

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

MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMISSION

July 23, 2012

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:30 p.m.

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

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of June 11, 2012 were presented.

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

Roll Call: Ayes: Moruzzi, James, Rowe, Pisano, Weldon

Nays: None

Abstained: Ventura

Motion carried.

The minutes of the Community Development Commission of July 9, 2012 were presented.

Commissioner Pisano amended the minutes for corrections.

Motion: Commissioner Pisano made a motion to approve the minutes as amended. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-14
Petitioner: Art Greenstein
Location: 480-500 W. Irving Park Road
Request: 1. Conditional Use Permit for “Motor Vehicle Repair, Minor”.
2. Variance to reduce required parking from 66 to 44 spaces.
3. Variance to allow parking configuration with reduced parking isle width.
4. Variance to reduce front yard (parking) setback to less than 10 feet.
5. Variance to reduce frontage (landscape) strip to less than 6 feet.

Motion: Commissioner Pisano made a motion to open the Public Hearing for CDC Case Number 2012-14. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-14 at 6:35 p.m.

Director of Community & Economic Development, Scott Viger, Assistant Director of Community & Economic Development, Mark Rysavy and Planner, Victoria Kosman, were present and sworn in by Chairman Moruzzi.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on July 8, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 6, 2012. Mr. Viger stated on July 6, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Art Greenstein, owner of 480-500 W. Irving Park Road was present and sworn in by Chairman Moruzzi. Mr. Greenstein gave a brief history of the building and the operations that had taken place in the prior years. Mr. Greenstein stated 500 W. Irving Park Road had always been used for minor vehicle repair. Mr. Greenstein stated the tenant in 500 W. Irving Park Road vacated in January 2012. Mr. Greenstein stated he posted the unit for rent and C&M Auto from Wood Dale moved in a short time later. Mr. Greenstein stated C&M Auto will continue the same use of the building.

Public Comment:

Mr. Viger submitted a letter from the Forest Preserve District of DuPage County to the record. The letter has been attached to the minutes as "Exhibit A".

Commissioner Ventura asked Staff for clarification on the outstanding water bill to the property. Mr. Greenstein stated he was unaware the tenant in 500 W. Irving Park Road was not paying the water bill and is currently on a payment plan with the Village. Mr. Greenstein also stated he is on a payment plan for 480 W. Irving Park Road as well. Mr. Viger stated he will confirm Mr. Greenstein's statement with Village Staff.

Commissioner Ventura questioned the unlicensed vehicles on the property.

Commissioner Weldon asked why Staff has recommended denial of the variances. Mr. Viger stated Staff agrees with the parking reduction variance but has an issue with the design of the frontage strip. Mr. Viger stated there is landscaping on the east and west sides of the property but nothing in the middle. Mr. Viger stated Staff would like to see landscaping done in the middle. Mr. Greenstein stated there is no room for an additional curb cut to the property due to the deliveries the property receives. Mr. Greenstein stated he already is limited on space and with the addition of another curbcut, he will not be able to receive deliveries.

Commissioner Weldon asked if parking would be affected by Staff's recommendation. Mr. Viger stated no parking will be affected.

Commissioner Pisano asked how vehicles will be parked on the property and if cars will be left in front of the building. Mr. Viger stated Staff would have to review the parking with Mr. Greenstein.

Chairman Moruzzi asked if the petitioner had a parking plan or updated site plan with the required changes. Mr. Greenstein stated he did not pursue a new design and was seeking direction from the Commission.

Motion:

Commissioner Ventura made a motion to table CDC Case until August 13, 2012 and directed Staff to meet with the petitioner in regards to an updated site plan of the property and the status of the outstanding water bill. Commissioner Pisano seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-23
Petitioner: Tiger Auto Body
Location: 1081 Entry Drive
Request: Conditional Use Permit to Allow Motor Vehicle Repair (Major & Minor)

Motion: Commissioner Pisano made a motion to open CDC Case No. 2012-23. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-23 at 7:03 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on July 8, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 6, 2012. Mr. Viger stated on July 6, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Joseph Larocchia, owner of Tiger Auto Body was present and sworn in by Chairman Moruzzi. Mr. Larocchia stated a spray booth had already been installed in the building when he moved in so he assumed the use was allowed. Mr. Larocchia stated he mostly refurbishes parts to cars and occasionally will work on the engine. Mr. Larocchia stated he runs a clean operation and insists his property is kept clean.

Commissioner Rowe asked if there is continuous spraying of vehicles. Mr. Larocchia stated he will paint cars every other day and proper air ventilations are installed.

Commissioner Weldon asked if there is any outdoor storage. Mr. Larocchia stated a car won't sit out in the lot for more than a half a day. He wants the cars in and out of the shop and has no intentions of parking vehicle outside.

Commissioner Weldon asked Staff what will be done if outdoor storage occurs. Mr. Viger stated it becomes an ordinance issue handled by Staff.

Commissioner James asked if the building was code compliant. Mr. Larocchia stated everything that needed to be done has been done.

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none.

Director of Community & Economic Development, Scott Viger, presented his Staff report and stated Staff recommends approval of the Conditional Use Permit with the following conditions:

- 1) The Conditional Use Permit be granted solely to Tiger Auto Body, Inc. and shall be transferred only after review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale of lease of this property, the proprietors 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 proprietor without amendment to the Conditional Use Permit, or if the CDC deems that a new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit for a new public hearing before the CDC for a new Conditional Use Permit.
- 2) The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application prepared for Tiger Auto Body, Inc. submitted June 15, 2012.
- 3) No outdoor storage of cars.
- 4) No work outside of the building is allowed.

Motion: Commissioner Weldon made a motion to close the Public Hearing for CDC Case Number 2012-23. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-23 at 7:24 p.m.

Motion: Commissioner Pisano made a motion to approve the finding of facts for the conditional use permit for CDC Case Number 2012-23 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. Staff does not foresee any negative impacts on traffic flow associated with the approval of this Conditional Use.
- 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. Since all work is to be done indoors, there should not be a negative environmental impact.
- 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. The proposed use would fit harmoniously with the existing character. The exterior appearance of the property in question will not be altered.
- 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. No significant increase in the utilization of the public utility systems is anticipated.
- 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.

Staff believes there is a public necessity to provide an auto body repair service in a location close in proximity to a variety of car dealerships.

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.

Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the conditional use permit request for CDC Case No. 2012-23 along with Staff's four recommendations. Chairman Moruzzi seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2012-25
Petitioner: Crossfit 1013 – Norberto Olalde
Location: 764 Foster Avenue
Request: Conditional Use Permit to allow an indoor Athletic Facility

Motion: Commissioner Weldon made a motion to open the Public Hearing for CDC Case Number 2012-25. Commissioner Rowe seconded the motion.

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

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-23 at 7:37 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on July 8, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on July 6, 2012. Mr. Viger stated on July 6, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

Mr. Norberto Olalde, owner of Crossfit 1013 was present and sworn in by Chairman Moruzzi. Mr. Olalde stated himself and his wife will be opening the fitness center and will be teaching the classes their selves. Mr. Olalde stated the classes will take place in a group consisting of member from one to eight. Mr. Olalde stated they will operate one hour in the morning and four hours in the evening so he and his wife can continue their day to day jobs. Mr. Olalde stated this is mainly a strength and conditioning class.

Commissioner Pisano asked how the operation will work. Mr. Olalde stated members will be required to pay a monthly fee.

Commissioner Pisano asked if Mr. Olalde and his wife have been trained for first aid response. Mr. Olalde stated they are currently in classes for the training. Commissioner Pisano requested an AED machine be included in the conditional of the approval criteria. Mr. Olalde had no objections to Commissioner Pisano's request.

Commissioner Ventura asked if there was any bathroom issued. Assistant Director of Community & Economic Development, Mark Rysavy stated as long as the doors to the main office remain open and unlocked, there are no bathroom issues.

Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There was none.

Director of Community & Economic Development, Scott Viger, presented his Staff report and stated Staff recommends approval of the Conditional Use Permit with the following conditions:

- 1) The Conditional Use Permit be granted solely to Crossfit 1013 – Norberto Olalde and shall be transferred only after review by the Community Development Commission (CDC) and approval of the Village Board. In the event of the sale of lease of this property, the proprietors 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 proprietor without amendment to the Conditional Use Permit, or if the CDC deems that a new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit for a new public hearing before the CDC for a new Conditional Use Permit.
- 2) The property shall be developed and utilized in substantial conformance to the plans submitted as part of this application prepared for Crossfit 1013 submitted June 21, 2012.
- 3) No more than 27 occupants will be allowed at one time within the subject property.

Motion: Commissioner Weldon made a motion to close the Public Hearing for CDC Case Number 2012-25. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-25 at 7:40 p.m.

Motion: Commissioner Ventura made a motion to approve the findings of facts for the variances for CDC Case Number 2012-125 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. Staff does not foresee any negative impacts on traffic flow associated with the approval of this Conditional Use. Staff has concluded parking requirements have been met by spaces found in the subject industrial park.

Additionally, the proposed hours of operation are typically off-peak times minimizing traffic impact.

- 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. The proposed use will not have negative effects on the environment. The applicant stated music would be played during workouts, but would keep the volume at a minimum.
- 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. The proposed use would fit harmoniously with the existing character. The exterior appearance of the property in question will not be altered.
- 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. No significant increase in the utilization of the public utility systems is anticipated.
- 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. Staff finds the proposed use to contribute to the general welfare of the Village community.
- 6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Pisano made a motion to approve the conditional use permit requested for CDC Case No. 2012-25 with Staffs three recommendations and the installation of an AED machine. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development

Mr. Viger reviewed both recent Village Board actions and prior CDC cases along with upcoming cases.

ADJOURNMENT:

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

All were in favor
Motion carried.

The meeting was adjourned at 7:53p.m.