

COMMUNITY DEVELOPMENT COMMISSION

Village of Bensenville

VILLAGE HALL

August 3, 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

July 6, 2021 Community Development Commission Meeting Minutes

VI. Action Items:

1. Remanded CDC Case 2021-13: Consideration of Variations to Increase Driveway Width and Parking Pad Depth at 138 N Addison Street
2. CDC Case 2021-15: Consideration of a Special Use Permit to Operate a Restaurant at 410 E Green Street
3. CDC Case 2021-19: Consideration of Requests for a Plat of Consolidation, Site Plan Review, and Variations for a Building Expansion at 430 Meyer Road.
4. CDC Case 2021-20: Consideration of a Paved Parking Area Variation at 449 S Center Street.
5. CDC Case 2021-21: Consideration of a Paved Parking Area Variation at 301 S Judson Street
6. CDC Case 2021-22: Consideration of a PUD Amendment to Allow an EMC at 904-910 W Irving Park Road.
7. CDC Case 2021-23: Consideration of a PUD Amendment at 525 Meyer Road

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:**August 3, 2021**DESCRIPTION:**July 6, 2021 Community Development Commission Meeting Minutes**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:****REQUEST:****SUMMARY:****RECOMMENDATION:**

ATTACHMENTS:

Description

Upload Date

Type

DRAFT_210706_CDC**7/21/2021****Cover Memo**

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 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, Chambers, King, Marcotte, Wasowicz
Absent: Ciula, Czarnecki
A quorum was present.

STAFF PRESENT: P. Murphy (Village Attorney), K. Fawell, K. Pozsgay, S. Viger, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the June 1 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 2021-13
Petitioner: Ricardo Lopez
Location: 138 North Addison Street
Request: Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Driveway Parking Pad Depth
Municipal Code Section 10 – 8 – 8 – G.3

Motion: Commissioner King made a motion to open CDC Case No. 2021-13. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-13 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 June 17, 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 June 17, 2021. Ms. Fawell stated on June 18 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 Variations in order to pave an existing gravel area in the rear of their lot, increasing the depth of the existing driveway parking pad and the width of the existing 8' driveway. Ms. Fawell stated the Village Zoning Ordinance implements a maximum driveway width of 10ft for residential uses. Ms. Fawell stated a parking pad the width of the garage served by the driveway is permitted to extend up to 20ft in depth from the garage doors before tapering back down to the required 10ft width.

Ricardo Lopez, property owner, and his daughter Brenda Lopez were present and sworn in by Chairman Rowe. Ms. Lopez provided overview of their proposed request. Ms. Lopez stated they want to renovate the entire driveway to prevent water potentially entering the house during heavy rains. Ms. Lopez stated they want to get rid of the existing gravel and replace it with asphalt. Ms. Lopez stated her father has four children, three of which have vehicles.

Commissioner Wasowicz stated there is a two car garage on the property and asked what is being stored on the inside. Ms. Lopez stated there is one vehicle currently in the garage and it is being worked on.

Commissioner Wasowicz raised concern with the proposed plans stating that with the increase of solid material on the property, flooding would increase and runoffs could affect neighboring properties. Ms. Lopez stated their plan would to have runoff water drain down the driveway to the street.

Chairman Rowe asked how many cars are on the property. Ms. Lopez stated there are currently nine vehicles on the property.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

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

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

Applicant's Response: The Driveway variation does not endanger the health, safety, comfort, convenience and general public in any way, the area is not near the public but towards the rear.

- 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: The driveway variation is compatible with the character of the adjacent properties and other property within the immediate vicinity since the driveway will consist to some of the other properties near mine.

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

Applicant's Response: The Driveway variation alleviates an undue hardship created by the literal enforcement of this title.

The winter season affects this the most when shoveling snow the gravel gets thrown with the snow to the yard at times, and when summer comes and the grass is mowed some of the gravel is caught and thrown. This is a high risk since our next door neighbors have smaller children that come out and play during the summer. Also this space is needed for my children to have room to park their vehicles in the rear and not towards the front of driveway, since it will help to enter and leave the driveway more freely without having to disturb the traffic from having to pull out more than one vehicle at a time to exchange a vehicle. Occasions have happened where public traffic is waiting while we exchange vehicles and its dangerous since Addison ST connects to one of the busiest streets, Irving Park Rd. Another is that for the past year my 14 year old daughter has been playing badminton and to avoid parking the vehicles on the street, they are parked where the gravel is so she can play in front of the garage which is wider and has more space available.

- 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 Driveway variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant. The entire driveway will be renewed and the section that will be recreated by removing the gravel and adding pavement will not only become more safe but the appearance will improve. This section of pavement is needed so the vehicles aren't backing out and disturbing the traffic, Neighbors also park their vehicles on the street making it difficult to be backing up and changing vehicles. This way the vehicles would be parked on the gravel section that will turn into pavement to avoid disturbing the public and creating an accident.

- 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: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property. I consider that the pavement variation is not going beyond the regulations of the village since some of the properties near me consist of the similar driveway variations that I'd like to add.

- 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. Most of the Driveway variations meet this standard.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variations for Maximum Driveway Width and Driveway Parking Pad Depth.

There were no questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-13. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-13 at 6:48p.m.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval a Variation, Maximum Driveway Width, Municipal Code Section 10 – 8 – 8 – 1. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval a Variation, Driveway Parking Pad Depth, Municipal Code Section 10 – 8 – 8 – G.3. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-14
Petitioner: Joseph Kiaulakis
Location: 243 Spruce Avenue
Request: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G.4

Motion: Commissioner Chambers made a motion to open CDC Case No. 2021-14. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-14 at 6:52 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 June 17, 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 June 17, 2021. Ms. Fawell stated on June 18, 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 Variation to allow a paved parking area adjacent to their existing driveway in the hopes of alleviating parking concerns. Ms. Fawell stated the proposed 10' by 22' (approximate) area is currently unimproved with gravel. Ms. Fawell stated the eastern 3' of the paved area will be separated from the remaining 20' by a wooden fence and is intended to be used for trash receptacle storage. Ms. Fawell stated the Petitioner is also requesting to widen the apron by 2' where it intersects with the sidewalk- there are no plans to widen the curb cut.

Ms. Fawell stated paved parking areas are regulated by Section 10-8-8.G.4 of the Village Code, which requires they be located in the rear yard adjacent to the entrance of a detached garage and accessed from an alley. Ms. Fawell stated the area shall be 10' by 20' per vehicle space, with a maximum of two spaces per zoning lot, and must be located 1' from an interior lot line and 3' or less from the rear lot line. Ms. Fawell stated the Petitioner's proposed parking area is located in the corner side yard, requires street access, and is adjacent to a driveway that serves an attached garage.

Joseph Kiaulakis, property owner, was present and sworn in by Chairman Rowe. Mr. Kiaulakis stated parking is difficult on his property because of the limited space. Mr. Kiaulakis stated that he is able to park three vehicles on the property however, he is unable to open doors to the vehicles. Mr. Kiaulakis stated he has been informed he will be in a wheelchair and with the limited space on his property, it would be difficult to get in and out of vehicles.

Commissioner Wasowicz thanked the petitioner for providing a picture of his neighbor's property in the packet and asked Staff to address those issues with Code Enforcement. Ms. Fawell stated the photos show that the neighbors are parking on pavement. Ms. Fawell stated staff provided the pictures and are aware of the property.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment on the CDC Case. There were none.

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

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

Applicant's Response: The variation will in no way endanger the welfare of the public and will be a comfortable convenience for me and others living here.

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: There are many properties in the area with much larger garages and driveways and making our drive larger will be a big help and convenience especially with a disability to be able to open doors on both sides of vehicle.

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

Applicant's Response: I have a disability with my back and legs due to a work injury and one day will need a wheelchair and will need more room for entering and exiting a vehicle.

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: This proposed variation is necessary due to lack of space for my disability and was not my deliberate doing.

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: This variation is minimal due to the size of our property especially being on a large corner lot and is going to improve the beauty and value of our property and just adding a 10' x 20' parking spot to existing driveway.

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.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for a Paved Parking Area at 243 Spruce Avenue with the following conditions:

- 1) The paved parking area shall be constructed in accordance with submitted application plans, dated 05.28.21; and
- 2) The pavement shall be pitched in accordance with the recommendations of the Village Engineer; and
- 3) No vehicles shall be parked behind the fence.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-14. Chairman King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-14 at 7:00 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Paved Parking Area, Municipal Code Section 10 – 8 – 8 – G.4. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion Carried.

Public Hearing: CDC Case Number 2021-18
Petitioner: Richard R. Rebmann
Location: 213 South York Road
Request: Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Driveway Parking Pad Depth
Municipal Code Section 10 – 8 – 8 – G.3

Motion: Commissioner Chambers made a motion to open CDC Case No. 2021-18. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-18 at 7:02 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 June 17, 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 June 17, 2021. Ms. Fawell stated on June 18, 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 Variation to allow a 20' by 30' driveway parking pad at 213 S. York Road. Ms. Fawell stated the existing driveway is in disrepair, and the unimproved area on either side of the concrete has been used to park vehicles. Ms. Fawell stated the proposed pavement is intended to connect to an existing 20' wide concrete area abutting the public sidewalk. Ms. Fawell stated there are no plans to include the existing curb cut in this project.

Ms. Fawell stated the Village Zoning Ordinance implements a maximum driveway width of 10ft for residential uses. Ms. Fawell stated a parking pad the width of the garage served by the driveway is permitted to extend up to 20ft in depth from the garage doors before tapering back down to the required 10ft width.

Richard R. Rebmann, property owner, was present and shown in by Chairman Rowe. Mr. Rebmann stated the driveway is currently in disrepair. Mr. Rebmann stated he purchased the property last year and wants to improve it.

Commissioner Wasowicz asked for clarification as to why the current driveway has concrete coming off the sidewalk. Commissioner Marcotte stated the Village installed the concrete when York Road was resurfaced years ago. Ms. Fawell stated Staff was unable to document the work and was inquiring with Public Works.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment on the CDC Case. There were none.

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

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

Applicant's Response: The proposed variation will not endanger the health, safety, comfort, convenience and general welfare of the public, as it will actually enhance the safety, considering that the curb cut village installed apron is already 42 feet wide, 24 feet on the property involved and 18 feet on the property to the south. York road is a busy roadway and having to back into or back out of the drive is dangerous. There has been 3 deaths on this block alone in the last couple years. The existing garage is two doors with brick center wall, the exact doors measure 7'10 wide and require that the vehicles drive in, backing in is impossible even with the 20x20 allowed area off the garage. If two cars were parked in front on this 20x20 they could not back out, without driving over a grassy area on each side. If the 20x20 area was installed per code and it required a phase in to the 10 foot width, at the existing 20 foot width area already installed by the village, which is only 12 feet apart, it would cause 2 triangles on each side, the driveway would resemble a hourglass, and being of concrete, look ridiculous from the street.

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: The proposed replacement would remain the same, it's the additional length of 12 feet that is the requested variance, as it would be 20 feet wide to match the existing driveway entrance and the installation of the conforming 20x20 area by the garage. The other homes on the block, both sides, consist of no driveways, shared driveway and single car driveway. The shared driveway has a street cut curb 26 feet wide, with an 11 foot and 9 foot individual driveways, separated by 3 feet of grass. Two driveways are 8 feet wide with 16 & 20 foot street cuts, the other single drive is 11 1/2 feet wide with a 21 foot curb cut. Needless to say, very little overall uniformity.

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

Applicant's Response: The proposed variance alleviates the unsafe/unsightly hourglass backing up situation. If the 20 foot width was allowed to match the 20 foot existing width of the village installed apron which continues 5 feet beyond the village sidewalk, it would be a major improvement. At that point its broken concrete and gravel that has been there for forty years.

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 unique physical attributes of the property is a brick narrow garage, with (2) 7'10 foot doors, requiring direct entry, and a 24 foot street apron that already exists and narrows down to 20 feet wide

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: The proposed variation represents the minimum deviation from regulation as it is only 2 triangles of additional driveway on each side of the required phasing in from 20 to 20 over a 12' length.

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 village overall plan in that it removes an existing combination concrete/gravel driveway with an hourglass foot print and provides a smooth, appealing straight line concrete driveway from street to garage. After which tree stump removal, landscaping and decorative timber borders will be installed. It wasn't until this property was recently cleaned up that any of the \$400,000.00 condo's to the south were even reviewed let alone sold.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations for Maximum Driveway Width and Driveway Parking Pad Depth at 213 S York Road with the following condition:

- 1) The pavement shall be pitched in accordance with the recommendations of the Village Engineer.

There were no further questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2021-18. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-18 at 7:11 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Maximum Driveway Width, Municipal Code Section 10 – 8 – 8 – 1. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of a Variation, Driveway Parking Pad Depth, Municipal Code Section 10 – 8 – 8 – G.3. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-16
Petitioner: ML Realty & Prologis
Location: Mohawk Terrace Subdivision
Request: **Site Plan Review**
Municipal Code Section 10 – 3 – 2
Amendment to a Planned Unit Development
Municipal Code Section 10 – 4 – 4
Final Plat of Subdivision
Municipal Code Section 11 – 3
With the following code departures:
Outdoor Lighting Illumination Standards
Municipal Code Section 10 – 6 – 8 – C

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-16. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-16 at 7:14 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 June 17, 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 June 17, 2021. Ms. Fawell stated on June 18, 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 in November of 2020, the Owners appeared before the Community Development Commission and Village Board of Trustees, seeking approval of the following requests: Preliminary Plat of Subdivision, rezoning from residential to industrial, Site Plan Review, and a Preliminary Planned Unit Development with code departures.

Ms. Fawell stated these requests, which were conditionally approved by the Village Board, were sought with the goal of assembling the previously residentially-zoned properties in the Mohawk Terrace Subdivision (southwest corner of Devon Avenue and Illinois Route 83) into an industrial use business park. Ms. Fawell stated the site plan features four industrial buildings with parking for both trucks and passenger vehicles. Ms. Fawell stated in conjunction with the Preliminary Planned Unit Development that was granted, the Petitioners sought code departures, as certain aspects of the site do not meet the following Village Zoning Ordinance requirements.

Ms. Fawell stated the Petitioner is currently in the process of seeking approval of a Final Planned Unit Development, which appeared before the CDC on June 1, 2021. Ms. Fawell stated it is tentatively scheduled to be on the agenda for the July 27, 2021 Village Board meeting. Ms. Fawell stated approval of the requested amendment – if granted by the Village Board – is contingent upon approval of the Final PUD.

Ms. Fawell stated the Petitioner is now requesting an amendment to the Final PUD, as the Final PUD was strictly for site improvement work and grading, while this amendment regards the construction of two buildings, with available vehicle parking and landscape improvements, on the eastern portion of the site. Ms. Fawell stated the owners are required to seek an additional amendment to their PUD for the remaining western portion of the site.

Timothy J. Geisler and Jamie Putnam of ML Realty were both present and shown in by Chairman Rowe. Mr. Geisler stated they were both present to answer any questions from the Commission.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed Site Plan Review as presented in the Staff Report consisting of:

1. **Surrounding Character:** The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

Applicant's Response: The site is a natural fit for an industrial park and will be consistent with the existing surroundings, which is comprised of industrial, commercial or data centers. The property is surrounded by Devon Avenue to the north, commercial properties and Route 83 to the east, and industrial properties to the west and south. It should be noted that ML Realty Partners and Prologis own most of the industrial buildings adjacent to the property lines on the west and south.

2. **Neighborhood Impact:** The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.

Applicant's Response: As the proposed use of the site is harmonious with surrounding properties, the site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development. Including the potential to add new jobs to the community, this project will have other direct financial gains to the Village of Bensenville. Currently, Mohawk Terrace generates approximately \$670,000 in property taxes annually. Once completed and stabilized this park could generate upwards of \$2,000,000 in property taxes. Additionally, by vacating the streets and right of ways, the Village will also save on road maintenance and snow plowing costs.

3. **Public Facilities:** The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

Applicant's Response: All buildings will have ample parking for cars and adequate trailer parking for trucks. The existing subdivision is currently on well and septic systems so the redevelopment will include bringing water and sanitary sewers from the southeast corner of the site. All stormwater will be accounted for and contained on site via underground detention and water feature and released at the required rate. All new franchise utilities (ComEd, Nicor, AT&T, etc.) will be installed underground for the new park. The curb cuts have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades. The final locations of the curb-cuts will ultimately be up to the County on Devon Avenue and IDOT on Route 83.

4. **Environmental Preservation:** The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

Applicant's Response: To enhance the aesthetics and create some amenities within the park we have increased green space areas from the I-2 zoning requirements. While we do fall short for the total number of trees required to be replaced for the large established residential subdivision, our landscape plan will exceed the code required plantings for any typical industrial developments. We have come to a fee-in-lieu agreement with the Village. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

5. **On-site Pedestrian Circulation System:** The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

Applicant's Response: We have included public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located at the southeast corner of the site. Additionally, we have included walking paths and sidewalks west of building 1, in the center median between buildings 2 and 3, and along the access drive south of buildings 3 and 4 to tie into all public walks. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

6. **Vehicle Ingress and Egress:** The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.

Applicant's Response: The curb cuts have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades.

7. **Architectural Design:** The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

Applicant's Response: We will formally apply for a final approval of each individual building, however, this application is for the construction of site infrastructure and mass grading. The previously approved Preliminary PUD included the four proposed buildings. All will have rear loading and will be constructed on a speculative basis meaning they do not have any specific tenants at this time. The buildings are designed for maximum flexibility and could be leased to tenants from 40,000 SF to 300,000 SF. We have included architectural elements constructed from glass, aluminum and precast at the corner entries and at the center entry of the buildings. All buildings will have ample parking for cars and adequate trailer parking for trucks.

8. **Consistent with Title and Plan:** The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Ms. Fawell reviewed the Findings of Fact for the proposed Planned Unit Developments as presented in the Staff Report consisting of:

- 1) **Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.

Applicant's Response: The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. Below responses should reflect the innovative and creatives approaches our team has taken in our proposal. The site is a natural fit for an industrial park and will be consistent with the existing surroundings, which is comprised of industrial, commercial or data centers. The property is surrounded by Devon Avenue to the north, commercial properties and Route 83 to the east, and industrial properties to the west and south. It should be noted that ML Realty Partners and Prologis own most of the industrial buildings adjacent to the property lines on the west and south.

- 2) **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

Applicant's Response: We have included public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located at the southeast corner of the site. Additionally, we have included walking paths and sidewalks west of building 1, in the center median between buildings 2 and 3, and along the access drive south of buildings 3 and 4 to tie into all public walks. We are requesting that we relocate the existing full access curb-cuts and add new full access curb cuts along Devon Avenue and plan on utilizing the existing full access at Route 83. The curb cuts have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades. The final locations of the curb-cuts will ultimately be up to the County on Devon Avenue and IDOT on Route 83.

- 3) **Landscaping and Screening:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

Applicant's Response: To enhance the aesthetics and create some amenities within the park we have increased green space areas from the I-2 zoning requirements. While we do fall short for the total number of trees required to be replaced for the large established residential subdivision, our landscape plan will exceed the code required plantings for any typical industrial developments. A separate Memorandum of Understanding was agreed to between the Village and the Petitioner providing a payment of \$200,000 into the Villages Tree Fund in lieu of providing all of the required trees. We have included public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located at the southeast corner of the site. Additionally, we have included walking paths and sidewalks west of building 1, in the center median between buildings 2 and 3, and along the access drive south of buildings 3 and 4 to tie into all public walks. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

- 4) **Site Design:** The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

Applicant's Response: We will formally apply for a final approval of each individual building, however, this application is for the construction of site infrastructure and mass grading. The previously approved Preliminary PUD included the four proposed buildings. All will have rear loading and will be constructed on a speculative basis meaning they do not have any specific tenants at this time. The buildings are designed for maximum flexibility and could be leased to tenants from 40,000 SF to 350,000 SF. We have included architectural elements constructed from glass, aluminum and precast at the corner entries and at the center entry of the buildings. All buildings will have ample parking for cars and adequate trailer parking for trucks.

- 5) **Natural Environment:** The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

Applicant's Response: To enhance the aesthetics and create some amenities within the park we have increased green space areas from the I-2 zoning requirements. While we do fall short for the total number of trees required to be replaced for the large established residential subdivision, our landscape plan will exceed the code required plantings for any typical industrial developments. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

- 6) **Utilities:** The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Applicant's Response: The existing subdivision is currently on well and septic systems so the redevelopment will include bringing water and sanitary sewers from the southeast corner of the site. All stormwater will be accounted for and contained on site via underground detention and water feature and released at the required rate. All new franchise utilities (ComEd, Nicor, AT&T, etc.) will be installed underground for the new park.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Planned Unit Development Amendment with the following conditions:

1. Proposed development of the eastern portion of the subject site shall be in accordance with submitted plans from Kimley-Horn dated 05.28.21, except as amended herein;
2. All conditions of approval required of the Preliminary Planned Unit Development (Ord. No. 66-2020) and the Final Planned Unit Development (Ord. No. _____) are consequently conditions of approval of the Planned Unit Development Amendment; and
3. The code departure for Outdoor Lighting Illumination Standards is approved. Light fixtures shall be in accordance with plans submitted by Harris Architects Inc. and Kornacki & Associates Inc dated 05.26.21; and
4. The Zoning Administrator has final review authority over the architectural design of the buildings.

Ms. Fawell stated Staff recommends the Approval of the Final Plat of Subdivision with the following condition:

1. The Petitioner shall revise the Plat in accordance with comments from the Village Engineering Department prior to appearing before the Village Board of Trustees.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-16. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-16 at 7:24 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Site Plan Review, Municipal Code Section 10 – 3 – 2. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of Amendment to a Planned Unit Development, Municipal Code Section 10 – 4 – 4. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of Final Plat of Subdivision, Municipal Code Section 11 – 3 *with the following code departures:* Outdoor Lighting Illumination Standards, Municipal Code Section 10 – 6 – 8 – C. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-17
Petitioner: Brook Forest, LP
Location: 1131-39 Center Street
Request: Zoning Map Amendment, C-2 Commercial → R-5 Multiple-Unit
Municipal Code Section 10 – 3 – 6
Preliminary & Final Planned Unit Development
Municipal Code Section 10 – 4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-17. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-17 at 7:27 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 June 17, 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 June 17, 2021. Ms. Fawell stated on June 18, 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 in order to rezone the subject property, an apartment complex consisting of 5 buildings, from its current classification as C-2 Commercial to R-5 Multiple-Unit Dwelling Residential. Ms. Fawell stated this property was zoned as C-2 in 2019 during the comprehensive update to the Village's Zoning Ordinance and District Map. Ms. Fawell stated the Petitioner is also requesting approval of a Planned Unit Development designation for the property.

Matt Pauga, property owner, was present and sworn in by Chairman Rowe. Mr. Pauga stated he's owned the property for 35-40 years and resides in North Barrington. Mr. Pauga stated he's always had an attachment to Bensenville. Mr. Pauga stated he was unaware of the zoning change to his property. Mr. Pauga stated after reviewing the case, he believes the approval of the Grand Subaru car wash is ruining his property and does not fit the area.

Commissioner Wasowicz asked the petitioner if he was aware the Village was changing its zoning in 2019. Mr. Pauga stated he was aware of the zoning change, however; he was unaware of the zoning change to his property and was not notified via certified mail.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed Zoning Map Amendment 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: There is no threat to the health, safety, comfort, convenience, and general welfare of the public with this rezoning.

- 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 property was zoned residential until it was recently rezoned by the village to commercial zoning. We are requesting it be amended to its previous correct zoning.

- 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: There is no hardship imposed by this rezoning to an individual property owner.

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

Applicant's Response: The amendment will zone the property to the correct present usage of the property.

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

Applicant's Response: The property was incorrectly zoned as commercial and needs to be rezoned as residential.

- 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: This proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village because there is no change in the existing usage of the property.

Ms. Fawell reviewed the Findings of Fact for the Special Uses as presented in the Staff Report consisting of:

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

Applicant's Response: Brook Forest Apartments does not endanger the health, safety, comfort, convenience and general welfare of the public.

- 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: Brook Forest Apartments has been compatible with the character of adjacent properties and other property within the immediate vicinity.

- 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: Brook Forest Apartments does not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity.

- 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: Brook Forest Apartments has the required utilities, access roads, drainage, and/or other facilities or services and uses them proportionally to that normally expected of permitted uses in the district, and does not require any new services or 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: Brook Forest Apartments is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the village.

Ms. Fawell reviewed the Findings of Fact for the Preliminary & Final Planned Unit Development as presented in the Staff Report consisting of:

1. **Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.

Applicant's Response: There is no plan for future development of the property at this time, however the property currently fulfills the objectives of the Comprehensive Plan and other land use policies of the Village.

2. **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

Applicant's Response: The property has clear and well maintained walkways. The driveways, entry/exit points, and parking facilities are all clearly marked and safe to use. Safe traffic to and from the site describes this property. Current exterior lighting on the property provides security and visibility for the public.

3. **Landscaping and Screening:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

Applicant's Response: The interior landscaping is above average and reveals a high pride of ownership. The existing buffers are maintained and do the job that they are intended to do.

4. **Site Design:** The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

Applicant's Response: The property consists of 60 apartment homes. Our goal is to create a sustainable and low impact site design to minimize potential disturbance to our residents' peaceful enjoyment of their home and surrounding community.

5. **Natural Environment:** The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

Applicant's Response: We have outdoor sculptures, 2 water fountains, and plants that could be used as a benchmark for others that wish to raise their property to another level.

6. **Utilities:** The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Applicant's Response: Underground utilities were used, including electric, cable and telephone. The existing storm and sanitary sewers are well maintained and clear of any local blockages near the property.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Fact as they pertain to a Zoning Map Amendment and therefore the Denial of the request to rezone 1131-1139 Center Street from C-2 Commercial District to R-5 Multiple-Unit Dwelling District.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact as they pertain to a Special Use Permit and therefore the Approval of the Special Use Permit at 1131-1139 Center Street.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact as they pertain to a Planned Unit Development and therefore the Approval of the Preliminary and Final Planned Unit Development at 1131-1139 Center Street.

There were no further questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2021-17. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-17 at 7:46 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Approval of Zoning Map Amendment, C-2 Commercial → R-5 Multiple-Unit, Municipal Code Section 10 – 3 – 6. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Chambers, King, Marcotte, Wasowicz

Motion Failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Approval of Preliminary & Final Planned Unit Development, Municipal Code Section 10 – 4. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting:

Petitioner: Hamilton Partners
Location: 1000 North Illinois Route 83
Request: Plat of Consolidation
Municipal Code Section 11 - 3

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

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

Chairman Rowe opened the Public Meeting at 7:48 p.m.

Ms. Fawell stated the Petitioner is requesting a Plat of Consolidations at 1000 N. IL Rte. 83, formally addressed as 1000 Tower Lane. Ms. Fawell stated an existing 144,350 SF industrial building is located on the subject property.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the Public Meeting. There were none.

Ms. Fawell stated Staff recommends the Approval of the Plat of Consolidation at 1000 N. IL Rte. 83.

There were no further questions from the Commission.

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

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Meeting at 7:50 p.m.

Motion: Commissioner Wasowicz made a motion to approve the Plat of Consolidation at 1000 N. IL Rte. 83. Commissioner Marcotte

ROLL CALL: Ayes: Rowe, Chambers, 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 Marcotte made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:51 p.m.

TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**08.03.21**DESCRIPTION:**Remanded CDC Case 2021-13: Consideration of Variations to Increase Driveway Width and Parking Pad Depth at 138 N Addison 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:

1. Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
2. Variation, Driveway Parking Pad
Municipal Code Section 10 – 8 – 8 – G.3

SUMMARY:

1. The Petitioner is seeking Variations in order to pave an existing gravel area in the rear of their lot, increasing the depth of the existing driveway parking pad and the width of the existing 8' driveway.
2. The Village Zoning Ordinance implements a maximum driveway width of 10ft for residential uses. A parking pad the width of the garage served by the driveway is permitted to extend up to 20ft in depth from the garage doors before tapering back down to the required 10ft width.
3. At their 07.27.21 meeting, the Village Board of Trustees remanded the case back to the CDC at the request of Staff.
 1. Staff believes the possible over-occupancy should be investigated as there may be a causal relationship between any over-occupancy and the perceived need for the expanded driveway width and parking pad sought through the Variation request.

RECOMMENDATION:

Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variations for Maximum Driveway Width and Driveway Parking Pad Depth.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Driveway Extension Plans	7/26/2021	Backup Material
Driveway Extension Plans Zoomed	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

Community Development Commission
Public Hearing 08.03.21

REMANDED: CDC Case #2021 – 13

Ricardo Lopez
138 N Addison Street

Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1

Variation, Driveway Parking Pad Depth
Municipal Code Section 10 – 8 – 8 – G.3

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





Village of Bensenville

138 N Addison

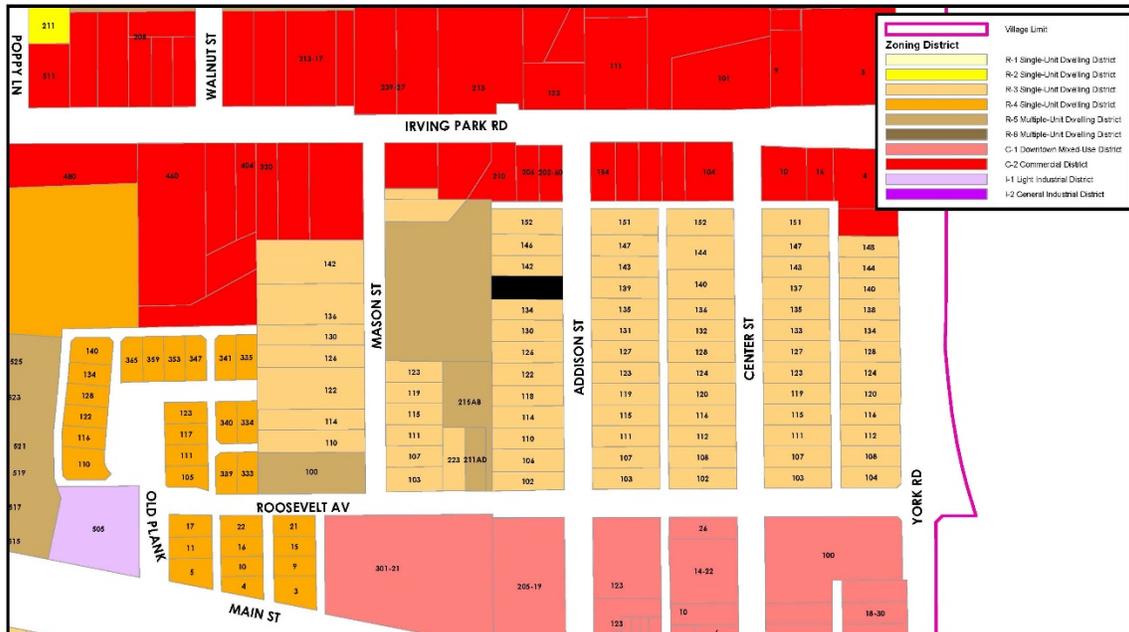


Date: 5/12/2021



Village of Bensenville

Zoning Map



Date: 5/12/2021

**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, July 6, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 13 to consider a request for:

Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1;

Variation, Driveway Parking Pad
Municipal Code Section 10 – 8 – 8 – G.3

at 138 N Addison 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 7 IN BLOCK 3 IN HOMESTEAD, BENSENVILLE, A SUBDIVISION OF PART OF THE S.E. ¼ OF THE N.E. ¼ OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 138 N Addison Street, Bensenville, IL 60106.

Ricardo Lopez of 138 N Addison Street, Bensenville, IL 60106 is the owner and 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. 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 July 6, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
June 17, 2021**

For Office Use Only

Date of Submission: 5/10 MUNIS Account #: 10967 CDC Case #: 2021-13

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 138 N Addison ST Bensenville IL 60106

Property Index Number(s) (PIN): 03-14-211-021

A. PROPERTY OWNER:

Ricardo Lopez
 Name Corporation (if applicable)
138 N Addison ST
 Street
Bensenville IL 60106
 City State Zip Code
Brenda Lopez (630) 7650091 25BLOPEZ@gmail.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

 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*

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**

*See Staff for additional information on PUD requests

**Item located within this application packet.

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

To Remove the existing gravel and add Asphalt in its place to improve the appearance of the driveway.

C. PROJECT DATA:

- General description of the site: lot w/ single-family home
- Acreage of the site: 0.21 Building Size (if applicable): N/A
- Is this property within the Village limits? (Check applicable below)
 - Yes
 - No, requesting annexation
 - No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
- List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

Site plans

N/A

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	R-3	single-family residential	Bensenville
North:	R-3	single-family residential	↓
South:	R-3	single-family residential	
East:	R-3	single-family residential	
West:	R-5	vacant, unimproved land	

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."





COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: July 6, 2021 & August 3, 2021
CASE #: 2021 – 13
PROPERTY: 138 N Addison Street
PROPERTY OWNER: Ricardo Lopez
APPLICANT: Same as Above
SITE SIZE: 0.21 AC
BUILDING SIZE: N/A
PIN NUMBER: 03-14-211-021
ZONING: R-3 Single-Unit Dwelling District
REQUEST: Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Driveway Parking Pad Depth
Municipal Code Section 10 – 8 – 8 – G.3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, June 17, 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 Thursday, June 17, 2021.
3. On Friday, June 18, 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 Variations in order to pave an existing gravel area in the rear of their lot, increasing the depth of the existing driveway parking pad and the width of the existing 8’ driveway. The Village Zoning Ordinance implements a maximum driveway width of 10ft for residential uses. A parking pad the width of the garage served by the driveway is permitted to extend up to 20ft in depth from the garage doors before tapering back down to the required 10ft width.

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 – 5	Residential	Multi Family Residential	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) Account is up to date and has no liens.

Police:

- 1) No objections.

Engineering and Public Works:

- 1) The current drainage pattern shall not be altered and the project shall not cause any adverse drainage impacts on neighboring properties.

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 Petitioner is seeking two Variations, one for maximum driveway width and one for driveway parking pad depth, in order to pave an existing gravel area in the rear of the lot, increasing the depth of the driveway parking area and the driveway width in the rear yard behind the single-family home.

- 4) Per Section 10-8-8 of the Village Zoning Ordinance, a maximum driveway width of 10 feet is permitted for residential uses. A parking pad the width of the garage served by the driveway is permitted to extend up to 20 feet in depth from the garage doors before tapering back to the required maximum driveway width of 10 feet.
 - a. The existing driveway parking pad already extends 20 feet in depth from the garage before tapering down to the existing 8-foot wide driveway.
- 5) Variations seeking relief from maximum driveway width and parking pad depth code requirements are a common request via the Community Development Commission.
- 6) In the event these requests are approved, the property's impervious coverage will remain under the maximum allowable of 4,240 SF, albeit only by a couple of hundred square feet of green space.
- 7) Staff does not recommend the Variations for driveway width and parking pad be granted due to the ample availability of existing parking areas for vehicles on the lot. There is a two-car garage with a parking pad that extends 20 feet in depth (Code's maximum depth), which, together, allow for four vehicle parking spaces. Additionally, the garage is set back approximately 120 feet from the front lot line. The driveway, prior to its extension in order to connect to the parking pad which it serves, has an approximated length of 75 feet.
- 8) It should be noted that the Petitioner has the ability to apply for a permit to extend the existing driveway by an additional two feet in order to meet Code's maximum width of 10 feet.

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: The Driveway variation does not endanger the health, safety, comfort, convenience and general public in any way, the area is not near the public but towards the rear.

- 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: The driveway variation is compatible with the character of the adjacent properties and other property within the immediate vicinity since the driveway will consist to some of the other properties near mine.

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

Applicant's Response: The Driveway variation alleviates an undue hardship created by the literal enforcement of this title. The winter season affects this the most when shoveling snow the gravel gets thrown with the snow to the yard at times, and when summer comes and the grass is mowed some of the gravel is caught and thrown. This is a high risk since our next door neighbors have smaller children that come out and play during the summer. Also this space is needed for my children to have room to park their vehicles in the rear and not towards the front of driveway, since it will help to enter and leave the driveway more freely without having to disturb the traffic from having to pull out more than one vehicle at a time to exchange a vehicle. Occasions have happened where public traffic is waiting while we exchange vehicles and its dangerous since Addison ST connects to one of the busiest streets, Irving Park Rd. Another is that for the past year my 14 year old daughter has been playing badminton and to avoid parking the vehicles on the street, they are parked where the gravel is so she can play in front of the garage which is wider and has more space available.

- 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 Driveway variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant. The entire driveway will be renewed and the section that will be recreated by removing the gravel and adding pavement will not only become more safe but the appearance will improve. This section of pavement is needed so the vehicles aren't backing out and disturbing the traffic, Neighbors also park their vehicles on the street making it difficult to be backing up and changing vehicles. This way the vehicles would be parked on the gravel section that will turn into pavement to avoid disturbing the public and creating an accident.

- 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: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property. I consider that the pavement variation is not going beyond the regulations of the village since some of the properties near me consist of the similar driveway variations that I'd like to add.

- 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. Most of the Driveway variations meet this standard.

Maximum Driveway Width	Meets Standard	
Variation Approval Standards	<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	

Driveway Parking Pad	Meets Standard	
Variation Approval Standards	<i>Yes</i>	<i>No</i>
7. Public Welfare	X	
8. Compatible with Surrounding Character	X	
9. Undue Hardship		X
10. Unique Physical Attributes		X
11. Minimum Deviation Needed		X
12. Consistent with Ordinance and Plan	X	

RECOMMENDATIONS:

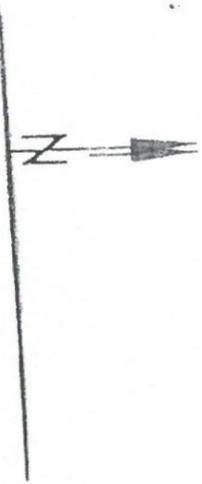
Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variations for Maximum Driveway Width and Driveway Parking Pad Depth.

Respectfully Submitted,

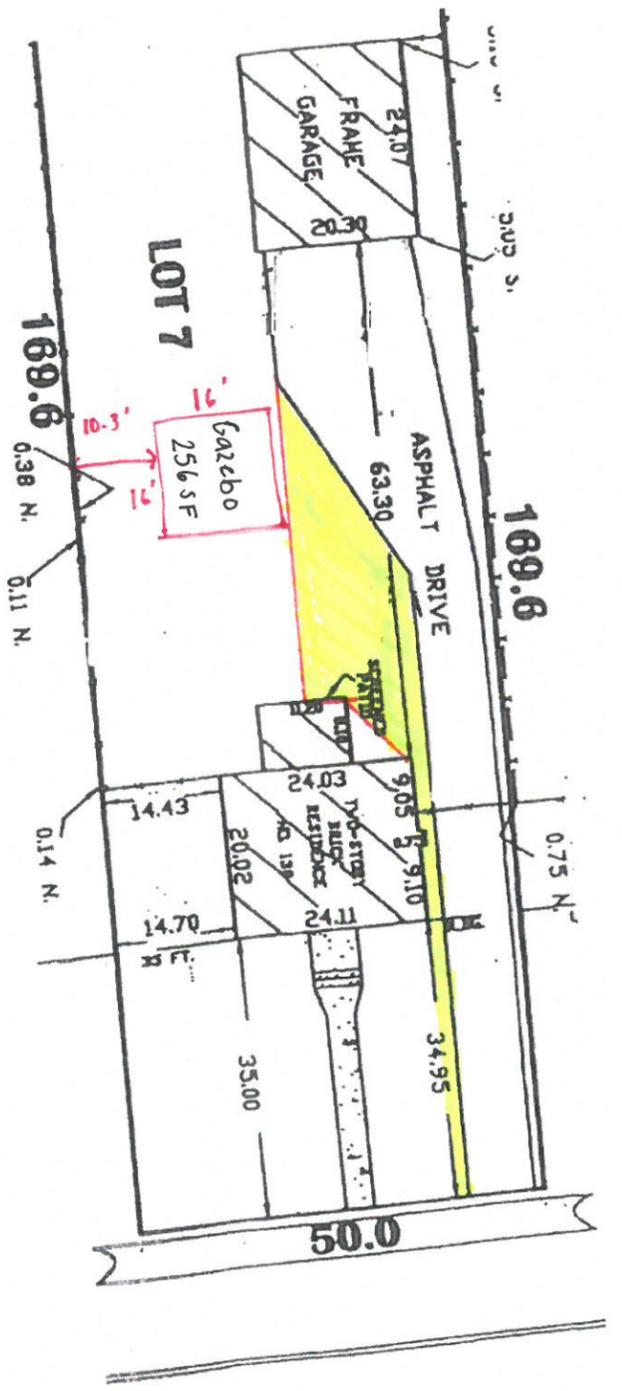
Department of Community & Economic Development

PLAT OF SURVEY

JAMES M. ELLMAN
or
JAMES M. ELLMAN
PL.



LOT 7 IN BLOCK 3 IN HOMESTEAD, BENSINVILLE, A SUBDIVISION OF PART OF THE S.E. 1/4 OF THE NE. 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

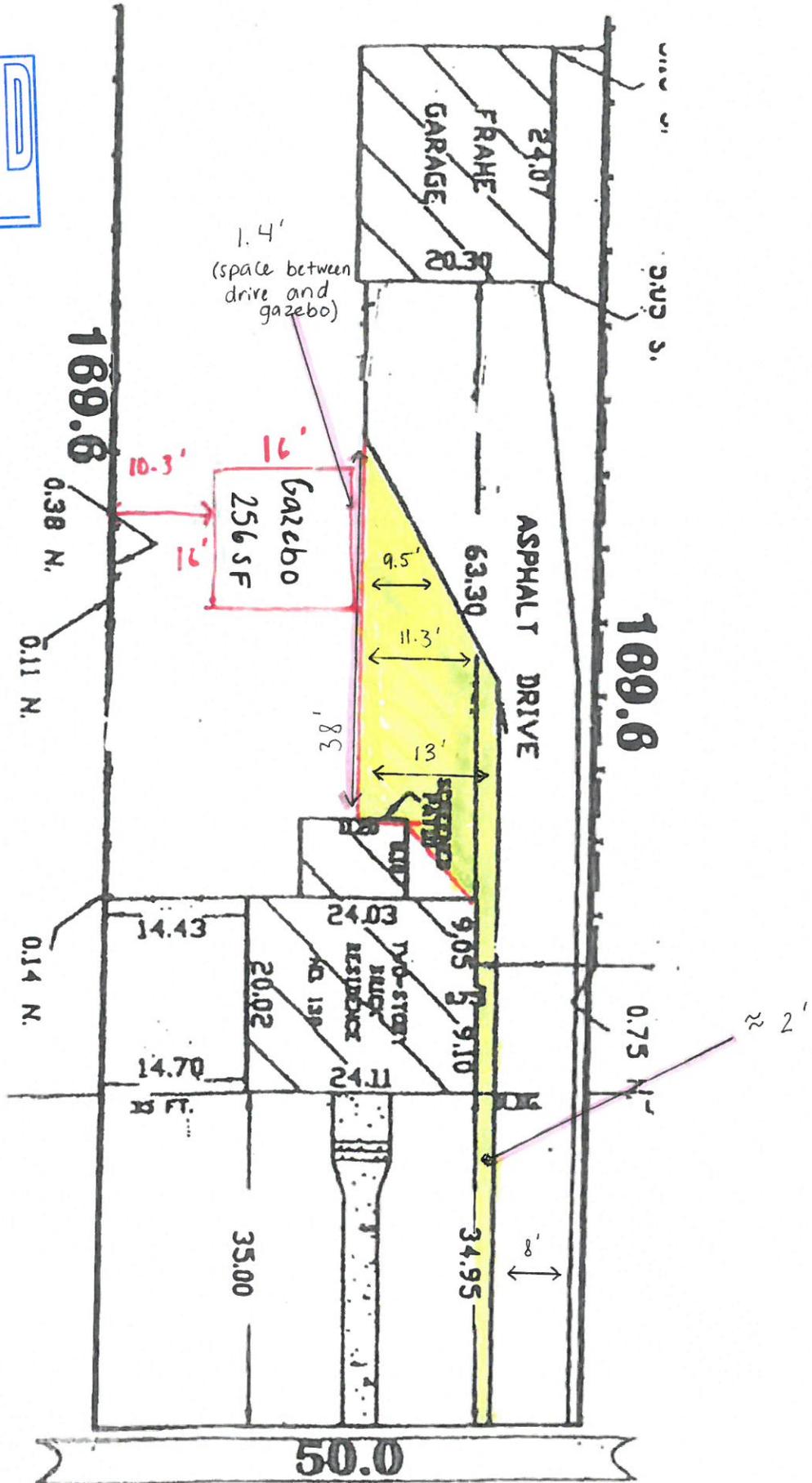


Ordered by: MCKENZIE & ASSOCIATES
Order No: 990130
Base Scale: 1 Inch = 20 feet
Date: FEBRUARY 9, 1999

NOT VALID UNLESS EMBOSSED
PRINTS BEFORE BUILDING BY SAID AND AT
AND BUILDING LINE AND

STATE OF ILLINOIS)
COUNTY OF COOK) SS
I, JAMES M. ELLMAN, DO HEREBY CERTIFY THAT I
DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY
AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPR
OF SAID SURVEY.

RECEIVED
 MAY 14 2021
 By _____



TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**08.03.21**DESCRIPTION:**CDC Case 2021-15: Consideration of a Special Use Permit to Operate a Restaurant at 410 E Green Street**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, Restaurant
Municipal Code Section 10 – 7 – 2 – 1

SUMMARY:

1. The Petitioner is seeking approval of a Special Use Permit to operate a restaurant in the vacant 3,000 SF building at 410 E Green Street.
2. The site is intended to be home to the second location of Tacos Puebla, a fast casual Mexican restaurant located in Addison.
3. Albeit the existing building on the site was previously used as a restaurant, it has been unoccupied for more than six consecutive months, which is the minimum time period for a use to be considered abandoned per Village Zoning Ordinance. Granting of a Special Use Permit is subsequently required in the event of an abandonment.

RECOMMENDATION:

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit to operate a restaurant at 410 E Green Street.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Plat of Survey	7/26/2021	Backup Material
Plans	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

Community Development Commission
Public Hearing 08.03.21

CDC Case #2021 – 15

Olivia Acuahuitl
410 E Green Street

Special Use Permit, Restaurant
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





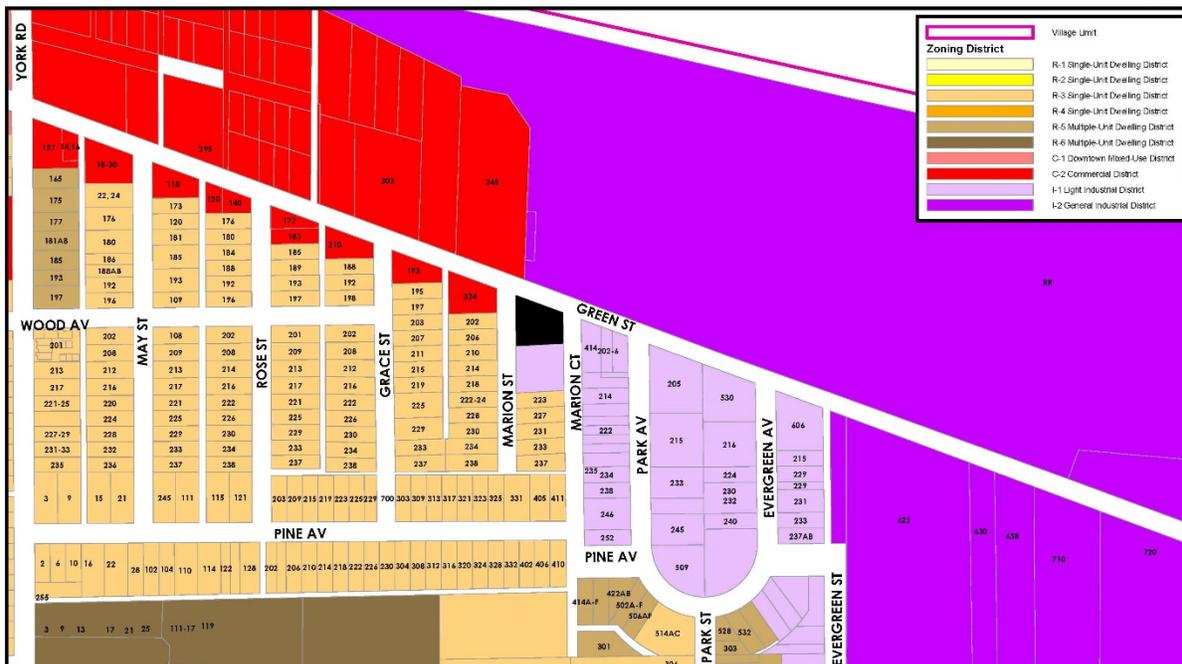
Village of Bensenville

410 E Green St



Village of Bensenville

Zoning Map



**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, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 15 to consider a request for:

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

at 410 E Green Street in an existing I – 1 Light Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

LOTS 1 AND 2 IN DUNTEMAN’S GREEN STREET ADDITION TO BENSENVILLS, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 14, 1918 AS DOCUMENT 134988, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 410 E Green Street, Bensenville, IL 60106.

Tacos Puebla Property LLC of 632 W Saint Aubin Dr, Addison, IL 60101 is the owner of and Olivia Acuahuatl of applicant 632 W Saint Aubin Dr, Addison, IL 60101 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

For Office Use Only

Date of Submission: 6.1.21 MUNIS Account #: 11042 CDC Case #: 2021-15

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 410 E Green St. Bensenville Illinois 60106

Property Index Number(s) (PIN): 03-13-321-001 & 03-13-321-002

A. PROPERTY OWNER:

Tacos Quebla Properties LLC
 Name Corporation (if applicable)

632 W. Saint Aubin Dr. Addison IL 60101
 Street

Olivia Acuahuitl (347) 510-7454 TacosP511@gmail.com
 City State Zip Code
 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

Olivia Acuahuitl
 Name Corporation (if applicable)

632 W. Saint Aubin Dr.
 Street

Addison IL 60101
 City State Zip Code

Olivia Acuahuitl (347) 510-7454 tacosp511@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*

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**

*See Staff for additional information on PUD requests



**Item located within this application packet.

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

Re open For Mexican Restaurant

C. PROJECT DATA:

1. General description of the site: Mexican Restaurant
2. Acreage of the site: 0.45 AC Building Size (if applicable): ≈ 3,000 SF
3. Is this property within the Village limits? (Check applicable below)
 - Yes
 - No, requesting annexation
 - No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

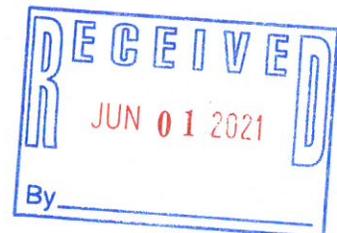
N/A

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	<u>I-1</u>	<u>Commercial (Restaurant)</u>	<u>Benseville</u>
North:	<u>I-2</u>	<u>Railroad Yard</u>	<u>Benseville</u>
South:	<u>I-1</u>	<u>Industrial</u>	<u>Benseville</u>
East:	<u>I-1</u>	<u>Industrial</u>	<u>Benseville</u>
West:	<u>C-2</u>	<u>Commercial</u>	<u>Benseville</u>

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."





COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 15
PROPERTY: 410 E Green Street
PROPERTY OWNER: Tacos Puebla Property LLC
APPLICANT: Olivia Acuahuatl
SITE SIZE: 0.45 AC
BUILDING SIZE: 3,000 SF
PIN NUMBER: 03-13-321-001, 03-13-321-002
ZONING: I-1 Light Industrial District
REQUEST: Special Use Permit, Restaurant
Municipal Code Section 10 – 7 – 2 – 1

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15, 2021.
3. On Monday, July 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 approval of a Special Use Permit to operate a restaurant in the vacant 3,000 SF building at 410 E Green Street. The site is intended to be home to the second location of Tacos Puebla, a fast casual Mexican restaurant located in Addison.

Albeit the existing building on the site was previously used as a restaurant, it has been unoccupied for more than six consecutive months, which is the minimum time period for a use to be considered abandoned per Village Zoning Ordinance. Granting of a Special Use Permit is subsequently required in the event of an abandonment.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	I – 1	Commercial	Commercial/Industrial Flex	Village of Bensenville
North	I – 2	Railroad Yard	Transportation	Village of Bensenville
South	I – 1	Industrial	Commercial/Industrial Flex	Village of Bensenville
East	I – 1	Industrial	Commercial/Industrial Flex	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 is up to date.

Police:

- 1) No objections.

Engineering and Public Works:

Public Works:

- 1) A working grease trap basin is required.

Engineering:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) Fills a vacancy in a non-traditional retail/commercial space.
- 2) This property received a partial property tax exemption for vacancy this past year. Taxes will be expected to go up to at least the previous amount, although staff predicts an increase.
 - a. 2019 Taxes: \$17,408.70
 - b. 2020 Taxes: \$12,868.28
- 3) The restaurant will produce sales tax. Projected sales were not provided. Bensenville receives 1% of this amount.

Fire Safety:

- 1) Fire alarm system shall be on a separate plan review.
- 2) A key box shall be installed on the address side of the building.
- 3) Emergency and exit lights require 90-minute battery backup.
- 4) Exit and emergency lights must be installed above all exit doors.
- 5) Additional emergency lights are required in the dining on the south wall. Emergency light is required above the bar counter on the east wall.
- 6) Emergency lights are required in the cooler/freezers.
- 7) A mechanical plan has not included in this submittal. This will needed for additional review.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Commercial/Industrial Flex” for this property.
- 2) The current zoning is I-1 Light Industrial.
- 3) In the I-1 District, operation of a restaurant requires a Special Use Permit.
 - a. The Village Zoning Ordinance does not mandate any specific use standards for a restaurant use.
- 4) This property has historically been utilized as a restaurant. Since the building has been left vacant for longer than six months, Village Code deems the use abandoned, therefore requiring the approval of a new Special Use Permit to operate a restaurant at this location.
- 5) The Petitioner is seeking to open a second location of their existing business located in Addison, Tacos Puebla, in this existing building.
- 6) Please note that signage requires a separate permit application.

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, we will not endanger the health, safety, comfort, convenience, and general welfare of the public.

- 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, this restaurant is compatible with the character of adjacent properties and was for many years.

- 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: We will not impede the normal and orderly development and improvement of adjacent properties and other properties within the immediate vicinity.

- 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: We will not require utilities, access roads, drainage, and/or other facilities or services to a degree disproportionate to that normally expected, nor generate disproportionate demand for new services or 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, we will be consistent with the intent of the comprehensive plan, this title, and the other land use policies of the village.

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 to operate a restaurant at 410 E Green Street.

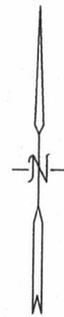
Respectfully Submitted,

Department of Community & Economic Development

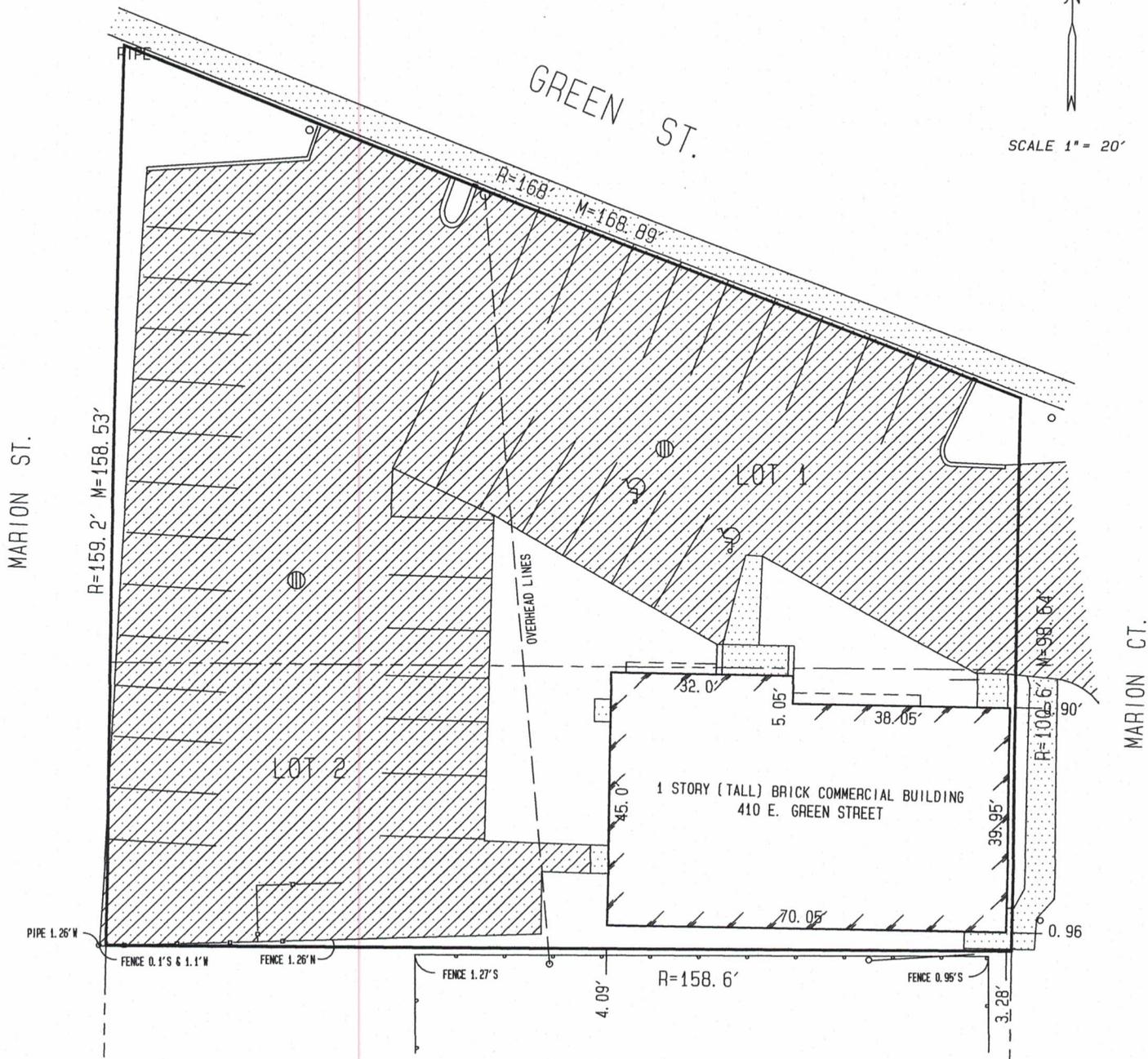
PLAT OF SURVEY

Order No. 2115885

LOTS 1 AND 2 IN DUNTEMAN'S GREEN STREET ADDITION TO BENSENVILLE, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 14, 1918 AS DOCUMENT 134988, IN DuPAGE COUNTY, ILLINOIS.



SCALE 1" = 20'



- LEGEND**
- LIMITS OF BUILDING =
 - R = RECORD
 - M = MEASURED
 - D = DEED
 - = FOUND IRON PIPE
 - = SET IRON PIPE
 - ⊙ = HYDRANT
 - ⊛ = LIGHT
 - CONCRETE =
 - PAVERS =
 - ASPHALT =

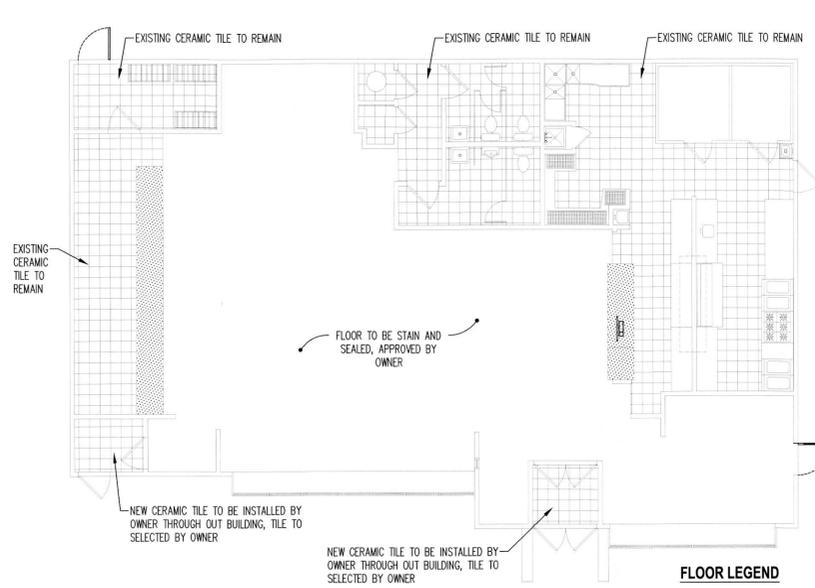
STATE OF ILLINOIS
COUNTY OF KANE

WE, LAND DIVISIONS INC., CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PROFESSIONAL SERVICE REPRESENTS A TESTED OPINION OF THE BOUNDARY OF THE ABOVE CAPTIONED PROPERTY.
DATE OF SURVEY: MAY, 2021.

LDI
LAND DIVISIONS, Inc.
 Professional Surveying Services
 P.O. Box 835
 West Dundee, Illinois 60118
 (847) 841-8305 (847) 551-9171
 fax (841) 551-9193
 EMAIL LANDDIVISIONS@AOL.COM

LICENSE NO. 2783 EXPIRES ON NOVEMBER 30, 2022.

THIS PLAT CONFORMS WITH THE CURRENT ILLINOIS PROFESSIONAL LAND SURVEYORS ASSOCIATION MINIMUM STANDARDS FOR A BOUNDARY SURVEY. BUILDING LINE RESTRICTIONS AND EASEMENTS SHOWN ARE THOSE IDENTIFIED ON THE RECORD SUBDIVISION PLAT, UNLESS OTHERWISE NOTED. REFER TO TITLE INSURANCE POLICY AND LOCAL ZONING ORDINANCES FOR RESTRICTIONS NOT SHOWN. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT. IMMEDIATELY REPORT ANY DISCREPANCIES FOUND. ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF. THIS PLAT HAS BEEN PREPARED FOR VALENTY TRUST AND CUAZITIL.



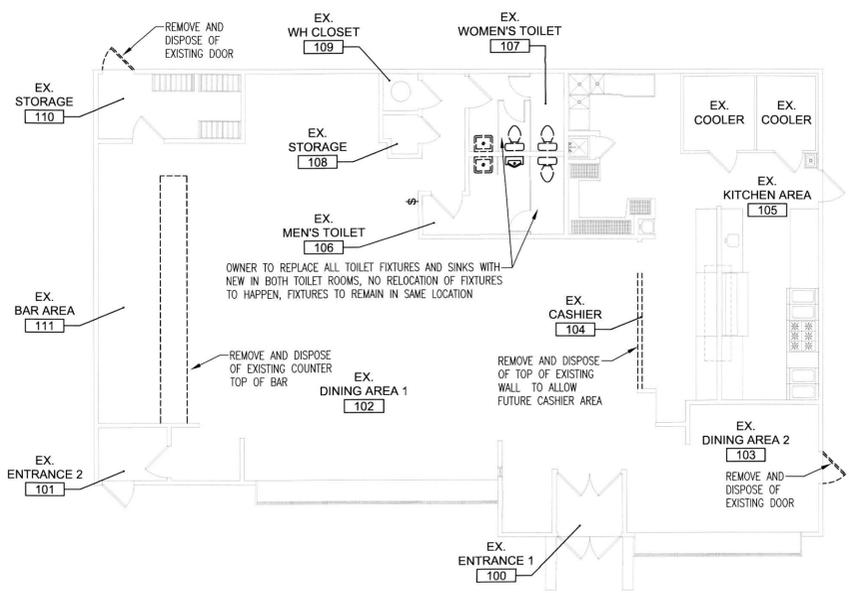
3 NEW FLOOR FINISH PLAN
SCALE: 1/8" = 1'-0"

FLOOR LEGEND

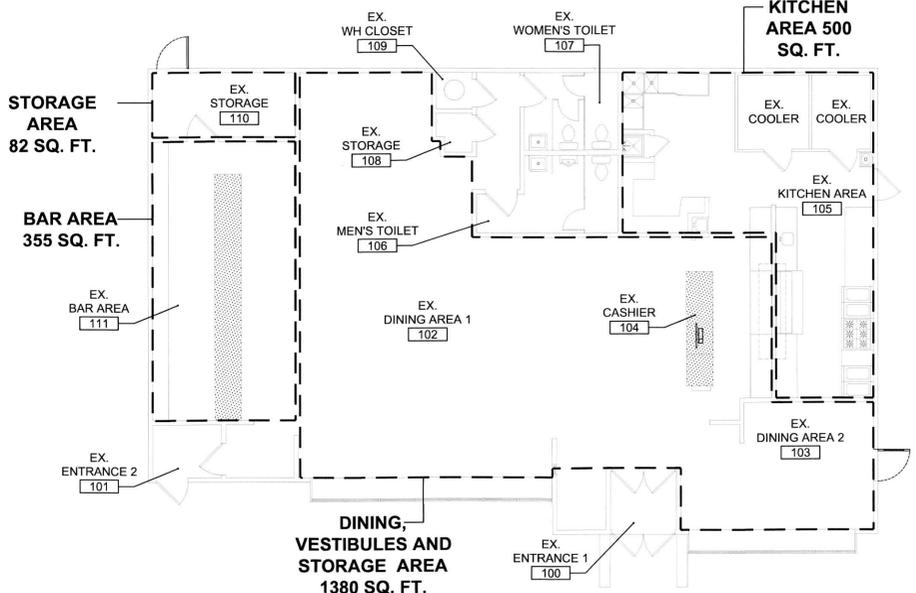
AREA OF FLOOR TILE TO REMAIN

AREA OF FLOOR TILE TO BE REPLACED WITH NEW

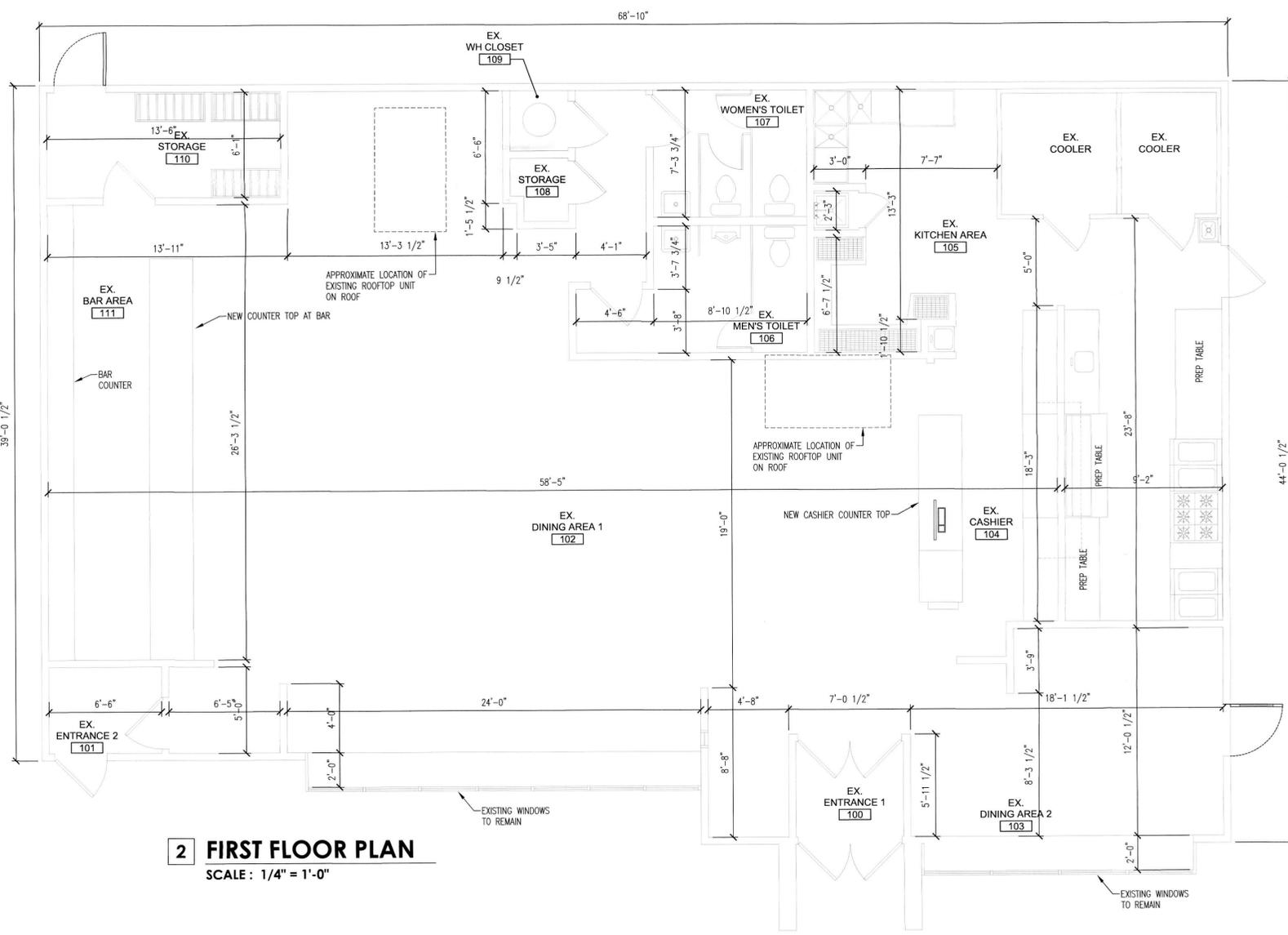
AREA OF FLOOR TILE TO BE REMOVED AND CONCRETE TO BE SEALED



4 DEMOLITION FLOOR PLAN
SCALE: 1/8" = 1'-0"



5 OCCUPANCY AREAS FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

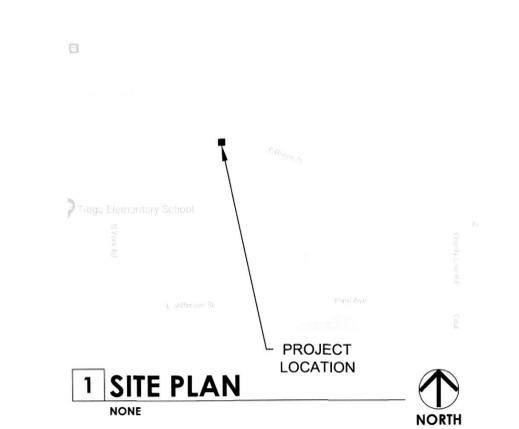
2015 IBC OCCUPANCY

KITCHEN 500 / 200	2.5 OCC	BAR AREA 355 SF / 5 NET	71 OCC
DINING AREA 1380/155F NET	92 OCC	STORAGE 82 SF/400 SF	1 OCC

BUILDING CODES

- ZONING: CITY OF VILLAGE OF BENSenville ZONING ORDINANCE
- BUILDING: 2015 INTERNATIONAL BUILDING CODE WITH LOCAL AMENDMENTS
2014 NATIONAL ELECTRIC CODE WITH LOCAL AMENDMENTS
2018 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL AMENDMENTS
2014 ILLINOIS PLUMBING CODE WITH LOCAL AMENDMENTS
- ACCESSIBILITY: AMERICANS WITH DISABILITIES ACT OF 1990
ILLINOIS ACCESSIBILITY CODE 2018

1 SITE PLAN
NONE



DEMOLITION DRAWING NOTES

ALL INDICATED ELECTRICAL EQUIPMENT, FIXTURES, DEVICES AND RELATED CONDUIT AND WIRING TO BE REMOVED UNLESS NOTED OTHERWISE.

ALL DEMOLITION OF THE ELECTRICAL SYSTEM AS NOTED FOR ON THE DEMOLITION DRAWINGS SHALL BE COORDINATED WITH THE RENOVATION REQUIREMENTS TO DETERMINE THIS CONTRACTORS WORK.

IT IS THE INTENT OF THE ELECTRICAL DEMOLITION DRAWING(S) TO INDICATE AREAS IN WHICH ELECTRICAL EQUIPMENT, CONDUIT, LIGHTING FIXTURES, DEVICES, ETC. NEED TO BE REMOVED, RELOCATED OR MODIFIED BY THIS CONTRACTOR TO ALLOW FOR THE RENOVATION PHASE OF CONSTRUCTION. THE ELECTRICAL DEMOLITION PLAN IS FOR REFERENCE PURPOSES ONLY AND IT IS NOT INTENDED TO BE THE SOLE SOURCE OF EXISTING CONDITIONS.

THIS CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE ELECTRICAL DEMOLITION REQUIRED TO ACCOMMODATE THE RENOVATION. REMOVE AS REQUIRED ALL LIGHTING FIXTURES, RECEPTACLES, EQUIPMENT, DEVICES, ETC. PULL OUT ALL UNUSED CONDUCTORS AND CABLES AND REMOVE ALL ABANDONED CONDUIT. ELECTRICALLY DISCONNECT AIR HANDLING UNITS, ELECTRICAL WATER HEATERS AND OTHER SUCH EQUIPMENT FOR REMOVAL BY OTHERS. ALL REMOVED EQUIPMENT SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE SITE.

SHEET INDEX

NO.	SHEET TITLE
A1	NEW AND DEMOLITION PLANS
A2	FURNITURE/FIXTURE, POWER AND LIGHTING PLAN
FA	FIRE ALARM PLAN

ADMINISTRATIVE NOTES

- THESE DRAWINGS ARE INTENDED ONLY AS AN OUTLINE FOR CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ALL DESIGN NOT SPECIFICALLY & COMPLETELY SHOWN AND SPECIFIED. ALL ASSUMPTIONS REACHED FROM REVIEW OF THESE DRAWINGS SHALL BE TOTALLY THE RESPONSIBILITY OF THE PARTY MAKING THE ASSUMPTIONS.
- ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS, ETC. SHALL BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED OR IMPLIED WHEN SOME ARE AT VARIANCE.
- OWNER SHALL VERIFY ALL DIMENSIONS & EXISTING CONDITIONS AT THE SITE. ANY DISCREPANCIES BETWEEN THE PLANS AND ACTUAL JOB CONDITIONS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO START OF CONSTRUCTION OR DURING CONSTRUCTION.
- OWNER IS TO OBTAIN ALL NECESSARY PERMITS PRIOR TO START OF CONSTRUCTION.
- THIS ARCHITECT HAS NOT BEEN RETAINED TO SUPERVISE OR OBSERVE CONSTRUCTION OF THIS PROJECT.

GENERAL NOTES

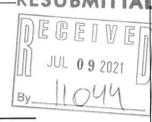
- DO NOT SCALE DRAWINGS.
- OWNER SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.
- NOTES WHICH APPLY AT ALL SIMILAR CONDITIONS SHALL GOVERN WHETHER REPEATED OR NOT.
- ALL WORK TO BE PERFORMED TO BE IN COMPLIANCE WITH ALL APPLICABLE CODES REGULATORY AGENCIES, STATUTES AND RECOGNIZED INDUSTRY STANDARDS.
- ALL WORK SHALL BE PERFORMED IN A TRADESMAN-LIKE MANNER AND SHALL CONFORM TO THE BEST STANDARD PRACTICES OF THE TRADE INVOLVED.
- OWNER TO REPLACE LIGHTING FIXTURES AT SAME LOCATION OF EXISTING WITH NEW LED LIGHT FIXTURES.
- ALL EXISTING CONDITION SHALL REMAIN THE SAME UNLESS OTHERWISE NOTED.
- OWNER TO MAKE ADJUSTMENTS IN FIELD DUE TO FIELD DISCREPANCIES.
- ALL EXISTING KITCHEN EQUIPMENT ARE EXISTING TO REMAIN, TO BE NSF APPROVED.

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLY WITH THE CODES AND ORDINANCES OF THE VILLAGE OF BENSenville AND THE STATE OF ILLINOIS

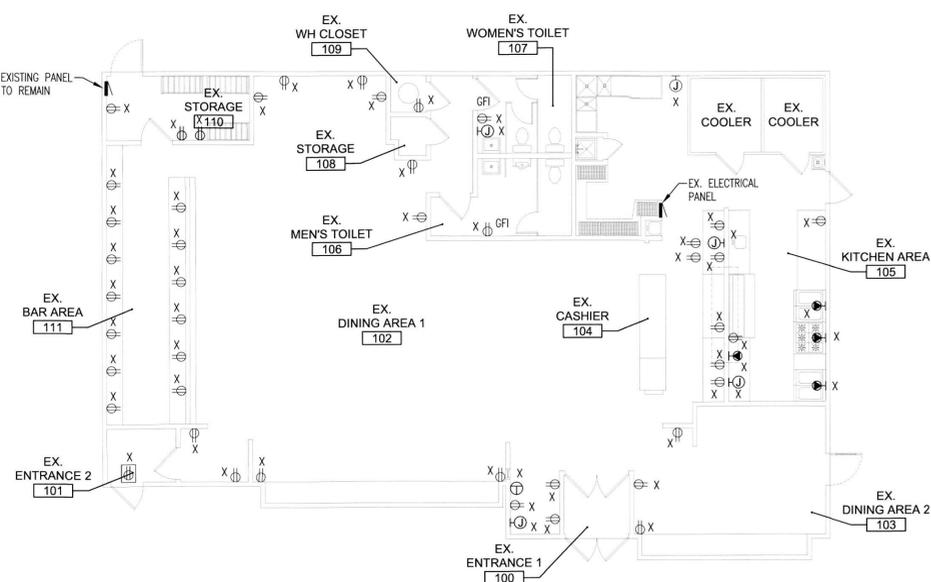
ENRIQUE N. CASTEL
001-20515

DATE: 07.07.2021

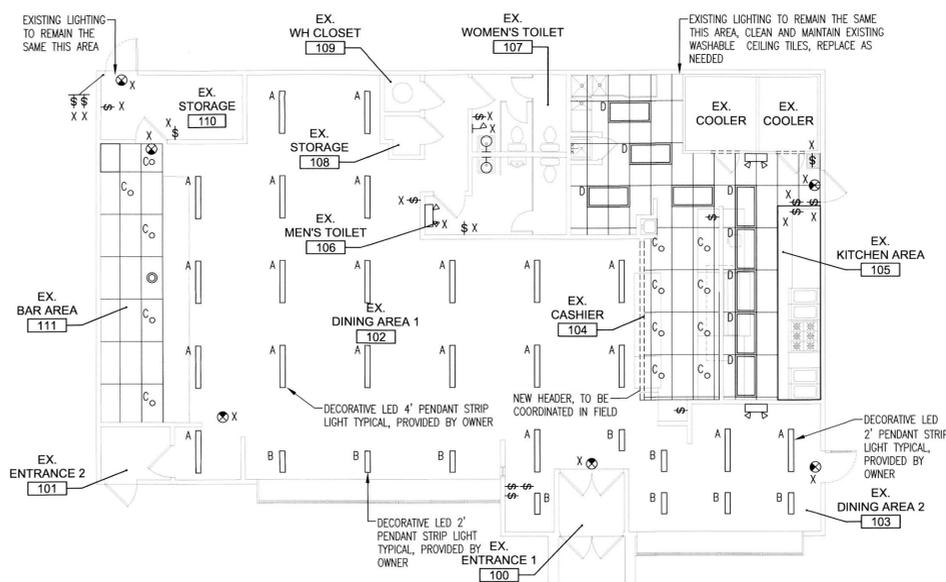
ENRIQUE CASTEL, LICENSED ARCHITECT - NO. 001-20515
LICENSE EXPIRES 11-30-2021



No.	Date	Revisions / Submissions
ISSUED FOR PERMIT	07.07.21	No.
DATE	07.07.21	Revisions / Submissions
PROJECT NO.	2021-085	No.
SCALE	AS NOTED	Revisions / Submissions
DRAWING NO.		No.

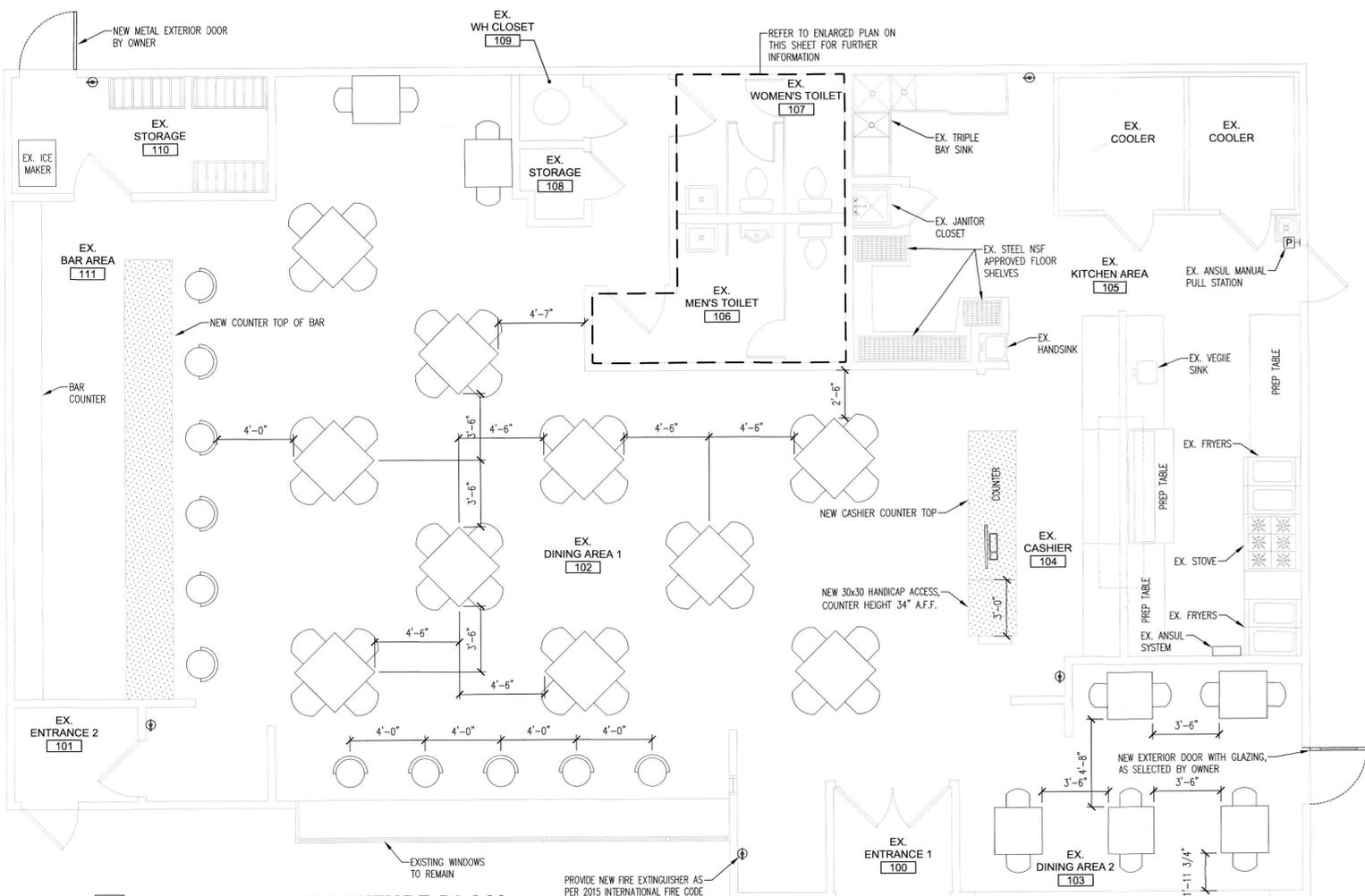


2 POWER FLOOR PLAN
SCALE: 1/8" = 1'-0"

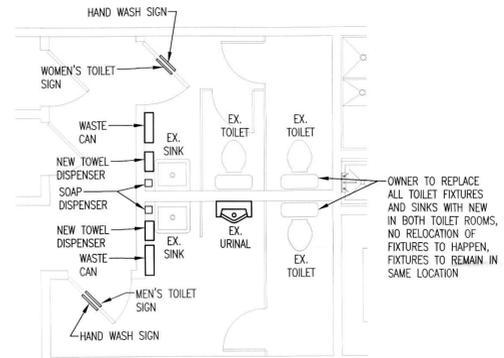


3 LIGHTING FLOOR PLAN
SCALE: 1/8" = 1'-0"

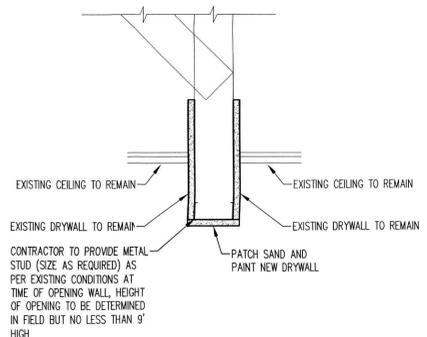
SYMBOL LIST	
SYMBOL	DESCRIPTION
[Symbol]	WALL MOUNTED SELF CONTAINED EMERGENCY FIXTURE WITH BATTERY BACKUP AND SOLID STATE CHARGER.
[Symbol]	WALL MOUNTED SELF CONTAINED EMERGENCY FIXTURE WITH
[Symbol]	EXIT SIGN FIXTURE, SURFACE CEILING MOUNTED, SINGLE OR DOUBLE FACE, WITH OR WITHOUT DIRECTIONAL ARROWS.
[Symbol]	SINGLE POLE 20 AMP 120 VOLT TOGGLE SWITCH WALL MOUNTED.
[Symbol]	STANDARD DUPLEX RECEPTACLE.
[Symbol]	SAME AS ABOVE EXCEPT WITH GROUND FAULT INTERRUPTER.
[Symbol]	ELECTRICAL PANEL.
[Symbol]	AUDIO/VISUAL ALARM DEVICE
[Symbol]	VISUAL ALARM DEVICE
[Symbol]	PULL STATION
[Symbol]	WALL MOUNTED SMOKE DETECTOR
[Symbol]	CEILING MOUNTED SMOKE DETECTOR
[Symbol]	CEILING MOUNTED HEAT DETECTOR
[Symbol]	THERMOSTAT
X	EXISTING ELECTRICAL DEVICE TO REMAIN
R	EXISTING ELECTRICAL DEVICE TO BE REMOVED
[Symbol]	PROVIDE NEW FIRE EXTINGUISHER AS PER 2015 INTERNATIONAL FIRE CODE - AMENDMENTS, TYPICAL OF 5



1 FIRST FLOOR FURNITURE PLAN
SCALE: 1/4" = 1'-0"



4 HEADER DETAIL
NO SCALE



5 HEADER DETAIL
NO SCALE

PLUMBING NOTE:
ALL SANITARY LINES, CLEAN OUTS, FLOOR DRAINS AND OPEN SITE DRAINS, HOT AND COLD WATER LINES TO REMAIN THE SAME. CLEAN AND PLUMBING FIXTURES AS REQUIRED IN FIELD. TOILET FIXTURES WILL BE REPLACED AS NEEDED.

ELECTRICAL PANEL NOTE:
ELECTRICAL CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS PRIOR TO START OF WORK, UPDATE PANEL SCHEDULE WITH EXISTING AND ABANDONED OUTLETS AS PER EXISTING CONDITIONS, UPDATE PANEL SCHEDULE CIRCUIT INFORMATION AT PANEL DIRECTORY LIST ON EXISTING PANEL DOOR AT END OF PROJECT

VENTILATION NOTE:
MAIN DUCT VENTILATION LINES AND VENTILATION BRANCHES TO REMAIN IN PLACE, OWNER TO CLEAN OR REPLACE SUPPLY OR RETURN GILLES AS REQUIRED IN FIELD.

LIGHTING PLAN GENERAL NOTES:
THE MINIMUM WIRE SIZE SHALL BE 12 AWG, EXCEPT FOR NEUTRAL CONDUCTORS WHICH THE MINIMUM SIZE SHALL BE 10 AWG. THE MINIMUM CONDUIT SIZE FOR HOMERUNS SHALL BE 3/4" UNLESS OTHERWISE INDICATED LARGER. 1/2" CONDUIT SHALL BE ACCEPTABLE FOR BRANCH WIRING TO LIGHTING FIXTURES WHERE APPLICABLE. ALL LIGHTING BRANCH CIRCUITS SHALL TERMINATE AT 20A, 1-POLE CIRCUIT BREAKERS IN PANELBOARD UNLESS OTHERWISE NOTED. PROVIDE LOCK-ON CIRCUIT BREAKER DEVICE FOR ALL EMERGENCY LIGHTING & EXIT SIGN BRANCH CIRCUITS. REFER TO ARCHITECTURAL REFLECTED CEILING PLANS FOR EXACT LIGHTING FIXTURE LOCATIONS.

GENERAL CONTRACTOR NOTE:
THE OWNER SHALL BE RESPONSIBLE TO REMOVE, RESTORE, CUT, PATCH, PAINT, ETC. ANY WALLS OR CEILINGS AS REQUIRED TO PERFORM THIS CONTRACTORS WORK. THIS INCLUDES REPLACEMENT OF ANY CEILING GRID AND TILES DAMAGED DURING CONSTRUCTION/DEMOLITION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DOCUMENT ANY DAMAGED CEILING TILES OR COMPONENTS PRIOR TO CONSTRUCTION/DEMOLITION AND NOTIFY OWNER.

RECEPTACLE NOTE:
ALL OUTLETS IN FOOD SERVICE AREAS (KITCHEN, SERVING) SHALL BE GFI TYPE. THIS WILL INCLUDE ALL 15 AND 20-AMPERE, 125-VOLT RECEPTACLES AS PER NEC 210.8(B)(2). PROVIDE FOR WIRING CONTINUITY WHERE RECEPTACLES ARE REMOVED.

EXISTING ELECTRICAL PANEL NOTES:
ELECTRICAL PANEL LOCATION INDICATED ON PLAN IS FOR REFERENCE/CONVENIENCE PURPOSES ONLY. THE ELECTRICAL CONTRACTOR SHALL VERIFY ALL AS REQUIRED FOR THIS PROJECT'S WORK. PROVIDE NEW CIRCUITS/CIRCUIT BREAKERS (MATCH EXISTING TYPE) WHERE REQUIRED. VERIFY SPARES AND SPACES IN RESPECTIVE EXISTING ELECTRICAL PANEL AND CIRCUIT ACCORDINGLY. VERIFY PANEL LOADING PRIOR TO FINAL CONNECTIONS.

ELECTRICAL NOTES:

- OWNER TO FIELD VERIFY EXISTING CONDITIONS, UPDATE PANEL SCHEDULE WITH EXISTING AND ABANDONED OUTLETS AS PER EXISTING CONDITIONS, UPDATE PANEL SCHEDULE CIRCUIT INFORMATION AT PANEL DIRECTORY LIST ON EXISTING PANEL DOOR
- ALL ELECTRICAL IS EXISTING TO REMAIN UNLESS NOTED OTHERWISE
- REMOVE ABANDONED EXISTING ELECTRICAL DEVICES AND CONDUIT BACK TO FLUSH WITH WALL. REMOVE CONDUCTORS IN ENTIRETY BACK TO PANEL.
- OWNER TO CHECK ALL EXISTING ELECTRICAL DEVICES, CLEAN OR REPLACE AS NEEDED PER CONDITIONS OF EXISTING DEVICES
- OWNER TO REINSTALL NEW LED PENDANT LIGHT FIXTURES IN EX. DINING AREA 1 102, LIGHTING IN THE REST OF BUILDING TO REMAIN THE SAME.
- ALL ABANDONED AND NOT USED CONDUIT BOXES AND WIRING NOT USED TO BE REMOVED COMPLETE BACK TO SOURCE OF ORIGIN, JUNCTION BOXES OR BACK TO MAIN PANEL

EXISTING ELECTRICAL PANEL NOTES:
ELECTRICAL PANEL LOCATION INDICATED ON PLAN IS FOR REFERENCE/CONVENIENCE PURPOSES ONLY. THE ELECTRICAL CONTRACTOR SHALL VERIFY ALL AS REQUIRED FOR THIS PROJECT'S WORK. PROVIDE NEW CIRCUITS/CIRCUIT BREAKERS (MATCH EXISTING TYPE) WHERE REQUIRED. VERIFY SPARES AND SPACES IN RESPECTIVE EXISTING ELECTRICAL PANEL AND CIRCUIT ACCORDINGLY. VERIFY PANEL LOADING PRIOR TO FINAL CONNECTIONS.

TYPE:Public Hearing**SUBMITTED BY:**K. Fawell**DEPARTMENT:**CED**DATE:**08.03.21**DESCRIPTION:**CDC Case 2021-19: Consideration of Requests for a Plat of Consolidation, Site Plan Review, and Variations for a Building Expansion at 430 Meyer Road.***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:***

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

REQUEST:

1. Preliminary Plat of Consolidation
Municipal Code Section 11 – 3
2. Site Plan Review
Municipal Code Section 10 – 3 – 2
3. Variation, Off-Street Parking Requirements
Municipal Code Section 10 – 8 – 2 – 1
4. Variation, Pedestrian Circulation Systems
Municipal Code Section 10 – 8 – 7
5. Variation, Tree Preservation Replacement Standards
Municipal Code Section 10 – 9 – 2.B
6. Variation, Parking Lot Landscaping Tree Canopy Coverage
Municipal Code Section 10 – 9 – 5.A
7. Variation, Parking Lot Interior Landscape Islands
Municipal Code Section 10 – 9 – 5.C

SUMMARY:

1. Century Metal Spinning, located at 430 Meyer Road, is looking to consolidate the subject lot with the parcel immediately to the south in order to construct a 14,475 SF building addition with an adjacent parking lot. This development requires the approval of the above Variations.

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Site Plan at 430 Meyer Road with the following conditions:
 1. The development shall be in accordance with the plans by Bloom Companies, LLC dated 06.16.21;
 2. The existing 10-foot Public Utility Easement from Lot 1 should be extended south into Lot 2;
 3. A 5-foot wide ADA compliant public sidewalk will be required along the Meyer Rd frontage of the site. The sidewalk shall be located within the public right-of-way;
 4. A perimeter curb and gutter will be required along the proposed parking lot per the Village parking lot standard;
 5. A final landscape plan with plant detail and quantity shall be approved by the Zoning Administrator; and
 6. Final architecture plans shall be approved by the Zoning Administrator.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Off-Street Parking Requirements.
3. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation Systems.
4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Standards with the following condition:
 1. Petitioner shall coordinate with CED Staff to determine an appropriate tree replacement

agreement, final approval subject to Zoning Administrator.

5. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Landscaping Tree Canopy Coverage.
6. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Interior Landscape Islands.
7. Staff recommends the Approval of the Preliminary Plat of Consolidation.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Approval Standards Letter	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Plat of Consolidation	7/26/2021	Backup Material
Engineering & Landscape Plans	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

**Community Development Commission
Public Hearing 08.03.21**

CDC Case #2021 – 19

**Century Metal Spinning Co.
430 Meyer Road**

Plat of Consolidation, Site Plan Review, Variations

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





Village of Bensenville

430 N. Meyer



Date: 6/25/2021



Village of Bensenville

Zoning Map



Date: 6/25/2021

**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, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 19 to consider a request for:

Plat of Consolidation
Municipal Code Section 11 – 3

Site Plan Review
Municipal Code Section 10 – 3 – 2

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

Variation, Pedestrian Circulation Systems
Municipal Code Section 10 – 8 – 7

Variation, Tree Preservation Replacement Standards
Municipal Code Section 10 – 9 – 2.B

Variation, Parking Lot Landscaping Tree Canopy Coverage
Municipal Code Section 10 – 9 – 5.A

Variation, Parking Lot Interior Landscape Islands
Municipal Code Section 10 – 9 – 5.C

at 430 Meyer Road in an existing I – 2 General Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

PARCEL 1: LOT 3 IN BENSENVILLE INDUSTRIAL SUBDIVISION UNIT 3, A SUBDIVISION OF PART OF LOT 5 OF MOHAWK ACRES, A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 1961 AS DOCUMENT 993227, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 5 IN MOHAWK ACRES, A SUBDIVISION OF THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT 350561, LYING WEST OF THE CENTERLINE OF MEYER ROAD EXTENDED SOUTHERLY (AS DEDICATED IN BENSENVILLE INDUSTRIAL SUBDIVISION UNIT THREE ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 1961 AS DOCUMENT 993227); LYING SOUTHERLY OF THE SOUTH LINE OF LOT 3 IN SAID BENSENVILLE INDUSTRIAL SUBDIVISION UNIT THREE; LYING NORTHERLY OF THE NORTH LINE OF LOT 20 IN FAITH'S BENSENVILLE INDUSTRIAL SUBDIVISION UNIT TWO (ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18,

1960 AS DOCUMENT 961941 AND CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 29, 1961 AS DOCUMENT R61-23832); AND LYING EASTERLY OF THE EAST LINE OF LOT 6 IN KLEFSTAD'S BENSENVILLE INDUSTRIAL PARK (ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 20, 1967 AS DOCUMENT R67-2065), IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 430 Meyer Road, Bensenville, IL 60106.

Century Metal Spinning Co. and Kaiser Family Ltd. Partnership of 430 Meyer Road, Bensenville, IL 60106 are the owners of 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

For Office Use Only

Date of Submission: _____ MUNIS Account #: _____ CDC Case #: _____

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 430 Meyer Road

Property Index Number(s) (PIN): 03-11-403-006 & 01-11-402-007

A. PROPERTY OWNER:

Century Metal Spinning Co.	Kaiser Family Ltd. Partnership	
Name	Corporation (if applicable)	
430 Meyer Road	Street	
Bensenville	IL	60106
City	State	Zip Code
Janet Kaiser	630-595-3900	jkaiser@centurymetalspinning.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

Name	Corporation (if applicable)	
Street	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)

Variations are requested for the following: 1. Parking spaces required reduced from 30 spaces to 27 spaces;
2. Reduce to 0 feet the walking area between the building addition and the parking area; 3. Reduce the tree canopy coverage for parking lot from 40%(3226 s.f.) to 11% (900 s.f.) 4. Reduce tree replacements for trees in poor condition or invasive species .

C. PROJECT DATA:

1. General description of the site: Full developed north portion of the site, the south 60 feet is currently vacant.
2. Acreage of the site: 1.5249 ac Building Size (if applicable): 22,307 + 14,475 = 36,782 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.)

Title 10- Chapter 8: Section 10-8-2 Offstreet Parking and Loading

Chapter 8: Section 10-8-7 Pedestrian Circulation

Chapter 9 Section 10-9-2 Tree Preservation

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	I-2	Developed Industrial/ vacant	Bensenville
North:	I-2	Developed Industrial	Bensenville
South:	I-2	Developed Industrial	Bensenville
East:	I-2	Developed Industrial	Bensenville
West:	I-2	Developed Industrial	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."



June 16, 2021

Community Development Commission
Village of Bensenville
12 South Center Street
Bensenville, IL 60106

Subject Request for Variances and Approval for Administrative Adjustment
For Proposed Expansion of Century Metal Spinning – 430 Meyer Road

Dear Commission Members:

Century Metal Spinning Co. has been in business at their current location, 430 Meyer Road for over 15 years. As the business has grown over the years we must substantially increase the size of our existing 22,307 square foot building to 36,782 square feet to accommodate new machinery and equipment and expanded office space for our business to continue to grow at our current location. A 60 foot undeveloped lot immediately south of our current property has been purchased and a consolidation plat is being submitted for approval to join our existing property and the 60 foot wide lot.

The size, configuration, and required spacing of the machinery and equipment (current and new) have been taken into consideration on the sizing of the build addition. Decreasing the size of the building, by even a few feet, would not allow for the expansion to be viable. The 60 foot lot is the only land that is available adjacent to the site which is bordered on all sides by I-2 businesses. Immediately south of the 60 foot lot is a 5.8' strip of land that currently is indicated to be a Village of Bensenville owned parcel left over from a from a right of way. It is requested that this parcel be vacated with 2.9 feet of it to be vacated to Century Metal and the remaining 2.9' to the south to be vacated to the 380 Meyer property owner.

"Title 10 – Chapter 8 Section 10-8-2 Off Street Parking and Loading" ordinance requires parking spaces to be 18 feet long and 9 feet wide and have a center aisle width of 24 feet. When applying those requirements to the site with the proposed building expansion, the total parking requirement for the 40,000 square foot expanded building is 30 spaces. Due to the size of the property available and the required square footage of expansion of the building, only 27 spaces can be accommodated on the site.

The variation to allow for 10% less spaces will:

1. Not endanger the health, safety, comfort convenience and general welfare of public. The property is located in an established industrial park and is consistent with other properties that have been in the park for years.
2. Is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation. 13 existing parking spaces on the north portion of the 430 Meyer Road property are within an easement for parking for 466 Meyer Road since 466 Meyer Road did not have sufficient room to have their required parking spaces on their property. All properties adjacent to 430 Meyer and in the vicinity have variations on parking and due to the overall development of the industrial park would find it very difficult to expand buildings and parking.
3. Since land for expansion is extremely limited in the industrial park, an undue hardship is created by the literal enforcement of this title, while complying with other set back and parking requirements.
4. The only land available is the 60 foot lot adjacent to the current development. This is a platted lot and is being combined by a consolidation plat to allow for the side yard setback for the building to meet requirements.
5. The number of parking spaces proposed (27) is the maximum number of spaces that can be created along with the building expansion. Therefore the deviation from the ordinance requirement is 3 spaces, which is the minimum deviation requested.
6. The variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies.

“Title 10 – Chapter 8 Section 10-7 – Pedestrian Circulation – Requires a 7 foot wide sidewalk along the frontage of the building. A new 7 sidewalk along the frontage of the building addition is being added, The existing sidewalk (ramp) along the frontage of the existing portion of the building is 5 feet wide and will remain as is. This section also requires a pedestrian walking area in parking lots that is not in conflict with the aisle. Due to the size of the property and the required building expansion, there is not sufficient room to accommodate a separate walking path along the parking lot.

1. The proposed variation to allow for no walking aisle in the parking lot will not endanger the health, safety, comfort convenience and general welfare of public. The only pedestrian activity that will be in the parking lot other than employees of the business would be in the visitor space next to the ADA space. The visitor and ADA space have access to the sidewalk that leads to the front door of the business without having to cross the entire parking lot. Employees are familiar the operations of trucks backing it to the existing parking lot and the new lot will be essentially the same as the existing lot, but all unloading of trucks will take place at the western end of the lot. The current lot has a ramp into the build and that ramp is being relocate to the area adjacent to an existing loading dock at the north eastern corner of the existing building.
2. The variation is consistent with many other businesses in the industrial park where employees need to walk across an through parking lots to access the buildings.

3. Due to the size of the lot available and requirements related to the size of parking spaces there is not sufficient room to create a separated walking path through the parking lot.
4. The proposed variation is due to the physical attributes of the property and were not created by the applicant. The applicant bought all of the available land and met the requirements of Title 10 related to parking space and aisle sizes.
5. The variation is the minimum deviation from the regulations of Title 10 that are necessary to accomplish the desired improvement. If a walk way were added to the parking lot up to 11 more spaces would have to be eliminated from the proposed parking lot.
6. The variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies of the Village related to industrial park developments.

“Title 10 – Chapter 9 Section 10-9-2 Tree Preservation” ordinance requires replacement of trees that are removed as part of a development to be replaced according to the requirements of the ordinance. Also trees are to be planted that create a canopy coverage of 40% of the square footage of the parking area. When applying those requirements to the site with the proposed building expansion and new parking lot there is physically enough land available to comply with the tree preservation requirements. Administrative relief is requested for reduction of the number of replacement trees for the 17 trees greater than or equal to 8” in diameter that need to be removed to be replaced with 12 ornamental trees and 2 shade trees and additionally no replacement of trees 4” to under 8” in diameter trees. An administrative waiver of the requirements for fee in lieu of replacement for trees to be removed that are not replaced is also requested. The existing trees are invasive species and many are in poor condition. Parkway trees are proposed for the entire frontage of the building and building expansion per ordinance requirements. The physical limitations of the site make it impossible to meet the requirements for tree replacement and the sheer number of trees on the 60 parcel that has stood vacant and unmaintained for over 20 years would make the fee in lieu of replacement option prohibitively costly.

A variance is requested to reduce the canopy coverage of the parking lot from 40% of the parking lot area to 10% of the parking lot area. The canopy coverage of the parking lot can only be partially met by existing trees along the south edge of the property with a 3 foot strip of land that is currently half of a dedicated right of way controlled by the Village. There is not sufficient area available to plant additional trees for canopy coverage within the property limits. The canopy coverage provided by the existing trees will be over 10% of the parking lot square footage.

1. The proposed administrative relief and variation to reduce the number of replacement trees and decrease the canopy coverage of trees over the parking lot from 40% to 11% will not endanger the health, safety, comfort convenience and general welfare of public.
2. Adjacent properties and properties within the area of the industrial park have varying amounts of landscaping. The existing 430 Meyer development could not meet current requirement for tree preservation and that is true of many of the developments within the same industrial park if they were to expand.

3. In order to fully comply with the requirements of the ordinance for tree canopy coverage and total tree replacement would be an undue hardship created by the literal enforcement of Title 10, causing the parking lot and building expansion to be substantially reduced in size. The reduction in size to the parking and building would eliminate the viability of the proposed expansion.

4. As with the parking and pedestrian access variations the variations for this title are due to the physical sizes of the property and the required size of expansion of the building.

5. The proposed variation represent the minimum deviation from the regulations of Title 10 Tree Preservation, that are necessary to accomplish the proposed development of the property. There is physically not enough square footage to plant additional trees on the property as a whole.

6. The proposed administrative relief and variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for industrial development.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janet Kaiser", is written over the typed name.

Janet Kaiser

Century Metal Spinning Co.

President

General Manager

Kaiser Family Ltd. Partnership

Approval Standards for Review of the Site Plan

The proposed site plan provides for an expansion of the existing industrial business, Century Metal Spinning. The site plan provides for expansion of the existing building and a new parking lot.

1. The surrounding properties and in properties in the immediate vicinity of the proposed development are developed as industrial businesses. The proposed site plan is consistent with the existing zoning and character of the properties that are adjacent and in the vicinity the site.
2. The proposed improvements will not interfere with the operations or future development of adjacent and properties within the vicinity of the proposed site plan improvements. The proposed improvements do not encroach on adjacent properties or interfere with access or operations of other properties.
3. The development is located in the established industrial park and the proposed expansion will utilize the existing utility services and access road. A new parking is provided, a new loading dock is included with the building expansion in addition to the existing loading dock and one bay of the existing loading dock is being converted to a ramp. The proposed improvements shown on the site plan will not alter the existing storm flow paths of the storm sewer in Meyer Road. Wall Pack lights will be installed on the building expansion to provide lighting for the loading dock and parking lot.
4. There are no identified environmental resources other than trees with in the development area. The proposed site plan preserves as many trees as possible.
5. The proposed site plan accommodates the public rights-of-way. The proposed expansion of the building and the associated parking lot utilize the vast portion of the available area. Pedestrian and vehicular circulation has been separated as much as possible.
6. A new curb cut to provide safe and efficient ingress and egress of vehicles is proposed for access to the new parking lot and to the new loading dock. Trucks using the new loading dock will be complete off the street while at the dock.
7. The architectural design of building elevations have been prepared and are compatible with the existing building by matching the facades and will contribute to the aesthetic appearance of the area.
8. The site plan for the expansion of the Century Metal Spinning building is consistent with the Comprehensive Plan that designates the area as an industrial park and is consistent with Site Plan requirements for this zoning area and other land use policies of the Village.

Approval Standards for Variations (Landscape Islands)

A variance is request to eliminate the requirements for landscaping islands for the new parking lot associated with the building expansion.

“Title 10 – Chapter 9 Section 10-9-5-C requires landscape islands with an area of 100sf for every 10 spaces as well as terminating each row. When applying those requirements to the site with the proposed building expansion and new parking lot there is physically not enough land available to comply with the landscaping island requirements. Landscape islands are not provided due to the site size constraints.

1. The proposed variation to allow for elimination of landscaping islands for the parking lot will not endanger the health, safety, comfort, convenience, and general welfare of the public.
2. The proposed variation is compatible with the character of adjacent properties. None of the properties adjacent to the site have landscape islands in the existing parking lots.
3. The proposed variation alleviates an undue hardship created by the literal enforcement of this title. If the requirements were met it would require the parking lot to be reduced by up to 4 additional spaces and would not provide enough parking for employees and visitors to the business. The land area is limited and additional land area cannot be acquired, due to existing adjacent developments.
4. The variation to eliminate islands is created by the limitations of available land to expand the business and is not deliberately created by the applicant. The proposed number of parking spaces is less than the required and a variation for reduction of the number of spaces is being sought. No additional land is available for the expansion of the building and associated parking.
5. The variation to eliminate landscape islands for the parking lot is the minimum necessary to accomplish the desired improvement. Addition of islands to the parking lot would further reduce parking and make the proposed expansion not feasible.
6. The proposed variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for expansion of an industrial business within the existing industrial park.



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 19
PROPERTY: 430 Meyer Road
PROPERTY OWNER: Kaiser Family Ltd. Partnership
APPLICANT: Century Metal Spinning Co.
SITE SIZE: 1.52 AC
BUILDING SIZE: 36,782 SF
PIN NUMBER: 03-11-403-006 & 03-11-403-007
ZONING: I-2 General Industrial District
REQUEST: Preliminary Plat of Consolidation
Municipal Code Section 11 – 3
 Site Plan Review
Municipal Code Section 10 – 3 – 2
 Variation, Off-Street Parking Requirements
Municipal Code Section 10 – 8 – 2 – 1
 Variation, Pedestrian Circulation Systems
Municipal Code Section 10 – 8 – 7
 Variation, Tree Preservation Replacement Standards
Municipal Code Section 10 – 9 – 2.B
 Variation, Parking Lot Landscaping Tree Canopy Coverage
Municipal Code Section 10 – 9 – 5.A
 Variation, Parking Lot Interior Landscape Islands
Municipal Code Section 10 – 9 – 5.C

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15, 2021.
3. On Monday, July 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:

Century Metal Spinning, located at 430 Meyer Road, is looking to consolidate the subject lot with the parcel immediately to the south in order to construct a 14,475 SF building addition with an adjacent parking lot. This development requires the approval of the Variations.

SURROUNDING LAND USES:

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

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) Account is up to date and has no liens.

Police:

- 1) No objections.

Engineering and Public Works:

Engineering:

- 1) This development consists of extension of an existing building (14,775 SF addition) and parking lot to the south. Lot 1 consists of a 22,307 SF existing building and associated parking lot on a 1.51 acre (52,656 SF) site. Lot 2 is currently vacant and 0.016 acre (13,772 SF) in size.
- 2) It appears there is already public utilities located on the westerly 10-feet of the Lot 2. The existing 10-foot Public Utility Easement from Lot 1 should be extended south into Lot 2.
- 3) A DuPage County Stormwater Management Certification will be required for this project as the total land disturbing activity exceeds 5,000 SF. The developer must meet all other applicable DuPage County Floodplain and Stormwater Ordinance (DCFSO) requirements.
- 4) The existing building and associated parking lot appears to be constructed prior to Feb 1992. The proposed impervious area appears to be under the detention requirement threshold of 25,000 SF. The applicant should provide existing and proposed impervious area calculations as well as a statement stating the development meets all applicable requirements of the DCFSO on final engineering plans.
- 5) It appears the site will breach the PCBMP (2,500 SF) threshold set forth in the DuPage County Floodplain and Stormwater Ordinance. Therefore, PCBMP will be required.

- 6) The site doesn't appear to contain any floodplain and/or wetlands. However, it is the developer's responsibility to properly identify and mitigate and special management areas in accordance with applicable rules and regulations.
- 7) The site is under 1-acre; therefore, IEPA-NOI permit is not required.
- 8) The site doesn't appear to be in need of utility extensions; therefore, at this time water and sanitary permits are not anticipated.
- 9) The preliminary site plans doesn't contain utility and grading plans. Therefore, no comments are being offered on those aspects of the plans.
- 10) A 5-foot wide ADA compliant public sidewalk will be required along the Meyer Rd frontage of the site. The sidewalk shall be located within the public right-of-way.
- 11) A perimeter curb and gutter will be required along the proposed parking lot per the Village parking lot standard.
- 12) There are issues with the proposed plans and plat of subdivision that can be resolved during final engineering. In general, staff does not see any major problems that would hinder this concept plan from proceeding.

Public Works:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) Current vacant lot south of property produces just over \$1,281 in property taxes.
- 2) Existing property with 22,307 SF building produces over \$20,963 in property taxes.
- 3) The new development will add 14,475 SF while reducing the overall remaining unimproved area significantly.
- 4) Staff predicts property taxes to increase to around \$30,000.

Fire Safety:

- 1) Fire Alarm system will need to be updated and possibly upgraded.
- 2) Fire Sprinkler system will need to be updated. Engineer will need to re-calculate new space to existing system for proper water flow and sprinkler operation.
- 3) Existing Back flow device will need to be evaluated for proper size.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Industrial" for this property.
- 2) The current zoning is I-2 General Industrial District.
- 3) The Petitioner are seeking to expand their existing 22,307 SF building to 36,782 SF by consolidating their property with the vacant lot to the south.
- 4) The proposed building and parking facilities meet the bulk requirements required of lots located in the I-2 District.
- 5) A Variation is being requested as the proposed expansion requires parking facilities of 30 passenger vehicles stalls, while the proposed parking lot consists of 27 spaces.
- 6) Section 10-8-7 of the Village Zoning Ordinance mandates a requirement of an on-site pedestrian circulation system for this development, which requires connectivity from parking facilities to the building, as well as a 7' sidewalk along the full length of the building.

- a. A Variation granting relief from this requirement is a typical request of industrial developments.
 - b. The Petitioner is proposing a 7' wide sidewalk to connect to the existing 5' sidewalk located along the street frontage of the building into the parking lot.
- 7) The Petitioner intends to remove 17 trees from the southern lot (currently vacant), as they impede the project. The removal of these trees requires approximately 85 replacement trees to be provided. The included landscape plan indicates 12 ornamental and 4 shade trees proposed on the site. Additionally, 5 parkway trees (required by Section 10-9-4 of the Zoning Ordinance) have been provided.
- 8) A tree canopy coverage of 40% is required for all parking hardscapes; proposed landscape plan indicates a coverage of approximately 11%. A landscape island with an area of 100 SF, complete with a shade tree, is required for every 10 contiguous parking spaces, as well as to terminate all rows. No landscape islands are proposed, albeit a landscape area does terminate the two rows of parking on the eastern side of the lot.
 - a. Variations deviating from these requirements are typical of industrial and commercial developments that go through the CDC process. The applicant has stated they feel there is not adequate space to add islands, as they are already requesting a Variation to allow a parking lot with 3 less spaces than what it is required by Code.
 - b. Please note that the majority of trees proposed are not included in the calculations for tree canopy coverage, as most do not provide any canopy coverage over the parking facilities.
- 9) The proposed landscape elements for the parking lot's perimeter adequately screen the facilities from right-of-way.
- 10) The proposed architecture features a two-tone masonry color scheme (match existing to the existing structure height with second color above) is appropriate and will provide streetscape interest.
 - a. Applicant shall provide color renderings for staff review. Additional windows shall be added to the façade.
- 11) It shall be noted that the Petitioners have been working with staff on their plans prior to application submittal. Staff is generally supportive of the site plan and approval of the requests.

APPROVAL STANDARDS FOR SITE PLAN REVIEW

- 1) **Surrounding Character:** The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

Applicant's Response: The surrounding properties and in properties in the immediate vicinity of the proposed development are developed as industrial businesses. The proposed site plan is consistent with the existing zoning and character of the properties that are adjacent and in the vicinity the site.

- 2) **Neighborhood Impact:** The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.

Applicant's Response: The proposed improvements will not interfere with the operations or future development of adjacent and properties within the vicinity of the proposed site plan improvements. The proposed improvements do not encroach on adjacent properties or interfere with access or operations of other properties.

- 3) **Public Facilities:** The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

Applicant's Response: The development is located in the established industrial park and the proposed expansion will utilize the existing utility services and access road. A new parking is provided, a new loading dock is included with the building expansion in addition to the existing loading dock and one bay of the existing loading dock is being converted to a ramp. The proposed improvements shown on the site plan will not alter the existing storm flow paths of the storm sewer in Meyer Road. Wall Pack lights will be installed on the building expansion to provide lighting for the loading dock and parking lot.

- 4) **Environmental Preservation:** The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

Applicant's Response: There are no identified environmental resources other than trees with in the development area. The proposed site plan preserves as many trees as possible.

- 5) **On-site Pedestrian Circulation System:** The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

Applicant's Response: The proposed site plan accommodates the public rights-of-way. The proposed expansion of the building and the associated parking lot utilize the vast portion of the available area. Pedestrian and vehicular circulation has been separated as much as possible.

- 6) **Vehicle Ingress and Egress:** The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.

Applicant's Response: A new curb cut to provide safe and efficient ingress and egress of vehicles is proposed for access to the new parking lot and to the new loading dock. Trucks using the new loading dock will be complete off the street while at the dock.

- 7) **Architectural Design:** The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

Applicant's Response: The architectural design of building elevations have been prepared and are compatible with the existing building by matching the facades and will contribute to the aesthetic appearance of the area.

- 8) **Consistent with Title and Plan:** The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The site plan for the expansion of the Century Metal Spinning building is consistent with the Comprehensive Plan that designates the area as an industrial park and is consistent with Site Plan requirements for this zoning area and other land use policies of the Village.

Site Plan Review Approval Standards	Meets Standard	
	Yes	No
1. Surrounding Character	X	
2. Neighborhood Impact	X	
3. Public Facilities	X	
4. Environmental Preservation	X	
5. On-site Pedestrian Circulation	X	
6. Vehicle Ingress & Egress	X	
7. Architectural Design	X	
8. Consistent with Title and Plan	X	

APPROVAL STANDARDS FOR VARIATIONS:

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

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

Applicant's Response: Not endanger the health, safety, comfort convenience and general welfare of public. The property is located in an established industrial park and is consistent with other properties that have been in the park for years.

- 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: Is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation. 13 existing parking spaces on the north portion of the 430 Meyer Road property are within an easement for parking for 466 Meyer Road since 466 Meyer Road did not have sufficient room to have their required parking spaces on their property. All properties adjacent to 430 Meyer and in the vicinity have variations on parking and due to the overall development of the industrial park would find it very difficult to expand buildings and parking.

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

Applicant's Response: Since land for expansion is extremely limited in the industrial park, an undue hardship is created by the literal enforcement of this title, while complying with other set back and parking requirements.

- 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 only land available is the 60 foot lot adjacent to the current development. This is a platted lot and is being combined by a consolidation plat to allow for the side yard setback for the building to meet requirements.

- 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: The number of parking spaces proposed (27) is the maximum number of spaces that can be created along with the building expansion. Therefore the deviation from the ordinance requirement is 3 spaces, which is the minimum deviation requested.

- 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 variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies.

Off-Street Parking Requirements	Meets Standard	
Variation Approval Standards	Yes	No
9. Public Welfare	X	
10. Compatible with Surrounding Character	X	
11. Undue Hardship	X	
12. Unique Physical Attributes	X	
13. Minimum Deviation Needed	X	
14. Consistent with Ordinance and Plan	X	

APPROVAL STANDARDS FOR VARIATIONS:

Pedestrian Circulation Systems, Municipal Code Section 10-8-7

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

Applicant’s Response: The proposed variation to allow for no walking aisle in the parking lot will not endanger the health, safety, comfort convenience and general welfare of public. The only pedestrian activity that will be in the parking lot other than employees of the business would be in the visitor space next to the ADA space. The visitor and ADA space have access to the sidewalk that leads to the front door of the business without having to cross the entire parking lot. Employees are familiar the operations of trucks backing it to the existing parking lot and the new lot will be essentially the same as the existing lot, but all unloading of trucks will take place at the western end of the lot. The current lot has a ramp into the build and that ramp is being relocate to the area adjacent to an existing loading dock at the north eastern corner of the existing building.

- 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: The variation is consistent with many other businesses in the industrial park where employees need to walk across an through parking lots to access the buildings.

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

Applicant’s Response: Due to the size of the lot available and requirements related to the size of parking spaces there is not sufficient room to create a separated walking path through the parking lot.

- 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 proposed variation is due to the physical attributes of the property and were not created by the applicant. The applicant bought all of the available land and met the requirements of Title 10 related to parking space and aisle sizes.

- 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: The variation is the minimum deviation from the regulations of Title 10 that are necessary to accomplish the desired improvement. If a walk way were added to the parking lot up to 11 more spaces would have to be eliminated from the proposed parking lot.

- 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 variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies of the Village related to industrial park developments.

Pedestrian Circulation Systems	Meets Standard	
Variation Approval Standards	Yes	No
15. Public Welfare	X	
16. Compatible with Surrounding Character	X	
17. Undue Hardship	X	
18. Unique Physical Attributes	X	
19. Minimum Deviation Needed	X	
20. Consistent with Ordinance and Plan	X	

APPROVAL STANDARDS FOR VARIATIONS:

Tree Preservation Replacement Standards, Municipal Code Section 10-9-2.B

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

Applicant’s Response: The proposed administrative relief and variation to reduce the number of replacement trees and decrease the canopy coverage of trees over the parking lot from 40% to 11% will not endanger the health, safety, comfort convenience and general welfare of public.

- 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: Adjacent properties and properties within the area of the industrial park have varying amounts of landscaping. The existing 430 Meyer development could not meet current requirement for tree preservation and that is true of many of the developments within the same industrial park if they were to expand.

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

Applicant's Response: In order to fully comply with the requirements of the ordinance for tree canopy coverage and total tree replacement would be an undue hardship created by the literal enforcement of Title 10, causing the parking lot and building expansion to be substantially reduced in size. The reduction in size to the parking and building would eliminate the viability of the proposed expansion.

- 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: As with the parking and pedestrian access variations the variations for this title are due to the physical sizes of the property and the required size of expansion of the building.

- 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: The proposed variation represent the minimum deviation from the regulations of Title 10 Tree Preservation, that are necessary to accomplish the proposed development of the property. There is physically not enough square footage to plant additional trees on the property as a whole.

- 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 administrative relief and variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for industrial development.

Tree Preservation Replacement Standards Variation Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
21. Public Welfare	X	
22. Compatible with Surrounding Character	X	
23. Undue Hardship	X	
24. Unique Physical Attributes	X	
25. Minimum Deviation Needed	X	
26. Consistent with Ordinance and Plan	X	

APPROVAL STANDARDS FOR VARIATIONS:

Parking Lot Landscaping Tree Canopy Coverage, Municipal Code Section 10-9-5.A

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

Applicant’s Response: The proposed administrative relief and variation to reduce the number of replacement trees and decrease the canopy coverage of trees over the parking lot from 40% to 11% will not endanger the health, safety, comfort convenience and general welfare of public.

- 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: Adjacent properties and properties within the area of the industrial park have varying amounts of landscaping. The existing 430 Meyer development could not meet current requirement for tree preservation and that is true of many of the developments within the same industrial park if they were to expand.

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

Applicant’s Response: In order to fully comply with the requirements of the ordinance for tree canopy coverage and total tree replacement would be an undue hardship created by the literal enforcement of Title 10, causing the parking lot and building expansion to be substantially reduced in size. The reduction in size to the parking and building would eliminate the viability of the proposed expansion.

- 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: As with the parking and pedestrian access variations the variations for this title are due to the physical sizes of the property and the required size of expansion of the building.

- 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: The proposed variation represent the minimum deviation from the regulations of Title 10 Tree Preservation, that are necessary to accomplish the proposed development of the property. There is physically not enough square footage to plant additional trees on the property as a whole.

- 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 administrative relief and variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for industrial development.

Tree Canopy Coverage Variation Approval Standards	Meets Standard	
	Yes	No
27. Public Welfare	X	
28. Compatible with Surrounding Character	X	
29. Undue Hardship	X	
30. Unique Physical Attributes	X	
31. Minimum Deviation Needed	X	
32. Consistent with Ordinance and Plan	X	

APPROVAL STANDARDS FOR VARIATIONS:

Parking Lot Interior Landscape Islands, Municipal Code Section 10-9-5.C

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

Applicant’s Response: The proposed variation to allow for elimination of landscaping islands for the parking lot will not endanger the health, safety, comfort, convenience, and general welfare of the public.

- 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: The proposed variation is compatible with the character of adjacent properties. None of the properties adjacent to the site have landscape islands in the existing parking lots.

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

Applicant’s Response: The proposed variation alleviates an undue hardship created by the literal enforcement of this title. If the requirements were met it would require the parking lot to be reduced by up to 4 additional spaces and would not provide enough parking for employees and visitors to the business. The land area is limited and additional land area cannot be acquired, due to existing adjacent developments.

- 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 variation to eliminate islands is created by the limitations of available land to expand the business and is not deliberately created by the applicant. The proposed number of parking spaces is less than the required and a variation for reduction of the number of spaces is being sought. No additional land is available for the expansion of the building and associated parking.

- 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: The variation to eliminate landscape islands for the parking lot is the minimum necessary to accomplish the desired improvement. Addition of islands to the parking lot would further reduce parking and make the proposed expansion not feasible.

- 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 other land use policies of the Village for expansion of an industrial business within the existing industrial park.

Landscape Islands	Meets Standard	
	<i>Yes</i>	<i>No</i>
Variation Approval Standards		
33. Public Welfare	X	
34. Compatible with Surrounding Character	X	
35. Undue Hardship	X	
36. Unique Physical Attributes	X	
37. Minimum Deviation Needed	X	
38. Consistent with Ordinance and Plan	X	

RECOMMENDATIONS:

- 1) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan at 430 Meyer Road with the following conditions:
 - a. The development shall be in accordance with the plans by Bloom Companies, LLC dated 06.16.21;
 - b. The existing 10-foot Public Utility Easement from Lot 1 should be extended south into Lot 2;
 - c. A 5-foot wide ADA compliant public sidewalk will be required along the Meyer Rd frontage of the site. The sidewalk shall be located within the public right-of-way;
 - d. A perimeter curb and gutter will be required along the proposed parking lot per the Village parking lot standard;
 - e. A final landscape plan with plant detail and quantity shall be approved by the Zoning Administrator; and
 - f. Final architecture plans shall be approved by the Zoning Administrator.

- 2) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Off-Street Parking Requirements.

- 3) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation Systems.

- 4) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Standards with the following condition:
 - a. Petitioner shall coordinate with CED Staff to determine an appropriate tree replacement agreement, final approval subject to Zoning Administrator.

- 5) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Parking Lot Landscaping Tree Canopy Coverage.

- 6) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Parking Lot Interior Landscape Islands.

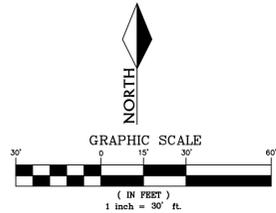
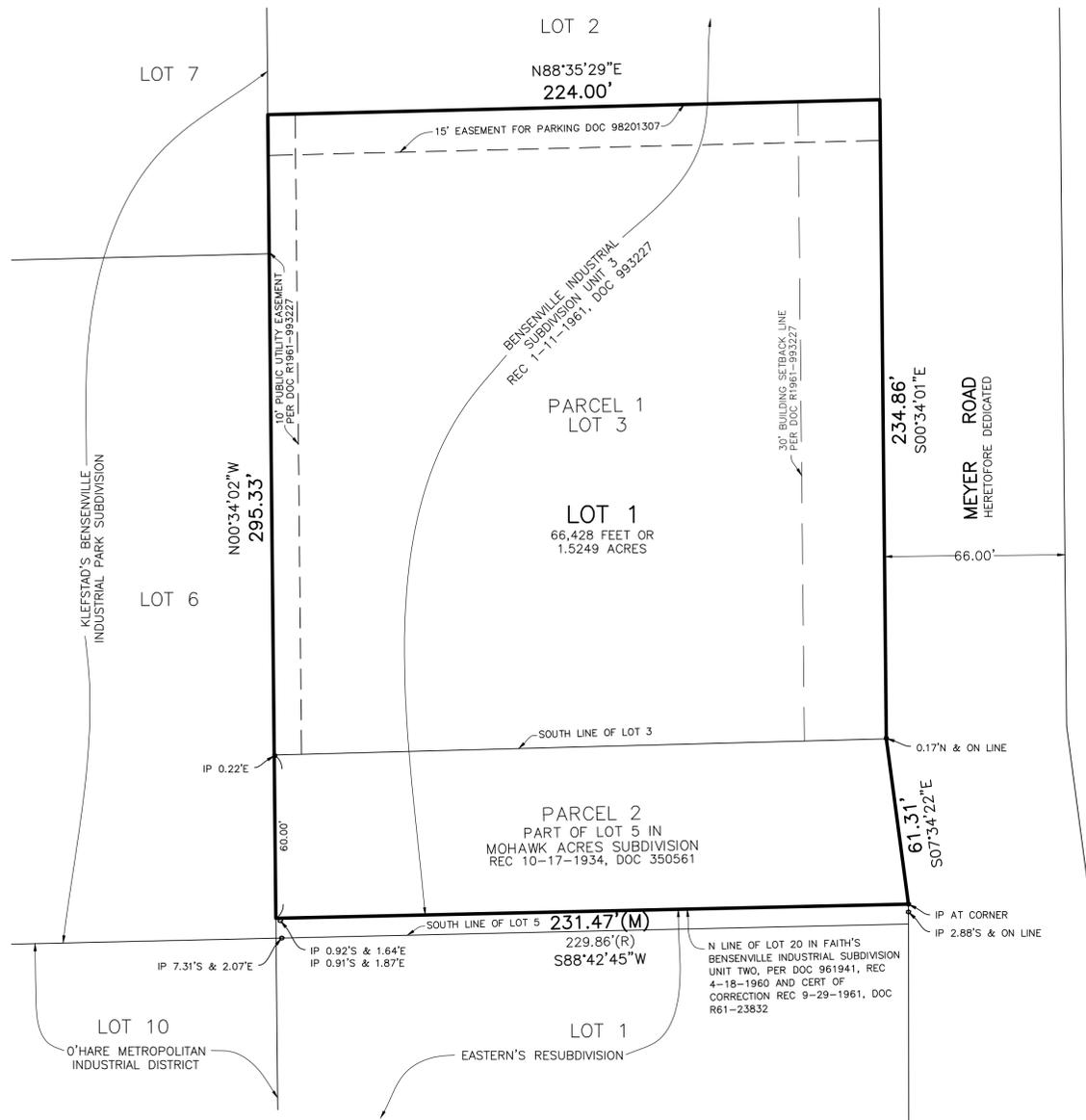
- 7) Staff recommends the Approval of the Preliminary Plat of Consolidation.

Respectfully Submitted,

Department of Community & Economic Development

KAISER FAMILY LTD. PARTNERSHIP SUBDIVISION

BEING A SUBDIVISION OF LOT 3 IN BENSENVILLE INDUSTRIAL SUBDIVISION UNIT 3 AND PART OF LOT 5 OF MOHAWK ACRES, ALL BEING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



EASEMENT PROVISIONS

NO NEW EASEMENTS GRANTED PER THIS SUBDIVISION

DRAINAGE CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATER AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE CONSOLIDATION, FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS CONSOLIDATION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS ____ DAY OF _____, 20 ____.

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER _____ REGISTRATION EXPIRATION DATE _____

PROPERTY OWNER'S SIGNATURE

BY: _____ BY: _____
OWNER OR ATTORNEY OWNER OR ATTORNEY
PRINT NAME PRINT NAME

COMMUNITY DEVELOPMENT DEPARTMENT COMMISSION CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

APPROVED THIS ____ DAY OF _____, 20 ____.
VILLAGE OF BENSENVILLE COMMUNITY DEVELOPMENT COMMISSION.

BY: _____
CHAIRMAN OF DEVELOPMENT COMMISSION

VILLAGE TREASURER CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT, INCLUDED IN THE PLAT.

DATED AT BENSENVILLE, ILLINOIS THIS ____ DAY OF _____, 20 ____.

BY: _____
VILLAGE TREASURER
VILLAGE CLERK

SURVEYOR'S DESIGNATION OF RECORDING

STATE OF ILLINOIS) SS
COUNTY OF LAKE)

I, JAMES P. MEIER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HEREBY DESIGNATE TO RECORD THIS CONSOLIDATION PLAT WITH THE COOK COUNTY RECORDER OF DEEDS. THIS DESIGNATION IS GRANTED UNDER THE RIGHT TO DESIGNATE SUCH RECORDING UNDER CHAPTER 109, SECTION 2 OF THE ILLINOIS REVISED STATUTES. AS A CONDITION OF THIS GRANT, SAID DEDIGNEE IS HEREBY REQUIRED TO PROVIDE TO THIS SURVEYOR, A CERTIFIED COPY OF SAID PLAT, IMMEDIATELY UPON RECORDING OF SAME. RECEIPT OF SAID CERTIFIED COPY WILL SERVE AS NOTICE TO THE SURVEYOR THAT THE PLAT HEREON DRAWN HAS BEEN RECORDED.

DATED THIS 10th DAY OF MAY, A.D. 2021.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3295

SURVEYOR CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF LAKE)

I, JAMES P. MEIER, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND CONSOLIDATED THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

PARCEL 1: LOT 3 IN BENSENVILLE INDUSTRIAL SUBDIVISION UNIT 3, A SUBDIVISION OF PART OF LOT 5 OF MOHAWK ACRES, A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 1961 AS DOCUMENT 993227, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 5 IN MOHAWK ACRES, A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 1934 AS DOCUMENT 350561, LYING WEST OF THE CENTERLINE OF MEYER ROAD EXTENDED SOUTHERLY (AS DEDICATED IN BENSENVILLE INDUSTRIAL SUBDIVISION UNIT THREE ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 11, 1961 AS DOCUMENT 993227); LYING SOUTHERLY OF THE SOUTH LINE OF LOT 3 IN SAID BENSENVILLE INDUSTRIAL SUBDIVISION UNIT THREE; LYING NORTHERLY OF THE NORTH LINE OF LOT 20 IN FAITH'S BENSENVILLE INDUSTRIAL SUBDIVISION UNIT TWO (ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1960 AS DOCUMENT 961941 AND CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 29, 1961 AS DOCUMENT R61-23832); AND LYING EASTERLY OF THE EAST LINE OF LOT 6 IN KLEFSTAD'S BENSENVILLE INDUSTRIAL PARK (ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 20, 1967 AS DOCUMENT R67-2065), IN DUPAGE COUNTY, ILLINOIS.

AND THAT THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY AND SUBDIVISION. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. I FURTHER CERTIFY THAT THE LAND INCLUDED BY SAID SURVEY IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BENSENVILLE, ILLINOIS.

I FURTHER CERTIFIES THAT THE PROPERTY SHOWN HEREON FALLS WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS PER FIRM, MAP NUMBER 17043C0077J, DATED AUGUST 1, 2019.

CERTIFIED AT GRAYSLAKE, ILLINOIS THIS 10th DAY OF MAY, A.D. 2021.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3295
LICENSE EXPIRES NOVEMBER 30, 2022



OWNER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____)

KAISER FAMILY LIMITED PARTNERSHIP, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED THIS ____ DAY OF _____, 20 ____.

BY: _____ PRINTED NAME: _____

BY: _____ PRINTED NAME: _____

OF: _____

NOTARY'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF _____)

I, _____, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT _____ OF SAID COMPANY, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH _____ AND _____, RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT, AND AS THE FREE AND VOLUNTARY ACT OF SAID COMPANY, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE, AS AFORESAID, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE _____ DID ALSO THEN AND THERE ACKNOWLEDGED THAT _____ HE, AS CUSTODIAN OF THE CORPORATE SEAL OF SAID COMPANY, DID AFFIX THE SAID CORPORATE SEAL TO THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT, AND AS THE FREE AND VOLUNTARY ACT OF SAID COMPANY, AS TRUSTEE, AS AFORESAID, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL, THIS ____ DAY OF _____, A.D., 20 ____.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

_____ AND _____ AS OWNERS, HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE THE ABOVE DESCRIBED PROPERTY IS LOCATED IN BENSENVILLE K-8 SCHOOL DISTRICT 2 AND HIGH SCHOOL DISTRICT 100.

DATED THIS ____ DAY OF _____, 20 ____.

BY: _____ OWNER

BY: _____ OWNER

COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

APPROVED THIS ____ DAY OF _____, 20 ____.
VILLAGE OF BENSENVILLE COMMUNITY DEVELOPMENT DEPARTMENT.

BY: _____ DIRECTOR OF COMMUNITY DEVELOPMENT

VILLAGE PRESIDENT CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF DUPAGE)

APPROVED THIS ____ DAY OF _____, 20 ____.
BY THE PRESIDENT OF THE VILLAGE OF BENSENVILLE, ILLINOIS.

BY: _____ VILLAGE PRESIDENT

ATTEST: _____ VILLAGE CLERK

TITLE COMMITMENT NOTES:

PARCEL 1: NO TITLE COMMITMENT PROVIDED BY CLIENT.
PARCEL 2: TITLE COMMITMENT PER CHICAGO TITLE COMPANY, COMMITMENT NO. 20CND135064SK DATED FEBRUARY 12, 2021, PROVIDED BY CLIENT.

SURVEYOR'S NOTES

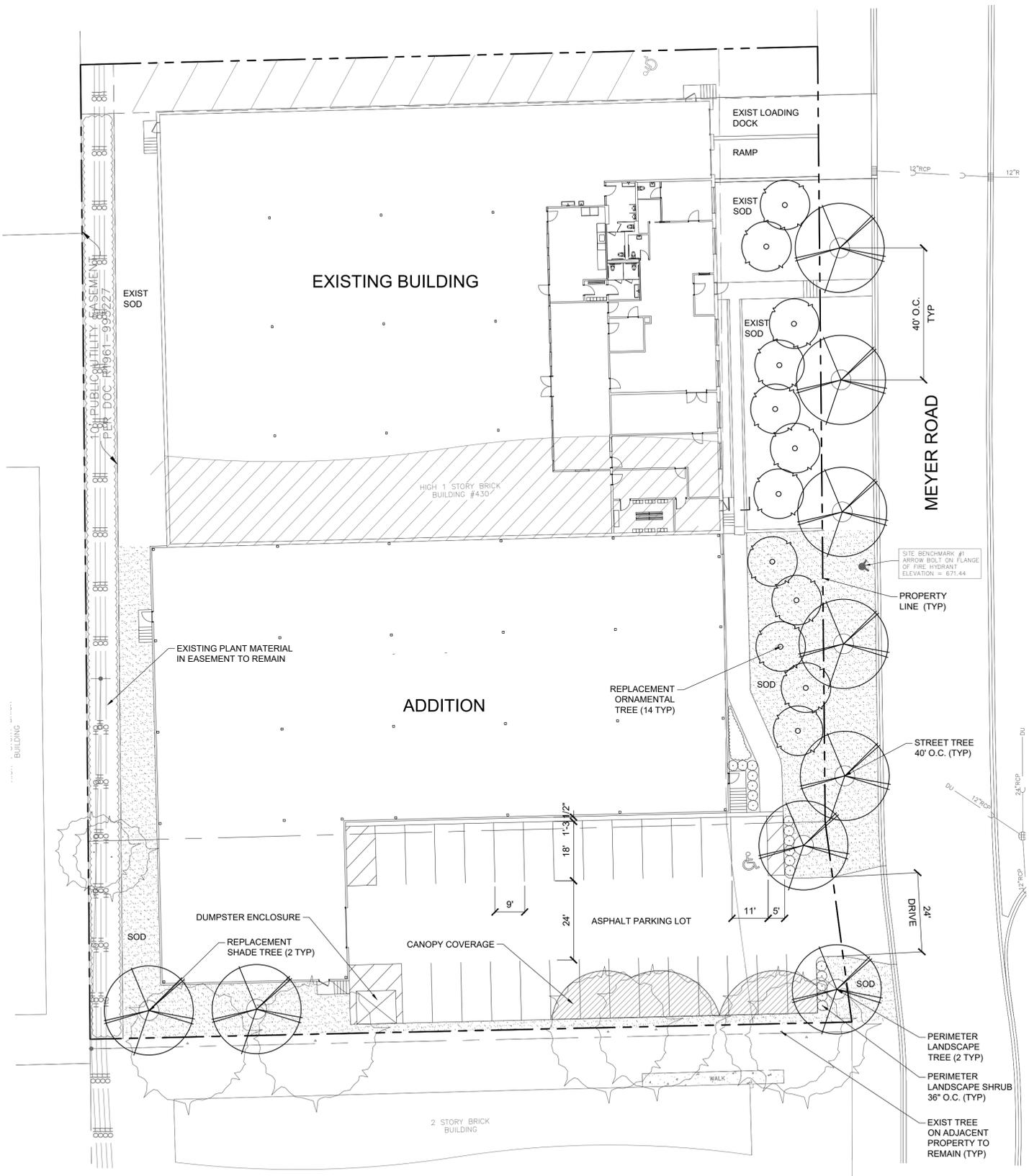
IRON PIPES OR SURVEYOR'S NAILS ARE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
ALL EASEMENTS ARE HERETOFORE GRANTED UNLESS OTHERWISE NOTED.
ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE PUBLIC UTILITIES UNLESS OTHERWISE NOTED.
BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED COORDINATE SYSTEM AND ARE INTENDED ONLY TO SHOW THE ANGULAR RELATIONSHIP BETWEEN LINES.

AREA OF PARCEL 1 = 52,656 FEET OR 1.5088 ACRES
AREA OF PARCEL 2 = 13,772 FEET OR 0.0161 ACRES
TOTAL AREA = 66,428 FEET OR 1.5249 ACRES

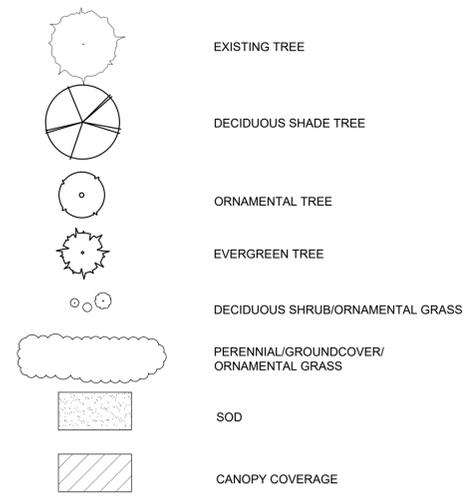
PREPARED BY:
TFW SURVEYING & MAPPING INC
LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
888 EAST BELVIDERE ROAD • SUITE 413 • GRAYSLAKE, ILLINOIS 60030
847-548-6600 FAX 548-6699
info@tfwsurvey.com www.tfwsurvey.com

DATE: MAY 10, 2021
ORDER NO: 210209-CONSOLIDATION
PROJ. NO: 3114
FOR: BLOOM COMPANIES, LLC
PROJ. NAME: MOHAWK ACRES
Copyright © TFW Surveying & Mapping, Inc., 2021. All rights reserved.
Professional Design Firm Registration #184-002793.

PRELIMINARY



PLANT LEGEND



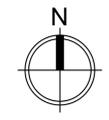
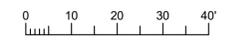
GENERAL NOTES:

1. COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES AND ORDINANCES FOR ALL WORK AND OPERATIONS.
2. KEEP ALL AREAS CLEAN, NEAT AND ORDERLY AT ALL TIMES. CLEAR OF RUBBISH AND DEBRIS. LEGALLY DISPOSE OF ALL MATERIALS REMOVED FROM THE SITE.
3. DO NOT INTERFERE WITH USE OF ADJACENT PROPERTIES INCLUDING BUT NOT LIMITED TO BUILDINGS, PARKING LOTS, STREETS OR ALLEYS.
4. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, FENCING, FURNISHINGS AND PLANTINGS, TREES AND LAWNS FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUTS, AND OTHER HAZARDS CREATED BY SITE IMPROVEMENTS. IF ANY DAMAGE OCCURS, REPAIR TO ORIGINAL CONDITION AT NO ADDITIONAL COST.
5. PROTECT AND/OR RESTORE EXISTING PARKWAY GRASS TO EXCELLENT CONDITION WITH TOPSOIL AND SOD.
6. VERIFY SITE CONDITIONS BEFORE PROCEEDING WITH WORK AND REPORT ANY CONFLICT TO AOR.
7. VERIFY DIMENSIONS IN FIELD.
8. COORDINATE WORK WITH ALL OTHER TRADES.

LANDSCAPE NOTES:

1. FOR TREE SURVEY, SEE SHEET L-100.
2. CANOPY COVERAGE REQUIRED - 40% OF 8065 SF = 3226 SF. CANOPY COVERAGE PROVIDED - 900 SF.

1 LANDSCAPE PLAN
1"=20'-0"



NO.	DESCRIPTION	DATE
1	CDC SUBMITTAL	06.16.2021

CENTURY METAL SPINNING

430 MEYER ROAD
BENSENVILLE, IL 60106

LANDSCAPE PLAN

PROJECT NUMBER	BM3-1560
DATE	06.01.2021
DRAWN BY	JO
CHECKED BY	JO

L-200
SCALE 1" = 20'-0"

TYPE: Public Hearing **SUBMITTED BY:** K. Fawell **DEPARTMENT:** CED **DATE:** 08.03.21

DESCRIPTION:

CDC Case 2021-20: Consideration of a Paved Parking Area Variation at 449 S Center 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:

1. Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

SUMMARY:

1. The Petitioner is seeking a Variation to allow a 34' by 25' paved parking area in the rear yard to be accessed from the alley.
2. The existing gravel area has been used for vehicle parking, for which the property has received four correction notices since 2018.
3. Any gravel areas abutting pavement – in the event the request is approved – must be reverted to green space.
4. Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage, and shall be 10' by 20' per vehicle parking space, with a maximum of 2 spaces allowed. The area shall be accessed from an alley at the rear of the lot and shall be located one foot or more from an interior lot line and three feet or less from the rear lot line.

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for a Paved Parking Area at 449 S Center Street with the following conditions:
 1. The pavement shall be pitched in accordance with the recommendations of the Village Engineer;
 2. The paved parking area shall be 20 feet by 20 feet; and
 3. Any remaining gravel area shall be reverted to green space, subject to review and approval by the Zoning Administrator.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Approval Standards Letter	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Plat of Survey w/ Plans	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

**Community Development Commission
Public Hearing 08.03.21**

CDC Case #2021 – 20

**Aaron & Debra White
449 S Center Street**

**Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4**

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





Village of Bensenville

449 S Center St.



Village of Bensenville

Zoning Map



**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, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 20 to consider a request for:

Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G.4

at 449 S Center Street in an existing R – 2 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:

OF PROPERTY DESCRIBED AS LOT 31 IN VOLK BROTHERS' EDGEWOOD SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 22 AND THE NORTH HALF OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT NO. 213084, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 449 S Center Street, Bensenville, IL 60106.

Aaron & Debra White of 449 S Center Street, Bensenville, IL 60106 are the owners of 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 449 S. Center St., Bensenville, IL 60106

Property Index Number(s) (PIN): 03-23-213-009-0000

A. PROPERTY OWNER:

Aaron White & Debra White

Name	Corporation (if applicable)	
449 S. Center St., Bensenville, IL 60106		
Street		
Bensenville	IL	60106
City	State	Zip Code
Aaron D. White, Jr. (Attorney)	312-855-6414	awhite@chuhak.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

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)

Owners are seeking a variation to pave their 4-spot parking area at the rear of their property, off the alley. A variation is required because the parking area is not adjacent to a garage.

C. PROJECT DATA:

1. General description of the site: Single-family home with gravel parking area located behind fence.
2. Acreage of the site: 0.22 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.)

Village Code Section 10-8-8-4 (regarding paved parking area)

IPMC Section 302.3 of the Village Code (regarding parking and driveway areas)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	R-2	Single-Unit Dwelling	Bensenville
North:	R-2	Single-Unit Dwelling	Bensenville
South:	R-2	Single-Unit Dwelling	Bensenville
East:	C-2	Commercial	Bensenville
West:	R-2	Single-Unit Dwelling	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."



Aaron D. White, Jr.

Writer's Direct Line
(312) 855-6414

Writer's Email
awhite@chuhak.com

July 3, 2021



Re: Variance Application - 449 S. Center St. (the "Property")

To Whom It May Concern,

I represent the owners of the Property, Aaron D. White and Debra M. White (collectively, "Owners"), regarding their request for a zoning variance from the Village of Bensenville ("Village") and submit this letter in support thereof. For the reasons discussed below, the requested variance satisfies the approval standards set forth in the Village Code.

1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

As discussed in further detail below, the proposed variation will enable the Owners to comply with Section 302.3 of the International Property Maintenance Code, as adopted and incorporated into the Village Code, which provision is aimed at protecting the health, safety, comfort, convenience, and general welfare of the public. By granting the variance request, the Village will enable the Owners to pave what is now a gravel parking area.

2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

Directly east of the Property, is the paved, commercial parking area of the Mamma Maria's Restaurant. Permitting the Owners to pave their gravel parking area without having to build a garage will result in a parking area that matches the Mamma Maria's parking area. Additionally, other properties on the same alley have cars parked behind the fences separating the residences, so the proposed variation is consistent with the area.

3. The proposed variation alleviates an undue hardship created by the literal enforcement of this title.

Currently, the Owners have a four-spot gravel parking area adjacent to the alley at the rear of the Property, which is separated from the main yard and house by a fence. The gravel parking area existed at the time the Owners purchased the Property in 1990. At the time of purchase, the Owners received a Real Estate Transfer Inspection Certificate of Occupancy dated May 11, 1990 from the Director of Building & Zoning of the Village ("Certificate"). The Certificate indicated that the Property had been inspected on March 27, 1990 and May 10, 1990 and was "found to conform to the requirements of the Real Estate Transfer Ordinance and the Zoning Ordinance of

July 3, 2021
Page 2



the Village of Bensenville.” Based on the Village’s representations in the Certificate, the Owners purchased the Property and have used the gravel parking area to park their vehicles for the past 31 years.

In 2015, the Village Code was amended to incorporate the International Property Maintenance Code, specifically Section 302.3. As adopted by the Village, that section provides, “All parking and driveway areas shall be paved with asphalt, concrete or approved paver stone or brick, shall be kept free from dirt and other litter or debris, and shall be kept in good repair.” Based on this ordinance, the Village is now requiring the Owners to pave their parking area, which had consisted of gravel for 25 years at the time the ordinance was adopted and was approved by the Village at the time of purchase.

When the Owners applied for a permit to pave their parking area, in an effort to comply with Section 302.3, they were denied a permit on June 2, 2021 on the basis that the Village’s zoning ordinances only permit a gravel parking area to exist adjacent to a garage; they do not permit a stand-alone gravel parking area. Section 10-8-8-4 of the Village Code provides that “Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage.”

These two provisions of the Village Code appear to be at odds with one another. Their practical effect is to require an owner to pave any gravel parking area, but that parking area has to be adjacent to a garage. In order to comply with these provisions of the Village Code without the granting of a variance, the Owners will either have to build a garage and then pave their gravel parking area, which they are financially unable to do—and shouldn’t have to do, based on the Village’s prior certification of the Property—or they will have to make arrangements to park their vehicles elsewhere, not on the Property. Thus, the proposed variation alleviates an undue hardship caused by a literal enforcement of Section 10-8-8-4.

4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

As discussed above, the gravel parking area existed at the time the Owners purchased the Property and was not created by them. Further, the Village approved the gravel parking area when it inspected the Property twice in 1990 and issued the Certificate. Had there been any indication from the Village to the Owners at that time that they would not be able to park their vehicles on the gravel parking area, they would not have purchased the Property.

5. The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Currently, the Owner’s parking area consists of a 4-spot gravel area adjacent to the alley at the rear of the Property. Allowing the Owners to simply pave the existing parking area without building a garage represents a minimal deviation because it will allow the Owners to comply with

July 3, 2021
Page 3

Section 302.3, thereby improving and enhancing the parking area while achieving the Village's goals of safety and proper maintenance.

6. The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and other land use policies of the Village.

As discussed above, the proposed variation is consistent with the land use policies of the Village because it will allow the Owners to comply with Section 302.3 of the Village Code. Moreover, it will give the Owners the equivalent parking area—a 4-spot paved parking area—as if they had a two-car garage and then two paved spaces adjacent. Thus, the request is consistent with what the Village Code otherwise would allow.

Please contact the undersigned with questions regarding any of the matters addressed herein.

Sincerely,



Aaron D. White, Jr.

ADW:





COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 20
PROPERTY: 449 S Center Street
PROPERTY OWNER: Aaron & Debra White
APPLICANT: Same as Above
SITE SIZE: 0.22 AC
BUILDING SIZE: N/A
PIN NUMBER: 03-23-213-009
ZONING: R-2 Single-Unit Dwelling District
REQUEST: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15 2021.
3. On Monday, July 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 Variation to allow a 34’ by 25’ paved parking area in the rear yard to be accessed from the alley. The existing gravel area has been used for vehicle parking, for which the property has received four correction notices since 2018. Any gravel areas abutting pavement – in the event the request is approved – must be reverted to green space.

Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage, and shall be 10’ by 20’ per vehicle parking space, with a maximum of 2 spaces allowed. The area shall be accessed from an alley at the rear of the lot and shall be located one foot or more from an interior lot line and three feet or less from the rear lot line.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	R – 2	Residential	Single Family Residential	Village of Bensenville
North	R – 2	Residential	Single Family Residential	Village of Bensenville
South	R – 2	Residential	Single Family Residential	Village of Bensenville
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	R – 2	Residential	Single Family Residential	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) Account is up to date.

Police:

- 1) No objections.

Engineering and Public Works:

- 1) The proposed drainage pattern should follow the existing pattern and pitch into the alley. Basins are located behind each of the next-door neighbors. It should not adversely impact the neighboring properties. The proposed elevations should remain similar to the existing.

Community & Economic Development:

Economic Development:

- 1) No comments.

Fire Safety:

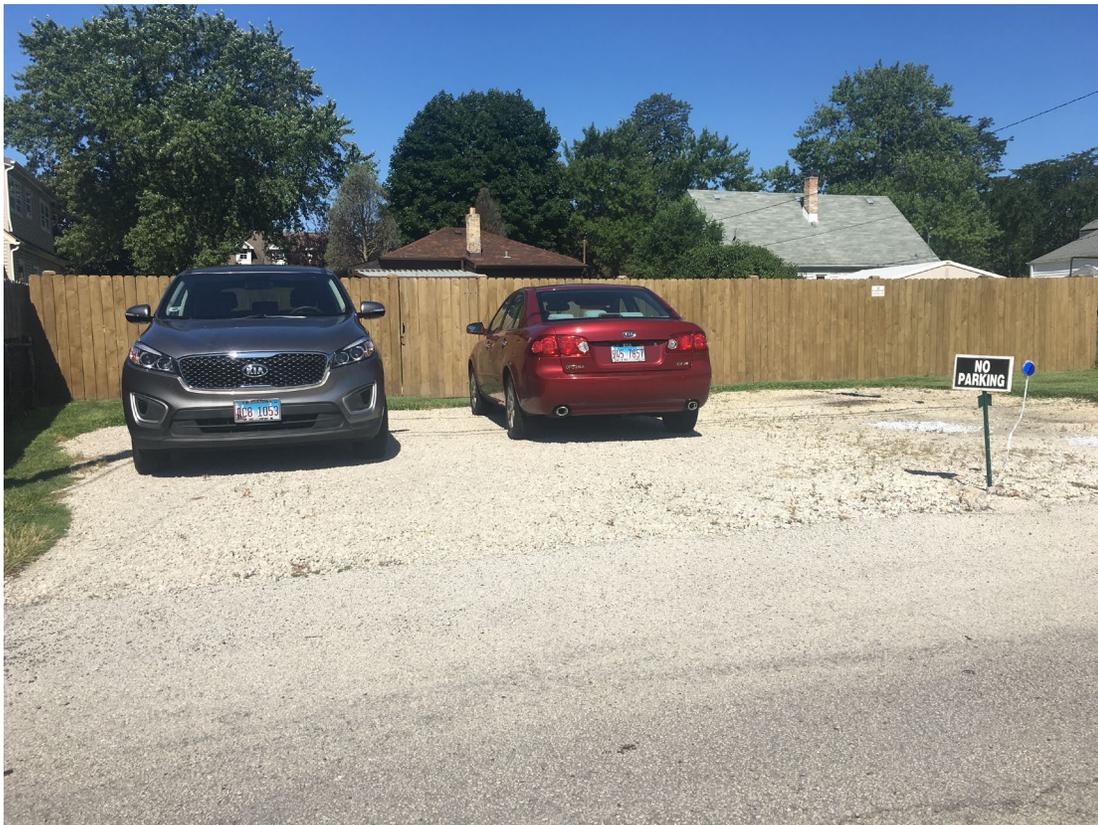
- 1) No comments.

Building:

- 1) Please note that a paved parking area is built differently than that of a garage slab. Should this request be approved and the proposed parking area is built, constructing a garage on this area will not be permitted as the foundation will not have the required footings for that of a garage. If the applicants desires to build the slab with the intention of building a garage at some point they will need frost protected footings.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Single Family Residential” for this property.
- 2) The current zoning is R-2 Single-Unit Dwelling District.
- 3) A Variation is needed as the proposed paving parking area does not meet the Village Zoning Ordinance due to the following: these areas are required to be adjacent to a detached garage and have a maximum area of 20’ by 20’ (10’ by 20’ per vehicle space). The subject property currently has no garage, and the proposed pad is 34’ by 25’.
- 4) A paved parking area Variation is a common request, and is typically approved; however, most approved meet the dimension standards. The most recently approved paved parking area Variation for at 243 Spruce Avenue with a size of 10’ by 20’. In December 2020, a 20’ by 20’ paved parking area, nonadjacent to a garage, was approved at 146 S Mason.
- 5) The paved parking area shall be in accordance with other requirements of Section 10 – 8 – 8.G – 4, which state that are shall be located one foot or more from the interior lot line and three feet or less from the rear lot line.



Existing Site Conditions

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: As discussed in further detail below, the proposed variation will enable the Owners to comply with Section 302.3 of the International Property Maintenance Code, as adopted and incorporated into the Village Code, which provision is aimed at protecting the health, safety, comfort, convenience, and general welfare of the public. By granting the variance request, the Village will enable the Owners to pave what is now a gravel parking area.

- 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: Directly east of the Property, is the paved, commercial parking area of the Mamma Maria's Restaurant. Permitting the Owners to pave their gravel parking area without having to build a garage will result in a parking area that matches the Mamma Maria's parking area. Additionally, other properties on the same alley have cars parked behind the fences separating the residences, so the proposed variation is consistent with the area.

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

Applicant's Response: Currently, the Owners have a four-spot gravel parking area adjacent to the alley at the rear of the Property, which is separated from the main yard and house by a fence. The gravel parking area existed at the time the Owners purchased the Property in 1990. At the time of purchase, the Owners received a Real Estate Transfer Inspection Certificate of Occupancy dated May 11, 1990 from the Director of Building & Zoning of the Village ("Certificate"). The Certificate indicated that the Property had been inspected on March 27, 1990 and May 10, 1990 and was "found to conform to the requirements of the Real Estate Transfer Ordinance and the Zoning Ordinance of the Village of Bensenville." Based on the Village's representations in the Certificate, the Owners purchased the Property and have used the gravel parking area to park the vehicles for the past 31 years.

In 2015, the Village Code was amended to incorporate the International Property Maintenance Code, specifically Section 302.3. As adopted by the Village, that section provides, "All parking and driveway areas shall be paved with asphalt, concrete, or approved paver stone or brick, shall be kept free from dirt and other litter or debris, and shall be kept in good repair." Based on this ordinance, the Village is now requiring the Owners to pave their parking area, which had consisted of gravel for 25 years at the time the ordinance was adopted and was approved by the Village at the time of purchase.

When the Owners applied for a permit to pave their parking area, in an effort to comply with Section 302.3, they were denied a permit on June 2, 2021 on the basis that the Village's zoning ordinances only permit a gravel parking area to exist

adjacent to a garage; they do not permit a stand-alone gravel parking area. Section 10-8-8-4 of the Village Code provides that “Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage.”

These two provisions of the Village Code appear to be at odds with one another. Their practical effect is to require an owner to pave and gravel parking area, but that parking area has to be adjacent to a garage. In order to comply with these provisions of the Village Code without the granting of a variance, the Owners will either have to build a garage and then pave their gravel parking area, which they are financially unable to do – and shouldn’t have to do, based on the Village’s prior certification of the Property – or they will have to make arrangements to park their vehicles elsewhere, not on the Property. Thus, the proposed variations alleviates an undue hardship caused by a literal enforcement of Section 10-8-8-4.

- 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: As discussed above, the gravel parking area existed at the time the Owners purchased the Property and was not created by them. Further, the Village approved the gravel parking area when it inspected the Property twice in 1990 and issued the Certificate. Had there been any indication from the Village to the Owners at that time that they would not be able to park their vehicles on the gravel parking area, they would not have purchased the Property.

- 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: Currently, the Owner’s parking area consists of a 4-spot gravel area adjacent to the alley at the rear of the Property. Allowing the Owners to simply pave the existing parking area without building a garage represents a minimal deviation because it will allow the Owners to comply with Section 302.3, thereby improving and enhancing the parking area while achieving the Village’s goals of safety and proper maintenance.

- 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: As discussed above, the proposed variation is consistent with the land use policies of the Village because it will allow the Owners to comply with Section 302.3 of the Village Code. Moreover, it will give the Owners the equivalent parking area – a 4-spot paved parking area – as if they had a two-car garage and then two paved spaces adjacent. Thus, the request is consistent with what the Village Code otherwise would allow.

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 for a Paved Parking Area at 449 S Center Street with the following conditions:

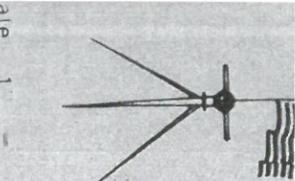
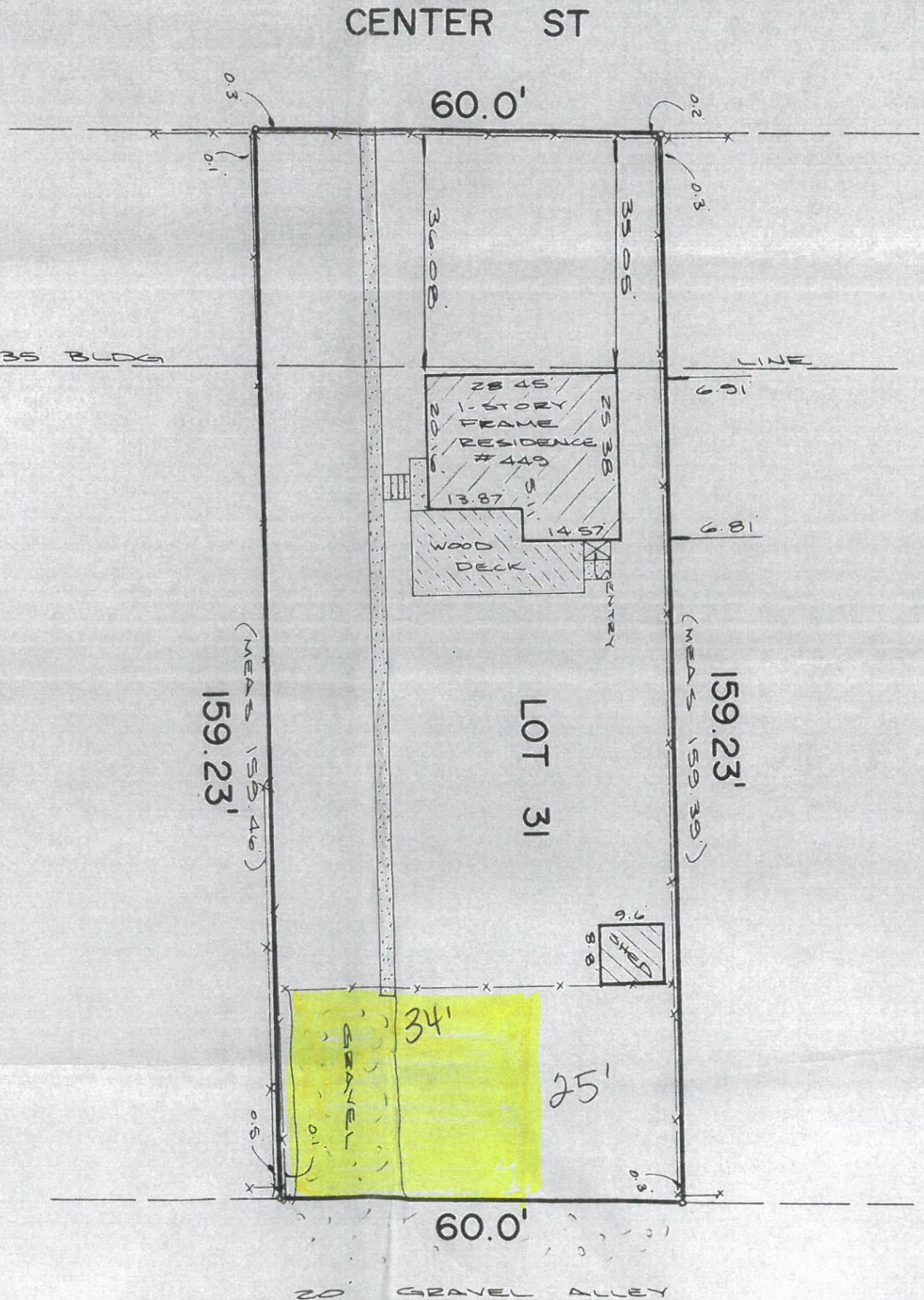
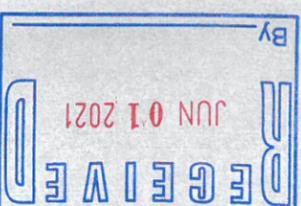
- 1) The pavement shall be pitched in accordance with the recommendations of the Village Engineer;
- 2) The paved parking area shall be 20 feet by 20 feet; and
- 3) Any remaining gravel area shall be reverted to green space, subject to review and approval by the Zoning Administrator.

Respectfully Submitted,

Department of Community & Economic Development

Plat of Survey

OF PROPERTY DESCRIBED AS LOT 31 IN VOLK BROTHERS' EDGEWOOD SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 22 AND AND THE NORTH HALF OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT NO. 213084, IN DEPAGE COUNTY, ILLINOIS.



Order # 88033 (Dziadloweic)
 Ordered by Kupisch & Hunt, Ltd.
 Prop. address 449 Center St.
 Bensenville, IL

Distances are given in feet and decimal parts thereof

- indicates iron stake found
- indicates iron stake set
- ✕✕ indicates fencing
- indicates concrete

State of Illinois) SS
 County of DuPage)

I, William M. TenBusch, an Illinois Registered Land Surveyor, do hereby certify that I have located the above shown buildings as of this 9th day of FEBRUARY, 19 88

William M. TenBusch
 Registered Land Surveyor # 2767

Refer to deed or title policy for any building lines or easements not shown. No dimension shall be assumed by scale

20222 DATED SURVEY
 RECEIVED 8th day of MAR
William M. TenBusch
 Registered Land Surveyor # 2767

State of Illinois) SS
 County of DuPage)

I, William M. TenBusch, an Illinois Registered Land Surveyor, do hereby certify that I have located the above described property and that this is a true and correct representation of said survey as of this 19th day of FEBRUARY, 19 88

William M. TenBusch
 Registered Land Surveyor # 2767

Plat not valid without embossed seal

TYPE:

Public Hearing

SUBMITTED BY:

K. Fawell

DEPARTMENT:

CED

DATE:

08.03.21

DESCRIPTION:CDC Case 2021-21: Consideration of a Paved Parking Area Variation at 301 S Judson 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, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

SUMMARY:

- The Petitioner is seeking a Variation to allow a 21' by 23' paved parking area in the corner side yard.
- The proposed area is adjacent to the detached garage and will be accessed from the alley.
- The Zoning Ordinance only permits paved parking areas in the rear yard- the proposed falls into the corner side yard by approximately 5.5 feet.
- The Zoning Ordinance also mandates that paved parking areas shall be 10' by 20' per vehicle space, with a maximum of two spaces per zoning lot, and must be located 1' from an interior lot line and 3' or less from a rear lot line. The proposed area's depth includes the 3' maximum rear setback, but does exceed Code's maximum width of 20 feet.
- Staff recommends the paved parking area Variation be denied due to the above visibility concerns. Denial of the request would still allow the Petitioner to construct a paved parking area that allows for one 10 feet by 20 feet vehicle parking space.

RECOMMENDATION:

- Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for a Paved Parking Area at 301 Judson Street.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Plat of Survey w/ Plans	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

**Community Development Commission
Public Hearing 08.03.21**

CDC Case #2021 – 21

**Timothy Hengels
301 S Judson Street**

**Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4**

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





Village of Bensenville

301 S Judson

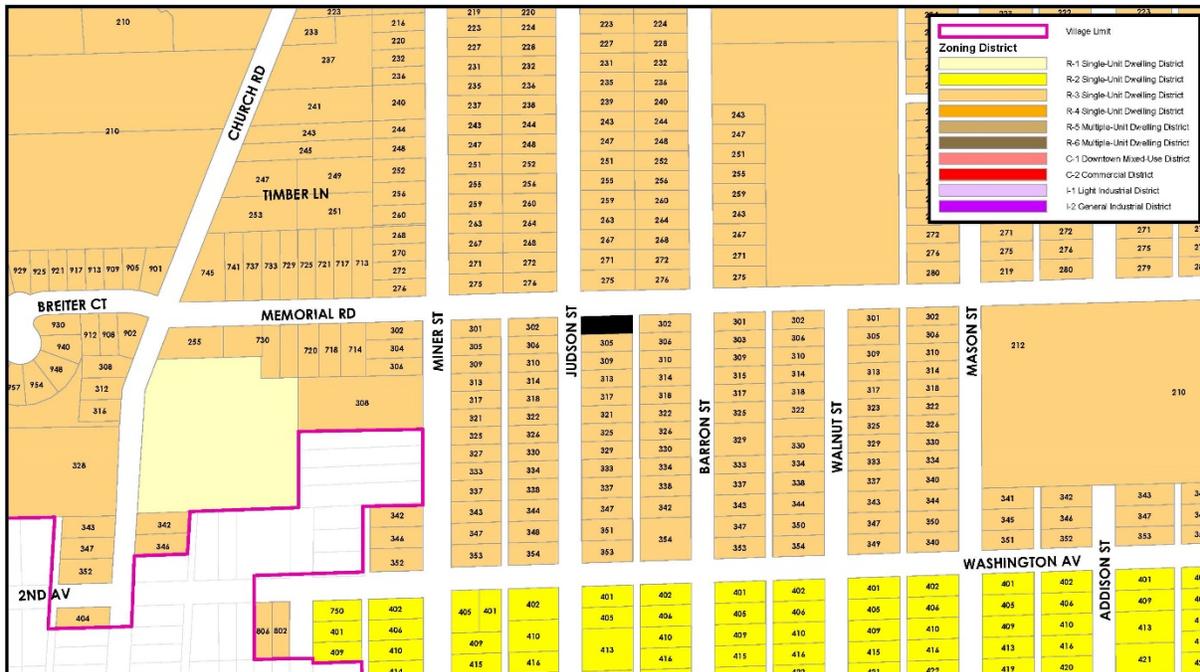


Date: 7/2/2021



Village of Bensenville

Zoning Map



Date: 7/2/2021

**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, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 21 to consider a request for:

Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G.4

at 301 S Judson 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 60 IN THIRD ADDITION TO EDGEWOOD, BEING A SUBDIVISION IN THE NORTH ½ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1933 AS DOCUMENTS 339234, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 301 S Judson Street, Bensenville, IL 60106.

Timothy Hengels of 301 S Judson Street, Bensenville, IL 60106 is the owner of and 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

For Office Use Only

Date of Submission: 7/2/21 MUNIS Account #: 11196 CDC Case #: 2021-21

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 301 Judson St, Bensenville 60106

Property Index Number(s) (PIN): 0323201001

A. PROPERTY OWNER:

Name Timothy Hengels Corporation (if applicable)

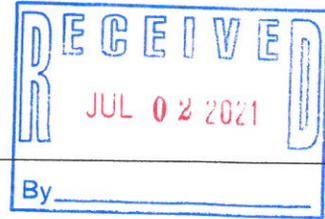
Street 301 Judson St.

City Bensenville IL State IL Zip Code 60106

Contact Person Basia Lukaszczyk Telephone Number 630-808-6998 Email Address blukaszczyk@gmail.com

*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)

Add 2 car drive way next to garage on North side. Need parking spaces for teenage Drivers.

C. PROJECT DATA:

- General description of the site: SE Corner Lot @ Memorial + Judson AKA 301 Judson St Bensenville, IL 60106
- Acreage of the site: 7317 sq ft Building Size (if applicable): _____
- Is this property within the Village limits? (Check applicable below)
 - Yes
 - No, requesting annexation
 - No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
- List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	R-3	Single-unit residential	Village of Bensenville
North:	R-3	↓	Village of Bensenville
South:	R-3		Village of Bensenville
East:	R-3		Village of Bensenville
West:	R-3		Village of 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."





COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 21
PROPERTY: 301 S Judson Street
PROPERTY OWNER: Timothy Hengels
APPLICANT: Same as Above
SITE SIZE: 0.17 AC
BUILDING SIZE: N/A
PIN NUMBER: 03-23-201-001
ZONING: R-3 Single-Unit Dwelling District
REQUEST: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15 2021.
3. On Monday, July 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 Variation to allow a 21’ by 23’ paved parking area in the corner side yard. The proposed area is adjacent to the detached garage and will be accessed from the alley. The Zoning Ordinance only permits paved parking areas in the rear yard- the proposed falls into the corner side yard by approximately 5.5 feet.

The Zoning Ordinance also mandates that paved parking areas shall be 10’ by 20’ per vehicle space, with a maximum of two spaces per zoning lot, and must be located 1’ from an interior lot line and 3’ or less from a rear lot line. The proposed area’s depth includes the 3’ maximum rear setback, but does exceed Code’s maximum width of 20 feet.

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:

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

Finance:

- 1) Account up to date.

Police:

- 1) No objections.

Engineering and Public Works:

Engineering:

- 1) Current drainage patterns shall not be altered. Drainage shall not cause any adverse impacts to neighboring properties.

Public Works:

- 1) Paved parking area shall be pitched to the east, so that the runoff goes into the inlet in the alley directly adjacent.

Community & Economic Development:

Economic Development:

- 1) No comments.

Fire Safety:

- 1) No comments.

Building:

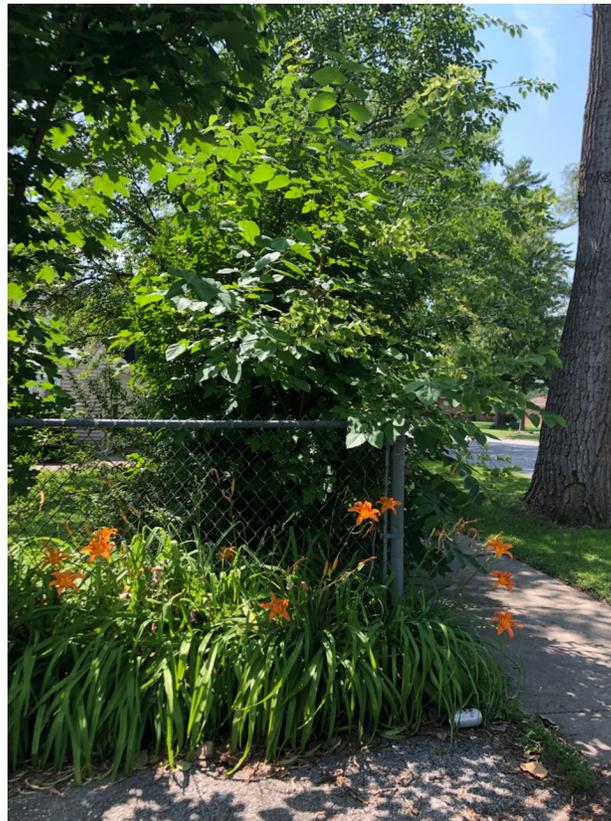
- 1) No comments.

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) A Variation is needed as the proposed paved parking area falls into the corner side yard by approximately 5.5 feet, while it is only permitted in the rear yard. The area also exceeds the Zoning Ordinance’s maximum size of 20’ by 20’- the proposed is 21’ by 23’.
 - a. Please note that the depth does not exceed the maximum, as the 20’ deep paved parking area is permitted to be located a maximum of 3’ from the rear property line.
- 4) A paved parking area Variation is a common request, and is typically approved; however, most approved meet the dimension standards. A Variation for a paved parking area in the corner side yard, with a size of 10’ by 20’, was recently approved at 243 Spruce Avenue. In December 2020, a 20’ by 20’ paved parking area, nonadjacent to a garage, but located in the rear yard, was approved at 146 S Mason.
- 5) Staff has concerns that vehicles parked on the northern spot on the paved parking area will impede visibility for pedestrians and drivers. Typically, any structure between 2.5 feet and 8 feet in height within a sight triangle area is considered an obstruction. Memorial Road is a highly trafficked area due to the property’s close proximity to Tioga Elementary School.
 - a. A typical sight vision triangle is formed by measuring 10 feet along the lot line along the alley and 10 feet along the right-of-way.
 - b. Staff recommends the paved parking area Variation be denied due to the above visibility concerns. **Denial of the request would still allow the Petitioner to construct a paved parking area that allows for one 10 feet by 20 feet vehicle parking space.**



Sight Triangle Area



Existing Vegetation in Sight Triangle Area

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: The proposed Variation (parking spaces) is very much needed for our family of 5 and our family's living situation. Currently, there are 2 adults that each have a vehicle. As of this year, our son, Vinny has obtained his permit. Within the year, he plans to obtain his driver's license thereby inching closer to a vehicle. We also have 2 additional children who will be driving in the near future, and they will also need parking spaces for their vehicles. Right now, the only parking space on our property is the detached garage which is only big enough for 2 vehicles. It is imperative that we create additional parking spaces for the children. Furthermore, Bensenville does not allow vehicles to be parked on the street between 2am to 6am, so we cannot leave the additional vehicles on the street each night. The proposed Variation to our property will not endanger the health, safety, comfort, convenience, nor general welfare of the public.

- 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: Furthermore, it is very compatible with the character of adjacent properties and other properties within immediate vicinity of the proposed Variation. There are some houses that have parking spaces either side by side to the sidewalk or within 2 to 3 feet of the sidewalk on Memorial Street. There are many other properties in Bensenville that exhibit this same Variation. The parking spaces will be facing east and west to the alley and perpendicular to the sidewalk, but we do plan for it to be a few feet away from the sidewalk.

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

Applicant's Response: The proposed Variation alleviates an undue hardship created by literal enforcement of the title.

- 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: Yes, the proposed Variation is very much needed due to the unique physical attributes of the property which was not deliberately created by us, the applicants. When the property was bought, it only had a detached garage with 2 parking spaces. This worked well because only the 2 adults had vehicles, and there was only 1 child (3 years old at the time) in the family. Due to the properties "original physical attributes" it hinders the family's living situation and needs to be modified to the current state of affairs.

- 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: The proposed Variation does represent the minimum deviation from the regulations of the title necessary to accomplish the desired improvement to the property.

- 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: Lastly, the proposed Variation is consistent with the intent of the Comprehensive Plan, the title, and other land use policies of the Village.

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 Denial of the above Findings of Fact and therefore the Denial of the Variation for a Paved Parking Area at 301 Judson Street.

Respectfully Submitted,

Department of Community & Economic Development

PLAT OF SURVEY

OF

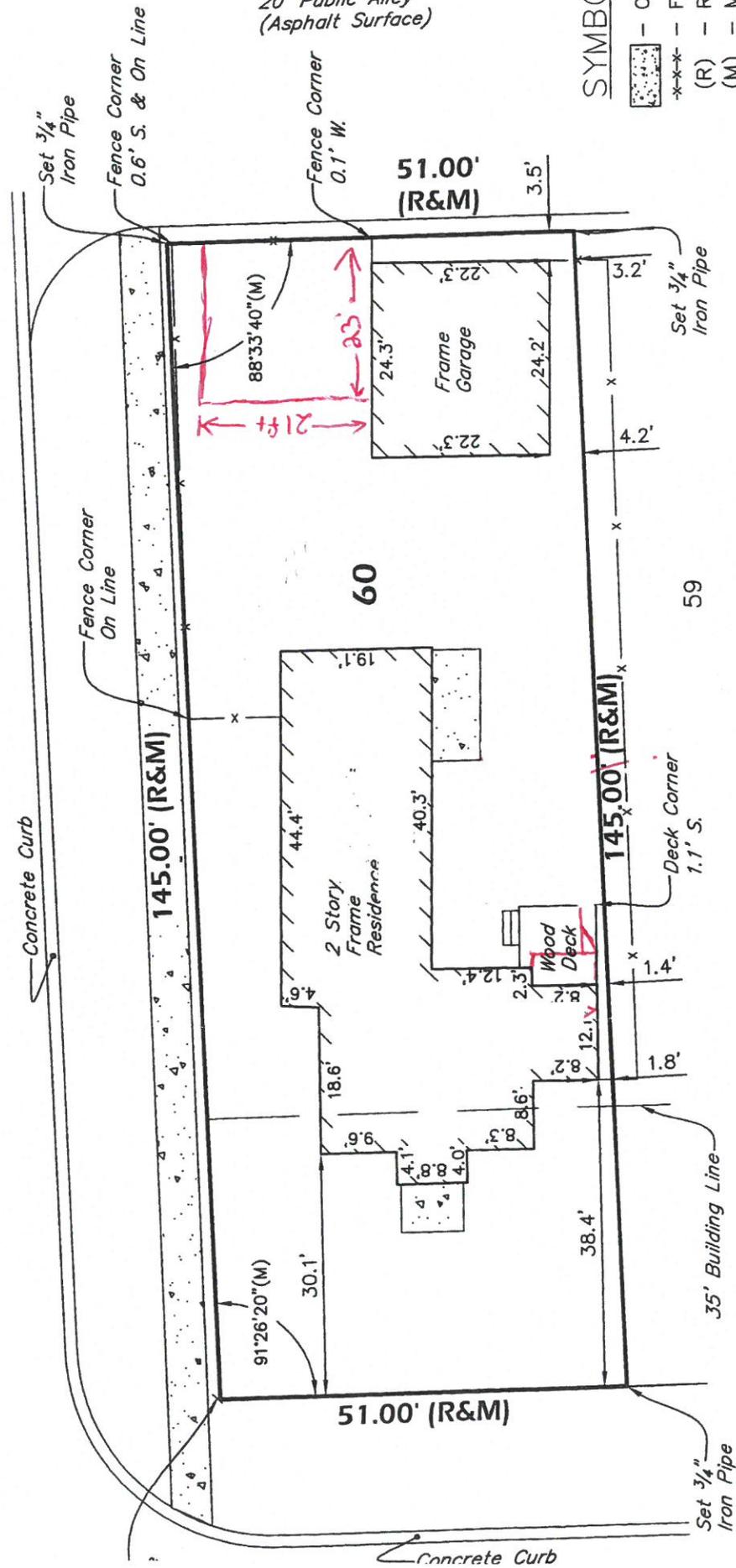
LOT 60 IN THIRD ADDITION TO EDGEWOOD, BEING A SUBDIVISION IN THE NORTH 1/2 OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1933 AS DOCUMENT 339234, IN DUPAGE COUNTY, ILLINOIS.

MEMORIAL ROAD
(FIRST AVENUE)
(66' R.O.W.)

SCALE: 1" =



2419
534
200
3402



SYMBOL LEGEN

- CONCRETE SURF.
- - - FENCE LINE
- (R) — RECORD DATA
- (M) — MEASURED DATA

PREPARED FOR: BIENEMAN
JOB ADDRESS: 301 SOUTH JUDSON STREET
BENSENVILLE, ILLINOIS

2006

TYPE: Public Hearing **SUBMITTED BY:** K. Fawell **DEPARTMENT:** CED **DATE:** 08.03.21

DESCRIPTION:

CDC Case 2021-22: Consideration of a PUD Amendment to Allow an EMC at 904-910 W Irving Park Road.

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. Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4
**To grant a Code Departure from:*
Electronic Message Sign Location, 10 – 10 – 5.B – 4.a.3

SUMMARY:

1. In 2020, the Petitioner was granted a PUD to construct a car wash at 904-910 W Irving Park Road.
2. Gem Car Wash is now seeking an Amendment to that PUD, requesting a Code Departure to allow an electronic message sign as a component of a monument sign on the property.
3. The Zoning Ordinance prohibits EMCs to be located within one mile of the property line of a lot on which an existing EMC is located.
4. There are 8 existing EMCs on Irving Park Road, all under a mile from the subject property.
5. The submittal features additional plans for 3 wall signs. These do not require any code departures, but have been included as they are part of the overall signage project.

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Amendment to a Planned Unit Development at 904-910 W Irving Park Road with the following conditions:
 1. All conditions of approval set forth in Ordinance #35-2020 granting approval of a Planned Unit Development are consequently conditions of approval of the Planned Unit Development Amendment granted herein;
 2. Freestanding sign shall be accordance with submitted plans dated 06.18.2021;
 3. Illuminated signs shall be turned off by no later than 30 minutes after close of business, which is 9:30PM;
 4. A landscape plan indicating plant material and quantity, subject to Zoning Administrator review and approval, shall be submitted with a building permit application; and
 5. Temporary signage shall no longer be permitted at this property.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary
Figure: Existing EMCs Nearby	7/26/2021	Exhibit
Freestanding Sign Plans	7/26/2021	Backup Material

Wall Sign Plans
Plat of Survey

7/26/2021
7/26/2021

Backup Material
Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

**Community Development Commission
Public Hearing 08.03.21**

CDC Case #2021 – 22

**Mirjan Sadik of Gem Car Wash II LLC
904-910 W Irving Park Road**

Amendment to a Planned Unit Development

Municipal Code Section 10 – 4 – 4

****To grant a Code Departure from:***

Electronic Message Sign Location, Section 10 – 10 – 5.B – 4.a.3

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





Village of Bensenville

904-910 W Irving Park Rd

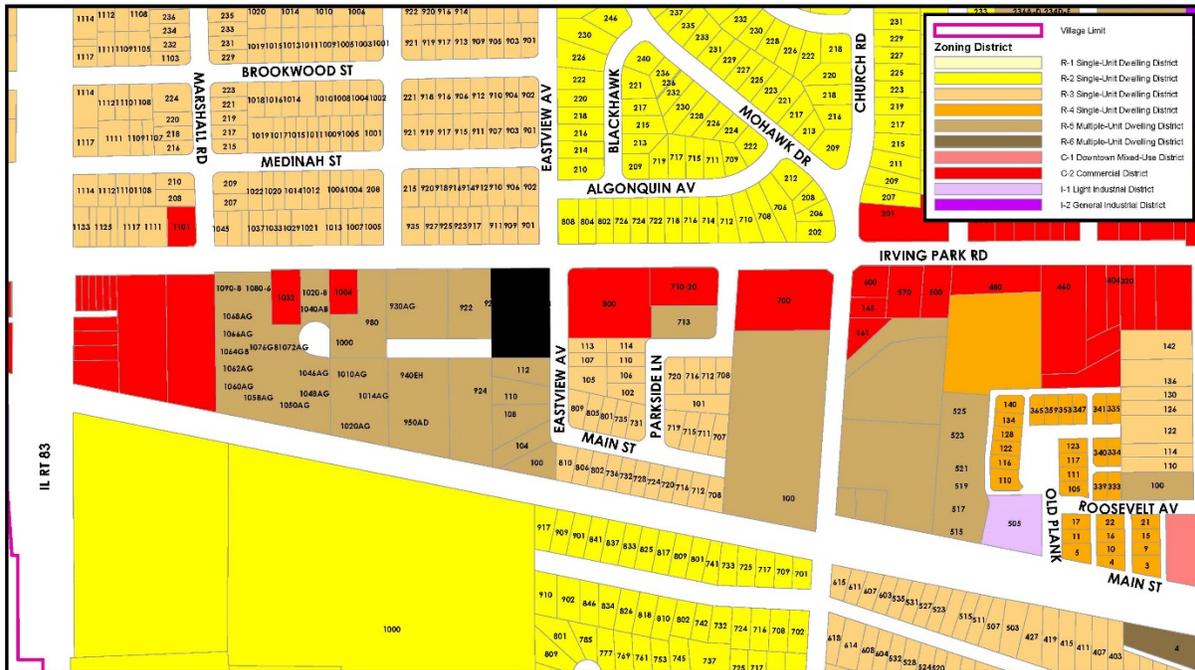


Date: 7/2/2021



Village of Bensenville

Zoning Map



Date: 7/2/2021

**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, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 22 to consider a request for:

Amendment to Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

*TO GRANT A CODE DEPARTURE FOR:

Electronic Message Sign Location
Municipal Code Section 10 – 10 – 5B – 4a3

at 904-910 W Irving Park Road 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:

PARCEL 1:

THE EAST 229 FEET (EXCEPT THE EAST 80 FEET THEREOF) AND (EXCEPT EASTVIEW APARTMENT PER DOCUMENT R72-70911) OF LOT 5 IN OWNER'S ASSESSMENT PLAT OF PART OF SECTION 11 AND 14 TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 250 FEET OF THE EAST 80 FEET (EXCEPT EASTVIEW APARTMENTS PER DOCUMENT R72-70911) (MEASURED ALONG THE NORTH LINE) OF LOT 5 OF THE OWNER'S ASSESSMENT PLAT OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399 IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

THE EAST 80 FEET (EXCEPT THE NORTH 250 FEET AND EXCEPT EASTVIEW APARTMENTS PER DOCUMENT R72-70911) OF LOT 5 OF THE OWNER'S ASSESSMENT PLAT OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399, IN DUPAGE COUNTY, ILLINOIS.

AND:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 00

DEGREES 19 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 313.39 FEET TO THE NORTH LINE OF MAIN STREET DEDICATED BY DOCUMENT R72-70911; THENCE SOUTH 89 DEGREES 31 MINUTES 28 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 19 SECONDS 47 MINUTES EAST ALONG THE NORTERLY EXTENSION OF THE WEST LINE OF EASTVIEW AVENUE AS DEDICATED BY DOCUMENT R72-70911, A DISTANCE OF 33.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF EASTVIEW APARTMENTS RECORDED NOVEMBER 17, 1972 AS DOCUMENT R72-70911; THENCE SOUTH 89 DEGREES 31 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF SAID MAIN STREET, A DISTANCE OF 203.35 FEET TO THE WEST LINE OF THE EAST 229.0 FEET OF SAID LOT 5; THENCE NORTH 00 DEGREES 21 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 33.00 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 28 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 203.37 FEET TO THE POINT OF BEGINNING.

Commonly known as 904-910 W Irving Park Road, Bensenville, IL 60106.

Mirjan Sadik, Gem Car Was II LLC, of 904-910 W Irving Park Road, Bensenville, IL 60106 is the owner and 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

For Office Use Only

Date of Submission: 7/6/21 MUNIS Account #: 1199 CDC Case #: 2021-22

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 904-910 W. IRVING PARK RD., BENSENVILLE, IL. 60106

Property Index Number(s) (PIN): 03-14-117-030 / 03-14-117-029

A. PROPERTY OWNER:

Form for Property Owner: Mirjan Sadik, Gem Car Wash II LLC. Includes fields for Name, Corporation, Street, City, State, Zip Code, Contact Person, Telephone Number, and 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



Form for Applicant: Includes fields for Name, Corporation, Street, City, State, Zip Code, Contact Person, Telephone Number, and Email Address.

B. ACTION REQUESTED (Check applicable):

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

SUBMITTAL REQUIREMENTS:

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

*See Staff for additional information on PUD requests

**Item located within this application packet.

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

Allow LED Message Board on Monument Sign

C. PROJECT DATA:

1. General description of the site: Car Wash
2. Acreage of the site: 1.65 Building Size (if applicable): 5,635 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.)
Ordinance # 35-2020, granting a PUD for a car wash at the
site.

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	C-2	Commercial	Village of Bensenville
North:	R-3	Single-unit residential	Village of Bensenville
South:	R-5	Multiple-unit residential	Village of Bensenville
East:	C-2	Commercial	Village of Bensenville
West:	R-5	Multiple-Unit Residential	Village of 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."





COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 22
PROPERTY: 904-910 W Irving Park Road
PROPERTY OWNER: Mirjan Sadik, Gem Car Wash II LLC
APPLICANT: Same as Above
SITE SIZE: 1.65 AC
BUILDING SIZE: 5,635 SF
PIN NUMBER: 03-14-117-029, 03-14-117-030
ZONING: C-2 Commercial District
REQUEST: Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4
**To grant a Code Departure from:*
Electronic Message Sign Location, 10 – 10 – 5B – 4a3

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15, 2021.
3. On Monday, July 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:

In 2020, the Petitioner was granted a PUD to construct a car wash at 904-910 W Irving Park Road. Gem Car Wash is now seeking an Amendment to that PUD, requesting a Code Departure to allow an electronic message sign, as a component of a monument sign, on the property. The Zoning Ordinance prohibits EMCs to be located within one mile of the property line of a lot on which an existing EMC is located. There are 8 existing EMCs on Irving Park Road, all under a mile from the subject property.

The submittal features additional plans for 3 wall signs. These do not require any code departures, but have been included as they are part of the overall signage project.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C – 2	Commercial	Multi Family Residential	Village of Bensenville
North	R – 3	Residential	Single Family Residential	Village of Bensenville
South	R – 5	Residential	Medium Density Residential	Village of Bensenville
East	C – 2	Commercial	Local Commercial	Village of Bensenville
West	R – 5	Residential	Medium Density 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 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 and has no liens.

Police:

- 1) No objections.

Engineering and Public Works:

Engineering:

- 1) Sign must be outside of the vision triangle for motorists pulling out of the car wash.

Public Works:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) No comments.

Fire Safety:

- 1) No comments.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Multi Family Residential” for this property.
- 2) The current zoning is C-2 Commercial.
- 3) In 2020, the subject property was granted a Planned Unit Development to allow the construction of a car wash. Car washes are permitted by right in the C-2 Commercial District, but a PUD was requested as aspects of the site did not meet regulations set forth in the Village Zoning Ordinance, particularly standards for landscape and parking lots.
- 4) The Petitioner is now seeking an amendment to the PUD in order to allow an electronic message sign. The Zoning Ordinance prohibits EMCs to be located within one mile of the property line of a lot on which an existing EMC is located. There are 8 existing EMCs on Irving Park Road, all under a mile from the subject property.
- 5) The proposed EMC meets other Code standards, particularly § 10-10-5.B-4.c, which states the component shall not occupy more than 50% of the total sign area of the monument sign on which it is displayed. The EMC component is 50% of the total area.
- 6) Internally illuminated electronic message signs are allowed only in accordance with § 10-10-2.D (Illumination), particularly the following requirements:
 - a. LED Light Level. The light level of an illuminated sign lit with LED bulbs shall be no greater than 5,000 nits of luminance from dawn to dusk, and no greater than 150 nits of luminance from dusk to dawn.
 - b. Direct Light and Glare. All sign illumination shall be located, shielded, and directed to illuminate only the sign face and to prevent direct light or glare from being cast upon adjacent rights-of-way and surrounding properties.
 - c. Steady Illumination. Signs shall be illuminated by steady, stationary, fully shielded light sources concentrated on the face of the sign so as not to cause glare.
 - d. Hours of Operation. Illuminated signs shall be turned off from 11:00 p.m. until 7:00 a.m., or 30 minutes after close of business, whichever is later.
- 7) The hours of operation for the car wash have been set forth in Ordinance 35-2020, granting approval of the PUD, which states the hours shall be limited to 8AM-9PM daily.
- 8) Proposed EMC must also be in accordance with § 10-10-5.B-4.d (Illumination):
 - a. Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
 - b. EMCs shall display static messages that do not contain a light source that flashes, blinks, strobos, travels, chases, rotates, or changes in intensity, brightness, or color.
 - c. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- 9) The proposed monument sign does not impede the driveway sight vision triangle.
 - a. Please note that the proposed shrubbery that does fall into this area is prohibited from having a height between 2.5 feet and 8 feet.
- 10) All other aspects of the proposed freestanding sign adhere to Zoning Ordinance requirements.
 - a. The sign is 7’ in height and 32 SF in area, whereas Code permits a maximum height of 8’ and an area of 50 SF.
 - b. Code requires that freestanding signs be located 5’ from the front lot line and 10’ from the interior lot line. The proposed meets those setback standards exactly.
- 11) A typical condition of approval for EMC Variations is that temporary signage shall no longer be permitted at the subject property, as an EMC replaces the need for such.

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: The proposed car wash is permitted use by right and will be developed in accordance with screening and engineering standards so as to minimize the consequential impacts of the development.

- 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: While the majority of surrounding properties are currently zoned residential, the subject property in question is zoned C-2 Commercial District. In the C-2 District, car washes are a permitted use by right. The property to the east, Cascade Banquets, is also zoned C-2.

- 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: The development will not impede the normal and orderly development as it is a permitted use by right. The use will be landscaped and developed in a way to as to have any adverse impacts on neighboring properties. Monument sign will include shrubbery around the base as per village regulations.

- 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: The proposed 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.

- 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: As the use is permitted in the subject property's designated zoning district and will meet the use standards indicated in the Village's Zoning Ordinance.

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	

APPROVAL STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

- 1) **Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.

Applicant’s Response: The proposed PUD fulfills the objective of the current Zoning Map and Ordinance, albeit the Comprehensive Plan indicates “Multi-Family Residential” for this property. The proposed PUD will fill the much needed car wash vacancy in the Village.

- 2) **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

Applicant’s Response: The proposed PUD will provide driveways, parking stalls, pedestrian walkways, and exterior lighting that will serve the uses within this development.

- 3) **Landscaping and Screening:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

Applicant’s Response: The proposed PUD will provide the necessary screening and landscape requirements that will enhance the character and livability of the subject property as well as providing buffer yards between the adjacent residentially-zoned properties. Monument sign will include shrubbery around the base as per village regulations.

- 4) **Site Design:** The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

Applicant’s Response: The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

- 5) **Natural Environment:** The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

Applicant's Response: The proposed PUD will protect the community's natural environment, providing landscaping and stormwater detention.

- 6) **Utilities:** The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Applicant's Response: The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Planned Unit Development Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
1. Comprehensive Plan	X	
2. Public Facilities	X	
3. Landscaping and Screening	X	
4. Site Design	X	
5. Natural Environment	X	
6. Utilities	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to a Planned Unit Development at 904-910 W Irving Park Road with the following conditions:

- 1) All conditions of approval set forth in Ordinance #35-2020 granting approval of a Planned Unit Development are consequently conditions of approval of the Planned Unit Development Amendment granted herein;
- 2) Freestanding sign shall be accordance with submitted plans dated 06.18.2021;
- 3) Illuminated signs shall be turned off 30 minutes after close of business, which is 9:30PM;
- 4) A landscape plan indicating plant material and quantity, subject to Zoning Administrator review and approval, shall be submitted with a building permit application; and
- 5) Temporary signage shall no longer be permitted at this property.

Respectfully Submitted,

Department of Community & Economic Development

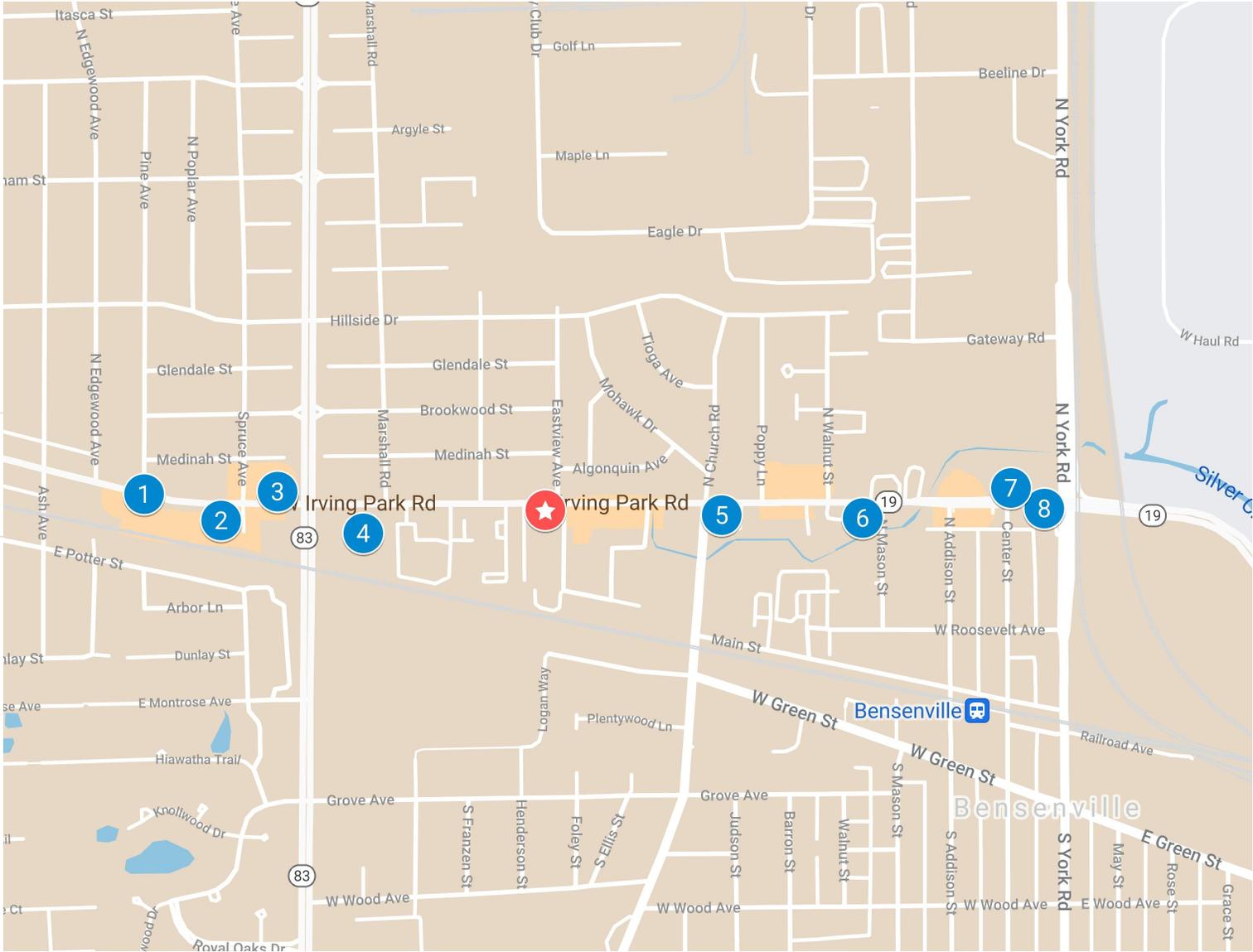
EMCs on Irving Park Road

EMCs on Irving Park Road

- 1 Asti Deli
- 2 O'Hare Auto Body
- 3 Plaza 83
- 4 Speedway
- 5 bp
- 6 McDonald's
- 7 Amoco
- 8 Shell

Petitioner

- ★ Gem Car Wash





x



Gem Car Wash Signage - Rev. Version 2 | Date: 6-18-2021

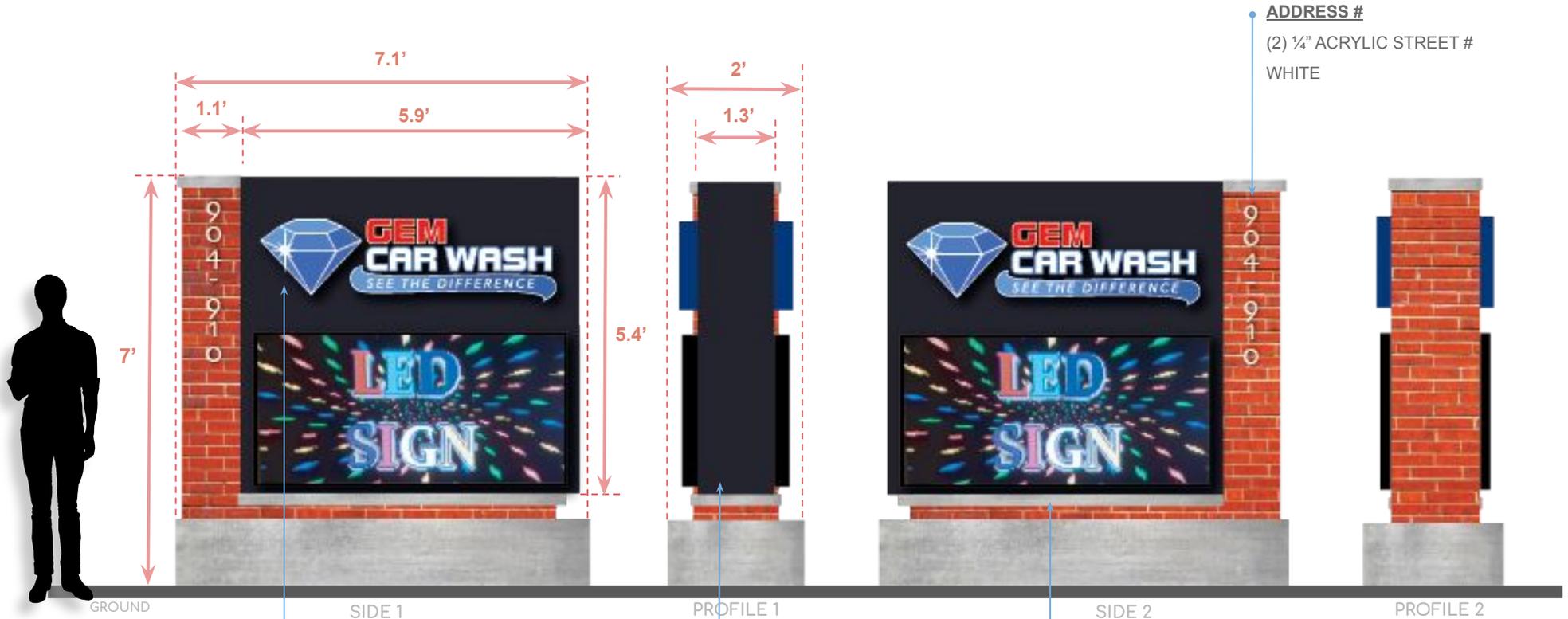
Business Owner: John Sadik

Location: 904-910 W. IRVING PARK RD., BENSENVILLE, IL. 60614

SIGN PLAN



MONUMENT SIGN - DETAILS



ADDRESS

(2) 1/4" ACRYLIC STREET #
WHITE

FRONTLIT SIGN DETAILS (X2)

- SIZE: 5.1' X 1.4'
- FRONT LIT CLOUD SIGN
- WHITE ACRYLIC FACE
- RED ACRYLIC FACE
- BLUE 4" ALUMINUM RETURN
- BLUE TRIM CAP
- APPLIED TRANSLUCENT VINYL CLOUD SIGN

SIGN BODY

- (1) DARK GRAY ALUMINUM
- HOUSE ELECTRICAL
- RED BRICK OUTER BODY
- CEMENT BASE
- CEMENT TOPS

LED BOARD

- (2) LED BOARDS - 1 PER SIDE
- SIZE: 5.4' X 2.6'



x

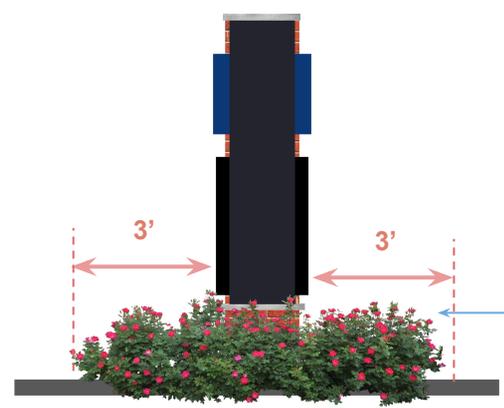


MONUMENT SIGN - Landscape Plan

SIDE 1

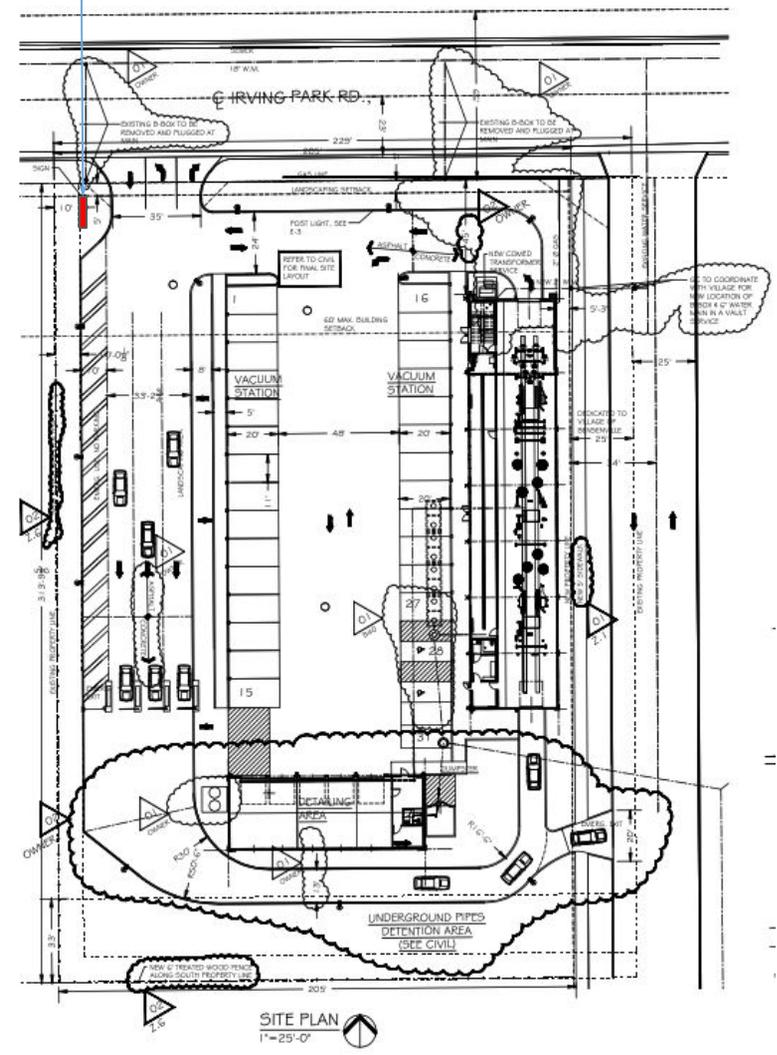


PROFILE 1



Shrubbery planted around the monument sign at 3 feet width all around

- MONUMENT SIGN LOCATION
- 5' from north property line
 - 10' from west property line





x



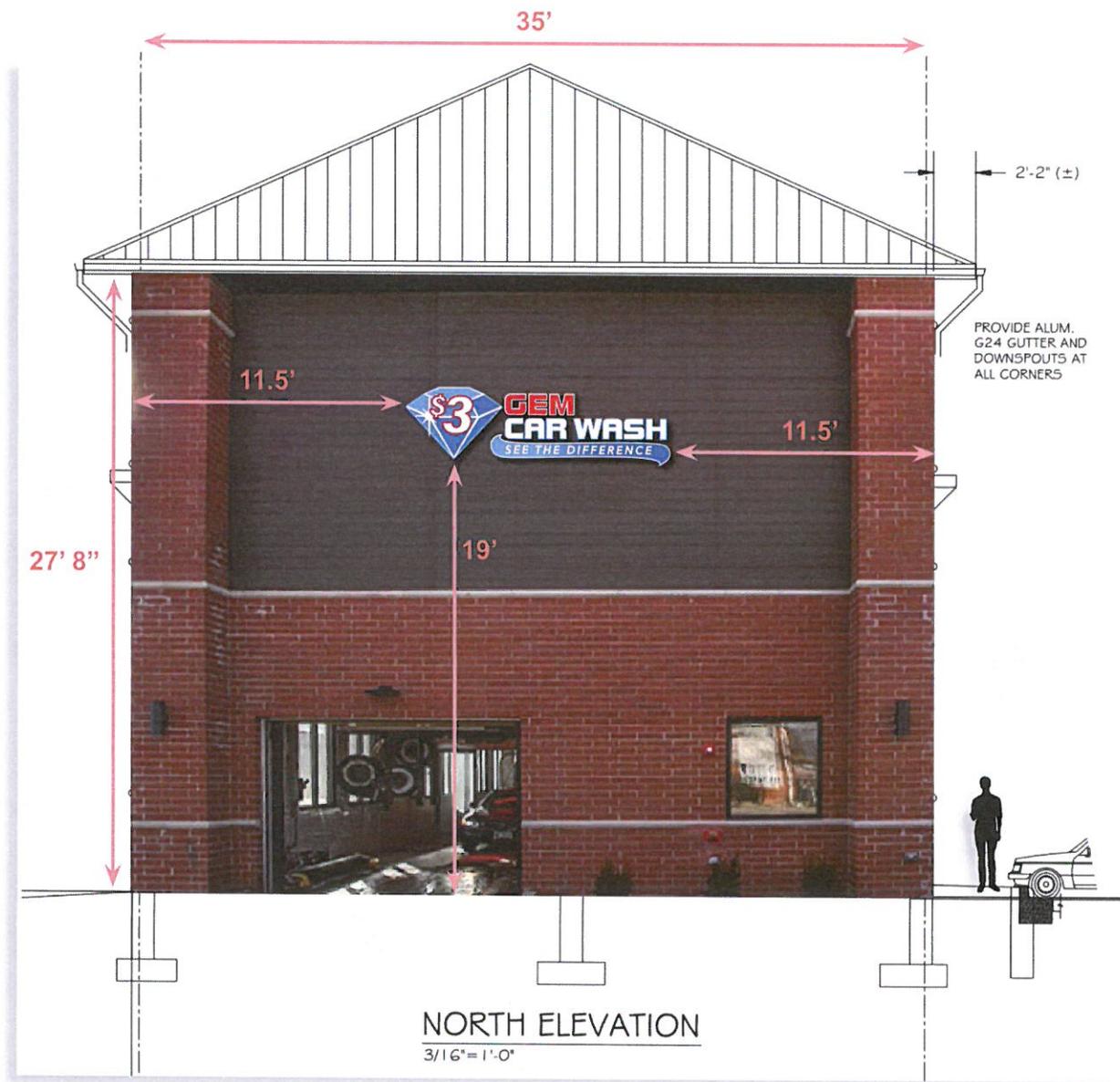
Gem Car Wash Signage - Rev: Version 2 | Date: 6-8-2021

Business Owner: John Sadik
Location: 904-910 W. IRVING PARK RD., BENSENVILLE, IL. 60614

SIGN PLAN

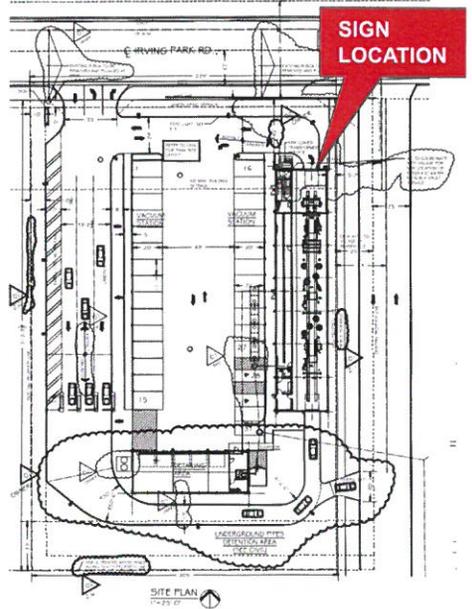


NORTH WALL SIGN LOCATION



SIGN DETAILS

- AREA: 39 SQFT
- FRONT LIT
- RED ACRYLIC FACE
- WHITE ACRYLIC FACE
- BLUE ALUMINUM RETURN
- BLUE TRIM CAP
- APPLIED TRANSLUCENT VINYL CLOUD SIGNS





Gem Car Wash Signage - Rev: Version 2 | Date: 6-8-2021

Business Owner: John Sadik
Location: 904-910 W. IRVING PARK RD., BENSENVILLE, IL. 60614

SIGN PLAN



NORTH WALL SIGN DESIGN

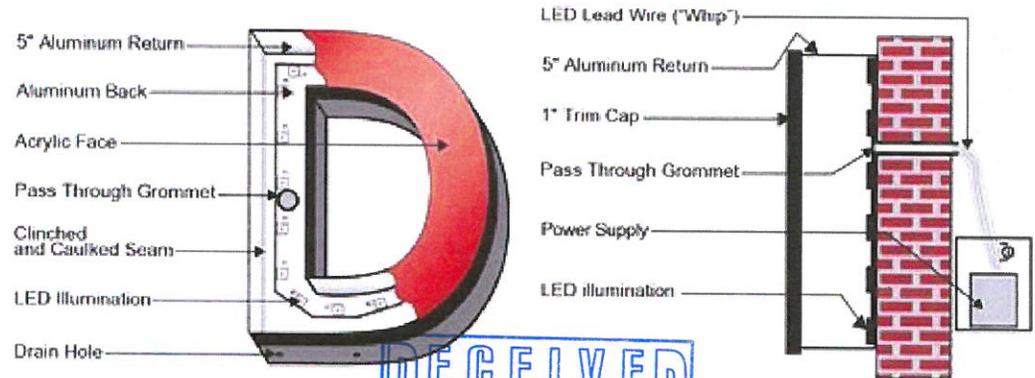


SIGN LOCATION



NORTH SIGN LOCATION

CONSTRUCTION





Gem Car Wash Signage - Rev. Version 2 | Date: 6-8-2021

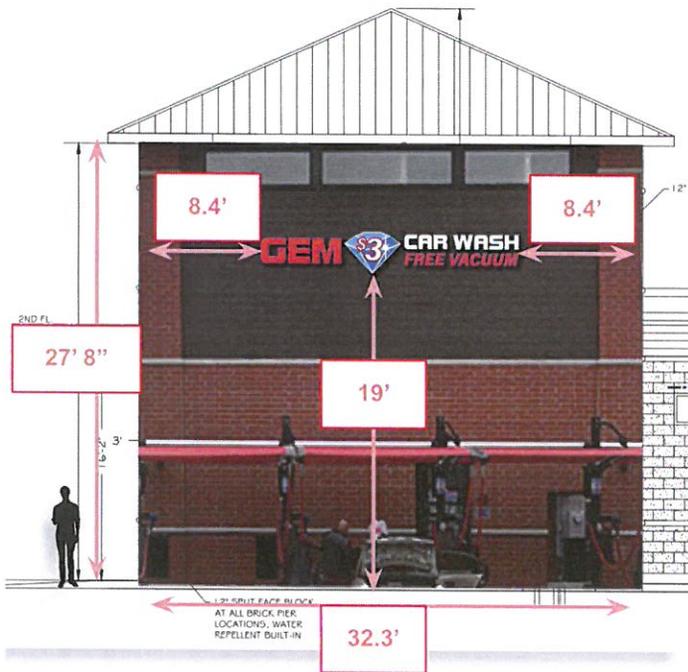
Business Owner: John Sadik

Location: 904-910 W. IRVING PARK RD., BENSENVILLE, IL. 60614

SIGN PLAN



WEST WALL SIGN LOCATION



EAST WALL SIGN LOCATION



SIGN DETAILS

AREA: 40 SQFT

FRONT LIT

WHITE ACRYLIC FACE

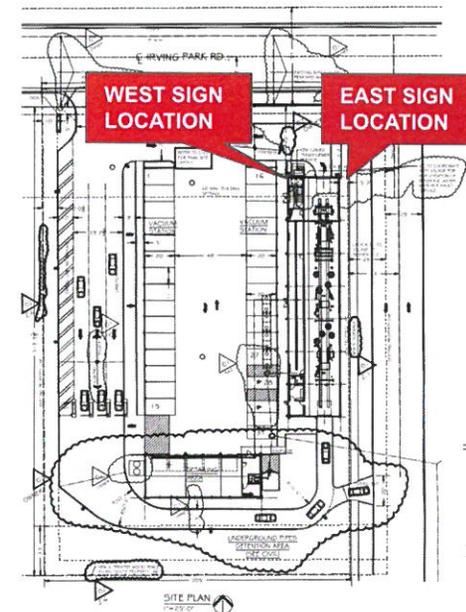
RED ACRYLIC FACE

BLUE ALUMINUM RETURN

BLUE TRIM CAP

APPLIED TRANSLUCENT VINYL

CLOUD SIGN





EAST & WEST WALL SIGN DESIGN



SIGN DETAILS

- AREA: 40 SQFT
- FRONT LIT
- WHITE ACRYLIC FACE
- RED ACRYLIC FACE
- BLUE ALUMINUM RETURN
- BLUE TRIM CAP
- APPLIED TRANSLUCENT VINYL CLOUD SIGN

SIGN LOCATION

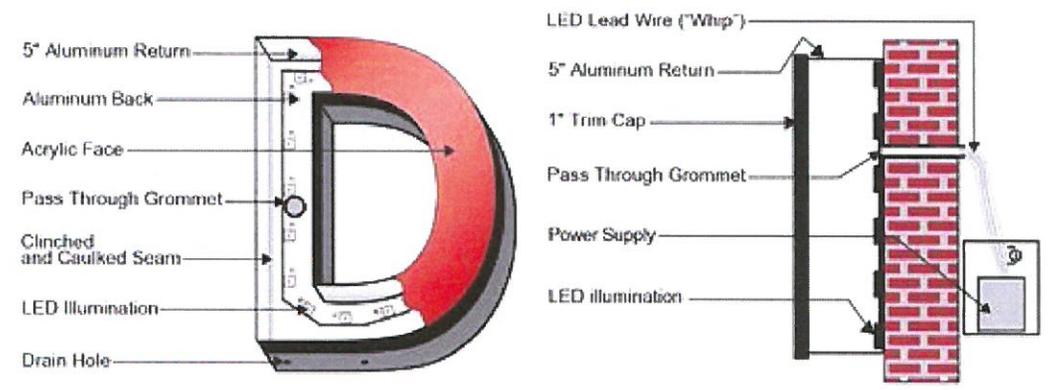


WEST SIGN LOCATION



EAST SIGN LOCATION

CONSTRUCTION



PLAT OF SURVEY

SHEET No. 1/1

W. IRVING PARK RD
(83' PUBLIC RIGHT-OF-WAY)

904 & 910 W. IRVING PARK RD
BENSENVILLE, ILLINOIS 60106

SURVEYOR'S NOTES

- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT.
- SURVEY IS BASED ON FIELD WORK COMPLETED ON OCTOBER 26, 2018.
- ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
- EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISIONS ARE SHOWN HEREON. REFER TO THE DEED, TITLE INSURANCE POLICY AND LOCAL ORDINANCES FOR OTHER RESTRICTIONS.
- COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT ANY DISCREPANCIES TO THE SURVEYOR AT ONCE.
- SURVEY COMPLETED FOR MR. HARRIS SELTZER, 910 W. IRVING PARK RD, BENSENVILLE, IL 60106.
- THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
- BASIS OF BEARING: GRID NORTH - ILLINOIS EAST ZONE, STATE PLANE COORDINATE SYSTEM NAD 83.
- PARCEL 1 AND 3 SHOWN PER QUIT CLAIM DEED DOC NO R2006-222787. PARCELS 1, 2, AND 3 SHOWN PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 18GNW635050RM.
- PARCEL 2 AND 3 ARE COMBINED PER TRUSTEE'S DEED DOC NO R2016-127477. CLIENT NOTIFIED SURVEYOR THAT THE DESCRIPTION FURNISHED IN R2016-127477 WAS IN ERROR.

LEGEND

PROPERTY BOUNDARY	———
OFFSITE PROPERTY LINE	———
EASEMENT LINE	- - - - -
BUILDING SETBACK LINE	- · - · -
FOUND IRON PIPE	○
SET 3/4" IRON PIPE	○ _{SP}
FOUND PK-NAIL	○ _{SMAS}
OVERHEAD UTILITY LINES	———
FENCE LINE	———
POWER POLE	———
LIGHT POLE	———

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) JSS

WE, MERITCORP, LLC, HEREBY CERTIFY THAT WE HAVE SURVEYED THE DESCRIBED PROPERTY AND THAT THIS PLAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL ON THIS THE 29TH DAY OF OCTOBER 2018.

Jonathan D. Spinzola
JONATHAN D. SPINAZZOLA
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3668
CURRENT LICENSE EXPIRES NOVEMBER 30, 2018

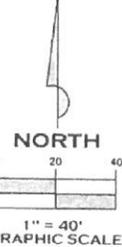


LEGAL DESCRIPTION

PARCEL 1
THE EAST 229 FEET (EXCEPT THE EAST 80 FEET THEREOF) AND (EXCEPT EASTVIEW APARTMENT PER DOCUMENT R72-70911) OF LOT 5 OF THE OWNER'S ASSESSMENT PLAT OF PART OF SECTION 11 AND 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2
THE NORTH 250 FEET OF THE EAST 80 FEET (EXCEPT EASTVIEW APARTMENTS PER DOCUMENT R72-70911) (MEASURED ALONG THE NORTH LINE) OF LOT 5 OF THE OWNER'S ASSESSMENT PLAT OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3
THE EAST 80 FEET (EXCEPT THE NORTH 250 FEET AND EXCEPT EASTVIEW APARTMENTS PER DOCUMENT R72-70911) OF LOT 5 OF THE OWNER'S ASSESSMENT PLAT OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1917 AS DOCUMENT 129399, IN DUPAGE COUNTY, ILLINOIS.

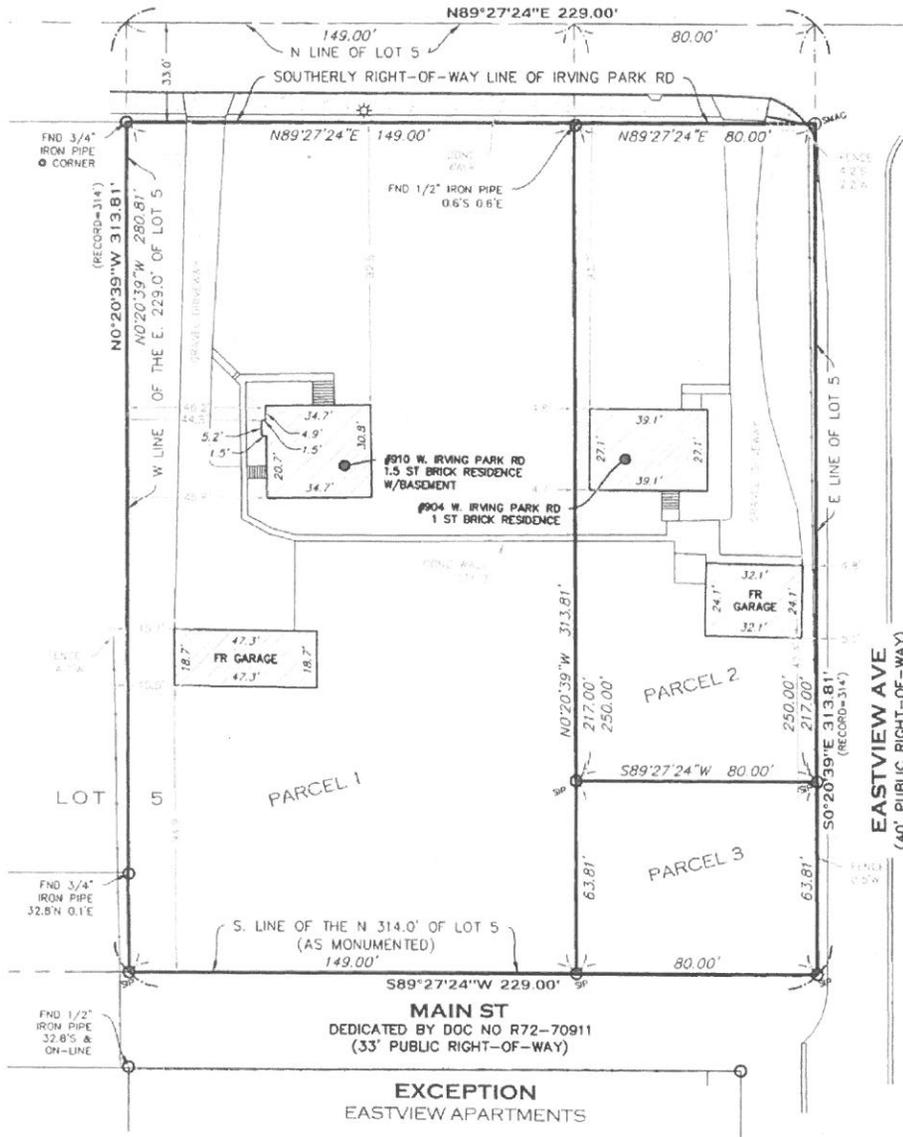


DATE	DESCRIPTION
10-29-2018	ISSUED TO CLIENT
PLAT OF SURVEY	
904 & 910 W. IRVING PARK RD BENSENVILLE, IL 60106	
PROJECT No. M18152	
DRAWN BY JDS	CHECKED BY JDS
COPYRIGHT © 2018 MeritCorp	



MeritCorp

ENGINEERING PLANNING SURVEYING ENVIRONMENTAL
50 North Brockway, Suite 3-9 3697 Darlene Ct.
Palatine, IL 60067 Aurora, IL 60504
Office 847.496.4170 Office 630.554.6655
Lic. No. 184-005860 www.meritcorp.com



MAIN ST
DEDICATED BY DOC NO R72-70911
(33' PUBLIC RIGHT-OF-WAY)

EXCEPTION
EASTVIEW APARTMENTS

TYPE: Public Hearing **SUBMITTED BY:** K. Fawell **DEPARTMENT:** CED **DATE:** 08.03.21

DESCRIPTION:

CDC Case 2021-23: Consideration of a PUD Amendment at 525 Meyer Road

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

REQUEST:

1. Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

SUMMARY:

1. Located at 525, 533, 549, 557, and 573 N Meyer Road is a U.S. Customs Field Operation Facility, which includes onsite inspection of cargo and freight, and trailer parking and storage containers awaiting inspection and consequent removal.
2. In 2013, the subject property was granted a Planned Unit Development (Ord. #9-2013). This was mainly sought to allow outdoor storage on the site, which was prohibited under the previous Zoning Ordinance, but is now allowed with a Special Use Permit. A condition of this PUD mandated that the SUP granted for outdoor storage in the corner side yard shall expire on July 1, 2021. The Petitioner is therefore seeking an Amendment to remove this condition from the original Planned Unit Development.
3. This PUD has previously been amended three times, once to allow the construction of the existing customs clearance center building (Ord. #42-2014), a second time to allow a parking lot at the 557 parcel (Ord. #13-2016), and a final time to allow a parking lot at the 573 parcels (Ord. #18-2018).

RECOMMENDATION:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Amendment to an approved Planned Unit Development at 525 Meyer Road with the following conditions:
 1. The following condition shall be stricken from Ordinance No. 9-2013, granting approval of a Planned Unit Development and Conditional (Special) Use Permit for properties commonly known as 525, 533, 549, 557, and 573 N. Meyer Road:
 1. "5. The Conditional Use Permit shall be null and void as of 07.01.2021."
 2. All conditions of approval set forth in previous ordinances granting approval of a PUD and PUD Amendments (Ordinances #9-2013, #42-2014, #13-2016, #18-2018) are consequently conditions of approval of the Planned Unit Development Amendment granted herein; and
 3. A landscape plan for the entire site shall be submitted for Zoning Administrator review and approval within one year of the approval of the Amendment granted herein, or said approval shall be revoked.

ATTACHMENTS:

Description	Upload Date	Type
Case Cover Page	7/26/2021	Cover Memo
Aerial & Zoning Exhibits	7/26/2021	Backup Material
Legal Notice	7/26/2021	Backup Material
Application	7/26/2021	Backup Material
Approval Standards Letter	7/26/2021	Backup Material
Staff Report	7/26/2021	Executive Summary

Plat of Survey	7/26/2021	Backup Material
Outdoor Storage Area	7/26/2021	Backup Material
CDC Minutes for Original PUD	7/26/2021	Backup Material



BENSENVILLE

GATEWAY TO OPPORTUNITY

**Community Development Commission
Public Hearing 08.03.21**

CDC Case #2021 – 23

**P.C. Properties LLC
525 Meyer Road**

**Amendment to a Planned Unit Development
Municipal Code Section 10 – 4 – 4**

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



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

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, August 3, 2021 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2021 - 23 to consider a request for:

Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

at 525, 533, 549, 557, and 573 N Meyer Road in an existing I – 2 General Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 IN MEYER BROS' RESUBDIVISION OF PART OF LOT 3 OF MOHAWK ACRES, A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 40, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MEYER BROS; RESUBDIVISION RECORDED OCTOBER 11, 1949 AS DOCUMENT 587082, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 525, 533, 549, 557, and 573 N Meyer Road, Bensenville, IL 60106.

P.C. Properties, LLC of 216 W Higgins Road, Park Ridge, IL 60068 is the owner of and 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. 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 August 3, 2021 until 5:00 P.M

Office of the Village Clerk
Village of Bensenville

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

For Office Use Only

Date of Submission: 7/9/21 MUNIS Account #: 1173 CDC Case #: 2021-23



COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 525 Meyer Road, Bensenville, IL

Property Index Number(s) (PIN): 03-11-402-032

A. PROPERTY OWNER:

<u>P.C. Properties (Illinois) LLC</u>	<u>c/o Richard Laubenstein</u>	
Name	Corporation (if applicable)	
<u>216 W. Higgins Road</u>		
Street		
<u>Park Ridge</u>	<u>IL</u>	<u>60068</u>
City	State	Zip Code
<u>Richard Laubenstein</u>	<u>847 698 9600</u>	<u>rlaubenstein@dimontelaw.com</u>
Contact Person	Telephone Number	Email Address

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

B. APPLICANT: Check box if same as owner

same as above

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* *Amendment*

*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)

Owner respectfully requests an amendment to the PUD in order to strike the sunset provision regarding the outdoor storage used in connection with operations of the existing customs clearance activities.

C. PROJECT DATA:

1. General description of the site: eight contiguous lots fronting Meyer Road south of Foster
2. Acreage of the site: 2 acres Building Size (if applicable): _____
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.)

Village ordinances 9-2013; 42-2014;13-2016 and 18-2018

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	I-2	paved parking and customs clearance	Bensenville
North:	I-2	vacant and commercial/industrial	Bensenville
South:	I-2	public storage and trailer parking	Bensenville
East:	I-2	warehouse and truck parking	Bensenville
West:	I-2	warehouse	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."

RICCARDO A. DI MONTE
PATRICK D. OWENS
ABRAHAM E. BRUSTEIN
DENNIS S. NUDDO
LEE T. POTERACKI
JAMES J. RIEBANDT
MARGHERITA M. ALBARELLO
RICHARD W. LAUBENSTEIN
JEFFREY S. MC DONALD
ANTHONY B. FERRARO
PAUL A. GRECO
JULIA JENSEN SMOLKA

EUGENE A. DI MONTE - Retired
CHESTER A. LIZAK - Retired
ALAN L. STEFANIAK - Retired
JOHN E. OWENS - Retired
DENIS J. OWENS - Retired
ROBERT S. CLEMENTI 1925 - 2004
LINSCOTT R. HANSON 1937 - 2013

DI MONTE & LIZAK, LLC
ATTORNEYS AT LAW
216 Higgins Road
Park Ridge, Illinois 60068
(847) 698-9600
FAX (847) 698-9624
rlaubenstein@dimontelaw.com

ADAM J. POTERACKI*
ANASTAS SHKURTI
OANA L. MILITARU
TAYLOR H. WACHAL
KARUNA S. BRUNK
JONATHAN R. KSIAZEK
ROBERT E. HARIG
THOMAS J. CASSADY*
PAUL S. MOTIN**

* ALSO LICENSED IN WI
**ALSO LICENSED IN MN

WRITER'S EXT.

July 8, 2021

Village of Bensenville
Community Development Commission
12 South Center Street
Bensenville, Illinois 60106

**RE: PC Properties, LLC., request for Amendment of PUD at 525 Meyer Road Property,
Bensenville, Illinois**

Letter regarding Approval Standards for PUD s and Special Use

Dear Commissioners:

PC Properties (Illinois), LLC owns the property commonly referred to as 525 Meyer Road in the Village of Bensenville (hereinafter "Subject Property"). The current use for the Subject Property is a U.S. Customs Field Operation Facility, which include onsite inspection of cargo and freight, parking of trailers awaiting inspection and awaiting removal from the site after inspection and temporary storage of containers awaiting inspection and awaiting removal from the site after inspection. The Subject Property is currently part parking lot and a Customs Clearance Center building.

The Subject Property is within the Village of Bensenville (hereinafter "Village") and at the time its PUD was approved by the Village in February 2013, it was zoned C-4 Regional Destination PUD Commercial District. Outdoor storage was not permitted in such a district, and accordingly, part of the process of seeking the approval of the PUD included a request for a Conditional Use Permit.

At the time the PUD was approved, the Village had not yet decided the fate of the C-4 district and so accordingly, per the provisions of the ordinance which approved of the PUD, the conditional use permit was given a through date of July 1, 2021. Over the past few years, the Village has determined that the area including the Subject Property should be part of an industrial

Village of Bensenville Community Development Commission

June 25, 2021

Page 2 of 3

park, and the zoning of the Subject Property and the adjacent lands were all changed from C-4 to I-2. In an I-2 district, outdoor storage as an accessory use is allowed under a Special Use Permit. The Subject Property has been greatly improved since the PUD was approved and continues to be used for a customs facility. To operate effectively, applicant requests that the Village Amend the PUD and strike the sunset provision regarding the outdoor storage from the PUD, to allow it to continue to have ancillary outdoor storage to effectively operate the customs facility.

Approval Standards for Planned Unit Developments:

- A. The proposed amendment to the planned unit development fulfills the objectives of the Comprehensive Plan and other land use policies of the Village by allowing the site to be used in connection with the U.S. Customs services needed by the Village and neighboring communities.
- B. As there is no request to alter the present use or add any additional buildings, the proposed amendment will not alter the existing walkways, driveways, streets, parking facilities, loading facilities, exterior lighting and traffic control devices that presently serve the uses within the development and adjoining properties.
- C. The proposed amendment will not alter the existing landscaping and screening which have previously been approved by the Village, and the continued use of the Subject Property for customs clearance will maintain the current noise reduction and buffers between different types of uses in the area.
- D. The proposed amendment to the PUD will not require any modifications to the Subject Property and therefor will not have any impact on site design and development principles.
- E. The proposed amendment to the PUD will not alter the Subject Property in any way, and therefore will continue to protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.
- F. The proposed amendment to the PUD requires no additional utilities, storm sewers, storm water retention or detention

Approval Standards for Special Uses:

- A. The proposed continued outdoor storage will not endanger the health, safety, comfort, convenience and general wellbeing of the public. The U.S. Customs Field Operation Facility is fenced, secured and lighted. The street system in and around the Subject Property is more than adequate to facilitate the continued use. The trailers that will be moved onto the Subject Property for inspection will not create an unusual amount of traffic and will be similar to the truck traffic that is currently in and about the area of the Subject Property. the parking area has been screened and landscaped. Accordingly, the special use will not overload existing streets nor create any traffic hazards, and as such, the continued use will not be detrimental to the public, health, safety, comfort, convenience, or general welfare.

Village of Bensenville Community Development Commission

June 25, 2021

Page 3 of 3

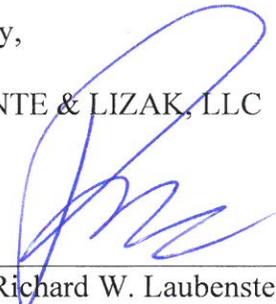
- B. The continuation of the special use will be a benefit to the area by maintaining the landscaping and keeping the parking lot in good repair. The proposed special use is consistent with existing uses of adjoining properties regarding outdoor storage, parking trucks, trailers, etc.
- C. The continued use is low intensity and will not impair property value or environmental quality in the neighborhood nor impede the orderly development of surrounding property, all of which is also zoned I-2.
- D. The current use is a low intensity use. No new buildings are contemplated and existing Village services such as police and fire protection as well as water and sanitary sewer are more than adequate to serve the continued use.
- E. A U.S. Customs Field Operation Facility is needed to assist in enhancing commerce within the Chicago Metropolitan Area. Allowing this service at the Subject Property to continue is in the interest of public convenience and will contribute to the general welfare of the Chicago Metropolitan Area. The continued use is consistent with the intent of the Comprehensive Plan based on current market conditions for the area in which the Subject Property is located.
- F. Other Factors: It does not appear that the continued use will generate any adverse effects and it does not appear that there are any other factors that need to be considered in order to allow the proposed use of the Subject Property as a PUD and outside storage as a Special Use related thereto.

The undersigned and representatives of my client look forward to being before the Commission at the Public Hearing to be held on this request.

Sincerely,

DI MONTE & LIZAK, LLC

By:


Richard W. Laubenstein

RWL/gt



COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT

HEARING DATE: August 3, 2021
CASE #: 2021 – 23
PROPERTY: 525 N Meyer Road
PROPERTY OWNER: P.C. Properties (Illinois) LLC
APPLICANT: Same as Above
SITE SIZE: 2.0 AC
BUILDING SIZE: N/A
PIN NUMBER: 03-11-402-032
ZONING: I-2 General Industrial District
REQUEST: Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, July 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 Thursday, July 15, 2021.
3. On Monday, July 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:

Located at 525, 533, 549, 557, and 573 N Meyer Road is a U.S. Customs Field Operation Facility, which includes onsite inspection of cargo and freight, and trailer parking and storage containers awaiting inspection and consequent removal.

In 2013, the subject property was granted a Planned Unit Development (Ord. #9-2013). This was mainly sought to allow outdoor storage on the site, which was prohibited under the previous Zoning Ordinance, but is now allowed with a Special Use Permit. A condition of this PUD mandated that the SUP granted for outdoor storage in the corner side yard shall expire on July 1, 2021. The Petitioner is therefore seeking an Amendment to remove this condition from the original Planned Unit Development.

This PUD has previously been amended three times, once to allow the construction of the existing customs clearance center building (Ord. #42-2014), a second time to allow a parking lot at the 557 parcel (Ord. #13-2016), and a final time to allow a parking lot at the 573 parcels (Ord. #18-2018).

SURROUNDING LAND USES:

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

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

Finance:

- 1) No comments.

Police:

- 1) No objections.

Engineering and Public Works:

Engineering:

- 1) No comments.

Public Works:

- 1) No comments.

Community & Economic Development:

Economic Development:

- 1) No comments.

Fire Safety:

- 1) No comments.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Commercial/Industrial Flex” for this property.
- 2) The current zoning is I-2 General Industrial District.
- 3) The Petitioner is seeking approval of an Amendment to the property’s Planned Unit Development. The PUD was approved in 2013, with a condition of approval that the Special Use Permit granted for outdoor storage shall expire on July 1, 2021. The Petitioner requests this sunset provision be removed.
- 4) At the time of the original PUD request, outdoor storage was prohibited in the property’s C-4 Regional PUD Commercial District. In 2019, the property was rezoned to I-2 General Industrial.
- 5) Outdoor storage – not to exceed 25% of the gross lot area – is now allowed as an accessory use in the I-2 District under the current Village Zoning Ordinance. A storage area that exceeds 25% of the site requires the approval of a Special Use Permit, which has already been approved for this site, as has been for other portions of the 8 lots that offer parking for trailers and storage containers.
- 6) The Petitioner is not proposing to make any alterations to the existing layout of the site, including the buildings and storage areas. The site is to remain as it is currently, regardless of approval of the requested Amendment.

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: The proposed continued outdoor storage will not endanger the health, safety, comfort, convenience, and general wellbeing of the public. The U.S. Customs Field Operation Facility is fenced, secured and lighted. The street system in and around the Subject Property is more than adequate to facilitate the continued use. The trailers that will be moved onto the Subject Property for inspection will not create an unusual amount of traffic and will be similar to the truck traffic that is currently in and about the area of the Subject Property. the parking area has been screened and landscaped. Accordingly, the special use will not overload existing streets nor create any traffic hazards, and as such, the continued use will not be detrimental to the public, health, safety, comfort, convenience, or general welfare.

- 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: The continuation of the special use will be a benefit to the area by maintaining the landscaping and keeping the parking lot in good repair. The proposed special use is consistent with existing uses of adjoining properties regarding outdoor storage, parking trucks, trailers, etc.

- 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: The continued use is low intensity and will not impair property value or environmental quality in the neighborhood nor impede the orderly development of surrounding property, all of which is also zoned I-2.

- 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: The current use is a low intensity use. No new buildings are contemplated and existing Village services such as police and fire protection as well as water and sanitary sewer are more than adequate to serve the continued use.

- 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: A U.S. Customs Field Operation Facility is needed to assist in enhancing commerce within the Chicago Metropolitan Area. Allowing this service at the Subject Property to continue is in the interest of public convenience and will contribute to the general welfare of the Chicago Metropolitan Area. The continued use is consistent with the intent of the Comprehensive Plan based on current market conditions for the area in which the Subject Property is located. It does not appear that the continued use will generate any adverse effects and it does not appear that there are any other factors that need to be considered in order to allow the proposed use of the Subject Property as a PUD and outside storage as a Special Use related thereto.

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	

APPROVAL STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

- 1) **Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.

Applicant's Response: The proposed amendment to the planned unit development fulfills the objectives of the Comprehensive Plan and other land use policies of the Village by allowing the site to be used in connection with the U.S. Customs services needed by the Village and neighboring communities.

- 2) **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

Applicant's Response: As there is no request to alter the present use or add any additional buildings, the proposed amendment will not alter the existing walkways, driveways, streets, parking facilities, loading facilities, exterior lighting and traffic control devices that presently serve the uses within the development and adjoining properties.

- 3) **Landscaping and Screening:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

Applicant's Response: The proposed amendment will not alter the existing landscaping and screening which have previously been approved by the Village, and the continued use of the Subject Property for customs clearance will maintain the current noise reduction and buffers between different types of uses in the area.

- 4) **Site Design:** The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

Applicant's Response: The proposed amendment to the PUD will not require any modifications to the Subject Property and therefor will not have any impact on site design and development principles.

- 5) **Natural Environment:** The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

Applicant's Response: The proposed amendment to the PUD will not alter the Subject Property in any way, and therefore will continue to protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

- 6) **Utilities:** The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Applicant's Response: The proposed amendment to the PUD requires no additional utilities, storm sewers, storm water retention or detention.

Planned Unit Development Approval Standards	Meets Standard	
	<i>Yes</i>	<i>No</i>
1. Comprehensive Plan	X	
2. Public Facilities	X	
3. Landscaping and Screening	X	
4. Site Design	X	
5. Natural Environment	X	
6. Utilities	X	

RECOMMENDATIONS:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to an approved Planned Unit Development at 525 Meyer Road with the following conditions:

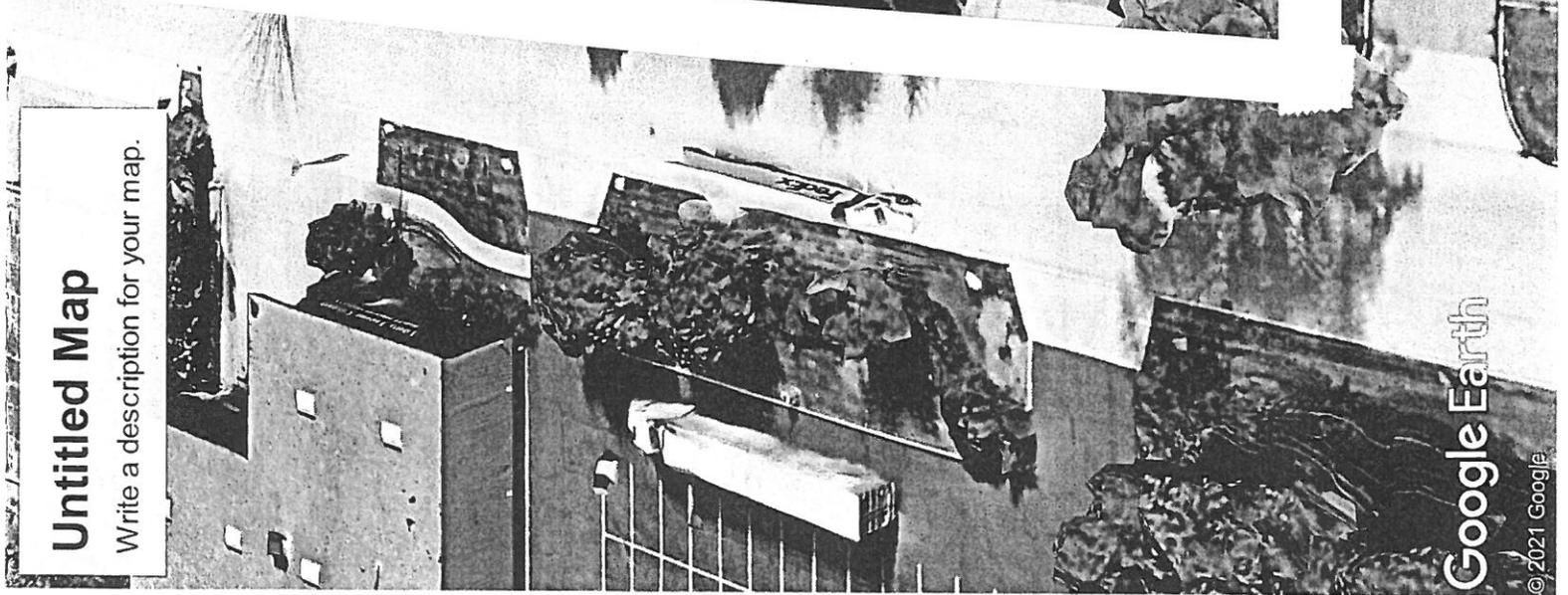
- 1) The following condition shall be stricken from Ordinance No. 9-2013, granting approval of a Planned Unit Development and Conditional Use Permit for properties commonly known as 525, 533, 549, 557, and 573 N. Meyer Road:
 - a. “5. The Conditional Use Permit shall be null and void as of 07.01.2021.”
- 2) All conditions of approval set forth in previous ordinances granting approval of a PUD and PUD Amendments (Ordinances #9-2013, #42-2014, #13-2016, #18-2018) are consequently conditions of approval of the Planned Unit Development Amendment granted herein; and
- 3) A landscape plan for the entire site shall be submitted for Zoning Administrator review and approval within one year of the approval of the Amendment granted herein, or said approval shall be revoked.

Respectfully Submitted,

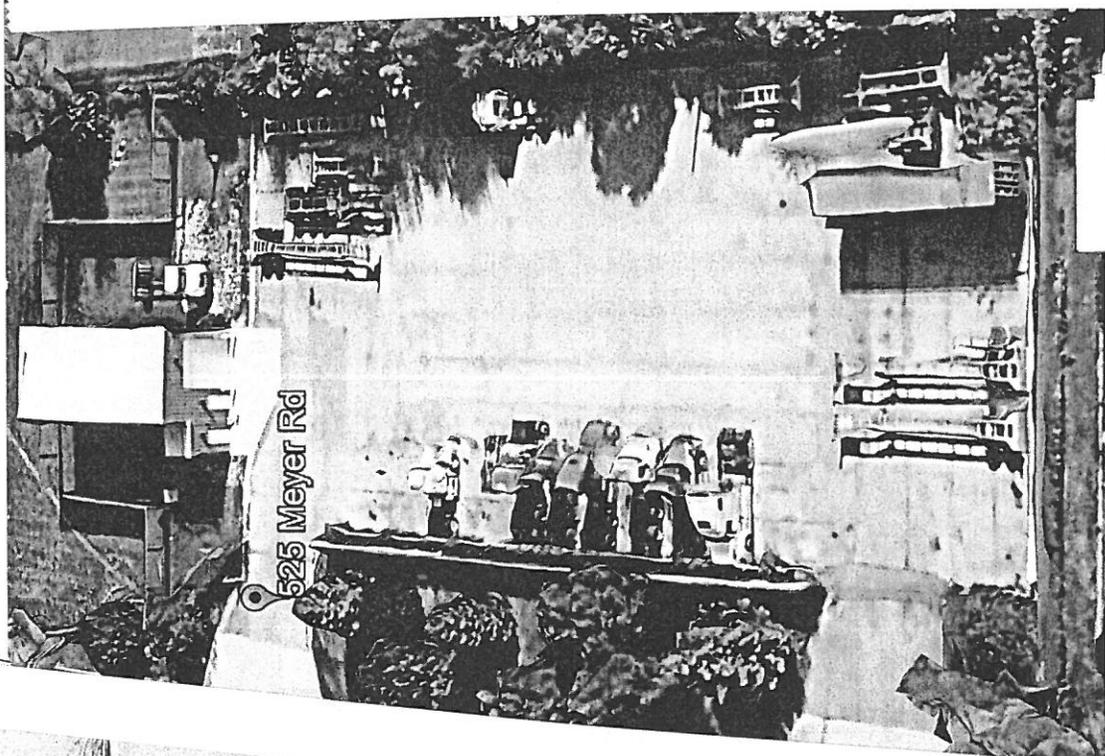
Department of Community & Economic Development

Untitled Map

Write a description for your map.



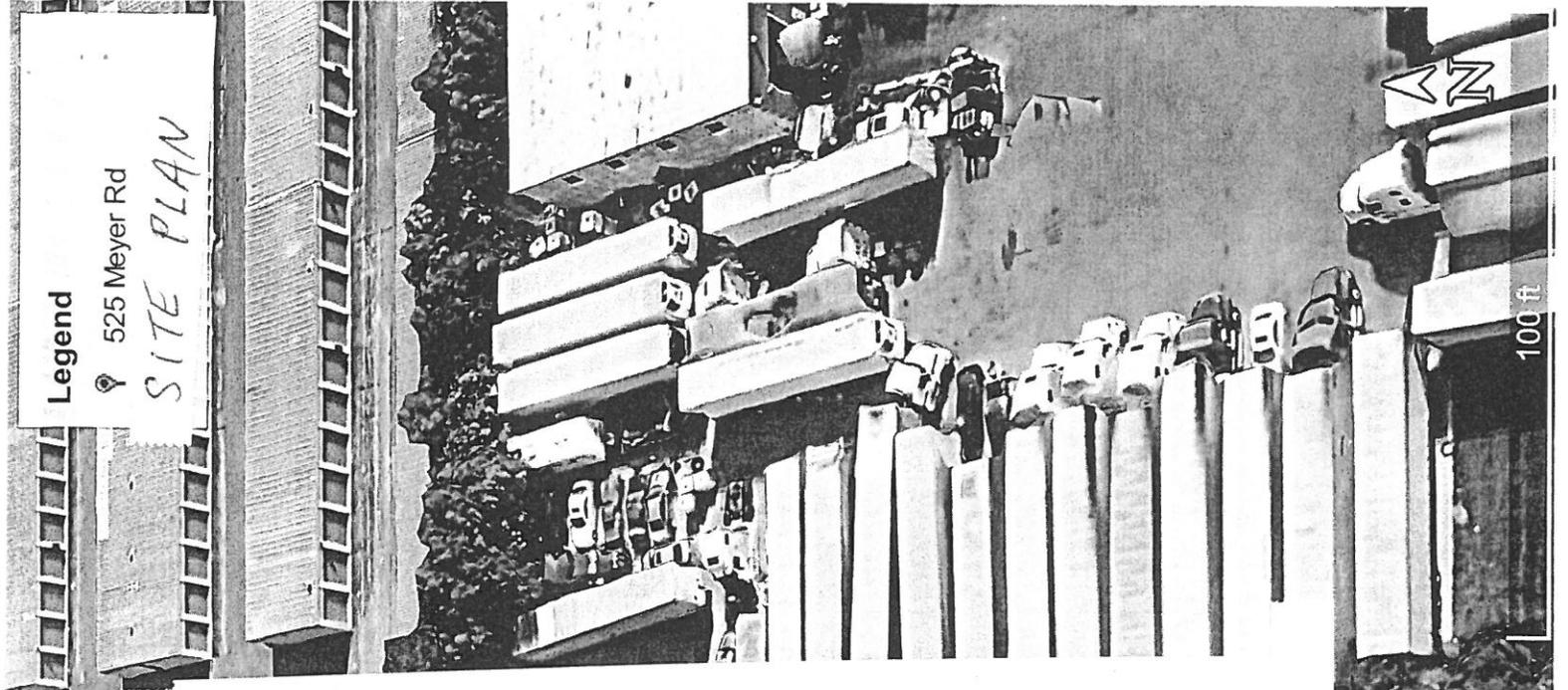
525 Meyer Rd



Legend

525 Meyer Rd

SITE PLAN



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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 11, 2013

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

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Weldon
Absent: Ventura
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of January 28, 2013 were presented.

Motion: Commissioner Pisano made a motion to approve the minutes as presented. Commissioner Weldon seconded the motion.

All were in favor. Motion carried.

Continued

Public Meeting: CDC Case Number 2012-42
Petitioner: PC Properties LLC
Location: 525 – 573 N. Meyer Road
Request: Conditional Use Permit to allow Outdoor Storage in a C-4 Regional Destination Commercial District

Motion: Commissioner Rowe made a motion to re-open CDC Case No. 2012-42. Commissioner Weldon seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Weldon
Absent: Ventura
A quorum was present.

Chairman Moruzzi re-opened the Public Hearing for CDC Case Number 2012-42 at 6:33 p.m.

The applicants, members of the Public and Staff that planned to provide testimony were sworn in by Chairman Moruzzi.



Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on January 12, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on January 11, 2013. Mr. Viger stated on January 11, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Stephen Panzarella and Joseph Petrunaro were both present and previously sworn in by Chairman Moruzzi. Mr. Panzarella stated the original plans had changed and PC Properties LLC had amended their request. Mr. Panzarella stated PC Properties LLC will keep the existing parking lot as is and is requesting to build an eight foot fence with screening around it. Mr. Panzarella stated the company own twelve trucks, so therefore, there will be a maximum of twelve empty trailers stored on the site at one time. Mr. Panzarella stated the office hours of the business are from 9:00am to 5:00pm however, truck trailer pickups and drop-offs are a twenty four – seven operation. Mr. Petrunaro stated the infrastructure will remain the same to help relive flooding in the area. Mr. Petrunaro stated PC Properties LLC are requesting the curb cuts be extended by five feet to allow the trucks a better turning radius. Mr. Petrunaro stated the site will remain the same with the addition of a fence. Mr. Panzarella read the applicants response to the approval criteria into the record for the Planned Unit Development and the Conditional Use Permit requests. The letter read has been submitted to the record as “Exhibit A.”

Commissioner Pisano asked for clarification on the fence request. Mr. Panzarella stated the original request was for a six foot fence with barbwire. Mr. Panzarella stated the requested has been modified to allow an eight foot fence with no barbwire.

Commissioner Weldon asked how much traffic is anticipated from the operation. Mr. Panzarella stated the operation is ongoing and will not change. Mr. Panzarella stated he is unaware of any traffic issues at this time.

Chairman Moruzzi asked what the landscape plan was. Mr. Panzarella stated that PC Properties LLC would maintain the landscaping for the property as they currently exists.

Chairman Moruzzi asked if PC Properties LLC was planning to change the lighting in the area. Mr. Petrunaro stated that PC Properties LLC would use the existing lighting and will alter the direction of the lighting with shields to direct the light to the parking lot ground.

Public Comment:

Nikola Skulic – 159 Beeline Drive

Mr. Skulic asked the Community Development Commission to continue the hearing until a future date so concerned property owners could have time to review the amended request. Mr. Viger stated concerned property owners would have the opportunity to address the Community & Economic Development Committee if this matter was recommended for approval by the Community Development Commission. Mr. Skulic stated he would like the matter continued due to the concerned property owners not being able to attend the meeting. Mr. Skulic stated he has several concerns with the materials being stored in the trailers and believes there are open TSA issues with the company.

Shari Nickens – 540 Meyer Road

Ms. Nickens read a letter into the record from her parents, owners of Liberty Fastener Company, in regards to their objection to the requests. The letter has been attached to the minutes as “Exhibit B”.

Chairman Moruzzi asked Village Staff to notify concerned property owners in the area of future meeting dates.

Chairman Moruzzi asked how many trucks would be entering and exiting the facility. Mr. Panzarella stated the company only owns twelve trucks so no more than that.

Commissioner Pisano asked if the parking lot will be required to be striped. Mr. Viger stated the parking lot will require parking lot stripping, as part of the landscape plan submitted.

Mr. Viger presented the Staff Report. Mr. Viger stated Staff recommends approval of the request with the following conditions:

1. The property be developed in substantial compliance with the plans submitted with this petition.
2. A Planned Unit Development Plat be submitted to the Village for recordation at Du Page County.

3. The Conditional Use Permit for Outdoor Storage be granted solely to Stephen Panzarella/PC Properties, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors 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 proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
4. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application prepared by Dolan Engineering, LLC., dated 12.06.12 revised 12.12.12 with revisions requested by staff below:
 - a. The seven spaces along Meyer Road be eliminated and additional landscape be installed.
 - b. Details on the fence and slat/screening to be submitted to and approved by the Village staff.
 - c. Street trees and sidewalks shall be installed on both street frontages as directed by the Director of Public Works.
5. The Conditional Use Permit shall be null and void as of 07.01.2021.

Commissioner Pisano suggested adding a "4d" to require the parking lot to be striped. There were no objections from the Commission.

Commissioner Weldon asked what the facility was used for in the past. Mr. Viger states he had no official knowledge of prior operations.

Commissioner Weldon asked if Staff anticipates any wear on the roads. Mr. Viger stated the property is in SSA #9 and believes the roads will be improved in the near future.

Ms. Nickens objected to Mr. Viger's statement regarding SSA #9 and stated the matter was still in litigation and that the Community Development Commission cannot base their decision on the matter.

Chairman Moruzzi asked Staff to review the storm water management.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2012-42. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:25p.m.

Motion: Commissioner Pisano made a motion to approve the findings of fact for the Planned Unit Development request consisting of:

1. **Superior Design**: The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted. The proposed site plan as revised in accordance with Planning comment #15 regarding the elimination of seven truck parking spaces.
2. **Meet PUD Requirements**: The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein. Staff believes this to be accurate.
3. **Consistent With Village Plan**: The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption. The proposal is in compliance with the spirit of the Comprehensive Plan which envisions eventual commercial/mixed-use redevelopment of the property. The proposed plan will not hinder that longer term vision while providing an economically viable use for the property.
4. **Public Welfare**: The PUD will not be detrimental to the public health, safety or general welfare. Staff believes this to be accurate.

5. **Compatible With Environs**: Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property. The land uses to the east of the property include a self-storage facility and industrial type uses, smaller industrial uses are present west of the property and larger industrial uses are located to the north. Staff believes that a properly landscaped plan is compatible with the environs.
6. **Natural Features**: The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character. There are no natural drainage ways or sensitive environmental areas on the subject property.
7. **Circulation**: Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets. Staff believes that the vehicular circulation is acceptable and can be accommodated by the proposed SSA #9 improvements.
8. **Open Spaces And Landscaping**: The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The plan as revised in accordance with Planning comments #14 – 17 above will meet this criterion.
9. **Covenants**: Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
 - a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.

- b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships. No covenants are necessary.

10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses. There are adequate public services to adequately service the property. The approval of the PUD will not increase the demand or stress the Village's public services.
11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. There is no phasing proposed.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of fact for the Conditional Use request consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. Staff believes this standard to be met.
2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. Staff believes this standard to be met as there will be no manufacturing or processing on the site. Hours of operation are said to be twenty four hours.

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized. The proposed use as a storage and testing facility is deemed to be in character with the surrounding neighborhood that is comprised of industrial and commercial type structures and uses.
4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. The use as proposed will not create an extraordinary demand for public services or facilities.
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. Bensenville and our business community thrive in part due to our location at the Gateway to North America. Providing services for the TSA is deemed to be a service necessary by the public.
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location. Any other factors are under the discretion of the Community Development Commission.

Commissioner Rowe seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the f Planned Unit Development request with Staff recommendations consisting of:

1. The property be developed in substantial compliance with the plans submitted with this petition.
2. A Planned Unit Development Plat be submitted to the Village for recordation at Du Page County.
3. The Conditional Use Permit for Outdoor Storage be granted solely to Stephen Panzarella/PC Properties, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors 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 proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
4. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application prepared by Dolan Engineering, LLC., dated 12.06.12 revised 12.12.12 with revisions requested by staff below:
 - a. The seven spaces along Meyer Road be eliminated and additional landscape be installed.
 - b. Details on the fence and slat/screening to be submitted to and approved by the Village staff.
 - c. Street trees and sidewalks shall be installed on both street frontages as directed by the Director of Public Works.
5. The Conditional Use Permit shall be null and void as of 07.01.2021.

and the addition of:

- "4.D" Stripping Plan for the parking lot.
- Eight foot; non barbwire fence.
- Notification is sent to the concerned property owners of upcoming meetings regarding the property.
- Parking spaces are limited to fourteen.
- Curb cuts are widened by five feet.
- Lighting on the property be adjusted and approved by Village Staff.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

Motion: All were in favor. Motion carried.
Commissioner Weldon made a motion to approve the Planned Unit Development request with the same conditions approved in the Conditional Use Permit request. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Viger reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Pisano made a motion to adjourn the meeting. Commissioner Weldon seconded the motion.

All were in favor
Motion carried.

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

Mike Moruzzi, Chairman
Community Development Commission