



COMMUNITY DEVELOPMENT
COMMISSION

DEVELOPMENT REVIEW PROCESS

01.14.2021

1. Application Submittal and Requirements

Prior to submitting an application, it is suggested that applicants meet with the Community and Economic Development Staff to review the application requirements and procedures. Incomplete applications cannot be accepted and/or processed. All questions regarding the request should be directed to the Community and Economic Development Department at (630) 350-3413.

2. Village Staff Review & Recommendations

1. Village Staff will transmit the complete application to Village Departments for their review.
2. The Village Staff then prepares a Staff report that is sent to the applicant.
3. The applicant shall respond to the Staff report either by making requested/required revisions or stating why such revisions should not be made.
4. Upon resubmittal the applicant's responses will be reviewed by the Village Departments.
5. Final Staff report and recommendation is prepared.
6. Only after this final Staff report and recommendation are complete can a Public Hearing date be scheduled and the public review portion of the process begins.

3. Public Review & Decision

There are three distinct sections to the Public Review; the Public Hearing before the CDC, the Village Board Committee of the Whole (COW) meeting, and the full Village Board meeting. All fees and Village Staff services associated with the Public Review can be found on the attached fee schedule. Not less than 15 days nor longer than 30 days prior to the Public Hearing a three-pronged notice approach is required:

1. The Village publishes a Legal Notice of the Public Hearing in a local newspaper. The cost is deducted from the application fees.
2. The Village will provide written notice to owners of record within 250' (exclusive of Rights – Of – Way). These written notices are sent via first-class mail by Village Staff. Village Staff will then complete the Certificate of Mailing Affidavit for the application. The cost of the mailing will be deducted from the application fees.
3. The Village posts the notice of Public Hearing sign(s) on the property. A small fee to be deducted from the application fees.

A) CDC Public Hearing & Non-binding Recommendation

The CDC conducts the Public Hearing on the 1st Tuesday evening of the month at 6:30 PM. The applicant, municipal Staff and general public will make presentations, written comments are also accepted. At the close of the Public Hearing, the CDC discusses the request and then makes Findings of Fact and a non-binding recommendation to the Village President and Board of Trustees.

B) Village Board Committee Of the Whole

The Committee Of the Whole meets on the 3rd Tuesday evening of the month at 6:30 PM. The committee reviews the application, Staff report Findings of Fact and recommendation from the CDC. The applicant should be present at this meeting to answer any questions or make a brief presentation if necessary. The COW will vote on the application and forward the vote to the full Village Board or remand the request back to the CDC for additional discussion.

C) Village Board

The full Village Board has the final decision making authority on the application. Our Village Board meets the 2nd and 4th Tuesday evening of the month at 6:30 PM. A draft Ordinance is prepared by Staff for the Village Board's review and consideration. The Board will discuss the request and vote on the Ordinance. The Village Clerk will forward a copy of the approved Ordinance to you in the weeks following the Village Board meeting.

For Office Use Only

Date of Submission: _____ MUNIS Account #: _____ CDC Case #: _____

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: _____

Property Index Number(s) (PIN): _____

A. PROPERTY OWNER:

Name _____ Corporation (if applicable) _____

Street _____

City _____ State _____ Zip Code _____

Contact Person _____ Telephone Number _____ Email Address _____

*If Owner is a Land Trust, attach a list of the names and addresses of the beneficiaries of the Trust.

B. APPLICANT: Check box if same as owner

Name _____ Corporation (if applicable) _____

Street _____

City _____ State _____ Zip Code _____

Contact Person _____ Telephone Number _____ Email Address _____

B. ACTION REQUESTED (Check applicable):

- Site Plan Review
- Special Use Permit
- Variation
- Administrative Adjustment
- Zoning Text or Map Amendment
- Zoning Appeal
- Plat of Subdivision
- Annexation
- Planned Unit Development*

*See Staff for additional information on
PUD requests

SUBMITTAL REQUIREMENTS:

- Affidavit of Ownership** (signed/notarized)
- Application**
- Approval Standards**
- Plat of Survey/Legal Description
- Site Plan
- Building Plans & Elevations
- Engineering Plans
- Landscape Plan
- Tree Preservation and Removal Plan
- Application Fees
- Fees agreement**

**Item located within this application packet.

Brief Description of Request(s): (Submit separate sheet if necessary)

C. PROJECT DATA:

1. General description of the site: _____
2. Acreage of the site: _____ Building Size (if applicable): _____
3. Is this property within the Village limits? (Check applicable below)
 Yes
 No, requesting annexation
 No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

| | Zoning | Existing Land Use | Jurisdiction |
|--------|--------|-------------------|--------------|
| Site: | | | |
| North: | | | |
| South: | | | |
| East: | | | |
| West: | | | |

D. APPROVAL STANDARDS:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the appropriate Approval Standards, found in Village Code and on the following pages. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Standards."

Approval Standards For Site Plan Review

1. The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.
2. The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.
3. The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.
4. The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.
5. The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.
6. The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.
7. The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.
8. The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Special Uses

1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
3. 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.
4. 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.
5. The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Variations

1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.
2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
3. The proposed variation alleviates an undue hardship created by the literal enforcement of this title.
4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.
6. The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Administrative Adjustment

1. The proposed administrative adjustment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
2. The proposed administrative adjustment is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed administrative adjustment.
3. The proposed administrative adjustment alleviates an undue hardship created by the literal enforcement of this title.
4. The proposed administrative adjustment is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed administrative adjustment represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject adjustment.
6. The proposed administrative adjustment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Zoning Text or Map Amendments

1. Approval standards for text amendments:
 - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
 - b. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
 - c. The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.
2. Approval standards for map amendments:
 - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
 - b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
 - c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
 - d. The proposed amendment addresses the community need for a specific use.
 - e. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
 - f. The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Planned Unit Developments

- A. The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.
- B. The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.
- C. The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.
- D. The proposed planned unit development will incorporate sustainable and low impact site design and development principles.
- E. The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.
- F. The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

APPLICATION FEES

The fee schedule for items that require appearance before the Community Development Commission and/or Village Board as follows:

| <u>ACTION REQUIRED</u> | <u>Fee</u> |
|-----------------------------------|-------------------|
| Variation for Residential Use | \$100 |
| Annexation Petition | \$250 |
| Appeal of Director | \$500 |
| Comprehensive Plan Map Amendment | \$500 |
| Comprehensive Plan Text Amendment | \$500 |
| Plat of Subdivision | \$500 |
| Special Use Permit | \$500 |
| Variation for Nonresidential Use | \$500 |
| Zoning Map Amendment | \$500 |
| Zoning Text Amendment | \$500 |
| Planned Unit Development | \$750 |
| PUD Amendment | \$500 |

Processing Fees: \$200

The Staff will provide, as a service to the applicant, the following as legally required:

- Publish the required legal notice in local publication
- Post a public hearing sign on the property visible from the public way
- Mail the legal notice to each property owner within 250 feet of the applicant property

Any required Recording of Documents will be the responsibility of the applicant with fees Assessed by the County.

****Application fees are non-refundable and payment does not constitute approval of project****

In cases where the developer is petitioning for more than one request, fees shall be collected for each request. An exception in instances where a planned unit development and subdivision plat are being requested simultaneously one fee is collected.

Reimbursement of Fees: In addition to the fixed fee(s) provided above, the petitioner/applicant shall enter into a reimbursement of fees agreement with the Village. The reimbursement of fees agreement shall encompass all applications or petitions pending with the Village, including any additional matters not set forth hereinabove. The reimbursement of fees agreement shall be in the following form:

Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, appraisers, environmental, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant shall liable for the payment of such professional fees and costs, as shall actually be incurred by the Village, plus an additional ten percent (10%) to cover the Village's administrative expenses.

Upon the failure of the Petitioner/Applicant to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full. Further, the Village may deny any application for a grading, building or other permit if such amounts have not been paid in full. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the Village, such amounts due shall be deemed delinquent and thereafter a delinquency charge of one percent (1%) per month, or portion thereof, with a minimum delinquency charge of \$5.00 per month, shall be added to the amount due until such amount, including all delinquency charges, is received by the Village. Said lien shall be in an amount equal to the outstanding amount owed to the Village.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

BY SIGNING BELOW, THE PETITIONER/APPLICANT ACKNOWLEDGES THAT THEY HAVE READ THE FOREGOING PARAGRAPHS AND FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, THE SIGNATORY WARRANTS THAT THEY POSSESS FULL AUTHORITY TO SO SIGN.

THE PETITIONER/APPLICANT AGREES THAT THEY SHALL BE LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF BENSENVILLE, AND AS SET FORTH HEREIN.

Petitioner/Applicant

Date

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE AND COOK)
)SS.

AFFIDAVIT OF OWNERSHIP

I _____ the undersigned Affiant, being first duly sworn, on oath states:

1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Ownership this

____ day of, _____, _____.

Signature

SUBSCRIBED and SWORN to

before me this day of, ,

Notary Public