

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

March 20, 2017

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:35p.m.

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

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission
Meeting of March 6, 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.

Continued

Public Hearing: CDC Case Number 2017-01

Petitioner: Pilot/Gullo International

Location: 1050 Illinois Route 83

Request: 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';
10 – 12 – 2E, Decrease the Foundation Landscape Strip from 6' to
0';
10 – 18 – 12A – 3B – 2, Increase Number of Wall Signs from 2 to 4;
10 – 18 – 12A – 3B – 3, Increase Number of Awning/Canopy Signs
from 1 to 10;
10 – 18 – 12A – 3C – 2, Increase Maximum Wall, Awning/Canopy,
Under Canopy and Permanent Window Sign Area from 260' to
456.58';

10 – 18 – 12A – 3B – 1, Increase Number of Monument Signs
Permitted from 1 to 2 and Number of Business Names on Monument
Sign from 1 to 2;
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 8' to 14';

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

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

Chairman Moruzzi re-opened the Public Hearing at 6:38 p.m.

Chairman Moruzzi swore in Senior Planner, Kurtis Pozgay.

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 2, 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 January 31, 2017. Mr. Pozsgay stated on February 3, 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 4.13-acre property in question is located at the southwest corner of Mark Street and N. IL Route 83. It is currently zoned O -2 Office Center District and is improved with a two story approximately 61,000 office building and a large parking lot. Mr. Pozsgay stated the site is along the Elgin – O'Hare Western Access Tollway corridor and is within Tax Increment Financing District #6.

Mr. Pozsgay stated the petition seeks to rezone the property in question to I-2 Light Industrial District and to demolish the office building upon approval of a Conditional Use Permit to allow the construction of a 6,022 square foot convenience store with restaurant and fuel center. Mr. Pozsgay stated multiple variations are required to for the plan as submitted. Staff assumes the convenience store and fueling operation will be a 24-hour a day operation.

Mike MacKinnon of Bluestone Single Tenant Properties was present and sworn in by Chairman Moruzzi. Mr. MacKinnon shared a presentation of the proposed project with the Commission and members of the Public. The presentation has been attached to the minutes as "Exhibit A". Mr. MacKinnon shared the background partnership between Bluestone Single Tenant and Pilot Gas. Mr. MacKinnon provided an overview of Bluestone Single Tenant Properties traffic study and surrounding area for their target audience. Mr. MacKinnon provided an overview of the property. Mr. MacKinnon stated the proposed gas station would not be a truck stop and would not have showers within the facility. Mr. MacKinnon shared photos from their Carol Stream location and indicated the layout will be extremely similar with minor changes. Mr. MacKinnon shared renderings of the proposed signage on site. Mr. MacKinnon stated there will be a PJ Fresh Marketplace and a Dunkin Donuts located within the facility. Mr. MacKinnon shared the potential economic impact to the Village of Bensenville.

Commissioner Rodriguez asked why the plans allow for fifteen truck parking stalls and not less. William Mulligan, V.P. of Development at Pilot Travel Centers was present and sworn in by Chairman Moruzzi. Mr. Mulligan stated the proposed truck parking is 1/3 of the proposed car parking and a standard practice at other locations.

Commissioner Rodriguez asked for clarification on the provided traffic study. Mr. Mulligan provided a review of the traffic study and stated during their study, Mark Street was less busy than Foster Avenue. Mr. Mulligan stated traffic becomes an issue in the area; he is willing to install stop signs in the area or contribute to a stoplight at Mark Street & Tower Lane.

Commissioner Rodriguez asked what would happen if the business failed. Commissioner Rodriguez stated it would be more difficult for another tenant (non gas station) to develop the area because of environmental concerns. Mr. Mulligan stated they are leasing the property so the owner of the land would consume all redevelopment costs if the property is to vacate so they can get a tenant occupying the property ASAP.

Commissioner Rowe raised concern with stacking of trucks and the overflow onto the Public street. Mr. Mulligan stated he understands the concerns raised by Commissioner Rowe, however; the proposed plans allow for the stacking of 18 trucks on site at pumps. Mr. Mulligan stated something major would have to happen on Tower Lane to back up truck traffic.

Commissioner Pisano asked if there was any intention for an electronic message center sign on the site. Mr. Mulligan stated they have no interest to install an electronic message center sign on site.

Commissioner Lomax had no questions.

Chairman Moruzzi stated he did not see any mention of traffic to the east in the submitted traffic study. Mr. Mulligan stated the traffic study was completed based off the proposed route Pilots would prefer trucks to enter and exit the site.

Commissioner Rodriguez asked if the petitioner was aware of Staff's request to reduce the size of the truck scale sign. Mr. Mulligan stated he was aware of Staff's request and has no issues in accommodating the request.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to address the Commission regarding CDC Case No. 2017-01. There was none.

Mr. Pozsgay stated staff respectfully recommends the approval of the Findings of Fact for the proposed rezoning consisting of:

1. Support for Classification:

a. Compatible with Use or Zoning

The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs, or

b. Supported by Trend of Development

The trend of development in the general area since the original zoning was established supports the proposed classification, or

c. Consistent with Village Plans

The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

Applicant's Response: The use of the planned development is permitted under the proposed I-2 zoning with a conditional use. The proposed Zoning district is compatible with the existing zoning of the adjacent properties and the planned future uses by the Village's Comprehensive Plan. The trend of the development along this corridor continues to be commercial and industrial development. The proposed classification of the development plan is in harmony with the Village based on its Comprehensive plan for Commercial for this property.

2. Furthers Public Interest

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

Applicant's Response: The proposed zoning classification is consistent with the adjacent land uses and the trend of the development along the Route 83 corridor. The proposed zoning classification promotes the public interest, and is consistent with the Village's Comprehensive Plan.

3. Public Services Available

Adequate public services---such as water supply, sewage disposal, fire protection, and street capacity---are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

Applicant's Response: There are adequate public services to service the proposed development. The proposed development is designed as not to put a burden on the existing public services such as water supply, sewage disposal, fire protection and street capacity.

Mr. Pozsgay stated staff respectfully recommends the approval of 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: The proposed development and surrounding properties within the industrial park are zoned for industrial and office uses, which the current infrastructure and improvements along Route 83 and beyond were already planned to support a volume of vehicle traffic associated with this type of zoning.

Fuel centers are for the most part traffic recirculates, and not traffic generators. The applicant desires to locate at this property due to the existing traffic volumes on Route 83. The traffic will pull off of Route 83, circulate through the site, and the return to Route 83.

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: The proposed use of the development shall not pose any negative adverse effects uncharacteristic of the existing/historic uses allowed in the industrial district. The proposed development provides green area buffers, perimeter screening and paved surfaces to minimize dust generation. The lighting of the lot shall be focused such that the light will not adversely affect or impact the adjacent properties. The noise will not be any greater than what is currently being produced from the surrounding area, including Route 83.

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 development is in line with an industrial use and will not have any adverse impact on the property values. The development will serve as an amenity to the neighboring industrial uses, providing a location for food and fuel.

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 existing public services and facilities are adequate, and the proposed development will not generate a disproportionate demand for new services or facilities.

5. Public Necessity: The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

Applicant's Response: As stated above, the proposed fuel center will serve as an amenity to the adjacent industrial facilities, and also to passerby traffic. In addition to fuel, the facility will provide freshly prepared foods including Pilot's PJ Fresh Marketplace and convenience goods.

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 use is consistent and harmonious with other commercial and industrial uses along the Route 83 corridor.

Mr. Pozsgay stated staff respectfully recommends the approval of 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: Enlarge curb cut width from 35' to 40' 60' & 168' at property line, Municipal Code Section 10-11-8-2E-1. By enlarging the curb cut width from 35 feet to the sizes mentioned allows reasonable, adequate and efficient area to maneuver both cars and trucks entering and exiting the proposed fueling center

Eliminate the Foundation Landscape Strip from the front and corner side yards abutting the proposed C-Store building foundation, Municipal Code Section 10-12-2E. Removal of the foundation landscape strip as not to interfere with sight lines to the Fueling Pumps Contrary to other retail developments. A fuel center's primary point of sale is outside of the building and visibility for safety and security is paramount.

Increase Monument Sign Maximum Height from 8 feet to 30 feet in height, Municipal Code Section 10-18-12-A3-D. The monument sign height is necessary to provide motorists with sufficient advance notice to enter the correct travel lane before entering the facility.

Increase Monument Sign Area from the allowed 150 square feet to not to exceed 200 s.f. per signage exhibit, Municipal Code Section 10-18-12-A3-C. The additional signage area will provide sufficient signage face area to provide adequate visibility for the monument sign.

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: Based upon the responses given to the Special Circumstances, the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties from mere inconvenience.

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: Circumstances relate to property do not concern any business or activity present or prospective or any financial circumstances of any party interested in the property. They only relate to the proposed development of the site.

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: No special circumstances, practical difficulties and or hardships are the basis for the requested variances and not from any act, undertaken subsequent to adoption of this ordinance 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.

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: This Variance request does not confer any special privileges ordinarily denied to such other properties but is necessary to maximize the potential of the site to meet the needs of today's tenant requirements.

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 requested variances do not enhance the applicant's economic return on the property; rather they promote proper circulation through the site, and increase the safety and security of the auto fueling operations.

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: The variances requested are consistent with the character of the adjacent land uses. The granting of the proposed variances will not alter the character of the locality nor substantially impair the environmental quality, property values or public safety and welfare in the vicinity of the property.

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 proposed variances will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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.

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 to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

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

1. The Conditional Use Permit be granted solely to the Pilot Travel Centers 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 03.06.17 by Kimley Horn.
3. Pilot will work on a parking enforcement agreement with the Bensenville Police.
4. Overnight truck parking be prohibited.
5. Silt fencing should be installed during construction as directed by public works.
6. No Video Gaming.
7. No Liquor Sales.
8. No showers, laundry facilities, or sleeping quarters.
9. No outdoor display or storage of products for sale, with the exception of ice.
10. The applicant should reimburse the Village for the cost of any damage to the multi-use path along the IL-83 frontage of this site.
11. Revise Architecture
 - a. Masonry Canopy Columns
 - b. Work with staff on building materials
12. Remove "We Make Pizza" sign.
13. The final landscape plan shall be subject to staff review upon final permitting.

Commissioner Rodriguez asked if Staff had any issues with the proposed parking. Mr. Pozsgay stated Staff is fine with the proposed parking as it has reduced dramatically from the original plans.

Chairman Moruzzi asked if "Welcome to Bensenville" could be added to the proposed sign. Mr. Mulligan stated he was not opposed to the suggestion and would meet with his development team regarding Chairman Moruzzi's request.

Chairman Moruzzi asked Staff to look into the Commissioner's concerns:

- 1) CAT sign size (The Pilot rep said they could reduce the size)
- 2) Mark Street improvements/connections and City reimbursement
- 3) Parking issues on Tower
- 4) Traffic impact from trucks cutting through neighborhood to the west

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-01. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 7:44 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and approve the rezoning from O-2 to I-2 with Staff's recommendations listed above. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the conditional use permit to allow a service station with Staff's recommendations listed above. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 11 – 8 – 2E – 1, Enlarge Curb Cut Width from 35' to 40' with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 12 – 2E, Decrease the Foundation Landscape Strip from 6' to 0' with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3B – 2, Increase Number of Wall Signs from 2 to 4 with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Lomax made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3B – 3, Increase Number of Awning/Canopy Signs from 1 to 10 with Staff's recommendations listed above. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3C – 2, Increase Maximum Wall, Awning/Canopy, Under Canopy and Permanent Window Sign Area from 260' to 456.58' with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3B – 1, Increase Number of Monument Signs Permitted from 1 to 2 and Number of Business Names on Monument Sign from 1 to 2 with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3C – 1, Increase Maximum Monument Sign Area from 32 sq. ft. to 47.52 sq. ft. with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 12A – 3D – 1, Increase Maximum Monument Sign Height from 8' to 14' with Staff's recommendations listed above. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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 7:55 p.m.

Chairman Moruzzi called the meeting back to order at 8:02 p.m.

Public Hearing: CDC Case Number 2017-04

Petitioner: ABW Automotive

Location: 211 Beeline Drive, Unit 11

Request: Conditional Use Permit to allow Motor Vehicle Repair Major & Minor, Municipal Code Section 10 – 9B - 3

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-04. Commissioner Lomax seconded the motion.

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

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

Motion: Commissioner Pisano made a motion to continue CDC Case No. 2017-04 until April 17, 2017. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-06
Petitioner: Green Street Grille
Location: 120 West Green Street
Request: Variances for Signage, Municipal Code Sections:
10 – 18 – 11d – 1, Monument Sign Height
10 – 18 – 11e, Monument Sign Setback
10 – 18 – 7D – 2c, Monument Sign Base
10 – 18 – 7A – 2, Vision Clearance Triangle
10 – 18 – 11b – 2, Number of Wall Signs Permitted

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-06. Commissioner Lomax seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 8:06 p.m.

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 March 2, 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 March 3, 2017. Mr. Pozsgay stated on March 3, 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 add signage to their renovated restaurant. Mr. Pozsgay stated the restaurant is on Village property south of the Village Hall parking lot. Mr. Pozsgay stated they are proposing to add three round internally lit wall signs to the tower on the corner of the building and one wall sign above the patio. Mr. Pozsgay stated the bulk of the variance requests come from the proposed sign at the corner of Addison and Main. Mr. Pozsgay stated there are three different versions of this sign included with the plans.

Mr. Dan Bradley of Green Street Grille was present and sworn on by Chairman Moruzzi. Mr. Bradley reviewed the proposed signage Green Street Grille is seeking approval for.

There were no questions from the Commission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to address the Commission regarding CDC Case No. 2017-06. There was none.

Mr. Pozsgay stated staff respectfully recommends the approval of 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: Variations pertaining to signs should not have a material impact on the type nor volume of traffic generated by the restaurant use or of traffic generally associated with uses allowed and permitted in the C-3 Downtown District.

- 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: The requested variations dealing with signage will have no negative impact on noise, glare, odor, dust, waste disposal, blockage of light or air.

- 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 property in question is in the heart of the Village's downtown. The freestanding sign as presented is compatible with the Village's downtown vision. The wall mounted signage add to the architectural character of the building and will be harmonious with the downtown environment.

- 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: If approved the requested variations will have no impact on public services and facilities.

- 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: The Village's gap analysis has indicated a need for additional eating and drinking establishments. The attraction of such uses has been a focus of the Village marketing efforts. The signage variations sought by the applicant are seen as a step to achieve the downtown goals.

- 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: As mentioned above, the use supported by these proposed signage variations are specifically identified by the Village as needed and desired use in the downtown. If approved the signage will be in harmony and compatible.

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: The signs do not alter the local character nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

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 variances for these signs are in harmony with the Comprehensive Plans goals of improved signage in the downtown 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.

Applicant's Response: The requested variances are the minimum required to enjoy the full use of the property.

Mr. Pozsgay stated staff respectfully recommends the approval of the proposed variance with the following conditions:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application.
2. Monument sign not to be placed directly on corner of lot to reduce vision issues.
3. Low ground landscaping should be added around base of monument sign to not cause vision issues at corner.
4. Final landscaping plan to be reviewed and approved by staff.

Motion: Commissioner Pisano made a motion to close CDC Case No. 2017-06. Commissioner Rodriguez seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:14 p.m.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 11d – 1, Monument Sign Height. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 11e, Monument Sign Setback. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 7D – 2c, Monument Sign Base. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 7A – 2, Vision Clearance Triangle. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rowe made a combined motion to approve the Findings of Fact listed above and to approve the variance 10 – 18 – 11b – 2, Number of Wall Signs Permitted. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2017-05
Petitioner: Village of Bensenville
Location: 120 West Green Street
Request: Temporary C-2 Highway Commercial Zoning District Moratorium

Motion: Commissioner Rowe made a motion to open CDC Case No. 2017-05. Commissioner Lomax seconded the motion.

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

Chairman Moruzzi opened the Public Hearing at 8:20 p.m.

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 March 2, 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 staff would like the Commission to consider a three-month moratorium on the allowance of dry cleaners, laundry drop off stations and laundromats, and liquor stores (package goods only) in the C-2 Highway Commercial Zoning District. Mr. Pozsgay stated the Village is currently working with the Chicago Metropolitan Agency for Planning on a new zoning ordinance. Mr. Pozsgay stated the process of creating the new ordinance has just begun, meaning a final ordinance isn't anticipated for completion until late 2017 or early 2018. Mr. Pozsgay stated staff has some concerns about regulating the noted uses, which are currently allowed by right in the C-2 district. Mr. Pozsgay stated the Village is requesting the temporary moratorium in order to assess whether a zoning code amendment is needed prior to the completion of the new zoning ordinance.

Mr. Pozsgay stated staff is asking the CDC to approve staff's recommendation for a temporary moratorium. Mr. Pozsgay stated an ordinance will be drafted and forwarded to the Village Board's Community and Economic Development Community for consideration if approved by the Commission.

There were no questions from the Commission.

Public Comment:

Chairman Moruzzi asked if there was any member of the Public that would like to address the Commission regarding CDC Case No. 2017-05. There was none.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-05. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 8:23 p.m.

Motion: Commissioner Rowe made a motion to approve the Temporary C-2 Highway Commercial Zoning District Moratorium for three months. Commissioner Lomax seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

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

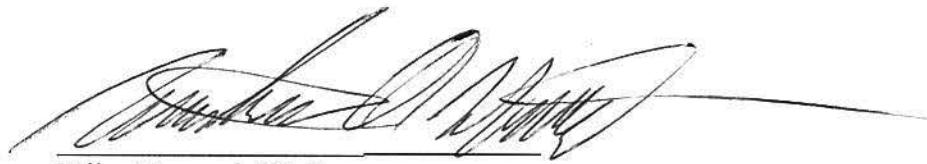
Chairman Moruzzi stated he received a Public Comment form from Mark Keane prior to the meeting and that the member of the Public left the meeting prior to his opportunity to address the commission.

ADJOURNMENT:

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

All were in favor. Motion carried.

The meeting was adjourned at 8:32 p.m.

A handwritten signature in black ink, appearing to read "Mike Moruzzi". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the main stroke.

Mike Moruzzi, Chairman
Community Development Commission