

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

May 2, 2023

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

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

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

**JOURNAL OF**

**PROCEEDINGS:** The minutes of the Community Development Commission Meeting of the April 4, 2023 were presented.

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

All were in favor. Motion carried.

Director of Community & Economic 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 2023-10

**Petitioner:** Davinci Academy CDC, LLC

**Location:** 227 W Grand Avenue

**Request:** Special Use Permit, Day Care Center

Municipal Code Section 10 – 7 – 2 – 1

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2023-10. Commissioner King seconded the motion.

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

Chairman Rowe opened CDC Case No. 2023-10 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 Bensenville Independent on April 13, 2023. 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 one Notice of Public Hearing sign on the property, visible from the public way on April 14, 2023. Mr. Arquette stated on April 13, 2023 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, Davinci Academy CDC, LLC, is applying for a Special Use Permit to operate a childcare facility at 227 W Grand Avenue. Mr. Arquette stated this property was previously utilized as a daycare center and was granted Special Use Permits in 2009 (Safari Childcare), 2019 (Scholar's World Childcare & Learning Center), and 2021 (Davinci Academy CDC, LLC). Mr. Arquette stated the previously approved Special Use Permit granted to Davinci Academy CDC, LLC, expired prior to any further action after approval. Mr. Arquette stated the Petitioner operates two additional early childhood education facilities, one in Belvidere and one in Streamwood.

Emin Tuluce, Property Owner on behalf of the applicant, was present and sworn in by Chairman Rowe. Mr. Tuluce stated the subject property has operated as a daycare in the past and he is working with the applicant to re-open the daycare. Mr. Tuluce stated he is aware of the Staff's recommendations and has no objections.

There were no questions from the Commission.

**Public Comment**

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

Mr. Arquette reviewed the Approval Standards for the proposed Special Use 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:** Our proposed use, Childcare, will not endanger the health, safety, comfort, convenience and general welfare of the public. Quite the contrary, our services will improve safety, comfort, convenience and general welfare of the public and residences of Village of Bensenville. We will provide peace in mind for parents who work in full time jobs.

- 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:** We will be located at 227 W Grand Avenue which is part of the retail establishment commonly known as Bensenville Plaza. The use as childcare is compatible in retail settings.

- 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:** Our proposed use, Childcare, 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. Quite the contrary, our services will improve the area. Surrounding retail, office, industrial and residential improvements will enjoy the safe, healthy and secure childcare services we will be providing.

- 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: Our use, Childcare, will not demand any changes on utilities, roads, drainage, nor will be a burden on utilities, roads and/or drainage.**

- 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: Subject property is in C-2 zoning in retail setting. Childcare use is perfect fit for this site. Subject site has no retail exposure to Grand Avenue and suffers from being located in the back of the lot. However this is an advantage for our Childcare use. We would not want to be directly on heavy and fast traffic for safety purposes.**

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Day Care Center at 227 W Grand Avenue with the following conditions:

1. The Special Use Permit be granted solely to Davinci Academy CDC, 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. Children 2 ½ years of age or younger (more than 5, but less than 100) – exit door (from classroom) directly to the exterior is required;
3. Before a Certificate of Occupancy can be issued, the Village needs to receive documentation of such State and County approvals and licenses; and
4. Day care tenant will need to provide, on a semi-annual schedule, documentation that the sanitary sewer has been rodded and is in good working condition.
5. Property owner shall schedule an appointment for lead water service inventory with the Village of Bensenville Public Works Department.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2023-10. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-10 at 6:38 p.m.

Motion: Commissioner Wasowicz made a motion to approve the Special Use Permit, Day Care Center, Municipal Code Section 10-7-2-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

**Public Hearing:** CDC Case Number 2023-11  
**Petitioner:** Omega Pro Properties, LLC  
**Location:** 145 S Center Street  
**Request:**

- Municipal Code Section 10 – 3 – 2
- Variation, Maximum Corner Side Setback
- Municipal Code Section 10 – 6 – 17 – 1
- Variation, Parking Location
- Municipal Code Section 10 – 6 – 17 – 1
- Variation, Parking Lot Encroachment
- Municipal Code Section 10 – 8 – 1C – 4
- Variation, Driveway Location
- Municipal Code Section 10 – 8 – 8A
- Variation, Street Trees
- Municipal Code Section 10 – 9 – 4
- Variation, Tree Canopy Coverage
- Municipal Code Section 10 – 9 – 5A
- Variation, Parking Lot Perimeter Landscape
- Municipal Code Section 10 – 9 – 5B
- Variation, Parking Lot Interior Landscape Islands
- Municipal Code Section 10 – 9 – 5C
- Variation, Buffer Yard Requirements
- Municipal Code Section 10 – 9 – 6B

**Motion:** Commissioner Wasowicz made a motion to open CDC Case No. 2023-11. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2023-11 at 6:41 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Bensenville Independent on April 13, 2023. 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 April 14, 2023. Mr. Arquette stated on April 13, 2023 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, Omega Pro Properties, LLC, is seeking approval of Site Plan Review and Variations to construct a new two-story mixed-use building with 10 one-bedroom apartments on the second floor and space for commercial uses on the ground floor. Mr. Arquette stated the proposed facility will house 10 individual storage units for residents and proposes to provide 12 parking spaces. Mr. Arquette stated there are two pairs of tandem parking spaces to be assigned to individual units, and a bicycle storage area. Mr. Arquette stated the first floor features a front lobby, gym area, and pet wash for residents. Mr. Arquette stated a paved patio area is proposed to be located adjacent to the building along Center Street. Mr. Arquette stated the parking lot entrance is located on Center Street and the exit is through the east alley.

Bartosz Rolski, Architect hired by the Property Owner was present and sworn in by Chairman Rowe. Mr. Rolski reviewed the proposed site plan and use of property. Mr. Rolski stated there would be three retail shops on the bottom floor with ten residential units on the second floor.

Commissioner King asked if any of the proposed units were rented. Mr. Rolski stated nothing was rented since the building is not yet built.

Commissioner King raised concerns with density on the proposed site. Commissioner King stated he has concerns with the amount of parking on site. Mr. Rolski stated the proposed site meets all Village Code requirements as it comes to parking.

Commissioner Marcotte stated she feels that the proposed design does not fit well with downtown Bensenville. Commissioner Marcotte stated she would like to see a smaller proposal. Commissioner Marcotte stated she does not feel that the proposed parking on site is enough.

Commissioner Wasowicz asked if it was financial feasible to the applicant to reduce the amount of proposed apartments on the top floor. Mr. Rolski stated it was too difficult to say.

Commissioner Wasowicz stated she would like to see a happy medium to allow this project to work.

**Public Comment**

**Rich Rebmann – 11 West Green Street**

Mr. Rebmann was present and sworn in by Chairman Rowe. Mr. Rebmann stated the proposed project was not good for the neighborhood. Mr. Rebmann stated parking will not work on the site. Mr. Rebmann stated there are no elevators. Mr. Rebmann stated there is no space to walk pets on the site. Mr. Rebmann stated it would be dangerous for pedestrians to walk on Green Street. Mr. Rebmann stated none of the proposed variations benefits the Community; only the property owner. Mr. Rebmann stated he walked the Owner's other site on Green Street and indicated there is not enough room for a firetruck to access the property and fears the same for the proposed site.

**Annie Jaworska – 146 South Center Street**

Ms. Jaworska was present and sworn in by Chairman Rowe. Ms. Jaworska stated she has significant concerns with the proposed site. Ms. Jaworska stated parking is a concern with ten units and three retail shops and only twelve proposed parking spaces. Ms. Jaworska stated customers would have to park on Center Street and that would congest the neighborhood. Ms. Jaworska stated Center Street is residential and questioned where the Residents would park.

**Henry Wessler – 11 West Green Street**

Mr. Wessler was present and sworn in by Chairman Rowe. Mr. Wessler stated he agreed with Commissioner Marcott's, Mr. Rebmann's and Ms. Jaworska's comments. Mr. Wessler stated that he feels that the proposed design looks like a storage unit facility. Mr. Wessler stated vinyl material is not the way to go. Mr. Wessler stated snow removal on the property is a major concern along with flooding that could increase in the area. Mr. Wessler stated security on site was also going to be an issue.

**Victoria Gonzalez – 151 South Addison Street**

Ms. Gonzalez was present and sworn in by Chairman Rowe. Ms. Gonzalez stated she thinks the proposed design is beautiful and would enhance downtown Bensenville. Ms. Gonzalez stated she lives by the owners current property and has never had any issues.

Chairman Rowe asked what type of material was being used to construct. Mr. Rolski stated hardie board.

**Valarie Special – 120 Forestview Street**

Ms. Special was present and sworn in by Chairman Rowe. Ms. Special stated she has concerns with Seniors being able to access the proposed site with no elevator. Ms. Special stated she would like to see more handicap spaces than just one. Ms. Special stated there is not enough parking on site. Ms. Special stated brick would be more fitting for downtown Bensenville.

Mr. Arquette reviewed the Approval Standards for the proposed Site Plan Review 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: Proposed site plan and overall development of the lot will support existing fabric of the adjacent neighborhood, respect zoning and the overall character of properties located near subject site. Being part of the well-established downtown area of Bensenville provides a unique opportunity to provide a new vibrant, energetic and community building property, that will provide opportunity both for economic and community growth of the adjacent area.**

- 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: As presented in the attached SD7 Schematic Design proposal, proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the subject development. Providing a mix-use property (retail + residential) will blend these two specific uses into a cohesive whole. Proposed project will enhance the look and character of the existing residential side of the area, as well as provide commerce and retail opportunities for the commercial/downtown area of Bensenville.**

- 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:** As presented in the overall layout of the site and building all site support required utilities, access, parking, drainage, exterior lighting and residential specific facilities (i.e. outdoor patio, bike storage area, resident gym and pet wash station) will be provided. Proposed project responds to the current and future needs of the subject site and fully maximizes potential of this unique and important site.

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

**Applicant's Response:** Proposed Landscaping Plan L1.0 provides a detailed graphic representation of the owners will to preserve environmental resources of the site and establishing a nature driven standard that is incorporated into the overall layout of the site. Subject property will provide 4 season landscape interest to this site, showing care and respect to the downtown area of Bensenville and adjacent residential fabric of the site.

- 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:** Due to the unique opportunity of the site, its proximity to the major public transportation (train and airport) proposed development will encourage its residents to use their cars less and enjoy/experience the walkable nature of the neighborhood. On-site circulation, parking, outdoor patio area and ease of use for retail developments is clearly defined in the layout of the site, which will further support growth and flexibility for future businesses within and near subject 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:** Proposed SD7 site plan illustrates a clearly defined site access and site supporting

**parking/pedestrian layout. By directing the flow of traffic within the parking lot (implementing one-way direction of travel) the proposed development will work with established traffic flow surrounding the area and bring interest for pedestrian traffic accessing retail located on ground floor of the building.**

- 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: Unique location and shape of the subject lot provides an exciting opportunity to further enhance the look of Bensenville downtown area as well as being a point of reference when entering Bensenville from S York Road/W Green Street Intersection. The established architectural design language and paying attention to detail was already established in recent development of nearby property by the owner. This site will both complement existing as well as further develop the astatic appearance of the Bensenville Downtown Area.**

- 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 proposed site plan/development is consistent with the intent of the Comprehensive Plan and other land use policies of the Village. Owner of the property is an active member of the community whose business and existing property supports growth and the potential of the existing downtown area. The unique opportunity of the subject site, its adjacent proximity to a well-defined residential area and commercial zones of Bensenville Village center is (as shown in the SD7 supporting documentation) design to lots maximum potential. This is accomplished by connecting retail and residential uses, while respecting existing small town feel of the area.**

Mr. Arquette reviewed the Approval Standards for the proposed Variations 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:** As illustrated in the SD7 layout and supporting design documents proposed variations(s) will not endanger the health, safety, comfort, and general welfare of the public. Proposed development of the site will further enhance and support adjacent area of the site by providing a family oriented development, with designated outdoor patio area, ease of access to the site and provide room for new retail developments that will complement proposed/new and existing fabric of the neighborhood.

**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:** Requested variation(s) do not compromise the character of the adjacent and other properties in the area. Given the unique shape of the subject lot requested variation(s) are needed to help develop this site to its full potential, while working with the existing look and feel of the adjacent properties/businesses. While paying respect to the established appearance of the downtown area of Bensenville, proposed development further enhances the look, promotes growth and respects nature of the site by carefully coordinating retail and residential uses of the site.

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

**Applicant's Response:** The proposed variance(s) complement the existing site and neighboring properties, by limiting undue hardship by paying close attention to local character of the site. Being at the border between residential and commercial zoning districts of the area helped shape the proposed use of the site by combining ground floor retail and 1<sup>st</sup> floor residential uses within subject property. The proposed use/relationship will help further develop downtown area while respecting the quiet nature of adjacent residential street/neighborhood.

**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:** Subject site is of an irregular shape (wide on one end and narrow on the other) which provides a

**unique opportunity for development as well as a unique set of challenges that needed to be responded to within the design of the site. Site specific retail and residential use require a clearly defined circulation (both vehicle and pedestrian) need to establish site circulation and flow. Due to existing shape of the site, this was a challenge, and in order to fully maximize this site's potential, we ask for relocation of the parking area to the interior side of the lot. Due to accessibility, circulation and vehicular flow standards/Village requirements, proposed parking location is the only feasible location which complements and works with existing modes of traffic (side street and adjacent alley).**

**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:** Proposed site layout and location of the building minimizes deviation from the local zoning regulations, which as presented is necessary to make this site operate in an efficient and organized manner. Having the proposed building facing Green Street provides opportunity for retail use of the building, and locating parking behind the building further supports the residential use of the site. Given the irregular shape of the lot this is the most efficient development scenario, which respects both commercial and residential nature of the subject site.

**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 site plan/development is consistent with the intent of the Comprehensive Plan and other land use policies of the Village. Owner of the property is an active member of the community whose business and existing property supports growth and the potential of the existing downtown area. The unique opportunity of the subject site, its adjacent proximity to a well-defined residential area and commercial zones of Bensenville Village center is (as shown in the SD7 supporting documentation) designed to lots maximum potential. This is accomplished by connecting retail and residential uses, while respecting existing small town feel of the area.

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

1. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval.
2. Final Landscape plan to be approved by zoning administrator prior to permit approval.
3. Existing sidewalk extension within the ROW west of the north/south sidewalk on Center Street shall be removed and returned to greenspace.
4. Staff recommends that snow storage areas be adjusted during permitting to ensure that adequate area is provided throughout locations on the lot to ensure snow will not be moved into the alley adjacent to the east of the property.
5. The property be developed in general compliance, except as amended herein, with the plans submitted by Bartosz Rolski P.C., dated 04/20/2023, and all other Village Code Requirements;
6. Drive-in Door Commercial vehicle exit traffic must proceed south through the alley. Commercial vehicles exiting the drive-in door may not proceed north to Green Street;
7. Alley may not be blocked for a reasonable amount of time by vehicles accessing drive-in door.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Corner Side Setback at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Location at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Encroachment at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Location at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Street Trees at 145 S Center Street.

1. Two existing trees within the Center Street Right-of-Way shall be preserved and remain, and one additional street tree shall be planted within the Center Street Right-of-Way

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Canopy Coverage at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Perimeter Landscape at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Interior Landscape Islands at 145 S Center Street.

Mr. Arquette stated Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Buffer Yard Requirements at 145 S Center Street.

1. Applicant shall install 6' opaque fencing along length of the south property line west of the existing fence adjacent located on the south residential property.

Commissioner Wasowicz asked how enforcement of commercial vehicles would work. Mr. Arquette stated it would be enforced by Police.

Motion: Commissioner King made a motion to close CDC Case No. 2023-11. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-11 at 7:15 p.m.

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

ROLL CALL: Ayes: Rowe, Ciula, King, Rott, Wasowicz

Nays: Marcotte

Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Maximum Corner Side Setback, Municipal Code Section 10-6-17-1 with Staff's Recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Rott, Wasowicz

Nays: Marcotte

Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Parking Location, Municipal Code Section 10-6-17-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula

Nays: King, Marcotte, Rott, Wasowicz

Motion failed.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Parking Lot Encroachment, Municipal Code Section 10-8-1C-4 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula

Nays: King, Marcotte, Rott, Wasowicz

Motion failed.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Driveway Location, Municipal Code Section 10-8-8A with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Rott

Nays: Marcotte, Wasowicz

Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Street Trees, Municipal Code Section 10-9-4 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Tree Canopy Coverage, Municipal Code Section 10-5-5A with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Parking Lot Perimeter Landscape, Municipal Code Section 10-9-5B with Staff's Recommendations. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King

Nays: Marcotte, Rott, Wasowicz

Motion failed.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Parking Lot Interior Landscape Islands, Municipal Code Section 10-9-5C with Staff's Recommendations. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Rott, Wasowicz

Nays: Marcotte

Motion Carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Buffer Yard Requirements Municipal Code Section 10-9-6B with Staff's Recommendations. Commissioner Rott seconded the motion.

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

Nays: King

Motion Carried.

**Public Hearing:** CDC Case Number 2023-12

**Petitioner:** Revive Wellness Spa

**Location:** 22 N Addison Street

**Request:** Special Use Permit, Massage Therapy Establishment  
Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2023-12. Commissioner Marcotte seconded the motion.

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

Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Absent: Chambers

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-12 at 7:22 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Bensenville Independent on April 13, 2023. 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 one Notice of Public Hearing sign on the property, visible from the public way on April 14, 2023. Mr. Arquette stated on April 13, 2023 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, Revive Wellness Spa, is applying for a Special Use Permit to operate a Massage Therapy Establishment at 22 N Addison Street. Mr. Arquette stated the spa currently holds a business license for their spa services, of which massages are not included. Mr. Arquette stated the Petitioner is seeking approval of a Special Use Permit to allow the business to provide Massage Therapy practices including the following: Swedish Massage (full body with under garments), Thai Massage (full body with clothing), Reflexology (feet only with clothing), and Deep Tissue Massage (full body with under garments). Mr. Arquette stated the floor plans included in the submission materials designate one dedicated room at the rear of the unit for Massage Therapy.

Nancy Alonzo, business owner, was present and sworn in by Chairman Rowe. Ms. Alonzo stated the spa has been open for four months and customers keep asking about massages. Ms. Alonzo stated she opened the spa knowing massages were not allowed but since customers continue to ask, she thought she would apply for the special use.

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 Approval Standards for the proposed Special Use 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 for  
Massage Therapy will not endanger the health, safety,  
comfort, convenience and general welfare of the public.  
Reported benefits of Regular massage therapy help reduce  
stress, muscle tightness, increase relaxation, improve  
flexibility, range of motion and promote overall well-being.**

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 for Massage Therapy is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.**

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

**Applicant's Response: The proposed special use for Massage Therapy will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.**

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

**Applicant's Response: The proposed special use for Massage Therapy will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.**

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

**Applicant's Response: The proposed special use for Massage Therapy is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. Massage Therapy will not be presented as a treatment or cure for any illness or specific disease or with any guarantees to heal any disease.**

**We will follow qualifications to promote high standards of professional performance for those licensed to practice massage therapy in the State of Illinois, and to protect the public from unprofessional conduct by persons licensed to practice massage therapy.**

Mr. Arquette stated Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Special Use Permit, Massage Therapy Establishment at 22 N Addison.

Commissioner Rott asked if Staff had thought of allowing other massages such as foot or hand. Mr. Arquette stated Staff had no considered such as the request came in for specific full body massages.

**Motion:** Commissioner Rott made a motion to close CDC Case No. 2023-12. Commissioner Wasowicz seconded the motion.

**ROLL CALL:** Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-12 at 7:30 p.m.

**Motion:** Commissioner Rott made a motion to approve the Special Use Permit, Massage Therapy Establishment, Municipal Code Section 10-7-2-1. Commissioner Marcotte seconded the motion.

**ROLL CALL:** Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

<b>Public Hearing:</b>	CDC Case Number 2023-07
<b>Petitioner:</b>	Casey's Retail Company
<b>Location:</b>	1225 Devon Avenue & 1299 Spruce Avenue
<b>Request:</b>	Zoning Map Amendment, C-2: Commercial District to I-2: General Industrial District <i>Municipal Code Section 10 – 3 – 6</i>
	Site Plan Review <i>Municipal Code Section 10 – 3 – 2</i>
	Special Use Permit, Truck Stop <i>Municipal Code Section 10 – 7 – 2 – 1</i>
	Special Use Permit, Gas Station <i>Municipal Code Section 10 – 7 – 2 – 1</i>
	Variation, Minimum Rear Setback <i>Municipal Code Section 10 – 6 – 21 – 1</i>
	Variation, Gas Station Screening <i>Municipal Code Section 10 – 7 – 3L – 6</i>
	Variation, Minimum Off-Street Parking Requirements <i>Municipal Code Section 10 – 8 – 2 – 1</i>
	Variation, Wheel Stops, Bumper Stops, and Curbing <i>Municipal Code Section 10 – 8 – 6E</i>
	Variation, Pedestrian Circulation System Height <i>Municipal Code Section 10 – 8 – 7E – 3</i>
	Variation, Maximum Driveway Width <i>Municipal Code Section 10 – 8 – 8 – 1</i>
	Variation, Driveway Apron Width <i>Municipal Code Section 10 – 8 – 8F – 2</i>
	Variation, Street Tree Requirements <i>Municipal Code Section 10 – 9 – 4</i>
	Variation, Parking Lot Perimeter Landscape <i>Municipal Code Section 10 – 9 – 5B</i>
	Variation, Parking Lot Interior Landscape Island Spacing <i>Municipal Code Section 10 – 9 – 5C – 1</i>
	Variation, Non-Residential Illumination Standards <i>Municipal Code Section 10 – 9 – 8C – 1a</i>
	Variation, Wall Sign Quantity Requirements <i>Municipal Code Section 10 – 10 – 5B – 11b</i>
	Variation, Prohibited Signs: Pole Signs <i>Municipal Code Section 10 – 10 – 7A – 9</i>
<b>Motion:</b>	Commissioner Wasowicz made a motion to open CDC Case No. 2023-07. Commissioner Rott seconded the motion.
<b>ROLL CALL :</b>	Upon roll call the following Commissioners were present: Rowe, Ciula, King, Marcotte, Rott, Wasowicz Absent: Chambers A quorum was present.

Chairman Rowe opened CDC Case No. 2023-07 at 7:34 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Bensenville Independent on April 13, 2023. 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 April 14, 2023. Mr. Arquette stated on April 13, 2023 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, Casey's Retail Company, is seeking approval of a Zoning Map Amendment, Site Plan Review, Special Use Permits (Truck Stop & Gas Station), and Variations to replace the existing car wash with an updated convenience store and both gasoline and diesel fueling stations at 1225 Devon Avenue & 1299 Spruce Avenue. Mr. Arquette stated the request for a Zoning Map Amendment is to rezone the development site from the C-2: Commercial District to the I-2: General Industrial District. Mr. Arquette stated the proposed Truck Stop use is not permitted in the C-2 Commercial District zoning category and requires approval of a Special Use Permit in the I-2: General Industrial District. Mr. Arquette stated the applicant proposes to eliminate two existing curb cuts and utilize one existing while developing a new curb cut off of Devon Avenue. Mr. Arquette stated the property is proposed to be designed in accordance with Casey's branding and architectural models. Mr. Arquette stated the existing gas station canopy is proposed to remain, and the applicant will utilize the existing car wash lot to place a new diesel canopy.

Eric Tracy of Kimley Horn, on behalf of the petitioner was present and sworn in by Chairman Rowe. Mr. Tracy provided an overview of Casey's background and operation; proposed site and reasons for upgrades and requests; landscaping and lighting on site. Mr. Tracy stated there are no accommodations for truck parking on site like surrounding properties along Route 83. Mr. Tracy stated the proposed site meets Village Code requirements for stacking.

Commissioner Wasowicz asked if there was already a Casey's on Devon Avenue. Mr. Tracy stated that location is in Itasca.

**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 Approval Standards for the proposed Zoning Map Amendments consisting of:

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

**Applicant's Response:** The proposed amendment to rezone the subject property from C-2 Commercial District to I-2 General Industrial is to allow the petitioner to replace the existing outdated carwash building with a small 2 lane diesel canopy. The primary purpose for this diesel canopy is to allow Casey's empty fuel delivery trucks a place to refuel before returning to the Casey's parking facility 1/3 mile east on Brickvale Road. This amendment will not endanger the public health, safety, comfort, convenience, and general welfare of the public.

- 2) **Neighborhood Character:** The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.

**Applicant's Response:** The proposed amendment is compatible with the character and zoning of the adjacent properties which are primarily zoned industrial in both Bensenville and Elk Grove Village.

- 3) **Public Gain:** The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.

**Applicant's Response:** The proposed amendment provides a gain to the public by incentivizing the petitioner to remove an outdated carwash building and a 36-year-old convenience store and replacing them with a small 2 island diesel canopy and a modern state-of-the-art Casey's

**branded convenience store at a prominent gateway intersection.**

4) **Community Need:** The proposed amendment addresses the community need for a specific use.

**Applicant's Response: The proposed amendment addresses the community need for fueling accommodations for smaller trucks along the Devon Avenue corridor.**

5) **Amendment Objective:** The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

**Applicant's Response: The proposed amendment adds clarification for the special use as a truck stop in the I-2 General Industrial district.**

6) **Consistent with Title and Plan:** The proposed amendment 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 amendment is consistent with the intent of the Comprehensive Plan to “...continue to work towards creating a vibrant and sustainable business environment that enables it to become one of the region’s leading economies.”**

Mr. Arquette reviewed the Approval Standards for the proposed Site Plan Review 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 proposed site plan to replace the existing convenience store and car wash with an updated convenience store, retain the existing gasoline canopy, and add a small 2 lane diesel canopy is consistent with the existing character and zoning of adjacent properties.**

2. **Neighborhood Impact:** The site plan for the proposed development will not adversely impact adjacent properties and

other properties within the immediate vicinity of the proposed development.

**Applicant's Response: The site plan for the proposed development is similar to the existing use of the property and will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.**

3. **Public Facilities:** The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

**Applicant's Response: The proposed site plan will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.**

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

**Applicant's Response: The proposed site plan is designed to preserve the environmental resources of the zoning lot.**

5. **On-Site Pedestrian Circulation System:** The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

**Applicant's Response: The site plan will accommodate and improve on-site pedestrian circulation from parking areas, fueling stations, open space, and public rights-of-way. Pedestrian and vehicular circulation will be separated to the greatest extent possible.**

6. **Vehicle Ingress and Egress:** The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.

**Applicant's Response: The site plan will use three existing curb cuts while eliminating a fourth curb cut closest to the intersection to insure continued safe and efficient ingress**

**and egress of vehicles. No shared curb cuts are applicable or provided on this site.**

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 new retail convenience store incorporates architectural design which is complementary to the Village's local aesthetic.**

8. **Consistent with Title and Plan:** The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

**Applicant's Response: The site plan is consistent with the intent of the Comprehensive Plan to "...continue to work towards creating a vibrant and sustainable business environment that enables it to become one of the region's leading economies." The site plan will conform to applicable regulations of the district in which it is located except in such instances as the regulations may be modified by the Village Board.**

Mr. Arquette reviewed the Approval Standards for the proposed Special Uses 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 special use required to replace the existing car wash building with a 2-lane diesel canopy and to replace the existing 2,508 s.f. convenience store with a new 4,206 s.f. convenience store will not be detrimental to nor endanger the public health, safety, comfort, convenience, and general welfare of the public.**

2. **Neighborhood Character:** The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

**Applicant's Response: The proposed special use is compatible with the character of the adjacent properties and will not be injurious to the use and enjoyment of property in the immediate vicinity nor will it diminish or impair property values in the neighborhood.**

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 will not impede the normal and orderly development and improvement of the adjacent properties and other property within the immediate vicinity.**

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

**Applicant's Response: The proposed special use will not create disproportionate demand of any services, facilities, utilities, access road, or drainage and will not place undue burdens upon existing development in the area.**

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

**Applicant's Response: The proposed special use is consistent with the intent of the Comprehensive Plan to "...continue to work towards creating a vibrant and sustainable business environment that enables it to become one of the region's leading economies." This special use will conform to applicable regulations of the district in which it is located except in such instances as the regulations may be modified by the Village Board.**

Mr. Arquette reviewed the Approval Standards for the proposed Variations 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 to reduce the rear yard setback will not endanger the health, safety, comfort convenience, and general welfare of the public. The variance is requested based on the existing site constraints and providing customer parking in the front (east side) of the proposed building. Maintaining this placement of the structure will better serve the public by providing as much space as possible in the front of the store for vehicle maneuvering and pedestrian access. The proposed site layout shifts existing parking spaces from the south property line to the front of the building, allowing for open detention space along the south property line to improve stormwater management in the area.

The proposed variation to reduce the required number of interior landscape islands will not endanger the health, safety, comfort convenience, and general welfare of the public.

Omitting the one landscape island at the north end of the stall array in front of the store facilitates snow removal on a 24 hour motorist oriented facility which is open during all weather including blizzards. The proposed location of the landscape island at the south end of the parking area provides separation from the proposed trash enclosure providing additional safety for cars and pedestrians when trucks are accessing the trash enclosure.

The proposed variation from the prohibition of pole signs will not endanger the health, safety, comfort convenience, and general welfare of the public. The petitioner will remove one of the three pole signs currently on the property and merely replace the sign faces within the existing frames on the two remaining pole signs.

The proposed variation from the parking lot perimeter landscape screening requirement will not endanger the health, safety, comfort convenience, and general welfare of the public. There are no residential districts adjacent to the property that will be adversely affected by the lack of screening.

**The proposed variation from the required one wall sign per street frontage will not endanger the health, safety, comfort, convenience, or general welfare of the public. The proposed wall signs do not add any obstructions to the public, and better serve the public convenience by displaying convenience store offerings.**

**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 to allow a 12.2 ft. rear setback rather than the required 20 ft. rear setback of the subject property will not negatively impact the adjacent industrial use and is compatible with the character of adjacent properties. If not for the requirement that the property be rezoned from C-2 to I-2 because of the addition of the small diesel canopy, the property would remain zoned C-2 which requires a 0 ft. rear setback. (Table 10-6-18-1)

The proposed variation is compatible with the character of adjacent properties, adding landscaping where feasible along property lines and parking areas. It is the same landscape island layout as approved by the Village for Pilot at 1050 Busse Rd.

The proposed variation is compatible with the character of adjacent properties and is similar to nearby quick-service restaurants.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed site.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed site. Similar truck stop and convenience stores in the area display multiple wall signs to serve customers.

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

**Applicant's Response:** Failure to grant the 8' variation to the required 20 ft. rear setback will make it impracticable for

**Casey's to replace the existing 36-year-old building with a new convenience store.**

**The proposed variation alleviates undue hardship by allowing for one additional parking space, while providing separation and protection from the proposed trash enclosure.**

**Literal enforcement of the requirement that all existing pole signs be removed will create an undue hardship of such magnitude that the entire project will not move ahead. Motor fuel purchases are extremely price sensitive and the existing pole signs provide visibility when large trucks are stopped at the traffic signals.**

**The proposed variation alleviates an undue hardship of removing or relocating existing utilities in the Devon Avenue right-of-way to make room for perimeter trees to be planted.**

**The proposed variation alleviates an undue hardship of altering standard design/layout of the proposed convenience store and provides better marketing of products available in the store.**

**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 existing location of the fuel canopy in front of the store. This existing location was not created by the applicant.

**The proposed variation is necessary due to the limited space available for customer parking. The applicant has not deliberately created these physical attributes of the subject property.**

**The proposed variation is necessary to provide the best possible visibility to passing potential customers despite the large number of large trucks stopped at the intersection which would block visibility of the price. The existing layout of the site was not created by the applicant, but provides little room for monument signs on the property.**

**The proposed variation is necessary due to the existing utility infrastructure, both above and below ground directly adjacent**

**to the site. The applicant has not created this existing utility infrastructure.**

**The proposed variation is necessary due to the store being on an existing corner lot, with limited space for additional product marketing signs. The additional wall signs meet the needs of the applicant while not obstructing any public use of the site.**

**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 rear setback variation is the minimum necessary to accomplish the desired improvement of the subject property.

**The proposed variation represents the minimum deviation from the regulations by still providing one landscape island in the proposed parking area and maximizing the number of parking spaces available with existing site constraints.**

**The proposed variation represents the minimum deviation from the regulations. No additional height is being proposed to the two existing pole signs which would remain.**

**The proposed variation represents the minimum deviation from the regulations, with trees and other plantings proposed where feasible along Busse Road.**

**The proposed variation represents the minimum deviation from the regulations, with two signs proposed on the building front (east side), and no signs proposed on the sides of the building.**

**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 to "Create incentives to encourage rehabilitation of older properties/sites." This variation will improve the existing site in both aesthetics and customer experience without adversely impacting the surrounding properties.

**The proposed variation is consistent with the intent of the Comprehensive Plan to “Create incentives to encourage rehabilitation of older properties/sites.” This variation will allow the rehabilitation of an older property, providing additional landscaping and site aesthetics.**

**The proposed variance is consistent with the intent of the Comprehensive Plan to “Create incentives to encourage rehabilitation of older properties/sites.” This variation will allow the rehabilitation and updating of an older property while maintaining as much existing infrastructure as possible which makes the project more feasible.**

**The proposed variance is consistent with the intent of the Comprehensive Plan to “Create incentives to encourage rehabilitation of older properties/sites.” This variation will allow the rehabilitation and updating of an older property and provide additional landscaping along Busse, further improving the aesthetics of the site.**

**The proposed variance is consistent with the intent of the Comprehensive Plan to “Create incentives to encourage rehabilitation of older properties/sites.” This variation will allow the rehabilitation and updating of an older property and provide aesthetically pleasing building façade and signage.**

Mr. Arquette stated:

1. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Zoning Map Amendment at 1225 Devon Avenue and 1299 Spruce Avenue.
2. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Site Plan Review for 1225 Devon Avenue and 1299 Spruce Avenue (Gas Station expansion) with the following conditions:
  - a. Site Plan Review be approved in general accordance the plans submitted by Kimley Horn dated 01.19.23, the variations approved herein, and all applicable Village Code Requirements.
  - b. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval.
  - c. Gas Station Canopy pump columns shall be decorated with masonry to match the design of the proposed convenience store.
  - d. Final Landscape plan to be approved by the Zoning Administrator prior to permit approval.

- e. In accordance with DCSFPO stormwater detention is required for this proposed development. A stormwater report will need to document the comparison of impervious are since February 15, 1992 to the proposed conditions.
- f. In accordance with DCSFPO, PCBMPs will be required for this proposed development.
- g. National Pollutant Discharge Elimination System (NPDES) permit is required for discharge of storm water.
- h. Submit a Notice of Intent (NOI) in accordance with IEPA General Permit requirements at least 30 days before the start of construction.
- i. A Stormwater Management Easement over the proposed detention/BMP pond and restrictor structure will be required.
- j. Applicant shall install a 10' multi-use path to replace the existing sidewalk in the ROW adjacent to the property along Route 83. Multi-use path to match existing configuration of multi-use path south of property along Route 83 and to be approved by public works during permitting. In the event it is not feasible for the developer to install the path, a fee in lieu as determined by Village of Bensenville Public Works Department will be assessed to the applicant for the value of the completion of the work.
- k. All pole three existing pole signs shall be removed from the property.

3. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Special Use Permit, Truck Stop at 1225 Devon Avenue and 1299 Spruce Avenue.

4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Gas Station at 1225 Devon Avenue and 1299 Spruce Avenue with the following conditions:

- a. The Special Use Permit be granted solely to Casey's Retail Company 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

5. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Minimum Rear Setback at 1225 Devon Avenue and 1299 Spruce Avenue.
6. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Gas Station Screening at 1225 Devon Avenue and 1299 Spruce Avenue.
7. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Minimum Off-Street Parking Requirements at 1225 Devon Avenue and 1299 Spruce Avenue.
8. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Wheel Stops, Bumper Stops, and Curbing at 1225 Devon Avenue and 1299 Spruce Avenue with the following conditions:
  - a. Applicant shall install bollards to ensure coverage from encroachment of vehicles onto the walkway adjacent to the principal structure.
9. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation System Height at 1225 Devon Avenue and 1299 Spruce Avenue.
10. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Maximum Driveway Width at 1225 Devon Avenue and 1299 Spruce Avenue.
11. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Driveway Apron Width at 1225 Devon Avenue and 1299 Spruce Avenue.
12. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Street Tree Requirements at 1225 Devon Avenue and 1299 Spruce Avenue.
13. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Perimeter Landscape at 1225 Devon Avenue and 1299 Spruce.
14. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Interior Landscape Island Spacing at 1225 Devon Avenue and 1299 Spruce.
15. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Non-Residential Illumination Standards at 1225 Devon Avenue and 1299 Spruce.

16. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Wall Sign Quantity Requirements at 1225 Devon Avenue and 1299 Spruce.
  - a. Applicant shall only install signage of the quantity and size as shown in the plans for the additional wall signs along the east building façade.
17. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Prohibited Signs: Pole Signs at 1225 Devon Avenue and 1299 Spruce.

Mr. Tracy requested that Staff's recommendation of *Gas Station Canopy pump columns shall be decorated with masonry to match the design of the proposed convenience store* be removed. Mr. Arquette stated Staff recommends the condition remain.

There were no questions from the Commissioners.

Motion: Commissioner King made a motion to close CDC Case No. 2023-07. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-07 at 7:57 p.m.

Motion: Commissioner Marcotte made a motion to approve the Zoning Map Amendment, C-2: Commercial District to I-2, general Industrial District, Municipal Code Section 10-3-6. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

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

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Special Use Permit, Truck Stop, Municipal Code Section 10-7-2-1. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

Motion: Commissioner Wasowicz made a motion to approve the Special Use Permit, Gas Station, Municipal Code Section 10-7-2-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a motion to approve the Variation, Minimum Rear Setback, Municipal Code Section 10-6-21-1. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

Motion: Commissioner Marcotte made a motion to approve the Variation, Gas Station Screening, Municipal Code Section 10-7-3L-6 with Staff's Recommendations.. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Minimum Off-Street Parking Requirements, Municipal Code Section 10-8-2-1. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

Motion: Commissioner Rott made a motion to approve the Variation, Wheel Stops, Bumper Stops, and Curbing, Municipal Code Section 10-8-6E with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Pedestrian Circulation System Height, Municipal Code Section 10-8-7E-3 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Maximum Driveway Width, Municipal Code Section 10-8-8-1. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

Motion: Commissioner Rott made a motion to approve the Variation, Driveway Apron Width, Municipal Code Section 10-8-8F-2. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Street Tree Requirements, Municipal Code Section 10-9-4 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Parking Lot Perimeter Landscape, Municipal Code Section 10-9-5B with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a motion to approve the Variation, Parking Lot Interior Landscape Island Spacing, Municipal Code Section 10-9-5C-1 with Staff's Recommendations. Commissioner Rott seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Non-Residential Illumination Standards, Municipal Code Section 10-9-8V-1a with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Wall Sign Quantity Requirements, Municipal Code Section 10-10-5B-11b with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Prohibited Signs: Pole Signs, Municipal Code Section 10-10-7A-9. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: None

Nays: Rowe, Ciula, King, Marcotte, Rott, Wasowicz

All were in favor. Motion failed.

**Report from  
Community  
Development:**

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

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

All were in favor. Motion carried.

The meeting was adjourned at 8:09 p.m.



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Ronald Rowe, Chairman  
Community Development Commission