

Community Development Commission Meeting Minutes

August 12, 2013

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 12, 2013

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:31p.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 July 22, 2013 were presented.

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

All were in favor. Motion carried.

**Continued
Public Hearing:** CDC Case Number 2013-22
Petitioner: Factory Plaza, Inc.
Location: 429 South Evergreen Street
Request: Variance; Parking in the Front Yard

Motion: Commissioner Rowe made a motion to re-open CDC Case No.
2013-22. 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 re-opened the Public Hearing at 6:33p.m.

Mark Rysavy, Assistant Director of Community and Economic Development and Victoria Kosman, Village Planner were both present and sworn in by Chairman Moruzzi. Ms. Kosman stated a legal notice was published in the Daily Herald on July 26, 2013 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Ms. Kosman also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 3, 2013. Ms. Kosman stated on July 3, 2013 and subsequently on July 24, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question. Ms. Kosman stated the property was zoned I-3, Heavy Industrial Use.

Darek Bosek, Owner of Factory Plaza, Inc. located at 429 South Evergreen was present and sworn in by Chairman Moruzzi. Mr. Bosek read the findings of facts into the record. Mr. Bosek stated there are twenty-five employees working at the company and all employees use the back parking lot. Mr. Bosek stated the parking lot leads to the back entrance and customers are not allowed to enter the back of the building and walk through the company's operations. Mr. Bosek submitted aerials of the property to the Commissioners. The photos have been attached to the minutes as "Exhibit A".

Chairman Moruzzi asked the petitioner to review the parking plans. Mr. Bosek stated he has applied to add parking to the front of the building. The parking spaces would be eighteen feet by nine feet and asphalt will be used.

Commissioner Rodriguez asked if cars will have to back into oncoming traffic to exit the property. Mr. Bosek stated the drive isle is wide enough for the customers to back into so they can see oncoming traffic while exiting.

Commissioner Weldon asked if there were code restrictions mixing asphalt and concrete. Mr. Rysavy stated it was not an ideal look to the community however; there are no code restrictions against it.

Commissioner Pisano raised concerns with potential truck stacking with the new parking area. Mr. Bosek stated there will be no truck stacking.

Public Comment

Josh Harris – 450 South Evergreen Street

Mr. Harris was present and sworn in by Chairman Moruzzi. Mr. Harris stated his business has been located across the street from the petitioner since 1965. Mr. Harris addressed the Commissioners regarding the condition of the street. Mr. Harris stated he was supportive of the petitioners request and stated he would like to see the Village implement a landscaping plan for the area. Mr. Harris stated he would like the area to remain as industrial heavy use and not be converted to retail.

Tom Bannack – 450 South Evergreen Street

Mr. Bannack was present and sworn in by Chairman Moruzzi. Mr. Bannack stated he is supportive of the proposed request and stated he believes it will help create room on Evergreen for incoming and outgoing trucks.

William J. Burr – 400-402 South Evergreen Street

Mr. Burr submitted a written letter to Staff regarding his support to the proposed request. The email has been attached to the minutes as “:Exhibit B”.

Ms. Kosman reviewed the Village Staff report and stated Staff recommends approval of the request with the following conditions:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The parking shall be in conformance with the plans submitted with this application.
3. The parking area shall be curbed.
4. A landscape plan shall be submitted as part of the building permit application. Said landscape plan shall be reviewed and approved by the Community & Economic Development staff.

Commissioner Rodriguez asked a condition be added that would require the petitioner to use concrete rather than asphalt. Mr. Bosek stated he was ok with the Commissioner Rodriguez’s request.

Chairman Moruzzi asked how many customers a week Mr. Bosek anticipates. Mr. Bosek stated five per day.

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Commissioner Pisano suggested requiring a handicap parking space be installed in the front of the building. Mr. Bosek stated there are two handicap parking spaces in the back and the customer would be assisted into the building by employees. Mr. Rysavy stated the front door is not ADA approved and would have to be converted to meet requirements which would come as an added expense to the petitioner.

Chairman Moruzzi asked a condition be added that would require the petitioner to review signage inside and outside the building with Village Staff in regards to the accessible entry.

Chairman Moruzzi asked a condition be added requiring a code compliant accessible entrance must be maintained at the rear door marked "accessible entrance". If one cannot be maintained as required, the front entry will need to be modified to be an accessible entrance and two of the new stalls shall be converted to a single accessible parking stall.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2013-22. 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 closed CDC Case No. 2013-22 at 7:12 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for CDC Case No. 2013-22 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 intensity of uses on Evergreen Street and the restrictions of on street parking create a Special Circumstance for this 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 are no sidewalks on Evergreen Street and with the number of trucks and loading docks accessed directly from the street pedestrian traffic is difficult at best. These factors create practical difficulties for the applicant.**
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 circumstances of on street parking constraints, intensity of uses in the immediate area and lack of pedestrian facilities are somewhat unique to this property.**
4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. **The applicant has not created the constraints and limiting factors relating to parking.**
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. **Approval of the parking location variance would not confer special rights or privileges on the property, other businesses in the immediate area have parking in the front yard.**

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. **Staff believes that the variance is necessary for the applicant to realize the reasonable use of their property. The parking facilitates customer access to the business.**
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. **Other businesses in the immediate area have parking in the front yard; approval of the variance would not alter the local character of Evergreen Street.**
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. **Granting of the variance would be in harmony with the Village's Plan. The recently accepted Comprehensive Economic Development Strategy envisions "a mix of service, office, or office showroom uses" along Green Street in the Eastern Business District and by extension along Evergreen Street.**
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 variance to allow for parking of four vehicles in the front yard is the minimum required to provide relief for the applicant.**

Commissioner Rowe seconded the motion.

Roll Call:

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

Nays: None

All were in favor. Motion carried.

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Motion: Commissioner Janowiak made a motion to approve the proposed variance with Staff's recommendations consisting of:

1. A copy of the variance Ordinance shall be kept upon the property at all times.
2. The parking shall be in conformance with the plans submitted with this application.
3. The parking area shall be curbed.
4. A landscape plan shall be submitted as part of the building permit application. Said landscape plan shall be reviewed and approved by the Community & Economic Development staff.

And the addition of:

5. Material used on project must consist of concrete.
6. Staff review of signage.
7. A code compliant accessible entrance must be maintained at the rear door marked "accessible entrance". If one cannot be maintained as required, the front entry will need to be modified to be an accessible entrance and two of the new stalls shall be converted to a single accessible parking stall.

Commissioner Pisano 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

Ms. Kosman reviewed both recent CDC cases along with upcoming cases.

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ADJOURNMENT:

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

All were in favor

Motion carried.

The meeting was adjourned at 7:37 p.m.



Mike Moruzzi, Chairman
Community Development Commission

North

EXHIBIT A - PAGE 1 OF 2

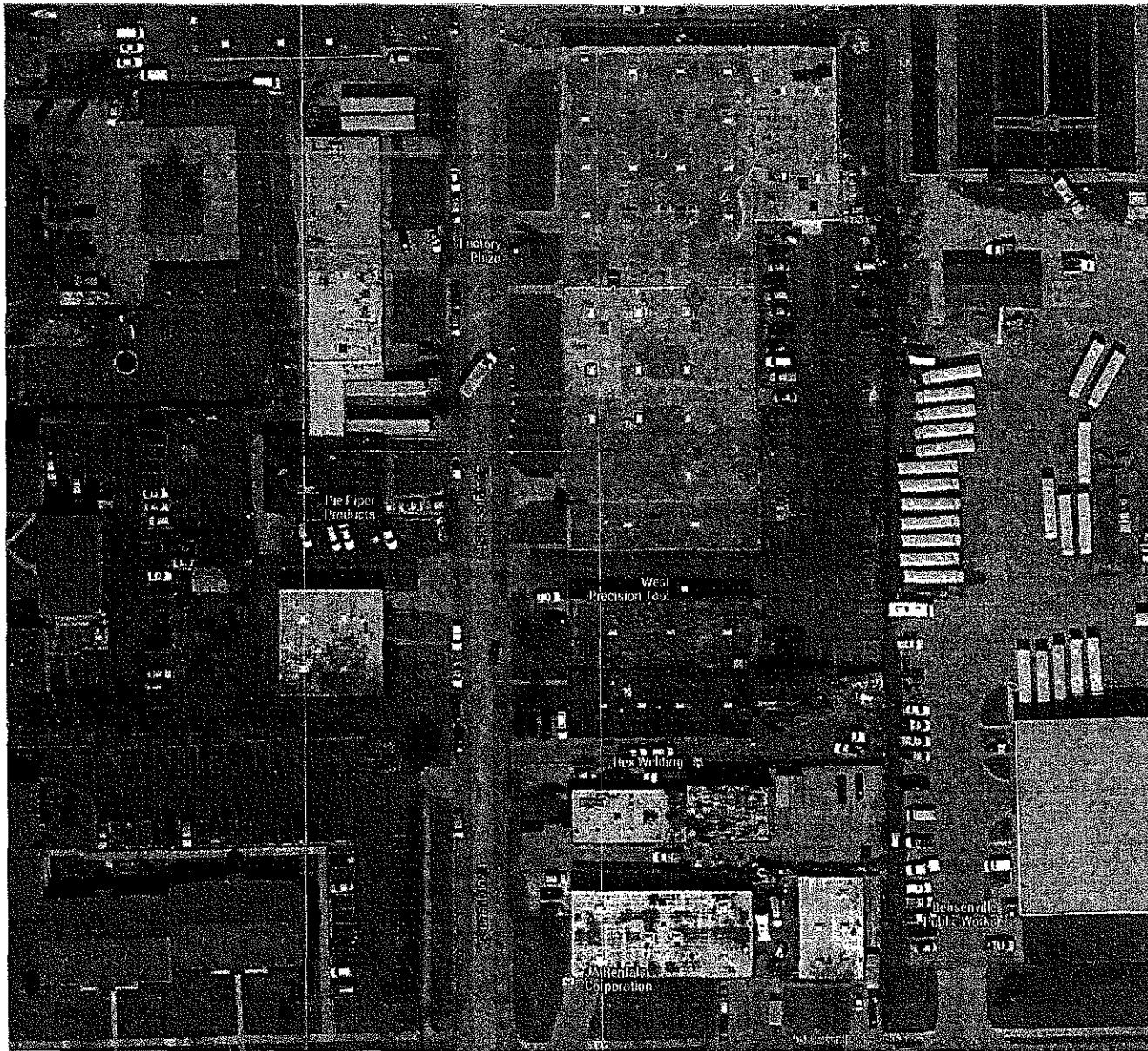
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July 9, 2013

Village of Bensenville
12 S. Center St
Bensenville, IL 60106

Dear Scott Viger:

I would like to express that I am 100% behind Factory Plaza Inc's petition to allow parking in their front yard. This is a building that sat empty for 10 years and now, finally has owners who are trying to build a great business. They are looking to improve it with no detriment to their property or any surrounding properties. The decision to allow them to do so is a "no brainer".

It is very difficult for visitors to easily access our buildings due to the lack of parking spaces at the building as well as the (quite ridiculous) ordinance of "no parking on the east side of the street". I feel that the "no parking on the east side of the street" ordinance should be altered to perhaps a 1-2 hour only parking to allow vendors and more importantly customers the ease of access most other facilities offer.

The parking issue is exacerbated by the horrid road conditions of Evergreen St. This has been an ongoing issue for years and is a major deterrent for visitors. We have several Fortune 100 customers and having their first impression of our business be this charred up, poowy, if at all maintained road, does not put ours or any company on Evergreen St in a positive light. I think it is well passed the time for the village to get behind its businesses and finally repave Evergreen St. Perhaps instead of debating and voting on parking we should be focusing efforts on improving the street as a whole.

Once again we support Factory Plaza and their pursuit to improve their business. We only ask the village offers their support as well as all business in Bensenville.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Bierz".

William J. Bierz
President/CEO

400-402 S EVERGREEN ST
116 S EVERGREEN ST
BENSENVILLE, IL 60106
PHONE: (630)459-5011 • FAX: (630)459-5275
(888) LEVEL-IT
WWW.LEVELIT.COM