

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 23, 2013

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of August 12, 2013 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-29
Petitioner: Walnut Loft Manorhomes
Location: 237 N. Walnut Street
Request: PUD Amendment

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-29. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:33 p.m.

Commissioner Rodriguez entered the Public Hearing at 6:34 p.m.

Scott Viger, Director of Community and Economic Development, Mark Rysavy, Assistant Director of Community and Economic Development and Victoria Kosman, Village Planner were all present and sworn in by Chairman Moruzzi. Ms. Kosman stated a legal notice was published in the Daily Herald on September 7, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on September 6, 2013. Ms. Kosman stated on September 6, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Ms. Kosman stated the Walnut Loft Manorhomes were approved by the Village via Resolution No. R-50-1990 and later amended via Resolution No. R-75-1990. Ms. Kosman stated the requested PUD amendment would allow for a wider driveway for eight of the twelve townhomes.

Anna Ignatowicz, Home Owner's Association President and Resident of 237 N. Walnut, Unit B was present and sworn in by Chairman Moruzzi. Ms. Ignatowicz made a presentation to the Commissioners and the Public. The power point has been attached to the minutes as "Exhibit A". Ms. Ignatowicz stated the PUD amendment request would allow for wider driveways at eight of the twelve units. Ms. Ignatowicz stated the proposed plans would widen the eight driveways from 11 feet to 17 feet. The wider driveway would allow for an additional car to be parked. Ms. Ignatowicz stated if approved, the eight driveways would be completed in one phase rather than different times. Ms. Ignatowicz indicated in the Census Burro, there was an average of 2.10 cars per house hold in 2011. Ms. Ignatowicz stated the reason eight of the twelve driveways are proposed to be widen is because the remaining four townhomes have additional parking already. Ms. Ignatowicz stated the additional parking would accommodate to handicap and elderly visitors. Ms. Ignatowicz stated the wider driveways would limit the parking currently taking place on the street. Ms. Ignatowicz indicated green space will still be maintained as only six feet of current grass on each property will be used. Ms. Ignatowicz stated the proposed PUD amendment is consistent with the required PUD requirements and the bylaws of the association. Ms. Ignatowicz stated all five association members are in favor of the PUD amendment and that 11 of the 12 units are supportive as well. Ms. Ignatowicz stated the proposed amendment will not affect public services. Ms. Ignatowicz reviewed the approval criteria with the Commission and members of the Public.

Commissioner Rodriguez asked if Ms. Ignatowicz had any comments recording the Village Engineer's concerns with potential increased flooding in the area due to the proposed material being used. Ms. Ignatowicz stated she was aware of the comments and would defer the question to the contractor.

Public Comment

Judith Crisci – 237 N. Walnut, Unit L

Ms. Crisci was present and sworn in by Chairman Moruzzi. Ms. Crisci stated there is minor water collection at the end of the townhome driveways during heavy rains. Ms. Crisci stated she has minor concerns with potential flooding issues. Ms. Crisci stated she believes the flooding problem occurs due to the trees that were removed by the City of Chicago.

Chairman Moruzzi asked if the trees were going to be replaced by the City of Chicago. Ms. Crisci stated she was under the impression the trees are being replaced, however they will not collect as much water as before.

Zachary Koch and Tina Koch – 235 N. Walnut Street

Mr. and Mrs. Koch were present and sworn in by Chairman Moruzzi. Mr. and Mrs. Koch stated they are the property owners of 235 N. Walnut Street and are currently renting the property to family members. Mr. and Mrs. Koch stated they had not received the Public Hearing Notice in the mail and that they had heard about the request from neighbors. Mr. and Mrs. Koch stated their property is the low point in the area and that during rain falls, their basement floods. Mr. and Mrs. Koch stated they have issues with snow removal in the area as well. Mr. and Mrs. Koch raised stated if the PUD was approved, occupants of the townhomes would have three parking spaces for a two bedroom townhome. Mr. and Mrs. Koch raised concern as to the property lines in the area and whom the actual owners are.

Pawel Ignatowicz – 237 N. Walnut, Unit B

Mr. Ignatowicz was present and sworn in by Chairman Moruzzi. Mr. Ignatowicz stated there is a storm sewer in the area that helps with standing water. Mr. Ignatowicz also stated the FAA informed the association the new trees can be planted anywhere in the area and do not have to be replaced where they were taken down.

Lou D'Amico – 24 S. Addison Street

Mr. D'Amico was present and sworn in by Chairman Moruzzi. Mr. D'Amico stated he was the owner of D'Amico and Sons Paving in Bensenville. Mr. D'Amico stated there will be a total of 119 square feet paved per unit.

Commissioner Rodriguez asked if the proposed PUD amendment was approved, what type of material would be used. Mr. D'Amico stated asphalt would be used.

Malgorzata Milewski – 237 Walnut, Unit F

Ms. Milewski was present and sworn in by Chairman Moruzzi. Ms. Milewski stated she had served on the association and that there has been an issue with the property owners at 235 N. Walnut Street. Ms. Milewski stated she was in favor of the proposed PUD amendment.

Commissioner Rodriguez asked how the association plans to address the Village Engineer's concern with the potential of increased flooding in the area as a result of the driveway expansions. Ms. Ignatowicz stated there will not be an issue with flooding in the area as a result of the expanded driveways and stated as long as the sewer is properly maintained by the Village, there should be no issues.

Ms. Ignatowicz stated she had spoken with the current occupants of 235 N. Walnut Street and was never told about flooding on their property. Ms. Ignatowicz also stated the current occupants informed her they had no objections to the proposed PUD amendment.

Ms. Kosman reviewed the Village Staff report and stated Staff recommends approval of the request with the following conditions:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The driveways shall be in conformance with the plans submitted with this application.
3. "No Parking" signs shall be placed along the ingress/egress lanes along the north and south of subject property.

Commissioner Rodriguez asked for Staff's comments regarding the Village Engineers concerns of a potential increase of flooding in the area as a result of the proposed PUD amendment. Ms. Kosman stated she cannot speak for the Village Engineer and that the proposed PUD amendment has met all approval criteria requirements. Mr. Viger stated he would meet with the Village Engineer regarding potential mislabeling of sewer lines drawn on the provided map to the Commissioners.

Commissioner Rodriguez asked Staff to follow up with the Village Engineer regarding his concerns.

Chairman Moruzzi asked who owned the sewer line. Mr. Viger stated the sewer line was private.

Chairman Moruzzi asked how the proposed driveways would be sloped to avoid flooding in the area. Mr. Viger states he was unaware of the standing water issue addressed during the meeting and that the area may need a detention pond if the issue escalades.

Chairman Moruzzi asked if the FAA could assist with flooding in the area. Ms. Kosman stated Staff will explore the possibility.

Chairman Moruzzi suggested adding the following conditions:

- Staff address drainage concerns with sewer and landscaping
- Staff addresses ownership and property line issues

There were no objections from the Commissioners.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2013-29. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed CDC Case No. 2013-29 at 7:16 p.m.

Motion: Commissioner Janowiak made a motion to approve the findings of facts for CDC Case No. 2013-29 consisting of:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted. The requested PUD amendment does proposed a creative design to the unified planning of the development as four (4) of the twelve (12) units were designed with an additional parking space. Permitting the remaining eight (8) units to have the same amount of parking would promote integrated design.
2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein. The proposed PUD amendment meets the requirements and no other modifications to the use and design standards are being modified.
3. **Consistent With Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption. The Comprehensive Plan indicates the location should remain mulit-family residential, establishing a consistent land use.
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. Staff believes that public health, safety and general welfare will not be impacted negatively by the expansion of the driveways.
5. **Compatible With Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property. Several properties in the vicinity have been constructed with expanded driveways for the purpose of the request. As such, this will not impair property values or environmental quality in the neighborhood.

6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character. There are no natural drainage ways or sensitive environmental areas affected by the proposed renovation.
7. **Circulation:** Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets. The existing circulation with the PUD will not be negatively affected by the proposed driveway expansion. The proposed expansion neither reduces the amount of drivable area nor creates unnecessary traffic.
8. **Open Spaces And Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. Existing open space between all buildings to allow for light and air, access by fire-fighting equipment, and for privacy will not be affected. Open space along the perimeter of the PUD is sufficient to protect existing and permitted future uses of the adjacent property from adverse effects from the development.
9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
 - a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
 - b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships. The Applicant has provided signatures of members of the Homeowners Association in support of the subject application.

10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses. There are adequate public services to service the property. The approval of the PUD will not increase the demand or stress the Village's public services.

11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. There is no phasing necessary for the proposed project.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the proposed variance with Staff's recommendations consisting of:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The driveways shall be in conformance with the plans submitted with this application.
3. "No Parking" signs shall be placed along the ingress/egress lanes along the north and south of subject property.

And the addition of:

4. Staff addresses drainage concerns with sewer and landscaping.
5. Staff addresses ownership and property line issues.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-30
Petitioner: Lavanda Spa, Monika Kedzior
Location: 229 W. Grand Avenue, Unit J
Request: CUP; Massage Therapy

Motion: Commissioner Pisano made a motion to CDC Case No. 2013-30.
Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:20 p.m.

Scott Viger, Director of Community and Economic Development, Mark Rysavy, Assistant Director of Community and Economic Development and Victoria Kosman, Village Planner were all present and sworn in by Chairman Moruzzi. Ms. Kosman stated a legal notice was published in the Daily Herald on September 7, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on September 6, 2013. Ms. Kosman stated on September 6, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Monika Kedzior, owner of Lavanda Spa and Resident of 245 S. Walnut Street was present and sworn in by Chairman Moruzzi. Ms. Kedzior reviewed the operations at Lavanda Spa. Ms. Kedzior stated she is the only licensed therapeutic masseuse at Lavanda Spa and that she would meet all requirements proposed by Staff if she were to hire another masseuse. Ms. Kedzior reviewed the approval criteria with the Commission and member of the public.

Commissioner Rodriguez asked what Ms. Kedzior's hiring process would be for additional help. Ms. Kedzior stated they will have to be licensed and will meet all other requirements set forth by the Village.

Commissioner Weldon asked if Ms. Kedzior understood Staff's recommendations. Ms. Kedzior stated she did review Staff recommendations and had no issues.

Public Comment

Evel Kapsouris – 304 Ridgeland, Elmhurst, Illinois

Mr. Kapsouris was present and sworn in by Chairman Moruzzi. Mr. Kapsouris stated he was the owner of DeCampana Restaurant located at 229 W. Grand Avenue and was fully supportive of the proposed CUP.

Ms. Kosman reviewed the Village Staff report and stated Staff recommends approval of the request with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Lavenda Spa 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 Ordinance shall be kept on the property at all times.
3. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
4. The subject property shall not be open for business or in operation between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.
5. The massage therapy license of each and every licensed massage therapist employed in the massage therapy salon shall be displayed in an open and conspicuous place in the massage establishment or available upon request.

6. While performing massage therapy, massage therapists shall wear clothing that is modest, professional and appropriate for street wear.
7. The applicant shall be responsible to have an agency perform a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business license is renewed annually. Any criminal histories shall be attached to the business license permit applications and submitted when new employees are hired.

Commissioner Pisano suggested striking “*or available upon request*” from Staff’s recommendation. There were no objections from the Commission.

Commissioner Pisano asked what would happen to the business if they were operating illegally. Ms. Kosman suggested making a recommendation to the Commission and adding it as a condition.

Motion: Commissioner Weldon made a motion to close CDC Case No. 2013-30. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed CDC Case No. 2013-30 at 7:40 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for CDC Case No. 2013-30 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. **No unusual increase in traffic volume is expected from the proposed Massage Therapy Salon in the 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 are no expected environmental nuisances or adverse**

environmental effects from the proposed Massage Therapy Salon.

3. **Neighborhood Character:** The proposed use will fit harmoniously with 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 Massage Therapy Salon use will fit harmoniously with the existing character of the environs.**
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. **There will be no unusual demands placed upon the municipal services or facilities.**
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. **The proposed use will contribute to the general health and welfare of the neighborhood**
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, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the proposed variance with Staff's recommendations consisting of:

1. The Conditional Use Permit Amendment be granted solely to Lavenda Spa 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 Ordinance shall be kept on the property at all times.
3. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
4. The subject property shall not be open for business or in operation between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.
5. The massage therapy license of each and every licensed massage therapist employed in the massage therapy salon shall be displayed in an open and conspicuous place in the massage establishment.
6. While performing massage therapy, massage therapists shall wear clothing that is modest, professional and appropriate for street wear.
7. The applicant shall be responsible to have an agency perform a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business license is renewed annually. Any criminal histories shall be attached to the business license permit applications and submitted when new employees are hired.

And the addition of:

8. A notice is placed in each massage therapy room to indicate that inappropriate behavior will be treated criminally.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-31
Petitioner: Happy Nails, Susan Lee
Location: 1201 W. Irving Park Road
Request: CUP; Massage Therapy

Motion: Commissioner Rodriguez made a motion to CDC Case No. 2013-31. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:45 p.m.

Scott Viger, Director of Community and Economic Development, Mark Rysavy, Assistant Director of Community and Economic Development and Victoria Kosman, Village Planner were all present and sworn in by Chairman Moruzzi. Ms. Kosman stated a legal notice was published in the Daily Herald on September 7, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on September 6, 2013. Ms. Kosman stated on September 6, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Ms. Susan Lee, Manager of Happy Nails, was present and sworn in by Chairman Moruzzi. Ms. Lee reviewed the approval criteria with the Commissioners and member of the Public. Ms. Lee asked if background checks had to be performed on all current employees or just the therapeutic masseuses. Mr. Viger stated the Police Department has required background checks be conducted on all current employees and future employees. Ms. Lee stated she was opposed to the requirement made by Staff and did not feel it was necessary to conduct a background check on every employee. Ms. Lee stated Happy Nails will have one therapeutic masseuse hired and if business increased, they would hire additional licensed masseuses.

Public Comment

Chairman Moruzzi asked if there were any member of the Public that would like to give testimony in regards to CDC Case No. 2013-31. There were none.

Ms. Kosman reviewed the Village Staff report and stated Staff recommends approval of the request with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Happy Nails & Skin 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 Ordinance shall be kept on the property at all times.
3. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
4. The subject property shall not be open for business or in operation between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.
5. The massage therapy license of each and every licensed massage therapist employed in the massage therapy salon shall be displayed in an open and conspicuous place in the massage establishment.
6. While performing massage therapy, massage therapists shall wear clothing that is modest, professional and appropriate for street wear.

7. The applicant shall be responsible to have an agency perform a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business license is renewed annually. Any criminal histories shall be attached to the business license permit applications and submitted when new employees are hired.

Commissioner Weldon raised concerns with Ms. Lee's comments regarding the Village to require background checks on every employee and the potential cost to the companies to conduct the background checks.

Chairman Moruzzi asked if Village Council had reviewed Staff's recommendations. Mr. Viger stated that Village Council had no issues with Staff's recommendations.

Commissioner Pisano asked if the Police Department had access to the background check program. Mr. Rysavy stated he was unaware and would ask the Police Department.

Chairman Moruzzi suggested approving the CUP request the same way the Commission approved CDC Case No 2013-30 and asked Staff to address Ms. Lee's concerns with the Police Department and the Community and Economic Development Committee at their next meeting. There were no objections from the Commissioners.

Motion: Commissioner Weldon made a motion to close CDC Case No. 2013-31. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed CDC Case No. 2013-31 at 8:06 p.m.

Motion: Commissioner Janowiak made a motion to approve the findings of facts for CDC Case No. 2013-31 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. **No unusual increase in traffic volume is expected from the proposed Massage Therapy Salon in the 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 are no expected environmental nuisances or adverse environmental effects from the proposed Massage Therapy Salon.**
- 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 Massage Therapy Salon use will fit harmoniously with the existing character of the environs as it has been operating as a beauty salon over the past 18 years.**
- 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. **There will be no unusual demands placed upon the municipal services or facilities.**
- 5. Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. **The proposed use will contribute to the general health and welfare of the neighborhood**
- 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 Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the proposed variance with Staff's recommendations consisting of:

1. The Conditional Use Permit Amendment be granted solely to Happy Nails & Skin 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 Ordinance shall be kept on the property at all times.
3. The window and door area of the first floor of the facility that faces a public street or sidewalk shall not reduce, nor shall changes be made to such windows or doors that block, views into the building at eye level.
4. The subject property shall not be open for business or in operation between the hours of 9:00 p.m. and 7:00 a.m., except to complete massage services scheduled and initiated prior to 8:30 p.m.
5. The massage therapy license of each and every licensed massage therapist employed in the massage therapy salon shall be displayed in an open and conspicuous place in the massage establishment.
6. While performing massage therapy, massage therapists shall wear clothing that is modest, professional and appropriate for street wear.
7. The applicant shall be responsible to have an agency perform a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business license is renewed annually. Any criminal histories shall be attached to the business license permit applications and submitted when new employees are hired.

And the addition of:

8. A notice is placed in each massage therapy room to indicate that inappropriate behavior will be treated criminally.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi recessed the meeting at 8:10 p.m.

Chairman Moruzzi called the meeting back to order at 8:15 p.m.

Samyukth Shenbaga of the Chicago Metropolitan Agency for Planning (CMAP) provided an update to the Commission regarding the Bensenville Comprehensive Plan existing conditions. Mr. Shenbaga's power point presentation has been attached to the minutes as "Exhibit B".

Report from Community Development

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

ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Weldon made a motion to adjourn the meeting. Commissioner Janowiak seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 9:10 p.m.