

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

April 2, 2019

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

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Ciula, King, Wasowicz
Absent: Czarnecki, Marcotte, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, S. Viger, C. Williamsen

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of March 5, 2019 were presented.

Motion: Commissioner King made a motion to approve the minutes as presented. Commissioner Wasowicz seconded the motion.

All were in favor. Motion carried.

Director of Community Development, Scott Viger and Village Planner, Kurtis Pozsgay were both present and sworn in by Chairman Rowe.

PUBLIC

COMMENT: There was no Public Comment.

Continued

Public Hearing: CDC Case Number 2019-04

Petitioner: Mariusz Gruszka

Location: 225 S. York Rd.

Request: Planned Unit Development, 2 Story-3 Unit Dwelling,
Municipal Code Section 10 – 4.

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-04. Commissioner King seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Ciula, King, Wasowicz
Absent: Czarnecki, Marcotte, Rodriguez
A quorum was present.

Motion: Commissioner Wasowicz made a motion to continue CDC Case Number 2019-04 until a later date. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-06
Petitioner: Charles Randolph
Location: 828 Eagle Drive
Request: Special Use Permit, Motor Vehicle Repair and/or Service,
Municipal Code Section 10 – 7 – 2

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2019-06. Commissioner King seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Pozsgay stated the Petitioner is applying for a Special Use Permit for Motor Vehicle Repair and/or Service at 828 Eagle Dr. Mr. Pozsgay stated the unit is in a multi-unit industrial building in an I – 1 Light Industrial district. Mr. Pozsgay state the petitioner says he works mainly on small engines and with some automotive service as well.

Mr. Charles Randolph was present and sworn in by Chairman Rowe. Mr. Randolph stated car repairs are currently taking place onsite. Mr. Randolph stated they work on cars and small trucks. Mr. Randolph stated the only employees on site are his step son and himself. Mr. Randolph stated their clients are family and friends. Mr. Randolph stated they do not paint vehicles on site.

Commissioner Ciula asked what their business hours are. Mr. Randolph stated they are operating no more than 35-40 hours a week. Mr. Randolph stated they are usually never on site past 4:30pm. Mr. Randolph stated they might be at the shop on Saturdays from 8:00am – 12:00pm. Mr. Randolph stated they are never there on Sundays.

Commissioner Wasowicz asked if there was any signage on the building. Mr. Randolph stated they have lettering on the window of the unit.

Chairman Rowe asked if they work on semi-trucks. Mr. Randolph stated never, his one rule is he does not work on diesel vehicles.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed 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.

Applicant's Response: None. 2-5 cars enter and exit per day maximum.

- 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.

Applicant's Response: Will install oil catch basins/3 basin sewer.

- 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.

Applicant's Response: None. There are other similar businesses in the neighborhood. No large signage planned.

- 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.

Applicant's Response: No.

- 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.

Applicant's Response: Yes. No small equipment repair/small engine repair in the nearby area or snow plow repair. There are other car shops – we don't advertise as such.

- 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.

Applicant's Response: Yes.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The Special Use Permit be granted solely to Charles Randolph and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants 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 occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new public hearing before the CDC for a new Special Use Permit;
2. No Motor Vehicle Sales;
3. Fire alarm system must be installed prior to issuance of business license;
4. Hours of operation should be limited to no earlier than 6:00 am and no later than 8:00 pm;
5. Outdoor Storage of vehicles and/or equipment waiting for repair should be limited to no more than 25% of the parking spaces attributed to this unit.
6. Trash corrals must be installed at the property.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-06. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:41 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-06 as presented by Staff and to approve the special use request with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-07
Petitioner: Site Enhancement Services / McDonalds
Location: 302 West Irving Park Road
Request: Variance, Drive-Through Signs Quantity,
Municipal Code Section 10 – 10 – 5 – 3b.

Motion: Commissioner King made a motion to open CDC Case No. 2019-07. Commissioner Wasowicz seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mr. Pozsgay stated the Petitioner is applying for a Variance for a second menu board in each drive through lane at their Irving Park Road location. Mr. Pozsgay stated zoning Ordinance only allows one menu board sign per lane. Mr. Pozsgay stated the menu board signs will continue to be on the Irving Park Road-side of the restaurant property, away from the homes to the south.

Mr. Brandon Gantt of Site Enhancement Services was present and sworn in by Chairman Rowe. Mr. Gantt reviewed the proposed signs that are being installed at all McDonalds nationwide.

There were no questions from the Commission.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

Applicant's Response: (see below)

2. **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Applicant's Response: (see below)

3. **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Applicant's Response: (see below)

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: (see below)

5. **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Applicant's Response: (see below)

6. **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Applicant's Response: (see below)

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.

Applicant's Response: (see below)

8. **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Applicant's Response: (see below)

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.

Applicant's Full Response: The relief that is requested will not substantially alter the ability of this location to perform. The variance that is requested would allow for an updated experience for the cliental that have already decided to utilize the goods and services offered at this facility. The success or failure of the site is not dependent on this request; however, the overall experience could be upgraded at this location if the variance were to be approved. This request would allow for an update in technology to occur that was not prevalent when the current code was enacted. The request will have zero offsite impact and will in no way be a detriment to the surrounding area. The variance that is requested, if approved, will have zero impact on the neighborhood or the surrounding

area. This variance is wholly contained to the property in question and will only affect those which have entered in to the drive-thru lanes through their own volition. The relief that is requested will in no way adversely affect the delivery of governmental services. The variance for the alternate display of information at this site is wholly contained to the retail use of this property. The relief requested is unique because it is centered around the advancement in available technology for menu board displays. This property has been a McDonald's for several years however the availability of the technology has only become viable in the past 2-3 years. This is a growing development of technology which allows for a cleaner messaging opportunity for restaurant/retail type uses. The requested upgrade in communication with the McDonald's drive-thru cliental cannot be achieved through any other method other than the proposed variance. McDonald's currently uses outdated static message boards which do not allow for interaction or easily updated information. The requested menu boards will enhance the overall experience for the drive-thru clients. The relief requested will not be in opposition to the intent of the zoning resolution. The digital menu boards that are proposed will allow for clean and crisp readability that is contained onsite. There will be no proliferation of signage through granting this request and there will be no adverse impact on traffic movement on the local streets. This technology will only be visible to motorist that have already decided to enter into the drive-thru portion of this property.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Site Enhancement Services on 01.25.19.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-07. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:50 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-07 as presented by Staff and to approve the variance request with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-08
Petitioner: CIT Trucks
Location: 877 Supreme Drive
Request: (3) Special Use Permits:
Motor Vehicle Sales, Truck Repair, and Outdoor Storage Area
Municipal Code Section 10 – 7 – 2, and
Variance, Outdoor Storage Area Location,
Municipal Code Section 10 – 7 – 3W.

Motion: Commissioner King made a motion to open CDC Case No. 2019-08. Commissioner Wasowicz seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic

Development department during regular business hours. Mr. Pozsgay stated the Petitioner is applying for Special Use Permits and a Variance to operate their truck sales and repair facility at 877 Supreme Dr. Mr. Pozsgay stated CIT has agreed to terms with Prologis on the former Law Auto property. Mr. Pozsgay stated they will relocate their parts operation from Thomas Drive and expand to truck sales & service.

Mr. Dave Mitchell of CIT Trucks was present and sworn in by Chairman Rowe. Mr. Mitchell stated CIT Trucks has operated at 702-708 Thomas Drive for 14 years. Mr. Mitchell stated they have outgrown their facility and want to stay in Bensenville.

Commissioner King asked if they were buying or leasing the proposed site. Mr. Mitchell stated they would be leasing.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed special use requests 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.

Applicant's Response: Traffic will be typical for the industrial district along Foster.

- 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.

Applicant's Response: The use will have no adverse impact on neighbors.

- 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.

Applicant's Response: The use fits in with the surrounding industrial.

- 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.

Applicant's Response: No additional public services or facilities will be required.

- 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.

Applicant's Response: Without the special uses requested, we will not be able to operate our sales facility at this location, which will generate sales tax to the Village.

- 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.

Applicant's Response: This is compatible with similar special use requests.

Mr. Pozsgay reviewed the approval criteria for the proposed variance request consisting of:

- 1) **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

Applicant's Response: Special circumstances exist due to the number of employees and needed sales display area.

- 2) **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Applicant's Response: Without the requested variances, the project cannot move forward.

- 3) **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Applicant's Response: The special circumstances relate to the property and layout and are not a result of the business.

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: The variances are not the result of any action of the applicant.

- 5) **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Applicant's Response: The variances confer the rights of the district.

- 6) **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Applicant's Response: The variances are necessary for the use of 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.

Applicant's Response: The variances will not alter the local character.

- 8) **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Applicant's Response: The variances are consistent with the title and plan.

- 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.

Applicant's Response: These are the minimum variances needed to operate our facility.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The Special Use Permits be granted solely to the CIT Trucks and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants 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 occupant without amendment to the Special Use Permits, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permits, the new

- occupant shall be required to petition for a new public hearing before the CDC for a new Special Use Permits;
2. Outdoor Storage of vehicles and/or equipment waiting for repair should be limited to no more than 25% of the lot;
 3. Outdoor Storage shall occur on improved surfaces only;
 4. A landscape plan shall be submitted to and approved by Village staff.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2019-08. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:57 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for motor vehicle sales with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for truck repair with Staff's recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for outdoor storage with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the variance request for outdoor storage area location with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

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

Mr. Pozsgay reviewed the proposed 2019 Zoning Map with the Commission.

ADJOURNMENT: There being no further business before the Community Development Commission, Commissioner King made a motion to adjourn the meeting. Commissioner Wasowicz seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:07 p.m.



Ronald Rowe, Chairman
Community Development Commission