

# **COMMUNITY DEVELOPMENT COMMISSION**

**Village of Bensenville**

**VILLAGE HALL**

**May 5, 2020 6:30 PM**

I. Call Meeting to Order

II. Roll Call and Quorum

III. Pledge of Allegiance

IV. Public Comment

V. Approval of Minutes

April 7, 2020 Community Development Commission Meeting Minutes

VI. Action Items:

1. Consideration of 3 Variations to erect a 12', 75 sq. ft. monument sign with an EMC component at 1201-1221 W. Irving Park Road (Plaza 83).
2. Consideration of a parking Variation and a Special Use Permit to allow Indoor Entertainment at 450 S. Dominec Court.
3. Consideration of Text Amendments to Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

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:**May 5, 2020**DESCRIPTION:**April 7, 2020 Community Development Commission Meeting Minutes

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

**REQUEST:****SUMMARY:****RECOMMENDATION:****ATTACHMENTS:**

Description

**DRAFT\_200407\_CDC**

Upload Date

**4/27/2020**

Type

**Cover Memo**

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

April 7, 2020

**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, King\*, Marcotte\*, Rodriguez\*, Wasowicz\*  
Absent: Ciula, Czarnecki  
A quorum was present.

**STAFF PRESENT:** K. Fawell, K. Pozsgay\*, S. Viger\*, C. Williamsen

*\*attended the meeting via conference phone*

**JOURNAL OF PROCEEDINGS:** The minutes of the Community Development Commission Meeting of the March 3, 2020 were presented.

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

All were in favor. Motion carried.

Village Planner, Kelsey Fawell, was present and sworn in by Chairman Rowe.

**PUBLIC COMMENT:** There was no Public Comment.

**Public Hearing:** CDC Case Number 2020-01  
**Petitioner:** Mike Burcker  
**Location:** 1201-1221 West Irving Park Road  
**Request:** Variation, Monument Sign Size: Area  
Municipal Code § 10 – 10 – 5 – 8.C  
Variation, Monument Sign Size: Height  
Municipal Code § 10 – 10 – 5 – 8.C  
Variation, Monument Sign Size: Electronic Message Center Sign  
Location Municipal Code § 10 – 10 – 5 – 4.a.3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2020-01. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-01 at 6:33 p.m.

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2020-01 until May 5, 2020. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, King, Marcotte, Rodriguez, Wasowicz  
Nays: None  
All were in favor. Motion carried.

**Continued**

**Public Hearing:**

**Petitioner:**

**Location:**

**Request:**

CDC Case Number 2020-04  
Jovita & Juventino Landin  
1307 West Brookwood Street  
Variation, Driveway Location  
Municipal Code Section 10 – 8 – 8 – A  
Variation, Maximum Driveway Width  
Municipal Code Section 10 – 8 – 8 – 1

Motion: Commissioner Marcotte made a motion to re-open CDC Case No. 2020-04. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe re-opened CDC Case No. 2020-04 at 6:35 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated the applicant informed Staff they would like to withdraw their petition.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2020-04. Commissioner Wasowicz seconded the motion.



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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-04 at 6:36 p.m.

Motion: Commissioner Kings made a motion to withdraw CDC Case No. 2020-04. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2020-05  
**Petitioner:** Ranger Sound, LLC  
**Location:** 450 South Dominec Court  
**Request:** Special Use Permit, Indoor Entertainment  
Municipal Code Section 10 – 7 – 2 – 1  
Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2020-05. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-05 at 6:37 p.m.

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2020-05 until May 5, 2020. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2020-06  
**Petitioner:** Village of Bensenville  
**Request:** Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2020-06. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-06 at 6:39 p.m.

**Motion:** Commissioner Marcotte made a motion to continue CDC Case No. 2020-06 until May 5, 2020. Commissioner King seconded the motion.

**ROLL CALL:** Ayes: Rowe, King, Marcotte, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Meeting:**

**Location:** 201 South York Road

**Request:** Re-subdivision

**Motion:** Commissioner Marcotte made a motion to open the Public Meeting. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened the Public Meeting at 6:41 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated Staff recommends the approval of the proposed re-subdivision.

**Public Comment**

There was no Public Comment

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close the Public Meeting. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Meeting at 6:43 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the findings of fact and the proposed re-subdivision as presented. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Meeting:**

**Location:** Grand Avenue / County Line Road

**Request:** Re-subdivision

Motion: Commissioner Marcotte made a motion to open the Public Meeting. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened the Public Meeting at 6:44 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated Staff recommends the approval of the proposed re-subdivision.

**Public Comment**

There was no Public Comment

There were no questions from the Commission.

**Motion:** Commissioner Marcotte made a motion to close the Public Meeting. Commissioner Wasowicz seconded the motion.

**ROLL CALL:** Ayes: Rowe, King, Marcotte, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Meeting at 6:51 p.m.

**Motion:** Commissioner Wasowicz made a combined motion to approve the findings of fact and the proposed re-subdivision as presented. Commissioner Marcotte seconded the motion.

**ROLL CALL:** Ayes: Rowe, King, Marcotte, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

**Report from  
Community  
Development:**

Ms. Fawell reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 6:52 p.m.

**TYPE:**Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.05.20**DESCRIPTION:**

Consideration of 3 Variations to erect a 12', 75 sq. ft. monument sign with an EMC component at 1201-1221 W. Irving Park Road (Plaza 83).

***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 checked="" type="checkbox"/>	Vibrant Major Corridors

**REQUEST:**

1. Variation, Monument Sign Size - Area  
Municipal Code Section 10-10-5-8.C
2. Variation, Monument Sign Size - Height  
Municipal Code Section 10-10-5-8.C
3. Variation, Electronic Message Center Sign Location  
Municipal Code Section 10-10-5-4.a.3

**SUMMARY:**

1. The Petitioner is requesting three Variations to erect a 12' high and 75 sq. ft. monument sign with an electronic message center component.
2. The sign will be replacing an existing 11' monument sign in the same location.
3. Village Zoning Ordinance allows monument signs to have a maximum height of 8 feet, a maximum area of 50 square feet, and requires that electronic message center signs shall not be located within one mile of the property line of a lot containing an existing EMC sign.

**RECOMMENDATION:**

1. Staff recommends the Denial of the Findings of Facts as they pertain to the first request and therefore the Denial of the Variation for Monument Sign Area.
2. Staff recommends the Denial of the Findings of Facts as they pertain to the second request and therefore the Denial of the Variation for Monument Sign Height.
3. Staff recommends the Approval of the Findings of Fact as they pertain to the third request and therefore the Approval of the Variation for an Electronic Message Sign at 1201-1221 W. Irving Park Road with the following conditions:
  1. Proposed monument sign shall be erected in the same location as the existing monument sign;
  2. Applicant shall submit complete construction plans, including structural and electrical plans, when applying for the permit;
  3. The electronic message sign shall not occupy more than 50% of the total sign area of the monument sign on which it is displayed;
  4. All other features of the EMC shall be in compliance with Village Zoning Ordinance, particularly § 10-10-4.D (Illumination):
    1. Internally illuminated electronic message signs are allowed only in accordance with § 10-10-2.D (Illumination).
    2. Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
    3. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
    4. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.

5. Temporary signs shall no longer be allowed at this property;
6. The area surrounding the base of the monument sign shall 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 sign permit application (see § 10-3-9 (Sign Permit)), and approved by the Zoning Administrator; and
7. Series lighting and illuminated tubing shall be removed from all tenant windows.

ATTACHMENTS:

Description	Upload Date	Type
<b>Case Coverpage</b>	<b>4/27/2020</b>	<b>Cover Memo</b>
<b>Aerial &amp; Zoning Maps</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Application</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Approval Criteria</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>4/27/2020</b>	<b>Executive Summary</b>
<b>Plat of Survey</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Sign Plans</b>	<b>4/27/2020</b>	<b>Backup Material</b>



# BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

**Public Hearing 05.05.20**

**CDC Case #2020 – 01**

**Mike Burcker**

**1201-1221 W. Irving Park Road**

**Variation, Monument Sign Size**

**Municipal Code Section 10 – 10 – 5 – 8.C**

**Variation, Electronic Message Center Sign Location**

**Municipal Code Section 10 – 10 – 5 – 4.a.3**

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans





CDC#2020-01

1201-1221 W. Irving Park Road

Mike Burcker

Variation; Monument Sign Size

Municipal Code Section 10 – 10 – 5 – 8.C

Variation; Electronic Message Center Sign Location

Municipal Code Section 10 – 10 – 5 – 4.a.3



## Village of Bensenville

1201-1221 W Irving Park Road

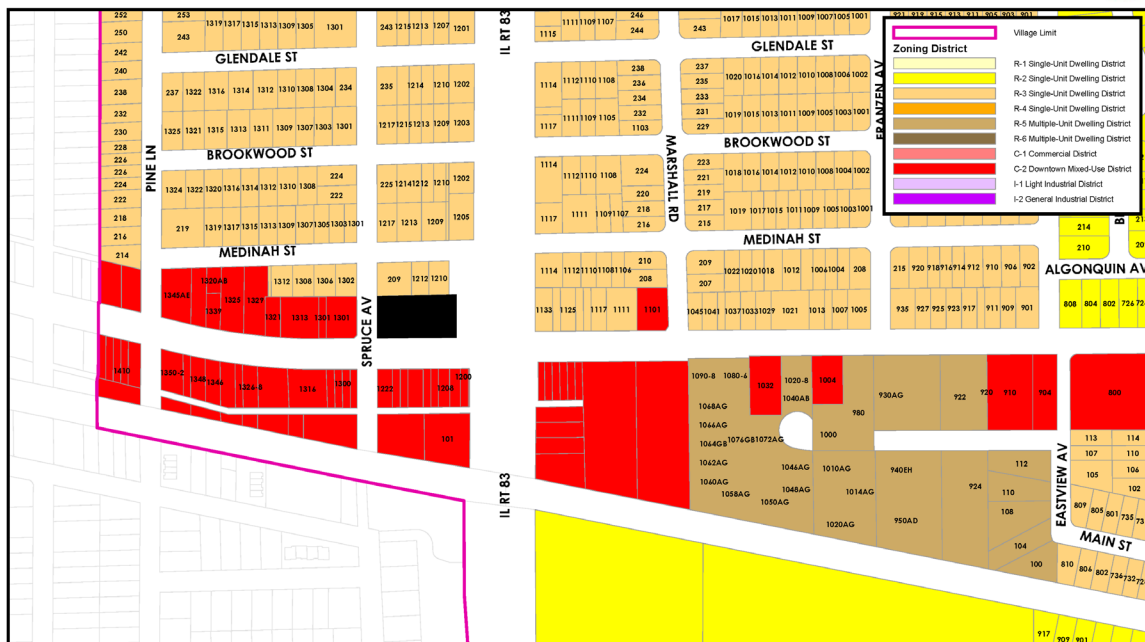


Date: 1/17/2020



## Village of Bensenville

Zoning Map



Date: 1/17/2020



**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, April 7, 2020 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2020 - 01 to consider a request for:

Variation, Electronic Message Center Sign Location  
Municipal Code Section 10 – 10 – 5 – 4.a.3

Variation, Monument Sign Size: Height  
Municipal Code Section 10 – 10 – 5 – 8.C

Variation, Monument Sign Size: Area  
Municipal Code Section 10 – 10 – 5 – 8.C

at 1201-1221 W. Irving Park Road in the C – 2 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:

**PARCEL 1:**

LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 (EXCEPT THAT PART OF SAID LOT 18 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 18; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREE 50 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF LOT 18, A DISTANCE OF 18 FEET, THENCE SOUTH 43 DEGREES 16 MINUTES 46 SECONDS EAST A DISTANCE OF 25.40 FEET TO A POINT ON THE SOUTH LINE OF LOT 18; THENCE NORTH 88 DEGREES 23 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF LOT 18; THENCE NORTH 88 DEGREES 23 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF LOT 18, A DISTANCE OF 18 FEET TO THE PLACE OF BEGINNING) ALL IN BLOCK 34 IN THE FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15 TOWNSHIP 40 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS

**PARCEL 2:**

THE SOUTH ½ OF VACATED ALLEY LYING NORTH OF AND ADJOINING LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 34 IN FIRST ADDITION TO PERCY WILSON'S IRVING PARK MANOR, BEING A SUBDIVISION IN SECTIONS 10, 11, 14 AND 15, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213044, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1201-1221 W. Irving Park Road, Bensenville, IL 60106.

Heidner Properties of 5277 Trillium Blvd, Hoffman Estates, IL 60192 is the owner and Mike Burcker of 399 Wall St., Suite J, Hoffman Estates, IL 60192 is 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 April 7, 2020 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT**  
**March 19, 2020**

For Office Use Only

Date of Submission: 1/15/20 MUNIS Account #: 9787 CDC Case #: 2020-01

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 1213 W. Irving Park Rd. 1201-1221 W. Irving Park Road

Property Index Number(s) (PIN): 03-15-231-027

A. PROPERTY OWNER:

Rick Heidner

Heidner Properties

Name

Corporation (if applicable)

399 Wall St Suite J

Street

Hoffmann Estates

IL

60192

City

State

Zip Code

Eric Grabowski

6308940099 eric@heidnerinc.com

Contact Person

Telephone Number & Email Address

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

B. APPLICANT: ☐ Check box if same as owner

Mike Burcker

Signarama

Name

Corporation (if applicable)

399 Wall St Suite J

Street

Glendale Heights

IL

60139

City

State

Zip Code

Mike Burcker

6303068896 mburcker@att.net

Contact Person

Telephone Number & Email Address

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

\*See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership\*\* (signed/notarized)
- ☐ Application\*\*
- ☐ Approval Criteria\*\*
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Application Fees
- ☐ Fees agreement\*\*

\*\*Item located within this application packet.

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

Looking for the approval to replace the current upper tenant panels with an EMC reaching 12ft tall. Overall size of EMC will be 8ft x 44in. Also, requesting approval to have a 2nd EMC installed within one mile of a property line of a lot containing an existing EMC.

**D. PROJECT DATA:**

1. General description of the site: Retain shopping center
2. Acreage of the site: less than 1 Building Size (if applicable): 10000sf
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:	commercial	C-2 Commercial	Bensenville
North:	residential	R-3 Residential	
South:	Commercial	C-2 Commercial	
East:	Residential	R-3 Residential	
West:	commercial	C-2 Commercial	

**E. APPROVAL CRITERIA:**

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

To the Planning and Zoning Commission City Council,

Heidner Inc. and its entities in affiliation with the property located at 1213 W. Irving Park Rd. would like to submit and request your consideration for the approval of a variance in regards to a monument sign with an EMC (electronic message center) to be constructed at the southwest corner of Spruce St. and W. Irving Park Rd., this being one of the many steps going towards the beautification and reconstruction of the updated signage as well as the upgrade of the building façade itself.

The current rendering of the signage for consideration, although meeting the overall height and dimensions of a monument sign, has a proposed EMC that exceeds the 8ft height requirement. The proposed signage has an overall current height of 12ft and width of 8ft. The original pole structure, height and width will all remain the same except the EMC will be added in the upper 4ft of the sign. Although the EMC is only 4ft higher than what is recommended, it is still subject for approval review.

The following statements mention how this proposed monument sign may fit the approval of the Planning and Zoning Commission as well as City Council.

1. Special circumstance: This variance will not have an adverse effect on adjacent property, the character of the area, general welfare, public health or safety. This sign is to be constructed at the same location of the current monument sign and is intended to upgrade the character of the area using modern stone and brickwork to surround the sign which will also match the façade of the soon to be upgraded property. This does not generally apply to the other properties as they are not planning on fully upgrading the façade of the entire property. We are looking for an entire facelift to greatly enhance the appearance of the property as a whole. As for safety, although this EMC has been designed to adjust to a high brightness in the event of the sun potentially washing out the messages, it also has an automatic dimmer. The EMC will automatically dim accordingly as day turns to night to provide a lower lit readable message, yet still remaining a non distraction and a safety to drivers.
2. Hardship or practical difficulties: This variance and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance. This proposed construction is intended to actually enhance the scenic feature of this location by using natural looking stone and eliminating the non natural aspect of the current monument sign. Not only will the new construction enhance the scenic aspect, it will remain the same size as the current outdated signage. It would not seem practical to enhance the entire property while restructuring a new sign to be smaller than it currently is. We plan on keeping this sign the same size and dimensions that it is now.
3. Circumstances relate to property: This proposed use and development will be constructed and operated as to not dominate the immediate vicinity or neighboring property, but along those lines this will directly relate to the physical character of the upgraded building. It will reflect the modern aspect of what we are trying to achieve across the entire property. The EMC proposed is frameless and streamlined in its construction with edge to edge advertising and will enhance the businesses and tenants that reside within the building. We do hope and anticipate this EMC to draw up more business and taxable revenues for the current tenants. None of which are in direct interest of the property itself. It will advertise in such ways as the previously mentioned locations. The clarity of our proposed EMC will have an even more crisp image than these other locations due to constructing the highest pitch available in the industry, providing a very clean professional look.
4. Not resulting from an applicant action: This application is being submitted and created by members that have no personal business, financial circumstances or any interest in this property.
5. Preserves rights conferred by district: A variance is necessary to enjoy substantial property right possessed by other properties and it will also be within if not exceeding the quality of other digital signage in the immediate area such as the monument at Asti Deli at 1410 Irving Park Rd, and O'Hare Auto Body at 1316 Irving Park Rd. Although this sign would be approved at the 8ft height, we feel that the 12ft height is appropriate and sufficient enough for a visually pleasing EMC in regards to this specific location. Other properties have the same right to request a sign of



these dimensions given that they also enhance the overall beauty and curb appeal of their property and building façade.

6. Necessary for use for property: Without this variance, we do not believe this property will have the greatest potential of economic return due to the idea of “cutting corners” by putting so much enhancement into the building and potentially falling short on the impact of the sign to advertise for its tenants. Having that extra impact, we will be able to fully advertise the technology that in the event of an emergency of weather, Amber Alert or such public announcements, it can be imported to the digital screen immediately addressing to the public notifying such events as they occur. A taller sign can mean more visibility at a distance not only for advertising, but for emergency purposes.
7. Not alter local character: The proposed use and development complies with all additional standards imposed on it by the provision of this Code authorizing such use such as having the proper lighting and UL listing, time intervals between message changes and keeping a clean professional standard of advertising for not only the current tenants, but for the property itself. This variance and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. This will not hinder any environmental quality and will enhance property values.
8. Consistent with ordinance and plan: Granting of the variance will be in harmony with the general purpose of this ordinance by the reasons mentioned above not only for property improvement, tenant business improvement, appearance improvement, but also will be in line with other monument signs in the area with the main purpose of enhancing business, taxable dollars and overall beautification and impact.
9. Minimum variance needed: The variance approved would be the minimum required to provide the applicant with relief from undue hardship of the property. By allowing the extra height of the sign and having it be in close proximity to others, we believe these are minimal criteria for allowance. Not allowing this will lead us to remove the current steel posts and reinstall new ones at a lower height which will incur more labor and material costs as opposed to using the current approved posts from the original sign.

We hope that in accordance of the standards of the Planning and Zoning Commission and City Council, that you consider our request to approve the following signage in its proposed rendering. Thank you for your time in this review process.

Mike Burcker  
Signarama/sign contractor

Eric Grabowski  
Project Manager, Heidner Properties

**STAFF REPORT**

**HEARING DATE:** May 5, 2020  
**CASE #:** 2020 – 01  
**PROPERTY:** 1201-1221 W. Irving Park Road  
**PROPERTY OWNER:** Heidner Properties  
**APPLICANT:** Mike Burcker  
**SITE SIZE:** 35,972 SF  
**BUILDING SIZE:** 10,000 SF  
**PIN NUMBER:** 03-15-231-027  
**ZONING:** C-2 Commercial District  
**REQUEST:** Variation, Monument Sign Size: Area  
Municipal Code § 10 – 10 – 5 – 8.C  
Variation, Monument Sign Size: Height  
Municipal Code § 10 – 10 – 5 – 8.C  
Variation, Monument Sign Size: Electronic Message Center Sign  
Location  
Municipal Code § 10 – 10 – 5 – 4.a.3

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday, March 19, 2020. 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, March 20, 2020.
3. On Friday, March 20 2020, 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 two Variations to erect a 12’ monument sign with an electronic message sign component at the multi-tenant commercial property, Plaza 83. The sign will be replacing an existing 11’ monument sign in the same location. Village Zoning Ordinance only allows monument signs to have a maximum height of 8’, a maximum area of 50 square feet, and requires that electronic message signs shall not be located within one mile of the property line of a lot containing an existing EMC sign.

**SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	C – 2	Commercial	Commercial	Village of Bensenville
<b>North</b>	R – 3	Residential	Residential	Village of Bensenville
<b>South</b>	C – 2	Commercial	Commercial	Village of Bensenville
<b>West</b>	R – 3	Residential	Residential	Village of Bensenville
<b>East</b>	C – 2	Commercial	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 checked="" type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

- 1) Account up to date.

Police:

- 1) No objection.

Engineering and Public Works:Public Works:

- 1) Concerns about light pollution. Must meet the standards in Municipal Code § 10 – 9 – 8: Outdoor Lighting.

Engineering:

- 1) As long as the proposed monument sign is the exact same size as the previous one and going in at the same exact location, there are no engineering concerns. Any shifting of the location and/or changes to the sign dimension can trigger comments such as sign triangle, utility conflicts, etc.

Community & Economic Development:Fire Safety:

- 1) No comments.



Building:

- 1) Applicant will need to submit complete construction plans, including structural and electrical plans, for permitting.
- 2) We've had previous problems with a clothing and shoes drop-off box at the center. These are not allowed in the Village.
- 3) The applicant has indicated the parking will be sealed. The condition of the parking lot is approaching a point where a full rebuild should be considered.

Economic Development:

- 1) The EMC will allow business to advertise more messages within an existing sign area.
- 2) Could lead to increase in sales, providing more taxes to the Village.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Local Commercial" for this property.
- 2) The current zoning is C-2 Commercial District.
- 3) Per § 10-10-4-A.3, electronic message signs shall not be located within one mile of the property line of a lot containing another electric message sign.
  - a. There is a number of signs located within one mile of the property in question, including one at 1316 W. Irving Park Road, O'Hare Auto Body, and at 1410 W. Irving Park Road, Asti Italian Deli.
- 4) In 2019, a Variation for electronic message sign location was granted to the BP gas station at 550 N. IL RT 83, which is also located within a mile of Plaza 83.
- 5) All other features of the EMC shall be in compliance with Village Zoning Ordinance, particularly § 10-10-4.D (Illumination):
  - a. Internally illuminated electronic message signs are allowed only in accordance with § 10-10-2.D (Illumination).
  - b. Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
  - c. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
  - d. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- 6) In previous approvals of EMC signs, code dictated that an EMC would replace the need for temporary signs and temporary signs were therefor no longer allowed. Although that language did not make it into the new code, staff still believes that should be a condition of approval.
- 7) Proposed monument sign plans indicate an area of approximately 75 square feet.
  - a. Per § 10-10-8.C, monument signs shall not exceed 50 square feet in area.
- 8) Per § 10-10-4.C, electronic message sign shall not occupy more than 50% of the total sign area of the marquee or monument sign on which it is displayed.
  - a. The proposed EMC comprises 39% of the proposed total sign area.
- 9) Proposed multi-tenant monument sign plans indicate a height of 11 feet, remaining the same height as the existing multi-tenant sign.
  - a. Per § 10-10-8.C, monument signs shall not exceed a height of 8 feet.
- 10) Per § 10-10-8.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 sign permit application (see § 10-3-9 (Sign Permit)), and approved by the Zoning Administrator.

- 11) Some tenants in the center have been putting lighting around the windows of their storefront. This needs to be removed.
- 12) Staff has been communicating with the owner of the property regarding plans to update the building façade, parking lot design, and parking lot landscaping.
  - a. Upgrading the existing monument sign is an element of this property improvement plan.

#### **APPROVAL CRITERIA FOR VARIATIONS:**

- 1) **Special Circumstances:** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variation is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent in nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

**Applicant's Response:** This variance will not have an adverse effect on adjacent property, the character of the area, general welfare, public health or safety. This sign is to be constructed at the same location of the current monument sign and is intended to upgrade the character of the area using modern stone and brickwork to surround the sign which will also match the facade of the soon to be upgraded property. This does not generally apply to the other properties as they are not planning on fully upgrading the facade of the entire property. We are looking for an entire facelift to greatly enhance the appearance of the property as a whole. As for safety, although this EMC has been designed to adjust to a high brightness in the event of the sun potentially washing out the messages, it also has an automatic dimmer. The EMC will automatically dim accordingly as day turns to night to provide a lower lit readable message, yet still remaining a non distraction and a safety to drivers.

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

**Applicant's Response:** This variance and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance. This proposed construction is intended to actually enhance the scenic feature of this location by using natural looking stone and eliminating the non natural aspect of the current monument sign. Not only will the new construction enhance the scenic aspect, it will remain the same size as the current outdated signage. It would not seem practical to enhance the entire property while restructuring a new sign to be smaller than it currently is. We plan on keeping this sign the same size and dimensions that it is now.

- 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 the 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:** This proposed use and development will be constructed and operated as to not dominate the immediate vicinity or neighboring property, but along those lines this will directly relate to the physical character of the upgraded building. It will reflect the modern aspect of what we are trying to achieve across the entire property. The EMC proposed is frame less and streamlined in its construction with edge to edge advertising and will enhance the businesses and tenants that reside within the building. We do hope and anticipate this EMC to draw up more business and taxable revenues for the current tenants. None of which are in direct interest of the property itself. It will advertise in such ways as the previously mentioned locations. The clarity of our proposed EMC will have an even more crisp image than these other locations due to constructing the highest pitch available in the industry, providing a very clean professional look.

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variation have not resulted from any act, undertaken subsequent to the adoption of this Ordinance 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 Variation, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

**Applicant's Response:** This application is being submitted and created by members that have no personal business, financial circumstances or any interest in this property.

- 5) **Preserve Rights Conferred by District:** A Variation 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:** variance is necessary to enjoy substantial property right possessed by other properties and it will also be within if not exceeding the quality of other digital signage in the immediate area such as the monument at Asti Deli at 1410 Irving Park Rd, and O'Hare Auto Body at 1316 Irving Park Rd. Although this sign would be approved at the 8ft height, we feel that the 12ft height is appropriate and sufficient enough for a visually pleasing EMC in regards to this specific location. Other properties have the same right to request a sign of these dimensions given that they also enhance the overall beauty and curb appeal of their property and building facade.

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

**Applicant's Response:** Without this variance, we do not believe this property will have the greatest potential of economic return due to the idea of "cutting corners" by putting so much enhancement into the building and potentially falling short on the impact of the sign to advertise for its tenants. Having that extra impact, we will be able to fully advertise the technology that in the event of an emergency of

weather, Amber Alert or such public announcements, it can be imported to the digital screen immediately addressing to the public notifying such events as they occur. A taller sign can mean more visibility at a distance not only for advertising, but for emergency purposes.

- 7) **Not Alter Local Character:** The granting of the Variation 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 proposed use and development complies with all additional standards imposed on it by the provision of this Code authorizing such use such as having the proper lighting and UL listing, time intervals between message changes and keeping a clean professional standard of advertising for not only the current tenants, but for the property itself. This variance and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. This will not hinder any environmental quality and will enhance property values.

- 8) **Consistent with Title and Plan:** The granting of a Variation will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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:** Granting of the variance will be in harmony with the general purpose of this ordinance by the reasons mentioned above not only for property improvement, tenant business improvement, appearance improvement, but also will be in line with other monument signs in the area with the main purpose of enhancing business, taxable dollars and overall beautification and impact.

- 9) **Minimum Variation Needed:** The Variation 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 variance approved would be the minimum required to provide the applicant with relief from undue hardship of the property. By allowing the extra height of the sign and having it be in close proximity to others, we believe these are minimal criteria for allowance. Not allowing this will lead us to remove the current steel posts and reinstall new ones at a lower height which will incur more labor and material costs as opposed to using the current approved posts from the original sign.

Variation – Area	Meets Criteria	
Variation Approval 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 Variation Needed		X

Variation – Height	Meets Criteria	
Variation Approval 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 Variation Needed		X

Variation – EMC	Meets Criteria	
Variation Approval 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 Variation Needed	X	

### **RECOMMENDATIONS:**

Staff recommends the Denial of the above Findings of Facts as they pertain to the first request and therefore the Denial of the Variation for Monument Sign Area.

Staff recommends the Denial of the above Findings of Facts as they pertain to the second request and therefore the Denial of the Variation for Monument Sign Height.

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for an Electronic Message Sign at 1201-1221 W. Irving Park Road with the following conditions:

- 1) Proposed monument sign shall be erected in the same location as the existing monument sign;

- 2) Applicant shall submit complete construction plans, including structural and electrical plans, when applying for the permit;
- 3) The electronic message sign shall not occupy more than 50% of the total sign area of the monument sign on which it is displayed;
- 4) All other features of the EMC shall be in compliance with Village Zoning Ordinance, particularly § 10-10-4.D (Illumination):
  - a. Internally illuminated electronic message signs are allowed only in accordance with § 10-10-2.D (Illumination).
  - b. Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
  - c. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
  - d. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- 5) Temporary signs shall no longer be allowed at this property;
- 6) The area surrounding the base of the monument sign shall 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 sign permit application (see § 10-3-9 (Sign Permit)), and approved by the Zoning Administrator; And
- 7) Series lighting and illuminated tubing shall be removed from all tenant windows.

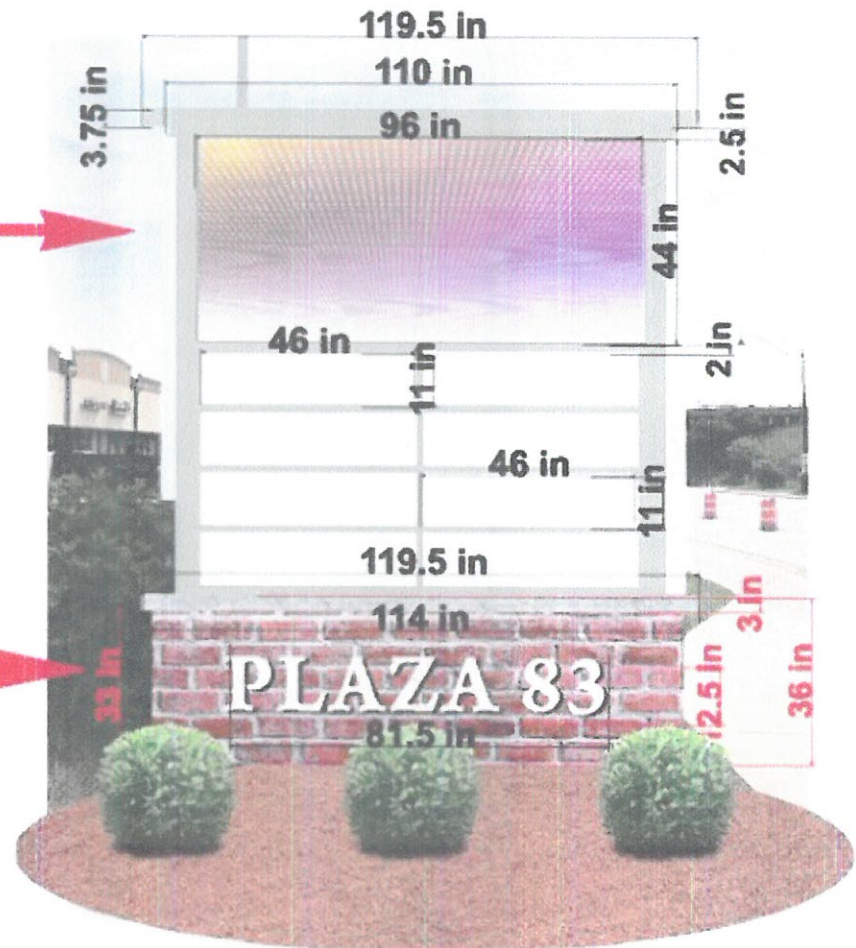
Respectfully Submitted,  
Department of Community & Economic Development



# Side 1

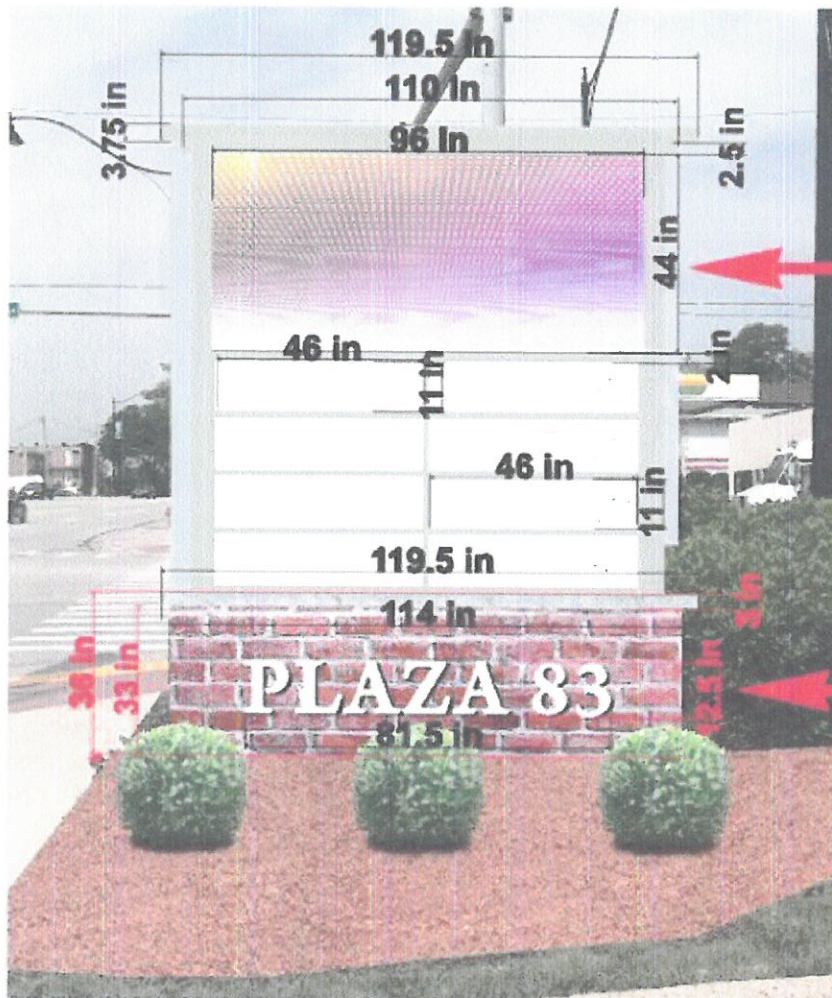
**ELECTRONIC MESSAGE CENTER**  
**96"W X 44"H**

**REVERSE LIT**  
**LED CHANNEL LETTERING**  
**12.5"H**  
**WHITE FACE**





## Side 2



**ELECTRONIC MESSAGE CENTER**  
**96"W X 44"H**

**REVERSE LIT**  
**LED CHANNEL LETTERING**  
**12.5"H**  
**WHITE FACE**

Google Maps 1222 W Irving Park Rd



Image capture: Nov 2018 © 2019 Google

Bensenville, Illinois



Street View



new monument replacing  
old monument in same size  
and same placement



Google Maps 1213 W Irving Park Rd



Map data ©2019, Map data ©2019 20 ft

monument sign

**TYPE:**Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.05.20**DESCRIPTION:**

Consideration of a parking Variation and a Special Use Permit to allow Indoor Entertainment at 450 S. Dominec Court.

***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:**

1. Special Use Permit, Indoor Entertainment  
Municipal Code Section 10 – 7 – 2 – 1
2. Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1

**SUMMARY:**

1. The Petitioner is requesting a Special Use Permit to allow Indoor Entertainment at 450 S. Dominec Court, located in a multi-tenant industrial building in the I-2 District.
2. The business, Ranger Studios, offers spaces for rent for private events and to serve as recording and rehearsal studios.
3. Ranger Studios has existed as a non-conforming use for over 20 years at this space.
4. The Petitioner is also requesting a Variation to receive relief from off-street parking requirements.
5. There are 13 parking spaces on site, 12 of which being designated to other tenants in the building. Ranger Studios is left with 1 parking space for their business, while Village Zoning Ordinance requires the use provides 8.

**RECOMMENDATION:**

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit for Indoor Entertainment at 450 S. Dominec Court with the following conditions:
  1. The property must comply with the Illinois Accessibility Code, Illinois Plumbing Code (including the number of fixtures), and all other codes adopted by the Village;
  2. A professionally prepared, detailed, and scalable floor plan shall be submitted to Village Staff and approved by Village Plan Reviewer;
  3. The use must comply with use standards § 10-7-3.N (Indoor Entertainment or Recreation).
    1. 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.
    2. 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.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for off-street parking requirements at 450 S. Dominec Court.

**ATTACHMENTS:**

Description	Upload Date	Type
<b>Case Coverpage</b>	<b>4/27/2020</b>	<b>Cover Memo</b>
<b>Aerial &amp; Zoning Maps</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Legal Notice</b>	<b>4/27/2020</b>	<b>Backup Material</b>

<b>Application</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Special Use Approval Criteria</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Variation Approval Criteria</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>4/27/2020</b>	<b>Executive Summary</b>
<b>Plat of Survey</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Floor Plan</b>	<b>4/27/2020</b>	<b>Backup Material</b>



# BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

**Public Hearing 05.05.20**

**CDC Case #2020 – 05**

**Ranger Sound, LLC  
450 S. Dominec Court**

**Special Use Permit, Indoor Entertainment  
Municipal Code Section 10 – 7 – 2 – 1  
Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1**

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans





CDC#2020 – 05

450 S. Dominec Court  
Ranger Sound LLC

Special Use Permit, Indoor Recreation  
Municipal Code Section 10 – 7 – 2 – 1  
Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1



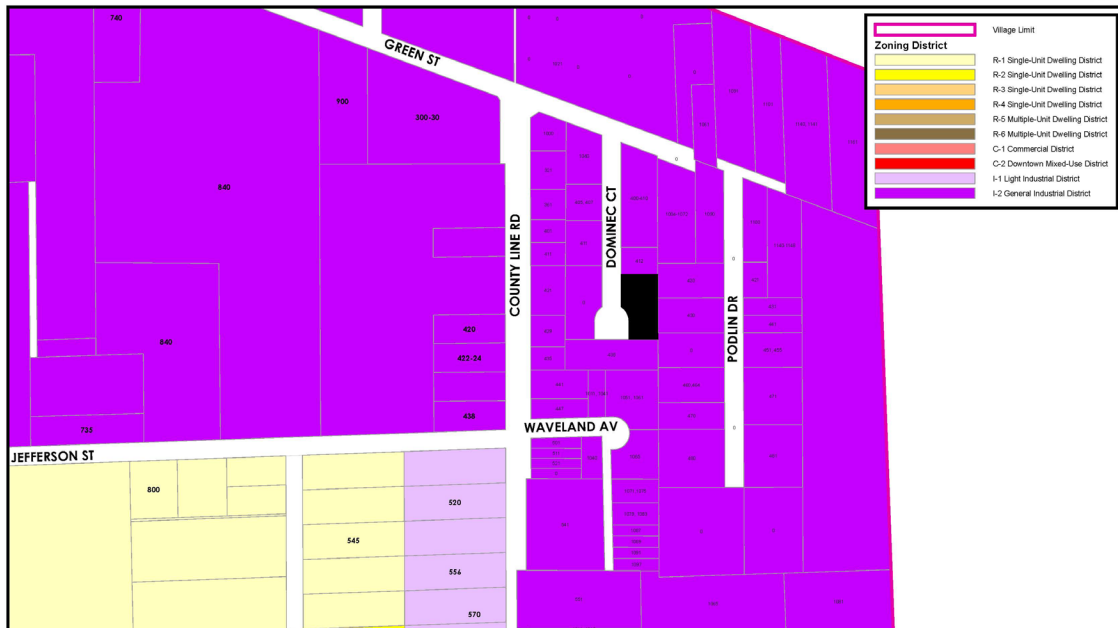
## Village of Bensenville

450-460 S Dominec Ct



## Village of Bensenville

Zoning Map



Date: 2/10/2020

**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, April 7, 2020 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2020 - 05 to consider a request for:

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

Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1

at 450 S. Dominec Court in the 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:

THAT PART OF LOT 12 IN MT. PROSPECT ROAD SUBDIVISION IN THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 12 (ALSO BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE FRANKLIN AVENUE) 138.33 FEET TO THE POINT OF INTERSECTION OF THE AFORESAID NORTHEASTERLY LINE OF SAID LOT 12 WITH A LINE DRAWN 129.50 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 12; THENCE SOUTH, ALONG A LINE 129.50 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 12, 365.68 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE EAST 129.50 FEET TO A POINT ON THE EAST LINE OF SAID LOT 12, SAID POINT BEING 425.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 12; THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 12 319.00 FEET; THENCE WEST, ALONG A LINE DRAWN 106.00 NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 12, 102.50 FEET; THENCE NORTH ALONG A LINE DRAWN 102.50 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 12, 60.00 FEET; THENCE NORTHWESTERLY, 59.30 FEET ALONG AN ARC OF A CIRCLE WHOSE RADIUS IS 60.00 FEET AND BEING CONVEX TO THE NORTHEAST TO THE POINT OF INTERSECTION WITH A LINE DRAWN 129.50 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 12; THENCE NORTH, ALONG A LINE DRAWN 129.50 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 12, 208.90 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 94.00 FEET THEREOF. ALL SITUATED IN COOK COUNTY, ILLINOIS.



Commonly known as 450-460 Dominec Court, Bensenville, IL 60106.

Steve Sacco of 450 Domenic Court, Bensenville, IL 60106 is the owner and Ranger Sound LLC of 450 Domenic Court, Bensenville, IL 60106 is 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 April 7, 2020 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT**  
**March 19, 2020**

For Office Use Only

Date of Submission: 2/10/20 MUNIS Account #: 9819 CDC Case #: 2020-05

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 450 Domenic Court, Franklin Park, Illinois 60131

Property Index Number(s) (PIN): 12-19-100-110-0000

A. PROPERTY OWNER:

Steve Sacco

Name	Corporation (if applicable)	
<u>450 Domenic Court</u>		
Street		
<u>Franklin Park</u>	<u>IL</u>	<u>60131</u>
City	State	Zip Code
<u>Steve Sacco</u>	<u>(630)306-2453</u>	
Contact Person	Telephone Number & Email Address	

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

B. APPLICANT: ☐ Check box if same as owner

Ranger Sound LLC

Name	Corporation (if applicable)	
<u>450 Domenic Court</u>		
Street		
<u>Franklin Park</u>	<u>IL</u>	<u>60131</u>
City	State	Zip Code
<u>Lou Cutaia</u>	<u>(224)567-0968</u>	
Contact Person	Telephone Number & Email Address	

C. ACTION REQUESTED (Check applicable):

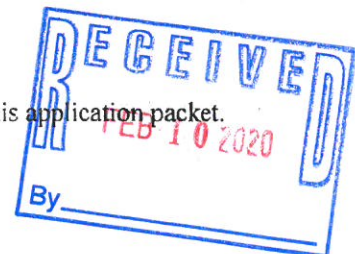
- ☐ Annexation
- ☒ Special Use Permit
- ☐ Master Sign Plan
- ☐ Planned Unit Development\*
- ☐ Plat of Subdivision
- ☐ Rezoning (Map Amendment)
- ☐ Site Plan Review
- ☐ Variance

\*See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership\*\* (signed/notarized)
- ☐ Application\*\*
- ☐ Approval Criteria\*\*
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Application Fees
- ☐ Fees agreement\*\*

\*\*Item located within this application packet.



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

Requesting a special use permit for indoor entertainment to allow Petitioner to provide musical sound support, recordings and rehearsal studios for local bands and musicians.

**D. PROJECT DATA:**

1. General description of the site: one story multi tenant industrial building
2. Acreage of the site: .61 acres Building Size (if applicable): 12,000sf (unit is 4,700sf)
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

None

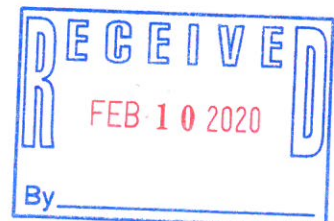
None

**5. Character of the site and surrounding area:**

	Zoning	Existing Land Use	Jurisdiction
Site:	I2	industrial	Bensenville
North:	I2	industrial	Bensenville
South:	I2	industrial	Bensenville
East:	I2	industrial	Bensenville
West:	I2	industrial	Bensenville

**E. APPROVAL CRITERIA:**

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



# Hunt, Aranda & Subach, Ltd.

ATTORNEYS AT LAW

THOMAS CASEY HUNT  
LOUIS B. ARANDA  
MARSHALL J. SUBACH  
STEPHEN SPIEGEL

1035 S. York Road  
Bensenville, IL 60106  
Phone 630-860-7800  
Fax 630-860-8283  
www.7800Law.com

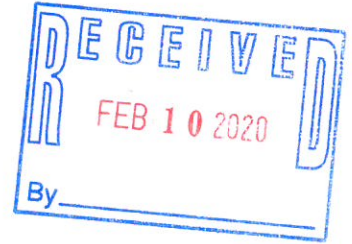
Of Counsel

Daniel J. Kaiser  
Mariam L. Hafezi Qualman  
Brad S. Telander  
Philip D. Blomberg

February 10, 2020

**Via First Class Mail**

Scott Viger  
Community Development Director  
Community and Economic Development Department  
Village of Bensenville  
12 S. Center Street  
Bensenville, IL 60106



**RE: RANGER STUDIOS AND SOUND, LLC  
450 DOMENIC COURT, FRANKLIN PARK, IL 60131**

Dear Mr. Viger,

Please be advised that my office represents the Petitioner, Ranger Sound, LLC d/b/a Ranger Studios and Sound with respect to its request for a special use permit for the property located at 450 Domenic Court, Franklin Park, IL 60131. The Petitioner is seeking a special use permit to allow for indoor entertainment at the subject location for the Petitioner to continue to have musicians and bands do musical sound support, recordings and rehearsals studios at this location. The Petitioner has also had recent inquires to film television commercials and multi media video taping at the studios.

In the way of background, Ranger Studios has been in business since 1975. Ranger Studio have been located in Bensenville since 1996. Ranger Studios has a long list of musicians and bands as longstanding clients including the Cave Dwellers, Donna Frost, Boyzz (Mike Tafoya), and Ted Aliota to just name a few.

In May of 2018 the original owner passed away, and my client, Lou Cutaia, took over the business and formally organized Ranger Sound, LLC. His goal is to continue the business at this location to allow all types of local bands and musicians to have a place to go to do recordings, rehearsals and sound support.

Domenic Court is on the eastern border of Bensenville in the I-2 zoning district surrounded by industrial buildings. The building is a single story all-brick building of approximately 15,000 square feet. The space occupied by Ranger Studio and Sound is about 4,700 square feet. There



are 10 parking spaces located on site and parking is available on the street. Since 1996, parking has not been an issue for the business.

The approximate breakdown of the building is as follows: 500 square feet of office space, 1,000 square feet of warehouse, 1,000 square feet for the performance stage, and 2,200 square feet consisting of five musical rehearsal rooms.

Ranger Studios and Sound is a destination business where various local bands and musicians come to do musical rehearsals and recordings. At times, some of the recordings are done with a live studio audience, which primarily consist of family members and close friends of the band members. Most live studio audiences are no more than 15-20 people. Based upon the nature of music rehearsals, the business is open seven days a week, and most live studio audience performances are done between the hours of 7:00 p.m. and 11:00 p.m. There is no food or alcohol sold on the premises.

Since its operations in Bensenville in 1996, there has never been any issue with the operations of Ranger Studios at this industrial location at the outskirts of town.

As to the approval criteria for special use, the Petitioner submits the following:

**1. Traffic:**

There will be no adverse impact on traffic with the granting of the special use permit. Under Bensenville Code, this use will require eight parking spaces. The current space has ten parking spaces adjacent to the unit, which are not used by the other tenants in the building. At the few times when there will be a live studio audience, those performances are between 7:00p.m. and 11:00 p.m. There is also parking available on the street. Parking is not allowed on the cul-de-sac and has not been an issue over the last 24 years. The traffic that is generated from this use is less than a typical industrial user as there are no deliveries being made like other industrial users with trucks constantly commuting back and forth, and, in general, most of the rehearsals are done after hours and only involve the band members and occur when the other businesses are closed.

**2. Environmental Nuisance:**

There is no noise, glare, odor, dust, or waste disposal, or any other environmental nuisances created as a result of the indoor recording studios. The only thing created is music. The building is all brick and each of the recording rooms have sound barriers installed to allow multiple bands to be in the space at one time. There have never been any complaints from the neighboring businesses regarding any noise emitting from the building during recordings or performances. There is virtually no waste disposal or other environmental issues with this use, and is a much cleaner use than other typical industrial users.

**3. Neighborhood Character:**

The proposed use fits harmoniously with the existing industrial users. Under the Bensenville Zoning Code, indoor entertainment is allowed as a special use in the I-2 zoning. The business actually compliments the other businesses because most of the time the studios are being used is during off hours or after hours when the other businesses are not open.

**4. Use of Public Services and Facilities:**

The proposed use will not require any expansion or strain on community facilities or services to a degree that is disproportionate to normal activities in the I-2 district. In fact, the proposed use of an indoor entertainment for recording studios has a less impact on public services and facilities than a typical industrial user.

**5. Public Necessity:**

The proposed use at this location is a public necessity as there are very few locations in the Chicagoland area, and local bands and musicians need places to rehearse. Since 1975 many local bands and musicians have used Ranger Studios to practice and record. With its close proximity to O'Hare, Ranger Studio and Sounds is the place to go for the NorthWest Suburban music recording and rehearsal studio.

**6. Other Factors:**

This is an existing business that has been in the Village of Bensenville for 24 years. The business wants to stay in Bensenville. This is a destination business that brings local musicians and bands to record music. The business has not been a issue or problem for the Village since 1996. There is an obvious need for this busienss and there is no benefit to the Village of Bensenville in not granting the special use permit to the Petioier.

Should you need any additional information, please contact my office in writing.

Respectfully submitted,  
HUNT, ARANDA & SUBACH, LTD.

A handwritten signature in black ink, appearing to read 'M. Subach', with a stylized flourish at the end.

Marshall J. Subach  
Attorney for Petitioner

# Hunt, Aranda & Subach, Ltd.

ATTORNEYS AT LAW

THOMAS CASEY HUNT  
LOUIS B. ARANDA  
MARSHALL J. SUBACH  
STEPHEN SPIEGEL

1035 S. York Road  
Bensenville, IL 60106  
Phone 630-860-7800  
Fax 630-860-8283  
www.7800Law.com

Of Counsel

Daniel J. Kaiser  
Mariam L. Hafezi Qualman  
Brad S. Telander  
Philip D. Blomberg

April 24, 2020

Scott Viger  
Community Development Director  
Community and Economic Development Department  
Village of Bensenville  
12 S. Center Street  
Bensenville, IL 60106  
Via email to [sviger@bensenville.il.us](mailto:sviger@bensenville.il.us)

**RE: RANGER STUDIOS AND SOUND, LLC  
450 DOMENIC COURT, FRANKLIN PARK, IL 60131**

Dear Mr. Viger,

As you are aware, my office represents the Petitioner, Ranger Sound, LLC d/b/a Ranger Studios and Sound with respect to its request for a special use permit for the property located at 450 Domenic Court, Franklin Park, IL 60131 ("Subject Property").

Please allow this correspondence to modify my original response letter dated February 10, 2020. Specifically, my response letter provided that there were ten (10) spaces available on an on-site parking lot. There are actually thirteen (13) spaces in the parking lot adjacent to the Subject Property.

According to staff calculations, Ranger Studio and Sound will need to have eight (8) available spaces for its business. The other four (4) businesses need between eight (8) to twelve (12) for according the Bensenville Code. Based upon these staff calculations a parking variance is needed.

Please allow correspondence shall also act as my response to the parking variance which the Petitioner is now seeking based upon the staff review.

In response to the criteria for variances, the Petitioner responds as follows:

**1. Special Circumstances:**

The Subject Property consists of a single story industrial building with multiple tenants all with separate driveways and separate entrances. There are a total of thirteen (13)



parking spaces in a shared parking lot adjacent to my client's location at 450 Domenic Court, Franklin Park, IL. As to each of the spaces, five (5) of the driveways have two (2) parking spaces each, and one (1) driveway has four (4). Even though Bensenville Code does not count those additional twelve (12) driveway spaces as available parking spaces, it is important to note the abundance of parking for the existing businesses when one looks at the business driveways and the adjacent parking lot.

The unit at 454 Domenic Court is currently vacant and the units in 456, 458, and 460 are all machine shops that consist of a one-person operation. These are not businesses that have customers coming to and from these locations on a daily basis.

The special circumstance that exist is that my client's business has been in existence at this location since 1996 and during that time parking has not been an issue. Most of my client's customers come in the evening and on the weekends to perform and have music sound support recording or rehearsal time at Ranger Studios and Sound.

Since its operations in 1996, there have been no complaints that the Petitioner is aware of regarding parking. Most of the time customers are at the business are between the hours of 7:00p.m. and 11:00p.m. during the week and on the weekends, when the other businesses are not even open.

## **2. Hardship or Practical Difficulties:**

The literal application provisions of the Bensenville ordinance would result in unnecessary hardship for the Petitioner and not just an inconvenience. Without the granting of the parking variance, my client would not be able to operate his business, which he has done since 1996 in Bensenville with no parking issues.

## **3. Circumstances Relate to Property:**

The special circumstances and hardship relate only to the physical character of the land with the existing building and the available places to park.

## **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 action undertaken by the Petitioner. The conditions have all existed for many years, and again the Petitioner has been in business at this location since 1996.

## **5. Preserves Rights Conferred by District:**

The parking variance is necessary for the Petitioner to enjoy a substantial property right possessed by other properties in the same zoning district to continue to operate his business in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. There have been many parking variances granted in the



industrial park where the Subject Property is located and throughout the Village of Bensenville.

**6. Necessary for Use of Property:**

The granting of the parking variance is necessary for the use of the property. Without the granting of the parking variance, the Petitioner will have no choice but to relocate his business out of the Village of Bensenville and ultimately close the business. The Subject Property already has a vacant unit and without the parking variance, the owner of the land will be deprived of reasonable use or economic return from the Subject Property.

**7. Not Alter Local Character:**

The granting of the Variance will not alter the local character of the properties. The Subject Property is located at the Village of Bensenville's easternmost boundary, and is tucked away in the industrial park. The business has not been a problem for any of the residents or other businesses in the Village of Bensenville.

**8. Consistent with Ordinance and Plan:**

The granting of the parking variance is in harmony with the general purpose and intent of the Village of Bensenville to retain businesses in the Village of Bensenville. This is also a destination business which also allows individuals and organizations from other towns and municipalities to come to the Village of Bensenville to use the Ranger Sound studios.

**9. Minimum Variance Needed:**

The parking variance requested is the minimum required in order to allow the Petitioner to continue his right to operate his business from the Subject Property.

Should you need any additional information with respect to the above, please do not hesitate to contact me.

Respectfully submitted,  
HUNT, ARANDA & SUBACH, LTD.



Marshall J. Subach  
Attorney for Petitioner

**STAFF REPORT**

**HEARING DATE:** May 5, 2020  
**CASE #:** 2020 – 05  
**PROPERTY:** 450 S. Dominec Court  
**PROPERTY OWNER:** Steve Sacco  
**APPLICANT:** Ranger Sound, LLC  
**SITE SIZE:** 26,401 SF  
**BUILDING SIZE:** 13,000 SF  
**PIN NUMBER:** 12-19-100-110  
**ZONING:** I-2 General Industrial District  
**REQUEST:** Special Use Permit, Indoor Entertainment  
Municipal Code Section 10 – 7 – 2 – 1  
Variation, Off-Street Parking Requirements  
Municipal Code Section 10 – 8 – 2 – 1

**PUBLIC NOTICE:**

1. A Legal Notice was published in the Bensenville Independent on Thursday, March 19, 2020. 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, March 20, 2020.
3. On Friday, March 20, 2020, 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 Entertainment at 450 S. Dominec Court, located in a multi-tenant industrial building in the I-2 District. The facility, Ranger Sound, LLC, which has existed as a non-conforming use for over 20 years, offers spaces for rent to serve as recording and rehearsal studios, as well as private events.

The Petitioner is also requesting a Variation to receive relief from off-street parking requirements. There are 13 parking spaces on site, 12 of which being designated to other tenants in the building. Ranger Sound, LLC is left with 1 parking space for their business, while Village Zoning Ordinance requires the use provides 8.

**SURROUNDING LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>	<b>Comprehensive Plan</b>	<b>Jurisdiction</b>
<b>Site</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>North</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>South</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>West</b>	I – 2	Industrial	Industrial	Village of Bensenville
<b>East</b>	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:

- 1) Account up to date.

Police:

- 1) No objection.

Engineering and Public Works:Public Works:

- 1) No comments.

Engineering:

- 1) Concerns of street parking causing access issues for emergency vehicle and Village operations, when such operations are needed.

Community & Economic Development:Fire Safety:

- 1) No comments.

Building:

- 1) The property must comply with the Illinois Accessibility Code, Illinois Plumbing Code (including the number of fixtures), and all other codes adopted by the Village.
- 2) Submitted floor plan lacks necessary information for an assembly occupancy.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Industrial” for this property.
- 2) The current zoning is I-2 General Industrial District.
- 3) The Petitioner received a correction notice for operating without a Special Use Permit on December 20, 2019.
- 4) In the I-2 District, Indoor Entertainment requires a Special Use Permit.

- 5) An Indoor Recreation Use 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.
- 6) The Petitioner is also seeking approval of a Variation to receive relief from § 10-8-2-1 (Off-Street Parking Requirements).
- 7) Per § 10-8-2-1, an Indoor Entertainment Use requires an off-street parking space for 10% of the building's maximum capacity.
  - a. The Petitioner states the unit's maximum capacity is 76 persons.
  - b. The Petitioner's use is required to provide 8 parking spaces.
  - c. There are 13 parking spaces on site, 12 of which being designated to other tenants in the multi-tenant building, leaving the Petitioner with 1 parking space for its use.
  - d. The Petitioner explains this is not a concern as most of the operation occurs at night or on weekends, and they have not run into any parking issues throughout the 20 years they have been in the Village.

#### **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:** There will be no adverse impact on traffic with the granting of the Special Use Permit. Under Bensenville Code, this use will require eight parking spaces. The current space has ten parking spaces adjacent to the unit, which are not used by the other tenants in the building. At the few times there will be a live studio audience, those performances are between 7:00p.m. and 11:00p.m. There is also parking available on the street. Parking is not allowed on the cul-de-sac and has not been an issue over the last 24 years. The traffic that is generated from this use is less than a typical industrial user as there are no deliveries being made like other industrial users with trucks constantly commuting back and forth, and, in general, most of the rehearsals are done after hours and only involve the band members and occur when the other businesses are closed.

**Staff Commentary:** The parking lot on the site has 13 designated parking spaces.

- 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 is no noise, glare, odor, dust, or waste disposal, or any other environmental nuisances created as a result of the indoor recording studios. The only thing created is music. The building is all brick and each of the recording

rooms have sound barriers installed to allow multiple bands to be in the space at one time. There have never been any complaints from the neighboring businesses regarding any noise emitting from the building during recordings or performances. There is virtually no waste disposal or other environmental issues with this use, and is a much cleaner use than other typical industrial users.

- 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 fits harmoniously with the existing industrial users. Under the Bensenville Zoning Code, indoor entertainment is allowed as a Special Use in the I-2 zoning. The business actually complements other businesses because most of the time the studios are being used during off hours or after hours when the other businesses are not open.

- 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 require any expansion or strain on community facilities or services to a degree that is disproportionate to normal activities in the 1-2 District. In fact, the proposed use of an indoor entertainment for recording studios has a less impact on public services and facilities than a typical industrial user.

- 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 use at this location is a public necessity as there are very few locations in the Chicagoland area, and local bands and musicians need places to rehearse. Since 1975, many local bands and musicians have used Ranger Studios to practice and record. With its close proximity to O'Hare, Ranger Studio is the place to go for the northwest suburban music recording and rehearsal studio.

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

**Applicant's Response:** This is an existing business that has been in the Village of Bensenville for 24 years. The business wants to stay in Bensenville. This is a destination business that brings local musicians and bands to record music. The business has not been an issue or problem for the Village since 1996. There is an obvious need for this business and there is no benefit to the Village of Bensenville in not granting the Special Use Permit to the Petitioner.

<b>Special Use Approval Criteria</b>	<b>Meets Criteria</b>	
	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	

#### **APPROVAL CRITERIA FOR VARIATIONS:**

- 1) **Special Circumstances:** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variation is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent in nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

**Applicant's Response:** The Subject Property consists of a single story industrial building with multiple tenants all with separate driveways and separate entrances. There are a total of thirteen (13) parking spaces in a shared parking lot adjacent to my client's location at 450 Domenic Court, Franklin Park, IL. As to each of the spaces, five (5) of the driveways have two (2) parking spaces each, and one (1) driveways has four (4). Even though Bensenville Code does not count those additional twelve (12) driveway spaces as available parking spaces, it is important to note the abundance of parking for the existing businesses when one looks at the business driveways and the adjacent parking lot.

The unit at 454 Domenic Court is currently vacant and the units 456, 458, and 460 are all machine shops that consist of a one-person operation. These are not businesses that have customers coming to and from these locations on a daily basis.

The special circumstance that exist is that my client's business has been in existence at this location since 1996 and during that time parking has not been an issue. Most of my client's customers come in the evening and on the weekends to perform and have music sound support recording or rehearsal time at Ranger Studios and Sound.

Since its operation in 1996, there have been no complaints that the Petitioner is aware of regarding parking. Most of the time customers are at the business are between the hours of 7:00p.m. and 11:00p.m. during the week and on the weekends, when the other businesses are not even open.

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



**Applicant's Response: The literal application provisions of the Bensenville ordinance would result in unnecessary hardship for the Petitioner and not just an inconvenience. Without the granting of the parking variance, my client would not be able to operate his business, which he has done since 1996 in Bensenville with no parking issues.**

- 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 the 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: The special circumstances and hardship relate only to the physical character of the land with the existing building and the available places to park.**

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variation have not resulted from any act, undertaken subsequent to the adoption of this Ordinance 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 Variation, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

**Applicant's Response: The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any action undertaken by the Petitioner. The conditions have all existed for many years, and again the Petitioner has been in business at this location since 1996.**

- 5) **Preserve Rights Conferred by District:** A Variation 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: The parking variance is necessary for the Petitioner to enjoy a substantial property right possessed by other properties in the same zoning district to continue to operate his business in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. There have been many parking variances granted in the industrial park where the Subject Property is located and throughout the Village of Bensenville.**

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

**Applicant's Response: The granting of the parking variance is necessary for the use of the property. Without the granting of the parking variance, the Petitioner will have no choice but to relocate his business out of the Village of Bensenville and ultimately close the business. The Subject Property already has a vacant unit and**

**without the parking variance, the owner of the land will be deprived of reasonable use or economic return from the Subject Property.**

- 7) **Not Alter Local Character:** The granting of the Variation 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 granting of the Variance will not alter local character of the properties. The Subject Property is located at the Village of Bensenville's easternmost boundary, and is tucked away in the industrial park. The business has not been a problem for any of the residents or other businesses in the Village of Bensenville.**

- 8) **Consistent with Title and Plan:** The granting of a Variation will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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 granting of the parking variance is in harmony with the general purpose and intent of the Village of Bensenville to retain businesses in the Village of Bensenville. This is also a destination business which allows individuals and organizations from other towns and municipalities to come to the Village of Bensenville to use the Ranger Sound studios.**

- 9) **Minimum Variation Needed:** The Variation 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 parking variance requested is the minimum required in order to allow the Petitioner to continue his right to operate the business from the Subject Property.**

<b>Variation Approval Criteria</b>	<b>Meets Criteria</b>	
	<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 Variation Needed	X	

## **RECOMMENDATIONS:**

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for Indoor Entertainment at 450 S. Dominec Court with the following conditions:

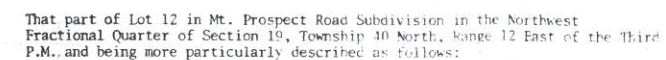
- 1) The property must comply with the Illinois Accessibility Code, Illinois Plumbing Code (including the number of fixtures), and all other codes adopted by the Village;
- 2) A professionally prepared, detailed, and scalable floor plan shall be submitted to Village Staff and approved by Village Plan Reviewer;
- 3) The use 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.

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for off-street parking requirements at 450 S. Dominec Court.

Respectfully Submitted,

Department of Community & Economic Development

## A blue ink stamp with the word 'RECEIVED' in large, bold, capital letters. Below it, the date 'FEB 10 2020' is stamped in red. At the bottom left, there is a line for a signature, preceded by the word 'By' in blue ink. The stamp is tilted slightly to the right.



Commencing at the Northeast corner of said Lot 12; thence Northwesterly along the Northerly line of said Lot 12 (also being the Southeasterly right-of-way line Franklin Avenue) 138.33 feet to the point of intersection of the aforesaid Northerly line of said Lot 12 with a line drawn 129.50 feet West of and parallel to the East line of said Lot 12; thence South, along a line 129.50 feet West of and parallel to the East line of said Lot 12, 365.68 feet to the true point of beginning of the herein described tract; thence East 129.50 feet to a point on the East line of said Lot 12, said point being 425.00 feet North of the Southeast corner of said Lot 12; thence South, along the East line of said Lot 12 319.00 feet; thence West, along a line drawn 106.00 feet North of and parallel to the South line of said Lot 12, 102.50 feet; thence North along a line drawn 102.50 feet West of and parallel to the East line of said Lot 12, 60.00 feet; thence Northwesterly, 59.30 feet along an arc of a circle whose radius is 60.00 feet and being convex to the Northeast to the point of intersection with a line drawn 129.50 feet West of and parallel to the East line of said Lot 12; thence North, along a line drawn 129.50 feet West of and parallel to the East line of said Lot 12, 208.90 feet to the point of beginning. Excepting therefrom the North 94.00 feet thereof. All situated in Cook County, Illinois.

We, CIOBA GROUP, INC., do hereby certify that we have surveyed the property as described in the above caption and that the plat hereon drawn is a correct representation of said survey.

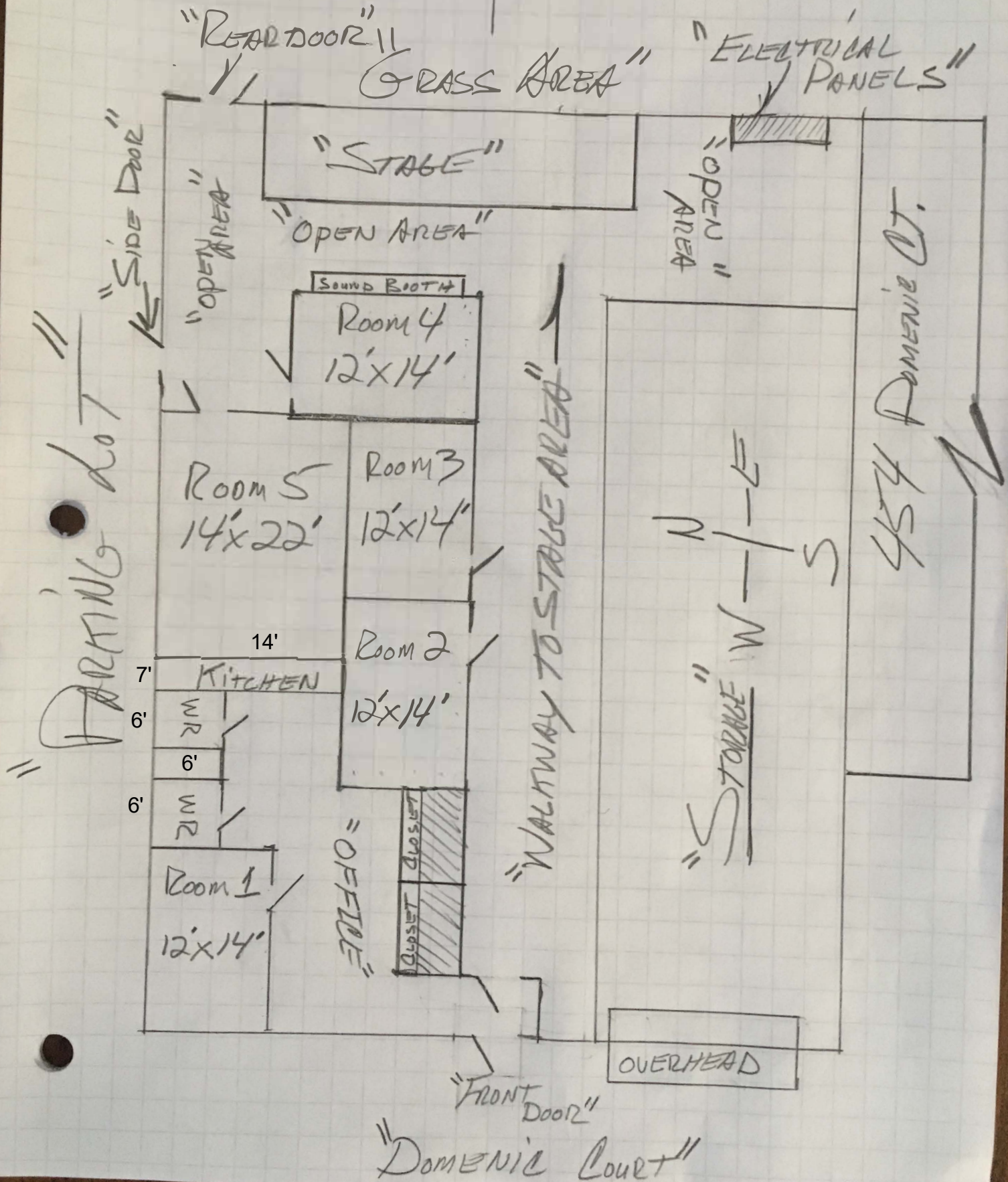
Dimensions are shown in feet and decimal parts thereof corrected to a temperature of 62 degrees Fahrenheit.

Signed at Kenilworth, Illinois, this 30<sup>th</sup> day of December, 1980

By: Samuel H. Turner  
Illinois Registered Land Surveyor No. 2152



DANGER TO: POLIN DRIVE  
2/28/20



**TYPE:**Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.05.20**DESCRIPTION:**Consideration of Text Amendments to Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

**REQUEST:**

1. Text Amendments  
Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

**SUMMARY:**

1. The Village of Bensenville is seeking to address issues discovered in the recently adopted 2019 Village Zoning Ordinance, especially those found in Chapter 7 (Uses) and Chapter 10 (Signs).
2. The Text Amendments are as follows:
  1. Add Dwelling Above the Ground Floor as a Special Use in the I – 1 Light Industrial District, Section 10 – 7 – 2 – 1: Use Table.
  2. Remove Sheds from being allowed in all Commercial and Industrial Districts, Section 10 – 7 – 4B Accessory Structure Use Table.
  3. Remove the following from Section 10 – 10 – 2 – D – 5: Neon Signs:
    1. Neon tubing shall not be used to trim windows or architectural features.
  4. Add Section 10 - 10 – 2 – D – 7 Decorative Illumination.
  5. Remove Section 10 – 10 – 4: Master Sign Plan from Chapter 10: Signs, Section 10-10-4.
  6. Add Section 10 – 10 – 4: Multi-Tenant Developments.

**RECOMMENDATION:**

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

**ATTACHMENTS:**

Description	Upload Date	Type
<b>Case Coverage</b>	<b>4/27/2020</b>	<b>Cover Memo</b>
<b>Legal Notice</b>	<b>4/27/2020</b>	<b>Backup Material</b>
<b>Staff Report</b>	<b>4/27/2020</b>	<b>Executive Summary</b>





# BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 05.05.20

CDC Case #2020 – 06

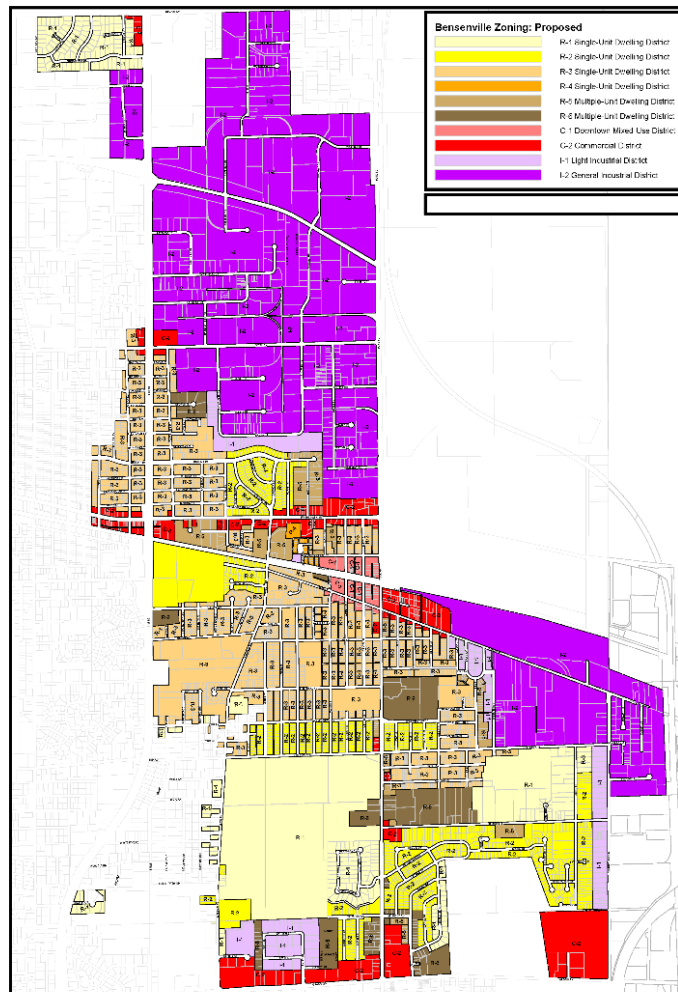
## Text Amendments

Title 10 (Zoning Ordinance),  
Chapter 7 (Uses) and Chapter 10 (Signs)



## Village of Bensenville

2020 Zoning Map



Date: 10/10/2020

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

NOTICE IS HEREBY GIVEN that on Tuesday, April 7, 2020 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. 2020 – 06 to consider Text Amendments to the Village Code to amend Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

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 April 7, 2020 until 5:00 P.M.

Office of the Village Clerk  
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT  
March 19, 2020**

## **STAFF REPORT**

**HEARING DATE:** May 5, 2020  
**CASE #:** 2020 – 06  
**PROPERTY:** Village of Bensenville  
**PROPERTY OWNER:** n/a  
**APPLICANT:** Village of Bensenville  
**SITE SIZE:** n/a  
**UNIT SIZE:** n/a  
**PIN NUMBERS:** n/a  
**REQUEST:** Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

## **PUBLIC NOTICE:**

A Legal Notice was published in the Bensenville Independent on Thursday, March 19, 2020. 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 is seeking to address issues discovered in the recently adopted 2019 Village Zoning Ordinance, especially those found in Chapter 10 (Signs). The Village is seeking remove Section 10-10-4 (Master Sign Plan) from the Village Zoning Ordinance and to add Section 10-10-4 (Multi-Tenant Developments), which authorizes the Zoning Administrator to have ultimate design approval of signage in multi-tenant developments. The Village also requests approval of a Text Amendment to the Use Table to allow Dwelling above the Ground Floor as a Special Use in the I-1 Industrial District.

The Text Amendments are as follow:

1. Add Dwelling Above the Ground Floor as a Special Use in the I – 1 Light Industrial District, Section 10 – 7 – 2 – 1: Use Table.
2. Remove Sheds from being allowed in all Commercial and Industrial Districts, Section 10 – 7 – 4B Accessory Structure Use Table.
3. Remove the following from Section 10 – 10 – 2 – D – 5: Neon Signs-
  - a. Neon Signs. Marquee signs and window signs may be illuminated with neon. Window signs that are illuminated with neon are allowed in accordance with the standards of § 10-10-5.B.12 (Window Signs). ~~Neon tubing shall not be used to trim windows or architectural features.~~
4. Add Section 10 - 10 – 2 – D – 7 Decorative Illumination.
  - a. 7. Decorative Illumination. Series lighting and illuminated tubing shall not be used to trim windows or architectural features.
5. Remove Section 10 – 10 – 4: Master Sign Plan from Chapter 10: Signs, Section 10-10-4
6. Add Section 10 – 10 – 4: Multi-Tenant Developments.
  - i. A. Purpose. The purpose of this Section is to ensure signage that is harmonious and compatible with that of other tenant signage.
  - ii. B. Applicability. The requirements of this Section shall apply to all signs installed in non-residential developments with three or more tenants.

- iii. C. Design Standards. Signs must comply with sign regulations of this Chapter 10 (Signs). All signs within a development will be reviewed based on the following design elements of other signage in said development:
  1. a. Background color or text color.
  2. b. Lettering style.
  3. c. Mounting height on buildings for wall signs.
  4. d. Materials.
  5. e. Sign Type
- iv. D. Design Approval. The Zoning Administrator is authorized to approve the design of multi-tenant development signage.
- v. E. If the Zoning Administrator denies the design of a sign, the applicant may resubmit the application as a Variation in accordance with § 10-3-4 (Variation).

***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 the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

Respectfully Submitted,  
 Department of Community  
 & Economic Development