

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 21, 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, Pisano, Rodriguez, Rowe
Absent: Janowiak, Tellez
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 August 17, 2015 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-10
Petitioner: Jim's Plaza
Location: 460 West Irving Park Road
Request: PUD Amendment to Ordinance #8-2013 to Alter the Existing Site Plan for Phase II of Development with Code Deviations

Motion: Commissioner Pisano made a motion to open CDC Case No. 2015-10. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:33 p.m.

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

Village Planner, Victoria Benham stated a Legal Notice was published in the Bensenville Independent on Thursday, September 3, 2015. Mrs. Benham stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mrs. Benham stated village personnel posted a Notice of Public Hearing sign on the subject property, visible from the public way on Friday, September 4, 2015. Mrs. Benham stated on Friday, September 4, 2015 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. An Affidavit of Mailing executed by Community and Economic Development personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated the property in question is located on the south side of Irving Park Road, just west of Mason Street. Mrs. Benham stated the property is zoned C-2 Highway Commercial and is located within the TIF 12 District. The property in question is approximately 2.06 acres in size. Mrs. Benham stated the applicant, Xhemal "Jimmy" Sadiku is requesting a PUD Amendment for the second phase of the property to be developed adjunct to the McDonalds restaurant approved as a Planned Unit Development with Ordinance #18-2013 in February of 2013.

Mr. Marshall Subach of Hunt, Kaiser, Aranda & Subach, Ltd. located at 1035 S. York Road, Bensenville, Illinois 60106 was present and previously sworn in by Chairman Moruzzi. Mr. Subach stated he was the Attorney hired by the applicant, Xhemal "Jimmy" Sadiku. Mr. Subach stated the proposed PUD amendment would allow for the demolition of the current IS liquors building and the construction of a new 15,000 square-foot building. Mr. Subach stated IS Liquors would occupy 6,000 square-feet of the building and the other 9,000 square-feet would be rented out to a future occupant. Mr. Subach submitted the original site plan for 460 West Irving Park Road to the Commission. The site plan has been submitted to the minutes as "Exhibit A". Mr. Subach stated when the original PUD was done for the McDonald's in 2013, his client was unaware of the future market. Mr. Subach stated his client prefers to keep the curbcuts along Irving Park Road but fears IDOT will not allow them to remain as is. Mr. Subach stated his client is seeking a reduction of the drive aisle from 24 feet to 21 feet.

Mr. Subach stated there will be no overnight parking of trucks on site, therefore Mr. Subach stated his client is withdrawing his request for reducing a truck parking stall size to less than 12x60 feet. Mr. Subach reviewed the findings of facts associated with the PUD amendment request. Mr. Subach asked if the Village would assist in water-main disconnections, similar to the assistance provided for the construction of the McDonald's building. Mr. Subach also requested his client has final decisions on the colors and materials for the building and not Village Staff.

Commissioner Rodriguez asked how the proposed new building will look compared to the property located across Irving Park Road (Walnut Plaza). Mr. Subach stated his client believes the new building will look better than Walnut Plaza. Mr. Subach stated the building material and colors will not differ from those submitted to the Commission. Mr. Subach stated the request is being made to protect his client from potential changes in Staff or changes in Staff's preferences.

Commissioner Rowe asked how many handicap spaces would be on the property. Mr. Subach stated there will be two (2) handicap spaces on site.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-10. There were none.

Mrs. Benham reviewed the Staff report and stated Staff recommends approval of the proposed PUD amendment with the following conditions:

1. The Planned Unit Development Amendment be granted solely to Xhemal Sadiku 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. A Final Planned Unit Development Plat be submitted to the Village for recordation at Du Page County.
3. Petitioner work with the Village and IDOT regarding offsite public rights of way improvements necessitated by the traffic and turning movement increase generated by the proposed commercial development.
4. The property be developed in accordance with the plans submitted with this petition by Ray Fang and Associates dated 08.27.15.
5. Staff shall have final approval of architectural elements of design including materials and colors upon permitting.
6. The landscape and screening plan shall be reviewed and approved by staff upon permitting.
7. A Master Sign Plan shall be submitted for review and approval prior to wall signage being added to the proposed building.
8. A Phasing Plan shall be submitted prior to Village Board Review and Approval.
9. The monument sign plan shall be revised to eliminate the decorative accents (wing walls) on both sides of the monument sign.
10. The 7 parking stalls shall be removed and replace with landscaped areas and subject to staff review.
11. The plans shall be revised to eliminate the landscaped island between the eastern rows of parking stalls.
12. The Applicant shall not object to any future installation of a bicycle path at the rear of its property along Silver Creek.
13. Codes, Covenants & Restrictions shall be submitted to the Village for review and approval prior to the commencement of construction.
14. The sprinkler and electrical rooms be relocated to have access from the rear of the building subject to review upon permitting.

Chairman Moruzzi asked if the petitioner would be open to the idea of a potential easement agreement with the property to the west. Mr. Subach stated his client would be open to the idea if the circumstances were presented in the future.

Chairman Moruzzi requested a condition be added:

15. The Developer work with staff and the Village Attorney in the development of a cross-access easement agreement with the property directly to the west.

Mr. Subach stated his client had no objections to the request.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2015-10. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:18 p.m.

Motion: Commissioner Rowe made a motion to approve the finding of facts for the proposed PUD amendment 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. The proposed PUD Amendment represents a creative redevelopment of a site to unify the updates beginning with Phase 1 of the project.
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 requirements for planned unit developments as set forth in the Village Code.

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 generally consistent with the objectives of the Comprehensive Plan concerning the Mid-Town/Irving Park Road Corridor.
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. The proposed PUD will not be detrimental to the public health, safety or general welfare.
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 proposed PUD is consistent with the current development trends of the surrounding area and the Village's Comprehensive Plan.
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 plan as submitted works harmoniously with the Silver Creek and its floodway and wetlands.
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. The PUD will not have a negative effect on area street traffic. On site circulation is acceptable.
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. The landscape plan submitted provides of an amenity for the tenants and customers of the proposed building, the commercial corridor and the Village.

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. Codes, Covenants & Restrictions shall be submitted to the Village for review and approval prior to the commencement of construction.
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. There are adequate public services to service the property. The approval of the PUD will not increase the demand or stress the Village's public services.
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 proposed development Phase II of the subject property can exist as an independent unit that meets all of the foregoing criteria and other applicable regulations.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

1. The Planned Unit Development Amendment be granted solely to Xhemal Sadiku 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. A Final Planned Unit Development Plat be submitted to the Village for recordation at Du Page County.
3. Petitioner work with the Village and IDOT regarding offsite public rights of way improvements necessitated by the traffic and turning movement increase generated by the proposed commercial development.
4. The property be developed in accordance with the plans submitted with this petition by Ray Fang and Associates dated 08.27.15.
5. Staff shall have final approval of architectural elements of design including materials and colors upon permitting.
6. The landscape and screening plan shall be reviewed and approved by staff upon permitting.
7. A Master Sign Plan shall be submitted for review and approval prior to wall signage being added to the proposed building.
8. A Phasing Plan shall be submitted prior to Village Board Review and Approval.
9. The monument sign plan shall be revised to eliminate the decorative accents (wing walls) on both sides of the monument sign.
10. The 7 parking stalls shall be removed and replace with landscaped areas and subject to staff review.
11. The plans shall be revised to eliminate the landscaped island between the eastern rows of parking stalls.
12. The Applicant shall not object to any future installation of a bicycle path at the rear of its property along Silver Creek.

13. Codes, Covenants & Restrictions shall be submitted to the Village for review and approval prior to the commencement of construction.
14. The sprinkler and electrical rooms be relocated to have access from the rear of the building subject to review upon permitting.
and the addition of:
15. The Developer work with staff and the Village Attorney in the development of a cross-access easement agreement with the property directly to the west.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rodriguez, Rowe
Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-18
Petitioner: A-1 Industrial Metals
Location: 466 Meyer Road, Unit C
Request: Conditional Use Permit for a Recycling Center

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-18. Chairman Moruzzi seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:22 p.m.

Village Planner, Victoria Benham stated a Legal Notice was published in the Bensenville Independent on September 3, 2015. Mrs. Benham stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Thursday, September 3, 2015.

Mrs. Benham stated on Friday, September 4, 2015, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mrs. Benham stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated the applicant, A-1 Industrial Metals is requesting a Conditional Use Permit to allow a Recycling Center to operate their business at 466 Meyer Road, Unit C. Mrs. Benham stated the property in question is zoned I-2 Light Industrial and is located on the western side of Meyer Road just south of Beeline Drive and north of Leland Court. Mrs. Benham stated the subject property is approximately 0.5 acres in size and is improved with a 12,800 square foot building. A-1 Industrial Metals.

Mr. Dimitriy Tsirkin, owner of A-1 Industrial Metals was present and previously sworn in by Chairman Moruzzi. Mr. Tsirkin stated he is seeking to expand his current operation to be able to accept scrap metal from Residents along with commercial businesses. Mr. Tsirkin stated he has been working with industrial scrap users for over ten years. Mr. Tsirkin read the findings of fact for the proposed conditional use permit into the record.

Commissioner Rodriguez asked how the scrap will be delivered to the site. Mr. Tsirkin stated customers will visit the site with their scrap. Mr. Tsirkin stated he will require the scrap to be in containers and he will exchange the containers with empty ones. Mr. Tsirkin stated he expects five to ten drop-offs per day. Mr. Tsirkin stated unloading of the containers will take place outside and the containers will be brought inside. Mr. Tsirkin stated the dumpster will also be located inside.

Commissioner Rowe asked if there will be a scale on site and if so, where it would be located. Mr. Tsirkin stated there will be a scale on site and it will be located inside.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-18. There were none.

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

1. The Conditional Use Permit be granted solely to A-1 Industrial Metals 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.
3. No outdoor storage of materials or work outside of the building shall be allowed.
4. The applicant shall provide evidence of the parking easement agreement remaining in good standing annually when submitting the business license renewal.

Commissioner Rodriguez raised concern with the potential of loose debris finding its way onto the streets around the proposed operation.

Chairman Moruzzi also raised concern with the potential need for disposal of oils and liquids that may be in the containers.

Assistant Director of Community and Economic Development, Mark Rysavy, suggested adding a condition to the proposed CUP:

5. The Applicant shall work with Code Enforcement and Public works staff in the evaluation and proper maintenance of waste oils and chemical storage at the subject property.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-18. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:44 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of facts for the proposed conditional use permit 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. The proposed use does not impact any current types or volumes of traffic flow on Meyer 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 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 permitted uses in the district/current use of the property. All sorting, processing and storage will be performed indoors.
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 proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Surrounding property values, environmental quality and neighborhood character 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 proposed use will also not generate a disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the 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. The proposed use at the particular location requested is necessary to provide a service of metal recycling for the area.
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. Other factors to be determined by the Community Development Commission.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the proposed conditional use permit with Staff's recommendations consisting of:

1. The Conditional Use Permit be granted solely to A-1 Industrial Metals 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.
3. No outdoor storage of materials or work outside of the building shall be allowed.
4. The applicant shall provide evidence of the parking easement agreement remaining in good standing annually when submitting the business license renewal.

and the addition condition:

5. The Applicant shall work with Code Enforcement and Public works staff in the evaluation and proper maintenance of waste oils and chemical storage at the subject property.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-23
Petitioner: Transparent Container Co., Inc.
Location: 625 Thomas Drive
Request: A Variance to Reduce Parking and landscape Setbacks at Approximately 4 feet.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-23. Chairman Moruzzi seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:46 p.m.

Village Planner, Victoria Benham stated a Legal Notice was published in the Bensenville Independent on September 3, 2015. Mrs. Benham stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Thursday, September 3, 2015. Mrs. Benham stated on Friday, September 4, 2015, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mrs. Benham stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours. Mrs. Benham stated the applicant, Transparent Container Co. is desirous of adding approximately 11 new parking spaces to their existing parking lot located at 625 Thomas Drive. Mrs. Benham stated the property in question is approximately 3 acres and is located on the eastern side of Thomas Drive, north of Foster Avenue within an existing I-2 Light Industrial District. Mrs. Benham stated the variances requested are relative the expansion of the proposed parking lot to the property line. Village Code prohibits parking within the required front yard setback being 25'. Mrs. Benham stated the applicant is requesting the setback be reduced to 4' in the northern most stall and the landscape strip be reduced to from 8' to approximately 4' in one space along the frontage.

Mr. Edward Ligman, owner of Transparent Container Co., Inc. was present and previously sworn in by Chairman Moruzzi. Mr. Ligman stated the proposed variance requests will assist with over parking on the site. Mr. Ligman stated Transparent Container Co., Inc. operates three shifts and parking during the first and second shift is overcrowded and requires double parking to occur. Mr. Ligman stated there are incidents where cars need to be moved to allow for trucks making deliveries to back into the docks. Mr. Ligman stated the proposed variances will also get rid of that problem on the site. Mr. Ligman stated read the findings of fact into the record for the proposed variances.

There were no questions from the Commissioners.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-23. There were none.

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

1. The construction be in accordance with the plans submitted by the applicant on July 31, 2015.
2. The landscape frontage strip shall be maintained to less than 2.5 feet in height.
3. The applicant shall construct curb and gutters to Village standards around the perimeter of the new pavement.

Mr. Ligman stated he was informed by his contractor that the requirement to construct curb and gutter to the Village's standards around the perimeter of the new pavement may be too great of a cost to the company and if required, may not be able to do the project as planned. Mr. Ligman asked that that condition be removed. Mr. Ligman stated the current parking lot does not have any curbs.

Mrs. Benham stated the proposed requirements was requested by the Village's Engineering Department and stated the condition is standard within other requests.

There were no questions from the Commissioners.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-23. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the public hearing at 7:57 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of facts for the proposed variance to reduce the parking setback from 25' to 4' 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. Due to the curved path of Thomas Drive, which resulted in the irregular shaped setbacks from street to lot, the overall space available for parking is reduced. Additionally, the location and configuration of the docks, requires a semi-truck turn around in the lot, further reducing the area available for parking. Other properties in the area are configured to use the street as a means to back the trucks in to the dock.
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. Without additional parking places, the applicant is hindered from sustaining and growing the business in a competitive market place. Also, the applicant will not be able to do additional hiring.

3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The circumstances relate specifically to the property due to the irregular shaped setbacks from street to lot.
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 special circumstances have not resulted from any act of 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. The variance is necessary for the applicant to fully utilize and staff the facility, similar to other businesses in the area that have done the same.
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 is necessary so that the applicant will not be deprived of reasonable use of, enjoyment or reasonable economic return from the property.

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. Landscaping in the form of bushes will be added to the lot to maintain screening of the parking from the street.
8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. The granting of the variances will be in harmony with the general purpose and intent of the Comprehensive 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 variance requested is the minimum required to provide the applicant with relief from undue practical difficulties.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Pisano made a motion to approve the findings of facts for the proposed variance to reduce the landscape strip from 8' to 4' 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. Due to the curved path of Thomas Drive, which resulted in the irregular shaped setbacks from street to lot, the overall space available for parking is reduced. Additionally, the location and configuration of the docks, requires a semi-truck turn around in the lot, further reducing the area available for parking. Other properties in the area are configured to use the street as a means to back the trucks in to the dock.
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. Without additional parking places, the applicant is hindered from sustaining and growing the business in a competitive market place. Also, the applicant will not be able to do additional hiring.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The circumstances relate specifically to the property due to the irregular shaped setbacks from street to lot.

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 special circumstances have not resulted from any act of 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. The variance is necessary for the applicant to fully utilize and staff the facility, similar to other businesses in the area that have done the same.
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 is necessary so that the applicant will not be deprived of reasonable use of, enjoyment or reasonable economic return from the property.
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. Landscaping in the form of bushes will be added to the lot to maintain screening of the parking from the street.

8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. The granting of the variances will be in harmony with the general purpose and intent of the Comprehensive 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 variance requested is the minimum required to provide the applicant with relief from undue practical difficulties.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rodriguez made a motion to approve the proposed variance to reduce the parking setback from 25' to 4' with Staff's recommendations consisting of:

1. The construction be in accordance with the plans submitted by the applicant on July 31, 2015.
2. The landscape frontage strip shall be maintained to less than 2.5 feet in height.
3. The applicant shall construct curb and gutters to Village standards around the perimeter of the new pavement.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the proposed variance to reduce the landscape strip from 8' to 4' with Staff's recommendations consisting of:

1. The construction be in accordance with the plans submitted by the applicant on July 31, 2015.
2. The landscape frontage strip shall be maintained to less than 2.5 feet in height.
3. The applicant shall construct curb and gutters to Village standards around the perimeter of the new pavement.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

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

Mrs. Benham announced there will be a special meeting on October 12, 2015.

ADJOURNMENT:

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

All were in favor.

Motion carried.

The meeting was adjourned at 8:05 p.m.



Mike Moruzzi, Chairman
Community Development Commission

