

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

June 8, 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, Ciula, Czarnecki, Marcotte, Wasowicz  
Absent: Chambers, King  
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 May 3, 2022 were presented.

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

All were in favor. Motion carried.

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 2022-09  
**Petitioner:** Angel Carrasco  
**Location:** 352 Briar Lane  
**Request:** Variation, Fence in the Corner Side Yard  
*Municipal Code Section 10 – 7 – 4C – 7a*  
Variation, Visibility at Driveways  
*Municipal Code Section 10 – 8 – 8D*

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2022-09. Commissioner Wasowicz seconded the motion.

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

Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Absent: Chambers, King

A quorum was present.

Chairman Rowe opened CDC Case No. 2022-09 at 6:32 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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' tall cedar fence in the corner side yard of the property at 352 Briar Lane. Mr. Arquette stated the fence will be 6' tall cedar, with the top 1' in the corner side yard as lattice. Mr. Arquette stated the fence will replace the existing ranch style fence and follow a similar footprint along the south and west property lines of the subject property. Mr. Arquette stated the petitioner will also be extending the fence in the north interior side yard to meet with the front façade of the home.

Angel Carrasco, property owner, was present and sworn in by Chairman Rowe. Mr. Carrasco stated he needs the proposed fence for the safety of his children and pets. Mr. Carrasco stated the current fence posts are deteriorating and the fence could collapse at any moment. Mr. Carrasco stated he is aware of Staff's concerns with the visibility at the driveway and understand Staff's recommendations.

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 requests 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 be an endangerment to one's health, safety, comfort, convenience, and general welfare of the public. It is simply to accomplish an improvement and upgrade of the current property and neighborhood attributes. The current fence being left as is poses more of an endangerment with the decay of materials. The concrete posts that are currently being used pose great difficulty in maintaining and are non-repairable once cracked. A hand full of these concrete posts have severe damage and must be replaced to keep my family and others safe.

**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:** Compatibility with the characteristics of the adjacent properties would work since it will follow the wood fence aesthetics to those within the vicinity. Most neighboring properties have a 6ft wood privacy fence with only a couple properties using 6ft vinyl privacy fencing. Most of the neighborhood that do have some form a fencing follows the trend of the 6ft privacy style for fencing.

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

**Applicant's Response:** The proposed variation alleviates an undue hardship created by the literal enforcement of this title. The property would not be reasonably used in a manner that is consistent with the existing zoning requirements. It would be a major burden to comply with current zoning requirements which would have a massive deviation to the current footprint

**of the property layout. This would require about 2400sqft. Of current yard space to be forfeited due to the zoning.**

**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:** This proposed variation is necessary due to follow the current layout of the property which conforms with several other corner yard property fence lines along the same road of 2<sup>nd</sup> avenue from this property going east to York Avenue. The current fence and fence line has been in place prior to my purchase of the property going back to 2018 and prior to the previous owners purchase in 2014 with no improvements done during this time. Physical attributes lie within the conforms of a privacy fence for a corner side yard with the 5ft cedar pickets and 1 ft of lattice build.

**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:** This will follow along side of the current fence line that is still within the property lien. There will be very minimal change to the property layout aside from the style and height of fencing which would bring a positive improvement to both the property and village.

**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:** This 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 Denial of the above Findings of Fact as they pertain to the Variation request for Visibility at Driveways and therefore the Denial of the Variation at 352 Briar Lane.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow a Fence in the Corner Side Yard with the following conditions:
  - a. Fence must observe the 10' by 10' sight vision triangle at the intersection of the west side of the existing

driveway and the south property line of the subject property;

- b. Fence must be setback 1' from the south property line west of the existing driveway on the subject property;
- c. 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. 2022-09. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-09 at 6:37 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and 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, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Variation, Visibility at Driveways, Municipal Code Section 10-8-8D with Staff's Recommendations. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Motion failed.

**Public Hearing:** CDC Case Number 2022-10  
**Petitioner:** Salameh Fakhouri  
**Location:** 1301 West Irving Park Road  
**Request:** Site Plan Review

*Municipal Code Section 10 – 3 – 2*  
Preliminary and Final Planned Unit Development

*Municipal Code Section 10 – 4*  
**\*With the following code departures**

Drive-through facility

*Municipal Code Section 10 – 7 – 2 – 1*  
Design Requirements for Commercial Districts

*Municipal Code Section 10 – 6 – 16B – 2*  
Minimum Setback Adjacent to a Residential District

*Municipal Code Section 10 – 6 – 18 – 1*  
Minimum Transparency

*Municipal Code Section 10 – 6 – 18 – 1*  
Bailout Lane Requirement

*Municipal Code Section 10 – 8 – 9D*  
Fence in the Corner Side Yard

*Municipal Code Section 10 – 7 – 4C – 7a*  
Refuse area in the Corner Side Yard

*Municipal Code Section 10 – 9 – 7B – 1*  
Minimum Off-Street Parking Requirements

*Municipal Code Section 10 – 8 – 2 – 1*  
Off-Street Parking Space Depth

*Municipal Code Section 10 – 8 – 6 – 1*  
Off-Street Parking Aisle Widths

*Municipal Code Section 10 – 8 – 6 – 1*  
C-2 District Parking Row Standards

*Municipal Code Section 10 – 8 – 6L*  
Pedestrian Connections to Public Rights-Of-Way

*Municipal Code Section 10 – 8 – 7C*  
Pedestrian Circulation System Width

*Municipal Code Section 10 – 8 – 7E – 1*  
Frontage Sidewalk Width

*Municipal Code Section 10 – 8 – 7E – 4*  
Street Tree Requirements

*Municipal Code Section 10 – 9 – 4B*  
Tree Canopy Coverage

*Municipal Code Section 10 – 9 – 5A*  
Parking Lot Perimeter Landscape

*Municipal Code Section 10 – 9 – 5B*  
Parking Lot Interior Landscape Island Trees

*Municipal Code Section 10 – 9 – 5C – 4*  
Parking Lot Interior Landscape Island Groundcover

*Municipal Code Section 10 – 9 – 5C – 5*

Required Buffer Yard  
*Municipal Code Section 10 – 9 – 6 – 1*

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2022-10. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-10 at 6:42 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 of a Site Plan and Planned Unit Development with code departures in order to develop a new Cilantro Taco Grill location at the subject property. Mr. Arquette stated the proposed development will add 1,200 SF in new additions to the existing building, and will include new parking areas and a drive-through lane. Mr. Arquette stated the petitioner will be closing two driveways nearest to the intersection of Spruce Avenue and Irving Park Road, leaving the other two driveways for access.

Salameh Fakhouri, property owner, was present and sworn in by Chairman Rowe. Mr. Fakhouri provided an overview of the type of operation at the proposed site. Mr. Fakhouri stated he will own the property and lease the land to the restaurant owner. Mr. Fakhouri stated he understands Staff's recommendations and has no objections.

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 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: Correct the property is consistent with the existing character and zoning of adjacent properties. The building is commercial in use and is similar to surrounding buildings on busy W. Irving Park Rd.**

- 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 and functionality of the proposed development conforms with other buildings on Irving Park, and Spruce street, and will not impact adjacent properties that are similar in use within the vicinity of the 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 site plan will indeed provide adequate utilities, access to roads, parking, loading and the like as reflected in our plans. All conditions will be addressed in the site plan and development.**

- 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 will designate and preserve the environmental resources of the zoning lot and will provide necessary trees, and bushes where deemed necessary.**

- 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: All pedestrian circulations around the property in its entirety will be addressed to the greatest extent possible and will conform to the best of our ability in our site plan.**

- 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 shall provide safe curb cuts for efficient ingress and egress and implement anything deemed necessary to adhere to these guidelines.**

- 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: As you can see from our rendering we intend to invest a significant amount of money to aesthetically improve the appearance of the sit to positively contribute to the Villages over all appearance.**

- 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 and proposed use of a drive thru restaurant is consistent with the plan, title and land use policies of the village and zoning.**

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 restaurant will not endanger the health, safety, comfort, convenience or general welfare of the public. It will provide another establishment where people can enjoy a safe and delicious meal with their families.

- 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 other buildings along Irving Park Road where other drive thru businesses are operational.

- 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 special use will not impede the orderly development and improvement of adjacent properties, it will only effect my property and it has the space to adequately do so.

- 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 development does not put any 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 comprehensive plan , title , and land use policies of the village.**

Mr. Arquette reviewed the Findings of Fact for the proposed Planned Unit Development in the Staff Report consisting of:

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

**Applicant's Response: The proposed planned development was carefully thought out and meets the land use policies of the village though a creative approach to maximize the use of the property to provide the most beneficial value add for the community and its residents.**

- 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 planned unit development will provide all of the items listed above to adequately serve the property and its visitors.**

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

**Applicant's Response: The proposed plan development will take into account any necessary measures to enhance the villages character by improving landscaping and addressing all factors listed above. I only ask that these improvements are within reason and do not adversely obstruct the visibility of the building to customers.**

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 thru cooperation of myself and my architectural team.**

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

**Applicant's Response: The planned development will protect the natural environment to the greatest extent practicable. All items listed above will be preserved and protected to the best of my ability.**

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

**Applicant's Response: The proposed special use will not require any special access, utilities or require extra drainage and the like. The special use does not affect or negatively add to all of the conditions listed above.**

Mr. Arquette stated:

1. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review at 1301 W Irving Park Road.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Preliminary and Final Planned Unit Development at 1301 W Irving Park Road with the following conditions:
  - a. Proposed development of the subject site shall be in accordance with the following plans, except as amended herein:

- i. Site Plan, prepared by DAMAA architecture, dated 04/25/2022.
- ii. Elevations and site renderings, prepared by DAMAA – Danilo Medina Aguirre Architects, dated 5/5/2022.
- b. The requested code departure for Drive-through facility, Municipal Code Section 10-7-2-1 be approved;
- c. The requested code departure from Section 10 – 6 – 16B – 2 Design Requirements for Commercial Districts be approved with the following conditions:
  - i. The Zoning Administrator has final review authority over the architectural design of the building prior to issuance of building permit.
- d. The requested code departure from Section 10 – 6 – 18 – 1 Minimum Setback Adjacent to a Residential District be approved;
- e. The requested code departure from Section 10 – 6 – 18 – 1 Minimum Transparency be approved;
- f. The requested code departure from Section 10 – 8 – 9D Bailout Lane Requirement be approved;
- g. The requested code departure from Section 10 – 7 – 4C – 7a Fence in the Corner Side Yard be approved;
- h. The requested code departure from Section 10 – 9 – 7B – 1 Refuse area in the Corner Side Yard be approved with the following condition:
  - i. Refuse area must be setback at least 3' from the north property line.
- i. The requested code departure from Section 10 – 8 – 2 – 1 Minimum Off-Street Parking Requirements be approved;
- j. The requested code departure from Section 10 – 8 – 6 – 1 Off-Street Parking Space Depth be approved;
- k. The requested code departure from Section 10 – 8 – 6 – 1 Off-Street Parking Aisle Widths be approved;
- l. The requested code departure from Section 10 – 8 – 6L C-2 District Parking Row Standards be approved;
- m. The requested code departure from Section 10 – 8 – 7C Pedestrian Connections to Public Rights-Of-Way be approved;
- n. The requested code departure from Section 10 – 8 – 7E – 1 Pedestrian Circulation System Width be approved;
- o. The requested code departure from Section 10 – 8 – 7E – 4 Frontage Sidewalk Width be approved;

- p. The requested code departure from Section 10 – 9 – 4B Street Tree Requirements be approved with the following condition:
  - i. Applicant to coordinate with staff to reasonably provide street trees in the northeast corner of the property.
- q. The requested code departure from Section 10 – 9 – 5A Tree Canopy Coverage be approved with the following condition:
  - i. Applicant to coordinate with staff to reasonably provide tree canopy coverage throughout the site whenever feasible.
- r. The requested code departure from Section 10 – 9 – 5B Parking Lot Perimeter Landscape be approved with the following conditions:
  - i. Applicant to provide a continuous hedge row per section 10-9-5B-1c-1 of the Village Code within the perimeter landscape when feasible.
  - ii. Applicant to provide groundcover per section 10-9-5B-1c-3 of the Village Code in all other areas of the parking lot perimeter landscape area.
- s. The requested code departure from Section 10 – 9 – 5C – 4 Parking Lot Interior Landscape Island Trees be approved;
- t. The requested code departure from Section 10 – 9 – 5C – 5 Parking Lot Interior Landscape Island Ground Cover be approved with the following condition:
  - i. Applicant to coordinate with staff to provide plantings within the interior landscape island north of the east parking row.
- u. The requested code departure from Section 10 – 9 – 6 – 1 Required Buffer Yard be approved with the following conditions:
  - i. Applicant to ensure a retaining wall is built along the property line to the height of the existing retaining wall on the west and north property lines.
  - ii. Applicant to install a 6' fence on top of the retaining wall along the north property line.
- v. A final landscape plan shall be submitted for review and approved by the Zoning Administrator;
- w. Applicant to coordinate with staff during permit review to ensure adequate striping and signage is

included for entrances/exits, and parking lot drive aisles;

- x. The two existing curb cuts nearest to the intersection of Spruce Avenue and Irving Park Road must be closed;
- y. Existing or proposed site utilities were not shown in the submittal. Existing utility connections will need to be removed back to the existing mains and re-established with proper sizes and materials;
- z. The Village has decorative sidewalk along Irving Park Road that will need to be matched when installing sidewalk on this road. Sidewalk will need to be replaced from the western driveway apron on Irving Park Road to a joint past the east apron being removed;
- aa. Sidewalk should be installed along the west side of Spruce Avenue from the corner of Irving Park Road to the northern property line;
- bb. The existing curb and gutter along Spruce Avenue from the corner of Irving Park Road to the property line should be replaced with new B-6.12 curb and gutter meeting IDOT's Standard detail. The existing curb is in poor condition and much of it is depressed along the driveway being removed on Spruce Avenue;
- cc. The existing depressed curb and gutter on Irving Park Road will need to be removed and replaced with new B-6.24 curb and gutter meeting IDOT's Standard detail;
- dd. A "No Further Remediation" letter for any previous underground storage tanks shall be provided if available; and
- i. If this is not available, proof of tank removal and proper site remediation will be required.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-10. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-10 at 6:54 p.m.

**Motion:** Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Site Plan Review, Municipal Code Section 10-3-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact and Preliminary and Final Planned Unit Developed \*with code departures, with Staff's Recommendations. Commissioner Ciula seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2022-11

**Petitioner:** MTR, LLC

**Location:** 900-940 County Line Road

**Request:** Site Plan Review

Municipal Code Section 10 – 3 – 2

Amendment to an Approved Planned Unit Development

Municipal Code Section 10 – 4 – 4

*\*With the following code departures*

Outdoor Storage Area

Municipal Code Section 10 – 7 – 2 – 1

Outdoor Storage Area Height Requirements

Municipal Code Section 10 – 7 – 3X – 2

Tandem Truck Parking

Municipal Code Section 10 – 8 – 2A – 4

Maximum Parking Spaces Allowed

Municipal Code Section 10 – 8 – 2B – 6

Semi-Truck Trailer Parking Dimensions

Municipal Code Section 10 – 8 – 6 – A3

Pedestrian Circulation Systems

Municipal Code Section 10 – 8 – 7

Minimum Street Tree Requirements

Municipal Code Section 10 – 9 – 4B – 1

Tree Shade Canopy in Parking Areas  
Municipal Code Section 10 – 9 – 5A  
Minimum Parking Lot Perimeter Landscape  
Municipal Code Section 10 – 9 – 5B – 1b  
Buffer Yard Requirements  
Municipal Code Section 10 – 9 – 6B

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2022-11. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-11 at 6:57 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 of an amendment to their existing Planned Unit Development (Ordinance No. 32-2016) in order to extend the 900-930 County Line Road development south onto the property at 940 County Line Road for expanded parking and storage. Mr. Arquette stated the existing fenced in outdoor storage will be extended across onto the 940 County line Road parcel, and a 20 space vehicle parking lot with enhanced landscaping will be added to the southeast corner of the site.

Mark Daniel, attorney for the property owner, was present and sworn in by Chairman Rowe. Mr. Daniel stated MTR, LLC purchased the property at 940 County Line Road about a year ago. Mr. Daniel stated his client is in agreement with Staff's recommendations except for the buffer requirements. Mr. Daniel stated the hedge requirements won't allow for the sound to be buffered and asked for the Commission to consider trees be planted that would grow over time. Mr. Daniel stated trucks do not run during closed hours and drivers do not have access to the full site when the business is closed. Mr. Daniel stated if the amended planned unit development amendment is approved, it will help with the overflow of trucks on the current premises.

Commissioner Marcotte raised concern with the current condition of the site and the impact it's caused on the residential properties in the area.

Commissioner Wasowicz raised concern with the type of trees the petitioner is seeking approval for and asked who would be responsible for maintaining.

Commissioner Czarnecki raised concern with the current conditions of the site and the tires and junk at the back of the property.

### **Public Comment**

#### **Linda Bratland – 915 John Street, Bensenville, Illinois**

Ms. Bratland was present and sworn in by Chairman Rowe. Ms. Bratland shared her objections with the proposed amendment to the planned unit development. Ms. Bratland stated the property is a mess and nothing from the current planned unit development is being followed. Ms. Bratland stated the property is so congested that if there was an emergency, emergency personnel would not be able to access the property. Ms Bratland stated she submitted her concerns in writing to Village Staff.

#### **Lucy Lindholm – 4N241 Pine Grove, Bensenville, Illinois**

Ms. Lindholm was present and sworn in by Chairman Rowe. Ms. Lindholm stated canopy trees will not work on the site to buffer noise and pollution from the Residents in the area.

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:** For the reasons stated above, the extension of the PUD onto the Subject Property meets this requirement. The views from the street to the Subject Property and the remainder of the PUD will improve with the passenger vehicle parking area and related landscaping. The storage area is appropriately screened. The views from the west will be screened by the fence or the fence and one of the two alternate landscape plans. There are no new buildings.

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:** In addition to the basis provided in Item 1 above, the plan for use of the Subject Property avoids additional building mass and an additional driveway that could pose a conflict with other County Line Road driveways. Stormwater will be managed accordingly. Rather than internalizing the snow stockpile area, Applicant places the stockpiling area where it will cause trucks to relocate further east of the west lot line during winter months.

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:** Development is fully possible under the existing codes and regulations of the Village of Bensenville and County of DuPage. Utilities are sufficient to serve the use. Existing driveways and lighting are sufficient to serve the extension of the PUD onto the Subject Property. Although modified, drainage and stormwater planning will remain compliant.

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 Subject Property contains no environmental resources. Where appropriate, the Subject Property will contain adequate beneficial landscaping and trees. With no building proposed, natural light will not be impacted by the improvements. The site plan will actually constrain drainage and avoid sheet flow, eventually causing stormwater to pass through a system designed with the components intended by post-construction best management practices.

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:** Subject to the departures noted above, there is adequate on-site pedestrian circulation. Access from the bike path is discouraged in order to avoid inviting a pedestrian or cyclist into the light manufacturing parcel.

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:** Applicant continues to reduce the number of potential driveways along County Line Road from six to three. No new curb cut is planned. The Subject Property is integrated into existing driveways and drive aisles.

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:** There is no new building. However, landscape design is complimentary to the design along County Line Road. Applicant offers practical opportunity for enjoyment of a landscape amenity to a neighbor when that neighbor would otherwise have a view to a fence.

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 Village has already determined that the PUD is consistent with the intent of the Comprehensive Plan. The Comprehensive Plan encourages the landscape amenity along County Line Road as well as the continued reduction of curb cuts. Additionally, the Comprehensive Plan calls for maintenance of existing employment and tax bases in the Village and supports the use of a narrow parcel with limited potential as a portion of an abutting existing development.

Mr. Arquette reviewed the Findings of Fact for the proposed Special Uses 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:** Decades of use support this conclusion regarding the outdoor storage use. Further, with respect to the PUD, the 2016 approval and subsequent development has improved the screening and other appearances of the PUD tract. Applicant intends no new lighting, new driveway or new buildings. The indoor use of the PUD tract will continue and outdoor storage approval does not authorize outdoor active use other than for storage and operations ancillary to the assembly, maintenance and repair work that necessarily must occur outside.

- 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 precise use of the Subject Property has existed for decades on land directly north of the Subject Property which has, since 2016, extended to the north within the PUD. Within the district, the use of land is consistent. As noted above, the use is an appropriate transitional use to residential land use to the west.

- 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 approval of the extension of the PUD onto the Subject Property for outdoor storage and passenger vehicle parking purposes avoids discordance and conflict by incorporating a remnant parcel into a larger development. The Subject Property, if developed on its own would have a taller building, pressured parking and storage areas, as well as a new driveway. All of this is avoided with the proposed PUD amendment.

- 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 extension of the PUD onto the Subject Property for outdoor storage will not increase the demand on services or facilities. There is no new building, new access or new use of a concern that has not previously been approved in the PUD. The stormwater system will meet applicable Village and County regulations.

- 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:** Outdoor storage of trucks and trailers within the PUD and elsewhere in the zoning district occurs commonly. The district lies between the heavier industrial uses in Franklin Park and the residential area and the extension of outdoor storage of tractors and trailers onto the Subject Property is consistent with the someone nominal transitional zoning theory behind having a lighter industrial district east of a residential area to buffer the Franklin Park uses and I-294.

Mr. Arquette 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:** As noted above, the amended PUD will continue to operate as a whole to meet the innovation and creativity sought in the Comprehensive Plan and PUD regulation in the Zoning Ordinance. Most importantly, the amendment will allow Applicant to manage operations on site to maintain the intended westerly portions of the development so that effects will not spill over into residential areas. Lastly, the amendment allows Applicant to add 21 parking spaces and, consequently, reduce the parking shortfall approved in 2016.

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:** Applicant will extend the bike path, reduce (by one) possible cuts into County Line Road, and provide for safe vehicle, bicycle, and pedestrian traffic. No new lighting and no new loading is intended.

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

**Applicant's Response:** The amended PUD will improve water quality. The extended storage area will store trucks and trailers that themselves will better mitigate sound in an area where there is presently a single drive aisle and row of truck parking. The plan continues the rear yard screen contemplated by the 2016 PUD, but offers the southernmost west neighbor the opportunity to benefit from a departure by having landscaping planted on that owner's parcel along the lot line.

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

**Applicant's Response:** The stormwater planning will incorporate the most recent Village and County requirements for post construction best management practices. There is no new building.

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

**Applicant's Response:** The current sheet flow situation on the Subject Property will be eliminated and replaced with a controlled system within curbs surrounded by fencing and landscaping. There is no local or community environmental or natural environment present on the Subject Property. The streetscape will be similar to that which the Village has expected on parcels to the north.

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:** All service facilities will be installed underground. Detention will also be installed underground where sufficient stormwater facilities are modified.

Mr. Arquette stated:

1. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review at 940 County Line Road.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to an Approved

Planned Unit Development at 900-940 County Line Road with the following conditions:

- a. All conditions of approval required of the Planned Unit Development (Ordinance No. 32-2016) are consequently conditions of approval of the Planned Unit Development Amendment granted herein;
- b. The requested code departure for Outdoor storage area, Municipal Code Section 10-7-2-1 be approved;
- c. The requested code departure from Section 10 – 7 – 3X – 2 Outdoor Storage Area Height Requirements be approved;
- d. The requested code departure from Section 10 – 8 – 2A – 4 Tandem Truck Parking be approved;
- e. The requested code departure from Section 10 – 8 – 2B – 6 Maximum Parking Spaces Allowed be approved;
- f. The requested code departure from Section 10 – 8 – 6 – A3 Semi-Truck Trailer Parking Dimensions will not be considered for this site;
- g. The requested code departure from Section 10 – 8 – 7 Pedestrian Circulation Systems be approved;
- h. The requested code departure from Section 10 – 9 – 4B – 1 Minimum Street Tree Requirements be approved;
- i. The requested code departure from Section 10 – 9 – 5A Tree Shade Canopy in Parking Areas be approved;
- j. The requested code departure from Section 10 – 9 – 5B – 1b Minimum Parking Lot Perimeter Landscape be approved;
- k. The requested code departure from Section 10 – 9 – 6B Buffer Yard Requirements be approved with the following conditions:
  - i. Trees shall be planted within the rear buffer yard of the proposed expansion area on the subject property;
  - ii. One tree must be planted for every 10 linear feet of the buffer area on the subject property. Trees may be spaced evenly or grouped. Type of tree is not limited to evergreen, and may match existing tree types included in original PUD landscape plan.
  - iii. The remaining space within the proposed 10' buffer area must be planted with turf, clump or no-mow grasses, perennial groundcover, or mulch.
- l. All plantings from the landscape plan provided for the original Planned Unit Development prepared by Gary R. Weber Associates, Inc. and revised 7/20/2016 must

be completed. Village of Bensenville to verify if existing plantings on the site match the landscape plan;

- i. If it is determined that existing plantings do not match with the noted landscape plan, petitioner must complete the plantings prior to permit being issued.
- m. A final landscape plan for the Planned Unit Development Site (900-940 County Line Road) shall be submitted for review and Zoning Administrator must approve prior to permit being issued;
- n. A 10-foot wide multi-use path shall be installed along County Line Road as shown in plans;
- o. Applicant must maintain a clear lane/drive through around the existing buildings at all times;
- p. Applicant must contain outdoor storage areas to the areas indicated in the original PUD plan: Combined preliminary & Final Plan of Panned Unit development of MTR Plaza prepared by Ridgeline Consultants, LLC dated 04.11.16 and the proposed expansion onto 940 County Line Road;
- q. A DuPage County Stormwater Management Certification will be required for this project as the total land disturbing activity exceeds 5,000 SF;
- r. IEPA NOI and IEPA NOT permit may be required if the total disturbance is in excess of 1-acre. Exact disturbance area shall be called out by the Applicant;
- s. Existing detention volume will need to be replaced underground during this project;
- t. Onsite storm water detention from the previous PUD will be moved underground and stored in a 30" CMP Detention System. Detailed review will be performed during final engineering, and details regarding the design of the system will need to be provided for review;
- u. A Cook County Highway Department (CCHD) permit is required due to disturbance within the County Line Road Right-of-way;
- v. A Plat of Consolidation shall be required between the new property (940 County Line Road) and lot 2 of the previous subdivision; and
- w. A construction cost estimate will need to be provided for all proposed construction improvements, including underground detention. Stormwater Development and SESC securities will be required per DCSFO.

Mr. Pozsgay stated Staff has been working with the property owner to help alleviate the traffic and storage on site for years. Mr. Pozsgay assured the Commission and Public the proposed amendment to the planned unit development will address their concerns.

Chairman Rowe asked for enforcement of the site to ensure the conditions are being followed on a regular basis.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-11. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-11 at 7:38 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Site Plan Review, Municipal Code Section 10-3-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Amendment to an Approved Planned Unit Development, Municipal Code Section 10-4-4 \*With Code Departures and with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2022-12  
**Petitioner:** Larry Roesch Volkswagen  
**Location:** 303-333 West Grand Avenue  
**Request:** Site Plan Review  
    *Municipal Code Section 10 – 3 – 2*  
    Amendment to an Approved Planned Unit Development  
    *Municipal Code Section 10 – 4 – 4*  
    *\*With the following code departures*  
    Design Requirements for Commercial Districts  
    *Municipal Code Section 10 – 6 – 16*  
    Garage Size Requirements  
    *Municipal Code Section 10 – 7 – 4C – 9c*

**Motion:** Commissioner Marcotte made a motion to open CDC Case No. 2022-12. Commissioner Ciula seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-12 at 7:40 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 an amendment to an existing Planned Unit Development (Ordinance No. 43-2011) in order to construct a 1,775 SF addition to the northwest corner of the Roesch Volkswagen building and a new 1,316 SF storage garage in the rear of the lot for over-sized part

storage and the storage of two vehicles. Mr. Arquette stated the garage is proposed to be located on a portion of the lot that is already used for vehicle storage.

Jeannie Roesch, property owner, was present and sworn in by Chairman Rowe. Ms. Roesch stated their operations have outgrown their building and that the proposed addition is needed.

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 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 that we want to include is on our existing property and will mirror our existing building. The addition is behind our service drive-in area and will attach to the east side of our building. It will be constructed on what is now an asphalt lot.

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:** This proposed addition will not impact the properties within the immediate vicinity. All properties in the vicinity are automobile service related.

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 plan will provide adequate utilities, will not impact access roads, parking, loading,

**drainage, stormwater flow, exterior lighting and 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: The plan proposed is a steel/masonry structure on what is now an existing asphalt lot.**

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 site plan will accommodate pedestrian circulation from parking area, plazas, open space, and public right of ways. There basically will not be much of a change to these items as it is on private property and does not have any pedestrian circulation. All parking, open space, plazas and right of ways would be to the south or front of the building. There will be no change to these items or this area.**

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 will include curb cuts if needed. Shared curb cuts shall be provided when appropriate. The area does not have these items now and the addition to the best of my knowledge will not need them.**

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 will contribute positively to the Village's aesthetic appearance. It will mirror what the city has currently requested as aesthetic appearance.**

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

Mr. Arquette reviewed the Findings of Fact for the proposed Planned Unit Development in the Staff Report consisting of:

1. **Comprehensive Plan:** The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.  
**Applicant's Response:** **The proposed PUD plan amendment does not alter the Village's Comprehensive plan and land use policies. The amendment enhances the services Larry Roesch Volkswagen provides to the community.**
2. **Public Facilities:** The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.  
**Applicant's Response:** **The proposed amendment to the PUD does not negatively alter existing traffic and pedestrian facilities. The amendment requested improves loading facilities by having them located onsite rather than offsite as currently provided.**
3. **Landscaping and Screening:** The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.  
**Applicant's Response:** **The amendment requested occurs within the non-public section of the property. Air, water and noise pollution is being designed within the drainage and building envelope.**
4. **Site Design:** The proposed planned unit development will

incorporate sustainable and low impact site design and development principles.

**Applicant's Response: The amendment to the PUD is being proposed as addition to structures and are located to minimize impact on existing infrastructures and site utilities.**

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

**Applicant's Response: The amendment to the PUD has been designed to negate any adverse impact on the natural environment including natural features, water features, water courses, trees and native vegetation.**

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

**Applicant's Response: The amendment to the PUD will utilize and modify existing below ground and above ground storm systems. All dry utility systems exist underground and will remain underground.**

Mr. Arquette stated:

1. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review at 313 W Grand Avenue.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to an Approved Planned Unit Development at 303-333 W Grand Avenue with the following conditions:
  - a. The requested code departure from Section 10 – 6 – 16 Design Requirements for Commercial Districts be approved with the following conditions:
    - i. The façade design of the proposed addition to the existing building must be an exact match of the existing façade design of the section of structure to which it is attached.
    - ii. Façade design of the detached garage must conform and may not deviate from the code

- requirements for building façade materials in commercial districts.
- iii. The Zoning Administrator has final review authority over architectural design of the building prior to issuance of building permit.
- b. The requested code departure from Section 10 – 7 – 4C – 9c Garage Size Requirements be approved; and
- c. Building Fire Alarm and Sprinkler system will need to be added to the proposed addition to the existing building and proposed detached garage will require a fire alarm.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-12. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-12 at 7:46 p.m.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Site Plan Review, Municipal Code Section 10-3-2 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Amendment to an Approved Planned Unit Development, Municipal Code Section 10-4-4 with Code Departures and with Staff's Recommendations. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2022-13  
**Petitioner:** Jeremy J. Sanchez & Lydia Gomez  
**Location:** 251 Marshall Road  
**Request:** Variation, Fence in the Corner Side Yard  
*Municipal Code Section 10 – 7 – 4C – 7a*  
Variation, Visibility at Driveways  
*Municipal Code Section 10 – 8 – 8D*

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2022-13. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-13 at 7:48 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 fence in the corner side yard of the subject property. Mr. Arquette stated the proposed fence would extend west along the service walk from the front facade to the property line, then south to the driveway and east to the existing garage. Mr. Arquette stated the fence will also be in the corner side yard in the portion of the lot between the existing driveway on the property and the driveway to the south of the property. Mr. Arquette stated the proposed fence is 4' high with metal posts and separated horizontal wooden slats.

Mr. Arquette stated there is an existing chain link fence along the south property line of the property.

Jeremy Sanchez, property owner, was present and sworn in by Chairman Rowe. Mr. Sanchez stated he wants to install a fence for the safety of his children. Mr. Sanchez stated he is aware of Staff's recommendations and has no objections.

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 request 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 fencing will not endanger the public in any way.**

**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 fencing is mirroring many homes in the vicinity.**

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

**Applicant's Response: The fencing is a necessity due to the very heavy traffic on Marshall Road and a small child in the home.**

**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 fencing is necessary due to the open areas which can be a danger to a child and was not a concern to the previous owner.**

**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 height of the fencing is in keeping with the area and will enhance 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: This fencing is in keeping with the village policies.**

Mr. Arquette stated:

1. Staff recommends the Denial of the above Findings of Fact as they pertain to the Variation request for Visibility at Driveways and therefore the Denial of the Variation at 251 Marshall Road.
2. Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow a Fence in the Corner Side Yard with the following conditions:
  - a. Fence must observe the 10' by 10' sight vision triangle at the intersection of the driveway and the property line at the northwest corner of the driveway located on the subject property.
  - b. Fence must be setback 10' from the west property line in the section of fencing located south of the driveway on the subject property and north of the driveway on the adjacent property to the south.
  - c. Fence must be setback 1' from the west property line north of the existing driveway and south of the existing service walk on the subject property.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-13. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-13 at 7:55 p.m.

**Motion:** Commissioner Wasowicz made a combined motion to approve the Findings of Fact and 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, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Visibility at Driveways, Municipal Code Section 10-8-8D with Staff's Recommendations. Commissioner Ciula seconded the motion.

**ROLL CALL:** Ayes: None

Nays: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Motion failed.

**Public Hearing:** CDC Case Number 2022-15  
**Petitioner:** Tower Lane II, LLC  
**Location:** 1000 N. IL. Route 83  
**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. 2022-15. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-15 at 7:57 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 fence in the corner side yard at 1000 N IL Route 83. Mr. Arquette stated the proposed fence extends from the northeast corner of the building to the landscaped area on the north edge of the property. Mr. Arquette stated the fence then extends west along Tower Lane to the end of the landscaped area east of the second entrance along Tower Lane. Mr. Arquette stated the fence continues south 65', and then perpendicular west to the point where the fence lines up with the west façade of the building. Mr. Arquette stated there are swinging gates at the eastern driveway that continues to the parking lot, the first Tower Lane Entrance from the east, just south of the second Tower Lane entrance, the far west end of the fenced area, and across the driveway to enter the west parking lot from the north. Mr. Arquette stated the proposed fence is 8' ornamental metal fence.

Mike Wauterkek, representative for property owner, was present and sworn in by Chairman Rowe. Mr. Wauterkek stated the proposed fence will assist with trespassing on the property.

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 request 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 be additive to the safety of the general public. The addition of the ornamental fence will ensure that both truck and passenger vehicle egress unassociated with the property's employees or agents will be unable to access the loading area where truck maneuvers are occurring.

**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 ornamental fence is modern and clean. It will serve to supplement the modern appearance of the new development.

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

**Applicant's Response:** The queuing of trucks along Tower Lane has led to trespassing and damage to the property at 1000 N. Route 83. The proposed ornamental fence will create a safer and more secure environment.

**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 queuing of trucks along Tower Lane has led to trespassing and damage to the property at 1000 N. Route 83. The proposed ornamental fence will create a safer and more secure environment.

**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 Petitioner's proposed variance incorporates the minimum amount of ornamental fencing possible to ensure that the property remains safe and secure from trespassing and property damage.

**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 Village of Bensenville has long been a forward-thinking, business friendly municipality with a blend of residential, office, retail, and industrial properties. Several industrial properties in Bensenville are currently secured via fencing. This practice is a common requirement and industry standard. By permitting this, Bensenville will remain a location that industrial tenants of varying uses will continue to seek to call home.**

Mr. Arquette stated:

1. 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 1000 N IL Route 83 with the following conditions:
  - a. Entrance/exit gates throughout the site must be changed from swinging gates to sliding gates with ability to open the full width of drive aisles/driveway entrances when feasible to be determined by staff during permitting process;
  - b. Depth of Fencing west of the second entrance from Tower Lane to be adjusted in a revised site plan to be submitted to and approved by the Fire Marshal; and
  - c. Access to gates must be provided to emergency services for off-hours at the property. Methods of access must be coordinated with the Fire Safety Office.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-15. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-15 at 8:04 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and 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, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2022-17

**Petitioner:** Cindy Gonzalez & Enrique Santos

**Location:** 138 North York Road

**Request:** Variation, Paved Parking Area Location

*Municipal Code Section 10 – 8 – 8 – 4*

Variation, Visibility at Driveways

*Municipal Code Section 10 – 8 – 8D*

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2022-17. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-17 at 8:06 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 May 19, 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 May 20, 2022. Mr. Arquette stated on May 19, 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 construct a paved parking area adjacent to the alley at the rear of the subject property. Mr. Arquette stated the lot has an existing garage and driveway fronting York Road. Mr. Arquette stated the petitioner proposes to construct a paved parking area in the

southwest corner of the lot to allow access to the property from the alley. Mr. Arquette stated the proposed paved parking area is currently filled with gravel. Mr. Arquette stated due to the existing fence on the lot, the parking area cannot be located adjacent to the existing garage.

Enrique Santos, property owner, was present and sworn in by Chairman Rowe. Mr. Santos stated he works two jobs, his daughter goes to school and works, and his wife works as well. Mr. Santos stated the traffic along York Road has increased with the completion of Irving Park Road and its dangerous pulling out of his driveway.

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 request 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:** No, it will actually be safer due to less traffic and people in the back area.

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

**Applicant's Response:** Yes, the proposed variation 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:** Yes, it is safer due to heavy traffic on York Road very dangerous and life threatening.

**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, we did not create the problem when we purchased the house previous owner lied and told us this is additional parking in rear.**

**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 very minimum deviation not enough to disturb or create any kind of damage to neighboring properties or persons.**

**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 Approval of the Variation to allow a Paved Parking Area adjacent to the alley detached from the garage with the following conditions:
  - a. A grading plan will need to be included with any permit submittals to ensure no impacts to neighboring properties with stormwater runoff or grading;
  - b. Applicant must return gravel area located west of the existing garage and east of the proposed paved parking area to greenspace;
  - c. Proposed paved parking area may be 20' by 20';
  - d. Existing fence may not be removed;
  - e. Area between the proposed paved parking area and the adjacent fences to the south and east must be returned to landscaped area or greenspace.
2. Staff recommends the Approval of the above Findings of Fact and therefore Approval of the Variation from the requirements for Visibility at Driveways with the following conditions:

- a. Proposed paved parking area must be located directly adjacent to the alley on the west end and the existing fence on the north end of the proposed parking area.

There were no questions from the Commission.

**Motion:** Commissioner Marcotte made a motion to close CDC Case No. 2022-17. Commissioner Ciula seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-17 at 8:04 p.m.

**Motion:** Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Paved Parking Area, Municipal Code Section 10-8-8-4 with Staff's Recommendations. Chairman Rowe seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Motion:** Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Variation, Visibility at Driveways, Municipal Code Section 10-8-8D with Staff's Recommendations. Commissioner Ciula seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, Czarnecki, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:**

CDC Case Number 2022-14

**Petitioner:**

Village of Bensenville

**Location:**

Village of Bensenville

**Request:**

Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance)  
Chapter 7 (Uses)

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-14. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-14 at 8:15 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 May 19, 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 the Village of Bensenville is seeking the aforementioned text amendments in order to refine the 2019 Village Zoning Ordinance. In late 2018, the Village underwent a complete overhaul of its current Zoning Ordinance, which had been adopted in 1999. Mr. Arquette stated since the introduction of the current Ordinance, Staff has been able to identify certain shortcomings while enforcing the regulations and implementing the refurbished zoning application procedures. Mr. Arquette stated the proposed amendments are summarized as follows:

- Designating Self-service storage establishments as Special Uses in the C-2 Commercial District
- Designating Multi-Unit dwellings as a Special Use in the C-1 Downtown Mixed-Use District

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 Zoning Text Amendment request in the Staff Report consisting of:

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

**Applicant's Response:** Since the adoption of the 2019 Zoning Ordinance, a complete overhaul of the previous Code, Staff has been able to find areas for improvement within the code.

**Allowing Self-service storage Establishments in the C-2 District as a Special Use allows for more use diversity within the Future Land Use: Local Commercial Districts by offering more options for uses that service the day-to-day needs of households living within a walking or short driving distance. The addition of the Special Use affords more opportunity to fill vacant or underutilized properties throughout the Village C-2 District locations. Designating this use as Special Use enables the Community Development Commission and Village Board to review these applications, with such discussions being open to residents at public hearings, in a way to ensure the compatibility with surrounding areas.**

**Designating Multi-Unit Dwellings as a Special Use in the C-1 District allows this district to align uses better within the goals and guiding principles set forth in the Downtown Development Plan and the Village Comprehensive Plan. The Village Comprehensive Plan found that there is a limited number of retail and entertainment establishments in the Downtown District. The Lack of restaurants was identified as a major factor in keeping residents away from downtown. The Downtown Development Plan encourages an increase in residential density with mixed uses to offer more ground floor space for restaurants, entertainment, and community services. The Design Approach throughout the Downtown Development Plan encourages first floor retail below residential throughout the downtown district to ensure compatibility with the existing first floor retail spaces in the Downtown District. Designating this use as a Special Use enables the Community Development Commission and Village Board to review the applications, with such discussions being open to residents at public hearings, in a way to ensure the compatibility with surrounding areas.**

- 2) **Amendment Objective:** The proposed amendments correct an error, add clarification, or reflect a change in policy

**Applicant's Response:** The proposed amendments are requested to improve and refine Chapter 7 (Uses) of the

**Zoning Ordinance to better align with the goals outlined in the Village Comprehensive Plan and other plans initiated by and for the Village of Bensenville.**

3) **Consistent with Ordinance and Plan:** The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

**Applicant's Response: The proposed amendments are consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.**

**Amendments do not contrast Village goals and guidelines, as the amendments are focused on creating a better alignment of use standards with the goals outlined in the Village Comprehensive Plan.**

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance) Chapter 7 (Uses).

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-14. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-14 at 8:21 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Text Amendments, municipal Code Section Title 10 (Zoning Ordinance) Chapter 7 (Uses) with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

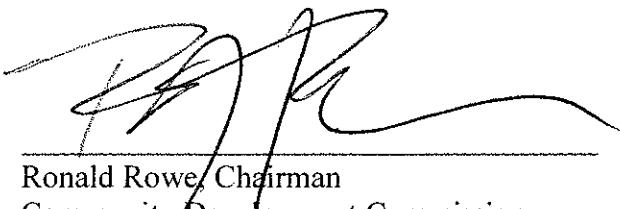
**Report from  
Community  
Development:**

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 8:23 p.m.



---

Ronald Rowe, Chairman  
Community Development Commission