

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 15, 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, Janowiak, Rowe, Pisano, Weldon
Absent: Caira, Rodriguez
A quorum was present.

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

JOURNAL OF PROCEEDINGS:

The minutes of the special Community Development Commission Meeting of September 8, 2014 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-28
Petitioner: Bensenville 1, LLC
Location: 340 County Line Road
Request: Variance to Increase Allowed Building Height and Reduce Required Loading Dock Widths

Motion: Commissioner Rowe made a motion to open CDC Case No. 2014-28. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi 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 August 30, 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 29, 2014. Mrs. Benham stated on August 29, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

John Wauterlek, Mike Wauterlek and David Olsen were all present and previously sworn in by Chairman Moruzzi.

Mr. J. Wauterlek stated the proposed plans allow for new construction of a building at 340 County Line Road. Mr. J. Wauterlek stated the current Village Code does not meet those of other communities and is the reason for the requested variances. Mr. J. Wauterlek stated the proposed height of the building allows for additional storage for the company that operates the unit. Mr. J. Wauterlek stated the variance request for reduced loading dock width will meet the standards in other communities

Mr. Olsen read the findings of facts into the records for both variance request. Mr. Olsen submitted the approval criteria for both requests into the record. Both have been attached to the minutes as "Exhibit A".

There were no questions from the Commissioners.

Commissioner Caira entered the meeting at 6:49 p.m.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-28. 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 condition:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 08.15.2014 by The Jenkins Group.

Commissioner Weldon asked if the Fire Department had any issues with the requested variance to increase the height of the building. Ms. Benham stated Staff did not receive any concerns and that the building will have a property fire alarm and sprinkler system.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2014-28. Commissioner Caira seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:54 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request for building height 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.

Building Height: Special circumstances exist in that the height limitation is due to the residentially zoned property to the south. Although the property is zoned residentially, it is owned by the Village of Bensenville and used as an extension of the Redmond Recreational Park and is not being used for residential development.

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.

Building Height: Constructing the building to 32 feet in height would generate practical difficulties in the modern utilization of the property.

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.

Building Height: Special circumstances relate to the property in that the residentially zoned districts are used as an open park and not a single or multiple family dwelling. As the property in question is zoned I-3 Heavy Industrial, the hardship relates to the physical character of the buildings.

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.

Building Height: The special circumstance is in the required for the building height and loading docks for the trucks is not resultant from applicant action.

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

Building Height: The request for additional building height and decreased loading dock width does not confer a special privilege ordinarily denied to other I-3 Heavy Industrial properties.

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.

Building Height: The variance to increase the building height is necessary for reasonable use based on market demand for 32 foot clear ceilings by warehouse and office uses.

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.

Building Height: The proposed building height is similar to the character of the adjacent properties located within the I-3 Heavy Industrial District. Adjacent properties to the property in question have buildings which are similar in height.

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.

Building Height: The variances requested are consistent with the Title 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.

Building Height: The minimum Variances have been requested.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, 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 reduce the required loading dock width 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. *Reduced Loading Dock Width:* The special circumstance is that the loading docks can be minimized without limiting maneuvers 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. *Reduced Loading Dock Width:* The literal application of the provisions of the Municipal Code corresponding to loading dock width would result in practical difficulties in the ability of the businesses to operate with limited loading docks.

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. *Reduced Loading Dock Width:* The special circumstances are that the drive aisle width has been expanded to allow for narrower maneuvers.

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. *Reduced Loading Dock Width:* The special circumstance is in the required for the building height and loading docks for the trucks is not resultant from applicant action.

5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
 - a. *Reduced Loading Dock Width:* The request for additional building height and decreased loading dock width does not confer a special privilege ordinarily denied to other I-3 Heavy Industrial properties.

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. *Reduced Loading Dock Width:* The variance to decrease the loading dock width allows the applicant reasonable use and enjoyment of the 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. *Reduced Loading Dock Width:* The local character will not be altered with the two foot reduction of the loading dock width.

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. *Reduced Loading Dock Width: The variances requested are consistent with the Title 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. *Reduced Loading Dock Width: The minimum Variances have been requested.*

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance request regarding building height with Staff's recommendations consisting of:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 08.15.2014 by The Jenkins Group.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Caira made a motion to approve the variance request for loading dock width reduction with Staff's recommendations consisting of:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans dated 08.15.2014 by The Jenkins Group.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon
Nays: None
All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-31
Petitioner: Green Field Technologies, Inc.
Location: 600 North York Road
Request: Conditional Use Permit to Allow a Medical Cannabis Cultivation Center

Motion: Commissioner Weldon made a motion to open CDC Case No. 2014-31. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:57 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Daily Herald on August 30, 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 29, 2014. Mrs. Benham stated on August 29, 2014 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Dennis Koster, Bill Vasilopoulos, Christopher Jackson, Jason Hiller and Chris Hunter were all present and previously sworn in by Chairman Moruzzi.

Mr. Hunter read the findings of facts for the proposed conditional use permit request into the record. Mr. Hunter stated Green Field Technologies, Inc. currently has a deal in place to purchase the property located at 600 North York Road pending their approval from the State of Illinois to operate as a Cannabis Cultivation Center. Mr. Hunter provided background on Green Field Technologies, Inc. Mr. Hunter stated Green Field Technologies, Inc. intends to be an active member within the community by joining the Chamber of Commerce, offer local scholarships and assist with the local food bank.

Mr. Vasilopoulos provided an overview of the proposed ventilation planned to be inside of 600 North York Road if approved. Mr. Vasilopoulos stated there will be no environmental nuisance to the community. Mr. Vasilopoulos stated the plans allow for the majority of waste to be recycled, there for will not end up in a landfill. Mr. Vasilopoulos stated there will virtually be no water run off with the proposed operations at 600 North York Road. Mr. Vasilopoulos stated the grow rooms will be located within the west side of the building. Mr. Vasilopoulos stated the proposed HVAC system will not allow odor to escape the building.

Commissioner Pisano asked what the proposed hours of operation would be. Mr. Koster stated the proposed hours of operation would be from 7:00 a.m. to 7:00 p.m.

Commissioner Pisano asked how many employees would be on site. Mr. Koster stated there will be around 20 employees and that the number could grow depending on supply and demand.

Commissioner Pisano asked if security cameras will be installed. Mr. Koster stated security cameras will be installed all around the building and will operate 24/7/365. Mr. Koster stated there will be a security guard on site during business hours and that they are entreating the idea of a 24/7/365 security guard.

Commissioner Pisano asked if odor will escape into the atmosphere. Mr. Vasilopoulos stated if the scrubbing is properly executed, odor will not be released into the atmosphere. Commissioner Caira asked if Green Field Technologies, Inc. had applied to operate in surrounding communities. Mr. Koster stated Bensenville is the first and only Municipality Green Field Technologies, Inc. plans to apply for a conditional use permit.

Commissioner Caira asked what Green Field Technologies, Inc. could bring to Bensenville. Mr. Koster stated Green Field Technologies, Inc. would help provide jobs in Bensenville along with becoming an active building that would generate property tax to the Village and that Green Field Technologies, Inc. will be an active member in Bensenville as Mr. Hunter stated before.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-31. 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:

1. The Conditional Use Permit be granted solely to Green Field Technologies Inc. dba Naturceudicals Natures Pharmacy 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
2. 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
3. 24 hour surveillance shall be implemented at the property in question; and
4. No exterior signage of any kind shall be erected on the building; and
5. 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 building not having signage on it and with it being on a major corridor in Bensenville.

Commissioner Weldon asked if the C-4 sunset provision had any effect on the proposed conditional use permit request. Mrs. Benham stated the applicants are fully aware of the sunset provision and do not feel that there will be any issues moving forward.

Commissioner Caira asked if there will be any issued with parking on site. Mrs. Benham stated the parking on site has been met within the Village Code.

Mr. Hunter stated parking will not be an issue on site as there will be two shifts during the day.

Mr. Hunter stated Green Field Technologies, Inc. believes being on York Road will help with security parameters as well due to being on a highly traveled road.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2014-31. Commissioner Caira seconded the motion.

ROLL CALL: Ayes: Moruzzi, Caira, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:19 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for conditional use permit for 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 C-4 and 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 C-4 or I-2 Light Industrial Districts. 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.

Commissioner Janowiak seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Rowe, Weldon

Nays: Caira, Pisano

Motion carried.

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

1. The Conditional Use Permit be granted solely to Green Field Technologies Inc. dba Naturceudicals Natures Pharmacy 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
2. 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
3. 24 hour surveillance shall be implemented at the property in question; and
4. No exterior signage of any kind shall be erected on the building; and
5. A professional environmental survey be conducted to evaluate odors and the applicant abide by any odor mitigation recommendations made therein.

Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Rowe, Weldon

Nays: Caira, Pisano

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, Chairman Moruzzi made a motion to adjourn the meeting. Commissioner Janowiak seconded the motion.

All were in favor
Motion carried.

The meeting was adjourned at 7:25 p.m.



Mike Moruzzi, Chairman
Community Development Commission

September 15, 2014

Re: 340 County Line Road
Bensenville, Illinois

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend approval of the Variance without determining that the request meets the following approval criteria and making certain Findings of Fact.

VARIATION REQUEST: Dock Door Spacing

10-11-12-d-1: The spacing of door openings for tractor-trailers shall be a minimum of 14'-0". We are requesting the spacing of the overhead doors be reduced to a minimum of 12'-0".

- 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.

The property has 125 foot deep truck courts which permit more than adequate maneuvering space for the movement of truck traffic, including tractor-trailers, to dock door openings that are spaced at 12'-0" on center.

- 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. The 12 foot spacing is in conformance with current industry standards for warehouse and industrial buildings and the trucking industry. Current design standards for the truck courts have increased the amount of maneuvering space in front of the truck docks from what was once a standard of 100 feet to 125 feet. The increased maneuvering area has proven to better facilitate the movement of vehicles at dock door openings spaced 12'-0" on center.
 - B. The exterior building components of high bay warehouse projects constructed in Bensenville and the general Chicago area are primarily twelve foot wide precast concrete panels which for the most part are provided from two local manufacturers. The panels are manufactured from continuous twelve foot wide beds which allow the insertion of overhead door opening within the center of each panel. A door



spacing greater than 12'-0" would require multiple panels in lieu of a single panel thereby greatly increasing the manufacturing process, erection process and overall cost with minimal if any benefit to the project

- 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.

The special circumstances are related to the spacing of the doors and the availability and general capabilities of the local manufacturers.

- 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.

The special circumstances are not the result of action from 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.

The request for a variation is to provide a project that is current with existing market demand that is being offered in competing locations.

- 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.

The intent of the request for variance is to allow the property to be developed per current industry and market driven standards for warehouse and distribution projects in the Chicago area while efficiently using of the capabilities of the local precast concrete panel manufacturers.



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.

The variation to the spacing of the dock doors will not affect the local character, environmental quality, property values or public safety or welfare.

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.

It is our opinion the variance is consistent with intent of the Zoning Code.

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.

Yes, the 12 foot spacing is the minimum spacing which permits the efficient and economical use and capabilities of the local precast concrete panel manufacturers while being current with existing design standards for warehouse and distribution buildings and the trucking industry.

Sincerely
THE JENKINS GROUP, INC.

David J. Olsen, AIA
Vice President

September 15, 2014

Re: 340 County Line Road
Bensenville, Illinois

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend approval of the Variance without determining that the request meets the following approval criteria and making certain Findings of Fact.

VARIATION REQUEST : Building Height

10-9C-4-A.4: Except for projects within 200 feet of an "R" District are limited to a building height no greater than 32 feet. To accommodate what is now an industry standard of 32 foot *interior clear height* structure we are requesting a building height of up to 42 feet.

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.

The property is located at the northwest corner of County Line Road and Jefferson Avenue. The entire corner east of County Line Road to west to Evergreen and north of County Line Road is currently zoned I-3, Heavy Industrial. The property east of County Line Road is zoned I-4. The Zoning Classification south of Jefferson along County Line Road is primarily I-1, except for the small parcel immediately south of our site which is zoned RS-1. It is our understanding that, that parcel is controlled by the Village of Bensenville and is used as a skate board park. It is the classification of that particular parcel which restricts the building height at 340 County Line Road. All other properties located within an I-3 district are not faced with the same restrictions.

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.

Our request for a variation to 42 feet is to accommodate an interior building clear height of 32'. Current market and Industry standards for warehouse and distribution buildings typically require a clear height of 32 feet. Clear heights less than that will greatly limit the marketability of the development.

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.

The special circumstances are related to the properties dimensions.

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.

The special circumstances did not result from applicant action.

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

The zoning code does not restrict the building height of buildings within the I-3, Heavy Industrial district except as restricted by FAA criteria as well as for properties within 200 feet of residential zoned properties. The zoning classification of the skate board park south of the 340 County Line Road, limits the building height that at other locations within a I-3 district are not restricted by.

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.

The intent of the variance request allows us to develop a building that is current with the industrial and warehouse market standards that are being developed in other locations in Bensenville and the Chicago suburbs.



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.

It is our opinion the variance will have a positive impact to the local character and property values without impairing the environmental quality or public safety or welfare of the general vicinity.

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.

It is our opinion the variance is consistent with purpose and intent of the zoning code.

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.

Our request for a building height of up to 42 feet is to accommodate a small portion at the office corners of the building. To accommodate a 32 foot clear height the average wall height of the building face is 38'-8".

Sincerely
THE JENKINS GROUP, INC.

David J. Olsen, AIA
Vice President