

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

May 4, 2021

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

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

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the April 6, 2021 were presented.

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

All were in favor. Motion carried.

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

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2021-07
Petitioner: Jatin Patel
Location: 213 West Grand Avenue
Request: Special Use Permit, Tobacco Shop
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-07. Commissioner King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-07 at 6:32 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on April 15, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 12, 2021. Ms. Fawell stated on April 12, 2021 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Ms. Fawell stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Ms. Fawell stated the Petitioner is seeking a Special Use Permit to allow a tobacco shop at 213 W Grand Avenue, which is located in a multi-tenant commercial building. Ms. Fawell stated the proposed shop will occupy a 1,300SF unit and will operate from 9AM - 9PM daily with one employee.

Jatin Patel, owner, was present and sworn in by Chairman Rowe. Mr. Patel provided an overview of his proposed business operation and stated he owns six shops in the area and has owned these businesses for seven years. Mr. Patel stated the proposed shop would offer tobacco, cigars, vapes and CBD products. Mr. Patel stated the primary product with be vapes and glass materials.

Commissioner King requested to continue this case until June 1, 2021 to allow the Commission to gather additional information on the products that are proposed to be sold at Mr. Patel's shop and research the area of other tobacco shops.

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2021-07 until June 1, 2021. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2021-08
Petitioner: Village of Bensenville
Location: Village of Bensenville
Request: Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses).

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-08. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-08 at 6:40 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on April 15, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.

Ms. Fawell stated The Village of Bensenville is seeking the following text amendments in order to the 2019 Village Zoning Ordinance:

- Add a use standard to Retail Goods Establishments (Section 10-7-3.AA) allowing retail sales as an accessory use in industrial and commercial districts. The Use Table (Section 10-7-2-1) will be updated to reference the new section created by this amendment.
- Limited retail sales are allowed as an accessory use in commercial and industrial districts provided the following conditions are met:

They are customarily found in conjunction with the subject principal use or principal structure;

They are subordinate and clearly incidental to the principal use of the property; and

They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.

- Updating Use Standards for Swimming Pools (Section 10-7-4-C.24) with the below so that the correct external applicable codes are referenced. The proposed amendment will not be altering current code standards pertinent to swimming pools.

Building Code: The installation or replacement of a swimming pool and or spa shall comply with all requirements of the International ~~Residential Code~~ **Building Code and the International Swimming Pool and Spa Code**, including those for swimming pool enclosures and safety devices.

Public Comment

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

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

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

Applicant's Response: The proposed amendments will not endanger the health, safety, comfort, convenience, and general welfare of the public, and will only improve such circumstances, as limited retail sales are subject to review of the Zoning Administrator to ensure code compliance, and the amendment to swimming pools only clarifies requirements, ensuring correspondence between the Village Code and external applicable codes.

- 2) **Amendment Objective:** The proposed amendments correct an error, add clarification, or reflect a change in policy.

Applicant's Response: The creation of a retail sales accessory use further clarifies existing Code requirements, and reflects a change in policy back to previous Village Codes, which delineated specific ancillary uses such as this. Proposed amendment for swimming pools is necessary in order to clarify applicability of international codes regulating swimming pools.

- 3) **Consistent with Ordinance and Plan:** The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. Amendments do not contrast Village goals and guidelines, as the amendments create clarification on pool regulations and flexibility for uses, all while still being under the Zoning Administrator's purview of review.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses).

There were no further questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2021-08. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-08 at 6:45 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval of the Text Amendments, Municipal Code Title 10, Chapter 7. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-09
Petitioner: Katherine & Steven Siers
Location: 146 South Mason Street
Request: Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4 – C – 7.a

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2021-09. Commissioner King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-09 at 6:46 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on April 15, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 12, 2021. Ms. Fawell stated on April 12, 2021 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. 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 Petitioners are requesting a Variation to erect a 4' wooden picket fence in the corner side yard at 146 S Mason Street. Ms. Fawell stated the proposed fence, which is hoped to alleviate safety concerns, encroaches into the corner side yard by approximately 15'. Ms. Fawell stated the Petitioners recently received a Variation for a 20' by 20' paved parking area in 2020.

Katherine Siers, property owner, was present and shown in by Chairman Rowe. Mrs. Siers provided an overview of the proposed fence. Ms. Siers stated it would be four feet tall and picket.

Commissioner Wasowicz asked if there would be a gate to access the rear of the home from the parking pad. Mrs. Siers stated that there will be a gate at the rear of the property.

Public Comment

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

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

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

Applicant's Response: Putting a fence 15 feet off the sidewalk will not endanger the health, safety, comfort, convenience, and general welfare of the public. It will, in fact, look lovely and pleasing to the eye once we add flowers and bushes.

2. **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: We are putting in a 4 foot arched cedar picket fence. The look will fit in with the Victorian style and vintage look of the homes adjacent to ours. It will add to the quaintness of our home.

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

Applicant's Response: Honestly, the proposed variance won't alleviate any hardship. We have a very large yard and don't want to lose too much room for backyard living. We plan on having children and the more room they have to play without running into the street is very helpful. This fence will alleviate our safety concerns.

4. **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The parking pad we are putting in is 15 feet from the sidewalk (variance already granted recently). If we put the fence 30 feet from the sidewalk, the fence will meet the parking pad and partially expose our cars. Part of the agreement with the parking pad variance was to add plants to hide the cars and make it more pleasing to the eye. If we stay in line with the parking pad, it will hide the cars better and I can still add plants/flowers to hide the cars where the fence is not covering.

5. **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: Since this is going to be a 4 foot arched picket fence, I do not think the 15 feet off the sidewalk is a large deviation from the regulations. If we were putting in a 5-6 foot privacy fence, then I would be the first to agree that where our yard sits in regards to the village would be an eyesore. It will still look like a quaint home in a cute village.

6. **Consistent with Ordinance and Plan:** The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The proposed Variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. I'm sure trying to add beauty to our home AND keep the riff raff out is in everyone's plan.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to erect a fence in the corner side yard at 146 S Mason Street with the following condition:

- 1) The fence shall be in accordance with submitted plans and designs, which indicate a 4' high wooden picket fence.

There were no further questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2021-09. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-09 at 6:53 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Fence in Corner Side Yard. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-10
Petitioner: Davinci Academy Child Development Center
Location: 227 West Grand Avenue
Request: Special Use Permit, Day Care Center
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-10. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-10 at 6:55 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on April 15, 2021. Ms. Fawell stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Ms. Fawell stated Village personnel posted a

Notice of Public Hearing sign on the property, visible from the public way on April 12, 2021. Ms. Fawell stated on April 12, 2021 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. 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, Davinci Academy Child Development Center, is applying for a Special Use Permit to operate a childcare facility at 227 West Grand Avenue. Ms. Fawell stated this property has historically been utilized as a daycare center, having been granted Special Use Permits in 2009 (Safari Childcare) and 2019 (Scholar's World Childcare & Learning Center). Ms. Fawell stated the Petitioner currently operates two other early childhood education facilities, one in Belvidere and one in Streamwood.

Tanisha Burnside and Annalisa Tuluce, business owners, were present and shown in by Chairman Rowe. Ms. Burnside provided an overview of the Day Care. Ms. Burnside stated the ages will range from six weeks old to twelve years old. Ms. Burnside stated she has over twelve years of experience in the field. Mrs. Tuluce stated she owns other day care facilities as well.

Commissioner Wasowicz asked if there would be a gate to access the rear of the home from the parking pad. Mrs. Siers stated that there will be a gate at the rear of the property.

Public Comment

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

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

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

Applicant's Response: Our proposed use, Childcare, will not endanger the health, safety, comfort, convenience and general welfare of the public. Quite the contrary, our services will improve safety, comfort, convenience and general welfare of the public and residences of Village of Bensenville. We will provide peace in mind for parents who work in full time jobs.

2. **Neighborhood Character:** The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: We will be located at 227 W Grand Avenue which is part of the retail establishment commonly known as Bensenville Plaza. The use as childcare is compatible in retail settings.

3. **Orderly Development:** The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: Our proposed use, Childcare, will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use. Quite the contrary, our services will improve the area. Surrounding retail, office, industrial and residential improvements will enjoy the safe, healthy and secure childcare services we will be providing.

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

Applicant's Response: Our use, Childcare, will not demand any changes on utilities, roads, drainage, nor will be a burden on utilities, roads and/or drainage.

5. **Consistent with Title and Plan:** The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Subject property is in C-2 zoning in retail setting. Childcare use is perfect fit for this site. Subject site has no retail exposure to Grand Avenue and suffers from being located in the back of the lot. However this is an advantage for our Childcare use. We would not want to be directly on heavy and fast traffic for safety purposes.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit for a Day Care Center at 227 West Grand Avenue with the following conditions:

- 1) The Special Use Permit be granted solely to Davinci Academy Child Development 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 Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit; and
- 2) Children 2 ½ years of age or younger (more than 5, but less than 100) – exit door (from classroom) directly to the exterior is required;
- 3) Before a Certificate of Occupancy can be issued, the Village needs to receive documentation of such State and County approvals and licenses; and
- 4) Day care tenant will need to provide, on a semi-annual schedule, documentation that the sanitary sewer has been rodded and is in good working condition.

There were no further questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2021-10. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-10 at 7:04 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Approval of a Special Use Permit, Day Care Center. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

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

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

All were in favor. Motion carried.

The meeting was adjourned at 7:06 p.m.

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

Ronald Rowe, Chairman
Community Development Commission