

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION
March 12, 2007

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

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

Gibbs, Markowski, McCutcheon, Ramirez, Wilhelm

Absent: Zaleske

A quorum was present.

CHAIRPERSON PRO-TEM

APPOINTMENT: Commissioner Wilhelm made a motion to appoint Commissioner Markowski as Chairperson Pro-Tem. Commissioner Ramirez seconded the motion.

All were in favor. Motion carried.

JOURNAL OF

PROCEEDINGS: The minutes of the Community Development Commission of February 12, 2007 were presented.

Commissioner Wilhelm noted that on page 3, paragraph 5, the minutes reflect that she made the motion and the second. The secretary advised that the second to the motion was made by Commissioner McCutcheon, and that the minutes would be revised to reflect this correction.

Motion

Commissioner Wilhelm made a motion to approve the minutes as corrected. Commissioner Ramirez seconded the motion.

All were in favor. Motion carried.

Chairperson Pro-Tem Markowski explained the hearing process and the role of the Community Development Commission.

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Public Hearing CDC Case No. 031207-1

Petitioner: Reverend Ricardo Negron
Maranatha World Revival Church

Location: 227 W. Grand Avenue, Unit A

Request: A Conditional Use Permit for the operation of a church in a C-2, Highway Commercial District.

Chairperson Pro-Tem Markowski called Public Hearing CDC Case No. 031207-1 to order.

Witnesses: Marshall Subach 1035 S. York Road Bensenville, Illinois 60106	Reverend Ricardo Negron 227 W. Grand Avenue, Unit A Bensenville, Illinois 60106
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Chairperson Pro-Tem Markowski swore in the witnesses.

Marshall Subach presented the request to grant a Conditional Use for the operation of a church at 227 W. Grand Avenue, Unit A. Mr. Subach reviewed the approval criteria. The church has 100 members. Church services are held on Wednesday evenings at 8 p.m. and Sunday mornings at 11 a.m. There will be no impact on parking as there is a cross easement agreement with DeCampana Plaza for shared parking. Most of the businesses are closed during church services. The parking situation would be worse if a restaurant or retail business occupied the premises. The subject property was vacant for three years. In Mr. Subach's opinion, the Staff Report dated March 12, 2007 confirms that the petitioner meets the approval criteria. The petitioner is willing to abide by all Village restrictions. Four photographs of the parking at 227 W. Grand were submitted as evidence. Marshall Subach said that the photographs show that there are five parking spaces in front of the building, two along one side, five along the back, and four along the other side for a total of sixteen marked spaces, as well as the cross easement. The petitioner is trying to get a license agreement with the business located to the north for parking. This agreement would provide the church with an additional thirty parking spaces.

Village Planner, Marcy Bunch, advised that during an on-site visit, staff counted and measured the parking spaces. This information was provided in the CDC packet.

Director of Community Development, Russ Adams, advised that the original documents submitted by the petitioner lead the Village to believe that the property was going to be used as a church office and bible teaching classrooms. At the time of original submission, there were six offices in the building with no space large enough to accommodate a sanctuary. After the business license was issued, the six offices were demolished, a sanctuary created, and the facility became a church. There are serious concerns regarding the parking.

Marcy Bunch added that there are also safety concerns within the building.

Assistant Village Manager for Community Development, Steve Marshall, stated that all Village

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concerns are with regard to life safety. The improvements made by the petitioner were all performed without permits. The church has 100 members, yet the space can lawfully be occupied by a maximum of 50 people.

Mr. Subach advised that the petitioner is willing to address all life safety issues.

Mr. Marshall responded that Mr. Subach's client had months to address the issues and hasn't dealt with any of them. The petitioner ignored the Village's cease and desist order.

Mr. Subach advised that the work performed by the petitioner (painting and carpet installation) did not require permits. The walls which were removed were non-bearing.

Ricardo Negron stated that the walls were merely partition walls with no electric.

Commissioner Wilhelm inquired how the petitioner can be sure the walls were non-bearing.

Reverend Negron responded that the rooms were divided by hard plastic partitions. The doors were fiberglass and plastic.

Russ Adams added that the landlord was of the opinion that the partitions were made from wood or metal studs.

Reverend Negron said that the walls were large fiberglass and plastic partitions. Taking down the walls required the removal of screws.

In response to Mr. Marshall, Reverend Negron advised that there is no nursery or classroom in the church. The room Mr. Marshall referred to is used simply for crying babies during the services. Reverend Negron advised that the church has received three bids for a very expensive alarm system. The Village gave the church a grace period for installation.

Fire Prevention Bureau Chief, Jack Barba, advised that he and Inspector Mark Spoo conducted a walk through inspection on June 7, 2006. The petitioner has been asked several times how many people would occupy the building. The petitioner told the Village, on at least six occasions, that the premises would be occupied by 25 to 30 people. During an on-site inspection performed in October, 2006, staff found 120 chairs set up. Also found were numerous code violations. The walls which were demolished were regular walls.

Mr. Subach advised that the petitioner will get permits for the signs. There was a lack of communication between the Village and his client. The Commissioners could recommend approval of the Conditional Use contingent upon the life safety issues being addressed. Mr. Subach stated that staff, through the Staff Report memo, said that all criteria was met.

Commissioner Wilhelm asked how many members belong to the church.

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Reverend Negron responded that there are ninety members but that usually half that amount attend church services.

Commissioner Wilhelm inquired if church members would be turned away if the number of occupants exceeded the maximum allowed by law.

Ricardo Negron advised that the church is looking for a long-term building that will meet their needs. They have a one-year lease at the current location. Reverend Negron is a Bensenville resident. The church was using the Park District for services but were kicked out because their services interfered with a meditation group. The church wants to have a positive impact on the community and are willing to cooperate with the Village.

Commissioner Ramirez questioned the petitioner's willingness to cooperate when all the letters from the Village ignored.

Mr. Subach advised that church services are too important to stop.

Chairperson Pro-Tem Markowski pointed out that the petitioner did not comply with any direction given by Village staff.

Reverend Negron reiterated that the church was given one year to install the alarm system.

Bureau Chief Barba added that the landlord has not performed any of the work required. As of February 22, 2007, there are still items pending.

Commissioner Wilhelm stated that she was at the site on Saturday. Commissioner Wilhelm noted that there is not enough parking and there are no handicapped parking spaces. Commissioner Wilhelm reminded the petitioner that the laws apply to everyone. The petitioner should not seek a Conditional Use until all the life safety issues have been addressed.

Mr. Subach advised that all the work will be performed if the Conditional Use is granted.

Witness: Nick Kapsouris
DeCampana Restaurant
229 W. Grand Avenue
Bensenville, Illinois

Chairperson Pro-Tem Markowski swore in the witness.

Nick Kapsouris advised that his restaurant has been located at 229 W. Grand for 26 years. Mr. Kapsouris objects to the cross easement. He stated that there is not enough parking at the DeCampana Plaza. In Mr. Kapsouris' opinion, the church members will not use the parking in the industrial area to the north. Due to the insufficient parking, Mr. Kapsouris and his staff park in the

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back to allow more parking for the customers. Mr. Kapsouris hopes to stop the easement agreement. Mr. Kapsouris is against the petition due to the lack of parking.

Mr. Subach advised that the cross easement is between the property owners. Any other use allowed in the C-2 District would not have to appear before the CDC. If the church moves out, there are numerous types of allowed business uses that can move in. The church has services only on Wednesdays and Sundays.

**Witness: Stephen Schostok
4069 Joseph Drive
Waukegan, Illinois**

Chairperson Pro-Tem Markowski swore in the witness.

Stephen Schostok advised that he represents the owners of the property directly to the east of the subject site. Mr. Schostok has concerns regarding the parking, as well as property damage and potential liability.

Commissioner McCutcheon advised that he visited the site three times. Although he would be happy to have another church in the community, parking at that location is insufficient. During his visit to the site at 12:30 p.m. on Sunday, he noted that there were cars parked all around the building. The area was very congested. The parking spaces are too narrow and do not meet code. This is not the right location for a church. Commissioner McCutcheon suggested that Reverend Negron talk to the schools about use of their auditoriums. The library is used by another church in town while renovations are being performed on their building. Safety must come first. The laws apply to all and there must be compliance.

Commissioner Wilhelm stated that 125 people cannot be safely housed at the subject site.

Mr. Subach advised that violations were not immediately corrected because the Conditional Use may not be granted.

Steve Marshall advised that under normal circumstances, due diligence is performed prior to occupancy. In this case, the petitioner moved in, and after months of occupancy, has not cooperated with the Village.

Commissioner Ramirez stated that this is a mute point since there just isn't enough parking.

Chairperson Pro-Tem Markowski stated that the parking and layout are not conducive to the use.

Mr. Subach noted that the use is allowable in the C-2 zoning. The petitioner is not looking for a variance. The Commissioners should look at the parking available on the entire site.

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There being no further questions and/or comments from the Commissioners or from the audience, Chairperson Pro-Tem Markowski called for a motion.

MOTION: Commissioner Ramirez made a motion to approve the request for a Conditional Use Permit for the operation of a church in a C-2, Highway Commercial District. Commissioner McCutcheon seconded the motion.

ROLL CALL: **AYES: None**

NAYS: Gibbs, McCutcheon, Ramirez, Wilhelm, Markowski

Motion failed.

Chairperson Pro-Tem Markowski closed Public Hearing CDC Case No. 031207-1.

ADJOURNMENT: Commissioner Gibbs made a motion to adjourn the meeting. Commissioner Wilhelm seconded the motion.

All were in favor. Motion carried.

Chairperson Pro-Tem Markowski adjourned the meeting at 8:16 p.m.



Chairperson Pro-Tem
Community Development Commission

PASSED AND APPROVED by the Community Development Commission this 9th day of April, 2007.