

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

August 2, 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, King, Marcotte, Wasowicz
Absent: Ciula, Czarnecki,
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 June 8, 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 2022-18
Petitioner: 1013 Athletics LLC (Norberto Olalde)
Location: 869 Fairway Drive
Request: Special Use Permit, Indoor Recreation
Municipal Code Section 10 – 7 – 2 – 1
Variation, Off-Street Parking Requirements
Municipal Code Section 10 – 8 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-18. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-18 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 July 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 July 15, 2022. Mr. Arquette stated on July 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, 1013 Athletics LLC (Norberto Olalde), is seeking approval of a Special Use Permit and Variation for Minimum Parking to open an indoor recreation use for crossfit at 869 Fairway Drive. Mr. Arquette stated Crossfit 1013 was previously located at 726 Foster Avenue and is moving to 869 Fairway Drive. Mr. Arquette stated the petitioner is currently allotted seven (7) spaces within the parking lot and is requesting a variation to allow for the location to have less than the required minimum parking spaces. Mr. Arquette stated the Petitioner has a shared parking agreement with the property adjacent to the north within the same building to utilize the spaces that are within the 865 Fairway Drive property, which increases the available parking to 16 spaces. Mr. Arquette stated the Petitioner will be making alterations to the interior of the building to fit the needs of the proposed indoor recreation use.

Norberto Olalde, business owner, was present and sworn in by Chairman Rowe. Mr. Olalde stated he wants to continue his business in Bensenville. Mr. Olalde stated the reason for the move is because his rent was being raised at his previous location.

Commissioner Rowe asked if the petitioner understood a fire alarm is needed at the proposed site. Mr. Olade stated he was aware and is currently seeking quotes.

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 request 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. It will actually do the opposite. We will be promoting health and fitness around Bensenville especially our neighbors like we did at 726 Foster. Since this will be a fitness center the community will see that we take our health serious along with keeping our members safe.

- 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. This is true because we will mostly be operating on the weekends early in the mornings for a couple of hours only. We will not create extra traffic for the surrounding business.

- 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 other property within

the immediate vicinity of the proposed special use. This is true because we will be doing most of our work inside the unit. We will not be getting in any way of the surrounding businesses during the day or while they are operating. We will also not be requiring as much parking as a traditional fitness center would since we have an rsvp system that limits the amount of people that are in the gym at one given hour. We limit class sizes to minimize over crowdedness and for safety as well within our membership.

- 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 propose 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. This is true because the facility contains all we need to operate. Nothing new has to be added to the building. No special machinery will be run in the building and no extra access is needed into the building.

- 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. This is true because we are here to help develop the community. Starting with our unit inside and on the outside. We plan to keep our area/property clean and attractive to new customers and business into Bensenville from surrounding towns.

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 not endanger the health, safety, comfort, convenience, and general welfare of the public since it will only be for parking purposes. We will not be blocking any emergency areas or entry and exit areas of surrounding units.

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. We will be sharing parking spots that are available only during off hours. We will only be parking when parking is allowed.

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. We've received approval to share parking spaces as long as they are during off hours. The main hours of business for our unit will be during off hours of surrounding businesses.

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. Our business will have up to 11 possible clients at one time so we will possibly need to share parking with our neighbor at 865.

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. We will only be sharing parking spots as needed. Some of our class times may only have 1 client at a time.

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. We will only be using allotted parking spaces for our unit first. If any more are needed will share with 865.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit to allow Crossfit 1013 (Indoor Recreation) at 869 Fairway Drive with the following conditions:
 - a. The Special Use Permit be granted solely to 1013 Athletics LLC (Norberto Olalde) 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;

- b. A fire alarm system must be installed.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow a deviation from the Minimum Off-Street Parking Requirements with the following conditions:
 - a. Crossfit 1013 (Applicant) must utilize all spots allotted to the 869 Fairway Drive unit prior to utilizing other available parking.
 - b. In the event that the shared parking agreement is no longer valid with the property at 865 Fairway Drive due to a new user or a rescinding of the agreement, the Petitioner must re-apply to the Community Development Commission for a Variation to allow a deviation from the Minimum Off-Street Parking Requirements.

Motion: There were no questions from the Commission.
Commissioner King made a motion to close CDC Case No. 2022-18. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-18 at 6:38 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Off-Street Parking Requirements, Municipal Code Section 10-8-2-1 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-19

Petitioner: Mariusz Armatys

Location: 1002 S Center 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. 2022-19. Commissioner King seconded the motion.

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

Rowe, Chambers, King, Marcotte, Wasowicz

Absent: Ciula, Czarnecki,

A quorum was present.

Chairman Rowe opened CDC Case No. 2022-19 at 6:40 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 July 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 July 15, 2022. Mr. Arquette stated on July 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 of a Variation in order to construct a fence in the corner side yard of their property. Mr. Arquette stated the fence will be 6' tall composite fence. Mr. Arquette stated there is an existing fence on the property that extends from the northwest corner of the house to the west lot line across the driveway. Mr. Arquette stated the proposed fence would extend from the west lot line across the driveway, with a gate, and then around the corner side yard before

reconnecting with the northeast corner of the house. Mr. Arquette stated the petitioner plans to adhere to and observe the Sight Triangle Area adjacent to the northeast corner of the driveway.

Mariusz Armatys, property owner, was present and sworn in by Chairman Rowe. Mr. Armatys stated he would work with Staff on the design of the fence to ensure the proper lattice structure is correctly installed.

Commissioner Wasowicz reiterated the need for a foot of lattice on the fence.

Public Comment

Dave Majeski – 109 West Belmont Ave., Bensenville, IL 60106

Mr. Majeski was present and sworn in by Chairman Rowe. Mr. Majeski stated he was in favor of the proposed fence.

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: This is a Variation request to install a fence that will provide safety to a home. This will not pose a danger to health, safety, comfort, convenience, or general welfare of the public.

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

Applicant's Response: The fence variation is compatible with the character of the adjacent properties and other property within the immediate vicinity. There is only 1 property adjacent to me and has the same corner layout and also is interested in this fence variation to extend his fence the same as mine. We share back fence now.

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

Applicant's Response: Proposed fence does not create any undue hardship with the literal enforcement of title, only alleviates this property's hardship of being a corner lot with bedrooms facing the street, as well as alleviating safety concerns due to the layout of the site.

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: Proposed fence Variation is necessary for multiple reasons:

- Safety for property (we have a child and 2 Siberian Husky mix dogs (Pomsky) that like to run around and even jump/climb wire fence to our south side neighbor.)
- Safety for child bedroom windows.
- Will let us use grass part of our property finally.
- Provide aesthetic value to the property and neighborhood by creating balance.

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: Requested Variation does not pose an issue to property line or Title to said land. This is the minimum deviation I need in order to provide safety for my property while allowing me access to a decent size of my outdoor 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: Proposed Variation is consistent with Plan, Title, and any other land use policies.

Mr. Arquette stated:

1. 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 be setback 2' from the south edge of the existing sidewalk.
 - b. Fence must observe the 10' by 10' sight vision triangle at the intersection of the east side of the existing driveway and the north property line of the subject property as shown in the plans;
 - 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. 2022-19. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-19 at 6:49 p.m.

Motion: Commissioner Chambers 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, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-20
Petitioner: Dimitar Kanev
Location: 217 N. Church Rd.
Request: Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, Driveway Parking Pad Width
Municipal Code Section 10 – 8 – 8G – 3

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-20. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-20 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 July 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 July 15, 2022. Mr. Arquette stated on July 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, Dimitar Kanev, is seeking variations to allow a 20' wide driveway that extends about 46' from the existing garage to the concrete walk along Church Road to provide increased parking for vehicles. Mr. Arquette stated the existing driveway is about 9' wide, and connects to the existing garage on the property. Mr. Arquette stated the Village Zoning Ordinance implements a maximum driveway width of 10' for residential uses. Mr. Arquette stated a parking pad the width of the garage served by the driveway is permitted to extend up to 20' from the garage doors before tapering back down to the required 10' width. Mr. Arquette stated the proposed driveway parking

pad is wider than the existing 13' garage and does not taper down to the required 10' width.

Gino Kanev, son of property owner, was present and sworn in by Chairman Rowe. Mr. Kanev stated they are okay with 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 Variances 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 on our drive will not endanger the health, safety, comfort, convenience and general welfare of the public.**

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

Applicant's Response: **The proposed variation on our drive will not endanger the health, safety, comfort, convenience and general welfare of the public.**

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

Applicant's Response: **The proposed variation is necessary due to visible much needed rehab of the drive way.**

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 visible much needed rehab of the drive way.**

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 is necessary due to visible much needed rehab of the drive way.

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 rehab of the drive way it all be performed as of Comprehensive plan.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow a Driveway Parking Pad wider than the width of the garage with the following conditions:
 - a. Driveway parking pad must be 1' from the north property line.
 - b. Driveway must taper down to 10' wide at the property line.
 - c. The 20' wide driveway parking pad may only extend 20' from the entrance of the garage before tapering down.
 - d. The driveway shall be 10' wide from the property line to the public sidewalk.
 - e. The existing brick walkway extending along the south side of the driveway shall be removed and returned to greenspace.
 - f. The tree located within the Right-of-Way shall not be disturbed by the placement of the driveway or during construction of the driveway.
2. Staff recommends the Denial of the Findings of Fact as they pertain to the Variation request to exceed the Maximum Driveway Width and therefore the Denial of the Variation for Driveway Width at 217 N Church.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-20. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-20 at 6:57 p.m.

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

ROLL CALL: Ayes: None

Nays: Rowe, Chambers, King, Marcotte, Wasowicz

Motion failed.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact and Variation, Driveway Parking Pad Width, Municipal Code Section 10-8-8G-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-21

Petitioner: Kevin Nowak (ARCO/Murray National Construction Co.)

Location: 220 N. York Rd.

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Variation, Maximum Number of Loading Spaces

Municipal Code Section 10 – 8 – 11B – 2

Variation, Tree Replacement Standards

Municipal Code Section 10 – 9 – 2B

Variation, Pedestrian Circulation Systems

Municipal Code Section 10 – 8 – 7

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-21. Commissioner Chambers seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, King, Marcotte, Wasowicz
Absent: Ciula, Czarnecki,
A quorum was present.
Chairman Rowe opened CDC Case No. 2022-21 at 7:00 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 July 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 July 15, 2022. Mr. Arquette stated on July 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, ARCO/Murray National Construction Co., is seeking approval of Variations for Maximum Number of Loading Spaces, Tree Replacement Standards, and Pedestrian Circulation Systems to construct a 99,864 Square foot building expansion directly west of the existing building. Mr. Arquette stated the new building expansion will match the existing façade of the building, and will include 65 new parking stalls along the south side of the building. Mr. Arquette stated the proposed expansion will also include another 23 truck loading docks adjacent to the north side of the building. Mr. Arquette stated the west side of the site will include a landscape buffer area and a driveway connecting the north and south lots.

Curran Darling, representative of the petitioner, was present and sworn in by Chairman Rowe. Mr. Darling explained the proposed expansion of the property.

Commissioner Chambers asked what is being done for the loss of environmental preservation. Mr. Darling stated there is a variation request for tree replacement standards.

Commissioner Wasowicz raised concern with storm water and flooding in the area. Mr. Darling explained an underground vault will be installed to collect excess rain and will tie into the current storm water system on site; nothing will be discharged into Addison Creek.

Public Comment

Michael Nilson – 231 N. Walnut St., Bensenville, IL 60106

Mr. Nilson was present and sworn in by Chairman Rowe. Mr. Nilson stated he has lived at the property for thirty four years. Mr. Nilson stated he is concerned with his quality of life due to the proposed project. Mr. Nilson stated there is currently 100 feet of woods behind his home that turns into a swamp when it rains. Mr. Nilson asked for the large trees to remain on site.

Solangel Mendivil – 235 N. Walnut St., Bensenville, IL 60106

Ms. Mendivil was present and sworn in by Chairman Rowe. Ms. Mendivil stated she purchased her home a year ago and shares the same concerns as Mr. Nilson.

Mr. Darling stated they are currently conducting a tree survey of the area and will take all concerns into consideration. Mr. Darling stated there will be a 50-60 foot buffer from the building to their properties equipped with a ten foot solid fence.

Brett Jordan was present and sworn in by Chairman Rowe. Mr. Jordan was present on behalf of the petitioner. Mr. Jordan explained the tags on the trees are for a survey, not removal.

Tom Overlin – 215 W. Irving Park Rd., Bensenville, IL 60106

Mr. Overlin was present and sworn in by Chairman Rowe. Mr. Overlin stated he was present on behalf of his parents who own the property. Mr. Overlin raised concern that access from his parents property would be cut off as a result of the proposed building.

Mr. Arquette reviewed the Findings of Fact for the proposed Site Plan request 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 project will be an expansion of the existing industrial building at 220 N. York Rd. It will

meet I-2 zoning standards and will be consistent with the existing building appearance and 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: The project will not negatively impact adjacent properties. We will abide by Village buffer and screening requirements adjacent to the residential property to the west. Use is consistent with existing building and is only a small expansion.

- 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 project will provide adequate utilities and necessary development to support the building expansion. We will adhere to stormwater ordinance for the expanded impervious area. Lighting will be per code and not be a disturbance to neighbors. Parking will meet minimum and maximums.

- 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 project will develop the existing agricultural land on the existing parcel. However, we will maintain mature trees along the west property line to the best of our ability. We are ensuring that we meet lot coverage standards.

- 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 project will accommodate circulation via sidewalks and looped access road for vehicles.

- 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 project will utilize existing curb cuts on York Rd. The building will be under sole ownership by MetLife.

- 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 be drawn to Village code. The expansion will also maintain consistent appearance with the building that was developed in 2019.

- 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 intended use of I-2 industrial. Since it is a building expansion, the intent of the whole site will remain the same.

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 endanger the general welfare of the public. The project is a building expansion and will allow for additional truck docks. All approvals will be obtained to ensure any additional truck traffic is accounted for. Additionally, we will abide by the landscaping and buffer requirements adjacent to the residential development.

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

Applicant's Response: The variation is compatible with the character of the adjacent properties. This is an industrial building expansion which is in line with the surrounding buildings and approved use.

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

Applicant's Response: Per code, the building expansion will only allow for 4 additional truck docks. This is an extremely low number of docks for a near 100,000sf building expansion. Only permitting four additional truck docks would not warrant a development of this size.

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: N/A – the property does not create a limit of truck docks.

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 site plan is only proposing docks on one side of the building. We are not proposing a cross dock building which would double the amount of truck docks.

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 site plan is consistent with the intended use of I-2 Industrial. Since it is a building expansion, the intent of the whole site will remain the same.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Site Plan Review at 220 N York Road with the following conditions:
 - a. Site Plan Review approval shall be subject to the site plan in relation to the variations approved herein. All other elements of the site plan must adhere to Village

- Zoning Ordinance Requirements prior to issuance of final permit.
- b. The rear (west) buffer yard fence must be 10' high opaque fencing.
 - c. DuPage County Stormwater Management Certification required.
 - d. Applicant must provide information regarding stormwater discharge to Silver Creek.
 - e. A plat of consolidation is required.
 - f. Applicant must coordinate with Fire Marshal regarding fire related concerns within the site prior to permit approval.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow for a deviation from the maximum number of loading spaces.
 3. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Replacement Standards with the following conditions:
 - a. Tree replacement rates must be met. If tree replacement rates cannot be met then a fee-in-lieu will need to be provided to the Village of Bensenville.
 4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation Systems.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-21. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-21 at 7:27 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. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Variation, Maximum Numbers of Loading Spaces, Municipal Code Section 10-8-11B-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-22
Petitioner: Village of Bensenville
Location: Village of Bensenville
Request: Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 7 (Uses), Chapter 8 (Off-Street Parking and Loading), and Chapter 10 (Signs).

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-22. Commissioner Chambers seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-22 at 7:30 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 July 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 The Village of Bensenville is seeking the aforementioned text amendments in order to refine the 2019 Village Zoning Ordinance. Mr. Arquette stated 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:

- Allowing driveway parking pad depths longer than 20' before tapering to 10' wide at the property line when the distance between the entrance of the garage and the property line is less than 40'.
- Exempting Single-unit dwellings, Townhouse dwellings, and Two-unit dwellings from screening for ground-mounted mechanical equipment.
- Removing the requirement for Site Plan Review approval for Home-Based Businesses, and requiring Zoning Administrator Approval for Home-Based Businesses.
- Removing the permit and fee requirements for a Home-Based Business.

- Allowing one additional presell menu board per drive-through establishment, subject to Zoning Administrator Approval for location and design.

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 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.

The amendment to the code requirements for residential driveways will allow for more flexibility in the design of driveways on residential properties that face limitations due to the location of the existing garage or driveways. The amendment for screening for ground mounted mechanical equipment at residential properties allows the Zoning Code to align with common practices in residential property development. The proposed amendments to Home-Based Business requirements will serve to help residents seeking to establish home-based businesses within the Village.

Allowing presell menu boards at Drive-through establishments in the Village of Bensenville to conform with the common practice seen throughout the U.S., previously, the code would not permit more than 1 menu board. The proposed amendments keep in consideration, and ensure that the general welfare of the public is not impacted.

- 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 the Zoning Ordinance to allow for orderly development in accordance with modern

development techniques, and add clarification and flexibility for common residential property zoning considerations.

- 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 easing the process for home-based businesses for residents, design for residential homes, and common signage throughout drive-through establishments.

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), Chapter 8 (Off-Street Parking and Loading), and Chapter 10 (Signs).

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-22. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-22 at 7:35 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), Chapter 8 (Off-Street Parking and Loading) and Chapter 10 (Signs) with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

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 7:37 p.m.



Ronald Rowe, Chairman
Community Development Commission