



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

VILLAGE BOARD

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June 6, 2023

Mr. John Wassinger
255 South Church Road
Bensenville, Illinois 60106

Re: May 31, 2023 FOIA Request

Dear Mr. Wassinger:

I am pleased to help you with your May 31, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on May 31, 2023. You requested copies of the items indicated below:

"Any and all documents pertaining to 225 S York Bensenville 60106 (vacant lot) and any correspondence between any individual or entity and the Village of Bensenville."

Your FOIA request is hereby granted in part and denied in part as follows. The attached records are being provided to you at no charge. Drawings have been withheld from disclosure under Section 7(1)(K) of FOIA.

Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords, or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when complied without possibility of attribution to any person." 5ILCS 140/2(c-5). Consequently, certain identifiers have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: publicaccess@atg.state.il.us. You may also have a right of judicial review of the denial under Section 11 of the FOIA, 5 ILCS 140/11.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

Corey Williamsen
Freedom of Information Officer
Village of Bensenville

For Office Use Only		
Date of Submission: <u>1-26-19</u>	MUNIS Account #: <u>8872</u>	CDC Case #: <u>2019-04</u>

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 225 S YORK RD

Property Index Number(s) (PIN): 0313317005

A. PROPERTY OWNER:

Name: MARIUSZ GUSZKA Corporation (if applicable): _____

Street: _____

City: _____ State: _____ Zip Code: _____

Contact Person: AREK JAROC, ARCH ASS. Telephone Number & Email Address: 773 505 9998 AJAROC@LIVE.COM

N/A

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

Property Owner Signature: _____ Date: 10/18/18

B. APPLICANT: ☒ Check box if same as owner

Name: _____ Corporation (if applicable): _____

Street: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Telephone Number & Email Address: _____

Relationship of Applicant to subject property: _____

Applicant Signature: _____ Date: _____

C. ACTION REQUESTED (Check applicable):

- ☐ Annexation
- ☐ Conditional Use Permit
- ☐ Master Sign Plan
- ☒ Planned Unit Development**
- ☐ Plat of Subdivision
- ☐ Rezoning (Map Amendment)
- ☐ Site Plan Review
- ☐ Variance

*Item located within this application packet.

**See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS (1 original & 1 copy of each):

- ☒ Affidavit of Ownership* (signed/notarized)
- ☒ Application*
- ☒ Approval Criteria
- ☒ Legal Description of Property
- ☒ Plat of Survey
- ☒ Site Plan
- ☒ Building Plans & Elevations
- ☒ Engineering Plans
- ☒ Landscape Plan
- ☒ Review Fee (Application Fee + Escrow)
- ☒ Escrow agreement and deposit*
- ☒ Digital Submission of all application materials (CD)

Brief Description of Request(s): (Submit separate sheet if necessary)

REQUEST FOR APPROVAL OF PROPOSED 3 D.U., TWO
STORY BRICK & FRAME, 3 CAR GARAGE & 3 OUTSIDE PARKING
SPOTS ON EXISTING VACANT LOT IN RA-1 ZONING

D. PROJECT DATA:

- General description of the site: PROPOSED 3 D.U., TWO STORY FRAME & BRICK
- Acreage of the site: 0.172 (7500 SF) Building Size (if applicable): 3600 SF / (1200 @ 400 SF)
- Is this property within the Village limits? (Check applicable below)
☒ Yes
☐ No, requesting annexation
☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
- List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)
N/A
- Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:	RA-1	VACANT LOT	VILLAGE OF BANGORVILLE
North:	RA-1	SINGLE FAMILY	- 1 -
South:	RA-1	MULTI FAMILY	- 1 -
East:	RS-5	SINGLE FAMILY	- 1 -
West:	RA-1	SINGLE FAMILY	- 1 -

E. DEVELOPER'S STAFF (if applicable):

ARCHITECT

Name: PRO PLAN ARCHITECTS
 Telephone: 773 505 9998
 Email: ASAROG@LIVE.COM

ENGINEER:

Name: N/A
 Telephone: _____
 Email: _____

ATTORNEY

Name: N/A
 Telephone: _____
 Email: _____

OTHER

Name: N/A
 Telephone: _____
 Email: _____

F. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the Approval Criteria. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."

STATE OF ILLINOIS

)

)SS.

COUNTY OF DUPAGE AND COOK

)

AFFIDAVIT OF OWNERSHIP

I MARIUSZ GRUZEKA the undersigned Affiant, being first duly sworn,
on oath states:

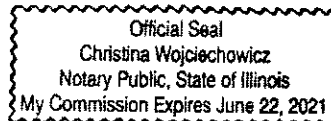
1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Ownership
this 1st day of, MAY 2018.

Mariusz Gruzecka
Signature

SUBSCRIBED and SWORN to
before me this 1st day of, May, 2018.

Christina Wojciechowicz
Notary Public



**LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, March 5, 2019 at 6:30 P.M., the Community Development Commission of the Village of Bensenville, Du Page and Cook Counties, will hold a Public Hearing to review Case No. 2019 – 04 to consider a request for:

Planned Unit Development, 2 Story-3 Unit Dwelling,
Municipal Code Section 10 – 4.

at 225 S York Rd in an existing R – 3 Single-Unit District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville, IL.

The Legal Description is as follows:

LOT NUMBER TWO (2) IN ORT'S ADDITION TO BENSENVILLE, DUPAGE COUNTY, ILLINOIS BEING A PART OF THE SOUTH WEST ONE-FOURTH (1/4) OF SECTION THIRTEEN (13), TOWNSHIP FORTY (40) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD (3) PRINCIPAL MERIDIAN.

Commonly known as 225 S York Rd, Bensenville, IL 60106.

Mariusz Gruszka of 1721 White St, Des Plaines, IL 60018 is the owner and applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend and will be heard at the Public Hearing. Written comments will be accepted by the Community and Economic Development Department through March 5, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
February 14, 2019**



Village of Bensenville

225 S York Rd



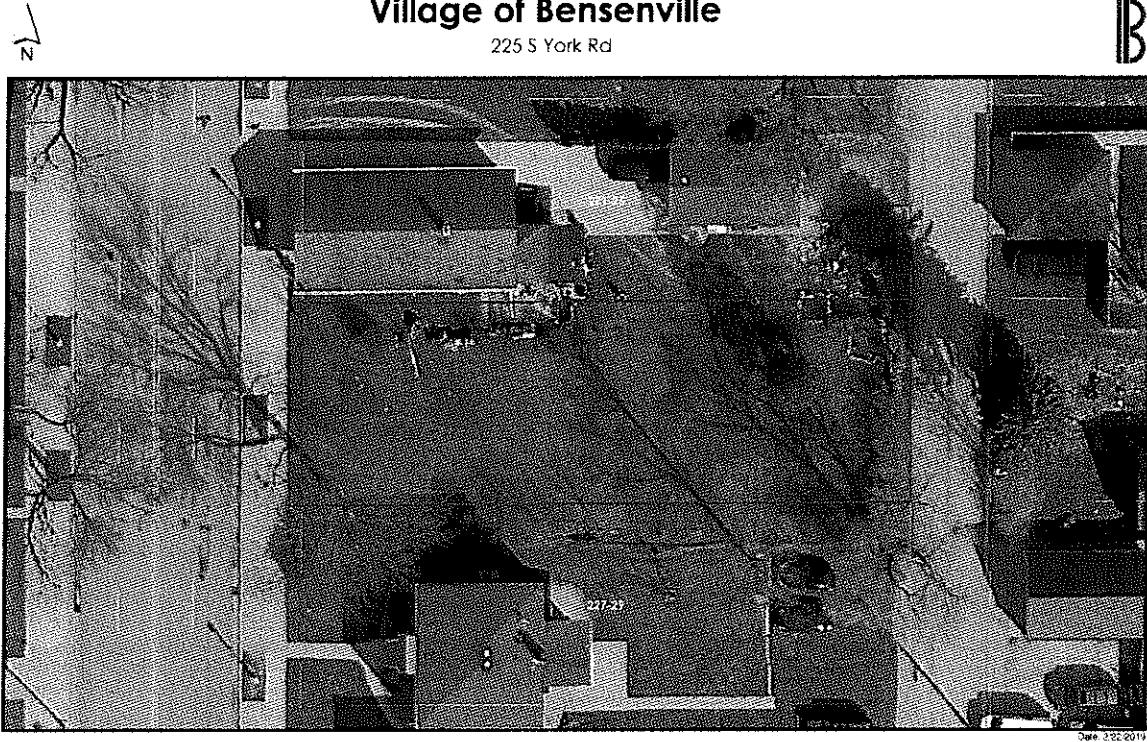
Date: 1/30/2018

CDC#2019 - 04

225 S York Rd
Mariusz Gruszka
Planned Unit Development.
Municipal Code Section 10 - 4.

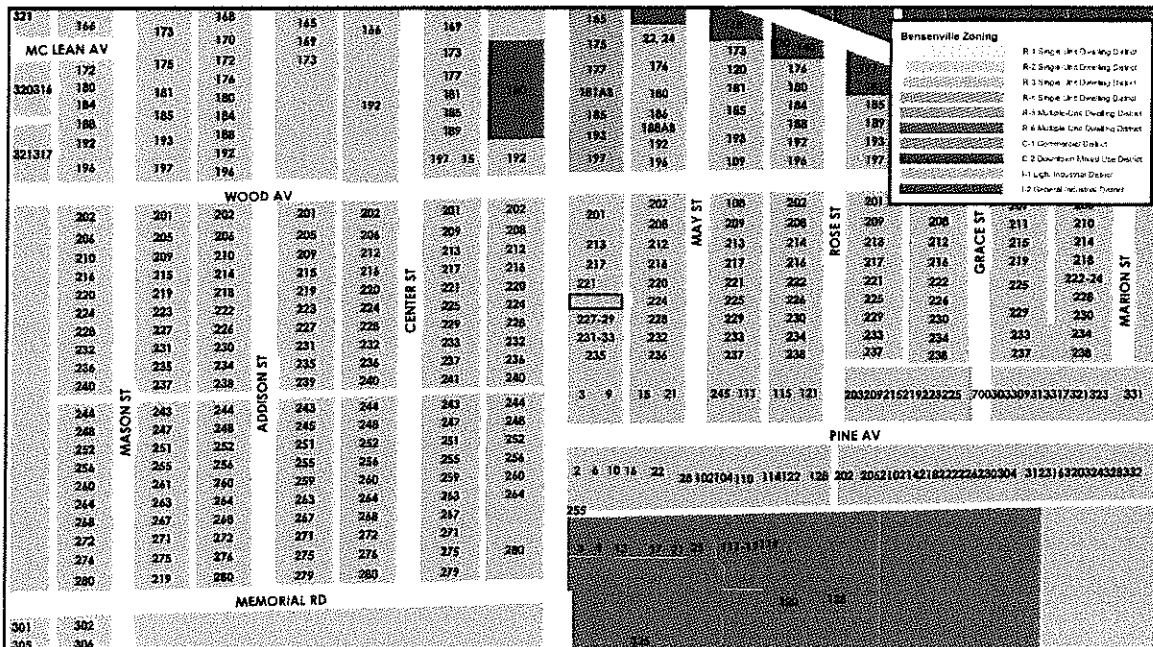
Village of Bensenville

225 S York Rd



Village of Bensenville

Zoning Map





STAFF REPORT

HEARING DATE: March 5, 2019
CASE #: 2019 – 04
PROPERTY: 225 S York Rd
PROPERTY OWNER: Mariusz Gruszka
APPLICANT same
SITE SIZE: 7,500 SF
BUILDING SIZE: Proposed 3-Unit, 1,200 SF each
PIN NUMBERS: 03-13-317-005
ZONING: R – 3 Single-Unit Dwelling District
REQUEST: Planned Unit Development, 2 Story-3 Unit Dwelling,
Municipal Code Section 10 – 4.

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday February 14, 2019. 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.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Friday February 15, 2019.
3. On Friday February 15, 2019, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. 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.

SUMMARY:

The Petitioner is applying for a Planned Unit Development (PUD) to build a new 2-story, 3-unit dwelling on a vacant lot at 225 S. York Rd. The property is currently zoned R-3 Single-Unit Dwelling District. A PUD is needed here because of the request for the 3rd, garden unit. The architect says they tried to match the bulk and character of the existing homes in the area.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	R – 3	Residential	Residential	Village of Bensenville
North	R – 3	Residential	Residential	Village of Bensenville
South	R – 3	Residential	Residential	Village of Bensenville
West	R – 3	Residential	Residential	Village of Bensenville
East	R – 3	Residential	Residential	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village
<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

Finance:

No account created yet.

Police:

No response.

Engineering and Public Works:

- 1) A DuPage County Stormwater Management Certification will be required for this project as the total land disturbing activity exceeds 5,000 SF. Village of Bensenville building permit is also required. IEPA-Sanitary permits will be required for the new sanitary connections.
- 2) Per DuPage County Stormwater and Floodplain Ordinance (DCSFO), stormwater detention is not required for this site as the proposed developed area is under the threshold set forth in the DCSFO. However, historically the surrounding areas of this site have experienced surface flooding in major rain events. It would be my recommendation to consider eliminating the garden unit of the proposed building.
- 3) All other DCSFO requirements will need to be satisfied including Post Construction Best Management Practices (PCBMP)/Volume Control Best Management Practices (VCBMP). The current proposed impervious area of 3,345 SF exceeds the threshold of 2,500 SF for onsite PCBMP/VCBMP. Therefore, onsite PCBMP/VCBMP will be required.
- 4) After reviewing the Flood Insurance Rate Map, it appears that there aren't floodplains on site. Per the National Wetland Inventory website, the site also does not contain any wetland or riparian areas; however, it is the responsibility of the applicant to identify any existing special management areas on site and properly mitigate them.
- 5) All proposed utility connections on York Rd will require a full depth Class D patch for pavement restoration. Please note: Village is undertaking a York Rd resurfacing project starting in spring of 2019.
- 6) It is unclear if the utility service connections will be installed via open-cut or directional bore method. If it is latter one, tunneling under the existing curb will not be allowed.
- 7) It is unclear the size of the water/sewer service that will be required for such building as utility plans were not submitted for review. A sanitary manhole will be required to be constructed over the existing sanitary sewer for the proposed building service connection.
- 8) There are some engineering issues with the proposed plans which can be addressed during final engineering.

Community & Economic Development:

Economic Development:

- 1) Building a home on vacant land adds more tax base and more potential customers for local business.

- 2) Diversity in housing stock in a stated goal. These are larger 3-bedroom units, which should price out at a higher price point than similar older units.

Fire Safety:

- 1) A fire alarm system and fire suppression system will be required.
- 2) The combustible decks/ balconies shall be included in the suppression system coverage.

Building:

- 1) Proposed location of the a/c condenser units will not provide the required working space in front of the disconnects.
- 2) Bedrooms will require egress windows.
- 3) Rated assemblies, both horizontal and vertical, will be required between units.

Planning:

- 1) The 2015 Comprehensive Plan indicates "Medium Density Residential" for this property.
- 2) Current zoning is R-3 Residential District.
- 3) Multiple-unit dwellings, which are buildings with three or more units, are not permitted in the R-3 District.
- 4) Applicant is requesting a PUD due to the proposed 3rd unit.
- 5) The Homes for a Changing Region Plan projects an increasing demand for multiple-unit dwellings, along with a projected increase in residents.
- 6) The maximum impervious lot coverage in the R-3 district is 50%. The proposed plans show a lot coverage of 45%.
- 7) The maximum building height in the R-3 district is 32 feet (as measured to the mean of the roof). The proposed multiple-unit dwelling is 32 feet at its peak. The mean roof height is roughly 28 feet.
- 8) Due to the concerns with the garden unit and flooding, and the fact that the garden unit only being 3 feet below grade, it may be possible to raise the entire structure up 3 feet and still be under the 32 foot building height.
- 9) The minimum a building can be located from the front line and side yard line in the R-3 district is 30 feet and 6 feet, respectively. The proposed dwelling is located 31 feet 4 inches from the front line. The proposed dwelling has side yard setbacks of 12 and 16 feet.
- 10) There is potential to reposition the building either north or south to gain more of a side yard on one of the sides.
- 11) The minimum a building can be located from the rear line in the R-3 district is 25 feet. The proposed garage encroaches five feet into the rear yard. Detached garages are permissible in the rear yard according to code.
- 12) Driveway parking pads are allowed in front of rear garages at a maximum of 20 feet in depth. The garage should be pushed closer to the alley to provide more yard space and less parking area.
- 13) There are some concerns of only having 6 on site parking spaces. Code only requires 1.5 per dwelling unit in multi-unit districts. This development has 2 spaces per dwelling unit. But York Road does not allow street parking and 6 spaces limits any possible guest parking.
- 14) Plans do not mention long-term or short-term bicycle parking spaces. A 3-unit dwelling requires one short-term bicycle parking space and three long-term bicycle parking spaces.
- 15) The aesthetics of the building have a noted "dark" theme. Staff is wondering if materials and colors could be used to better blend the building in with some of its neighbors. This

- also includes elevation starkness and entranceways with the possible raising of the building.
- 16) A full set of landscape plans should be submitted and approved by staff.

APPROVAL CRITERIA FOR PUD:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

Applicant's Response: The PUD will enhance the character of the neighborhood and surrounding buildings. Not only front but also sides of the building are enhanced with features like balconies/ porches. Bulk requirements in relation to the size of the site were scaled down to complement the existing surrounding buildings.

2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

Applicant's Response: The PUD meets the requirements for planned unit developments.

3. **Consistent with Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.

Applicant's Response: The proposed PUD is consistent and clearly promotes the objectives of the Village general development plan.

4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare.

Applicant's Response: The proposed development will not be detrimental to the public health, safety or general welfare.

5. **Compatible with Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

Applicant's Response: The PUD will not be injurious to the use and enjoyment of other properties in its vicinity. Carefully laid out the proposed design of scale and exterior features will complement existing buildings. Placement on site provides plenty of open yard space on sides will encourage outdoor activities.

6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainage-ways or other areas of sensitive or valuable environmental character.

Applicant's Response: The PUD is as consistent as practical with preservation of any natural features. Mature tree up front, as well as some of the vacant lot area, will remain untouched and protected during the construction.

7. **Circulation:** Streets, sidewalks, pedestrian-ways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

Applicant's Response: The proposed PUD will provide required sidewalks, off-street parking and loading as appropriate to planned land uses. These will not create unnecessary pedestrian-vehicular conflict.

8. **Open Spaces and Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape and location of a substantial portion of any common open space provided in residential areas render it usable for recreation purposes.

Applicant's Response: Common open spaces and landscaping are provided. The size and placement of the building created large open space to the south that can be used for recreation purposes. Additional landscaping will be provided to enhance the quality of the space and provide a buffer from the main street.

9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
- a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
 - b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.

Applicant's Response: Condominium associations will be established and in charge of the overall quality and maintenance of the building, garage, landscaping and other features.

10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.

Applicant's Response: It is anticipated that the land use is consistent with the anticipated ability of the Village as well as other public bodies, facilities and services. No undue burden on existing residents and businesses is anticipated.

11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Applicant's Response: Currently, the project is not split into construction phases. If the project is later split into phases, each phase will be able to exist independently.

Planned Unit Development Approval Criteria	Meets Criteria	
	Yes	No
1. Superior Design	X	
2. Meets PUD Requirements	X	
3. Consistent With Village Plans	X	
4. Public Welfare	X	
5. Compatible With Environs	X	
6. Natural Features	X	
7. Circulation	X	
8. Open Space & Landscaping	X	
9. Covenants	X	
10. Public Services	X	
11. Phasing	X	

RECOMMENDATIONS:

Staff recommends Continuing the Public Hearing to the next regularly scheduled meeting so the applicant can address concerns.

Respectfully Submitted,
Department of Community
& Economic Development

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

March 5, 2019

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, Ciula, Czarnecki, King, Wasowicz
Absent: Marcotte, Rodriguez
A quorum was present.

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

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of February 5, 2019 were presented.

Motion: Commissioner Wasowicz made a motion to approve the minutes as presented. Commissioner King seconded the motion.

All were in favor. Motion carried.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2019-03
Petitioner: Dr. Energy Corp.
Location: 550 N IL Route 83
Request: Variance, Electronic Message Center Sign,
Municipal Code Section 10 – 10 – 5 – 4A – 3

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2019-03. Commissioner Czarnecki seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Rowe, Ciula, Czarnecki, King, Wasowicz
Absent: Marcotte, Rodriguez
A quorum was present.
Chairman Rowe opened the Public Hearing at 6:32 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell , were both present and sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on February 14, 2019. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on February 15, 2019. Mr. Pozsgay stated on February 15, 2019, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay 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. Pozsgay stated the Petitioners are applying for a Variance to install an Electronic Message Center Sign in an existing monument sign for the BP at 550 N IL Route 83. Mr. Pozsgay stated the existing monument sign will not change, other than the addition of the message center to the base. Mr. Pozsgay stated the original monument sign was approved in 2000 as part of the original BP special use.

William Sheehan of Jas. D. Ahern Sign Co. was present and sworn in by Chairman Rowe. Mr. Sheehan reviewed the proposed plan and stated the EMC sign would be installed in the existing structure.

There were no questions from the Commissioners.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the variance request consisting of:

- 1) **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.

Applicant's Response: We are seeking a variance approval for this site to install one (1) 3' X 8" (EMC) electronic message center. The EMC will create a good competition with an existing EMC which is across the street (Thornton gas station) The EMC will in simple terms assist the gas stations TOGO store which like most others sell goods such as drinks, can foods and miscellaneous personal items. Electronic message centers can not be with in a mile of each other per the village code but having an EMC at this site will give drivers on both sides of RT 83 an option to buy such items needed in their daily routine. The EMC we are proposing will only be on one side of the existing sign because the other side would only attract current customers who would already be on site. Our site also has an attached Subway shop which attracts specific customers to this location not so much to the gas stations TOGO store.

- 2) **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.

Applicant's Response: We seek this EMC because the Thornton gas station across the street on Rt 83 currently has one and both these stations sell the same goods. Currently drivers can see if there are any sales on goods, they (Thornton) have not the ones currently at this site. The Thornton has an unfair advantage having an EMC and drivers can see if any goods are on sale which they made need then they could fill up their cars with gas. Having an EMC will keep the playing field even for these two sites since both sell gas and goods. Competition is the backbone of a strong economy as it keeps prices low and provides and incentive to improve and innovate your business. Businesses need to keep up with the times as to how to keep the customers coming through the door in the gas station industry, we are seeing a strong influx of electronic message centers being installed to promote the goods which are now inside the gas stations.

- 3) **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.

Applicant's Response: The electronic message center will not disrupt the existing sign or the sign base. We propose the installation of this sign to go on one side of the brick base thus not altering the size of any of the existing signage. We will have to alter the landscaping material (make smaller lower to the ground) so the electronic message center would be easily read by drivers.

- 4) **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.

Applicant's Response: The request for this variance approval for the installation of the EMC at this site is not a result of action taken by the applicant or owner of this property it is simply a request to keep up with the times and other properties in the near area and to promote more competition for consumers.

- 5) **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.

Applicant's Response: As mention the Thornton site across the street from our site has an existing electronic message center and we would like to have the same granted for us but not on both side of the sign like the one which the Thornton has.

- 6) **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.

Applicant's Response: We feel this electronic message center could assist the BP and increase the economic return by drawing in more customers for such items with in BP's TOGO store. More customers in the BP TOGO store then there could be more customers wishing to get gas. As you know most people pay for gas outside at the pump but having such information as to sale items and other items in the BP TOGO store would attract more inside foot traffic to a facility which prides itself on cleanliness and its assortment of TOGO items.

- 7) **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.

Applicant's Response: The electronic message center would not impair environmental quality, property values or public safety in the area, in fact it could bring about more economic value to the site especially in vicinity as people who would otherwise drive to pick up something from a grocery store could walk and get it at the BP TOGO store. The message center would not distract drivers as it is at eye level of drivers and as you are heading south on RT 83 you need to look to the right for any traffic coming out of Foster Ave. As you look you could see the electronic message center with an item you may need and stop at the BP TOGO shop for your convenience. The only altering which would be done to the site would be putting smaller ground level landscape material in front of the EMC so it would not be difficult to read for oncoming drivers.

- 8) **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.

Applicant's Response: The electronic message center would not be any bigger than what the ordinance calls for in regards to EMC approvals within the Village of Bensenville. The EMC would be installed on an existing base thus not altering the existing sign or its base.

- 9) **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.

Applicant's Response: We are only asking for one side of this existing sign to have an electronic message center installed and this would assist this site with its competition across the street (Thornton) We feel a strong competition could only boost a strong economy, thus fueling more of an economic value to the Village of Bensenville.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the requests as presented with the following conditions:

- 1) The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Ahern Signs on 01.15.19;
- 2) BP is no longer allowed to use temporary signs on premises.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-03. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:39 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-03 as presented by Staff and to approve the variance request with Staff's recommendations. Commissioner Ciula seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-04
Petitioner: Mariusz Gruszka
Location: 225 S. York Rd.
Request: Planned Unit Development, 2 Story-3 Unit Dwelling,
Municipal Code Section 10 – 4.

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-03. Commissioner King seconded the motion.

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

Chairman Rowe opened the Public Hearing at 6:41 p.m.

Village Planners, Kurtis Pozsgay and Kelsey Fawell, were present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on February 14, 2019. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on February 15, 2019. Mr. Pozsgay stated on February 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay 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. Pozsgay stated the Petitioner is applying for a Planned Unit Development (PUD) to build a new 2-story, 3-unit dwelling on a vacant lot at 225 S. York Rd. Mr. Pozsgay stated the property is currently zoned R-3 Single-Unit Dwelling District. Mr. Pozsgay stated a PUD is needed here because of the request for the 3rd, garden unit. Mr. Pozsgay stated the architect says they tried to match the bulk and character of the existing homes in the area.

Mr. Mariusz Gruszka was present and sworn in by Chairman Rowe. Mr. Gruszka reviewed the proposed plans for the proposed 2 story, 3 unit dwelling.

Commissioner Ciula asked if the units would be condos or apartments. Mr. Gruszka stated they would be condos with an association.

Chairman Rowe asked if they would be sold or rented. Mr. Gruszka stated they would be sold.

Commissioner Czarnecki raised concern that there is no rear exit on the proposed plans. Mr. Gruszka stated the proposed drawings meet code. Mr. Gruszka stated the building would be sprinkled and only have an exist on the front of the property.

Commissioner Ciula asked how far the proposed porch is setback from York Road. Mr. Gruszka stated the setback is 24 feet.

Commissioner Wasowicz asked if the proposed garage was a community garage or would be separate for each owner. Mr. Gruszka stated it was unknown at this time.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

1. **Superior Design:** The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

Applicant's Response: The PUD will enhance the character of the neighborhood and surrounding buildings. Not only front but also sides of the building are enhanced with features like balconies/ porches. Bulk requirements in relation to the size of the site were scaled down to complement the existing surrounding buildings.

2. **Meet PUD Requirements:** The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

Applicant's Response: The PUD meets the requirements for planned unit developments.

3. **Consistent with Village Plan:** The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.

Applicant's Response: The proposed PUD is consistent and clearly promotes the objectives of the Village general development plan.

4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare.

Applicant's Response: The proposed development will not be detrimental to the public health, safety or general welfare.

5. **Compatible with Environs:** Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

Applicant's Response: The PUD will not be injurious to the use and enjoyment of other properties in its vicinity. Carefully laid out the proposed design of scale and exterior features will complement existing buildings. Placement on site provides plenty of open yard space on sides will encourage outdoor activities.

6. **Natural Features:** The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainage-ways or other areas of sensitive or valuable environmental character.

Applicant's Response: The PUD is as consistent as practical with preservation of any natural features. Mature tree up front, as well as some of the vacant lot area, will remain untouched and protected during the construction.

7. **Circulation:** Streets, sidewalks, pedestrian-ways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

Applicant's Response: The proposed PUD will provide required sidewalks, off-street parking and loading as appropriate to planned land uses. These will not create unnecessary pedestrian-vehicular conflict.

8. **Open Spaces and Landscaping:** The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape and location of a substantial portion of any common open space provided in residential areas render it usable for recreation purposes.

Applicant's Response: Common open spaces and landscaping are provided. The size and placement of the building created large open space to the south that can be used for recreation purposes. Additional landscaping will be provided to enhance the quality of the space and provide a buffer from the main street.

9. **Covenants:** Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:
 - a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
 - b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.

Applicant's Response: Condominium associations will be established and in charge of the overall quality and maintenance of the building, garage, landscaping and other features.

10. **Public Services:** The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.

Applicant's Response: It is anticipated that the land use is consistent with the anticipated ability of the Village as well as other public bodies, facilities and services. No undue burden on existing residents and businesses is anticipated.

11. **Phasing:** Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Applicant's Response: Currently, the project is not split into construction phases. If the project is later split into phases, each phase will be able to exist independently.

Commissioner Czarnecki stated he believes the proposed structure should be turned 180° and have the proposed back of the structure facing York Road.

Commissioner Wasowicz stated while the proposed structure meets current code requirements, he believes there should also be an exist at the rear of the property.

Mr. Pozsgay stated Engineering has concerns with flooding in the area and the proposed garden unit.

Mr. Pozsgay stated Staff recommends continuing the Public Hearing to the next regularly scheduled meeting so the applicant can address concerns.

Motion: Commissioner King made a motion to continue CDC Case No. 2019-04 until April 2, 2019. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, King, Wasowicz

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

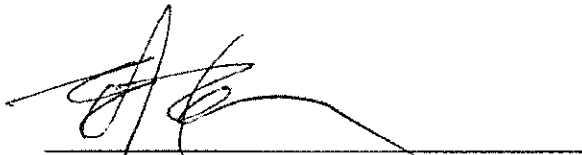
Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

Mr. Pozsgay reviewed the proposed 2019 Zoning Map with the Commission.

ADJOURNMENT: There being no further business before the Community Development Commission, Commissioner Ciula made a motion to adjourn the meeting. Commissioner King seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:17 p.m.



Ronald Rowe, Chairman
Community Development Commission

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

April 2, 2019

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, Ciula, King, Wasowicz
Absent: Czarnecki, Marcotte, Rodriguez
A quorum was present.

STAFF PRESENT: K. Pozsgay, S. Viger, C. Williamsen

JOURNAL OF PROCEEDINGS: The minutes of the Community Development Commission Meeting of March 5, 2019 were presented.

Motion: Commissioner King made a motion to approve the minutes as presented. Commissioner Wasowicz seconded the motion.

All were in favor. Motion carried.

Director of Community Development, Scott Viger and Village Planner, Kurtis Pozsgay were both present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Continued Public Hearing: CDC Case Number 2019-04
Petitioner: Mariusz Gruszka
Location: 225 S. York Rd.
Request: Planned Unit Development, 2 Story-3 Unit Dwelling, Municipal Code Section 10 – 4.

Motion: Commissioner Wasowicz made a motion to re-open CDC Case No. 2019-04. Commissioner King seconded the motion.

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

Motion: Commissioner Wasowicz made a motion to continue CDC Case Number 2019-04 until a later date. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz
Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-06
Petitioner: Charles Randolph
Location: 828 Eagle Drive
Request: Special Use Permit, Motor Vehicle Repair and/or Service,
Municipal Code Section 10 – 7 – 2

Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2019-06. Commissioner King seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay 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. Pozsgay stated the Petitioner is applying for a Special Use Permit for Motor Vehicle Repair and/or Service at 828 Eagle Dr. Mr. Pozsgay stated the unit is in a multi-unit industrial building in an I – 1 Light Industrial district. Mr. Pozsgay state the petitioner says he works mainly on small engines and with some automotive service as well.

Mr. Charles Randolph was present and sworn in by Chairman Rowe. Mr. Randolph stated car repairs are currently taking place onsite. Mr. Randolph stated they work on cars and small trucks. Mr. Randolph stated the only employees on site are his step son and himself. Mr. Randolph stated their clients are family and friends. Mr. Randolph stated they do not paint vehicles on site.

Commissioner Ciula asked what their business hours are. Mr. Randolph stated they are operating no more than 35-40 hours a week. Mr. Randolph stated they are usually never on site past 4:30pm. Mr. Randolph stated they might be at the shop on Saturdays from 8:00am – 12:00pm. Mr. Randolph stated they are never there on Sundays.

Commissioner Wasowicz asked if there was any signage on the building. Mr. Randolph stated they have lettering on the window of the unit.

Chairman Rowe asked if they work on semi-trucks. Mr. Randolph stated never, his one rule is he does not work on diesel vehicles.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed request 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.

Applicant's Response: None. 2-5 cars enter and exit per day maximum.

- 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.

Applicant's Response: Will install oil catch basins/3 basin sewer.

- 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.

Applicant's Response: None. There are other similar businesses in the neighborhood. No large signage planned.

- 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.

Applicant's Response: No.

- 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.

Applicant's Response: Yes. No small equipment repair/small engine repair in the nearby area or snow plow repair. There are other car shops – we don't advertise as such.

- 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.

Applicant's Response: Yes.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The Special Use Permit be granted solely to Charles Randolph 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;
2. No Motor Vehicle Sales;
3. Fire alarm system must be installed prior to issuance of business license;
4. Hours of operation should be limited to no earlier than 6:00 am and no later than 8:00 pm;
5. Outdoor Storage of vehicles and/or equipment waiting for repair should be limited to no more than 25% of the parking spaces attributed to this unit.
6. Trash corrals must be installed at the property.

There were no questions from the Commission.

Motion: Commissioner King made a motion to close CDC Case No. 2019-06. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:41 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-06 as presented by Staff and to approve the special use request with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-07
Petitioner: Site Enhancement Services / McDonalds
Location: 302 West Irving Park Road
Request: Variance, Drive-Through Signs Quantity,
Municipal Code Section 10 – 10 – 5 – 3b.

Motion: Commissioner King made a motion to open CDC Case No. 2019-07. Commissioner Wasowicz seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay 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. Pozsgay stated the Petitioner is applying for a Variance for a second menu board in each drive through lane at their Irving Park Road location. Mr. Pozsgay stated zoning Ordinance only allows one menu board sign per lane. Mr. Pozsgay stated the menu board signs will continue to be on the Irving Park Road-side of the restaurant property, away from the homes to the south.

Mr. Brandon Gantt of Site Enhancement Services was present and sworn in by Chairman Rowe. Mr. Gantt reviewed the proposed signs that are being installed at all McDonalds nationwide.

There were no questions from the Commission.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed request consisting of:

1. **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.

Applicant's Response: (see below)

2. **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.

Applicant's Response: (see below)

3. **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.

Applicant's Response: (see below)

4. **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.

Applicant's Response: (see below)

5. **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.

Applicant's Response: (see below)

6. **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.

Applicant's Response: (see below)

7. **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.

Applicant's Response: (see below)

8. **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.

Applicant's Response: (see below)

9. **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.

Applicant's Full Response: The relief that is requested will not substantially alter the ability of this location to perform. The variance that is requested would allow for an updated experience for the cliental that have already decided to utilize the goods and services offered at this facility. The success or failure of the site is not dependent on this request; however, the overall experience could be upgraded at this location if the variance were to be approved. This request would allow for an update in technology to occur that was not prevalent when the current code was enacted. The request will have zero offsite impact and will in no way be a detriment to the surrounding area. The variance that is requested, if approved, will have zero impact on the neighborhood or the surrounding

area. This variance is wholly contained to the property in question and will only affect those which have entered in to the drive-thru lanes through their own volition. The relief that is requested will in no way adversely affect the delivery of governmental services. The variance for the alternate display of information at this site is wholly contained to the retail use of this property. The relief requested is unique because it is centered around the advancement in available technology for menu board displays. This property has been a McDonald's for several years however the availability of the technology has only become viable in the past 2-3 years. This is a growing development of technology which allows for a cleaner messaging opportunity for restaurant/retail type uses. The requested upgrade in communication with the McDonald's drive-thru cliental cannot be achieved through any other method other than the proposed variance. McDonald's currently uses outdated static message boards which do not allow for interaction or easily updated information. The requested menu boards will enhance the overall experience for the drive-thru clients. The relief requested will not be in opposition to the intent of the zoning resolution. The digital menu boards that are proposed will allow for clean and crisp readability that is contained onsite. There will be no proliferation of signage through granting this request and there will be no adverse impact on traffic movement on the local streets. This technology will only be visible to motorist that have already decided to enter into the drive-thru portion of this property.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The plans and aesthetics of the sign to be in substantial compliance with the plans submitted by Site Enhancement Services on 01.25.19.

There were no questions from the Commission.

Motion:

Commissioner King made a motion to close CDC Case No. 2019-07. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:50 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-07 as presented by Staff and to approve the variance request with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2019-08
Petitioner: CIT Trucks
Location: 877 Supreme Drive
Request: (3) Special Use Permits:
Motor Vehicle Sales, Truck Repair, and Outdoor Storage Area
Municipal Code Section 10 – 7 – 2, and
Variance, Outdoor Storage Area Location,
Municipal Code Section 10 – 7 – 3W.

Motion: Commissioner King made a motion to open CDC Case No. 2019-08. Commissioner Wasowicz seconded the motion.

Village Planner, Kurtis Pozsgay was present and previously sworn in by Chairman Rowe. Mr. Pozsgay stated a Legal Notice was published in the Bensenville Independent on March 14, 2019. Mr. Pozsgay 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. Pozsgay stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 15, 2019. Mr. Pozsgay stated on March 15, 2019 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. Mr. Pozsgay 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. Pozsgay stated the Petitioner is applying for Special Use Permits and a Variance to operate their truck sales and repair facility at 877 Supreme Dr. Mr. Pozsgay stated CIT has agreed to terms with Prologis on the former Law Auto property. Mr. Pozsgay stated they will relocate their parts operation from Thomas Drive and expand to truck sales & service.

Mr. Dave Mitchell of CIT Trucks was present and sworn in by Chairman Rowe. Mr. Mitchell stated CIT Trucks has operated at 702-708 Thomas Drive for 14 years. Mr. Mitchell stated they have outgrown their facility and want to stay in Bensenville.

Commissioner King asked if they were buying or leasing the proposed site. Mr. Mitchell stated they would be leasing.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to speak on behalf of the case. There were none.

Mr. Pozsgay reviewed the approval criteria for the proposed special use requests 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.

Applicant's Response: Traffic will be typical for the industrial district along Foster.

- 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.

Applicant's Response: The use will have no adverse impact on neighbors.

- 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.

Applicant's Response: The use fits in with the surrounding industrial.

- 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.

Applicant's Response: No additional public services or facilities will be required.

- 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.

Applicant's Response: Without the special uses requested, we will not be able to operate our sales facility at this location, which will generate sales tax to the Village.

- 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.

Applicant's Response: This is compatible with similar special use requests.

Mr. Pozsgay reviewed the approval criteria for the proposed variance request consisting of:

- 1) **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.

Applicant's Response: Special circumstances exist due to the number of employees and needed sales display area.

- 2) **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.

Applicant's Response: Without the requested variances, the project cannot move forward.

- 3) **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.

Applicant's Response: The special circumstances relate to the property and layout and are not a result of the business.

- 4) **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.

Applicant's Response: The variances are not the result of any action of the applicant.

- 5) **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.

Applicant's Response: The variances confer the rights of the district.

- 6) **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.

Applicant's Response: The variances are necessary for the use of the property.

- 7) **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.

Applicant's Response: The variances will not alter the local character.

- 8) **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.

Applicant's Response: The variances are consistent with the title and plan.

- 9) **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.

Applicant's Response: These are the minimum variances needed to operate our facility.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the request as presented with the following conditions:

1. The Special Use Permits be granted solely to the CIT Trucks 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 Permits, or if the CDC deems that the new occupant contemplates a change in use which is inconsistent with the Special Use Permits, the new

occupant shall be required to petition for a new public hearing before the CDC for a new Special Use Permits;

2. Outdoor Storage of vehicles and/or equipment waiting for repair should be limited to no more than 25% of the lot;
3. Outdoor Storage shall occur on improved surfaces only;
4. A landscape plan shall be submitted to and approved by Village staff.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2019-08. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:57 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for motor vehicle sales with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for truck repair with Staff's recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the special use request for outdoor storage with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case No. 2019-08 as presented by Staff and to approve the variance request for outdoor storage area location with Staff's recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, King, Wasowicz

Nays: None

All were in favor. Motion carried.

**Report from
Community
Development:**

Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

Mr. Pozsgay reviewed the proposed 2019 Zoning Map with the Commission.

ADJOURNMENT: There being no further business before the Community Development Commission, Commissioner King made a motion to adjourn the meeting. Commissioner Wasowicz seconded the motion.

All were in favor. Motion carried.

The meeting was adjourned at 7:07 p.m.



Ronald Rowe, Chairman
Community Development Commission

From: [Kurtis Pozsgay](#)
To: [Arek Jarog](#)
Subject: RE: 225 S York Rd, Bensenville, IL 60106
Date: Tuesday, February 19, 2019 8:13:00 AM
Attachments: [image001.png](#)

You are not required to bring anything, but maybe a print or two would be helpful. Also, any preparation you can do to talk about the garden unit and flooding issues in the area. I'm already hearing lots of concern and know that will be a hurdle you will have to get over.

Kurtis

From: Arek Jarog <ajarog@live.com>
Sent: Monday, February 18, 2019 5:47 PM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Great, do I have to prepare anything at this point (prints, etc.) or just need to be there for the meeting to answer any questions?

Arek Jarog

PROJEKT 

c: 773 505 9998
e: ajarog@live.com
w: ajarog.com
o: 125 E Lake St, Suite 106
Bloomington, IL 60108



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engineering
consulting
management

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files.

From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Sent: Monday, February 18, 2019 2:01 PM
To: Arek Jarog
Subject: RE: 225 S York Rd, Bensenville, IL 60106

Sorry. I meant March 5th

From: Kurtis Pozsgay
Sent: Monday, February 18, 2019 2:01 PM
To: 'Arek Jarog' <ajarog@live.com>
Subject: RE: 225 S York Rd, Bensenville, IL 60106

I ran the ad last week. You are on the agenda for February 5th

Kurtis

From: Arek Jarog <ajarog@live.com>
Sent: Monday, February 18, 2019 11:11 AM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

I just wanted to follow up and check if you were able to place us on agenda for PUD?

Thank you.

Arek Jarog

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From: Arek Jarog <ajarog@live.com>
Sent: Tuesday, February 12, 2019 1:39 PM
To: Kurtis Pozsgay
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Here you are. Let me know if any of these need further clarifications.

1. Superior Design: The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

The PUD will enhance the character of the neighbourhood and surrounding buildings. Not only front but also sides of the building are enhanced with features like balconies/ porches. Bulk requirements in relation to the size of the site were scaled down to compliment the existing surrounding buildings.

2. Meet PUD Requirements: The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

The PUD meets the requirements for planned unit developments.

3. Consistent with Village Plan: The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.

The proposed PUD is consistent and clearly promotes the objectives of the Village general development plan.

4. Public Welfare: The PUD will not be detrimental to the public health, safety or general welfare.

The proposed development will not be detrimental to the public health, safety or general welfare.

5. Compatible with Environs: Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighbourhood, nor impede the orderly development of surrounding property.

The PUD will not be injurious to the use and enjoyment of other properties in its vicinity. Carefully laid out the proposed design of scale and exterior features will complement existing buildings. Placement on site provides plenty of open yard space on sides will encourage outdoor activities.

6. Natural Features: The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainage-ways or other areas of sensitive or valuable environmental character.

The PUD is as consistent as practical with preservation of any natural features. Mature tree up front, as well as some of the vacant lot area, will remain untouched and protected during the construction.

7. Circulation: Streets, sidewalks, pedestrian-ways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.

The proposed PUD will provide required sidewalks, off-street parking and loading as

appropriate to planned land uses. These will not create unnecessary pedestrian-vehicular conflict.

8. Open Spaces and Landscaping: The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape and location of a substantial portion of any common open space provided in residential areas render it usable for recreation purposes.

Common open spaces and landscaping are provided. The size and placement of the building created large open space to the south that can be used for recreation purposes. Additional landscaping will be provided to enhance the quality of the space and provide a buffer from the main street.

9. Covenants: Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:

- a. The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.
- b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.

Condominium associations will be established and in charge of the overall quality and maintenance of the building, garage, landscaping and other features.

10. Public Services: The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.

It is anticipated that the land use is consistent with the anticipated ability of the Village as well as other public bodies, facilities and services. No undue burden on existing residents and businesses is anticipated.

11. Phasing: Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Currently, the project is not split into construction phases. If the project is later split into

phases, each phase will be able to exist independently.

Thank you.

Arek Jarog

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o: 125 E Lake St, Suite 106
Bloomington, IL 60108



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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Sent: Monday, February 11, 2019 4:49 PM

To: Arek Jarog

Subject: RE: 225 S York Rd, Bensenville, IL 60106

Arek,

I can't find the responses to the Approval Criteria. Can you either resend or complete and send me ASAP? I've attached the criteria for reference.

Thank you,

Kurtis

From: Arek Jarog <ajarog@live.com>
Sent: Friday, February 1, 2019 2:47 PM
To: Kurtis Pozsgay <K Pozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

I have dropped off check @ front for your attention. Let me know if you have received it and when can we expect to get on agenda?

Thank you.

Arek Jarog

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From: Arek Jarog <ajarog@LIVE.COM>

Sent: Friday, February 1, 2019 9:26 AM
To: Kurtis Pozsgay
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Thank you.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Date: 2/1/19 9:24 AM (GMT-06:00)
To: Arek Jarog <ajarog@LIVE.COM>
Subject: RE: 225 S York Rd, Bensenville, IL 60106

Yup, they are good enough to proceed. We may have some additional things that need tweaking before it's all said and done, but to get this really going these work.

Kurtis

From: Arek Jarog <ajarog@LIVE.COM>
Sent: Friday, February 1, 2019 9:11 AM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello, I will drop off check later today. Did you have a chance to look at revised plans I send you on 1/21? Are these good enough to proceed with process?

Thank you

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Date: 2/1/19 8:45 AM (GMT-06:00)
To: Arek Jarog <ajarog@live.com>
Subject: RE: 225 S York Rd, Bensenville, IL 60106

Arek,

Just following up on the \$300 escrow. I think that's the main thing we need to get this application rolling.

Thanks
Kurtis

From: Arek Jarog <ajarog@live.com>
Sent: Monday, January 21, 2019 9:24 AM
To: Kurtis Pozsgay <K.Pozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

Thank you for the feedback. Please find attached updated set and responses below in bold.
When do you think we can get on PUD agenda?

- 1) We approved an entirely new zoning ordinance in December. It can be found at the link below. Look at the top under "Ordinances pending codification"

https://www.sterlingcodifiers.com/codebook/index.php?book_id=819

You are in the new R-3 District. It looks like you meet most of the requirements already, as they were pretty close to the previous requirements.

The height of the building was revised to comply w/ requirements. Please clarify the transparency requirement, is it just the glass area or the entire window size I can use to meet this code?

- 2) The \$750 application fee is fine. But we also need an \$300 escrow fee to cover legal fees.

Will drop off the additional \$300 with the final set

- 3) Your lot coverage is off. Coverage includes all impervious areas. Please update that calculation.

Lot coverage updated as noted.

Other thoughts on first glance.

- We had discussed previously that the garden unit will be a potentially tough sell to the CDC, but I think it's doable.

We are willing to provide additional information or add extra green (LEED) items to make this project successful.

- The parking pad behind the garage is too much. It should only allow for enough room to park the three cars at 10' by 20' per car. Add an extra foot off the alley and that's it. This will also help with your lot coverage.

Please see revised site plan, updated as noted.

Thank you.

Arek Jarog

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Bloomington, IL 60108



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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Sent: Friday, January 18, 2019 12:12 PM

To: Arek Jarog

Subject: RE: 225 S York Rd, Bensenville, IL 60106

Arek,

I haven't done a deep dive into this yet, but there are already a few things that you need to be aware of.

- 1) We approved an entirely new zoning ordinance in December. It can be found at the link

below. Look at the top under "Ordinances pending codification"

https://www.sterlingcodifiers.com/codebook/index.php?book_id=819

You are in the new R-3 District. It looks like you meet most of the requirements already, as they were pretty close to the previous requirements.

- 2) The \$750 application fee is fine. But we also need an \$300 escrow fee to cover legal fees.
- 3) Your lot coverage is off. Coverage includes all impervious areas. Please update that calculation.

Other thoughts on first glance.

- We had discussed previously that the garden unit will be a potentially tough sell to the CDC, but I think it's doable.
- The parking pad behind the garage is too much. It should only allow for enough room to park the three cars at 10' by 20' per car. Add an extra foot off the alley and that's it. This will also help with your lot coverage.

Kurtis

From: Arek Jarog <ajarog@live.com>
Sent: Thursday, January 17, 2019 12:50 PM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

I just want to follow up on the paperwork I left to your attention yesterday for the PUD process. When you get a chance please review and let me know what's missing/ needs changes so that I can update and we can get this process going.

Thank you.

Arek Jarog

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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Sent: Thursday, March 29, 2018 1:38 PM

To: Arek Jarog

Cc: Joanna Subczynska; Ted Kuriata

Subject: RE: 225 S York Rd, Bensenville, IL 60106

You are free to submit to our CDC for a 3-unit PUD if you'd like. I received the same feedback that we previously got, which is there is no real appetite for anything other than the two unit concept (which would not require the PUD). There is a good chance that they will require some sort of housing study/market feasibility. This won't have to be a full blown study, but you will definitely have to show the intended market for the units.

Kurtis

From: Arek Jarog <ajarog@live.com>

Sent: Thursday, March 29, 2018 1:22 PM

To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Cc: Joanna Subczynska <joannasubczynska@yahoo.com>; Ted Kuriata <kuriatus@gmail.com>

Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

Sorry to bother but just wanted to check in to see if you had a chance to get any feedback on this project? We would like to move on with ZBA and permit process ASAP.

Thank you.

Arek Jarog

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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Sent: Tuesday, March 20, 2018 9:17:23 AM

To: Arek Jarog

Cc: Joanna Subczynska; Ted Kuriata

Subject: RE: 225 S York Rd, Bensenville, IL 60106

We were supposed to discuss this at our monthly project review group last week but the meeting got pushed to this week. I should have some feedback for you sometime early next week. I apologize for the delay.

Kurtis

From: Arek Jarog <ajarog@live.com>

Sent: Tuesday, March 20, 2018 9:00 AM

To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>

Cc: Joanna Subczynska <joannasubczynska@yahoo.com>; Ted Kuriata <kuriatus@gmail.com>

Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

Just wanted to see if you had a chance to discuss this with Village manager?

Arek Jarog

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From: Arek Jarog <ajarog@live.com>
Sent: Monday, March 5, 2018 8:22:01 AM
To: Kurtis Pozsgay
Cc: Joanna Subczynska; Ted Kuriata
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Thank you for getting back to us. We would like to pursue 3 unit option. Attached please find revised site plans as noted in regards to garage layout and front setback. Any concerns that board may have we are willing to address through proper design and other available options that will benefit the community.

Let us know. Thank you.

Arek Jarog

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From: Kurtis Pozsgay <KPOzsgay@bensenville.il.us>
Sent: Monday, February 26, 2018 4:39:33 PM
To: Arek Jarog
Cc: Joanna Subczynska
Subject: RE: 225 S York Rd, Bensenville, IL 60106

I apologize. I sent you the wrong comments.

A 3-unit building may be hard to get by this current Board. There may only be an appetite for 2. Either way, the garage layout doesn't work. It creates too much coverage with all the additional paving in the rear yard. Create a site plan that moves the garage off the alley with the extra parking spaces in front of the garage doors.

Less lot coverage.

Due to the old office turned residential building to the north, we want to possibly pull your building closer to the street. At a minimum, it needs to match the building line to the south.

Please take another run at the initial site plan with less lot coverage and come up with a second, 2-unit concept. We will need to discuss with the Village manager again.

Thanks
Kurtis

From: Arek Jarog [<mailto:ajarog@live.com>]
Sent: Friday, February 23, 2018 9:07 AM
To: Kurtis Pozsgay <KPOzsgay@bensenville.il.us>
Cc: Joanna Subczynska <joannasubczynska@yahoo.com>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

Just wanted to check if there was discussion on this?

Thank you.

Arek Jarog

PROJEKT+

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o: 125 E Lake St, Suite 106
Bloomington, IL 60108

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From: Arek Jarog <ajarog@live.com>

Sent: Wednesday, February 14, 2018 1:08:46 PM

To: Kurtis Pozsgay

Cc: Joanna Subczynska

Subject: Re: 225 S York Rd, Bensenville, IL 60106

Great, thank you for the update.

Arek Jarog

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o: 125 E Lake St, Suite 106
Bloomington, IL 60108

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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Sent: Wednesday, February 14, 2018 12:25:08 PM
To: Arek Jarog
Cc: Joanna Subczynska; Ted Kuriata
Subject: RE: 225 S York Rd, Bensenville, IL 60106

We have this on an internal Project Review Group meeting agenda tomorrow to discuss the concept. I'll reach back out later in the week with an update.

Kurtis

From: Arek Jarog [<mailto:ajarog@live.com>]
Sent: Tuesday, February 13, 2018 12:57 PM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Cc: Joanna Subczynska <joannasubczynska@yahoo.com>; Ted Kuriata <kuriatus@gmail.com>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

I just wanted to follow up and see if you had a chance to review the site plan I send you?

Thank you.

Arek Jarog

PROJEKT 

c: 773 505 9998
e: ajarog@live.com
w: ajarog.com
o: 125 E Lake St, Suite 106
Bloomington, IL 60108

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From: Arek Jarog <ajarog@live.com>
Sent: Monday, January 29, 2018 10:45:38 AM
To: Kurtis Pozsgay
Cc: Joanna Subczynska; Ted Kuriata
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello Kurtis,

Please find attached updated site plan for our proposal. We have reduced number of units to 3, that brought us to get parking ration to 2.0 per unit. Also, we have reduced site coverage and sized the building to be consistent with surrounding area. Let us know your thoughts.

Also, could you please let us know what are the current available dates we possibly can schedule this project for variance.

Arek Jarog

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From: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Sent: Friday, January 26, 2018 2:25:54 PM
To: Arek Jarog
Subject: RE: 225 S York Rd, Bensenville, IL 60106

Arek,

I'm going to go ahead and say this probably has no chance at passing. When we were originally discussing this project, it was two units. It's now four, doesn't meet the DU/acre standards, is more than 50% lot coverage and probably has many other areas of concern.

Kurtis

From: Arek Jarog [<mailto:ajarog@live.com>]
Sent: Thursday, January 25, 2018 12:37 PM
To: Kurtis Pozsgay <KPozsgay@bensenville.il.us>
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

I just wanted to follow up on this project. Owner would like to proceed with attached proposed project. Could you please review it and let us know if this would be within the variance process limits of current zoning?

Thank you.

Arek Jarog

PROJEKT 

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From: Arek Jarog
Sent: Thursday, July 13, 2017 11:25:13 AM
To: kpozsgay@bensenville.il.us
Subject: Re: 225 S York Rd, Bensenville, IL 60106

Hello,

It was nice to talk to you last week. I wanted to follow up on this and see if you had a chance to review that site plan with Scott. Also, we notice that there are some properties up and down the street that have 3 DU that features garden units. I have put together as site plan that shows three dwelling units and 6 parking spots of which only three are in the garage and other three are outside due to the insufficient room on site. Let me know if there is any chance to pursue this solution.

Thank you.

Arek Jarog

PROJEKT✚

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From: Arek Jarog
Sent: Thursday, July 6, 2017 1:09:45 AM
To: kpozsgay@bensenville.il.us
Subject: Fw: 225 S York Rd, Bensenville, IL 60106

From: Arek Jarog
Sent: Thursday, July 6, 2017 12:09 AM
To: sviger@bensenville.il.us
Subject: 225 S York Rd, Bensenville, IL 60106

Hello,

I was wondering if you could help me with the zoning code requirements for above-referenced address. My client is looking to build 2 d.u. building as noted on attached proposed site plan. In order to make this feasible, we would like to ask for a variance on required side setbacks to be reduced to 5 feet. Please review proposed site plan and let us know if there are any other requirements we are missing for this specific zoning.

Thank you.

Arek Jarog

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From: [Kurtis Pozsgay](#)
To: [Arek Jarog](#)
Subject: 225 S York PUD Draft Staff Report
Date: Friday, February 22, 2019 3:54:00 PM
Attachments: [CDC 2019 - 04 Draft Staff Report 225 S York.pdf](#)
[image005.png](#)
[image008.png](#)
[image009.png](#)

Arek,


Attached is the draft staff report. You'll notice we recommend continuing to the next meeting in order to address lots of comments and requested changes. Given the nature of the PUD, I hope you can understand the request. Most of it revolves around that 3rd unit, which I don't think is out of the question. There is more concern about it being a garden unit than it being there at all. Let me know if you have any questions.

Kurtis Pozsgay, AICP
Senior Planner



12 South Center Street Bensenville, IL 60106
P: 630.350.3396 C: 517.648.4971 L: [linkedin.com/in/kpozsgay](https://www.linkedin.com/in/kpozsgay)



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