



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

VILLAGE BOARD

President

Frank DeSimone

Board of Trustees

Rosa Carmona

Ann Franz

Agneszka "Annie" Jaworska

McLane Lomas

Nicholas Panicola Jr.

Armando Perez

Village Clerk

Nancy Dunn

Village Manager

Evan K. Summers

July 3, 2017

Ms. Leah Gies

805 North Milwaukee #401c
Chicago, Illinois 60642

Re: June 27, 2017 Commercial FOIA Request

Dear Ms. Gies:

I am pleased to help you with your June 27, 2017 Commercial Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on June 27, 2017. You requested copies of the items indicated below:

"I am looking for information regarding building permits, construction dates, planning records, and/or zoning records for the following addresses in Bensenville, IL: 702-712 Thomas Drive, 1077 to 1081 Sesame Street, and 1077 to 1091 Entry Drive."

After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) Village of Bensenville Permits Issued for 702-712 Thomas Drive, 1077 to 1081 Sesame Street, and 1077 to 1091 Entry Drive since 2010. (1 pg.)
- 2) Village of Bensenville Ordinance No. 60-1999 regarding 1089 Entry Drive. (4 pgs.)
- 3) Village of Bensenville Ordinance No. 11-2011 regarding 1081 Entry Drive. (15 pgs.)
- 4) Village of Bensenville Ordinance No. 48-2012 regarding 1081 Entry Drive. (11 pgs.)
- 5) Village of Bensenville Ordinance No 21-2013 regarding 1085 Entry Drive. (9 pgs.)

These are all of the documents that can be discovered responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

Corey Williamsen
Freedom of Information Officer
Village of Bensenville

Application Reference	Project/Activity	Location	Municipality	App Status	Application Recv'd	Project/Activity Desc Line 2
<u>1273</u>	SIGN	702 THOMAS DRIVE	BENSENVILLE	EXPIRED	09/22/2010	702-712 THOMAS DR. (TEMPORARY REAL ESTATE- VALUE IND. PART.)
<u>2237</u>	SIGN	705 THOMAS DRIVE	BENSENVILLE	EXPIRED	12/06/2011	SIGN-1675
<u>3578</u>	NON-RESIDENTIAL ACCESSORY	705 THOMAS DRIVE	BENSENVILLE	EXPIRED	07/09/2013	FIRE SUPPRESSION SYSTEM
<u>7202</u>	SIGN	712 NORTH THOMAS DRIVE	BENSENVILLE	ACTIVE	06/29/2017	SIGN
<u>3644</u>	ROOF, GUTTERS, SIDING C/F	1077 SESAME ST.	BENSENVILLE	COMPLETE	07/26/2013	RE-ROOF
<u>4221</u>	SEWER SANITARY CLEAN OUT C/F	1077 SESAME ST.	BENSENVILLE	COMPLETE	05/12/2014	WATER MAIN REPAIR
<u>6912</u>	NON-RESIDENTIAL ACCESSORY	1089 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	04/17/2017	TRIPLE BASIN & FLOOR DRAIN INSTALL
<u>1214</u>	NON-RESIDENTIAL ACCESSORY	1089 ENTRY	BENSENVILLE	COMPLETE	09/02/2010	CODE VIOL CORR'N (CARNICA INC.)
<u>3185</u>	ZONING HEARING CDC	1085 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	01/11/2013	MOTOR VEHICLE REPAIR
<u>2839</u>	NON-RESIDENTIAL ACCESSORY	1083 SOUTH ENTRY DRIVE	BENSENVILLE	EXPIRED	08/24/2012	SPRAY BOOTH
<u>6576</u>	NON-RESIDENTIAL ACCESSORY	1083 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	10/14/2016	FIRE DOOR
<u>6736</u>	NON-RESIDENTIAL ACCESSORY	1083 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	01/13/2017	CLOSING WALL OPENING
<u>2933</u>	FIRE ALARM SYSTEM C/F	1083 SOUTH ENTRY DRIVE	BENSENVILLE	EXPIRED	09/21/2012	FIRE ALARM SYSTEM
<u>7008</u>	NON-RESIDENTIAL ACCESSORY	1083 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	05/11/2017	INSTALLATION OF CAMERAS
<u>5385</u>	NON-RESIDENTIAL ACCESSORY	1081 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	08/19/2015	FIRE SUPPRESSION FOR SPRAY BOOTH
<u>2606</u>	ZONING HEARING CDC	1081 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	06/11/2012	
<u>2730</u>	NON-RESIDENTIAL ACCESSORY	1081 SOUTH ENTRY DRIVE	BENSENVILLE	EXPIRED	07/23/2012	BURGLAR ALARM
<u>1443</u>	ZONING HEARING CDC	1081 ENTRY	BENSENVILLE	ACTIVE	11/24/2010	INDOOR BOXING
<u>1256</u>	FIRE ALARM RADIO C/F	1080 ENTRY	BENSENVILLE	EXPIRED	09/17/2010	FIRE ALARM SYSTEM W/ RADIO
<u>3988</u>	NON-RESIDENTIAL ACCESSORY	1079 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	12/27/2013	BURGLARY ALARM
<u>4811</u>	FIRE ALARM SYSTEM C/F	1077 SOUTH ENTRY DRIVE	BENSENVILLE	ACTIVE	12/30/2014	FIRE ALARM ADDITIONS
<u>3584</u>	NON-RESIDENTIAL ACCESSORY	1077 SOUTH ENTRY DRIVE	BENSENVILLE	EXPIRED	07/11/2013	R/R ASPHALT
<u>1216</u>	FIRE ALARM SYSTEM MF	1077 ENTRY	BENSENVILLE	COMPLETE	09/02/2010	FIRE ALARM SYSTEM (STG/WHSE)

**VILLAGE OF BENSENVILLE
700 WEST IRVING PARK ROAD
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 60-99

**AUTHORIZING 1089 ENTRY DRIVE, BENSENVILLE
CARNICA, INC.
SPECIAL USE FOR AUTOMOBILE DETAILING AND AIRBRUSH
(CDC Case #091399-01)**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 20TH DAY OF OCTOBER, 1999**

**Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Bensenville, DuPage and Cook Counties, Illinois this 20th day of October, 1999.**

STATE OF ILLINOIS)
) ss
COUNTIES OF COOK)
AND DUPAGE)

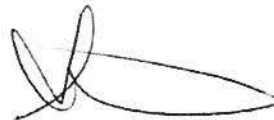
CERTIFICATE

I, Lynn D. Hutcherson, certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

I further certify that on October 19, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 60-99, entitled Authorizing 1089 Entry Drive, Bensenville, Carnica, Inc., Special Use for Automobile Detailing and Airbrush (CDC Case #091399-01), which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 60-99, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on October 20, 1999 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 20th day of October, 1999.



Lynn D. Hutcherson
Deputy Village Clerk

SEAL

ORDINANCE # 60 -99

**AUTHORIZING 1089 ENTRY DRIVE, BENSENVILLE
CARNICA, INC.
SPECIAL USE FOR AUTOMOBILE DETAILING AND AIRBRUSH
(CDC CASE #091399-01)**

WHEREAS, there should be minimal traffic changes.

WHEREAS, the business will operate within the appropriate guidelines for airbrushing and detailing.

WHEREAS, the property is located within an industrial park and the operation will occur indoors.

WHEREAS, there will be no added requirements for the public utilities to serve this use.

WHEREAS, the petitioner has stated the principal clients are the automobile dealerships located in the general vicinity along Grand Avenue.

WHEREAS, the business operate inside the building and vehicles will be serviced at this site on an as needed basis.

BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: That the subject property is legally described as follows:

THE SOUTH 400 FEET, (EXCEPT THE SOUTH 200 FEET THEREOF) OF LOT 2 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977, AS DOCUMENT R77-102033, IN DU PAGE COUNTY, ILLINOIS.

Common Address: 1089 Entry Drive, Bensenville, Illinois 60106.

SECTION TWO: That there is hereby granted a special use for automobile detailing and airbrush, subject to the following conditions:

1. No vehicle repair.
2. No outdoor storage of any kind.

AUTHORIZING 1089 ENTRY DRIVE, BENSENVILLE
CARNICA, INC. (CDC CASE #091399-01)

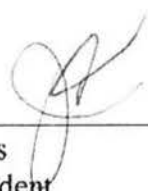
3. No outdoor overnight parking of vehicles.
4. No vehicles sales or leasing.
5. All work be completed indoors.

Alterations: Any expansion of, addition to, structural alteration of, change of any conditional use or site development allowed pursuant to this ordinance, occurring subsequent to the date of effect of this ordinance, shall first require the review and approval of all site plans required by the Bensenville Zoning Ordinance, and the issuance of all applicable permits.

SECTION THREE: All ordinances in conflict herewith are repealed to the extent of said conflict.

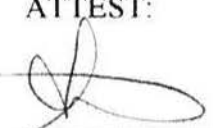
This Ordinance is in full force and effect from and after passage and publication according to law.

PASSED AND APPROVED by the President and Board of Trustees at the Village of Bensenville, this 19th day of October, 1999.



John C. Geils
Village President

ATTEST:



Lynn D. Hutcherson
Deputy Village Clerk

AYES: Basso, Strandt, Tralewski, Wanzung

NAYS: Kervin, Walberg

None
ABSENT: _____

Published in Pamphlet Form

I:\common\petero\ordinanc\09139901

**VILLAGE OF BENSENVILLE
12 SOUTH CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 22-2011

**An Ordinance Approving a Conditional Use Permit for a Boxing Training Facility at
1081 Entry Drive, Bensenville, Illinois**

**APPROVED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE**

**THIS 22nd DAY OF March 2011 Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Bensenville, DuPage and Cook Counties, Illinois this 23rd day of March, 2011**

STATE OF ILLINOIS)

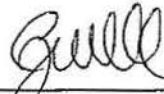
COUNTIES OF COOK) SS

AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village;

I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 22-2011 entitled An Ordinance Approving a Conditional Use Permit for a Boxing Facility at 1081 Entry Drive, Bensenville, Illinois.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 23rd day of March, 2011.



Corey Williamsen
Deputy Village Clerk



ORDINANCE NO 22-2011

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT
FOR A BOXING TRAINING FACILITY
AT 1081 ENTRY DRIVE, BENSENVILLE, ILLINOIS

WHEREAS, on or about November 15, 2010, Carlos Robles ("Applicant"), filed an application seeking a conditional use permit for operation of an indoor athletic facility, including uses for practice and training; and in relation thereto, a variance to reduce the required parking pursuant to the *Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") for the property commonly known as 1081 Entry Drive, Bensenville, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for the property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested conditional use permit and variance was published on November 28, 2010, in the *Daily Herald*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinance of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing commencing on December 13, 2010, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, at the time of the hearing the request for variance was withdrawn and hearing proceeded as the request for conditional use permit only; and

WHEREAS, following hearing, the Community Development Commission voted unanimously, 7 - 0, in favor of the conditional use permit, subject to the conditions suggested in the Staff Report; and

WHEREAS, the Community and Economic Development did meet on two occasions to consider the application and findings of fact as made by the Community Development Commission and following discussion concurred with the Commission on its findings as are attached hereto as Exhibit "B" and incorporated herein by reference, and has forwarded its recommendation to approve said application to the President and Board of Trustees; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and based on the recommendation of the Community Development Commission and its Community and Economic Development Committee have determined that the granting of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the conditions as recommended by the Commission.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Light Industrial District.

SECTION THREE: That the Staff Report and Recommendation to approve the Conditional Use Permit sought in the application is attached as Exhibit "B."

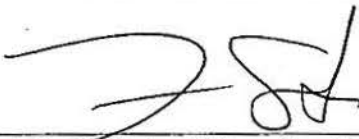
SECTION FOUR: That the conditional use permit sought by the Applicant pursuant to Section 10-9-B-3 of the Zoning Ordinance is hereby granted for use of the property for operation of an athletic facility, i.e., boxing training facility, including uses for practice and training, subject to the following conditions:

1. That the property be developed in substantial compliance with the plans submitted as part of this application;
2. The "No Parking Fire Lane" signs are replaced;
3. The dumpsters are corralled; and
4. Upon the continued occupancy and use of the property by, as a boxing club, including uses for practice, and training, upon the cessation of which the condition use shall cease to exist.

SECTION FIVE: That all other ordinance and resolutions, or parts thereof, in conflict with the provisions of the Ordinance, are, to the extent of such conflict, expressly repealed.

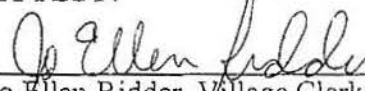
SECTION SIX: The Ordinance shall be in full force and effect from and after its passage approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustee of the Village of Bensenville, this 22nd day of March, 2011.



Frank Soto, Village President

ATTEST:



Jo Ellen Ridder, Village Clerk

AYES: Adamowski, Bartlett, Johnsop, O'Connell, Peconio

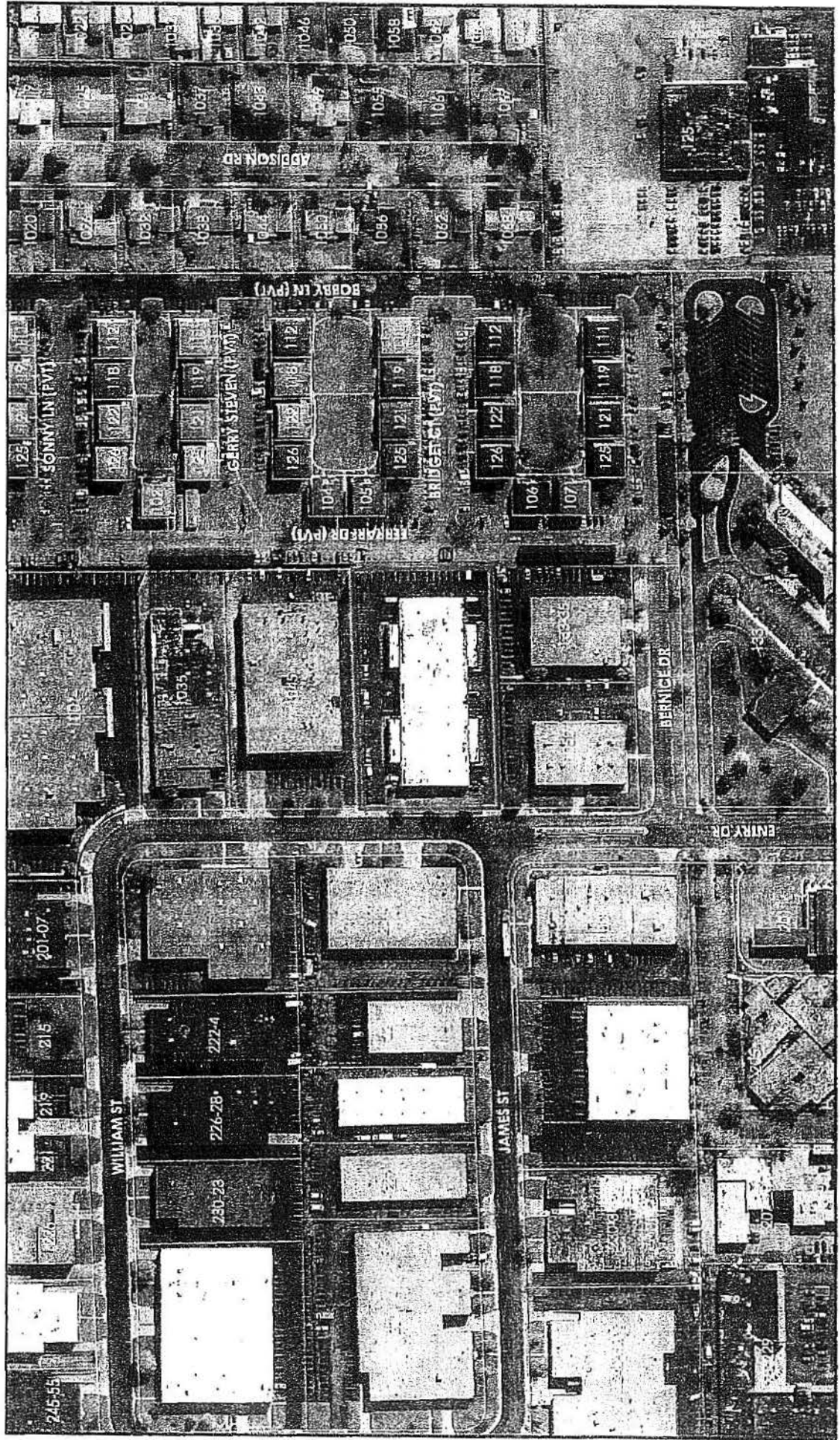
NAYES: None

ABSENT: Wesseler

ABSTAIN: None

Village of Bensenville

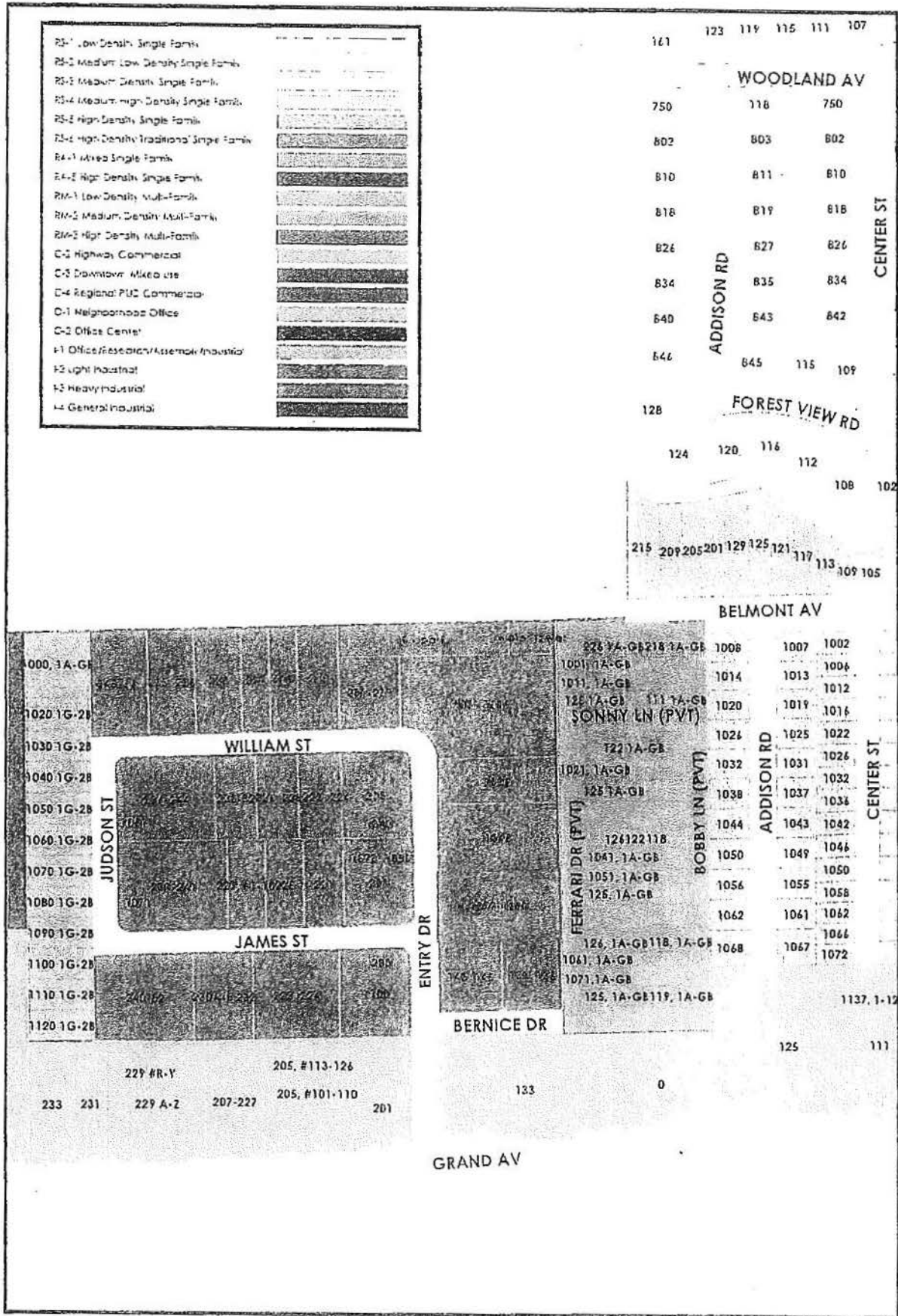
1077-1091 S Entry Drive





Village of Bensenville

1077-1091 S Entry Dr. Zoning



Ordinance # _____
Exhibit "A"
1081 Entry Drive
Legal Description

The legal Description is as follows:

THE SOUTH 400 FEET(EXCEPT THE SOUTH 200 FEET THEREOF) OF LOT 2 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF THE SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7,1977 AS DOCUMENT NO. R77-102033 IN DUPAGE COUNTY, IL.

Commonly known as 1081 Entry Drive, Bensenville, Illinois



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE: December 13, 2010
CASE #: 2010- 28
PROPERTY: 1081 Entry Drive
PROPERTY OWNER: Brian M. Liston
APPLICANT: Carlos Robles
ACREAGE: Approximately 69,978.2 sq ft. (1.61 acres)
PIN NUMBERS: 03-26-201-020
REQUEST: Conditional Use Permit (CUP) for an Indoor Athletic Facility and Parking Variance

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Light -Industrial	Village of Bensenville
North	I-2	Light-Industrial	Village of Bensenville
South	I-2	Light-Industrial	Village of Bensenville
East	RM-2	Multiple-Family	Village of Bensenville
West	I-2	Light-Industrial	Village of Bensenville

SUMMARY:

The applicant seeks a Conditional Use Permit for an indoor athletic facility to house boxing and wrestling training classes, as well as semimonthly shows. The property is zoned light-industrial and can be found northeast of the intersection of Entry Drive and James Street. The property exists within a multi-tenant office-warehouse building. The space allotted to the petitioner is approximately 3,264 sq ft. The petitioner, in addition to being a certified boxing trainer, has held both wrestling and amateur boxing shows at The Edge Ice Arena and in various other Illinois locations.

DEPARTMENT COMMENTS:

Public Works: No comments received.

Finance: No comments received.

Police: There is no parking allowed on Entry Drive and parking appears to be limited. Otherwise there are no concerns with the proposed use.

Engineering:

1. While there are physically enough stalls on site to satisfy the proposed use, it would be important to determine the number of vehicles parked outdoors during non-working hours when the use would be active.
2. The floor plan provided notes that there is only one single fixture bathroom to serve the unit to be operated as a gym. This may be adequate for when the unit is being used as a training facility, but is insufficient to serve an audience that could be as large as 144 and have members of both sexes.

Community & Economic Development:

Community Development

1. The parking requirement for a building containing an arena/stadium for assembly in accordance to the Village Code Section 10-11-11 will require 36 parking spaces.
2. There are 50 parking spaces on site.
3. A combined 20 spaces are required to accommodate the warehouse and office needs of the other tenants, leaving 30 spaces for the property of the proposed Conditional Use Permit. For this reason, the applicant requests a variance in six (6) of the required parking from 36 spaces to 30 spaces.
4. A single unisex bathroom will not accommodate the crowds expected for the semi-monthly events (see Building comment below).

Economic Development

5. The applicant has successfully conducted similar events at the Edge Ice Arena. See attached letter from Gary Thorsen.
6. It provides another local opportunity for children interested in wrestling and boxing.
7. The proposed Conditional Use Permit will create a new local form of family entertainment.
8. The current tenants within the building are as follows:
 - a. 1077 Avanti Stone, Inc.
 - b. 1079 Consolidated Steele
 - c. 1081 Vacant, Property in Question
 - d. 1083 Craftwood
 - e. 1085 RMC
 - f. 1089 Carnica, Inc.
 - g. 1091 Power Distributing, LLC

Inspectional Services

9. Two of the "No Parking Fire Lane" signs have become illegible and require replacement.
10. Two of the garbage dumpsters were not corralled.

Building

11. In accordance with the 2006 International Building Code and the 2004 Illinois Plumbing Code the use will require additional restroom facilities. The existing unisex facility is not acceptable.
12. Should the use be approved, a building permit for the construction of the additional restroom facilities shall be required.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend nor shall the Village Board permit a conditional use unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Traffic: Any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

The program would not affect traffic dramatically because the expected activity period for the proposed facility would be after typical business hours: Monday through Friday from 5:30 PM to 10:00 PM.

2. Environmental Nuisance: Any 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 permitted uses in the district have been minimized.

Any environmental nuisance would be minimal and would be characteristic of permitted uses within the I-2 district.

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

The neighborhood character would be affected positively because it will provide an athletic opportunity and entertainment for residents.

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.

No significant changes in the use of public services or facilities will be necessary.

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 community.

The proposed use will provide not only an after-school athletic opportunity; it also provides a location for the students to display their skills.

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

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

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.
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.
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.
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.
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.

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.
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.
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.
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.

RECOMMENDATIONS:

Staff recommends the approval of the Findings of Fact.

Staff recommends approval of the requested Conditional Use Permit to allow the Indoor Athletic Facility and parking variance subject to the following conditions:

1. That the property be developed in substantial compliance with the plans submitted as part of this application.
2. The Conditional Use Permit shall be applicable during the tenancy of Robles Boxing or any successor in interest it may have in assumption of the tenancy.
3. The "No Parking Fire Lane" signs are replaced.
4. The dumpsters are corralled.
5. The parking variance will be for a reduction of six parking spaces.
6. Adequate restroom facilities shall be provided in the unit in accordance with all applicable Codes.. Building permit required.

Respectfully Submitted,
Department of Community & Economic Development

CDC # 2010 – 28
1081 Entry Drive
Public Hearing: 12.13.10

Findings of Fact
Conditional Use Permit

The Community Development Commission hearing the testimony at the Public Hearing for the CDC Case #2010 – 28 a Conditional Use Permit to allow an indoor athletic facility at 1081 Entry Drive make the following Findings of Fact:

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.
2. Environmental Nuisance: The proposed indoor athletic facility 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 permitted uses in the district have been minimized.
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.
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.
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.
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.

Findings of Fact
Variances

The Community Development Commission hearing the testimony at the Public Hearing for the CDC Case #2010 – 28 variance to reduce the number of required parking spaces make the following Findings of Fact:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variance is 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.
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.
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.
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.
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.
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.
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.
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.
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.

**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 48-2012

An Ordinance Approving the Grant of a Conditional Use Permit to Allow "Motor Vehicle Repair (Major & Minor)" at 1081 Entry Drive, Bensenville, Illinois

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 25th DAY OF September, 2012**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville,
DuPage and Cook Counties, Illinois this 26th day of September 2012

STATE OF ILLINOIS)

COUNTIES OF COOK) SS

AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 48-2012 entitled an ordinance approving the grant of a conditional use permit to allow "motor vehicle repair (major & minor)" at 1081 Entry Drive, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 26th day of September, 2012.





Corey Williamsen
Deputy Village Clerk

ORDINANCE NO. 48-2012

**AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT
TO ALLOW "MOTOR VEHICLE REPAIR (MAJOR & MINOR)"
AT 1081 ENTRY DRIVE, BENSENVILLE, ILLINOIS**

WHEREAS, Thomas Drive Partnership ("Owner") and Tiger Auto Body, Inc. ("Applicant") filed an application seeking a conditional use permit to allow the Owner/Applicant to allow Motor Vehicle Repair (Major & Minor) in the I-2 Light Industrial District pursuant to Sections 10-9B-3 of the *Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 1081 Entry Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being on file in the Community and Economic Development Department; and

WHEREAS, Motor Vehicle Repair (Major & Minor) are allowed as a conditional use in the I-2 Light Industrial District; and

WHEREAS, Notice of Public Hearing with respect to the conditional use permit sought by the Owner/Applicant was published in the Daily Herald on July 8, 2012, and the Notice of Hearing was posted and personal notice of the hearing provided as required by the Zoning Ordinance was made, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on July 23, 2012 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, adopted the findings of facts proposed by Village Staff as set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, upon said findings of facts, the Community Development Commission voted unanimously to approve the application for conditional use permit to allow Motor Vehicle Repair (Major & Minor) at the Subject Property, subject to the conditions as recommended in the Staff Report; and

WHEREAS, the Community Development Commission forwarded its recommendations concerning the application to the Village Board's Community and Economic Development Committee which voted 7 – 0 to concur in the recommendation to approve the application for conditional use permit with conditions; and

WHEREAS, the Community and Economic Development Committee then forwarded its recommendations, along with that of the Community Development Commission, to the President and Board of Trustees on September 25, 2012; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the application for conditional use permit should be granted, with conditions, allowing the relief requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the application for a conditional use permit to allow Tiger Auto Body, Inc. to conduct Motor Vehicle Repair (Major & Minor), in conjunction with its use of the Subject Property, is hereby granted subject to the following conditions: (1) the conditional use permit shall only be applicable during the tenancy of Tiger Auto Body, Inc. and shall be transferred only after review by the Community Development Commission and approval of the Village Board. In the event of a sale or change of lease of the Subject Property, the proprietor shall appear before a public meeting of the Community Development Commission, and the Community Development Commission shall review the request and in its sole discretion, shall either recommend that the Village Board approve of the transfer of the permit to the new tenant and/or owner, without amendment of the conditional use permit, or if deemed needed, it shall require the new tenant/owner to petition for a new permit pursuant to the Zoning Ordinance; (2) the Subject Property shall be developed and utilized in substantial conformance to the plans submitted as part of the application, prepared for Tiger Autobody, Inc. submitted 06.15.2012; (3) no outdoor storage of cars shall be allowed; and (4) no work outside of the building is allowed.

SECTION THREE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 25th day of September, 2012.



Frank Soto, Village President

ATTEST:



Susan Janowiak, Village Clerk

AYES: BARTLETT, JARECKI, O'CONNELL, PECONIO, RIDDER, WESSELER

NAYES: NONE

ABSENT: NONE

f:\pkb\bensenville\ordinances\zoning\conditionaluse\1081 entry drive conduse.doc

Ordinance # 48 -2012

Exhibit "A"

Legal Description

The legal Description is as follows:

THE SOUTH 400 FEET (EXCEPT THE SOUTH 200 FEET THEREOF) OF LOT 2 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NO. R77 – 102033 IN DUPAGE COUNTY, ILLINOIS.

The common address is 1081 Entry Drive.

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

July 23, 2012

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of June 11, 2012 were presented.

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

Roll Call: Ayes: Moruzzi, James, Rowe, Pisano, Weldon

Nays: None

Abstained: Ventura

Motion carried.

Public Hearing: CDC Case Number 2012-23
Petitioner: Tiger Auto Body
Location: 1081 Entry Drive
Request: Conditional Use Permit to Allow Motor Vehicle Repair (Major & Minor)

Motion: Commissioner Pisano made a motion to open CDC Case No. 2012-23.
Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-23 at 7:03 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on July 8, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 6, 2012. Mr. Viger stated on July 6, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Joseph Larocchia, owner of Tiger Auto Body was present and sworn in by Chairman Moruzzi. Mr. Larocchia stated a spray booth had already been installed in the building when he moved in so he assumed the use was allowed. Mr. Larocchia stated he mostly refurbishes parts to cars and occasionally will work on the engine. Mr. Larocchia stated he runs a clean operation and insists his property is kept clean.

Commissioner Rowe asked if there is continuous spraying of vehicles. Mr. Larocchia stated he will paint cars every other day and proper air ventilations are installed.

Commissioner Weldon asked if there is any outdoor storage. Mr. Larocchia stated a car won't sit out in the lot for more than a half a day. He wants the cars in and out of the shop and has no intentions of parking vehicle outside.

Commissioner Weldon asked Staff what will be done if outdoor storage occurs. Mr. Viger stated it becomes an ordinance issue handled by Staff.

Commissioner James asked if the building was code compliant. Mr. Larocchia stated everything that needed to be done has been done.

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none.

Director of Community & Economic Development, Scott Viger, presented his Staff report and stated Staff recommends approval of the Conditional Use Permit with the following conditions:

- 1) The Conditional Use Permit be granted solely to Tiger Auto Body, Inc. and shall be transferred only after review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale of 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 a new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit for a new public hearing before the CDC for a new Conditional Use Permit.

- 2) The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application prepared for Tiger Auto Body, Inc. submitted June 15, 2012.
- 3) No outdoor storage of cars.
- 4) No work outside of the building is allowed.

Motion: Commissioner Weldon made a motion to close the Public Hearing for CDC Case Number 2012-23. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, James, Rowe, Pisano, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-23 at 7:24 p.m.

Motion: Commissioner Pisano made a motion to approve the finding of facts for the conditional use permit for CDC Case Number 2012-23 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. Staff does not foresee any negative impacts on traffic flow associated with the approval of this Conditional Use.
- 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. Since all work is to be done indoors, there should not be a negative environmental impact.
- 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 would fit harmoniously with

the existing character. The exterior appearance of the property in question will not be altered.

- 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. No significant increase in the utilization of the public utility systems is anticipated.
- 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.

Staff believes there is a public necessity to provide an auto body repair service in a location close in proximity to a variety of car dealerships.

- 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.

Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, James, Rowe, Pisano, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use permit request for CDC Case No. 2012-23 along with Staff's four recommendations. Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, James, Rowe, Pisano, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

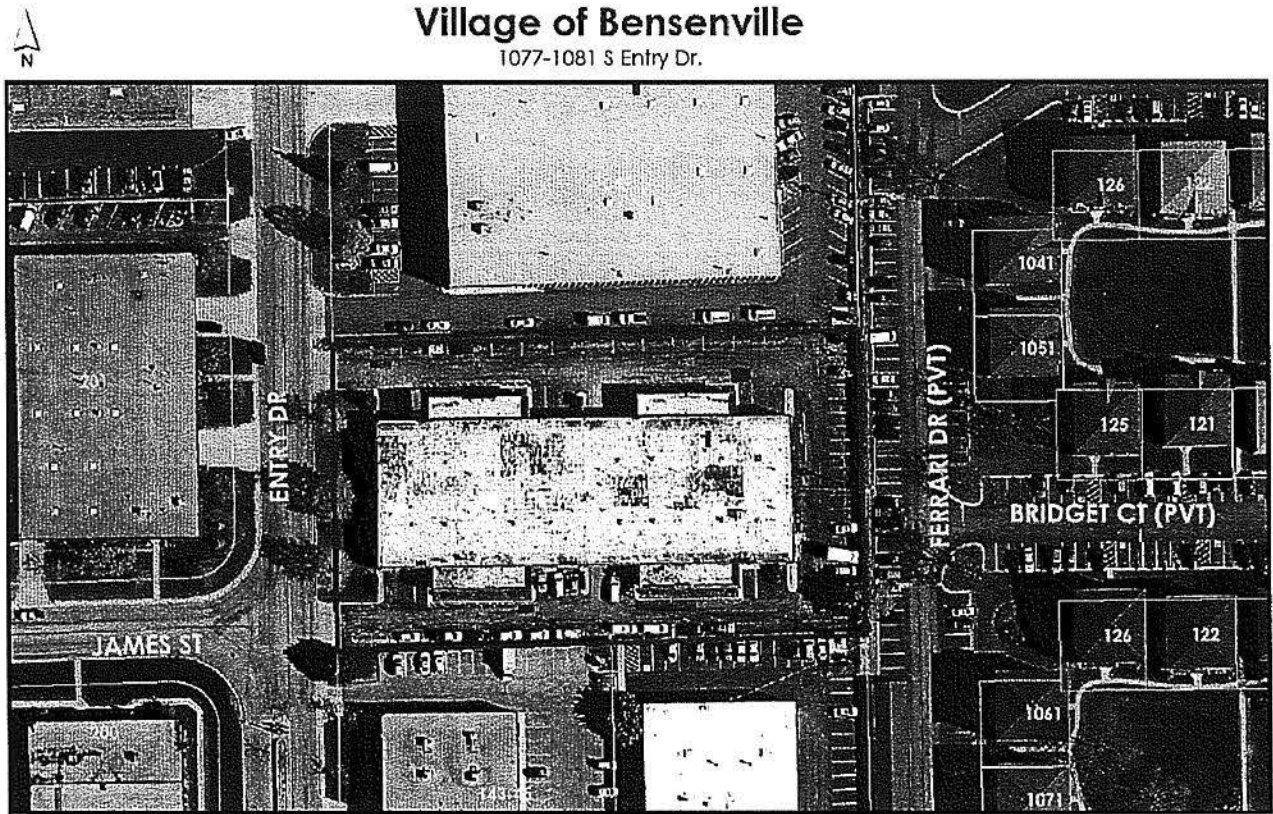
Mike Moruzzi, Chairman
Community Development Commission

Tiger Auto Body – 1081 Entry Drive

Conditional Use Permit – Motor Vehicle Repair

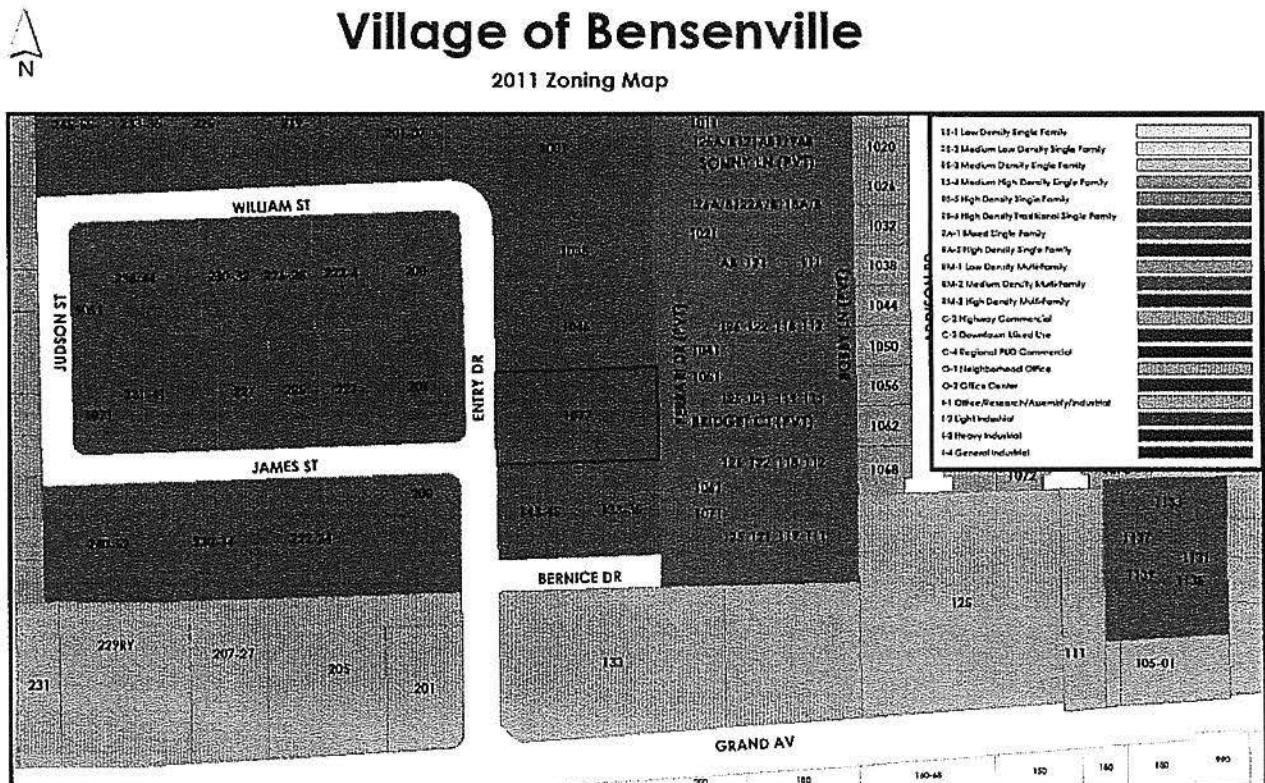
Village of Bensenville

1077-1081 S Entry Dr.



Village of Bensenville

2011 Zoning Map



**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 21-2013

An Ordinance Approving the Grant of a Conditional Use Permit to Allow Motor Vehicle Repair (Major & Minor) at 1085 South Entry Drive, Bensenville, Illinois

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 2nd DAY OF April, 2013**


Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 3rd day of April 2013

STATE OF ILLINOIS)
COUNTIES OF COOK)
SS AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 21-2013 entitled an ordinance approving the grant of a conditional use permit to allow motor vehicle repair (major & minor) at 1085 South Entry Drive, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 3rd day of April, 2013.





Corey Williamsen
Deputy Village Clerk

**AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT
TO ALLOW MOTOR VEHICLE REPAIR (MAJOR & MINOR) AT
1085 SOUTH ENTRY DRIVE, BENSENVILLE, ILLINOIS**

WHEREAS, VIP II LLC ("Owner") and Quality Auto Restorations ("Applicant"), filed an application seeking a conditional use permit to allow the Applicant to conduct Motor Vehicle Repair (Major & Minor) in the I-2 Industrial District pursuant to Sections 10-9B-3 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 1085 South Entry Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being on file in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the conditional use permit sought by the Owner and Applicant was published in the Daily Herald on February 9, 2013 in the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on February 25, 2013 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, made the findings of facts as set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, upon said findings of facts, the Community Development Commission voted 6 – 0 to approve the application for conditional use permit to allow Motor Vehicle Repair (Major & Minor) at the Subject Property, subject to the conditions as recommended in the staff report; and

WHEREAS, the Community Development Commission forwarded its recommendation to approve the application to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the application; and

WHEREAS, the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on April 2, 2013; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the permit should be granted, allowing the relief requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the application for a conditional use permit to allow Quality Auto Restorations to conduct Motor Vehicle Repair (Major & Minor) at the Subject Property, in conjunction with its use of the Subject Property, is hereby granted subject to the following conditions: (1) the conditional use permit be granted solely to Quality Auto Restorations 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; (2) a copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment; (3) the utility bill must be made "current" (4) the applicant shall submit their procedures for handling various fluids and solvents in writing to the Village staff for review and approval; (5) the required triple basin shall be installed within sixty (60) days of Village Board approval; (6) applicant shall schedule an inspection so that Village staff can verify the life safety and code compliance issues contained in Public Works and Community & Economic Development staff commentaries. Failure to comply with Village Code requirements will result in initiation of the revocation of the permit in accordance with the process found in Municipal Code Section 10-3A-11 D; and (7) hours of operation shall be limited to 7:00 a.m. to 5:00 p.m.


SECTION THREE: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 2nd day of April 2013.



Frank Soto, Village President

ATTEST:



COREY WILLIAMSEN, DEPUTY VILLAGE CLERK

AYES: BARTLETT, JARECKI, O'CONNELL, PECONIO, RIDDER, WESSELER

NAYES: NONE

ABSENT: NONE

Ordinance # 21 - 2013
Exhibit "A"

The Legal Description of the property is as follows:

THE SOUTH 400 FEET (EXCEPT THE SOUTH 200 FEET THEREOF) OF LOT 2 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NO. R77 – 102033 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 1085 South Entry Drive Bensenville, Illinois.

Ordinance # 21 - 2013

Exhibit "B"

Findings of Fact

Commissioner Janowiak made a motion to approve the findings of fact for the conditional use 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. The proposed use will not create any adverse impact on types or volumes of traffic flow. Adequate parking is found for the uses associated with the subject property.
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. There will not be negative environmental effects based on the requirement that all work be performed in the building. However the proper procedures for handling waste oils, fluids and solvents is presently not known. The applicant(s) shall submit to the staff their procedures for approval. A triple basin grease separator is required upon its installation this criterion will be met. The Commissioners agreed to limit the hours of operation from 7:00am to 5:00pm.
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 the Southern Business District area found along Entry Drive.
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 use will not require existing community facilities or services disproportionate to that normally expected of permitted uses.
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. Staff believes that there is need for the auto restoration use. It will contribute to the general welfare of the community by supplying a use or service which is seen as a positive for 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. Other factors are subject to the Commission's judgment.

Commissioner Weldon seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Rowe, Pisano, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

CDC#2013 -01 1085 South Entry Drive

Mike Bernotas / Tim Hurlburt (Quality Auto Restoration)

Conditional Use Permit; Motor Vehicle Repair Major & Minor

