

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

June 10, 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, Caira, Janowiak, Pisano, Rodriguez, Weldon
Absent: Rowe
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of May 13, 2013 were presented.

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

All were in favor. Motion carried.

Continued

Public Hearing:

CDC Case Number 2012-11

Petitioner:

Lezsak Rybak

Request:

Text Amendment; to allow Outdoor Storage of enclosed containers and enclosed trailers in the C-4 Regional Destination Commercial District to a Conditional Use Permit

Motion: Commissioner Weldon made a motion to open CDC Case No. 2012-11. Commissioner Caira seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-11 at 6:34 p.m.

Director of Community & Economic Development, Scott Viger and Assistant Director of Community & Economic Development, Mark Rysavy, were sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on April 27, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger stated since this is a text amendment request, there was no mailing or posting of the property requirements. Mr. Viger stated this case has been continued since May 13, 2013 by Staff's request. Mr. Viger stated the C-4 Regional Destination Commercial District was amended in 2004/2005 as part of the Village's Comprehensive Plan. Mr. Viger stated outdoor storage, of any kind, is prohibited in the C-4 District. Mr. Viger stated the request is to allow outdoor storage in the C-4 District by Conditional Use Permit.

Marshall J. Subach of Hunt, Kaiser, Aranda & Subach, Ltd and Lezsak Rybak, owner of 116 Brookwood Street were both present and sworn in by Chairman Moruzzi. Mr. Subach commended the Village for their vision back in 2004/2005 when the Comprehensive Plan was adopted. Mr. Subach stated in the past eight years, there has been no interest in redeveloping property in the C-4 District. Mr. Subach stated his client intended to build a new building on Brookwood but could not meet the Village's requirements. Mr. Subach stated his client was informed that if he wanted to develop a new building on Brookwood, he would have to pave the street and would not be provided with Village water or sewer. Mr. Subach stated the proposed text amendment would allow owners in the C-4 District to apply for a Conditional Use Permit to allow outdoor storage. Mr. Subach stated the proposed text amendment would match the current code of the I-2 District. Mr. Subach stated his client is paying roughly six thousand dollars in property taxes. Mr. Subach stated reasons the text amendment is compatible with use of zoning, supported by the trend of development, consistent with Village plans, further public interest, and public services into the record.

Commissioner Rodriguez raised concern with the lack of services and access to the properties along Brookwood. Commissioner Rodriguez asked what would happen if there was any type of emergency in the area. Mr. Subach agreed with Commissioner Rodriguez's concerns but stated the Commission would have control over these issues because the Conditional Use Permits would be individual cases.

Commissioner Janowiak asked if Mr. Rybak was concerned with theft in the area due to the lack of lighting. Mr. Subach stated it is a risk his client is willing to take.

Commissioner Weldon asked when Mr. Rybak purchased the property. Mr. Subach stated the property was purchased in 2008 and his client was aware of the Village code at the time.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony in regards to CDC Case No. 2012-11. There was none.

Mr. Viger presented the Staff Report. Mr. Viger stated there are currently residential properties in the C-4 District along Brookwood Street. Mr. Viger stated with the uncertainty of the redevelopment along Irving Park Road and the Elgin/O'Hare Western Bypass Project, Staff recommends denial of the proposed text amendment.

Commissioner Rodriguez asked Staff for clarification of the current outdoor storage regulations. Mr. Viger provided information pertaining to Commissioner Rodriguez's request.

Commissioner Pisano stated he believes if the Village Board were to approve the proposed text amendment, all owners in the area would apply for a Conditional Use Permit. Commissioner Pisano stated the Village should continue with their initial Comprehensive Plan in the C-4 District.

Commissioner Weldon asked Staff if the text amendment could only apply to properties along Brookwood Street and Pleasant Avenue. Mr. Viger stated he was unaware and would seek an answer from the Village Attorney at a later time.

Chairman Moruzzi asked if Staff was aware that Mr. Rybak purchased the property in 2008 and at the time was aware of the regulations in the C-4 District. Mr. Viger stated the property was purchased prior to his tenure with the Village but Mr. Subach had stated his client knew about the regulations at the time of the purchase.

Commissioner Rodriguez asked how many parcels are in the Brookwood Street/Pleasant Avenue area. Mr. Rysavy stated there was roughly nine properties.

Motion: Commissioner Weldon made a motion to close CDC Case Number 2012-11. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:13p.m.

Motion: Commissioner Pisano made a motion to deny the proposed text amendment. Commissioner Caira seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi recessed the meeting at 7:14 p.m.

Chairman Moruzzi called the meeting back to order at 7:19 p.m.

Public Meeting: CDC Case Number 2013-14
Petitioner: Anna Fiedoruk (Matejko Auto Service)
Location: 211 West Beeline Drive, Unit #1
Request: Conditional Use Permit Amendment; to allow Motor Vehicle Repair; Major & Minor in an I-2 Light Industrial District.

Motion: Commissioner Weldon made a motion to open CDC Case No. 2013-14. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-14 at 7:20 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on May 25, 2013 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 May 24, 2013. Mr. Viger stated on May 24, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Mario and Anna Fiedoruk, owners of Matejko Auto Service were both present and sworn in by Chairman Moruzzi. Mr. Fiedoruk provided the Commission with an overview of his business. Mr. Fiedoruk stated he does not conduct major truck repair. Mr. Fiedoruk stated his main operation deals with vehicles. Mr. Viger read the approval criteria into the record for the petitioners 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 addition of another motor vehicle repair business limited to passenger vehicles will not increase the traffic congestion found on-site to levels not otherwise typical of permitted uses in the District. The Unit was previously occupied by a similar motor vehicle repair operation.

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 should not be environmental nuisances uncharacteristic of other I -2 uses and as work will be done indoors negative air and waste disposal nuisances are mitigated; however, any influx in truck traffic and storage would be an environmental nuisance to the surrounding tenants. With the use limited to passenger vehicles (no trucks) there should not be any negative environmental effects.

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 property in question is zoned I -2 Light Industrial. The proposed use should be in harmony with the businesses in the area.

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 that as the business is located in an industrial area, there is sufficient market demand for the proposed service.

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.

Motor Vehicle Repair both Major & Minor will be in harmony with the surrounding business and industrial uses.

Commissioner Pisano asked how many employees work for Matejko Auto Service. Mr. Fiedoruk stated there are two employees.

Commissioner Cairra asked where cars will be parked that are not being worked on. Mr. Fiedoruk stated his unit would fit five cars on the inside.

Public Comment:

Richard Kramer – 211 Beeline Drive, Unit 14

Mr. Kramer stated he was supportive of Matejko Auto Services and their proposed operation. Mr. Kramer raised concern with current operation taking place in the area. Mr. Kramer asked the Village to address the issue.

Commissioner Weldon suggested tenants and neighbors in the area should call and notify Staff of any issues taking place.

Mr. Viger presented the Village Staff Report and stated Staff recommends approval of the proposed Conditional Use Permit with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Anna Fiedoruk (Matejko Auto Service) 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 six month review before the CDC and Village Board is required to ensure adequate compliance with the conditions enumerated below.
3. No work shall be performed out of doors.
4. There shall be no outdoor storage of vehicles.
5. All building, engineering and code compliance staff comments shall be promptly complied with.
6. There shall be a reduction in the number of service bays/areas so that the on-site parking meets the Municipal Code.

7. Additional parking spaces shall be provided on the east / rear of the property.

Chairman Moruzzi stated he would like to meet with Village Staff regarding a potential text amendment to the current code pertaining to vehicle and truck repair. Chairman Moruzzi asked the Commissioners to send their opinions to Village Staff regarding the issues. Chairman Moruzzi asked that this case be continued until June 24, 2013 so he can meet with Staff.

Motion: Commissioner Weldon made a motion to continue CDC Case #2013-14 until June 24, 2013. Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2013-15
Petitioner: Sure Investment Group, LLC
Location: 10 Gateway Road
Request: Conditional Use Permit Amendment; to allow industrial & warehouse use in a C-4 Regional Destination Commercial District.

Motion: Commissioner Cairra made a motion to open CDC Case No. 2013-15. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-15 at 7:53 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on May 25, 2013 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 May 24, 2013. Mr. Viger stated on May 24, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Mark Baumhart of Sure Investment Group, LLC was present and sworn in by Chairman Moruzzi. Mr. Baumhart stated 10 Gateway road has been vacant and he has a client interested in relocating their business from within Bensenville. The proposed tenant is willing to sign a five year lease. Mr. Baumhart expressed frustration with the current regulations set forth in the C-4 District. Mr. Baumhart read the approval criteria for the proposed Conditional Use Permit into the record 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 packaging, distribution and assembly use of 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 environmental nuisances or adverse environmental effects envisioned from the proposed use. The use will be contained inside the building with no exterior activity.

- 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 character of the neighborhood is commercial and light industrial. No exterior changes are envisioned for the building. The use will fit harmoniously with the palette of uses nearby the property in question.

- 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 Village is quite desirous of retaining local businesses and jobs. The proposed relocation of this business to this new location within our corporate limits is certainly in the interest of public necessity for our 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 Rodriguez asked what type of operation will be taking place in the building and what will the hours be. Mr. Baumhart stated the company is downsizing 1,500 square feet. They produce bulk items for cake decorating. Mr. Baumhart stated he was unaware of the current hours but stated they have one day shift.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony in regards to CDC Case No. 2013-15. There was none.

Mr. Viger reviewed the Village Staff report and stated Staff recommends approval with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Wilshire Packaging / Dunwell Packaging. 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. All materials shall be stacked / racked no higher than 15'.
3. A building permit shall be sought and approved along with necessary inspections for the racking prior to stocking the warehouse and occupancy.
4. The Conditional Use Permit shall cease July 1, 2021.

There were no questions from the Commissioners.

Motion: Commissioner Pisano made a motion to close CDC Case Number 2013-15. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:02p.m.

Motion: Commissioner Weldon 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.

No unusual increase in traffic volume is expected from the proposed packaging, distribution and assembly use of 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 environmental nuisances or adverse environmental effects envisioned from the proposed use. The use will be contained inside the building with no exterior activity.

- 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 character of the neighborhood is commercial and light industrial. No exterior changes are envisioned for the building. The use will fit harmoniously with the palette of uses nearby the property in question.

- 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 Village is quite desirous of retaining local businesses and jobs. The proposed relocation of this business to this new location within our corporate limits is certainly in the interest of public necessity for our 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 Cairra seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use request with Staff recommendations consisting of:

1. The Conditional Use Permit Amendment be granted solely to Wilshire Packaging / Dunwell Packaging. 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. All materials shall be stacked / racked no higher than 15'.

3. A building permit shall be sought and approved along with necessary inspections for the racking prior to stocking the warehouse and occupancy.
4. The Conditional Use Permit shall cease July 1, 2021.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Viger reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor
Motion carried.

The meeting was adjourned at 8:30 p.m.