

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 4, 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, Czarnecki, King, Wasowicz
Absent: Czarnecki, Marcotte, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of August 7, 2018 were presented.

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

All were in favor. Motion carried.

PUBLIC COMMENT: There was no Public Comment

Continued Public Hearing: CDC Case Number 2018-12
Petitioner: Lincolnwood Gas & Food, Inc.
Location: 1301 West Irving Park Road
Request: Conditional Use Permit (Service Station)

Motion: Commissioner Ciula made a motion to re-open CDC Case No. 2018-12. Commissioner Wasowicz seconded the motion.

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

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

Village Planner, Kurtis Pozsgay, was present and sworn in by Chairman Rowe

Motion: Commissioner King made a motion to continue CDC Case No. 2018-12 until October 2, 2018. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-16

Petitioner: Ion Lucian Faltinski

Location: 401 South Barron Street

Request: Variance, Fence in Corner Side Yard, Municipal Code Section 10-14-11E-1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2018-16. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:33 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 August 16, 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 August 17, 2018. Mr. Pozsgay stated on August 17, 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 applying for a Variance for a fence in their corner side yard. Mr. Pozsgay state they were originally approved for a fence in their back yard between the garage and house. Mr. Pozsgay state they now want to be able to extend that fence toward W. Washington Street. Mr. Pozsgay state code dictates that they can't go past the building line.

Mrs. Faltinski was present and sworn in by Chairman Rowe. Mrs. Faltinski had no comment regarding the proposed variance.

Chairman Rowe asked if the petitioner was aware of Staff's recommendations regarding the setback and fence material. Mrs. Faltinski stated she was aware of the recommendations and had no objections.

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 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: There have been several homes in the corner lat (sic) in our street and our city all have fences for privacy.

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: We need this fence around our corner lot and home.

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: We just bought this house new construction on June 2018 we work hard for this property.

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: none given

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: We have our nice garden and new concrete and gazebo we need privacy because is in the corner we don't want to everybody look in our yard.

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 this fences we are not be able to to enjoy the additional space.

7. **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Response: We also like to reserve some right to improve and enhance our yard space while residing in Bensenville.

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 fences (sic) is granted, it will in no way interfere with the General Development Plan.

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 to install the fences.

Commissioner Czarnecki entered the meeting at 6:41 p.m.

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. Fence must be built 5 feet from property line.
2. Fence must be no more than 5 feet of solid material, with the remaining made of lattice.
3. Applicant needs to apply for permit and pave their gravel parking pad.
4. Applicant needs to apply for gazebo permit.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2018-16. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:42 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2018-16 as presented by Staff and to approve the Variance. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2018-18
Petitioner: Grand County Line, LLC
Location: 1050 South County Line Road
Request: Preliminary and Final Planned Unit Development, Conditional Use Permit and Site Plan Review to construct a sports complex with code deviations to Parking Lot Construction and Landscaping requirements, Municipal Code Sections 10 – 11 – 8 – 2 and 10 – 12 – 2.

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2018-16. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:44 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 August 16, 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 August 17, 2018. Mr. Pozsgay stated on August 17, 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 applying for a Planned Unit Development (PUD), Conditional Use Permit and Site Plan Review to operate a Sports Complex at the vacant property north of the hotels at Grand Ave and County Line Rd. Mr. Pozsgay stated the plan calls for an enclosed 108,088 square foot sports dome and two turf fields totaling over 180,000 square feet. Mr. Pozsgay stated they also propose 344 parking spaces (132 9-foot stalls, 204 10-foot stalls, and 8 accessible). Mr. Pozsgay stated they are proposing to reduce the number landscape islands in the parking area and to not include standard curb and gutter.

Mr. Gary Mueller of Gary S. Mueller & Associates; Greg Rzedzian, owner of Grand County Line, LLC and Jeff Provenza of Darwin Realty were all present and sworn in by Chairman Rowe. Mr. Mueller stated they have reviewed Staff's report and have no issues with what is being recommended. Mr. Provenza stated there is a lease in place with Bo Jackson Sports to operate the proposed sports dome.

Commissioner King ask what sports would be taking place inside the dome. Mr. Provenza stated baseball, softball, soccer, football and lacrosse events would be the majority of the dome's operation.

Commissioner Wasowicz asked how comparable the proposed dome was to the one in Rosemont. Mr. Provenza stated they are similar and that the proposed sports dome would be the exact same thing that is currently in Lockport.

Commissioner Czarnecki asked if dirt sample have been taken. Mr. Provenza stated they have used dirt samples provided by the Village along with recent samples.

Commissioner Czarnecki asked that they are cognizant of animals during construction. Mr. Provenza stated they would be.

Commissioner Czarnecki asked if there were plans for an outdoor clubhouse/concession stand for the soccer fields. Mr. Provenza stated there have been talks but nothing finalized. Mr. Provenza stated it depends on the tenants they find to operate the outdoor fields.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case.

Bill Perry – 814 George Street

Mr. Perry was present and sworn in by Chairman Rowe. Mr. Perry asked if there were any plans to have another entrance to the site other than what is proposed. Mr. Pozsgay stated there would not be additional entrances for vehicles, possible for pedestrians to enter over the creek via a bridge to utilize the proposed path.

Joseph Pisano – 910 Brentwood Drive

Mr. Pisano was present and sworn in by Chairman Rowe. Mr. Pisano stated he reviewed the material and believes this is a great fit for the area. Mr. Pisano stated the area floods 2-3 times a year from the creek overflowing. Mr. Pisano also asked if overnight parking will be allowed on site.

Mr. Rzedzian stated there are no plans to allow overnight parking and shuttling to the airport.

Mr. Pozsgay reviewed the approval criteria for the proposed variance 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 PUD represents a more creative approach and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations. The PUD will enhance the character of the site and provide the flexibility for the proposed development.

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: The PUD meets the requirements for planned unit developments set forth in this Title.

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: The proposed development will be consistent with the Village's plan to convert the site from a vacant golf course to an amenity that will attract people within Bensenville as well as surrounding communities.

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

Applicant's Response: The proposed PUD will not be detrimental to the public health, safety or general welfare.

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: The PUD will not be injurious to the use and enjoyment of other properties in its vicinity. The PUD compliments the hotel, restaurant and retail developments currently proposed to the South. The PUD will not impair property values or environmental quality in the neighborhood.

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: The design is as consistent as practical with preservation of any natural features. Addison Creek follows the North and East sides of the property. Native plantings are proposed around the perimeter of the development as well as in the bottom of the proposed detention basins to provide a naturalized concept and provide stormwater benefits.

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: Off-street parking and pedestrian sidewalks are provided for the improvements and will be adequate for the proposed land use.

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 proposed use is for sports and recreation and a landscape plan will be prepared for the remaining open spaces. The quantity of open space for the proposed PUD is significant.

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: As applicable, appropriate provisions will be prepared which will cover maintenance of the common elements as well as control of the use and exterior design of individual structures.

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: It is anticipated that the land use is consistent with the anticipated ability of the Village as well as other public bodies, facilities and services. No undue burden on existing residents and businesses is anticipated.

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: Currently the project is not split into construction phases. If the project is later split into phases, each phase will be able to exist independently.

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. Developed in accordance with the plans prepared by SpaceCo dated 06.22.2018 last.
2. Site Plan to be revised to include parking lot curb and gutter according to code.
3. A full landscaping plan to be submitted and approved by staff to include increased parking lot landscaping and additional perimeter landscaping.
4. Phasing / Timing. Final plans must be submitted within 12 months of preliminary approval. A development schedule should be submitted to staff at that time.
5. A parking lot and outdoor sport fields lighting plan should be submitted for review, to include no bleeding of light onto neighboring properties.
6. Sidewalks will be installed connecting to the sites to the south and east.
7. A path connecting the owner's property to the east should include bike considerations that tie into the County Line Road bike path. Bike parking shall be included on site.

Chairman Rowe asked if liquor will be allowed on premise. Mr. Provenza stated there are no liquor plans for inside the dome. Chairman Rowe suggested adding a condition to ban alcohol from the site.

Chairman Rowe suggested adding a condition for no overnight parking and that the parking lot must be secured during off hours.

Mr. Pozsgay asked for direction regarding condition #2. Consensus from the Commission was to amend the condition to have the petitioners work with Engineering on site plan parking lot curb and gutter requirements.

Mr. Pozsgay reviewed the revised conditions for approval:

1. Developed in accordance with the plans prepared by SpaceCo dated 06.22.2018 last.
2. Work with Engineering on site plan parking lot curb and gutter requirements.
3. A full landscaping plan to be submitted and approved by staff to include increased parking lot landscaping and additional perimeter landscaping.
4. Phasing / Timing. Final plans must be submitted within 12 months of preliminary approval. A development schedule should be submitted to staff at that time.
5. A parking lot and outdoor sport fields lighting plan should be submitted for review, to include no bleeding of light onto neighboring properties.
6. Sidewalks will be installed connecting to the sites to the south and east.
7. A path connecting the owner's property to the east should include bike considerations that tie into the County Line Road bike path. Bike parking shall be included on site.
8. No overnight parking. Parking lot must be secured during off hours.
9. No alcohol.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2018-18. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:23 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2018-18 as presented by Staff and to approve the request. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, 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 Wasowicz made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:30 p.m.



Ronald Rowe, Chairman
Community Development Commission