

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

January 19, 2015

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, Pisano, Rowe, Rodriguez Weldon
Absent: Caira, Janowiak
A quorum was present.

STAFF PRESENT: V. Benham, M. Rysavy, S. Viger, C. Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of December 15, 2014 were presented.

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

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2014-14
Petitioner: M&A Truck & Trailer Expert Services Corp.
Location: 143 Beeline Drive
Request: Conditional Use Permit to Allow Motor Vehicle Repair, Major and Minor and Outdoor Storage up to 50% with Variances to Allow a Fence and Outdoor Storage in the Front Yard

Motion: Commissioner Rowe made a motion to call CDC Case No. 2014-14. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi called the Public Meeting at 6:33 p.m.

Chairman Moruzzi held a mass swearing in for those who planned to speak during the Public Hearing.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on January 1, 2015 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on January 2, 2015. Mrs. Benham stated on January 2, 2015 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question. Mrs. Benham stated the property in question is located at 143 Beeline Drive within an existing C-4 Regional PUD Commercial District. Mrs. Benham stated the “flag-shaped” property is on the north side of Beeline Drive just east of Meyer Road and west of York Road. Mrs. Benham stated the applicant; M & A Truck & Trailer Expert Services Corp. (“M & A”) has submitted a request to operate a business that would perform motor vehicle repairs for trucks, major & minor in addition to outdoor storage on up to 50% of the site. Mrs. Benham stated two variances are required which are associated to screen the proposed uses with variations to allow a fence and outdoor storage in the front yard. Mrs. Benham stated there is an existing approximately 6,300 Sq. Ft. building located along the northern property line thereby yielding the majority of the property as a front yard. Mrs. Benham stated the Village has been in litigation regarding the subject property’s use for a number of years and the granting of the requests will bring the property into conformance with Municipal Code.

Tim Dwyer, Lawyer for M&A Truck and Trailer Expert Service Corp. was present and previously sworn in by Chairman Moruzzi. Mr. Dwyer stated the property has been used for truck repair and outdoor storage since the 1970s. Mr. Dwyer stated the property was in litigation with the Village and has since been dismissed.

Jim Doherty, Engineer for M&A Truck and Trailer Expert Service Corp. was present and previously sworn in by Chairman Moruzzi. Mr. Doherty reviewed the proposed plans with the Commission. Mr. Doherty stated over 80% of the lot if considered the front yard within the Village Code and for the building being set back. Mr. Doherty stated the proposed plans meet the DuPage County requirements for storm water on site.

Mr. Dwyer read the findings of facts for the proposed conditional use permits and variances for M&A Truck and Trailer Expert Service Corp. into the record.

Chairman Moruzzi asked for a review of the fence plans. Mr. Doherty stated the current fence will remain in place. Mr. Doherty stated the barbwire on site will be removed and proper screening will be installed.

Commissioner Rodriguez asked what type of barrier will be used to cut off outdoor storage. Mr. Doherty stated the current gravel on site will be converted to grass acting as a barrier for outdoor storage. Ed Hoffman, owner of M&A Truck and Trailer Expert Service Corp. was present and previously sworn in by Chairman Moruzzi. Mr. Hoffman stated temporary parking bumpers will be installed on site and removed for snow plowing. Mr. Doherty stated the original Staff requirements called for curbs to be installed but M&A Truck and Trailer Expert Service Corp. argued the requirement due to the cost associated with the installation and only being allowed to operate under a sunset provision. Mrs. Benham stated the proposed parking bumpers are acceptable with Staff's recommendation.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-14. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested conditional use permits and variances with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to M & A Truck and Trailer Expert Services Corp. 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 Conditional Use Permits shall cease July 1, 2021.
3. The property be developed in accordance to the plan dated and submitted 01.05.2015 by Doherty and Associates.

4. The paving shall be completed by July 15, 2015.
5. A triple-catch drainage basin shall be installed in the building.
6. A fire alarm system shall be installed.
7. A trailer parking stall be eliminated and re-striped as a fire lane on either side of the existing building.
8. The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers or fence put in place around the perimeter of that area to prevent any additional parking or storage.

Chairman Moruzzi suggested amending condition number 8 to read:

The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers allowed for seasonal removal be put in place around the perimeter of that area to prevent any additional parking or storage.

Chairman Moruzzi also suggested adding a condition:

9. Upon permitting, Staff review additional striping around employee area.

There were no objections from the Commission.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2014-14. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:13 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request for motor vehicle repair both major and minor 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. Motor Vehicle Repair, Major & Minor: The proposed motor vehicle repair major & minor will not create any adverse impacts on traffic flow due to semi-trailer and delivery trucks use the adjacent roadways on a daily basis.
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. Motor Vehicle Repair, Major & Minor: The proposed motor vehicle repair will not generate adverse environmental effects not characteristic of historic use as the repair will occur within the existing building.
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. Motor Vehicle Repair, Major & Minor: The proposed motor vehicle repair will fit harmoniously with the existing character of the neighborhood in that properties in the immediate vicinity operate with motor vehicle repair. The proposed improvements to the site including landscaping and screening will enhance the character of the neighborhood.
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. Motor Vehicle Repair, Major & Minor: The proposed motor vehicle repair will not require existing community facilities as it will be conducted within an enclosed building and the utilization of a triple-catch basin prevents environmental runoff or hazards.

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. Major & Minor: The proposed uses would provide a service which is in the interest of public convenience due to its proximity to a large industrial park with logistics and trucking companies throughout.
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. No other factors.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Pisano, Rowe, Rodriguez, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the conditional use permit request for outdoor storage up to 50% 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.
Outdoor Storage up to 50%: The proposed outdoor storage will not create any adverse impacts on types or volumes of traffic flow not otherwise typical of permitted uses due to semi-trailer and delivery trucks use the adjacent roadways on a daily basis.
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.
Outdoor Storage up to 50%: The proposed outdoor storage will not have negative effects due to the proposed screening and as storm water management has been included in the proposed design.
Additionally, paving of existing gravel lot will mitigate dust and airborne contaminants.

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. Outdoor Storage up to 50%: The proposed outdoor storage will fit harmoniously with the existing character of the neighborhood in that properties in the immediate vicinity operate with outdoor storage. The proposed improvements to the site including landscaping and screening will enhance the character of the neighborhood.
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. Outdoor Storage up to 50%: The proposed outdoor storage will not require existing community facilities to a degree disproportionate to the normally expected of uses within the district. The storm water management mitigates any burdens within the development area.
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. Outdoor Storage up to 50%: The proposed uses would provide a service which is in the interest of public convenience due to its proximity to a large industrial park with logistics and trucking companies throughout.
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. No other factors.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the findings of facts for the variance request to allow a fence in the front yard 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.
Outdoor Storage and Fence in the Front Yard: The location of the front yard presents a special circumstance for the subject property, which does not generally apply to other properties within the C-4 Regional PUD Commercial District. The existence of 80% of a property within the defined front yard remains an uncommon situation so as to render a general amendment otherwise inapplicable.
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. Outdoor Storage and Fence in the Front Yard: If the Petitioner was unable to utilize its front yard for outdoor storage or fencing, the result would be an undue hardship as opposed to a mere inconvenience.
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. Outdoor Storage and Fence in the Front Yard: The special circumstances and hardship present on the subject property exist due to the location of building improvements. The permitted location of the building in 1971 would not be endorsed under current development and zoning regulations.

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. **Outdoor Storage and Fence in the Front Yard:** The issues necessitating the need for these variances are not the result of any specific action taken by the applicant or any other person who has an interest in the subject property.
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. **Outdoor Storage and Fence in the Front Yard:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the C-4 zoning district by allowing the fencing and storage to exist in the front yard due to the unusual location of the building close in proximity to the rear property line.
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. **Outdoor Storage and Fence in the Front Yard:** The petitioner's request remains necessary to enjoy the substantial property rights attached to the parcel. Without the variances requested, the subject property will be deprived of its reasonable use or 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. **Outdoor Storage and Fence in the Front Yard:** The proposed variances will not alter local character nor impair environmental quality due to the proposed site improvements including storm water management and pavement of the site.

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. Outdoor Storage and Fence in the Front Yard: The variances requested are in harmony with the general purpose of the Title and of the general development 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. Outdoor Storage and Fence in the Front Yard: The variances are the minimum required to provide the applicant with reasonable use and enjoyment of the property.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request to allow outdoor storage in the front yard 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. Outdoor Storage and Fence in the Front Yard: The location of the front yard presents a special circumstance for the subject property, which does not generally apply to other properties within the C-4 Regional PUD Commercial District. The existence of 80% of a property within the defined front yard remains an uncommon situation so as to render a general amendment otherwise inapplicable.

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. **Outdoor Storage and Fence in the Front Yard:** If the Petitioner was unable to utilize its front yard for outdoor storage or fencing, the result would be an undue hardship as opposed to a mere inconvenience.
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. **Outdoor Storage and Fence in the Front Yard:** The special circumstances and hardship present on the subject property exist due to the location of building improvements. The permitted location of the building in 1971 would not be endorsed under current development and zoning regulations.
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. **Outdoor Storage and Fence in the Front Yard:** The issues necessitating the need for these variances are not the result of any specific action taken by the applicant or any other person who has an interest in the subject property.

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. **Outdoor Storage and Fence in the Front Yard:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the C-4 zoning district by allowing the fencing and storage to exist in the front yard due to the unusual location of the building close in proximity to the rear property line.
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. **Outdoor Storage and Fence in the Front Yard:** The petitioner's request remains necessary to enjoy the substantial property rights attached to the parcel. Without the variances requested, the subject property will be deprived of its reasonable use or 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. **Outdoor Storage and Fence in the Front Yard:** The proposed variances will not alter local character nor impair environmental quality due to the proposed site improvements including storm water management and pavement of the site.
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. **Outdoor Storage and Fence in the Front Yard:** The variances requested are in harmony with the general purpose of the Title and of the general development 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. Outdoor Storage and Fence in the Front Yard: The variances are the minimum required to provide the applicant with reasonable use and enjoyment of the property.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve a conditional use permit for motor vehicle repair both major and minor with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to M & A Truck and Trailer Expert Services Corp. 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 Conditional Use Permits shall cease July 1, 2021.
3. The property be developed in accordance to the plan dated and submitted 01.05.2015 by Doherty and Associates.
4. The paving shall be completed by July 15, 2015.
5. A triple-catch drainage basin shall be installed in the building.
6. A fire alarm system shall be installed.
7. A trailer parking stall be eliminated and re-striped as a fire lane on either side of the existing building.
8. The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers allowed for seasonal removal be put in place around the perimeter of that area to prevent any additional parking or storage.

9. Upon permitting, Staff review additional striping around employee area.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve a conditional use permit to allow outdoor storage up to 50% with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to M & A Truck and Trailer Expert Services Corp. 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 Conditional Use Permits shall cease July 1, 2021.
3. The property be developed in accordance to the plan dated and submitted 01.05.2015 by Doherty and Associates.
4. The paving shall be completed by July 15, 2015.
5. A triple-catch drainage basin shall be installed in the building.
6. A fire alarm system shall be installed.
7. A trailer parking stall be eliminated and re-striped as a fire lane on either side of the existing building.
8. The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers allowed for seasonal removal be put in place around the perimeter of that area to prevent any additional parking or storage.
9. Upon permitting, Staff review additional striping around employee area.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve a variance to allow a fence in the front yard with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to M & A Truck and Trailer Expert Services Corp. 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 Conditional Use Permits shall cease July 1, 2021.
3. The property be developed in accordance to the plan dated and submitted 01.05.2015 by Doherty and Associates.
4. The paving shall be completed by July 15, 2015.
5. A triple-catch drainage basin shall be installed in the building.
6. A fire alarm system shall be installed.
7. A trailer parking stall be eliminated and re-striped as a fire lane on either side of the existing building.
8. The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers allowed for seasonal removal be put in place around the perimeter of that area to prevent any additional parking or storage.
9. Upon permitting, Staff review additional striping around employee area.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve a variance to allow outdoor storage in the front yard with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to M & A Truck and Trailer Expert Services Corp. 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 Conditional Use Permits shall cease July 1, 2021.
3. The property be developed in accordance to the plan dated and submitted 01.05.2015 by Doherty and Associates.
4. The paving shall be completed by July 15, 2015.
5. A triple-catch drainage basin shall be installed in the building.
6. A fire alarm system shall be installed.
7. A trailer parking stall be eliminated and re-striped as a fire lane on either side of the existing building.
8. The southwest corner marked as “no parking/no storage area” be replaced with grass with barriers allowed for seasonal removal be put in place around the perimeter of that area to prevent any additional parking or storage.
9. Upon permitting, Staff review additional striping around employee area.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-17
Petitioner: Creative Properties, Inc.
Location: 115-119 Green Street
Request: Rezoning from RM-1 to C-2 highway Commercial District and Variance to Reduce the Interior Side Yard Setback from 5 feet to 0 feet.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2014-17. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:19 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on January 1, 2015 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mrs. Benham also stated that Village Staff posted a notice of the Public Hearing sign on the property on January 2, 2015. Mrs. Benham stated on January 2, 2015 Village Staff mailed first class notice of the Public Hearing to taxpayers of record within 250 feet of the property in question. Mrs. Benham stated The property in question is zoned RM-3 High Density Multiple Family and is located on the north side of Green Street, east of York Road and west of the Post Office. Mrs. Benham stated the approximately 1 acre property is currently improved with a two and a half story brick building constructed in the early 1900s. Mrs. Benham stated throughout the years a number of renovations have been made to the building. In the advent of the south airfield portion of the O'Hare Modernization Program (OMP), the property surrounding the 115-119 E Green Street building has been converted into an open space landscaped area although the zoning pertaining to the previous use of the properties remains intact.

Ms. Noel Schumann, President of Creative Properties, Inc. was present and previously sworn in by Chairman Moruzzi. Ms. Schumann stated the property was purchase "as is" in 1997 from the School Distract. Ms. Schumann stated \$50,000 of renovations was done to the property to comply with Village Code. Ms. Schumann stated the building has been zoned residential since it was purchased. Ms. Schumann stated the building is currently 70% vacant. Ms. Schumann stated the Village requested to re-zoning of the property and that Creative Properties, Inc. agrees with the Village's request. Ms. Schumann stated she was contacted by the OMP and told trees were going to be removed from the property and that a light was going to be installed on the roof of the building. Ms. Schumann read the findings of facts into the record.

Commissioner Rodriguez asked if Ms. Schumann had inquired with the Village regarding the possible purchase of the alley behind the building. Mrs. Benham stated the majority of the property was conveyed by the City of Chicago and the portion of the ally Commissioner Rodriguez is referring to is not Village owned.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-17. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested rezoning and variance with the following condition:

1. The 2014 Annual Sprinkler report shall be submitted and items incorporated therein be addressed by the property owner within 30 days of the ordinance being granted.

There were no questions from the Commission.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2014-17. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:41 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for rezoning consisting of:

1. **Compatible With Use Or Zoning:** The uses permitted under the proposed district are compatible with existing uses or existing zoning of property in the environs. The uses permitted under the proposed district are compatible with existing uses by neighboring properties, and C-2 is less restrictive than RM-3.
2. **Supported By Trend Of Development:** The trend of development in the general area since the original zoning was established supports the proposed classification. The trend of development in the general area since the residential zoning has changed significantly due to the acquisition and demolition of residential properties surrounding the subject lot.
3. **Consistent with Village Plans:** The proposed classification is in harmony with objectives of the general development plan and other applicable Village plans as viewed in light of any changed conditions since their adoption. C-2 zoning is in keeping with the Village plans for this area. The trend of development is to support commercial uses along the corridor.
4. **Forwards Public Interest:** The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant. The proposed zoning classification promotes the public interest. This corridor is no longer residential (all residences have been removed due to O'Hare expansion).
5. **Public Services Available:** Adequate public services, such as water supply, sewage disposal, fire protection and street capacity, are anticipated to be available to support the proposed classification by the anticipated date of issuance of a certificate of occupancy. Adequate public services such as water supply, sewage disposal, fire protection and street capacity are anticipated to be available to support this classification.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the variance request a setback consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them. The special circumstances that exist include the existing condition of the site and the adjacent properties, as part of the OMP are to remain open space.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The only way in which the property could meet the C-2 Highway Commercial setback would be the removal of the garage portion to be 5 feet off the property line. The removal of the garage would result in unnecessary and undue 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. The requested variance corresponds only to the physical character of the building. It does not concern business or activity with respect to financial circumstances.

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 requested setback variance has not resulted from the applicant action. According to Village records, the setback has been reduced to zero feet over twenty years ago.
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 requested variance does not confer a special privilege ordinarily denied to other such properties.
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 requested is necessary for the use of the property as it will allow the property to meet the setback requirements as dictated by the proposed rezoning.
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. Reducing the variance from 5 feet to 0 feet will not alter the local character of the locality as the building has been in place as it currently exists for approximately 20 years.

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 setback variance will be in harmony with the general purpose and intent of the general development 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. The minimum variance has been requested.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the rezoning with Staff's recommendations consisting of:

1. The 2014 Annual Sprinkler report shall be submitted and items incorporated therein be addressed by the property owner within 30 days of the ordinance being granted.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

1. The 2014 Annual Sprinkler report shall be submitted and items incorporated therein be addressed by the property owner within 30 days of the ordinance being granted.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Meeting: CDC Case Number 2014-37

Petitioner: G&C, Inc.

Address: 333 West Grand Avenue

Request: Resubdivision from 1 Lot to 3 Lots.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2014-37. Commissioner Weldon seconded the motion.

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

Chairman Moruzzi opened the Public Meeting at 7:44 p.m.

Mrs. Benham stated as there is no rezoning or variance necessary, neither the State Statute nor the Municipal Code requires a full Public Hearing, but rather a simple public meeting; therefore, no legal notice requirements (newspaper, posting of property or mailed notices to taxpayers of record) are required. Mrs. Benham stated the agenda including this item was posted on the Village website as well as in Village Hall in compliance with the Statute. Mrs. Benham stated the property in question exceeds 14 acres and is located on the north side of Grand Avenue, east of Church Road within an existing C-2 Highway Commercial District. Mrs. Benham stated the subject property is currently improved with three Roesch Dealerships: Roesch Ford, Larry Roesch Volkswagen, and Roesch Ford Truck Center. Mrs. Benham stated the applicant is desirous of resubdividing the single parcel into three lots with one dealership per lot.

Cathy Roesch was present and previously sworn in by Chairman Moruzzi. Ms. Roesch stated there are currently three dealerships sitting on one lot. Ms. Roesch stated she was present to answer any questions from the Commission.

There were no questions from the Commission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-37. There were none.

Mrs. Benham reviewed staff's report and indicated staff recommends approval of the requested resubdivision.

Motion: Commissioner Weldon made a motion to approve the resubdivision. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-38

Petitioner: Grand Suburu, LLC

Location: 125 West Grand Avenue

Request: Planned unit Development Amendment to the Existing Site Plan to include Additional Structures, Signage and Outdoor Sales and Display Area

Motion: Commissioner Pisano made a motion to continue CDC Case No. 2014-38 until February 2, 2014. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

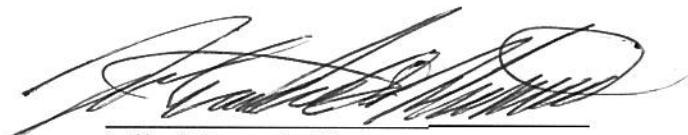
Report from Community Development

Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor
Motion carried.
The meeting was adjourned at 7:59 p.m.



Mike Moruzzi, Chairman
Community Development Commission