

Community Development Commission Meeting Minutes

March 6, 2018

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

March 6, 2018

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, Czarnecki, Marcotte, Moruzzi, King
Absent: Ciula, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamson,

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of February 6, 2018 were presented.

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

All were in favor. Motion carried.

PUBLIC COMMENT: There was no Public Comment

Public Hearing: CDC Case Number 2018-03
Petitioner: 17 Gateway LLC
Location: 17 Gateway Road
Request: Zoning Map Amendment,
C-4 Regional PUD Commercial to I – 2 Light Industrial
Municipal Code Sections 10 – 7D and 10 – 9B.

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2018-03. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:33 p.m.

Chairman Rowe swore in 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 February 15, 2018. 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 16, 2018. Mr. Pozsgay stated on February 16, 2018 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 Zoning Map Amendment. Mr. Pozsgay stated the property is currently zoned C – 4 Regional PUD Commercial. Mr. Pozsgay stated the proposed zoning is I – 2 Light Industrial. Mr. Pozsgay stated the applicant has been working to sell the property and in the process of having an appraisal done. Mr. Pozsgay stated the bank preparing the appraisal had issues with the C – 4 designation since there is a sunset in the current ordinance (July 2, 2021) where all new industrial uses become non-conforming. Mr. Pozsgay stated the zoning change to I – 2 allows the current industrial use of the property to continue.

Mr. Minko Gankov, owner of 17 Gateway LLC was present and sworn in by Chairman Rowe. Mr. Gankov stated he is trying to sell his property to Al Warren Oil Company but the bank will not give them the loan because of the sunset provision set in the C-4 District.

Commissioner King asked what the nature of business is going to be for the new owner. Mr. Gankov stated it would be an expansion of their current operation taking place next door.

Public Comment:

Anthony Antonaitis was present and sworn in by Chairman Rowe. Mr. Antonaitis stated he was present on behalf of Al Warren Oil and that they are in favor with the proposed zoning amendment.

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

1. 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

Applicant Response: Presently the site is used for industrial purposes including warehousing. Our intended use for the facility will be warehousing and distribution, which is similar to the uses of the properties to the west of the site.

2. Supported By Trend Of Development: The trend of development in the general area since the original zoning was established supports the proposed classification; or

Applicant Response: The trend of industrial development for the surrounding area is Class A warehouse. These new developments require higher image aesthetically, as well as increased employee parking and dock door counts, which is consistent with our proposed use.

3. Consistent with Village Plans: The proposed classification is in harmony with objectives of the general development plan and other applicable Village plans as viewed in light of any changed conditions since their adoption.

Applicant Response: The proposed development will be consistent with the Village's intent to convert the site from C-4 to 1-2 zoning as it will continue to align the use in harmony with the surrounding uses while dramatically improving the image of York Road through Bensenville.

4. Furthers Public Interest: The proposed zoning classification promotes the public interest does not solely further the interest of the applicant.

Applicant Response: The proposed redevelopment of the property will enhance the appearance not only of the property, but also the image of Bensenville's industrial properties along the future tollway extension. This will increase property values and attract more Class A development in the future.

5. **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 Response: All the required public services such as water, sanitary sewer, road capacity, and fire protection exist to serve the site and will allow the building to function properly without additional Village resources.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the proposed request.

There were no questions from the Commissioners.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-03. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:40 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-03 as presented by Staff and to approve the Zoning Amendment, C-4 Regional PUD Commercial to I – 2 Light Industrial Municipal Code Sections 10 – 7D and 10 – 9B. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-04

Petitioner: Chinese Bible Church of Oak Park

Location: 631 N IL Route 83

Request: Conditional Use Permit, Churches and religious institutions

Municipal Code Section 10 – 8B – 3

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2018-04. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:

Rowe, Czarnecki, Marcotte, Moruzzi, King

Absent: Ciula, Rodriguez

A quorum was present.

Chairman Rowe opened the Public Hearing at 6:41 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 February 15, 2018. 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 16, 2018. Mr. Pozsgay stated on February 16, 2018 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 for a Church at 631 IL Route 83. Mr. Pozsgay stated the applicant intends to lease the entire third floor of the property owned by Faith International LLC. Mr. Pozsgay stated Staff had received a floor plan for the property that outlines seating on site. Mr. Pozsgay stated Staff has also received a letter of intent from the property owner to address code violation on site prior to the Church taking occupancy.

Mr. Frank Johnson, Elder of the Chinese Bible Church of Oak Park was present and sworn in by Chairman Rowe. Mr. Johnson stated the Church has been in Oak Park for over thirty years. Mr. Johnson stated this is a temporary location until they can construct a new facility in the area.

Chairman Rowe asked what kind of hours would the Church operate. Mr. Johnson stated the Church will mainly operate on Sunday morning to mid afternoons. Mr. Johnson stated they would be a class at the Church once a week at night with a minimum of 5 to 10 people.

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 in the industrial park where 631 Busse Road is located. Majority of our church's activities will be on Sunday and most of the industrial and commercial use buildings in the surrounding neighborhood are off on the weekends.

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 since our activities involve only church gatherings. The impact on environment would not be different from any historical use of this commercial building. Noise would not be an issue since our services are conducted indoors and this commercial building is located over 250 feet from any residential building.

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. All services of our church are held indoors so there will not be any change to the external character of the building. Our presence during the weekend in an otherwise empty Industrial neighborhood would enhance the security and value of the surrounding 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 since we only have a very small staff (four or less) during weekdays. Our demand on utilities are highest during the weekend when the utilities consumptions of our neighbors are at their minimum.

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 Village of Bensenville is working to keep its industrial and commercial buildings occupied. While the sister building located at 611 Busse is still completely empty at this moment, we will be occupying over 11,710 square feet (45%) of commercial office space in 631 Busse in Bensenville. Our church attendees are from both the areas in the neighborhood and the suburbs of the metropolitan, the immediately benefitted businesses would be gas stations and restaurants. Other businesses should also be benefitted when we visit Bensenville on a regular basis. On top of this, one of the greater benefit would be the spiritual enrichment of the residents and their friends.

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: Our church has one hundred and ten years of history in the Chicago/Oak Park area. We believe in and strive to be good neighbors to the community we serve.

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 conditions:

- 1) Applicant must submit a floor plan that details seating or meeting space; and
- 2) Applicant must prove there is enough parking available to handle the increased need. A parking and traffic study may be required; and
- 3) Applicant/owner must clear up any outstanding inspections. All inspections must be passed prior to occupancy; and
- 4) Current fire alarm, fire sprinkler and backflow preventer reports are needed prior to occupancy; and
- 5) An occupant load number will need to be provided; and
- 6) The required number of accessible parking spaces must be provided; and
- 7) Applicant must demonstrate, through their own capacity needs and those of the other tenants, that enough parking exists on site.

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2018-04. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:51 p.m.

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Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2018-04 as presented by Staff and to approve the Conditional Use Request, Churches and religious institutions, Municipal Code Section 10-8B-3. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing:

CDC Case Number 2016-16

Petitioner:

Valinvest Holding, LLC/Amerifreight

Location:

720 East Green Street

Request:

An Amendment to Preliminary Planned Unit Development and Final Planned Unit Development

Motion: Commissioner Moruzzi made a motion to open CDC Case No. 2016-16. Commissioner Marcotte seconded the motion.

ROLL CALL :

Upon roll call the following Commissioners were present:

Rowe, Czarnecki, Marcotte, Moruzzi, King

Absent: Ciula, Rodriguez

A quorum was present.

Chairman Rowe opened the Public Hearing at 6:53 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 February 15, 2018. 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 16, 2018. Mr. Pozsgay stated on February 16, 2018 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, Valinvest Holding, LLC is requesting a Planned Unit Development (PUD) to operate a truck and passenger car fueling station, truck stop, truck wash and truck parking within an 8-acre site located at 720 E. Green Street. Mr. Pozsgay stated the applicant was previously approved for a Conditional Use and preliminary PUD, Ordinance No. 50-2014. Mr. Pozsgay stated the property in question is currently vacant and is located within the I-3 Heavy Industrial Zoning District. Mr. Pozsgay stated the proposed plan has 95 tractor trailer parking stalls, 20 tractor stalls, and 25 car stalls identified as well as 7 truck fueling positions, 12 passenger fueling positions, an approximately 3,300 SQFT truck wash, and an approximately 9,120 SQFT convenience building. Mr. Pozsgay stated the convenience building includes a retail store, fast food restaurant, trucker's lounge, showers, laundry, and video gaming. Mr. Pozsgay stated a truck wash and a scale are also proposed. Mr. Pozsgay stated the southern portion of the property includes a single turn-turn around area for any trucks on site. Detention is depicted on the southernmost portion.

Mr. Ron Ambrose of Ambrose Design was present and sworn in by Chairman Rowe. Mr. Ambrose stated his client was in front of the Commission before and has taken their comments into consideration for the proposed site plan. Mr. Ambrose reviewed the proposed layout and entrances/exits to the property. Mr. Ambrose stated his client currently operates a facility in Northlake. Mr. Ambrose submitted picture of his clients' operation on Northlake to the Commission. They have been attached to the minutes as "Exhibit A".

Chairman Rowe asked if the operation would be 24/7. Mr. Ambrose stated the operation would be 24/7.

Chairman Rowe asked if the proposed wash was for trucks or cars. Mr. Ambrose stated the wash is only for trucks.

Chairman Rowe asked if there would be repairs taking place. Mr. Ambrose stated there would be no repairs on site.

Commissioner Moruzzi asked if certain materials would be restricted on site and how will the operator monitor what materials are on site. Mr. Rumen Valnev, owner of Valinvest Holding, LLC was present and sworn in by Chairman Rowe. Mr. Valnev stated he understood Mr. Moruzzi's question but stated there is no way for him to know what is being stored in what container. Mr. Valnev stated this operation would be no different than what is taking place at other sites throughout Illinois and those sites have no restrictions. Mr. Valnev stated all State Regulations would be followed. Mr. Valnev stated he has never had an issue at his Northlake location.

Commissioner Moruzzi asked if a traffic and noise study has been completed. Mr. Valnev stated they completed one in 2016 when they first approached the Village and would provide Staff with an updated version if needed.

Commissioner Moruzzi asked if there would be restrictions on parking time on site. Mr. Valnev stated there would be no restrictions and each spot is a paid spot.

Commissioner Moruzzi asked if there would be liquor sales on site. Mr. Valnev stated there will not be any liquor sales on site.

Chairman Rowe asked what is going to be done to prevent cars and trucks from mixing up on site. Mr. Ambrose stated proper signage will be installed to eliminate confusion.

Chairman Rowe asked for clarification of stacking of trucks on site. Mr. Ambrose reviewed truck stacking on site and stated while one truck is fueling, two trucks can stack behind without any issues.

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 Planned Unit Development request consisting of:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

Applicant's Response: The Exterior Building design will be based on using Aluminum panels and glass to create a sleek and modern appearance. The Aluminum panel colors will be silver, white red and yellow which will be used on the Buildings and Fueling Canopies. The site has been developed to maximize the potential use of the property while adhering strictly to the wetlands criteria, creeks and other engineering design features the property presents.

2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

Applicant's Response: We are not seeking any modifications to the use and design standards as required. The site provides the necessary setbacks for all proposed structures. There is ample on-site circulation for the proposed truck and vehicle traffic anticipated for this use.

3. **Consistent with Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.

Applicant's Response: This site is located in the I-3 Heavy Industrial Zoning District. This use will fit in well with the Industrial Park properties surrounding this site. Our facility with its uniquely genuine Building and Canopy Architecture will bring an upscale feel to the site and enhance this vacant property.

4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare.

Applicant's Response: By building this proposed facility we will be cleaning up a vacated old industrial site. This Use will incorporate all the most current safety design features required for Truck fueling and Gas facilities of this type. New curb cuts and site lighting will also enhance the safety and general welfare of the development.

5. **Compatible with Environ:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

Applicant's Response: Development of this site as it is being proposed adds a clean and modern facility to the Industrial neighborhood. We expect that the Truck Fueling, Gas Fueling and Convenience Store will add a Use that will greatly benefit the area and provide an offering that is currently not immediately available.

6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainage-ways or other areas of sensitive or valuable environmental character.

Applicant's Response: We have worked closely with staff and DuPage County to meet the criteria for detention, wetlands and natural drainage ways. The shape of this property presented the possibility to make the best use of this site but to also work through all the engineering design challenges without sacrificing in the site design intent. All the major drainage and wetland issues have been addressed in the south portion of the site where we can make the best use of our engineering design. By improving this drainage and wetland area we anticipate any future growth adjacent to this site will gain those benefits of the work we are proposing.

7. **Circulation:** Streets, sidewalks, pedestrian-ways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

Applicant's Response: The proposed site development will revise the existing access to this property. We plan to install three separate access points along Green Street. The drive furthest to the west will be intended for Car Traffic and the Fuel truck bringing product to the site. This drive will be 35'-0" wide to allow access for the Tanker truck. These trucks are generally 55'-0" to include cab and trailer. The next drive to the east or middle drive will be an approach for trucks marked to be Entrance Only for vehicles entering from the east or west. This drive will be 44'-0" to allow for the larger 73'-0" trucks to enter the site. The far East approached will be marked as Exit Only allowing trucks to travel east or west. This drive will be 42'-0" allowing for right and left turns out of the site.

Sidewalks currently exist along Green street and we will upgrade these areas with the relocation of the above-mentioned driveways. parking has been provided as sufficient for the Convenience Store and Car fueling area. truck parking will be provided to the South end of the property. The site has been designed to provide separate circulation areas for Cars and Trucks. The truck flow is anticipated to travel in a North-South direction in a clockwise movement. This allows the circulation as needed for this facility.

8. **Open Spaces and Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape and location of a substantial portion of any common open space provided in residential areas render it usable for recreation purposes.

Applicant's Response: The site has provided open space and green space to meet the requirements of the PUD Ordinance. The landscape plan has been developed following the criteria for wetland areas along with the standard requirements of the village Code. Decorative retaining walls and Landscape pavers are elements included in the design plans.

9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:

- a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
- b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.

Applicant's Response: All required utility and drainage easements will be included as part of the Final Engineering Design plans. We have reviewed these issues with staff and are in agreement as to providing the necessary documentation to Bensenville.

10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.

Applicant's Response: The site will have updated utilities for Water, Sanitary and Storm so that no undue burden would be placed on any existing Village Utilities.

11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Applicant's Response: The projected Phasing of the project would begin with clearing the existing site and prepping for installation of all drainage and utilities. Upon completion of the infrastructure the site and building construction would continue until completion of the project.

Mr. Pozsgay reviewed the approval criteria for the proposed Conditional Use Permit 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: The proposed site development will revise the existing access to this property. We plan to install three separate access points along Green Street. The drive furthest to the west will be intended for Car Traffic and the Fuel truck bringing product to the site. This drive will be 35'-0" wide to allow access for the Tanker truck. These trucks are generally 55'-0" to include cab and trailer. The next drive to the east or middle drive will be an approach for trucks marked to be Entrance Only for vehicles entering from the east or west. This drive will be 44'-0" to allow for the larger 73'-0" trucks to enter the site. The far East approached will be marked as Exit Only allowing trucks to travel east or west. This drive will be 42'-0"allowing for right and left turns out of the site.

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: We are proposing large green areas along the frontage of Green Street for various types of landscape in these areas. The truck fueling will be located as far off Green Street as possible but still allowing trucks enough circulation area to exit out to the east curb cut on Green street. All the Canopy lighting is intended to be LED so as to minimize the light levels beyond the Canopy. The entire site is to be paved in concrete and asphalt. Our Civil Engineering plans have gone into great detail to incorporate all the drainage requirements of DuPage County.

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: This site is located in the 1-3 Heavy Industrial Zoning District. This use will fit in well with the Industrial Park properties surrounding this site. Our facility with its uniquely genuine Building and Canopy Architecture will bring an upscale feel to the site and enhance this vacant site.

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 development will be designed with use of the existing Utilities already located around the property. The development will not alter the proportionate use of Sanitary and Water demand then what has been utilized for many years at this location. Storm water detention will be provided to further assist the effectiveness of the existing storm sewers. Based on the re-development of the site and the requirements for storm water run-off we will be greatly improving the site in this regard. The Truck wash will be designed to utilize a water reclaim system so as to minimize the amount of fresh water being needed for each truck wash.

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 development will provide a convenience to the community and area which currently does not exist. Truck fueling will be available for the Industrial area as well as the large volume of trucks that traverse Green Street on a daily basis. The Gas fueling and Convenience Store offerings will be beneficial to the public and all who utilize this site as there are no such type facilities in this industrial section of town.

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: In such a large industrial area with vast amounts of Truck traffic this project would expect to be a boon for the Village of Bensenville and provide amenities that are important to the general public. This development has the ability to bring the Village of Bensenville a larger generation of tax dollars then this vacant site is currently generating.

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 Conditional Use Permit for Outdoor Storage be granted solely to Valinvest Holding, LLC/Amerifreight and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy 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; and
2. The property be developed in substantial compliance with the plans submitted A Design Group, LLC revised 11.10.15; and
3. Final plans must be submitted within 12 months of approval. A development schedule should be submitted to staff at that time; and
4. Final signage plans should be submitted and approved by staff to not include the 40 foot High Rise Sign and to correct the canopy signage; and
5. Final Site Plan should be submitted and approved by staff that shows a solution for the turning movement into the truck scale; and
6. Gambling or gaming machines shall not be allowed; and
7. Final architectural plans should be submitted and approved by staff; and
8. Final landscaping should be submitted and approved by staff; and

9. Overhead utility lines along Green Street shall be buried.

Commissioner Moruzzi asked if there are any concerns or restrictions the Village could make for conceal and carry on site. Mr. Pozsgay stated the Police Department did not raise any concerns with conceal and carry for the proposed site.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2016-16. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:26 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2016-16 as presented by Staff and to approve the proposed request. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

*** Commissioners Czarnecki and Moruzzi announced they voted aye with the reservation on Staff to ensure everything properly done and built as proposed.*

Report from Community

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

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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 7:31 p.m.



Ronald Rowe, Chairman
Community Development Commission



