

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

April 23, 2012

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

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of March 12, 2012 were presented.

Motion: Commissioner Ventura made a motion to approve the minutes as presented. Commissioner Rowe seconded the motion.

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-05
Petitioner: VIP Transportation Tow
Location: 155-157 Beeline Drive
Request: Conditional Use Permit and Variance to Allow Outdoor Storage in an Existing C-4 Regional Destination PUD Commercial District

Chairman Moruzzi opened the Public Hearing at 6:33 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Serhiy Vladymyrov was present on behalf of VIP Tow and was sworn in by Chairman Moruzzi. Director of Community & Economic Development, Scott Viger and Assistant Director of Community & Economic Development, Mark Rysavy, were both present and sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on April 7, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posed a notice of the Public Hearing sign on the property on April 5, 2012. Mr. Viger stated on April 5, 2012 Village Staff mailed first class noticed of the public hearing to taxpayers of record within 250 feet of the property in question.

Mr. Vladymyrov stated to the Commission that VIP Tow is a transporting company and transports cars from Illinois to the East Coast. The petitioner stated that VIP Tow currently has an office in Chicago and a parking lot in Cicero. The move to Bensenville will allow VIP Tow to operate out of one location. The petitioner stated they are not a towing company. VIP Tow transports their vehicles by tow for a cheaper cost.

Director of Community & Economic Development, Scott Viger, presented to the Commission the Village Staff Report. Mr. Viger stated the property in question is zoned C-4 Regional Destination PUD Commercial. Mr. Viger stated the property is improved with a building in the northeast corner of the site. Mr. Viger stated the eastern half of the property in question is fenced and paved and the western portion is neither fenced nor paved. Mr. Viger stated the petitioners wish to operate their business from the existing building on the site on the eastern portion of the property in question. Mr. Viger also stated there is currently barb wire on the fence and recommended the barb wire be taken down. Village Staff recommends approval with the following conditions:

- 1) The Conditional Use Permit be granted solely to VIP Transportation Tow and shall be transferred only after a review by the Community Development Commission and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole direction, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new Public Hearing before the CDC for a new Conditional Use Permit.

- 2) The asphalt paving shall be removed and replaced and appropriate stripping added.
- 3) The fence shall be repaired.
- 4) The paved area shall be screen in accordance with the zoning ordinance requirement.
- 5) The use shall cease on 07/01/2021.

Commissioner Ventura asked Staff who is responsible for the unpaid water bill. Mr. Viger stated the owner of the property is required to pay the water bill, however the payment will need to be made before this item goes in front of the Village Board.

Commissioner Weldon asked the petitioner if VIP Tow plans to pave the western part of the property for additional parking. The petitioner stated they will see how well the business operates before making a decision on the western part of the property. Mr. Viger stated if the petitioner wished to do so, they will need to appear in front of the CDC for a new Conditional Use Permit.

Chairman Moruzzi asked if there were any members of the Public that would like to give testimony. There were none.

Motion: Commissioner Ventura made a motion to close the Public Hearing. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

The Public Hearing was closed at 6:50 p.m.

Motion: Commissioner Weldon made a motion to approve the finding of facts for CDC Case No. 2012-05 consisting of:

- 1) **Traffic:** The proposed use will not create an adverse impacts of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

- 2) **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.
- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in the environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with the permitted uses in the district have been minimized.
- 4) **Use of Public Services and Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportional demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.
- 5) **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.
- 6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in judgment if the commission to the conditional use in its proposed location.
- 7) **Special Circumstances:** Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.
- 8) **Hardship Or Practical Difficulties:** For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

- 9) **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.
- 10) **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.
- 11) **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.
- 12) **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.
- 13) **Not Alter Local Character:** The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

- 14) **Consistent With Title And Plan:** The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.
- 15) **Minimum Variance Needed:** The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case No. 2012-05 with Staff's six recommendations and the removal of the barb wire on the existing fence. Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Nays: None
All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-06
Petitioner: Standard Expediting Services, Inc.
Location: 680 Industrial Drive
Request: Conditional Use Permit to Allow Motor Vehicle Repair and Outdoor Storage on an Existing I-2 Light Industrial District

Mr. Viger stated there was an error in the Public Hearing notice for this case and the item should be tabled to a future meeting.

Motion: Chairman Moruzzi made a motion to table this case until May 21, 2012. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-12
Petitioner: Amerifreight Systems, Inc.
Location: 1160-1200 N. Ellis Street
Request: Conditional Use Permit to Allow "Motor Vehicle Wash" in an Existing I-2 Light Industrial District

Chairman Moruzzi opened the Public Hearing at 6:55 p.m.

ROLL CALL : Upon roll call the following Commissioners were present: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Rumen Valnev and Victor Melnikov were present on behalf of Amerifreight Systems, Inc. and were sworn in by Chairman Moruzzi. Director of Community & Economic Development, Scott Viger and Assistant Director of Community & Economic Development, Mark Rysavy, were both present and sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on April 7, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posed a notice of the Public Hearing sign on the property on April 5, 2012. Mr. Viger stated on April 5, 2012 Village Staff mailed first class noticed of the public hearing to taxpayers of record within 250 feet of the property in question.

The petitioners stated they are seeking a Conditional Use Permit to build a car was in an existing building that is currently vacant. The building is owned by Amerifreight Systems, Inc. The petitioners stated the car was will be beneficial to the company and allow them to have a nice, clean presence for the customers.

Director of Community & Economic Development, Scott Viger, presented to the Commission the Village Staff Report. Mr. Viger stated the property in question is zoned I-2 Light Industrial District. Mr. Viger also stated Amerifreight Systems, LLC acquired the property and has begun upgrading the property. Mr. Viger stated there were concerns from the Engineering Department in regards to potential water loss at the site. Mr. Viger stated he would recommend allowing the Engineering Department to inspect the meters onsite prior to the construction of the car was, if approved. Village Staff recommends approval with the following conditions:

- 1) The Conditional Use Permit be granted solely to Amerifreight Systems, LLC and shall be transferred only after a review by the Community Development Commission and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole direction, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new Public Hearing before the CDC for a new Conditional Use Permit.
- 2) The property shall be developed and utilized in substantial conformance to the plans submitted as part of the application prepared by Level Enterprises, LLC dated 01/10/2011 and last revised 02/23/2012.
- 3) All required building permits shall be sought and issued prior to any work commencing on the improvement.
- 4) The on-site vehicle movements and turning radii shall be approved by the Village's Engineering and Community & Economic Development personnel.

Commissioner Pisano asked the petitioners if they are aware of the Illinois Environmental Protection Agency's guidelines to materials and how to properly dispose of them. The petitioners stated they are aware of the rules and will follow them.

Commissioner Rowe asked if the wash will be open to the public. The petitioners stated the wash will be used by Amerifreight Systems, LLC only.

Chairman Moruzzi asked if there were any members of the Public that would like to give testimony. There were none.

Motion: Commissioner Rowe made a motion to close the Public Hearing. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

The Public Hearing was closed at 7:15 p.m.

Motion: Commissioner Ventura made a motion to approve the finding of facts for CDC Case No. 2012-12 consisting of:

- 1) **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.
- 2) **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.
- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

- 4) **Use Of Public Services And Facilities:** The proposed use will not require existing community 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) **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.
- 6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case No. 2012-12 with Staff's four recommendations and that the Engineering Department inspects the water meters on site. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-13
Petitioner: Rich Rawlings
Location: 600 W. Irving Park Road
Request: Conditional Use Permit to Allow an Electronic Message Center Sign in an Existing C-2 Highway Commercial District

Chairman Moruzzi opened the Public Hearing at 7:17 p.m.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Rich Rawlings was present on behalf of Rawling Towing, Inc. and was sworn in by Chairman Moruzzi. Director of Community & Economic Development, Scott Viger and Assistant Director of Community & Economic Development, Mark Rysavy, were both present and sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on April 7, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posed a notice of the Public Hearing sign on the property on April 5, 2012. Mr. Viger stated on April 5, 2012 Village Staff mailed first class noticed of the public hearing to taxpayers of record within 250 feet of the property in question.

Mr. Rawlings stated he is seeking a Conditional Use Permit to install a EMC sign on his property. Mr. Rawling stated he is projected to have fifteen million dollars in sales this year and believes with an EMC sign, he can easily reach twenty million dollars in sales.

Director of Community & Economic Development, Scott Viger, presented to the Commission the Village Staff Report. Mr. Viger stated the property in question is zoned C-2 Highway Commercial. Mr. Viger also stated the property is improved with a one story convenience store and gas station building. The property has been used as a gas station for many years. Mr. Viger stated Mr. Rawlings as undertaken a number of improvements to the building in recent years including the elimination of service bays, expansion of the convenience store, addition of a drive through window and upgrading the building facade. Village Staff recommends approval with the following conditions:

- 1) The Conditional Use Permit be granted solely to Amerifreight Systems, LLC and shall be transferred only after a review by the Community Development Commission and approval of the Village Board. In the event of the sale or lease of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole direction, shall either; recommend that the Village Board approve of the transfer of the lease and/or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new Public Hearing before the CDC for a new Conditional Use Permit.
- 2) The property shall be developed and utilized in substantial conformance to the plans submitted as part of the application prepared by Parvin-Clauss Sign Company dated 1/5/11 and last revised 3/15/12.
- 3) A landscape plan shall be submitted and approved as part of the sign/building permit.

There were no questions from the Commissioners.

Chairman Moruzzi asked if there were any members of the Public that would like to give testimony. There were none.

Motion: Commissioner Ventura made a motion to close the Public Hearing. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

The Public Hearing was closed at 7:25 p.m.

Motion: Commissioner Ventura made a motion to approve the finding of facts for CDC Case No. 2012-13 consisting of:

- 1) **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.
- 2) **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.
- 3) **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized
- 4) **Use Of Public Services And Facilities:** The proposed use will not require existing community 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) **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.
- 6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case No. 2012-13 with Staff's three recommendations. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

ADJOURNMENT:

There being no further business before the Community Development Commission, Commissioner Ventura made a motion to adjourn the meeting. Commissioner Weldon seconded the motion.

All were in favor
Motion carried.
The meeting was adjourned at 7:40 p.m.