

COMMUNITY DEVELOPMENT COMMISSION
Village of Bensenville
VILLAGE HALL
May 4, 2021 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 6, 2021 Community Development Commission Meeting Minutes

VI. Action Items:

- 1. CDC Case 2021-09: Consideration of a Corner Side Yard Fence Variation at 146 S Mason Street.
- 2. CDC Case 2021-07: Consideration of a Special Use Permit to Operate a Tobacco Shop at 213 W Grand Avenue.
- 3. CDC Case 2021-10: Consideration of a Request for a Special Use Permit to Operate a Day Care Center at 227 W Grand Avenue.
- 4. CDC Case 2021-08: Consideration of Zoning Text Amendments to Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses).

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 4, 2021**DESCRIPTION:**April 6, 2021 Community Development Commission Meeting Minutes.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Description

DRAFT_210406_CDC

Upload Date

4/26/2021

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 6, 2021

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

STAFF PRESENT: K. Fawell, M. Patel*, K. Pozsgay, C. Williamsen

**Attended the meeting via electronic means*

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the March 2, 2021 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.

Senior Village Planner, Kurtis Pozsgay and Village Planner, Kelsey Fawell, were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2021-04
Petitioner: Guy Filippelli
Location: 601 Diana Court
Request: Variation, Maximum Shed Size
Municipal Code Section 10 – 7 – 4C – 21b

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2021-04. Commissioner King seconded the motion.

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

Chairman Rowe re-opened CDC Case No. 2021-04 at 6:34 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 18, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 17, 2021. Ms. Fawell stated on March 15, 2021 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. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Ms. Fawell stated the Petitioner is requesting the above Variation to allow a 624 SF shed (12' high) on the subject property, whereas Code restricts the maximum area to 120 SF. Ms. Fawell stated the structure – which, as indicated by the Petitioner, has been incorrectly identified as a garage on the attached application – has been existing on the parcel for a number of years, but recently suffered extensive damage in a fire, resulting in the need to raze the structure in order to build anew.

Ms. Fawell stated per Section 10-5-4E of the Zoning Code, in the event a legal nonconforming structure is damaged or destroyed to the extent of 50% of its replacement value, the structure may not be repaired unless it adheres to the zoning district's requirements.

Guy Filippelli, property owner, was present and sworn in by Chairman Rowe. Mr. Filippelli stated he would like his request withdrawn. Mr. Filippelli asked if he decides to build a shed in the future, does he need to complete the same process.

Ms. Fawell stated she would reach out to Mr. Filippelli to discuss permitting for a future shed when the time occurs.

Public Comment:

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

Chairman Rowe asked the petitioner if he would like to withdraw his case. Mr. Filippelli stated yes.

There were no questions from the Commissioners.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-04. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-04 at 6:39 p.m.

Motion: Commissioner King made a motion to withdraw CDC Case No. 2021-04. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-05
Petitioner: Subheiah Ghanimah
Location: 400 S. Ridgewood
Request: Zoning Map Amendment R-1 → R-3
Municipal Code Section 10 – 3 – 6
Preliminary and Final Plat of Subdivision
Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-05. Commissioner King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-05 at 6:40 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 18, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 17, 2021. Ms. Fawell stated on March 15, 2021 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. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Ms. Fawell stated the Petitioner is seeking a Zoning Map Amendment to rezone the 19,200 SF subject property from R-1 Single-Unit Dwelling District to R-3 Single-Unit Dwelling District. Ms. Fawell stated this request is in conjunction with the requested Plat of Subdivision in order to subdivide the parcel into two single-family lots. Ms. Fawell stated should the rezoning be approved, the proposed lots would adhere to the bulk requirements of R-3 District. Ms. Fawell stated the proposed lots have widths of 60 feet and areas of 9,600 SF. Ms. Fawell stated the minimum lot width and area required in the R-3 District are 50 feet and 6,000 SF, respectively.

Village of Bensenville Assistant Public Works Director, Mehul Patel was present and sworn in by Chairman Rowe. Mr. Patel stated the Village of Bensenville follows the DuPage County Storm Water Ordinance. Mr. Patel stated the Village is aware of flooding in the area and believes the requirements in the ordinance will cover potential flooding; all drawings will be reviewed once plans are submitted.

Marshall J. Subach of Hunt & Subach, Ltd. was present and sworn in by Chairman Rowe. Mr. Subach stated he was the attorney for the petitioner. Mr. Subach stated the petitioner is a long time Bensenville Resident. Mr. Subach stated if approved, the first house build would be for her daughter. Mr. Subach stated all necessary requirements will be met. Mr. Subach reviewed the findings of fact for the proposed case.

Public Comment

Henry Wessler – 342 Briar Lane, Bensenville, Illinois

Mr. Wessler was present and sworn in by Chairman Rowe.
Mr. Wessler stated he was in support of the proposed re-subdivision and looked forward to seeing the area developed.

Roman Kowal – 4N619 Ridgewood, Bensenville, Illinois

Mr. Kowal was present and sworn in by Chairman Rowe.
Mr. Kowal stated he was opposed to the proposed re-subdivision and worried about increased flooding in the area.

Keith Kowalewski Jr. – 4N634 Ridgewood, Bensenville, Illinois

Mr. Kowalewski Jr. was present and sworn in by Chairman Rowe.
Mr. Kowalewski Jr. stated he was opposed to the proposed re-subdivision and worried about increased flooding in the area.

Ms. Fawell reviewed the Findings of Fact for the proposed site plan review as presented in the Staff Report consisting of:

- 1) **Public Welfare:** The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: The proposed amendment to change the zoning from R1 to R3 will not endanger the health, safety, comfort, convenience and general welfare of the public. The subject property is surrounded single-family homes.

The granting of the rezoning will increase the value of the surrounding properties because it will allow each lot to be improved with a single family home and be occupied by future Bensenville residents. There is no adverse impact to health and safety to the surrounding properties and will actually improve the health and safety as the Village will be eliminating a vacant lot with an occupied and improved lot which are easier to maintain and will fit with the other single family homes in the area.

- 2) **Neighborhood Character:** The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.

Applicant's Response: The proposed amendment is compatible with the existing character and zoning of the adjacent properties. All of the properties to the north are zoned R3. The properties to the south are unincorporated DuPage County and contain a wide mix of single-family homes. There is also some R3 zoning that already exists South of 2nd Ave and North of 3rd Ave. Adding two newly constructed homes on the 2 lots will be an improvement to the area and allow for a single family home that is harmonious with the existing housing in the area. Leaving the lot as a single lot will require the construction of a much larger house that will not fit in the area and be a "McMansion" that will be out of place for the area.

- 3) **Public Gain:** The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

Applicant's Response: The proposed amendment provides a gain to the public and the Village as the tax base of two new single-family homes will be greater than the tax base of the existing vacant lot. The hardship to the Petitioner's hardship is that she cannot get a reasonable rate of return on the property and will not be able to develop the lot with subdividing the lot to recover some of the cost without approval of the two lot subdivision. The Petitioner attempted to have the lots face 2nd Ave at the initial request when working with staff, but the cost for the Petitioner to run the water main between Briar Lane and Ridgewood along 2nd Ave is cost prohibitive.

- 4) **Community Need:** The proposed amendment addresses the community need for a specific use.

Applicant's Response: The proposed amendment addresses a need in the community to have Bensenville continue to expand and improve its housing stock and potentially have additional unincorporated properties annex into Bensenville, which will allow Bensenville to continue to expand its tax base and expand its corporate boundaries.

- 5) **Amendment Objective:** The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

Applicant's Response: The proposed amendment adds clarification to the area that the Village of Bensenville is encouraging and making zoning changes to encourage and allow redevelopment of properties especially in the residential district.

- 6) **Consistent with Title and Plan:** The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The Comprehensive Plan provides that the Village should revisit regulations and administrative procedures to ensure that the Village does not impede the construction of residential housing. Bensenville's residential neighborhoods should retain their established character and intensity of use.

The Comprehensive Plan did not provide a recommendation for the specific residential zoning for the unincorporated area that is adjacent to the subject property. The Comprehensive Plan does provide that the housing stock is old compared to the county and region and that the Village should look to add higher quality new housing to attract a younger demographic. The Comprehensive Plan states that the Village should develop new housing in strategic locations in the Village to accommodate future demand and develop existing vacant land.

The Comprehensive Plan states that in order to accommodate future residential demands, the Village will need to be strategic about development on the few vacant and underutilized parcels in Bensenville.

The Comprehensive Plan goes on to provide that the Village should develop pre-annexation agreements for the residents in unincorporated land along IL-83.

The rezoning of the property from R1 to R3 satisfies all of those goals and directives of the Comprehensive Plan. There is no reason that the R3 zoning should not be expanded to all of the property south of 2nd Ave. all the way to 3rd Ave. and east to Ellis Street. This is not spot zoning.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Zoning Map Amendment from R-1 to R-3 at 400 South Ridgewood.

Ms. Fawell stated Staff recommends the Approval of the Preliminary Plat of Subdivision at 400 S Ridgewood, as it meets the criteria set forth in Municipal Code Section 11 – 3, with the following condition:

- 1) The Petitioner shall coordinate with the Village Engineering Department regarding required land improvements for Subdivisions (Municipal Code Section 11 – 5) during review of the Final Plat of Subdivision.

There were no further questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2021-05. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-05 at 7:05 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval of the Zoning Map Amendment from R-1 to R-3 at 400 South Ridgewood. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Preliminary Plat of Subdivision at 400 S Ridgewood. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-06
Petitioner: Subheiah Ghanimah
Location: 16W688 2nd Avenue
Request: Annexation
Zoning Map Amendment R-1 → R-3
Municipal Code Section 10 – 3 – 6
Preliminary and Final Plat of Subdivision
Municipal Code Section 11 – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-06. Commissioner King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-06 at 7:08 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 18, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 17, 2021. Ms. Fawell stated on March 15, 2021 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. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Ms. Fawell stated the Petitioner is applying to annex the subject property into the Village. Under Village Ordinance, annexed properties are designated R-1 Single-Unit Dwelling District. Ms. Fawell stated the Petitioner is seeking a Zoning Map Amendment to rezone the 16,000 SF parcel to R-3 Single-Unit Dwelling District in order to subdivide the lots and eventually construct two single-family homes. Ms. Fawell stated should the rezoning be approved, the proposed lots would adhere to the bulk requirements of R-3 District.

Ms. Fawell stated the proposed lots have widths of 50 feet and areas of 8,000 SF. Ms. Fawell stated the minimum lot width and area required in the R-3 District are 50 feet and 6,000 SF, respectively.

Marshall J. Subach of Hunt & Subach, Ltd. was present and previously sworn in by Chairman Rowe. Mr. Subach stated this was the same request as the prior case, on the opposite side of the road.

Public Comment

Henry Wessler – 342 Briar Lane, Bensenville, Illinois

Mr. Wessler was present and previously sworn in by Chairman Rowe. Mr. Wessler stated he was in support of the proposed re-subdivision and looked forward to seeing the area developed.

Paul De Michele – 17W275 Roddeck Lane, Bensenville, Illinois

Mr. De Michele was present and sworn in by Chairman Rowe. Mr. De Michele stated Fire District No. 1 had not received a certified letter indicating the petitioner was changing their services to Fire District No. 2. Ms. Fawell stated that would be a condition should this matter be approved by the Village Board.

Ms. Fawell reviewed the Findings of Fact for the proposed site plan review as presented in the Staff Report consisting of:

1. **Public Welfare:** The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: The proposed amendment to change the zoning from R1 to R3 will not endanger the health, safety, comfort, convenience and general welfare of the public. The subject property is surrounded by single-family homes. The granting of the rezoning will increase the value of the surrounding properties because it will allow each lot to be improved with a single family home and be occupied by future Bensenville residents. There is no adverse impact to health and safety to the surrounding properties and will actually improve the health and safety as the Village will be eliminating a vacant lot with an occupied and improved lot which are easier to maintain and will fit with the other single family homes in the area.

2. **Neighborhood Character:** The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.

Applicant's Response: The proposed amendment is compatible with the existing character and zoning of the adjacent properties. All of the properties to the North are zoned R3. All of the properties to the West and East are also zoned R3. Adding two newly constructed homes on the 2 lots will be an improvement to the area and allow for a single family home that is harmonious with the existing housing in the area.

3. **Public Gain:** The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

Applicant's Response: The proposed amendment provides a gain to the public and the Village as the tax base of two new single-family homes will be greater than the tax base of the existing vacant lot. The annexation of the property will allow the Village of Bensenville to collect real estate taxes and water and sewer charges from the property. The Petitioner's hardship is that she cannot get a reasonable rate of return on the property and will not be able to develop the lot without subdividing the lot to recover some of the cost without the two-lot subdivision. The Petitioner attempted to have the lots face 2nd Ave at the initial request when working with staff, but the cost for the Petitioner to run the water main between Briar Lane and Ridgewood along 2nd Ave is cost prohibitive.

4. **Community Need:** The proposed amendment addresses the community need for a specific use.

Applicant's Response: The proposed amendment addresses a need in the community to have Bensenville continue to expand and improve its housing stock and have an unincorporated property annex into Bensenville, which will allow Bensenville to continue to expand its tax base and expand its corporate boundaries.

5. **Amendment Objective:** The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

Applicant's Response: The proposed amendment adds clarification to the area that the Village of Bensenville is encouraging and making zoning changes to encourage and allow redevelopment of properties especially in the residential district.

6. **Consistent with Title and Plan:** The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The Comprehensive Plan provides that the Village should revisit regulations and administrative procedures to ensure that the Village does not impede the construction of residential housing. Bensenville's residential neighborhoods should retain their established character and intensity of use.

The Comprehensive Plan did not provide a recommendation for the specific residential zoning for the unincorporated area that is adjacent to the subject property. The Comprehensive Plan does provide that the housing stock is old compared to the county and region and that the Village should look to add higher quality new housing to attract a younger demographic. The Comprehensive Plan states that the Village should develop new housing in strategic locations in the Village to accommodate future demand and develop existing vacant land.

The Comprehensive Plan states that in order to accommodate future residential demands, the Village will need to be strategic about development on the few vacant and underutilized parcels in Bensenville.

The Comprehensive Plan goes on to provide that the Village should develop pre-annexation agreements for the residents in unincorporated land along Il-83.

The rezoning of the property from R-1 to R-3 satisfies all of those goals and directives of the Comprehensive Plan. There is no reason that the R-3 zoning should not be expanded to all of the property south of 2nd Ave. all the

way to 3rd Ave. and east to Ellis Street. This is not spot zoning.

Ms. Fawell stated Staff recommends the Approval of Annexation request at 16W688 2nd Avenue.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Zoning Map Amendment from R-1 to R-3 at 16W688 2nd Avenue.

Ms. Fawell stated Staff recommends the Approval of the Preliminary Plat of Subdivision at 16W688 2nd Avenue, as it meets the criteria set forth in Municipal Code Section 11 – 3, with the following condition:

- 1) The Petitioner shall coordinate with the Village Engineering Department regarding required land improvements for Subdivisions (Municipal Code Section 11 – 5) during review of the Final Plat of Subdivision; and
- 2) Upon annexation, the subject property will be addressed under the Village address system; and
- 3) The property owner shall seek annexation of the property to the Bensenville Fire Protection District #2.

There were no further questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-06. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-06 at 7:15 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of the Zoning Map Amendment from R-1 to R-3 at 16W688 2nd Avenue. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Plat of Subdivision at 16W688 2nd Avenue. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, King, Marcotte, 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 7:17 p.m.

TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.04.21**DESCRIPTION:**CDC Case 2021-09: Consideration of a Corner Side Yard Fence Variation at 146 S Mason Street.***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 type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Safe and Beautiful Village	<input type="checkbox"/>	Vibrant Major Corridors

REQUEST:

- Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4 – C – 7.a

SUMMARY:

- The Petitioners are requesting a Variation to erect a 4' wooden picket fence in the corner side yard at 146 S Mason Street.
- The proposed fence, which is hoped to alleviate safety concerns, encroaches into the corner side yard by approximately 15'.

RECOMMENDATION:

- Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to erect a fence in the corner side yard at 146 S Mason Street with the following condition:
 - The fence shall be in accordance with submitted plans and designs, which indicate a 4' high wooden picket fence.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	4/27/2021	Cover Memo
Aerial & Zoning Exhibits	4/27/2021	Backup Material
Legal Notice	4/27/2021	Backup Material
Application	4/27/2021	Backup Material
Staff Report	4/27/2021	Executive Summary
Site Plan and Design Examples	4/27/2021	Backup Material
Plat of Survey	4/27/2021	Backup Material



BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 05.04.21

CDC Case #2021 – 09

**Katherine & Steven Siers
146 S Mason St**

Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4C – 7a

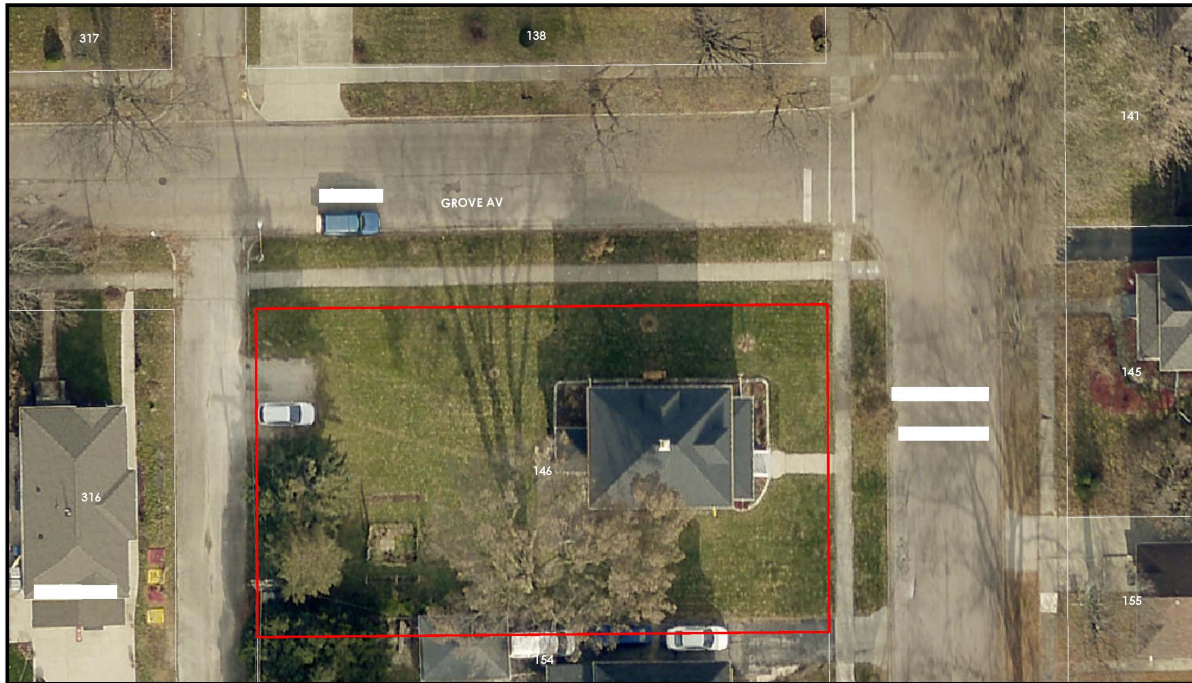
1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans





Village of Bensenville

146 S Mason

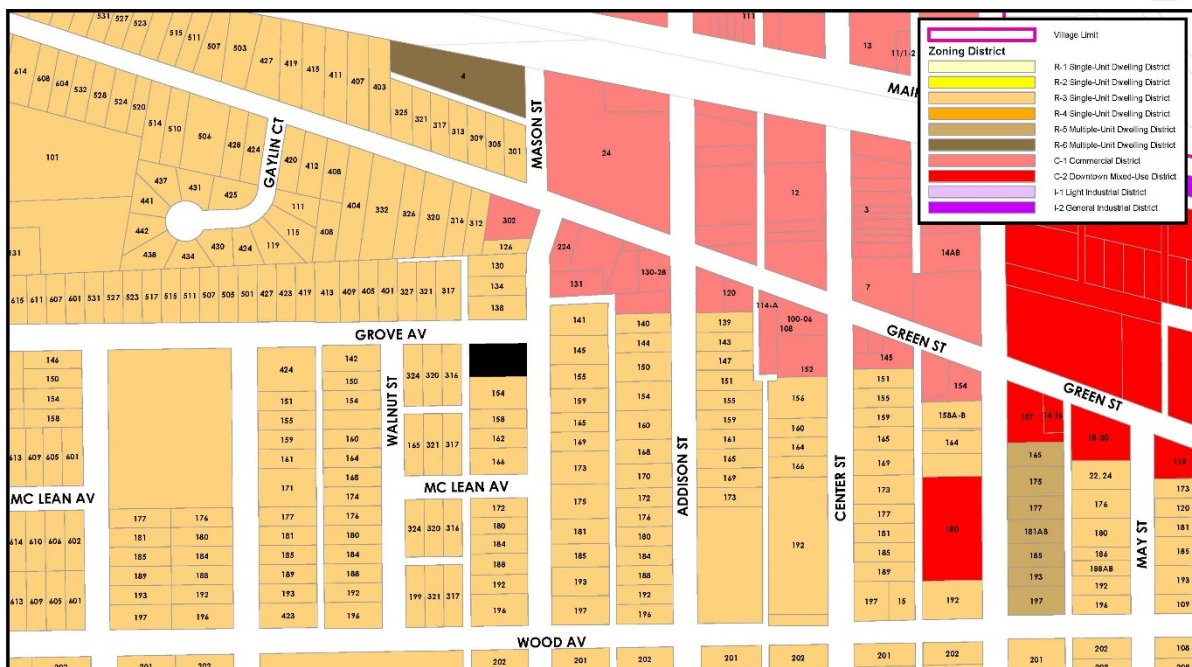


Date: 10/28/2020



Village of Bensenville

Zoning Map



Date: 10/28/2020

**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, May 4, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 09 to consider a request for:

Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4 – C – 7.a;

at 146 S Mason Street in an existing R – 3 Single-Unit Dwelling District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

LOT 1 IN BLOCK 3 IN BRETTMAN AND FRANZEN’S ADDITION TO BENSENVILLE, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1907, AS DOCUMENT NUMBER 91764, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 146 S Mason Street, Bensenville, IL 60106.

Katherine and Steven Siers of 146 S Mason Street, Bensenville, IL 60106 are the owners and applicants 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 the Public Hearing and be heard. Interested parties are encouraged to attend the Public Hearing via electronic means. Directions for electronic attendance and participation will be posted on the Village website at least 48 hours prior to the meeting date. Written comments mailed to Village Hall, and online comments submitted on the Village website, will be accepted by the Community and Economic Development Department through May 4, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
April 15, 2021**

For Office Use Only

Date of Submission: 4/8/21 MUNIS Account #: 10846 CDC Case #: 2021-09

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 146 S. Mason St

Property Index Number(s) (PIN): 03-14-411-007

A. PROPERTY OWNER:

Steve & Katherine Siers

Name Corporation (if applicable)

146 S. Mason St.

Street

Bensenville

City

IL

State

60106

Zip Code

Steve Siers

Contact Person

847-815-7502

Telephone Number

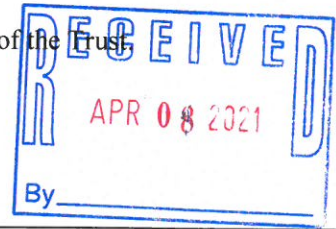
Steve.Siers

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



Name Corporation (if applicable)

Street

City

State

Zip Code

Contact Person

Telephone Number

Email Address

B. ACTION REQUESTED (Check applicable):

- ☐ Site Plan Review
- ☐ Special Use Permit
- ☒ Variation
- ☐ Administrative Adjustment
- ☐ Zoning Text or Map Amendment
- ☐ Zoning Appeal
- ☐ Plat of Subdivision
- ☐ Annexation
- ☐ Planned Unit Development*

*See Staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☒ Affidavit of Ownership** (signed/notarized)
- ☒ Application**
- ☒ Approval Standards**
- ☒ Plat of Survey/Legal Description
- ☒ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Tree Preservation and Removal Plan
- ☒ Application Fees
- ☒ Fees agreement**

**Item located within this application packet.

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

We would like to have a fence installed 15 ft
from Grove. It will be a cedar picket fence.

C. PROJECT DATA:

1. General description of the site: Residentially-zoned lot w/ SFD.
2. Acreage of the site: 0.29 Building Size (if applicable): 937 SF
3. Is this property within the Village limits? (Check applicable below)
☒ Yes
☐ No, requesting annexation
☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

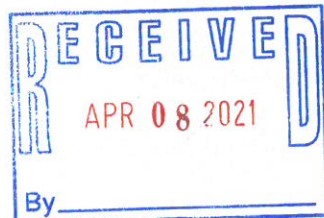
N/A

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	R-3	Residential	Bensenville
North:	R-3	Residential	Bensenville
South:	R-3	Residential	Bensenville
East:	R-3	Residential	Bensenville
West:	R-3	Residential	Bensenville

D. APPROVAL STANDARDS:

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



STAFF REPORT

HEARING DATE: May 4, 2021
CASE #: 2021 – 09
PROPERTY: 146 S Mason Street
PROPERTY OWNER: Katherine & Steven Siers
APPLICANT: Same
SITE SIZE: 0.29 AC
BUILDING SIZE: 937 SF
PIN NUMBER: 03-14-411-007
ZONING: R-3 Single-Unit Dwelling District
REQUEST: Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4 – C – 7.a

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, April 15, 2021. 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 Monday, April 12, 2021.
3. On Monday, April 12, 2021, 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 Petitioners are requesting a Variation to erect a 4' wooden picket fence in the corner side yard at 146 S Mason Street. The proposed fence, which is hoped to alleviate safety concerns, encroaches into the corner side yard by approximately 15'. The Petitioners recently received a Variation for a 20' by 20' paved parking area in 2020.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	R – 3	Residential	Single Family Residential	Village of Bensenville
North	R – 3	Residential	Single Family Residential	Village of Bensenville
South	R – 3	Residential	Single Family Residential	Village of Bensenville
East	R – 3	Residential	Single Family Residential	Village of Bensenville
West	R – 3	Residential	Single Family Residential	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 checked="" type="checkbox"/>	Enrich the Lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

- 1) Account up to date.

Police:

- 1) No objections.

Engineering and Public Works:

Public Works:

- 1) No comments.

Engineering:

- 1) It doesn't appear the fence will be located in the sight distance triangle for motorists.
- 2) The fence should not impede any existing surface drainage.

Community & Economic Development:

Economic Development:

- 1) No comments.

Fire Safety:

- 1) No comments.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Single Family Residential" for this property.
- 2) The current zoning is R-3 Single-Unit Dwelling District.
- 3) The Petitioners are seeking a Variation to erect a 4' wooden picket fence in their corner side yard. This is a typical Variation request.
- 4) Per Section 10-7-4C-7a of the Village Zoning Ordinance, fences, with a maximum height of 6', are only permitted in rear and interior side yards.
- 5) In the past, Variations for corner side yard fences that were recommended for approval by Staff were recommended with conditions. These conditions often pertain to a requirement of 1' lattice at the top of the fence as well as setback requirements. As the subject request is for a 4' high fence as opposed to a 6' privacy fence, and the proposed fence is setback approximately 15' from the corner side property line, Staff does not feel such conditions are necessary.

APPROVAL STANDARDS FOR VARIATIONS:

- 1) **Public Welfare:** The proposed Variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: Putting a fence 15 feet off the sidewalk will not endanger the health, safety, comfort, convenience, and general welfare of the public. It will, in fact, look lovely and pleasing to the eye once we add flowers and bushes.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: We are putting in a 4 foot arched cedar picket fence. The look will fit in with the Victorian style and vintage look of the homes adjacent to ours. It will add to the quaintness of our home.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Honestly, the proposed variance won't alleviate any hardship. We have a very large yard and don't want to lose too much room for backyard living. We plan on having children and the more room they have to play without running into the street is very helpful. This fence will alleviate our safety concerns.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The parking pad we are putting in is 15 feet from the sidewalk (variance already granted recently). If we put the fence 30 feet from the sidewalk, the fence will meet the parking pad and partially expose our cars. Part of the agreement with the parking pad variance was to add plants to hide the cars and make it more pleasing to the eye. If we stay in line with the parking pad, it will hide the cars better and I can still add plants/flowers to hide the cars where the fence is not covering.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: Since this is going to be a 4 foot arched picket fence, I do not think the 15 feet off the sidewalk is a large deviation from the regulations. If we were putting in a 5-6 foot privacy fence, then I would be the first to agree that where our yard sits in regards to the village would be an eyesore. It will still look like a quaint home in a cute village.

- 6) **Consistent with Ordinance and Plan:** The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. I'm sure trying to add beauty to our home AND keep the riff raff out is in everyone's plan.

Variation Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
1. Public Welfare	X	
2. Compatible with Surrounding Character	X	
3. Undue Hardship	X	
4. Unique Physical Attributes	X	
5. Minimum Deviation Needed	X	
6. Consistent with Ordinance and Plan	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to erect a fence in the corner side yard at 146 S Mason Street with the following condition:

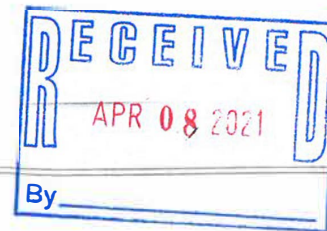
- 1) The fence shall be in accordance with submitted plans and designs, which indicate a 4' high wooden picket fence.

Respectfully Submitted,

Department of Community & Economic Development

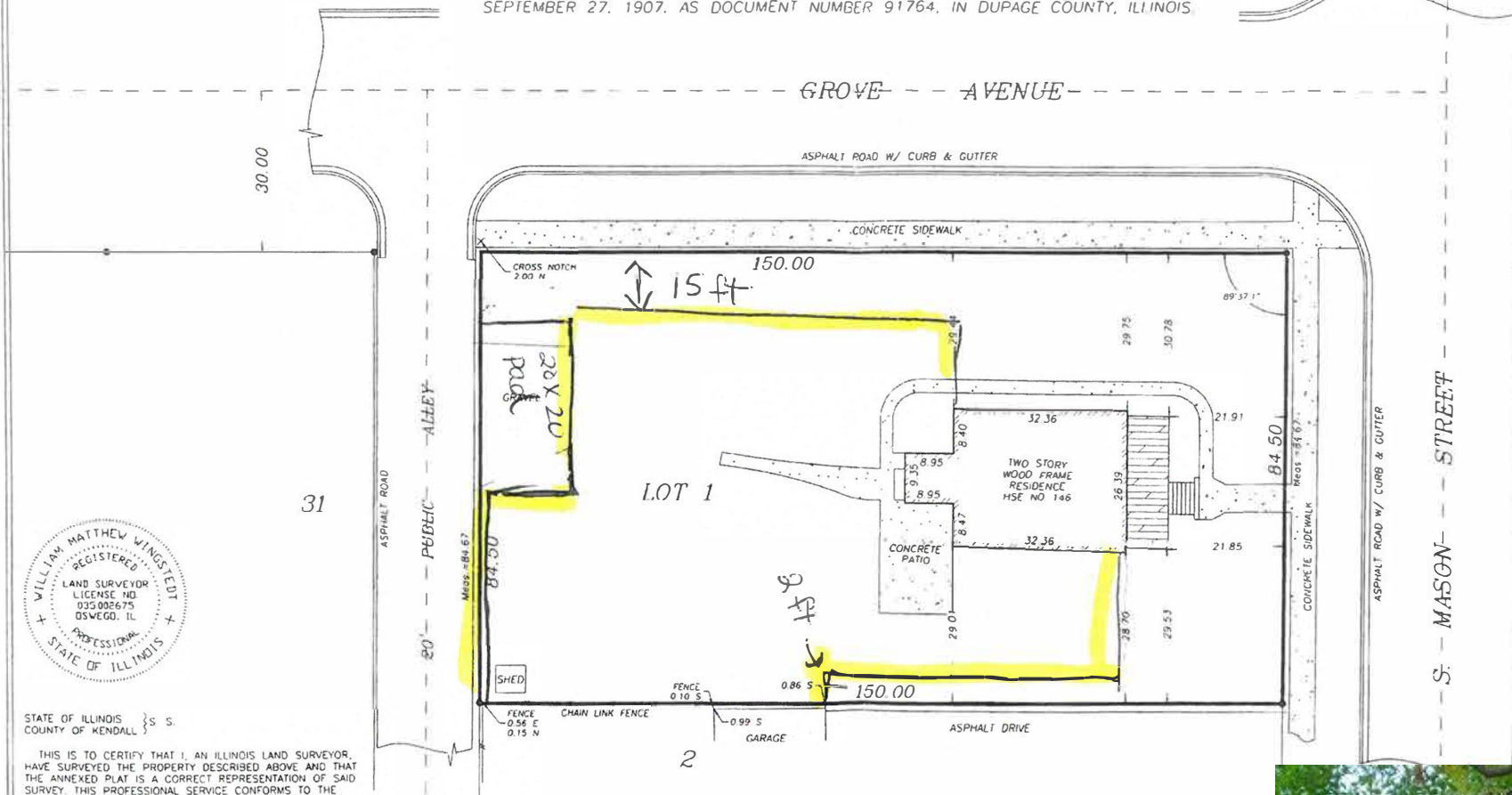


Fence Example



PLAT OF SURVEY

LOT 1 IN BLOCK 3 IN BRETTMAN AND FRANZEN'S ADDITION TO BENSENVILLE, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1907, AS DOCUMENT NUMBER 91764, IN DUPAGE COUNTY, ILLINOIS



Fence Example



STATE OF ILLINOIS } S. S.
COUNTY OF KENDALL }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS, THIS 18TH DAY OF NOVEMBER, A.D., 2017.

WILLIAM M. WINGSTEDT
ILLINOIS LAND SURVEYOR NO. 2875
(LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2019)
REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF
LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON AN ASSUMED DATUM LINE
PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

ORDERED BY:

AMY S. FZELDIN, ATTY

ORDER NO. 17-K-60

FILE NO. 171225

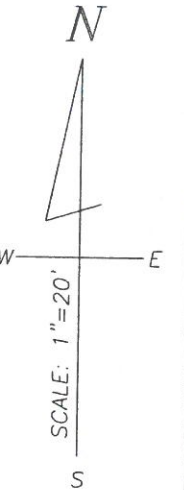
WILLIAM M. WINGSTEDT
ILLINOIS PROFESSIONAL LAND SURVEYOR
329 WHITE PINES CT., OSWEGO, ILLINOIS 60543
PHONE (630) 554-8209 FAX (630) 551-1207

146 S MASON STREET DOW
● = found iron stake
○ = set iron stake



PLAT OF SURVEY

OF
LOT 1 IN BLOCK 3 IN BRETTMAN AND FRANZEN'S ADDITION TO BENSENVILLE, BEING A
SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11 EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED
SEPTEMBER 27, 1907, AS DOCUMENT NUMBER 91764, IN DUPAGE COUNTY, ILLINOIS.



GROVE AVENUE

ASPHALT ROAD W/ CURB & GUTTER

CONCRETE SIDEWALK

CROSS NOTCH
2.00 N

150.00

89°37'1"

29.44

29.75

30.78

GRAVEL

LOT 1

TWO STORY
WOOD FRAME
RESIDENCE
HSE NO 146

CONCRETE
PATIO

21.91

21.85

29.53

SHED

FENCE
0.10 S

0.86 S

150.00

0.99 S

GARAGE

ASPHALT DRIVE

30.00

MASON STREET

ASPHALT ROAD W/ CURB & GUTTER

CONCRETE SIDEWALK

Meas. = 84.67

Meas. = 84.67

PUBLIC ALLEY

ASPHALT ROAD

31

30.00



STATE OF ILLINOIS } S. S.
COUNTY OF KENDALL }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR,
HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT
THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID
SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY.
GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS,
THIS 18TH DAY OF NOVEMBER, A.D., 2017.

ILLINOIS LAND SURVEYOR NO. 2675
(LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2018)
REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON AN ASSUMED DATUM LINE.
PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

ORDERED BY:

AMY S. EZELDIN, ATTY.

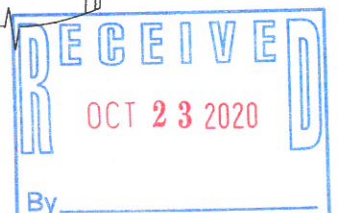
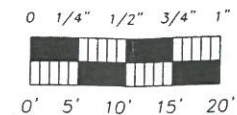
ORDER NO. 17 K 60

FILE NO. 171225

WILLIAM M. WINGSTEDT

ILLINOIS PROFESSIONAL LAND SURVEYOR
329 WHITE PINES CT., OSWEGO, ILLINOIS 60543
PHONE: (630) 554-8209 FAX (630) 551-1207

146 S MASON STREET.DWG
● = found iron stake
○ = set iron stake



FIELD WORK COMPLETED. BUILDINGS AND OTHER
IMPROVEMENTS LOCATED AS SHOWN ON THE 18TH
OF NOVEMBER, A.D., 2017.

TYPE:	SUBMITTED BY:	DEPARTMENT:	DATE:
<u>Public Hearing</u>	<u>K. Fawell</u>	<u>CED</u>	<u>05.04.21</u>

DESCRIPTION:

CDC Case 2021-07: Consideration of a Special Use Permit to Operate a Tobacco Shop at 213 W Grand Avenue.

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. Special Use Permit, Tobacco Shop
Municipal Code Section 10 – 7 – 2 – 1

SUMMARY:

1. The Petitioner is seeking a Special Use Permit to allow a tobacco shop at 213 W Grand Avenue, which is located in a multi-tenant commercial building.
2. The proposed shop will occupy a 1,300SF unit and will operate from 9AM - 9PM daily with one employee.
3. They will sell both tobacco and vape products.
4. The Village Zoning Ordinance applies one standard to such uses: the use shall not be located within 1,000 feet of a school, place of worship, or another tobacco shop. A tobacco shop at this proposed location adheres to this standard – no Variation is needed.

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit at 213 West Grand Avenue with the following condition:
 1. The Special Use Permit be granted solely to Jatin Patel and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	4/27/2021	Cover Memo
Aerial & Zoning Exhibits	4/27/2021	Backup Material
Legal Notice	4/27/2021	Backup Material
Application	4/27/2021	Backup Material
Staff Report	4/27/2021	Executive Summary
Proposed Floor Plan	4/27/2021	Backup Material
Plat of Survey	4/27/2021	Backup Material



BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 05.04.21

CDC Case #2021 – 07

Jatin Patel
213 W Grand Avenue

Special Use Permit, Tobacco Shop
Municipal Code Section 10 – 7 – 2 – 1

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





Village of Bensenville

213 W Grand Aerial



Date: 3/18/2021



Village of Bensenville

Zoning Map



Date: 3/18/2021

**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, May 4, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 07 to consider a request for:

Special Use Permit, Tobacco Shop
Municipal Code Section 10 – 7 – 2 – 1;

at 213 W Grand Avenue in an existing 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:

OF THE EASTERLY 579.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF (EXCEPT THE EASTERLY 414.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF) OF LOT 4 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NUMBER R77-102033, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 217 W Grand Avenue, Bensenville, IL 60106.

Emin Tuluze, 207 Grand LLC, of 977 N Oaklawn Ave, Suite 109, Elmhurst, IL 60126 is the owner and Jatin Patel of 474 Dunlay St, Wood Dale, IL 60191 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 the Public Hearing and be heard. Interested parties are encouraged to attend the Public Hearing via electronic means. Directions for electronic attendance and participation will be posted on the Village website at least 48 hours prior to the meeting date. Written comments mailed to Village Hall, and online comments submitted on the Village website, will be accepted by the Community and Economic Development Department through May 4, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
April 15, 2021**

For Office Use Only

Date of Submission: 3/18/21 MUNIS Account #: 10776 CDC Case #: 2021-07

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 213 W. Grand Ave. Bensenville, IL. 60106

Property Index Number(s) (PIN): 03-26-208-008

A. PROPERTY OWNER:

207 Grand, LLC

Name

Corporation (if applicable)

977 N. Oaklawn Ave. Suite 109

Street

Elmhurst, IL. 60126

City

State

Zip Code

EMIN TULUCE

773-983-8552

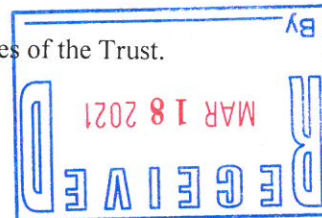
etuluce@sevenhillgroup.com

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

DATIN PATEL

Name

Corporation (if applicable)

474 Dunlay St.

Street

Wood Dale, IL. 60191

City

State

Zip Code

Datin Patel

847-571-0148

datinkam@yahoo.com

Contact Person

Telephone Number

Email Address

B. ACTION REQUESTED (Check applicable):

- ☐ Site Plan Review
- ☒ Special Use Permit
- ☐ Variation
- ☐ Administrative Adjustment
- ☐ Zoning Text or Map Amendment
- ☐ Zoning Appeal
- ☐ Plat of Subdivision
- ☐ Annexation
- ☐ Planned Unit Development*

*See Staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership** (signed/notarized)
- ☐ Application**
- ☐ Approval Standards**
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Tree Preservation and Removal Plan
- ☐ Application Fees
- ☐ Fees agreement**

**Item located within this application packet.

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

Request for Special Use Permit for Tobacco and Vape
retail sales.

C. PROJECT DATA:

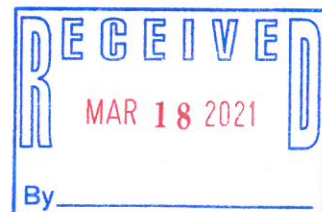
1. General description of the site: Store front @ Bensenville Plaza
2. Acreage of the site: 1.33 Building Size (if applicable): 1,300 SF
3. Is this property within the Village limits? (Check applicable below)
☒ Yes
☐ No, requesting annexation
☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	C-2	highway Comm. Distr.	Bensenville
North:	I-1	Light Industrial	"
South:	C-3	Car Dealer	Elmhurst
East:	C-2	Office	Bensenville
West:	C-2	Retail	"

D. APPROVAL STANDARDS:

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



STAFF REPORT

HEARING DATE: May 4, 2021
CASE #: 2021 – 07
PROPERTY: 213 W Grand Avenue
PROPERTY OWNER: 207 Grand, LLC
APPLICANT: Jatin Patel
SITE SIZE: 1.33 AC
BUILDING SIZE: 1,300 SF
PIN NUMBER: 03-26-208-008
ZONING: C-2 Commercial District
REQUEST: Special Use Permit, Tobacco Shop
Municipal Code Section 10 – 7 – 2 – 1

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, April 15, 2021. 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 Monday, April 12, 2021.
3. On Monday, April 12, 2021, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner is seeking a Special Use Permit to allow a tobacco shop at 213 W Grand Avenue, which is located in a multi-tenant commercial building. The proposed shop will occupy a 1,300SF unit and will operate from 9AM - 9PM daily with one employee.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Local Commercial	Village of Bensenville
North	I – 1	Industrial	Industrial	Village of Bensenville
South	C – 3	Commercial	General Commercial	City of Elmhurst
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	C – 2	Commercial	Local Commercial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) Account up to date.

Police:

- 1) No objections.

Engineering and Public Works:

Public Works:

- 1) No comments.

Engineering:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) Fills a vacancy.
- 2) Additional sales tax to the Village.

Fire Safety:

- 1) Additional information was requested of the Applicant upon initial review. Please see questions with Applicant responses (in red) below.
 - a. How much tobacco will be sold and stored? **This will depend, but for now 50%.**
 - b. Will there be any bulk storage of tobacco? **No.**
 - c. Will vape products be single-use or reusable? **Both.**
 - d. How will batteries be stored and sold? **They will be behind glass displays.**
 - e. How many batteries will be on hand at any given time? **About 24.**
 - f. What quantities will the liquid be sold in? **Single-use.**
 - g. Will the vape and tobacco products be sold next to each other on the shelves? **No, they will be separated.**
- 2) Above responses are sufficient at this time. No additional comments.

Building:

- 1) Please note that an interior build-out of the space will require a permit.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Local Commercial” for this property.
- 2) The current zoning is C – 2 Commercial District.
- 3) The Village Zoning Ordinance applies one use specific standard to such uses: the use shall not be located within 1,000 feet of a school, place of worship, or another tobacco shop. A tobacco shop at this proposed location adheres to this standard – no Variation is needed.
 - a. The closest tobacco shop is located in the Brentwood Commons shopping center, east of this property on Grand Avenue. Discount Tobacco is approximately 2,500 feet from the subject property.
 - b. The closest place of worship is Faith Community United Church of Christ Bensenville on Church Road, which is located approximately 1,200 feet from the subject property.
 - c. The closest school to the subject property is Zion-Concord Lutheran School on Church Road, with a distance of approximately 1,300 feet separating the two.
- 4) A Special Use Permit for a Tobacco Shop was approved in the adjoining multi-tenant center to the west in 2017. This business has since vacated the premises, moving to another location outside of Bensenville.
- 5) Please note the Petitioner’s submitted floor plan is not a final plan, and is subject to change due to applicable codes. Approval of such request does not include approval of proposed layout.

APPROVAL STANDARDS FOR SPECIAL USES:

- 1) **Public Welfare:** The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.

Applicant's Response: No, this will be a retail business.

- 2) **Neighborhood Character:** The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: Yes, it is compatible with the neighborhood.

- 3) **Orderly Development:** The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: No, this will not impede any development.

- 4) **Use of Public Services and Facilities:** The proposed special use will not require utilities, access roads, drainage and/or other 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: No, this business will not require any special facilities.

- 5) **Consistent with Title and Plan:** The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Yes, it is.

Special Use Permit Approval Standards	Meets Standard	
	Yes	No
1. Public Welfare	X	
2. Neighborhood Character	X	
3. Orderly Development	X	
4. Use of Public Services and Facilities	X	
5. Consistent with Title and Plan	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit at 213 West Grand Avenue with the following conditions:

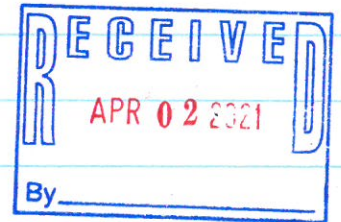
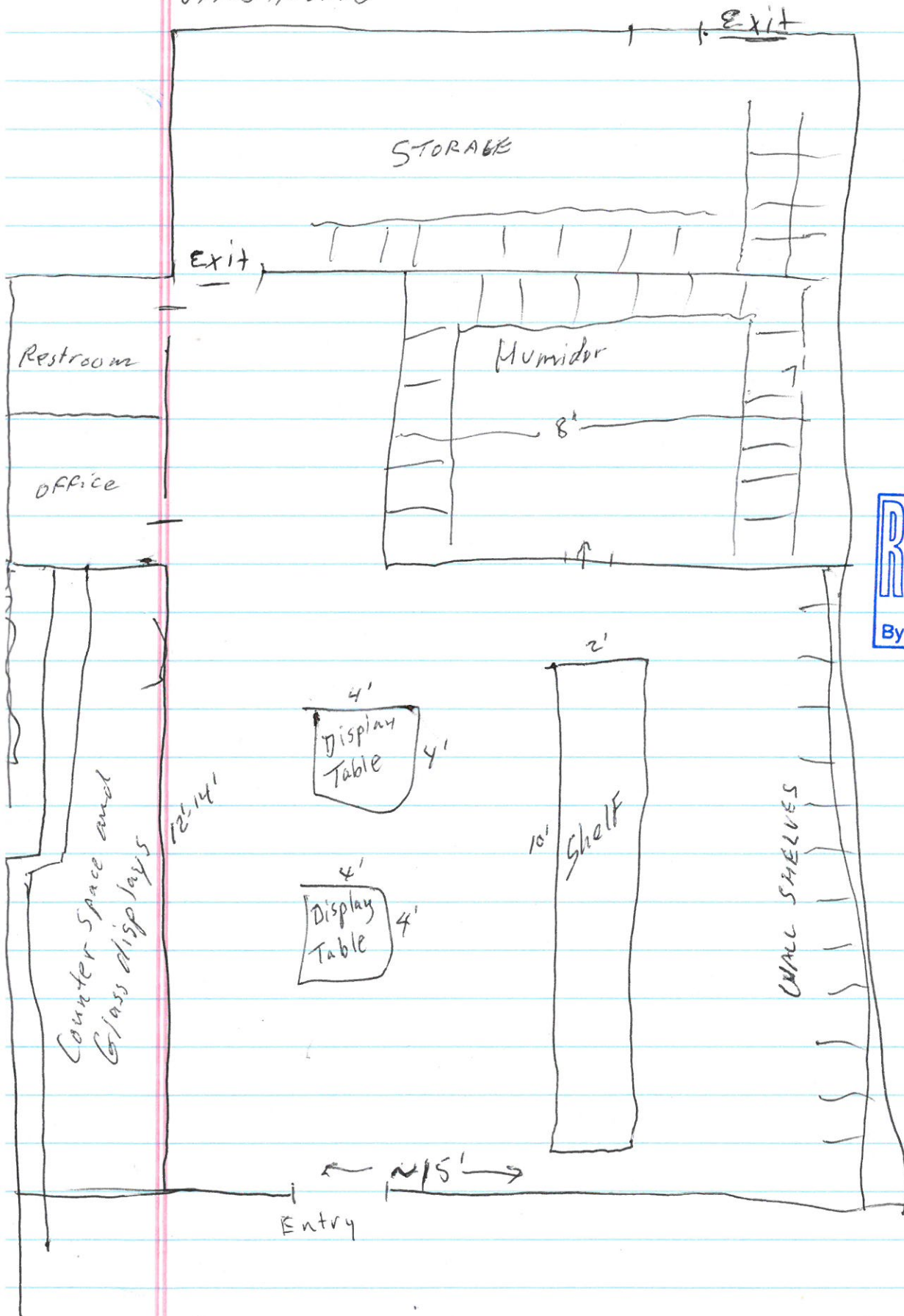
- 1) The Special Use Permit be granted solely to Jatin Patel and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC.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

Respectfully Submitted,

Department of Community & Economic Development

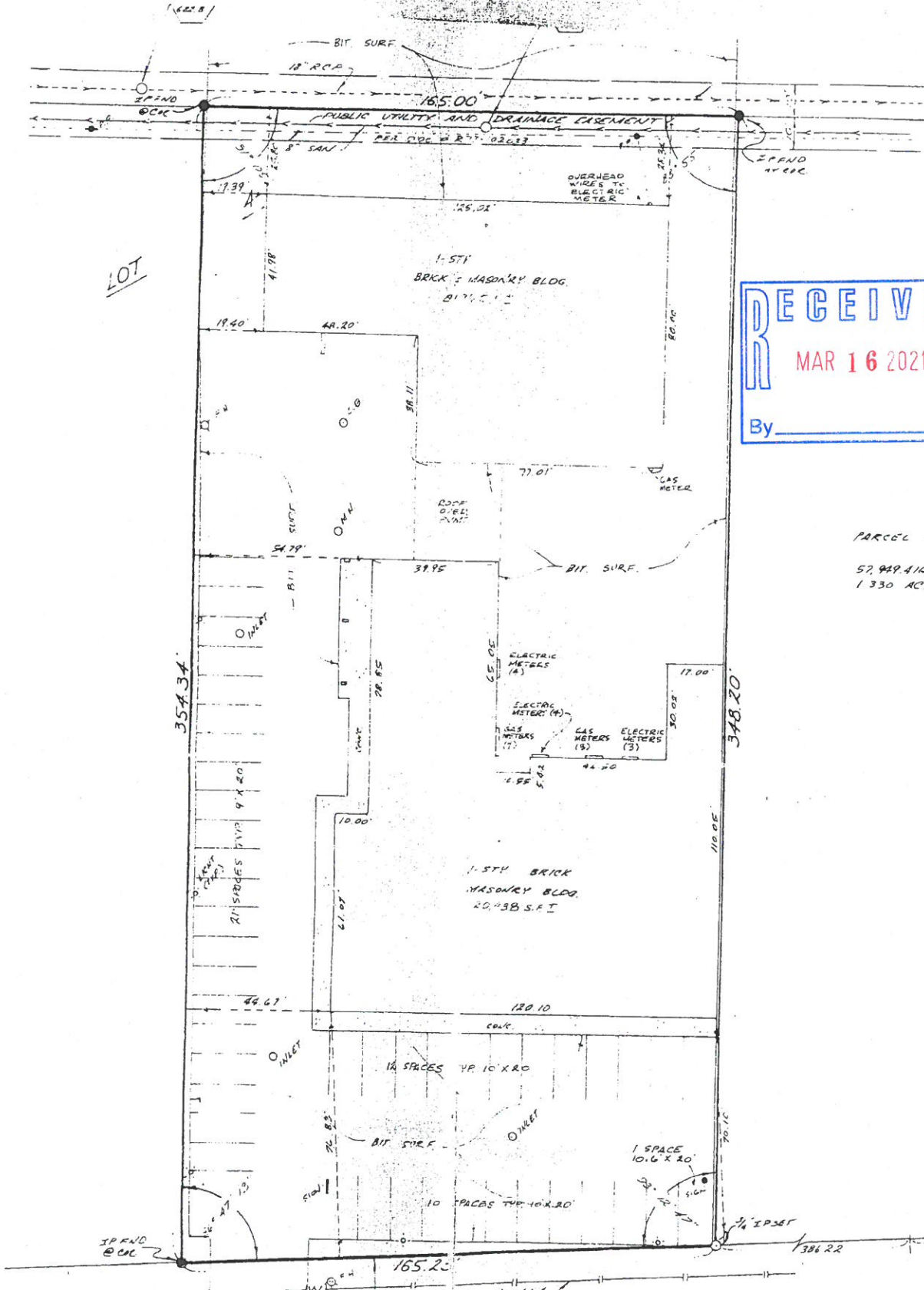
213 W. GRAND AVE
BENSENVILLE IL 60106

JATIN PATEL TOBACCO & VAPE
847-571-0148



PLAT OF SURVEY

OF THE EASTERLY 579.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF (EXCEPT THE EASTERLY 4.40 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF) OF 10'-4" IN WHITE PINE CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF THE NORTH HALF OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NUMBER RTT-102033, IN IDAHO COUNTY, ILLINOIS.



RECEIVED
MAR 16 2021
By _____

PARCEL AREA:
57,949.416 SQ. FT.
1.330 AC.

FIN. 1.185' OF 107' 4"

TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.04.21**DESCRIPTION:**

CDC Case 2021-10: Consideration of a Request for a Special Use Permit to Operate a Day Care Center at 227 W Grand Avenue.

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 type="checkbox"/>	Safe and Beautiful Village	<input checked="" type="checkbox"/>	Vibrant Major Corridors

REQUEST:

1. Special Use Permit, Day Care Center
Municipal Code Section 10 – 7 – 2 – 1

SUMMARY:

1. The Petitioner, Davinci Academy Child Development Center, is applying for a Special Use Permit to operate a childcare facility at 227 West Grand Avenue.
2. This property has historically been utilized as a daycare center, having been granted Special Use Permits in 2009 (Safari Childcare) and 2019 (Scholar's World Childcare & Learning Center).
3. The Petitioner currently operates two other early childhood education facilities, one in Belvidere and one in Streamwood.

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit for a Day Care Center at 227 West Grand Avenue with the following conditions:
 1. The Special Use Permit be granted solely to Davinci Academy Child Development Center and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit; and
 2. Children 2 ½ years of age or younger (more than 5, but less than 100) – exit door (from classroom) directly to the exterior is required; and
 3. Before a Certificate of Occupancy can be issued, the Village needs to receive documentation of such State and County approvals and licenses; and
 4. Day care tenant will need to provide, on a semi-annual schedule, documentation that the sanitary sewer has been rodded and is in good working condition.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	4/27/2021	Cover Memo
Aerial & Zoning Exhibits	4/27/2021	Backup Material
Legal Notice	4/27/2021	Backup Material
Application	4/27/2021	Backup Material
Staff Report	4/27/2021	Executive Summary

Floor Plans
Plat of Survey

4/27/2021
4/27/2021

Backup Material
Backup Material



BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 05.04.21

CDC Case #2021 – 10

Davinci Academy Child Development Center, LLC
227 W Grand Avenue

Special Use Permit, Day Care Center
Municipal Code Section 10 – 7 – 2 – 1

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





Village of Bensenville

227 W Grand Av

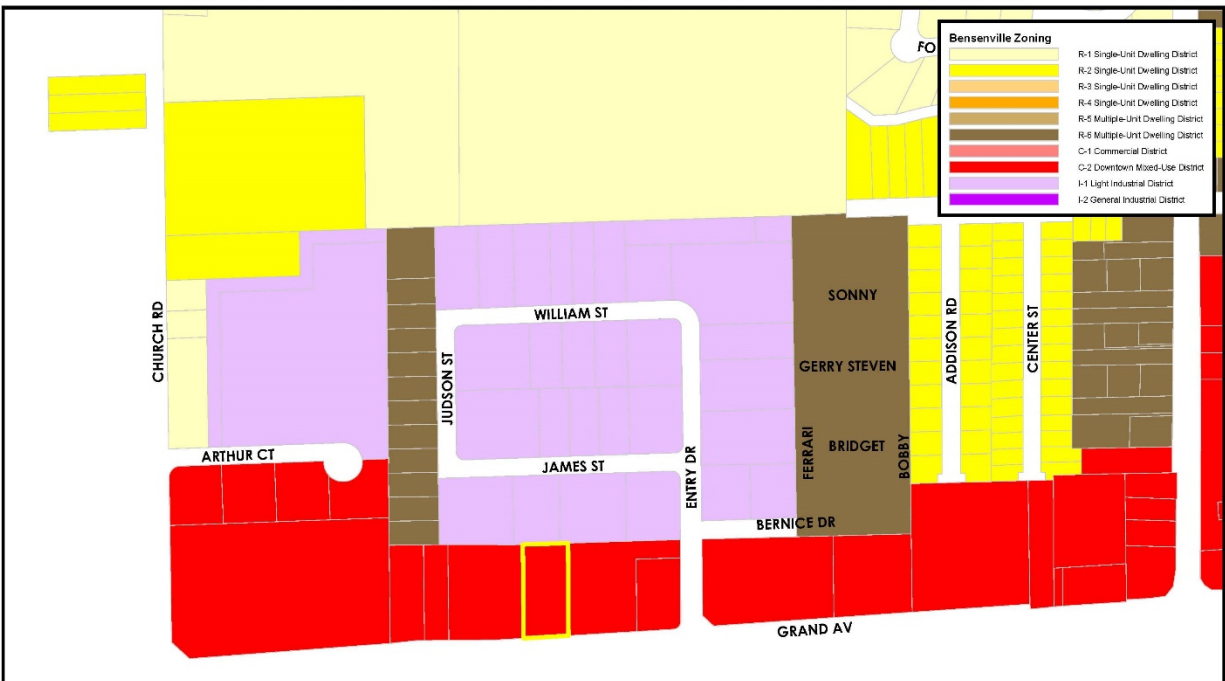


Date: 1/11/2019



Village of Bensenville

Zoning Map



Date: 1/11/2019

**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, May 4, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 10 to consider a request for:

Special Use Permit, Daycare Center
Municipal Code Section 10 – 7 – 2 – 1;

at 227 W Grand Avenue in an existing 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:

OF THE EASTERLY 579.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF (EXCEPT THE EASTERLY 414.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF) OF LOT 4 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NUMBER R77-102033, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 217 W Grand Avenue, Bensenville, IL 60106.

Emin Tuluze, 207 Grand LLC, of 977 N Oaklawn Ave, Suite 109, Elmhurst, IL 60126 is the owner and DaVinci Academy CDC, LLC of 227 W Grand Avenue, 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 the Public Hearing and be heard. Interested parties are encouraged to attend the Public Hearing via electronic means. Directions for electronic attendance and participation will be posted on the Village website at least 48 hours prior to the meeting date. Written comments mailed to Village Hall, and online comments submitted on the Village website, will be accepted by the Community and Economic Development Department through May 4, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
April 15, 2021**

For Office Use Only		
Date of Submission: 4/12/21	MUNIS Account #: 10855	CDC Case #: 2021-10

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 227 W Grand Ave. Bensenville, IL. 60126

Property Index Number(s) (PIN): 03-26-208-008-0000

A. PROPERTY OWNER:

207 Grand, Ave , LLC		
Name	Corporation (if applicable)	
977 N. Oaklawn Ave. Suite 109		
Street		
Elmhurst	IL	60126
City	State	Zip Code
Emin Tuluce	773-983-8552	etuluce@sevenhillgroup.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

DAVINCI ACADEMY CDC, LLC		
Name	Corporation (if applicable)	
227 W. Grand Ave.		
Street		
Bensenville	IL	60106
City	State	Zip Code
Annalisa Tuluce	773-230-6531	annalisatuluce@gmail.com
Contact Person	Telephone Number	Email Address

B. ACTION REQUESTED (Check applicable):

- ☐ Site Plan Review
- ☒ Special Use Permit
- ☐ Variation
- ☐ Administrative Adjustment
- ☐ Zoning Text or Map Amendment
- ☐ Zoning Appeal
- ☐ Plat of Subdivision
- ☐ Annexation
- ☐ Planned Unit Development*

*See Staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership** (signed/notarized)
- ☐ Application**
- ☐ Approval Standards**
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Tree Preservation and Removal Plan
- ☐ Application Fees
- ☐ Fees agreement**

**Item located within this application packet.

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

DaVinci Academy Child Development Centers is seeking a Special Use Permit to operate Childcare Center at subject property.

C. PROJECT DATA:

1. General description of the site: Free standing building part of Bensenville Commons
2. Acreage of the site: 57,935 sf Building Size (if applicable): 7,800 sf
3. Is this property within the Village limits? (Check applicable below)
☒ Yes
☐ No, requesting annexation
☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

Municipal Code

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	C-2	Commercial	Bensenville
North:	I-I	Residential/Light Industrial	Bensenville
South:	C-3	Commercial/Car dealer	Elmhurst
East:	C-2	Office	Bensenville
West:	C-2	Retail	Bensenville

D. APPROVAL STANDARDS:

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

STAFF REPORT

HEARING DATE: May 4, 2021
CASE #: 2021 – 10
PROPERTY: 227 W Grand Avenue
PROPERTY OWNER: 207 Grand, LLC
APPLICANT: Davinci Academy Child Development Center
SITE SIZE: 1.33 AC
BUILDING SIZE: 7,800 SF
PIN NUMBER: 03-26-208-008
ZONING: C-2 Commercial District
REQUEST: Special Use Permit, Day Care Center
Municipal Code Section 10 – 7 – 2 – 1

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, April 15, 2021. 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 Monday, April 12, 2021.
3. On Monday, April 12, 2021, 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, Davinci Academy Child Development Center, is applying for a Special Use Permit to operate a childcare facility at 227 West Grand Avenue. This property has historically been utilized as a daycare center, having been granted Special Use Permits in 2009 (Safari Childcare) and 2019 (Scholar's World Childcare & Learning Center). The Petitioner currently operates two other early childhood education facilities, one in Belvidere and one in Streamwood.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Local Commercial	Village of Bensenville
North	I – 1	Industrial	Industrial	Village of Bensenville
South	C – 3	Commercial	General Commercial	City of Elmhurst
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	C – 2	Commercial	Local Commercial	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) No comments.

Police:

- 1) No objections.

Engineering and Public Works:

Public Works:

- 1) No comments.

Engineering:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) Fills a vacancy in a non-traditional retail/commercial space.
- 2) Fills a presumed need for area residents.
- 3) Supports other business within the shopping center.

Fire Safety:

- 1) Classrooms will need exterior exits.
- 2) If the kitchen is being upgraded with a commercial stove, an Ansul system will need to be added for fire protection.

Building:

- 1) Any alteration work will require a permit.
- 2) Based off of information provided by the Applicant, this use is an E occupancy.
International Building Code Chapter 3. 2) Children 2 ½ years of age or younger (more than 5, but less than 100) – exit door (from classroom) directly to the exterior is required

- 3) An occupant load needs to be provided, broken down between children and staff.
 - a. Applicant has provided the following information: Final occupancy shall be determined by DCFS but previously was approved for about 100 kids (20 of those would be infants) and about 20 staff.
- 4) Appears a stove will be added, DuPage County Health Dept. approval of the plans is required.
- 5) If cooking on site, a grease trap is required.
- 6) This is a comment from the previous day care tenant. "Day care tenant will need to provide this office, on a semi-annual schedule documentation that the sanitary sewer has been rodded and is in good working condition."
- 7) Before a Certificate of Occupancy can be issued, the Village needs to receive documentation of state and county approvals and licenses.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Local Commercial" for this property.
- 2) The current zoning is C – 2 Commercial District.
- 3) This property has historically been utilized as a daycare center, having been granted Special Use Permits in 2009 (Safari Childcare) and 2019 (Scholar's World Childcare & Learning Center).
 - a. The previous occupants, Scholar's World Childcare & Learning Center, vacated the property and the use has been deemed abandoned per standards set forth in the Village Zoning Ordinance. This is why the Applicant is required to request a new Special Use Permit for the property.
- 4) The Village Zoning Ordinance does not have any specific use standards applied to Day Care Centers.

APPROVAL STANDARDS FOR SPECIAL USES:

- 1) **Public Welfare:** The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.

Applicant's Response: Our proposed use, Childcare, will not endanger the health, safety, comfort, convenience and general welfare of the public. Quite the contrary, our services will improve safety, comfort, convenience and general welfare of the public and residences of Village of Bensenville. We will provide peace in mind for parents who work in full time jobs.

- 2) **Neighborhood Character:** The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: We will be located at 227 W Grand Avenue which is part of the retail establishment commonly known as Bensenville Plaza. The use as childcare is compatible in retail settings.

- 3) **Orderly Development:** The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: Our proposed use, Childcare, will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use. Quite the contrary, our services will improve the area. Surrounding retail, office, industrial and residential improvements will enjoy the safe, healthy and secure childcare services we will be providing.

- 4) **Use of Public Services and Facilities:** The proposed special use will not require utilities, access roads, drainage and/or other 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: Our use, Childcare, will not demand any changes on utilities, roads, drainage, nor will be a burden on utilities, roads and/or drainage.

- 5) **Consistent with Title and Plan:** The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Subject property is in C-2 zoning in retail setting. Childcare use is perfect fit for this site. Subject site has no retail exposure to Grand Avenue and suffers from being located in the back of the lot. However this is an advantage for our Childcare use. We would not want to be directly on heavy and fast traffic for safety purposes.

Special Use Permit Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
1. Public Welfare	X	
2. Neighborhood Character	X	
3. Orderly Development	X	
4. Use of Public Services and Facilities	X	
5. Consistent with Title and Plan	X	

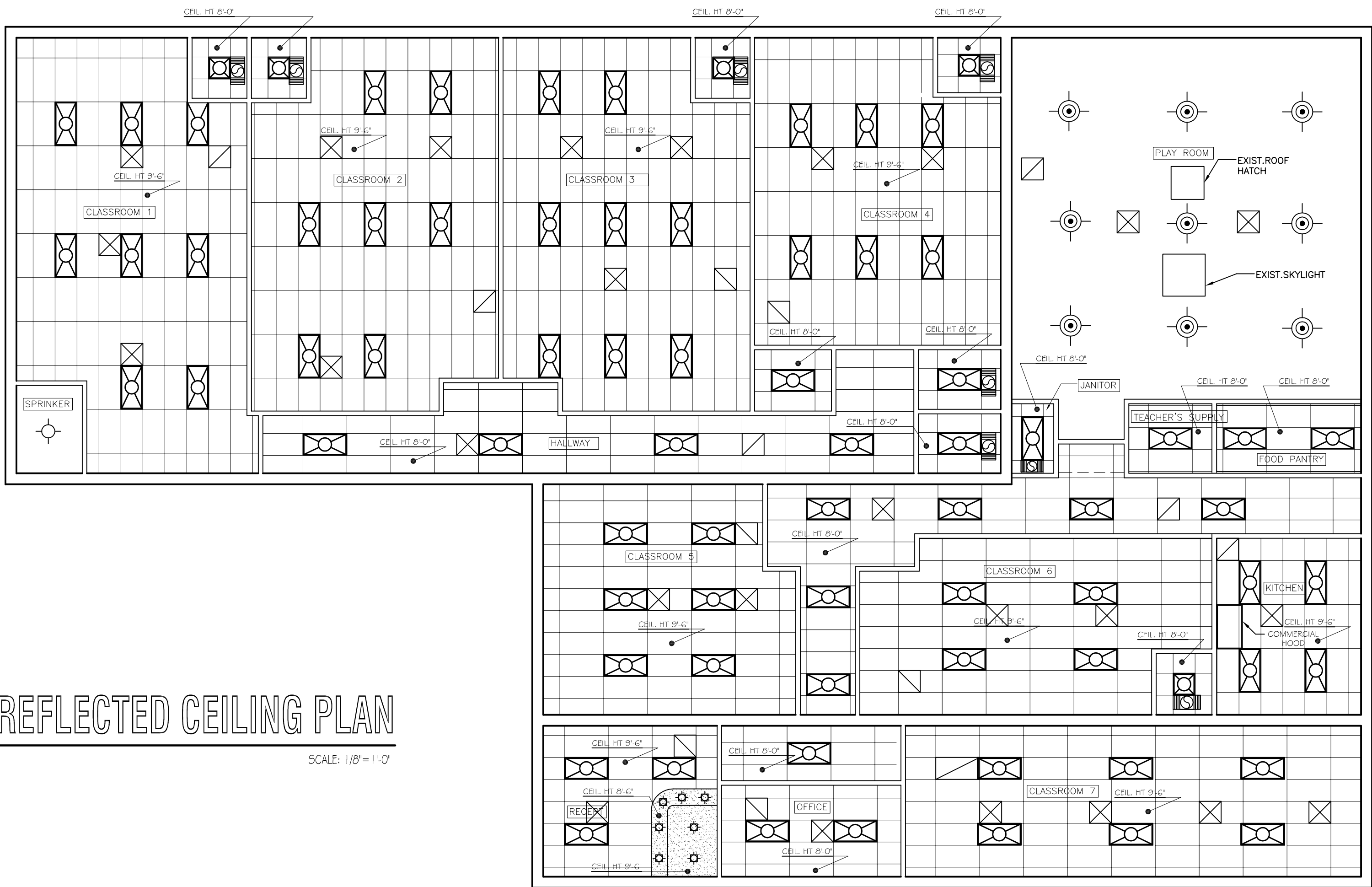
RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for a Day Care Center at 227 West Grand Avenue with the following conditions:

- 1) The Special Use Permit be granted solely to Davinci Academy Child Development Center and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit; and
- 2) Children 2 ½ years of age or younger (more than 5, but less than 100) – exit door (from classroom) directly to the exterior is required; and
- 3) Before a Certificate of Occupancy can be issued, the Village needs to receive documentation of such State and County approvals and licenses; and
- 4) Day care tenant will need to provide, on a semi-annual schedule, documentation that the sanitary sewer has been rodded and is in good working condition.

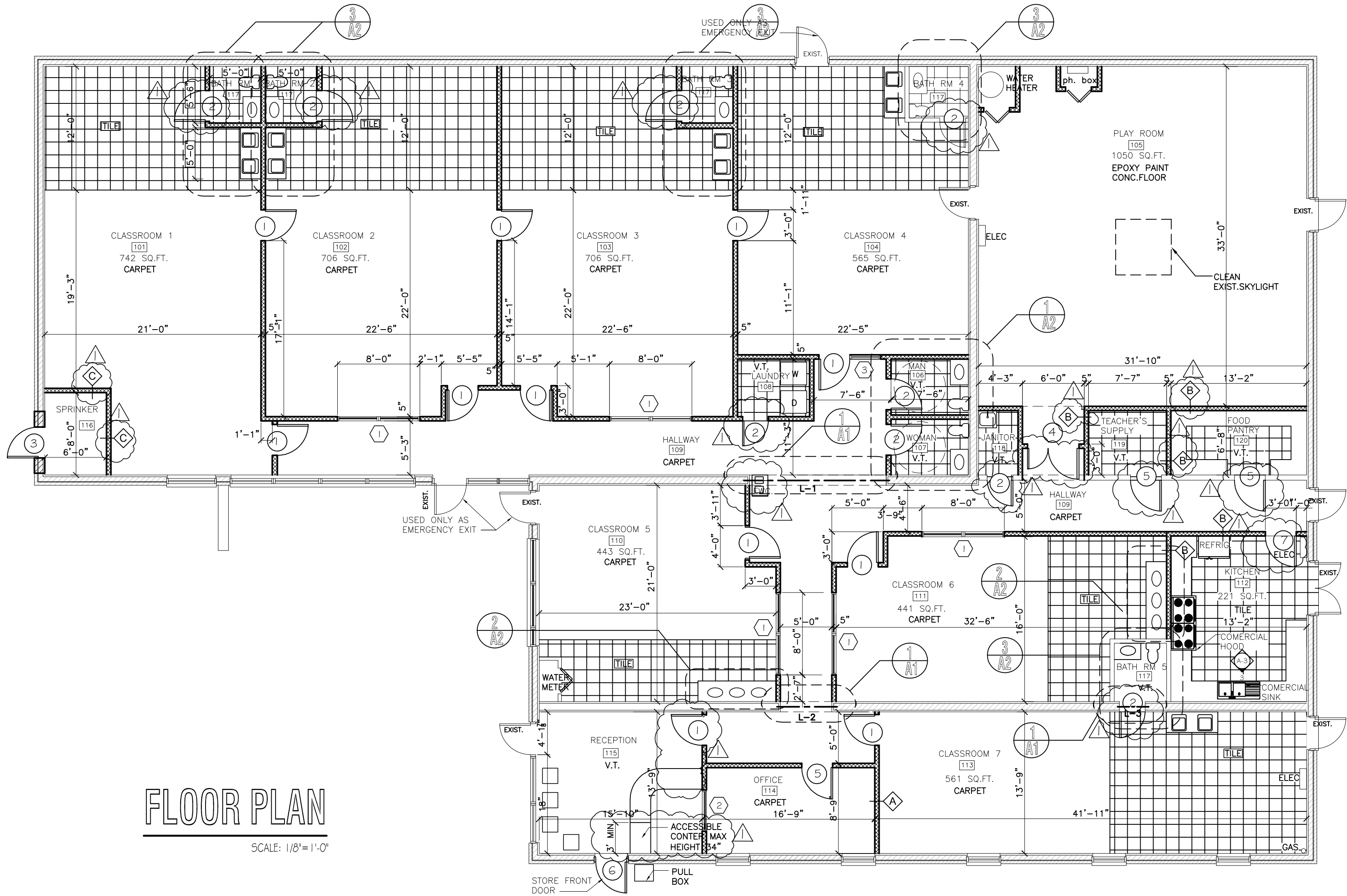
Respectfully Submitted,

Department of Community & Economic Development



REFLECTED CEILING PLAN

SCALE: 1/8"=1'-0"



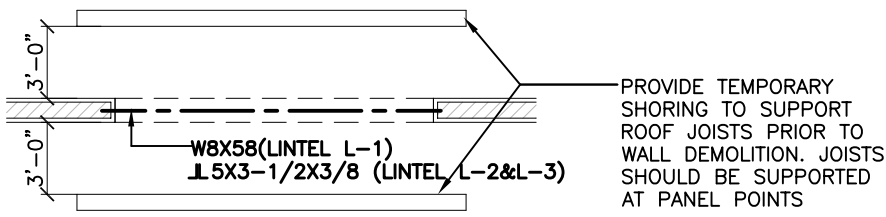
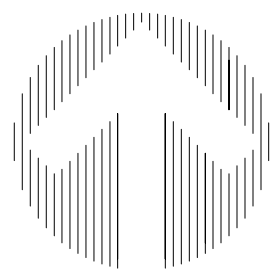
FLOOR PLAN

SCALE: 1/8"=1'-0"

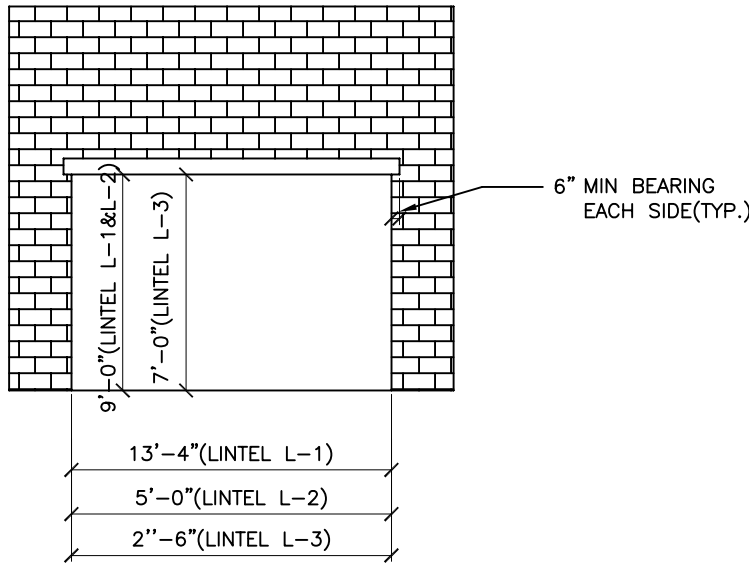
NOTE: FOR PARTITION WALL TYPE SEE DRAWING A-3

LEGEND

- CEILING LIGHT
- WALL MOUNT FIXTURE
- CEILING EMERGENCY LIGHTING
- 110 V SMOKE DETECTOR (INTERCONNECTED) W/ BATT BACK-UP
- SUPPLY DIFFUSER
- PLENUM SLOT DIFFUSER
- RETURN GRILLE
- EXHAUST FAN
- 5 HEAD, 12FT. TRACK LIGHT
- CEILING LIGHT FIXTURE (CHANDELIER)
- RECESSED CEILING CAN LIGHT FIXTURE
- CEILING LIGHT FIXTURE
- CEILING HALOGE FIXTURE (PROJECTION LIGHT)
- SPRINKLER HEAD
- PENDENT LIGHT
- SPEAKER
- UNDER SHELF LIGHT FIXTURE
- SCONCE
- CEILING FAN W/ LIGHT FIXTURE
- ROPE LIGHT
- PROJECTOR



PLAN



ELEVATION

1
A1

WALL OPENING PLAN & ELEVATION

N.T.S

I hereby certify that these drawings/documents were prepared under my direct supervision and to the best of my knowledge conform to the applicable building and zoning codes of the Village Of Bensenville, State of IL
Jamshid Jahedi:

Expires: 11/30/2009

REVISIONS:	DESCRIPTION	DATE
1	Per City Comments	05/22/09

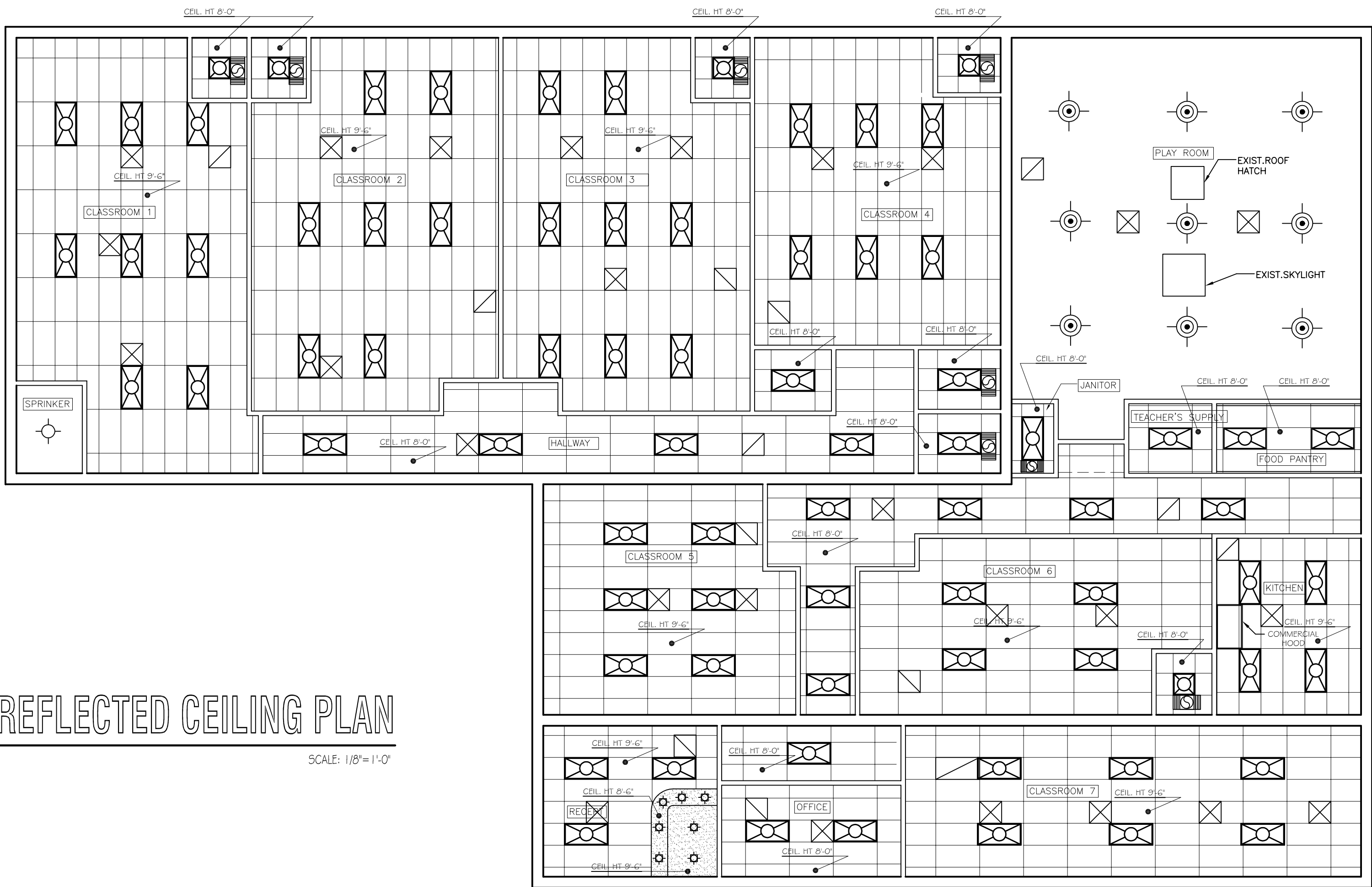
DESIGN: James Liu
DRAW: James Liu
CHECK: Jamshid Jahedi

DATE: 05/22/09
SCALE: 1/8" = 1'-0"
FILE No: C903520

SHEET TITLE:
FLOOR &
REFLECTED
CEILING PLAN

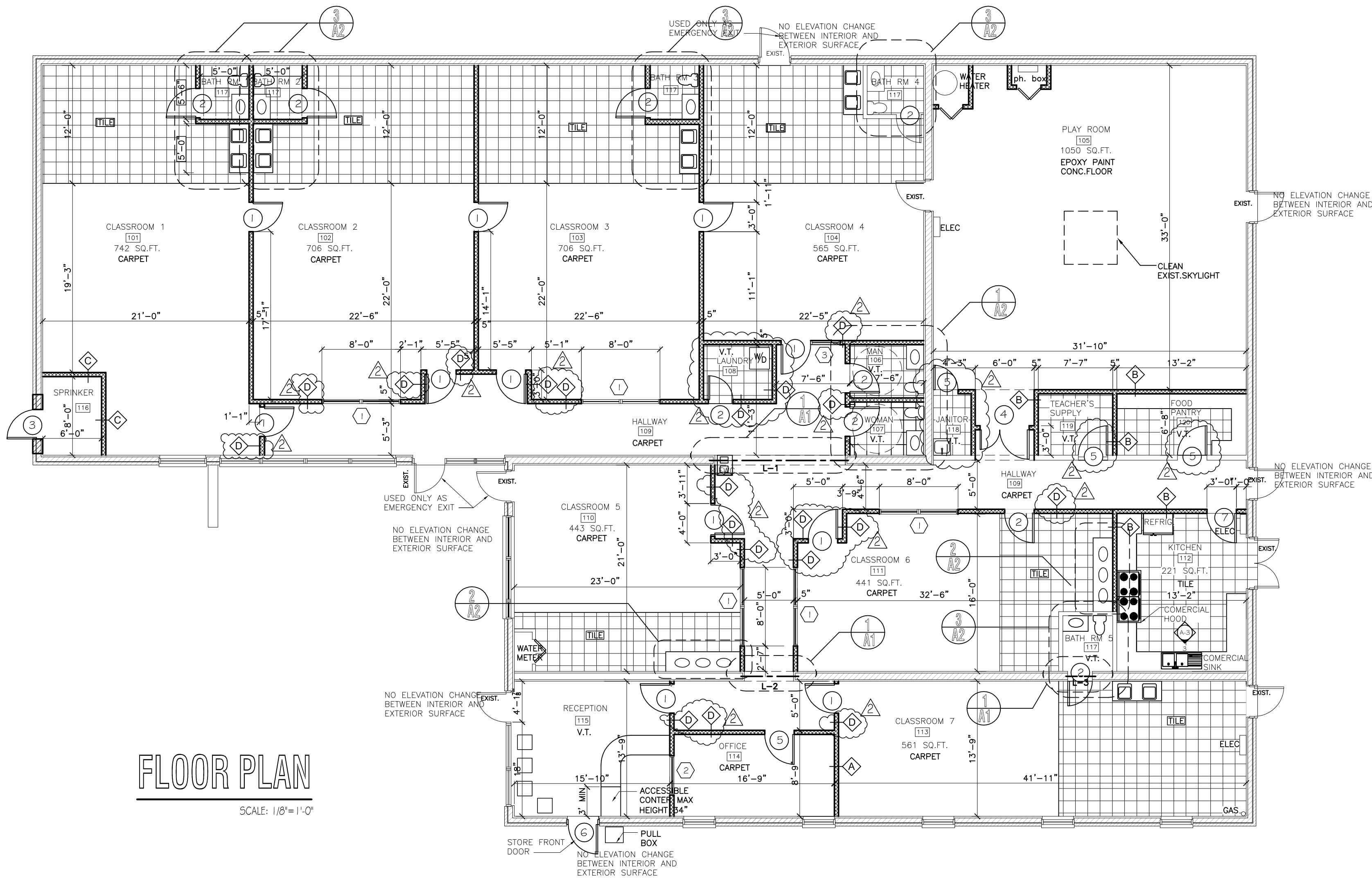
SHEET No:
A-1

COPYRIGHT © 2009
DOME DESIGNERS, INC.



REFLECTED CEILING PLAN

SCALE: 1/8"=1'-0"



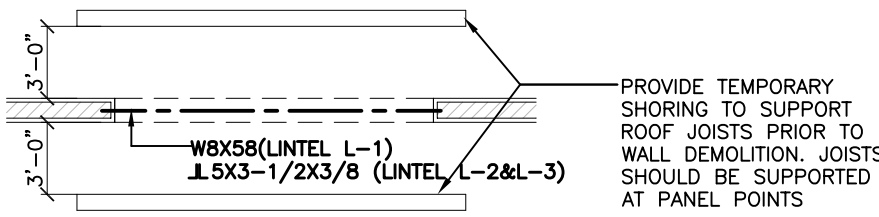
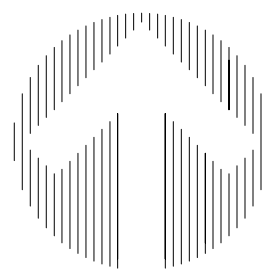
FLOOR PLAN

SCALE: 1/8"=1'-0"

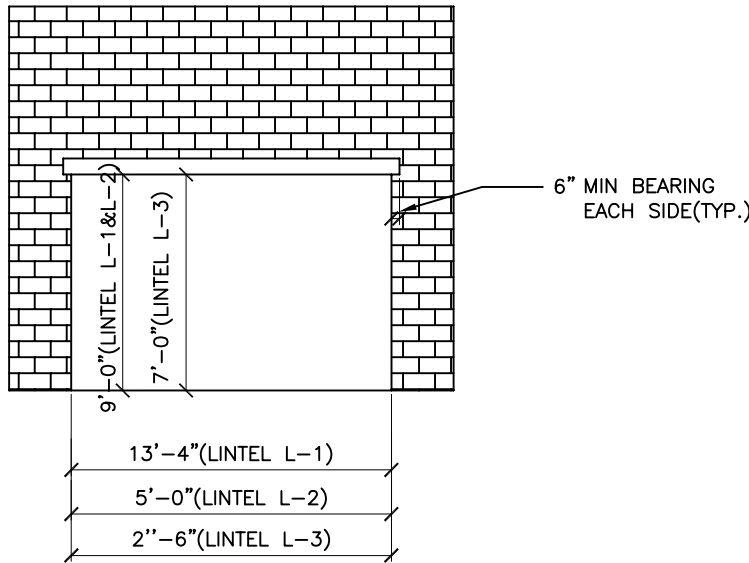
NOTE: FOR PARTITION WALL TYPE SEE DRAWING A-3

LEGEND

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- UNDER SHELF LIGHT FIXTURE
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- CEILING FAN W/ LIGHT FIXTURE
- ROPE LIGHT
- PROJECTOR



PLAN



ELEVATION

1
A1

WALL OPENING PLAN & ELEVATION

N.T.S

I hereby certify that these drawings/documents were prepared under my direct supervision and to the best of my knowledge conform to the applicable building and zoning codes of the Village Of Bensenville, State of IL
Jamshid Jahedi:

Expires: 11/30/2010

REVISIONS:	DESCRIPTION	DATE
1	Per City Comments:	05/22/09
2	Per City Comments:	07/27/09

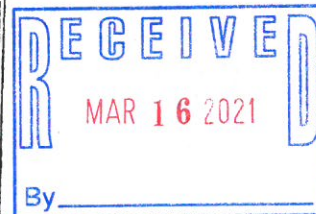
DESIGN:	James Liu
DRAW:	James Liu
CHECK:	Jamshid Jahedi

DATE:	07/27/09
SCALE:	1/8" = 1'-0"
FILE No:	C903520

SHEET TITLE:	FLOOR & REFLECTED CEILING PLAN
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SHEET No:	A-1
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OF THE EASTERN 579.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF (EXCEPT THE EASTERN 579.00 FEET AS MEASURED ALONG THE NORTHERLY LINE THEREOF) OF 20' W. IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7 1977 AS DOCUMENT NUMBER R77-102033 IN DECATUR COUNTY, ILLINOIS.



PARCEL AREA:
57,949.416 SQ. FT.
1.330 AC

TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**05.04.21**DESCRIPTION:**

CDC Case 2021-08: Consideration of Zoning Text Amendments to Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses).

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	Financially Sound Village	<input checked="" type="checkbox"/>	Enrich the Lives of Residents
<input checked="" 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. Zoning Text Amendments to Chapter 7 (Uses) of Title 10 (Zoning Ordinance)
Municipal Code Section 10-3-6

SUMMARY:

1. The Village of Bensenville is respectfully seeking approval of the below text amendments to the 2019 Village Ordinance (Title 10 of the Village Code).
2. Add a use standard to Retail Goods Establishments (Section 10-7-3.AA) allowing retail sales as an accessory use in industrial and commercial districts. The Use Table (Section 10-7-2-1) will be updated to reference the new section created by this amendment.
 1. Limited retail sales are allowed as an accessory use in commercial and industrial districts provided the following conditions are met:
 1. They are customarily found in conjunction with the subject principal use or principal structure;
 2. They are subordinate and clearly incidental to the principal use of the property; and
 3. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.
3. Updating Use Standards for Swimming Pools (Section 10-7-4-C.24) with the below so that the correct external applicable codes are referenced. The proposed amendment will not be altering current code standards pertinent to swimming pools.

RECOMMENDATION:

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).

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	4/27/2021	Cover Memo
Legal Notice	4/27/2021	Backup Material
Application	4/27/2021	Backup Material
Staff Report	4/27/2021	Executive Summary
Supplementary Staff Document	4/27/2021	Backup Material



BENSENVILLE

COMMUNITY DEVELOPMENT COMMISSION

Public Hearing 05.04.21

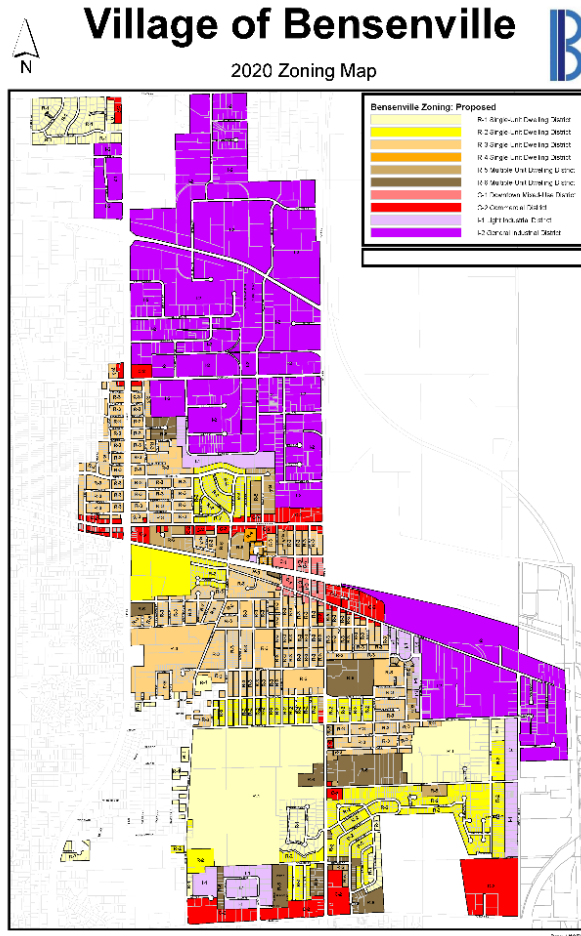
CDC Case #2021 – 08

Village of Bensenville

Zoning Text Amendments to Chapter 7 (Uses)

Municipal Code Section 10 – 3 – 6

1. Legal Notice
2. Application
3. Staff Report & Exhibits



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

NOTICE IS HEREBY GIVEN that on Tuesday, May 4, 2021 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. 2021 – 08 to consider a request for:

Zoning Text Amendments
Municipal Code Section 10 – 3 – 6

The proposed Text Amendments to the Village Code are to amend Title 10 (Zoning Ordinance), Chapter 7 (Uses).

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

The Zoning Text Amendments are 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.

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 the Public Hearing and be heard. Interested parties are encouraged to attend the Public Hearing via electronic means. Directions for electronic attendance and participation will be posted on the Village website at least 48 hours prior to the meeting date. Written comments mailed to Village Hall, and online comments submitted on the Village website, will be accepted by the Community and Economic Development Department through May 4, 2021 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
April 15, 2021**

For Office Use Only

Date of Submission: 4/6/21 MUNIS Account #: N/A CDC Case #: 2021-08

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: N/A

Property Index Number(s) (PIN): N/A

A. PROPERTY OWNER:

Village of Bensenville
 Name Corporation (if applicable)
12 S. Center St.
 Street
Bensenville IL 60106
 City State Zip Code
Kelsey Fawell (630) 594-1005 kfawell@bensenville.il.us
 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

 Name Corporation (if applicable)

 Street

 City State Zip Code

 Contact Person Telephone Number Email Address

B. ACTION REQUESTED (Check applicable):

- ☐ Site Plan Review
- ☐ Special Use Permit
- ☐ Variation
- ☐ Administrative Adjustment
- ☒ Zoning Text or Map Amendment
- ☐ Zoning Appeal
- ☐ Plat of Subdivision
- ☐ Annexation
- ☐ Planned Unit Development*

*See Staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership** (signed/notarized)
- ☒ Application**
- ☒ Approval Standards**
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Tree Preservation and Removal Plan
- ☐ Application Fees
- ☐ Fees agreement**

**Item located within this application packet.

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

Zoning Text Amendments: allowing retail sales as accessory use &
correcting code references in regards to swimming pools (section 10-7-4-C.2b)

C. PROJECT DATA:

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

N/A

5. Character of the site and surrounding area: N/A

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

D. APPROVAL STANDARDS:

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

STAFF REPORT

HEARING DATE: May 4, 2021
CASE #: 2021 – 08
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).

PUBLIC NOTICE:

A Legal Notice was published in the Bensenville Independent on Thursday, April 15, 2021. A Certified copy of the Legal Notice is maintained in the Community Development Commission (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 the following text amendments in to the 2019 Village Zoning Ordinance:

- Add a use standard to Retail Goods Establishments (Section 10-7-3.AA) allowing retail sales as an accessory use in industrial and commercial districts. The Use Table (Section 10-7-2-1) will be updated to reference the new section created by this amendment.
 - o Limited retail sales are allowed as an accessory use in commercial and industrial districts provided the following conditions are met:
 - They are customarily found in conjunction with the subject principal use or principal structure;
 - They are subordinate and clearly incidental to the principal use of the property; and
 - They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.
- Updating Use Standards for Swimming Pools (Section 10-7-4-C.24) with the below so that the correct external applicable codes are referenced. The proposed amendment will not be altering current code standards pertinent to swimming pools.
 - o Building Code: The installation or replacement of a swimming pool **and or spa** shall comply with all requirements of the International ~~Residential Code~~ **Building Code and the International Swimming Pool and Spa Code**, including those for swimming pool enclosures and safety devices.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

APPROVAL STANDARDS FOR ZONING TEXT AMENDMENTS:

- 1) **Public Welfare:** The proposed amendments will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: The proposed amendments will not endanger the health, safety, comfort, convenience, and general welfare of the public, and will only improve such circumstances, as limited retail sales are subject to review of the Zoning Administrator to ensure code compliance, and the amendment to swimming pools only clarifies requirements, ensuring correspondence between the Village Code and external applicable codes.

- 2) **Amendment Objective:** The proposed amendments correct an error, add clarification, or reflect a change in policy.

Applicant's Response: The creation of a retail sales accessory use further clarifies existing Code requirements, and reflects a change in policy back to previous Village Codes, which delineated specific ancillary uses such as this. Proposed amendment for swimming pools is necessary in order to clarify applicability of international codes regulating swimming pools.

- 3) **Consistent with Ordinance and Plan:** The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. Amendments do not contrast Village goals and guidelines, as the amendments create clarification on pool regulations and flexibility for uses, all while still being under the Zoning Administrator's purview of review.

Zoning Text Amendment Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
1. Public Welfare	X	
2. Amendment Objective	X	
3. Consistent with Ordinance and Plan	X	

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).

Respectfully Submitted,
Department of Community
& Economic Development

CDC Case 2021-08: Text Amendments

10-7-2-1. Use Table.

Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
[...]											
Commercial	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	
Retail Goods Establishment							P	P	S		See § 10-7-3.AA
Self-Service Storage									S	S	None
Tobacco Shop							S	S			See § 10-7-3.AA-BB
Transitional Treatment Facility							S	S	S	S	None
Truck Repair										S	See § 10-7-3.BB-CC
Truck Stop										S	See § 10-7-3.CC-DD
Industrial	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	
Heavy Industrial										S	None
Light Industrial									P	P	None
Medium Industrial									S	P	None
Medical Marijuana Cultivation Center										S	See § 10-7-3.Q
Machinery and Equipment Sales and Rental									S	P	None
Warehousing, Storage, or Distribution Facility									S	P	None
Other Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	
Club, Lodge, or Hall								P	S	S	None
Parking Garage (Primary Use)							S	S		S	See § 10-7-3.X
Parking Lot (Primary Use)							S	S		S	See § 10-7-3.Y
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.Z
Utility	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.DD-EE
Wireless Telecommunication Facility	S	S	S	S	S	S	P	P	P	P	See § 10-7-3.EE-FF
Wireless Telecommunication Tower	S	S	S	S	S	S	S	S	S	S	See § 10-7-3.EE-FF
Table Key P: Allowed by-right and shall meet the requirements of § 10-7-3 (Use Standards) when applicable. S: Allowed with special use permit and shall meet the requirements of § 10-7-3 (Use Standards) when applicable.											

10-7-3. Use Standards

[...]

AA. Retail Goods Establishment.

- Accessory Use. Limited retail sales are allowed as an accessory use in commercial and industrial districts provided the following conditions are met:**

- a. They are customarily found in conjunction with the subject principal use or principal structure;
- b. They are subordinate and clearly incidental to the principal use of the property; and
- c. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.

BB. AA. Tobacco Shop. Minimum Spacing. A tobacco shop may not be located within 1,000 feet of an elementary school, middle school, high school, place of worship, or another tobacco shop.

CC. BB. Truck Repair.
[...]

DD. CC. Truck Stop
[...]

EE. DD. Utility. Screening. The street frontage adjacent to the utility shall be treated with landscape screening in accordance with the requirements of § 10-9-5.B (Parking Lot Perimeter Landscape).

FF. EE. Wireless Telecommunication Facility and/or Tower.
[...]

10-7-4 C. Use Standards For Accessory Structures

[...]

24. Swimming Pool: The following standards apply to swimming pools with a maximum depth equal to or greater than two feet (2').

- a. Building Code: The installation or replacement of a swimming pool and or spa shall comply with all requirements of the International ~~Residential Code~~ Building Code and the International Swimming Pool and Spa Code, including those for swimming pool enclosures and safety devices.
- b. Location: Swimming pools are allowed in the rear yard.
- c. Height: Aboveground pools shall not exceed six feet (6') in height.
- d. Distance From Other Structures: A swimming pool shall be a minimum of ten feet (10') from any other structure or building on a zoning lot, with the exception of a permanent deck or patio. A swimming pool shall be at least ten feet (10') from any utility lines or cables, as verified by the Zoning Administrator.

[...]

26. Wireless Telecommunication Antenna

General Requirements. Wireless telecommunication antennas shall meet the general requirements for wireless telecommunication facilities and/or towers in [§ 10-7-3-EE-FF.1 \(General Requirements\)](#).