

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

February 15, 2016

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, Rowe, Pisano, Tellez, Majeski
Absent: Janowiak, 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 January 18, 2016 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2014-27
Petitioner: Dan Rooney – Chicago Trailer Pool
Location: 491 Podlin Drive
Request: Conditional Use Permit to Allow Outdoor Storage as a Principle Use and Variances to Allow Outdoor Storage and Fencing Within the Required Front Yard

Motion: Commissioner Majeski made a motion to open CDC Case No. 2014-27. Commissioner Rowe seconded the motion.

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

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

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

Village Planner, Victoria Benham, was present and previously sworn in by Chairman Moruzzi. Mrs. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday January 28, 2016. 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, January 29, 2016. Mrs. Benham stated on Friday, January 29, 2016 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, Dan Rooney of Chicago Trailer Pool is requesting a Conditional Use Permit to allow Outdoor Storage as a Principal Use of the property located at 491 Podlin Drive within an existing I-4 General Industrial Zoning District. Mrs. Benham stated the proposed Outdoor Storage of semi-trailers will be located throughout the approximately 3.5 acre site which is currently vacant. Mrs. Benham stated in addition to the Conditional Use Permit, variances are requested to allow both the outdoor storage and fencing to be located in the required front yard.

Mr. Marshall Subach of Hunt, Aranda & Subach, Ltd. was present and previously sworn in by Chairman Moruzzi. Mr. Subach stated he was present representing the petitioner. Mr. Subach stated the property was purchased by the petitioner in 2006 and has remained vacant since. Mr. Subach stated his clients business, Chicago Trailer Pool, has been in operation since 1986 that operates out of multiple locations. Mr. Subach stated Chicago Trailer Pool is a family owned company. Mr. Subach stated Chicago Trailer Pool currently has eleven employees and owns 2,400 trailers. Mr. Subach stated the plans call for the site to be paved and striped for ninety-six trailer parking spaces that will meet current Village standards. Mr. Subach reviewed the proposed landscaping plan with the Commission. Mr. Subach stated the plans allow for a fence around the entire property.

Mr. Subach submitted the findings of fact for the proposed conditional use permit and variances. The documents have been attached to the minutes as "Exhibit A".

Mr. Subach stated his client was opposed to Staff's recommendations that required the conditional use permit to be granted solely to Dan Rooney of Chicago Trailer Pool. Mr. Subach stated his client is seeking an entitlement to the property and feels it is unnecessary for the Village to tie the property to his client.

Mr. Subach stated his client was also in objection to Staff's recommendation that required the applicant not object to any future improvements associated with the dedication and pavement of Podlin Drive. Mr. Subach stated his client had no objections to the paving of Podlin Avenue but from a legal stand point did not agree with Staff's terminology of the requirement.

Commissioner Rowe asked if the trailers stored on site would be empty. Dan Rooney, owner of Chicago Trailer Pool, was present and previously sworn in by Chairman Moruzzi. Mr. Rooney stated the trailers stored on site would be empty.

Commissioner Rowe asked if roll off trailers would be stored on the property. Mr. Rooney stated roll off trailers would not be stored on the property.

Commissioner Pisano asked if an employee would be on site at all times. Mr. Rooney stated there will be no employees on site.

Commissioner Pisano asked what would prevent truck driver from pulling into the lot and sleeping overnight. Mr. Rooney stated drivers will have access to the parking lot via a key pad code. Mr. Rooney stated they will have a half hour time limit to leave the property and if they do not, an employee of Chicago Trailer Pool would be notified.

Commissioner Majeski suggested Mr. Rooney install video surveillance on the property. Mr. Rooney agreed with Commissioner Majecki's suggestion.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2014-27. There was none.

Mrs. Benham reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the proposed conditional use permit and variances with the following conditions:

1. The Conditional Use Permit be granted solely to Dan Rooney of Chicago Trailer Pool 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 development of the site must be in conformance with the site plans provided by Koziol Engineering Services dated 8.12.15 and received 01.04.16.
3. No stacking of trucks, stadium or tandem parking shall be permitted.
4. The perimeter of the proposed pavement shall have a curb and gutter installed in addition to curb and gutter around the perimeter of the greenscape;
5. Dolly Pads shall be installed.
6. A private hydrant shall be installed on proposed new driveway 300 feet south of hydrant on Podlin Drive; and
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall not object to any future improvements associated with the dedication and pavement of Podlin Drive.
9. Only Chicago Trailer Pool's trailers shall be allowed for storage and shall not be rented or leased to other entities.
10. Trailers stored on site shall be empty.
11. The fence shall be restored and provide screening subject to staff's approval.
12. The applicant shall develop and provide an access plan for emergency vehicles to the site.
13. The applicant shall provide turning movements on the eastern portion of the site and revise the plan to maximize green space if excess aisle space exists.
14. Work shall be completed within 6 months of the approval of the requests.

Mr. Subach again stated his client was in objection to Staff condition #1 and asked the Commission to consider a compromise that would require his client to submit a list of trailers on site to Village Staff with contact information to the trailers.

Mr. Subach stated his client has asked for Staff recommendation for condition #9 be withdrawn.

Chairman Moruzzi suggested continuing this case to allow Staff to work with Mr. Subach regarding his clients concerns over Staff's recommended conditions or approving the material as presented and allow Mr. Subach to address the Community and Economic Development Committee with his client's concerns. Mr. Subach asked that the case not be continued and that he would address his client's concerns with the Community and Economic Development Committee in March.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2014-27. Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case No. 2014-27 at 7:09 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed conditional use permit as presented by Staff 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 subject property is to be used for storage/parking of semi-trailer equipment. Traffic is limited to moving trailers in, or out of the lot for storage/parking purposes.
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. These trailers while on the property will not have any increase in or noise or environmental concerns in regards to the community.

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. There is existing truck traffic on Podlin currently. Property value could increase due to limited parking space around the airport for semi-trailer equipment.
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 lot will be used for parking and will not generate disproportionate demand for new services or 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. This lot will allow for businesses in the area to park overflow of equipment that would otherwise be a burden on their respective properties, or the streets throughout Bensenville.
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.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed variance to allow outdoor storage within the required front yard as presented by Staff consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

Outdoor Storage in the Front Yard: The location of the outdoor storage and fencing within the required front yard is a special circumstance in that the

2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Outdoor Storage in the Front Yard: The literal application of the Zoning Code relative to the setback requirements for the building and the fence would result in unnecessary and practical difficulties in the utilization of the subject property.

3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

Outdoor Storage in the Front Yard: The special circumstances and hardship relate only to the physical character of the land as it is a long-standing vacant property uniquely positioned at the end of a least restrictive industrial zoning district.

4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Outdoor Storage in the Front Yard: The proposed variances are not resultant from applicant action. The existing fence location and open space for parking has been in place prior to the applicant's purchase of the property.

5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Outdoor Storage in the Front Yard: The variances requested are necessary for the applicant to enjoy a substantial property right and does not confer special privilege.

6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Outdoor Storage in the Front Yard: The grant of the variances are necessary because without them the applicant would be deprived of the reasonable use of the subject 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.

Outdoor Storage in the Front Yard: Granting the requested variances would not alter the essential character of the locality as both the fencing and open space has been in place for a number of years.

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

Outdoor Storage in the Front Yard: The granting of the proposed variances is in harmony with the general purpose and intent of the I-4 General Industrial Zoning District.

9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Outdoor Storage in the Front Yard: The minimum variance been requested by the applicant in terms of fence and outdoor storage location.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed variance to allow a fence within the required front yard as presented by Staff 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.

Fencing in the Front Yard: The location of the outdoor storage and fencing within the required front yard is a special circumstance in that the

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.

Fencing in the Front Yard: The literal application of the Zoning Code relative to the setback requirements for the building and the fence would result in unnecessary and practical difficulties in the utilization of the subject property.

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.

Fencing in the Front Yard: The special circumstances and hardship relate only to the physical character of the land as it is a long-standing vacant property uniquely positioned at the end of a least restrictive industrial zoning district.

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.

Fencing in the Front Yard: The proposed variances are not resultant from applicant action. The existing fence location and open space for parking has been in place prior to the applicant's purchase of the property.

5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Fencing in the Front Yard: The variances requested are necessary for the applicant to enjoy a substantial property right and does not confer special privilege.

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.

Fencing in the Front Yard: The grant of the variances are necessary because without them the applicant would be deprived of the reasonable use of the subject 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.

Fencing in the Front Yard: Granting the requested variances would not alter the essential character of the locality as both the fencing and open space has been in place for a number of years.

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

Fencing in the Front Yard: The granting of the proposed variances is in harmony with the general purpose and intent of the I-4 General Industrial Zoning District.

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.

Fencing in the Front Yard: The minimum variance been requested by the applicant in terms of fence and outdoor storage location.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Majeski 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 Dan Rooney of Chicago Trailer Pool 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 development of the site must be in conformance with the site plans provided by Koziol Engineering Services dated 8.12.15 and received 01.04.16.
3. No stacking of trucks, stadium or tandem parking shall be permitted.
4. The perimeter of the proposed pavement shall have a curb and gutter installed in addition to curb and gutter around the perimeter of the greenscape;
5. Dolly Pads shall be installed.
6. A private hydrant shall be installed on proposed new driveway 300 feet south of hydrant on Podlin Drive; and
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall not object to any future improvements associated with the dedication and pavement of Podlin Drive.
9. Only Chicago Trailer Pool's trailers shall be allowed for storage and shall not be rented or leased to other entities.
10. Trailers stored on site shall be empty.
11. The fence shall be restored and provide screening subject to staff's approval.
12. The applicant shall develop and provide an access plan for emergency vehicles to the site.
13. The applicant shall provide turning movements on the eastern portion of the site and revise the plan to maximize green space if excess aisle space exists.
14. Work shall be completed within 6 months of the approval of the requests.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the proposed Variance to allow outdoor storage within the required front yard with Staff's recommendations consisting of:

1. The Conditional Use Permit be granted solely to Dan Rooney of Chicago Trailer Pool 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 development of the site must be in conformance with the site plans provided by Koziol Engineering Services dated 8.12.15 and received 01.04.16.
3. No stacking of trucks, stadium or tandem parking shall be permitted.
4. The perimeter of the proposed pavement shall have a curb and gutter installed in addition to curb and gutter around the perimeter of the greenscape;
5. Dolly Pads shall be installed.
6. A private hydrant shall be installed on proposed new driveway 300 feet south of hydrant on Podlin Drive; and
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall not object to any future improvements associated with the dedication and pavement of Podlin Drive.
9. Only Chicago Trailer Pool's trailers shall be allowed for storage and shall not be rented or leased to other entities.
10. Trailers stored on site shall be empty.
11. The fence shall be restored and provide screening subject to staff's approval.
12. The applicant shall develop and provide an access plan for emergency vehicles to the site.

13. The applicant shall provide turning movements on the eastern portion of the site and revise the plan to maximize green space if excess aisle space exists.
14. Work shall be completed within 6 months of the approval of the requests.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the proposed Variance to allow a fence within the required front yard with Staff's recommendations consisting of:

1. The Conditional Use Permit be granted solely to Dan Rooney of Chicago Trailer Pool 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 development of the site must be in conformance with the site plans provided by Koziol Engineering Services dated 8.12.15 and received 01.04.16.
3. No stacking of trucks, stadium or tandem parking shall be permitted.
4. The perimeter of the proposed pavement shall have a curb and gutter installed in addition to curb and gutter around the perimeter of the greenscape;
5. Dolly Pads shall be installed.
6. A private hydrant shall be installed on proposed new driveway 300 feet south of hydrant on Podlin Drive; and
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.

8. The applicant shall not object to any future improvements associated with the dedication and pavement of Podlin Drive.
9. Only Chicago Trailer Pool's trailers shall be allowed for storage and shall not be rented or leased to other entities.
10. Trailers stored on site shall be empty.
11. The fence shall be restored and provide screening subject to staff's approval.
12. The applicant shall develop and provide an access plan for emergency vehicles to the site.
13. The applicant shall provide turning movements on the eastern portion of the site and revise the plan to maximize green space if excess aisle space exists.
14. Work shall be completed within 6 months of the approval of the requests.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2015-32
Petitioner: Jim's Plaza, LLC
Location: 460 West Irving Park Road
Request: Planned Unit Development Amendment to Ordinance #44-2015 to Allow an Additional Curbcut for the Site Plan.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2015-32. Commissioner Majeski seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:13 p.m.

Village Planner, Victoria Benham, was present and previously sworn in by Chairman Moruzzi. Mrs. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday January 28, 2016. 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, January 28, 2016. Mrs. Benham stated on Friday, January 29, 2016 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 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. Mrs. Benham stated the property in question is approximately 2.06 acres in size. Mrs. Benham stated the applicant, Xhemal "Jimmy" Sadiku of Jim's Plaza, LLC is requesting a PUD Amendment II 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. Mrs. Benham stated in October of 2015, a site plan for Phase II was approved; however the applicant has resubmitted a site plan that maintains an existing curbcut that was not identified in the previously approved plans.

Mr. Marshall Subach of Hunt, Aranda & Subach, Ltd. was present and previously sworn in by Chairman Moruzzi. Mr. Subach stated he was present representing the petitioner. Mr. Subach stated this is the third time this property has been in front of the Commission since 2013. Mr. Subach stated his client is seeking to keep the current curbcut in place along Irving Park Road. Mr. Subach stated his client has already received permission from the State of Illinois to have the curbcut remain as it. Mr. Subach submitted a picture of the current curb cut in question. The picture has been attached to the minutes as "Exhibit B." Mr. Subach stated as a result, his client will be losing seven parking spaces on the proposed plans and stated the revised parking still meets Village standards. Mr. Subach reviewed the findings of fact on behalf of his client and stated his client has no objections to Staff's recommendations.

There were no questions from the Commission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2015-32. There were none.

Mrs. Benham stated Staff recommends the approval of the Findings of Fact and the Planned Unit Development (PUD) Amendment to Ordinance #44-2015 to alter the Existing Site Plan for an Additional Curbcut associated with Phase II of Development subject to the following conditions:

1. The Planned Unit Development Amendment be granted solely to Xhernal Sadiku of Jim's Plaza, 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 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 12.5.15.
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 Applicant shall not object to any future installation of a bicycle path at the rear of its property along Silver Creek.
11. Codes, Covenants & Restrictions shall be submitted to the Village for review and approval prior to the commencement of construction.

Mrs. Benham suggested adding the following condition as well:

12. 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 has no objections to the added condition.

There were no questions from the Commission.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2015-32. Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case No. 2015-32 at 7:30 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the Planned Unit Development (PUD) Amendment to Ordinance #44-2015 to alter the Existing Site Plan for an Additional Curbcut associated with Phase II of Development 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 improved with the proposed curbcut.
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 Majeski second the motion

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Majeski made a motion to approve the Planned Unit Development (PUD) Amendment to Ordinance #44-2015 to alter the Existing Site Plan for an Additional Curbcut associated with Phase II of Development with Staff's recommendation consisting of:

1. The Planned Unit Development Amendment be granted solely to Xhemal Sadiku of Jim's Plaza, 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 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 12.5.15.
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 Applicant shall not object to any future installation of a bicycle path at the rear of its property along Silver Creek.
11. Codes, Covenants & Restrictions shall be submitted to the Village for review and approval prior to the commencement of construction.

12. 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 Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-01
Petitioner: NPS Express, Inc.
Location: 200 Wilson Court
Request: Conditional Use Permit to Allow Outdoor Storage up to 50%, Variance to Allow a Fence within the Corner Side Yard, Reduce the Outdoor Storage Setback from 25 Feet to 10 Feet, Reduce Parking Stall Width from 12 Feet to 10 Feet and a Plat of Consolidation.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-01. Commissioner Majeski seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:32 p.m.

Village Planner, Victoria Benham, was present and previously sworn in by Chairman Moruzzi. Mrs. Benham stated a Legal Notice was published in the Bensenville Independent on Thursday January 28, 2016. 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 two Notice of Public Hearing signs on the property, visible from the public way on Thursday, January 28, 2016. Mrs. Benham stated on Friday, January 29, 2016 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 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. Mrs. Benham stated the applicant, NPS Express, Inc. is requesting a Conditional Use Permit to allow Outdoor Storage, Variances, and a Plat of Consolidation as part of their proposed relocation of their logistics company to the property located at 200 Wilson Court. Mrs. Benham stated the property is currently composed of two lots. Mrs. Benham stated the first lot is improved with a just under 40,000 square foot office/warehouse building located at the southeast corner of Wilson Court and Meyer Road. Mrs. Benham stated the second lot has been undeveloped for a number of years and is currently vacant. Mrs. Benham stated the proposed requests stem from the applicant's desire to accommodate their logistics company with the outdoor storage of the trailers on the now vacant lot. Mrs. Benham stated the property in question is zoned I-2 Light Industrial and combined at nearly 2.5 acres in size.

Mr. Marshall Subach of Hunt, Aranda & Subach, Ltd. was present and previously sworn in by Chairman Moruzzi. Mr. Subach stated he was present representing the petitioner. Mr. Subach stated the building in question has been listed for sale since August 2013 and has been vacant since. Mr. Subach stated the building is approximately 35,000 sq. Mr. Subach stated his clients are seeking to move their business from Wood Dale to Bensenville. Mr. Subach stated his client plans to remodel the current lot to allow for storage of ocean trailers. Mr. Subach submitted documentation showing the difference in size between ocean trailers and regular trailers. The document has been attached to the minutes as "Exhibit C." Mr. Subach also submitted a picture of the current building in to the record. The picture has been attached to the minutes as "Exhibit D". Mr. Subach stated his clients operation currently has twenty employees and continues to grow. Mr. Subach stated his client owns all the trailers planned to be stored on site. Mr. Subach stated his clients operation operated seven days a week; 5:00am – 7:00pm. Mr. Subach stated the plans allow for a new curbcut on Wilson Court. Mr. Subach reviewed the findings of fact for the proposed conditional use permit and variances.

Commissioner Rowe asked what the petitioner had planned if there was a need to store more than thirty one trailers on site. Reynolds Botzoc, owner of NPS Express, Inc. was present and provisory sworn in by Chairman Moruzzi. Mr. Botzoc stated he has other location to store trailers, outside of Bensenville.

Commissioner Rowe asked if there is an employee on site at all times. Mr. Botzoc stated the property is maned while open and that someone is on call 24/7.

Commissioner Majeski asked is the trailers being stored will have materials inside. Mr. Botzoc stated some trailers will be empty and some will contain materials.

Commissioner Majeski asked if there would be cameras on site. Mr. Botzoc stated cameras will be installed at the property.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-01. There were none.

Mrs. Benham stated Staff recommends the approval of the Findings of Fact and the conditional use permit and variances subject to the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.

5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.

Mrs. Benham suggested adding the following conditions as well:

7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.

Commissioner Rowe suggested adding the following condition:

9. The stacking of containers vertically in the storage lot shall not be prohibited.

Mr. Subach stated his client has no objections to the added conditions.

There were no questions from the Commission.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2016-01. Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case No. 2016-01 at 7:54 p.m.

Motion: Commissioner Majeski made a motion to approve the findings of fact 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 property is zoned I-2 and surrounded by other similar industrial uses. There will be a new curb cut on Wilson Court to allow the trucks to enter from the lot from Wilson Court. From there the truck traffic will go on Myer Road and go either north to Beeline Drive or south to Gateway Road and then east to York Road. There will be no adverse impact on traffic as the truck traffic is spread out throughout the day with trucks dropping off and taking new loads. All of the trucks are owned by the petitioner and part of the NPS Express operations.
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. There will not be any environmental nuisance as a result of granting the Conditional Use Permit. There will not be any increase on noise, glare, odor, dust or waste disposal that is disproportionate for this business as compared to any other industrial user.
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 trucking and logistics business will fit harmoniously with the existing character and existing allowed uses in the district. The approval of the Conditional Use will allow an existing vacant building in the industrial park to become occupied and have a vacant overgrown parcel become developed for its highest and best use. There are similar industrial buildings in the area that have large amounts of outside storage with similar truck uses.
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 not put a disproportionate strain on public services beyond what normally occurs for an industrial user.

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 public necessity comes from a strong fully occupied industrial park that helps defray the cost for the Village of Bensenville residents. A vacant building and vacant overgrown lot in the industrial park does not benefit the Village of Bensenville.
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 highest and best use of this property and the only opportunity to get the vacant parcel improved is to allow for the lot consolidation and for a trucking operation to utilize the 27,000 square feet of warehouse space with the accessory use of outside parking (and storage) of trucks as part of the business operations.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed Variance to Allow a Fence within 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.

Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances that exist are particular to this property and do not apply generally to other properties within the I-2 Zoning District. The applicant needs the 31 truck parking spaces as submitted to make the site viable. Since the subject variances are relative to the property located at the end of a cul-de-sac, it will not adversely affect any of the surrounding properties.

Reduce the Parking Stall Size from 12 to 10 feet: The special circumstances are due to the existing lot size of the vacant piece and the parking stall width for the ocean trailers needs to be 10 feet wide which is fairly standard in the industry.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The hardship arises from the number of parking spaces the petitioner needs to run their business operations. The hardship also arises from the Bensenville Code requirements of a 25 foot setback for parking in the corner side yard. Without the Variance for the parking setback, the petitioner will not be able to purchase the property and take it off of the vacant list.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances are related only to the physical character of the land and buildings. The only possible use of this lot, based upon its size, is to have it consolidated with the existing lot to maximize the highest and best use of both parcels.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The proposed variances are not the result of any action taken by NPS Express, Inc. The special circumstances and practical difficulties or hardship that are the basis of the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The variances are necessary to allow the owners to enjoy substantial use of the property and to allow for the improvement of the property with the proposed truck parking. Without the requested variances, the petitioner will need to relocate to another business thereby creating an additional vacant building and unimproved vacant lot in the industrial park of Bensenville. Allowing these variances does not confer a special privilege to the petitioner.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the variances is necessary to allow the business to purchase property in the Village of Bensenville. Without the variances, the applicant will be deprived of reasonable use and enjoyment of the property as well as any reasonable economic return.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Parking Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: Granting the variance will not alter the local character of the property. Approval of the variances will also not alter the essential character of the I-2 District and is consistent with other variances granted to properties within the Industrial Park as well as the I-2 District.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the ordinance is in harmony with the general purpose of the ordinance. Granting the variance will comply with the comprehensive plan of maintaining a high occupancy rate within the Village of Bensenville Industrial Park.

Reduce the Parking Stall Size from 12 to 10 feet:

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The requested variances are the minimum required for the development of this property for the purposes of a trucking and logistics business.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Majeski made a motion to approve the findings of fact for the proposed Variance to Reduce Parking Setback from 25 to 10 Feet 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.

Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances that exist are particular to this property and do not apply generally to other properties within the I-2 Zoning District. The applicant needs the 31 truck parking spaces as submitted to make the site viable. Since the subject variances are relative to the property located at the end of a cul-de-sac, it will not adversely affect any of the surrounding properties.

Reduce the Parking Stall Size from 12 to 10 feet: The special circumstances are due to the existing lot size of the vacant piece and the parking stall width for the ocean trailers needs to be 10 feet wide which is fairly standard in the industry.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The hardship arises from the number of parking spaces the petitioner needs to run their business operations. The hardship also arises from the Bensenville Code requirements of a 25 foot setback for parking in the corner side yard. Without the Variance for the parking setback, the petitioner will not be able to purchase the property and take it off of the vacant list.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances are related only to the physical character of the land and buildings. The only possible use of this lot, based upon its size, is to have it consolidated with the existing lot to maximize the highest and best use of both parcels.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The proposed variances are not the result of any action taken by NPS Express, Inc. The special circumstances and practical difficulties or hardship that are the basis of the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The variances are necessary to allow the owners to enjoy substantial use of the property and to allow for the improvement of the property with the proposed truck parking. Without the requested variances, the petitioner will need to relocate to another business thereby creating an additional vacant building and unimproved vacant lot in the industrial park of Bensenville. Allowing these variances does not confer a special privilege to the petitioner.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the variances is necessary to allow the business to purchase property in the Village of Bensenville. Without the variances, the applicant will be deprived of reasonable use and enjoyment of the property as well as any reasonable economic return.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Parking Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: Granting the variance will not alter the local character of the property. Approval of the variances will also not alter the essential character of the I-2 District and is consistent with other variances granted to properties within the Industrial Park as well as the I-2 District.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the ordinance is in harmony with the general purpose of the ordinance. Granting the variance will comply with the comprehensive plan of maintaining a high occupancy rate within the Village of Bensenville Industrial Park.

Reduce the Parking Stall Size from 12 to 10 feet:

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The requested variances are the minimum required for the development of this property for the purposes of a trucking and logistics business.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed Variance to reduce the Truck Stall Widths from 12 Feet to 10 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.

Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances that exist are particular to this property and do not apply generally to other properties within the I-2 Zoning District. The applicant needs the 31 truck parking spaces as submitted to make the site viable. Since the subject variances are relative to the property located at the end of a cul-de-sac, it will not adversely affect any of the surrounding properties.

Reduce the Parking Stall Size from 12 to 10 feet: The special circumstances are due to the existing lot size of the vacant piece and the parking stall width for the ocean trailers needs to be 10 feet wide which is fairly standard in the industry.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The hardship arises from the number of parking spaces the petitioner needs to run their business operations. The hardship also arises from the Bensenville Code requirements of a 25 foot setback for parking in the corner side yard. Without the Variance for the parking setback, the petitioner will not be able to purchase the property and take it off of the vacant list.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The special circumstances are related only to the physical character of the land and buildings. The only possible use of this lot, based upon its size, is to have it consolidated with the existing lot to maximize the highest and best use of both parcels.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The proposed variances are not the result of any action taken by NPS Express, Inc. The special circumstances and practical difficulties or hardship that are the basis of the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The variances are necessary to allow the owners to enjoy substantial use of the property and to allow for the improvement of the property with the proposed truck parking. Without the requested variances, the petitioner will need to relocate to another business thereby creating an additional vacant building and unimproved vacant lot in the industrial park of Bensenville. Allowing these variances does not confer a special privilege to the petitioner.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the variances is necessary to allow the business to purchase property in the Village of Bensenville. Without the variances, the applicant will be deprived of reasonable use and enjoyment of the property as well as any reasonable economic return.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Parking Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: Granting the variance will not alter the local character of the property. Approval of the variances will also not alter the essential character of the I-2 District and is consistent with other variances granted to properties within the Industrial Park as well as the I-2 District.

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The granting of the ordinance is in harmony with the general purpose of the ordinance. Granting the variance will comply with the comprehensive plan of maintaining a high occupancy rate within the Village of Bensenville Industrial Park.

Reduce the Parking Stall Size from 12 to 10 feet:

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 Stall Size Reduction, Outdoor Storage and Fencing in the Corner Side Yard: The requested variances are the minimum required for the development of this property for the purposes of a trucking and logistics business.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Plat of Consolidation with the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.
5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.
9. The stacking of containers vertically in the storage lot shall be prohibited.

Commissioner Tellez seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the Conditional Use Permit with the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.
5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.
9. The stacking of containers vertically in the storage lot shall be prohibited.

Commissioner Tellez seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Variance to Allow a Fence within the Corner Side Yard with the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.
5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.
9. The stacking of containers vertically in the storage lot shall be prohibited.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Variance to Reduce Parking Setback from 25 to 10 Feet in the Corner Side Yard with the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.
5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.
9. The stacking of containers vertically in the storage lot shall be prohibited.

Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Majeski made a motion to approve the Variance to reduce the Truck Stall Widths from 12 Feet to 10 Feet with the following conditions:

1. The Planned Unit Development Amendment be granted solely to NPS Express, 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 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 Plat of Consolidation be submitted to the Village for recordation at Du Page County.
3. The dolly pads shall be installed.
4. Curb and gutter shall be installed surrounding the proposed parking lot.
5. The property be developed in accordance with the plans submitted with this petition by Spaceco Inc. dated 2.01.16.
6. The employee parking lot shall be restriped so that the parking stalls are the standard 18 feet in length as opposed to the existing 15 feet.
7. The landscape and screening of the property shall be reviewed and approved by the Village prior to installation.
8. The applicant shall develop and provide an access plan for emergency vehicles to the site.
9. The stacking of containers vertically in the storage lot shall be prohibited.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe, Pisano, Tellez, Majeski

Nays: None

All were in favor. Motion carried.

Report from Community Development

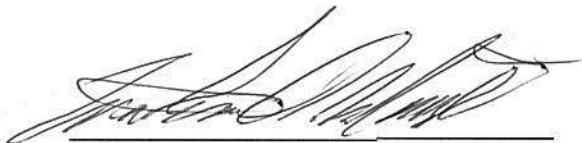
Mrs. Benham reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor. Motion carried.

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

A handwritten signature in black ink, appearing to read "Mike Moruzzi", is written over a horizontal line.

Mike Moruzzi, Chairman
Community Development Commission

Hunt, Aranda & Suba

ATTORNEYS AT LAW

EXHIBIT A (3 Pages)

THOMAS CASEY HUNT
LOUIS B. ARANDA
MARSHALL J. SUBACH
STEPHEN SPIEGEL

1035 S. York Road
Bensenville, IL 60106
Phone 630-860-7800
Fax 630-860-8283
www.7800Law.com

Of Counsel

Daniel J. Kaiser
Mariam L. Hafezi Qualman
Brad S. Telander
Philip D. Blomberg

February 15, 2016

Mr. Scott Viger
Community Development Director
Village of Bensenville
12 S. Center Street
Bensenville, IL 60106

RE: Dan Rooney
Property: 491 Podlin Drive
Case No.: 2014-27

Dear Mr. Viger:

As you are aware, my office now represents the Petitioner, Dan Rooney, with respect to his request for a Conditional Use Permit and variances for the property at 491 Podlin, Bensenville, Illinois. Please allow this correspondence to supplement my client's responses to the request for Conditional Use and variances.

In response to the Approval Criteria for Conditional Use to allow for outside storage under Section 10-3-4:C: the Petitioner submits the following:

1. **Traffic:** The property is zoned I-4 and surrounded by industrial users. The Petitioner is proposing to use the property for storage and parking of semi-trailers. Traffic will be limited to moving trailers in and out of the lot for storage and parking purposes.
2. **Environmental Nuisance:** There will not be any environmental nuisance as a result of granting the Conditional Use Permit. The trailers on the property will not cause any increases in noise or environmental concerns in regards to the community.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character and existing allowed uses in the District. The approval of the Conditional Use will allow for an existing vacant property to be improved, which will bring increased values to the surrounding properties with the Petitioner's proposed improvements.

4. **Use of Public Services and Facilities:** The proposed use for parking and storage will not put a disproportionate strain on public services or make a demand for new services or facilities.
5. **Public Necessity:** There is a great public necessity for properties around O'Hare Airport and in the Bensenville Industrial Park to allow for parking and outside storage of semi-trailers.
6. **Other Factors:** The highest and best use of this property is for semi-trailer parking and storage. The lot will allow for the Petitioner to expand its business and will ease congestion on the streets and open public lots in Bensenville.

In response to the criteria of the variances, in accordance with 10-3-3.B, the Petitioner's response is as follows:

1. **Special Circumstances:** The special circumstances that exist, for which the variances are sought, are particular to this property and do not apply generally to other properties in the same zoning district. For screening and security purposes the outside storage needs to be fully fenced and secured which will obviously need to be located in the required front yard as well as the parking in the required front yard.
2. **Hardship or Practical Difficulties:** The property in question will be subject to undue hardship and practical difficulties and will continue to face being undeveloped if the variances are not granted. The literal application of the Zoning Code relative to set-back requirements for the building and the fence will result in unnecessary and practical difficulties in the utilization of the subject property for outside storage.
3. **Circumstances Relate to Property:** The special circumstances are related only to the physical character of the land. The property has been long standing vacant and uniquely positioned at the end of a lease restrictive zoning district which makes it ideal for the proposed use.
4. **Not Resulting from Applicant Action:** The proposed variance is not a result of the applicant's action. The existing fence and open space for parking has been in place prior to the applicant's purchase of the property.
5. **Preserves Rights Conferred by District:** The variances are necessary to allow for the owners to enjoy substantial use of the property and to allow for the improvement of the property with the proposed truck and trailer parking. Allowing these variances does not confer a special privilege to the Petitioner.
6. **Necessary for Use of Property:** The granting of the variances is necessary to allow for the Petitioner to get a reasonable use and reasonable economic return on the property. Without the grant of the variances, the property will remain vacant, and will be of no value to the Village of Bensenville or to the Petitioner.

7. **Not Alter Local Character:** Granting of the variances of the outdoor storage and the fencing in the front yard will not alter the essential character of the property as both the fencing and open space have been in place for a number of years, and the improvements to the property are going to improve drainage and other issues including the dilapidated fence which is currently located on the property.
8. **Consistent with Title and Plan:** The granting of the proposed variances is in harmony with the general purpose and intent of the I-4 General Zoning District which allows for outside storage as a principal use as long as a Conditional Use is granted. With the approval of the Conditional Use there is no reason to have a set-back, and it is in the best interest of the Petitioner and the Village to have the property fully fenced and screened.
9. **Minimum Variance Needed:** The Petitioner is seeking the minimum variances in terms of the fence and the outside storage location.

I thank you for your time and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Marshall J. Subach".

Marshall J. Subach
Hunt, Aranda & Subach, Ltd.

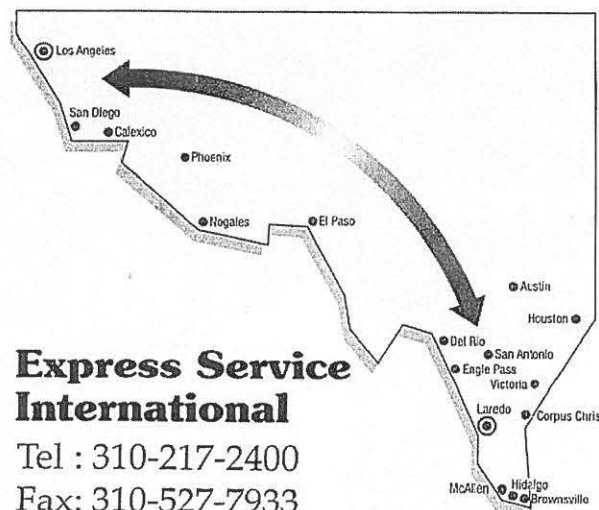
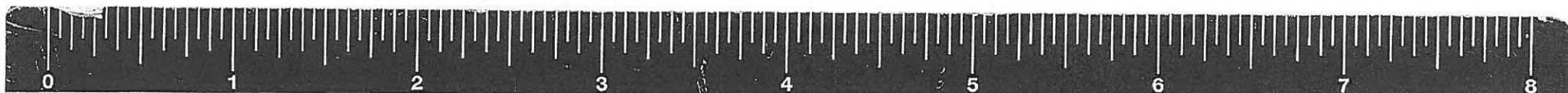
MJS/js

EXHIBIT B
(1 Page)



EXHIBIT C

(1 Page)



CONTAINER DIMENSIONS	OUTSIDE DIMENSIONS	INSIDE DIMENSIONS	INSIDE CUBIC CAPACITY
	L x W x H	L x W x H	
20' Ocean Container	20'0" x 8'0" x 8'6" 240" x 96" x 102"	19'5" x 7'8" x 7'10" 233" x 92" x 94"	1166 CFT. 33.018 CBM
40' Ocean Container	40'0" x 8'0" x 8'6" 480" x 96" x 102"	39'6" x 7'8" x 7'10" 474" x 92" x 94"	2372 CFT. 67.169 CBM
40' Hi Cube Ocean Container	40'0" x 8'0" x 9'6" 480" x 96" x 114"	39'6" x 7'8" x 8'10" 474" x 92" x 106"	2675 CFT. 75.749 CBM
45' Hi Cube Ocean Container	45'0" x 8'0" x 9'6" 540" x 96" x 114"	44'6" x 7'8" x 8'10" 534" x 92" x 106"	3014 CFT. 85.349 CBM

12,000 Lbs. 34,000 Lbs.
 Steering Axle Drive Axle

Total Gross Weight 80,000 Lbs.

34,000 Lbs.
 Trailer Axle



EXHIBIT D
(3 Pages)

