

Community Development Commission Meeting Minutes

January 20, 2014

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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

January 20, 2014

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:32p.m.

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

STAFF PRESENT: V. Kosman, Viger, Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Special Community Development Commission Meeting of December 16, 2013 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-34
Petitioner: Richard Rebmann
Location: C-4 Regional Destination PUD Commercial District
Request: Text Amendment to allow Residential Use in the C-4 District

Motion: Commissioner Pisano made a motion to withdraw CDC Case No. 2013-34. Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-33
Petitioner: Roman and Joanne Rachel
Location: 946 Pamela Drive
Request: Variances to Allow Parking in the Corner Side Yard

Motion: Commissioner Weldon made a motion to continue CDC Case No. 2013-33 until February 3, 2014. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-38
Petitioner: Global CFS
Location: 860 Foster Avenue
Request: Variance to Allow a Fence in the Corner Side Yard

Motion: Commissioner Pisano made a motion to open CDC Case No. 2013-38. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:35 p.m.

Chairman Moruzzi held a mass swearing in for members of the audience who intended to make comments related to CDC Case No. 2013-38.

Village Planner, Victoria Kosman, stated a legal notice was published in the Daily Herald on December 21, 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 December 20, 2013. Ms. Kosman stated on December 19, 2013 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question.

Steve Panzarella and Lou Capizzi of Global CFS were both present and previously sworn in by Chairman Moruzzi. Mr. Panzarella stated Global CFS has amended their fence plan to accommodate Staff concerns. Mr. Panzarella stated the new fence design is ten feet from the south curb and that the proposed fence would not cover the water-main. Mr. Panzarella stated the fence will be placed behind trees so that the fence will not be visible from the street. Mr. Capizzi read the findings of fact for the requested variance into the record.

Commissioner Rodriguez asked for the petitioner's thoughts with Public Work's comments regarding the potential interference of the storm sewer located within the area. Mr. Capizzi stated the revised plan should address Public Work's concerns but is willing to meet with Staff to confirm.

Commissioner Pisano asked if the proposed fence will have barbwire installed. Mr. Capizzi stated the fence will not be barbwire.

Commissioner Weldon asked if work needs to be done in the area, would the Village be held liable for damage to the fence. Mr. Viger stated there is an easement agreement that will require all repairs be done by the property owner.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony for CDC Case No. 2013-38. There were none.

Ms. Kosman 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. Fence shall be re-located directly adjacent to the parking lot back of curb so as to not conflict with below ground utilities.
3. That the applicant work with the Municipal staff to determine an acceptable fencing material and additional landscape material along Foster Avenue.

Chairman Moruzzi suggested adding a condition that would require Public Works approval of the fence installation.

Mr. Capizzi asked how soon Global CFS can meet with Public Works to determine if the proposed fence would be ok. Mr. Viger stated Public Works would meet with the petitioners sometime before their scheduled Committee meeting.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2013-38. Commissioner Weldon seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:00 p.m.

Motion: Commissioner Weldon made a motion to approval the Finding 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. There are special circumstances that are particular to the layout of this specific property. Having the truck court and docks on the northern façade along the main collector street creates a special circumstance that is not generally found in the I – 2 Light Industrial District.
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. Applying the Zoning ordinance provisions strictly in this case would cause hardship and practical difficulties for Global CFS as the physical layout of the property and the federal guidelines would create an unobtainable security requirement and could jeopardize the business operations and this location.

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 well as the security requirements that the federal government agency is placing on this local business.
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, nor the increased security provision is not of the resultant from the applicants' 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. The variance is needed for the applicant to enjoy the property, meet the guidelines of the federal agency charged with oversight of the Global CFS operations 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 and meeting of the security guidelines from the Customs and Border protection officials.

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. If the aesthetic concerns of the staff are addressed the 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 in creating a Major Business /Corporate Center and to provide reasonable accommodations to the needs of our commercial residents.
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. Other factors are subject to the Commission's judgment.

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve the variance request for CDC Case No. 2013-38 with Staff's recommendations consisting of:

- A copy of the variance Ordinance shall be kept upon the property at all times.
- Fence shall be re - located directly adjacent to the parking lot back of curb so as to not conflict with below ground utilities.

- That the applicant work with the Municipal staff to determine an acceptable fencing material and additional landscape material along Foster Avenue.

and the addition of:

- Fence shall be granted upon plan approval from Public Works

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2013-39
Petitioner: AT&T Mobility
Location: 230 West Belmont Avenue
Request: Conditional Use Permit Amendment to Allow Additional Antenna

Motion: Commissioner Rowe made a motion to continue CDC Case No. 2013-33 until February 3, 2014. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, 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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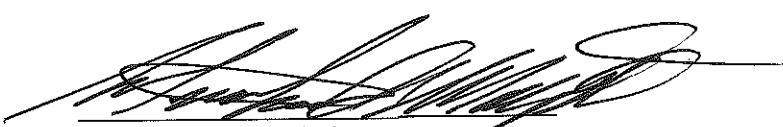
ADJOURNMENT:

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

All were in favor

Motion carried.

The meeting was adjourned at 7:08 p.m.



Mike Moruzzi, Chairman
Community Development Commission