

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

November 8, 2010

CALL TO ORDER: The meeting was called to order at 7:30 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Markowski, Rowe, Ventura, Moruzzi, Ramirez, Weldon
Absent: Janowiak
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of October 11, 2010 were presented.

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

All were in favor.

Motion carried.

Commissioner Weldon recused himself from the meeting at 7:33p.m.

Public Hearing: CDC Case Number 2010-25
Petitioner: Genoveva Rivera
Location: 141 S. Foley Street
Request: Variances, to allow a Fence and Shed in Corner Side Yard

Ilsa Rivera was present and sworn in by Chairman Markowski. Ms. Rivera is the daughter to Genoveva Rivera. The Rivera family moved to 141 S. Foley Street two months ago. They have petitioned to move their current fence to align with their neighbor's fence. The extra room in their yard will allow for the Riveras to install a shed in the corner side yard. The current tree located on the outside of their fence will be placed inside of their yard if approved. Staff stated that the neighbor's current fence does not comply with the Village Code. Staff stated that the current fence installed at 141 S. Foley Street meets current code requirements.

Chairman Markowski asked if there were any members of the public that would like to speak. There were none.

Motion: Commissioner Moruzzi made a motion to approve the findings and facts for CDC case # 2010-25. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ventura, Moruzzi, Ramirez

Nays: None

Motion carried.

Motion: Commissioner Ramirez made a motion to approve CDC Case #2010-25 Variances, to allow a Fence and Shed in Corner Side Yard subject to the following conditions as found in the staff report:

1. Special Circumstances: Special circumstances 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. 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.

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.

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 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.

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.

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.

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 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.

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.

Commissioner Ventura seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ventura, Ramirez

Nays: Moruzzi

Motion carried.

Chairman Markowski closed the public hearing at 7:44p.m.

Commissioner Weldon returned to the meeting at 7:45p.m.

Staff requested that the Commissioner move CDC Case 2010-21 to the end of the meeting. There were no objections from the Commissioners.

Public Hearing: CDC Case Number 2010-22
Petitioner: Village of Bensenville
Location: Village of Bensenville
Request: Text Amendment for Outdoor Storage

Scott Viger was present and sworn in by Chairman Markowski. Chapter 10 of the current Village Code does not allow outdoor storage in the I-1 district. It allows outdoor storage in the I-2 district by a conditional use permit only and 25% of the property. The current Village Code allows outdoor storage in the I-3 district by conditional use permit only and 50% of the property. The amendment to the code will allow outdoor storage in the I-1 district by conditional use property only and up to 25% of the property. The new amendment will allow outdoor storage in the I-2 & I-3 districts by conditional use permit and up to 50% of the property. Staff recommends approval. Chairman Markowski asked if there were any members of the public that would like to speak. There were none.

Motion: Commissioner Ramirez made a motion to approve CDC Case #2010-22 Text Amendment for Outdoor Storage. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ventura, Ramirez, Weldon

Nays: Moruzzi

Motion carried.

Chairman Markowski closed the public hearing at 7:59 p.m.

Public Hearing: CDC Case Number 2010-27
Petitioner: Village of Bensenville
Location: Village of Bensenville
Request: Text Amendment Notice

Scott Viger was present and sworn in by Chairman Markowski. The current State statute allows petitioners to mail notices of a public hearing through first class mail and up to 250 feet of surrounding properties. The current Village Code requires petitioners to mail notices of a public hearing via certified mail, return receipt requested and requires petitioners to mail such notices to surrounding properties affected of 500 feet. Commissioners request that Village Staff be responsible for mailing the notices to ensure they be mailed. Staff recommends approval. Chairman Markowski asked if there were any members of the public that would like to speak.

Fred Grain – Central States Trucking

Mr. Grain stated that he was in support of this text amendment because it will save petitioners money in fulfilling their request.

John Wassinger – 253 S. Church Road

Mr. Wassinger stated that this was a good idea but feels that if staff is to be responsible for the mailings, there be a charge to the petitioners.

Motion: Commissioner Ventura made a motion to approve CDC Case #2010-27 Text Amendment Notice and have staff be responsible for mailing the notices. Commissioner Ramirez seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ventura, Ramirez, Moruzzi, Weldon

Nays: None

Motion carried.

Chairman Markowski closed the public hearing at 8:13 p.m.

Public Hearing: CDC Case Number 2010-23
Petitioner: Central States Trucking
Location: 600 Eagle Drive
Request: Conditional Use Permit, to allow Outdoor Storage

Fred Grain was present and sworn in by Chairman Markowski. Central States Trucking has been in business in Bensenville since 2001 and used to utilize the parking lot at 600 Eagle Drive as storage for empty trailers. Central States Trucking stopped usage of the lot per the Villages request. Central States Trucking currently uses space in Elmhurst to store their empty containers. Central States Trucking has been at their current location since 2001 and purchased the building in 2008. The company reached 34 million dollars in sales in 2009 and is projected to reach 41 million dollars in sales in 2010. Central States Trucking feels that by using the current lot at 600 Eagle Drive will be easier and faster than having to drive to Elmhurst. Central States Trucking is a 24 hour operation. The petitioner stated that the area will be maintained and plans to install a new fence. There will be a total of 22 parking spaces. This will primarily be a drop and pull operation done by with a spotter tractor.

Staff recommends approval. Chairman Markowski asked if there were any members of the public that would like to speak.

Rev Illco – 244 N. Walnut

Ms. Illco is concerned with the amount of noise that will be produced by loud trucks.

Tom Forman – 697 Hillside Drive

Mr. Forman stated that he has complained to the Village in the past with the amount of noise that is produced from the company. Mr. Forman has lived in Bensenville for nine years and had issues with the noise in the past. Mr. Forman stated that he was unable to sleep in the past because of the load noise and smell of diesel gas.

Yolanda Gornaak – 579 Hillside Drive

Ms. Gornakk stated that she has lived in Bensenville for 22 years and also had issues in the past with loud noise. Ms. Gornakk stated that truck drivers would cut through her back yard during night hours to get to food establishments located on Irving Park Road. Ms. Gornakk stated that large amounts of trash and bottles have collected along the fence line as well.

David Acquire – 609 Hillside Drive

Mr. Acquire stated that the noise is loud already and feels he will not be able to sleep at night. He also stated that in the past, large amounts of garbage was along the fence.

Motion: Commissioner Rowe made a motion to approve the findings and facts for CDC case # 2010-23. Commissioner Ramirez seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ventura, Moruzzi, Ramirez

Nays: None

Motion carried.

Motion: Commissioner Ramirez made a motion to approve CDC Case #2010-23 Conditional Use Permit, to allow outdoor storage subject to the following conditions as found in the staff report:

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.
2. Environmental Nuisance: The proposed accessory outdoor storage 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 permitted uses in the district have been minimized.
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.

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.

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 commission to the conditional use in its proposed location.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: Markowski, Rowe, Ramirez, Weldon

Nays: Moruzzi, Ventura

Motion carried.

Chairman Markowski closed the public hearing at 9:23 p.m.

Public Hearing: CDC Case Number 2010-21
Petitioner: Elementary School District 2
Location: Memorial Road Between York Road and Mason Street
Request: Site Plan Review

Chairman Markowski continued this CDC case until 12/11/2010.
There were no objections from the Commissioners.

Report from Community Development:

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor
Motion carried.

The meeting was adjourned at 9:50 p.m.

Chairman
Community Development Commission