

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 5, 2019

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

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

STAFF PRESENT: K. Pozsgay, K. Fawell, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of December 4, 2018 were presented.

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

All were in favor. Motion carried.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2019-01
Petitioner: Vincent and Raffaele DePinto
Location: 6N164 Spruce Avenue
Request: Annexation;
Map Amendment, R-1 Single Unit Dwelling District to R-3 Single Unit Dwelling District; and
Variance, Minimum Lot Width,
Municipal Code Section 10 – 6 – 12.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-01. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:32 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell, were both present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on January 18, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on January 17, 2019. Mr. Pozsgay stated on January 17, 2019. Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Pozsgay stated the Petitioners are applying to annex their property into the Village. Mr. Pozsgay stated annexed properties are designated R-1 by ordinance. Mr. Pozsgay stated they wish to change that zoning to R-3 to match the neighboring properties. Mr. Pozsgay stated the R-3 zoning district has a minimum lot width of 50 feet. Mr. Pozsgay stated this property has a width of 48.32 feet, so they are requesting a variance from that minimum lot width. Mr. Pozsgay stated the petitioners intend to build a new single family home on the lot. Mr. Pozsgay stated they have submitted an initial design which is included with this packet. Mr. Pozsgay stated the design will need to be modified as the new zoning code does not allow garages in the front of the home. Mr. Pozsgay stated they need to be set back a minimum of 5 feet from the front façade. Mr. Pozsgay stated the applicant is aware of this requirement and will redesign the lot to meet the new standards.

Vincent DePinto, property owner, was present and sworn in by Chairman Rowe. Mr. DePinto stated he would like to annex the property into the Village and construct a new single family home. Mr. DePinto stated the intention is for his son to occupy the home. Mr. DePinto stated he is fully aware of the new zoning code restrictions and will work with Staff on a final design.

Commissioner King asked if the home would be constructed under current code regulations. Mr. DePinto stated the home would be constructed using current codes.

Public Comment:

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

Mr. Pozsgay reviewed the approval criteria for the zoning map amendment request consisting of:

1. Support for Classification:

- a. **Compatible with Use or Zoning:** The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs.

Response: The uses for the proposed district shall be compatible.

- b. **Supported by Trend of Development:** The trend of development in the general area since the original zoning was established supports the proposed classification.

Response: It fits with the trend of development.

- c. **Consistent with Village Plans:** The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

Response: It is consistent with Village Plans.

2. **Further Public Interest:** The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

Response: The new home will promote public interest and property value.

3. **Public Services Available:** Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

Response: Public services can support the proposed classification.

Mr. Pozsgay reviewed the approval criteria for the variance request 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.

Response: Seeking an additional 2 feet for the width of the lot, so we can change to a R-3 for a new single family home.

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.

Response: There shall be no difficulties.

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.

Response: The property is just under the 50 foot width requirement. Seeking variance.

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.

Response: There shall not be any difficulties or hardships.

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.

Response: Shall be no special privileges.

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.

Response: The construction of a new home, will bring in more tax dollars to the village.

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.

Response: The new home shall not alter public safety or welfare of anyone.

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.

Response: The granting of a variance shall be in harmony of the adoption plans of the village.

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.

Response: With the variance, a beautiful new home shall be built and bring in more money for the village.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the requests as present.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-01. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:41 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-01 as presented by Staff and to approve the Map Amendment request. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-01 as presented by Staff and to approve the Variance request. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-02
Petitioner: Scholar's World Childcare & Learning Center
Location: 227 West Grand Avenue
Request: Special Use Permit, Daycare Center
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Marcotte made a motion to re-open CDC Case No. 2019-02. Commissioner Wasowicz seconded the motion.

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

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

Village Planners, Kurtis Pozsgay and Kelsey Fawell, were present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on January 17, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on January 18, 2019. Mr. Pozsgay stated on January 18, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Pozsgay stated the Petitioners are applying for a Special Use Permit to operate a childcare facility at 227 W Grand Ave. Mr. Pozsgay stated this is the site of the former Safari Childcare, which was approved for a conditional use 2009. Mr. Pozsgay stated the space has been vacant for over a year. Mr. Pozsgay stated the new operators have one additional facility in East Dundee. Mr. Pozsgay stated a husband and wife owner team, he is a dentist and she is a former 25 year educator, most recently stepping down from a vice principal position. Mr. Pozsgay stated their childcare business incorporates her teaching skills, hence the learning center, as opposed to just babysitting kids all day.

Mr. Dwight Simmons, owner of Scholar's World Childcare & Learning Center was present and sworn in by Chairman Rowe. Mr. Simmons stated he and wife are very excited for this opportunity and are happy to be opening a location in Bensenville. Mr. Simmons stated the space could hold 100-110 children which would require them to hire 20 employees.

Commissioner King asked what the age group would be. Mr. Simmons stated the ages would range from 6 month to 6 years old.

Commissioner Wasowicz asked how the location in East Dundee was operating. Mr. Simmons stated the East Dundee location was not open and would be opening around the same time should Bensenville approve the request.

Public Comment:

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

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

- 1) **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

Applicant's Response: Scholar's World will not have any adverse impact on traffic.

- 2) **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

Applicant's Response: There will be no adverse environmental effects including abnormal amounts of noise, glare, odor, dust, waste disposal, from the use of our Center.

- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

Applicant's Response: The Center will fit harmoniously with the existing character of the existing businesses and surroundings. In fact, we believe that it will enhance it.

- 4) **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: The Center will not place undue burden upon existing development in the area and will not generate disproportionate demand for new services or facilities.

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

Applicant's Response: In providing education and childcare for the children of working parents, the Center will be offering a much needed and valuable service to the community.

- 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.

Applicant's Response: We believe Scholar's World Childcare & Learning Center will be a valuable asset to the Bensenville community and look forward to opening our business here.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use request with the following condition:

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

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-02. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:00 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-02 as presented by Staff and to approve the request. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-27
Petitioner: Village of Bensenville
Location: White Pines Neighborhood
Request: Creation of the overlay district,
Section 10 – 12

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2018-27. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened the Public Hearing at 7:02 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell were both present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on January 17, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.

Mr. Pozsgay stated the Village is looking to create the White Pines Overlay District. Mr. Pozsgay stated the new zoning will apply to any property in the area bounded by 3rd Avenue and Jefferson Street to the north, Church Road to the east, the Fisher Woods Forest Preserve to the south, and Illinois Route 83 to the west. Mr. Pozsgay stated as part of the recently approved annexation agreements with property owners in this neighborhood, they were allowed to keep their current zoning until January 1, 2039. Mr. Pozsgay stated their current zoning is DuPage County R-4 Single Family, which the overlay will mimic in its current form. Mr. Pozsgay stated by ordinance, any property annexed into Bensenville comes in at the R – 1 Single-Unit Dwelling designation. Mr. Pozsgay stated these properties will have an underlying R – 1 designation, but the overlay district will supersede that zoning until the sunset date of January 1, 2039.

There were no questions from the Commission.

Public Comment:

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

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

1. Support for Classification:

- a. **Compatible with Use or Zoning:** The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs.

Response: The single-family uses for the proposed district shall remain and are compatible with current zoning.

- d. **Supported by Trend of Development:** The trend of development in the general area since the original zoning was established supports the proposed classification.

Response: The trend of development in the area will remain single-unit dwellings.

- e. **Consistent with Village Plans:** The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

Response: It is consistent with Village Plans.

3. **Further Public Interest:** The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

Response: The agreed upon overlay will allow the Village to provide agreed upon rules to the newly annexed properties.

4. **Public Services Available:** Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

Response: The new overlay is, in part, created to help address the need to update public services in the area.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the White Pines Neighborhood Overlay.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-27. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:08 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2018-27 as presented by Staff and to approve the request. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

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

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

All were in favor. Motion carried.

The meeting was adjourned at 7:11 p.m.

A handwritten signature in black ink, appearing to be 'R. Rowe', written over a horizontal line.

Ronald Rowe, Chairman
Community Development Commission