

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 16, 2015

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of February 2, 2014 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-39

Petitioner: Safeguard

Location: 400-402 Domenic Court

Request: Variances to Allow Parking in the Cornier Side Yard, to Reduce the Parking Setback and to Reduce the Request Landscape Strip

Motion: Commissioner Pisano made a motion to call CDC Case No. 2014-39. Commissioner Rowe seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Moruzzi, Janowiak, Pisano, Rowe, Weldon

Absent: Rodriguez

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:32 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 29, 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 30, 2015. Mrs. Benham stated on January 30, 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 applicant; Safeguard Waterproofing is requesting three variances to allow the addition of six (6) employee parking spaces within the corner side yard of the property located at 400 – 402 Domenic Court. Mrs. Benham stated the subject property is located within the I-4 General Industrial District and on the southeast corner of Green Street and Domenic Ct. Mrs. Benham stated the applicant has proposed to add parking spaces within the required corner side yard of the subject property to provide ease and safety of access for office employees' cars.

Alex Lazarz of Safeguard located at 400-402 Domenic Court was present and previously sworn in by Chairman Moruzzi. Mr. Lazarz stated Safeguard is losing the current parking, located at the front of the building, due to the Elgin/O'Hare Western Access project. Mr. Lazarz stated the six parking spots will be relocated to the west side of the building. Mr. Lazarz read the findings of facts for the requested variances into the record.

Commissioner Rowe asked if the new parking spaces will be made of concrete or asphalt. Mr. Lazarz stated the new parking spaces will be constructed of concrete.

Commissioner Weldon asked if Mr. Lazarz was aware of Staff's recommendations. Mr. Lazarz stated he was fully aware of the requirements upon approval of the requested variances.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-39. There were none.

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

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted as part of this application; and
2. The new parking areas shall be paved and have curb and gutter; and
3. The applicant shall provide screening along the new stalls and the landscaping may be in the Domenic Court Right of Way as authorized by the Public Works Department. The applicant shall be responsible for all maintenance and replacement of the plant material; and
4. The pavement along the front (Green Street/Franklin Avenue) frontage shall be removed and the area returned to green space upon ITHA acquisition. The landscape plan and plant materials shall be reviewed and approved by the Village staff prior to construction.
5. All parking spaces shall be striped in accordance with the Municipal Code. The striping plan shall be reviewed and approved by the Village staff prior to the striping being performed.
6. A trash enclosure that complies with the Village Code shall be installed to house any outdoor trash dumpster.

Commissioner Rowe asked if there was a current handicap parking space on site or if one of the six new parking spaces will be designated as one. Mr. Lazarz stated there is not a current handicap space on site and that Safeguard would not have any issued adding a handicap space in the back. Mrs. Benham stated the ADA requires a handicap space in the front of the building, therefore one of the six spaces proposed will need to be designated as such. Mr. Lazarz had no objections.

Chairman Moruzzi suggested adding the following condition to the approval of the proposed variances:

- A handicap stall be constructed in compliance with ADA standards and approved upon permitting by the Village.

There were no objections from the Commission.

Motion: Commissioner Weldon made a motion to close CDC Case No. 2014-39. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:46 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the requested variance to allow parking in the corner side 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.

Parking in Corner Side Yard: The taking of property necessary or the construction of the Elgin – O’Hare Western Access Tollway reduces the existing on-site parking and creates a Special Circumstance for this property that is not generally applicable to other properties in the I – 4 Industrial District. The historic site design does not allow for other viable locations to recover some of the “lost” parking spaces without this variance.

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. *Parking in Corner Side Yard Reduced Setback:* Prohibiting the parking of passenger vehicles in the required corner side yard would create an undue hardship and practical difficulty for the continuance of their business at 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. *Parking in Corner Side Yard:* The need to locate paring within the required corner side yard is a result of the site design of this specific property and are not characteristic of other properties in the area.
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. *Parking in Corner Side Yard:* The variance request is a direct result of the proposed taking by the Elgin – O’Hare Western Access and is not the result of actions by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. *Parking in Corner Side Yard:* The applicant’s use is permitted by right in the I – 4 Industrial District and the allowance of parking within the required corner side yard would allow the applicant to enjoy the same use of their property as other properties in the I – 4 Industrial District and would therefore not convey a special privilege to this 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. *Parking in Corner Side Yard:* Allowing the parking in the require corner side yard is necessary for the applicant’s use of the property for the use that is permitted by right under the Village’s Zoning Ordinance.

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. *Parking in Corner Side Yard:* Allowing the parking within the required corner side yard and the removal of the parking from the required front yard will not alter the general character of the Eastern Business Park and Domenic Court.
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. *Parking in Corner Side Yard:* The variance is consistent with the Village's general development plan for the area.
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. *Parking in Corner Side Yard:* The request is the minimum necessary to mitigate the loss of the parking spaces for the Elgin – O'Hare Western Access Tollway.

Commissioner Weldon seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Janowiak, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the findings of facts for the requested variance to reduce the parking setback from 30 to 0 feet 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.

Reduced Setback and Reduced Frontage (Landscape) Strip:

The taking of property necessary or the construction of the Elgin – O’Hare Western Access Tollway reduces the existing on-site parking and creates a Special Circumstance for this property that is not generally applicable to other properties in the I – 4 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Provision of the required landscape frontage strip would reduce the requested parking by 50% in a situation where parking is already at a premium. Granting the elimination of the landscape frontage strip allows the applicant to recover most of the parking spaces to be lost through the property taking for the Tollway.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The special circumstances and hardship are specific to this property and are not characteristic of other properties in the area.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The reduced landscape strip results from the property taking and is not the result of actions by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The applicant's use is permitted by right in the I – 4 Industrial District and the elimination of the landscape frontage strip would allow the applicant to enjoy the same use of their property as other properties in the I – 4 Industrial District and would therefore not convey a special privilege to this 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Allowing the elimination of the landscape frontage strip and the provision of landscape screening within the Domenic Court right of way is necessary for the applicant's use of the property for the use that is permitted by right under the Village's Zoning Ordinance.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Elimination of the landscape frontage strip with the provision of landscape screening materials within the Domenic Court right of way will not alter the local character of the Eastern Business District and Domenic Court.
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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Elimination of the landscape frontage strip with the provision of landscape material within the Domenic Court right of way is consistent with the Village's general 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The request is the minimum necessary to mitigate the loss of the parking spaces for the Elgin – O'Hare Western Access Tollway.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the requested variance to reduce the frontage (landscape) strip from 8 feet to 0 feet 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.

Reduced Setback and Reduced Frontage (Landscape) Strip:

The taking of property necessary or the construction of the Elgin – O’Hare Western Access Tollway reduces the existing on-site parking and creates a Special Circumstance for this property that is not generally applicable to other properties in the I – 4 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Provision of the required landscape frontage strip would reduce the requested parking by 50% in a situation where parking is already at a premium. Granting the elimination of the landscape frontage strip allows the applicant to recover most of the parking spaces to be lost through the property taking for the Tollway.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The special circumstances and hardship are specific to this property and are not characteristic of other properties in the area.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The reduced landscape strip results from the property taking and is not the result of actions by the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The applicant's use is permitted by right in the I – 4 Industrial District and the elimination of the landscape frontage strip would allow the applicant to enjoy the same use of their property as other properties in the I – 4 Industrial District and would therefore not convey a special privilege to this 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Allowing the elimination of the landscape frontage strip and the provision of landscape screening within the Domenic Court right of way is necessary for the applicant's use of the property for the use that is permitted by right under the Village's Zoning Ordinance.
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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Elimination of the landscape frontage strip with the provision of landscape screening materials within the Domenic Court right of way will not alter the local character of the Eastern Business District and Domenic Court.

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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* Elimination of the landscape frontage strip with the provision of landscape material within the Domenic Court right of way is consistent with the Village's general 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. *Reduced Setback and Reduced Frontage (Landscape) Strip:* The request is the minimum necessary to mitigate the loss of the parking spaces for the Elgin – O'Hare Western Access Tollway.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the requested variance to allow parking in the corner side yard with the following conditions:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted as part of this application; and
2. The new parking areas shall be paved and have curb and gutter; and
3. The applicant shall provide screening along the new stalls and the landscaping may be in the Domenic Court Right of Way as authorized by the Public Works Department. The applicant shall be responsible for all maintenance and replacement of the plant material; and

4. The pavement along the front (Green Street/Franklin Avenue) frontage shall be removed and the area returned to green space upon ITHA acquisition. The landscape plan and plant materials shall be reviewed and approved by the Village staff prior to construction.
5. All parking spaces shall be striped in accordance with the Municipal Code. The striping plan shall be reviewed and approved by the Village staff prior to the striping being performed.
6. A trash enclosure that complies with the Village Code shall be installed to house any outdoor trash dumpster.
7. A handicap stall be constructed in compliance with ADA standards and approved upon permitting by the Village.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the requested variance to reduce the parking setback from 30 to 0 feet with the following conditions:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted as part of this application; and
2. The new parking areas shall be paved and have curb and gutter; and
3. The applicant shall provide screening along the new stalls and the landscaping may be in the Domenic Court Right of Way as authorized by the Public Works Department. The applicant shall be responsible for all maintenance and replacement of the plant material; and
4. The pavement along the front (Green Street/Franklin Avenue) frontage shall be removed and the area returned to green space upon ITHA acquisition. The landscape plan and plant materials shall be reviewed and approved by the Village staff prior to construction.
5. All parking spaces shall be striped in accordance with the Municipal Code. The striping plan shall be reviewed and approved by the Village staff prior to the striping being performed.

6. A trash enclosure that complies with the Village Code shall be installed to house any outdoor trash dumpster.
7. A handicap stall be constructed in compliance with ADA standards and approved upon permitting by the Village.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the requested variance to reduce the frontage (landscape) strip from 8 feet to 0 feet with the following conditions:

1. The construction be in substantial compliance with the changes and revisions recommended by staff and of the plans submitted as part of this application; and
2. The new parking areas shall be paved and have curb and gutter; and
3. The applicant shall provide screening along the new stalls and the landscaping may be in the Domenic Court Right of Way as authorized by the Public Works Department. The applicant shall be responsible for all maintenance and replacement of the plant material; and
4. The pavement along the front (Green Street/Franklin Avenue) frontage shall be removed and the area returned to green space upon ITHA acquisition. The landscape plan and plant materials shall be reviewed and approved by the Village staff prior to construction.
5. All parking spaces shall be striped in accordance with the Municipal Code. The striping plan shall be reviewed and approved by the Village staff prior to the striping being performed.
6. A trash enclosure that complies with the Village Code shall be installed to house any outdoor trash dumpster.
7. A handicap stall be constructed in compliance with ADA standards and approved upon permitting by the Village.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-02
Petitioner: Proyekt Studio, LLC
Location: 154 South York Road
Request: Amendment to Conditional Use Permit Ordinance #56-2012 to Revise the Approved Site Plan

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-02. Commissioner Janowiak seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:50 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on January 29, 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 30, 2015. Mrs. Benham stated on January 30, 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 C-3 Downtown Mixed Use and is located on the southwest corner of Green Street and York Road. Mrs. Benham stated the site is currently improved with an existing service station commonly known as "Clark Gas Station." Mrs. Benham stated in October of 2012, the Village approved Conditional Use Permits and Variances in Ordinance #56 – 2012 relative to the redevelopment of the site. Mrs. Benham stated the applicant, Anula, Inc. is requesting an amendment to the approved site plan due to a newly proposed development layout and size of the convenience store.

Gregory Ziomek, Architect for the project was present and previously sworn in by Chairman Moruzzi. Mr. Ziomek stated the current building on site is approximately 2,100 square feet. Mr. Ziomek stated there are no proposed changes to the layout of the current gas pumping stations. Mr. Ziomek stated the proposed plan allows for the closing of the farthest eastern curbcut. Mr. Ziomek stated the proposed building will be constructed at approximately 2,500 square feet. Mr. Ziomek stated the same services will be available. Mr. Ziomek stated without the approved variances and conditional use permits, the project would not be possible. Mr. Ziomek read the findings of facts for the amendment into the record.

Commissioner Pisano asked if the renderings submitted to the Commission on 2/16/15 would be the specs of the building. Mr. Ziomek stated the renderings submitted to the Commission on 2/16/15 would be the design of the building.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-02. 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 Conditional Use Permit Amendment be granted solely to Anula, Inc. (Bala Gogineni) 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, and
2. A copy of the Conditional Use Permit and associated variances must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and

3. The property shall be developed in accordance with the plans prepared by Proyekt Studio, LLC., dated 01.09.15 with revisions requested by staff below, and
4. A frontage strip included along Green Street, and landscape materials be added to the Green Street and York Road frontage strips to meet the Village requirements. The landscape plan is subject to the review and approval of Village staff, and
5. Revised architectural plans clearly identifying materials and colors of the proposed convenience store are submitted reviewed and approved by the Village staff, and
6. There shall be no window displays or advertising banners in the area of the cashier that will restrict the cashier's view or the view of passing police patrol, and
7. The site shall be conspicuously sign posted per Village Code 4-3-18(b) 2, Criminal Trespass, to discourage loitering.

There were no questions from the Commission.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-02. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:01 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the amendment to the conditional use permit Ordinance #56-2012 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. **We will be improving the traffic flow on Green Street with the closing of the easternmost driveway closest to York Road.**

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. **The proposed use currently exists; therefore there will be no environmental nuisance from the improvements that we are proposing.**
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 new landscape areas and building appearance will provide an improvement to the neighborhood character from what exists.**
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. **No new utilities will be required for the proposed improvements.**
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 service station will continue to provide fuel sales. The improvements to the site and a new building will add to the customers' experience and to their expectations from these types of developments. The need for this type of use is proven by the current sales at the site.**
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. **The subject use has been part of the community for many years. The proposed improvements will be more compatible with the neighborhood than what currently exists on the site.**

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the amendment to the conditional use permit Ordinance #56-2012 with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Anula, Inc. (Bala Gogineni) 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, and
2. A copy of the Conditional Use Permit and associated variances must be kept on the premises of the establishment and be presented to any authorized Village official upon request, and
3. The property shall be developed in accordance with the plans prepared by Projekt Studio, LLC., dated 01.09.15 with revisions requested by staff below, and
4. A frontage strip included along Green Street, and landscape materials be added to the Green Street and York Road frontage strips to meet the Village requirements. The landscape plan is subject to the review and approval of Village staff, and
5. Revised architectural plans clearly identifying materials and colors of the proposed convenience store are submitted reviewed and approved by the Village staff, and
6. There shall be no window displays or advertising banners in the area of the cashier that will restrict the cashier's view or the view of passing police patrol, and
7. The site shall be conspicuously sign posted per Village Code 4-3-18(b) 2, Criminal Trespass, to discourage loitering.

Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

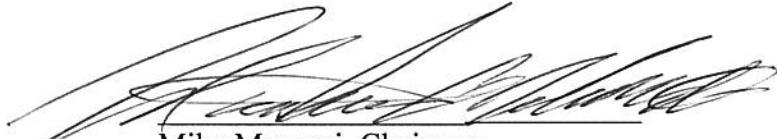
Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

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 7:08 p.m.



Mike Moruzzi, Chairman
Community Development Commission