

Community Development Commission Meeting Minutes

June 5, 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

June 5, 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, Ciula, Marcotte, King, Rodriguez, Wasowicz
Absent: Czarnecki
A quorum was present.

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

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of April 3, 2018 were presented.

Motion: Commissioner King 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 2018-08

Petitioner: Thornton's, Inc.

Location: 601 N. IL Route 83

Request: A Conditional Use Permit Amendment to Ordinance Ord. No. 53A-2012 to allow for the construction of two additional truck fueling stations, and Variance, stacking; Municipal Code Section 10 – 11 – 11.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-08. Commissioner King seconded the motion.

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

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

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

Motion: Commissioner Marcotte made a motion to continue CDC Case No, 2018-08 until July 3, 2018. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-09
Petitioner: Image FX Corp / Amoco
Location: 101 West Irving Park Road
Request: Conditional Use Permit; Electronic Message Center sign
Municipal Code Section 10 – 18 – 6 – 1 and;
Variance, Monument Sign Number Permitted
Municipal Code Section 10 – 18 – 11A – 2b – 1 and;
Variance, Monument Sign Height
Municipal Code Section 10 – 18 – 11A – 2d – 1 and;
Variance, Wall Signs Number Permitted
Municipal Code Section 10 – 18 – 11A – 2b – 2.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-09. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:34 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 May 17, 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 May 18, 2018.

Mr. Pozsgay stated on May 18, 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 an Electronic Message Board sign and Variances for additional signage at 101 W Irving Park Road. Mr. Pozsgay stated the property was recently purchased and is being rebranded as an Amoco. Mr. Pozsgay stated the wish to install a 14 foot monument sign, including electronic message center, at the south east corner of the site along Irving Park Road. Mr. Pozsgay stated the applicant also needs variances for canopy signage.

Mr. Jim Williams of Image FC Corp and Mr. Thomas Williamson of Mackin Land. Co. were both present and sworn in by Chairman Rowe. Mr. Williams reviewed the proposed plans for the new sign with the Commission.

Commissioner Rodriguez raised concern with the positioning of the sign and the possible danger for vehicles exiting the property. Mr. Williams indicated the proposed sign will be placed on the same spot as the current sign and sit two feet higher. Mr. Williams also indicated the site has yet to see an accident as a result of the current sign.

Commissioner Ciula asked if the base of the proposed sign could be open to allow for vehicles exiting the property the ability to see oncoming traffic. Mr. Williams stated it was against Village Code to have the base of the sign open.

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 conditional use 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. This sign will be easy to read and consistent with other signs in the area.

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 be not be any Environmental Nuisance that is different from other signs in the 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: This proposed sign will fit harmoniously with the existing character of all the business around and possibly encourage other business in the area to upgrade and maintain their look and feel.

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 require existing community facilities or services to a degree disproportionate to that normally expected of Allowed 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.

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 only benefit from the upgraded look of this facility. The overall site has been updated from top to bottom with a fresh new look and new equipment all the way down to new concrete.

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: When we took over the building the site was run down and in a state of disrepair. All the new equipment and imaging show our commitment to providing a clean, bright and well-maintained look of the new business.

Mr. Pozsgay reviewed the approval criteria for the proposed variance request 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: With the conversion of this gas station from CITGO to Amoco, new plans were drawn up to meet brand standards and to incorporate signage relevant to the offerings of the new owners. In doing so to keep the sign in its current location and all elements visible to oncoming traffic required us to apply for a variance to go from 12' to 14'. Also, as part of the imaging of the canopy it is requested that we brand the sides of the canopy with the corporate logo.

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: If we must reconfigure the sign, we would have to remove elements from it that are vital to our business operations. It is also possible that we may have to move the sign to another location on the property which would be extremely costly and less affective of a location. We will also lose the ability to meet brand standards of having logo's on the sides of the canopy.

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: The sole reason we are applying for the variance on the ID Sign is the height limitation allowed by the Village Ordinance. The reason we are applying for the variance on the sides of the canopy is to meet brand standards.

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: There has not been any action taken on our part to proceed with ordering the sign as we know a variance is needed.

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: There are other businesses in our area that have signs are taller than the 12' ordinance allows, and have signs on the non-street sides of the canopy.

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: If the variance is not granted, we will not be able to display all the logo's or products that pertain to our business.

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: We believe the signage will only enhance the area with a cleaner and more well-maintained signage.

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: If the variance is granted it will in no way interfere with the General Development Plan adopted by the Village of Bensenville.

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: If the variance is approved, we will be able to proceed with our plans to obtain a permit and begin construction without incurring additional costs.

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. The Conditional Use Permit for Electronic Message Center sign be granted solely to Amoco 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.
2. The monument sign be developed in substantial compliance with the plans submitted Image FX. dated 01.25.18 and revised 03.23.18;
3. Applicant verifies that the monument sign will be set back 5 feet from the property line, according to code;
4. The electronic message center sign shall have all the appropriate controls for brightness, flashing, timer, etc so that modifications can be made as necessary. A six-month review of the sign by staff will determine if any changes are needed.
5. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

There were no questions from the Commission.

Motion: Commissioner Rodriguez made a motion to close CDC Case No. 2018-09. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

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

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-09 as presented by Staff and to approve the Conditional Use Request for an EMC sign. Commissioner Marcotte seconded the motion.

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ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-09 as presented by Staff and to approve the variance for number of signs permitted. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-09 as presented by Staff and to approve the variance for sign height. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rodriguez made a combined motion to approve the Findings of Fact for CDC Case No. 2018-09 as presented by Staff and to approve the variance for wall signs permitted. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-11

Petitioner: Celia Fernandez

Location: 202 South Mason Street

Request: Variance; Fence in corner side yard

Municipal Code Section 10 – 14 – 11E – 1b.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-11. Commissioner Rodriguez seconded the motion.

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

Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Absent: Czarnecki

A quorum was present.

Chairman Rowe opened the Public Hearing at 6:52 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 May 17, 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 May 18, 2018. Mr. Pozsgay stated on May 18, 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 Variance to put a 6-foot privacy fence in their corner side yard. Mr. Pozsgay stated the family has a young child and dog and have concerns about safety.

Mr. Julian Fernandez, owner was present and sworn in by Chairman Rowe. Mr. Fernandez reviewed the proposed plans and stated the main reason for the fence is for the safety of his son and family dog.

Commissioner Rodriguez asked what the setback would be off Wood Street. Mr. Pozsgay stated it would be five feet.

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. **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: Due to living on corner property, there has been a rise in concern of safety due to having a toddler and pet dog. Having privacy fence would allow for peace of mind that my son will be safe especially during those high traffic times.

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: For practical reasons of safety, it is my duty as a mother to request that the village of Bensenville allow me to fence our property to allow my son the freedom of free play without having concerns of having him run into the street or having unfamiliar pets put a potential threat to harming my toddler and pet dog.

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: By allowing fencing on my property, I will be providing safety to my family.

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: While there has been no specific incident that has occurred that had resulted in negative result, there have been many restrictions placed on my toddler son to ensure his safety. These restrictions worked well while my son was younger, but while he ages and our family grows it has resulted in hardship to my family.

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 property owner, I feel I have the right to request permit to put up a fence for the safety of our toddler son. In certain instances we have noted that cars are driving about speed limit or are doing incomplete stops which have raised my concern for our safety. While I remain with my toddler son at all times, it is impossible to be holding his hand while he is trying to free play. Placing fence will allow him to enjoy his toddler play while giving me reinsurance he will be safe within our home.

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 project is being requested solely for the safety of our family needs and not for any economic return.

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: Providing us the approval for variances, will not impair the environmental quality of our property. All codes will be followed as indicated to us.

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: The granting of the variance will be in harmony with the general purpose of this ordinance and will not change any general development of the Village of Bensenville.

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: Having our property fenced is the minimum variance needed in order to keep my son and pets out of danger from crossing into main streets. By fencing our yard I will be allowed to have my son have freedom without having to be holding his hand at all times when playing. It also keeps our family safe from unfriendly animals that come across our yard.

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

1. The property be developed in substantial compliance with the plans submitted by Des Plaines, Fence Company, Inc. dated 05.07.18.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-11. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:05 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2018-11as presented by Staff and to approve the variance for a fence. Commissioner Rodriguez seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-13
Petitioner: Zion Evangelical Lutheran Church
Location: 865 South Church Road
Request: Conditional Use Permit, Electronic Message Center sign
Municipal Code Section 10 – 18 – 6 – 1B and;
Variance, Percentage
Municipal Code Section 10 – 18 – 6 – 1A – 2.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2018-13. Commissioner Rodriguez seconded the motion.

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

Chairman Rowe opened the Public Hearing at 7:06 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 May 17, 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 May 18, 2018. Mr. Pozsgay stated on May 18, 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 an Electronic Message Center sign. Mr. Pozsgay stated the EMC will be placed in an existing monument sign on the church property. Mr. Pozsgay stated their proposed sign will also require a variance as the EMC portion goes above the allowed 50% of the total signage area.

Mr. Ronald Herff, Chairman of the Board, was present and sworn in by Chairman Rowe. Mr. Rowe reviewed the proposed sign with the Commission. Mr. Rowe stated the Church had received a generous donation to purchase the sign.

There were no questions from the Commissioners.

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 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: There will be no adverse impact on South Church Rd.

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.

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 on the existing sign. Will not have any adverse effects to 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 beyond what is normally provided for in an I-1 Permitted Use.

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

Applicant's Response: There is a need for the Village of Bensenville to keep its Churches and Schools occupied.

6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Applicant's Response: The building is approximate 175 years old and one the oldest Lutheran Churches in the area. The EMC sign will allow the church and school to draw new members. Will also make it easier to show upcoming events which will benefit Zion Lutheran Church-Concord Lutheran School and the Community.

Mr. Pozsgay reviewed the approval criteria for the proposed variance request 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: Plans were drawn up by our sign company over the past 2 months, The plan is to replace the existing back lit sign with a new EMC sign. We plan to have the top section of the sign with static lettering. We are requesting to have the bulk of the sign to use as the EMC section to make changes as needed.

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: Without a coverage variance for the sign it will severely limit the information that can be displayed on the sign.

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: The sole reason we are applying for the Variance is because we are requesting the EMC portion of the sign is over the 50% requirement.

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: There has not been any action taken, on our part, to proceed with construction. We now know that a Variance is needed in order to proceed with obtaining the permit, for construction to begin.

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: There are a few signs in the Village were the EMC sign is more than 50% of the overall size of the sign.

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: Without the Variance, we will not be able to enjoy the additional space needed to pass on information to the public as it relates to Zion Lutheran Church/Concord Lutheran School.

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: The sign that we plan on to replace, will not in any way impair the environmental quality or welfare of the vicinity in which we live.

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: If this Variance is granted, it will, in no way, interfere with the General Development Plan adopted by the Village of Bensenville.

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: If the Variance is approved, we will be able to proceed with our plans to obtain a permit and begin construction without incurring additional costs.

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. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted with this application.
2. Sign should be turned off/deactivated after 10pm, unless a special event is being held, at which point it should be deactivated immediately following event.
3. All other features of EMC shall conform to ordinance, particularly section 10-18-7C Sign Illumination.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2018-13. Commissioner Rodriguez seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:11 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2018-11 as presented by Staff and to approve the conditional use permit for an EMC sign. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

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. 2018-11 as presented by Staff and to approve the variance for percentage. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

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

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

Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Absent: Czarnecki

A quorum was present.

Chairman Rowe opened the Public Hearing at 7:13 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 May 17, 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 May 18, 2018. Mr. Pozsgay stated on May 18, 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 in 2014, Village Board approved the preliminary plans for Valinvest Holding's Planned Unit Development at 720 E. Green Street. Mr. Pozsgay stated on March 6, 2018, this commission recommended approval of the final plans for the Planned Unit Development.

Mr. Pozsgay stated on March 13, 2018, Village Board Committee of the Whole remanded the case back to the CDC. There were three items that they wanted to have updated and reconsidered: 1) Traffic Study; 2) Landscaping; 3) Security. Mr. Pozsgay stated AmeriFreight has submitted the requested information and is back in front of the Commission to discuss those items.

Mr. Ron Ambrose of Ambrose Design was present and sworn in by Chairman Rowe. Mr. Ambrose stated a up to date traffic study was submitted to the Commissioners in their packets. Mr. Ambrose reviewed the revised landscaping plan with the Commission. Mr. Ambrose stated there will be a manned person sitting in the booth for trucks entering and exiting the property 24 hours a day. Mr. Ambrose stated this would be an employee and not a security guard. Mr. Ambrose also stated additional lights and cameras would be installed on site.

Commissioner Wasowicz asked is Mr. Ambrose's client anticipates any changes to Green Street due to future possible IDOT projects. Mr. Ambrose stated he was unaware of any changes to the current Green Street but would work with IDOT if a proposal came fourth in the future.

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

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 request 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.
10. AmeriFreight must sign up for Bensenville Police's SECUREWATCH.

Commissioner Rodriguez asked is left turns off Green Street to enter the property were a concern to Staff. Mr. Pozsgay stated there were no concerns.

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

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

Nays: None

All were in favor. Motion carried.

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Chairman Rowe closed the Public Hearing at 7:36 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 proposed request. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Marcotte, King, Rodriguez, Wasowicz

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 7:40 p.m.



Ronald Rowe, Chairman
Community Development Commission