



BENSENVILLE

COMMUNITY & ECONOMIC
DEVELOPMENT

COMMUNITY DEVELOPMENT
COMMISSION

**DEVELOPMENT
REVIEW PROCESS**

09.27.19

PROCESS SUMMARY AND TIMELINE

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 night 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	

C. ACTION REQUESTED (Check applicable):

- Annexation
- Special Use Permit
- Master Sign Plan
- Planned Unit Development*
- Plat of Subdivision
- Rezoning (Map Amendment)
- Site Plan Review
- Variance

*See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

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

**Item located within this application packet.

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

D. 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:			

E. APPROVAL CRITERIA:

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

□ Approval Criteria for Variances

1. Special Circumstances

Special circumstances, fully described in the written findings, 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. And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

2. Hardship or practical Difficulties

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

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 Ordinance or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any Variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

5. Preserves 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 granting 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 Ordinance and Plan

The granting of a Variance will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

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.

Approval Criteria for Special Uses

1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical of Allowed Uses in the zoning district has been minimized.

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 Allowed Uses in the district, have been minimized.

3. Neighborhood Character

The proposed use will fit harmoniously with the existing character of existing Allowed Uses in its environs. Any adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Allowed 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 Allowed 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 Board to the Special Use in its proposed location.

Approval Criteria for Zoning Map Amendments

1. Support for Classification:

a. Compatible with Use or Zoning

The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs, or

b. Supported by Trend of Development

The trend of development in the general area since the original zoning was established supports the proposed classification, or

c. Consistent with Village Plans

The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

2. Furthers Public Interest

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

3. Public Services Available

Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

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 be 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 due, 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 POSSESSES 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)
)SS.
COUNTY OF DUPAGE AND COOK)

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