COMMUNITY DEVELOPMENT COMMISSION
Village of Bensenville
VILLAGE HALL
October 1, 2019 6:30 PM

I. Call Meeting to Order
II. Roll Call and Quorum
III. Pledge of Allegiance
IV. Public Comment
V. Approval of Minutes
August 6, 2019 Community Development Commission Meeting Minutes
VI. Action Items:
1. Consideration of a Special Use Permit to allow Indoor Recreation at 540 N. York Road.
2. Consideration of a Variation to allow a monument sign less than 5 feet from the front lot line at 14 N. York Road.
3. Consideration of a Text Amendment to Title 10 (Zoning Ordinance), creating regulations for the operation of adult-use cannabis business establishments
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)
DESCRIPTION:
August 6, 2019 Community Development Commission Meeting Minutes

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

REQUEST:

SUMMARY:

RECOMMENDATION:

ATTACHMENTS:
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<th>Description</th>
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<tr>
<td>DRAFT_190806_CDC</td>
<td>9/17/2019</td>
<td>Cover Memo</td>
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CALL TO ORDER: The meeting was called to order by Chairman Rowe at 6:30 p.m.

ROLL CALL: Upon roll call the following Commissioners were present:
Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz
Absent: None
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of July 2, 2019 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.

Senior Village Planner, Kurtis Pozsgay was present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Continued Public Hearing: CDC Case Number 2019-17
Petitioner: Norbert Piskorz
Location: 177 Henderson Street
Request: Variance, Porch in Interior Side Yard Setback Municipal Code Section 10 – 6 – 22

Motion: Commissioner Marcotte made a motion to re-open CDC Case No. 2019-17. Commissioner Marcotte seconded the motion.

Chairman Rowe re-opened CDC Case No. 2019-17 at 6:31 p.m.
ROLL CALL: Upon roll call the following Commissioners were present: Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz. Absent: None. A quorum was present.

Senior 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 June 13, 2019. 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 June 14, 2019. Mr. Pozsgay stated on June 14, 2019 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 requesting a Variance to build a porch in their interior side yard. Mr. Pozsgay stated plans indicate the proposed porch will be encroaching 1.35 feet into the 6-foot side yard setback.

Ms. Beata Piskorz, property owner, was present and sworn in by Chairman Rowe. Ms. Piskorz stated her goal was to improve her property and have a place her family can sit outside and enjoy their time together.

Commissioner Wasowicz asked what type of material would be used to constructed the deck. Ms. Piskorz stated wood.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

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

*Applicant’s Response:* We need this wood deck because we have never had an outside area to gather as a family and we are already close to the property line.

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.

*Applicant’s Response:* Without this porch, we would not be able to gather outside during a rainy day or a really hot day.

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.

*Applicant’s Response:* We need this wood deck because we have never had an outside area to gather as a family and we are already close to the property line.

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.

*Applicant’s Response:* No, not resulting from applicant action.
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.

**Applicant's Response:** No, it does not confer a special privilege ordinarily denied to such because there are a bunch of porches in my neighborhood.

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.

**Applicant's Response:** It is necessary for us to have this porch so we have a nice outside space to be with our family/friends.

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.

**Applicant’s Response:** The variance will not alter the local character of my neighborhood.

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.

**Applicant’s Response:** The variance is consistent with the title and 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.

**Applicant’s Response:** The minimum Variance we need is to build a little bit into our side yard.
Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance to build a porch in the interior side yard with the following conditions:

1) The drainage should be designed as such that it will not adversely impact the neighboring properties; and
2) The applicant must obtain all proper building permits.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2019-17. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:36 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-17 as presented by Staff and to approve the variance request as presented. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-19
Petitioner: Jose Fernandez
Location: 197 Grace Street
Request: Variance, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G.4

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-19. Commissioner King seconded the motion.

Chairman Rowe opened CDC Case No. 2019-19 at 6:37 p.m.
ROLL CALL: Upon roll call the following Commissioners were present: Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz
Absent: None
A quorum was present.

Senior 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 July 18, 2019. 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 July 19, 2019. Mr. Pozsgay stated on July 19, 2019 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 requesting a Variance to allow a 10 x 40 paved parking area in the interior side yard nonadjacent to the garage. Mr. Pozsgay stated the petitioner has been parking on the unimproved area and was issued a correction notice. Mr. Pozsgay stated the house is uniquely positioned, being at Mr. Pozsgay stated the very rear of the lot. Mr. Pozsgay stated there is a one car attached garage to the south of the house. There is not enough room in front of the garage for a parking spot.

Mr. Jose Fernandez, property owner, was present and sworn in by Chairman Rowe. Mr. Fernandez stated with his age and sickness, maintaining the gravel is becoming an issue. Mr. Fernandez asked the commission to consider his request for a 10x40 pavement.

There were no questions from the Commission.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

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

   **Applicant’s Response:** We purchased our property in 1995, we were told by the owner and realtor that there is a gravel driveway for 2 cars by the side of the house. We have been using it since then. There’s attached garage for one car where we park our car, but no room for another in front of it. We are back next to the alley. My husband has been fighting Multiple Myeloma and there is times my daughters would need to stay overnight to help me take care of him. They would use the side driveway to park. We have 10 grandchildren and in a regular basis my family is always visiting. I also babysit my grandchildren, especially the toddlers and infants. Having the driveway will be helpful for my family with young children to visit and for my family that stay overnight to have where to park their cars.

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.

   **Applicant’s Response:** Practical difficulties if we don’t have a driveway on the side of the house. My family with young children would park in front of the house during the inclement weather and do a lengthy walk to the rear of the house. It would be very difficult for my husband to walk that lengthy walk when he can’t park his car in the garage. He has a handicap for parking to be able to walk short distances. Having the side driveway will help him easy access to walk in and out of the house.

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.
Applicant’s Response: By allowing us to build asphalt driveway to the side of the house, it will be providing easy access for my husband who’s fighting cancer to get in and out house on the days he’s not feeling well. Also, for my growing family to visit and park their cars; and to park overnight when needed.

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.

Applicant’s Response: It will difficult for me or my husband to help my grandchildren get in and out of the car if we are not able to have the side driveway. The long lengthy walk from the front of the house to the rear house entrance is very difficult especially when there is snow and/or ice. I have severe osteoporosis and a bad fall for me would be badly broken bones. It is our concern for our wellbeing/health.

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.

Applicant’s Response: As property owners I feel I have the right to request permit to have asphalt driveway. We have the attached garage for one car and no room to park a car in front of it because we are next to the alley. We notice that other neighbors have cares parked where ever they would fine room; on their grass or the side of the house where their cars are almost halfway blocking the alley. I like to have a driveway where my cars can be parked to the Village Ordinance.
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.

   **Applicant’s Response:** The project is requested solely for the wellbeing for my husband and I and, my visiting family needs. Not for any economic return.

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.

   **Applicant’s Response:** Providing us the approval for variances, will not impair the environmental quality of our property. All codes will be followed as indicated to us.

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.

   **Applicant’s Response:** The approval of the variance will be in harmony with the general purpose with this ordinance and will not change any general development of the Village of Bensenville.

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.

   **Applicant’s Response:** Having the asphalt side driveway is the minimum variance needed to help my husband and I maintain easy access to our home. To avoid falls from our lengthy walking distance from the front of the house to enter our home. Also, to keep us active in our grandchildren and children lives, since we are limited to our driving due to my husband’s health and I don’t.
Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variance to allow a paved parking area nonadjacent to the garage:

1) The paved parking area shall be installed in a vee-shape that slopes to the east in order to keep runoff water away from the neighboring property; and
2) The paved parking area shall be 10 feet by 20 feet.

Chairman Rowe suggested allowing the paved parking area to be 10 feet by 40 feet. There were no objections from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-19. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czamecki, King, Marcotte, Rodriguez, Wasowicz
Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:59 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-19 as presented by Staff and to approve the variance request as presented. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czamecki, King, Marcotte, Rodriguez, Wasowicz
Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:47 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-19 as presented by Staff and to approve the variance request as presented and to allow the paved parking area to be 10 feet by 40 feet. Commissioner Wasowicz seconded the motion.
ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Marcotte, Rodriguez, Wasowicz
          Nays: None
          All were in favor. Motion carried.

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 Wasowicz seconded the motion.
          All were in favor. Motion carried.
          The meeting was adjourned at 6:51 p.m.

______________________________________________________________
Ronald Rowe, Chairman
Community Development Commission
DESCRIPTION:
Consideration of a Special Use Permit to allow Indoor Recreation at 540 N. York Road.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

☒ Financially Sound Village
☒ Quality Customer Oriented Services
☒ Safe and Beautiful Village
☒ Enrich the lives of Residents
☒ Major Business/Corporate Center
☒ Vibrant Major Corridors

REQUEST:
Special Use Permit, Indoor Recreation
Municipal Code Section 10 - 7 - 2 - 1

SUMMARY:
1. The Petitioner is requesting a Special Use Permit to allow Indoor Recreation at 540 N. York Road, which is in a multi-tenant industrial building in an existing I-2 Industrial District.
2. The facility will offer Mixed Martial Arts training for professional athletes as well classes for children and adults.

RECOMMENDATION:
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for Valle Flow Striking, LLC with the following condition:
1. The Special Use Permit be granted solely to the Valle Flow Striking, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Hearing of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Special Use Permit.

ATTACHMENTS:
Description | Upload Date | Type
-------------|-------------|-------
Case Coverpage | 9/18/2019 | Backup Material
Aerial & Zoning Maps | 9/17/2019 | Backup Material
Legal Notice | 9/17/2019 | Backup Material
Application | 9/17/2019 | Backup Material
Approval Criteria | 9/17/2019 | Backup Material
Staff Report | 9/18/2019 | Executive Summary
Plat of Survey | 9/17/2019 | Backup Material
Plans | 9/17/2019 | Backup Material
Public Hearing 10.01.19

CDC Case #2019 – 18

Valle Flow Striking, LLC
540 N. York Road

Special Use Permit, Indoor Recreation
Municipal Code Section 10 – 7 – 2 – 1

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans
LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, October 1, 2019 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2019 - 18 to consider a request for:

   Special Use Permit, Indoor Recreation
   Municipal Code Section 10 – 7 – 2 – 1

   Variation, Reduction in Required Off-Street Parking
   Municipal Code Section 10 – 8 – 2 – 1

at 540 N. York in a I – 2 General Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

LOTS 1 AND 4 IN SCHUTTER’S DIVISION OF LOT 2 IN MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERDIAN, ACCORDING TO THE PLAT OF SAID SCHUTTER’S DIVISION, RECORDED JULY 13, 1949 AS DOCUMENT 571632, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 516-554 N. York, Bensenville, IL 60106.

Arnoldas Kozys of 516-554 N. York Road, Bensenville, IL 60106 is the owner and Valle Flow Striking, LLC of 348 Montabello, Bloomingdale, IL 60108 is the applicant of 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 October 1, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville
COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 540 N. York Road

Property Index Number(s) (PIN): 03-11-402-018 03-11-402-021

A. PROPERTY OWNER:
Arnoldas Kozys

Name
Cordoba Properties LLC.

Corporation (if applicable)

348 Montabello 516-554 N. York Rd

Street
Bensenville

City
Kevin Zilyns

State
Zip Code
708-968-3333

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: 8/28/19

B. APPLICANT: ☐ Check box if same as owner

Valle Flow Striking, LLC

Name: 348 Montabello

Corporation (if applicable)

Street
Bloomingdale

City
State
Zip Code
708-968-3333

Contact Person

Telephone Number & Email Address

tenant

Relationship of Applicant to subject property

Applicant Signature: 9/14/19

C. ACTION REQUESTED (Check applicable):
☐ Annexation
☐ Special 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
Brief Description of Request(s): (Submit separate sheet if necessary)

Vella Flow Striking, LLC also offers classes for kids and adults in the evenings.

D. PROJECT DATA:
1. General description of the site: Multi-tenant Industrial building
2. Acreage of the site: 4.4
   Building Size (if applicable): 100,337 SF
3. Is this property within the Village limits? (Check applicable below)
   Yes [x]  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.)
   N/A
5. Character of the site and surrounding area:

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<th>Jurisdiction</th>
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<td>West</td>
<td>1-2</td>
<td>Industrial</td>
<td>Bensenville</td>
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E. DEVELOPER’S STAFF (if applicable): N/A

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.”
Piera Valle  
Co-Owner  
Valle Flow Striking, LLC  
348 Montabello  
Bloomingdale, IL 60108  
August 19, 2019

Bensenville Community Development Commission  
Special Use Application for 540 N. York Rd  
Municipal Code Section 10-3-4:C Approval Criteria for Special Uses

Dear Bensenville Community Development Commission:

1. **Traffic**  
   Valle Flow Striking will not have any adverse impact on traffic.

2. **Environmental Nuisance**  
   There will be no adverse environmental effects including abnormal accounts of noise, glare, odor, dust, waste disposal, from the use of our gym.

3. **Neighborhood Character**  
   Valle Flow Striking will fit harmoniously with the existing character of existing businesses and surroundings.

4. **Use of Public Services and Facilities**  
   Valle Flow Striking will not place undue burden upon existing development in the area and will not generate disproportionate demand for new services or facilities.

5. **Public Necessity**  
   Valle Flow Striking focuses on providing men and women of all ages a place to focus on physical fitness while learning all other aspects of martial arts – including mental focus, self-discipline and respect. It also provides a true form of self-defense that will stick with them for the rest of their lives.

6. **Other Factors**  
   Many of the children enrolled in our kid’s program reside in Bensenville – and they, along with their parents, can attest to the assets we bring to the community. We look forward to opening our business here and to provide even more members of the community a place that encourages a healthy lifestyle.
## STAFF REPORT

**HEARING DATE:** October 1, 2019  
**CASE #:** 2019 – 18  
**PROPERTY:** 540 N. York  
**PROPERTY OWNER:** Cordoba Properties, LLC  
**APPLICANT:** Valle Flow Striking, LLC  
**SITE SIZE:** 191,664 SF  
**BUILDING SIZE:** 100,337 SF  
**PIN NUMBER:** 03-11-402-018  
**ZONING:** I – 2 General Industrial District  
**REQUEST:** Special Use Permit, Indoor Recreation  
Municipal Code Section 10 – 7 – 2 – 1

### PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, September 12, 2019. 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 Friday, September 13, 2019.

3. On Friday, September 13, 2019, 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 requesting a Special Use Permit to allow Indoor Recreation at 540 N. York Road, which is in a multi-tenant industrial building in an existing I-2 Industrial District. The facility will offer Mixed Martial Arts training for professional athletes as well classes for children and adults.
SURROUNDING LAND USES:

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<th>Zoning</th>
<th>Land Use</th>
<th>Comprehensive Plan</th>
<th>Jurisdiction</th>
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<tbody>
<tr>
<td>Site</td>
<td>I – 2</td>
<td>Industrial</td>
<td>Industrial</td>
<td>Village of Bensenville</td>
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<td>North</td>
<td>I – 2</td>
<td>Industrial</td>
<td>Industrial</td>
<td>Village of Bensenville</td>
</tr>
<tr>
<td>South</td>
<td>I – 2</td>
<td>Industrial</td>
<td>Industrial</td>
<td>Village of Bensenville</td>
</tr>
<tr>
<td>East</td>
<td>PD – O</td>
<td>O’Hare Airport</td>
<td>O’Hare Airport</td>
<td>City of Chicago</td>
</tr>
<tr>
<td>West</td>
<td>I – 2</td>
<td>Industrial</td>
<td>Industrial</td>
<td>Village of Bensenville</td>
</tr>
</tbody>
</table>

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- [ ] Financially Sound Village
- [ ] Quality Customer Oriented Services
- [ ] Safe and Beautiful Village
- [ ] Enrich the lives of Residents
- [X] Major Business/Corporate Center
- [X] Vibrant Major Corridors

Finance:
1. Up to date with billing.

Police:
1. No objection.

Engineering and Public Works:

Engineering:
1. No engineering comments.

Public Works:
1. No comments.

Community & Economic Development:

Fire Safety:
1. No comments.

Building:
1. Building requires the following information:
   a. What is the proposed occupant load?
      Applicant Response: 25
   
   b. Provide the number of plumbing fixtures. How many are for men and how many are for women?
      Applicant Response: 4 plumbing fixtures – 2 toilets and 2 sinks. All plumbing fixtures are co-ed.
c. Are any of the bathrooms accessible?
   Applicant Response: To the best of our knowledge, no.

d. How many exits are provided?
   Applicant Response: Two exits: Front door and side door through the warehouse.
   Side door has stairs to ground level.

e. What kind of storage will the mezzanine be used for? Will the mezzanine be open to the public? Public includes employees.
   Applicant Response: Light storage. No, it will not be open to the public.

f. How many exits are there from the mezzanine?
   Applicant Response: No exits to outside, staircase to warehouse.

Planning:
1. The 2015 Comprehensive Plan indicates “Commercial/Industrial Flex” for this property.
2. Current zoning is I–2 General Industrial District.
3. In the I-2 District, Indoor Recreation requires a Special Use Permit.
4. Indoor Recreation must comply with use standards § 10-7-3.N (Indoor Entertainment or Recreation).
   a. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
   b. Noise. Any noise associated with the facility shall be managed so as not to create a public nuisance for surrounding properties and shall comply with § 10-7-6.A (Noise) and all other local noise regulations.
5. The business plans to operate Sunday – Saturday from 7am – 9pm.
   a. The business will be only hosting MMA classes during the below hours. The morning classes will be reserved for professional athletes while the night classes will be open to the public, primarily for children.
      i. Monday: 10am – 12pm and 5pm – 9pm
      ii. Tuesday: 5pm – 9pm
      iii. Wednesday: 10am – 12pm and 5pm – 9pm
      iv. Thursday: 10am – 12pm and 5pm – 9pm
      v. Saturday: 10am – 12pm
   b. All other times will be reserved for private, one-on-one-sessions.
6. The business employs two full-time employees and three consultants. Consultants only come in one week, at different times from one another, only during class hours.
   Applicant stated that there would not be more than two employees and one consultant at the business at a time.
7. Per lease agreement with property owner, the unit is allotted five parking spaces.
8. Immediately south of the property is a parking lot of 61 spaces. This parking lot is available for overflow parking.
9. Staff has concerns that customers of the business will not use these overflow spaces, due to the lot being located a long walk away from the entrance, and instead use parking spaces allotted for other tenants of the property.
APPROVAL CRITERIA FOR SPECIAL USE:

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: Valle Flow Striking will not have any adverse impact on traffic.

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 adverse environmental effects including abnormal amounts of noise, glare, odor, dust, waste disposal, from the use of our gym.

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: Valle Flow Striking will fit harmoniously with the existing character of existing businesses and surroundings.

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: Valle Flow Striking will not place undue burden upon existing development in the area and will not generate disproportionate demand for new services or facilities.

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: Valle Flow Striking focuses on providing men and women of all ages a place to focus on physical fitness while learning all other aspects of martial arts – including mental focus, self-discipline and respect. It also provides a true form of self-defense that will stick with them for the rest of their lives.

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: Many of the children enrolled in our kids' program reside in Bensenville – and they, along with their parents, can attest to the assets we bring to
the community. We look forward to opening our business here and to provide even more members of the community a place that encourages a healthy lifestyle.

<table>
<thead>
<tr>
<th>Conditional Use Approval Criteria</th>
<th>Meets</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Traffic</td>
<td>Yes</td>
<td>X</td>
</tr>
<tr>
<td>2. Environmental Nuisance</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>3. Neighborhood Character</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4. Public Services and Facilities</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5. Public Necessity</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6. Other Factors</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for Valle Flow Striking, LLC with the following conditions:

1. The Special Use Permit be granted solely to the Valle Flow Striking, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Hearing of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Special Use Permit.

Respectfully Submitted,
Department of Community & Economic Development
Landlord plans to complete the following improvements.
Secure exterior doors. No holes, rust warping, or draft.
Replace or repair all interior doors to quality standard.
New VCT tiles in both bathrooms and office.
New sink, faucets and cabinets in both bathrooms.
Install drinking fountain in warehouse.
Upgrade to LED lighting.
Paint warehouse, office, bathroom.
DESCRIPTION:
Consideration of a Variation to allow a monument sign less than 5 feet from the front lot line at 14 N. York Road.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

REQUEST:
Variation, Monument Sign Location
Municipal Code Section 10 – 10 – 5 – 8.a

SUMMARY:
1. The Petitioner is requesting a Variation to allow a monument sign located two feet from the front lot line.

RECOMMENDATION:
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation with the following conditions:
1. Sign must be in compliance with plans prepared by Targin Sign Systems dated 08.19.19.
2. A landscape plan shall be submitted to and approved by Village Staff.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Upload Date</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Coverpage</td>
<td>9/18/2019</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Aerial &amp; Zoning Maps</td>
<td>9/17/2019</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Legal Notice</td>
<td>9/17/2019</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Application</td>
<td>9/18/2019</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Staff Report</td>
<td>9/18/2019</td>
<td>Executive Summary</td>
</tr>
<tr>
<td>Plat of Survey</td>
<td>9/17/2019</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Plans</td>
<td>9/17/2019</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
Public Hearing 10.01.19

CDC Case #2019 – 21

Armando Perez
14 N. York Road

Variance, Monument Sign Location
Municipal Code Section 10 – 10 – 5 – 8.a

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans
Variation; Monument Sign Location
Municipal Code Section 10–10–5–8.a
LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, October 1, 2019 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2019 - 21 to consider a request for:

Variation, Monument Sign Location
Municipal Code Section 10 – 10 – 5 – 8.a

at 14 N. York Road in a C – 1 Commercial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

LOT 7 AND LOT 8, IN BLOCK 1, IN TIOGA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDEED OCTOBER 24, 1873 AS DOCUMENT 17017, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 14 N. York Road, Bensenville, IL 60106.

Armando Perez of 834 S. Center Street, Bensenville, IL 60106 is the owner and applicant of 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 October 1, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
September 12, 2019
COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 14 N York Rd

Property Index Number(s) (PIN):

A. PROPERTY OWNER:

Name: Esmit Properties LLC
Corporation (if applicable)

Street: 14 N York Rd
City: Bonnerville
State: NV
Zip Code: 89004

Contact Person: Armando Perez
Telephone Number & Email Address: 775-344-1501, APA20288@gmail.com

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

Property Owner Signature: __________________________ Date: 9/6/19

B. APPLICANT: ☐ Check box if same as owner

Name: 
Corporation (if applicable)

Street: 

City: 
State: 
Zip Code: 

Contact Person: 
Telephone Number & Email Address: 

Relationship of Applicant to subject property

Applicant Signature: __________________________ Date: __________________

C. ACTION REQUESTED (Check applicable):
☐ Annexation
☐ Special 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
Brief Description of Request(s): (Submit separate sheet if necessary)

Variation to allow a monument sign two feet from the front property line.

D. PROJECT DATA:
1. General description of the site: **Mixed-use building**

2. Acreage of the site: **0.17** Building Size (if applicable): **2,680.25**

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.)
   - **N/A**

5. Character of the site and surrounding area:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site:</td>
<td><strong>C-1</strong></td>
<td><strong>Commercial</strong></td>
</tr>
<tr>
<td>North:</td>
<td><strong>C-1</strong></td>
<td></td>
</tr>
<tr>
<td>South:</td>
<td><strong>C-1</strong></td>
<td></td>
</tr>
<tr>
<td>East:</td>
<td><strong>C-1</strong></td>
<td></td>
</tr>
<tr>
<td>West:</td>
<td><strong>N/A</strong></td>
<td><strong>Airport Property</strong></td>
</tr>
</tbody>
</table>

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."
STAFF REPORT
HEARING DATE: October 1, 2019
CASE #: 2019 – 21
PROPERTY: 14 N. York
PROPERTY OWNER: Armando Perez
APPLICANT: Same
SITE SIZE: 7405 SF
BUILDING SIZE: 2680 SF
PIN NUMBER: 03-14-216-012
ZONING: C – 1 Downtown Mixed-Use District
REQUEST: Variation, Monument Sign Location
Municipal Code Section 10 – 10 – 5 – 8.a

PUBLIC NOTICE:
1. A Legal Notice was published in the Bensenville Independent on Thursday, September 12, 2019. 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 Friday, September 13, 2019.
3. On Friday, September 13, 2019, 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 requesting a Variation to allow a monument sign located two feet from the front lot line.
SURROUNDING LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
<th>Comprehensive Plan</th>
<th>Jurisdiction</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>C – 1</td>
<td>Commercial</td>
<td>Mixed Multi Use</td>
<td>Village of Bensenville</td>
</tr>
<tr>
<td>South</td>
<td>C – 1</td>
<td>Commercial</td>
<td>Mixed Multi Use</td>
<td>Village of Bensenville</td>
</tr>
<tr>
<td>East</td>
<td>N/A</td>
<td>Airport Property</td>
<td>N/A</td>
<td>Village of Bensenville</td>
</tr>
<tr>
<td>West</td>
<td>C – 1</td>
<td>Commercial</td>
<td>Mixed Multi Use</td>
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</tr>
</tbody>
</table>

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

Finance:
1. Up to date with billing.

Police:
1. No objections.

Engineering and Public Works:

Engineering:
1. No engineering related issues with the variance request. It appears to be clear of all public utilities in the area.

Public Works:
1. No comments.

Community & Economic Development:

Fire Safety:
1. No comments.

Building:
1. No comments.

Planning:
1. The 2015 Comprehensive Plan indicates “Mixed Multi Use” for this property.
2. Current zoning is C – 1 Downtown Mixed-Use District.
3. Sign plans indicate that the proposed monument sign is set back 2 feet from the front lot line.
4. According to § 10-5-8.a of the Zoning Code, monument signs must be located a minimum of 5 feet from any front lot line.

5. If the monument sign were setback 5 feet its visibility would be blocked by the existing masonry entry stairs. There is also an existing wood deck/accessibility ramp located approximately 6 feet from the property line.

6. According to § 10-5-8.c of the Zoning Code, monument signs shall not exceed 50 square feet in area and 8 feet in height. Proposed sign is only 12 square feet in area and 6 feet in height.

7. According to § 10-5-8.f, the area surrounding the base of all monument signs must be landscaped. The landscape area shall extend a minimum of three feet in width on all sides of the sign base and consist of shrubs perennials, and/or other vegetative groundcover. A landscape plan shall be submitted as part of any permit application (see § 10-6-9 (Sign Permit)), and approved by the Zoning Administrator. The Zoning Administrator may approve alternative landscape designs when soil conditions, space constraints, or other factors beyond reasonable control of the applicant preclude the applicant from meeting the requirements set forth in this Section.

APPROVAL CRITERIA FOR VARIANCES:

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.

   **Applicant’s Response:** The Property is located on York Rd in the business district. The previous sign which was existing non-conforming was not visible. It was located behind the deck and stair case.

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.

   **Applicant’s Response:** My State Farm Agency will be located on the main floor. I need to have a sign for the business.

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.

   **Applicant’s Response:** There are several factors as to why I am requesting the Variance from 5 feet to 2 feet set back. The parking lot is to the south of the property. I want to make sure the sign does not block the sight for vehicles entering or exiting. There is a handicap ramp that is close to the property line. Installing the
The sign behind the ramp would cover the entire sign. The staircase to the front entrance is also on the north side of the building. Traffic traveling southbound on York would not be able to see it. Putting the sign 5 feet back in the middle of the property would result in no visibility.

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.

Applicant’s Response: I removed the existing non-nonconforming sign due to it being damaged. There has been no action from applicant, I consulted with the Village Staff to get feedback on options.

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.

Applicant’s Response: This request is consistent with other business signs 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.

Applicant’s Response: This request will not increase the applicant’s economic return.

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.

Applicant’s Response: This request will not alter local character.

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.

Applicant’s Response: This request is consistent with the Ordinance and 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.

Applicant’s Response: I am requesting 2 feet from the property line rather than 5 feet. This sign will be visible on both sides and will not interfere with visibility.

<table>
<thead>
<tr>
<th>Variances Approval Criteria</th>
<th>Meets Criteria</th>
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<tbody>
<tr>
<td>1. Special Circumstances</td>
<td>X</td>
</tr>
<tr>
<td>2. Hardship</td>
<td>X</td>
</tr>
<tr>
<td>3. Circumstances relate to the Property</td>
<td>X</td>
</tr>
<tr>
<td>4. Not Resulting from Applicant Actions</td>
<td>X</td>
</tr>
<tr>
<td>5. Preserve Rights Conferred By District</td>
<td>X</td>
</tr>
<tr>
<td>6. Necessary for the Use of the Property</td>
<td>X</td>
</tr>
<tr>
<td>7. Not Alter Local Character</td>
<td>X</td>
</tr>
<tr>
<td>8. Consistent with Title and Plan</td>
<td>X</td>
</tr>
<tr>
<td>9. Minimum Variance Needed</td>
<td>X</td>
</tr>
</tbody>
</table>

RECOMMENDATIONS:
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Armando Perez with the following conditions:

1. Sign must be in compliance with plans prepared by Targin Sign Systems dated 08.19.19.
2. A landscape plan shall be submitted to and approved by Village Staff.

Respectfully Submitted,
Department of Community & Economic Development
LOT 7 AND LOT 8, IN BLOCK 1, IN TIOGA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1873 AS DOCUMENT 17017, IN DUPAGE COUNTY, ILLINOIS.

TOTAL AREA OF PROPERTY SURVEYED: 15940.50 SQ. FT. ±

To: ESME PROPERTIES LLC
CITYWIDE TITLE
FIRST AMERICAN TITLE INSURANCE COMPANY
FARMERS MERCHANT (ITS SUCCESSORS AND HEIRS)
As Title Indents May Appear

This is to certify that the map or plat and the survey for which it is made were made in accordance with the 2011 Standard Manual of Selected Land Titles and by the procedures and adopted by the Illinois Land Surveying Act of 1982, and Rules 1, 2, 3, 4, 5, 6, 7 and 8 of Table A thereof, the measurements and computations of December 10, 2011, dated this 7th day of December, 2011.

ILINOIS PROFESSIONAL LAND SURVEYOR NO. 6271477
LICENSE NUMBER: 1-6271477
STATE LAND SURVEYORS EMERGNCY

Use of this Survey other than intended, without written instructions, will be at the User's Risk and without Liability to the Surveyor. Nothing herein shall be construed to give ANY Rights or Benefits to anyone other than those certified.
State Farm
Armando Perez  630-595-3883

24"  72"

State Farm
Armando Perez  630-595-3883

60"

72"

OLD WOOD BOX SIGN REMOVED

- 2' X 6'
- DF CENTER POLE
- ILLUMINATED SIGN
- Double side decorated
- Flat face
- 6' overall height
- SETBACK  As Per City Requirements
- 12 SqFt
- Agent to confirm imprint.

TARGIN SIGN SYSTEMS  160 WEST IRVING PK RD. WOODDALE IL

Customer: STATE FARM: ARMANDO PEREZ
Project No:  TG 101  Scale: N/A
Date:  8 19 2019  Drawn By:  STEVE
Location & Site No:  14 N YORK RD, BENSENVILLE, IL 60106

Description:  ARMANDO PEREZ  847-344-1501

STREET SIGN

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above.

CUSTOMER SIGNATURE

DATE

LANDLORD SIGNATURE

DATE
DESCRIPTION:
Consideration of a Text Amendment to Title 10 (Zoning Ordinance), creating regulations for the operation of adult-use cannabis business establishments.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

REQUEST:
Text Amendment, Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 11 (Definitions)
Municipal Code 10-3-6

SUMMARY:
1. The Village is looking to create definitions, use categories and use standards to allow for Adult-Use Cannabis Business Establishments.
2. The new zoning will apply to any Commercial or Industrial property in the Village.
3. The ordinance will create a Special Use category in these districts.
4. It will also create use standards and new definitions for each Adult-Use Cannabis Business Establishment.

RECOMMENDATION:
Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Adult-Use Cannabis Business Establishments regulations and definitions.

ATTACHMENTS:

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<td>Case Coverpage</td>
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Public Hearing 10.01.19

CDC Case #2019 – 20

Text Amendment, Adult-Use Cannabis Business Establishments
Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 11 (Definitions)
NOTICE IS HEREBY GIVEN that on Tuesday, October 1, 2019 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will hold a Public Hearing to review Case No. 2019 – 20 to consider Text Amendments to the Village Code to amend Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 11 (Definitions) pertaining to Adult-Use Cannabis Business Establishments.

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 & Economic Development Department through October 1, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
September 12, 2019
STAFF REPORT
HEARING DATE: October 1, 2019
CASE #: 2019 – 20
PROPERTY: Village of Bensenville
PROPERTY OWNER: n/a
APPLICANT: Village of Bensenville
SITE SIZE: n/a
UNIT SIZE: n/a
PIN NUMBERS: n/a
ZONING: Adult-Use Cannabis Business Establishments
REQUEST: Creation of regulations allowing for the operation of Adult-Use Cannabis Business Establishments, Sections 10 – 7 (Zoning Ordinance) and 10 – 11 (Definitions).

PUBLIC NOTICE:
A Legal Notice was published in the Bensenville Independent on Thursday September 12, 2019. 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 is looking to create definitions, use categories and use standards to allow for Adult-Use Cannabis Business Establishments. The new zoning will apply to any Commercial or Industrial property in the Village. The ordinance will create a Special Use category in these districts. It will also create use standards and new definitions for each Adult-Use Cannabis Business Establishment.

The State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019. The law will take effect January 1, 2020. Municipalities need to act, in one way or the other, regarding the new business uses. Staff is recommending regulating the business uses with the below standards.

Adult-Use Cannabis Business Establishment:
1. Compliance with State Regulations. Adult-Use Cannabis Business Establishments must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements. When such state regulations are amended, such regulations control over this Ordinance.
2. Minimum Spacing: An adult use-cannabis business establishment shall not be located within five hundred feet (500') of any day care center, elementary school, middle school, high school, park, or any use where large numbers of minors regularly travel or congregate. An adult-use cannabis business establishment shall not be located within one thousand five hundred feet (1,500') of another adult-use cannabis business establishment.
3. Hours of Operation. The hours of operation of the establishment shall be limited to between 8:00 AM and 10:00 PM.
4. Location of Transactions. All transactions shall occur entirely inside the facility. No transactions may be permitted through an exterior walk-up window or drive through facility.

5. Security. The site design shall incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.

6. On-site consumption. The on-site consumption of cannabis in all its forms is strictly prohibited.

The new Definitions will be as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:
An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:
A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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RECOMMENDATIONS:
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Adult-Use Cannabis Business Establishments regulations and definitions.

Respectfully Submitted,
Department of Community & Economic Development