

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

March 5, 2019

**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: Marcotte, Rodriguez  
A quorum was present.

**STAFF PRESENT:** K. Pozsgay, K. Fawell, C. Williamson

**JOURNAL OF**

**PROCEEDINGS:** The minutes of the Community Development Commission Meeting of February 5, 2019 were presented.

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

All were in favor. Motion carried.

**PUBLIC**

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

**Public Hearing:** CDC Case Number 2019-03

**Petitioner:** Dr. Energy Corp.

**Location:** 550 N IL Route 83

**Request:** Variance, Electronic Message Center Sign,  
Municipal Code Section 10 – 10 – 5 – 4A – 3

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2019-03. Commissioner Czarnecki 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 6:32 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell , were both present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on February 14, 2019. 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 15, 2019. Mr. Pozsgay stated on February 15, 2019. 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 Petitioners are applying for a Variance to install an Electronic Message Center Sign in an existing monument sign for the BP at 550 N IL Route 83. Mr. Pozsgay stated the existing monument sign will not change, other than the addition of the message center to the base. Mr. Pozsgay stated the original monument sign was approved in 2000 as part of the original BP special use.

William Sheehan of Jas. D. Ahern Sign Co. was present and sworn in by Chairman Rowe. Mr. Sheehan reviewed the proposed plan and stated the EMC sign would be installed in the existing structure.

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 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.

**Applicant's Response:** We are seeking a variance approval for this site to install one (1) 3' X 8" (EMC) electronic message center. The EMC will create a good competition with an existing EMC which is across the street (Thornton gas station) The EMC will in simple terms assist the gas stations TOGO store which like most others sell goods such as drinks, can foods and miscellaneous personal items. Electronic message centers can not be within a mile of each other per the village code but having an EMC at this site will give drivers on both sides of RT 83 an option to buy such items needed in their daily routine. The EMC we are proposing will only be on one side of the existing sign because the other side would only attract current customers who would already be on site. Our site also has an attached Subway shop which attracts specific customers to this location not so much to the gas stations TOGO store.

- 2) **Hardship or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

**Applicant's Response:** We seek this EMC because the Thornton gas station across the street on Rt 83 currently has one and both these stations sell the same goods. Currently drivers can see if there are any sales on goods, they (Thornton) have not the ones currently at this site. The Thornton has an unfair advantage having an EMC and drivers can see if any goods are on sale which they made need then they could fill up their cars with gas. Having an EMC will keep the playing field even for these two sites since both sell gas and goods. Competition is the backbone of a strong economy as it keeps prices low and provides an incentive to improve and innovate your business. Businesses need to keep up with the times as to how to keep the customers coming through the door in the gas station industry, we are seeing a strong influx of electronic message centers being installed to promote the goods which are now inside the gas stations.

- 3) **Circumstances Relate to Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

**Applicant's Response:** The electronic message center will not disrupt the existing sign or the sign base. We propose the installation of this sign to go on one side of the brick base thus not altering the size of any of the existing signage. We will have to alter the landscaping material (make smaller lower to the ground) so the electronic message center would be easily read by drivers.

- 4) **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

**Applicant's Response:** The request for this variance approval for the installation of the EMC at this site is not a result of action taken by the applicant or owner of this property it is simply a request to keep up with the times and other properties in the near area and to promote more competition for consumers.

- 5) **Preserve Rights Conferred by District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

**Applicant's Response:** As mention the Thornton site across the street from our site has an existing electronic message center and we would like to have the same granted for us but not on both side of the sign like the one which the Thornton has.

- 6) **Necessary for Use of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

**Applicant's Response:** We feel this electronic message center could assist the BP and increase the economic return by drawing in more customers for such items with in BPs TOGO store. More customers in the BP TOGO store then there could be more customers wishing to get gas. As you know most people pay for gas outside at the pump but having such information as to sale items and other items in the BP TOGO store would attract more inside foot traffic to a facility which prides itself on cleanliness and its assortment of TOGO items.

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

**Applicant's Response:** The electronic message center would not impair environmental quality, property values or public safety in the area, in fact it could bring about more economic value to the site especially in vicinity as people who would otherwise drive to pick up something from a grocery store could walk and get it at the BP TOGO store. The message center would not distract drivers as it is at eye level of drivers and as you are heading south on RT 83 you need to look to the right for any traffic coming out of Foster Ave. As you look you could see the electronic message center with an item you may need and stop at the BP TOGO shop for your convenience. The only altering which would be done to the site would be putting smaller ground level landscape material in front of the EMC so it would not be difficult to read for oncoming drivers.

- 8) **Consistent with Title and Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

**Applicant's Response:** The electronic message center would not be any bigger than what the ordinance calls for in regards to EMC approvals within the Village of Bensenville. The EMC would be installed on an existing base thus not altering the existing sign or its base.

- 9) **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

**Applicant's Response:** We are only asking for one side of this existing sign to have an electronic message center installed and this would assist this site with its competition across the street (Thornton) We feel a strong competition could only boost a strong economy, thus fueling more of an economic value to the Village of Bensenville.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the requests as presented with the following conditions:

- 1) The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Ahern Signs on 01.15.19;
- 2) BP is no longer allowed to use temporary signs on premises.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-03. Commissioner Wasowicz 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 6:39 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-03 as presented by Staff and to approve the variance request with Staff's recommendations. 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 2019-04  
**Petitioner:** Mariusz Gruszka  
**Location:** 225 S. York Rd.  
**Request:** Planned Unit Development, 2 Story-3 Unit Dwelling,  
Municipal Code Section 10 – 4.

**Motion:** Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-03. 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 6:41 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell, were present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on February 14, 2019. 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 15, 2019. Mr. Pozsgay stated on February 15, 2019 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) to build a new 2-story, 3-unit dwelling on a vacant lot at 225 S. York Rd. Mr. Pozsgay stated the property is currently zoned R-3 Single-Unit Dwelling District. Mr. Pozsgay stated a PUD is needed here because of the request for the 3rd, garden unit. Mr. Pozsgay stated the architect says they tried to match the bulk and character of the existing homes in the area.

Mr. Mariusz Gruszka was present and sworn in by Chairman Rowe. Mr. Gruszka reviewed the proposed plans for the proposed 2 story, 3 unit dwelling.

Commissioner Ciula asked if the units would be condos or apartments. Mr. Gruszka stated they would be condos with an association.

Chairman Rowe asked if they would be sold or rented. Mr. Gruszka stated they would be sold.

Commissioner Czarnecki raised concern that there is no rear exit on the proposed plans. Mr. Gruszka stated the proposed drawings meet code. Mr. Gruszka stated the building would be sprinkled and only have an exist on the front of the property.

Commissioner Ciula asked how far the proposed porch is setback from York Road. Mr. Gruszka stated the setback is 24 feet.

Commissioner Wasowicz asked if the proposed garage was a community garage or would be separate for each owner. Mr. Gruszka stated it was unknown at this time.

**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. **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 will enhance the character of the neighborhood and surrounding buildings. Not only front but also sides of the building are enhanced with features like balconies/ porches. Bulk requirements in relation to the size of the site were scaled down to complement the existing surrounding buildings.**

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.**

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 PUD is consistent and clearly promotes the objectives of the Village general development plan.**

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

**Applicant's Response: The proposed development 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. Carefully laid out the proposed design of scale and exterior features will complement existing buildings. Placement on site provides plenty of open yard space on sides will encourage outdoor activities.**

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 PUD is as consistent as practical with preservation of any natural features. Mature tree up front, as well as some of the vacant lot area, will remain untouched and protected during the construction.**

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 PUD will provide required sidewalks, off-street parking and loading as appropriate to planned land uses. These will not create unnecessary pedestrian-vehicular conflict.

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:** Common open spaces and landscaping are provided. The size and placement of the building created large open space to the south that can be used for recreation purposes. Additional landscaping will be provided to enhance the quality of the space and provide a buffer from the main street.

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:** Condominium associations will be established and in charge of the overall quality and maintenance of the building, garage, landscaping and other features.

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.**

Commissioner Czarnecki stated he believes the proposed structure should be turned 180° and have the proposed back of the structure facing York Road.

Commissioner Wasowicz stated while the proposed structure meets current code requirements, he believes there should also be an exist at the rear of the property.

Mr. Pozsgay stated Engineering has concerns with flooding in the area and the proposed garden unit.

Mr. Pozsgay stated Staff recommends continuing the Public Hearing to the next regularly scheduled meeting so the applicant can address concerns.

**Motion:** Commissioner King made a motion to continue CDC Case No. 2019-04 until April 2, 2019. Commissioner Wasowicz 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.

Mr. Pozsgay reviewed the proposed 2019 Zoning Map with the Commission.

**ADJOURNMENT:** There being no further business before the Community Development Commission, Commissioner Ciula made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:17 p.m.



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Ronald Rowe, Chairman  
Community Development Commission