

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

June 1, 2015

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

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission
Meeting of May 18, 2015 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 2014-40
Petitioner: Chicago Auto Place, LLC
Location: 768 Thomas Drive
Request: Conditional Use Permit Amendment to allow Outdoor Sales and Display

Motion: Commissioner Rowe made a motion to open CDC Case No. 2014-40. Commissioner Pisano seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rodriguez, Rowe, Tellez, Weldon
Absent: None
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 May 14, 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 notice of the Public Hearing signs on the property on May 15, 2015. Mrs. Benham stated on May 15, 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, Chicago Auto Place, LLC is requesting a Conditional Use Permit Amendment relative to the accessory use of Outdoor Sales and Display at 768 Thomas Drive. Mrs. Benham stated the property in question is located on the southwest corner of Thorndale Avenue and Thomas Drive within an existing I-2 Light Industrial Zoning District. Mrs. Benham stated the subject property is approximately 1.3 acres and is improved with an approximately 19,200 sq.ft. industrial building. Mrs. Benham Stated Chicago Auto Place's primary business is online automobile sales and that the property was previously issued a Conditional Use Permit for Motor Vehicle Repair, Minor in March of 2008. Mrs. Benham stated the request at hand is to amend the initial entitlement to allow for the proposed outdoor sales and display.

Mr. Dars Dhillon of 768 Thomas Drive, a partner at Chicago Auto Place was present and previously sworn in by Chairman Moruzzi. Mr. Dhillon stated the request is based on the growth experienced with their business with online automobile sales within the past year and that the applicant has acquired a building down the street for additional indoor storage of vehicles. Mr. Dhillon stated they carry anywhere from 200 – 220 cars per day. Mr. Dhillon stated the request is based on a desire for increased advertising of the business and the outdoor sales and display area would not be within employee or customer parking as it would be around the edge of the parking lot. Mr. Dhillon read the findings of facts into the record.

Commissioner Rodriguez asked for further description of the removal of the pavement requested as a condition and to ensure the applicant understood this condition. Mr. Dhillon indicated that he did understand the request.

Commissioner Pisano asked how many vehicles would be displayed outside at any point and if they will be stored there overnight. Mr. Dhillon stated there is often a movement of cars from the indoor showroom outdoors to access particular vehicles. Mr. Dhillon stated approximately 25 – 30 cars have historically

been stored outside and they do anticipate storing vehicles outside overnight.

Commissioner Tellez asked Mr. Dhillon to elaborate on the new facility and parking stalls. Mr. Dhillon indicated that the newly acquired building relieves the excess volume.

Commissioner Weldon asked for clarification on existing and proposed parking spaces on the subject property. Mrs. Benham clarified the additional 8 spaces requested.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-40. There was none.

Motion: Commissioner Janowiak made a motion to close CDC Case No.2014-40. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 6:53 p.m.

Motion: Commissioner Weldon made a motion to approve the findings of facts for the requested conditional use permit amendment 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. *There will be no adverse impact on the traffic atypical of uses in the I-2 Light Industrial Zoning District.*
2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district. *Everything displayed will meet the Village Code and will not generate any negative effects on any neighboring properties not characteristic of allowed uses in the I-2 Zoning District.*

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. *Vehicles will be displayed on the premises of the property without any interference to Thorndale and Thomas Drive property values, environmental quality, and neighborhood character, which shall remain unchanged.*
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. *The proposal to display vehicles outside shall not require existing community facilities or services to increase public services such as water, electricity, etc. and also not intended to generate disproportionate demand for new services or change to the existing facilities.*
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community. *It is in the best interest to the public to allow Chicago Auto Place to display vehicles on the outdoor premises to reduce the indoor overcrowding. Given the approval for displaying vehicles outside the building will contribute to the general welfare of the neighborhood/community as the number of sales shall increase.*
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 determined.*

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the requested Conditional Use Permit Amendment with the following conditions:

1. The Conditional Use Permit Amendment be granted solely to Chicago Auto Place, LLC 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 subject property shall be developed in accordance with the plans submitted with the modifications recommended and approved by Staff.
3. The final number of "Outdoor Sales and Display" spaces and plan to be determined by staff only after a complete parking analysis and calculations have been submitted by the applicant and verified and approved by municipal staff.
4. Any and all vehicles in the "Outdoor Sales and Display" areas shall be on an approved paved surface in designated and striped spaces.
5. There shall be no parking on grass or tandem or so-called "stadium" parking.
6. "Outdoor Sales and Display" spaces shall be marked/identified differently than customer and employee parking spaces.
7. No "Outdoor Sales and Display" vehicles shall be housed in employee or customer parking spaces.
8. There shall be no parking or display within the public rights of way abutting the property in question.
9. Drive and access aisles shall be maintained to Code standards at all times.
10. Paved area within the parking setback along Thorndale with the proposed taking be removed and replaced with landscaped material.

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-13

Petitioner: Isa Becovic

Location: 201 South York Road

Request: Planned Unit Development

Motion: Commissioner Weldon made a motion to open CDC Case No. 2015-13. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:55 p.m.

Village Planner, Victoria Benham, stated a legal notice was published in the Bensenville Independent on May 14, 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 notice of the Public Hearing signs on the property on May 15, 2015. Mrs. Benham stated on May 15, 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, Isa Becovic is requesting a Planned Unit Development relative to the construction of five townhomes at 201 South York Road. Mrs. Benham stated the property in question is a vacant property, approximately 16,000 square feet located on the southeast corner of Wood Street and York Road within an existing RA-1 Mixed Single Family Zoning District.

Chairman Moruzzi swore in all members who had not previously been sworn in.

Mr. Isa Becovic, 201 South York Road, Bensenville, Illinois previously sworn in by Chairman Moruzzi, stated he and his family have been business owners in Bensenville since 1999 with the purchase of Royal Grove Apartments in Bensenville. Mr.

Becovic stated that he purchased the subject property in 2005 and stated that he had submitted plans then which were not approved and would now like to move forward with the newly proposed plan.

Ms. Susan Robaczewski an architect at W. Lloyd Christoph and Associates, located at 747 North Church Road, Elmhurst, Illinois, was present and previously sworn in by Chairman Moruzzi. Ms. Robaczewski stated the request is a Planned Unit Development in keeping with the vision based on the Comprehensive Plan. Ms. Robaczewski stated that each of the proposed five approximately 1900 square foot townhome units will have three bedrooms, two and a half baths and a two-car detached garage with an additional parking space. Ms. Robaczewski stated the exterior is a mix of masonry and siding with an architectural grade shingle roof. Ms. Robaczewski stated the proposed units would have a large porch approximately 13 foot wide and boxed out windows to break up the façade. Ms. Robaczewski stated that the garages are located off of the alley to fall in-line with RA-1 Zoning. Ms. Robaczewski the plans meet or exceed all DuPage County Stormwater Management. Ms. Robaczewski read the findings of facts into the record.

Commissioner Rodriguez asked if there would be lighting or flood lights installed in the garage areas. Ms. Robaczewski said there would not be.

Commissioner Weldon asked if the 20 foot wide driveway would be adequate for vehicle movements. Ms. Robaczewski indicated that the garages are deeper and that the plans were based off of a 60 foot model and should be adequate.

Commissioner Tellez asked for a timeline for breaking ground. Mr. Becovic indicated they would like to break ground in July.

Commissioner Rodriguez asked how refuse pickup would be handled. Ms. Robaczewski stated it residents would place their garbage bins along the alley.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-13.

James Ricker – 21 E Pine Street

Mr. Ricker voiced concerns regarding inadequate infrastructure based on 5 foot stormwater pipes along York Road. Mr. Ricker

also voiced concerns about parking issues associated with overnight parking.

Elizabeth Catalano – 236 May Street

Ms. Catalano discussed historic flooding on her property and had concerns the development would contribute to additional flooding. Ms. Catalano submitted photographs of flooding on her property and indicated that she had video as well which she would submit at a later date.

Bob Lascaro –202 S. May Street

Mr. Lascaro discussed parking issues seen at multi-family properties in the area and had concerns the proposed development would generate the same issues. Mr. Lascaro asked for clarification on the location of the landscape materials and how trash/refuse pickup would occur. Mr. Lascaro had concerns that the proposed development would be too dense for the neighborhood and would generate additional stormwater management issues. Mr. Lascaro asked how the snow would be handled and where it would be pushed. Mr. Lascaro wanted to ensure that the sidewalk would not be blocked. Mr. Lascaro voiced concerns on how rodents would be handled during construction as the property is located on an alley.

Richard Forman – 213 S. York Road

Mr. Forman indicated he was located directly south of the subject property and had several concerns about the proposed development. Mr. Forman stated that having over 30 people living in the property adjacent to him seemed excessive. Mr. Forman stated that the decreased setback is not consistent with other homes on York Road and is displeased that it would block his view. Mr. Forman had concerns that the proposed development will negatively impact his property value and will contribute to additional flooding in the area.

Commissioner Pisano asked if there was any room on site to locate a detention basin. Mrs. Benham indicated that four rain gardens are proposed on site which meet the requirements for stormwater management.

Commissioner Rowe asked if a trash enclosure should be added to the site. Mrs. Benham stated such an item would be incorporated into the CCR's associated with the development. Ms. Robaczewski stated that typically townhome owners will keep the garbage can within the garage until garbage day.

Commissioner Weldon asked why the townhomes requested the decreased setback. Mrs. Benham stated that it would otherwise eliminate the backyard of the units. Commissioner Weldon asked if there were other locations in which such a reduced setback could be observed. Mrs. Benham indicated that other properties along the York Road Corridor have a reduced setback. Mr. Viger indicated that the townhomes on Center Street have a reduced setback and are located adjacent to single family homes. Commissioner Weldon asked for clarification on the driveway width. Mrs. Benham indicated that the applicant can provide car movement plans.

Chairman Moruzzi requested clarification of landscaped area and if parking off of alleys was permitted. Mrs. Benham indicated that it was permitted. Chairman Moruzzi sought clarification on the addition of a trash enclosure. Mrs. Benham stated such an item can be reviewed with the applicant and can either add an enclosure or have owners store the garbage in the garage with the CCR. Chairman Moruzzi asked for further information on the slope of the property. Mrs. Benham stated it was a 0.4% slope to Wood Street.

Eduardo Catalano –236 May Street

Mr. Catalano stated that his property flooded frequently and was concerned with the addition of the development would do to area flooding.

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

1. The Planned Unit Development be granted solely to Isa Becovic and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy 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 property be developed in substantial compliance with the plans prepared by Koziol Engineering Services dated 05.04.15

and W. Lloyd Christoph & Associates dated 03.26.15 and the Landscape plan submitted as part of the application. All subject to final municipal staff review and permit approvals.

3. The building's architecture shall be revised to include
 - a. A "stagger" of the homes along York Road.
 - b. Full height masonry on the front façade of some of the homes
4. Elimination of the project identification signage at Wood Street & York Road.
5. Staff final review and approval of the landscape plan, building materials and their colors.
6. Appropriate CCRs and HOA documents shall be submitted, reviewed and approved by the Village Staff.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-13. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:55 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the requested PUD consisting of:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted. *Superior design is reflected throughout the PUD. The reduced front yard setback allows the flexibility to create the gateway envisioned in various municipal plans. The design of the five townhomes displays creativity in its creation of private useable outdoor space while providing for the necessary parking of vehicles.*
2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein. *The*

PUD meets the intent of the Zoning Ordinance. The front yard setback is the sole deviation.

3. **Consistent With Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption. *The PUD is an example of the execution of the Village Plan. The PUD location has long been envisioned for this type of residential development. The proposal is in compliance with the Village's Comprehensive Plan and creates additional residents in or near the downtown area.*
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. *The PUD will not be detrimental to public health, safety or general welfare in any way.*
5. **Compatible With Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property. *The PUD will not be injurious to properties in its vicinity and will likely increase property values as a result of its superior design and the continued revitalizing the York Road corridor.*
6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character. *The PUD is consistent as practical with preservation of any natural features and is designed to reflect these needs as evidenced by engineering plans.*
7. **Circulation:** Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets. *An efficient and effective circulation design serves as an asset to the PUD; its superior design is reflected by the shared access driveway for all garages thereby reducing the amount of impervious area and providing safer alley access.*

8. **Open Spaces And Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. *As with the architectural design, and circulation plans, landscaping will be utilized to distinguish the PUD. The landscape design reflects significant utilization of plants, trees, and shrubbery throughout the property as a key distinguishing element.*
9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
 - a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
 - b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships. *Appropriate Codes, Covenants & Restrictions (CCRs) shall be submitted, reviewed and approved by the Municipal staff and Village Attorneys. Similarly Home Owners' Association By – Laws shall be reviewed and approved by the Village.*
10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses. *The PUD is consistent with the anticipated ability of the Village, School system and other public bodies.*
11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. *The PUD phasing is consistent with requirements and foregoing criteria.*

Commissioner Janowiak seconded the motion.

ROLL CALL:

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the requested PUD with the following conditions:

1. The Planned Unit Development be granted solely to Isa Becovic and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy 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 property be developed in substantial compliance with the plans prepared by Koziol Engineering Services dated 05.04.15 and W. Lloyd Christoph & Associates dated 03.26.15 and the Landscape plan submitted as part of the application. All subject to final municipal staff review and permit approvals.
3. The building's architecture shall be revised to include
 - a. A "stagger" of the homes along York Road.
 - b. Full height masonry on the front façade of some of the homes
4. Elimination of the project identification signage at Wood Street & York Road.
5. Staff final review and approval of the landscape plan, building materials and their colors.
6. Appropriate CCRs and HOA documents shall be submitted, reviewed and approved by the Village Staff.

With additional conditions:

7. Staff shall review and approve plans concerning the location and procedures for trash and refuse as well as a snow removal plan.
8. Based on recent modifications of the site plan, the applicant shall review engineering plans for possible expansion of rain gardens, width of storm water pipe or other similar modifications to improve stormwater management.

9. The applicant shall provide vehicle movement plans in the garage area.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Rowe, Tellez, 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 8:05 p.m.



Mike Moruzzi, Chairman
Community Development Commission

Exhibit A (1 Page)





