

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

December 6, 2010

CALL TO ORDER: The meeting was called to order at 7:30 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Markowski, Rowe, Janowiak, Moruzzi, Ramirez, Weldon
Absent: Ventura
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of November 8, 2010 were presented.

Motion: Commissioner Ramirez 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 2010-18
Petitioner: Josh Lyons, GDP Group (PNC Bank)
Location: 1151 S. York Road
Request: Conditional Use Permit; Drive Through Facility (PNC Bank)
Variances from the number of required parking spaces, required parking and landscape setbacks, required vehicle stacking, frontage and foundation strips (landscaping), the number and area of wall signage and the setback for a monument sign

Josh Lyons and Richard Leifert were both present and sworn in by Chairman Markowski. Staff gave a brief explanation why this case has been sent back to the Commissioners. The petitioner failed to send notification out via certified mail. The petitioners stated that they currently has an agreement with Regency Center for additional parking in their lot. The agreement will be given to staff before the case goes in front on the Village Board. The petitioners stated that they are removing the monument sign from their original request. Commissioners raised concern with the lack of

public access to their proposed building. The plans do not identify any sidewalks along York Road and Grand Ave. The petitioners stated that they will make the corrections to the plans.

Commissioners raised concern with the location of the handicap parking space. The petitioners stated they would move the handicap space closer to the entrance of the proposed building. Chairman Markowski asked if there were any members of the public that would like to speak. There were none. Staff recommends approval.

Finding of Facts:

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 drive through banking facility 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 permitted uses in the district have been minimized.
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.
7. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variance is 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 the 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.

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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.

Motion: Commissioner Moruzzi made a motion to adopt the above Findings of Fact and therefore recommends to the Village President and Board of Trustees approval of the requested Conditional Use Permit and for the drive through banking facility and variances, subject to the following conditions:

1. That the property be developed in substantial compliance with the plans submitted as part of this application, prepared by GPD Associates dated 08.17.10.
2. The Conditional Use Permit shall be applicable during the tenancy of PNC Bank or any successor in interest it may have in assumption of the tenancy.
3. The cross access easement between the property in question and the abutting shopping center be recorded with DuPage County and a copy submitted to the Village for our records.
4. The sign variance to allow three wall signs of 46.35 square feet each (west, south and east facades) and that the free standing sign be eliminated.
5. The petitioner work with the staff to seek a sidewalk connection at the intersection of Grand Avenue and York Road.
6. That the handicapped accessible parking space be relocated closer to the main entry to the building.

Commissioner Ramirez seconded the motion.

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Roll Call: Ayes: Markowski, Rowe, Janowiak, Moruzzi, Ramirez, Weldon

Nays: None

Motion carried.

Public Hearing: CDC Case Number 2010-29

Petitioner: Joel Friedland

Location: 610 N. York Road

Request: Plan Unit Development

This case has been continued to a later meeting.

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 Ramirez made a motion to adjourn the meeting. Commissioner Rowe seconded the motion.

All were in favor

Motion carried.

The meeting was adjourned at 8:15 p.m.

Chairman

Community Development Commission