

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

November 1, 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, Czarnecki, King, Marcotte, Wasowicz
Absent: Chambers, 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 October 4, 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 2022-29
Petitioner: Grace Lutheran Church
Location: 950 S York Road
Request: Variation, Electronic Message Sign Location
Municipal Code Section 10 – 10 – 5B – 4a – 3

Motion: Commissioner King made a motion to open CDC Case No. 2022-29. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-29 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 October 13, 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 two Notice of Public Hearing signs on the property, visible from the public way on October 14, 2022. Mr. Arquette stated on October 13, 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, Grace Lutheran Church, is seeking approval of a variation in order to construct a monument sign with an electronic message sign attached at 950 S York. Mr. Arquette stated the sign is located within one mile of an electronic message sign located at 1125 S York Road, thus requiring a variation from the requirements of the zoning code. Mr. Arquette stated the proposed sign will be placed in the same location as the existing pole sign on the property along York Road. Mr. Arquette stated the total sign height for the monument sign is 7'6", and the total sign area for the electronic message sign is approximately 19 SF. Mr. Arquette stated this covers less than 50% of the total monument sign area.

Julie Kim, Member of Grace Lutheran Church, was present and sworn in by Chairman Rowe. Ms. Kim stated the proposed sign would allow for better outreach to the community and upgrade the Church's current sign.

There were no questions from the Commission.

Public Comment

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

Mr. Arquette reviewed the Findings of Fact for the proposed Variance in the Staff Report consisting of:

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

Applicant's Response: No, our electronic monument sign will not affect any of the above to the public.

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

Applicant's Response: Yes. The monument sign complies with the Bensenville Village signage code.

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

Applicant's Response: Yes. We need the electronic display so that we can communicate our church times, special church services, special outreaches for the community, and encouragement to the public.

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: It was beyond our control that Village of Bensenville put up an electronic sign within a mile of the church property.

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: Code 10-10-5B-4a-1 states that electronic signs are allowed in the C-2 District and all residential districts for parks, schools, libraries, and places of worship. We just happen to be within a mile of another electronic sign.

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 replacement of the church's old sign with a new modern, electronic sign will improve the appearance of the property and surrounding area. It will allow church to communicate with the community.

Mr. Arquette stated:

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Electronic Message Sign Location at 950 S York Road with the following conditions:

1. Applicant must adhere to all illumination standards outlined in Village Code Section 10-10-5B-4d; and
2. Sign must be setback 5' from the east property line.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2022-29. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-29 at 6:37 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact and Approval of the Variation, Electronic Message Sign Location, Municipal Code Section 10-10-5B-4A-3 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-30
Petitioner: MLRP Busse and Devon LLC & Prologis Logistics Services, Inc.
Location: 1301, 1401, 1501, 1601 and 1361 Devon
Request: Final Plat of Subdivision
Municipal Code Section 11 – 3
Amendment to an Approved Planned Unit Development
Municipal Code Section 10 – 4 – 4

**with the following code departures*

Minimum Corner Side Setback Requirement
Municipal Code Section 10 – 6 – 21 – 1
Semi-Truck Trailer Parking Spaces
Municipal Code Section 10 – 8 – 6A – 3
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

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-30. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-30 at 6:39 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 October 13, 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 two Notice of Public Hearing signs on the property, visible from the public way on October 14, 2022. Mr. Arquette stated on October 13, 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 Petitioners, MLRP Busse and Devon LLC & Prologis Logistics Services, Inc., are seeking approval of a Final Plat of Subdivision for the redevelopment of the Mohawk Terrace Subdivision. Mr. Arquette stated the Petitioners are also seeking an Amendment to the Planned Unit Development with Code Departures for a building setback, truck parking space dimensions, and landscape requirements to account for all final site improvements. Mr. Arquette stated the industrial park includes four buildings, and the applicants received approval for a Final Planned Unit Development in 2021.

Tim Geisler, representative for the petitioners, was present and sworn in by Chairman Rowe. Mr. Geisler stated the reason for the request was for final cleanup of original plat.

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 Final Plat of Subdivision 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 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. Below responses should reflect the innovative and creatives approaches our team has taken in our proposal. The site is a natural fit for an industrial park and will be consistent with the existing surroundings, which is comprised of industrial, commercial or data centers. The property is surrounded by Devon Avenue to the north, commercial properties and Route 83 to the east, and

industrial properties to the west and south. It should be noted that ML Realty Partners and Prologis own most of the industrial buildings adjacent to the property lines on the west and south.

- 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: We have included public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located at the southeast corner of the site. Additionally, we have included walking paths and sidewalks west of building 1, in the center median between buildings 2 and 3, and along the access drive south of buildings 3 and 4 to tie into all public walks. The curb cuts have been designed by a traffic engineer to account for traffic flow, separation of cars and trucks, adjacent driveways, and existing grades.

- 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: To enhance the aesthetics and create some amenities within the park we have increased green space areas from the I-2 zoning requirements. While we do fall short for the total number of trees required to be replaced for the large established residential subdivision, our landscape plan will exceed the code required plantings for any typical industrial developments. A separate Memorandum of Understanding was agreed to between the Village and the Petitioner providing a payment of \$200,000 into the Villages Tree Fund in lieu of providing all of the required trees. We have included public sidewalks along both Devon Avenue and Route 83 to provide safe access to the Pace Bus Stop which is located at the southeast corner of the site. Additionally, we have included walking paths and sidewalks west of building 1, in the center median between

buildings 2 and 3, and along the access drive south of buildings 3 and 4 to tie into all public walks. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

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

Applicant's Response: We have formally applied for a final approval of each individual building, however, this application is for final site improvements. The previously approved Preliminary and Final PUD included the four proposed buildings. All will have rear loading and will be constructed on a speculative basis meaning they do not have any specific tenants at this time. The buildings are designed for maximum flexibility and could be leased to tenants from 40,000 SF to 350,000 SF. We have included architectural elements constructed from glass, aluminum and precast at the corner entries and at the center entry of the buildings. All buildings will have ample parking for cars and adequate trailer parking for trucks.

- 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: To enhance the aesthetics and create some amenities within the park we have increased green space areas from the I-2 zoning requirements. While we do fall short for the total number of trees required to be replaced for the large established residential subdivision, our landscape plan will exceed the code required plantings for any typical industrial developments. A water feature has been included at the park entry on Route 83 to showcase this first-class industrial park.

- 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 existing subdivision is currently on well and septic systems so the redevelopment will include bringing water and sanitary sewers from the southeast corner of the site. All stormwater will be accounted for and contained on site via underground detention and water feature and released at the required rate. All new franchise utilities (ComEd, Nicor, AT&T, etc.) will be installed underground for the new park.

Mr. Arquette stated:

Staff recommends the Approval of the Final Plat of Subdivision at 1301-1601 Devon Avenue.

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Amendment to an Approved Planned Unit Development at 1301-1601 Devon Avenue with the following Conditions:

1. All conditions of approval required of the Preliminary Planned Unit Development (Ord. No. 66-2020), the Final Planned Unit Development (Ord. No. 21-2021), and the PUD Amendments (Ord. No. 22-2021 and Ord. No. 60-2021) are consequently conditions of approval of the Planned Unit Development Amendment;
2. The code departure for Minimum Corner Side Setback Requirement, Municipal Code Section 10-6-21-1 is granted;
3. The code departure for Semi-Truck Trailer Parking Spaces, Municipal Code Section 10-8-6A-3 is granted;
4. The code departure for Parking Lot Interior Landscape Island Trees, Municipal Code Section 10-9-5C-4 is granted;
5. The code departure for Parking Lot Interior Landscape Island Groundcover, Municipal Code Section 10-9-5C-5 is granted;
6. The fencing as shown on the plans is not approved through this PUD amendment, fencing shall be approved under separate permit applications.

There were no questions from the Commission.

Motion:

Commissioner King made a motion to close CDC Case No. 2022-30. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-30 at 6:46 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of the Final Plat of Subdivision, Municipal Code Section 11-3 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-31
Petitioner: David G. Kent (Liberty Bell Leasing, Inc.)
Location: 229 Evergreen
Request: Variation, Outdoor Storage Area Height
Municipal Code Section 10 – 7 – 3X – 2

Motion: Commissioner King made a motion to open CDC Case No. 2022-31. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-31 at 6:47 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 October 13, 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 two Notice of Public Hearing signs on the property, visible from the public way on October 14, 2022. Mr. Arquette stated on October 13, 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, David G. Kent, is seeking approval of a Variation in order to pave a portion of the interior side yard of the 229 Evergreen Street with asphalt. Mr. Arquette stated the proposed outdoor storage area will be 14' wide, and spans the length of the building from the front façade to the rear parking area about 109'. Mr. Arquette stated a screening fence, chain link with slats of a uniform color, is proposed to be placed at the front section of the outdoor storage area from the applicants building to the building adjacent to the south. Mr. Arquette stated the screening fence also is proposed to be extended along the rear of the outdoor storage area from the applicant's rear building façade to the building adjacent to the south. Mr. Arquette stated the applicant proposes the paving to store the company semi-truck & trailer, as well as a single storage container. Mr. Arquette stated the truck will access the outdoor storage area from the existing curb cut along Evergreen Street. Mr. Arquette stated the Village received official Public Comment stating:

- The owner of 231 Evergreen Street has notified Village Staff that the applicant for case 2022-31 intends to rent the outdoor storage space out to 2 semi-trucks that are not owned by the company occupying the 229 Evergreen Street building.
- The existing refrigerated truck on the property is loud and is continual disturbance, as the trucks are idle and running the refrigeration components for long periods of time.

David and Margret Kent were both present and sworn in by Chairman Rowe. Mr. Kent stated they intend to install blacktop to replace an empty gravel lot.

Chairman Rowe asked if the petitioner was in agreeance with Staff's Recommendations. Mr. Kent stated he was aware of the changes and in agreeance with them.

Commissioner Czarnecki asked if the proposed asphalt would have enough depth to hold the weight of a semi-trailer. Mr. Arquette stated if approved, those concerns would be addressed at permitting.

Mrs. Kent asked the commission to reconsider the requirement for a fence along the south side the property because their neighbor would like to share access to the property.

Mr. Arquette stated Staff would not recommend Mrs. Kent's request because that would allow for the opportunity for additional trailer parking on unpaved areas of the site.

Mrs. Kent stated additional trailers would not be stored on site.

Chairman Rowe suggested amending Staff's recommendations to allow for fencing to be addressed during permitting. There were no objections from the Commission.

Commissioner King asked what type of work is taking place inside the building. Mr. Kent stated they are a manufacturing company.

Commissioner King asked why a refrigerated trailer was accessing the property. Mr. Kent stated is was a shared trailer from his distributor.

Public Comment

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

Mr. Arquette reviewed the Findings of Fact for the proposed Variance in the Staff Report consisting of:

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

Applicant's Response: Yes, this variation will not endanger the health or safety comfort of the public. We are just using the lot for storage.

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 this is compatible with the commercial neighborhood.

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

Applicant's Response: Yes this variation alleviates hardship by the enforcement of this title.

4. Unique Physical Attributes: The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: Yes this variation is needed due to the physical attributes of this lot to be used for storage.

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, this variation represents the minimum deviation for the desired improvement on this property.

6. Consistent with Ordinance and Plan: The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: Yes, the proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Mr. Arquette stated:

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Outdoor Storage Area Height at 229 Evergreen Street with the following conditions:

1. Screening fence must be completely opaque, and may not be chain link with slats of a uniform color. Final fence design shall be approved during permit review;
2. Fence shall be 8' in height;
3. Location of fencing to be approved by Village Staff during permitting;
4. The outdoor storage area must only be used for a truck owned and utilized by the company occupying 229 Evergreen Street;
5. No Tandem truck parking is permitted on the site;
6. Refrigerated trucks may not be running while truck is idle on the property for an extended period of time to be used for storage; and
7. A grading plan must be provided for approval with the permit application showing the proposed grades of the driveway extension and a swale must be provided along the property to not put water directly towards the adjacent property to the south.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2022-31. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-31 at 7:04 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of the Variation, Outdoor Storage Area Height, Municipal Code Section 10-7-3X-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2022-32
Petitioner: Larsen Enterprise, LP
Location: 700 Larsen Lane
Request: Special Use Permit, Truck Repair
Municipal Code Section 10 – 7 – 2 – 1
Variation, Outdoor Storage Area Height
Municipal Code Section 10 – 7 – 3X – 2
Variation, Outdoor Storage Area Screening Requirements
Municipal Code Section 10 – 9 – 7B – 2

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2022-32. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-32 at 7:05 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 October 13, 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 two Notice of Public Hearing signs on the property, visible from the public way on October 14, 2022. Mr. Arquette stated on October 13, 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, GGF Inc., is seeking approval of a Special Use Permit in order to perform truck/trailer repair on their fleet in connection with the distribution use on the property.

Mr. Arquette stated the petitioner also plans to utilize the southern portion of the site for trailer storage, and is requesting variations for outdoor storage over 8' in height within 20' of the lot lines and to be exempt from outdoor storage area screening requirements. Mr. Arquette stated the subject property features a structure with 24 interior docks, 14 exterior loading docks, and one proposed repair bay. Mr. Arquette stated motor vehicle parking is located north of the existing structure, and the outdoor storage area for trailers is south of the existing structure. Mr. Arquette stated the outdoor storage area is surrounded by industrial uses on all three sides, and is setback at least 1,300' from the closest roadway (Thorndale Avenue).

Tetiana Havryliuk of GGF, Inc. was present and sworn in by Chairman Rowe. Ms. Havryliuk provided an overview of the business. Ms. Havryliuk stated the company's headquarters is based out of Elk Grove Village. Ms. Havryliuk stated they have moved to Bensenville because they have outgrown their operation in Melrose Park.

Chairman Rowe asked if any mechanical work would occur outside. Ms. Havryliuk stated all work will occur inside the building.

Public Comment

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

Mr. Arquette reviewed the Findings of Fact for the proposed Special Use in the Staff Report consisting of:

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

Applicant's Response: The proposed special use does not represent a health, safety, comfort, convenience, or general welfare concern for the public. All neighbors are already accustomed to this type of activity at the property, and it is at the end of a "dead end" street so it will not affect neighbors whatsoever.

- 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 and nearby properties. There are already similar uses on the same multi-property parcel and all of the surrounding parcels are zoned for and used by industrial users.

- 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 development and improvement of adjacent properties. The property is located at the end of a dead-end street and does not interfere whatsoever with neighboring properties.

- 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: None of these will be required. The property has been used as a truck terminal for many years with similar traffic patterns and number of personnel. The only change will be the repair activity and the necessary plumbing to be code compliant.

- 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: Given the I-2 zoning and Special Use (if awarded), we are not aware of any inconsistency with the intent of the Comprehensive Plan, this title, or the land use policies of the Village.

Mr. Arquette reviewed the Findings of Fact for the proposed Variances in the Staff Report consisting of:

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

Applicant's Response: The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public. Trailers will be parked in a safe manner, consistent with industry practices and according to village code.

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: Many of the neighboring properties also have outside storage yards and the property has been used in this manner for many years without issue from the neighboring properties.

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

Applicant's Response: If the Applicant is not granted the variation, it will have to park dozens of trailers offsite at a cost of +/- \$450 per trailer per month. This is an economic hardship that the Applicant cannot afford.

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 property has been used as a truck terminal and trailer parking yard for many years. The property will have little use without the proposed variation.

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 does indeed represent the minimum deviation from the regulations of this title.

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: We are not aware of any inconsistency with the intent of the Comprehensive Plan, this title, or other land use policies of the Village. The property has been used in this manner for many years and without substantial redevelopment it has no practical use without outside storage.

Mr. Arquette stated:

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Truck Repair, at 700 Larsen Lane with the following conditions:

1. The Special Use Permit be granted solely to GGF, 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. Applicant must coordinate with staff to obtain permit and install triple catch basin within subject property primary structure; and
3. All repair work shall be performed inside of the primary structure.

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow for a deviation from the Outdoor Storage Area Height Requirements.

Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow for a deviation from the Outdoor Storage Area Screening Requirements with the following conditions:

1. Applicant must obtain a permit to complete striping of proposed outdoor storage area. Applicant must coordinate with staff to create a striping plan that adheres to village code standards; and
2. All trucks awaiting repair must be stored within the rear yard south of the south façade of the primary structure.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-32. Chairman Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-32 at 7:14 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Approval of the Variation, Outdoor Storage Area Height, Municipal Code Section 10-7-3X-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, 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 Approval of the Variation, Outdoor Storage Area Screening Requirements, Municipal Code Section 10-9-7B-2 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, 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 7:17 p.m.



Ronald Rowe, Chairman
Community Development Commission