

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

December 5, 2017

**CALL TO ORDER:** The meeting was called to order by Chairman Rowe at 6:30p.m.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King  
Absent: Rodriguez  
A quorum was present.

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

**JOURNAL OF PROCEEDINGS:** The minutes of the Community Development Commission Meeting of November 7, 2017 were presented.

**Motion:** Commissioner Marcotte made a motion to approve the minutes as presented. Commissioner King seconded the motion.

All were in favor. Motion carried.

**PUBLIC COMMENT:** There was no Public Comment

**Public Hearing:** CDC Case Number 2017-29  
**Petitioner:** ARCO/Murray  
**Location:** 220 N. York Road  
**Request:** Rezoning from C – 4 Regional PUD Commercial District to I – 2 Light Industrial District, Municipal Code Sections 10 – 7D and 10 – 9B; and Variance, Truck Loading Dock Width, Municipal Code Section 10 – 11 – 12D – 1a; and Preliminary & Final Plat of Consolidation; and Site Plan Review.

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2017-29. Commissioner Moruzzi seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King  
Absent: Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 6:32 p.m.

Chairman Rowe swore in Director of Community Development, Scott Viger and Village Planner, Kurtis Pozsgay.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on November 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 November 16, 2017. Mr. Pozsgay stated on November 16, 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 ARCO/Murray, an architecture firm representing Distribution Realty Group (DRG), is seeking to rezone these properties, consolidate into one parcel, and construct an 188,945 SF industrial building, which will require a variance to loading dock width. DRG recently put the properties under contract including several properties owned by the Village along Brookwood and Pleasant Streets, just west of York Road. Mr. Pozsgay stated along with Village right of way, they intend to clear the site and erect a new industrial building.

Mr. Andrew Glover of ARCO/Murray and Mr. Jeff Jacob of Jacob & Hefner were present and sworn in by Chairman Rowe. Mr. Glover provided a brief overview of the plan and stated this was a simple project that has been completed in Bensenville before.

Commissioner Ciula asked for clarification for entering and exiting the proposed site. Mr. Glover stated the property would be accessed via a right in / right out only. Mr. Jacob stated the median in the middle of York Road prevents them from otherwise.

**Public Comment:**

**Edwin Chavez – 14 Brookwood Street, Bensenville, Illinois**

Mr. Chavez was present and sworn in by Chairman Rowe. Mr. Chavez asked when the project would be completed. Mr. Glover stated the plan is to break ground in Spring 2018 and that the project should take between 9-10 months to complete.

Mr. Pozsgay reviewed the approval criteria for 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.

**b. Supported by the Trend of Development**

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

**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.

*Response: The sites immediately to the north of the proposed development are zoned I-2, the same as the proposed classification of this site. The rezoning of this site would result in contiguous I-2 zoning through this site.*

**2. Furthers the Public Interest**

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

*Response: The proposed zoning promotes public interest. The current state of the site is a conglomerate of run-down residential and commercial properties. The proposed development will have an aesthetically pleasing façade facing York Road to the east.*

**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 anticipated date of issuance of a Certificate of Occupancy.

*Response: Per conversations with Village Engineering and Public Works, there are adequate utilities (sewer/water) available on the west side of York Road.*

Mr. Pozsgay reviewed the approval criteria for the requested variances consisting of:

1. **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

*Response: Two (2) similar industrial buildings have recently been developed in Bensenville that were granted variances on the loading dock stall width. One building is the Geib Industries building at 901 E Jefferson Street, and the other is the Liberty building currently being developed at 350 N York Road. Both of these buildings are conventional warehouse/distribution centers, similar to our proposed building, with 12' wide truck dock stall widths.*

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.

*Response: A 14' wide truck loading stall is not practical for a couple of different reasons. First, the maximum width of a precast panel is 12'. If a panel is over 12' wide, the truck transporting that panel must apply for and receive special road permits to transport the panel to the site. If the loading stall width were to be 14', our precast panels along the dock side of the building would have to be 14' wide, and thus cause issues with permitting the panel transportation. Second, the Chicagoland industry standard truck stall width is 12'. This allows for the maximization of the number of dock positions that will fit along the length of the building, and provides the most flexibility for the tenant's dock position needs.*

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.

*Response: This variance relates directly to the dimensions of the truck stall width on the building.*

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.

*Response: The applicant has not yet taken any action as it relates to the matter at hand. Construction of the facility has not begun.*

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.

*Response: As stated above, the (2) other industrial developments above have 12' wide truck stalls. As such, the granting of this variance will not result in this property having a special privilege.*

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.

*Response: This variance is necessary because an industrial building containing truck dock stalls that are 14' wide is not marketable. All industrial facilities in the Chicagoland area have truck stall widths of 12'.*

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.

*Response: This variance has no impact on environmental quality, property values, public safety, or public welfare.*

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.

*Response: Granting this variance will not disrupt the intent of the Village Ordinance in any way, as no other section of the code relates to the truck stall width.*

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.

*Response: Since a 12' wide truck stall is industry standard, it is the minimum required variance in order to provide this property with relief from undue hardship and/or practical difficulties.*

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following conditions:

1. The site plan, floor plan and elevations be in substantial compliance of the plans dated 10.30.17 by GMA Architects; and
2. Final detention calculations shall be prepared as required by the DuPage County Stormwater and Floodplain Ordinance (DCSFO effective April 2013) and submitted to the Village for approval; and
3. Applicant to install a 10-feet wide ADA complaint HMA bike path along the York Rd frontage of this site as part of this development; and
4. Applicant to work with staff on the design of the York Road façade; and
5. The final signage plan shall be subject to staff review upon final permitting; and
6. The final landscape plan shall be subject to staff review upon final permitting.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-29. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:46 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Rezoning from C – 4 Regional PUD Commercial District to I – 2 Light Industrial District, Municipal Code Sections 10 – 7D and 10 – 9B with Staff's recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Variance, Truck Loading Dock Width, Municipal Code Section 10 – 11 – 12D – 1a with Staff's recommendations. Commissioner Moruzzi seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Preliminary & Final Plat of Consolidation with Staff's recommendations. Commissioner King seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Site Plan Review with Staff's recommendations. Commissioner Moruzzi seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2017-30  
**Petitioner:** Conexion Latina BV Corp  
**Location:** 229 West Grand Avenue, Suite E  
**Request:** Conditional Use Permit, Currency Exchange, Municipal Code Section 10 – 7B – 3

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2017-30. Commissioner Moruzzi seconded the motion.

**ROLL CALL :**

Upon roll call the following Commissioners were present:  
Rowe, Ciula, Czarnecki Moruzzi, Marcotte, King  
Absent: Rodriguez  
A quorum was present.

Chairman Rowe opened the Public Hearing at 6:49 p.m.

Village Planner, Kurtis Pozsgay, was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on November 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 November 16, 2017. Mr. Pozsgay stated on November 16, 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 Petitioner is seeking a Conditional Use Permit to include Currency Exchange services (money transfers/international remittance) at his exiting business in Plaza de Campana. Mr. Pozsgay stated the current business is a Boost Mobile store. Mr. Pozsgay stated the ordinance states that there cannot be any other currency exchange within 1,000 feet. Mr. Pozsgay stated the closest currency exchange is Illinois Currency Exchange at 101 W Grand Avenue just west of York Road, which is greater than 1,000 feet away. Mr. Pozsgay stated there were two previous Conditional Use Permits approved for currency exchanges at this plaza, neither of which still exist. Mr. Pozsgay stated the most recent, Enbioxpress Illinois was recently approved for their new location at 469 W Irving Park Road.

Mr. Eliseo Chavez, owner of Conexion Latina BV Corp was present and previously sworn in by Chairman Rowe. Mr. Chavez stated he was looking to fill service that left the plaza for a new location.

Commissioner Marcotte asked what kind of services were offered in the currant space. Mr. Chavez stated they operate as a Boost Mobile store.

**Public Comment:**

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed request 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. There are already several retail spaces and there was a prior business doing this but have moved out of plaza.*

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 tenant in shopping center nor surrounding area.*

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 shopping center and contribute to all business in area.*

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.*

**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: The people in the Village of Bensenville need this type of services, they were already provided by a prior business that relocated.*

**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: We are already invested in two business in Bensenville, both location would make any city proud as far as look, ambient and service. We will remodel this space into a worth business for the people of Bensenville.*

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the request with the following condition:

1. The Conditional Use Permit be granted solely to the Conexion Latina BV Corp 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.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-30. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:56 p.m.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-30 as presented by Staff and to approve the Conditional Use Permit request for a currency exchange with Staff's recommendations. Commissioner King seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

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 Marcotte made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:03 p.m.



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Ronald Rowe, Chairman  
Community Development Commission