

Community Development Commission Meeting Minutes

August 18, 2014

Page 1

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 18, 2014

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, Caira, Rodriguez, Pisano, Weldon
Absent: Janowiak, Rowe
A quorum was present.

STAFF PRESENT: V. Benham, M. Rysavy, S. Viger, C. Williamsen,

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of August 4, 2014 were presented.

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

All were in favor. Motion carried.

**Continued
Public Hearing:** CDC Case Number 2014-01
Petitioner: Ambrose Design Group, LLC
Location: 801 North Illinois Route 83
Request: Conditional Use Permits to Allow a Service Station and EMC with associated Variances

Motion: Chairman Moruzzi made a motion to re-open CDC Case No. 2014-01. Commissioner Caira seconded the motion.

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

Chairman Moruzzi re-opened the Public Hearing at 6:32 p.m.

Chairman Moruzzi held a mass swearing in for those who planned to speak during the Public Hearing.

Village Planner, Victoria Benham, stated a legal notice was published in the Daily Herald on July 5, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 3, 2014. Mrs. Benham stated on July 3, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Ron Ambrose of Ambrose Design Group, LLC was present and previously sworn in by Chairman Moruzzi. Mr. Ambrose reviewed a revised traffic flow plan after working with Village Staff to address concerns raised at the July 21, 2014 public hearing. Mr. Ambrose stated the revised plans require traffic to enter the station from Route 83 and will require truck to exit to the site onto Bryn Mawr. Mr. Ambrose stated the canopy design has been reconfigured to provide for more stacking of trucks on site. Mr. Ambrose reviewed the proposed truck circulation on site with the Commission. Mr. Ambrose stated the revised design shows reconfigured curbs on the northwest side and northeast side of the property to allow for easier flow. Mr. Ambrose stated the petitioner has contacted the owners of the pipelines that run through the property. Mr. Ambrose stated the owners of those lines are aware of the proposed use and will be on site throughout the construction to address any issues that may arise.

Joan Berg of Harrison & Held, LLP located at 333 West Wacker Drive, Suite 1700, Chicago, Illinois 60606 was present and previously sworn in by Chairman Moruzzi. Ms. Berg stated she had previously read the approval criteria for the requested conditional use permits and various variances into the record. Ms. Berg stated after meeting with Staff, the petitioner is now in agreement with Staff's recommendation.

Commissioner Rodriguez asked for clarification on the proposed culvert on site. Mr. Ambrose stated the petitioner has yet to file a permit with IDOT but have begun communications with IDOT regarding the culvert.

Commissioner Pisano raised concern with trucks entering the site vs. vehicles exiting the site onto Route 83. Mr. Ambrose stated the petitioner's original plans were to have two curbcuts that would act as a barrier between trucks and vehicles; however they are limited due to the Elgin/O'Hare Western Bypass project and were denied by IDOT.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-01. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested conditional use permits and variances with the following conditions:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;

- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;
- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

Chairman Moruzzi asked if there was a no U-turn in place for vehicles traveling south on Route 83 at Bryn Mawr. Ms. Benham stated she did not believe there was a no U-turn at the location and that IDOT would have to approve the no U-turn. Chairman Moruzzi asked Staff to inquire of the possibility with IDOT.

Chairman Moruzzi stated he agreed with Commissioner Pisano's concerns of trucks entering the site off Route 83 vs. vehicles exiting the site onto Route 83.

Chairman Moruzzi suggested adding the following conditions:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Ms. Berg stated the petitioner was ok with the recommendation added by the Commission.

Commissioner Caira raised concern with the location of the gas tanks and the potential back up caused while a truck is parked on site fuelling the tanks. Dino Demakis, owner of the property, was present and previously sworn in by Chairman Moruzzi. Mr. Demakis stated he has been in contact with the fueling company and indicated the plans are for remote fuelling to occur that would keep the fueling trucks out of the way of the diesel trucks on site.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2014-01. Commissioner Caira seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:16 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request for a service station 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.

Service Station: The on-site circulation in combination with the two-way truck traffic circulation on site with limited ability to stack semi-tractor trailers, the adverse impact on traffic flow has not been minimized.

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.

Service Station: The proposed service station has provided various methods in reducing the negative effects characteristic of such a use. The landscape plan provides a variety of plantings along both frontages. The proposed use of the property is similar to uses found within the I-2 Light Industrial Zoning District.

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.

Service Station: The proposed service station will fit harmoniously with the established uses along the Illinois Route 83 corridor. The proposed landscape plan minimizes impacts to neighboring properties and character associated with the zoning district.

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.

Service Station: The proposed use will not require a disproportionate degree of existing community facilities or services normally expected of permitted uses in the district.

5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

Service Station: As indicated in the economic study submitted, the proposed service station will provide a convenient location for those members of the public driving on Illinois Route 83.

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. Other factors subject to the Community Development Commission's discretion.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request for an electronic message center sign (EMC) 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.
 - a. *Electronic Message Center (EMC):* The EMC will not create any adverse impact types or traffic flow not otherwise typical of uses within the I-2 zoning district. It meets the established criteria for the Village concerning dwell time and percentage of sign area.
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.
 - a. *Electronic Message Center (EMC):* The EMC will be consistent with Village standards set forth in the Municipal Code and not generate adverse environmental effects of a type or degree not characteristic of permitted uses in the district.
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.
 - a. *Electronic Message Center (EMC):* The EMC sign as proposed will not negatively impact the neighborhood character as the construction will exist within Village EMC standards and similar uses have been granted along the Illinois Route 83 corridor.

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.
 - a. *Electronic Message Center (EMC):* The proposed EMC will not negatively impact the Village's Public services and 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.
 - a. *Electronic Message Center (EMC):* The EMC will provide a public convenience for those traveling along Illinois Route 83.
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. Other factors subject to the Community Development Commission's discretion.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the findings of facts for the variance request to increase the curbcut width from 35' to 52' consisting of:

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

Curbcut: The special circumstance that exists in the width of the curbcut is due to its location on a state controlled route requiring specifications set forth by the Illinois Department of Transportation. Additionally, impacts of the Elgin O'Hare Western access has impacted the size and location of the curbcut for this site.

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

Curbcut: The hardship exists in the width of the curbcut is due to its location on a state controlled route requiring specifications set forth by the Illinois Department of Transportation. Additionally, impacts of the Elgin O'Hare Western access have impacted the size and location of the curbcut for this site.

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

Curbcut: The special circumstances relate only to the physical character of the property due to its proximity to the Elgin O'Hare Western Access and governing control of Illinois Route 83 of the Illinois Department of Transportation.

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

Curbcut: The requested curbcut variance is not resultant from any act by the applicant.

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

Curbcut: The variance is necessary for the applicant to enjoy a substantial property right similar to other properties within the same zoning district.

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

Curbcut: The curbcut variance is necessary for reasonable use of the subject property due to its requirement by the Illinois Department of Transportation.

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

Curbcut: The curbcut variance will not alter the essential character of the locality.

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

Curbcut: The proposed variance will be in harmony with the general purpose and intent of the Village's Zoning Ordinance and general development plan.

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

Curbcut: The proposed variance is the minimum curbcut required to provide the applicant with relief due to the standards approved by the Illinois Department of Transportation.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the variance request to reduce the number of required stacking spaced (12 to 6 for passenger vehicles and 10 to 6 for diesel trucks) consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
 - a. *Stacking:* Based on the bi-directional truck traffic flow on-site, the applicant is unable to provide adequate stacking. This is not a special circumstance.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
 - a. *Stacking:* As indicated in the comments received in the traffic study performed, designing the site to operate in a one way direction would be an inconvenience and not a practical hardship.

3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
 - a. *Stacking:* The stacking variance does concern the business activity of the proposed development as a reduction in fuel pumps would provide a lower number of stacking spaces to be required for the site.
4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
 - a. *Stacking:* The requested stacking variance is resultant from the amount and directional flow of the diesel pumps.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Stacking:* The variance is not necessary for the applicant to enjoy a substantial property right similar to other properties within the same zoning district. No recently approved diesel truck fueling stations have permitted bi-directional traffic flow for semi-trucks.
6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

- a. *Stacking*: The degree of variance required for stacking is not necessary for the use of the property attributable to the two-way traffic flow.
- 7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
 - a. *Stacking*: Granting the variance will substantially impair public safety of vehicles turning in from the curbcut located on Illinois Route 83 during periods of high traffic. The traffic flow on-site generates the opportunity for traffic to begin queuing along Illinois Route 83.
- 8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
 - a. *Stacking*: The proposed variance will not be in harmony with the general purpose and intent of the Village's Zoning Ordinance and general development plan. The purpose and intent as outlined in Title 10 includes the lessening of the congestion in the streets, which staff finds has not been met.
- 9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
 - a. *Stacking*: The proposed stacking variance is not the minimum required to provide the applicant relief from undue hardship. The number of diesel fueling truck positions could be reduced to respectively reduce the stacking requirements.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the variance request to reduce the required foundation landscape strip from 6 feet to 0 feet consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
 - a. *Foundation (Landscape) Strip:* The special circumstances exist in that the required setbacks and traffic flow in the proposed development do not allow for a foundation strip along the western side of the proposed building. Requiring the foundation strip would further limit traffic flow on-site.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
 - a. *Foundation (Landscape) Strip:* The hardship exists in that the required setbacks and traffic flow in the proposed development do not allow for a foundation strip along the western side of the proposed building. Requiring the foundation strip would further limit traffic flow on-site.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

- a. *Foundation (Landscape) Strip:* The special circumstances relate only to the physical character of the property.
4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
 - a. *Foundation (Landscape) Strip:* The requested foundation strip variance is not resultant from any act by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Foundation (Landscape) Strip:* The variance is necessary for the applicant to enjoy a substantial property right similar to other properties within the same zoning district.
6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
 - a. *Foundation (Landscape) Strip:* The variance is necessary for reasonable use of the subject property to prevent a reduction in drive aisle width.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

- a. *Foundation (Landscape) Strip:* The curbcut variance will not alter the essential character of the locality.
- 8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
 - a. *Foundation (Landscape) Strip:* The proposed variance will be in harmony with the general purpose and intent of the Village's Zoning Ordinance and general development plan.
- 9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
 - a. *Foundation (Landscape) Strip:* The proposed variance is the minimum required to provide the applicant with relief from undue hardship.

Commissioner Rodriguez seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request to increase the number of allowed canopy signs from 2 to 3 consisting of:

- 1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
 - a. *Canopy Signs:* The canopy sign increase is a special circumstance in that there are two proposed canopies.

2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
 - a. *Canopy Signs:* The proposed monument sign height is an additional two feet taller than Village code allows and would generate a hardship of visibility in the location on a high-traffic corridor.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
 - a. *Canopy Signs:* The special circumstances relate only to the physical character of the property.
4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
 - a. *Canopy Signs:* The requested canopy sign variance is not resultant from any act by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Canopy Signs:* The variance is necessary for the applicant to enjoy a substantial property right similar to other properties within the same zoning district.

6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
 - a. *Canopy Signs:* The variance is necessary for reasonable use of the subject property.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
 - a. *Canopy Signs:* The curbcut variance will not alter the essential character of the locality.
8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
 - a. *Canopy Signs:* The proposed variance will be in harmony with the general purpose and intent of the Village's Zoning Ordinance and general development plan.
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
 - a. *Canopy Signs:* The proposed variance is the minimum required to provide the applicant with relief from undue hardship.

Commissioner Caira seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request to increase the monument height sign from 8 feet to 11 feet consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
 - a. *Monument Sign Height:* The proposed monument sign height is an additional two feet taller than village code allows and is a special circumstance in the location on a high-traffic corridor.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
 - a. *Monument Sign Height:* The proposed monument sign height is an additional two feet taller than Village code allows and would generate a hardship of visibility in the location on a high-traffic corridor.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
 - a. *Monument Sign Height:* The special circumstances relate only to the physical character of the property.

4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
 - a. *Monument Sign Height:* The requested monument sign height variance is not resultant from any act by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Monument Sign Height:* The variance is necessary for the applicant to enjoy a substantial property right similar to other properties within the same zoning district.
6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
 - a. *Monument Sign Height:* The variance is necessary for reasonable use of the subject property.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
 - a. *Monument Sign Height:* The curbcut variance will not alter the essential character of the locality.

8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
 - a. *Monument Sign Height:* The proposed variance will be in harmony with the general purpose and intent of the Village's Zoning Ordinance and general development plan.
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
 - a. *Monument Sign Height:* The proposed variance is the minimum required to provide the applicant with relief from undue hardship.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use permit request for a service station with Staff's recommendations consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;

- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use permit request for an electronic message center sign (EMC) with Staff's recommendations consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 1990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;

- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance request to increase the curbcut width from 35' to 52' with Staff's recommendation consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 1990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;

- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;
- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the variance request to reduce the number of required stacking spaces (12 to 6 for passenger vehicles and 10 to 6 for diesel trucks) with Staff's recommendation consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;

- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;
- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Commissioner Weldon seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the variance request reduce the required foundation landscape strip from 6 feet to 0 feet with Staff's recommendation consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;

- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance request to increase the number of allowed canopy signs from 2 to 3 with Staff's recommendation consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;

- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;
- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;
- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Commissioner Caira seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variance request to increase the monument height sign from 8 feet to 11 feet with Staff's recommendation consisting of:

- The Conditional Use Permit be granted solely to Heartland Bank and Trust Company, Successor Trustee to Western Springs National Bank and Trust Company, as Trustee under an Agreement dated July 31, 2990, and known as Trust Number 3251 and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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;
- A copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted on 04.17.14 by Ambrose Design Group, LLC;
- No temporary signs to be erected once the subject development has been completed;
- The final landscape plan shall be subject to staff review upon final permitting;
- Overnight truck parking be prohibited;
- The applicant shall work with staff to provide community news occasionally on the EMC;

- The signage plan shall include directional and type of traffic allowed at southern curbcuts;
- After six months of full operation, staff evaluate the left hand turns from Bryn Mawr on to Route 83 and determine if left turns shall be prohibited during peak hours;
- The plan be revised to include the multi-purpose path proposed along Illinois Route 83;
- The photometrics plan be revised to meet the maximum allowed 0.5 footcandles at the perimeter of the property;
- Revise the plan to allow only one-way truck traffic flow; and
- Final colors used in the façade of the building be subject to staff's review and approval.

And the addition of:

- To provide pavement markings and/or signage for the entry point along Route 83 to caution customers to the cross-flow of traffic subject to staff's approval.
- The applicant review location and procedures of filling trucks for consideration and approval by staff.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi recessed the meeting at 7:32 p.m.

Chairman Moruzzi called the meeting back to order at 7:37 p.m.

Public Hearing:

CDC Case Number 2014-19

Petitioner:

PRI Group, LLC

Location:

600 N. Thomas Drive

Request:

Variance Parking in the Front Yard

Motion: Commissioner Pisano made a motion to open CDC Case No. 2014-19. Commissioner Caira seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Moruzzi, Caira, Rodriguez, Pisano, Weldon

Absent: Janowiak, Rowe

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 7:38 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Daily Herald on August 2, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on August 1, 2014. Mrs. Benham stated on August 1, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Jeff Gosmire of the PRI Group was present and sworn in by Chairman Moruzzi. Mr. Gosmire stated the additional parking is being requested due to the growth of the PRI Group and the need to hire additional employees. Mr. Gosmire stated the PRI Group is currently using the area for parking and that the purpose of the variance was to bring the parking in to compliance with code. Mr. Gosmire read the approval criteria into the record.

There were no questions from the Commission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-19. There were none.

Mrs. Benham reviewed the Village Staff report and stated Staff recommends approval of the proposed conditional use permit with the following conditions:

- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 06.10.2013 by Kirsch Land Surveying, LLC; and
- The applicant shall provide screening along the new stalls along the eastern and western sides; and
- A curb and gutter shall be installed around the employee parking area.

Mr. Gosmire stated there are currently no curbs on site throughout the parking lot and asked that the proposed condition be removed.

Commissioner Pisano asked if the proposed variance should be tied to the current owner or the property. Mrs. Benham stated that variances normally are tied to the property, not the occupant on the building.

Commissioner Weldon asked for clarification of Staff's recommendation for the installation of curbs and drainage in the parking lot. Commissioner Weldon stated Public Work's recommendation was for the installation of curbs and drainage to the proposed section while Staff's recommendation is for the full site. Mrs. Benham stated Staff will concur with Public Works and the petitioner to resolve the issue at hand.

Chairman Moruzzi asked if there will be site issues for vehicles entering and exiting the site due to the landscape on site. Mrs. Benham stated the landscape on site will not affect vehicles entering and exiting the site.

Chairman Moruzzi suggested adding the following conditions for the proposed variance:

- Staff review parking stall #7.
- Staff review the pavement curbing and gutter requirement for the parking lot.
- Staff consider tying the request to the applicant.
- Staff review the landscape and line of site for the landscape.

Motion: Commissioner Caira made a motion to close CDC Case No. 2014-19. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:03 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request for additional parking in the front yard consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
 - a. *Parking in Front Yard:* Special circumstances include the recent growth of the company and existing location of the building and parking on site.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.
 - a. *Parking in Front Yard:* The variances must be addressed in order to prevent undue hardship or practical difficulties associated with the continued growth of the applicant.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
 - a. *Parking in Front Yard:* The special circumstances relate only to the physical character of the land and building with the location of the loading docks limiting the location of parking and drive aisle width.

4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
 - a. *Parking in Front Yard:* The special circumstances are not resultant from the applicant's actions.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Parking in Front Yard:* The proposed expansion of the parking stalls at the subject property does not confer extraordinary rights or special privilege for the applicant.
6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
 - a. *Parking in Front Yard:* The proposed expansion of the parking stalls is necessary for the use of property to promote the safety for employee parking.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
 - a. *Parking in Front Yard:* The proposed variances will not alter the essential character of the surrounding areas as the screening will mitigate any impacts.

8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
 - a. *Parking in Front Yard:* The proposed Variances are consistent with the Zoning Ordinance and General Development Plan.
9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.
 - a. *Parking in Front Yard:* The proposed Variances are the minimum required to provide the applicant relief from undue hardship or practical difficulties with reasonable use and enjoyment of the property.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request for a reduction in the required drive aisle width from 24 feet to 19 feet consisting of:

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

Reduced Drive Aisle Width: The special circumstance is in the required space for the operation of the trucks on the subject property and the location of the parking lot. The loss of screening would be necessary to meet the needs of the drive aisle.

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

Reduced Drive Aisle Width: The variances must be addressed in order to prevent undue hardship or practical difficulties associated with the continued growth of the applicant.

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

Reduced Drive Aisle Width: The special circumstances relate only to the physical character of the land and building with the location of the loading docks limiting the location of parking and drive aisle width.

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

Reduced Drive Aisle Width: The special circumstances are not resultant from the applicant's actions.

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

Reduced Drive Aisle Width: The proposed expansion of the parking stalls at the subject property does not confer extraordinary rights or special privilege for the applicant.

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

Reduced Drive Aisle Width: The proposed expansion of the parking stalls is necessary for the use of property to promote the safety for employee parking.

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

Reduced Drive Aisle Width: The proposed variances will not alter the essential character of the surrounding areas as the screening will mitigate any impacts.

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

Reduced Drive Aisle Width: The proposed Variances are consistent with the Zoning Ordinance and General Development Plan.

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

Reduced Drive Aisle Width: The proposed Variances are the minimum required to provide the applicant relieve from undue hardship or practical difficulties with reasonable use and enjoyment of the property.

Chairman Moruzzi seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the variance request for additional parking in the front yard with Staff's recommendations consisting of:

- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 06.10.2013 by Kirsch Land Surveying, LLC; and
- The applicant shall provide screening along the new stalls along the eastern and western sides; and
- A curb and gutter shall be installed around the employee parking area.

And the addition of:

- Staff review parking stall #7.
- Staff review the pavement curbing and gutter requirement for the parking lot.
- Staff consider tying the request to the applicant.
- Staff review the landscape and line of site for the landscape.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Pisano made a motion to approve the variance request for a reduction in the required drive aisle width from 24 feet to 19 feet with Staff's recommendations consisting of:

- The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 06.10.2013 by Kirsch Land Surveying, LLC; and

- The applicant shall provide screening along the new stalls along the eastern and western sides; and
- A curb and gutter shall be installed around the employee parking area.

And the addition of:

- Staff review parking stall #7.
- Staff review the pavement curbing and gutter requirement for the parking lot.
- Staff consider tying the request to the applicant.
- Staff review the landscape and line of site for the landscape.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi requested to move CDC Case No. 2014-24 to this portion of the meeting. There were no objections from the Commission.

Public Hearing: CDC Case Number 2014-24
Petitioner: Progressive Treatment Solutions
Location: 639 N. Thomas Drive
Request: Conditional Use Permit to allow a Medical Cannabis Cultivation Center
Motion: Commissioner Caira made a motion to open CDC Case No. 2014-24. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 8:11 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Daily Herald on August 2, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on August 1, 2014. Mrs. Benham stated on August 1, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Kayvan Khalatbari, 8th Lipan Street, Denver, Colorado and Christine Heck, 11364 West 77th Street, Burr Ridge, Illinois were both present and sworn in by Chairman Moruzzi. Mr. Khalatbari distributed copies of Progressive Treatment Solution's power point to the Commission. A copy of the power point has been attached to the minutes as "Exhibit A". Ms. Heck introduced the team members with Progressive Treatment Solutions. Mr. Khalatbari reviewed accolades that Progressive Treatment Solutions have received since 2009. Mr. Khalatbari reviewed the "Green Team" operation that was created by Progressive Treatments Solutions. Mr. Khalatbari stated the Green Team is a community integration club that helps provide food, coats, clothing drives, college scholarships, urban gardening collaborations, feeding the homeless, bike & wheel chair repairs, trash & neighborhood cleanup, neighborhoods association partner, and hand reduction hygiene drive. Mr. Khalatbari stated Progressive Treatment Solutions is medically focused and will not be producing and baking goods. Mr. Khalatbari stated Progressive Treatment Solutions will offer a medically focused product line that will include standardized capsules; sublingual tinctures, strips and sprays; topical products; transdermal patches; suppositories; pre-filled vaporizers; high CBD genetic; bio-assessment data collection; patient education; and cannabis genome research. Mr. Khalatbari reviewed the proposed floor plan and security plan with the commission. Mr. Khalatbari stated all requirements set forth by the State of Illinois are understood and will be met if approved. Mr. Khalatbari read the approval criteria into the record for the proposed conditional use permit. Commissioner Rodriguez asked if there were plans for a retail shop on site. Mr. Khalatbari stated there was no plans for a retail shop on site; the proposed site will be for growth only.

Commissioner Rodriguez raised concern with the potential waste on site and the impact it may have with wastewater. Mr. Khalatbari stated the industry is still growing in that aspect and feels if approved by the State of Illinois, the issues will be resolved by the time they were to open.

Commissioner Rodriguez asked what types of parameters are set in Colorado to mediate odor released into the air. Mr. Khalatbari stated companies are required to conduct environmental studies and turn reports into the State upon request. Mr. Khalatbari stated the same guidelines have been set for by the State of Illinois.

Commissioner Pisano asked if any sales tax will be generated by the type of operation. Mr. Khalatbari stated there will not be any sales tax generated however the operations will be subject to any fees set forth by Bensenville to operate as such a use.

Commissioner Pisano asked why level of odor will be released into the air as a result of the proposed operation. Mr. Khalatbari stated there will be instances of odor escaping into the air but did not have a definitive answer and would rely on the environmental study to answer the Commissioner's question.

Commissioner Caira asked if there are any operations currently in the State of Illinois. Mr. Khalatbari stated there are not and that applications are due by the end of September.

Commissioner Caira asked if the petitioner was familiar with the guidelines set forth by the State of Illinois. Mr. Khalatbari stated he was fully aware of the guidelines.

Commissioner Caira asked what the hours of operation would be. Mr. Khalatbari stated the planned hours of operation would be from 6:00 a.m. – 6:00 p.m. with 24/7 surveillance of the property as required by the State of Illinois.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-24. There were none.

Mrs. Benham reviewed the Village Staff report and stated Staff recommends approval of the proposed conditional use permit with the following conditions:

- The Conditional Use Permit be granted solely to Progressive Treatment Solutions and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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; and
- The operation of the subject property shall be granted upon receipt of the State issued Medical Cannabis Cultivation license and a copy submitted to the Village; and
- 24 hour surveillance shall be implemented at the property in question; and
- No exterior signage of any kind shall be erected on the building.

Commissioner Rodriguez stated he had concerns with the potential for odor to escape into the air and asked if it would be appropriate to add a condition requiring an environmental study be conducted every so often. Mrs. Benham stated it is required by the State of Illinois that an environmental study be conducted and be available upon request. Mrs. Benham also stated there are guidelines set forth in the Village Code for odor and if they are not met, the property is subject to fines and penalties.

Commissioner Rodriguez suggested adding the following condition for approval:

- A professional environmental survey be conducted to evaluate odors and the applicant abide by any odor mitigation recommendations made therein.

Commissioner Pisano raised concerns with the potential for odor being dispensed into the air.

Commissioner Caira asked if the applicant has applied for other conditional use permits in other municipalities. Mr. Khalatbari stated they have other applications pending throughout the State but not in the same district as Bensenville.

Motion: Commissioner Weldon made a motion to close CDC Case No. 2014-24. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 9:12 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request to operate a medical cannabis cultivation center 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. The applicant has indicated there will be no adverse impact to volumes of types of traffic. The proposed use of this property would have regular office traffic and have no truck traffic. The applicant anticipates highly skilled agricultural, medical and general office employees.
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. The application as proposed does not generate any noise, glare, odor, dust, waste, or blockage of light of a type or degree not characteristic of allowed uses in the I-2 Light Industrial District. The operations are to be contained within the existing facility and require no outdoor usage. The proposed use generates no harmful byproducts from the cultivation process.

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 will fit harmoniously with the existing character of existing allowed uses in its environs. The proposed cultivation operation is similar in nature to other manufacturing facilities in the area.
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 proposed business will not use a disproportionate amount of services and facilities. As indicated, the proposed use will use public services and facilities similarly to any other indoor manufacturing facility.
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. The proposed cultivation and production facility will provide the Village of Bensenville with new cultivation and manufacturing jobs. Additionally, the proposed intends to further establish and sustain relationships with local medical and substance abuse programs and professionals in an effort to develop effective, practical tactics for the mitigation of substance abuse.
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. Other factors are subject to the Commission's judgment.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Weldon

Nays: Pisano

Motion carried.

Motion:

Commissioner Weldon made a motion to approve the conditional use permit request to operate a medical cannabis cultivation center with Staff's recommendations consisting of:

- The Conditional Use Permit be granted solely to Progressive Treatment Solutions and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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; and
- The operation of the subject property shall be granted upon receipt of the State issued Medical Cannabis Cultivation license and a copy submitted to the Village; and
- 24 hour surveillance shall be implemented at the property in question; and
- No exterior signage of any kind shall be erected on the building.

And the addition of:

- A professional environmental survey be conducted to evaluate odors and the applicant abide by any odor mitigation recommendations made therein.

Commissioner Rodriguez seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rodriguez, Weldon

Nays: Caira, Pisano

Motion fails due to a lack of the majority.

Chairman Moruzzi recessed the meeting at 9:18 p.m.

Chairman Moruzzi called the meeting back to order at 9:24 p.m.

Public Hearing: CDC Case Number 2014-23
Petitioner: Ron Resech on Behalf of Columbia Care, LLC
Location: 770 Larsen Lane
Request: Conditional Use Permit to allow a Medical Cannabis Cultivation Center

Motion: Commissioner Weldon made a motion to open CDC Case No. 2014-23. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 9:25 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Daily Herald on August 2, 2014 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on August 1, 2014. Mrs. Benham stated on August 1, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Colin Moynihan of 347 Lockwood Avenue, Northfield, Illinois and Jim Griffin of 70 West Madison #5300, Chicago Illinois were both present and sworn in by Chairman Moruzzi. Mr. Griffin stated the current building at 770 Larsen Lane is vacant. Mr. Griffin stated the proposed use will be conducted within a 28,000 square foot building. Mr. Griffin stated all growing will occur indoors along with loading and unloading. Mr. Griffin stated the Public will not be allowed to enter the building under any circumstances. Mr. Griffin reminded the Commission that the State of Illinois will only allow one growth facility per district. Mr. Griffin read the approval criteria into the record.

Mr. Moynihan provided a background of Columbia Care, LLC and stated they were the first approved facility in Washington D.C.

Commissioner Rodriguez raised concern with the property disposal of waste and wastewater at the facility. Mr. Moynihan stated about 80% of the water used on site is recycled and reused on site. Mr. Moynihan stated the other water that is being disposed of, along with any waste, are required to be tested and properly disposed of.

Commissioner Rodriguez proposed the same conditions as the last case that would require an environmental study be conducted regarding the odor from the operations. Mr. Moynihan stated the petitioners were in agreement with the request.

Commissioner Rodriguez asked why type of packing would occur on site. Mr. Moynihan stated they will have high security packing and an inventory process.

Commissioner Rodriguez asked what the hours of operations would be. Mr. Moynihan stated they have planned for a day shift and night shift; however, the hours were still being planned based on the State of Illinois guidelines.

Commissioner Pisano asked if there would be onsite security. Mr. Moynihan stated there will be unarmed security guards onsite will the operation is open and surveillance cameras will be operational 24/7 as required by the State of Illinois.

Commissioner Pisano asked how local property values will increase. Mr. Griffin stated the current building is vacant and is being taxed as such. Mr. Griffin stated if the building is operational, it will be taxed as such.

Commissioner Pisano asked what Columbia Care, LLC would bring to the community in a positive way. Mr. Moynihan stated the operation will help create jobs and that Columbia Care, LLC was open to a donation agreement with the Village of Bensenville.

Commissioner Caira asked if the petitioners have applied for the type of request in the surrounding areas. Mr. Moynihan stated that Columbia Care, LLC has applied for similar operations within the State of Illinois but not within the same district as Bensenville.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-24. There were none.

Mrs. Benham reviewed the Village Staff report and stated Staff recommends approval of the proposed conditional use permit with the following conditions:

- The Conditional Use Permit be granted solely to Columbia Care, LLC dba Sterling Care and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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; and
- The operation of the subject property shall be granted upon receipt of the State issued Medical Cannabis Cultivation license and a copy submitted to the Village; and
- 24 hour surveillance shall be implemented at the property in question; and
- No exterior signage of any kind shall be erected on the building.

Commissioner Rodriguez suggested adding the following condition for approval:

- A professional environmental survey be conducted to evaluate odors and the applicant abide by any odor mitigation recommendations made therein.

Commissioner Pisano asked for the reasoning behind Staff's recommendation that no signage be allowed on site. Mrs. Benham stated Staff is following the guidelines set forth by the State of Illinois.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2014-23. Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 9:58 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request to operate a medical cannabis cultivation center 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. The applicant has indicated there will be no adverse impact to volumes of types of traffic extraordinary than others in the I-2 Light Industrial District.
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. The application as proposed does not generate any noise, glare, odor, dust, waste, or blockage of light of a type or degree not characteristic of allowed uses in the I-2 Light Industrial District. The operations are to be contained within the existing facility and require no outdoor usage. The proposed use generates no harmful byproducts from the cultivation process.
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 will fit harmoniously with the existing character of existing allowed uses in its environs. The proposed cultivation operation is similar in nature to other manufacturing facilities in the area.

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 proposed business will not use a disproportionate amount of services and facilities. As indicated, the proposed use will use public services and facilities similarly to any other indoor manufacturing facility.
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. The proposed cultivation and production facility will provide the Village of Bensenville with new cultivation and manufacturing jobs.
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. Other factors are subject to the Commission's judgment.

Chairman Moruzzi seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Caira, Rodriguez, Weldon

Nays: Pisano

Motion carried.

Motion:

Commissioner Weldon made a motion to approve the conditional use permit request to operate a medical cannabis cultivation center with Staff's recommendations consisting of:

- The Conditional Use Permit be granted solely to Columbia Care, LLC dba Sterling Care and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease 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; and
- The operation of the subject property shall be granted upon receipt of the State issued Medical Cannabis Cultivation license and a copy submitted to the Village; and
- 24 hour surveillance shall be implemented at the property in question; and
- No exterior signage of any kind shall be erected on the building.

And the addition of:

- A professional environmental survey be conducted to evaluate odors and the applicant abide by any odor mitigation recommendations made therein.

Chairman Moruzzi seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rodriguez, Weldon

Nays: Caira, Pisano

Motion fails due to a lack of the majority.

Public Hearing:

CDC Case Number 2014-25

Petitioner:

Valinvest Holding, LLC

Location:

720 E. Green Street

Request:

PUD including Conditional Use Permits for a Truck Stop, Car/Truck Wash Service Stations, Outdoor Storage, Motor Vehicle Repair and additional Code Departures

Community Development Commission Meeting Minutes

August 18, 2014

Page 55

Motion: Commissioner Pisano made a motion to continue CDC Case No. 2014-25 until September 8, 2014. Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Rodriguez, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor

Motion carried.

The meeting was adjourned at 10:04 p.m.



Mike Moruzzi, Chairman
Community Development Commission

PROGRESSIVE TREATMENT SOLUTIONS



**PROPOSED CANNABIS CULTIVATION &
MANUFACTURING FACILITY:**

770 LARSEN LANE
BENSENVILLE, IL 60106

PTS MISSION AND VISION



Progressive Treatment Solutions (“PTS”) exists for the purpose of enhancing the lives of Illinois medical cannabis patients and inciting the progressive evolution of the medical cannabis industry.

- Professional, secure and hyper-compliant facilities
- Affordable, consistent and effective product offerings
- A transparent, generous and reputable corporate entity
- Experienced and well-educated management staff
- Comprehensive education and outreach programs for the benefit of patients, the medical community, local authorities and our neighborhood.

PTS OWNERSHIP TEAM



Christine Heck, M.S., D.P.M.
CEO

- ❑ Licensed, board certified podiatric physician and surgeon
- ❑ Experience working with military veterans
- ❑ Independently authored notable research studies



Deb Mahler, R.N.
COO of Retail Operations

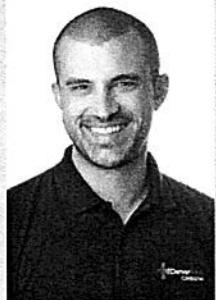
- ❑ Active Illinois registered nurse for 38 years
- ❑ Professional leadership experience in OSHA management
- ❑ Experience working in healthcare and education fields



Leonard J. Mahler
COO of Cultivation and
Manufacturing Operations

- ❑ Owned and managed successful product distribution centers for 37 years
- ❑ Valuable experience in effective entrepreneurship and business financing
- ❑ Production and manufacturing expertise

PTS ADVISORY COMMITTEE



Kayvan Khalatbari
Cannabis Operations Advisor
Denver Relief Consulting
Founder



Nick Hice
Cannabis Cultivation Advisor
Denver Relief Consulting
Founder



Laura Harris
Compliance Advisor
Colorado Medical Marijuana
Enforcement Division



Neil Yorio
Research & Science Advisor
Ex-NASA, Lighting Science
Group



Peter McLenighan
Substance Abuse Advisor
Stepping Stones Recovery
Center



Diane Doherty
Community Advisor
Illinois Hunger Coalition



"Model of Colorado"

- Colorado Medical
Marijuana Enforcement
Division Director

Oldest operating
dispensary in
Denver
(2009)

Awards & Media
Features

DRC ACCOLADES

AWARDS:

2009 Medical Marijuana Harvest Cup, 1st Place Overall, Bio-Diesel

2012 The Hemp Connoisseur Championship, 1st Place Indica, Reserva Privada

2012 The Hemp Connoisseur Championship, 1st Place Hybrid, Ultimate '91 ChemDawg

2012 The Hemp Connoisseur Championship, Highest Tested Hybrid, Ultimate '91 ChemDawg

2012 The Hemp Connoisseur Championship, 2nd Place Sativa, Outer Space

2013 High Times Cannabis Cup, 1st Place Hybrid, OG 18

2014 High Times Cannabis Cup, 2nd Place Medical Sativa, Durban Poison



Bloomberg

WGN com
CHICAGO'S VERY OWN

CBS

BBC
NEWS

the guardian

CNN

NBC

WALL
STREET
JOURNAL

abc

Los
Angeles
Times

CNBC

PROGRESS & PERCEPTION

GREEN TEAM

A LOOK AT THE COMMUNITY WIDE IMPACT OF THE GREEN TEAM SINCE 2009.



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COMMUNITY INTEGRATION

Food, Coat and Clothing Drives
Urban Gardening Collaborations
Bike & Wheelchair Repair Clinics
Neighborhood Association Partner

College Scholarships
Feeding the Homeless
Trash & Neighborhood Cleanup
Harm Reduction Hygiene Drives



INDUSTRY COLLABORATION

Operator Coalition

Terrapin Care Station
3D Cannabis Center
Pinkhouse Blooms
Natural Remedies

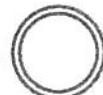


Associations

National Cannabis Industry Association
Illinois Cannabis Industry Association
Americans for Safe Access
American Herbal Products Association



EXTERNAL AFFILIATIONS



PROGRESS THROUGH COLLABORATION

Illinois Department of Agriculture

Residual Testing



University of Denver

Best Practices for Employee Safety



University of Colorado-Boulder

Cannabis Genomic Research Initiative



University of Maryland

Water Conservation



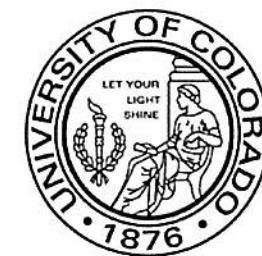
Utah State University

LED Lighting Research & Development



Denver Department of Environmental Health

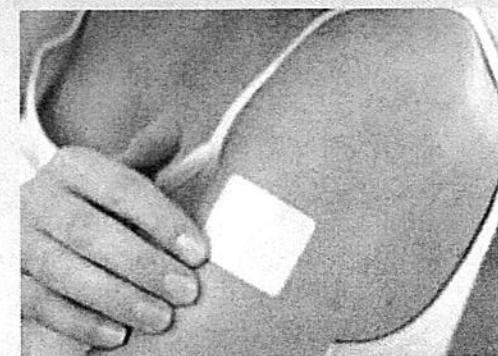
Energy Efficiency & Environmental Stewardship



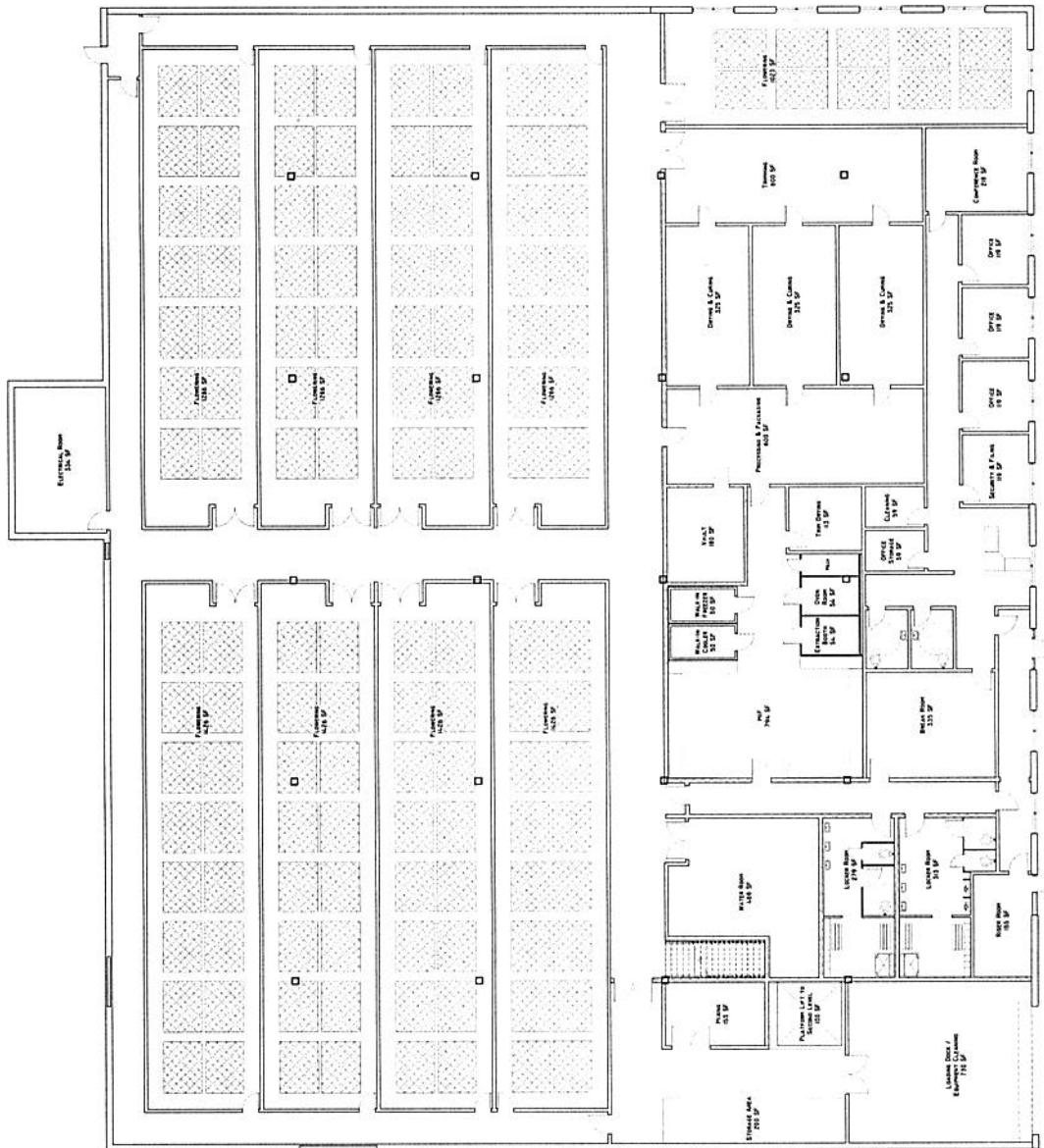
MEDICALLY FOCUSED



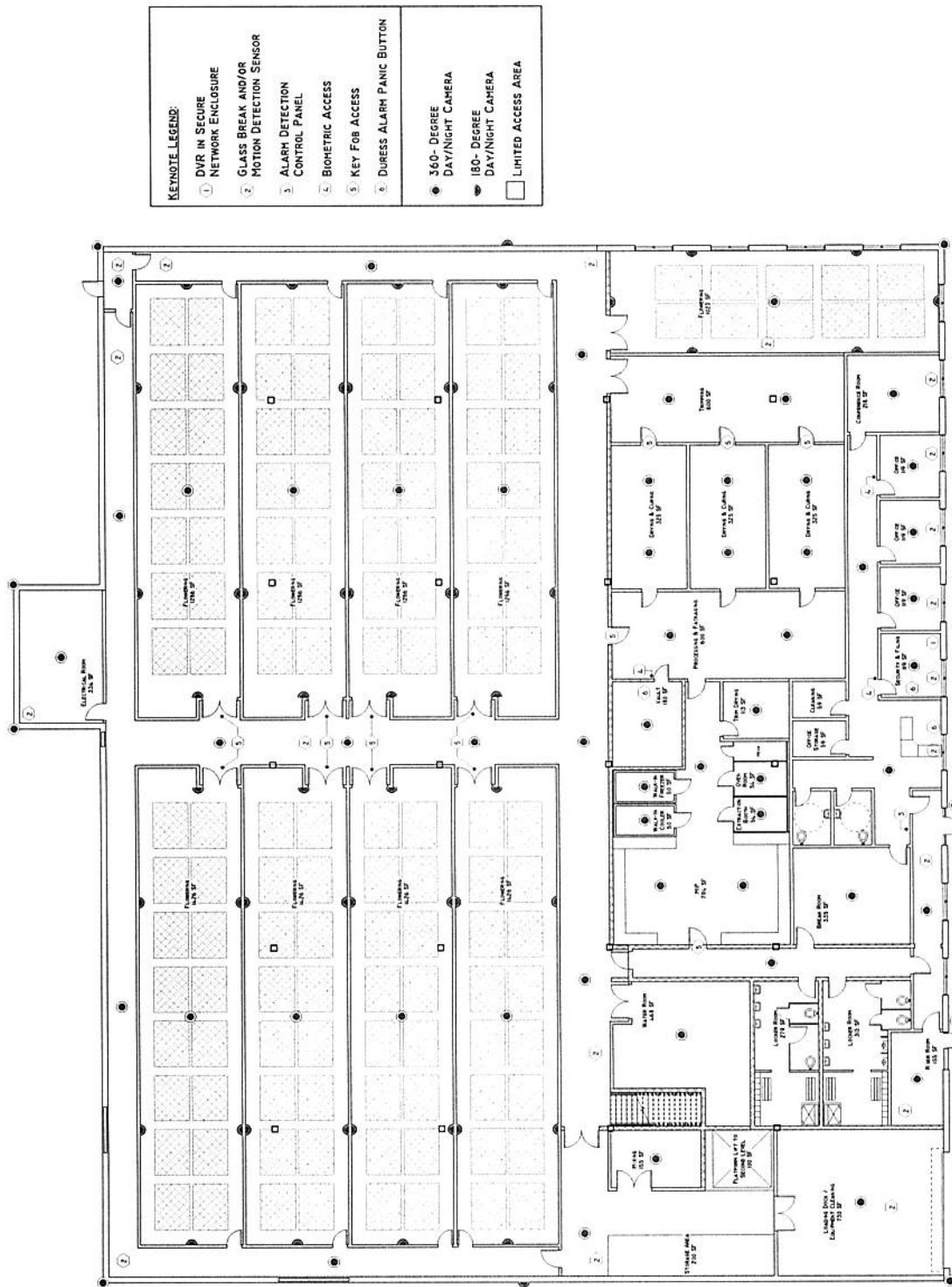
No baked goods
Medicinally-focused product line
Standardized capsules
Sublingual tinctures, strips, and sprays
Topical products
Transdermal patches
Suppositories
Pre-filled vaporizers
High-CBD genetics
Bio-assessment data collection
Patient education
Cannabis Genome Research



PROPOSED FLOOR PLAN



PROPOSED SECURITY PLAN



SECURITY DESIGN



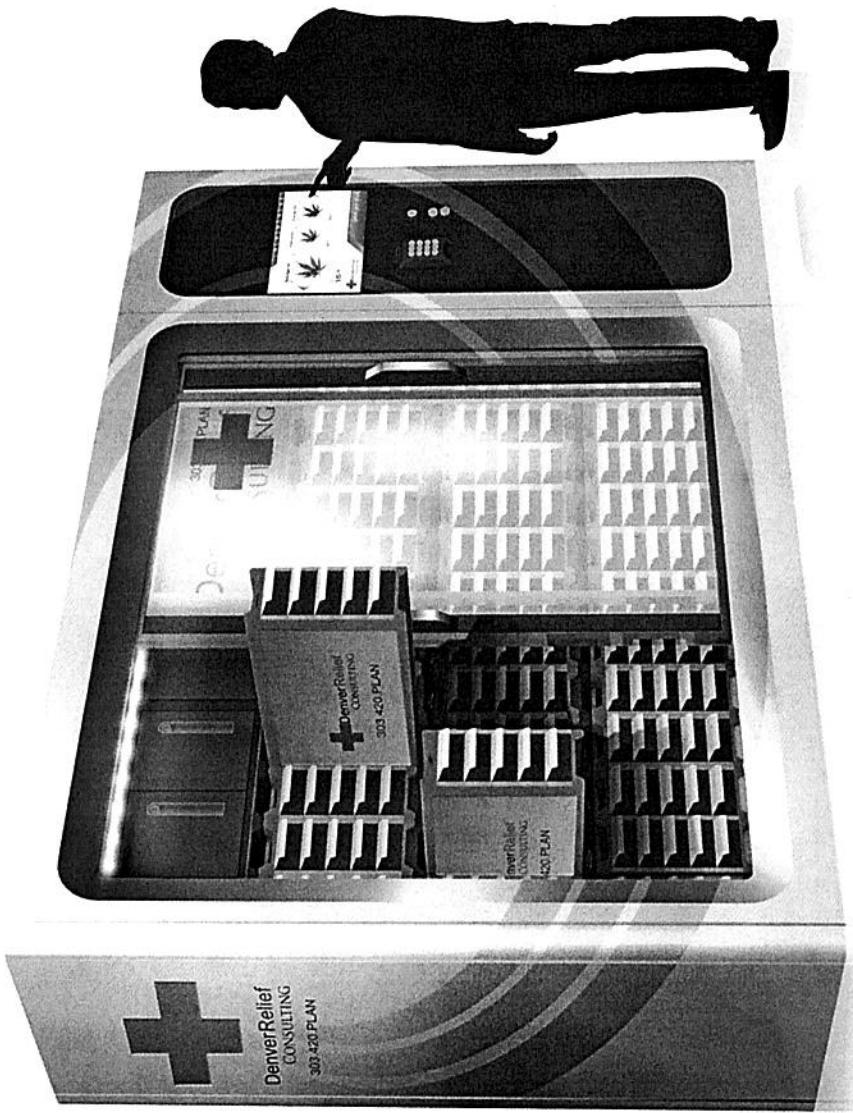
Facility

- Secure Perimeter
- Exterior Lighting
- Limited, Fortified Entry Points
- Restricted Access Area Separation
- Secure Vault Storage
- Bio-Metric Access Control
- Video Surveillance
- Alarm Monitoring
- Duress Alarm
- Power & Cellular Backup
- Remote Monitoring

Operations

- Background Checks
- Law Enforcement Collaboration
- Third Party Security On Site
- Incident Response Training
- Supply-Chain Security
- Recordkeeping & Reporting
- Digital Inventory Verification
- No Tolerance Policy
- Visitor Restrictions

UNIQUE STORAGE TECHNOLOGY



DenverRelief
CONSULTING
303.420.PLAN

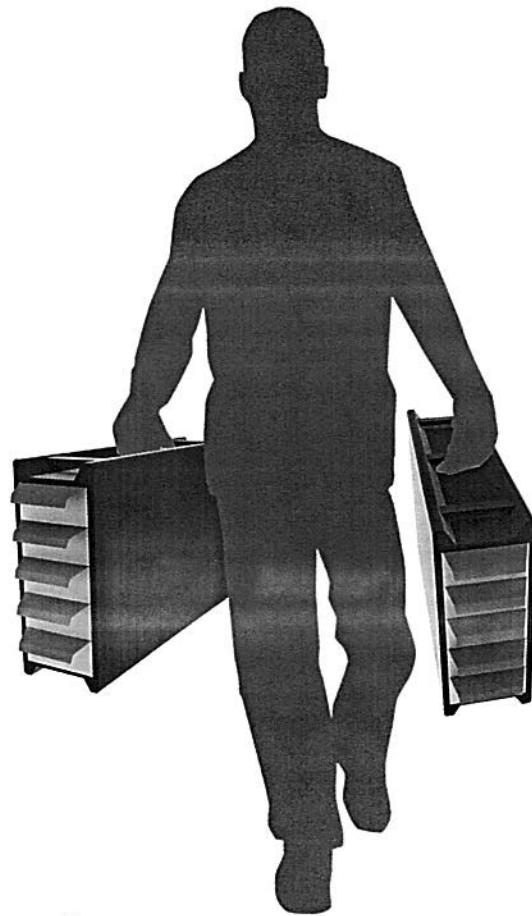
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INVENTORY CONTROL EQUIPMENT LTD.

UNIQUE TRANSPORTATION TECHNOLOGY



Process

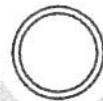
- Risk-based route planning
- Two-way communication
- Two agent transfer
- Electronic verification
- Recordkeeping
- Agent training

Container

- Military-Grade Carbon Fiber
- GPS tracking
- Tamper-evident
- Digital Rights Access
- Secure Transport Vehicle Mount



POSITIVE COMMUNITY IMPACT



Community Engagement

Green Team

Working with local non-profits

Indigent patient program

Economic Stimulus

Creation of 50-100 cultivation and manufacturing jobs

Creation of 50-75 construction jobs



Environmental Stewardship

LED technology

Water conservation

Wastewater mitigation

Substance Abuse Mitigation

Relationships with medical and substance abuse treatment communities

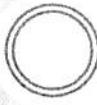
Development of practical tactics for addressing Illinois' heroin addiction epidemic

SATISFACTION OF APPROVAL CRITERIA



1. Traffic
 - No adverse impact of types or volumes of traffic flow.
2. Environmental Nuisance
 - No noise, glare or dust production or blockage of light or air.
 - Odor control by environmental engineer.
 - Plant waste will be destroyed and composted.
3. Neighborhood Character
 - No exterior changes, except for improved visible security.
4. Use of Public Services and Facilities
 - Use of existing electrical service, limited water demand and zero wastewater from cultivation of cannabis.
5. Public Necessity
 - These businesses are coming to Illinois. Let's make sure it's done right.
6. Other Factors
 - Industry progress in a proven model.

THANK YOU FOR YOUR TIME



CONTACTS:

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CHECK@PTSINIL.COM

KAYVAN KHALATBARI

K.KHALATBARI@PTSINIL.COM