

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

September 3, 2024

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

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

STAFF PRESENT: K. Pozsgay, K. Quinn, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of the August 6, 2024 were presented.

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

All were in favor. Motion carried.

Director of Community and Economic Development, Kurtis Pozsgay and Village Planner, Kevin Quinn were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2024-21
Petitioner: Rocio Olvera
Location: 1347 Irving Park Road
Request: Variation, Maximum Corner Side Setback
Municipal Code Section 10 – 6 – 18 – 1D
Variation, Off-Street Parking Requirements
Municipal Code Section 10 – 8 – 2 – 1
Variation, Compact Spaces
Municipal Code Section 10 – 8 – 6A – 2
Variation, Parking Design Standards; C-2 District Standards
Municipal Code Section 10 – 8 – 6L
Variation, Driveway Quantity

Municipal Code Section 10 – 8 – 8B
Variation, Minimum Parking Lot Perimeter Landscape
Municipal Code Section 10 – 9 – 5B – 1b
Variation, Minimum Buffer Yard
Municipal Code Section 10 – 9 – 6B – 2
Variation, Buffer Yard Landscape Elements
Municipal Code Section 10 – 9 – 6B – 3
Variation, Refuse Area Location
Municipal Code Section 10 – 9 – 7B – 1

Motion: Commissioner King made a motion to re-open CDC Case No. 2024-21. Commissioner Rott seconded the motion.

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

Chairman Rowe re-opened CDC Case No. 2024-21 at 6:33 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on August 15, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on August 15, 2024. Mr. Quinn stated on August 14, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Primavera School (represented by Rocio Olvera), is seeking approval of 9 variances. Mr. Quinn stated the first is to increase the maximum corner side setback from 60 feet to 72 feet. Mr. Quinn stated the second is to reduce the number of required off-street parking spaces from 20 to 19. Mr. Quinn stated the third is to increase the maximum allowable amount of compact parking spaces from 25 percent of total parking spaces to 50 percent of total parking spaces. Mr. Quinn stated the fourth is to allow two parking rows in the corner side yard.

Mr. Quinn stated currently, the municipal code allows for one row of parking in the corner side yard in the C-2 District. Mr. Quinn stated the fifth variance is to increase the allowable number of driveways. Mr. Quinn stated the site is allowed one by right, and the petitioner is requesting a second. Lots with 150 feet or more street frontage are allowed two driveways per frontage. Mr. Quinn stated the lot currently has 140 feet of street frontage on the Pine Avenue side, where the driveways are proposed. Mr. Quinn stated the sixth variance is to reduce the required amount of parking lot perimeter landscaping from 8 feet to 5 feet. Mr. Quinn stated the seventh variance request is to reduce the minimum buffer yard requirement from 10 feet to 2 feet. Mr. Quinn stated due to the structure of the parking lot, the amount of buffer yard feasible is variable. 2 feet is the shortest distance. Mr. Quinn stated the eighth variance request is to remove the buffer yard landscaping requirements. Mr. Quinn stated the eastern portion of the buffer yard has landscaping where feasible, but the western portion does not. Mr. Quinn stated the western portion does have a fence. Mr. Quinn stated the ninth variance request is to locate the refuse area in the corner side yard, as opposed to the rear yard or interior side yard as required by code.

Mr. Quinn stated variance requests for driveway width, apron width, tree canopy coverage and parking lot interior island landscaping size have been removed due to the plans now meeting code.

Ms. Rocio Olvera, owner of Primavera School, was present and sworn in by Chairman Rowe. Ms. Olvera introduced her architect, Kristen Jones to the Commission.

Ms. Kristian Jones was present and sworn in by Chairman Rowe. Ms. Jones reviewed the variance requests and stated she was there to answer any questions.

Commissioner Chambers asked if the traffic study showed any concerns with disturbances to the residents on Pine Avenue. Ms. Jones stated the traffic study did not show an impact for Irving Park Road but was inconclusive for Pine Avenue. Mr. Pozsgay stated the traffic study covered both Irving Park Road and Pine Avenue and did not express any concerns.

Commissioner Rott asked what the planned hours of operations would be. Ms. Olvera stated proposed hours are Monday-Friday from 6:00am – 6:00pm but may vary depending on family needs.

Commissioner Rott asked what the reason was for compact car parking spots. Ms. Jones stated it would allow for more parking spots to meet code requirements. Commissioner Rott raised concern with vans and SUVs dropping their kids off and not fitting in one parking spot. Ms. Olvera stated she understood the concerns but from experience, cars dropping off and picking up would not be parked for longer than four minutes.

Commissioner Rott asked how many employees would be on site at one. Ms. Olvera stated there would be 10-12 employees present at once.

Commissioner Wasowicz asked if the encroachment issues with the neighboring property has been resolved. Ms. Olvera stated she has retained an attorney to assist with the issue.

Commissioner Wasowicz asked if the petitioner was open to native shrubs on the property rather than basic sod. Ms. Jones stated they would work with Staff regarding landscaping details but will be doing so with costs in mind.

Chairman Rowe asked what the ages are for students. Ms. Olvera stated six months to eight years old; there will be nine classrooms.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed Site Plan Review:

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 (Primavera School) is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

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 (Primavera School) 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 site plan for the proposed development (Primavera School) 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 site plan for the proposed development (Primavera School) 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 (Primavera School) 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.

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 (Primavera School) 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.

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 (Primavera School) includes architectural design that contributes positively to the Village's aesthetic appearance.

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 (Primavera School) is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Mr. Quinn reviewed the approval standards for proposed variations:

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 (Primavera School) will not endanger the health, safety, comfort, convenience, and general welfare of the public.

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

Applicant's Response: The proposed variation (Primavera School) is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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

Applicant's Response: The proposed variation (Primavera School) alleviates an undue hardship created by the literal enforcement of this title.

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

Applicant's Response: The proposed variation (Primavera School) is necessary due to the unique 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 variation (Primavera School) represents the 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 the other land use policies of the Village.

Mr. Quinn stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Maximum Corner Side Setback at 1347 Irving Park Road.
2. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Off-Street Parking Requirements at 1347 Irving Park Road with the following conditions:
 - a. Future plans must indicate that the snow storage locations are not parking or if snow storage cannot be accommodated on-site, the applicant shall make arrangements for off-site snow storage with approval from the Zoning Administrator.

3. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Compact Spaces at 1347 Irving Park Road with the following conditions:
 - a. No more than 50% of the parking stalls can be compact.
 - b. Each compact parking stall must be properly signed.
4. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Design Standards; C-2 District Standards at 1347 Irving Park Road with the following conditions:
 - a. Only one parking row may contain compact spaces.
5. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Driveway Quantity at 1347 Irving Park Road with the following conditions:
 - a. The southern driveway must be one-way exit only.
 - b. The Village has decorative sidewalk along Irving Park Road and Pine Lane. If any work is done that requires the removal or modification, the replacement must match the existing sidewalk.
6. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Parking Lot Perimeter Landscape at 1347 Irving Park Road with the following conditions:
 - a. Landscaping must match plans submitted by Integra Studios issued for schematic design on 7.29.24.
7. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Buffer Yard at 1347 Irving Park Road with the following conditions:
 - a. The buffer yard requirements must apply when feasible.
8. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Buffer Yard Landscape Elements at 1347 Irving Park Road with the following conditions:
 - a. No outdoor recreation equipment may be placed in the utility easement.
 - b. The northwest portion of the buffer yard (the area intended for outdoor recreation) must be properly screened with a fence that adheres to Village standards.
9. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Refuse Area Location at 1347 Irving Park Road with the following conditions:
 - a. The refuse area must adhere to refuse area screening requirements.

There were no questions from the commission.

Motion: Commissioner King made a motion to close CDC Case No. 2024-21. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-21 at 6:55 p.m.

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

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Off-Street Parking Requirements; Municipal Code Section 10-8-2-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Compact Spaces; Municipal Code Section 10-8-6A-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Parking Design Standards; Municipal Code Section 10-8-6L with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

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

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Parking Lot Perimeter Landscape; Municipal Code Section 10-9-5B-1b with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Minimum Buffer Yard; Municipal Code Section 10-9-6B-2 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Buffer Yard Landscape Elements; Municipal Code Section 10-9-6B-3 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

Motion: Commissioner Rott made a motion to approve Variation, Refuse Area Location; Municipal Code Section 10-9-7B-1 with Staff's Recommendations. Commissioner Marcotte seconded the motion.

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

Nays:

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2024-21
Petitioner: Toy Barn, Inc.
Location: 1081 Entry Drive
Request: Special Use Permit, Motor Vehicle Repair and/or Service
Municipal Code 10 – 7 – 2 – 1

Motion: Commissioner Rott made a motion to open CDC Case No. 2024-21. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-21 at 7:00 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on August 15, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on August 15, 2024. Mr. Quinn stated on August 14, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Toy Barn, Inc. (represented by Andy Samovsky), is seeking approval of a special use permit for motor vehicle repair and/or service. Mr. Quinn stated according to the applicant, they “now buy lightly damaged vehicles, we repair them and then we sell them.” The work is done in a 3,800 square foot unit. Mr. Quinn stated the property is currently within an I – 1 Light Industrial District, where motor vehicle repair and/or service are allowed with a special use permit.

Mr. Andy Samovsky, business owner, was present and sworn in by Chairman Rowe. Mr. Samovsky stated he is seeking permission to fix cars and sell them. Mr. Samovsky stated the cars he works on are owned by them and not outside customers. Mr. Samovsky stated the only way to be a customer of theirs is to purchase a vehicle from them.

Chairman Rowe asked if someone was to purchase a vehicle from the business, could they come back for maintenance on the vehicle. Mr. Samovsky stated yes.

Chairman Rowe asked where the business is purchasing the vehicles from. Mr. Samovsky stated they are purchased via an auction; he has been operating for six years. Mr. Samovsky stated the business originally worked on jet skis and transitioned to cars during COVID.

Commissioner King asked if there was outdoor storage occurring. Mr. Samovsky stated per his lease, he is allowed seven parking spaces but rarely stores cars outside; max three at a time. Mr. Samovsky stated he has property in Libertyville he can store vehicles at. Mr. Samovsky stated if the Village does not want vehicles stores outside; he won't.

Chairman Rowe asked what the company's hours are. Mr. Samovsky stated Monday-Friday 10:00am – 7:00pm.

Public Comment

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

Mr. Quinn reviewed the approval standards for proposed special use permit:

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

Applicant's Response: We will not endanger the healthy, 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: Yes the proposed use is compatible with surrounding properties. There is a body shop we share a wall with and another auto service business that specializes in bed liners. All 3 of us have done business with each other multiple times over the years.

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: We will not impede normal and orderly development of adjacent 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: We do NOT require any extra utility use or access to roads 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: Yes the proposed special use is consistent with the intent of the Village.

Mr. Quinn stated:

1. Staff recommends the Denial of the Findings of Fact and therefore the denial of the Special Use Permit with the following conditions:
 - a. Should the CDC or Village Board recommend approval, staff recommends the following conditions:
 - i. The Special Use Permit be granted solely to Toy Barn 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.
 - ii. A triple catch basin must be installed.
 - iii. All areas where water is pumped must flow through the triple basin.
 - iv. A spray booth must be installed.
 - v. The fire alarm system must be upgraded.
 - vi. The sprinkler system must be connected to the spray booth.
 - vii. The unit must be cleaned up.
 - viii. The paint mixing area must be properly ventilated.
 - ix. No outdoor storage of motor vehicles is permitted.
 - x. No outdoor sales are permitted.

Mr. Samovsky stated he has already completed the recommendations from Staff.

Commissioner Marcotte questioned since the requirements were met, why the business can't operate. Mr. Pozsgay stated that the applicant has been operating illegally and was caught by the Village during an inspection. Mr. Pozsgay stated the site is not large enough for their operation and that Staff has no way to confirm that the supposed work has been done correctly.

Motion: Commissioner King made a motion to close CDC Case No. 2024-22. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-22 at 7:13 p.m.

Motion: Commissioner Marcotte made a motion to approve Special Use Permit, Motor Vehicle Repair and/or Service; Municipal Code Section 10-7-2-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: None

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

Motion failed.

Public Hearing: CDC Case Number 2024-24

Petitioner: Antonio Fanizza

Location: 101 Main Street

Request: Site Plan Review

Municipal Code Section 10 – 3 – 2

Variance, Maximum Front Setback

Municipal Code 10-6-17-1C

Variance, Maximum Corner Side Setback

Municipal Code 10-6-17-1D

Variance, Parking Location

Municipal Code 10-6-17-1H

Variance, Parking Facility Encroachment

Municipal Code 10-8-1C-4

Variance, Minimum Number of Long-Term Bicycle Parking Spaces Required

Municipal Code 10-8-5-1

Variance, Parking Design Standards

Municipal Code 10-8-6C-1
Variance, Street Tree Frequency
Municipal Code 10-9-4B-1
Variance, Tree Canopy Coverage
Municipal Code 10-9-5A
Variance, Minimum Parking Lot Perimeter Landscaping
Municipal Code 10-9-5B
Variance, Parking Lot Interior Landscape Islands
Municipal Code 10-9-5C

Motion: Commissioner Rott made a motion to open CDC Case No. 2024-24. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-24 at 7:16 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on August 15, 2024. Mr. Quinn 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. Quinn stated Village personnel posted one Notice of Public Hearing sign on the property, visible from the public way on August 15, 2024. Mr. Quinn stated on August 14, 2024 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 3000' of the property in question. Mr. Quinn 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. Quinn stated the Petitioner, Antonio Fanizza, is seeking 10 variances to construct a six-story mixed-use development. Mr. Quinn stated the ground floor would contain retail, and the remaining 5 floors would hold 1- and 2-bedroom apartments, including ADA accessible living spaces. Mr. Quinn stated the development would have 53 parking spaces. Mr. Quinn stated these variances mainly pertain to the parking lot- in order to properly provide enough parking for the site, these variances are needed.

Mr. Quinn stated they include allowing parking in the corner side yard, removing the need for landscape islands, decreasing the frequency of street trees, lowering the necessary amount of parking lot perimeter landscaping and the type of landscape elements. Mr. Quinn stated variances also include increasing the setback requirements and adjusting the necessary number of long-term bicycle parking spots. Mr. Quinn stated the proposed development falls within a C-1 Downtown Mixed-Use District.

Mr. Antonio Fanizza, applicant, was present and sworn in by Chairman Rowe. Mr. Fanizza stated he plans to construct a multi-use building that will have retail on the bottom and apartments above.

Commissioner Chambers asked for clarification on the proposed parking lot. Mr. Fanizza stated the parking lot will be fifty spaces all reserved for tenants only; customers and employees of the retail spaces will have to utilize street parking.

Commissioner Rott asked what the price of an apartment would be. Mr. Fanizza stated that it is too early to know.

Commissioner Rott raised concerns with the lack of parking provided for the proposed project.

Commissioner King asked what the exterior material used will be. Mr. Fanizza stated brick and composite.

Commissioner Marcotte raised concerns over parking stating a two-bedroom apartment would only be allowed one parking space. Mr. Fanizza stated he hopes most tenants will utilize the train and not have a vehicle.

Mr. Pozsgay stated there is plenty of parking in downtown Bensenville and Staff is excited for this proposed project.

Public Comment

Enriques Garcia – 111 Main Street, Bensenville, Illinois

Mr. Garcia was present and sworn in by Chairman Rowe. Mr. Garcia stated he is the property owner of 111 Main Street and is excited for the proposed project; he supports it. Mr. Garcia stated he has a lot of concern over the lack of parking on the proposed site.

Peter Georgiades – 26 North Center Street, Bensenville, Illinois

Mr. Georgiades was present and sworn in by Chairman Rowe. Mr. Georgiades stated he is concerned that fifty rentals in the downtown area will have a large turnover. Mr. Georgiades stated there should be a requirement that half the building should be owner-occupied. Mr. Georgiades stated he has concerns with parking and suggested a requirement to allow for a two or three story parking garage be constructed like you see in Elmhurst. Mr. Georgiades asked if semi-trucks will be accessing the property. Mr. Georgiades stated semi-trucks are constantly accessing the neighboring property and have ruined his property several times. Mr. Georgiades stated the Village is reconstructing the street and still allowing semi-trucks on the new street. Mr. Georgiades stated the proposed project should be tabled until further review is conducted. Mr. Georgiades stated the proposed building should be soundproofed. Mr. Georgiades stated again, the vote this evening should be tabled.

Mr. Quinn reviewed the approval standards for proposed variances:

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 (Primavera School) will not endanger the health, safety, comfort, convenience, and general welfare of the public.

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

Applicant's Response: The proposed variation (Primavera School) is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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

Applicant's Response: The proposed variation (Primavera School) alleviates an undue hardship created by the literal enforcement of this title.

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

Applicant's Response: The proposed variation (Primavera School) is necessary due to the unique 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 variation (Primavera School) represents the 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 the other land use policies of the Village.

Mr. Quinn stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Maximum Front Setback at 101 Main Street with the following conditions:
 - a. The space within the front setback shall be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
2. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Maximum Corner Side Setback at 101 Main Street with the following conditions:
 - a. The space within the corner side setback shall be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
3. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Location at 101 Main Street.

4. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Facility Encroachment at 101 Main Street.
5. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Design Standards at 101 Main Street.
6. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Number of Long-Term Bicycle Parking Spaces Required at 101 Main Street with the following conditions:
 - a. The final number of long-term bicycle parking spaces shall be determined during the permitting process.
7. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Street Tree Frequency at 101 Main Street with the following conditions:
 - a. The area on the eastern side of the property between the two street trees must be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
8. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Tree Canopy Coverage at 101 Main Street.
9. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Parking Lot Perimeter Landscaping at 101 Main Street with the following conditions:
 - a. No parking lot perimeter landscaping shall encroach upon the sight vision triangle.
10. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Lot Interior Landscape Islands at 101 Main Street.

Commissioner Rott questioned Staff regarding allowing two bedroom apartments and only requiring one parking spot per unit. Mr. Quinn stated the applicant exceeds parking space requirements with the proposed plan.

Motion: Commissioner Rott made a motion to close CDC Case No. 2024-24. Commissioner Chambers seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-24 at 7:43 p.m.

- Motion: Commissioner Rott made a motion to approve Variation, Maximum Front Setback; Municipal Code Section 10-6-17-1C with Staff's Recommendations. Commissioner Wasowicz seconded the motion.
- ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Rott, Wasowicz
- Nays: None
- All were in favor. Motion Carried.
- Motion: Commissioner Chambers made a motion to approve Variation, Maximum Corner Side Setback; Municipal Code Section 10-6-17-1D with Staff's Recommendations. Commissioner Wasowicz seconded the motion.
- ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Rott, Wasowicz
- Nays: None
- All were in favor. Motion Carried.
- Motion: Commissioner Marcotte made a motion to approve Variation, Parking Location; Municipal Code Section 10-6-17-1H with Staff's Recommendations. Commissioner Wasowicz seconded the motion.
- ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Rott, Wasowicz
- Nays: None
- All were in favor. Motion Carried.
- Motion: Commissioner Rott made a motion to approve Variation, Parking Facility Encroachment; Municipal Code Section 10-8-1C-4 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.
- ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Rott, Wasowicz
- Nays: None
- All were in favor. Motion Carried.

Motion: Commissioner Rott made a motion to approve Variation, Minimum Number of Long-Term Bicycle Parking Space Requirement; Municipal Code Section 10-8-5-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion Carried.

Motion: Commissioner Rott made a motion to approve Variation, Parking Design Standards; Municipal Code Section 10-8-6C-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion Carried.

Motion: Commissioner Rott made a motion to approve Variation, Street Tee Frequency; Municipal Code Section 10-9-4B-1 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: Wasowicz

Motion Carried.

Motion: Commissioner Rott made a motion to approve Variation, Tree Canopy Coverage; Municipal Code Section 10-9-5A with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

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

Nays: Wasowicz

Motion Carried.

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

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

Nays: None

All were in favor. Motion Carried.

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

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

Nays: None

All were in favor. Motion Carried.

Public Hearing: CDC Case Number 2024-25

Petitioner: Village of Bensenville

Location: Village of Bensenville

Request: Consideration of a Vision Zero policy for the Village of Bensenville

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2024-25. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2024-25 at 7:49 p.m.

Village Planner, Kevin Quinn, was present and sworn in by Chairman Rowe. Mr. Quinn stated a Legal Notice was published in the Bensenville Independent on August 15, 2024. Mr. Quinn 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. Quinn stated the Village of Bensenville is seeking to implement a Vision Zero policy in order to complement the current Complete Streets policy, increase grant eligibility, and reduce the number of traffic fatalities and crashes in the Village.

Mr. Quinn stated Vision Zero, a Swedish traffic design philosophy from the late 1990s, aims to eliminate traffic fatalities. It emerged from the belief that life and health can never be exchanged for other benefits within society. Since its adoption in 1997 by the Swedish parliament, the country has seen a steep decline in traffic fatalities, reaching their lowest number of deaths in 2021 at 192 fatalities. This design philosophy is based on the following beliefs:

- Traffic deaths are preventable;
- Human failing should be integrated in the planning process;
- A systems approach is the most effective approach;
- Saving lives is not expensive.

Mr. Quinn stated according to the Federal Highway Administration, over 90 Vision Zero plans and/or ordinances have been implemented in 30 states and Washington D.C. Mr. Quinn stated these plans and ordinances have been implemented at the local, county, and regional levels. Mr. Quinn stated at least one school district has also implemented a Vision Zero plan. Every year since 2014 has seen a growth in the adoption of Vision Zero policies, demonstrating a growing movement across American cities invested in eliminating traffic fatalities.

Mr. Quinn stated the Vision Zero goal of eliminating traffic fatalities is accomplished by using a Safe Systems approach. Mr. Quinn stated a Safe Systems approach is built on the tenet that humans make mistakes and are vulnerable. Mr. Quinn stated moreover, this approach assumes that responsibility should be shared amongst all roadway users to a point where risk mitigation becomes redundant because all roadway users are invested in the collective safety of the environment.

Mr. Quinn stated a Vision Zero policy would work in tandem with the Village's Complete Streets policy. Mr. Quinn stated the 2016 Complete Streets ordinance explains that it "shall accommodate all users of the road, including bicyclists, pedestrians, transit users, emergency responders, and drivers of automobiles and freight vehicles, regardless of their age or ability in all roadway projects." Mr. Quinn stated it also states that the Village "seeks to create a comprehensive, integrated, and connected transportation network where every roadway user can travel safely and comfortably and where sustainable transportation options are available to everyone by planning, designing, operating, and maintaining a network of Complete Streets as recommended in the Bensenville Active Transportation Plan." Mr. Quinn stated complete Streets focuses

on ensuring everyone has a space on the road, while Vision Zero tries to make sure everyone is safe in their space.

Mr. Quinn stated this ordinance would also increase grant eligibility for Bensenville. More frequently, grant applications are requiring applicants to have language that commits to zero traffic fatalities. Mr. Quinn stated the Village's Complete Streets ordinance does not have that specific language- a Vision Zero policy would fill in the gaps.

Mr. Quinn stated finally, the Illinois Department of Transportation recently compiled a database of High Injury Networks (HINs) throughout the state. Mr. Quinn stated they found that there are over 17 miles of roadway classified as HINs that fall within the Village's municipal boundaries. Mr. Quinn stated the hope is that by enacting a Vision Zero ordinance, the Village could then take steps to reduce the quantity of HIN roadways in Bensenville.

Public Comment

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

Mr. Quinn stated Staff recommends Approval of the Adoption of the Vision Zero Policy as presented.

There were no questions from the commission.

Motion: Commissioner Marcott made a motion to close CDC Case No. 2024-25. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2024-25 at 7:56 p.m.

Motion: Commissioner Marotte made a motion to approve a Vision Zero policy for the Village of Bensenville. Commissioner Wasowicz seconded the motion.

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

Nays:

All were in favor. Motion carried

Public Hearing: CDC Case Number 2022-24 Review
Petitioner: Navigation Global LLC
Location: 621 N IL Rt 83
Request: Special Use Permit, Motor Vehicle Repair and/or Service
Municipal Code Section 10-7-2-1

Motion: Commissioner Rott made a motion to open CDC Case No. 2022-24 Review. Commissioner Wasowicz seconded the motion.

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

Chairman Rowe opened CDC Case No. 2022-24 Review at 7:57 p.m.

Motion: Commissioner Marcotte made a motion to continue CDC Case No. 2022-24 Review until October 1, 2024. Commissioner Wasowicz seconded the motion.

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

Nays: None

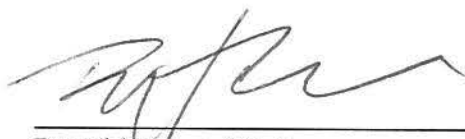
All were in favor. Motion carried.

**Report from
Community
Development:** Mr. Quinn 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 Wasowicz seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:58 p.m.

A handwritten signature in dark ink, appearing to read 'Ronald Rowe', is written over a horizontal line.

Ronald Rowe, Chairman
Community Development Commission