

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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

November 14, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

JOURNAL OF PROCEEDINGS:

The minutes of the Community Development Commission of October 10, 2011 were presented.

Motion: Commissioner Ventura made a motion to approve the minutes as amended. Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2011-11
Petitioner: Michael Olsen
Location: 830 Maple Lane
Request: Conditional Use Permit to allow a Gunsmith

The Public Hearing was opened at 7:05 p.m. Michael Olsen was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger also stated a sign was posted outside the property on October 28, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on October 28, 2011.

Mr. Viger stated the use of a gunsmith is allowed in the I-2 district by obtaining a conditional use permit. Mr. Viger stated the current operations of the facility belong to Quality Products. Mr. Viger stated there are no plans for exterior changes to the facility. Mr. Viger stated the applicant has filed an application with the State of Illinois for a Federal Firearms License. Mr. Olsen presented to the Commissioners letters of recommendations. Mr. Olsen stated that his current business of Quality Products is slow and not producing enough to stay open. Mr. Olsen believes he can generate extra revenue by fixing guns for local law enforcement agencies. Mr. Olsen stated that he is under the impression when the Police Department has an issue with a gun; they are shipping them to Texas to be repaired. Mr. Olsen intends to offer a pick up and drop off service to his customers avoiding travel time. Mr. Olsen stated he does not plan to promote this business. Mr. Olsen stated he intends to promote his business via word of mouth. Mr. Viger stated there are no concerns from Public Works, Engineering or Finance in regards to the potential approval. Mr. Viger stated the Police Department has no concerns and confirmed that a Federal Firearms License has been applied for. Mr. Viger stated an annual inspection was done to the property and three minor issues were found. Mr. Viger stated all issued have been resolved and were done within the required 45 days. Mr. Viger stated that Staff recommends approval of the conditional use permit with the following conditions:

- 1) Customers will by appointment only
- 2) All fire arms will be stored in a locked cabinet
- 3) Sale of ammunition by request
- 4) No inventory of guns on site

Mr. Viger stated no new machinery is anticipated. The gunsmith operation will utilize the existing machine shop equipment. Commissioner Janowiak had no questions. Commissioner Rowe asked if there will be a shooting range and how many employees will be hired. Mr. Olsen stated there will be no shooting range and he will be the only employee.

Mr. Olsen stated he plans to offer online sales to potential customers but will not keep nor have any type of inventory in the warehouse other than the guns being repaired. Commissioner Pisano asked how Mr. Olsen planned to test a gun after it has been repaired. Mr. Olsen stated he knows of a local shooting range he has access to or he will have the Officers test the gun at their shooting ranges. Commissioner Ventura asked for clarification in regards to the potential sales of guns. Mr. Olsen stated he would have the ability to purchase guns for clients. Mr. Olsen also stated he will have the ability to complete transfers on site. Mr. Olsen stated that a potential buyer knows they type of gun they are looking for. Mr. Olsen stated he has no concerns selling guns via online sales only. Commissioner Weldon had no questions. Chairman Moruzzi had no questions. Chairman Moruzzi asked if there was any member of the public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing.

Motion:

Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-11 consisting of:

- 1) The business plan as described by the applicant does not operate as a “walk-in” business but by appointment only and via the internet. No negative traffic impacts are anticipated.
- 2) The business will be conducted fully within the building utilizing the existing machine shop equipment that has been in use for many years at this location.
- 3) 830 Maple Lane is zoned I-2 Light Industrial in the heart of the North Business Park. The proposed use should be in harmony with the business area.
- 4) No significant increase in the utilization of the public utility system is anticipated.
- 5) There are currently no gunsmith in the Village.
- 6) The gunsmith will be in harmony within the surrounding business and industrial uses.

Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Ventura made a motion to approve CDC Case #2011-11 with the conditions set forth by Staff. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2011-15
Petitioner: Enbioexpress Illinois, LLC
Location: 229 W. Grand Avenue, Unit D
Request: Conditional Use Permit to allow a Currency Exchange

The Public Hearing was opened at 7:28 p.m. Yerman Valdez was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger also stated a sign was posted outside the property on October 28, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on October 28, 2011. Mr. Valdez stated the operations of the proposed currency exchange will allow customers to send and receive money to Guatemala. Mr. Valdez stated there are currently four Enbioexpress locations in New Jersey and California. Mr. Valdez stated he decided to open a location in Bensenville because he believes there is a large Guatemalan population here. Mr. Viger stated there is currently an operating currency exchange in the same shopping center and will be leaving the center upon approval of the proposed business.

Mr. Viger stated there are no concerns from Public Works, Engineering or the Police Department in regards to the approval of the proposed business. Mr. Viger stated there is currently an outstanding water bill that will need to be paid before moving forward in the process. Staff recommends approval with the following conditions:

- 1) Permits will be required for any interior alterations, which will require drawing signed and sealed by an Illinois Licensed Design Professional.
- 2) Any signage will require a permit and inspection and shall be in compliance with the approved master sign plan for Plaza de Campana shopping Center.
- 3) The current currency exchange must vacate the existing space within Plaza de Campana prior to the issuance of the conditional use permit to the petitioner.

Commissioners Janowiak, Rowe, Pisano and Ventura had no questions. Commissioner Weldon asked Staff what the plan was for the existing currency exchange. Mr. Viger stated the Village is currently working with the existing currency exchange to relocate somewhere along Irving Park Road. Chairman Moruzzi had no questions. Chairman Moruzzi asked if there was any member of the public that would like to give testimony. There was none. Chairman Moruzzi closed the public hearing.

Motion:

Commissioner Weldon made a motion to approve the finding of facts for CDC Case #2011-15 consisting of:

- 1) The property in question is an in-line retail space within a well-established shopping center on a major arterial in the Village. Staff does not foresee any negative traffic impacts if Enbioxpress Illinois, LLC be allowed to operate a currency exchange at the requested location.
- 2) The business will be conducted fully within the building utilizing the existing building and no negative environmental effects are anticipated.

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- 3) The property in question is zoned C-2 Highway Commercial, a currency exchange will fit harmoniously into the area as demonstrated by the prior approval and subsequent operations of a similar currency exchange within the same retail center.
- 4) No significant increase in the utilization of the public utility systems is anticipated.
- 5) A currency exchange has been operating within Plaza de Campana for several years, this user would be replacing a number of services that have been available to residents. There is only one other currency exchange operating in the Village.
- 6) The currency exchange will be in harmony with the surrounding businesses in Plaza de Campana and along the Grand Avenue commercial corridor.

Commissioner Rowe seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Ventura made a motion to approve CDC Case #2011-15 with the conditions set forth by Staff. Commissioner Weldon seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2011-116
Petitioner: Aaron Abajian/Centerline Automotive, LLC
Location: 218 Park Street
Request: Conditional Use Permit to allow Motor Vehicle repair (Major & Minor)

The Public Hearing was opened at 7:42 p.m. Aaron Abajian was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger also stated a sign was posted outside the property on October 28, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on October 28, 2011. Mr. Viger stated the proposed type of business is allowed in the I-2 district by obtaining a condition use permit. Mr. Abajian stated he has been in business in the City of Chicago for six years and is currently operating with a partner. Mr. Abajian stated he felt it was time to separate from his partner and pursue his own business. Mr. Abajian stated he intends to sell cars via internet sales only. Mr. Abajian stated he intends to have six to eight vehicles on site and they will be kept indoors. Mr. Abajian stated there will be no outside storage or display of vehicles. Mr. Abajian stated if his business grows, he intends to stay in Bensenville and purchase a larger facility. Mr. Viger stated there are no concerns from the Police Department in regards to the proposed use. Mr. Viger stated the Public Works Department and Engineering Department stated the applicant shall be aware of the proper disposal requirements for liquids and materials associated with motor vehicle repair. Mr. Viger stated there is a significant outstanding water bill due for the property. Staff recommends approval with the following conditions:

- 1) Installation of a fire alarm. (building permits and inspections required)
- 2) Installation of carbon monoxide detectors with ventilation and exhaust.

- 3) Curb or dike floor drain near water heater to prevent gas, oil or antifreeze from entering floor drain.
- 4) Elevate water heater and furnace to prevent explosive situation.
- 5) Spray booth to be installed self-contained suppression system tied into the fire alarm system. (building permits and inspections required)
- 6) The trash dumpster should be enclosed in a corral.
- 7) The property's fence needs to be repaired or replaced.
- 8) The accumulation of debris on the west and south sides of the property will need to be cleaned.

Commissioners Janowiak, Rowe, Ventura and Weldon had no questions. Commissioner Pisano asked if the Village will receive taxes from the sale of vehicles. Mr. Abajian stated he would need to get clarification. Mr. Viger stated the Village will receive the necessary taxes from the sale of any vehicles. Chairman Moruzzi has no questions. Chairman Moruzzi asked if there was any member of the public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing.

Motion

Commissioner Rowe made a motion to approve the findings of facts consisting of:

- 1) The business plan as described by the applicant does not operate as a "walk-in" business but by appointment only and via the internet. No negative traffic impacts are anticipated.
- 2) The business will be conducted fully within the building. There should be no adverse environmental effect uncharacteristic to the existing neighborhood.
- 3) The property in question is zoned I-2 Light Industrial . The proposed use should be in harmony with the businesses in the area.
- 4) No significant increase in the utilization of the public utility system is anticipated.

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- 5) Staff believes that there is sufficient market demand for the proposed service.
- 6) Centerline Automotive will be in harmony with the surrounding business and industrial uses.

Commissioner Janowiak seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case Number 2011-16 with the conditions set forth by Staff. Commissioner Ventura seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing: CDC Case Number 2011-09
Petitioner: Village of Bensenville
Request: Text Amendment to allow Electronic Message Center Signs as a Conditional Use.

The Public Hearing was opened at 7:57 p.m. Scott Viger was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger stated Village Staff is in favor of allowing electronic message center signs in town with conditions set forth in certain locations. Mr. Viger stated the proposed text amendment was compared to surrounding communities and their regulations.

Mr. Viger stated there has been a significant amount of interest from business in town in regards to obtaining an electronic message center sign. Mr. Viger stated initially the proposed draft would only allow electronic message center signs in the various non-residential districts. Mr. Viger stated after discussion with the Commission in a prior workshop meeting, it was determined to allow electronic message center signs in residential districts for “institutional” uses such as schools, libraries, parks and houses of worship. Mr. Viger stated if the proposed text amendment were to pass, Village Staff would recommend to prohibit full video displays. Mr. Viger stated Staff has proposed a dwell time of ten seconds between messages. Village Staff recommends approval of the text amendment with the following conditions:

- 1) Electronic Message Center Signs shall be allowed as conditional uses in all non-residential zoning districts.
- 2) Electronic Message Center Signs should be allowed as conditional uses in all single and multiple-family residential districts for institutional uses only.
- 3) Electronic Message Center Signs shall only be considered for freestanding signs.
- 4) Wall mounted Electronic Message Center Signs shall be prohibited.
- 5) Electronic Message Center Signs will be allowed to occupy 50% of the sign area.
- 6) Electronic Message Center Signs will be required to use white or amber LED or disks.
- 7) Electronic Message Center Signs will not be allowed to flash.
- 8) Electronic Message Center Sign displays shall be static/nonmoving.
- 9) Electronic Message Center Signs shall be configured with emergency override messages. (Amber alerts, etc.).
- 10) Electronic Message Center Signs shall “go dark” upon a malfunction.

- 11) Electronic Message Center Signs duration shall be no less than 10 seconds
- 12) Electronic Message Center Signs shall meet the standards for the district in which it is located.
- 13) There shall be a prohibition of temporary banner signs for properties that have an Electronic Message Center Sign.

Commissioner Janowiak asked Staff if the two existing electronic message center signs in town will have to abide by the proposed text amendment. Mr. Viger stated if work was to be done to either sign, yes. Since the signs are already in place, the text amendment would not affect the existing signs. Commissioner Pisano asked if there should be a “go dark time” inserted into the proposed text amendment. Mr. Viger stated staff took the matter into consideration but did not feel it should be inserted into the text amendment due to the fact each proposed electronic message center sign will be required to obtain a conditional use permit and that issue can be attended to on a case by case matter.

Commissioner Weldon asked if staff has considered large existing signs, such as Perk’s Bar and Grill that will have a large display surface. Mr. Viger had stated it was ultimately up to the Village Board to decide the regulations of the percentage allowed for electronic display. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony.

Public Comment:

Trustee Jarecki:

Trustee Jarecki was present and sworn in by Chairman Moruzzi. Trustee Jarecki asked the Commissioners to consider allowing electronic message center signs for wall mounted establishments throughout town.

Harris Seltzer:

Mr. Seltzer was present and sworn in by Chairman Moruzzi. Mr. Seltzer asked if there were any plans to regulate the brightness of the messages and the display content of the messages. Mr. Viger stated that Village Staff had not regulated those issued into the text amendment due to the fact that each case will be handled through a conditional use permit and those regulations can be set forth at that time.

Jonathan Rowe:

Mr. Rowe was present and sworn in by Chairman Moruzzi. Mr. Rowe asked if a company is allowed to have an electronic message center sign, will they be allowed to have more than one. Mr. Rowe also asked what the maximum height allowance would be for the signs. Mr. Rowe also stated he supports Mr. Seltzer's concerns in regards to the display content.

Trustee Peconio:

Trustee Peconio was present and sworn in by Chairman Moruzzi. Trustee Peconio asked the Commissioner to fully consider all aspects of the text amendment. Trustee Peconio stated he was in support of the text amendment if all aspects have been taken into consideration.

Commissioner Ventura asked Mr. Seltzer to clarify the type of message he has seen that may be offensive. Mr. Seltzer stated it was a sign he came across in the City of Chicago and not from the two current signs within Bensenville.

Motion: Commissioner Pisano made a motion to approve CDC Case #2011-09 with the provisions set forth by Staff and with the addition of a display content regulation. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Rowe, Weldon
Nays: Moruzzi, Janowiak, Pisano, Ventura

Motion failed.

Mr. Viger asked for recommendations from the Commissioners that would help approve the text amendment. Chairman Moruzzi stated he would prefer Staff to review the issues raised by the Public and have a clean copy of the ordinance for the Village Board. Mr. Viger stated Staff will proceed in the process and bring forth to the Economic & Community Development Committee with a recommendation from the Commissioners. Commissioner Ventura stated he did not support the text amendment with the uncertainty of wall signage. Chairman Moruzzi closed the public hearing at 8:54 p.m.

Public Hearing: CDC Case Number 2011-02
Petitioner: K.B. Demarkis/Perk's Bar & Grill
Location: 801 N. Route 83
Request: Conditional Use Permit to allow an Electronic Message Center Sign

The Public Hearing was opened at 8:56 p.m. Konstantinos Demakis was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger also stated a sign was posted outside the property on October 28, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on October 28, 2011. Mr. Demakis stated he has had three businesses in Bensenville over the past 25 ½ years. Mr. Demakis stated he had taken the current business over from a court order. Mr. Demakis stated his intentions of the sign in to grab the attention of passing vehicles on Route 83 to see the restaurant's offers and to come in and eat or drink. Mr. Demakis stated the sign will be on during the hours of the business. Mr. Demakis stated that even though he has a liquor license that allows him to stay open until 2:00 a.m., his hours as of late have been 7:00 a.m. till 10:00 p.m. Mr. Demakis stated he has no other options to help promote his business. Mr. Demakis stated the sign will cost over \$30,000 and admits it is a gamble but feels it is his only option left. Mr. Demakis stated he has worked with staff on this issue and is willing to lower the sign base to four feet. Mr. Demakis asked the Commission to consider what surrounding Communities are offering their business.

Mr. Demakis stated he believes the text amendment previously discussed was too strict and would turn away the attention of larger corporations showing interest in moving into Bensenville. Mr. Viger stated that Public Works, Finance or the Police Department had no concerns with the proposed request. Mr. Viger stated Engineering stated the applicant should confirm that the proposed signage meets any IDOT requirements since Route 83 is an IDOT right-of-way. Mr. Viger stated it is recommended that the existing wall signs be removed or reduced as a condition of approval for any electronic message center sign. Commissioner Ventura asked if the proposed conditional use will be applied to the current applicant or to the property. Mr. Viger had stated the conditional use permit would apply to the applicant and if the establishment is sold, the new owner will need to apply for a conditional use to keep the sign. Chairman Moruzzi shared his opinion in his uncertainty with the direction the Village is heading with the potential results from the AECOM study. Chairman Moruzzi asked if there were any members of the public that would like to give testimony.

Public Comment:

Harvey Hoyer:

Mr. Hoyer was present and sworn in by Chairman Moruzzi. Mr. Hoyer expressed his support for Mr. Demakis. Mr. Hoyer stated he lives across the street from Perk's Bar and Grill and does not believe the proposed sign will cause any harm to his property or view. Mr. Hoyer asked the Commissioners to understand that the electronic message center signs are the wave of the future and all other communities allow them. Mr. Hoyer stated the sign will be used for good reasons and should help promote the business so they can stay open.

Jonathan Rowe:

Mr. Rowe was present and sworn in by Chairman Moruzzi. Mr. Rowe stated he lived directly across Route 83 from Perk's Bar and Grill. Mr. Rowe stated he and his wife entertain friends and family and their porch and kitchen are in direct view of the restaurant. Mr. Rowe stated he is concerned with the hours the sign will be on. Mr. Rowe stated he grew up and has lived in Bensenville for 24 years and purchased his first home in town. Mr. Rowe stated he is concerned with his property value if the sign is approved.

Vincenza Rowe:

Mrs. Rowe stated that Perk's Bar and Grill only has competition with the McDonald's along Route 83 and she does not believe the sign will help promote business over McDonald's.

Motion: Commissioner Ventura made a motion to continue CDC Case #2011-02 until the December 12, 2011 Community Development Commission Meeting. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, 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.

Mr. Viger shared the proposed 2012 schedule of meetings with the Commissioners. Mr. Viger stated the November 12, 2012 meeting falls on Veteran's Day and recommended moving the meeting to November 5, 2012. There was no objection from the Commission.

Mr. Viger announced larger signage will be posted in front of large establishments notifying the public of a hearing in regards to the property.

ADJOURNMENT:

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

All were in favor

Motion carried.

The meeting was adjourned at 9:37 p.m.