

Community Development Commission Meeting Minutes

January 28, 2013

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

January 28, 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, Rowe, Weldon
Absent: Ventura
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission
Meeting of January 14, 2013 were presented.

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

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2012-42
Petitioner: PC Properties LLC
Location: 525 – 573 N. Meyer Road
Request: Planned Unit Development; Conditional Use Permit to allow
Outdoor Storage in a C-4 Regional Destination Commercial
District

Motion: Commissioner Weldon made a motion to open CDC Case No.
2012-42. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Meeting for CDC Case
Number 2012-42 at 6:35 p.m.

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Motion: Commissioner Rowe made a motion to continue CDC Case Number 2012-42 until February 11, 2013. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2012-41

Petitioner: Jim's Plaza LLC

Location: 308 – 460 West Irving Park Road

Request: Planned Unit Development and Conditional Use Permits to allow an Electronic Message Center Sign and Drive Through (Restaurant) Facility in a C-2 Highway Commercial District

Motion: Commissioner Rowe made a motion to open CDC Case No. 2012-41. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Meeting for CDC Case Number 2012-41 at 6:37 p.m.

Chairman Moruzzi swore members of the audience and Staff in that planned to give testimony.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on January 12, 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 January 11, 2013. Mr. Viger stated on January 11, 2013 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Marshall J. Subach of Hunt, Kaiser, Aranda & Subach, Ltd., Andrew Uttan of V3 Companies, and Christy Carson of McDonald's USA, LLC were all present and previously sworn in by Chairman Moruzzi. Mr. Subach stated his clients were seeking approval of a planned unit development for the entire 3.4 acres property, not just the proposed McDonald's property. Mr. Subach submitted drawing of the property into the record. The drawings have been attached to the minutes as "Exhibit A". Mr. Subach stated his clients are seeking to reduce the frontage strip from six feet to three feet, decrease the parking setback from ten feet to three feet, decrease the foundation strip from six feet to zero feet, increase the monument sign height from eight feet to twelve feet, increase the number of monument signs from zero to four, increase the number of menu board signs from one to three, increase the size of the menu board sign from sixteen square feet to ninety seven in a half square feet, increase the number of wall signs from the front elevation from one to two, increase the number of drive through signs from zero to two, increase the number of signs from the rear elevation from zero to one, to decrease the parking setback from ten feet to three feet, a conditional use permit to allow a drive through, and a conditional use permit to allow an electronic message center sign. Mr. Subach also stated the curb setbacks will decrease from five to two. Mr. Subach stated the McDonald's dining space will be approximately 1,250 square feet. Mr. Subach stated the interior design of the building is selected by the operator of the facility. Mr. Subach stated McDonald's is close to choosing an operator for the building. Mr. Subach stated IDOT may require a stop light be installed on Mason and Irving or Marshall and Irving in the future and he stated McDonald's is ok with either location. Mr. Subach stated the Salt Creek Ditch will be improved to help flooding in the area.

Mr. Uttan explained the design of the building to the Commission. Mr. Uttan stated the drive through can stack twenty-two cars before backing up can occur onto Irving Park Road. Mr. Uttan stated the building design will model McDonald's 2012 prototype. Mr. Uttan stated he worked close with Village Staff on the design.

Commissioner Weldon asked for clarification on the flooding implements in the area.

Mr. Subach addressed Village Staffs concerns of the four parallel parking spaces in front of the building and stated the area is designated for trucks to make their deliveries.

Commissioner Pisano asked if the parking stripes can be eliminated and the pavement remain in place for trucks to make their deliveries.

Mr. Subach stated his clients would have to get final approval from McDonald's but did not see any issues with Commissioner Pisano's suggestion.

Mr. Subach reviewed the approval criteria for the requested planned unit development, conditional use permit for a drive through facility and a conditional use permit for an electronic message center sign.

Chairman Moruzzi asked if there were any members of the public that would like to give testimony.

Larry Maher – 353 West Carriage Lane

Mr. Maher addressed the Commission with his concerns over the redevelopment of the Salt Creek Ditch. Mr. Maher stated he would like the south side of the ditch to remain as is. Mr. Maher also questioned the lighting of the property.

Mr. Uttan stated McDonald's wouldn't own the south side of the Salt Creek Ditch; therefore the ditch would remain as is. Mr. Uttan stated the lighting to the property is designed to only shine on the property. Mr. Uttan stated McDonald's plans to use shields on the lights to help direct the light.

Renate Arman – 347 Carriage Lane

Ms. Arman addressed the Commission regarding her concerns with potential traffic flow on Mason and asked if a fence will be put up on the property.

Mr. Uttan stated there currently in no design for a fence due to the potential of another development to the property in the future. Mr. Subach stated long term traffic will be blocked by potential development.

Commissioner Weldon stated he would like to see a chain linked fence with proper screening on the property. Mr. Weldon stated he understands there is future development to the area but would like a fence to help relieve the issues raised by the Residents short term.

Chairman Moruzzi asked what the planned hours of operation will be. Mr. Subach stated the drive through will be open twenty four, seven and the interior will close by 11 p.m. or midnight but could remain open twenty four hours if the sales are good.

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

1. The property be developed in substantial compliance with the plans submitted with this petition.
2. A Planned Unit Development Plat be submitted to the Village for recordation at Du Page County.
3. The Conditional Use Permits for an Electronic Message Center sign and drive through facilities be granted solely to McDonald's restaurant and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy 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.
4. The property shall be constructed in substantial compliance with the plans submitted with this petition as follows:
 - a. Site Plans prepared by the V3 Companies dated 10.19.12 last revised 12.19.12
 - b. Landscape Plans prepared by Norris Design dated 10.10.12 last revised 12.18.12
 - c. Architectural Plans prepared by McDonald's Corporation dated July 2011.
5. The Site and Landscape plans be revised:
 - a. To eliminate the four parallel parking spaces along the Irving Park Road frontage. Additional landscape shall be provided in lieu of the four parking spaces.
 - b. To provide a curbed and landscaped island in lieu of the proposed striped island.
 - c. To provide landscape for the 15 employee parking spaces just west of the restaurant site.
 - d. To provide lighting compatible in style and design with the Village's Irving Park Road streetscape enhancements.
 - e. To reduce the light "spillage" at the property line to meet the Village Code requirements.

6. The petitioners comply with streetscape requirements along both Irving Park Road and Mason Street.
7. The architectural / signage plans be revised to eliminate the signage on the south elevation.
8. Specific color samples be submitted for staff review and approval during the building permitting process.
9. Petitioner work with the Village and IDOT regarding offsite public rights of way improvements necessitated by the traffic and turning movement increase generated by the proposed restaurant.

Motion: Commissioner Weldon made a motion to close the public hearing. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the planned unit development request 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 proposed PUD establishes a high standard for the redevelopment along this important commercial corridor and gateway to the Village. Future phases will be evaluated at time of redevelopment application.
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. Staff believes this to be accurate.
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 a general commercial district, establishing a consistent land use.

4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. Staff believes this to be accurate.
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. The proposed PUD is consistent with the current development trends of the surrounding area and the Village's CEDS future vision.
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. The plan as submitted works harmoniously with the Silver Creek and its floodway and wetlands.
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 PUD will not have a negative effect on area street traffic. On site circulation is acceptable.
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. The landscape plan submitted provides of an amenity for the restaurant, the commercial corridor and the Village. As part of the redevelopment staff will direct the land owner to clean and properly maintain the landscape along the Silver Creek.

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. Codes, Covenants & Restrictions including the reciprocal ingress/egress easements shall be submitted to the Village for review and approval prior to the commencement of construction.
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.

Commissioner Weldon seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request for a drive through facility 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 operation of the drive through facility will not have any adverse impact on traffic. The applicant shall address the Level of Service issues identified in the traffic study. The EMC meets the Village's locational and operational requirements and therefore should not have a negative effect on traffic.
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. The drive through facility and EMC should not create any negative impacts and are in keeping with the other uses in the C-2 Highway Commercial District and along the Irving Park Road/MidTown corridor.
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. Both the drive through facility and EMC shall fit harmoniously with the existing characteristics of the Irving Park Road/Midtown corridor.
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. Staff believes this to be accurate.
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. Having “lost” our McDonald’s restaurant to the O’Hare Modernization Program several years ago, the proposed new restaurant reestablishes a restaurant use in the MidTown area. Its location adds to the vitality of our commercial corridor restaurants.

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. At CDC's discretion to include and discuss other factors.

Commissioner Pisano seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Pisano made a motion to approve the findings of facts for the conditional use permit request for an electronic message center sign 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 operation of the drive through facility will not have any adverse impact on traffic. The applicant shall address the Level of Service issues identified in the traffic study. The EMC meets the Village's locational and operational requirements and therefore should not have a negative effect on traffic.
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. The drive through facility and EMC should not create any negative impacts and are in keeping with the other uses in the C-2 Highway Commercial District and along the Irving Park Road/MidTown corridor.
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. Both the drive through facility and EMC shall fit harmoniously with the existing characteristics of the Irving Park Road/Midtown corridor.

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. Staff believes this to be accurate.
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. Having “lost” our McDonald’s restaurant to the O’Hare Modernization Program several years ago, the proposed new restaurant reestablishes a restaurant use in the MidTown area. Its location adds to the vitality of our commercial corridor restaurants.
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. At CDC’s discretion to include and discuss other factors.

Commissioner Weldon seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Rowe, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the requested planned unit development with Staff recommendations. Commissioner Pisano seconded the motion.

No action was taken on the motion.

Motion:

Commissioner Weldon made a motion to approve the planned unit development with Staff recommendations and amendments to the following Staff recommendations:

5a – Change to leave the asphalt but eliminate the striping for the four parking spaces.

5b – Redesign the striped entry island at Mason Street to be approximately half curbed and landscaped and half striped to accommodate truck movements.

7 – Relocate the “McDonald’s” sign from the south façade to the north facade

Add:

10 – Work with Staff to provide screening of the vehicle headlights from southbound Walnut Street; wither fencing or landscape material.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Psiano made a motion to approve the requested conditional use permit for a drive through facility with Staff recommendations and amendments to the following Staff recommendations:

5a – Change to leave the asphalt but eliminate the striping for the four parking spaces.

5b – Redesign the striped entry island at Mason Street to be approximately half curbed and landscaped and half striped to accommodate truck movements.

7 – Relocate the “McDonald’s” sign from the south façade to the north facade

Add:

10 – Work with Staff to provide screening of the vehicle headlights from southbound Walnut Street; wither fencing or landscape material.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the requested conditional use permit for an electronic message center sign with Staff recommendations and amendments to the following Staff recommendations:

5a – Change to leave the asphalt but eliminate the striping for the four parking spaces.

5b – Redesign the striped entry island at Mason Street to be approximately half curbed and landscaped and half striped to accommodate truck movements.

7 – Relocate the “McDonald’s” sign from the south façade to the north facade

Add:

10 – Work with Staff to provide screening of the vehicle headlights from southbound Walnut Street; wither fencing or landscape material.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-39

Petitioner: Village of Bensenville

Request: Text Amendment to allow Residential Use in the C-4 Regional Destination Commercial District.

Mr. Viger stated the Village of Bensenville has requested to withdraw their request.

Motion: Commissioner Pisano made a motion to accept the Village of Bensenville’s request to withdraw. Commissioner Rowe seconded the motion.

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Roll Call: Ayes: Moruzzi, Janowiak, Rowe, Pisano, 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 Weldon made a motion to adjourn the meeting. Commissioner Rowe seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 8:07 p.m.

Mike Moruzzi, Chairman
Community Development Commission