

Community Development Commission Meeting Minutes

June 6, 2023

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

June 6, 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, Chambers, King, Marcotte, Rott
Absent: Wasowicz
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 May 2, 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: Paul DeMichele – 17W275 Rodeck Lane, Bensenville, Illinois
Mr. DeMichele requested that Staff Reports include the names of Staff members making recommendations.

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 Rott made a motion to open CDC Case No. 2023-12. Commissioner Chambers seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-12 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, 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.

Mr. Arquette stated the petitioner has filed an appeal and supplied additional information regarding the Special Use Permit. Mr. Arquette stated Staff recommended that the case be remanded to the CDC for further review and discussion at the May 23, 2023 Village Board of Trustees Meeting. Mr. Arquette stated the case was remanded back to the June 6, 2023 CDC Meeting, and Staff has updated the staff report accordingly.

Nancy Alonso, Business Owner on was present and sworn in by Chairman Rowe. Ms. Alonso stated she fully agrees with Staff's recommendations and conditions and thanked everyone for hearing her appeal.

Chairman Rowe asked what the hours of operation would be.

Ms. Alonso stated the hours of operation are:

- Sunday: appointments only.
- Monday: appointments only.
- Tuesday: 10:00am – 2:00pm
- Wednesday: 10:00am – 2:00pm
- Thursday: 10:00am – 2:00pm
- Friday: 10:00am – 6:00pm
- Saturday: 10:00am – 2:00pm

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:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Massage Therapy Establishment at 22 N Addison with the following conditions:
 - a. The Special Use Permit be granted solely to Revive Wellness Spa and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of a re-occupancy of this property, the new occupants shall appear before a Public Meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new occupant without amendment to the Special Use Permit, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permit, the new occupant shall be required to petition for a new Public Hearing before the CDC for a new Special Use Permit;
 - b. A copy of the ordinance shall be kept on the property at all times;
 - c. The window and door area of the frontage of the business that faces the public sidewalk/street shall not reduce, nor shall changes be made to such windows or doors that block views into the building at eye level;
 - d. The subject property shall not be open for business or in operation between the hours of 9:00 PM and 7:00 AM;
 - e. Every Massage Therapist must have a current license issued by the Illinois Department of Financial and Professional Regulation as required by the Massage Licensing Act, 225 IL CS 57;
 - f. Massage Establishment shall be required to maintain a copy of the Massage Therapist license

and a copy of a State issued photo ID for all employed Massage Therapists;

- g. Applicant shall be required to provide copies of the Massage Therapist license and a State issued photo ID for all employees or prospective employees prior to issuance of business license and all business license renewals;
- h. The applicant shall be responsible to provide a criminal history check on all employees, whether reportedly doing massages or not, prior to employment and when the business is reviewed annually. Any criminal histories shall be submitted with business license applications and when new employees are hired.

There were no questions from the Commission.

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

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-12 at 6:41 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-13

Petitioner: BXT, Inc.

Location: 621 N IL Route 83

Request: Variation, Off-Street Parking Dimensions

Municipal Code Section 10 – 8 – 6 – 1

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2023-13. Commissioner Rott seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-13 at 6:42 p.m.

Village Planner, Nick Arquette, was present and sworn in by Chairman Rowe. Mr. Arquette stated a Legal Notice was published in the Bensenville Independent on May 18, 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 May 19, 2023. Mr. Arquette stated on May 19, 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, BXT, Inc., is seeking approval of a variation to provide parking spaces for bobtails without trailers. Mr. Arquette stated the existing spaces are striped for passenger vehicles, and the petitioner is requesting to restripe the spaces to 12' wide and 25' deep to allow for adequate space to park the larger vehicles. Mr. Arquette stated the petitioner is requesting the variation for a deviation from the standard off-street parking dimensions of 9' wide and 18' deep. Mr. Arquette stated there will be a total of 22 spaces striped for bobtail parking within the north lot at the property. Mr. Arquette stated the petitioner was granted approval of a special use permit in September of 2022 to perform truck repair and maintenance on the logistics company's fleet of vehicles.

Zarko Parutev, employee of the business, was present and sworn in by Chairman Rowe. Mr. Parutev stated the reason for the variance was to assist in keeping the property organized. Mr. Parutev stated only bobtails would be parked in the proposed spots.

Commissioner Rott asked how many spots would be left for vehicle parking on site. Mr. Arquette stated there would be sixty spots for vehicles.

Public Comment

Mark Baumhart – 611 N. Illinois Route 83, Bensenville, IL

Mr. Baumhart was present and sworn in by Chairman Rowe. Mr. Baumhart stated the property owner that he represents is opposed to the proposed variance. Mr. Baumhart stated the properties have an easement agreement and that Staff has failed to take the agreement into consideration. Mr. Baumhart asked for the proposed variance to be denied.

Mr. Arquette stated the Village has no jurisdiction over private easements and asked Mr. Baumhart to work with the property owners to resolve their concerns.

Mike Lin – 631 N. Illinois Route 83, Bensenville, Illinois

Mr. Lin was not present at the meeting. He requested Staff provide the Commission with his objection to the proposed variance.

Commissioner Rott asked how many bobtails are currently on site. Mr. Parutev stated 10-15.

Commissioner King asked if the easements are ever used. Mr. Parutev stated employees never use them however, he would have no control over other drivers accessing the property.

Mr. Arquette reviewed the Approval Standards for the proposed variance 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 is for restriping the existing car parking spaces in north parking lot to accommodate 22 bobtail parking. The balance of car parking shall equal 60 spaces, which is still well within the Village requirements for car parking. The proposed variation to restripe 22 bobtail parking stalls does not endanger the health, safety, comfort, convenience, and general welfare of the public.

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

Applicant's Response: The proposed variation is compatible with the character of adjacent properties and other properties in the immediate vicinity. The adjacent occupied property each have a use associated with bobtails/trailers.

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

Applicant's Response: The fleet is made up of two components; one being bobtail/trailers (72' long) and the other is single bobtails (19' long). The bobtail/trailers are designated to park only in the south lot of the property as approved by Village. However the single bobtail parking needed for BXT operations does not have its own dedicated parking and is creating a hardship by disturbing the car parking and south side parking lot, which is dedicated only for bobtail/trailers. Relocating and restriping the north side to accommodate the single bobtail parking would keep all vehicles parking in a designated orderly fashion and allow ample maneuverability and proper designated parking on the property.

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

Applicant's Response: The proposed variation is necessary due to the unique physical attributes of the existing parking lot needing to be restriped to accommodate single bobtail parking. The village ordinance does not have a provision for off-street parking dimensions for bobtails and therefore must be created on site, such as we are proposing.

5. Minimum Deviation Needed: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represents the minimum deviation from the current use by restriping the existing north parking lot from the existing 9' x 18' car parking stalls to 12' x 25' single bobtail parking stalls.

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 variation is consistent with the intent of the comprehensive plan, this title and other land use policies village.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Off-Street Parking Dimensions at 621 N IL Route 83 with the following conditions:
 - a. Bobtail parking shall be limited to the 22 Bobtail parking spaces located on the north side of the building. No bobtails may be parked within standard vehicle parking spaces along the west parking row and along the west side of the primary structure.
 - b. Outdoor storage on the site located south of the existing building must be the sole location for storage of fleet trailers. Dedicated standard automobile parking spaces shall not be used for bobtails or trailers.

Motion: Commissioner King made a motion to close CDC Case No. 2023-13. Commissioner Rott seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-13 at 7:00 p.m.

Motion: Commissioner King made a motion to approve the Variation, Off-Street Parking Dimensions, Municipal Code Section 10-8-6-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-14

Petitioner: Consuelo Cabral

Location: 143 Daniel Drive

Request: Variation, Fence in the Corner Side Yard

Municipal Code Section 10 – 7 – 4C – 7a

Motion: Commissioner Rott made a motion to open CDC Case No. 2023-14. Commissioner Chambers seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-14 at 7:01 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 May 18, 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 May 19, 2023. Mr. Arquette stated on May 19, 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 is seeking approval of a variation to construct a fence in the corner side yard of their property. Mr. Arquette stated the proposed fence is 4' high black ornamental fencing that will replace a portion of the existing fence and extend the fence line further into the corner side yard. Mr. Arquette stated the existing opaque wood fence located 6' into the corner side yard and along the south lot line will be removed, and the new ornamental fence will extend out 18' further into the corner side yard than the existing fence. Mr. Arquette stated the proposed fence location does not impact the south adjacent property driveway sight vision triangle.

Consuelo Cabral, property owner, was present and sworn in by Chairman Rowe. Ms. Cabral stated the current fence was damaged by a storm and she feels this is the appropriate time to replace the fence and improve her property. Ms. Cabral stated she has the support of her neighbors to install the proposed fence.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to address the Commission regarding this matter. There were none.

Mr. Arquette reviewed the Approval Standards for the proposed variance 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: I affirm that the proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

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

Applicant's Response: I affirm that the proposed variation is compatible with the adjacent properties and other property within the immediate vicinity of the proposed variation. In addition the proposed variation contributes to the aesthetics of the immediate vicinity.

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

Applicant's Response: I affirm that while the proposed variation will not alleviate any hardship by the literal enforcement of this title, it will not create any hardship either.

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

Applicant's Response: The proposed variation is necessary, due to the unique physical attributes of the subject property, which were not created deliberately, create by the applicant.

5. **Minimum Deviation Needed:** The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represents a minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject 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: The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and other land use policies of the village of Bensenville.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Fence in the Corner Side Yard at 143 Daniel Drive with the following conditions:
 - a. Fence shall be setback 6' from the east (Dolores Drive) property line, as shown in plans;

b. Fence shall be 4' high black ornamental fencing, as proposed by the applicant.

Motion: Commissioner King made a motion to close CDC Case No. 2023-14. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-14 at 7:07 p.m.

Motion: Commissioner Marcotte made a motion to approve the Variation, Fence in the Corner Side Yard, Municipal Code Section 10-7-4C-7a with Staff's Recommendations. Commissioner Rott seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-15

Petitioner: Gullo International Development Corp.

Location: 600-700 Devon Avenue

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Variation, Minimum Interior Side Setback

Municipal Code Section 10 – 6 – 21 – 1

Variation, Outdoor Storage Area Location

Municipal Code Section 10 – 7 – 3X – 1

Variation, Outdoor Storage Area Height

Municipal Code Section 10 – 7 – 3X – 2

Variation, Outdoor Storage Area Screening Requirements

Municipal Code Section 10 – 7 – 3X – 4

Variation, Maximum Off-Street Parking Requirements

Municipal Code Section 10 – 8 – 2B – 6

Variation, Off-Street Parking Dimensions

Municipal Code Section 10 – 8 – 6 – 1

Variation, Driveway Quantity

Municipal Code Section 10 – 8 – 8B

Variation, Maximum Driveway Width

Municipal Code Section 10 – 8 – 8C

Variation, Driveway Apron Width

Municipal Code Section 10 – 8 – 8F – 2

Variation, Tree Preservation Replacement Rate

Municipal Code Section 10 – 9 – 2B – 1a

Motion: Commissioner Rott made a motion to open CDC Case No. 2023-15. Commissioner Marcotte seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-15 at 7:10 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 May 18, 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 May 19, 2023. Mr. Arquette stated on May 19, 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, Gullo International Development Corp., is requesting Site Plan Review and Variations for a proposed site development which includes a 44,600 SF Industrial building with 3,235 SF of office space. Mr. Arquette stated along with the warehouse use, the petitioner proposes outdoor storage for Bobtail and Semi-Truck Trailer parking associated with the building use. Mr. Arquette stated the total outdoor storage area is estimated to be approximately 18% of the total lot area. Mr. Arquette stated the proposed site includes 43 vehicle parking spaces, located along the west and north frontages of the building on the property. Mr. Arquette stated proposed plans indicate that the petitioner will comply with Village Landscaping requirements, and does not request landscaping variations.

Mr. Arquette stated vehicle traffic is proposed to enter and exit at the west driveway abutting Devon Avenue and the driveway abutting N Ellis Street. Mr. Arquette stated truck traffic is expected to utilize the east driveway abutting Devon Avenue and the south driveway leading to an ingress/egress easement that outlets to N Ellis Street.

Marshal Subach, Attorney, was present and sworn in by Chairman Rowe. Mr. Subach provided an overview of the proposed site. Mr. Subach stated his client is opposing Staff's recommendation of denial for the proposed variation of outdoor storage area location. Mr. Subach stated this variance is crucial to their development. Mr. Subach stated his client has no other objections to Staff's recommendations and asked the Commission to reconsider the matter.

Commissioner Chambers asked if there would be an easement with the gas station. Mr. Subach stated the current lease prohibits an easement at this time.

Commissioner Rott asked if the proposed landscape plan was final. Mr. Subach stated it was a draft and final landscaping would be addressed during permitting and approved by Staff.

Commissioner King asked if stormwater management was addressed. Mr. Subach stated proper permits will be pulled with DuPage County Stormwater Management.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to address the Commission regarding this matter. There were none.

Mr. Arquette reviewed the Approval Standards for the proposed site plan consisting of:

- 1) **Surrounding Character:** The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

Applicant's Response: The site plan for the proposed development has been designed to ensure consistency with the existing character and zoning of adjacent properties and other properties within the immediate vicinity.

- 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 has been designed to avoid adverse impacts on adjacent properties and other properties within the immediate vicinity. With the building orientation, landscaping, traffic management, and adherence to regulations, the site plan aims to create a development that harmoniously integrates with its surroundings and maintains a positive relationship with neighboring properties.

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

Applicant's Response: The proposed development will provide the necessary infrastructure and facilities for the project's functionality and the needs of its occupants. Provisions for the utilities, access roads, loading areas, drainage systems, stormwater flow paths, exterior lighting, and other essential facilities have been taken into consideration in the design of this site plan.

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

Applicant's Response: The site plan for the proposed development has been designed to preserve the existing environmental resources within the lot. The existing resources that are being removed for the proposed development will be replaced on site per village regulations.

- 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 for the proposed development has been designed to accommodate on-site pedestrian circulation as required by village regulations.

- 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 for the proposed development incorporates safe and efficient ingress and egress of vehicles with the planned curb cuts. The placement of curb cuts is carefully considered to facilitate smooth traffic flow.

- 7) **Architectural Design:** The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

Applicant's Response: The site plan for the proposed development places an emphasis on architectural design that contributes positively to the aesthetic appearance of the village.

- 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 for the proposed development aligns with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village. The review of the relevant planning documents and policies have been conducted to ensure that the proposed development adheres to the established vision and goals for the Village's growth and development.

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 variations to the site will not endanger the health, safety, comfort, convenience, and general welfare of the public.

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

Applicant's Response: The proposed variations are compatible with the character of adjacent properties and other properties in the immediate vicinity. The adjacent occupied properties each have a similar use associated with them.

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

Applicant's Response: The site plan has been designed to maintain proper maneuverability and parking of trucks and trailers on site. However, this requires them to fall within 20' of the east and south lot lines and exceed 8' in height. A proposed variation is being requested for the trucks and trailers being stored in an outdoor storage area.

A proposed variation is being requested for the additional car parking to the site. The property is being developed on spec which would allow it to be marketed to a larger number of possible clients and users. Examples: manufacturing, a need for a showroom, and or additional office space.

A proposed variation is being requested to revise the Off-Street Parking Dimensions for 90-degree spaces from 9' x 18' to 12' x 25' for the proposed bobtail parking located southeast corner of the site.

A proposed variation is being requested for the south driveway with a proposed width of forty feet (40') leading to the existing ingress and egress easements along the neighboring properties to the south. The south driveway shall be gated to limit access to the site from the neighboring properties.

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

Applicant's Response: The proposed variation is necessary due to the unique physical attributes of the existing site with the truck and trailer parking located in the outdoor storage area. The additional car parking to meet the needs of larger companies as possible users of the site. The parking lot needs to be restriped to accommodate single Bobtail parking. The south driveway to access the existing ingress and egress easements along the neighboring properties.

5. Minimum Deviation Needed: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The proposed variation represents minimum deviation from the regulation.

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 variation is consistent with the intent of the comprehensive plan, this title and other land use policies village.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Site Plan Review at 600-700 Devon with the following conditions:
 - a. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval;
 - b. Final Landscape plan to be approved by zoning administrator prior to permit approval;
 - c. The property be developed in general compliance, except as amended and requested herein, with the plans submitted by Gullo International Development Corporation dated 05/30/2023, and all other Village Code Requirements;
 - d. A plat of consolidation including necessary Stormwater Management Easement areas shall be required;
 - e. Applicant shall notify adjacent property owners of expected use of south access easement and Petitioner must develop a shared maintenance agreement for the access easement with the adjacent property owners.

Maintenance agreement shall be agreed upon by all parties and submitted to the Village of Bensenville prior to permit approval;

- f. Applicant should consider changing the pavement markings of the painted Devon Avenue median to show a bi-directional left turn lane;
- g. Applicant shall provide AutoTurn for site circulation and ingress/egress at all driveways in addition to the provided turning templates showing the AASHTO design vehicle that will be utilizing the site (WB-65, WB-55, etc.);
- h. A 5' sidewalk within the Devon Avenue and Ellis Street rights-of-way must be provided during development. ADA accommodations shall be included at the corner of Devon and Ellis for pedestrian traffic west across Ellis Street;
- i. Excess dirt and debris leftover after construction of the development of the site shall be removed and located outside of the corporate limits of the Village of Bensenville. No excess dirt or debris shall be stored on site or within the Village of Bensenville;

2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Minimum Interior Side Setback with the following conditions:
 - a. If the 15' Public Utility Easement Per Doc R89-113563 remains, as shown in plans along the south property line adjacent to the proposed building, the building shall be adjusted during permitting to be completely outside of the 15' public utility easement.
3. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Variation for Outdoor Storage Area Location.
4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Outdoor Storage Area Height.
5. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Outdoor Storage Area Screening Requirements with the following conditions:
 - a. Applicant shall include increased landscaping within the area adjacent north of the outdoor storage area within the corner side yard to be approved by the

Zoning Administrator in accordance with Final Landscape Plans.

6. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Off-Street Parking Requirements.
7. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Off-Street Parking Dimensions.
8. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Quantity.
9. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Driveway Width.
10. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Apron Width with the following conditions:
 - a. The apron widths for the northwest automobile entrances shall adhere to Village Code Requirements.
11. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Rate with the following conditions:
 - a. Applicant shall attempt to preserve as many existing trees as possible. If the Tree Preservation Replacement Rate cannot be fully met, then the applicant shall coordinate with staff to determine an appropriate fee-in-lieu for the remaining required tree replacement, to be approved by the Zoning Administrator.

Motion: Commissioner King made a motion to close CDC Case No. 2023-15. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-15 at 7:39 p.m.

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Motion: Commissioner Rott 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, Chambers, King, Marcotte, Rott

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Minimum Interior Side Setback, Municipal Code Section 10-6-21-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Outdoor Storage Area Location, Municipal Code Section 10-7-3X-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rott

Nays: Rowe, Ciula, Chambers, King, Marcotte

Motion failed.

Motion: Commissioner Rott made a motion to approve 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, Ciula, Chambers, King, Marcotte, Rott

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Outdoor Storage Area Screening Requirements, Municipal Code Section 10-7-3X-4 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Maximum Off-Street Parking Requirements, Municipal Code Section 10-8-2B-6 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Maximum Off-Street Parking Dimensions, Municipal Code Section 10-8-6-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Maximum Driveway Width, Municipal Code Section 10-8-8C with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Variation, Tree Preservation Replacement Rate, Municipal Code Section 10-9-2B-1a with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-16

Petitioner: A1 Outlet Store, Inc.

Location: 237-239 James Street

Request: Special Use Permit, Retail Goods Establishment

Municipal Code Section 10 – 7 – 2 – 1

Special Use Permit, Warehousing, storage, or distribution facility

Municipal Code Section 10 – 7 – 2 – 1

Motion: Commissioner Rott made a motion to open CDC Case No. 2023-16. Commissioner Marcotte seconded the motion.

ROLL CALL :

Upon roll call the following Commissioners were present:

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-16 at 7:45 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 May 18, 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 May 19, 2023. Mr. Arquette stated on May 19, 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, A1 Outlet Store, Inc., is requesting Special Use Permits to expand their existing business to the 237-239 James Street property for a retail goods establishment & warehousing use. Mr. Arquette stated the proposed retail establishment would include approximately 1,000 square feet of room for a showroom to display the petitioner's products to prospective customers. Mr. Arquette stated the remaining portion of the property would be utilized for storage for household appliances awaiting shipment to customers. Mr. Arquette stated there are no specific use requirements within the Village Zoning Code related to Retail goods establishment or Warehousing uses. Mr. Arquette stated the proposed uses require 3 parking spaces for the retail establishment and 1 additional parking space for the warehousing use. Mr. Arquette stated the existing units are served by two adjacent loading docks fronting James Street. Mr. Arquette stated the parking lot is located within the interior side yard north of the building, and there are additional drive-in-doors located within the parking lot. Mr. Arquette stated the petitioner notes that it is anticipated based on current business that no more than a few customers will visit the showroom per day. Mr. Arquette stated a large portion of the business consists of the wholesale distribution of major brands of home appliances to other businesses.

Mr. Arquette stated the business possesses one delivery truck, and deliveries are made primarily Wednesday through Friday. Mr. Arquette stated the petitioner also notes that they employ two employees/owners.

Sebastian Poplawski, business owner, was present and sworn in by Chairman Rowe. Mr. Poplawski stated the business is focused on wholesale distribution of major brands of home appliances and the reason for the requests is to allow for them to display their products for customers.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to address the Commission regarding this matter. There were none.

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 proposed special use will not endanger the safety comfort convenience and general welfare of the public. There will be no changes to the exterior of the Property, no significant increased traffic, and no hazardous materials used and/or stored at the Property. All local and State safety rules and regulations will be observed at all time.

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

Applicant's Response: The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use. The tenant to the west of the applicant stores and distributes home medical supplies

on a wholesale basis. This is a warehouse, and distribution operation very similar to the Applicant's in that the Applicant stores product and distributes same to its customers. There is a flooring and terrazzo company that is a tenant at the property that also stores flooring and concrete for distribution to its customers across from the Property is another business that distributes car parts and has a will call component allowing customers to come to the facility and pick up product. The Applicant's use conforms to the uses of the existing business in the area. It warehouses home appliances, and distributes its products to appliance business, contractors, construction companies, remodeling companies and building management companies. It also provides a showroom so that customers from time to time may view its latest products.

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

Applicant's Response: The special use is self-contained and will not impede the normal and orderly development and improvement of adjacent property and other property within the immediate vicinity of the proposed special use. There is minimal customer traffic which should have little to no impact on adjacent properties. Applicant, in general, schedules deliveries (Wednesday through Friday) to further minimize any type of overburdening or disruption to adjoining 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: The proposed use does not require any additional utilities, access roads, drainage and or other facilities or services that are what is currently available at the site. There will be no demand for new services or facilities. In addition, all inventory i.e. appliances and products are stored on the floor and not on any racking system.

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 conforms to the Comprehensive Plan which is to encourage development and support of the Bensenville community as well as promote new opportunities in the face of changing community trends. In accordance with the Comprehensive Plan the Village of Bensenville is committed to supporting local commercial districts which contain retail, office and service oriented commercial uses. While the Property is zoned I-1 the overarching goal of the Comprehensive Plan is to serve the Bensenville community. To that end, the Applicant provides major name brand household appliances to online purchasers at prices generally reserved to wholesale commercial customers. The Bensenville community has and will continue to benefit from this aspect of Applicant's business. In addition, this location will generate sales tax from the activities at the showroom.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Special Use Permit, Retail Goods Establishment at 237-239 James Street with the following conditions:
 - a. The Special Use Permit be granted solely to A1 Outlet Store, 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;

b. Retail customers shall be notified that parking is available within designated parking spaces at the rear of the building or on approved street parking locations. Retail customers shall not park on the north side of James Street in front of the subject property at 231-241 James Street.

2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permit, Warehousing, storage, or distribution facility at 237-239 James Street with the following conditions:

a. The Special Use Permit be granted solely to A1 Outlet Store, 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.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2023-16. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-16 at 7:53 p.m.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve the Special Use Permit, Warehousing Storage, or Distribution Facility, Municipal Code Section 10-7-2-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-17

Petitioner: A&E Luxury Apartments, LLC

Location: 800 W Irving Park Road

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Variation, Maximum Impervious Coverage

Municipal Code Section 10 – 6 – 18 – 1

Variation, Maximum Corner Side Setback

Municipal Code Section 10 – 6 – 18 – 1

Variation, Required Bicycle Parking

Municipal Code Section 10 – 8 – 5

Variation, C-2 District Parking Row Standard

Municipal Code Section 10 – 8 – 6L

Variation, Frontage Sidewalk Width

Municipal Code Section 10 – 8 – 7E – 4

Variation, Driveway Location

Municipal Code Section 10 – 8 – 8A

Variation, Driveway Intersection Distance

Municipal Code Section 10 – 8 – 8B

Variation, Tree Preservation Replacement Rate

Municipal Code Section 10 – 9 – 2B – 1a

Variation, Street Tree Requirements

Municipal Code Section 10 – 9 – 4
Variation, Parking Lot Landscaping
Municipal Code Section 10 – 9 – 5
Variation, Buffer Yard Requirements
Municipal Code Section 10 – 9 – 6

Motion: Commissioner King made a motion to open CDC Case No. 2023-17. Commissioner Ciula seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-17 at 7:56 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 May 18, 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 May 19, 2023. Mr. Arquette stated on May 19, 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, A & E Luxury Apartments, LLC, is seeking approval of Site Plan Review and Variations to construct a new Mixed-use development on the existing site with a vacant former banquet hall and parking lot. Mr. Arquette stated the proposed development includes retail space on the ground floor along with approximately 115 dwelling units located above that. Mr. Arquette stated the basement floor plan includes an underground parking garage with 66 Parking spaces (2 accessible) and individual storage units. Mr. Arquette stated the first floor includes Retail space along Irving Park Road, a 16 space parking garage, vestibule, conference room, club room, exercise room, and a dedicated garage area. Mr. Arquette stated the 2nd through 6th floors include a mixture of 1 and 2 bedroom apartment units, as

well as additional storage spaces. Mr. Arquette stated there are 23 units per floor, for a total of 115 dwelling units, and 184 total parking spaces (82 garage spaces). Mr. Arquette stated access to the property is proposed to be located off Eastview Avenue and Irving Park Road, with a two-way driveway accessing the front parking lot, and a two-way driveway accessing the rear lot. Mr. Arquette stated commercial parking is located on the north side of the proposed development, and residential parking is located within and on the south side of the proposed development.

Ardi Baftiri, of A&E Luxury Apartments, LLC, was present and sworn in by Chairman Rowe. Mr. Baftiri reviewed the proposed plans and shared a presentation with the Commission and Public in attendance. Mr. Baftiri reviewed the layout of the proposed apartments and materials that will be used.

Commissioner Chambers asked for clarification on parking. Mr. Baftiri stated residents would be able to park behind the building or underground; customers of the retail shops would park in the front.

Commissioner Rott asked if a parking lot lighting plan was submitted. Mr. Arquette stated one would be provided during permitting and must meet Village Code standards.

Commissioner Rott asked where the underground parking entrance would be. Mr. Baftiri reviewed the parking plan and stated the garage door would be accessed off Eastview Avenue.

Commissioner Ciula asked about retail signage. Mr. Baftiri stated retail signage would be installed above the storefronts.

Public Comment

Monika Jandura – 110 Eastview Avenue, Bensenville, Illinois

Ms. Jandura was present and sworn in by Chairman Rowe. Ms. Jandura stated she has been in Bensenville for over thirty years. Ms. Jandura stated she owns an apartment complex on Eastview Avenue. Ms. Jandura raised concern that the proposed project will cause an increase in traffic on Eastview.

Mr. Pozsgay stated a traffic study is required by the petitioner as part of the proposed project. Mr. Pozsgay stated the Village plans to redo Eastview Avenue and the hopes from the traffic study are that the road will need to be widened to allow for a left turn lane to

help relieve traffic back up for vehicles turning left onto Irving Park Road.

Roy Dominguez – 110 Eastview Avenue, Bensenville, Illinois

Mr. Dominguez was present and sworn in by Chairman Rowe. Mr. Dominguez questioned the size of the building raising concerns that the increased traffic on Eastview will cause large traffic jams. Mr. Dominguez also raised concerns that the placement of the dumpsters is next to his home. Mr. Dominguez stated an increase in animals will arise because of this. Mr. Dominguez raised concern that the schools would not be fit for the increase of student population. Mr. Dominguez raised concern for his privacy with the height of the building.

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: Site Plan provides for retail space on ground floor with retail parking consistent with the other C-2 uses and the residential component incorporates sufficient amenities and green-space for residential use-consistent with the R-5 uses of the surrounding 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 proposed development will not adversely impact adjacent properties. The increased luxury residential dwellings will help promote the growth of the commercial spaces of adjacent properties. The retail will offer existing residential properties access to new commercial amenities.

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: Vehicular traffic is split through multiple entry & exit point to maintain ease of vehicular movement. Underground parking and indoor parking is provided in addition to surface parking that exceeds the required parking standards. Drainage and stormwater flow paths are consistent with the existing drainage and do not disrupt stormwater flow. Exterior lighting is used to enhance the architectural features of the building as well as the site, and provides sufficient lighting for pathways and parking lot coverage with consideration for undue light cast on surrounding properties.

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

Applicant's Response: West property line, improves and maximizes green-space with new trees and shrubs.

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 incorporates sidewalks from parking to building, from both the north and south.

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: Diverting vehicular traffic through multiple entry and exit points improves safety and functionality of the site plan.

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: Provided.

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, as a mixed-use development it achieves the dual goal of bringing commercial uses for Bensenville residents while also attracting new residents who will contribute positively to the Bensenville economy.

Mr. Arquette reviewed the Approval Standards for the proposed variances 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 variations do not endanger the health, safety, comfort, convenience, and general welfare of the public. Impervious area is in fact being reduced, green space is being increased, tree plantings are being increased, and privacy to surrounding properties is being improved relative to the current state of the property.

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 variations are compatible with the character of adjacent properties; perimeter buffers, additional trees along east view, and landscaped islands will be provided. The reconstruction will improve the current state of the public right-of-ways.

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

Applicant's Response: The proposed variations alleviate undue hardship as they will improve traffic flows, reduce impervious area, and increase green-space.

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 request for variations is due to the existing physical attributes of the subject property which were not deliberately created by the applicant.

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 variations are the minimum deviations necessary and significantly improve the public ways to modern standards, significantly improve traffic flow, and green-space.

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 proposal is consistent with the intent of the Comprehensive Plan, and all other land use policies of the Village. The proposed development will be a highlight and application of the Comprehensive Plan's intent to create a beautiful and vibrant community.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Site Plan Review at 800 W Irving Park Road with the following conditions:
 - a. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharge of storm water;

- b. A traffic study must be completed showing the proposed impacts of the development on the Irving Park Road and Eastview intersection;
 - c. The existing driveways leading to Irving Park Road shall be maintained. Cross access to the adjacent parcel at the northeast corner of the property shall be maintained;
 - d. Access to rear parking lot shall be available for commercial uses. Access may not be restricted to resident only parking within the rear (south) parking lot;
 - e. Anticipated sanitary flows shall be provided to confirm the sewer system has the capacity to handle the proposed development;
 - f. A 5' sidewalk within the Eastview Avenue right-of-way must be provided when this site develops to connect the sidewalk at the SW corner of the property to Irving Park Road;
 - g. Sidewalk improvements along Irving Park Road must conform to the Village's Irving Park Road streetscape corridor stamped concrete standards.
 - h. Provide AutoTurn for site circulation and ingress/egress at all driveways in addition to the provided turning templates showing the AASHTO design vehicle that will be utilizing the site (WB-55, SU, Passenger Cars, etc.);
 - i. Final architectural design of the principal structure to be approved by Zoning Administrator prior to permit approval;
 - j. Final Landscape plan to be approved by zoning administrator prior to permit approval;
 - k. The property be developed in general compliance, except as amended and requested herein, with the plans submitted by Agama Designs Architecture, dated 12/23/2022, Ridgeline Consultants, LLC, dated 05/26/2023, and all other Village Code Requirements;
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Impervious Coverage.
3. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Maximum Corner Side Setback.

4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Required Bicycle Parking with the following conditions:
 - a. Applicant shall provide long-term bicycle storage parking within the building along with the proposed storage units available for rent;
 - b. Short term bicycle parking spaces shall be incorporated on the property during permitting.
5. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for C-2 District Parking Row Standard.
6. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Frontage Sidewalk Width.
7. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Location.
8. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Driveway Intersection Distance.
9. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Preservation Replacement Rate with the following conditions:
 - a. Applicant shall attempt to preserve the existing trees on the north side of the property. If the Tree Preservation Replacement Rate cannot be fully met, then the applicant shall coordinate with staff to determine an appropriate fee-in-lieu for the remaining required tree replacement, to be approved by the Zoning Administrator.
10. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Street Tree Requirements with the following conditions:
 - a. Applicant shall plant the required number of street trees per code within the Eastview Right-of-Way.
11. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Parking Lot Landscaping with the following conditions:

- a. Applicant shall provide trees within each landscape island and within landscape areas terminating parking rows whenever feasible;
- b. Rear lot middle parking row shall be terminated with curbed landscape islands on each side and trees shall be planted within the landscape islands;
- c. Furthest north parking row shall incorporate parking lot islands and trees to provide tree canopy along the Irving Park Road frontage.

12. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Buffer Yard Requirements with the following conditions:

- a. Applicant shall install a 6' opaque fence along the south property line to screen from the south adjacent properties;
- b. Applicant shall provide landscaping plantings within the east buffer yard south of the proposed building to be approved by Zoning Administrator in final landscape plan.

Motion: Commissioner Rott made a motion to close CDC Case No. 2023-17. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-17 at 8:45 p.m.

Motion: Commissioner Rott 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, Chambers, King, Marcotte, Rott

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Maximum Impervious Coverage, Municipal Code Section 10-6-18-1 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Maximum Corner Side Setback, Municipal Code Section 10-6-18-1 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Required Bicycle Parking, Municipal Code Section 10-8-5 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, C-2 District Parking Row Standard, Municipal Code Section 10-8-6L with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Frontage Sidewalk Width, Municipal Code Section 10-8-7E-4 with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Driveway Intersection Distance, Municipal Code Section 10-8-8B with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Tree Preservation Replacement Rate, Municipal Code Section 10-9-2B-1a with Staff's Recommendations. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

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

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2023-18

Petitioner: Village of Bensenville

Location: Village of Bensenville

Request: Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 6 (Zoning District Regulations), Chapter 7 (Uses), Chapter 8 (Off Street Parking and Loading), and Chapter 11 (Definitions)

Motion: Commissioner Rott made a motion to open CDC Case No. 2023-18. Commissioner Marcotte seconded the motion.

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

Rowe, Ciula, Chambers, King, Marcotte, Rott

Absent: Wasowicz

A quorum was present.

Chairman Rowe opened CDC Case No. 2023-18 at 8:52 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 May 18, 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 The Village of Bensenville is seeking the aforementioned text amendments in order to refine the 2019 Village Zoning Ordinance. Mr. Arquette stated in late 2018, the Village underwent a complete overhaul of its current Zoning Ordinance, which had been adopted in 1999. Mr. Arquette stated since the introduction of the current Ordinance, Staff has been able to identify certain shortcomings while enforcing the regulations and implementing the refurbished zoning application procedures. Mr. Arquette stated the proposed amendments are summarized as follows:

- Adjustments to the Parking Design Standards and Pedestrian Circulation System requirements based on the prevalence of Bollards and current standards for commercial development related to change in grade between parking lots and pedestrian ways.
- Alteration of Façade Design standards relating to the use of Metal Security shutters and similar materials on residential, commercial, and industrial facades.
- Alteration of use descriptions for Bicycle Parking Requirements table to reflect current Zoning Code use designations.
- The addition of Motor vehicle sales, office only to the use table and the inclusion of specific use standards related to the use.

There were no questions from the Commission.

Public Comment

Chairman Rowe asked if there was any member of the Public that would like to address the Commission regarding this matter. There were none.

Mr. Arquette reviewed the Approval Standards for the proposed text amendments consisting of:

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

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

The amendment to the code requirements for bicycle parking requirements, parking design standards, pedestrian circulation systems, use table & use standards, and design requirements will not endanger the health, safety, comfort, convenience, and general welfares of the public. The proposed amendments to the Bicycle Parking Requirements align the language pertaining to the bicycle parking requirements table to the existing use table within the Village Code. The alterations to the requirements for parking design standards and pedestrian circulation systems allow the zoning code to align with the modern techniques for commercial site development as it relates to the use of bollards to separate buildings and pedestrian ways from parking lots. The addition of Motor vehicle sales, office only, to the use table and use standards allows for a new emerging motor vehicle sales use that does not include the storage or processing of vehicles on the site on which the use stands. Design requirement updates for each zoning designation include the regulation of exterior façade design as it pertains to security shutters. The proposed amendments keep in consideration, and ensure that the general welfare of the public is not impacted.

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

Applicant's Response: The proposed amendments are requested to improve and refine the Zoning Ordinance to allow for orderly development in accordance with modern development techniques, and add clarification and flexibility for common residential and commercial property zoning considerations. The proposed amendments also address design regulations throughout the Village Zoning Districts.

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

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

Amendments do not contrast Village goals and guidelines, as the amendments are focused on maintaining and promoting orderly land use patterns and development, protect the Village's quality of life and the character of its neighborhoods by ensuring that development is compatible and cohesive, and to promote development that sustainably manages environmentally sensitive issues.

Commissioner King left the meeting at 8:54pm

Mr. Arquette stated:

Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Section Title 10 (Zoning Ordinance), Chapter 6 (Zoning District Regulations), Chapter 7 (Uses), Chapter 8 (Off-Street Parking and Loading), and Chapter 11 (Definitions).

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2023-18. Commissioner Ciula seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2023-18 at 8:55 p.m.

Motion: Commissioner Rott made a motion to approve the Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance), Chapter 6 (Zoning District Regulations), Chapter 7 (Uses), Chapter 8 (Off-Street Parking and Loading), and Chapter 11 (Definitions). Commissioner Marcotte seconded the motion.

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

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 Marcotte made a motion to adjourn the meeting. Commissioner Rott seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 8:56 p.m.

Ronald Rowe, Chairman
Community Development Commission