I. Call Meeting to Order
II. Roll Call and Quorum
III. Pledge of Allegiance
IV. Public Comment
V. Approval of Minutes
   December 3, 2019 Community Development Commission Minutes
VI. Action Items:
   1. Consideration of a Special Use Permit to allow Motor Vehicle Repair at 865 Fairway Drive
   2. Consideration of a Special Use Permit to allow Motor Vehicle Repair at 754-758 Industrial Drive.
VII. Report from Community and Economic Development
VIII. Adjournment

Any individual with a disability requiring a reasonable accommodation in order to participate in a Community Development Commission Meeting should contact the Village Clerk, Village of Bensenville, 12 S. Center Street, Bensenville, Illinois, 60106 (630-350-3404)
DESCRIPTION:
December 3, 2019 Community Development Commission Minutes

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

REQUEST:

SUMMARY:

RECOMMENDATION:

ATTACHMENTS:

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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, Czarnecki, King, Marcotte, Wasowicz
Absent: Ciula, 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 November 5, 2019 were presented.

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

All were in favor. Motion carried.

Senior Village Planner, Kurtis Pozsgay and Village Planner, Kelsey Fawell were present and sworn in by Chairman Rowe.

PUBLIC COMMENT: There was no Public Comment.

Public Hearing: CDC Case Number 2019-23
Petitioner: 321 Irving Park, LLC
Location: 321 W. Irving Park Road
Request: Variation, Maximum Front Setback
Municipal Code Section 10 – 6 – 8 – 1
Variance, Maximum Corner Side Setback
Municipal Code Section 10 – 6 – 8 – 1
Variation, Maximum Driveway Width
Municipal Code Section 10 – 8 – 8 – 1
Variation, On-Site Pedestrian Circulation System
Municipal Code Section 10 – 8 – 7 – C
Site Plan Review
Municipal Code Section 10 – 3 – 2
Motion: Commissioner Wasowicz made a motion to open CDC Case No. 2019-23. Commissioner Marcotte seconded the motion.

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

Chairman Rowe opened CDC Case No. 2019-23 at 6:33 p.m.

Senior 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 November 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 November 15, 2019. Mr. Pozsgay stated on November 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 requesting four Variations to construct a 7,500 SF building to operate an O’Reilly Auto Parts store. Mr. Pozsgay stated they are requesting two Variations for setbacks: front and corner side. Mr. Pozsgay stated the maximum front and corner side setbacks for buildings located in the C-2 Commercial District are both 60’. Mr. Pozsgay stated the proposed building is located 89’ from the front property line and 62.6’ from the corner side property line. Mr. Pozsgay stated they are also requesting a variation for maximum driveway width from 26’ to 30’ and a variation to not connect the on-site pedestrian circulation system to the public right-of-way.

Frederick Thaete of Cage Civil Engineering, Adam Firsel, Contract Purchaser and Tim Flannigan, Attorney were all present and sworn in by Chairman Rowe. Mr. Firsel provided an overview of the proposed project with the Commission. Mr. Firsel stated the plan was to close on the property by the end of 2019 and apply for a demolition permit. Mr. Firsel stated construction would start in Spring 2020 and the opening would occur in Fall 2020.
Mr. Thaete stated he met with the repetitive from IDOT for the area and they had no issues with the proposed curb-cuts. Mr. Thaete stated a permit still needed to be filed with the State.

Commissioner King asked why the party wall was remaining. Mr. Firsel stated the party wall must remain as part of the current easement agreement with the property to the east.

Public Comment:

Chairman Rowe asked if there was any member of the Public that would like to comment on the proposed 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:** Successful retail establishments require customer parking located immediately adjacent to the main entry points to the business. Due to the building dimensions and layout of an O’Reilly Auto Parts store, moving the building to meet the maximum setbacks would result in some of the parking being located in the rear of the building, most of the parking along the side and very few spaces located adjacent to the front door. This parking arrangement would be detrimental to the long-term viability of this operation. This request to keep the customer parking in the front of the building is a special circumstance applicable to this use and not necessary for all uses in the district. A restaurant or some of the other uses permitted in the C-2 zoning district could tolerate parking in the rear of the building and still have long-term viability.

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: The application of the maximum building setback would severely limit the customer parking available in front of the building and would make operating the facility as a viable retail establishment difficult. A limit of a single row of parking in front of the building would have the same effect.

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 request for relief is specific to the physical character of the O’Reilly Auto Parts building and the need for customer parking in front of the building. The narrow width of the property severely limits the amount of parking immediately adjacent the front door should the development be limited to a single row in the front yard.

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 difficulty presented by the maximum setback requirement and single row of parking requirement is not the result of any act of the applicant or of any party with a present interest in the property.

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: This variance is necessary for the applicant to develop a viable retail establishment at this location. Granting the variance will not confer a special privilege ordinarily denied to such other properties as it would appear that similar variances were granted for the property to the west across Walnut Street and for the property to the south on the opposite side of Irving Park Road.

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 granting of the variance would permit customer parking to be located near the entrance to the facility. This variance is necessary for the property to be developed for the intended use.

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 granting of the variance will not alter the essential character of the locality. There are other properties in the vicinity that have setbacks exceeding the 60’ maximum and the proposed development will blend well with these other retail developments.

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 development that the granting of this variance would facilitate is in line with the desires of the Bensenville Comprehensive Plan, specifically the desire to redevelop underutilized parcels in the Mid-Town/Irving Park Road Corridor.
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:** The variance requested is the minimum needed to locate appropriate parking immediately adjacent to the front door of the proposed facility. The requested relief will allow for the necessary perimeter landscaping, head in the parking adjacent Irvin Park Rd, a drive aisle and head-in parking adjacent the face of the building.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Variances to allow the construction of an O’Reilly Auto Parts store with the following conditions:

1) A DuPage County Stormwater Management Certification shall be provided for this project as the total land disturbing activity exceeds 5,000 SF;
2) An Illinois Department of Transportation (IDOT) permit shall be required if work is proposed within IL-19 right-of-way;
3) All existing utilities shall be disconnected and capped at the main;
4) A 5-feet wide ADA complaint public sidewalk shall be provided along the Walnut St frontage of the site;
5) A 7-feet wide stamped concrete ADA complaint public sidewalk shall be provided along the IL-19 frontage of the site. This sidewalk shall match the opposite side of IL-19 and be installed directly adjacent to the existing north side IL-19 C&G;
6) A plat of consolidation shall be required to combine the two existing lots;
7) 2 bicycle parking spaces shall be provided;
8) Applicant shall revise plans to meet Village standards for depth and width of parking spaces;
9) Root-mounted mechanical units shall be screened. Screening must equal the height of the tallest mechanical equipment installed on the roof of the building;
10) A minimum of one shade tree shall be provided per landscape island;
11) The trash enclosure be in line with buildings western façade rather than projecting out past the façade;
12) Stamped concrete walk shall continue east of the Irving Park Road curb cut;
13) Applicant shall provide tree sizes and reasons as to why mature trees are being removed on the property; and
14) Street trees shall be planted along Walnut Street.

There were no questions from the Commission.

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-23. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:51 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Front Setback. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Corner Side Setback. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, Maximum Driveway Width. Commissioner Wasowicz seconded the motion.
ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case No. 2019-23 as presented by Staff and to approve the variance request, On-Site Pedestrian Circulation System. Commissioner Wasowicz seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Public Hearing:
CDC Case Number 2019-24
Village of Bensenville

Request:
Text Amendments, Municipal Code Section Title 10 (Zoning Ordinance):

Remove requirement that driveway aprons be constructed of concrete material, Section 10 – 8 – 8F – 2.

Eliminate Electrical generator as an accessory structure and include it in Mechanical equipment, Sections 10 – 7 – 4B and 10 – 11 – 2.

Remove Sheds from being allowed in all Commercial and Industrial Districts, Section 10 – 7 – 4B.

Add Outdoor storage area as a Special Use in the I – 1 Light Industrial District, Section 10 – 7 – 2.

Amend Motor vehicle sales to Motor vehicle sales, outdoor, 10 – 7 – 2.

Create a new use category for Motor Vehicle Sales, Indoor to be allowed in C – 2, I – 1 and I – 2 districts, Section 10 – 7 – 2.

Add that barbed wire fences must slope toward the interior of the property in Industrial districts, Section 10 – 7 – 4C – 7d – 4.
Allow Outdoor Storage Areas as an Accessory Use up to 25% of the lot in I–1 and I–2 districts. Above 25% is a special use in both districts, Sections Section 10 – 7 – 2 and 10 – 7 – 3W.

Motion: Commissioner Marcotte made a motion to open CDC Case No. 2019-24. Commissioner Wasowicz seconded the motion.

ROLL CALL:

Upon roll call the following Commissioners were present: Rowe, Czarnecki, King, Marcotte, Wasowicz

Absent: Ciula, Rodriguez

A quorum was present.

Chairman Rowe opened CDC Case No. 2019-24 at 6:54 p.m.

Senior 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 November 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 The Village approved the new Zoning Code in late 2018, which was effective January 1, 2019. Mr. Pozsgay stated after a year of use, staff need to address several issues. Mr. Pozsgay stated some of the issues all under the doctrine of a "scrivener's error." Mr. Pozsgay stated this is the legal principle that a typographical error in a written contract may be corrected by oral evidence if the evidence is clear, convincing, and precise. Mr. Pozsgay stated these issues include the following:

- Correcting the wording “IBC” to “IRC” to reference the correct code in regard to swimming pools.
- Correcting the distance fire pits need to be from structures from 50ft to 15ft.
- Correcting the street tree density from 30ft to 40ft to match other areas of code.
- Correcting the mechanical screening from 6ft to 10ft to match other areas of code.

Mr. Pozsgay stated there are also several areas of the new zoning code that staff, through a year of practice, has decided needed modifying. Mr. Pozsgay stated the Text Amendments will be as follows:
1. Remove requirement that driveway aprons be constructed of concrete material, Section 10 – 8 – 8F – 2. Driveway Aprons.

2. Eliminate Electrical generator as an accessory structure and include it in Mechanical equipment, Section 10 – 7 – 4B Accessory Structure Use Table and Section 10 – 11 – 2 Definitions.

3. Remove Sheds from being allowed in all Commercial and Industrial Districts, Section 10 – 7 – 4B Accessory Structure Use Table.

4. Add Outdoor storage area as a Special Use in the I – 1 Light Industrial District, Section 10 – 7 – 2: Use Table.

5. Amend Motor vehicle sales to Motor vehicle sales, outdoor, 10 – 7 – 2: Use Table.

6. Create a new use category for Motor Vehicle Sales, Indoor to be allowed in C – 2, I – 1 and I – 2 districts, Section 10 – 7 – 2: Use Table.

7. Add that barbed wire fences must slope toward the interior of the property in Industrial districts, Section 10 – 7 – 4C – 7d – 4.

8. Allow Outdoor Storage Areas as an Accessory Use up to 25% of the lot in I – 1 and I – 2 districts. Above 25% is a special use in both districts, Sections Section 10 – 7 – 2 and 10 – 7 – 3W.

Commissioner King suggested removing the proposed Text Amendment to Eliminate Electrical generator as an accessory structure and include it in Mechanical equipment, Section 10 – 7 – 4B Accessory Structure Use Table and Section 10 – 11 – 2 Definitions.

Consensus from the Commission directed Staff to remove the proposed text amendment to eliminate electrical generator as an accessory structure and have Staff research what other Municipalities are currently allowing.

Mr. Pozsgay stated Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Text Amendments to the Municipal Code Section Title 10 (Zoning Ordinance).

Motion: Commissioner Marcotte made a motion to close CDC Case No. 2019-24. Commissioner Wasowicz seconded the motion.
ROLL CALL: Ayes: Rowe, Czarnecki, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 7:08 p.m.

Motion: Commissioner Wasowicz made a motion to approve the proposed text amendments as presented except for the proposed Text Amendment to Eliminate Electrical generator as an accessory structure and include it in Mechanical equipment, Section 10 – 7 – 4B Accessory Structure Use Table and Section 10 – 11 – 2 Definitions. Commissioner Marcotte seconded the motion.

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

Nays: None

All were in favor. Motion carried.

Report from Community Development: Mr. Pozsgay reviewed both recent CDC cases along with upcoming cases.

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

All were in favor. Motion carried.

The meeting was adjourned at 7:10 p.m.

Ronald Rowe, Chairman
Community Development Commission
DESCRIPTION:
Consideration of a Special Use Permit to allow Motor Vehicle Repair at 865 Fairway Drive

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:
- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

REQUEST:
1. Special Use Permit, Motor Vehicle Repair
   Municipal Code Section 10 - 7 - 2

SUMMARY:
1. The Petitioner is requesting a Special Use Permit for Motor Vehicle Repair to operate an auto repair shop at 865 Fairway Drive.
2. The unit is in a multi-tenant industrial building in an I – 2 Industrial District.

RECOMMENDATION:
1. Staff recommends the Denial of the Findings of Fact and therefore the Denial of the Special Use Permit for Motor Vehicle Repair at 865 Fairway Drive.

ATTACHMENTS:

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Public Hearing 01.07.20

CDC Case #2019 – 26

Grzegorz Strycharczuk
865 Fairway Dr

Special Use Permit, Motor Vehicle Repair
Municipal Code Section 10 – 7 – 2

1. Aerial Photograph & Zoning Map of Subject Property
   2. Legal Notice
   3. Application
   4. Staff Report & Exhibits
   5. Plans
LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, January 7, 2019 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2019-26 to consider a request for:

Special Use Permit, Motor Vehicle Repair
Municipal Code Section 10 – 7 – 2 – 1

at 865 Fairway Drive in the I – 2 General Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Description is as follows:

PARCEL 1: THE EAST 8.0 FEET OF LOT 17 (EXCEPT THE SOUTH 197.0 FEET THEREOF) IN O’HARE METROPOLITAN INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 20, 1970 AS DOCUMENT R70-24289, IN DUPAGE COUNTY, ILLINOIS, AND THE WEST 185.0 FEET OF LOT 4 (EXCEPT THE SOUTH 197.0 FEET THEREOF) IN THE RESUBDIVISION OF PART OF LOTS 12 AND 13 AND LOTS 18 AND 19 IN O’HARE METROPOLITAN INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 22, 1971 AS DOCUMENT R71-48344, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGREE AND EGRESS AS CREATED BY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS MADE BY RIVER FOREST STATE BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 1, 1976 AND KNOWN AS TRUST NUMBER 2150 DATED MARCH 26, 1977 AND RECORDED DECEMBER 1, 1977 AS DOCUMENT R77-110880 OVER THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

THE SOUTH 197 FEET OF THE EAST 15.00 FEET OF THE WEST 185.00 FEET AND THE SOUTH 197 FEET IF THE EAST 20.00 FEET OF THE WEST 32.00 FEET OF LOT 4 (EXCEPTING THEREFROM THAT PORTION FAILING IN PARCEL 1) IN THE RESUBDIVISION OF PART OF LOTS 12 AND 13 AND LOTS 18 AND 19 IN O’HARE METROPOLITAN INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 40 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 22, 1971 AS DOCUMENT R71-48344, IN DUPAGE COUNTY, ILLINOIS, AND THE WEST 15.0 FEET OF THE EAST 193.00 FEET OF
THE WEST 378.00 FEET OF LOT 4 IN THE RESUBDIVISION OF PART OF LOTS 12 AND 13 AND LOTS 18 AND 19 IN O'HARE METROPOLITAN INDUSTRIAL DISTRICT, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED SEPTEMBER 22, 1971 AS DOCUMENT R71-48344, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 865 Fairway Drive, Bensenville, IL 60106.

Barbara Szalinski of 232 Hidden Bay Drive #603, Osprey, FL 34229 is the owner and Grzegorz Strycharczuk of 401 Blackhawk Dr, Schaumburg, IL 60193 is the 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 January 7, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
December 19, 2019
COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 865 Fairway Drive, Benenwille, IL 60106

Property Index Number(s) (PIN): 03-11-102-058

A. PROPERTY OWNER:

Barbara Szulinski

Name

232 Hidden Bay Drive #603

Street

Osprey, Florida

City

34229

State

Zip Code

Contact Person

Mirek Szulinski

Telephone Number & Email Address

630-881-0495 mirekszulinski@yahoo.com

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

Property Owner Signature: Barbara Szulinski

Date: 9/9/19

B. APPLICANT: ☑ Check box if same as owner

GRZEGORZ STRYCHARCZUK

Name

401 Blackhawk Dr

Street

HAUP BURG

City

IL

State

60133

Zip Code

Contact Person

REAL ESTATE BROKER

Relationship of Applicant to Address Property

Applicant Signature: ☑

Date: 09/03/19

C. ACTION REQUESTED (Check applicable):

☐ Annexation
☑ Special 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
Brief Description of Request(s): (Submit separate sheet if necessary)

SPECIFIC USE PERMIT FOR MOTOR VEHICLE REPAIR SITE

D. PROJECT DATA:

1. General description of the site: 865 FAIRVAL D.

2. Acreage of the site: 0.1851 Building Size (if applicable): 3776 sq. feet

3. 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.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)
   - N/A

5. Character of the site and surrounding area:

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<tr>
<td>West</td>
<td>1-2</td>
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</table>

E. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the appropriate Approval Criteria, found on the following pages. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Criteria."
Approval Criteria for Special Use letter

1. There will be no adverse impact of types or volumes of traffic flow not otherwise typical of Allowed Uses in the zoning district.
2. There will be no adverse environmental effects (noise, glare, dust, waste disposal, blockage of light or air, etc) of a type or degree not characteristic of Allowed Uses in the district.
3. The proposed use will fit harmoniously with the existing character of existing Allowed Uses in its environs. There will be no adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Allowed Uses in the district.
4. The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Allowed 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.
5. 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.
6. The use is in harmony with any other elements of compatibility pertinent in the judgement of the Board to the Special use in its proposed location.
STAFF REPORT

HEARING DATE: January 7, 2020
CASE #: 2019 – 26
PROPERTY: 865 Fairway Drive
PROPERTY OWNER: Barbara Szulinski
APPLICANT: Grzegorz Strycharczuk
SITE SIZE: 8,063,541 SF
BUILDING SIZE: 3,776 SF
PIN NUMBER: 03-11-102-058
ZONING: I-2 General Industrial District
REQUEST: Special Use Permit, Motor Vehicle Repair

Municipal Code Section 10 – 7 – 2

PUBLIC NOTICE:
1. A Legal Notice was published in the Bensenville Independent on Thursday, December 19, 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, December 20, 2019.
3. On Friday, December 20, 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 requesting a Special Use Permit for Motor Vehicle Repair to operate an auto repair shop at 865 Fairway Drive. The unit is in a multi-tenant industrial building in an I – 2 Industrial District.

SURROUNDING LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
<th>Comprehensive Plan</th>
<th>Jurisdiction</th>
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</thead>
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<td>I – 2</td>
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<td>Village of Bensenville</td>
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<tr>
<td>North</td>
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<td>Village of Bensenville</td>
</tr>
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</table>

DEPARTMENT COMMENTS:
SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

- Financially Sound Village
- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- Major Business/Corporate Center
- Vibrant Major Corridors

Finance:
1) Account up to date.

Police:
1) No objection.

Engineering and Public Works:
Public Works:
1) No comments.

Engineering:
1) Per 8-6-15 of Village Code, a triple basin is required. It should discharge to the sanitary.

Community & Economic Development:
Fire Safety:
1) No comments.

Building:
1) A triple basin interceptor shall be installed to protect the area that vehicles are parked.

Economic Development:
1) Questions as to if this is the highest and best use for this property.
2) Old code required a minimum of ½ acre for small vehicle repair and 1 acre for truck repair. Concerns about the size of the property for proposed use.
3) Multi-tenant industrial buildings of this size have been a problem for the Village in the past for this type of use.
4) We have several similar uses within the Village already. Question as to the need for such a use.

Planning:
1) The 2015 Comprehensive Plan indicates “Industrial” for this property.
2) The current zoning is I-2 General Industrial District.
3) In the I-2 District, Motor Vehicle Repair requires a Special Use Permit.
4) There are numerous property maintenance issues on the property, as seen in the below images of trash and a non-compliant shed.
5) Outdoor storage of vehicles must be in compliance with ordinance, particularly § 10-7-3.S.1 Outdoor Storage.
   a. Location. Outdoor storage of vehicles is prohibited in the front yard and corner side yard.
   b. Screening. To the extent practicable, storage areas shall be screened from view of the street by building and/or landscape screening in accordance with the requirements of § 10-9-5.B (Parking Lot Perimeter Landscape).
   c. Duration. Motor vehicle repair and/or service facilities may not store the same vehicles outdoors for more than 30 days

6) Outdoor storage areas must be in compliance with § 10-7-3.W Outdoor Storage Area:
   a. Location. Outdoor storage areas shall be located on an improved surface in the interior side yard or rear yard.
   b. Height. Materials stored in an outdoor storage area shall not exceed eight feet (8’) in height within twenty feet (20’) of any lot line.
   c. Uses. Outdoor storage areas are allowed as an accessory use provided such areas do not occupy more than 25% of the gross lot area. Outdoor storage areas are allowed as a principal use in association with the following principal uses: garden center, motor vehicle rental, motor vehicle repair and/or service, motor vehicle sales, heavy industrial, light industrial, medium industrial, machinery and equipment sales and rental, and warehousing, storage, or distribution facility.
Outdoor storage areas may be allowed as a principal use in association with other principal uses with prior written approval by the Zoning Administrator.

d. Screening. The requirements of § 10-9-7 (Screening Requirements) shall apply to outdoor storage areas. No stackable materials or goods shall be piled or stacked so that they are visible above the height of the screen.

7) Staff has concerns regarding parking congestion on the property. Staff requests usage information of the other tenants in the building in order to complete a parking calculation.

APPROVAL CRITERIA FOR SPECIAL USE:

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:** There will be no adverse impact of types or volumes of traffic flow not otherwise typical of Allowed Uses in the zoning district.

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:** There will be no adverse environmental effects (noise, glare, dust, waste disposal, blockage of light or air, etc.) of a type of degree not characteristic of Allowed Uses in the district.

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 proposed use will fit harmoniously with the existing character of existing Allowed Uses in its environs. There will be no adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Allowed Uses in the district.

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:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Allowed 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.
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: 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 we will contribute to the general welfare of the neighborhood or community.

6) **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the Special Use in its proposed location.

Applicant’s Response: The use is in harmony with any other elements of compatibility pertinent in the judgement of the Board to the Special Use in it proposed location.

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<td>Environmental Nuisance</td>
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<td>Neighborhood Character</td>
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<td>X</td>
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<td>Other Factors</td>
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**RECOMMENDATIONS:**
Staff recommends the Denial of the above Findings of Fact and therefore the Denial of the Special Use Permit for Motor Vehicle Repair at 865 Fairway Drive.

Respectfully Submitted,

Department of Community & Economic Development
FLOOR PLAN FOR ALLOCATED INTERIOR PARKING FOR 7 AUTOMOBILES

EXTERIOR PARKING ONLY FOR CUSTOMER DROP OFF AND EMPLOYEE PARKING, 10 SPACES

865 FAIRWAY DRIVE, BENSENVILLE, IL. 60106

GRZEGORZ STRYCHARCZUK
GREG56@YAHOO.COM
1-773-988-3909

CURRENT OWNER, CORRECT TOOL, INC.
MIREK SZULINSKI
OFFICE@CORRECTTOOLUSA.COM
630-881-0495
DESCRIPTION:
Consideration of a Special Use Permit to allow Motor Vehicle Repair at 754-758 Industrial Drive.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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<th>Enrich the lives of Residents</th>
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<td>Safe and Beautiful Village</td>
<td>Vibrant Major Corridors</td>
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</table>

REQUEST:
1. Special Use Permit, Motor Vehicle Repair
   Municipal Code Section 10 - 7 - 2

SUMMARY:
1. The Petitioner is requesting a Special Use Permit for Motor Vehicle Repair in order to expand his business, originally only occupying 758 Industrial Drive, to the adjacent space in the multi-tenant building at 754 Industrial Drive.
2. The current business has been an existing non-conforming use for more than 20 years.

RECOMMENDATION:
Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Special Use Permits to allow the expansion of use at 754-758 Industrial Drive with the following conditions:
1. Both units require a triple catch basin;
2. Applicant must submit a Letter of Intent to install fire alarms at both properties with a cure date no later than six month after approval of Special Use Permit;
3. Mechanical ventilation shall be installed in accordance with the International Mechanical Code;
4. Show room shall have an accessible entrance on an accessible route from the accessible parking space(s);
5. Bathroom shall be accessible, on an accessible route and the existing number of fixture may need to be increased;
6. Outdoor Storage Area shall remain under 25% of gross lot area; and
7. No vehicles shall be parked in the front yard or on the public street.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Upload Date</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Coverpage</td>
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<td>Backup Material</td>
</tr>
<tr>
<td>Aerial &amp; Zoning Maps</td>
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<tr>
<td>Legal Notice</td>
<td>12/30/2019</td>
<td>Backup Material</td>
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<tr>
<td>Application</td>
<td>12/30/2019</td>
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<td>Approval Criteria</td>
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<tr>
<td>Additional Petitioner Document</td>
<td>12/30/2019</td>
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<tr>
<td>Staff Report</td>
<td>12/30/2019</td>
<td>Executive Summary</td>
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<tr>
<td>Plat of Survey</td>
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<tr>
<td>Plans</td>
<td>12/30/2019</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
Public Hearing 01.07.20

CDC Case #2019 – 25

Mike’s Auto Forum
754 – 758 Industrial Drive

Special Use Permit, Motor Vehicle Repair
Municipal Code Section 10 – 7 – 2

1. Aerial Photograph & Zoning Map of Subject Property
2. Legal Notice
3. Application
4. Staff Report & Exhibits
5. Plans
LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, January 7, 2019 at 6:30 P.M., at which a Public Hearing will be held to review case No. 2019 - 25 to consider a request for:

Special Use Permit, Motor Vehicle Repair
   Municipal Code Section 10 – 7 – 2 – 1

Special Use Permit, Outdoor Storage
   Municipal Code Section 10 – 7 – 2 – 1

at 754-758 Industrial Drive in the I – 2 General Industrial District. The Public Hearing will be held in the Village Board Room at Village Hall, 12 S. Center Street, Bensenville.

The Legal Descriptions are as follows:

THE NORTH 165.00 FEET OF THE WEST 205.76 FEET OF LOT 24 (EXCEPT THE WEST 155.00 FEET THEREOF) IN O’HARE WEST INDUSTRIAL PLAZA, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 11 AND THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1971 AS DOCUMENT R71-16332 AND CERTIFICATE OF CORRECTION FILED FEBRUARY 21, 1973 AS DOCUMENT R73-9686, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 754 Industrial Drive, Bensenville, IL 60106.

And


Commonly known as 758 Industrial Drive, Bensenville, IL 60106.

Diance Pesce of 9 4 Season’s Court, Elmhurst, IL 60126 is the owner and Mike’s Auto Forum of 758 Industrial Drive, Bensenville, IL 60106 is the 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 January 7, 2019 until 5:00 P.M.

Office of the Village Clerk
Village of Bensenville

TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
December 19, 2019
COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 754 - 758 INDUSTRIAL DRIVE

Property Index Number(s) (PIN): 03-11-103-013 03-11-103-012

A. PROPERTY OWNER:

Name: DIANCE PESCE

Corporation (if applicable): 

Street: 9 FOUR SEASONS CT.

City: ELMHURST

State: IL

Zip Code: 60126

Contact Person: 

Telephone Number & Email Address: 630.571.0707

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

B. APPLICANT:

☐ Check box if same as owner

Name: MIKE BARANOWSKI

Corporation (if applicable): 

Street: 758 INDUSTRIAL DRIVE

City: BENSENVILLE

State: IL

Zip Code: 60106

Contact Person: 

Telephone Number & Email Address: 630.238.1621 mikesautoforum@gmail.com

C. ACTION REQUESTED (Check applicable):

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

*See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- Affidavit of Ownership** (signed/notarized)
- Application**
- Approval Criteria**
- Plat of Survey/Legal Description
- Site Plan
- Building Plans & Elevations
- Engineering Plans
- Landscape Plan
- Application Fees
- Fees agreement**

**Item located within this application packet.
Brief Description of Request(s): (Submit separate sheet if necessary)

SPECIAL USE PERMITS TO ALLOW MOTOR VEHICLE REPAIR AND OUTDOOR STORAGE. IT IS AN EXPANSION OF AN EXISTING NON-CONFORMING USE(S).

D. PROJECT DATA:

1. General description of the site: MULTIPLE TENANT INDUSTRIAL BUILDING
2. Acreage of the site: 13,325 SQFT Building Size (if applicable): 5,616 SQFT
3. 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.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)
   NONE

5. Character of the site and surrounding area:

<table>
<thead>
<tr>
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<th>Zoning</th>
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<tr>
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<td>West:</td>
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E. APPROVAL CRITERIA:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the appropriate Approval Criteria, found on the following pages. The CDC will be unable to recommend approval of a request without a response to the pertinent “Approval Criteria.”
Approval criteria:

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.

APPLICANTS RESPONSE: MIKES AUTO FORUM’S PROPOSED USE WILL NOT CREATE ANY ISSUES WITH TRAFFIC FLOW ESPECIALLY CONSIDERING THAT SPACE IS GOING TO BE USED MAINLY FOR STORAGE OF PARTS AND PARTS CARS. WE WILL NOT RECEIVE OR SCREEN ANY CARGO DELIVERED BY SEMI TRUCKS THAT TAKES PLACE IN SURROUNDING AREA BY OTHER BUSINESSES WHICH MEANS OUR USE WILL EVEN DECREASE THE TRAFFIC FLOW. MIKES AUTO FORUM’S PROPOSED USE OF THE PROPERTY WILL CERTAINLY BE LESS TRAFFIC THAN MOST ANY OTHER POTENTIAL USER FOR THE SPACE. TRAFFIC WILL BE TYPICAL FOR THE INDUSTRIAL DISTRICT ALONG INDUSTRIAL DR.

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.

APPLICANTS RESPONSE: MIKES AUTO FOURM’S PROPOSED USE OF THE PROPERTY MAINLY FOR STORAGE PURPOSE WILL NOT CREATE ANY ADVERSE EFFECT OF NOISE, GLARE, ODOR, DUST, WASTE DISPOSAL, BLOCKAGE OF LIGHT, AIR OR ANY OTHER ENVIRONMENTAL ISSUES THAT IS NOT ALREADY PRESENT IN THIS INDUSTRIAL AREA.

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.

APPLICANTS RESPONSE: MIKES AUTO FORUM’S PROPOSED USE WILL FIT HARMONIOUSLY WITH EXISTING CHARACTER OF EXISTING PERMITTED USES IN ITS ENVIRONS AND WILL BE BENEFICIAL TO OTHER BUSINESSES AND VILLAGE OF BENSENVILLE ITSELF BY BEING ABLE TO USE INSIDE SPACE OF THE BUILDING TO MOVE FROM OUTSIDE TO INSIDE OF THE BUILDING ALL EXISTING PARTS AND PARTS CARS THAT ARE ALREADY IN POSSESSION OF MIKES AUTO FORUM.

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.

APPLICANTS 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.

APPLICANTS RESPONSE: WITH THE APPROVAL OF SPECIAL USES REQUESTED MIKES AUTO FORUM WILL BE ABLE TO STORE INSIDE ALL PARTS CARS AND PARTS THAT WE USE WHICH WILL BE BENEFICIAL FOR PURPOSE OF KEEPING SURROUNDING AREA MORE
CLEAN AND ORGANIZED ALSO WILL IMPROVE EFFICIENCY OF TIME TO PREPARE CARS FASTER FOR SALE WHICH WILL AT THE SAME TIME GENERATE INCREASE IN SALES TAX FOR 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: OUR BUSINESS USE IS IN HARMONY WITH ANY OTHER ELEMENTS OF COMPATIBILITY PERTINENT IN THE JUDGMENT OF THE BOARD OF THE CONDITIONAL USE IN ITS PROPOSED LOCATION.
MIKES AUTO FORUM INC
758 INDUSTRIAL DR
BENSENVILLE IL 60106
PH: 630-238-1621 FAX: 630-422-7156

August 20th 2019

TO: VILLAGE OF BENSENVILLE
BOARD OF COMMUNITY & ECONOMIC DEVELOPMENT

Mikes Auto Forum Inc is a family owned and operated business and has been in business for almost 30 years now with its location at 758 Industrial dr. Bensenville IL 60016. Our Business is currently rated by BBB of Chicago A+ company. We also have average of 4 to 5 stars customer satisfaction ratings.

This year the unit next door- 754 Industrial dr. has been placed for sale and Mikes Auto Forum Inc acquired the building for a high market price. It was a once in a lifetime opportunity and we decided to take it.

Mikes Auto Forum Inc will keep the same number of employees which is my son and one helper. By acquiring the building we hope to continue to improve customer service and create a problem free relation with village of Bensenville. It is a big opportunity for our company to not only improve the quality of our business but also will give us extra space to store all of parts and vehicles inside the building and move everything from outside to inside of the unit. It will finally put to the rest all disputes about the parking our cars on a street or on the side of the building.

Also being able to use all the additional space in unit next door for cars and parts will benefit with a better relationship with our neighbors. We are also fencing the lot as it is with nine food...
screen fence so it will give a curve appeal. We will do everything that is needed to meet all village requirements and bring it up to the code including 3 basin drainage system.

Please take under consideration all advantages not only for our business to improve but also for the benefit of the Village of Bensenville, our neighbors and our customers. We do not consider this as expansion of the business as it will remain the same but by far it will take care of all the problems which is worth even considering the double overhead. It is a win win situation for the Village of Bensenville and our company.

We experienced a slow down due to clean title cars that require less work and growing competition on internet. This uni next door is going to keep this place cleaner, more efficient and more organized and problem free.

I hope you will share my vision and your decision will not only allow us to support our family since this is the only income we have, but also to make this place an example of how this type of operation should look like in the Village of Bensenville.

Thank You.

Sincerely,

Mike Baranowski
(president of Mikes Auto Forum Inc)
STAFF REPORT
HEARING DATE: January 7, 2020
CASE #: 2019 – 25
PROPERTY: 754 – 758 Industrial Drive
PROPERTY OWNER: Diance Pesce & Mike Baranowski
APPLICANT: Mike’s Auto Forum
SITE SIZE: 13,325 SF
BUILDING SIZE: 5,616 SF
PIN NUMBER: 03-11-103-012
03-11-103-013
ZONING: I – 2 General Industrial District
REQUEST: Special Use Permit, Motor Vehicle Repair
Municipal Code Section 10 – 7 – 2 – 1

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2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Friday, December 20, 2019.
3. On Friday, December 20, 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 requesting a Special Use Permit for Motor Vehicle Repair in order to expand his business, originally only occupying 758 Industrial Drive, to the adjacent space in the multi-tenant building at 754 Industrial Drive. The current business has been an existing non-conforming use for more than 20 years.

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- Quality Customer Oriented Services
- Safe and Beautiful Village
- Enrich the lives of Residents
- X Major Business/Corporate Center
- Vibrant Major Corridors

Finance:
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Police:
1) No objections.

Engineering and Public Works:

Public Works:
1) Both properties require a triple catch basin.

Engineering:
1) Triple catch basins required in both properties due to indoor work on motor vehicles.

Community & Economic Development:
Fire Safety:
1) Both properties are required to have a fire alarm.

Building:
1) The International Building Code requires mechanical ventilation to be installed in accordance with the International Mechanical Code. IBC406.8 & IMC 403.
2) Proposed show room (public use) will require an accessible entrance on an accessible route from the accessible parking space(s). Bathroom(s) will need to be accessible, on an accessible route and the existing number of fixtures may have to be increased. (site plans does not provide any information). IAC 201.
3) A triple basin interceptor is required to be installed to protect any area that vehicles are parked/stored inside the building. Village Code 8-6-15

Economic Development:
1) Allowing Mike’s Auto Forum to expand retains jobs in the Village.
2) The expansion should increase business, bringing more tax dollars into the community.
3) The expansion better utilizes the existing space, while filling a vacancy.

Planning:
1) The 2015 Comprehensive Plan indicates “Industrial” for these properties.
2) The current zoning for the two properties is I-2 General Industrial District.
3) In the I-2 District, Motor Vehicle Repair requires a Special Use Permit.
4) The current motor vehicle repair use of Mike’s Auto Forum is an existing non-conforming use.
5) Per § 10-3-3.C, any expansion of a use holding a Special Use Permit shall require a new permit.
6) Mike’s Auto Forum has a history of storing vehicle under repair in the front yard and on the public street.
7) Expansion into the neighboring unit should allow the Petitioner to store vehicles inside or in the designated parking spots.
8) Outdoor storage of vehicles must be in compliance with ordinance, particularly § 10-7-3.S.1 Outdoor Storage.
   a. Location. Outdoor storage of vehicles is prohibited in the front yard and corner side yard.
   b. Screening. To the extent practicable, storage areas shall be screened from view of the street by building and/or landscape screening in accordance with the requirements of § 10-9-5.B (Parking Lot Perimeter Landscape).
   c. Duration. Motor vehicle repair and/or service facilities may not store the same vehicles outdoors for more than 30 days
9) Existing outdoor storage areas must be in compliance with § 10-7-3.W Outdoor Storage Area:
   a. Location. Outdoor storage areas shall be located on an improved surface in the interior side yard or rear yard.
   b. Height. Materials stored in an outdoor storage area shall not exceed eight feet (8’) in height within twenty feet (20’) of any lot line.
   c. Uses. Outdoor storage areas are allowed as an accessory use provided such areas do not occupy more than 25% of the gross lot area. Outdoor storage areas are allowed as a principal use in association with the following principal uses: garden center, motor vehicle rental, motor vehicle repair and/or service, motor vehicle sales, heavy industrial, light industrial, medium industrial, machinery and equipment sales and rental, and warehousing, storage, or distribution facility. Outdoor storage areas may be allowed as a principal use in association with other principal uses with prior written approval by the Zoning Administrator.
   d. Screening. The requirements of § 10-9-7 (Screening Requirements) shall apply to outdoor storage areas. No stackable materials or goods shall be piled or stacked so that they are visible above the height of the screen.

APPROVAL CRITERIA FOR SPECIAL USE:

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: Mike’s Auto Forum’s proposed use will not create any issues with traffic flow especially considering that space is going to be used mainly for storage of parts and parts cars. We will not receive or screen any cargo delivered by semi trucks that takes place in surrounding area by other businesses which means our use will even decrease the traffic flow. Mike’s Auto Forum’s proposed use of the property will certainly be less traffic than most any other potential user for the space. Traffic will be typical for the industrial district along Industrial Drive.

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: Mike’s Auto Forum’s proposed use of the property, mainly for storage purpose, will not create any adverse effect of noise, flare, odor, dust, waste disposal, blockage of light, air, or any other environmental issues that is not already present in this industrial area.

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: Mike’s Auto Forum’s proposed use will fit harmoniously with existing character of existing permitted uses in its environs and will be beneficial to other businesses and Village of Bensenville itself by being able to use inside space of the building to move from outside to inside of the building all existing parts and parts cars that are already in possession of Mike’s Auto Forum.

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: With the approval of the special uses requested, Mike’s Auto Forum will be able to store inside all parts cars and parts that we use which will be beneficial for purpose of keeping surrounding area more clean and organized. It also will improve efficiency of time to prepare cars faster for sale which will at the same time generate increase in sales tax for 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 Special Use in its proposed location.

Applicant’s Response: Our business use is in harmony with any other elements of compatibility pertinent in the judgement of the board of the conditional use in its proposed location.

<table>
<thead>
<tr>
<th>Special Use Approval Criteria</th>
<th>Meets Criteria</th>
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<tbody>
<tr>
<td>1. Traffic</td>
<td>Yes</td>
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<td>2. Environmental Nuisance</td>
<td>X</td>
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<td>3. Neighborhood Character</td>
<td>X</td>
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<td>Public Services and Facilities</td>
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<td>Public Necessity</td>
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<td>Other Factors</td>
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**RECOMMENDATIONS:**
Staff recommends the Approval of the above Findings of Fact and therefore the Approval of the Special Use Permits to allow the expansion of use at 754-758 Industrial Drive with the following conditions:

1. Both units require a triple catch basin;
2. Applicant must submit a Letter of Intent to install fire alarms at both properties with a cure date no later than six month after approval of Special Use Permit;
3. Mechanical ventilation shall be installed in accordance with the International Mechanical Code;
4. Show room shall have an accessible entrance on an accessible route from the accessible parking space(s);
5. Bathroom shall be accessible, on an accessible route and the existing number of fixture may need to be increased;
6. Outdoor Storage Area shall remain under 25% of gross lot area; and
7. No vehicles shall be parked in the front yard or on the public street.

Respectfully Submitted,

Department of Community & Economic Development
MORTGAGE INSPECTION SURVEY


INDUSTRIAL DRIVE

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that I, Richard H. Granath an Illinois Registered Land Surveyor, do hereby certify that I have performed a Mortgage Inspection Survey, for the property described herein. This Mortgage Inspection was prepared for identification purposes for a Real Estate Sales Transaction. No survey markers were set and this Plat does not therefore constitute a Land Survey.

Richard H. Granath
R.L.S. No. 2164

VALID ONLY IF EMBOSSED SEAL AFFixed

This survey has been made for use in connection with a real estate or mortgage loan transaction and is not to be used for construction. Dimensions are not to be assumed from scaling.

DATE DECEMBER 14, 1995
CLIENT DAVID GOLDMAN (ATTORNEY)
R.H.G. ORDER NO. MS 0095-11-274
PLAT OF SURVEY

THE NORTH 165.00 FEET OF THE WEST 205.76 FEET OF LOT 24 (EXCEPT THE WEST 155.00 FEET THEREOF) IN CHERYL WEST INDUSTRIAL PLAZA, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 11 AND THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 1971 AS DOCUMENT R71-18332 AND CERTIFICATE OF CORRECTION FILED FEBRUARY 21, 1973 AS DOCUMENT R73-9686, IN DUPAGE COUNTY, ILLINOIS.

Industrial Avenue

Attched Building

Legend:
O-Sel. 1/2" Iron Pipe
●-Found Iron Pipe
X-Found Cross

Surveyor Notes:
1. Field Work Completed on 11-26-18
2. Prepared for John T. Clark
3. Site Address: 754 Industrial Dr., Bensenville, IL 60106
4. Plot No.: 02-11-162-011
5. The easements shown herein are provided from the use of the
   recorded subdivision plat. No search of the records for
   easements or
   encumbrances was made as part of this survey.
6. Compare deed description and site conditions with the data
given
   on this plat and report any discrepancies to the surveyor at once.
7. Auto Cad Files will not be released under this contract.
8. This plat was prepared without the aid of a title commitment. Refer
   to a current title commitment for any building lines or easements not
   shown on this plat.
9. The utilities as shown on this drawing were developed from the
   information available. This is not implied nor intended to be the
   complete inventory of utilities in this area. It is the client's
   responsibility to verify the location of all utilities (whether shown or
   not) and protect said utilities from any damage.
10. All building dimensions and fees are to the current siding material
    and not to the foundation.

We, Land Surveying Services, Inc. do hereby state that we have surveyed the described property and that this is the Plat that represents the conditions found of the land.

Given under my hand and seal this 11th day of November A.D. 2019.

[Signature]
Gloria Jean Koter, President
Land Surveying Services, Inc.

This plat and survey conforms to the current Illinois minimum standards for a plat survey.