

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

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION**

April 17, 2017

**CALL TO ORDER:** The meeting was called to order by Chairman Moruzzi at 6:31p.m.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, Marcotte, Pisano, Rodriguez, Rowe  
Absent: Lomax, Tellez  
A quorum was present.

**STAFF PRESENT:** S. Viger, C. Williamsen, M. Dickson

**JOURNAL OF PROCEEDINGS:**

The minutes of the Community Development Commission Meeting of March 20, 2017 were presented.

**Motion:** Commissioner Rodriguez made a motion to approve the minutes as presented. Commissioner Pisano seconded the motion.

All were in favor. Motion carried.

*Commissioner Lomax entered the meeting at 6:33p.m.*

**Public Hearing:** CDC Case Number 2017-03  
**Petitioner:** Dubin Holding, Inc.  
**Location:** 770-830 John Street  
**Request:** Preliminary and Final Planned Unit Development to Construct 41 Single Family homes with code deviations to Intensity and Yards, Municipal Code Section 10 – 5D – 4 and Signage, Municipal Code Section 10 – 18 – 9

**Motion:** Commissioner Rowe made a motion to re-open CDC Case No. 2017-03. Commissioner Pisano seconded the motion.

**ROLL CALL :** Upon roll call the following Commissioners were present:  
Moruzzi, Lomax, Marcotte, Pisano, Rodriguez, Rowe, Tellez  
Absent: Tellez  
A quorum was present.

Chairman Moruzzi opened the Public Hearing at 6:34 p.m.

Chairman Moruzzi swore in Director of Community and Economic Development, Scott Viger.

Director of Community and Economic Development, Scott Viger, was present and previously sworn in by Chairman Moruzzi. Mr. Viger stated a Legal Notice was published in the Bensenville Independent on March 30, 2017. Mr. Viger 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. Viger stated Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on March 28, 2017. Mr. Viger stated on March 30, 2017 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. Viger 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. Viger stated the applicant is proposing to subdivide and develop an approximately 7.3-acre site at 770-830 John Street, on the west side of John, north of Brentwood Court and South of George St. Mr. Viger stated the development consists of 41 single family homes and associated public improvements, including green space and detention area. Mr. Viger stated the lot is currently zoned RS-4 Medium High Density Single Family District.

Bernard Citron of Thompson Coburn, LLP was present and sworn in by Chairman Moruzzi. Mr. Citron stated two neighborhood meetings were conducted with the Residents surrounding the area and that plans had significantly changed to take their suggestions into consideration. Mr. Citron stated the original plans allowed for 51 homes on the site and that the current plans now allow for 41 single family homes on the site. Mr. Citron stated the proposed open space on the site will be maintained by the homeowners association. Mr. Citron stated the proposed pavement widths meet current standards set forth in the Village Code. Mr. Citron stated the proposed single-family homes will each have a two car garage and a driveway that would accommodate two additional cars. Mr. Citron stated the proposed lots along John Street are wider to stay consistent with the surrounding area.

Bill Loftus of Spaceco, Inc. was present and sworn in by Chairman Moruzzi. Mr. Loftus reviewed the shared utility plans for the proposed area. Mr. Loftus reviewed the proposed Stormwater drainage and detention basin proposal. Mr. Loftus stated the plans allow for the development to tap into the existing 8" water line on John Street. Mr. Loftus stated after reviewing Staff's concerns, the developers have agreed the watermain would be constructed under the street rather than under the parkways as original proposed. Mr. Loftus stated this would allow for the landscape to grow and for an easier repair if a break were to happen. Mr. Loftus stated the proposed sanitary sewer line would be taped into the exiting line on the east side of the property.

Eric Russell of Kenig, Lindgren, O'Hare, Aboana, Inc. was present and sworn in by Chairman Moruzzi. Mr. Russell stated the proposed project has two primary access points to the property off of John Street. Mr. Russell stated a traffic study was completed and shared the results. Mr. Russell stated the proposed street will only access the proposed subdivision and not act as a shortcut to other areas of town. Mr. Russell stated he had no concerns with increased traffic in the area.

Mr. Citron read the findings of fact into the record. Mr. Citron stated the proposed subdivision meets the requirements set forth in the recently adopted comprehensive plan of the Village.

Commissioner Marcotte stated two entrances for the proposed subdivision was not enough and that she believed traffic would increase in the area. Ms. Marcotte also stated 41 homes on site was too many. Mr. Russell stated after his study, two entrances/exits for the area was more than enough. Mr. Citron stated the homes along Forestview Drive only have two entrances/exits and there are 61 homes on the site.

Commissioner Rodriguez raised concerns for the turning radius of fire engines on the proposed site. Mr. Loftus stated an auto turn study was submitted to the commission with the plans and that there would not be an issue with fire trucks accessing the site. Mr. Citron stated the proposed streets meet the requirements set forth in the Village Code.

Commissioner Rodriguez asked if there were plans to restrict parking close to the access roads for driver visibility. Mr. Loftus stated they have no issue installing no parking area for driver visibility closer to the entrances/exits of the proposed subdivision.

Commissioner Rodriguez raised concern with the proposed lot size and asked what the reasoning was for private parks. Mr. Citron stated he respected Commissioner Rodriguez's comments and that the park would be open to the public and maintained by the homeowners association.

Commissioner Rodriguez asked for clarification of the proposed retaining wall by the detention area on the site. Mr. Loftus stated final engineering plans have yet to be finalized and was not able to answer the question at this time.

Commissioner Rodriguez asked if the petitioner had the opportunity to review the Village Staff report. Mr. Citron stated they have reviewed the report and have no objections with meeting the requirements.

Commissioner Rowe asked what the proposed driveway length was. Mr. Loftus stated the driveway length for each site is 20 feet and stop signs would be installed as proposed from Village Staff.

Commissioner Rowe stated he believes traffic will increase in the area as a result of the proposed subdivision and that the proposed subdivision would bring drastic changes to the area. Commissioner Rowe also stated parking in the area will be an issue if there is a party at one of the homes.

Commissioner Pisano asked what the price of the homes would be. Mr. Citron stated as the project sits today, \$400,000.

Commissioner Pisano shared his concerns with the proposed project and asked if school buses would be able to access the area. Mr. Loftus stated there would be no issues for the school buses to access the area and make the proper turns.

Commissioner Lomax asked what would happen to the properties north of the proposed subdivision in the event of major flooding. Mr. Loftus stated the property would be designed to drain from east to west and that there should be no impact to the properties to the north.

Commissioner Lomax shared his concerns with the proposed project and stated there are too many homes on the proposed site and that he would prefer a much more open area. Commissioner Lomax also stated the proposed project would increase traffic in the area.

Commissioner Lomax asked why 41 homes. Mr. Citron stated the amount of homes being proposed was based off their study and they were willing to decrease the amount of homes to 39.

**Public Comment:**

**Mike Czarnecki – 825 Brentwood Drive**

Mr. Czarnecki was present and sworn in by Chairman Moruzzi. Mr. Czarnecki stated he lives in the southwest corner from the proposed site and shared his concerns with water flow from storms. Mr. Czarnecki stated his property is graded much lower and that the proposed retention wall would increase flooding on his property. Mr. Czarnecki stated he was opposed to the proposed project.

**Joseph Mariani – 813 Brentwood Drive**

Mr. Mariani was present and sworn in by Chairman Moruzzi. Mr. Mariani stated he has lived in Bensenville for 50 years and plans to move if the proposed project is approved. Mr. Mariani shared his concerns with the increase in traffic and crime in the area. Mr. Mariani stated he was opposed to the proposed project.

**Rayleen Panicola – 820 River Forest Court**

Ms. Panicola was present and sworn in by Chairman Moruzzi. Ms. Panicola stated she does not believe the proposed homes would sell for \$400,000. Ms. Panicola stated she was opposed to the proposed project.

**Ernesto Chivilo – 809 John Street**

Mr. Chivilo was present and sworn in by Chairman Moruzzi. Mr. Chivilo stated he has lived in Bensenville for 45 years. Mr. Chivilo stated he was concerned with the increase of traffic and noise in the area. Mr. Chivilo shared his concerns with flooding in the area. Mr. Chivilo stated he was opposed to the proposed project.

**William Barr – 760 John Street**

Mr. Barr was present and sworn in by Chairman Moruzzi. Mr. Barr stated he was concerned with the proposed street width and traffic increase in the area. Mr. Barr stated the turning radius of a ladder truck is much wider than a normal fire engine. Mr. Barr stated he was opposed to the proposed project.

**Cindee Weldon – 823 Brentwood Drive**

Ms. Weldon was present and sworn in by Chairman Moruzzi. Ms. Weldon shared her concern with flooding on her property as a result of the proposed project. Ms. Weldon stated she was opposed to the proposed project. Mr. Loftus reviewed the retention plans on site.

**Jose Saucedo – 752 George Street**

Mr. Saucedo was present and sworn in by Chairman Moruzzi. Mr. Saucedo shared his concern with the increase of traffic in the area. Mr. Saucedo stated he was opposed to the proposed project.

**Dan Schneider – 741 John Street**

Mr. Schneider was present and sworn in by Chairman Moruzzi. Mr. Schneider stated he does not foresee the proposed homes selling for \$400,000 and does not see the project being completed. Mr. Schneider stated he was opposed to the proposed project.

**Beverly Gruner – 805 John Street**

Ms. Gruner was present and sworn in by Chairman Moruzzi. Mr. Gruner stated she has lived in Bensenville for 74 years and loves the area the way it is. Ms. Gruner stated she was opposed to the proposed project.

**Rory Real – 754 George Street**

Mr. Real was present and sworn in by Chairman Moruzzi. Mr. Real stated he has lived in Bensenville for 20 years that that this was the first time there has been interest at the proposed site. Mr. Real asked if the proposed project was not approved, would there be another option. Chairman Moruzzi stated this was currently the only plans submitted to the Village for this site.

**Bill Perry – 814 George Street**

Mr. Perry was present and sworn in by Chairman Moruzzi. Mr. Perry asked if decks and patios would be allowed on these sites. Mr. Perry asked if the proposed homes would be built east to west or west to east. Mr. Citron stated the proposed homes will not be basement look-outs so deck or patio would be appropriate on the site. Mr. Citron stated the homes would be built in sequence and not spread out.

**Nicholas Panicola – 820 River Forest Court**

Mr. Panicola was present and sworn in by Chairman Moruzzi. Mr. Panicola asked where snow would go during the winter. Mr. Loftus stated snow removal was addressed by Village Staff and addressed in their proposal.

Mr. Viger stated staff respectfully recommends the approval of the Findings of Fact for the proposed Preliminary and Final Planned Unit Development 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 proposed PUD meets this standard in two important ways:**

**First, by utilizing smaller-single family lots (as called out for within the Village's Comprehensive Plan) this allows for the development to provide for substantially more open space and park space than would be provided in a 'normal' subdivision. The total site area is 7.30 acres. The combination of open space and park space is 1.41 acres. This is 20% of the site which far exceeds the amount of open space typically seen in residential subdivision developed per the underlying zoning designation. (As of right developments as would be permitted on this site).**

**The second response to this standard is the significant architectural style and details that are propose to be part of the PUD. Development of the site as of right (as would be possible in accordance with the Village's zoning ordinance) would not require the level of architecture that will be encompassed by the PUD.**

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 project, as set forth herein meets the standards for development as a PUD. The PUD will allow for smaller lot sizes as called out for under the Village's Comprehensive Plan (noted below).**

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 Village's Comprehensive Plan contains a number of provisions which the proposed PUD will address:**

**Single Family Residential District-These parcels - accommodate detached and attached single-family homes. Detached single-family homes can include a variety of densities, from the traditional single-family detached homes found in the Village to compact, small lot homes. Certain parcels within this district can accommodate neighborhood parks and recreational amenities, religious institutions, and neighborhood retail uses that service the neighborhood.**

**The proposed PUD meets with the conditions set forth in the Comprehensive Plan by providing a density (hence development type) that will better address the needs of today's residents.**

**3. Chicago Metropolitan Agency for Planning (CMAP)'s analysis of the American Community Survey data determines that future demand will primarily be for denser housing types: approximately 57 percent of demand will be for multiple family units and approximately 20 percent for small lot single-family units.**

**As noted in CMAP's analysis which was utilized in drafting the Village's Comprehensive Plan there is a need for small lot single family homes. This type of development meets the needs of today's marketplace and also address the desire for a detached single family home at price points which the market will appreciate.**

**4. The Village's housing stock is old compared to the county and region, with approximately three-quarters of homes built between 1950 and 1980. Residents who were interviewed in the Housing for the Changing Region report expressed the need to maintain existing residential properties while adding higher quality new housing to attract a younger demographic.**

**The houses are designed to meet the desires of the younger residents which it is intended to attract along with providing home styles with master bedrooms on the first floor which is attractive to the empty nester market.**

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

**Applicant's Response:** The density of the PUD will not cause any traffic impacts to the surrounding roadway network. Four parking spaces (the maximum number permitted on a residential lot) are provided for each dwelling unit (where the code requires two parking spaces) so there will be no parking impact on the surrounding neighborhood. The utilities available to the site are appropriately sized to serve the proposed density. Storm Water Facilities are adequately designed so that the project will not cause any flooding issues with the surrounding neighborhood.

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 surrounding land uses are mainly single family detached homes which the proposed development is compatible with. Being self-contained, the smaller lots will not negatively affect the pattern of development in the surrounding neighborhood. No aspect of the single family homes will impair the environmental quality of the surrounding neighborhood.

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:** There are no natural features to preserve. Permanent open space is being created through the proposed PUD.

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 roadway network is a simple loop which provides adequate access to John Street. The number of daily trips is insignificant enough so as to cause no traffic issues within the surrounding roadway network. The addition of 11 single family homes (instead of the 30 homes possible under the underlying zoning) will cause no significant issues with traffic or parking. The site plan denotes a sidewalk serving the development.

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:** As noted above, over 20% of the site is being preserved as permanent open space. The detention area will be designed in an environmentally sensitive way which will enhance the development. Two 'park' areas are provided for use by the residents of the development.

**Open space between all buildings is adequate to allow for light and air, access by fire-fighting equipment, and for privacy where walls have windows, terraces or adjacent patios. Open space along the perimeter of the PUD is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.**

**The open space within the development and between homes is adequate for light and air to each home. There is no need to buffer the project from adjacent vacant properties which may be developed as the surrounding properties are generally developed with single family detached homes which are compatible to the proposed use of this property.**

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: A Homeowners Association will be formed. A draft of the HCTA declarations will be submitted at the time of final Plat of Subdivision Approval. The HOA will be responsible for maintenance of the common open space. All other utilities and the streets will be publically dedicated.**

**Since the architecture of the single family homes will be part of the PUD ordinance there is no requirement for architectural control by the HOA.**

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: The school district has submitted a letter evidencing their support for the project. All other services (water, sewer, etc) are adequate to service the development without undue burden.**

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: The provision and improvement of public or common area improvements, open spaces and amenities, or the provision of financial sureties guaranteeing their improvement, is phased generally proportionate to the phasing of the number of dwelling units or amount of nonresidential floor area. (Ord. 07-99, 2-23-1999)**

**The development will be built in one phase with all of the infrastructure going in at the same time, including all utilities, roads and storm water facilities. The Park space will be improved prior to issuance of the first occupancy permit.**

Mr. Viger stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the PUD for Dubin Holding Inc. with the following conditions:

1. Developed in accordance with the plans prepared by SpaceCo dated 02.06.2017 last revised 03.10.2017.
2. Site Plan to be revised to enlarge Outlot A by the elimination of homesites 28 and 41
3. Final material and colors of all architecture, etc. to be determined in conjunction with the Village staff.
4. HOA shall be created and the declarations to be reviewed and approved by the Village Attorney prior to recordation.
5. Phasing / Timing. Final plans must be submitted within 12 months of preliminary approval. A development schedule should be submitted to staff at that time.
6. A solid wood board to board perimeter fence should be installed by developer.
7. Developer will install screening plantings along the east property line of the rear yards of homes 1, 27, 34 and 35. This screening would screen the rear yard uses from John Street.
8. Front yard landscape should be installed by developer as depicted in submitted plans.
9. Rear and side yard drainage easements shall be granted to and maintained by the Homeowners Association (HOA) or individual landlords.
10. Stop signs to be installed at both intersections of Florence and John Streets for vehicles exiting to neighborhood (eastbound).

Commissioner Rodriguez asked what the construction phase would be. Mr. Viger stated the utilities and road would be constructed in one phase and the homes would be constructed as they sold.

Motion: Commissioner Rowe made a motion to close CDC Case No. 2017-03. Commissioner Lomax seconded the motion.

ROLL CALL: Ayes: Moruzzi, Marcotte, Lomax, Pisano, Rodriguez, Rowe

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing at 9:07 p.m.

Motion: Commissioner Rowe made a motion to approve the Findings of Fact listed above for Preliminary and Final Planned Unit Development to Construct 41 Single Family homes with code deviations to Intensity and Yards, Municipal Code Section 10 – 5D – 4 and Signage, Municipal Code Section 10 – 18 – 9. Commissioner Lomax seconded the motion.

ROLL CALL: Ayes: Moruzzi

Nays: Marcotte, Lomax, Pisano, Rodriguez, Rowe

Motion failed.

Motion: Commissioner Pisano made a motion to recommend approval of the Preliminary and Final Planned Unit Development to Construct 41 Single Family homes with code deviations to Intensity and Yards, Municipal Code Section 10 – 5D – 4 and Signage, Municipal Code Section 10 – 18 – 9. Commissioner Rodriguez seconded the motion.

ROLL CALL: Ayes: Moruzzi, Rowe

Nays: Marcotte, Lomax, Pisano, Rodriguez

Motion failed.

**Report from Community Development**

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

**ADJOURNMENT:**

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

All were in favor. Motion carried.

The meeting was adjourned at 9:15 p.m.