

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 3, 2021

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

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the July 6, 2021 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.

Director of Community Development, Scott Viger, 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.

Remanded Public Hearing: CDC Case Number 2021-13
Petitioner: Ricardo Lopez
Location: 138 North Addison Street
Request: Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Driveway Parking Pad Depth
Municipal Code Section 10 – 8 – 8 – G.3

Motion: Commissioner Chambers made a motion to re-open CDC Case No. 2021-13. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe re-opened CDC Case No. 2021-13 at 6:32 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell this matter was referred back to the Community Development Commission by the Village Board. Ms. Fawell stated during testimony on July 6, 2021 the petitioner stated the homeowners owned and parked nine cars on site. Ms. Fawell stated Staff was under the impression there were five to six cars on site. Ms. Fawell stated Staff requested this matter be referred back to the Commission for further review.

Ricardo Lopez, property owner, and his daughter Brenda Lopez were present and sworn in by Chairman Rowe. Ms. Lopez provided copies of titles for six vehicles along with registration for the other three that are still being financed. Ms. Lopez stated it was a family hobby to work on cars. Ms. Lopez stated her two brothers and herself each own two vehicles; one for the summer and one for the winter. Ms. Lopez stated the family only works on their own vehicles and no one else.

Chairman Rowe asked how many Residents of the household drive. Ms. Lopez stated five; nine cars total.

Chairman Rowe raised concern with three titles that were provided by Ms. Lopez that do not indicate they are the owners. Ms. Lopez stated the three vehicles have been paid for and the family needs to submit the proper paperwork with the State.

Commissioner Wasowicz asked if the gazebo in the pictures was permitted. Ms. Lopez stated they pulled permits to construct the gazebo.

Public Comment

Paul De Michele – 17W275 Rodeck Lane, Bensenville, Illinois
Mr. De Michele was present and sworn in by Chairman Rowe. Mr. De Michele stated he identifies with the petitioners and that he had a collection of eight vehicles and that his sons each had two vehicles when they resided with him.

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

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

Applicant's Response: The Driveway variation does not endanger the health, safety, comfort, convenience and general public in any way, the area is not near the public but towards the rear.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: The driveway variation is compatible with the character of the adjacent properties and other property within the immediate vicinity since the driveway will consist to some of the other properties near mine.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: The Driveway variation alleviates an undue hardship created by the literal enforcement of this title. The winter season affects this the most when shoveling snow the gravel gets thrown with the snow to the yard at times, and when summer comes and the grass is mowed some of the gravel is caught and thrown. This is a high risk since our next door neighbors have smaller children that come out and play during the summer. Also this space is needed for my children to have room to park their vehicles in the rear and not towards the front of driveway, since it will help to enter and leave the driveway more freely without having to disturb the traffic from having to pull out more than one vehicle at a time to exchange a vehicle. Occasions have happened where public traffic is waiting while we exchange vehicles and its dangerous since Addison ST connects to one of the busiest streets, Irving Park Rd. Another is that for the past year my 14 year old daughter has been playing badminton and to avoid parking the vehicles on the street, they are parked where the gravel is so she can play in front of the garage which is wider and has more space available.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The Driveway variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant. The entire driveway will be renewed and the section that will be recreated by removing the gravel and adding pavement will not only become more safe but the appearance will improve. This section of pavement is needed so the vehicles aren't backing out and disturbing the traffic, Neighbors also park their vehicles on the street making it difficult to be backing up and changing vehicles. This way the vehicles would be parked on the gravel section that will turn into pavement to avoid disturbing the public and creating an accident.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property. I consider that the pavement variation is not going beyond the regulations of the village since some of the properties near me consist of the similar driveway variations that I'd like to add.

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

Applicant's Response: The proposed variation is consistent with the intent of the comprehensive plan, this title, and the other land use policies of the village. Most of the Driveway variations meet this standard.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variations for Maximum Driveway Width and Driveway Parking Pad Depth.

There were no questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-13. Commissioner King seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-13 at 6:54 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval a Variation, Maximum Driveway Width, Municipal Code Section 10 – 8 – 8 – 1. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Chambers, King, Wasowicz

Motion Failed.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval a Variation, Driveway Parking Pad Depth, Municipal Code Section 10 – 8 – 8 – G.3. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Chambers, King, Wasowicz

Motion failed.

Public Hearing: CDC Case Number 2021-15
Petitioner: Olivia Acuahuatl
Location: 410 East Green Street
Request: Special Use Permit, Restaurant
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-15. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-15 at 6:57 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 seeking approval of a Special Use Permit to operate a restaurant in the vacant 3,000 SF building at 410 E Green Street. Ms. Fawell stated the site is intended to be home to the second location of Tacos Puebla, a fast casual Mexican restaurant located in Addison.

Ms. Fawell stated albeit the existing building on the site was previously used as a restaurant, it has been unoccupied for more than six consecutive months, which is the minimum time period for a use to be considered abandoned per Village Zoning Ordinance. Ms. Fawell stated granting of a Special Use Permit is subsequently required in the event of an abandonment.

Olivia Acuahuatl, property owner, was present and sworn in by Chairman Rowe. Ms. Acuahuatl stated they purchased the property in May and would like to open their second location. Ms. Acuahuatl stated they are currently remodeling the building.

Commissioner King asked what their hours of operation would be. Ms. Acuahuatl stated they currently don't know as they want to see how they market in Bensenville is. Ms. Acuahuatl stated the plan is to be open for lunch and dinner but would be open to the idea of breakfast if the market is right.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed special use permit 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: No, we will not endanger the health, safety, comfort, convenience, and general welfare of the public.

2. **Neighborhood 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: Yes, this restaurant is compatible with the character of adjacent properties and was for many years.

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: We will not impede the normal and orderly development and improvement of adjacent properties and other properties within the immediate vicinity.

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: We will not require utilities, access roads, drainage, and/or other facilities or services to a degree disproportionate to that normally expected, nor generate disproportionate demand for new services or facilities.

5. **Consistent with Title 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: Yes, we will be consistent with the intent of the comprehensive plan, this title, and the other land use policies of the village.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit to operate a restaurant at 410 E Green Street.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-15. Chairman Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-15 at 7:03 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Special Use Permit, Restaurant Municipal Code Section 10 – 7 – 2 – 1. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion Carried.

Public Hearing: CDC Case Number 2021-19
Petitioner: Century Metal Spinning Co.
Location: 430 Meyer Road
Request: Preliminary Plat of Consolidation
Municipal Code Section 11 – 3
Site Plan Review
Municipal Code Section 10 – 3 – 2
Variation, Off-Street Parking Requirements
Municipal Code Section 10 – 8 – 2 – 1
Variation, Pedestrian Circulation Systems
Municipal Code Section 10 – 8 – 7
Variation, Tree Preservation Replacement Standards
Municipal Code Section 10 – 9 – 2.B
Variation, Parking Lot Landscaping Tree Canopy Coverage
Municipal Code Section 10 – 9 – 5.A
Variation, Parking Lot Interior Landscape Islands
Municipal Code Section 10 – 9 – 5.C

Motion: Commissioner Chambers made a motion to open CDC Case No. 2021-19. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-19 at 7:05 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 Century Metal Spinning, located at 430 Meyer Road, is looking to consolidate the subject lot with the parcel immediately to the south in order to construct a 17,475 SF building addition with an adjacent parking lot. Ms. Fawell stated this development requires the approval of the above Variations.

Lee Austin, Architect for the property owner, was present and shown in by Chairman Rowe. Mr. Austin provided an overview of the proposed expansion. Mr. Austin stated Century Metal Spinning want to remain in Bensenville, thus the reason for the expansion. Mr. Austin stated the space is limited and several variances are requested to allow for the expansion.

Chairman Rowe asked how many employees were there. Mr. Austin stated twenty with the potential to expand.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed Site Plan Review as presented in the Staff Report consisting of:

1. **Surrounding Character:** The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

Applicant's Response: The surrounding properties and in properties in the immediate vicinity of the proposed development are developed as industrial businesses. The proposed site plan is consistent with the existing zoning and character of the properties that are adjacent and in the vicinity the site.

2. **Neighborhood Impact:** The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.

Applicant's Response: The proposed improvements will not interfere with the operations or future development of adjacent and properties within the vicinity of the proposed site plan improvements. The proposed improvements do not encroach on adjacent properties or interfere with access or operations of other properties.

3. **Public Facilities:** The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

Applicant's Response: The development is located in the established industrial park and the proposed expansion will utilize the existing utility services and access road. A new parking is provided, a new loading dock is included with the building expansion in addition to the existing loading dock and one bay of the existing loading dock is being converted to a ramp. The proposed improvements shown on the site plan will not alter the existing storm flow paths of the storm sewer in Meyer Road. Wall Pack lights will be installed on the building expansion to provide lighting for the loading dock and parking lot.

4. **Environmental Preservation:** The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

Applicant's Response: There are no identified environmental resources other than trees with in the development area. The proposed site plan preserves as many trees as possible.

5. **On-site Pedestrian Circulation System:** The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

Applicant's Response: The proposed site plan accommodates the public rights-of-way. The proposed expansion of the building and the associated parking lot utilize the vast portion of the available area. Pedestrian and vehicular circulation has been separated as much as possible.

6. **Vehicle Ingress and Egress:** The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.

Applicant's Response: A new curb cut to provide safe and efficient ingress and egress of vehicles is proposed for access to the new parking lot and to the new loading dock. Trucks using the new loading dock will be complete off the street while at the dock.

7. **Architectural Design:** The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

Applicant's Response: The architectural design of building elevations have been prepared and are compatible with the existing building by matching the facades and will contribute to the aesthetic appearance of the area.

8. **Consistent with Title and Plan:** The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The site plan for the expansion of the Century Metal Spinning building is consistent with the Comprehensive Plan that designates the area as an industrial park and is consistent with Site Plan requirements for this zoning area and other land use policies of the Village.

Ms. Fawell reviewed the Findings of Fact for the proposed Variance *Off-Street Parking Requirements, Municipal Code Section 10-8-2-1* as presented in the Staff Report consisting of:

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

Applicant's Response: Not endanger the health, safety, comfort convenience and general welfare of public. The property is located in an established industrial park and is consistent with other properties that have been in the park for years.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation. 13 existing parking spaces on the north portion of the 430 Meyer Road property are within an easement for parking for 466 Meyer Road since 466 Meyer Road did not have sufficient room to have their required parking spaces on their property. All properties adjacent to 430 Meyer and in the vicinity have variations on parking and due to the overall development of the industrial park would find it very difficult to expand buildings and parking.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Since land for expansion is extremely limited in the industrial park, an undue hardship is created by the literal enforcement of this title, while complying with other set back and parking requirements.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The only land available is the 60 foot lot adjacent to the current development. This is a platted lot and is being combined by a consolidation plat to allow for the side yard setback for the building to meet requirements.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The number of parking spaces proposed (27) is the maximum number of spaces that can be created along with the building expansion.

Therefore the deviation from the ordinance requirement is 3 spaces, which is the minimum deviation requested.

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

Applicant's Response: The variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies.

Ms. Fawell reviewed the Findings of Fact for the proposed Variance *Pedestrian Circulation Systems, Municipal Code Section 10-8-7* as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed variation to allow for no walking aisle in the parking lot will not endanger the health, safety, comfort convenience and general welfare of public. The only pedestrian activity that will be in the parking lot other than employees of the business would be in the visitor space next to the ADA space. The visitor and ADA space have access to the sidewalk that leads to the front door of the business without having to cross the entire parking lot. Employees are familiar the operations of trucks backing it to the existing parking lot and the new lot will be essentially the same as the existing lot, but all unloading of trucks will take place at the western end of the lot. The current lot has a ramp into the build and that ramp is being relocate to the area adjacent to an existing loading dock at the north eastern corner of the existing building.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: The variation is consistent with many other businesses in the industrial park where employees need to walk across an through parking lots to access the buildings.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Due to the size of the lot available and requirements related to the size of parking spaces there is not sufficient room to create a separated walking path through the parking lot.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The proposed variation is due to the physical attributes of the property and were not created by the applicant. The applicant bought all of the available land and met the requirements of Title 10 related to parking space and aisle sizes.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The variation is the minimum deviation from the regulations of Title 10 that are necessary to accomplish the desired improvement. If a walk way were added to the parking lot up to 11 more spaces would have to be eliminated from the proposed parking lot.

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

Applicant's Response: The variation is consistent with the intent of the Comprehensive Plan, Title 10 and other land use policies of the Village related to industrial park developments.

Ms. Fawell reviewed the Findings of Fact for the proposed Variance *Tree Preservation Replacement Standards, Municipal Code Section 10-9-2.B* as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed administrative relief and variation to reduce the number of replacement trees and decrease the canopy coverage of trees over the parking lot from 40% to 11% will not endanger the health, safety, comfort convenience and general welfare of public.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Adjacent properties and properties within the area of the industrial park have varying amounts of landscaping. The existing 430 Meyer development could not meet current requirement for tree preservation and that is true of many of the developments within the same industrial park if they were to expand.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: In order to fully comply with the requirements of the ordinance for tree canopy coverage and total tree replacement would be an undue hardship created by the literal enforcement of Title 10, causing the parking lot and building expansion to be substantially reduced in size. The reduction in size to the parking and building would eliminate the viability of the proposed expansion.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: As with the parking and pedestrian access variations the variations for this title are due to the physical sizes of the property and the required size of expansion of the building.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represent the minimum deviation from the regulations of Title 10 Tree Preservation, that are necessary to accomplish the proposed development of the property. There is physically not enough square footage to plant additional trees on the property as a whole.

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

Applicant's Response: The proposed administrative relief and variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for industrial development.

Ms. Fawell reviewed the Findings of Fact for the proposed Variance *Parking Lot Landscaping Tree Canopy Coverage, Municipal Code Section 10-9-5.A* as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed administrative relief and variation to reduce the number of replacement trees and decrease the canopy coverage of trees over the parking lot from 40% to 11% will not endanger the health, safety, comfort convenience and general welfare of public.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Adjacent properties and properties within the area of the industrial park have varying amounts of landscaping. The existing 430 Meyer development could not meet current requirement for tree preservation and that is true of many of the developments within the same industrial park if they were to expand.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: In order to fully comply with the requirements of the ordinance for tree canopy coverage and total tree replacement would be an undue hardship created by the literal enforcement of Title 10, causing the parking lot and building expansion to be substantially reduced in size. The reduction in size to the parking and building would eliminate the viability of the proposed expansion.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: As with the parking and pedestrian access variations the variations for this title are due to the physical sizes of the property and the required size of expansion of the building.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represent the minimum deviation from the regulations of Title 10 Tree Preservation, that are necessary to accomplish the proposed development of the property. There is physically not enough square footage to plant additional trees on the property as a whole.

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

Applicant's Response: The proposed administrative relief and variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for industrial development.

Ms. Fawell reviewed the Findings of Fact for the proposed Variance Parking Lot Interior Landscape Islands, Municipal Code Section 10-9-5.C as presented in the Staff Report consisting of:

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

Applicant's Response: The proposed variation to allow for elimination of landscaping islands for the parking lot will not endanger the health, safety, comfort, convenience, and general welfare of the public.

- 2) **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: The proposed variation is compatible with the character of adjacent properties. None of the properties adjacent to the site have landscape islands in the existing parking lots.

- 3) **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: The proposed variation alleviates an undue hardship created by the literal enforcement of this title. If the requirements were met it would require the parking lot to be reduced by up to 4 additional spaces and would not provide enough parking for employees and visitors to the business. The land area is limited and additional land area cannot be acquired, due to existing adjacent developments.

- 4) **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: The variation to eliminate islands is created by the limitations of available land to expand the business and is not deliberately created by the applicant. The proposed number of parking spaces is less than the required and a variation for reduction of the number of spaces is being sought. No additional land is available for the expansion of the building and associated parking.

- 5) **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The variation to eliminate landscape islands for the parking lot is the minimum necessary to accomplish the desired improvement. Addition of islands to the parking lot would further reduce parking and make the proposed expansion not feasible.

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

Applicant's Response: The proposed variation is consistent with the intent of the Comprehensive Plan, this title and other land use policies of the Village for expansion of an industrial business within the existing industrial park.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan at 430 Meyer Road with the following conditions:

- a. The development shall be in accordance with the plans by Bloom Companies, LLC dated 06.16.21;
- b. The existing 10-foot Public Utility Easement from Lot 1 should be extended south into Lot 2;
- c. A 5-foot wide ADA compliant public sidewalk will be required along the Meyer Rd frontage of the site. The sidewalk shall be located within the public right-of-way;
- d. A perimeter curb and gutter will be required along the proposed parking lot per the Village parking lot standard;
- e. A final landscape plan with plant detail and quantity shall be approved by the Zoning Administrator; and

- f. Final architecture plans shall be approved by the Zoning Administrator.
- 2) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Off-Street Parking Requirements.
- 3) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation Systems.
- 4) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Standards with the following condition:
 - a. Petitioner shall coordinate with CED Staff to determine an appropriate tree replacement agreement, final approval subject to Zoning Administrator.
- 5) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Parking Lot Landscaping Tree Canopy Coverage.
- 6) Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for Parking Lot Interior Landscape Islands.
- 7) Staff recommends the Approval of the Preliminary Plat of Consolidation.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-19. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-19 at 7:17 p.m.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of a Site Plan Review, Municipal Code Section 10-3-2. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Preliminary Plat of Consolidation, Municipal Code Section 11-3. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Off-Street Parking Requirements, Municipal Code Section 10-8-2-1. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Pedestrian Circulations Systems, Municipal Code Section 10-8-7. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of a Variation, Tre Preservation Replacement Standards, Municipal Code Section 10-9-2.B. Charmian Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Parking Lot Tree Canopy Coverage, Municipal Code Section 10-9-5.A. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of a Variation, Parking Lot Interior Landscape Islands, Municipal Code Section 10-9-5.C. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-20
Petitioner: Aaron & Debra White
Location: 449 South Center Street
Request: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-20. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-20 at 7:22 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 seeking a Variation to allow a 34' by 25' paved parking area in the rear yard to be accessed from the alley. Ms. Fawell stated the existing gravel area has been used for vehicle parking, for which the property has received four correction notices since 2018. Ms. Fawell stated any gravel areas abutting pavement – in the event the request is approved – must be reverted to green space.

Ms. Fawell stated paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage, and shall be 10' by 20' per vehicle parking space, with a maximum of 2 spaces allowed. Ms. Fawell stated the area shall be accessed from an alley at the rear of the lot and shall be located one foot or more from an interior lot line and three feet or less from the rear lot line.

Aaron White, Attorney and son of the Petitioners, was present and sworn in by Chairman Rowe. Mr. White stated there are currently three adults living in the home and all three drive their own vehicles. Mr. White stated there is no garage on site and the cost to construct one is too much. Mr. White stated his clients are trying to comply with the Village's ordinance. Mr. White stated they are requesting a 34' X 25' parking pad; not the Staff recommendation of 20' X 20'

Commissioner King questioned how this matter can be resolved. Ms. Falwell stated the current Village Code permits a garage on site; should the Applicants construct a garage, which would allow for four vehicles to be parked on the site.

Commissioner Wasowicz asked if parking was available in the front of the home, on the street. Mr. White stated there is parking on the street, however not overnight.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

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

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

Applicant's Response: As discussed in further detail below, the proposed variation will enable the Owners to comply with Section 302.3 of the International Property Maintenance Code, as adopted and incorporated into the Village Code, which provision is aimed at protecting the health, safety, comfort, convenience, and general welfare of the public. By granting the variance request, the Village will enable the Owners to pave what is now a gravel parking area.

2. **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Directly east of the Property, is the paved, commercial parking area of the Mamma Maria's Restaurant. Permitting the Owners to pave their gravel parking area without having to build a garage will result in a parking area that matches the Mamma Maria's parking area. Additionally, other properties on the same alley have cars parked behind the fences separating the residences, so the proposed variation is consistent with the area.

3. **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Currently, the Owners have a four-spot gravel parking area adjacent to the alley at the rear of the Property, which is separated from the main yard and house by a fence. The gravel parking area existed at the time the Owners purchased the Property in 1990. At the time of purchase, the Owners received a Real Estate Transfer Inspection Certificate of Occupancy dated May 11, 1990 from the Director of Building & Zoning of the Village ("Certificate"). The Certificate indicated that the Property had been inspected on March 27, 1990 and May 10, 1990 and was "found to conform to the requirements of the Real Estate Transfer Ordinance and the Zoning Ordinance of the Village of Bensenville." Based on the Village's representations in the Certificate, the Owners purchased the Property and have used the gravel parking area to park the vehicles for the past 31 years.

In 2015, the Village Code was amended to incorporate the International Property Maintenance Code, specifically Section 302.3. As adopted by the Village, that section provides, "All parking and driveway areas shall be paved with asphalt, concrete, or approved paver stone or brick, shall be kept free from dirt and other litter or debris, and shall be kept in good repair." Based on this ordinance, the Village is now requiring the Owners to pave their parking area, which had consisted of gravel for 25 years at the time the ordinance was adopted and was approved by the Village at the time of purchase.

When the Owners applied for a permit to pave their parking area, in an effort to comply with Section 302.3, they were denied a permit on June 2, 2021 on the basis that the Village's zoning ordinances only permit a gravel parking area to exist adjacent to a garage; they do not permit a stand-alone gravel parking area. Section 10-8-8-4 of the Village Code provides that "Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage."

These two provisions of the Village Code appear to be at odds with one another. Their practical effect is to require an owner to pave and gravel parking area, but that parking area has to be adjacent to a garage. In order to

comply with these provisions of the Village Code without the granting of a variance, the Owners will either have to build a garage and then pave their gravel parking area, which they are financially unable to do – and shouldn't have to do, based on the Village's prior certification of the Property – or they will have to make arrangements to park their vehicles elsewhere, not on the Property. Thus, the proposed variations alleviates an undue hardship caused by a literal enforcement of Section 10-8-8-4.

4. **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: As discussed above, the gravel parking area existed at the time the Owners purchased the Property and was not created by them. Further, the Village approved the gravel parking area when it inspected the Property twice in 1990 and issued the Certificate. Had there been any indication from the Village to the Owners at that time that they would not be able to park their vehicles on the gravel parking area, they would not have purchased the Property.

5. **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: Currently, the Owner's parking area consists of a 4-spot gravel area adjacent to the alley at the rear of the Property. Allowing the Owners to simply pave the existing parking area without building a garage represents a minimal deviation because it will allow the Owners to comply with Section 302.3, thereby improving and enhancing the parking area while achieving the Village's goals of safety and proper maintenance.

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

Applicant's Response: As discussed above, the proposed variation is consistent with the land use policies of the Village because it will allow the Owners to comply with Section 302.3 of the Village Code. Moreover, it will give the Owners the equivalent parking area – a 4-spot paved parking area – as if they had a two-car garage and then two paved spaces adjacent. Thus, the request is consistent with what the Village Code otherwise would allow.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for a Paved Parking Area at 449 S Center Street with the following conditions:

- 1) The pavement shall be pitched in accordance with the recommendations of the Village Engineer;
- 2) The paved parking area shall be 20 feet by 20 feet; and
- 3) Any remaining gravel area shall be reverted to green space, subject to review and approval by the Zoning Administrator.

There were no further questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-20. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-20 at 7:38 p.m.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and approval of a Variation Paved Parking Area, Municipal Code Section 10-8-8.G-4 with Staff's Recommendations as presented. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Wasowicz

Nays: None

Abstained: King

Motion carried.

Public Hearing: CDC Case Number 2021-21
Petitioner: Timothy Hengles
Location: 301 South Judson Street
Request: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8.G – 4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-21. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-21 at 7:40 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 seeking a Variation to allow a 21' by 23' paved parking area in the corner side yard. Ms. Fawell stated the proposed area is adjacent to the detached garage and will be accessed from the alley. Ms. Fawell stated the Zoning Ordinance only permits paved parking areas in the rear yard- the proposed falls into the corner side yard by approximately 5.5 feet.

Ms. Fawell stated the Zoning Ordinance also mandates that paved parking areas shall be 10' by 20' per vehicle space, with a maximum of two spaces per zoning lot, and must be located 1' from an interior lot line and 3' or less from a rear lot line. Ms. Fawell stated the proposed area's depth includes the 3' maximum rear setback, but does exceed Code's maximum width of 20 feet.

Timothy Hengels and Basia Lukaszczyk, property owners, were present and sworn in by Chairman Rowe. Mr. Hengels stated the reason for the request is due to limited parking and teenagers that are going to be driving. Mr. Hengels stated the current space allows for two parking spaces; he needs there to be four. Mr. Hengels submitted pictures to the Commission of examples of other properties in the area that have been approved for what he wants.

Ms. Lukaszczyk stated they are very involved in Bensenville. Ms. Lukaszczyk stated he is a member of the PTO and works closely with Phyllis Schmidt of the Bensenville Park District. Ms. Lukaszczyk stated if they are not approved, they will be forced to move from Bensenville.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

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

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

Applicant's Response: The proposed Variation (parking spaces) is very much needed for our family of 5 and our family's living situation. Currently, there are 2 adults that each have a vehicle. As of this year, our son, Vinny has obtained his permit. Within the year, he plans to obtain his driver's license thereby inching closer to a vehicle. We also have 2 additional children who will be driving in the near future, and they will also need parking spaces for their vehicles. Right now, the only parking space on our property is the detached garage which is only big enough for 2 vehicles. It is imperative that we create additional parking spaces for the children. Furthermore, Bensenville does not allow vehicles to be parked on the street between 2am to 6am, so we cannot leave the additional vehicles on the street each night. The proposed Variation to our property will not endanger the health, safety, comfort, convenience, nor general welfare of the public.

2. **Compatible with Surrounding Character:** The proposed Variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed Variation.

Applicant's Response: Furthermore, it is very compatible with the character of adjacent properties and other properties within immediate vicinity of the proposed Variation. There are some houses that have parking spaces either side by side to the sidewalk or within 2 to 3 feet of the sidewalk on Memorial Street. There are many other properties in Bensenville that exhibit this same Variation. The parking spaces will be facing east and west to the alley and perpendicular to the sidewalk, but we do plan for it to be a few feet away from the sidewalk.

3. **Undue Hardship:** The proposed Variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: The proposed Variation alleviates an undue hardship created by literal enforcement of the title.

4. **Unique Physical Attributes:** The proposed Variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: Yes, the proposed Variation is very much needed due to the unique physical attributes of the property which was not deliberately created by us, the applicants. When the property was bought, it only had a detached garage with 2 parking spaces. This worked well because only the 2 adults had vehicles, and there was only 1 child (3 years old at the time) in the family. Due to the properties "original physical attributes" it hinders the family's living situation and needs to be modified to the current state of affairs.

5. **Minimum Deviation Needed:** The proposed Variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed Variation does represent the minimum deviation from the regulations of the title necessary to accomplish the desired improvement to the property.

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

Applicant's Response: Lastly, the proposed Variation is consistent with the intent of the Comprehensive Plan, the title, and other land use policies of the Village.

Ms. Fawell stated Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Variation for a Paved Parking Area at 301 Judson Street.

There were no further questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2021-21. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-21 at 7:59 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variance, Paved Parking Area, Municipal Code Section 10-8-8.G-4. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Chambers, King, Wasowicz

Motion Failed.

Public Hearing: CDC Case Number 2021-22
Petitioner: Mirjan Sadik, Gem Car Was II LLC
Location: 904-910 West Irving Park Road
Request: Variation, Paved Parking Area
Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4
**To grant a Code Departure from:*
Electronic Message Sign Location, 10 – 10 – 5B – 4a3

Motion: Commissioner King made a motion to open CDC Case No. 2021-22. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-22 at 8:01 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 in 2020, the Petitioner was granted a PUD to construct a car wash at 904-910 W Irving Park Road. Gem Car Wash is now seeking an Amendment to that PUD, requesting a Code Departure to allow an electronic message sign, as a component of a monument sign, on the property. Ms. Fawell stated the Zoning Ordinance prohibits EMCs to be located within one mile of the property line of a lot on which an existing EMC is located. Ms. Fawell stated there are 8 existing EMCs on Irving Park Road, all under a mile from the subject property.

Ms. Fawell stated the submittal features additional plans for 3 wall signs. Ms. Fawell stated these do not require any code departures, but have been included as they are part of the overall signage project.

Mirjan Sadik, property owner, was present and sworn in by Chairman Rowe. Mr. Sadik provided an overview of the proposed sign.

Commissioner Wasowicz asked why this wasn't done as part of the original PUD. Mr. Sadik stated that was an error on his end as he did not realize the requirements form a EMC sign.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed special use 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) **Neighborhood 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. Monument sign will include shrubbery around the base as per village regulations.

- 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 Title 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.

Ms. Fawell reviewed the Findings of Fact for the proposed planned unit development in the Staff Report consisting of:

- 1) **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 and Screening:** 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. Monument sign will include shrubbery around the base as per village regulations.

- 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.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to a Planned Unit Development at 904-910 W Irving Park Road with the following conditions:

- 1) All conditions of approval set forth in Ordinance #35-2020 granting approval of a Planned Unit Development are consequently conditions of approval of the Planned Unit Development Amendment granted herein;
- 2) Freestanding sign shall be accordance with submitted plans dated 06.18.2021;
- 3) Illuminated signs shall be turned off 30 minutes after close of business, which is 9:30PM;
- 4) A landscape plan indicating plant material and quantity, subject to Zoning Administrator review and approval, shall be submitted with a building permit application; and
- 5) Temporary signage shall no longer be permitted at this property.

There were no further questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-22. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-22 at 8:13 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of an Amendment to an Approved Planned unit Development, Municipal Code Section 10-4-4 *to grant a Code Departure from: Electronic Message Sign Location, 10-10-5B-4a3. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-23
Petitioner: P.C. Properties (Illinois) LLC
Location: 525 North Meyer Road
Request: Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-23. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-23 at 8:15 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Bensenville Independent on July 15, 2021. 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 July 15, 2021. Ms. Fawell stated on July 12, 2021 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 located at 525, 533, 549, 557, and 573 N Meyer Road is a U.S. Customs Field Operation Facility, which includes onsite inspection of cargo and freight, and trailer parking and storage containers awaiting inspection and consequent removal.

Ms. Fawell stated in 2013, the subject property was granted a Planned Unit Development (Ord. #9-2013). Ms. Fawell stated this was mainly sought to allow outdoor storage on the site, which was prohibited under the previous Zoning Ordinance, but is now allowed with a Special Use Permit. Ms. Fawell stated a condition of this PUD mandated that the SUP granted for outdoor storage in the corner side yard shall expire on July 1, 2021. Ms. Fawell stated the Petitioner is therefore seeking an Amendment to remove this condition from the original Planned Unit Development.

Ms. Fawell stated this PUD has previously been amended three times, once to allow the construction of the existing customs clearance center building (Ord. #42-2014), a second time to allow a parking lot at the 557 parcel (Ord. #13-2016), and a final time to allow a parking lot at the 573 parcels (Ord. #18-2018).

Richard Laubenstein, Attorney for property owner, was present and sworn in by Chairman Rowe. Mr. Laubenstein stated Staff covered his client's request and was there for any questions.

There were no questions from the Commissioners.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to comment of the CDC Case. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed special use 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 continued outdoor storage will not endanger the health, safety, comfort, convenience, and general wellbeing of the public. The U.S. Customs Field Operation Facility is fenced, secured and lighted. The street system in and around the Subject Property is more than adequate to facilitate the continued use. The trailers that will be moved onto the Subject

Property for inspection will not create an unusual amount of traffic and will be similar to the truck traffic that is currently in and about the area of the Subject Property. the parking area has been screened and landscaped. Accordingly, the special use will not overload existing streets nor create any traffic hazards, and as such, the continued use will not be detrimental to the public, health, safety, comfort, convenience, or general welfare.

2. **Neighborhood 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: The continuation of the special use will be a benefit to the area by maintaining the landscaping and keeping the parking lot in good repair. The proposed special use is consistent with existing uses of adjoining properties regarding outdoor storage, parking trucks, trailers, etc.

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 continued use is low intensity and will not impair property value or environmental quality in the neighborhood nor impede the orderly development of surrounding property, all of which is also zoned I-2.

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 current use is a low intensity use. No new buildings are contemplated and existing Village services such as police and fire protection as well as water and sanitary sewer are more than adequate to serve the continued use.

5. **Consistent with Title 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: A U.S. Customs Field Operation Facility is needed to assist in enhancing commerce within the Chicago Metropolitan Area. Allowing this service at the Subject Property to continue is in the interest of public convenience and will contribute to the general welfare of the Chicago Metropolitan Area. The continued use is consistent with the intent of the Comprehensive Plan based on current market conditions for the area in which the Subject Property is located. It does not appear that the continued use will generate any adverse effects and it does not appear that there are any other factors that need to be considered in order to allow the proposed use of the Subject Property as a PUD and outside storage as a Special Use related thereto.

Ms. Fawell reviewed the Findings of Fact for the proposed planned unit development in the Staff Report consisting of:

1. **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 amendment to the planned unit development fulfills the objectives of the Comprehensive Plan and other land use policies of the Village by allowing the site to be used in connection with the U.S. Customs services needed by the Village and neighboring communities.

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: As there is no request to alter the present use or add any additional buildings, the proposed amendment will not alter the existing walkways, driveways,

streets, parking facilities, loading facilities, exterior lighting and traffic control devices that presently serve the uses within the development and adjoining properties.

3. **Landscaping and Screening:** 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 amendment will not alter the existing landscaping and screening which have previously been approved by the Village, and the continued use of the Subject Property for customs clearance will maintain the current noise reduction and buffers between different types of uses in the area.

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

Applicant's Response: The proposed amendment to the PUD will not require any modifications to the Subject Property and therefor will not have any impact on 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 amendment to the PUD will not alter the Subject Property in any way, and therefore will continue to protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

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 amendment to the PUD requires no additional utilities, storm sewers, storm water retention or detention.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to an approved Planned Unit Development at 525 Meyer Road with the following conditions:

- 1) The following condition shall be stricken from Ordinance No. 9-2013, granting approval of a Planned Unit Development and Conditional Use Permit for properties commonly known as 525, 533, 549, 557, and 573 N. Meyer Road:
 - a. "5. The Conditional Use Permit shall be null and void as of 07.01.2021."
- 2) All conditions of approval set forth in previous ordinances granting approval of a PUD and PUD Amendments (Ordinances #9-2013, #42-2014, #13-2016, #18-2018) are consequently conditions of approval of the Planned Unit Development Amendment granted herein; and
- 3) A landscape plan for the entire site shall be submitted for Zoning Administrator review and approval within one year of the approval of the Amendment granted herein, or said approval shall be revoked.

There were no further questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-23. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-23 at 8:21 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of an Amendment to an Approved Planned unit Development, Municipal Code Section 10-4-4. Commissioner Chambers seconded the motion.

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

All were in favor. Motion carried.

The meeting was adjourned at 8:23 p.m.



Ronald Rowe, Chairman
Community Development Commission