

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

May 3, 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, Czarnecki, King, Marcotte, Wasowicz
Absent: Ciula
A quorum was present.

STAFF PRESENT: K. Pozsgay, N. Arquette, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the April 5, 2022 were presented.

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

All were in favor. Motion carried.

Acting Director of Community Development, Kurtis Pozsgay and Village Planner, Nick Arquette were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2022-03
Petitioner: 856 County Line, LLC
Location: 856 County Line Road
Request:
 Municipal Code Section 10-3-2
 Special Use Permit, Warehousing
 Municipal Code Section 10-7-2-1
 Variation, Principal Entrance Location
 Municipal Code Section 10-6-19-B.5
 Variation, Maximum Parking Spaces Allowed
 Municipal Code Section 10-8-2-B.6-b
 Variation, Tree Shade Canopy in Parking Areas
 Municipal Code Section 10-9-5-A
 Variation Buffer Yard Hedge Row Length
 Municipal Code Section 10-9-6-B
 Variation, Minimum Street Tree Requirement
 Municipal Code Section 10-9-4-B.1

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-03. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-03 at 6:33 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Daily Herald on April 14, 2022. Mr. Arquette stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Arquette stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 15, 2022. Mr. Arquette stated on April 14, 2022 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Arquette stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Mr. Arquette stated the Petitioner is seeking approval for a Special Use Permit to construct a new four-unit, 27,840 sq. ft. industrial warehousing building. Mr. Arquette stated the lot is currently vacant, and the petitioner is proposing to build a multi-unit building with 4 tenant warehouses, 4 tenant offices, 4 loading docks, 8 trailer only parking spaces, and 26 vehicle parking spaces. Mr. Arquette stated the loading docks and trailer parking spaces are located on the north side of the building, and the vehicle parking lot and principle entrances are located on the south side of the building. Mr. Arquette stated the applicant is also requesting approval for a number of variances including principal entrance location, maximum parking allowed, tree shade canopy in parking areas, buffer yard hedge row length, and the minimum street tree requirement. Mr. Arquette stated the property is surrounded by industrial uses on the north, south, and east sides. Mr. Arquette stated the adjacent properties to the west are residential uses in the existing R-2 zoning district.

Tim Winter of FS Real Estate, LLC, was present and sworn in by Chairman Rowe. Mr. Winter commended the summery of Mr. Arquette and stated he was present to answer any questions.

Commissioner Czarnecki asked if the grading of the property would prevent runoff onto Residential property next to the proposed site. Mr. Winter stated they would follow all recommendations set forth by the Village.

Public Comment

Phillip Armoush - 863 Brentwood Court

Mr. Armoush was present and sworn in by Chairman Rowe. Mr. Armoush asked if a larger fence could be installed.

Mr. Winter stated they were not opposed to building an eight foot fence.

Chairman Rowe asked that the conditions of approval be amended to include an eight foot fence. There were no objections from the Commission.

Mr. Arquette 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: Adjacent property uses to the north and south of the subject property are similarly zoned I-1 and are improved with an industrial building with a resale office furniture business (south) and a self-storage facility (north). The property to the east of the Subject, located in Franklin Park, is likewise zoned for industrial use. It is improved with a two-story, large scale distribution center. The properties to the west of the Subject are improved with single family residences. The residences are located on the western lots are setback a minimum of 45 feet. Dense landscape screening is proposed to offset any visual impact on the adjacent residential lots. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

- 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: Adjacent property uses to the north and south of the subject property are similarly zoned I-1 and are improved with an industrial building with a resale office furniture business (south) and a self-storage facility (north). The property to the east of the Subject, located in Franklin Park, is likewise zoned for industrial use. It is improved with a two-story, large scale distribution center. The properties to the west of the Subject are improved with single family residences. The residences are located on the western lots are setback a minimum of 45 feet. Dense landscape screening is proposed to offset any visual impact on the adjacent residential lots. The site plan for 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 Subject Property is less than 2 acres of vacant land with existing drainage issues. It 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. The proposed use will aid in existing drainage issues in the area and will complement existing development on the County Line Road corridor.

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

Applicant's Response: The Site Plan for the Subject Property is designed to enhance natural landscaping and trees along its western property line and to eliminate current drainage issues on the Subject Property.

- 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 accessible pedestrian walkway in the front of the property is separated from the parking areas to the maximum extent possible while still maintaining, and exceeding, the required setbacks along the western property line.

- 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: The site plan was designed to maximize the safety for vehicles entering and exiting the existing traffic flow. Cross access easements with adjacent property owners will be provided as necessary.

- 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 Site Plan for the Subject Property will enhance the appearance of the County Line Road corridor with maximum use of high-quality building materials and windows.

- 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 Subject Property is located in an area identified as the Eastern Business District by the Bensenville Comprehensive Plan (2015), which specifically identifies the Subject Property for Commercial/Industrial use. The proposed use is a contemplated Special Use in the Village Zoning Code requiring no additional variations for FAR, height, setback, or other bulk zoning requirements. The proposed special use is consistent with the intent of the Comprehensive Plan, the Village Zoning Code, and the other land use policies of the Village.

Mr. Arquette reviewed the Findings of Fact for the proposed Special Use 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: Adjacent property uses to the north and south of the subject property are similarly zoned I-1 and are improved with an industrial building with a resale office furniture business (south) and a self-storage facility (north). The property to the east of the Subject, located in Franklin Park, is likewise zoned for industrial use. It is improved with a two-story, large scale distribution center. The properties to the west of the Subject are improved with single family residences. The residences are located on the western lots are setback a minimum of 45 feet. Dense landscape screening is proposed to offset any visual impact on the adjacent residential lots. The requested variations will

not impair the health, safety, comfort, morals or welfare of the inhabitants of the Village of Bensenville.

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: Adjacent property uses to the north and south of the subject property are similarly zoned I-1 and are improved with an industrial building with a resale office furniture business (south) and a self-storage facility (north). The property to the east of the Subject, located in Franklin Park, is likewise zoned for industrial use. It is improved with a two-story, large scale distribution center. The properties to the west of the Subject are improved with single family residences. The residences are located on the western lots are setback a minimum of 45 feet. Dense landscape screening is proposed to offset any visual impact on the adjacent residential lots. 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: All adjacent properties are fully developed with compatible uses. 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.

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 Subject Property is less than 2 acres of vacant land with existing drainage issues. It 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. The proposed use will aid in existing drainage issues in the area and will complement existing development on the County Line Road corridor.

- 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 Subject Property is located in an area identified as the Eastern Business District by the Bensenville Comprehensive Plan (2015), which specifically identifies the Subject Property for Commercial/Industrial use. The proposed use is a contemplated Special Use in the Village Zoning Code requiring no additional variations for FAR, height, setback, or other bulk zoning requirements. The proposed special use is consistent with the intent of the Comprehensive Plan, the Village Zoning Code, and the other land use policies of the Village.

Mr. Arquette reviewed the Findings of Fact for the proposed Variances 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: Yes, the proposed variations 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: Yes, the proposed variation is compatible with the character of adjacent properties within the immediate vicinity of the site as it is mainly surrounded by industrial on the north, south, and east sides.

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

Applicant's Response: Yes, 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: Yes, the proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

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, the proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject 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: Yes, the proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Mr. Arquette stated:

1. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit, Warehousing, at 856 County Line Road.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow principal entrance locations in the interior side

yard (located on the south façade of the proposed building).

3. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of Variation to allow deviation from the Zoning Code's maximum parking spaces allowed (26 spaces in the south parking lot adjacent to the building).
4. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of Variation to allow deviation from the Zoning Code's minimum tree shade canopy in parking areas (below 40% for the parking area hardscape).
5. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of Variation to allow deviation from the Zoning Codes' minimum buffer yard hedge row length (156 linear feet of the 240 linear feet transition yard).
6. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of Variation to allow deviation from the Zoning Code's minimum street tree requirement (No street trees along County Line Road).
7. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan with the following conditions:
 - a. The conditions of approval listed below be included in a revised plan and submitted with building permit application;
 - b. The applicant to increase the height of the rear yard fence to a minimum of at least 8' high and a maximum of 10' high;
 - c. The waste enclosure on the south side of the property must be setback 3' from the interior side lot line;
 - d. A final landscape plan shall be submitted and approved by Zoning Administrator;
 - e. Additional trees shall be added to the site or Applicant shall coordinate with Staff to determine an appropriate fee-in-lieu of tree replacement, to be approved by the Zoning Administrator;
 - f. Bushes on the southwest corner may not block the Fire Department connection;
 - g. Entrance to the sprinkler room may not be through the bike storage room;
 - h. IEPA-Sanitary permit will be required for the new sanitary service for the proposed building.

Connection to the main is shown in an existing manhole. If this changes and is not feasible, a dog house manhole will be required to be built over the existing sanitary sewer where proposed service connects to the main;

- i. If the existing water and sewer services for previous buildings were not disconnected at the main during demolition then those will need to be disconnected as part of this project;
- j. A 10-foot wide multi-use path shall be installed along County Line Rd as shown in plans;
- k. The last 10-feet approaching the driveway for the multi-use path should be constructed with PCC and ADA detectable warning tiles; and
- l. A Plat of Consolidation shall be required.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-03. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-03 at 6:46 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 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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 Special Use Permit, Municipal Code Section 10-7-2-1 with Staff's Recommendations. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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, Principle Entrance Location, Municipal Code Section 10-6-19-B.5 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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, Maximum Parking Spaces Allowed, Municipal Code Section 10—8-2-B.6-b with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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, Tree Shade Canopy in Parking Areas, Municipal Code Section 10-9-5-A with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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, Buffer Yard Hedge Row Length, Municipal Code Section 10-9-6-B with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, 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, Minimum Street Tree Requirement, Municipal Code Section 10-4-4-B.1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-05

Petitioner: Glenda C. Bonilla

Location: 221 N. Franzen Street

Request: Variation, Fence in the Corner Side Yard
Municipal Code Section 10-7-4C-7a

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-05. Chairman Rowe seconded the motion.

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

Rowe, Chambers, Czarnecki, King, Marcotte, Wasowicz

Absent: Ciula

A quorum was present.

Chairman Rowe opened CDC Case No. 2022-05 at 6:51 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Daily Herald on April 14, 2022. Mr. Arquette stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Arquette stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 15, 2022. Mr. Arquette stated on April 14, 2022 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Arquette stated an affidavit of mailing

executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Mr. Arquette stated the Petitioner is seeking a variation to allow a 6' treated wood fence in the corner side yard of 221 N Franzen Street. Mr. Arquette stated the proposed fence extends 12' into the corner side yard along the driveway and continues south to connect with the rear yard fence on the south side of the property. Mr. Arquette stated the Petitioner also plans to build the fence along the interior side yard and the rear yard of the property. Mr. Arquette stated there is currently no fence on the petitioner's property in the corner side yard.

Glenda Bonilla, property owner, and her daughter Anna Bonilla, were present and sworn in by Chairman Rowe. Ms. Bonilla stated she spoke to her neighbors about the proposed fence. Ms. Bonilla shared visible photos of how the home looks currently; they were not submitted to the Commission. Mr. Bonilla stated the proposed fence will be safe for her children to play in the yard.

Chairman Rowe asked how many entrances would be on the proposed fence. Ms. Bonilla stated there would be two entrances; one in the front and one in the back.

Chairman Rowe asked if Ms. Bonilla understood the lattice requirement. Ms. Bonilla stated she understood.

Public Comment

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

Mr. Arquette reviewed the Findings of Fact for the proposed Variance 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 will not endanger the health, safety, comfort, convenience, and general welfare of the public. The fence will be aligned to the Bensenville guidelines. The fence will be 6 ft in height allowing visibility to 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 and other property within the immediate vicinity of the proposed variation. The fence will consist of treated wood and will remain its natural color to be consistent with the characteristics of the vicinity. According to the norms of the vicinity. In addition, the fence will be installed parallel to the house next door and across from our residence 221 N Franzen St.

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

Applicant's Response: The proposed variation does indeed alleviates an undue hardship created by the literal enforcement of this title. Installing the fence in the residence mentioned above will provide safety and privacy to our family. We have 3 growing kids that spend time playing on the yard next to our garage and require more secured space. So installing the fence in the same position as our neighbors will give additional space for the kids to play safely. In addition, the current fence will be replaced with new material that will not rust or get damaged. Giving a better view to the avenue and uniformed to the vicinity.

- 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 necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant. The fence being extended is necessary since it will give additional secured play area to our growing kids. Not having a fence will be unsafe for my children when they play outside because Franzen is a busy street with no stop signs and that is concerning.

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. The fence will be installed parallel to the neighbor's fence and 6 ft tall.

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. On Franzen street alone, there are properties with fences that are installed similar to my proposed variation. I appreciate your consideration to create a safer environment for my family.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for a Fence in the Corner Side Yard at 221 N Franzen Street with the following conditions:

1. The portion of fence located in the corner side yard shall have a 5' height of solid material; the remaining 1' shall be lattice.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-05. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-05 at 7:00 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of a Variation, Fence in the Corner Side Yard, Municipal Code Section 10-7-4C-7a with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-06

Petitioner: Eduardo Calderon

Location: 406 Rose Street

Request: Variation, Fence in the Corner Side Yard

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

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-06. Commissioner Chambers seconded the motion.

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

Rowe, Chambers, Czarnecki, King, Marcotte, Wasowicz

Absent: Ciula

A quorum was present.

Chairman Rowe opened CDC Case No. 2022-06 at 7:02 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Daily Herald on April 14, 2022. Mr. Arquette stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Arquette stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 15, 2022. Mr. Arquette stated on April 14, 2022 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Arquette stated an affidavit of mailing

executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Mr. Arquette stated the Petitioner is seeking a variation to allow a 6' vinyl privacy fence in the corner side yard at 406 Rose Street. Mr. Arquette stated the proposed fence in the corner side yard would extend along the west side of the driveway to the public sidewalk, and follow the sidewalk to the western edge of the property where it extends south to the edge of the rear yard fence. Mr. Arquette stated the petitioner received approval to build a 6' vinyl privacy fence along the rear yard and the interior side yard. Mr. Arquette stated there is currently no fence on the petitioner's property in the corner side yard.

Juana Morales and Eduardo Calderon, property owners, were present and sworn in by Chairman Rowe. Mr. Calderon stated he is seeking the fence because his daughter was chased down and bitten by a stray dog. Ms. Morales stated this was their first home and having a fence will give them comfort for their children to play in their yard safely.

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.

Mr. Arquette reviewed the Findings of Fact for the proposed Variance 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: Placement of the fence 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: Yes the fence will be modern vinyl fence that matches the house as well as the neighboring properties and will give safety to my children.

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

Applicant's Response: Putting on a fence will not impede or restrict access to any public easements or utility.

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: Want to install a fence to provide safety and good for the health of my children with a previous incident of getting bitten by a dog.

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: Installing the fence will give security to my children and they will feel safe to play outside and will give character 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: Yes, this falls in line with character of the neighborhood, therefore increases value of the property and neighboring property.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation for a Fence in the Corner Side Yard at 406 Rose Street with the following conditions:

1. The portion of fence located in the corner side yard shall align with the requested specifications and have a 5' height of solid material; the remaining 1' shall be lattice;

2. The petitioner must submit a new Plat of Survey showing the true property lines on the north and west sides of the parcel prior to issuance of a building permit;
3. The fence in the corner side yard must not obstruct the required 10' by 10' vision triangle on the west side of the applicant's existing driveway;
4. The fence in the corner side yard must not obstruct the required 10' by 10' vision triangle for the driveway on the property adjacent to the west;
5. The fence must be setback 1' from the property line on the north side of the corner side yard. The property line shown on the updated Plat of Survey shall be used to determine the necessary 1' setback.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-06. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-06 at 7:08 p.m.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Approval of a Variation, Fence in the Corner Side Yard, Municipal Code Section 10-7-4C-7a with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-08
Petitioner: 485 Podlin LLC
Location: 485 Podlin Drive
Request: Special Use Permit, Truck Repair
Municipal Code Section 10-7-2-1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-08. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-08 at 7:09 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Daily Herald on April 14, 2022. Mr. Arquette stated a certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours. Mr. Arquette stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on April 15, 2022. Mr. Arquette stated on April 14, 2022 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Arquette stated an affidavit of mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

Mr. Arquette stated the Petitioner is seeking a Special Use Permit to lease a portion of the existing operation to a new tenant. Mr. Arquette stated the new tenant would continue the existing truck repair use in the portions of the building and parking lot where the owner was previously operating the truck repair portion of their business. Mr. Arquette stated the previous ordinance (Ordinance No. 64-2016) granted a Conditional Use Permit to allow Motor Vehicle Repair, Major & Minor to be granted solely to owner/applicant 485 Podlin Drive LLC and their sublessee, P & G Auto Repair. Mr. Arquette stated the transfer of Special Use Permit to another named Lessee requires review by the Community Development Commission and approval of the Village Board.

John Cleary, Attorney for the Applicant, was present and sworn in by Chairman Rowe. Mr. Cleary requested that Podlin Drive be reconstructed. Mr. Cleary stated he tried to visit his client's property during the day and could not make it down the street due to the road conditions. Mr. Cleary requested the proposed condition of approval for striping be removed because the road condition is bad and dust from the road will cover the striping within a month.

Commissioner Wasowicz and Commissioner Czarnecki went on record to indicate they've been on Podlin Drive and that the road is in need of repair.

Public Comment

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

Mr. Arquette reviewed the Findings of Fact for the proposed Special Use 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.

- 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 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: 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.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit at 485 Podlin Drive with the following Conditions:

1. The Special Use Permit be granted solely to OM TRANS CORP and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit.
2. The new tenant OM TRANS CORP, tenants P & G Auto Repair and Five Star Truck and Trailer Sales, and owner 485 Podlin LLC must conform with the approval conditions outlined in the original ordinance granting a conditional use permit (Ordinance No. 64-2016).

3. OM TRANS CORP may only use the portions of the building shown in the staff report and parking area shown in the 5/3/2022 staff revised site plan.
4. The owner, 485 Podlin LLC, must obtain a permit to complete all required parking lot changes recommended by staff as follows:
 - a. All existing parking spaces, as noted in the 5/3/2022 staff revised site plan, must be striped in accordance with all Village Code requirements for striping; and
 - b. The parking area adjacent to the building on the north must be paved in accordance with Village Code requirements.
5. The 7 parking spaces extending past the lot line in the southwest corner of the site plan are to be used solely for customer car parking and may not be used overnight. Truck and semi-truck parking or storage is not permitted in the spaces. The Village of Bensenville must be able to access the gate leading to village property south of 485 Podlin Drive.
6. The 8 parking spaces extending past the lot line on Podlin Drive are to be used solely for customer car parking and may not be used overnight. Truck and semi-truck parking or storage is not permitted in the spaces.
7. The parking lot containing 3 parallel parking spaces adjacent to the north of the building may not be utilized for parking until the surface is paved and striped according to Village Code standards.
 - a. After the surface is improved, parking is only permitted for 3 vehicles in the approved spaces shown in the site plan. No outdoor storage is allowed in this area.
8. The continued use of the site must be in conformance with the plans provided as part of the Development Review Process application and as noted in the 5/3/2022 staff revised site plan, including the following:
 - a. Parking configuration must be used as shown in the 5/3/2022 staff revised site plan;
 - b. The designated spaces north of the building may only be used for 3 vehicles;
 - c. OM TRANS CORP may only perform truck repair within the warehouse W3 portion of the building as noted in the staff report.
 - d. OM TRANS CORP may only park trucks in the 10 spaces provided along the southern half of the parking lot as noted in the 5/3/2022 staff revised site plan.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-08. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-08 at 7:29 p.m.

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

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Mr. Arquette 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 Marcotte seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:32 p.m.



Ronald Rowe, Chairman
Community Development Commission