

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

March 6, 2017

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, Marcotte, Pisano, Rodriguez, Rowe, Tellez
Absent: Lomax
A quorum was present.

STAFF PRESENT: S. Viger, K. Pozsgay, C. Williamsen, S. Conway

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission Meeting of February 20, 2017 were presented.

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

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to move CDC Case No. 2017-02 to this portion of the meeting. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-02
Petitioner: Prologis
Location: 600 Eagle Drive
Request: Conditional Use Permit for Outdoor Storage; and Variances from:
10 – 11 – 8A Parking and Outdoor Storage in Front Yard, and
10 – 12 – 2D – 1 Screening of Outdoor Storage, and
10 – 12 – 2 Landscape Strip, and
10 – 14 – 11 – 3b Fence located in front and side yard and fence height, and
10 – 11 – 12D Trailer parking space size

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-02. Commissioner Rodriguez seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 6:35 p.m.

Chairman Moruzzi swore in Director of Community and Economic Development, Scott Viger and Senior Planner, Kurtis Pozsgay.

Senior Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Moruzzi. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on February 16, 2017. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on February 21, 2017. Mr. Pozsgay stated on February 17, 2017 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. Pozsgay 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. Pozsgay stated the applicant is proposing to move an existing Bensenville business into this location, possibly consolidating another location and expanding here. Mr. Pozsgay stated the business utilizes semi's and trailers in its operation. Mr. Pozsgay stated they will be stored on the western lot.

Mr. Pozsgay stated tractors will be parked on the north side of the lot with trailers on the south. Mr. Pozsgay stated a 12-foot composite SimTek fence will be added to the south lot line to minimize noise to the neighbors. Mr. Pozsgay stated the tractors are also pushed north into the required front yard for the same reason. Mr. Pozsgay stated the entire area will have security personal and added lighting and fencing. Mr. Pozsgay stated other specifics on the business (name, hours of operation, etc.) are not being disclosed by Prologis.

Mr. Marshall Subach of Hunt, Aranda & Subach Ltd., was present and sworn in by Chairman Moruzzi. Mr. Subach stated he was speaking on behalf of the applicants. Mr. Subach stated the proposed site is 13.7 acres in size with a building that is 300,000 plus square foot. Mr. Subach stated the property is currently zoned I-1; however, it used to be zoned I-2. Mr. Subach stated his client met with surrounding residential neighbors in the area and that his client want to be a good neighbor. Mr. Subach stated the identity of the proposed client is confidential. Mr. Subach stated the proposed client has eighty employees; four of which are Bensenville Residents. Mr. Subach stated the proposed operation and hours is permitted according to the Village's code however; the reason for the Public Hearing is for the requested conditional use permit for outdoor storage. Mr. Subach stated the entire property will be gated and screened. Mr. Subach stated the southern property line will include a twelve foot composite fence separating the Residential properties from the proposed operation. Mr. Subach stated the property will be guarded 24/7. Mr. Subach stated loading and unloading of product will only take place from within the docks. Mr. Subach stated the trucks that will be on site will not idle. Mr. Subach stated in the winter, trucks will be hooked up to electric that will keep the oil and engine warm. Mr. Subach stated the proposed operation will be 24/7, however most of their operation occurs Monday – Friday from 4:30am – 9:00pm; Saturdays from 4:30am – 5:00pm and Sundays from 4:30am – 1:00pm. Mr. Subach stated it takes roughly five to ten minutes to hook a trailer to a tractor. Mr. Subach stated Prologis has estimated close to \$1,000,000 of improvements to the property if approved. Mr. Subach submitted pictures of the current parking lot and fence on the property. The submitted pictures have been attached to the minutes as “Exhibit A”. Mr. Subach stated the current parking lot will be dug up and replaced. Mr. Subach stated a 12' composite material fence will be installed along the property line all the way up to the building. Mr. Subach read the findings of fact into the record for the proposed conditional use permit and variances.

Commissioner Rodriguez asked if there was a proposed lighting plan for the proposed use. Mr. Subach stated his client did not have one; however, the proposed lights would be installed on the south side of the property and face north. Mr. Subach stated the lights will not illuminate onto the residential properties, as the Village Code will not allow. Mr. Subach also stated his client is not opposed to the Commission making a lighting plan a condition of approval.

Commissioner Rodriguez asked if the proposed composite fence would extend the full length of the south line of the property. Mr. Subach stated the fence along the south line of the property would be twenty feet ending at the building.

Commissioner Rowe expressed concern with the proposed width of the docks (11' 2"). Mr. Subach stated the petitioner is confident there will be no issues with the width size of the docks and that a spotter would be used.

Commissioner Pisano asked what the current hours of operation are for the current tenants of 600 Eagle Drive. Mr. Subach stated he believes they are similar to the proposed hours of operation of the potential occupant.

A member of the audience asked how many truck would be entering and exiting the property on an hourly basis. Mr. Subach stated there would be five to ten trucks an hour during the day and twenty to thirty trucks total during the night.

A member of the audience asked how long will the fence extend on the south property line. Mr. Subach stated the proposed fence along the south will extent from the property line on the west to the start of the building on the east, the proposed fence will be twenty feet in length.

A member of the audience asked if the trailers being parked on site are those of the proposed tenant. Mr. Subach stated only the proposed tenant's trailers would be stored on site.

Commissioner Lomax entered the meeting at 7:20 p.m.

Public Comment:

Ann Franz – 902 Hillside Drive

Ms. Franz was present and sworn in by Chairman Moruzzi. Ms. Franz stated that when it is dead silent outside, in the early mornings, noise will still be heard despite the proposed fence being installed. Mr. Franz stated the area already deals with airplane noise every 60-80 seconds. Ms. Franz asked what will happen when the vortex winds from the planes bounces off the proposed composite fence.

Lucy James – 865 Hillside Drive

Ms. James was present and sworn in by Chairman Moruzzi. Ms. James stated Hillside Drive is in a direct path of a runway and by adding the proposed business to 600 Eagle Drive would create additional noise and pollution to the Residents on Hillside. Ms. James questioned why there are no other options in Bensenville's large industrial park for the proposed tenant.

Thomas Forman - 697 Hillside Drive

Mr. Forman was present and sworn in by Chairman Moruzzi. Mr. Forman stated he measured the distance from his bedroom window to the property line over the weekend. Mr. Forman stated he measured 79' from his bedroom to the property line; 50' from his deck to the property line; 20' from his children's trampoline to the property line and 10' from his veggie garden to the property line. Mr. Forman stated this was not a way to live and asked the Commission to take his situation into consideration.

Chester Gorniak - 597 Hillside Drive

Mr. Gorniak was present and sworn in by Chairman Moruzzi. Mr. Gorniak stated he was Mr. Forman's neighbor and faces similar issues. Mr. Gorniak spoke out in objection to the proposed use and hours of operation. Mr. Gorniak suggested finding a manufacturing operation from another town to move into the site.

John Pelican - 701 Hillside Drive

Mr. Pelican was present and sworn in by Chairman Moruzzi. Mr. Pelican stated when he moved into his home in the 70's, the property behind his house use to be a golf course. Mr. Pelican stated everything was quiet and peaceful and that the area has become a nightmare with the planes and the proposed use would only make things worse.

Bill Perry – 814 George Street

Mr. Perry was present and sworn in by Chairman Moruzzi. Mr. Perry stated his house was not along the proposed use; however, his house is adjacent to an I-1 commercial property that use to operate 24/7 and it was a nightmare.

Commissioner Marcotte asked if the proposed 12' composite fence would really work based on the comments from the Public. Mr. Subach stated he believes the proposed fence would truly help the situation and that the proposed fence is taller than the Village Code requirements.

Commissioner Pisano stated he has major concerns with the noise that will be produced from the loading and unloading of empty trailers in the parking lot. .

Commissioner Lomax asked the petitioners to put themselves in the shoes of the Residents and if they would be okay with a similar operation moving into their backyards.

Aaron Rosdal – Prologis

Ms. Rosdal was present and sworn in by Chairman Moruzzi. Mr. Rosdal stated Prologis' intentions are not to ignore the Resident's concerns. Mr. Rosdal stated Prologis met with the Residents and took all their concerns into consideration and believe the proposed plans will work for the area.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact and the approval of the proposed conditional use permit and variances, with the following conditions:

1. The Conditional Use Permit be granted solely to the Prologis' tenant (to be verified at permitting) 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 construction be in substantial compliance of the plans dated 02.08.17 by Base Ten Architects;
3. Applicant to install doly pads for trailer parking;
4. Applicant will provide detail on truck idling, especially in cold weather;
5. Applicant will provide details on hours of operation;
6. Applicant will add landscaping to the Eagle Drive frontage;
7. Applicant will screen the truck and tractor storage area;
8. The landscape strip along the south property line between the two fences should be maintained regularly;
9. With the privacy fence being installed on the south lot line, Prologis shall work with affected neighbors to the south the install trees or landscaping as needed and within reason;
10. The final landscape plan shall be subject to staff review upon final permitting;
11. Six months after the date of Village Board approval, staff will review the project and conditions to determine if any modifications are needed.

Mr. Subach stated his client would like clarification to condition #11 as written. Mr. Pozsgay stated Staff met with Mr. Subach to clarify the issue and that the tenant would not be required to make modifications to the property without reasonable cause.

Commissioner Rodriguez asked if there was a taller fence in town that was taller than the 12' proposed fence. Mr. Pozsgay stated he is not aware of any fence taller than 10' throughout town.

Commissioner Pisano suggested adding a condition to the requirements for hours of operation. Mr. Subach stated his client would not be in agreeance with the suggested condition.

Mr. Lomax asked if a noise study could be done. Mr. Subach stated it was possible but it would require the tenant to be in the property.

Lucy James – 865 Hillside Drive

Ms. James was previously sworn in by Chairman Moruzzi. Ms. James asked what had previously been done to meet with the Residents effected by the proposed use. Mr. Pozsgay stated prior to the legal notices and mailings, the applicant hosted a neighborhood meeting prior to the CDC Hearing and that Staff had been fielding calls on the matter. Ms. James questioned by Staff would recommend approval of the proposed operation knowing how the Residents in the area feel.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-02. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:59 p.m.

Motion: Commissioner Rowe 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.

Applicant's Response: There will be no adverse impact on traffic in the industrial park where 600 Eagle Drive is located. The traffic will be similar to that of any industrial warehouse/distributor user. All of the truck traffic will enter the property from Eagle Drive. Trucks will be able to enter from the existing curb cut on the east side of the property closest to the building and be able to exist along a new curb cut on the west of the property. This will allow for minimum truck maneuvers on the property to minimize the noise. The curb cuts will also allow for the efficient flow of traffic on the site. In addition, the trucks and trailers are regulated by TSA and the FAA as the proposed tenant does a lot of work with O'Hare and Rockford airports.

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.

Applicant's Response: There will not be any environmental nuisance that is different or more than any other industrial user in the I-1 district. The Petitioner originally was going to propose a cedar board on board fence of 10 feet between the site and the residential properties. After meeting with the residents, the Petitioner is proposing a 12 foot fence made of commercial grade composite Sim Tek which will have no maintenance requirement and act as a sound barrier. In

addition, the Petitioner will install screening on the fence along Eagle Drive similar to that you see for tennis courts to screen the outside storage from Eagle Drive. Finally, the amount of outside storage is less than 25% of the total site.

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.

Applicant's Response: The proposed use will fit harmoniously with the existing character of the industrial park and allow an existing Bensenville business and its jobs to stay in town. The reality with the global economy, you are not going to see a manufacturing user occupy this 313,102 square foot building. Prologis is a multinational company that clearly sees the demand for this building as warehouse/distribution, which is allowed in the I-1 district. Any such user will require outside storage of trucks and trailers.

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.

Applicant's Response: The proposed use will not put a strain or disproportionate strain on public services beyond what is normally provided for in an I-1 Permitted 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.

Applicant's Response: There is a need for the Village of Bensenville to keep its industrial parks occupied. The demand for this building and site will be for warehouse and distribution. Without approval, not only will the Village have a vacant industrial building that will lower the real estate taxes it receives, but also a second Bensenville business will be forced to move out of the Village and with it the Village will have another vacancy and jobs that will leave the corporate limits.

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.

Applicant's Response: The building is approximate 30 years old, and the was originally built for a manufacturing use. The improvements the Petitioner and tenant will put into the site, including the commercial grade composite fencing will help make this site a viable occupied property in the industrial park, while also being a good neighbor to the residential properties to the south.

Chairman Moruzzi seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez

Motion failed.

Motion: Commissioner Pisano made a motion to approve the requested conditional use permit with Staff's recommendations.
Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez

Motion failed.

Motion: Commissioner Rowe made a motion to approve the Findings of Fact for the proposed 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.

Applicant's Response: The special circumstances that arise for the variances are partially due to the concerns raised by the residents from the meeting on February 2, 2017. The parking in the front yard is due to the configuration of the parking lot in relation to the existing building. The proposed tenant needs parking for 40 trailers and 30 tractors which can be obtained

with the current configuration. The Petitioner is placing the tractors in a location to be furthest away from the residential property.

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.

Applicant's Response: Without the variance the proposed tenant will not be able to occupy the property and relocate its existing Bensenville business. Any prospective future tenant is going to need outside storage of tractors and trailers in this location.

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.

Applicant's Response: The circumstances that give rise to the variance is due to the original design of the property over 30 years ago and the reality of current market conditions for prospective users.

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.

Applicant's Response: The proposed variances are not resultant from actions of the Petitioner, Prologis. The Petitioner is attempting to avoid a vacancy in this building and allow another business to remain in Bensenville.

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.

Applicant's Response: A variance is necessary to enjoy substantial property right and to allow for the improvement of the property with the proposed new tenant.

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.

Applicant's Response: The variances are required for the proposed tenant to occupy the space.

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.

Applicant's Response: Granting the variances will not alter the character of the industrial park and will provide better screening that will be long lasting between the industrial users and the residential properties.

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.

Applicant's Response: The granting of the ordinance is in harmony with the general purpose of the ordinance and similar request have be granted throughout the Bensenville industrial parks.

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.

Applicant's Response: The variances requested are the minimum required for the proposed tenant and to comply with the request of the meeting with the residents.

Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez

Motion failed.

Motion: Commissioner Rowe made a motion to approve the requested variances with Staff's recommendations. Commissioner Pisano seconded the motion.

ROLL CALL: Ayes: None

Nays: Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez

Motion failed.

Motion: Commissioner Rowe made a motion to recess the meeting. Commissioner Lomax seconded the motion.

All were in favor. Motion carried. Chairman Moruzzi recessed the meeting at 8:07 p.m.

Chairman Moruzzi called the meeting back to order at 8:16 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez
Absent: None
A quorum was present.

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

CDC Case Number 2017-01

Pilot/Gullo International

1050 Illinois Route 83

Rezoning from O – 2 Office Center to I – 2 Light Industrial
Conditional Use Permit to allow a Truck Stop / Service Station
Variances from:

10 – 11 – 8 – 2E – 1, Enlarge Curb Cut Width from 35' to 40', 60' and 168';

10 – 11 – 8 – 2B, Parking Lot Configuration;
10 – 11 – 8A, Parking in Required Yards;
10 – 11 – 8 – 2F, Driveway Location less than 50' to Intersection;
10 – 12 – 2E, Decrease the Foundation Landscape Strip from 6' to 0';
10 – 18 – 12A – 3B – 2, Increase Number of Wall Signs from 2;
10 – 18 – 12A – 3B – 3, Increase Number of Awning/Canopy Signs from 1;
10 – 18 – 12A – 3C – 2, Increase Maximum Wall, Awning/Canopy, Under Canopy and Permanent Window Sign Area;
10 – 18 – 12A – 3B – 1, Increase Number of Monument Signs Permitted from 1 and Number of Business Names on Monument Sign from 1;
10 – 18 – 12A – 3C – 1, Increase Maximum Monument Sign Area from 32 sq. ft. to 47.52 sq. ft.;
10 – 18 – 12A – 3D – 1, Increase Maximum Monument Sign Height from 6' to 30';
10 – 18 – 7D – 2C, Sign Base for Monument Sign;
10 – 18 – 7F – 1, Landscaping at Base of Monument Sign;
10 – 18 – 12E, Minimum Sign Setback

Motion: Commissioner Lomax made a motion to re-open CDC Case No. 2017-01. Commissioner Rowe seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez
Absent: None
A quorum was present.

Chairman Moruzzi re-opened the Public Hearing at 8:17 p.m.

Chairman Moruzzi suggested continuing this case until a future meeting to allow the Commission to review the proposed project. Mr. Moruzzi stated he did not have enough time to review the provided material as he received the information on Friday at 5:30 p. m.

The petitioner asked what else needed to be done because they were informed from the Village Staff that their application was deemed completed. The petitioner stated the plans that were provided to the Commission would not be changing.

Motion: Commissioner Lomax made a motion to continue CDC Case No. 2017-01 until March 20, 2017. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

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

ADJOURNMENT:

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

All were in favor. Motion carried.

The meeting was adjourned at 8:31 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

**Exhibit A
(2 Pages)**



