

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 6, 2022

CALL TO ORDER: The meeting was called to order by Chairman Rowe at 6:30p.m.

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

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the August 2, 2022 were presented.

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

All were in favor. Motion carried.

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 2022-23
Petitioner: P.C. Properties (Illinois), LLC
Location: 525 Meyer 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 Height
Municipal Code Section 10 – 7 – 3X – 2
Screening Requirements
Municipal Code Section 10 – 9 – 7B – 2

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-23. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-23 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 August 18, 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 August 19, 2022. Mr. Arquette stated on August 18, 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, P.C. Properties (Illinois), LLC, is seeking approval of an Amendment to their Planned Unit Development (Ordinance No. 9-2013) in order to expand the existing Outdoor Storage and parking lot from 41 spaces to 70 spaces. Mr. Arquette stated the project will also require the redesign of the stormwater detention basins located on the property. Mr. Arquette stated the property is used as a U.S. Customs Field Operation Facility for onsite inspection of cargo and freight.

Marshall Subach, Attorney for the Petitioner, was present and sworn in by Chairman Rowe. Mr. Subach stated the property is zoned I-2. Mr. Subach stated the current operation has onsite inspection from Customs. Mr. Subach reviewed the proposed expansion and stated there will be a re-design of the onsite detention.

There were no questions from the Commissioners.

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 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 subject property is zoned I-2 and part of the General Industrial District. The proposed amendment is the expansion of the existing use to add thirty-nine (39) new parking spaces for the same existing operation of onsite inspection of cargo and freight. With the approval, there will be a total of seventy (70) spaces for parking.

- 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 property is across from O'Hare Airport and surrounded by industrial users. The proposed Amendment will not have an adverse impact on adjacent properties.

- 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 proposed Amendment to the PUD for the Subject Property will not require the development or the installation of additional walkways, driveway, streets, or parking facilities, as the Subject Property is already adequately served with the existing improvements.

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

Applicant's Response: As part of the proposed Amendment to the PUD, the Petitioner is submitting a landscaping plan and will meet the landscaping requirements for the Village of Bensenville. In addition, the plan has been developed to save as much of the existing landscaping and existing trees on the Subject Property. The proposed improvements will not adversely affect any of the existing natural features, watercourses, or native vegetation in the area.

- 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 is a licensed and federally regulated U.S. Customs Field Operations Facility. There is not public pedestrian circulation on the property. The design of the parking lot in relation to the existing building structure allows for the safe circulation of staff on site.

- 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 proposed Amendment to the PUD will not change any of the existing curb cuts that have not been an issue or problem since the development was originally improved.

- 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 proposed Amendment to the PUD will provide for on-site storm water detention through the redesign of the storm water detention basins that already exists. The detention basin is designed to handle the storm water of the entire two (2) acre PUD site. All of the existing electricity and cables are underground and will not be affected by the proposed development.

- 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: Under the Comprehensive Plan, the Subject Property falls under the York Road Corridor. The proposed Amendment to the PUD fulfills the objective of the Bensenville Comprehensive Plan to support regional growth of existing industrial properties and the rehabilitation of the existing industrial sites.

Mr. Arquette reviewed the Findings of Fact for the proposed Planned Unit Developments request 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 subject property is currently improved with an existing forty-one (41) parking spaces, with two (2) storm water detention basins. With the expansion of the O'Hare International Airport, as well as the increase in the number of warehouse spaces being developed in the Village of Bensenville and the surrounding communities, the demand for U.S. customs field operations facility has increased and the Petitioner needs additional parking capacity in order to meet the demands of their operation. The proposed expansion is consistent with the previous approvals granted by the Village of Bensenville. Under the Comprehensive Plan, the Subject Property falls under the York Road Corridor. The proposed Amendment to the PUD fulfills the objective of the Bensenville Comprehensive Plan to support regional growth of existing industrial properties and the rehabilitation of the existing industrial sites.

- 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 for the Subject Property will not require the development or the installation of additional walkways, driveway, streets, or parking facilities, as the Subject Property is already adequately served with the existing improvements.

- 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: As part of the proposed Amendment to the PUD, the Petitioner is submitting a landscaping plan and will meet the landscaping screening requirements for the Village of Bensenville. In addition, the plan has been developed to save as much of the existing landscaping and existing trees on the subject property.

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

Applicant's Response: The proposed Amendment to the PUD will actually eliminate one (1) of the storm water detention basins on the Subject Property, however the storm water capacity will not decrease with the proposed additional parking spaces. With the redesign of the storm water detention basin, the Petitioner will have a greater use of the subject property for its business operations.

- 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 proposed Amendment to the PUD will again keep as much of the existing landscaping as well as other improvements on the subject property. The proposed improvements will not adversely affect any of the existing natural features, water courses, trees, or native vegetation in the area.

- 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 Amendment to the PUD will provide for on-site storm water detention through the redesign of the storm water detention basins that already exists. The detention basin is designed to handle the stormwater of the entire two (2) acre PUD site. All of the existing electricity and cables are underground and will not be affected by the proposed development.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefor the Approval of the Amendment to an Approved Planned Unit Development at 525 Meyer Road with the following conditions:

1. All conditions of approval required of the Planned Unit Development and subsequent Amendments (Ordinance No. 9-2013, Ordinance No. 42-2014, Ordinance No. 13-2016, Ordinance No. 18-2018, and Ordinance No. 34-2021) are consequently conditions of approval of the Planned Unit Development Amendment granted herein;
2. The Special Use Permit for Outdoor Storage be granted solely to Global CFS/PC Properties, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors 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 proprietor without amendment to the Special Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Special Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Special Use Permit;
3. The property be developed in substantial compliance with the plans submitted by IMEG dated 06/13/2022;

4. The requested code departure for Outdoor Storage Area Height, Municipal Code Section 10-7-3X-2 be approved;
5. The requested code departure for Screening Requirements, Municipal Code Section 10-9-7B-2 be approved;
6. Applicant must coordinate with staff during permitting to provide street trees and sidewalk per Village Code where appropriate;
7. Additional trees shall be provided on the site. A final landscape plan with additional landscaping for the entire site shall be provided for review and approval by the zoning administrator prior to permit approval.
8. Storm water certification must be obtained prior to issuance of a permit.
9. A tree survey must be provided to denote the existing trees and their diameter sizing if trees are expected to be removed.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-23. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-23 at 6:46 p.m.

Motion: Commissioner Chambers 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, Chambers, Czarnecki, 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 Amendment to an Approved Planned Unit Development, Municipal Code Section 10-4-4 *with the following code departures: Outdoor Storage, Municipal Code Section 10-7-3X-2 and Screen Requirements, Municipal Code Section 10-9-7B-2 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-24
Petitioner: Gullo International Development Corporation
Location: 621 N IL Route 83
Request: Special Use Permit, Truck Repair
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-24. Commissioner Marcotte seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Chambers, Czarnecki, King, Marcotte, Wasowicz
Absent: Ciula
A quorum was present.
Chairman Rowe opened CDC Case No. 2022-24 at 6:48 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 August 18, 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 August 19, 2022. Mr. Arquette stated on August 18, 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, a new tenant expected at 621 N IL Route 83, is proposing to perform maintenance on their fleet of vehicles within the building. Mr. Arquette stated truck repair uses require Special Use Permit Approval within the I-2 General Industrial District. Mr. Arquette stated ownership is installing new drive-in doors and two triple catch basins within the building as a part of the upcoming renovations to the facility. BXT, Inc. is a freight logistics company with a sales office, and will be the only tenant on the premises.

Marshall Subach, Attorney for the Petitioner, was present and sworn in by Chairman Rowe. Mr. Subach stated the property is zoned I-2 and truck repair is allowed with a Special Use Permit. Mr. Subach reviewed the proposed operations for the site.

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 Special Use request in the Staff Report consisting of:

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

Applicant's Response: No, the proposed special use for vehicle maintenance inside Premises will not endanger the health, safety, comfort, convenience, and general welfare of the public. Ownership shall install Triple Catch Basins in the Warehouse as shown on drawings and tenant shall provide for any other improvements that may be needed for such maintenance indoors.

- 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: Yes, the proposed special use for Vehicle maintenance is compatible within the industrial

zoning and with the character of the adjacent properties also zoned industrial within the immediate vicinity.

- 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: No, the proposed special use for Vehicle maintenance will not impede the normal and orderly development and improvement of adjacent properties and other properties within the immediate vicinity of the proposed special use.

- 4) **Use of Public Services and Facilities:** The proposed special use will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Applicant's Response: No, the proposed special use will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

- 5) **Consistent with Title and Plan:** The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Yes, the proposed special use is consistent with the surrounding industrial zoning within the Comprehensive Plan, this title, and the other land use policies of the Village.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit to allow Truck Repair within the building at 621 N IL Route 83 with the following conditions:

1. The Special Use Permit be granted solely to BXT, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit;
2. All Truck Repair shall be completed within the building located at 621 N IL Route 83;
3. Additional Trees to be added along Fairway Drive frontage in final landscape plan to be reviewed and approved by the Zoning Administrator;
4. Fence along east side of property must be repaired and maintained.
5. Outdoor Storage area shall be used solely by BXT, Inc. for the storage of fleet vehicles, off-site truck parking shall not be permitted within the designated outdoor storage area.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2022-24. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-24 at 6:57 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-25

Petitioner: Joseph Mure

Location: 596 N York Road

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Special Use Permit, Restaurant

Municipal Code Section 10 – 7 – 2 – 1

Special Use Permit, Drive-through facility

Municipal Code Section 10 – 7 – 2 – 1

Variation, Minimum Off-Street Parking Requirements

Municipal Code Section 10 – 8 – 2 – 1

~~Variation, Drive-Through Sign Quantity Requirements~~

~~*Municipal Code Section 10 – 10 – 5B – 3b*~~

~~Variation, Monument Sign Quantity Requirements~~

~~*Municipal Code Section 10 – 10 – 5B – 8b*~~

Motion: Commissioner Chambers made a motion to open CDC Case No. 2022-25. Commissioner Wasowicz seconded the motion.

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

Rowe, Chambers, Czarnecki, King, Marcotte, Wasowicz

Absent: Ciula

A quorum was present.

Chairman Rowe opened CDC Case No. 2022-25 at 6:59 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 August 18, 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 August 19, 2022. Mr. Arquette stated on August 18, 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, Joseph Mure, is seeking Special Use Permits for a Restaurant and a Drive-through facility to operate a Greek Restaurant serving "Greek Street Food". Mr. Arquette stated the petitioner will be remodeling the entire inside of the structure, and the operations of the facility will be primarily for drive-through and pickup with limited indoor dining. Mr. Arquette stated the petitioner also proposes to make improvements to the parking lot area and surrounding landscape, requiring a Variation from the code requirements for minimum parking spaces required for the site.

Marshall Subach, attorney for the Petitioner, was present and sworn in by Chairman Rowe. Mr. Subach provided the Commission with a revised site plan showing 19 parking spaces. Mr. Subach reviewed the proposed operations of the restaurant.

There were no questions from the Commission.

Public Comment

Mike Pop – 104 Foster Avenue, Bensenville, Illinois

Mr. Pop was present and sworn in by Chairman Rowe. Mr. Pop stated he owns the property located west of the site. Mr. Pop stated he was in favor of the proposed use but asked that signage be installed so customers do not park in his easement to access the proposed site. Mr. Pop stated the two properties share an access easement with one another but not for parking.

Mr. Subach stated his client wants to be a good neighbor and will work with Mr. Pop should an issue arise.

Paul De Michele – 17W275 Rodeck Lane, Bensenville, Illinois

Mr. De Michele was present and sworn in by Chairman Rowe. Mr. De Michele questioned Staff's recommendation #3.

Mr. Arquette reviewed the Findings of Fact for the proposed Site Plan Review 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 Subject Property is zoned I-2 and part of the General Industrial District. The Subject Property is zoned I-2 in the General Industrial District which allows restaurants with a drive thru as a Special Use. The Subject Property is an abandoned restaurant.

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 Subject Property is across from O'Hare Airport and surrounded by industrial users. The granting of the Special Use Permit will not have an adverse impact on adjacent properties.

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 proposed development will be complete renovation of the interior of the existing building. The exterior will improved with new parking lot and replacement of existing asphalt. A triple catch basin will be installed for the sanitary line. All other existing infrastructure and improvements are adequate for Petitioner's intended use as a restaurant with drive through.

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

Applicant's Response: There are no existing landscaping or environmental resources on the Subject Property. As part of the development the Petitioner will be adding landscaping along York Road and other green space on the

property. The proposed improvements will not adversely affect any of the existing natural features, watercourses, or native vegetation in the area.

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: Most of the customers will use the drive through. There will be pick up limited seating inside. All customers going inside will be able to enter the main entrance that is facing York Road and will have a sidewalk to utilize.

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 Subject Property currently has (2) curb cuts off York Road and one (1) curb cut off Foster Avenue. As part of the development, the Petitioner will be closing one of the curb cuts off York Road.

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 proposed development will be a big, much needed, improvement to the Subject Property. The entire interior will be renovated with a new commercial kitchen.

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: Under the Comprehensive Plan, the Subject Property falls under the York Road Corridor. The proposed Amendment to the PUD fulfills the objective of the Bensenville Comprehensive Plan to support regional growth of the existing industrial properties and the rehabilitation of the existing industrial sites. It approval

will most importantly allow for a filling of an existing vacant space.

Mr. Arquette reviewed the Findings of Fact for the proposed Special Uses 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. The proposed use as restaurant with drive thru will be a less intensive use than many of the permitted uses in the I2 zoning district. The site has existing curb cuts that will allow traffic to enter from either York Road or Foster Avenue. As part of the development, the Petitioner will close one of the existing curb cuts off of York Road. The site is large enough to allow stacking of cars in the drive thru with a bailout lane.

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 subject Property had an operating restaurant at the site that has been closed for many years. The industrial park will benefit from an established restaurant opening in the area for the employees working in the industrial park as well as Bensenville residents.

3. **Orderly Development:** The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

Applicant's Response: All of the adjacent properties are improved with industrial users and O'Hare Airport is across York Road to the East. The Subject Property is too small to be improved with a typical industrial user.

The Subject Property is also subject on easement for ingress and egress for an adjoining property owner that will not be impeded by the granting of the special use permit.

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 use will not require any expansion or strain on community facilities or services to a degree that is disproportionate to normal activities in the I2 district. In fact, the proposed use of a restaurant with drive through has a less impact on public services and facilities than a typical industrial user.

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: Under the Comprehensive Plan, the Subject Property falls under the York Road Corridor. The granting of the Special Use Permit to allow for the operation of a restaurant with drive thru fulfills the objective of the Bensenville Comprehensive Plan to support regional growth of existing industrial properties and the rehabilitation of the existing industrial sites.

Mr. Arquette reviewed the Findings of Fact for the proposed Variations 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 variances will not endanger the health, safety, comfort, convenience and

general welfare of the public. The Petitioner will typically have 4 to 5 employees working at the restaurant during business hours. The 20 spaces provided for will be more than adequate to handle the business operations as most of the customers will be going through the drive-thru and pick-up. The area for dine-in is limited to 700 square feet.

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 the adjacent properties. The Village of Bensenville has granted sign variances on numerous properties throughout the Village corporate limits. In addition, most of the restaurants that have a drive thru in the Village of Bensenville have two (2) message boards for drive-thru ordering purposes.

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

Applicant's Response: Without the granting of the three (3) variances, the Petitioner will face an undue hardship that the business will not have adequate signage on both Foster Avenue and York Road to attract customers to the site. The variation for the drive-thru signs is a hardship as the code is outdated as most restaurants and drive-thru already have or require two (2) message boards for customers and for efficiency of the drive-thru. Finally, the property is subject to an existing easement agreement that prohibits the full site to be used for additional parking.

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 unique attributes of the property, specifically, the existing easement agreement, require the granting of the variance for parking.

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: Petitioner is seeking the minimum variances for both the parking and requested additional signage for the building and drive-thru.

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 granting of the variances is consistent with the granting of variances throughout the Village of Bensenville and other developments, including the development of McDonalds along Irving Park Road. The variations are consistent with the comprehensive plan in wanting to redevelop existing sites in the York Road corridor.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Site Plan Review with the following conditions:

1. The property be developed in substantial compliance, except as amended herein, with the plans submitted by Pro-Plan Architects, PC dated 8/1/2022 and Village Code Requirements;
2. A 10' multi-use path shall be installed within the Right-of-Way along York Road.
3. Existing northernmost curb cut and drive on York Road Frontage shall be closed and returned to greenspace as designated in the plans;
4. A triple catch basin shall be installed for the sanitary line;
5. Applicant to coordinate with staff to increase and clarify striping and directional signage for the site and easement area during permit review process;
6. 45 degree parking spaces along York Road shall be adjusted to 9' wide;
7. Bicycle parking spaces to be included on the site per code requirements;
8. A final landscape plan shall be submitted to and approved by the Zoning Administrator prior to permit approval.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit to allow a Restaurant at 596 N York Road with the following conditions:

1. The Special Use Permit be granted solely to Joseph Mure / DMD Properties, LLC 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.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permit to allow a Drive-through facility at 596 N York Road with the following conditions:

- 1) The Special Use Permit be granted solely to Joseph Mure / DMD Properties, LLC and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit.
- 2) The presell sign menu board will be subject to Zoning Administrator approval of design and location during the sign permit review process.

Mr. Arquette stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variation to allow less than the minimum required (23) off-street parking spaces at the site.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-25. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-25 at 7:22 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, Chambers, Czarnecki, 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 Special Use Permit, Restaurant, Municipal Code Section 10-7-2-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz 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 Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Mr. Arquette reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:29 p.m.



Ronald Rowe, Chairman
Community Development Commission