Jesus Ortiz Signature _____ 09/05/17 Date _____

PLAT OF SURVEY

OF

Lot 21 (except the East 195.00 feet thereof) in O'Hare West Industrial Plaza, being a Subdivision of part of the Northwest 1/4 of Section 11 and the Southwest 1/4 of Section 2, Township 40 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded April 26, 1971 as Document R71-16433, in Du Page County, Illinois.



utilities and improvements
 shown from Construction Plans
 of West Industrial Plaza by
 Haeger & Assoc., Inc. dated

Scale: 1" = 50'

- ① Markers
- Utility Lines
- - - - - Easement Lines
- - - - - Setback Lines
- - - - - Building Footprints
- - - - - Other Structures
- - - - - Other Features

State of Illinois } ss
 County of Cook }

We hereby certify that we have surveyed the above described property, and the plat hereon drawn is a correct representation of said survey. Dimensions are shown in feet and decimal parts thereof, and are corrected to a temperature of 68° F.

Chicago, Illinois May 19, 1976

TYPE: Public Hearing **SUBMITTED BY:** K. Pozsgay **DEPARTMENT:** CED **DATE:** 11.07.17

DESCRIPTION:

Consideration of Conditional Use Permit, Smoke Shops, for the Applicant Second City Vapes, located at 229 W. Grand Avenue Ste B.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- | | |
|---|---|
| <input type="checkbox"/> <i>Financially Sound Village</i> | <input type="checkbox"/> <i>Enrich the lives of Residents</i> |
| <i>Quality Customer Oriented Services</i> | <i>Major Business/Corporate Center</i> |
| <i>Safe and Beautiful Village</i> | X <i>Vibrant Major Corridors</i> |

REQUEST:

Conditional Use Permit, Smoke shops, Municipal Code Section 10 – 7B – 3.

SUMMARY:

1. The Petitioner is seeking a Conditional Use Permit to open a smoke shop. They sell electronic cigarettes and accessories.
2. Also known as Wise Guys Vapes, they have several units, including in Des Plaines, Fox River Grove, Bartlett, Roselle, and Lombard.
3. The ordinance states that there cannot be any other smoke shops or schools within 1,000 feet. The closest smoke shop is at on Grand Avenue just east of York Road in Brentwood Commons, which is greater than 1,000 feet away. The closest school is Zion Concord Lutheran just north on Church Road, which is greater than 1,000 feet away.
4. The applicant’s business is selling electronic cigarettes and accessories.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Second City Vapes dba Wise Guys Vapes.

ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	10/26/2017	Backup Material
Legal Notice	10/26/2017	Backup Material
Application	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary
Plat of Survey	10/26/2017	Backup Material



Village of Bensenville
 229 W Grand Av.



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 26 to consider a request for:

Conditional Use Permit, Smoke shop,
Municipal Code Section 10 – 7B – 3;

229 West Grand Avenue Suite B is in a C – 2 Highway Commercial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

THE EASTERLY 855.83 FEET AS MEASURED ON THE NORTHERLY LINE (EXCEPT THE EASTERLY 579.00 FEET AS MEASURED ON THE NORTHERLY LINE THEREOF) OF LOT 4 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY BEING A SUBDIVISION OF PART OF THE NORTH 1/2 OF SECTION 26. TOWNSHIP 40 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT R77-102033. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4.
THENCE SOUTH 88°48'23" WEST. A DISTANCE OF 579.00 FEET ALONG THE NORTHERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.
THENCE SOUTH 00°06'25" EAST. A DISTANCE OF 354.75 FEET.
THENCE SOUTH 86°43'32" WEST. A DISTANCE OF 102.81 FEET.
THENCE SOUTH 88°38'05" WEST. A DISTANCE OF 173.97 FEET.
THENCE NORTH 00°06'23" WEST. A DISTANCE OF 359.00 FEET ALONG THE WESTERLY LINE OF THE EASTERLY 855.63 FEET OF SAID LOT 4.
THENCE NORTH 88°48'23" EAST. A DISTANCE OF 276.63 TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 229 West Grand Avenue, Bensenville, IL 60106.

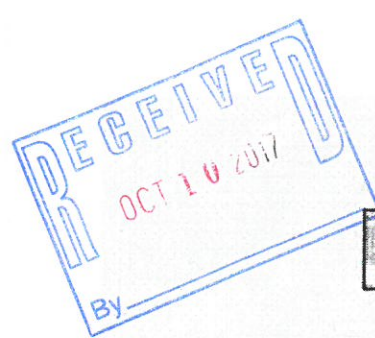
Mid Northern Holdings is the owner and Second City Vapes the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017



For Office Use Only

Date of Submission: 10-10-17 MUNIS Account #: 7597 CDC Case #: 2017-26


COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 229 W. GRAND AVE. SUITE B BENSenville, IL.
 Property Index Number(s) (PIN): 03-26-208-014

A. PROPERTY OWNER:

Name: MID-NORTHERN HOLDINGS, LLC Corporation (if applicable)
 Street: 977 N. Oaklawn Ave. Suite 102
 City: Elmhurst, IL. State: IL Zip Code: 60126
 Contact Person: EMIN TULUCE Telephone Number & Email Address: 773-983-8500

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature:  Date: 10/4/2017

B. APPLICANT: Check box if same as owner

Name: SECOND CITY VAPES LLC DBA WISE GUYS VAPES Corporation (if applicable)
 Street: ~~63200th~~ 1992 HARMONY DRIVE
 City: BARTLETT State: IL Zip Code: 60103
 Contact Person: FAHAD DANISH Telephone Number & Email Address: 630 379 8675 FAHAD@WISEGUYSVAPES.COM
 Relationship of Applicant to subject property: TENANT

Applicant Signature:  Date: 10/9/17

- C. ACTION REQUESTED (Check applicable):**
- Annexation
 - Conditional Use Permit
 - Master Sign Plan
 - Planned Unit Development**
 - Plat of Subdivision
 - Rezoning (Map Amendment)
 - Site Plan Review
 - Variance
- *Item located within this application packet.
 **See staff for additional information on PUD requests

- SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):**
- Affidavit of Ownership* (signed/notarized)
 - Application*
 - Approval Criteria
 - Legal Description of Property
 - Plat of Survey
 - Site Plan
 - Building Plans & Elevations
 - Engineering Plans
 - Landscape Plan
 - Review Fee (Application Fee + Escrow)
 - Escrow agreement and deposit*
 - Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

TO OPEN A RETAIL STORE THAT SELLS ELECTRONIC
CIGARETTES + ACCESSORIES.

D. PROJECT DATA:

1. General description of the site: Plaza de Campana

2. Acreage of the site: 98 000 SF Building Size (if applicable): 32 500 SF

3. Is this property within the Village limits? (Check applicable below)

Yes

No, requesting annexation

No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	C-2	Commercial	Bensenville
North:	I-2	Industrial	"
South:	C-3	General Commercial	Elmhurst
East:	C-2	Commercial	Bensenville
West:	"	"	"

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: _____
 Telephone: _____
 Email: _____

ENGINEER:

Name: _____
 Telephone: _____
 Email: _____

ATTORNEY

Name: _____
 Telephone: _____
 Email: _____

OTHER

Name: _____
 Telephone: _____
 Email: _____

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."

Municipal Code Section 10-3-4:C Approval Criteria for Conditional Uses

1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical of Allowed Uses in the zoning district has been minimized. **THERE WILL BE NO ADVERSE IMPACT ON TRAFFIC FLOW.**

2. Environmental Nuisance

Any effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Allowed Uses in the district, have been minimized.

THERE WILL BE NO ENVIRONMENTAL NUISANCE.

3. Neighborhood Character

The proposed use will fit harmoniously with the existing character of existing Allowed Uses in its environs. Any adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Allowed Uses in the district have been minimized. **YES, WILL FIT WITH EXISTING CHARACTER.**

4. Use of Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Allowed Uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

WILL NOT REQUIRE ANY DISPROPORTIONATE USE.

5. Public Necessity

The proposed use at the particular location requested is necessary 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. **YES, OUR MAIN GOAL IS TO GET PEOPLE HEALTHIER AND OFF OF**

CIGARETTES.

6. Other Factors

The use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location. **YES.**

Municipal Code Section 10-3-5: Approval Criteria for Zoning Map Amendments

1. Support for Classification:

a. Compatible with Use or Zoning

The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs, or

b. Supported by Trend of Development

The trend of development in the general area since the original zoning was established supports the proposed classification, or

c. Consistent with Village Plans

The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

2. Furthers Public Interest

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

3. Public Services Available

Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.



STAFF REPORT

HEARING DATE: November 7, 2017
CASE #: 2017 – 26
PROPERTY: 229 West Grand Avenue Suite B
PROPERTY OWNER: Mid Northern Holdings
APPLICANT: Second City Vapes dba Wise Guys Vapes
SITE SIZE: 98,000 SF
BUILDING SIZE: 32,500 SF
PIN NUMBERS: 03-26-208-014
ZONING: C – 2 Highway Commercial District
REQUEST: Conditional Use Permit, Smoke shops
Municipal Code Section 10 – 7B – 3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Tuesday October 17, 2017.
3. On Friday October 20, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking a Conditional Use Permit to open a smoke shop. They sell electronic cigarettes and accessories. Also known as Wise Guys Vapes, they have several units, including in Des Plaines, Fox River Grove, Bartlett, Roselle, and Lombard. The ordinance states that there cannot be any other smoke shops or schools within 1,000 feet. The closest smoke shop is at on Grand Avenue just east of York Road in Brentwood Commons, which is greater than 1,000 feet away. The closest school is Zion Concord Lutheran just north on Church Road, which is greater than 1,000 feet away.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Local Commercial	Village of Bensenville
North	I – 2	Industrial	Industrial	Village of Bensenville
South	C – 3	Commercial	General Commercial	City of Elmhurst
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	C – 2	Commercial	Local Commercial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues.

Police:

No police issues.

Engineering and Public Works:

No comments.

Community & Economic Development:

Economic Development:

Fills a vacant space.

Fire Safety:

No comments.

Building:

Building has no comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Local Commercial” for this property.
- 2) Code requires that smoke shops are 1,000 feet from a school or another smoke shop. The nearest school and smoke shop are greater than 1,000 feet from this location.
- 3) The applicant has several locations, including in Des Plaines, Fox River Grove, Bartlett, Roselle, and Lombard.
- 4) The applicant’s business is selling electronic cigarettes and accessories.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. The Applicant has provided the following Findings of Fact:

- 1. Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Applicant’s Response: There will be no adverse impact on traffic flow.

2. Environmental Nuisance: The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

Applicant's Response: There will be no environmental impact.

3. Neighborhood Character: The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

Applicant's Response: Yes, we will fit with the existing character.

4. Use of Public Services and Facilities: The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: We will not require any disproportionate use.

5. Public Necessity: The proposed use at the particular location requested is necessary 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.

Applicant's Response: Yes, our main goal is to get people healthier and off of traditional cigarettes.

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Applicant's Response: Yes.

Conditional Use Approval Criteria	Meets Criteria	
	Yes	No
1. Traffic	X	
2. Environmental Nuisance	X	
3. Neighborhood Character	X	
4. Public Services and Facilities	X	
5. Public Necessity	X	
6. Other Factors	X	

RECOMMENDATIONS:

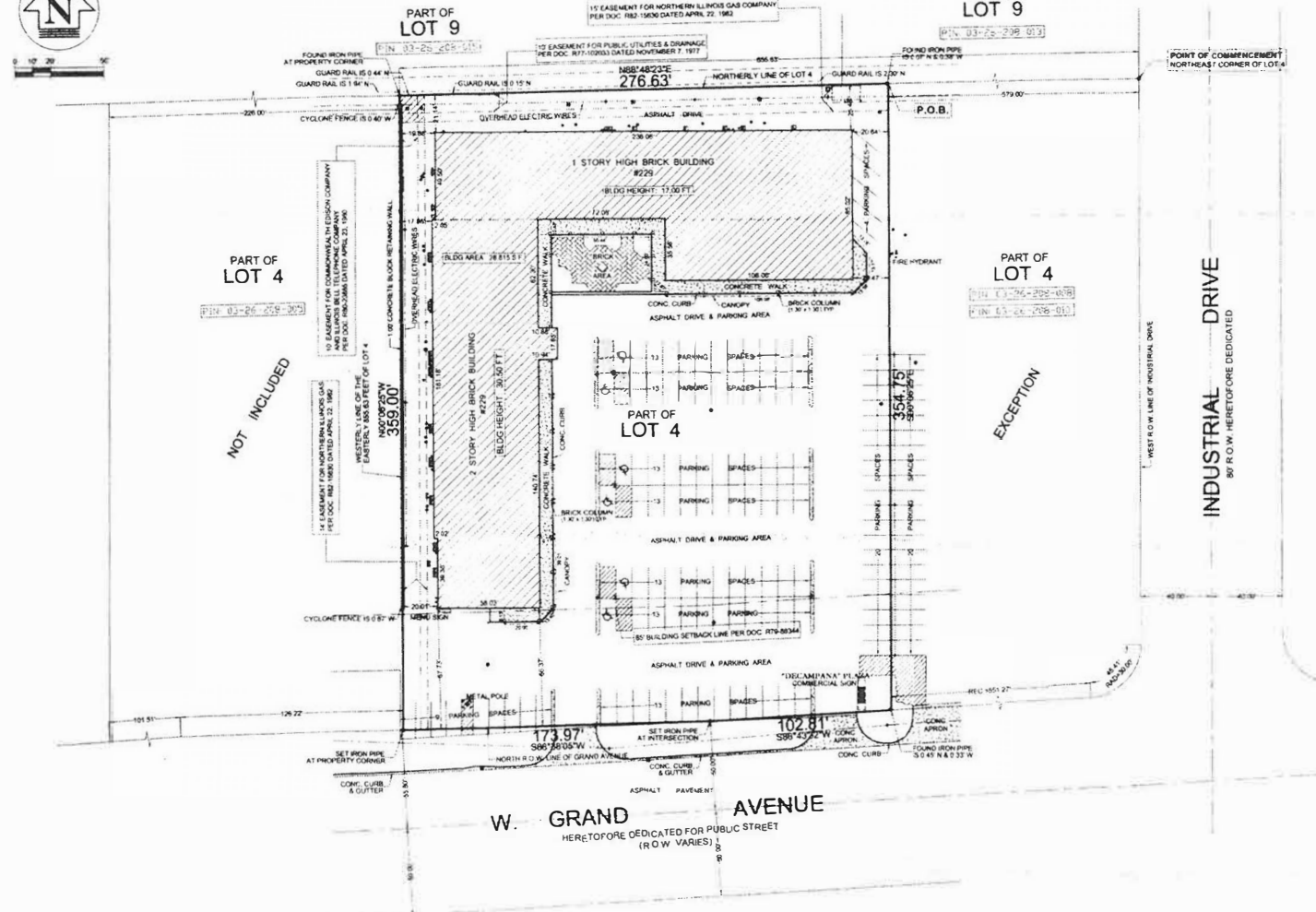
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Conditional Use Permit for Second City Vapes dba Wise Guys Vapes.

Respectfully Submitted,
Department of Community
& Economic Development



UNITED SURVEY SERVICE, LLC
 CONSTRUCTION AND LAND SURVEYORS
 9681 ELMS TERRACE, DES PLAINES, IL 60016
 TEL: (847) 299-1010 FAX: (847) 299-5887
 E-MAIL: LSURVEY@IX.NETCOM.COM

ALTA / ACSM
LAND TITLE SURVEY



THIS SURVEY IS MADE FOR THE BENEFIT OF:

- FIRST AMERICAN TITLE INSURANCE COMPANY
 COMMITMENT NO. 1229360
 EFFECTIVE DATE: APRIL 27, 2006
- COLUMN FINANCIAL, INC. AS COLLATERAL AGENT (AND ITS SUCCESSORS AND ASSIGNS) FOR THE BENEFIT OF THE HOLDER OR HOLDERS OF THE A NOTE AND THE B NOTE AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS
- DAVID L. ARGUILLA

THE UNDERSIGNED, ROY G. LAWNCZAK, PROFESSIONAL LAND SURVEYOR NO. 35-2290 DOES HEREBY CERTIFY TO THE AFORESAID PARTIES AS OF THE DATE SET FORTH BELOW THAT I HAVE MADE A CAREFUL SURVEY OF A TRACT OF LAND DESCRIBED AS FOLLOWS:

THE EASTERLY 855.83 FEET AS MEASURED ON THE NORTHERLY LINE (EXCEPT THE EASTERLY 578.00 FEET AS MEASURED ON THE NORTHERLY LINE THEREOF) OF LOT 4 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF PART OF THE NORTH 1/2 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT R77-102033, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 88°48'23" WEST, A DISTANCE OF 578.00 FEET ALONG THE NORTHERLY LINE OF SAID LOT 4, TO THE POINT OF BEGINNING;

THENCE SOUTH 00°30'25" EAST, A DISTANCE OF 354.75 FEET;

THENCE SOUTH 86°43'32" WEST, A DISTANCE OF 102.81 FEET;

THENCE SOUTH 88°38'05" WEST, A DISTANCE OF 173.97 FEET;

THENCE NORTH 00°00'05" WEST, A DISTANCE OF 359.00 FEET ALONG THE WESTERNLY LINE OF THE EASTERLY 855.83 FEET OF SAID LOT 4;

THENCE NORTH 88°48'23" EAST, A DISTANCE OF 276.63, TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

KNOWN AS: 229 W GRAND AVENUE, BENSENVILLE, ILLINOIS

PERMANENT INDEX NUMBER: 03 - 26 - 208 - 014

AREA: 99,002 SQ. FT. OR 2.273 ACRES

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH ALL APPLICABLE LAWS REGULATING SURVEYING IN THE STATE OF ILLINOIS AND WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA / ACSM LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(a)(1) (c), 8, 9, 10, 11a, 13 AND 14 OF TABLE THEREOF PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. THE UNDERSIGNED FURTHER CERTIFIES THAT, IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ILLINOIS, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY. THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SUBJECT PROPERTY EXCEPT AS SHOWN HEREON, AND THERE ARE NO PARTY WALLS.

THE SUBJECT PROPERTY IS THE SAME AS THE PROPERTY DESCRIBED IN THAT CERTAIN TITLE COMMITMENT NO. 1229360 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF SEPTEMBER 14, 2005 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM PHYSICAL INSPECTION OF THE SUBJECT PROPERTY OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION OF ZONE X; AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 17020Z0003 C, WITH A DATE OF IDENTIFICATION OF MARCH 2, 1993 FOR COMMUNITY OF BENSENVILLE, PANEL 3 OF 3, IN DUPAGE COUNTY, STATE OF ILLINOIS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED. THE ADDRESS OF THE SUBJECT PROPERTY IS 229 W GRAND AVENUE, BENSENVILLE, ILLINOIS.

THE SUBJECT PROPERTY HAS DIRECT ACCESS TO GRAND AVENUE, A DEDICATED PUBLIC STREET OR HIGHWAY. THE WIDTHS OF ALL ADJACENT RIGHTS-OF-WAY ARE INDICATED BY PERPENDICULAR APPROXS ON THE SURVEY DRAWING TO CONFIRM THAT THE SUBJECT PROPERTY IS TIED TO SAME. THE TOTAL NUMBER OF STRIPED PARKING SPACES ON THE SUBJECT PROPERTY IS 144, INCLUDING 6 DESIGNATED HANDICAP SPACES.

DES PLAINES, ILLINOIS, APRIL 28, AD 2006

BY: *Roy G. Lawnczak*
 ROY G. LAWNCZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290
 PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004576



ORDERED BY: JOHN T. GONNELLA ATTORNEY AT LAW	
SCALE: 1" = 30'	
DATE: MARCH 28, 2006	
FILE NO.: 2006-15572	
DATE	REVISION



- LEGEND**
- SANITARY MANHOLE
 - CATCH BASIN / RAILET
 - RAILET
 - MANHOLE
 - WATER VALVE VAULT
 - LIGHT POLE
 - MISC. UTILITY POLE
 - ELECTRIC METER
 - GAS METER
 - CALIB. BOX
 - GROUND PORE (BY SD)
 - ▲ TRAFFIC SIGN

TYPE: Public Hearing **SUBMITTED BY:** K. Pozsgay **DEPARTMENT:** CED **DATE:** 11.07.17

DESCRIPTION:

Consideration of a Variance, Signage for the Applicant Los Buenos Dias, located at 224 W. Green Street.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/> <i>Financially Sound Village</i>	<input type="checkbox"/> <i>Enrich the lives of Residents</i>
<input type="checkbox"/> <i>Quality Customer Oriented Services</i>	<input checked="" type="checkbox"/> <i>Major Business/Corporate Center</i>
<input type="checkbox"/> <i>Safe and Beautiful Village</i>	<input type="checkbox"/> <i>Vibrant Major Corridors</i>

REQUEST:

Variance, Signage (number permitted), Municipal Code Section 10 – 18 – 10A – 2b.

SUMMARY:

1. The Petitioner is seeking a variance to install signage on his new restaurant.
2. The new operation is in the same building as the existing grocery store, the newly built section on the south.
3. The building already has two wall signs for the grocery store. Code allows a maximum of two (2) wall signs.
4. The proposed signs are for the east and west facades of the building. The west sign will face residential across the street.
5. The proposed signs are round and roughly 26 square feet each.

RECOMMENDATION:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for Los Buenos Dias, with the following condition:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application.

ATTACHMENTS:

Description	Upload Date	Type
Aerial & Zoning Maps	10/26/2017	Backup Material
Legal Notice	10/26/2017	Backup Material
Application	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary
Plans	10/26/2017	Backup Material



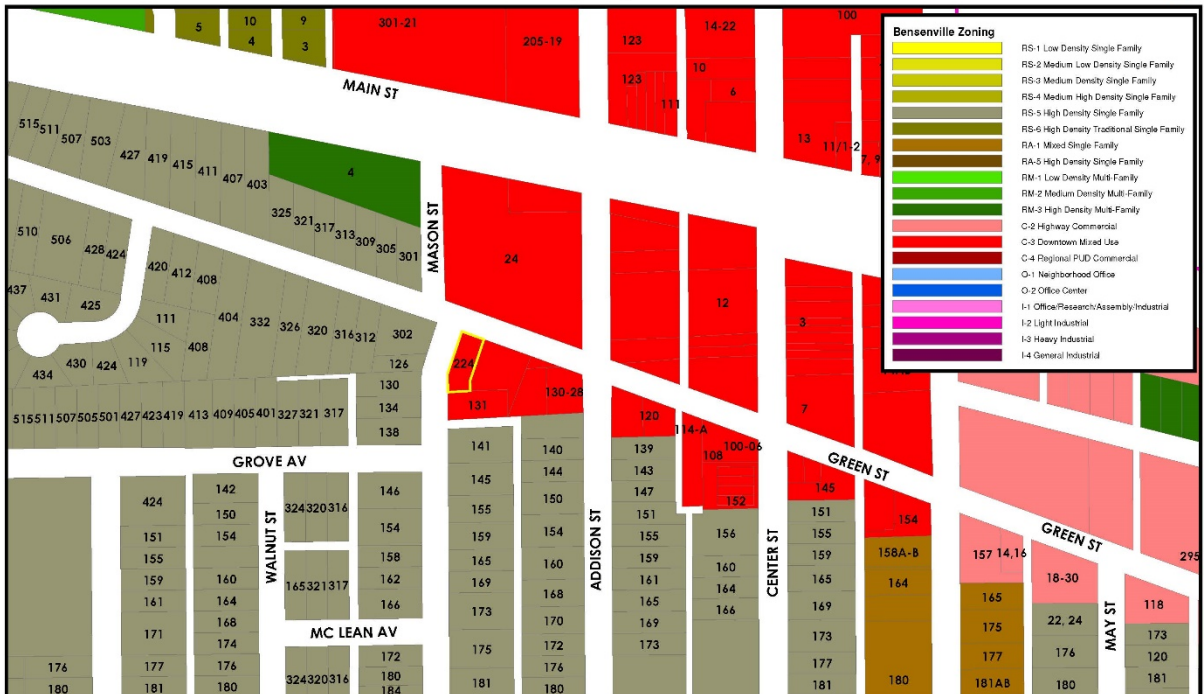
Village of Bensenville

224 W Green



Village of Bensenville

Zoning Map



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 27 to consider a request for:

Variance, Signage (Number permitted),
Municipal Code Section 10 – 18 – 10A – 2b; and

Variance, Signage (Maximum sign area),
Municipal Code Section 10 – 18 – 10A – 2c.

224 West Green Street is in a C – 3 Downtown Mixed Use District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOT 2 IN FRASE'S GREEN STREET TO BENSENVILLE, A SUBDIVISION OF LOT 11 IN BLOCK I OF BRETTMAN AND FRANZEN'S ADDITION TO BENSENVILLE IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID FRASE'S GREEN STREET ADDITION TO BENSENVILLE, RECORDED JULY 11, 1919 AS DOCUMENT 137353, IN DUPAGE COUNTY. ILLINOIS.

Commonly known as 224 West Green Street, Bensenville, IL 60106.

Alfredo Diaz is the owner and Lost Buenos Dias the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017**

For Office Use Only

Date of Submission: 10-20-17 MUNIS Account #: _____ CDC Case #: 2017-27

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 224 W. Green St. Unit B, Bensenville, IL 60106

Property Index Number(s) (PIN): _____

A. PROPERTY OWNER:

Name: Alfredo Diaz Corporation (if applicable) _____

Street: 396 W. Lake St.

City: Addison State: IL Zip Code: 60101

Contact Person: Alfredo Diaz Telephone Number & Email Address: (630) 508-3573

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: Alfredo Diaz Date: 10/6/17

B. APPLICANT: Check box if same as owner

Name: Los Duenos Diaz Mexican Grill, Inc. Corporation (if applicable) _____

Street: 224 W. Green St. Unit B

City: Bensenville State: IL Zip Code: 60106

Contact Person: Armando Diaz Telephone Number & Email Address: (630) 536-7650

Relationship of Applicant to subject property

Applicant Signature: [Signature] Date: 10/06/2017

C. ACTION REQUESTED (Check applicable):

- Annexation
- Conditional Use Permit
- Master Sign Plan
- Planned Unit Development**
- Plat of Subdivision
- Rezoning (Map Amendment)
- Site Plan Review
- Variance

*Item located within this application packet.

**See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- Affidavit of Ownership* (signed/notarized)
- Application*
- Approval Criteria
- Legal Description of Property
- Plat of Survey
- Site Plan
- Building Plans & Elevations
- Engineering Plans
- Landscape Plan
- Review Fee (Application Fee + Escrow)
- Escrow agreement and deposit*
- Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

We would like approval to display two signs of the business. One sign on the east side and the other on the west side of the building.

D. PROJECT DATA:

- General description of the site: Grocery + Restaurant
- Acreage of the site: 7400 SF Building Size (if applicable): 1400 Sq-Ft
- Is this property within the Village limits? (Check applicable below)
 - Yes
 - No, requesting annexation
 - No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
- List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	C-3	Restaurant / Grocery	Bensenville
North:	C-3	Lindon / Strip Command	↓
South:	C-3	Village / Sherd Parking	
East:	C-3	Village Lot	
West:	RS-5	Residential	

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: _____
 Telephone: _____
 Email: _____

ENGINEER:

Name: _____
 Telephone: _____
 Email: _____

ATTORNEY

Name: _____
 Telephone: _____
 Email: _____

OTHER

Name: Gerardo B (Sign 4U)
 Telephone: 630-415-6153
 Email: sign4u26@yahoo.com

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."



STAFF REPORT

HEARING DATE: November 7, 2017
CASE #: 2017 – 27
PROPERTY: 224 West Green Street
PROPERTY OWNER: Alfredo Diaz
APPLICANT: Los Buenos Dias
SITE SIZE: 7,400 SF
BUILDING SIZE: 1,400 SF
PIN NUMBERS: 03-14-413-001
ZONING: C – 3 Downtown Mixed Use
REQUEST: Variance, Signage (number permitted),
 Municipal Code Section 10 – 18 – 10A – 2b.

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Tuesday October 17, 2017.
3. On Friday October 20, 2017, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250’ of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking a variance to install signage on his new restaurant. The new operation is in the same building as the existing grocery store, the newly built section on the south. The building already has two wall signs for the grocery store. Code allows a maximum of two (2) wall signs.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 3	Commercial	Mixed Multi Use	Village of Bensenville
North	C – 3	Commercial/Residential	Mixed Multi Use	Village of Bensenville
South	C – 3	Commercial Parking	Mixed Multi Use	Village of Bensenville
East	C – 3	Commercial/Vacant Land	Mixed Multi Use	Village of Bensenville
West	RS – 5	Residential/Institutional	Residential/Mixed Multi Use	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

No issues.

Police:

No police issues.

Engineering and Public Works:

No comments.

Community & Economic Development:

Economic Development:

Bringing in a new restaurant, particularly in the downtown, is one of the Village’s strategic goals.

Fire Safety:

No comments.

Building:

Building has no comments at this time.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Mixed Multi Use” for this property.
- 2) Code only allows two wall signs for a business on a corner lot.
- 3) This new restaurant is being built new this year in conjunction with upgrades to the grocery store.
- 4) The proposed signs are for the east and west facades of the building. The west sign will face residential across the street.
- 5) The proposed signs are round and roughly 26 square feet each.
- 6) The two existing signs are 55 square feet each.
- 7) Code allows a total area per business establishment not to exceed one and one half square feet of sign area per one linear foot of frontage. The new restaurant has 41 feet of frontage on Mason Street. That allows them to install a maximum of 61.5 square feet of signage. The combined area of the proposed signs is less than that at 52 square feet.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1. Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

Response: Plans for the restaurant were originally drawn up to have 2 signs, one on the entrance to the building (east side) and one facing Mason St. (west side). This was drawn up this way in order for potential customers to see the signage for the new restaurant. Since the building is facing an empty lot the sign on the entrance just differentiates the two different businesses (La Huerta Grocery #2 and Los Buenos Diaz Mexican Grill). The sign on the west side of the building is so oncoming traffic from both Mason St and (eastbound) Green st are able to see the signage for the business, which would in turn bring more potential customers to the business.

- 2. Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Response: Since the plans included both signs the contractor for the signage was instructed that 2 signs were to be needed and a deposit for both signs was made already. Also both signs have already been made, so if the variance is not approved we would loose the money that has already been invested.

- 3. Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Response: We are applying for this variance because we believe both signs are very necessary for our business. This signs would not only let our potential customers distinguish our business from the grocery store next door but would also bring more customers to our business.

- 4. Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Response: We were not aware that a variance was needed for the signs to our business so the signage contractor was already given a deposit for both of the sings.

- 5. Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Response: *We would like to reserve the right to identify our business just like many other businesses in the area.*

- 6. Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Response: *Without this variance we will not be able to distinguish our business and our sales will be harshly impacted.*

- 7. Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Response: *By granting us this variance there will not be any local character altered and we will have the popper maintenance kept on these signs in order to not affect the public safety.*

- 8. Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Response: *If this variance is granted to us it will not interfere, invalidate or nullify any part of the general development plan.*

- 9. Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Response: *If our variance is approved, we will be able to display our signs and this will in turn properly distinguish our business and bring more revenue to the village as well.*

Variances Approval Criteria	Meets Criteria	
	Yes	No
1. Special Circumstances	X	
2. Hardship	X	
3. Circumstances relate to the Property	X	
4. Not Resulting from Applicant Actions	X	
5. Preserve Rights Conferred By District	X	
6. Necessary for the Use of the Property	X	
7. Not Alter Local Character	X	
8. Consistent with Title and Plan	X	
9. Minimum Variance Needed	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances for Los Buenos Dias, with the following condition:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application.

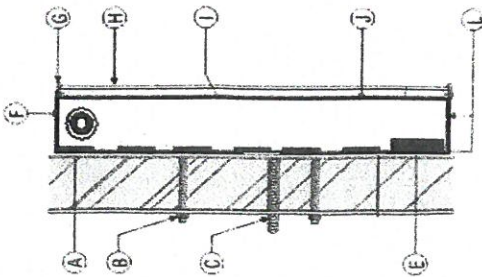
Respectfully Submitted,
Department of Community
& Economic Development

Install new

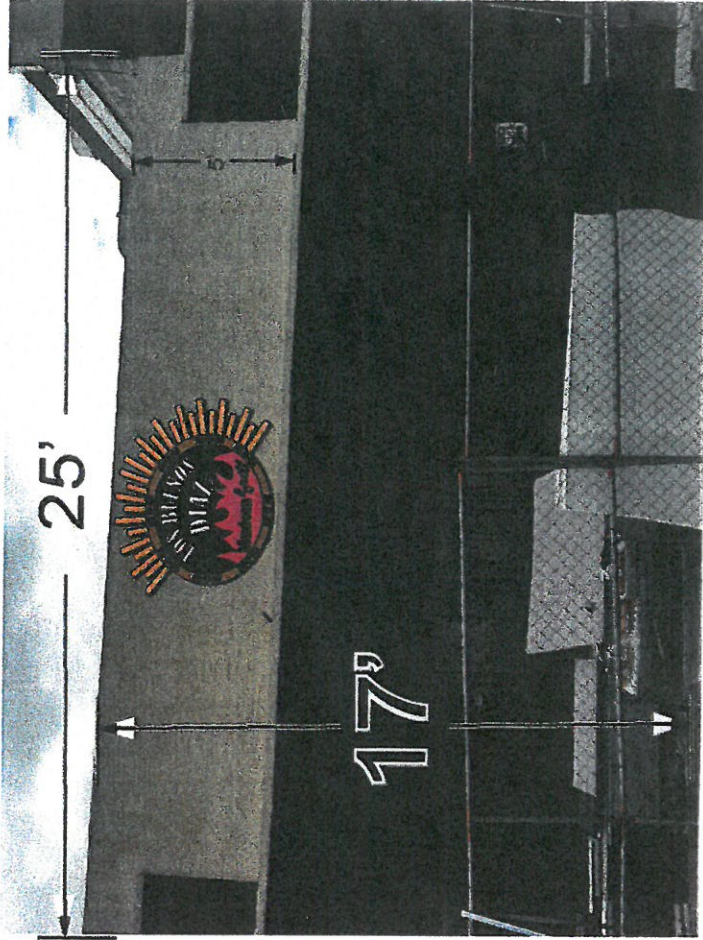
LOS BUENOS DIAS
individual CHANNEL
mounted to the wall.
connected to 120vt

Illuminated box to be built as a letter, with aluminum return, trim cap and face.

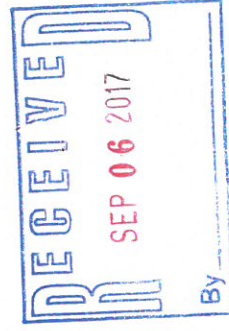
Raceway Mounted Letter Cross Section Detail



A	listed disconnect switch
B	mounting varies
C	primary electrical source
D	
E	transformer:
F	3.5" aluminum return
G	3/4 trim cap
H	3/16" thick plex face
I	glass housing
J	WHITE L.E.D.
K	
L	weep holes
M	



NOTE: Photo for representational purposes only. Signs are not to scale and may appear larger or smaller than shown.



Scale:

Designer:
Rev:

DW	X
Rev	X
	X
	X

Location:

Address:

Notes:

Approval:

I.D. # Artwork #

Drawing #

Copyright

TYPE:

Public Hearing

SUBMITTED BY:

K. Pozsgay

DEPARTMENT:

CED

DATE:

11.07.17

DESCRIPTION:

Consideration of A Text Amendment to the Village Code to amend the definitions of "Truck Stop" and "Motor Vehicle Service Station".

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

<input type="checkbox"/>	<i>Financially Sound Village</i>	<input checked="" type="checkbox"/>	<i>Enrich the lives of Residents</i>
	<i>Quality Customer Oriented Services</i>	X	<i>Major Business/Corporate Center</i>
X	<i>Safe and Beautiful Village</i>	X	<i>Vibrant Major Corridors</i>

REQUEST:

A Text Amendment to the Village Code to amend the definitions of "Truck Stop" and "Motor Vehicle Service Station".

SUMMARY:

1. The Village of Bensenville seeks to refine the definitions of "Truck Stop" and "Motor Vehicle Service Station".
2. Illinois' Video Gaming Act broadly defines what constitutes a "licensed truck stop establishment". To reduce the likelihood of a Village gas station meeting this low bar, we propose text amendments to the Village's Zoning Ordinance.
3. The proposed changes would amend the definitions of "Truck Stop" to include "licensed truck stop establishments" as defined in the Video Gaming Act, and "Motor Vehicle Service Station" to explicitly exclude this new definition of "Truck Stop."

RECOMMENDATION:

Staff recommends approval of the proposed Text Amendment to the Village Code to amend the definitions of "Truck Stop" and "Motor Vehicle Service Station".

ATTACHMENTS:

Description	Upload Date	Type
Legal Notice	10/26/2017	Backup Material
Staff Report	10/26/2017	Executive Summary

**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, November 7, 2017 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2017 – 28 to consider Text Amendments to the Village Code to amend definitions of Motor Vehicle Service Station and Truck Stop.

The Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The text amendment is being sought by the Village Board.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, Illinois 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community Development Department through November 7, 2017 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
October 19, 2017**

STAFF REPORT

HEARING DATE: June 5, 2017
CDC CASE #: 2017 - 28
APPLICANT: Village of Bensenville
REQUEST: A Text Amendment to the Village Code to amend the definitions of “Truck Stop” and “Motor Vehicle Service Station”.

PUBLIC NOTICE:

A Legal Notice was published in the Bensenville Independent on Thursday October 19, 2017. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.

SUMMARY:

The Village of Bensenville seeks to refine the definitions of “Truck Stop” and “Motor Vehicle Service Station”. Illinois’ Video Gaming Act broadly defines what constitutes a “licensed truck stop establishment”. To reduce the likelihood of a Village gas station meeting this low bar, we propose text amendments to the Village’s Zoning Ordinance. The proposed changes would amend the definitions of “Truck Stop” to include “licensed truck stop establishments” as defined in the Video Gaming Act, and “Motor Vehicle Service Station” to explicitly exclude this new definition of “Truck Stop.”

Discussion:

Illinois’ Video Gaming Act broadly defines what constitutes a “licensed truck stop establishment”:

a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. ... The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

To reduce the likelihood of a Village gas station meeting this low bar, we propose text amendments to the Village’s Zoning Ordinance. The proposed changes would amend the definitions of “Truck Stop” to include “licensed truck stop establishments” as defined in the Video Gaming Act, and “Motor Vehicle Service Station” to explicitly exclude this new definition of “Truck Stop.”

Neither service stations nor truck stops are permitted uses in any of the Village’s zoning districts. Service stations, however, are conditional uses allowed in some of the Village’s commercial and industrial districts (e.g., C-2 Highway Commercial District, C-3

Downtown Mixed Use District, and I-2 Light Industrial District). Truck stops, conversely, are only allowed as conditional uses in Village industrial districts (I-2 Light Industrial District, I-3 Heavy Industrial District, and I-4 General Industrial District). Accordingly, by amending the Zoning Ordinance to define “Truck Stops” to include the Video Gaming Act’s “licensed truck stop establishments,” the Village would be confining such establishments to its industrial districts.

The proposed amendments would modify the definitions of Motor Vehicle Service Station and Truck Stop in Section 10-3-3 of the Zoning Ordinance as follows:

MOTOR VEHICLE SERVICE STATION: A facility or premises primarily used for retail sales of fuel or oil for passenger automobiles, trucks or boats and which may include as a secondary activity car washes, convenience retail stores, fast food restaurants, and/or the retail sale of tires, batteries, and similar accessories and the making of repairs to vehicles that do not require storing such vehicles on the premises overnight, *but not including a Truck Stop as herein defined.*

Notwithstanding the foregoing, Ssee also “truck stop” as defined herein for similar facilities that primarily serve diesel trucks and “major and minor motor vehicle repair” for establishments that primarily perform repair activities and do not have retail sale of gasoline;

TRUCK STOP: A facility or premises primarily used for retail sales of fuels and oil for commercial vehicles or semitrucks which may also include as accessory activities restaurants, shower facilities, truck washes, convenience retail stores, and/or the retail sale of tires, batteries, and similar truck parts, but not overnight parking. *Notwithstanding any of the other provisions of this definition, the term “Truck Stop” shall also include any establishment claiming to be a “licensed truck stop establishment” pursuant to the current Illinois Video Gaming Act (230 ILCS 40/5), or as may be subsequently amended.* Truck repair activity shall be considered “major motor vehicle repair”. See also “Fleet Fueler Facility” as defined herein.

These revisions explicitly classify Village gas stations that meet the Video Gaming Act’s broad definition of “licensed truck stop establishments” as “truck stops” (rather than “motor vehicle service stations”), which are confined to the Village’s industrial districts.

These changes would provide a recourse to address unwanted video gaming expansion through the “licensed truck stop establishment” loophole. The Village would be able to seek injunctive relief for any existing entity operating as a gas station in a commercial district that qualifies as a “licensed truck stop establishment” and obtains a video gaming license. Additionally, it would be able to deny future permits sought by new service stations with video gaming licenses that seek to operate outside of the Village’s industrial districts.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input checked="" type="checkbox"/>	Safe and Beautiful Village
<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

RECOMMENDATIONS:

Staff recommends approval of the proposed Text Amendment to the Village Code to amend the definitions of “Truck Stop” and “Motor Vehicle Service Station”

Respectfully Submitted
Community & Economic
Development Department