

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 7, 2020

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

STAFF PRESENT: K. Fawell, K. Pozsgay, C. Williamsen

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission Meeting of the June 2, 2020 were presented.

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

All were in favor. Motion carried.

Senior Village Planner, Kurtis Pozsgay and Village Planner, Kelsey Fawell, were present and sworn in by Chairman Rowe.

PUBLIC

COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2020-07

Petitioner: Mirjan Sadik, Gem Car Wash, LLC

Location: 904-910 West Irving Park Road

Request: (2) Variations, Maximum Driveway Width

Municipal Code Section 10 – 8 – 8 – 1

(3) Variations, Driveway Apron Width

Municipal Code Section 10 – 8 – 8 – F

Variation, Bailout Lane

Municipal Code Second 10 – 8 – 9 – D

Variation, Tree Replacement Standards

Municipal Code Section 10 – 9 – 2 – B

Variation, Tree Canopy Coverage

Municipal Code Section 10 – 9 – 5 A

Variation, Parking Lot Interior Landscape Islands
Municipal Code Section 10 – 9 – 5 – C
(2) Variation, Buffer Yard Requirements
Municipal Code Section 10 – 9 – 6
Variation, Outdoor Lighting Illumination Standards
Municipal Code Section 10 – 9 – 8 – C – 1.a

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2020-07. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-07 at 6:33 p.m.

Village Planner, Kelsey Fawell stated this matter was referred back to the Community Development Commission from the Village Board. Ms. Fawell stated after discussing with the petitioner, it was decided to withdraw this case and present the matter as a Planned Unit Development.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2020-07. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-07 at 6:34 p.m.

Motion: Commissioner Marcotte made a motion to withdrawal CDC Case No. 2020-07. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe requested to move agenda item No. 3 to this portion of the meeting.

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Motion: Commissioner Wasowicz made a motion to deviate from the agenda and move action item no. 3 to this portion of the meeting. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2020-09
Petitioner: Mirjan Sadik, Gem Car Wash, LLC
Location: 904-910 West Irving Park Road
Request: Preliminary and Final Planned Unit Development
Municipal Code Section 10 – 4

With the following Code Departures:

Maximum Driveway Width

Municipal Code Section 10 – 8 – 8 – 1

Driveway Apron Width

Municipal Code Section 10 – 8 – 8 – F

Bailout Lane

Municipal Code Second 10 – 8 – 9 – D

Tree Replacement Standards

Municipal Code Section 10 – 9 – 2 – B

Tree Canopy Coverage

Municipal Code Section 10 – 9 – 5 A

Parking Lot Interior Landscape Islands

Municipal Code Section 10 – 9 – 5 – C

Buffer Yard Requirements

Municipal Code Section 10 – 9 – 6

Outdoor Lighting Illumination Standards

Municipal Code Section 10 – 9 – 8 – C – 1.a

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2020-09. Chairman Rowe seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-09 at 6:36 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on June 18, 2020. Ms. Fawell 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. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on June 19, 2020. Ms. Fawell stated on June 19, 2020 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. Ms. Fawell 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.

Ms. Fawell stated the Petitioner is requesting a Preliminary and Final Planned Unit Development, with the above Zoning Ordinance departures, in order to construct a car wash with a detailing garage at 904-910 W. Irving Park Road. Ms. Fawell stated the Petitioner originally petitioned the CDC with a request for Variations, now referred to as code departures in conjunction with the Preliminary and Final Planned Unit Development request. Ms. Fawell stated this is a 1.6-acre site on which currently sit two single-family homes. Ms. Fawell stated the plan would require the vacation of the 33' ROW to the south. Ms. Fawell stated the Petitioner intends to dedicate 24' of right-of-way to the Village in order to bring Eastview Avenue up to current standards. Ms. Fawell stated the Petitioner currently operates a car wash on York Road in Elmhurst.

Mirjan Sadik, of Gem Car Wash was present and sworn in by Chairman Rowe. Mr. Sadik stated they are proposing a car wash on the site similar to the one they own on York Road in Elmhurst. Mr. Sadik stated he misspoke at the previous meeting and that the property is scheduled for closing on July 9th. Mr. Sadik asked the commission to reconsider the exits along Eastview stating he does not believe customers will exit the property and drive through the neighborhood. Mr. Sadik stated he was willing to make a curb cut to only allow left turns out of the property onto Eastview if needed.

Commissioner Wasowicz stated he was in favor of Staff's recommendation to close Eastview to emergency exiting only to prevent traffic traveling to the neighborhood by the property.

Ms. Fawell reviewed the Findings of Fact as presented in the Staff Report consisting of:

- 1) **Public Welfare:** The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.

Applicant's Response: **The proposed car wash is permitted use by right and will be developed in accordance with screening and engineering standards so as to minimize the consequential impacts of the development.**

- 2) **Neighboring Character:** The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: **While the majority of surrounding properties are currently zoned residential, the subject property in question is zoned C-2 Commercial District. In the C-2 District, car washes are a permitted use by right. The property to the east, Cascade Banquets, is also zoned C-2.**

- 3) **Orderly Development:** The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: **The development will not impede the normal and orderly development as it is a permitted use by right. The use will be landscaped and developed in a way to as to have any adverse impacts on neighboring properties.**

- 4) **Use of Public Services and Facilities:** The proposed special use will not require utilities, access roads, drainage and/or other 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 utilities, access roads, drainage and/or other 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**

- 5) **Consistent with Ordinance and Plan:** The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: As the use is permitted in the subject property's designated zoning district and will meet the use standards indicated in the Village's Zoning Ordinance.

- 1) **Fulfills Objectives of Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.

Applicant's Response: The proposed PUD fulfills the objective of the current Zoning Map and Ordinance, albeit the Comprehensive Plan indicates "Multi-Family Residential" for this property. The proposed PUD will fill the much needed car wash vacancy in the Village.

- 2) **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

Applicant's Response: The proposed PUD will provide driveways, parking stalls, pedestrian walkways, and exterior lighting that will serve the uses within this development.

- 3) **Landscaping:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

Applicant's Response: The proposed PUD will provide the necessary screening and landscape requirements that will enhance the character and livability of the subject property as well as providing buffer yards between the adjacent residentially-zoned properties.

4) **Site Design:** The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

Applicant's Response: The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

5) **Natural Environment:** The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

Applicant's Response: The proposed PUD will protect the community's natural environment, providing landscaping and stormwater detention.

6) **Utilities:** The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Applicant's Response: The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

Public Comment:

Ray Dominguez – 114 Parkside Street

Mr. Dominguez was present and sworn in by Chairman Rowe. Mr. Dominguez stated he still has traffic concerns for the proposed project with the amount of traffic that travels along Irving Park Road. Mr. Dominguez stated he was not opposed to the project and wanted to ensure traffic would not increase in his neighborhood.

John "Jeff" Wronkiewicz – 926 West Irving Park Road #208

Mr. Wronkiewicz was present and sworn in by Chairman Rowe. Mr. Wronkiewicz raised concerns with the proposed hours of operation and asked just because they close at 9:00 p .m. when the machines would be shutdown?

Mr. Sadik stated the machines would be shutdown no later than 9:15 p.m. to allow customers that arrive close to closing to vacuum their vehicles should they choose to.

Mr. Wronkiewicz asked what kind of fence would be installed.

Ms. Fawell stated the applicant will be required to install a six foot privacy fence and a ten foot buffer of landscaping.

Mr. Wronkiewicz asked if there are plans for detention on the property.

Ms. Fawell stated there is a detention area on back of the property and it will have to meet DuPage Stormwater requirements.

Ms. Fawell stated Staff recommends the Approval of the Preliminary and Final Planned Unit Development with the following conditions:

1. The requested code departure from Section 10 – 8 – 8 – 1 Maximum Driveway Width be approved;
2. The requested code departure from Section 10 – 8 – 8 – F Maximum Driveway Apron Width be approved;
3. The requested code departure from Section 10 – 8 – 9 – D Bailout Lane be approved;
4. The requested code departure from Section 10 – 9 – 2 – B Tree Replacement Standards be approved;
5. The requested code departure from Section 10 – 9 – 5A Tree Canopy Coverage be denied;
6. The requested code departure from Section 10 – 9 – 5 – C Parking Lot Interior Landscape Islands be approved;
7. The requested code departure from Section 10 – 9 – 6 Buffer Yards be denied;
8. The requested code departure from Section 10 – 9 – 8 – C – 1a Outdoor Lighting Illumination Standards be denied;
9. The development be limited to only one driveway providing access onto Eastview Avenue, specifically the southern driveway designated for emergency exit only on Eastview Avenue, in accordance with submitted site plan dated 04.30.2020;
10. A sanitary inspection manhole will be required along with a triple basin;
11. A 5-feet wide ADA compliant public sidewalk will be required along the Eastview Ave frontage of the site;
12. A 7-feet wide stamped concrete ADA compliant public sidewalk exists along the IL-19 frontage of the site. Any disturbed sidewalk will need to be replaced in kind;

13. A plat of consolidation shall be required to combine the two existing lots. The applicant must dedicate 25-feet of public rights-of-way to the Village along Eastview Ave for the purpose of widening the existing Eastview Ave to meet the Village's local roads standard. The plat of consolidation can include the ROW dedication on the same plat. A 24-foot dedication is being proposed on the plans which needs to be revised to 25-feet;
14. The property shall be in accordance with Section 10 – 7 – 3 – C, use standards for a car wash;
15. The property shall be in accordance with Section 10 – 9 – 5 – A Parking Lot Landscaping: Tree Canopy Coverage, Section 10 – 9 – 5 – B Parking Lot Perimeter Landscape, and Section 10 – 9 – 6 Buffer Yards;
16. The Petitioner shall submit a landscape plan to be approved by the Zoning Administrator;
17. A 6' privacy fence shall be erected on the west and south property lines in conjunction with the required buffer yards;
18. A left-turn only sign shall be erected at the emergency use driveway on Eastview Avenue; and
19. The hours of operation shall be limited to 8AM-9PM daily.

Chairman Rowe asked if the petitioner was in agreeance with Staff's recommendations. Mr. Sadik stated he had no objections.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2020-09. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-09 at 7:01 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Preliminary and Final Planned Unit Development. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2020-08
Petitioner: Mpower Restoration
Location: 511 W. Irving Park Road
Request: Variation, Fence in Corner Side Yard
Municipal Code Section 10 – 7 – 4C – 7a
Variation, Fence Height
Municipal Code Section 10 – 7 – 4C – 7b

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2020-08. Chairman King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2020-08 at 7:04 p.m.

Village Planner, Kelsey Fawell was present and previously sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on June 18, 2020. Ms. Fawell 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. Ms. Fawell stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on June 19, 2020. Ms. Fawell stated on June 19, 2020 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. Ms. Fawell 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.

Ms. Fawell stated the Petitioner is requesting two Variations to erect a 4 feet retaining wall under a 5 feet wooden fence at 511 W. Irving Park Road. Ms. Fawell this will be replacing an existing wooden fence that extends into the corner side yard. Ms. Fawell the retaining wall is needed to prevent the soil erosion currently occurring due to the difference in topography between the subject property and the residential property to the north. Ms. Fawell the owner of the subject property has been working with the owner of the residential property to the north, who is the applicant of this petition.

Mariusz Wadolowski, property owner and owner of Mpowers Restoration was present and sworn in by Chairman Rowe. Mr. Wadolowski stated the current condition of the fence is bad and Popeyes has agreed to his proposed plans and to pay for the proposed retaining wall and fence. Mr. Wadolowski stated he is only replacing the north fence only.

There were no questions from the Commission.

Ms. Fawell reviewed the Findings of Fact as presented in the Staff Report consisting of:

1. **Special Circumstances:** Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variation is sought and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent in nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

Applicant's Response: My residence is directly behind the Popeye's restaurant, a commercial use. The restaurant's rear (north) and corner side (west) lots of their property are literally next to my driveway and garage is the south side of my property.

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

Applicant's Response: The restaurant dumpsters are located at the northeast corner of their lot, which is again right next to my garage, driveway, and backyard. The location of the dumpsters poses safety and health hazards to my family as the food and waste being disposed of is attracting rats, raccoons, and other rodents that then enter into my yard. My property has become a pathway for the animals to congregate. You will constantly see rodents running out of sight when you are in my backyard, driveway, or alley area. I am concerned they could potentially make their way into my garage or home as well.

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 the 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 restaurant grading is drastically lower than my property. The fence that is currently in place surrounds Popeye's on the north and east-west lot, but due to the huge topographical difference between the two properties, that fence is not adequate at the north side of the property due to my property's topographical height.

4. **Not Resulting from Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the Variation have not resulted from any act, undertaken subsequent to the adoption of this Ordinance 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 Variation, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

Applicant's Response: The special circumstances and practical difficulties that are the basis for the Variations have not resulted from any act of the applicant or of any other party with a present state in the property.

5. **Preserve Rights Conferred by District:** A Variation 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: The granting of the Variations preserves rights conferred by the district. The granting of these Variations does not confer a special privilege that other properties are typically denied.

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

Applicant's Response: This request for the Variations is necessary allowing for the normal use, safety, and enjoyment of my private property. Due to the difference in topography, the current fence is not high enough along my property line to help detract rodents and conceal the heavy volume of traffic that flows through the parking lot of the restaurant.

7. **Not Alter Local Character:** The granting of the Variation 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 granting of Variations will not alter the character of the area at all. It will not be an eyesore or something that would stand out. In fact, my request will improve the current configuration.

8. **Consistent with Title and Plan:** The granting of a Variation will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, 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 granting of these Variations will be in harmony with the general purpose and intent of this ordinance, to preserve residential property and maintain a safe and healthy Village.

9. **Minimum Variation Needed:** The Variation 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: The request for a 9' high fence in the corner side yard is the minimum height and location

placement that is needed. I need these Variations instead of placing a lower fence in a different location.

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.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variations at 511 W. Irving Park Road with the following conditions:

- 1) The requested Variation for a fence/wall with a height of 9 feet be reduced to 8 feet.

Chairman Rowe asked if the petitioner was in agreeance with Staff's recommendations. Mr. Wadolowski stated he would prefer to keep the proposed fence at five feet for an overall height of nine feet. Mr. Wadolowski stated he would be okay with the eight feet.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2020-08. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2020-08 at 7:18 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Fence in Corner Side Yard. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Variation, Fence Height. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Ms. Fawell 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 Wasowicz seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:19 p.m.



Ronald Rowe, Chairman
Community Development Commission