

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 7, 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, Marcotte, Wasowicz
Absent: Ciula, Czarnecki,
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 November 2, 2021 were presented.

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

All were in favor. Motion carried.

Director of Community and Economic 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.

Public Hearing: CDC Case Number 2021-34
Petitioner: James E. & Judith Pichla
Location: 16 West Irving Park Road
Request: Variation, Paved Parking Area
Municipal Code Section 10 – 8 – 8 – G.4

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-34. Commissioner Chambers seconded the motion.

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

Rowe, Chambers, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki

A quorum was present.

Chairman Rowe opened CDC Case No. 2021-34 at 6:32 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Daily Herald on November 18, 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 November 18, 2021. Ms. Fawell stated on November 17, 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 in order to pave a 20' by 40' paved parking area in the rear yard of their property to be accessed from the alley. Ms. Fawell stated the majority of the proposed area – already used for vehicle parking – is predominantly gravel, for which the Petitioner has received numerous correction notices and appeared at administrative adjudication.

James Pichla, property owner, was present and sworn in by Chairman Rowe. Mr. Pichla stated he has owned the property for a little over fifty years. Mr. Pichla stated the property was purchased with gravel for parking. Mr. Pichla stated they are requesting a 20' x 40' parking pad to allow the three vehicles that live in the house to park along with his daughter's vehicle when she comes to visit on weekends.

Chairman Rowe asked if there is a garage on the property. Mr. Pichla stated there is no garage on the property.

Chairman Rowe asked if Mr. Pichla planned to construct a garage on the property. Mr. Pichla stated he is not going to build a garage on the property.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed variance permit 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: Parking cars in a parking area without a garage will not endanger the health, safety, 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: Having parked cars in a parking area is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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

Applicant's Response: There is no other location on the subject property to park cars. Thus, the proposed variation alleviates an undue hardship created by the literal enforcement of this 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: The subject property does not have a detached garage. Applicant did not deliberately created this situation that the subject property has no garage.

- 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: There is no lesser way to park cars on the subject property except by granting the proposed variation.

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: Allowing cars to park in a parking area even though there is no garage on the property is 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 Variation for a Paved Parking Area nonadjacent to the garage at 16 W Irving Park Road with the following conditions:

- 1) Driveway grade shall not negatively impact any neighboring properties. Drainage shall be pitched toward the alley;
- 2) The paved parking area shall have a maximum area of 20 feet by 20 feet;
- 3) The paved parking area shall be located one foot or more from the interior lot line and three feet or less from the rear lot line; and
- 4) Any remaining gravel area shall be restored to green space.

There were no questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-34. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-34 at 6:42 p.m.

Motion: Commissioner Wasowicz 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 the above mentioned conditions of approval. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Chambers, King, Wasowicz

Nays: Rowe, Marcotte

Motion carried.

Public Hearing: CDC Case Number 2021-35

Petitioner: Arkadiusz Krynski & Jacenty Rapacz

Location: 238 Park Street

Request: **Site Plan Review**

Municipal Code Section 10-3-2

Variation, Interior Side Yard Setbacks

Municipal Code Section 10-6-8-1

Variation, Off-Street Parking Dimensions

Municipal Code Section 10-8-6-1

Variation, Outdoor Storage Area Location

Municipal Code Section 10-7-3.X-1

Variation, Fence in Front Yard

Municipal Code Section 10-7-4.C-7.a

Variation, Parking Lot Landscaping

Municipal Code Section 10-9-5

Motion: Commissioner Chambers made a motion to open CDC Case No. 2021-35. Commissioner King seconded the motion.

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

Rowe, Chambers, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki

A quorum was present.

Chairman Rowe opened CDC Case No. 2021-35 at 6:46 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Daily Herald on November 18, 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 November 18, 2021. Ms. Fawell stated on November 17, 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 Site Plan and number of Variations to construct a 16' high, 2,000 SF warehouse and storage building for their contracting business. Ms. Fawell stated as the subject property fronts both Marion Court and Park Avenue, it is considered to have two front yards.

Ms. Fawell stated the proposed steel building is to have two drive-in doors, and light-trucks will access the site from both streets. Ms. Fawell stated an outdoor storage area and small parking lot is located in the front yard facing Marion Court, and the Petitioner has submitted plans that indicate the areas will be screened by a fence. Ms. Fawell stated two options of floor plans have been submitted, as well as pictures of neighboring properties with site designs and uses similar to their request.

Arkadiusz Krynski and, Property Owner, and Beata Krynski were present and sworn in by Chairman Rowe. Ms. Gonzalez reviewed the proposed plans. Mr. Krynski reviewed the proposed plans with the commission. Mr. Krynski stated the building will be used occasionally throughout the year. Mr. Krynski stated he is a concrete workers and his equipment will be kept on job sites during the construction season. Mr. Krynski stated the neighborhood on Marion Court will not be disturbed by his business operation.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed Site Plan Review 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 site plan for the proposed development is consistent with the existing character and zoning of adjacent properties because adjacent properties

from N, S, E sides are 1-1 light industrial properties. Only the W side on the other side of Marion street is partially residential, also adjacent to commercial 1-1 from N side.

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 site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity because it is bordering with other light industrial properties from N,S,E side. Our activity in the planned development will mainly consist in the storage of our construction equipment, without any other industrial activity.

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: Our architect will perform a set of drawings necessary to get approval from the Village of Bensenville according to building codes and other standards for this kind of development. These drawings will be provided with the adequate utilities, access roads, parking, loading, drainage, storm water flow paths, exterior lighting, and/or other necessary facilities.

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

Applicant's Response: We will plant trees to provide shade for 40% of the parking. We will also provide landscape buffers (various shrubs, plants, etc.) to screen the lot on both Marion and Park. Our plan would be designed by a professional architect to preserve the environmental resources.

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: Our development plan has a small warehouse building with driveway from both sides E and W to make an access to the building and there is also a walkway from W side to office area, so all rules regarding pedestrian circulation and vehicular traffic are met.

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: There are no curbs on the street from Marion Ct and Park Ave.

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: Our site plan was designed according to clues and remarks of the Village of Bensenville Zoning Department.

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 proposed development would be consistent with the intent of the Comprehensive Plan. We are going to build a warehouse building for storage use and what is shown on the site plan would be consistent with the Comprehensive Plan with more detailed information.

Ms. Fawell reviewed the Findings of Fact for the proposed variations 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: "Minimum interior side yard setback for lots in the 1-1 District is 1 Oft, our proposed 5ft will not endanger the health, safety, comfort, convenience and general welfare of the public because we are not going to use the site of the yard for storage or any other activity. On both sides of the property would be landscaping -grass area. We are not going to have any windows on the N and S side of the proposed building. The other proposed variation: "Fence from Marion street" We also want to have a backyard screened with the fence and gate from the North side (toward Marion St) The reason that we want to make this variation is that we plan to occasionally park our equipment. There is a residential area on the other side of the street Marion Ct but far enough to make a turn, back up or drive out our parking lot. Marion Ct is a low traffic street. Our equipment is not noisy (quiet) so we are not going to disturb our neighbors. Besides that our equipment is parked for the most of time of the year on our job sites. We are also going to use a proposed building area to store (park) our equipment. So the paved area from Marion Ct site has a multipurpose use for storage of some materials and tools, not mainly to park our equipment. Other properties also use Marion Ct site to park their commercial vehicle fleet (see attached pictures). Besides that we are not going to make machinery parks, but just park our little equipment on our property lot, like others property owners are doing and they are allowed. So we completely cannot understand why these are going to be such big issues.

Third variation is to determine the Marion Ct site of our property as a backyard. We would like to have a front from Park St and back from Marion Ct, because the whole block (all warehouses) are situated the same way. Some of them even have parking and storage from Marion Ct site (see attached pictures).

- 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 because other properties also have a fence with gate from Marion Ct. There is a fence with gate at property address 214 S Park St, Bensenville. Fence is from Marion Ct. This house has the same situation -2 fronts (Park St and Marion Ct) and no back yards. They use a site from Marion Ct for parking and storage purpose (see attached pictures). Other properties also use Marion Ct site to park their commercial vehicle fleet (see attached pictures). Set back 5ft is required because of the size (width -50ft of the property lot) and will not change anything in the character of the immediate vicinity.

We would like to deny staff recommendations regarding site layout of the building and parking location. All warehouses are situated the same way. They have their fronts toward Park St and their back toward Marion Ct. Some of them have storage and parking from Marion Ct (see attached pictures). All warehouses are connected to media (electricity, gas, sewerage, water) from Park St. That is going to be the same situation with our proposed building. We would like to have a media connection to the front of the building. We also have an address : 238 Park St Bensenville, so it is determined where our front is. If we perform a mirror of this development the other way it would be sensational -only our building will be situated that way.

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

Applicant's Response: Like it was told in point 2 the width of the yard is 50ft, so it is impossible to build a building 30ft wide to be useful for our needs. Because we are limited to having 25% of outside storage we would like to use a building area to park and store our equipment (4 wheel truck with flatbed trailer, bobcat skid steer loader, mini excavator) especially during winter time. We had a bad experience last winter where all our construction equipment was destroyed by wildlife -squirrels and it required very expensive repairs. After winter we couldn't start our work for 2 months because of these damages. The cost of the repairs and the loss of the work for 2 months made it a very difficult situation where we were close to bankruptcy. We want to use the area with doors on both sides to park our truck and trailer and the side

area to park skid steer loaders and mini excavators. On the rest side area we want to store concrete forms and other stuff necessary to our profession.

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: Like we said in point no 3 dimension 50ft width is very difficult to build a building useful for our needs. We bought this empty yard which was classified as I-I light industrial property lot (normally minimum width for 1-1 is 100ft) So we would like to use this property according to its intended purpose and we also want to have a useful building, but physical attributes of the subject property were not created by us.

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 5' setback on the N and S side and fence from W side (Marion St) represents the minimum deviation from the regulations of this title and is necessary to meet our storage needs of the building and not supposed to have a negative impact on our neighbors.

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: Our proposed variations have not changed the I-1 lot use rules. It is still going to be a commercial building and commercial property lot. These changes are required only to make a building and outside storage safe from others (kids playing, theft e.g. -fence) It will be also possible to build a building to accommodate our needs (5ft setback), so it is consistent with the intent of Comprehensive Plan and other policies of the Village.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow 5' interior side yard setbacks.

1. Staff recommends the Denial of the above Findings of Fact therefore the Denial of the Variation to allow a steel building.
 - a. The development shall meet the design requirements for industrial districts set forth in Section 10-6-19 of the Village Zoning Ordinance.
2. Staff recommends the Approval of the above Findings of Fact therefore the Approval of the Variation to allow an outdoor storage area in the front yard (located between principal building and Marion Court).
3. Staff recommends the Approval of the above Findings of Fact therefore the Approval of the Variation to allow a fence in the front yard with the following conditions:
 - a. The fence shall be opaque.
 - b. The fence shall have a maximum height of 6'.
4. Staff recommends the Approval of the above Findings of Fact therefore the Approval of the Variation to allow deviation from the Zoning Code's parking lot landscaping requirements with the following conditions:
 - a. A landscape buffer with a depth of 8', in accordance with Section 10-9-5.B, shall along the western property line in between the fence and right-of-way.
 - b. The Petitioner should attempt to include as many trees on the site as possible.
 - c. A landscape plan, to be approved by the Zoning Administrator, shall be submitted with a building permit application.
5. Staff recommends the Approval of the above Findings of Fact therefore the Approval of the Site Plan with the following conditions:
 - a. The conditions of approval in the Variations listed above be included in a revised plan;
 - b. The curb cut and driveway on Marion Court be removed;
 - c. Outdoor storage area shall be in accordance with §10-7-3.X of the code;
 - d. A landscape plan, to be approved by the Zoning Administrator, shall be submitted with a building permit application;
 - e. Additional trees shall be added to the site;
 - f. Two parking stalls shall be provided on the site, final design to be approved by Staff; and

- g. The fence have a setback of 8 feet from the front lot line to allow for the inclusion of the perimeter landscape.

Chairman Rowe suggested continuing this case until January 2022 to allow for the petitioner and Staff to work on a solution that would not allow for heavy traffic on Marion Court.

Mr. Pozsgay requested a decision on this matter and stated plans can be revised before this case is heard by the Village Board.

Ms. Krynski stated they are open to revising the plans and can have new drawings to Staff by December 8, 2021.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-35. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-35 at 7:19 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Site Plan Review, Municipal Code Section 10-6-8-1 with Staff's Recommendations. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of a Variation, Interior Side Yard Setbacks, Municipal Code Section 10-6-8-1 with Staff's Recommendations. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, 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, Off-Street Parking Dimensions, Municipal Code Section 10-8-6-1 with Staff's Recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of a Variation, Outdoor Storage Area Location, Municipal Code Section 10-7-3.X-1 with Staff's Recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of a Variation, Fence in Front Yard, Municipal Code Section 10-7-4.C-7.a with Staff's Recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Approval of a Variation, Parking Lot Landscaping, Municipal Code Section 10-9-5 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-36

Petitioner: Loretta Glowik

Location: 427 North Illinois Route 83

Request: Variation, Maximum Driveway Width

Municipal Code Section 10-8-8-1

Motion: Commissioner King made a motion to open CDC Case No. 2021-36. Commissioner Chambers seconded the motion.

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

Rowe, Chambers, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki

A quorum was present.

Chairman Rowe opened CDC Case No. 2021-36 at 7:24 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Daily Herald on November 18, 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 November 18, 2021. Ms. Fawell stated on November 17, 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 Variation to allow an increase in the Zoning Code's maximum allowable driveway width of 10 feet. Ms. Fawell stated the existing driveway, which is in a current state of disrepair, is to be removed and replaced with asphalt. Ms. Fawell stated the driveway has a width of 18 feet at its widest section. Ms. Fawell stated additionally, the Petitioner would like to add a 20' by 20' asphalt turnaround pad to allow drivers to proceed forward into IL Rte. 83 traffic, rather than backing out. Ms. Fawell stated there is no garage located on the property.

Loretta Glowiaik, Property Owner, was present and sworn in by Chairman Rowe. Ms. Glowiaik stated the RV and a couple of vehicles that are showed in pictures have been removed from the property in June 2019. Ms. Glowiaik stated she is seeking the approval for a turn-around so they no longer have to back out onto Illinois Route 83. Ms. Glowiaik stated there is no garage, nor are they any plans to construct one. Mr. Glowiaik stated there might be a Jeep in the rear yard that will be moved to the paved parking area once approved.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed variation 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 variation of the driveway that is being requested will allow for the residents of 427 N Illinois 83 to exit their driveway safely, which may reduce traffic accidents caused by backing out onto the highway 83.**

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 of the driveway that is being requested is not out of character with nearby properties, as it is a simple turn around section that is being added to the driveway that would originally be constructed for the property.**

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

Applicant's Response: **The variation of the driveway that is being requested will increase the safety of the residents of 427 N Illinois 83 and other drivers that are driving on**

highway 83 by allowing the residents to pull out forward instead of backing out onto the driveway.

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 property does not have driveway access to the side street of Elmhurst Rd, and only has access to highway 83. Thus, the variation for the turn around is being requested.

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 section being requested is of sufficient size to turn around the cars located on the property. The large trees on the property that are present on either side of the driveway make it so this specific location is the only viable place for this turn around to be installed on the driveway and 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: The proposed variation is 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 Variation to allow an increase in Maximum Driveway Width at 427 N IL Route 83 with the following conditions:

- 1) Driveway grade shall not negatively impact any neighboring properties. Drainage shall be pitched towards IL Route 83;
- 2) The driveway shall be in accordance with submitted plans dated 09.02.2021 except as amended here-in;
- 3) The driveway shall be located one foot or more from the interior lot line;

- 4) The recreational vehicle on the property shall be moved to the driveway to be in compliance with the Village Zoning Code. Any additional paving of the proposed shall equal in length to the recreational vehicle; and
- 5) Any remaining gravel area shall be restored to green space.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2021-36. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-36 at 7:30 p.m.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of a Variation, Maximum Driveway Width, Municipal Code Section 10-8-8-1 with Staff's recommendations. Chairman Chambers seconded the motion.

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

Nays: None

All in favor. Motion carried.

Public Hearing: CDC Case Number 2021-37

Petitioner: ML Realty & Prologis

Location: Mohawk Terrace Subdivision

Request: **Amendment to a Planned Unit Development**

Municipal Code Section 10 – 4 – 4

Motion: Commissioner King made a motion to open CDC Case No. 2021-37. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-37 at 7:31 p.m.

Village Planner, Kelsey Fawell was present and sworn in by Chairman Rowe. Ms. Fawell stated a Legal Notice was published in the Daily Herald on November 18, 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 November 18, 2021. Ms. Fawell stated on October 17, 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 November of 2020, the Owners were granted approval by the Village Board of the following: rezoning from residential to industrial, Preliminary Plat of Subdivision, Site Plan Review, and a Preliminary Planned Unit Development with code departures. Ms. Fawell stated these requests were sought with the goal of assembling the previously residentially-zoned properties in the Mohawk Terrace Neighborhood (southwest corner of Devon Avenue and Illinois Route 83) into an industrial use business park. Ms. Fawell stated the site plan features four industrial buildings with parking for both trucks and passenger vehicles. Ms. Fawell stated in 2021, a Final PUD for site improvement work and grading was approved in addition to an Amendment pertaining to the eastern portion of the site.

Ms. Fawell stated an additional PUD Amendment is now being requested in order to finalize the site plan of the western portion of the site.

Melissa Roman of Prologis was present and sworn in by Chairman Rowe. Ms. Roman reviewed the process of getting the properties and reviewed the proposed plans with the Commission.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed Site Plan Review 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 site is surrounded by industrial, commercial, and data center uses. The property is bordered by Devon Avenue to the north, new industrial buildings to the east, and industrial properties to the west and south.
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 use of the site is consistent with the use of the surrounding properties. The proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.
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 buildings have been designed to include ample parking for cars and trailer parking for trucks as well as loading areas and circulation for trucks. The current redevelopment work includes bringing new water and sanitary sewers to the proposed buildings. All stormwater will be accounted for and contained onsite via underground detention and will be released at the required rate. All new franchise utilities (Com Ed, Nicor, AT&T, etc.) will be installed underground for the new buildings. New curb cuts on Devon Avenue and Route 83 have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades. The locations have been submitted to IDOT and Cook County for approval.
4. **Environmental Preservation:** The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

Applicant's Response: Green space areas have been increased from the I-2 zoning requirements. A green space is provided on the east side of the subject development in coordination with the neighboring redevelopment. The project falls short of the total number of trees required to be replaced for the large established residential subdivision, but the landscape plan exceeds the code required plantings for any typical industrial development. A water feature is included at the park entry on Route 83 to enhance the curb appeal of the industrial park.

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 development includes public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located on Route 83 in the southeast corner of the redevelopment. Walking paths and sidewalks are included on the north and south sides of the buildings to tie to public sidewalks. A sidewalk is included between Building 2 and the development to the east as well. A water feature is included at the park entry on Route 83 to enhance the industrial park.

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: We have requested full access curb cuts on Devon Avenue and three-quarter access for the existing curb cut on Route 83. New curb cuts on Devon Avenue and Route 83 have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades. The locations have been submitted to IDOT and Cook County for approval.

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 buildings include architectural elements constructed from glass, aluminum, and precast at the corner entries and the center of the buildings with "best in class" design features for modern distribution facilities.

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 proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

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 site plan for the proposed development is consistent with the intent of the Comprehensive Plan and other land use policies of the Village. The responses below should reflect the innovative and creative approach that our team has taken.

- 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 redevelopment includes public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located on Route 83 in the southeast corner of the redevelopment. Additionally, walking paths and sidewalks are included on the north and south sides of the buildings to tie to public sidewalks. A sidewalk is included between Building 2 and the development to the east as well. We have requested full

access curb cuts on Devon Avenue and three-quarter access for the existing curb cut on Route 83. New curb cuts on Devon Avenue and Route 83 have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades. The locations have been submitted to IDOT and Cook County for approval.

- 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: Green space areas have been increased from the I-2 zoning requirements. A green space is provided on the east side of the subject development in coordination with the neighboring redevelopment. The landscape plan exceeds the code required plantings for any typical industrial development. A water feature is included at the park entry on Route 83 to enhance the industrial park.

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

Applicant's Response: The proposed 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: Green space areas have been increased from the I-2 zoning requirements. A green space is provided on the east side of the subject development in coordination with the neighboring redevelopment. A water feature is included at the park entry on Route 83 to enhance the industrial park.

- 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 current redevelopment work includes bringing new water and sanitary sewers to the proposed buildings. All stormwater will be accounted for and contained on site via underground detention and will be released at the required rate. All new franchise utilities (Com Ed, Nicor, AT&T, etc.) will be installed underground for the new buildings.

Ms. Fawell stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Planned Unit Development Amendment with the following conditions:

1. Proposed development of the western portion of the subject site shall be in accordance with the following plans, except as amended herein:
 - a. Site plan, floor plan, elevations, building renderings by Prologis dated 11.12.21; Engineering plans by Kimley-Horn dated 10.15.21; and Photometric plan by Jan Electric dated 10.14.21.
2. All conditions of approval required of the Preliminary Planned Unit Development (Ord. No. 66-2020) and the Final Planned Unit Development (Ord. No. 21-2021) are consequently conditions of approval of the Planned Unit Development Amendment; and
3. The Zoning Administrator has final review authority over the architectural design of the buildings.

There were no questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-37. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-37 at 7:38 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-38

Petitioner: Victor Hugo Ramos-Carillo

Location: 244 South Center Street

Request: Variation, Paved Parking Area

Municipal Code Section 10 – 8 – 8 – G.4

Motion: Commissioner Chambers made a motion to open CDC Case No. 2021-38. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2021-38 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 Daily Herald on November 18, 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 November 18, 2021. Ms. Fawell stated on November 17, 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 two paved parking areas, one on either side of a detached garage, to be accessed from the alley. Ms. Fawell stated the existing area on the north side of the garage is approximately 14.5 feet by 20.2 feet; the proposed (currently gravel) space on south side is approximately 15.7 feet by 20.3 feet.

Jose Carrillo, son of property owner, was present and sworn in by Chairman Rowe. Mr. Carrillo stated he was present for his father who is recovering from back surgery. Mr. Carrillo stated the metal shed on the property was taken down but the family later changed their mind and moved it to a new location. Mr. Carrillo stated five people live in the house and all five have a vehicle.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there were any members of the Public that would like to make comment. There were none.

Ms. Fawell reviewed the Findings of Fact for the proposed variation 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: We will comply with all the above.

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: Yes, this proposed variation is compatible with all indicated above.

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

Applicant's Response: Yes, it will alleviate it.

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 totally necessary for our 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: Yes, we need the proposed variation to accomplish the desired improvement.

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: Yes, the proposed variation is consistent all indicated above.

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 244 S Center Street with the following conditions:

- 1) Driveway grade shall not negatively impact any neighboring properties. Drainage shall be pitched toward the alley;
- 2) The Petitioner shall move the shed so its location is in accordance with Village Codes. A permit is to be applied for;
- 3) The paved parking area on the south side of the garage shall have a maximum area of 10 feet by 20 feet; and
- 4) The paved parking area shall be located one foot or more from the interior lot line and three feet or less from the rear lot line.

There were no questions from the Commissioners.

Mr. Carrillo asked where they should park their fifth car?

Mr. Carrillo stated the surrounding properties park on the grass and asked why they were not being disciplined?

Ms. Fawell asked Mr. Carrillo to provide a list of properties and Code Enforcement would look into the issues.

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Motion: Commissioner King made a motion to close CDC Case No. 2021-38. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-38 at 7:52 p.m.

Motion: Commissioner Wasowicz 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. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

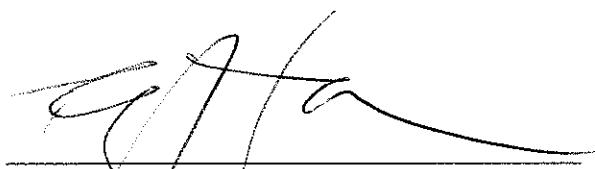
**Report from
Community
Development:**

Ms. Fawell reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:58 p.m.



Ronald Rowe, Chairman
Community Development Commission