

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 12, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of November 14, 2011 were presented.

Motion: Commissioner Janowiak made a motion to approve the minutes as amended. Commissioner Rowe seconded the motion.
All were in favor. Motion carried.

Public Hearing: CDC Case Number 2011-02
Petitioner: K.B. Demarkis/Perk's Bar & Grill
Location: 801 N. Route 83
Request: Conditional Use Permit to allow an Electronic Message Center Sign

Motion: Commissioner Weldon made a motion to continue this case until January 9, 2012. Commissioner Ventura seconded the motion

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

All were in favor. Motion carried.

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Public Hearing: CDC Case Number 2011-20
Petitioner: The PRI Group, LLC
Location: 600 N. Thomas Drive
Request: Conditional Use Permit Amendment & Variance to Allow a "Scale House" Adjacent to the Existing Exterior Truck Scale.

The Public Hearing was opened at 7:12 p.m. Jeff Gosmire, CFO & VP of Administration and Tony Varchetto, President & CEO were present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on November 26, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice has been included in the Staff report. Mr. Viger also stated signs were posted outside the property on November 23, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on November 23, 2011. Mr. Viger stated the PRI Group received their original conditional use permit and variance in 2009. Mr. Gosmire stated to the Commission the proposed scale house will be a stationary structure. The PRI Group's initial intentions were to request the scale house in their original conditional use permit and variance in 2009 but were not financially prepared at the time. Mr. Gosmire stated the scale house will allow truck to move in and out of the PRI Group at a quicker pace and allow for a smoother operation. The current operation has drivers walking into the main building looking for PRI Group staff to assist with the scale and necessary reports. Mr. Gosmire stated the scale house will be brand new and built on a concrete slab with a skirt around it. Initially, the PRI Group submitted plans to the Village without landscaping around the building. Mr. Gosmire passed out a revised site plan that shows small bushes placed halfway around the scale house that would partially block its view from Thomas Road. Mr. Gosmire stated the ideal space between the scale house window and the scale will be 18" to allow drivers and attendants to have a smooth transaction. Mr. Viger stated there were no concerns from Public Works Engineering or Finance. Mr. Viger stated the Police Departments questioned if the scale will be used 24 hours a day and if the scale will be a scale for hire. The Police Department also raised concern with the current traffic back-up on Thomas Drive. The Community & Economic Development Department recommends approval of the request with the following conditions:

- 1) The conditional use permit shall only be applicable during the tenancy of the PRI Group, LLC or an successor in interest it may have in assumption of the tenancy.
- 2) The site shall be developed in the substantial compliance with the plat of survey prepared by Krisch land Surveying, LLC dated November 2, 2011 and last revised November 8, 2011 and as submitted as part of the application.
- 3) The screening of the outdoor storage shall be completed prior to the placement/erection of the scale house.
- 4) A landscaping plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the building permit process.
- 5) A building permit is required for the scale house.
- 6) The PRI Group, LLC shall implement a procedure to adequately “police” the property so as to remove any debris, paper and other litter.

Commissioner Pisano asked the PRI Group to clarify the Police Department's concerns. Mr. Varchetto stated the PRI Group currently allows the Bensenville Police Department to use the scale at no charge. Mr. Varchetto stated outside companies can use the scale, if available, for a fee of \$10. Mr. Gosmire stated the PRI Group has no intentions to promote the use of their scale but will allow outside companies to use the scale for a small fee. Commissioner Weldon asked if the scale house will be open 24 hours. Mr. Varchetto stated there would be someone operating the scale house between 6:00 a.m. and 6:00 p.m. and any drivers using the scale house during the night hours will have to have assistance from someone inside the main building. Commissioner Weldon asked if oversized truck would be able to fit on the scale. Mr. Gosmire stated there should be no issues with oversized truck using the scale. Commissioner Weldon asked how tall the building would be. Mr. Varchetto stated he was not sure until the plans are drawn but has seen scale houses range from twelve to fourteen feet. Mr. Viger stated the allowed height will be twelve feet.

Commissioner Weldon asked Staff if there was any other structure in town that was built close to a right of way. Mr. Viger stated he was unsure and that the proposed scale house will be twenty five feet from the right of way. Chairman Moruzzi asked if the scale house would have an audio system accommodated with speakers. Mr. Goshmire stated it would not. Chairman Moruzzi asked if the PRI Group had intentions to stripe the scale area for a smoother transition from truck to truck. Mr. Goshmire stated the PRI Group had not thought of the idea but would look into the issue.

Chairman Moruzzi asked that the striping of the scale be added to the provisions for approval. There were no objections from the Commissioners. Commissioner Rowe and Commissioner Ventura had no questions. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing at 7:35 p.m.

Motion: Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-20 consisting of:

- 1) Special circumstances exists that are particular 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 the title to cover them.
- 2) The literal application of the provisions of the title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The location of the scale house in the actual corner side yard is a function of the original placement of the industrial building on the site. The scale and therefore the scale house must be located as to allow vehicles to drive through with the scale house on the driver's side.

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- 3) The special circumstances and hardship relate only to the physical character of the land or building, such as dimensions, topography or soil conditions. They do no concern and business or activity or present or prospective owner or occupant carries on, or seeks to carry on, therein, nor the personal, business or financial circumstances of any part within interest in the property. The variance request is a function of the original building placement on the site which is specific to 600 N. Thomas Drive.
- 4) The special circumstance and practical difficulties or hardship that are the basis for the variance are no resulted from any act, undertaken subsequent to the adoption of this title or any applicable amendment thereto, if the applicant or of any other party with a present interest on the property. Knowingly authorizing to proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be such in act. The special circumstances and practical hardship are not a direct result of actions of the applicant.
- 5) 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. Approval of the relief sought by the applicant would not confer any special privilege to the property that is ordinarily denied other propertied in the I-2 Light Industrial District.
- 6) 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. The addition of the scale house is said to improve the efficiency of the business operations and could lead to reduced traffic impacts along North Thomas Drive.

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- 7) 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. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.
- 8) 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. Granting the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.
- 9) The variance approved is the minimum required to provide the applicant with the relief from the undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance sought is the minimum required. The placement of the proposed scale house allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

Commissioner Pisano seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve CDC Case #2011-20 with the conditions set forth by Staff and adding a condition requiring the PRI Group, LLC to submit a pavement stripping plan for the scale to the Community & Economic Development Department for Staff's review and approval. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to reconsider the Community Development Commission's negative recommendation vote in regards to the ordinance amending the Village Code to allow electronic message center signs. Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

The Commissioners shared additional ideas with Village Staff.

Motion: Chairman Moruzzi made a motion to continue this case until January 9, 2012. Commissioner Rowe seconded to motion.

Roll Call: Ayes: Moruzzi, 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.

Mr. Viger shared the proposed 2012 schedule of meetings with the Commissioners. Mr. Viger stated the November 12, 2012 meeting falls on Veteran's Day and recommended moving the meeting to November 5, 2012. Chairman Moruzzi suggested moving the meeting start time from 7:00 p.m. to 6:30 p.m.

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Motion: Chairman Moruzzi made a motion to approve the 2012 schedule of meetings and to have the meeting start at 6:30 p.m. Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

ADJOURNMENT:

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

All were in favor
Motion carried.

The meeting was adjourned at 8:17 p.m.

Mike Moruzzi, Chairman
Community Development Commission