

Community Development Commission Meeting Minutes

May 5, 2020

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

May 5, 2020

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

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

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

**attended the meeting via conference phone*

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the April 7, 2020 were presented.

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

All were in favor. Motion carried.

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

PUBLIC COMMENT: There was no Public Comment.

Continued Public Hearing: CDC Case Number 2020-01
Petitioner: Mike Burcker
Location: 1201-1221 West Irving Park Road
Request: Variation, Monument Sign Size: Area
Municipal Code § 10 – 10 – 5 – 8.C
Variation, Monument Sign Size: Height
Municipal Code § 10 – 10 – 5 – 8.C
Variation, Monument Sign Size: Electronic Message Center Sign
Location Municipal Code § 10 – 10 – 5 – 4.a.3

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Motion: Commissioner King made a motion to re-open CDC Case No. 2020-01. 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 re-opened CDC Case No. 2020-01 at 6:34 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 19, 2020. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 20, 2020. Ms. Fawell stated on March 20, 2020 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Ms. Fawell stated the Petitioner is requesting three variations to erect a 12' monument sign with an electronic message sign component at the multi-tenant commercial property, Plaza 83. The sign will be replacing an existing 11' monument sign in the same location. Ms. Fawell stated Village Zoning Ordinance only allows monument signs to have a maximum height of 8', a maximum area of 50 square feet, and requires that electronic message signs shall not be located within one mile of the property line of a lot containing an existing EMC sign.

Mike Burcker of Signarama was present via electric means and sworn in by Chairman Rowe. Mr. Burcker stated he was present on behalf of the property owner. Mr. Burcker reviewed the proposed plans with the Commission. Mr. Burcker stated the proposed sign would be the same height as the current sign and would feature brick and masonry work on the bottom, tenant panels and an EMC sign on top. Mr. Burcker stated that no excavation would be taking place, just replacement of the cabinet.

There were no questions from the Commissioners.

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

- 1) **Special Circumstances:** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variation is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent in nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

Applicant's Response: This variance will not have an adverse effect on adjacent property, the character of the area, general welfare, public health or safety. This sign is to be constructed at the same location of the current monument sign and is intended to upgrade the character of the area using modern stone and brickwork to surround the sign which will also match the facade of the soon to be upgraded property. This does not generally apply to the other properties as they are not planning on fully upgrading the facade of the entire property. We are looking for an entire facelift to greatly enhance the appearance of the property as a whole. As for safety, although this EMC has been designed to adjust to a high brightness in the event of the sun potentially washing out the messages, it also has an automatic dimmer. The EMC will automatically dim accordingly as day turns to night to provide a lower lit readable message, yet still remaining a non distraction and a safety to drivers.

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

Applicant's Response: This variance and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance. This proposed construction is intended to actually enhance the scenic feature of this location by using natural looking stone and eliminating the non natural aspect of the current monument sign. Not only will the new construction enhance the scenic aspect, it will remain the same size as the current outdated signage. It would not seem practical to enhance the entire property while restructuring a new sign to be smaller than it currently is. We

plan on keeping this sign the same size and dimensions that it is now.

- 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 the 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.

Applicant's Response: This proposed use and development will be constructed and operated as to not dominate the immediate vicinity or neighboring property, but along those lines this will directly relate to the physical character of the upgraded building. It will reflect the modern aspect of what we are trying to achieve across the entire property. The EMC proposed is frame less and streamlined in its construction with edge to edge advertising and will enhance the businesses and tenants that reside within the building. We do hope and anticipate this EMC to draw up more business and taxable revenues for the current tenants. None of which are in direct interest of the property itself. It will advertise in such ways as the previously mentioned locations. The clarity of our proposed EMC will have an even more crisp image than these other locations due to constructing the highest pitch available in the industry, providing a very clean professional look.

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variation have not resulted from any act, undertaken subsequent to the adoption of this Ordinance 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 Variation, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: This application is being submitted and created by members that have no personal business, financial circumstances or any interest in this property.

5) **Preserve Rights Conferred by District:** A Variation 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.

Applicant's Response: variance is necessary to enjoy substantial property right possessed by other properties and it will also be within if not exceeding the quality of other digital signage in the immediate area such as the monument at Asti Deli at 1410 Irving Park Rd, and O'Hare Auto Body at 1316 Irving Park Rd. Although this sign would be approved at the 8ft height, we feel that the 12ft height is appropriate and sufficient enough for a visually pleasing EMC in regards to this specific location. Other properties have the same right to request a sign of these dimensions given that they also enhance the overall beauty and curb appeal of their property and building facade.

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

Applicant's Response: Without this variance, we do not believe this property will have the greatest potential of economic return due to the idea of "cutting corners" by putting so much enhancement into the building and potentially falling short on the impact of the sign to advertise for its tenants. Having that extra impact, we will be able to fully advertise the technology that in the event of an emergency of weather, Amber Alert or such public announcements, it can be imported to the digital screen immediately addressing to the public notifying such events as they occur. A taller sign can mean more visibility at a distance not only for advertising, but for emergency purposes.

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

Applicant's Response: The proposed use and development complies with all additional standards imposed on it by the provision of this Code authorizing such use such as having the proper lighting and UL listing, time intervals between message changes and keeping a clean professional standard of advertising for not only the current tenants, but for the property itself. This variance and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. This will not hinder any environmental quality and will enhance property values.

- 8) **Consistent with Title and Plan:** The granting of a Variation will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.

Applicant's Response: Granting of the variance will be in harmony with the general purpose of this ordinance by the reasons mentioned above not only for property improvement, tenant business improvement, appearance improvement, but also will be in line with other monument signs in the area with the main purpose of enhancing business, taxable dollars and overall beautification and impact.

- 9) **Minimum Variation Needed:** The Variation 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.

Applicant's Response: The variance approved would be the minimum required to provide the applicant with relief from undue hardship of the property. By allowing the extra height of the sign and having it be in close proximity to others, we believe these are minimal criteria for allowance. Not allowing this will lead us to remove the current steel posts and reinstall new ones at a lower height which will incur more labor and material costs as opposed to using the current approved posts from the original sign.

Public Comment:

Chairman Rowe asked if there was any Public Comment regarding the matter at hand. There was none.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Facts as they pertain to the first request and therefore the Denial of the Variation for Monument Sign Area.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Facts as they pertain to the second request and therefore the Denial of the Variation for Monument Sign Height.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for an Electronic Message Sign at 1201-1221 W. Irving Park Road with the following conditions:

- 1) Proposed monument sign shall be erected in the same location as the existing monument sign;
- 2) Applicant shall submit complete construction plans, including structural and electrical plans, when applying for the permit;
- 3) The electronic message sign shall not occupy more than 50% of the total sign area of the monument sign on which it is displayed;
- 4) All other features of the EMC shall be in compliance with Village Zoning Ordinance, particularly § 10-10-4.D (Illumination):
 - a. Internally illuminated electronic message signs are allowed only in accordance with § 10-10-2.D (Illumination).
 - b. Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
 - c. Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
 - d. Electronic message signs shall be designed to default to a static display in the event of mechanical failure.
- 5) Temporary signs shall no longer be allowed at this property;
- 6) The area surrounding the base of the base of the monument sign shall be landscaped. The landscape area shall extend a minimum of three feet in width on all sides of the sign base and consist of shrubs, perennials, and/or other vegetative groundcover. A landscape plan shall be submitted as part of

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any sign permit application (see § 10-3-9 (Sign Permit)), and approved by the Zoning Administrator; And

7) Series lighting and illuminated tubing shall be removed from tenant windows.

Commissioner King raised concern with the brightness of the sign during the night. Mr. Burcker stated the proposed sign has an auto dimming feature that adjust to the light outside and can be lowered to 20% during the evening.

Motion: Commissioner King made a motion to close CDC Case No. 2020-01. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-01 at 6:45 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variance Request for Monument Sign Size; Area. Commissioner Wasowicz seconded the motion. .

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

Motion failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variance Request for Monument Sign Size; Height. Commissioner Wasowicz seconded the motion. .

ROLL CALL: Ayes: None

Nays: Rowe, King, Marcotte, Wasowicz

Motion failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variance Request for Electronic Message Center Sign. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Continued

Public Hearing: CDC Case Number 2020-05

Petitioner: Ranger Sound, LLC

Location: 450 South Dominec Court

Request: Special Use Permit, Indoor Entertainment

Municipal Code Section 10 – 7 – 2 – 1

Variation, Off-Street Parking Requirements

Municipal Code Section 10 – 8 – 2 – 1

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2020-05. 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 re-opened CDC Case No. 2020-05 at 6:49 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 19, 2020. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 20, 2020. Ms. Fawell stated on March 20, 2020 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Ms. Fawell stated the Petitioner is requesting a Special Use Permit to allow Indoor Entertainment at 450 S. Dominec Court, located in a multi-tenant industrial building in the I-2 District.

Ms. Fawell stated the facility, Ranger Sound, LLC, which has existed as a non-conforming use for over 20 years, offers spaces for rent to serve as recording and rehearsal studios, as well as private events. Ms. Fawell stated the Petitioner is also requesting a Variation to receive relief from off-street parking requirements. Ms. Fawell stated there are 13 parking spaces on site, 12 of which being designated to other tenants in the building. Ms. Fawell stated Ranger Sound, LLC is left with 1 parking space for their business, while Village Zoning Ordinance requires the use provides 8.

Marshall Subach of Hunt, Aranda & Subach, Ltd. was present via electric means and sworn in by Chairman Rowe. Mr. Subach stated his clients property is zoned I-2. Mr. Subach stated the site consist of five practice rooms and one stage. Mr. Subach stated the spaces are used to musical records, rehearsals and sound support. Mr. Subach stated that no concerts take place at the property. Mr. Subach stated the business has been operating at the site since 1996. Mr. Subach stated the site is roughly 4,700 sf. Mr. Subach stated the business operated from 7:00pm to 11:00pm and mostly on weekends and by a scheduled appointment. Mr. Subach stated parking has never been an issue in twenty four years. Mr. Subach reviewed the findings of facts for both the Special Use and Variance requests.

There were no questions from the Commissioners.

Ms. Fawell reviewed the Findings of Fact for the proposed Special Use as presented in the Staff Report 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: **There will be no adverse impact on traffic with the granting of the Special Use Permit. Under Bensenville Code, this use will require eight parking spaces. The current space has ten parking spaces adjacent to the unit, which are not used by the other tenants in the building. At the few times there will be a live studio audience, those performances are between 7:00p.m. and 11:00p.m. There is also parking available on the street. Parking is not allowed on the cul-de-sac and has not been an issue over the last 24 years. The traffic that is generated from this use is less than a typical industrial user as there are no deliveries being made like other industrial users with trucks constantly commuting back and forth, and, in general, most of the rehearsals are done after**

hours and only involve the band members and occur when the other businesses are closed.

Staff Commentary: The parking lot on the site has 13 designated parking spaces.

- 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 is no noise, glare, odor, dust, or waste disposal, or any other environmental nuisances created as a result of the indoor recording studios. The only thing created is music. The building is all brick and each of the recording rooms have sound barriers installed to allow multiple bands to be in the space at one time. There have never been any complaints from the neighboring businesses regarding any noise emitting from the building during recordings or performances. There is virtually no waste disposal or other environmental issues with this use, and is a much cleaner use than other typical industrial users.

- 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 proposed use fits harmoniously with the existing industrial users. Under the Bensenville Zoning Code, indoor entertainment is allowed as a Special Use in the I-2 zoning. The business actually complements other businesses because most of the time the studios are being used during off hours or after hours when the other businesses are not open.

- 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 proposed use will not require any expansion or strain on community facilities or services to a degree that is disproportionate to normal activities in the 1-2 District. In fact, the proposed use of an indoor entertainment for recording studios has a less impact on public services and facilities than a typical industrial user.

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: The proposed use at this location is a public necessity as there are very few locations in the Chicagoland area, and local bands and musicians need places to rehearse. Since 1975, many local bands and musicians have used Ranger Studios to practice and record. With its close proximity to O'Hare, Ranger Studio is the place to go for the northwest suburban music recording and rehearsal studio.

6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the Special Use in its proposed location.

Applicant's Response: This is an existing business that has been in the Village of Bensenville for 24 years. The business wants to stay in Bensenville. This is a destination business that brings local musicians and bands to record music. The business has not been an issue or problem for the Village since 1996. There is an obvious need for this business and there is no benefit to the Village of Bensenville in not granting the Special Use Permit to the Petitioner.

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

1. **Special Circumstances:** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variation is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent in nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

Applicant's Response: The Subject Property consists of a single story industrial building with multiple tenants all with separate driveways and separate entrances. There are a total of thirteen (13) parking spaces in a shared parking lot adjacent to my client's location at 450 Domenic Court, Franklin Park, IL. As to each of

the spaces, five (5) of the driveways have two (2) parking spaces each, and one (1) driveways has four (4). Even though Bensenville Code does not count those additional twelve (12) driveway spaces as available parking spaces, it is important to note the abundancy of parking for the existing businesses when one looks at the business driveways and the adjacent parking lot.

- a. The unit at 454 Domenic Court is currently vacant and the units 456, 458, and 460 are all machine shops that consist of a one-person operation. These are not businesses that have customers coming to and from these locations on a daily basis.**
- b. The special circumstance that exist is that my client's business has been in existence at this location since 1996 and during that time parking has not been an issue. Most of my client's customers come in the evening and on the weekends to perform and have music sound support recording or rehearsal time at Ranger Studios and Sound.**
- c. Since its operation in 1996, there have been no complaints that the Petitioner is aware of regarding parking. Most of the time customers are at the business are between the hours of 7:00p.m. and 11:00p.m. during the week and on the weekends, when the other businesses are not even open.**

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

Applicant's Response: The literal application provisions of the Bensenville ordinance would result in unnecessary hardship for the Petitioner and not just an inconvenience. Without the granting of the parking variance, my client would not be able to operate his business, which he has done since 1996 in Bensenville with no parking issues.

- 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 the 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.

Applicant's Response: The special circumstances and hardship relate only to the physical character of the land with the existing building and the available places to park.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variation have not resulted from any act, undertaken subsequent to the adoption of this Ordinance 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 Variation, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any action undertaken by the Petitioner. The conditions have all existed for many years, and again the Petitioner has been in business at this location since 1996.

5. **Preserve Rights Conferred by District:** A Variation 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.

Applicant's Response: The parking variance is necessary for the Petitioner to enjoy a substantial property right possessed by other properties in the same zoning district to continue to operate his business in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. There have been many parking variances granted in the industrial park where the Subject Property is located and throughout the Village of Bensenville.

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

Applicant's Response: The granting of the parking variance is necessary for the use of the property. Without the granting of the parking variance, the Petitioner will have no choice but to relocate his business out of the Village of Bensenville and ultimately close the business. The Subject Property already has a

vacant unit and without the parking variance, the owner of the land will be deprived of reasonable use or economic return from the Subject Property.

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

Applicant's Response: The granting of the Variance will not alter local character of the properties. The Subject Property is located at the Village of Bensenville's easternmost boundary, and is tucked away in the industrial park. The business has not been a problem for any of the residents or other businesses in the Village of Bensenville.

8. **Consistent with Title and Plan:** The granting of a Variation will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.

Applicant's Response: The granting of the parking variance is in harmony with the general purpose and intent of the Village of Bensenville to retain businesses in the Village of Bensenville. This is also a destination business which allows individuals and organizations from other towns and municipalities to come to the Village of Bensenville to use the Ranger Sound studios.

9. **Minimum Variation Needed:** The Variation 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.

Applicant's Response: The parking variance requested is the minimum required in order to allow the Petitioner to continue his right to operate the business from the Subject Property.

Public Comment:

Chairman Rowe asked if there was any Public Comment regarding the matter at hand. There was none.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for Indoor Entertainment at 450 S. Dominec Court with the following conditions:

- 1) The property must comply with the Illinois Accessibility Code, Illinois Plumbing Code (including the number of fixtures), and all other codes adopted by the Village;
- 2) A professionally prepared, detailed, and scalable floor plan shall be submitted to Village Staff and approved by Village Plan Reviewer;
- 3) The use must comply with use standards § 10-7-3.N (Indoor Entertainment or Recreation).
 - a) Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
 - b) Noise. Any noise associated with the facility shall be managed so as not to create a public nuisance for surrounding properties and shall comply with § 10-7-6.A (Noise) and all other local noise regulations

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for off-street parking requirements at 450 S. Dominec Court.

Commissioner Wasowicz asked what Public Safety Departments service the proposed site. Ms. Fawell stated Bensenville Police and Leyden Township Fire provide their services to the proposed side.

Motion: Commissioner King made a motion to close CDC Case No. 2020-05. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-05 at 7:05 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Special Use Request for Indoor Entertainment. Commissioner Marcotte seconded the motion. .

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Variance Request for Off-Street Parking Requirements. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Continued
Public Hearing:** CDC Case Number 2020-06
Petitioner: Village of Bensenville
Request: Text Amendments, Municipal Code Section Title 10 (Zoning
Ordinance), Chapter 7 (Uses) and Chapter 10 (Signs).

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2020-06. 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 re-opened CDC Case No. 2020-06 at 7:08 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on March 19, 2020. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.

Ms. Fawell stated the proposed text amendment changes consisted of:

- Add Dwelling Above the Ground Floor as a Special Use in the I – 1 District, Section 10 – 7 – 2: Use Table

- Remove that neon tubing shall not be used to trim windows or architectural features, Section 10 – 2 – D – 5
- Add Section 10 – 2 – D – 7, Illuminated Tubing.
 - 7. Illuminated Tubing. LED, non-LED, and neon tubing shall not be used to trim windows or architectural features.
- Remove Section 10 – 10 – 4 Master Sign Plan from Chapter 10: Signs, Section 10-10-4
- Add Section 10 – 10 – 4 Multi-Tenant Developments.

Section 10 – 10 – 4: Multi-Tenant Developments

- A. Purpose. The purpose of this Section is to ensure signage that is harmonious and compatible with that of other tenant signage.
- B. Applicability. The requirements of this Section shall apply to all signs installed in non-residential developments with three or more tenants.
- C. Design Standards. Signs must comply with sign regulations of this Chapter 10 (Signs). All signs within a development will be reviewed based on the following design elements of other signage in said development:
 - a. Background color or text color.
 - b. Lettering style.
 - c. Mounting height on the building for wall signs.
 - d. Materials.
 - e. Sign Type
- D. Design Approval. The Zoning Administrator is authorized to approve the design of multi-tenant development signage.
- E. If the Zoning Administrator denies the design of a sign, the applicant may resubmit the application as a Variation in accordance with § 10-3-4 (Variation).

Public Comment:

Chairman Rowe asked if there was any Public Comment regarding the matter at hand. There was none.

Ms. Fawell stated Staff recommends the Approval of the proposed text amendment.

There were no questions from the Commissioners.

Motion:

Commissioner Marcotte made a motion to close CDC Case No. 2020-06. Commissioner Wasowicz seconded the motion.

Community Development Commission Meeting Minutes

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-06 at 7:15 p.m.

Motion: Commissioner Wasowicz made a motion to approve the proposed Text Amendment. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Ms. Fawell reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:17 p.m.



Ronald Rowe, Chairman
Community Development Commission