

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

January 4, 2022

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, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the December 7, 2021 were presented.

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

All were in favor. Motion carried.

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

PUBLIC COMMENT: There was no Public Comment.

Remanded 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 Wasowicz made a motion to open CDC Case No. 2021-35. Commissioner Chambers seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

Chairman Rowe opened CDC Case No. 2021-35 at 6:33 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.

Ms. Fawell stated at their December 14th meeting, the Village Board remanded the case to the Community Development Commission. Ms. Fawell stated since their initial appearance before the CDC, the Petitioners have made revisions to their site plan and have submitted two options labeled as A and B. Ms. Fawell stated plan A features a 2,000 SF building, with an outdoor storage area west of the building, (Marion Court side), and with a driveway allowing site access on each street (Park and Marion). Ms. Fawell stated plan B features a different layout of a 2,000 SF building, with an outdoor storage area west of the building, two parking stalls on the east side, and driveway access to the property only from Park Street.

Arkadiusz Krynski, Property Owner was present and sworn in by Chairman Rowe. Mr. Krynski stated they would like to proceed with Plan B, however the building will be 1,500 SF, not 2,000 SF. Mr. Krynski stated the tail on the property will be used to turn trucks around.

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 10ft, 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 I-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

1. Staff recommends approval of Site Plan B, except as amended by the below.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow 5' interior side yard setbacks.
3. 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).
4. 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'.
5. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow

- deviation from the requirements set forth in the Zoning Code's requirements for off-street parking dimensions.
6. 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 shall be submitted with a building permit application, approval required by the Zoning Administrator.
 7. 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 listed above be included;
 - b. There shall be no curb cut/driveway on Marion Court;
 - c. Outdoor storage area shall be in accordance with §10-7-3.X of the code;
 - d. A landscape plan shall be submitted with a building permit application;
 - e. Additional trees shall be added to the site; and
 - f. The fence shall be set back 8 feet from the front lot line abutting Marion Court to allow for the inclusion of a perimeter landscape.

Chairman Rowe asked the petitioner if he agreed with the recommendations by Staff.

Ms. Krynski stated he had no objections to Staff's recommendations.

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

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-35 at 6:43 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, Ciula, Czarnecki, 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, Interior Side Yard Setbacks, Municipal Code Section 10-6-8-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

ROLL CALL: Ayes: Rowe, Chambers, Ciula, Czarnecki, 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, Outdoor Storage Area Location, Municipal Code Section 10-7-3.X-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Ciula, Czarnecki, 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. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2021-40
Petitioner: Bensenville Child Care Center
Location: 329 S. York Rd. (111-303 Washington St. & 111-128 Memorial Dr.)
Request: Special Use Permit, Day Care Center
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2021-40. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Ciula, Czarnecki, King, Marcotte, Wasowicz
Absent: None
A quorum was present.

Chairman Rowe opened CDC Case No. 2021-40 at 6:47 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 Special Use Permit to operate a day care center in a standalone building located within the Bridgeway senior-living complex, in a space historically utilized as a day care facility. Ms. Fawell stated floor plans indicate the use will offer services for up to 75 children, ranging from ages 0 to 12. Ms. Fawell stated the Petitioner has stated that the business has the potential to expand to additional areas within the building should operations call for such.

Nurcan Sengullu-Sayici, business owner, was present and sworn in by Chairman Rowe. Mr. Sengullu-Sayici stated he was present to answer any questions. Mr. Sengullu-Sayici stated the proposed space is set up to operate as a day care. Mr. Sengullu-Sayici stated he operates two day care centers in Chicago. Mr. Sengullu-Sayici stated the building is up to code standards.

Commission Chambers asked if the existing kitchen will be used. Mr. Sengullu-Sayici stated meals would be catered.

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 special user 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 special use will not endanger the health, safety, comfort, convenience and general welfare of the public. With our many years' experience as a child care provider, we'll provide a safe, healthy and comfortable place for our community and their children.

- 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 proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

- 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 proposed special use is an existing place designed and used as a day care for many years and 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.

- 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 be using the space as it is and 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.

- 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: The proposed special use 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 Special Use Permit to operate a day care center at 329 S York Road with the following conditions:

- 1) The applicant is required to submit the current annual fire alarm and sprinkler system inspection reports;
- 2) All exit and emergency lights must be operational per manufacturer's recommendation;
- 3) All fire extinguishers must have current inspection and testing tags;
- 4) An evacuation plan with proper maps of each classroom and occupied spaces shall be submitted;
- 5) A key box with keys for all locked doors shall be provided on the property; and
- 6) Before a Certificate of Occupancy can be issued, the Village is to receive documentation of applicable State and County approvals and licenses.

There were no questions from the Commission.

Motion: Commissioner Chambers made a motion to close CDC Case No. 2021-40. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2021-40 at 6:55 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Special Use Permit, Day Care Center, Municipal Code Section 10-7-2-1 with Staff's recommendations. Commissioner Chambers seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, Ciula, Czarnecki, 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 Chambers seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 6:59 p.m.



Ronald Rowe, Chairman
Community Development Commission