

Community Development Commission Meeting Minutes

July 8, 2013

Page 1

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

July 8, 2013

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

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

**JOURNAL OF PROCEEDINGS:**

The minutes of the Community Development Commission  
Meeting of June 24, 2013 were presented.

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

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to move CDC Case No.  
2013-19 to the end of the agenda. The petitioners of the CDC Case  
had no objections.

All were in favor. Motion carried.

Director of Community and Economic Development, Scott Viger,  
announced the Public Hearing for 429 Evergreen Street will take  
place on July 22, 2013.

Community Development Commission Meeting Minutes

July 8, 2013

Page 2

**Public Hearing:** CDC Case Number 2013-16

**Petitioner:** Anna & Mario Kovacevic

**Location:** 618 West Green Street

**Request:** Variance; Fence in the Corner Side Yard

**Motion:** Commissioner Caira made a motion to open CDC Case No. 2013-16. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-16 at 6:33 p.m.

Director of Community & Economic Development, Scott Viger, and Assistant Director of Community and Economic Development, Mark Rysavy, were both presented and sworn in by Chairman Moruzzi. Mr. Viger stated a legal notice was published in the Daily Herald on June 22, 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 June 21, 2013. Mr. Viger stated on June 21, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Anna Kovacevic, owner and resident of 618 West Green Street, was present and sworn in by Chairman Moruzzi. Mrs. Kovacevic stated she is seeking a variance for a fence to line the property of her home. Mrs. Kovacevic stated trees will be removed and replaced by a fence if approved. Mrs. Kovacevic stated there will be no visibility issued to her or others in the area.

Commissioner Rowe asked how tall the proposed fence will be. Mrs. Kovacevic stated the proposed fence will be six feet tall.

Commissioner Weldon asked if the petitioner was ok with the Chairman's request to push the fence back off the property line to line with the garage. Mrs. Kovacevic stated she prefers the fence line up with her garage and would be ok with the recommendation made by the Commission.

Mr. Viger read the approval criteria for the variance into the record on behalf of the petitioner.

Chairman Moruzzi asked if the petitioner had understood the Commission's request to push the fence back five feet from the property line. Mrs. Kovacevic stated she understood the Commission's request.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony in regards to CDC Case No. 2013-16. There was none.

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

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The fence shall be constructed in compliance with the plans submitted as part of this variance application, except as revised by the Village.
3. The fence shall be setback from the western property line a minimum of three feet to provide an area for landscaping.
4. The applicant shall submit a landscape plan as part of the fence permit. The landscape plan will be reviewed and approved along with the fencing and the landscape will be a required part of the construction project.
5. The fence location shall be modified so as not to interfere with the vision clearance triangle.

Chairman Moruzzi stated he would like to amend Staff recommendation number three to push the fence back to 5.3 feet from the property line. There were no objections from the Commission.

Motion: Commissioner Pisano made a motion to close CDC Case Number 2013-16. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 6:52 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of facts for CDC Case No. 2013-16 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.  
**There are special circumstances that are particular to the layout of this specific 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. **There is a Hardship or Practical Difficulty here as the tapering of the lot and the placement of the detached garage.**
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 relate to the physical character of the land and building location of this property as the existing detached garage and taper of the lot create a special circumstance.**
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 configuration of the lot is not of the applicants' doing.**

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. **The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.**
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. **Granting of the requested variance is necessary for the reasonable 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. **Granting of the variance will not alter the local character. Property values, public safety will not be negatively affected should the variance be granted.**
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. **Staff believes that the variance with the conditions suggested by staff is consistent with the Village's Ordinances 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. **Staff believes that the variance sought is the minimum required for the applicant to gain relief.**

Commissioner Weldon seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Community Development Commission Meeting Minutes

July 8, 2013

Page 6

**Motion:** Commissioner Rowe made a motion to approve the conditional use request for CDC Case No. 2013-16 with Staff's amended recommendations consisting of:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The fence shall be constructed in compliance with the plans submitted as part of this variance application, except as revised by the Village.
3. The fence shall be setback from the western property line a minimum of 5.3 feet to provide an area for landscaping.
4. The applicant shall submit a landscape plan as part of the fence permit. The landscape plan will be reviewed and approved along with the fencing and the landscape will be a required part of the construction project.
5. The fence location shall be modified so as not to interfere with the vision clearance triangle.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Meeting:** CDC Case Number 2013-20

**Petitioner:** Identity Services, LLC

**Location:** 630 North Route 83

**Request:** Site Plan and Conditional Use Permit Amendment to Allow an Electronic Message Center Sign and Variance

**Motion:** Commissioner Caira made a motion to open CDC Case No. 2013-20. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-20 at 6:55 p.m.

Director of Community & Economic Development, Scott Viger, and Assistant Director of Community and Economic Development, Mark Rysavy, were both presented and sworn in by Chairman Moruzzi. Mr. Viger stated a legal notice was published in the Daily Herald on June 22, 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 June 21, 2013. Mr. Viger stated on June 21, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Karen Dodge of Identify Services, LLC was present and sworn in by Chairman Moruzzi. Ms. Dodge stated the proposed sign will be twelve feet tall and will feature an electronic message center. Ms. Dodge read the approval criteria for both the conditional use and variance request into the record.

There were no questions from the Commission.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony in regards to CDC Case No. 2013-20. There was none.

Mr. Viger reviewed the Staff report and stated Staff recommends approval of the proposed EMC sign with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to the Stabile Enterprises Inc. 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. The electronic message center sign shall be erected in substantial compliance with the plans submitted with the application prepared by Identity Service LLC dated 04.23.13 received by the CED staff on 06.11.13.
3. The Electronic Message Center portion of the sign shall be deactivated or remain one message when the restaurant is closed.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2013-20. Commissioner Caira seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:07 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the conditional use permit amendment request for CDC Case No. 2013-20 consisting of:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. **No unusual increase in traffic volume is expected from the proposed electronic message center sign on the property.**
2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. **There are no environmental nuisances or adverse environmental effects envisioned from the proposed electronic message center sign, if it functions in accordance with the Zoning Ordinance requirements as well as the “shut – off” time condition.**

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 Electronic Message Center sign will fit harmoniously with the existing character of the environs.**
4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. **There will be no unusual demands placed upon the municipal services or facilities.**
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. **The Village is believes that the restaurant serves a public necessity and the EMC is said to enhance customers' dining options.**
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, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Pisano made a motion to approve the findings of facts for variance request for CDC Case No. 2013-20 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.  
**Route 83 is one of the most heavily traveled rights of way within the Village at this time. The restaurant is not located at an intersection creating a Special Circumstance.**
- 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. **Maintaining the 139 ½ “ height would necessitate additional construction as the EMC larger than the changeable copy board, creating a hardship.**
- 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. **Staff believes that it is clear that the special circumstances and hardships relate to this property and not necessarily to the entirety of the C – 2 Highway Commercial District.**
- 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 difficulties are not the result of the applicant’s actions.**

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. **Granting a variance for an increase in the height of a freestanding sign at the property in question would not confer a special privilege to the property ordinarily denied other similarly zoned and utilized properties. The granting of the increased sign height variance would allow the operators to enjoy a substantial property right.**
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. **The variance and the resultant increased sign height are needed for the successful long term operation of the retail restaurant uses at this location.**
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. **The variance of granted would not alter the local character of the Route 83 corridor. Nor would it impair environmental quality, property values or the public safety and general 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. **Staff believes that the variance to grant a 144 ½" tall sign is in harmony with the Village's plan and expectations for the Route 83 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. **Staff believes that the additional 5" in height is the minimum necessary.**

Commissioner Rowe seconded the motion.

Community Development Commission Meeting Minutes

July 8, 2013

Page 12

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the conditional use amendment and variance request with Staff's recommendations consisting of:

1. The Conditional Use Permit Amendment be granted solely to the Stabile Enterprises Inc. 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. The electronic message center sign shall be erected in substantial compliance with the plans submitted with the application prepared by Identity Service LLC dated 04.23.13 received by the CED staff on 06.11.13.
3. The Electronic Message Center portion of the sign shall be deactivated or remain one message when the restaurant is closed.

Commissioner Caira seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Community Development Commission Meeting Minutes

July 8, 2013

Page 13

**Public Meeting:** CDC Case Number 2013-21  
**Petitioner:** Mamma Maria's Pizzeria Bensenville, Inc.  
**Location:** 438 South York Road  
**Request:** Variance to Allow a Freestanding Sign

**Motion:** Commissioner Caira made a motion to open CDC Case No. 2013-21. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-21 at 7:11 p.m.

Director of Community & Economic Development, Scott Viger, and Assistant Director of Community and Economic Development, Mark Rysavy, were both presented and sworn in by Chairman Moruzzi. Mr. Viger stated a legal notice was published in the Daily Herald on June 22, 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 June 21, 2013. Mr. Viger stated on June 21, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Joseph Calzante, owner of Mamma Maria's Pizzeria Bensenville, Inc. and Marshall J. Subach of Hunt, Kaiser, Aranda & Subach, Ltd were both present and sworn in by Chairman Moruzzi. Mr. Subach stated his client is seeking a variance to allow an already existing sign. Mr. Subach stated the sign was installed as a result of an error made by his client and the contractor working on the renovation of Mamma Maria's exterior. Mr. Subach stated the sign is 100% on the owner's property and there is no issues with the Village's public right of way. Mr. Subach distributed pictures of the current sign. The pictures have been attached to the minutes as "Exhibit A". Mr. Subach stated if the sign is required to be moved five feet to the west, the sign will be block by cars in the parking lot and will not be visible to drivers on York Road; making the sign irrelevant. Mr. Subach read the approval criteria into the record for his client's variance request.

Community Development Commission Meeting Minutes

July 8, 2013

Page 14

Mr. Subach addressed Public Work's concerns with the potential distraction of the installation of a sidewalk in the area. Mr. Subach stated if the sign remains as it, there will be an eighteen foot separation between the sign and York Road. Mr. Subach stated his client is willing to sign a document that will protect the Village in any case of damages to the sign once the sidewalk is installed.

Commissioner Rodriguez asked if Mr. Subach's client would be willing to move the sign if a sidewalk was installed in the future. Mr. Subach stated he would address the issue in the future but believes the sign will not interfere with a future sidewalk.

Commissioner Weldon stated he had agreed with Commissioner Rodriguez's concerns regarding a future sidewalk. Mr. Subach stated a sidewalk could not be placed on his client's property without an easement agreement and if the issue arose in the future; his client would work with the Village at that time.

**Public Comment:**

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony in regards to CDC Case No. 2013-21. There was none.

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

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The sign shall be in conformance with the plans approved under Permit #2578 prepared by NM Sign Supply, Inc. and O.T. Signs

Village Attorney, Mark Dickson, suggested adding the following condition:

3. That Mamma Marias agree to indemnify the Village against any damage to their sign which may occur in the event of work on the Village right of way, and against any claim of a third party who is injured on Village property as a result of the location of the sign, and that Mamma Marias agree to move the sign in the event the Village undertakes work on the Village right of way which requires that the sign be moved.

There were no questions from the Commissioners.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2013-21. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:29 p.m.

Motion: Commissioner Caira made a motion to approve the findings of facts regarding the variance request for CDC Case No. 2013-21 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. **If the sign were located in accordance with the Zoning Ordinance requirements parked vehicles would block the view of the sign. This is deemed to be a Special Circumstance in this situation.**
- 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. **A practical difficulty is that the cars in the parking lot would block drivers' and potential customers' view of the sign if it were located in accordance with the Zoning Ordinance's setback requirements.**

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 relate only to this property as they are a result of the parking lot and site design.**
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 variance request is the result of an inadvertent error by the applicant instructing the sign construction crew.**
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. **The variance is needed for the applicant to enjoy the property and does not confer special privilege on the property.**
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. **Granting of the requested variance is necessary for the reasonable use of the property rather than simply for an increase in the applicant's economic return.**

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. **Granting of the variance will not alter the local character. Property values, public safety will not be negatively affected should the variance be granted.**
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. **Staff believes that the variance to grant a reduction in the required parking is consistent with the Village's Ordinances 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. **Staff believes that the variance sought is the minimum required for the applicant to gain relief.**

Commissioner Weldon seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the variance request with Staff's recommendations consisting of:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The sign shall be in conformance with the plans approved under Permit #2578 prepared by NM Sign Supply, Inc. and O.T. Signs

3. That Mamma Marias agree to indemnify the Village against any damage to their sign which may occur in the event of work on the Village right of way, and against any claim of a third party who is injured on Village property as a result of the location of the sign, and that Mamma Marias agree to move the sign in the event the Village undertakes work on the Village right of way which requires that the sign be moved.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi recessed the meeting at 7:32 p.m.

Chairman Moruzzi called the meeting back to order at 7:40 p.m.

**Public Meeting:** CDC Case Number 2013-19

**Petitioner:** Devon – Ellis Partnership

**Location:** 600 West Devon Avenue

**Request:** Conditional Use Permit to Allow a Fleet Fueler Facility and Variances

**Motion:** Commissioner Rowe made a motion to open CDC Case No. 2013-19. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2013-19 at 7:41 p.m.

Director of Community & Economic Development, Scott Viger, and Assistant Director of Community and Economic Development, Mark Rysavy, were both presented and sworn in by Chairman Moruzzi. Mr. Viger stated a legal notice was published in the Daily Herald on June 22, 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 June 21, 2013.

Mr. Viger stated on June 21, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Thomas R. Burney of Schain, Burney, Banks & Kenny ltd.; Jeff Middlebrook of Blu; Christopher M. Lavoie of C.M. Lavioe & Associates, Inc.; Timothy R. Hejny of C.M. Lavioe & Associates, Inc.; and Jason Evans of Blu were all present and sworn in by Chairman Moruzzi.

Mr. Burney distributed copies of a power point presentation to the Commission and member of the audience. A copy of the power point has been attached to the minutes as "Exhibit B". Mr. Burney reviewed the purpose of the proposed fueling site. Mr. Burney stated if the plans are approved by the Village Board, the operation plans to go live by the end of the year. Mr. Burney stated the proposed operation would be the first of its kind in the State of Illinois if approved. Mr. Burney stated the property falls within the TIF #12 district.

Mr. Middlebrook stated the operation of Blu started in Salt Lake City, Utah. Mr. Middlebrook reviewed the process and purpose of LNG gas. Mr. Middlebrook stated the gas is cooled and stored at -260°F. Trucks operating with LNG gas have a converter on them to adjust to the gas. Mr. Middlebrook stated LNG gas has a lower carbon distribution than diesel fuel resulting in a 25% lower emission. Mr. Middlebrook stated LNG gas operates at a \$1.50 cheaper than diesel fuel. Mr. Middlebrook stated Blu creates its own LNG gas supply; it is its own distributor; it conducts its own fuel sales; and Blu drivers conducts truck conversions. Mr. Middlebrook indicated drivers have the option to operate on either fuel or LNG gas. Mr. Middlebrook stated new trucks being produced are coming with conversion kits. Mr. Middlebrook stated diesel fuel will be sold at the Blu facility because the trucks still need some diesel fuel to operate. Mr. Middlebrook stated there is a high demand for Blu in the area and he believes with the lower prices, it will allow for lower bids regarding loads; therefore assist overall in the economy. Mr. Middlebrook stated Blu plans to offer DEF gas as well.

Mr. Lavoie reviewed the proposed site with the Commission. Mr. Lavioe reviewed the underground detention plan and stated it meets all Village requirements. Mr. Lavioe reviewed the proposed landscaping and indicated Blu will install five trees and shrubbery along Devon Avenue. Mr. Lavoie stated there will be one employee of site at a time; therefore only one parking space is needed.

Mr. Lavioe stated Blu will install an additional parking space to meet ADA requirements. Mr. Lavioe stated the proposed turning is 131 feet due to the trucks turning radius. Mr. Lavioe stated the proposed plan allows for stacking of twenty-seven trucks on site. Mr. Lavioe stated the latest IDOT traffic study in the area indicated 17,500 vehicles a day travel along Devon Avenue and 37,000 vehicle travel along Route 83/Busse Road a day. Mr. Lavioe stated based on the provided information from IDOT, Blu projects 60 trucks a day in year one, 175 trucks per day in year two and 297 trucks per day in year three. Mr. Lavioe stated he does not believe traffic will be increased in the area. Mr. Lavioe reviewed the proposed canopy and signage at the facility. Mr. Lavioe stated the proposed canopy will be 84 feet tall and will feature two signs showing pricing and a third sign indicating the company Blu.

Mr. Hejny reviewed the prosed tank on site. Mr. Hejny stated there will be an 8x8 Blu decal on the proposed tank.

Mr. Lavioe reviewed the variance requests for the property and indicated a parking space will be added to meet ADA requirements.

Mr. Evans reviewed the fueling operation. Mr. Evans indicated trucks can simultaneously fuel diesel on one side and LNG on the other. Mr. Evan stated the proposed above ground tank will store 16,000 gallons. Mr. Evans stated Blu will be amending their request to allow for a second tank in the future. Mr. Evans stated there will be a trained technician onsite at all times to assist customers. Mr. Evans indicated Blu will operate 24/7.

Commissioner Rodriguez asked what the design life of the site is. Mr. Evans stated the design life had not been discussed however the plan is designed to last long term.

Community Development Commission Meeting Minutes

July 8, 2013

Page 21

Commissioner Rodriguez asked if the State Fire Marshall had reviewed the proposed operation. Mr. Evan stated the State Fire Marshall had no issue with the proposed site. Mr. Lavioe stated representatives from Blu had met with Village Staff regarding safety concerns and how Blu plans to deal with issues. Mr. Lavioe stated Blu would work with the Fire Department making them aware of potential issues and how to deal with them.

Commissioner Rodriguez asked if the tank operated with a pressure valve. Mr., Evans stated the tank operated on low pressure but he did not know the exact measurement.

Commissioner Rodriguez asked if the operation is based off a gravity filled system. Mr. Evans stated the operation is based off a low pressure system.

Commissioner Rodriguez asked if there were any secondary containment requirements. Mr. Evans stated the tank is a single wall tank.

Commissioner Rodriguez asked if there was a need for hazards materials. Mr. Evan stated there was no need to hazards material on site.

Commissioner Rodriguez asked what the emergency plan was. Mr. Evans stated there is an automatic shutdown with a manual release.

Commissioner Rodriguez asked if Blu had a development fire suppression plan. Mr. Evan stated there was a plan and it would be submitted to Staff as part of the permitting processes.

Commissioner Weldon asked if there is a leak in the tank, is the vapor flammable. Mr. Evans stated the vapor is flammable in a trapped area however, he does not foresee any issues at the proposed site.

Commissioner Weldon asked if the proposed plans have been based off already existing sites. Mr. Evan indicated the proposed plan fits in uniform with current operations of Blu.

Commissioner Weldon asked if the proposed 297 trucks a day in year three would be the maximum amount of trucks anticipated. Mr. Evan indicated 297 is the maximum proposed trucks to visit the site per day.

Commissioner Pisano stated he believes the facility will act as a destination facility to drivers.

Commissioner Pisano stated an additional parking space will need to be added to accommodate the shift change. Mr. Middlebrook stated there are no issues with adding a third parking space and would work with Staff during the permitting process.

Mr. Burney reviewed the approval criteria for both the conditional use and variance requests.

Chairman Moruzzi asked how vehicles will know if the site can only attend to trucks. Mr. Middlebrook stated there has been no issues at other facilities, however there is plenty of room on site for a vehicle to leave.

Chairman Moruzzi asked if signage can be placed on site indicated the facility is for trucks only. Mr. Middlebrook stated he would work with Staff regarding signage during the permitting process.

Chairman Moruzzi asked if there was an opportunity for signage to be added to promote the Village of Bensenville. Mr. Middlebrook stated he was not opposed to the idea but would have to clarify with his landlord regarding the issue.

Commissioner Weldon asked what the purpose of the 8x8 sign on the above ground tank. Mr. Middlebrook stated it was based on the drivers perception traveling down Devon Avenue.

Commissioner Pisano asked if the fueling nozzle will fit into a regular vehicle. Mr. Middlebrook indicated it would not.

Commissioner Rodriguez asked if a safety plan and maintenance plan had been submitted. Mr. Evans stated there are plans and they would be submitted to Staff as part of their permitting.

Commissioner Rodriguez asked if the tanks are routinely inspected. Mr. Evans stated the tanks are inspected every two weeks to a month.

Commissioner Rodriguez asked how water will be drained from retention area. Mr. Hejny stated there are two sump pumps that will discharge the water properly.

**Public Comment**

**Paul F. Conarty – 1400 Fechner Circle, North Aurora**

Mr. Conarty was present and sworn in by Chairman Moruzzi. Mr. Conarty stated he was representing Bell Fuels whom currently operates at the property to the west of the proposed site. Mr. Conarty reviewed Village Code section 7-3-2 subsections B, E, and F with the Commission. Mr. Conarty stated the definitions described in the Village Code do not meet the criteria of the request, therefore the Village could not grant the request without an amendment to the code.

Mr. Conarty asked the Commission to consider the fact there are no stop signs or traffic lights in the area, the proposed use of the site does not address the commercial use due to the fact the majority of traffic in the area is for vehicles belonging to employees and salesman. Mr. Conarty stated the proposed use would act a destination use for truckers. Mr. Conarty stated traffic will be increased in the area due to the proposed operations. Mr. Conarty asked why a traffic study was not requested by Staff. Mr. Conarty stated he spoke to Cook County and they do not plan on approving signage the area. Mr. Conarty questions the proposed stacking of trucks. Mr. Conarty stated he does not believe Cook County would approve the proposed curbcuts. Mr. Conarty stated he had been informed that LNG is a highly flammable substance that could result in a massive explosion. Mr. Conarty stated if the Blu facility was to explode; his client's property would be impacted. Mr. Conarty stated the variances being requested did not meet the proper criteria in the area. Mr. Conarty stated the proposed signage is not necessary. Mr. Conarty asked the Commission to consider the potential danger of an explosion.

Chairman Moruzzi recessed the meeting at 9:23 p.m.

Chairman Moruzzi called the meeting back to order at 9:32 p.m.

Mr. Burney addressed the concerns raised by Mr. Conarty. Mr. Burney stated Blu has technical experts present and had indicated the safety of the flammability of the product. Mr. Burney stated Mr. Conarty was representing a diesel fueling facility and understood their concerns with potential competition in the area. Mr. Burney indicated Blu has a strong record indicating the safety of their product.

Mr. Evans stated the liquid is not flammable, only the vapor.

Chairman Moruzzi asked if there are other tanks similar in the area. Mr. Evan sated he is aware of up to twelve tanks in the area but they belong to competitors of Blu.

Commissioner Weldon asked is Blu had any awareness of major leaks. Mr. Evans stated he was aware of an accident that had taken place in Africa due to an electrical fire; not a gas leak.

Mr. Conarty asked the Commission to continue the Public Hearing to allow him to submitted written documentation indicating the potential danger of the product.

Mr. Burney reminded the Commission that Mr. Conarty was there representing a competitor to Blu and asked the Commission to vote on the matter that evening.

Mr. Conarty stated he has concerns of the safety of his client's building due to the potential of the explosion at Blu.

Mr. Viger reviewed the Village Staff report and stated Staff recommends approval of the conditional use and variance request with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to the Transfuels LLC d/b/a BLU- LNG, 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. The Plat of Consolidation shall be revised in accordance with the Public Works / Engineering comments.
3. Public improvements along the Devon Avenue right of way, such as sidewalks shall be installed.

4. A revised Landscape Plan shall be submitted to and approved by the Community & Economic Development Department. The Landscape Plan may include additional landscape material and / or preservation along the eastern and southern property lines, additional landscape material along the western property line, transplanting of the three existing deciduous trees at the property's northeast corner.
5. All information relative to the installation of diesel storage tanks shall be submitted to the Municipal Staff for review and approval.

Mr. Rysavy provided information pertaining to Mr. Conarty's concerns with the Village Code definitions. Mr. Rysavy stated the State's definitions did not describe any issues with the proposed operations of the Blu facility therefor Staff does not foresee any issues.

Commissioner Rodriguez asked if the Village is requiring additional safety to the tank. Mr. Rysavy stated the Village is not requiring extra safety to the tank.

Commissioner Weldon asked why there was not a request for a traffic study by Staff. Mr. Viger stated Staff did not feel it necessary.

Commissioner Weldon asked if Staff had done any study on the LNG product. Mr. Viger stated he left the research to the Fire Personnel and that Mr. Bagnola from the Village had no issues.

Chairman Moruzzi asked how many diesel fueling stations were in the area. Mr. Viger stated there are three in the area; Citgo, Bell Fuels and Thornton's

Commissioner Weldon asked if Staff had reviewed the potential harm in there is a leakage or fire. Mr. Rysavy stated Staff had met with Blu and both had reviewed a video addressing the issue of a leakage and fire.

Chairman Moruzzi asked if the material is currently transported by rail. Mr. Evans indicated it is currently all over the world via the rail system.

Mr. Conarty stated the video showed to Staff was made to satisfy Blu's perspective of a fire but did not show Staff the potential magnitude of an explosion.

Motion: Commissioner Weldon made a motion to continue the Public Hearing until July 22, 2013 to allow Mr. Conarty to submit documentation indicating the potential danger in the area.

There was no second, the motion died.

George E. Sweeny of Bell Flues was present and sworn in by Chairman Moruzzi. Mr. Sweeny stated he was shocked the Fire Marshall was ok with the proposed use due to the unawareness of the product.

Chairman Moruzzi asked if the Fire Marshall will have any say during the permitting process. Mr. Rysavy indicated if the Fire Marshall had any objections they would be addressed during the permitting process.

Motion: Commissioner Rowe made a motion to close CDC Case Number 2013-19. Commissioner Pisano seconded the motion.

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

Nays: Weldon

Motion carried.

Chairman Moruzzi closed the Public Hearing at 10:08 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts regarding the conditional use permit request for CDC Case No. 2013-19 consisting of:

- 1. Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. **No increase in traffic volume is expected from the proposed Fleet Fueler Facility beyond that which would normally be associated with other uses permitted in the I – 2 Light Industrial District.**

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. **There are no environmental nuisances or adverse environmental effects envisioned from the proposed Fleet Fueler Facility as proposed.**
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 Fleet Fueler Facility will fit harmoniously with the existing character of the environs.**
4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. **There will be no unusual demands placed upon the municipal services or facilities.**
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. **There are a large number of trucks that visit the Northern Business District or are based there. The Fleet Fueler facility will help meet the fuel needs of these businesses. Providing an opportunity for our local businesses to purchase an “alternate fuel” is seen as a positive.**
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, Caira, Janowiak, Pisano, Rodriguez, Rowe,

Nays: Weldon

Motion carried.

Motion: Commissioner Pisano made a motion to approve the findings of facts regarding the variance request for CDC Case No. 2013-19 consisting of:

- 1. 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 is well located to service the trucks that visit our Northern Business Park. Accessory Structure Height;** a special circumstance exists that the industry norms for such a facility is larger than a standard accessory structure such as a storage building. **Wall Sign Size;** the size of the wall sign is determined by the linear feet of the wall it is located upon. **In this special situation, the wall is extraordinarily small causing a special circumstance. Wall Sign Height;** There is a special circumstance in that the sign is setback from Devon Avenue due to the stacking requirement for the fueling facility. The added height adds to the visibility as well as the aesthetics. **Parking;** A special circumstance exists as there will be but one employee and no convenience store or reason for drivers to park and exit their vehicles. **Number of signs;** without a freestanding sign on the Devon Avenue frontage a special circumstance exists that would create a need for additional signage upon the canopy. **Curbcut;** as a fleet fueler facility the site will be visited almost exclusively by trucks. The curbcut is aligned on the centerline with Nicholas Blvd.

2. **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. **Staff believes that that the special circumstances and hardships relate to this property and not necessarily to the entirety of the I – 2 Light Industrial District.**
3. **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 difficulties are not the result of the applicant's actions.**
4. **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. **Approval of the relief sought through the variances is necessary for the applicant to**
5. **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. **Staff believes that the variances sought are necessary for the effective use of the property to operate as a fleet fueler facility.**
6. **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. **The variances if granted would not alter the local character of the Devon Avenue corridor. Nor would it impair environmental quality, property values or the public safety and general welfare in the vicinity.**

- 7. 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. **Staff believes that the variances to grant relief from are in harmony with the Village's plan and expectations for the Devon Avenue corridor and the Northern Business District.**
- 8. 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. **Staff believes that the variances sought are the minimum necessary for the effective use of the property and operation as a fleet fueler facility.**

Commission Rowe seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe,

Nays: Weldon

Motion carried.

Motion:

Commissioner Rowe made a motion to approve the conditional use amendment and variance request with Staff's recommendations consisting of:

1. The Conditional Use Permit Amendment be granted solely to the Transfuels LLC d/b/a BLU- LNG. 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.

Community Development Commission Meeting Minutes

July 8, 2013

Page 31

2. The Plat of Consolidation shall be revised in accordance with the Public Works / Engineering comments.
3. Public improvements along the Devon Avenue right of way, such as sidewalks shall be installed.
4. A revised Landscape Plan shall be submitted to and approved by the Community & Economic Development Department. The Landscape Plan may include additional landscape material and / or preservation along the eastern and southern property lines, additional landscape material along the western property line, transplanting of the three existing deciduous trees at the property's northeast corner.
5. All information relative to the installation of diesel storage tanks shall be submitted to the Municipal Staff for review and approval.

Chairman Moruzzi seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe,

Nays: Weldon

Motion carried.

Motion:

Commissioner Weldon made a motion to accept the plat of consolidation. Commissioner Rowe seconded the motion.

Roll Call:

Ayes: Moruzzi, Caira, Janowiak, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

### **Report from Community Development**

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

Community Development Commission Meeting Minutes

July 8, 2013

Page 32

**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.

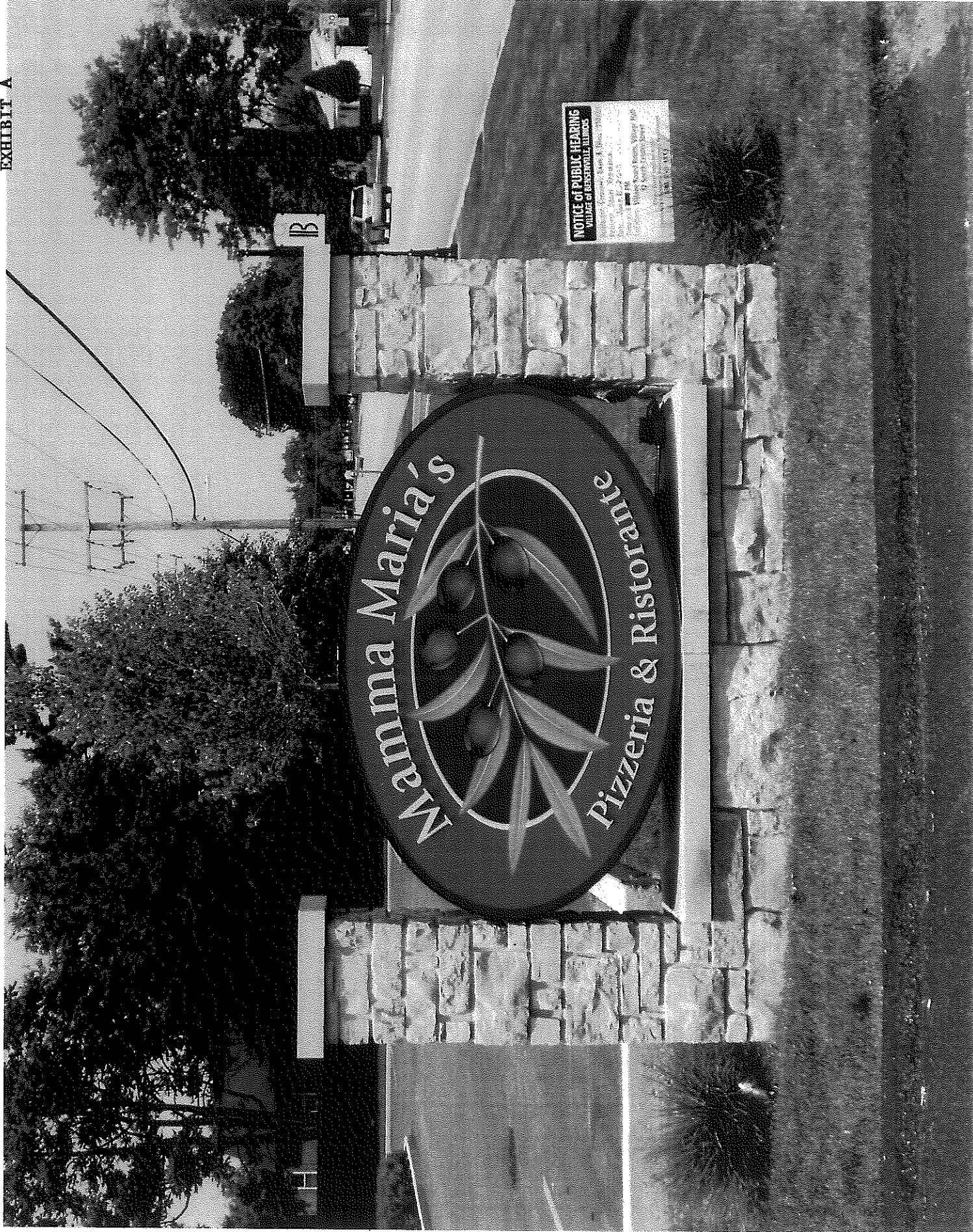
All were in favor

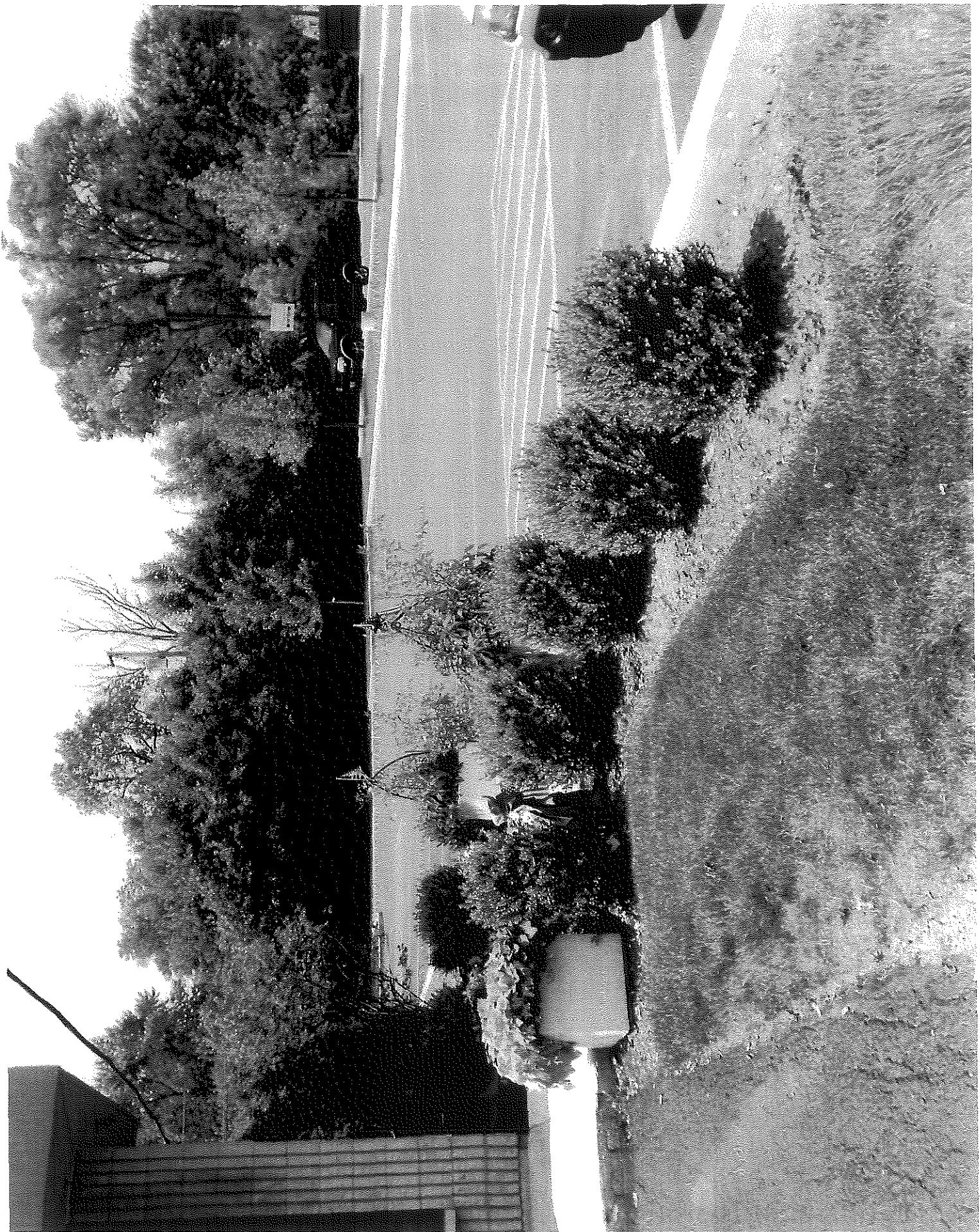
Motion carried.

The meeting was adjourned at 10:18 p.m.

---

Mike Moruzzi, Chairman  
Community Development Commission







Mamma Maria's

Pizzeria & Ristorante



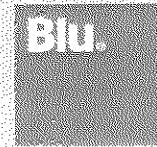


Blu.

Bensenville, Illinois

Liquefied Natural Gas  
Fueling Center

## What is LNG?



## What is LNG?



LNG is natural gas in its liquid form.

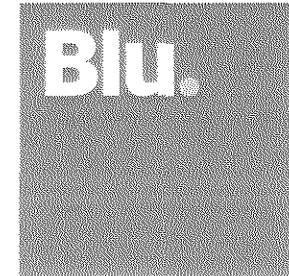
LNG is natural gas cooled to around -260°F.

This shrinks the volume of the gas 600 times, making it easier to store, transport & utilize.

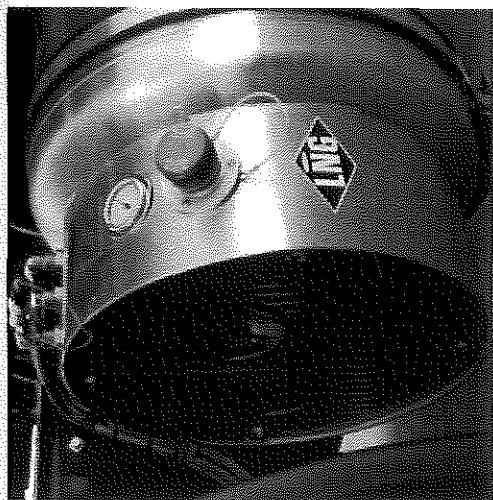
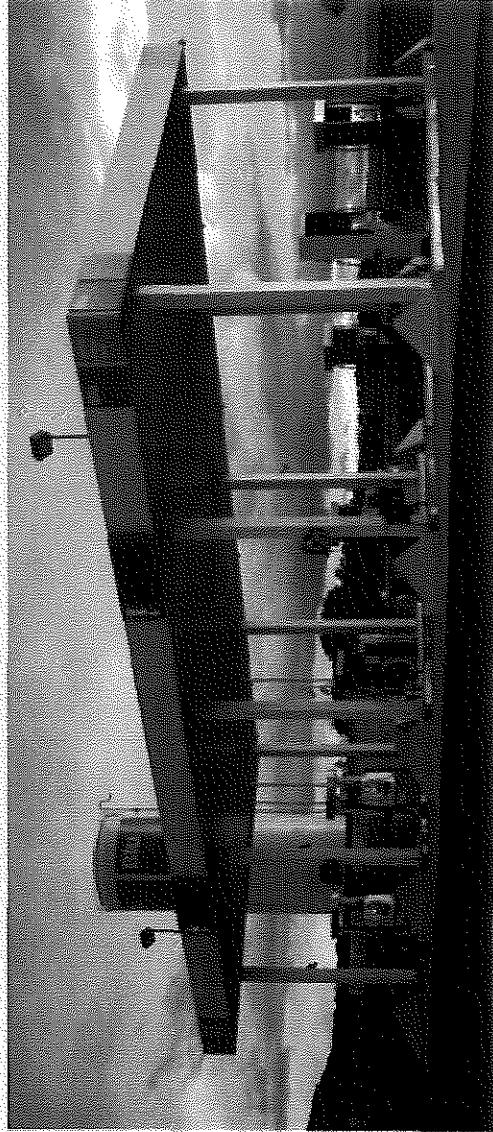
### LNG Properties

Natural gas is the cleanest burning fossil fuel.

LNG is odorless, colorless, non-corrosive and non-toxic. Therefore, LNG will not pollute land or water resources.



## Transfuels, LLC d/b/a Blu LNG



LNG has 25% Lower Carbon Emission than Diesel

Blu. is advancing the U.S. natural gas vehicle fuel industry by establishing a national network of LNG fueling stations.

**Blu.**

## LNG Advantages

### LNG Liquefied Natural Gas Is....

#### Inexpensive

LNG costs 33% less than diesel (\$1.50 per diesel gallon equivalent savings), while delivering similar performance. In 2010 the USA spent *\$552 billion* on oil and 61% of that was imported. A 33% savings could be an economic game changer for this country.

#### Environmentally Friendly and Green

Natural gas (LNG) is the cleanest burning fossil based fuel. A typical LNG truck will have 90% fewer Nox (nitrous oxide) and PM (particulate matter) emissions than a diesel truck, 100% fewer Sox (sulfur oxide) emissions, and 30% fewer GHG (green house gas) emissions. LNG burns cleaner resulting in less maintenance. Removing one diesel 18 wheeler and replacing it with an LNG engine it is the carbon footprint reduction equivalent of removing 324 automobiles off the road.

#### Safe Fuel

LNG is lighter than air. In the event of a spill, LNG disperses quickly without pooling on the ground creating a fire hazard like petroleum based fuels. It also has a higher ignition temperature making it less flammable than gasoline or diesel. LNG is also non-toxic and non-corrosive and will not contaminate ground water

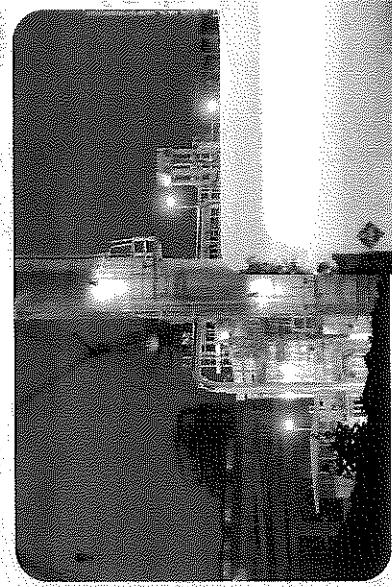
#### Abundant Energy Security

The USA natural gas reserves contain 3X the energy as the Saudi oil fields. Using America's vast abundance of domestic natural gas is our best answer for reducing foreign oil dependence while increasing energy and national security.



## The Business of Blu

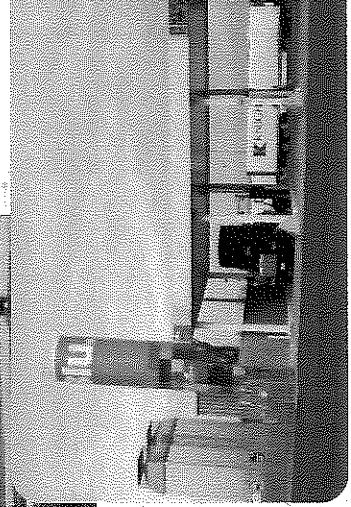
### 1. Create LNG Supply



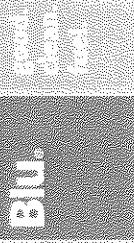
### 2. LNG Distribution



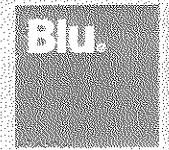
### 3. LNG Fuel Sales



### 4. LNG Truck Conversions



## Blu National Fuel Facility Roll-out



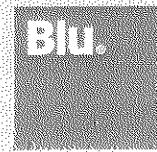
A map of the United States showing state boundaries and major cities. Each state is filled with a unique, hand-drawn style. Major cities are marked with small circles and labeled. The map is centered on the central United States.

States and major cities labeled on the map include:

- Northwest: Vancouver, Washington, Portland, Oregon, Sacramento, San Francisco, Los Angeles, San Diego.
- Mountain West: Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, Tucson, Phoenix, Las Vegas, Albuquerque, Ciudad Juarez, El Paso.
- Great Plains: Kansas, Nebraska, South Dakota, North Dakota, Denver, Kansas City, Oklahoma, Fort Worth, Dallas, Austin, Houston.
- Midwest: Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Wisconsin, Minneapolis, Milwaukee, Cleveland, Detroit, Toledo.
- Northeast: Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Boston, Providence, New Haven, Hartford, Worcester, Springfield, Albany, Syracuse, Buffalo, Rochester, New York City, Boston, Worcester, Springfield, Albany, Syracuse, Buffalo, Rochester, New York City.
- Southeast: Virginia, North Carolina, South Carolina, Georgia, Jacksonville, Tampa, Miami, Birmingham, Mobile, Pensacola, Tallahassee, Atlanta, Macon, Savannah, Charlotte, Greenville, Spartanburg, Columbia, Charleston, New Orleans, Baton Rouge, Shreveport, Monroe, Jackson, Meridian, Hattiesburg, Natchez, Vicksburg, Memphis, Chattanooga, Birmingham, Mobile, Pensacola, Tallahassee, Atlanta, Macon, Savannah, Charlotte, Greenville, Spartanburg, Columbia, Charleston, New Orleans, Baton Rouge, Shreveport, Monroe, Jackson, Meridian, Hattiesburg, Natchez, Vicksburg, Memphis, Chattanooga.

Blu will open and operate 50 fueling locations in 2013

## Blu Operations



- Blu provides a robust LNG fueling opportunity, focusing on LNG, for the heavy duty trucking industry.
- A Blu fueling facility is primarily an LNG fuel distribution point for day cab haulers, and does not cater to long haul, over the road, users. Blu also sells diesel as a secondary fuel for the convenience of its dual fuel customers.
- Blu is open 24 hours per day for the convenience of the trucking industry.
- There is adequate circulation and room for trucks to park for a brief period, but this is not an overnight parking facility.
- Fuel is dispensed from traditional fueling islands from LNG dispensers and diesel dispensers.
- Initially, the fueling facility will have a full time “life-safety” person on site to educate on safety issues.

## Bensenville is a Strong LNG Market

Trucks from  
Bensenville  
Wood Dale  
Elk Grove  
Chicago  
will use the facility

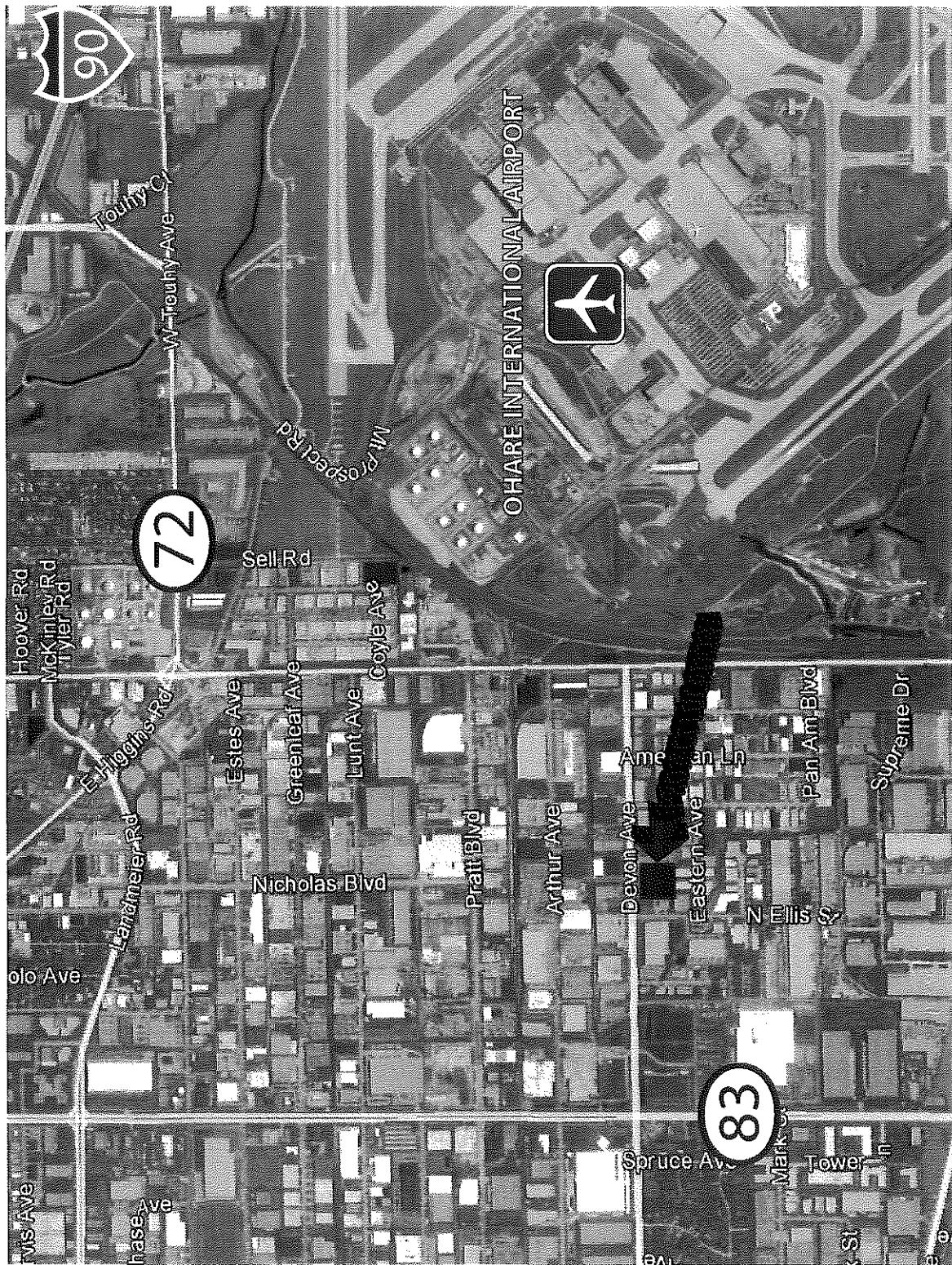
UPS has just ordered 700  
LNG tractors to add to its  
existing LNG fleet.

Travel Centers of America  
recently announced it will  
locate LNG fueling facilities  
on its over-the-road truck  
stops.

Pilot has future LNG  
fueling facilities on some  
of its over-the-road truck stops



# Location



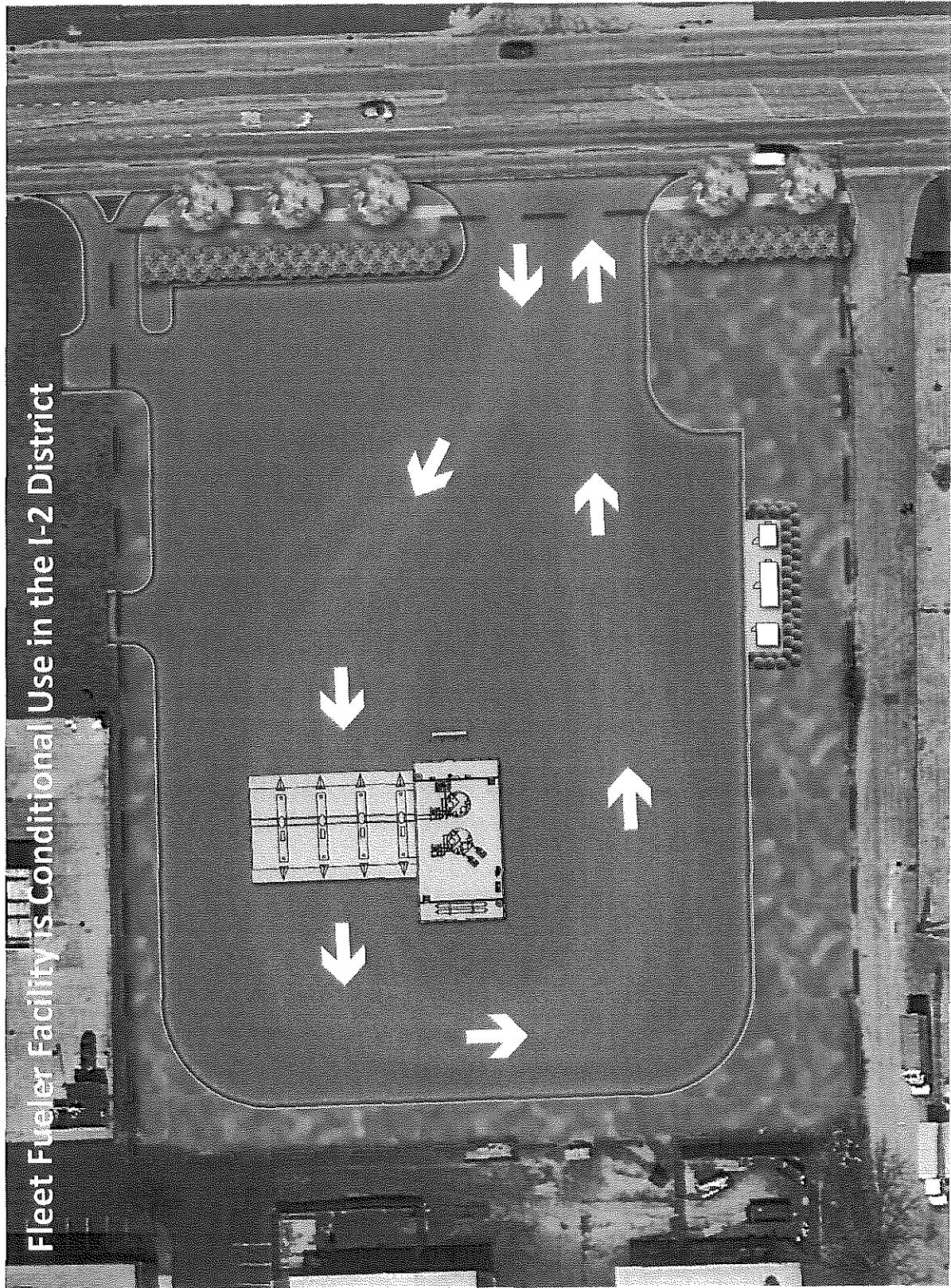
**Zoned I-2**

## **Fleet Fueler Facility- Site Plan**

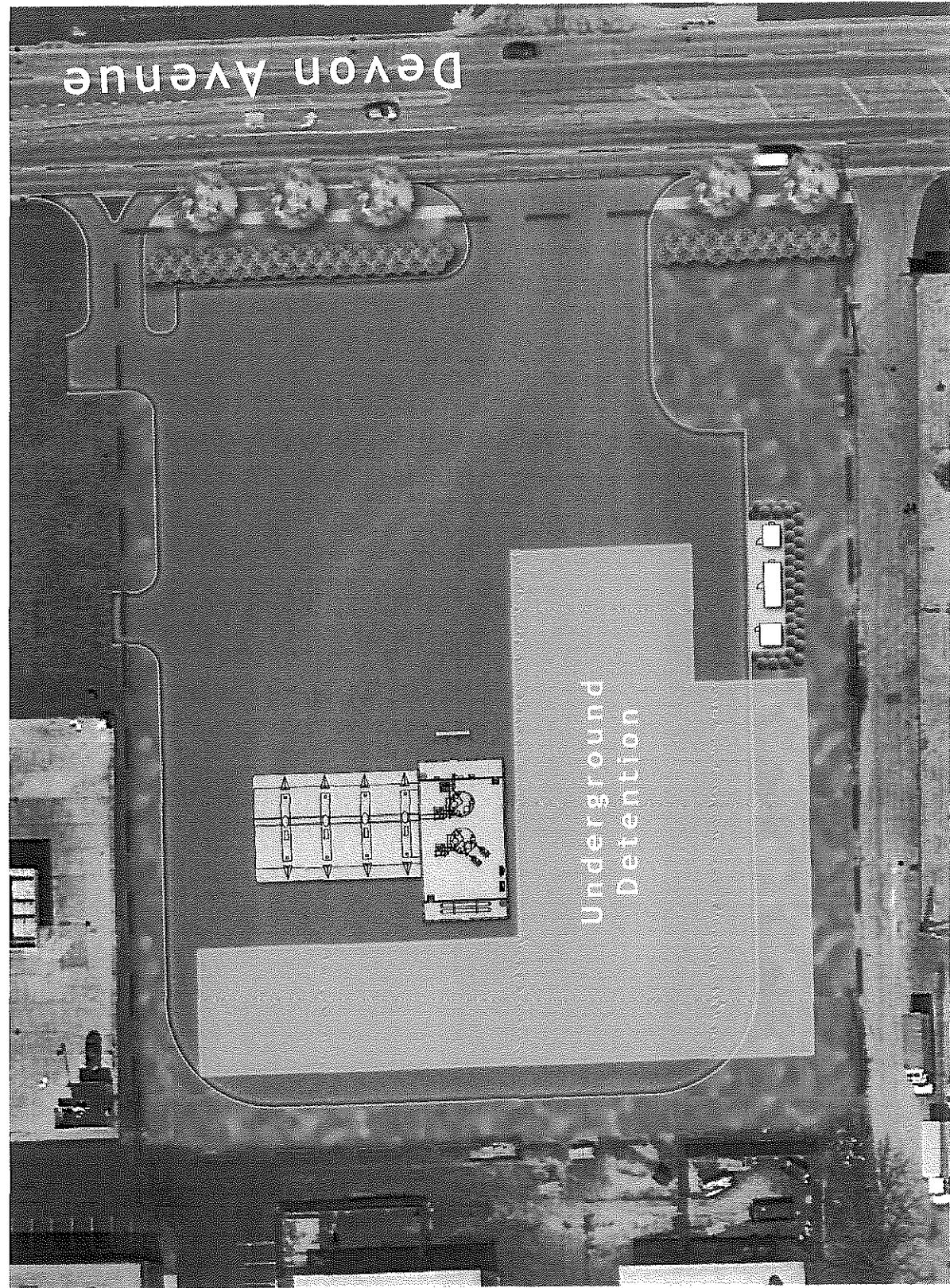
**600 West Devon Avenue**

**B.I.U.**

**Fleet Fueler Facility is Conditional Use in the I-2 District**



# Underground Detention

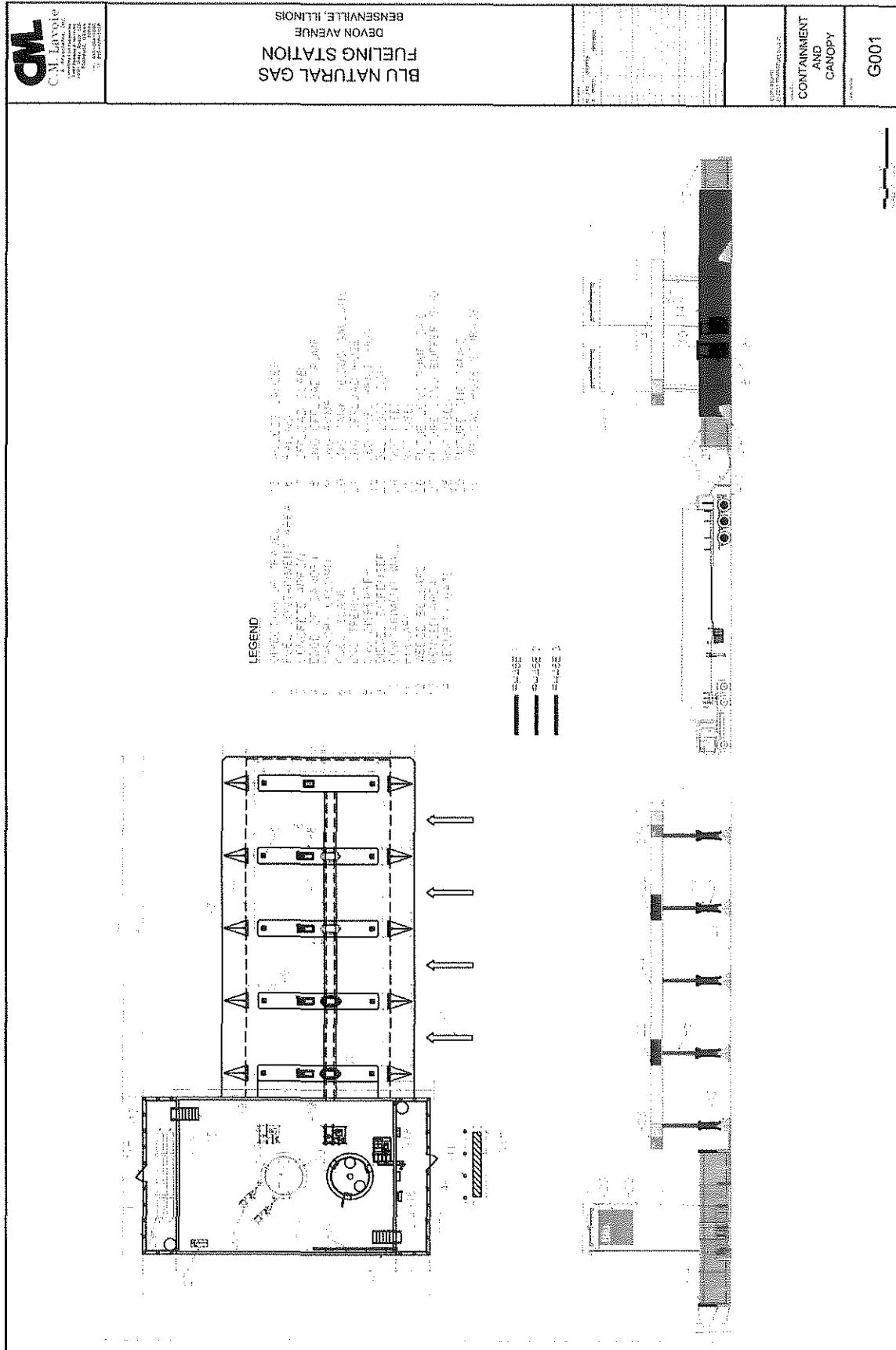


N

BLU.

## Containment & Canopy Schematic

四〇



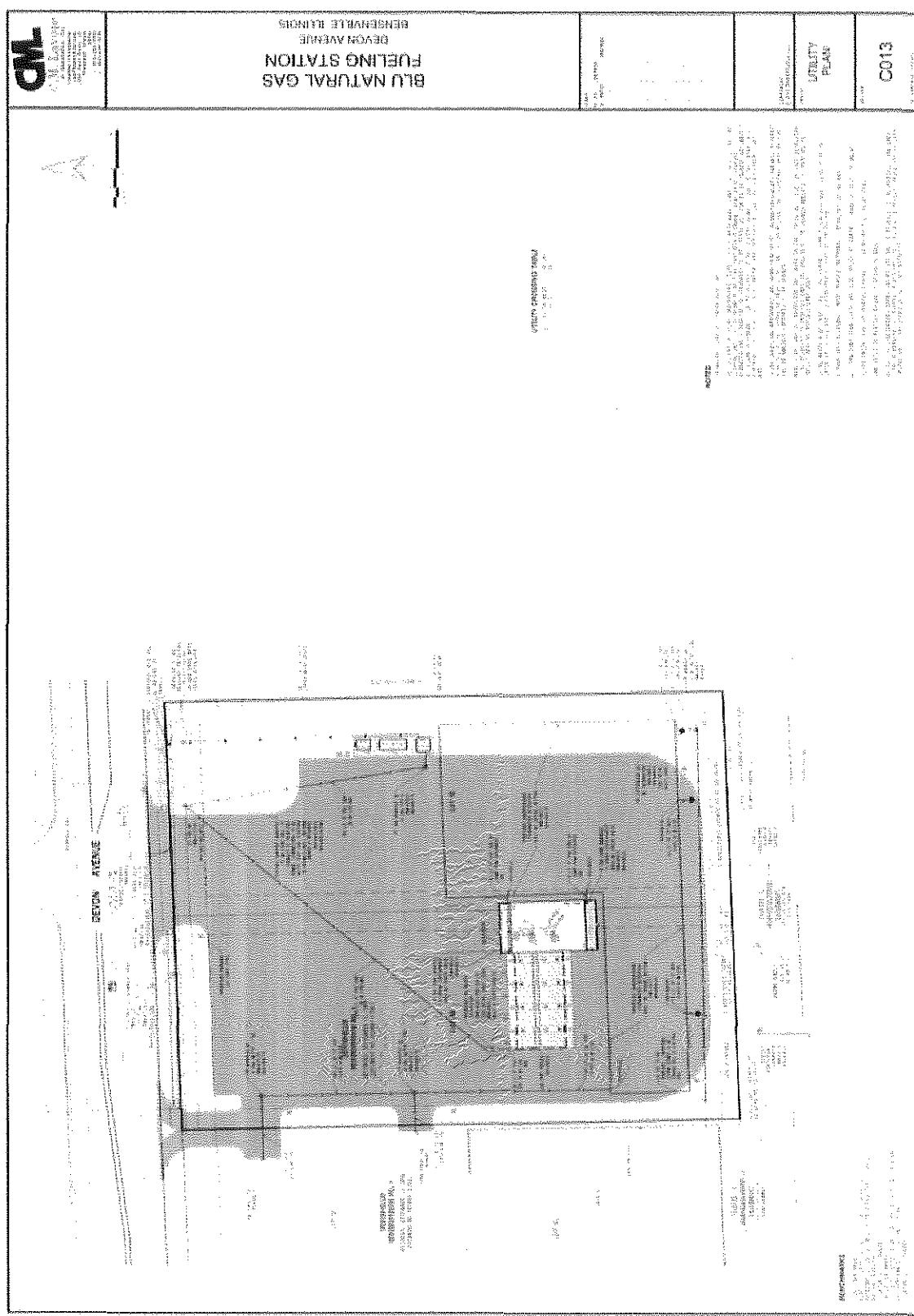
## Operating Fuel Facility



100 E. 200 S.  
Ave., SLC, Utah

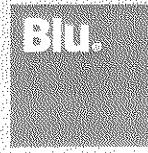
BLU.

## Utility Plan



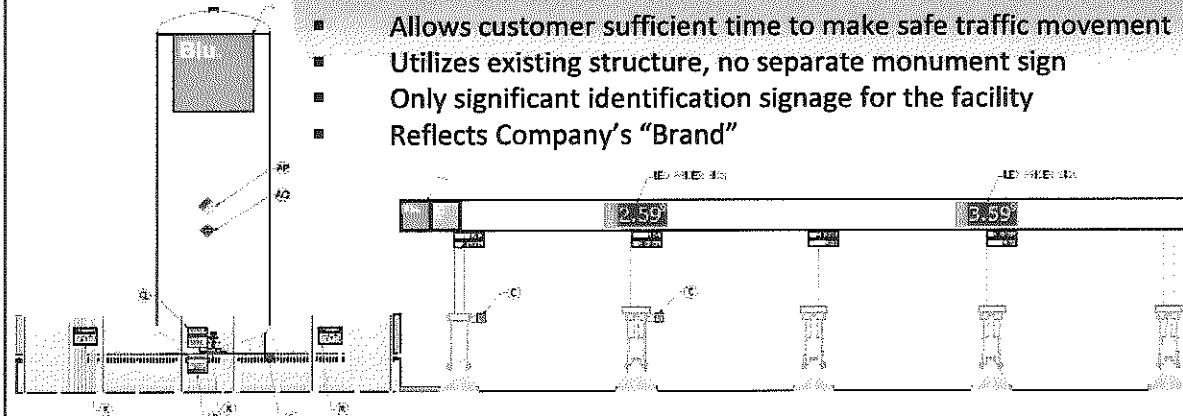
# Fueling Station Elevations

## Signage Package

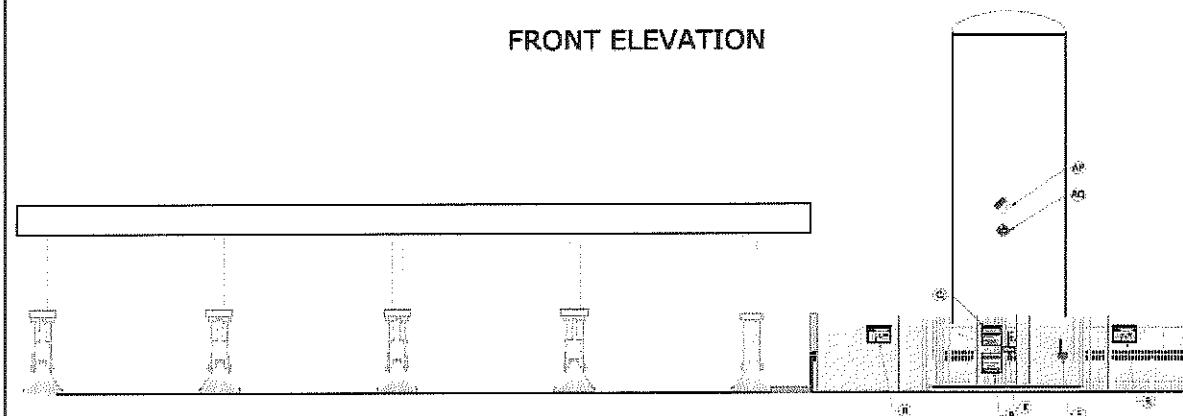


Sign:

- Provides identification
- Allows customer sufficient time to make safe traffic movement
- Utilizes existing structure, no separate monument sign
- Only significant identification signage for the facility
- Reflects Company's "Brand"

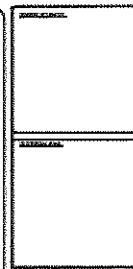


### FRONT ELEVATION

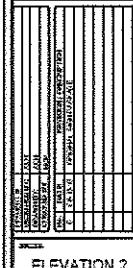
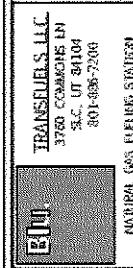


### REAR ELEVATION

SIGN LEGEND			
AYOUT	LETTER	DESCRIPTION	OTES
	C	10" X 16" DIEBOND	EMERGENCY PHONE COLUMNS
	E	7" X 10" DIEBOND	EMERGENCY SHUTDOWN
	F	8" X 12" DIEBOND	24 HOUR SUPPORT SIGN
	H	10" X 14" DIEBOND	SURVEILLANCE SIGN
	I	12" X 16" DIEBOND	NO CASH SIGN
	J	8" X 15" DIEBOND	NO CASH SIGN CONTAINMENT AND BUILDINGS
	K	8" X 12" DIEBOND	PERSONNEL SIGN CONTAINMENT AND BUILDINGS
	L	10" X 12" DIEBOND	EMERGENCY PHONE CONTROL BUILDING
	M	10" X 4" DIEBOND	FIRE EXTINGUISHER CANOPY COLUMN
	P	24" X 24" DIEBOND	NO PARKING SIGN
	Q	24" X 34" DIEBOND	SPEED SIGN CONTAINMENT AND FENCE
	R	20" X 28" DIEBOND	DANGER SIGN FENCE AROUND CONTAINMENT
	S	34" X 34" DIEBOND SET	BLU. SIGN CANOPY
	T	8" X 18" VINYL	LARGE VINYL TANK WRAP SIGN
	AL	8" X 30" DIEBOND	LANE INDICATOR CANOPY COLUMN
	AM	8" X 30" DIEBOND	LANE INDICATOR CANOPY COLUMN
	AN	8" X 30" DIEBOND	LANE INDICATOR CANOPY COLUMN
	AO	10" X 30" DIEBOND	LANE INDICATOR CANOPY COLUMN
	AP	10" X 15" VINYL	TANK SIGN
	AO	11" X 11" VINYL	TANK SIGN
	AR	12" X 16" DIEBOND	DANGER SIGN CANOPY COLUMNS
	AS	12" X 24" DIEBOND	BLU. SIGN COMPRESSOR BUILDING
	AT	10" X 11" DIEBOND	SAFETY SIGN ON CONTAINMENT
	AU	10" X 11" DIEBOND	SAFETY SIGN ON CONTAINMENT
	AV	10" X 4" DIEBOND	FIRE EXTINGUISHER CONTROL BUILDING

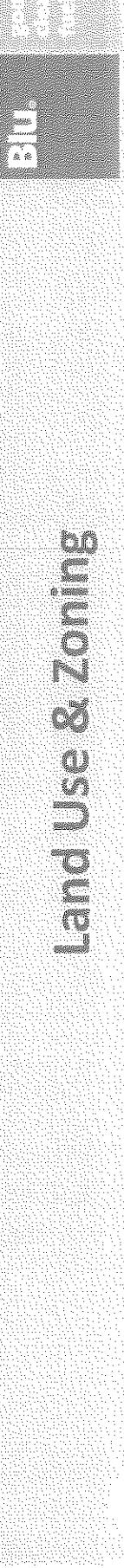


SIGN PACKAGE  
BENSENVILLE, IL

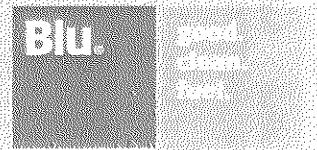


SP 02

## Land Use & Zoning



## Requested Variance Relief



**Section 10-14-13A** Allow a detached structure 39 feet 6 inches in height

**Section 10-18-12 A 2C** Allow 64 square foot wall sign

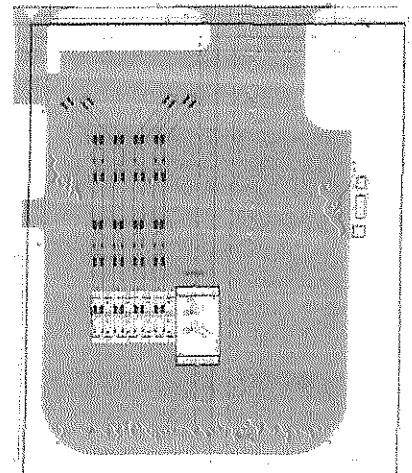
**Section 10-18-12 A D(2)** Allow wall sign 20 feet above finished grade



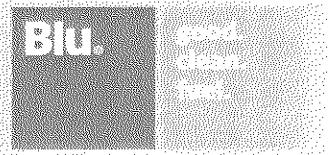
**Section 10-18-12 2B 3** Allow three (3) canopy signs

**Section 10-11-8-2E(1)** Increase allowed curb cut/turning radii to 80 feet.

**Section 10-11-11** Allow 1 car parking space;



## Promote Public Welfare



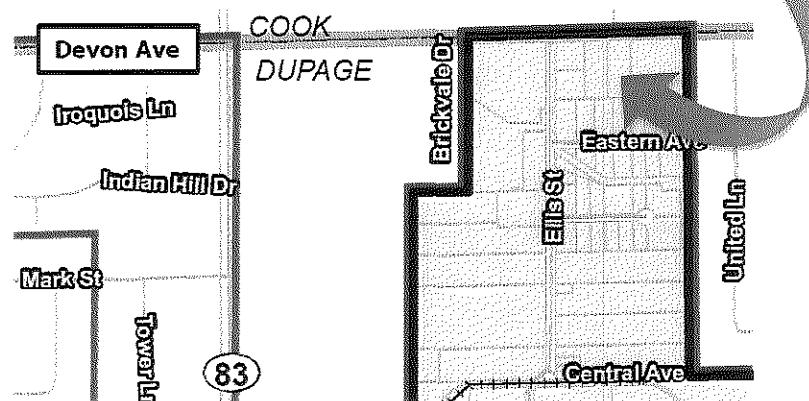
### **The Proposed Use Promotes the Public Welfare:**

- **Subject Property in TIF # 13:** Currently, the subject property produces negligible property taxes. Development of the Subject Property will result in increase in the property tax increment inuring to the public benefit, without burdening the school system.
- **Sales Tax Revenue Generator:** The use will generate significant sales tax revenue to the Village; whereas, another industrial use permitted as a matter of right would will not generate sales tax for the Village. The fueling facility will generate sales to customers who would otherwise spend their trade dollars outside the Village.
- **Use in Harmony with Surroundings:** The proposed use complements the industrial use established in the immediate area, along an established truck route.
- **Use is an “In Demand” Amenity:** Local truck fleets are strongly in favor of an LNG opportunity in the immediate area and have been in contact with our sales & marketing team, as well as the local truck leasing companies, asking that a facility be opened.

## Furthers Bensenville Redevelopment Plan Goals

BILL

The primary goal of the Redevelopment Plan is to provide the necessary mechanisms to re-establish the Bensenville North Industrial District RPA as a cohesive and vibrant mixed-use area that provides a comprehensive range of industrial, commercial and retail uses. (p. 76)



Bensenville will be one of the first communities in the Midwest with an LNG fueling facility, thus:

- Enhancing its reputation as both a leading industrial center in the Chicago Metropolitan Area; and
- Putting the community in the forefront in promoting and being a home to green solutions

