

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

May 2, 2016

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:32p.m.

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of April 4, 2016 were presented.

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

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-02
Petitioner: AST Fleet Care, Inc.
Location: 745 Birginal Drive, Unit E
Request: Conditional Use Permit for Major & Minor and Parking Variance to Reduce Required Spaces from 15 to 5.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-02. Commissioner Majeski seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:35 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 April 14, 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 April 15, 2016. Mrs. Benham stated on April 15, 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, AST Fleet Care, Inc. is requesting a Conditional Use Permit to allow Motor Vehicle Repair, Major and Minor to repair semi-tractors by appointment. Mrs. Benham stated the subject property is located on the east side of Birginal Road, just south of Bryn Mawr Avenue. Mrs. Benham stated unit E is located on the northernmost portion of the building. Mrs. Benham stated the proposed plans include expansion from 2 to 4 service bays in the future. Mrs. Benham stated currently there are 7 parking spaces dedicated to the applicant's unit. Mrs. Benham stated as proposed, two of the spaces would be removed to allow for overhead doors to access the two additional service bays.

Thomas Budzik of Thomas Architects was present and previously sworn in by Chairman Moruzzi. Mr. Budzik stated he was hired by the petitioner for the proposed project. Mr. Budzik stated AST Fleet Care, Inc. is seeking a conditional use permit for major and minor repair on site along with a variance that reduces parking to comply with the Village Code. Mr. Budzik reviewed the proposed site plan with the Commission. Mr. Budzik read the findings of fact into the record for the proposed conditional use permit and proposed variance.

Commissioner Rowe asked who owns the trucks that are being repaired. Arthur Soltys, owner of AST Fleet Care, Inc. was previously sworn in by Chairman Moruzzi. Mr. Soltys stated all the trucks that are being repaired are owned by AST Fleet Care, Inc.

Commissioner Pisano asked how many trucks are owned by AST Fleet Care, Inc. Mr. Soltys stated AST Fleet Care, Inc. currently owns fifteen trucks.

Commissioner Majeski asked how long AST Fleet Care, Inc. has been in business. Mr. Soltys stated AST Fleet Care, Inc. has been in business since 2010 and moved to Bensenville in 2013.

Commissioner Majeski asked if Mr. Soltys was aware of Staff's recommendation and conditions. Mr. Soltys stated he was aware of Staff's recommendations and has no issues.

Commissioner Rowe asked what the hours of AST Fleet Care, Inc. are. Mr. Soltys stated current hours are 8:00 a.m. – 6:00 p.m.

Chairman Moruzzi asked if painting would be done on site. Mr. Soltys stated there will be no painting, just repairs.

Public Comment:

Ira Katz – 730 Birginal Drive

Mr. Katz was present and sworn in by Chairman Moruzzi. Mr. Katz stated he owned the building at 730 Birginal Drive and that he also owns industrial property in Broadview and Bloomingdale. Mr. Katz stated he takes pride in the appearance of his property and cares what the street looks like. Mr. Katz stated he had a similar experience in Broadview where a property on his block was approved for a similar use, with similar conditions. Mr. Katz stated the rules are never followed and that the street in Broadview has been ruined because of leaking oils. Mr. Katz stated he has numerous concerns with allowing the proposed business to operate at the location because of his experience in Broadview. Mr. Katz stated from his experience, trucks that are awaiting part will be parked on Birginal Drive until the part arrives. Mr. Katz stated he was not opposed to the business operating and that his biggest concern was parking trucks on the street for long periods of time. Mr. Katz stated he believes painting will occur on site when the company repairs the frame of a truck if they are involved in an accident.

Commissioner Pisano stated he agreed with Mr. Katz that the trucks awaiting repairs will be parked on the street awaiting parts to be delivered.

Mr. Budzik stated the site currently has 108 parking spaces that are not fully used by other tenants and does not see parking on site as an issue. Mr. Budzik stated AST Fleet Care, Inc. is fully aware of Mr. Katz's concerns and is willing to work with their neighbors and be good neighbors to the area.

Mr. Soltys stated AST Fleet Care, Inc. owns property on Fairway Drive where trailers will be parked and that there will be no issues on Birginal Drive.

Mr. Katz stated the south side of the parking lot is currently being used by another tenant for parking trailers and does not see how the proposed operations would fit at the property.

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 variance with the following conditions:

1. The Conditional Use Permit be granted solely to AST Fleet Care, Inc. 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 approval is granted only for the repair of semi- tractors (not trailers) associated with the AST Fleet, Inc.
3. The applicant shall install a triple catch basin as depicted in the plans attached to the application.
4. No semi-trailers shall be stored on site in association with the proposed business.
5. The fence shall be repaired or replaced.
6. The apron shall be repaired and reconstructed.
7. A mechanical exhaust system be installed and the fire alarm system be updated according to code requirements.
8. The proposed additional two service bays not be installed to minimize the parking variance.

Commissioner Pisano asked if a condition can be added that would prevent AST Fleet Care, Inc. from parking their trucks on the street. Mrs. Benham stated that was not a conditional the Commission can make and the matter would have to be addressed by the Traffic Committee and ultimately the Village Board to amend the ordinance to allow no parking on Birginal Drive.

Chairman Moruzzi asked if tractors that are awaiting repair would be stored outside. Mr. Soltys stated major repairs would be kept inside and that tractors awaiting minor repair would be kept outside.

Commissioner Pisano asked how the Village plans to regulate the proposed condition that only AST Fleet Care, Inc. trucks are being repaired. Mrs. Benham stated that would be addressed by code enforcement during their annual inspection.

Chairman Moruzzi suggested adding the following conditions:

- In 6 months, Staff shall evaluate the operation of the business and compliance of conditions.
- The applicant shall post a sign indicating that no trailers shall be stored in the northern lot.

Chairman Moruzzi also requested clarification from the petitioner and Staff on the following items:

- Parking allocation according to the applicant's lease
- Consideration of parking on both sides of the streets should be allowed in the future.
- Determination on truck tractors fitting in a standard parking stall.
- Clarification on if tractors and or trailers could be parked in the depressed dock area.

Chairman Moruzzi suggested continuing the case until June 6, 2016 to allow for Staff and the petitioner to gather information pertaining to the Commissioner's concerns.

Motion:

Commissioner Rowe made a motion to continue CDC Case No. 2016-02 until June 6, 2016. Commissioner Majeski seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rowe, 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 7:37 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