

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 25, 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, Ventura, Weldon
Absent: None
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of February 11, 2013 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.

Public Meeting: CDC Case Number 2013-01
Petitioner: Quality Auto Restorations
Location: 1185 S. Entry Dr.
Request: Conditional Use Permit; Motor Vehicle Repair Major & Minor

Motion: Commissioner Rowe made a motion to open CDC Case No. 2013-01. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-01 at 6:33 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 February 9, 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 February 8, 2013. Mr. Viger stated on February 8, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Mike Bernotas and Tim Hurlburt, owners of Quality Auto Restoration were both present and sworn in by Chairman Moruzzi. Mr. Hurlburt stated the main focus of Quality Auto Restoration was older vehicles. Mr. Hurlburt stated since business has been slow; they have started working on newer cars. Mr. Bernotas stated restoration on a single care can take years to complete. Mr. Bernotas stated they do no work with any liquids in their shop. Mr. Bernotas stated there is no need for a required triple basin to be installed since Quality Auto Restoration does not deal with liquids. Mr. Bernotas stated parts are removed from the vehicle and sandblasted for restoration. Mr. Hurlburt submitted a statement to the Commissioners. The statement has been attached to the minutes as "Exhibit A". Mr. Bernotas stated he would like to install a paint booth on site. Mr. Bernotas stated he will follow all required permitting for the paint booth. Mr. Hurlburt read the approval criteria into the record.

Commissioner Ventura asked if there will be any outdoor storage. Mr. Bernotas stated there will be no outdoor storage.

Commissioner Weldon asked why there was no need for a triple basin. Mr. Bernotas stated they work on dry cars and no chemicals, oils or liquids will be exposed.

Public Comment:

Don Holed – 122 Rich Court

Mr. Holed was present and sworn in by Chairman Moruzzi. Mr. Holed addressed the Commissioners regarding the amount of noise that will be generated from the business. Mr. Holed also addressed the Commission regarding the odor from the paint.

Mr. Bernotas stated the hours of the shop will be from 9:00am to 4:30pm so he does not believe noise will be a factor. Mr. Bernotas stated there currently is no paint booth but if he is approved for one, it will be properly vented and no odor will be exposed to the Public.

Wesley Wegiel – 121 Bernice Dr.

Mr. Wegiel was present and sworn in by Chairman Moruzzi. Mr. Wegiel addressed the Commission regarding his concerns for the residents in the area and noise. Mr. Wegiel stated the residents next to the complex were not properly notified of the meeting.

Commissioner Janowiak addressed Mr. Wegiel's concerns with the noise by stating the business has been occupying the unit for over a year and no concerns have been brought forth to the Village.

Mr. Wegiel stated the businesses are very busy during the day and had not had the opportunity to address their concerns with the Village.

Commissioner Ventura asked if the Residents had been properly notified.

Mr. Viger stated the statute requires notices to be mailed to individuals of record for the property. Mr. Viger stated the properties in question are apartments. Mr. Viger stated notices were sent to the owners of record. Mr. Viger stated it is their responsibility to notify the tenants.

Mr. Viger presented the Staff Report. Mr. Viger stated Staff recommends approval of the request with the following conditions:

1. The Conditional Use Permit be granted solely to Quality Auto Restorations 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
3. Utility bill be "current" prior to this matter being scheduled at the Village Board CDC.
4. The applicant shall submit their procedures for handling various fluids and solvents in writing to the staff for review and approval.

5. The required triple basin shall be installed within 60 days of Village Board approval.
6. Applicant shall schedule an inspection so that staff can verify the life safety and code compliance issues in the Public Works and Community & Economic Development staff commentaries. Failure to comply will initiate the revocation of the CUP process found in Municipal Code Section 10 – 3A – 11 D.

Mr. Viger stated he had failed to check with the Finance Department regarding the water bill for the property. Mr. Viger stated Quality Auto Restoration will be required to pay any outstanding debt to the Village prior to Board approval.

Commissioner Pisano asked if the Commissioners approve the case with the requirement of the triple basin, will the matter have to come back for re-approval if the Village Engineer deems it unnecessary.

Mr. Viger stated the matter will not need to come back to the Commission and that he will meet with the Village Engineer in regards to the triple basin prior to Village Board action.

Commissioner Weldon asked what the process is for installing a paint booth.

Mr. Viger stated the paint booth will require a permit.

Commissioner Weldon asked is the paint booth will address the neighbor's concerns with odor.

Mr. Viger stated the paint booth will not release odor into the air.

Motion: Commissioner Weldon made a motion to close CDC Case Number 2013-01. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:06p.m.

Chairman Moruzzi suggested adding hours of operation to the requirements of the conditional use permit to address the concerns raised by the Public. The Commissioners agreed to limit the hours of operation from 7:00am to 5:00pm.

Motion:

Commissioner Janowiak 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. The proposed use will not create any adverse impact on types or volumes of traffic flow. Adequate parking is found for the uses associated with the subject 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 will not be negative environmental effects based on the requirement that all work be performed in the building. However the proper procedures for handling waste oils, fluids and solvents is presently not known. The applicant(s) shall submit to the staff their procedures for approval. A triple basin grease separator is required upon its installation this criterion will be met. The Commissioners agreed to limit the hours of operation from 7:00am to 5:00pm.
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 proposed use will fit harmoniously with the existing character of the Southern Business District area found along Entry Drive.
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. The proposed use will not require existing community facilities or services disproportionate to that normally expected of permitted uses.

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 there is need for the auto restoration use. It will contribute to the general welfare of the community by supplying a use or service which is seen as a positive for the 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 Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

1. The Conditional Use Permit be granted solely to Quality Auto Restorations 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
3. Utility bill be "current" prior to this matter being scheduled at the Village Board CEDC.
4. The applicant shall submit their procedures for handling various fluids and solvents in writing to the staff for review and approval.
5. The required triple basin shall be installed within 60 days of Village Board approval.

6. Applicant shall schedule an inspection so that staff can verify the life safety and code compliance issues Public Works and Community & Economic Development staff commentaries. Failure to comply will initiate the revocation of the CUP process found in Municipal Code Section 10 – 3A – 11 D.

and the addition of:

7. Hours of operation limited from 7:00am to 5:00pm.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2013-02
Petitioner: Gage Foods
Location: 454 Country Club Drive
Request: Conditional Use Permit; Food Processing

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-02. Commissioner Rowe seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-02 at 7:13 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on February 9, 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 February 8, 2013. Mr. Viger stated on February 8, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Dean Calvert, General Manager of Gage Foods, was present and sworn in by Chairman Moruzzi. Mr. Calvert explained the processes of Gage Foods. Mr. Culvert stated only dry materials are mixed within Gage Foods. Mr. Culvert stated he had the opportunity to move Gage Foods to Indiana or Michigan but chose to stay in Bensenville because of the location. Mr. Culvert stated Gage Foods is a 60 year old food company, which serves the school, health care and correction industries. Mr. Culvert stated Gage Foods has been in Bensenville for ten years and is relocating due to downsizing purposes. Mr. Culvert read the approval criteria into the record.

Commissioner Pisano asked what type of procedure is taken to prevent rodents.

Mr. Culvert stated Gage Foods is a clean operation and has daily cleanings to prevent rodents. Mr. Culvert also stated Gage Foods has a pest control incase rodents appear.

Commissioner Rowe asked what types of products are being mixed.

Mr. Culvert reviewed Gage Foods process.

Public Comment:

Ron Riccardo – 476 Country Club Drive

Mr. Riccardo was present and sworn in by Chairman Moruzzi. Mr. Riccardo addressed the Commissioners with his concerns of flooding in the area due to recent work done by the building owner.

Mr. Rysavy stated he has met with the owner of the property and they will be meeting with Mr. Riccardo in the near future regarding his concerns.

Mr. Viger stated the work was done without a permit and the building owner has been fined and sent through adjudication.

Heller Bettina – 440 Country Club Drive

Ms. Bettina was present and sworn in by Chairman Moruzzi. Ms. Bettina addressed to Commission with her concerns of the drive aisle condition, residents in the area, and possible dust from the mixing of foods.

Mr. Rysavy stated the drive aisle conditions will be addressed with the owner of the property through permitting and inspections.

Mr. Culvert stated the trailers in the area are being used as storage for the old tenants and will be removed within 60 days. Mr. Culvert also stated a waste unit will be attached to the building so the residents in the area will not be affected. Mr. Culvert stated overhead smoke eaters will collect dust produced from mixing foods.

Ms. Bettina asked what type of noise will be produced from the vents installed for dust collection.

Mr. Culvert stated there is no noise produced from the vents.

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

1. The Conditional Use Permit be granted solely to Windy Acquisitions LLC D/B/A Gage Foods 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
3. The property shall be developed and utilized in substantial conformance to the plans to be submitted as part of this application; and being reviews as Building Permit # 3193.

Chairman Moruzzi asked what Staff will do to address the concerns raised regarding the lot condition.

Mr. Viger stated Staff will check the issues and address prior to Village Board action.

Chairman Moruzzi asked what the hours of operation will be.

Mr. Culvert stated the hours of operation are usually 6:00am to 3:30pm with an occasional second shift and rare weekends.

Chairman Moruzzi asked if the doors are ever open.

Mr. Culvert stated the doors will never be open due to health concerns for the mixing of foods.

Chairman Moruzzi asked if there will be a lot of truck traffic in the area.

Mr. Culvert stated they may have two or three trucks a day. Mr. Culvert stated deliveries will take place at the northeast truck well.

Motion: Commissioner Weldon made a motion to close CDC Case Number 2013-02. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:41p.m.

Motion: Commissioner Janowiak 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. The proposed use will not create any adverse impact on types or volumes of traffic flow. Adequate parking is found for the uses associated with the subject 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 will be not be negative environmental effects based on the internal nature of the food preparation being relatively small scale without the use or production of odiferous foods.

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 proposed use will fit harmoniously with the existing character of the office/research/assembly industrial area found along Country Club Drive.
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. The proposed use will not require existing community facilities or services disproportionate to that normally expected of permitted uses.
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. It will contribute to the general welfare of the community by supplying a use which is needed in our society.
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 Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

1. The Conditional Use Permit be granted solely to Windy Acquisitions LLC D/B/A Gage Foods 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
3. The property shall be developed and utilized in substantial conformance to the plans to be submitted as part of this application; and being reviews as Building Permit # 3193.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2013-03
Petitioner: Logos Evangelical Seminary
Location: 631 N. IL Rte. 83
Request: Conditional Use Permit; Religious Institution

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-03. Commissioner Rowe seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-03 at 7:46 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on February 9, 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 February 8, 2013. Mr. Viger stated on February 8, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Bon Hock Pua and Patrick Chen were both present and sworn in by Chairman Moruzzi. Mr. Pua stated Logos Evangelical Seminary is currently the only Chinese Seminary in North America. Mr. Pau stated it has a history of 24 years with the main campus located in El Monte, California. Mr. Pua stated over the past few years, the seminary has seriously considered an extension site in Chicago. Mr. Pau stated they found Bensenville to be an easy access for different parts of Chicago. Mr. Pau stated they are an ATS approved institution conferring Master of Art in Chinese Studies and registered in Illinois. Mr. Chen submitted a letter to the Commissioners. The letter has been attached to the minutes as "Exhibit B".

Mr. Viger read the approval criteria into the record on behalf of the applicants.

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

1. The Conditional Use Permit be granted solely to the Logos Evangelical Seminary 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;

3. Compliance with all life safety and code compliance issues that may arise from the upcoming staff inspections.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony regarding the CDC case. There was none.

There were no questions from the Commissioners.

Motion: Commissioner Pisano made a motion to close CDC Case Number 2013-03. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:52p.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. The proposed use will not create any adverse impact on types or volumes of traffic flow. Adequate parking is found for the uses associated with the subject property. As a corner property the site enjoys good access from IL Rte. 83 and Fairway Drive.
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 will be not be negative environmental effects based on the nature of the proposed religious institution.

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 proposed use will fit harmoniously with the existing character of the Northern Business District and office type uses found in the IL Rte. 83 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. The proposed use will not require existing community facilities or services disproportionate to that normally expected of permitted uses.
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 there is need for the use. It will contribute to the general welfare of the community and bring people 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. Other factors are subject to the Commission's judgment.

Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

1. The Conditional Use Permit be granted solely to the Logos Evangelical Seminary 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 copy of the Conditional Use Permit ordinance must be kept on the premises of the establishment;
3. Compliance with all life safety and code compliance issues that may arise from the upcoming staff inspections.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2013-04
Petitioner: US Foods
Location: 800 Supreme Drive
Request: Variance; Accessory Structure Setback

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-04. Commissioner Ventura seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-04 at 7:59 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on February 9, 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 February 8, 2013. Mr. Viger stated on February 8, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Fred Hunter, Bradley Ryan, and Joseph Denfeld were all present and sworn in by Chairman Moruzzi. Mr. Hunter stated US Foods is a 24/7 operation. Mr. Hunter stated US Foods just replaced the fence on the property. Mr. Hunter stated the request was for a guard shack for the property.

Mr. Viger read the approval criteria into the record on behalf of the applicants.

Commissioner Weldon asked if any utilities will be used for the shack.

Mr. Hunter stated the shack will be provided electricity and heat for the employee inside.

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

1. A copy of the variance Ordinance must be kept on the premises of the establishment;
2. The property shall be developed and utilized in substantial conformance to the plans to be submitted as part of this prepared by Par – Kut International Inc. Dated 12.03.2012.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony regarding the CDC case. There was none.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2013-04. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:07p.m.

Motion: Commissioner Weldon made a motion to approve the findings of fact for the 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. The special circumstances exist for the property in question due to their need for security and efficient marshaling of truck traffic on and around their property.
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. The property in question will be subjected to undue hardship and practical difficulties up to and including relocation if the variances are not granted.
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. The special circumstances only relate to the physical characteristics specifically, the size of the property in relation to the Supreme Drive right of way and the specific operational needs of the applicant US Foods.

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. The special circumstances and practical hardship are not a direct result of actions 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. Allowing these variances does not confer a special privilege to the Applicant. A number of industrial properties have perimeter fencing similar to US Foods. The guard shack can be seen as an adjunct to the security fencing.
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. A variance is necessary to allow the owners to enjoy substantial use of the property. Without the requested variance, the Applicant cannot operate their business at optimum efficiency.
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. Approval of the variance sought will not alter the essential character of the environs found near the property in question in the Village's Northern Business District.

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. The granting of the variances will comply with the Comprehensive Plan of maintaining successful industrial business within the Village, solidifying our position as the premier location for business in the O'Hare region.
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. The staff has worked with the applicant and believes that the variances sought are the minimum required.

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance request with Staff recommendations consisting of:

1. A copy of the variance Ordinance must be kept on the premises of the establishment;
2. The property shall be developed and utilized in substantial conformance to the plans to be submitted as part of this prepared by Par – Kut International Inc. Dated 12.03.2012

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2013-05
Petitioner: Tint World
Location: 1108 S. York Road
Request: Variance; Signage

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-05. Commissioner Weldon seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-05 at 8:10 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on February 9, 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 February 8, 2013. Mr. Viger stated on February 8, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Michael Mayo, owner of Tint World, was present and sworn in by Chairman Moruzzi. Mr. Mayo stated he was approved for the signs by the previous Village Planner so he was under the impression the signs had been installed legally. Mr. Mayo stated he prefers to keep the signs as is. Mr. Mayo stated the temporary signs on the property will be removed prior to approval.

Mr. Viger read the approval criteria into the record on behalf of the applicant.

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

1. A copy of the Variance ordinance must be kept on the premises of the establishment;
2. Prior to this variance request being scheduled for the Village Board CEDC , appropriate arrangements shall be made to resolve the past due Utility billing situation.

3. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application on prepared Persona Sign makers / Image Builders dated 05.04.12; and approved by Permit #2523 A and 2523 B.
4. All temporary signage shall be removed. Any new temporary signage shall be permitted through the Village's Community & Economic Development Department.

Mr. Viger stated the utility bill has been paid and therefor Staff no longer requires Staff recommendation number 2.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony regarding the CDC case. There was none.

There were no questions from the Commissioners.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2013-05. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:21p.m.

Motion: Commissioner Weldon made a motion to approve the findings of fact for the 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. The special circumstances exist as the Village issued the sign permit in error and the applicant expended moneys based on the Village staff permit approval.

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. The property in question will be subjected to undue hardship and practical difficulties should the erected signage be required to be removed.
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. The special circumstances only relate to the this property as the error was made only on the permit related to the Tint World property and signage.
4. **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. The special circumstances and practical hardship are not a direct result of actions 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. Allowing this variance does not confer a special privilege to the Applicant.
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. A variance is necessary to allow the owners to enjoy substantial 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. Approval of the variance sought will not alter the essential character of the environs found near the property in question in the Village's York Road Business corridor.
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. The granting of the variances will comply with the Comprehensive Plan of maintaining successful retail business within the Village, on the South York Road retail corridor.
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. The staff has worked with the applicant and believes that the variances sought are the minimum required.

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the variance request with Staff recommendations consisting of:

1. A copy of the Variance ordinance must be kept on the premises of the establishment;
2. The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application on prepared Persona Sign makers / Image Builders dated 05.04.12; and approved by Permit #2523 A and 2523 B.
3. All temporary signage shall be removed. Any new temporary signage shall be permitted through the Village's Community & Economic Development Department.

Commissioner Janowiak seconded the motion.

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

All were in favor

Motion carried.

The meeting was adjourned at 8:26p.m.

Quality Auto Restoration

EXHIBIT A

An auto restoration and auto body shop; we specialize in Mopar Collector Car restorations

1. Mike Bernotas; auto body work and president of the corporation
2. Tim Hurlburt; bookkeeping work and agent of the corporation

Mission:

High quality work at a reasonable price for auto restorations and other types of body work

Goal for Business Mix:

1. About 50% of revenue in Collector Car Restoration; Mike Bernotas is an expert in Mopar restorations for 1960s and 1970s autos
2. 50% of revenue other types of body work on newer autos: scratches, fenders, repainting

Quality Auto is a good fit for the neighborhood

1. We purchased a company truck from Larry Roesch Dodge
2. Finishing a Dodge Super Bee that will be displayed at Roesch Dodge

Dear Honorable Community Development Commission members, guests, lady and gentlemen:

My name is Bon Hock Pua. I am the campus director of Logos Evangelical Seminary at Chicago. First of all I would like to take this opportunity to express my heartfelt gratitude for your kind consideration for our Seminary to operate at the first floor of 631 N. IL Rte. 83. Bensenville.

Logos Evangelical Seminary is currently the only Chinese Seminary in North America accredited with America Theological Association. It has a history of 24 years with main campus located at El Monte, California. Over the past few years, our seminary has seriously considered an extension site in Chicago. Much effort had been put in to locate a suitable site but it was without success until we found this ideal location in Bensenville with an easy access from different parts of Chicago as well as different parts of the world.

We are an ATS approved institution conferring Master of Art in Christian Studies and registered in Illinois. Currently we offer a two-year graduate study program. The purpose of this institution is to train men and women for the work of ministry all over the world in particular among the Chinese community. We envision attracting Chinese students from different walks of life to equip themselves for the work of ministries. We are the only accredited Chinese seminary in the Midwest and as well east coast. Currently we only have a small number of staff and our student enrolment is expected to be less than 50. We are renting the proposed offices mainly for lectures, classroom training as well as provide resources for the students. Our office will be open from 9am to 5pm, Monday to Friday but most classes will be conducted at the week-ends starting Friday evening thru' Sunday evening.

We hope that through this endeavor we are able to establish a sound institution situated in Bensenville bringing people not just from Midwest but also around the world to this friendly and ^{productive} efficient town in order to learn, to grow and to glorify the name of our Triune God. Amen.