

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 18, 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, Pisano, Rowe, Rodriguez
Absent: Janowiak, Tellez, Lomax
A quorum was present.

STAFF PRESENT: S. Viger, C. Williamsen

JOURNAL OF PROCEEDINGS:

The minutes of the Special Community Development Commission Meeting of July 11, 2016 were presented.

Motion: Commissioner Rowe made a motion to table the minutes until a future meeting for action. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

Continued

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 re-open CDC Case No. 2016-02. Commissioner Pisano seconded the motion.

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

Chairman Moruzzi re-opened the Public Hearing at 6:32 p.m.

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

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on April 14, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 15, 2016. Mr. Viger 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. Mr. Viger 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. Mr. Viger stated this was a continued case from May 2, 2016.

Thomas Budzik of Thomas Architects was present and previously sworn in by Chairman Moruzzi. Mr. Budzik stated his client is currently using the facility for both repairs and his trucking operation. Mr. Budzik stated his client has made several amendments to his original request to address concerns raised by the Commission and the Public on May 2, 2016. Mr. Budzik stated his client is seeking another location, within Bensenville, for the operation of his trucking business and plans to operate this location for the auto repair of the trucks. Mr. Budzik stated his client has no objections to the proposed conditions recommended by Staff.

Chairman Moruzzi submitted photos into the record that he had taken on Sunday, July 17, 2016 of the parking lot at the property in question. The pictures have been attached to the minutes as "Exhibit A".

Mr. Budzik stated his client is currently parking the trucks and trailers on site and will be re-locating the trailers to another location as part of the proposed conditions of approval.

Commissioner Rodriguez asked what has been modified to address the concerns raised by the Public at the prior meeting. Mr. Budzik stated there will be no trailer dropping in the street during repairs of trucks.

Chairman Moruzzi asked if AST Fleet Care, Inc. was currently servicing trucks on site. Mr. Budzik stated they are currently servicing trucks on site and that is the reason they are appearing in front of the Commission.

Patrick Gartland, Operations Manager for AST Fleet Care, Inc. was present and previously sworn in by Chairman Moruzzi. Mr. Gartland provided a review on the operations of AST Fleet Care, Inc. Mr. Gartland stated they are seeking a conditional use permit to repair their own trucks quickly and efficiently so they can get back on the road. Mr. Gartland stated the pictures taken by Chairman Moruzzi are from over a weekend and that the parking lot does not look like that Monday through Friday.

Commissioner Rodriguez stated one of the proposed conditions does not allow trailers to be stored on site, as pictured in the pictures taken by Chairman Moruzzi. Mr. Gartland stated he is aware of the proposed condition and will have trailers parked off-site.

Commissioner Rodriguez asked for a review of the service plan. Mr. Gartland stated the majority of their repairs are minor such as oil changes, tire rotations and body repair. Mr. Gartland stated major issues, such as motors, would be handled off-site by another company and that they do not have that type of equipment on site.

Commissioner Pisano asked what would happen if a truck broke down in the Chicagoland area and needed to be towed to their operation after the business has been closed. Mr. Gartland stated AST Fleet Care, Inc. would send out a mobile mechanic to assess the situation and the majority of the time, the scope of work would be too large for AST Fleet Care, Inc. Mr. Gartland stated the trailer would be picked up by another truck so the delivery can be made on time.

Chairman Moruzzi asked if the petitioner could provide a letter from the land lord providing permission for AST Fleet Care, Inc. to park its trucks on the north side of the property. Mr. Budzik stated that would not be an issue and will provide such letter to Staff.

Commissioner Lomax entered the meeting at 7:05 p.m.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-02. There was none.

Mr. Viger 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 property shall be developed in substantial compliance with the plans submitted in the application prepared by Thomas Architects of Prospect Heights, Illinois dated 01.07.16 last revised 07.07.16.
3. The approval is granted only for the repair of semi- tractors (not trailers) associated with the AST Fleet, Inc.
4. The applicant shall install a triple catch basin as depicted in the plans attached to the application.
5. No semi-trailers shall be stored on site in association with the proposed business.
6. The fence shall be repaired or replaced.
7. The apron shall be repaired and reconstructed.
8. A mechanical exhaust system be installed and the fire alarm system be updated according to code requirements.
9. The proposed additional two service bays not be installed to minimize the parking variance.
10. No AST vehicles to be parked on the public right of way.
11. Documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles shall be submitted to staff for review and approval.
12. Only AST vehicles that are being repaired/maintained shall be on the property.

13. Only AST trucks that are being repaired/maintained are to be on this property. These vehicles to be stored/parked as indicated on the plan (in the depressed loading dock) and not in the parking lot on either the north or south sides of the building
14. The applicant shall return to the CDC six months after any eventual Village approval for an operational review and to address any unforeseen issues that arise from the operation.

Chairman Moruzzi asked what the size of the doors were on site. Mr. Budzik stated the doors on site are 12' X 14'.

Chairman Moruzzi suggested adding the following condition:

- prior to the item being presented to the Community and Economic Development Committee, the applicant shall provide documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles to Village Staff and all the trailer have been removed from the property.

There were no objections from the Commission or the petitioner for the proposed condition.

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

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:24 p.m.

Motion: Commissioner Rowe made a motion to approve the Findings of Fact for the Conditional Use Permit for Motor Vehicle Repair, Major & Minor 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 site is in the I-2 zoning district and is surrounded by similar industrial uses. The number of service bays, nature of the truck repair and turnover suggest a minimal increase in traffic at the site and surrounding properties. The site generally has excess parking. Even with the future service bays and proposed site improvements, there will be sufficient parking for the applicant's tenant space.
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. Truck repair is relatively common in the I-2 District. The number of service bays is relatively small given the site and general location. All repair work will be conducted indoors during normal business hours.
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 conditional use requested is for truck repair only and will primarily service fleet care. The use is relatively common in the I-2 District.
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. Truck Repair is no more of an intense use than other uses allowed in the building. There are no requirements for an increase in services as a result of the proposed use.

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 applicant's request for Truck Repair at this location is primarily to serve as fleet care for the applicants associated trucking business and may also serve as fleet care for surrounding businesses as well.

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. Truck Repair is relatively common in the I-2 District. Truck repair at this specific location will allow a tenant to keep his business in Bensenville for the foreseeable future and will facilitate the expansion of his trucking business. The intensity of the use is appropriate for the existing building, site and location in general.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Pisano made a motion to approve the Findings of Fact for the Variance to Reduce Required Spaces from 15 to 5 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. The special circumstances lie in the fact that the proposed use is for fleet care for the applicant's related business. The parking requirements do not differentiate between a prescheduled Motor Vehicle Repair and the one generally open to the public. Furthermore, the site itself is not necessarily conducive to motor vehicle repair generally open to the public as it is set deeper into the industrial district and not on a major commercial thoroughfare.

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. The literal application of the Ordinance would require 10 additional parking spaces to be added to the site. Based on the applicant's experience, with prior developments at this site, it is not practically feasible to provide additional parking spaces. Furthermore, the site has adequate parking as is. The building is fully leased and is generally no more than half full.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. The special circumstances are related to the impracticality of addition additional parking spaces, and more importantly that the ordinance required parking is far greater than the actual expected parking count. Based on the applicant's current operations, they are presuming that with 4 service bays they will need 4-5 employees at this location. The Applicant has another location in close proximity (just down Birginal Drive) for their related trucking business.
4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act. The applicant had no involvement in the parking requirements for the ordinance and simply has a unique use atypically of general truck repair businesses.

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. As part of this submittal, the applicant is also requesting a Conditional Use for Motor Vehicle Repair in the I-2 District. It is our understanding that this use, especially for tractor repair, is common in the I-2 District.
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. Without granting of the variance, the applicant will have no choice but to relocate their business to a different location. The site currently does not lack parking, and the proposed use as indicated will not increase the parking demand beyond that which is currently provided.
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. Granting the variance will have no effect on the local character of the district, as the impact will be indistinguishable from the current use of the building and district in general. Also, the site generally does not use all of its existing parking spaces as is. Granting of the variance will not push parking off-site.
8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. The I-2 District is for light industrial uses. Motor vehicle repair, especially tractor repair as proposed is an essential related business to other approved light industrial districts.

9. **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance proposed is the minimum needed to accommodate the Applicant's current and near future needs. It not only addresses possible future expansion, but also possible reduction in parking associated with that expansion.

Commissioner Lomax second the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the Conditional Use Permit for Motor Vehicle Repair, Major & Minor with Staff's recommendations consisting of:

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 property shall be developed in substantial compliance with the plans submitted in the application prepared by Thomas Architects of Prospect Heights, Illinois dated 01.07.16 last revised 07.07.16.
3. The approval is granted only for the repair of semi- tractors (not trailers) associated with the AST Fleet, Inc.
4. The applicant shall install a triple catch basin as depicted in the plans attached to the application.
5. No semi-trailers shall be stored on site in association with the proposed business.
6. The fence shall be repaired or replaced.
7. The apron shall be repaired and reconstructed.

8. A mechanical exhaust system be installed and the fire alarm system be updated according to code requirements.
9. The proposed additional two service bays not be installed to minimize the parking variance.
10. No AST vehicles to be parked on the public right of way.
11. Documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles shall be submitted to staff for review and approval.
12. Only AST vehicles that are being repaired/maintained shall be on the property.
13. Only AST trucks that are being repaired/maintained are to be on this property. These vehicles to be stored/parked as indicated on the plan (in the depressed loading dock) and not in the parking lot on either the north or south sides of the building
14. The applicant shall return to the CDC six months after any eventual Village approval for an operational review and to address any unforeseen issues that arise from the operation.

and the addition of:

15. Prior to the item being presented to the Community and Economic Development Committee, the applicant shall provide documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles to Village Staff and all the trailer have been removed from the property.

Commissioner Rodriguez seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Variance to Reduce Required Spaces from 15 to 5 with Staff's recommendations consisting of:

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 property shall be developed in substantial compliance with the plans submitted in the application prepared by Thomas Architects of Prospect Heights, Illinois dated 01.07.16 last revised 07.07.16.
3. The approval is granted only for the repair of semi- tractors (not trailers) associated with the AST Fleet, Inc.
4. The applicant shall install a triple catch basin as depicted in the plans attached to the application.
5. No semi-trailers shall be stored on site in association with the proposed business.
6. The fence shall be repaired or replaced.
7. The apron shall be repaired and reconstructed.
8. A mechanical exhaust system be installed and the fire alarm system be updated according to code requirements.
9. The proposed additional two service bays not be installed to minimize the parking variance.
10. No AST vehicles to be parked on the public right of way.
11. Documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles shall be submitted to staff for review and approval.
12. Only AST vehicles that are being repaired/maintained shall be on the property.
13. Only AST trucks that are being repaired/maintained are to be on this property. These vehicles to be stored/parked as indicated on the plan (in the depressed loading dock) and not in the parking lot on either the north or south sides of the building

14. The applicant shall return to the CDC six months after any eventual Village approval for an operational review and to address any unforeseen issues that arise from the operation.

and the addition of:

15. Prior to the item being presented to the Community and Economic Development Committee, the applicant shall provide documentation of properly zoned and approved off site storage location for AST vehicles and drivers' personal vehicles to Village Staff and all the trailer have been removed from the property.

Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Continued
Public Hearing:
Petitioner:
Location:
Request:**

CDC Case Number 2016-14
Liberty Property Limited Trust
350 North York Road
Rezoning from C-4 Regional Destination Commercial to I-2 Light Industrial District and Variances: to reduce the required loading dock width from 14' to 12'; to reduce the number of required parking stalls from 131 to 104' to reduce the number of landscaped strips islands; to increase the maximum curbcut width from 35' to approximately 50'; to reduce the required foundation strip from 6' to 0'; And Site Plan Review for construction of a warehouse/distribution building and associated site improvements. Municipal Code Section 10 – 3 – 6.

Motion: Commissioner Rowe made a motion to re-open CDC Case No. 2016-14. Chairman Moruzzi seconded the motion.

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

Chairman Moruzzi re-opened the Public Hearing at 7:30 p.m.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on June 2, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on June 3, 2016. Mr. Viger stated on June 3, 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. Mr. Viger 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. Mr. Viger stated The proposed building is approximately 95,874 square feet. Mr. Viger stated Several variances are necessary and the Zoning Ordinance requires a Site Plan review. Mr. Viger stated The CDC recommended approval of the rezoning at the 06.20.16 Public Hearing, but continued the Site Plan review and variances. Mr. Viger stated at the July 12, 2016 Village Board meeting the property was rezoned to I – 2 Light Industrial by Ordinance # 28 – 2016 which passed unanimously.

Mr. Andy Perille of Liberty Property Trust was present and previously sworn in by Chairman Moruzzi. Mr. Perille stated Liberty Property Trust met with DuPage County regarding access to the site and their request for two curbcuts. Mr. Perille stated Liberty Property Trust was denied by the County of DuPage and they are only being allowed one curbcut along York Road. Mr. Perille stated redesigned plans have been submitted to the Commission in their packets.

Mr. Viger read the findings of fact for the requested variances and site plan into the record on behalf of the petitioner.

Commissioner Rodriguez asked where the majority of truck traffic will be entering the site. Mr. Perille stated the majority of the trucks will enter the property off Leland Court.

Chairman Moruzzi asked if the Police and Fire Department could use the site for training prior to demolition of the current structure. Mr. Perille stated Liberty Property Trust was not opposed to the idea, however part of the sale agreement requires the building to be demolished by the seller and Mr. Perille stated he would check with the seller to ask their permission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regards to CDC Case No. 2016-14. There was none.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested variances and site plan with the following condition:

1. The site be developed in substantial compliance with the Site Plan prepared by DM+S Architects PC dated 07.07.16 submitted with the application.

There were no questions from the Commission.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2016-14. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:47 p.m.

Motion: Commissioner Pisano made a motion to approve the Findings of Fact for the requested variances consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
Reduced Loading Dock Width: The special circumstance is that the loading docks can be minimized without limiting maneuvers on site. **Increased Curbcut Width:** as a warehouse/distribution facility it is important to allow for the ease of truck movements both into and out of the site. The expanded curbcut width facilitates this ease of movement.
2. **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. **Reduced Loading Dock Width:** The literal application of the provisions of the Municipal Code corresponding to loading dock width would result in practical difficulties in the ability of the businesses to operate with limited loading docks. **Increased Curbcut Width:** The literal application of the provisions of the Municipal Code corresponding to curbcut width would result in practical difficulties in the ability of the businesses to operate efficiently.
3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property. **Reduced Loading Dock and Increased Curbcut Widths:** The special circumstances and practical difficulties are not the result of the applicant's actions.

4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
Reduced Loading Dock and Increased Curbcut Widths: The special circumstances have not resulted from any act of the applicant.
5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
Reduced Loading Dock and Increased Curbcut Widths: The request for decreased loading dock and increased curbcut widths do not confer a special privilege ordinarily denied to other I-2 Light Industrial properties.
6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
Reduced Loading Dock and Increased Curbcut Widths: Staff believes that the variances sought are necessary for the effective use of the property to operate as a warehouse/distribution facility.
7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.
Reduced Loading Dock and Increased Curbcut Widths: The local character will not be altered with the two-foot reduction of the loading dock width, nor the increase in the width of the curbcut.

8. **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. **Reduced Loading Dock and Increased Curbcut Widths: Staff believes that the variances to grant relief from are in harmony with the Village's plan and expectations for the North York Road corridor and the Northern Business 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. **The minimum variance has been requested by the applicant in terms of fence construction.**

Commissioner Lomax seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rowe made a motion to approve the Findings of Fact for the Site Plan consisting of:

1. Integration And Compatibility: The overall design shall integrate neighborhood and site characteristics into a compatible expression of building mass, scale, color and circulation. **The plan as presented is compatible with its environs. The redeveloped site and building is in keeping with the Industrial uses to the west, north and south (south of the abutting FAA site).**
2. Minimization Of Impacts: Spatial designs should minimize the impacts of traffic, noise, reflected light, debris and other undesirable effects of development upon abutting properties and the neighborhood as a whole. **The plan with only one curbcut on York Road and the ancillary means of ingress and egress to Leland Court, minimizes traffic impacts. The design of the Site and structure with the docks to the rear serves to limit reflected light and other potentially undesirable effects on the environs.**

3. Architectural Innovation: Developers should seek to provide innovative design of structures which are compatible with the general character of the area. The building shall be in scale with the ultimate development planned for the area, and shall be compatible with the permanent neighboring developments. The building shall have good architectural character and be in harmony with nearby buildings, be durable and suitable for the type of building and design in which they are used. Colors shall be harmonious and use compatible accents. **The proposed structure in a Class A warehouse/distribution facility. Architectural design evokes state of the art techniques and Architectural style. The structure will be in harmony with nearby developed properties.**

4. Loading/Refuse Area: Design of loading and refuse areas should be sensitive to aesthetic concerns and provide for screening compatible with abutting properties. When possible such loading and refuse areas should be located so as not to be visible from public roads. **The docks and drive in doors are located to the rear of the property and are not visible from the heavily traveled York Road.**

5. Parking Lots: Parking lots and driveways shall be designed to safely and effectively circulate vehicles throughout the site. **Passenger car parking is located in compliance with the Zoning Ordinance, is split primarily into two areas and segregated from the truck traffic. Access drives circumnavigate the proposed building allowing vehicles multiple routes to access and exit the site.**

6. Curb Cuts: Curb cuts shall be located to safely and efficiently allow vehicle ingress and egress to the site. The use of shared curb cuts and cross-access easements shall be provided when appropriate. **Only one curbcut is proposed. The existing curbcut near the north property line is in relatively close proximity to a curbcut on the abutting industrial site. Liberty proposes to close the existing curbcut. The proposed curbcut is located near the southern property line, it provides direct access to the rear for trucks. DuPage County has jurisdiction of North York Road and has final approval authority over the design and location of the curbcut. The applicant has worked with and redesigned the site in conformance with the design desires of Du Page County.**

7. Pedestrian Circulation: Site and building design shall accommodate pedestrian circulation on-site from parking areas plazas, open space and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible. **On site pedestrian circulation is handles by services walks.**

8. Open Space And Landscape Plan: Design of any development shall provide for a maximum use of open space particularly along the perimeter of the site, in parking lots and near the building foundation. **As an industrial site, the landscape amenities are generally along the York Road frontage. The site has a 25' parking/landscaped setback. Full landscape plans will be reviewed at the permit stage.**

9. Detention Basins/Retention Ponds: When appropriate, detention basins and retention ponds should be designed to provide for shared storage between properties. Ideally, such shared storage should include the greatest land area possible. **Detention will be provided in underground storage vaults on the property.**

10. Lighting: On-site lighting standards shall be compatible with architectural and spatial designs, and shall provide for safe illumination of the site for vehicles and pedestrians. The lighting shall not affect adjacent properties. **Site lighting will be reviewed at the permit at stage.**

11. Other Applicable Standards: Other characteristics of the proposed site plan pertinent in the judgment of the Commission to an assessment of the impact of the development on the area. The CDC may discuss other items as they desire.

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the requested variances with Staff's recommendation consisting of:

1. The site be developed in substantial compliance with the Site Plan prepared by DM+S Architects PC dated 07.07.16 submitted with the application.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the proposed Site Plan with Staff's recommendation consisting of:

1. The site be developed in substantial compliance with the Site Plan prepared by DM+S Architects PC dated 07.07.16 submitted with the application.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2016-12
Petitioner: Asti Deli
Location: 1410 West Irving Park Road
Request: Conditional Use Permit to allow an Electronic Message Center Sign

Motion: Commissioner Rodriguez made a motion to open CDC Case No. 2016-12. Commissioner Lomax seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 7:51 p.m.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on June 30, 2016. Mr. Viger 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. Mr. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on June 27, 2016. Mr. Viger stated on June 30, 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. Mr. Viger 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. Mr. Viger stated The applicant/owner Asti Deli is desirous of inserting an Electronic Message Center (EMC) sign into their existing freestanding monument sign.

Mr. Diego De Astis, owner of Asti's Deli was present and previously sworn in by Chairman Moruzzi. Mr. De Astis stated his current sign is seventeen years old and he would like to replace it with the proposed EMC sign.

Mr. Viger read the Findings of Fact into the record on behalf of the petitioner.

Commissioner Rodriguez asked if the proposed sign with increase in size. Mr. De Astis stated the height of the sign will remain the same.

Commissioner Rodriguez asked what the brightness of the sign would be. Mr. Viger stated it will follow the Village Code requirement.

Public Comment:

Paul De Michele 17W275 Rodeck Lane, Bensenville, Illinois

Mr. De Michele was present and sworn in by Chairman Moruzzi. Mr. De Michele stated he was in full support of the proposed EMC sign.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Findings of Fact and the requested conditional use permit for an EMC sign with the following conditions:

1. The sign be insubstantial compliance with the sign plans submitted as part of the application, prepared by Paldo Sign & Display Company, Dated 02.26.16.
2. Ownership shall post emergency notices of community interest, such as Amber Alerts etc. as periodically may be requested by the Village.

There were no questions from the Commission.

Motion: Commissioner Lomax made a motion to close CDC Case No. 2016-12. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:04 p.m.

Motion: Commissioner Rodriguez made a motion to approve the Finding of Fact for the proposed EMC sign 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. **No unusual increase in traffic volume is expected from the proposed electronic message center sign on the property.**
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 are no environmental nuisances or adverse environmental effects envisioned from the proposed electronic message center sign, if it functions in accordance with the Zoning Ordinance requirements.**

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 Electronic Message Center sign will fit harmoniously with the existing commercial corridor character of the environs.**
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 Village is quite desirous of enhancing our residents' quality of life and a vibrant commercial corridor along Irving Park Road is an important element in that ongoing effort. Maintaining and expanding restaurant opportunities for our residents, workers and visitors is encompassed in this effort.**
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. **Staff has no concerns relating to other compatibility elements at this location.**

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Rowe, Pisano, Rodriguez, Lomas

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a motion to approve the conditional use permit for an EMC sign with Staff's recommendations consisting of:

1. The sign be insubstantial compliance with the sign plans submitted as part of the application, prepared by Paldo Sign & Display Company, Dated 02.26.16.
2. Ownership shall post emergency notices of community interest, such as Amber Alerts etc. as periodically may be requested by the Village.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

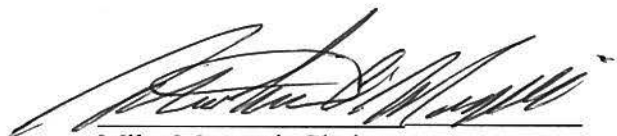
Mr. Viger reviewed both recent CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor. Motion carried.

The meeting was adjourned at 8:10 p.m.



Mike Moruzzi, Chairman
Community Development Commission

Exhibit A
(3 Pages)





