

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

July 11, 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, Tellez
Absent: Lomax
A quorum was present.

STAFF PRESENT: S. Viger, C. Williamsen, Village Attorney, Mary Dickson

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of June 20, 2016 were presented.

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

All were in favor. Motion carried.

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

Public Hearing: CDC Case Number 2016-09
Petitioner: MTR LLC
Location: 900-930 County Line Road
Request: Planned Unit Development (Section 10-9A-3) to Allow for a Truck Facility, Outdoor Storage Not to Exceed 25% of the Lot Area (Section 10-9A-3) and Outdoor Sales Display (Section 10-11-2(C)), and in Relation to Said Requests, for the Approval of Exception Within the Planned Unit Development.

Motion: Commissioner Rowe made a motion to open CDC Case No. 2016-09. Commissioner Pisano seconded the motion.

ROLL CALL:

Upon roll call the following Commissioners were present:

Moruzzi, Pisano, Rowe, Rodriguez, Tellez

Absent: Lomax

A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:32 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 23, 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 24, 2016. Mr. Viger stated on June 24, 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 is seeking a Planned Unit Development (PUD) to allow development of a Mitsubishi Fuso truck facility at 900 County Line Road to complement their existing MTR truck facility at 920 County Line Road. Mr. Viger stated the PUD will encompass both uses, along with the demolition of the small residential structure at 930 County Line Road and various exceptions/departures from the strict interpretation of the Zoning Ordinance as allowed under the PUD regulations.

Mark Daniel of Daniel Law Office, P.C. was present and previously sworn in by Chairman Moruzzi. Mr. Daniel stated he was present on behalf of the petitioner. Mr. Daniel stated his client set up a neighborhood meeting at Mamma Maria's in Bensenville to gather the input of the neighbors abutting the proposed property and invited all neighbors on the notice list (with plans enclosed with the invitation). Mr. Daniel stated his client did not receive any negative comments regarding the proposed use of the property. Mr. Daniel stated the proposed plans allow for two separate buildings. Mr. Daniel reviewed the plans associated with Lot 1. Mr. Daniel reviewed the process that will occur on site. Mr. Daniel stated box

assembly to the chassis of the truck will occur off-site and not interfere with the Residents adjacent to the property.

Mr. Daniel stated trees will be planted along the west side of the property to separate the Residential properties from the proposed building. Mr. Daniel stated his client is working with the Residents to the west of the property regarding their preference of the type of tree(s) that will be planted. Mr. Daniel stated once a tree is agreed upon, his client will confirm with the Village the type of tree(s) allowed. Mr. Daniel stated his client had received a request from a Resident to increase the height of the proposed fence from eight feet to ten feet. Mr. Daniel stated his client has no objection to the Resident's request and will make the fence ten feet tall. Mr. Daniel stated his client agrees with the conditions as proposed and subject to some clarification, edits, and additional conditions addressed with staff in email. Mr. Daniel asked that Staff's recommendation of condition number three (*Street trees be provided in accordance with the Municipal Code*) be removed and not required. Mr. Daniel stated his client will have covenants and an access agreement between lots one and two.

Commissioner Rodriguez asked what type of activity would take place in the loading zone. Mr. Daniel stated parts and chassis delivery will occur in the proposed loading zone along with the area acting as a turning area for trucks.

Commissioner Rodriguez asked what the purpose was for the proposed exhaust fans on the west side of the lot 1 building. Mr. Daniel stated the proposed exhaust fans are required by code.

Commissioner Rodriguez asked if the proposed exhaust fans could be re-located to the roof and properly covered. Upon consultation with the architect, Mr. Daniel stated his client had no objections to Commissioner Rodriguez's request.

Commissioner Pisano asked what the proposed hours of operation would be on site. Mr. Daniel stated the property will be active Monday through Friday from 7:00am – 7:00pm; Saturday 7:00am – 1:00pm; closed Sunday.

Commissioner Rowe asked if there would be idling of trucks on the property. Mr. Daniel stated trucks will not be idling on the property for more than 40 minutes a day, which is currently below that allowed by State Statute. Idling will only occur east of the central fence line.

Commissioner Lomax entered the meeting at 6:57 p.m.

Commissioner Tellez asked how trucks will enter and exit the two properties. Mr. Daniel stated the entering and exiting of trucks will be at the central entrance by design, placing it as far away from Residential properties as possible.

Commissioner Rodriguez asked for an explanation of the proposed exhaust system. Ray Fang, architect for the proposed project, was present and previously sworn in by Chairman Moruzzi. Mr. Fang stated the proposed system will meet code requirements and that there are no hazardous materials being released into the air as part of the proposed operation. Mr. Fang also stated that no painting operations are planned at this time.

Commissioner Rodriguez asked if a noise study was completed. Mr. Daniel stated there was not a noise study completed but with the proposed ten-foot fence, closed doors, and trees being planted, he does not see noise being an issue to the Residents.

Commissioner Rodriguez asked what will happen to trucks sitting on site that have been involved in a crash that are awaiting an insurance claim. Mr. Daniel stated his client will follow the Village Code pertaining to junk vehicles, but that they would be in the outdoor storage area (west) on Lot 2.

Mr. Daniel reviewed the proposed use for lot two. Mr. Daniel stated the lot would remain the same and that new signage will be installed and an additional sign would be installed as well. Mr. Daniel stated the lot will be re-striped. Mr. Daniel stated all DuPage County storm water requirements will be met. Mr. Daniel stated his client is aware of the Village's plans for a future bike/walking path on the frontage of his property and will work with the Village in the future regarding the path.

Joseph Abel, Planning Consultant, hired by the petitioner, was present and previously sworn in by Chairman Moruzzi. Mr. Abel read the approval criteria for the proposed Planned Unit Development into the record. Mr. Abel reviewed plans and standards, highlighted a staff visit with him to a sister facility and stated the project meets the code.

Commissioner Rodriguez asked what the current tire storage plan was on site. Mr. Daniel stated tires on site will be handled properly with new tires stored in a container along the west face of the building and used tires would be hauled off site.

Commissioner Rodriguez asked how often sprinklers on site would be tested. Mr. Daniel stated the sprinkler system will be tested as per Village Code and acknowledged work was in progress with respect to sprinklers.

Commissioner Rodriguez asked for a review of the towing operation. Mr. Daniel stated off hours tows only occur for customers of the company and that off hours towed trucks will remain on the east side of central fence or east of buildings away from the Residential properties until normal hours. He also described the tow truck parking plan to include several areas away from homes or in the Lot 1 building.

Commissioner Pisano asked how many employees will be hired. Mr. Daniel provided a breakdown of current and planned employees by category and stated there could be roughly 24-26 employees.

Mr. Pisano asked for the annual sale projections for the company. Mr. Daniel stated the projected sales were provided to Staff for their review and highlighted these numbers.

Commissioner Lomax asked if there was concern for additional traffic in the area as part of the proposed plans. Mr. Daniel stated his client does not foresee an increase in traffic as part of the proposed design on the building and explained the process of selling these types of trucks. He stated that it is a destination use and that the nature of new Lot 1 operations did not justify the generation of a report given patterns on County Line Road.

Chairman Moruzzi asked how many tow trucks would be on site. Mr. Daniel stated there would be three or four tow trucks on site, but there are two now.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to speak in regard to CDC Case No. 2016-09.

Frank Picicco – 314 Gloria Jean Drive

Mr. Picicco was present and sworn in by Chairman Moruzzi. Mr. Picicco asked if there would be a provision in the approval criteria for the maintenance of the proposed trees that are being planted next to Residential properties; if the proposed dumpster area could be re-located; and why the proposed detention pond on site two is smaller than the detention pond on site one.

Mr. Abel stated the proposed trees that are being planted next to the Residential properties are 3" diameter that will grow a foot a year. Mr. Abel stated his client will be responsible for the maintenance of the trees. Mr. Abel also stated the proposed dumpster will not be an issue to the Residential properties and will be picked up during hours of operation of the site. Jiun-Guang Lin (civil engineer) stated the detention pond on site two is smaller because the south (Lot 2) property is already developed and meets all required codes. They are providing required detention and that is primarily for new impervious areas.

Bill Perry – 814 John Street

Mr. Perry was present and sworn in by Chairman Moruzzi. Mr. Perry asked if other areas within the I-1 District will be allowed to use similar operations as the proposed use. Village Attorney, Mary Dickson stated each case would have to go in front of the Village Board and that the type of use is not allowed in the Village Code. Mr. Daniel also stated why the PUD requested is special to the land within the application.

Mr. Viger reviewed the Village Staff Report and stated Staff recommends the approval of the Planned Unit Development with the following conditions:

1. The Conditional Use Permit be granted solely to MTR, LLC. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.
2. The property shall be developed in substantial compliance with the plans submitted with the application, including:
 - a. Boundary & Topographic Survey & Demolition Plan, Preliminary Grading Plan and preliminary Site Utility Plan prepared by Ridgeline Consultants LLC. dated 04.11.16

- b. Combined preliminary & Final Plan of Panned Unit development of MTR Plaza prepared by Ridgeline Consultants, LLC dated 04.11.16
- c. Preliminary Landscape Plan prepared by Gary R. Weber Associates Inc. Architectural Plans prepared by Ray Fang & Associates dated 11.15.15 Last revised 06.16.16 dated 01.16.16 last revised 04.13.16
3. Street trees be provided in accordance with the Municipal Code.
4. Cross access easement agreement for and between Lots One and Two.
5. Applicant shall Multi – Use path shall be installed along County Line Road.
6. General hours of operation shall be 7:00 AM to 7:00 PM.
7. Service bay doors shall be closed at all times that operational repair or mechanical assembly activity occur.
8. All operational repair or mechanical assembly activity shall occur indoors; no such activities are allowed out of doors.
9. Motion sensors shall be installed on the exterior lighting on Lot One.
10. A Declaration of Covenants shall be submitted to, reviewed and approved by the Village Attorney and staff.
11. A Phasing Plan for the Two Phases shall be submitted.

Chairman Moruzzi asked that Staff and the petitioner work on condition number three prior to this matter being presented to the Committee. There were no objections from the Commission.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2016-09. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:25 p.m.

Motion: Commissioner Rowe made a motion to approve the findings of fact for the Planned Unit Development (Section 10-9A-3) to Allow for a Mitsubishi Fuso Truck Facility, Outdoor Storage Not to Exceed 25% of the Lot Area (Section 10-9A-3) and Outdoor Sales Display (Section 10-11-2(C)), and in Relation to Said Requests, for the Approval of Exception Within the Planned Unit 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.
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.
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.
4. **Public Welfare:** The 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.

6. **Natural Features:** The design of the PUD is as consistent and practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character.
7. **Circulation:** Streets, sidewalks, pedestrian ways, 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.
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.
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.

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.

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.

Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a motion to approve the Planned Unit Development (Section 10-9A-3) to Allow for a Mitsubishi Fuso Truck Facility, Outdoor Storage Not to Exceed 25% of the Lot Area (Section 10-9A-3) and Outdoor Sales Display (Section 10-11-2(C)), and in Relation to Said Requests, for the Approval of Exception Within the Planned Unit Development with the following conditions:

1. The Conditional Use Permit be granted solely to MTR, LLC. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion,

shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.

2. The property shall be developed in substantial compliance with the plans submitted with the application, including:
 - a. Boundary & Topographic Survey & Demolition Plan, Preliminary Grading Plan and preliminary Site Utility Plan prepared by Ridgeline Consultants LLC. dated 04.11.16
 - b. Combined preliminary & Final Plan of Panned Unit development of MTR Plaza prepared by Ridgeline Consultants, LLC dated 04.11.16
 - c. Preliminary Landscape Plan prepared by Gary R. Weber Associates Inc. Architectural Plans prepared by Ray Fang & Associates dated 11.15.15 Last revised 06.16.16 dated 01.16.16 last revised 04.13.16
3. Street trees be provided in accordance with the Municipal Code.
4. Cross access easement agreement for and between Lots One and Two.
5. Applicant shall Multi – Use path shall be installed along County Line Road.
6. General hours of operation shall be 7:00 AM to 7:00 PM.
7. Service bay doors shall be closed at all times that operational repair or mechanical assembly activity occur.
8. All operational repair or mechanical assembly activity shall occur indoors; no such activities are allowed out of doors.
9. Motion sensors shall be installed on the exterior lighting on Lot One.
10. A Declaration of Covenants shall be submitted to, reviewed and approved by the Village Attorney and staff.
11. A Phasing Plan for the Two Phases shall be submitted.
12. Relocate the exhaust fans from the west side of the building to the roof and cover them property.
13. No idolizing of trucks on the western side of the property.
14. No truck safety test lane.
15. Fence along the north property line extending to the east to the face of the building.
16. Fence on west lot line to be installed at ten (10) feet and MTR to reasonably cooperate with west neighbors on selection of trees.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: Moruzzi, Pisano, Rowe, Rodriguez, Tellez, Lomax
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 Pisano seconded the motion.

All were in favor. Motion carried.


The meeting was adjourned at 8:31 p.m.

Mike Moruzzi, Chairman
Community Development Commission